

# Oceanic Realty

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**Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach, NSW**

**LGA: Greater Taree City Council**

**Aboriginal Heritage Impact Assessment**

**25 July 2016**

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**McCARDLE**  
CULTURAL HERITAGE

**Report No: J15026**

Approved by: Penny McCardle

Position: Director

Signed: 

Date: 25 July 2016

This report has been prepared in accordance with the scope of services described in the contract or agreement between McCardle Cultural Heritage Pty Ltd (MCH), ACN: 104 590 141, ABN: 89 104 590 141, and Oceanic Realty. The report relies upon data, surveys, measurements and specific times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by Oceanic Realty. Furthermore, the report has been prepared solely for use by Oceanic Realty and MCH accepts no responsibility for its use by other parties.

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## EXECUTIVE SUMMARY

McCardle Cultural Heritage Pty Ltd (MCH) was commissioned by Oceanic realty to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach. The objective of the project is to rezone the subject land from Rural to SP3 Tourist zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The study area is currently the site of the Diamond Beachfront Holiday Units and lies within the Greater Taree Local Government Area (LGA). The eastern boundary of the project area also includes a 30 metre designated coastal erosion zone and Asset Protection Zone. The assessment was undertaken to meet the NSW Department of Environment, Climate Change and Water (DECCW), now known as the Office of Environment and Heritage (OEH), Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), and the brief.

The study area was located along Diamond Beach and consisted of a very low gentle eastern facing slope that forms part of the coastal dunal system and flows west into low lying flats that is subject to regular water logging. Moor Creek (3rd Order) is located approximately 200 metres to the north west of the study area and Diamond Beach is located approximately 80 metres to the east. The flats in the west may have provided for hunting/gathering whilst the ocean would have provided an abundance of resources. Actual camping may have occurred on the slope in the project area in between these two resource locations. The slope within the project area was considered moderate in terms of suitable camping in relation to resources of fresh water availability and associated resources and suitable for access to the ocean resources. The eastern boundary of the project had been subject to clearing and power easement only whilst the remainder of the project area had been cleared and excavation and fill works associated with the construction of the existing tourist cabins, house, sheds, access roads and associated infrastructure.

The survey identified no archaeological sites within the project area. One Potential Archaeological Pad (PAD) was identified along the eastern boundary as this area appeared to have been subject to minor disturbances and is an elevated landform in relative close proximity to the beach. The PAD is located within the 30 metre designated coastal erosion zone and Asset Protection Zone and will not be impacted on by any future development. A site card for the PAD was submitted to AHIMS.

MCH recommend that:

- 1) The persons responsible for the management of an onsite will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974;
- 2) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW. The PAD area will be fenced with high visibility fencing to ensure no impacts during construction; and
- 3) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

## GLOSSARY

**Aboriginal Cultural Heritage Values:** traditional values of Aboriginal people, handed down in spiritual beliefs, stories and community practices and may include local plant and animal species, places that are important and ways of showing respect for other people.

**Aboriginal Place:** are locations that have been recognised by the Minister for Climate Change and the Environment (and gazetted under the *National Parks and Wildlife Act 1974*) as having special cultural significance to the Aboriginal community. An Aboriginal Place may or may not include archaeological materials.

**Aboriginal Site:** an Aboriginal site is the location of one or more Aboriginal archaeological objects, including flaked stone artefacts, midden shell, grinding grooves, archaeological deposits, scarred trees etc.

**Artefact:** any object that is physically modified by humans.

**Artefact scatter:** a collection of artefacts scattered across the surface of the ground. Also referred to as open camp sites.

**Assemblage:** a collection of artefacts associated by a particular place or time, assumed generated by a single group of people, and can comprise different artefact types.

**Axe:** a stone-headed axe usually having two ground surfaces that meet at a bevel.

**Backed artefact:** a stone tool where the margin of a flake is retouched at a steep angle and that margin is opposite a sharp edge.

**Background scatter:** a term used to describe low density scatter of isolated finds that are distributed across the landscape without any obvious focal point.

**Blade:** a flake that is at least twice as long as it is wide.

**Bondi point:** a small asymmetrical backed artefact with a point at one end and backing retouch.

**Ceremonial Sites:** Included in the OEH AHIMS database are sites which were associated with the spiritual beliefs and activities of Aboriginal people. They may be natural places in the landscape or places where structures were made as part of particular ceremonies. Structures include bora rings, stone arrangements etc.

**Contact site:** a site that displays interaction between early colonists and Aboriginal Australians.

**Core:** a chunk of stone from which flakes are removed and will have one or more negative flake scars but no positive flake scars. The core itself can be shaped into a tool or used as a source of flakes to be formed into tools.

**Cortex:** the rough outer weathered surface of a rock, usually chemically altered and removed during knapping.

**Cultural deposit:** sediments and materials laid down by, or heavily modified by human activity.



**Cultural Heritage Sensitivity:** This term is used to denote not just the value of a place in the landscape to Aboriginal people, but also the vulnerability of the value. For instance, places with important spiritual values may be very sensitive because the rocks, pools or trees are easily damaged by the activities of others, or only a very few examples remain.

**Debitage:** small pieces of stone debris that break off during the manufacturing of stone tools. These are usually considered waste and are the by product of production (also referred to as flake piece).

**Edge damage:** the removal of small flakes, or crushing, from the edge of an artefact.

**Elders:** Older Aboriginal people in the local community for whom there is great respect because of their knowledge, dignity or communication skills. These people are not necessarily the descendants of traditional Aboriginal people from the area.

**Exposure:** an area of land surface where the ground surface is visible, usually as a result of thinner vegetation cover, erosion or human caused disturbances. In archaeological surveys, the percentage of ground surface exposed is recorded and the used to calculate effective survey coverage.

**Flake:** any piece of stone struck off a core and has a number of characteristics including ring cracks showing where the hammer hit the core and a bulb of percussion. May be used as a tool with no further working, may be retouched or serve as a platform for further reduction.

**Flaked piece/waste flake:** an unmodified and unused flake, usually the by product of tool manufacture or core preparation (also referred to asdebitage).

**Formation processes:** human caused (land uses etc) or natural processes (geological, animal, plant growth etc) by which an archaeological site is modified during or after occupation and abandonment. These processes have a large effect on the provenience of artefacts or features.

**Grinding Grooves:** Aboriginal people made a range of edge ground implements such as 'axes' and 'hatchets'. The sharp edge of these tools was maintained by grinding it on sandstone outcrops, most often in stream beds where pools of water were available to wet the grindstone. Spear shafts were also sometimes shaped by grinding. The grinding sites can be identified by elongated grooves in the sandstone surface in sets of 2 to more than 100. Some portable grindstones are also reported from Aboriginal sites.

**Grinding stone:** an abrasive stone used to abrade another artefact or to process food.

**Ground edge hatchet:** a stone axe that is oval or rounded in shape, has edges formed by grinding and sharpening, and were hafted to wooden handles using resin, wax or a combination of materials.

**Hammer stone:** a stone that has been used to strike a core to remove a flake, often causing pitting or other wear on the stone's surface.

**Harm:** is defined as an act that may destroy, deface or damage an Aboriginal object or place. In relation to an object, this means the movement or removal of an object from the land in which it has been situated

**In situ:** archaeological items are said to be "in situ" when they are found in the location where they were last deposited.

**Isolated find:** a single artefact not located with any other.

**Retouched flake:** a flake that has been flaked again in a manner that modified the edge for the purpose of resharpening that edge.

**Scarred tree:** a tree that bears a scar or scars which are wounds formed from the deliberate removal of bark or wood by Aboriginal people and are usually an indicator of an activity area.

**Site:** an area where archaeological evidence is observed.

**Spiritual Significance:** the importance of a place in the landscape that is valued by Aboriginal people because it is part of their spiritual culture. Examples include places associated with totem species or places that are the subject of traditional cultural stories.

**Stratified Archaeological Deposits:** Aboriginal archaeological objects may be observed in soil deposits and within rock shelters or caves. Where layers can be detected within the soil or sediments, which are attributable to separate depositional events in the past, the deposit is said to be stratified. The integrity of sediments and soils are usually affected by 200 years of European settlement and activities such as land clearing, cultivation and construction of industrial, commercial and residential developments.

**Surface scatter:** archaeological materials found distributed over the ground surface.

**Test excavation:** excavation of small sections (a sample) of an area to determine the archaeological remains and significance.

**Traditional Aboriginal Owners:** Aboriginal people who are listed in the Register of Aboriginal owners pursuant to Division 3 of the *Aboriginal Land Register Act (1983)*. The Registrar must give priority to registering Aboriginal people for lands listed in Schedule 14 of the *National Parks and Wildlife Act 1974* or land subject to a claim under 36A of the *Aboriginal Land Rights Act 1983*.

**Traditional Knowledge:** Information about the roles, responsibilities and practices set out in the cultural beliefs of the Aboriginal community. Only certain individuals have traditional knowledge and different aspects of traditional knowledge may be known by different people, e.g. information about men's initiation sites and practices, women's sites, special pathways, proper responsibilities of people fishing or gathering food for the community, ways of sharing and looking after others, etc.

**Use wear:** the wear displayed on an artefact as a result of use.

## ACRONYMS

**ACHMP** Aboriginal Cultural Heritage Management Plan

**AHIMS** Aboriginal Heritage Information Management System. Data base of recorded sites across NSW managed by OEH

**OEH** Office of Environment and Heritage

## OEH AHIMS SITE ACRONYMS

**ACD** Aboriginal ceremonial and dreaming

**AFT** Artefact (stone, bone, shell, glass, ceramic and metal)

**ARG** Aboriginal resource and gathering

**ART** Art (pigment or engraving)

**BOM** Non-human bone and organic material

**BUR** Burial

**CFT** Conflict site

**CMR** Ceremonial ring (stone or earth)

**ETM** Earth mound

**FSH** Fish trap

**GDG** Grinding groove

**HAB** Habitation structure

**HTH** Hearth

**OCQ** Ochre quarry

**PAD** Potential archaeological Deposit. Used to define an area of the landscape that is believed to contain subsurface archaeological deposits.

**SHL** Shell

**STA** Stone arrangement

**STQ** Stone quarry

**TRE** Modified tree (carved or scarred)

**WTR** Water hole

## 1 INTRODUCTION

### 1.1 INTRODUCTION

McCardle Cultural Heritage Pty Ltd (MCH) has been commissioned by Oceanic Realty to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach. The objective of the project is to rezone the subject land from Rural to **SP3 Tourist zone** under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The study area is currently the site of the Diamond Beachfront Holiday Units and lies within the Greater Taree Local Government Area (LGA) and includes a 3m metres coastal erosion setback zone along the eastern boundary. There is also a 30 metre Asset Protection Zone requirement from the coastal vegetation on the dune. Both of these constraints mean that there will be no development of that 30 metre area in the future.

The subject land is currently zoned RU1 Primary Production under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). *G... the... more suitable... public...*

The assessment has been undertaken to meet the NSW Department of Environment, Climate Change and Water (DECCW), now known as the Office of Environment and Heritage (OEH), Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), and the brief.

### 1.2 PROPONENT DETAILS

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### 1.3 THE STUDY AREA

The study area is defined by the proponent and is located approximately at the northern extent of the coastal village of Diamond Beach. Including 17 DP 576415, 391 Diamond Beach Road, Diamond Beach, the study area is 43,500m<sup>2</sup> in size and is currently the site of the Diamond Beachfront Holiday Units. The location and extent of the study area is illustrated in *Figures 1.1 to 1.3*.

Figure 1.2 Local location of the study area



Figure 1.1 Regional location of the study area

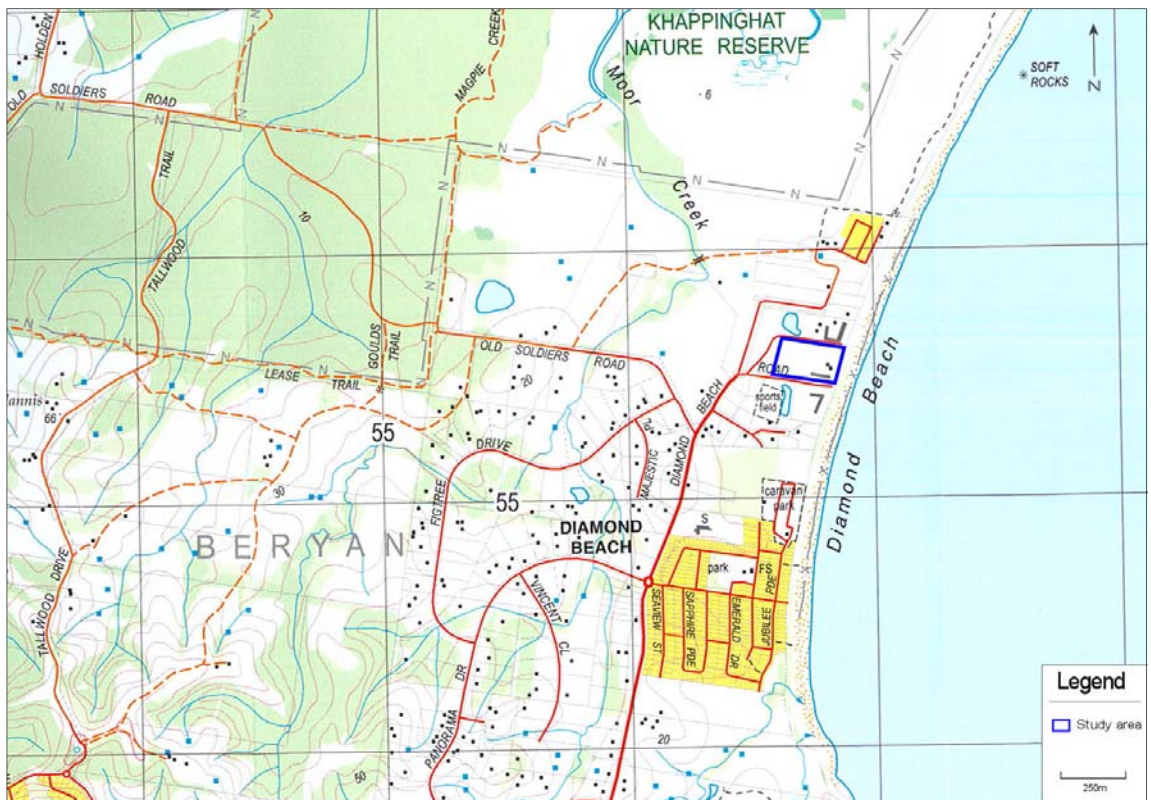


Figure 1.3 Aerial location of the study area



#### 1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT

As the project is in the planning stage and seeking re-zoning approval, no detailed plans or impacts are known at this time. However, the proponent confirms that every effort will be made with future development to avoid impacting on any Aboriginal objects. We note that detailed design plans have not been prepared at this early stage but where feasible and practical any future design will avoid disturbance of the nominated Potential Archaeological Deposit (PAD's) 1 and 2 as identified in the McCardle Cultural Heritage Pty Ltd report dated September 2011.

Any future development application for the development of the site will have regard to the requirements and provision of the National Parks and Wildlife Act 1974.

#### 1.5 PURPOSE OF THE ARCAHEOLOGICAL ASSESSMENT

The purpose of the assessment is to assess any archaeological constraints to support the re-zoning and to provide opportunities and options to ensure any Aboriginal objects and/or places present are protected in an appropriate manner.

#### 1.6 OBJECTIVE OF THE ASSESSMENT

The objective of the assessment is to identify areas of indigenous cultural heritage value, to determine possible impacts on any indigenous cultural heritage identified (including potential subsurface evidence) and to develop management recommendations where appropriate. The assessment employs a regional approach, taking into consideration both the landscape of the study area (landforms, water resources, soils, geology etc) and the regional archaeological patterning identified by past studies.

## 1.7 PROJECT BRIEF/SCOPE OF WORK

The following tasks were carried out:

- a review of relevant statutory registers and inventories for indigenous cultural heritage including the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) for known archaeological sites, the State Heritage Register, the Australian Heritage Database (includes data from the World Heritage List UNESCO, National Heritage List, Commonwealth Heritage List, Register of the National Estate) and the Greater Taree City Council Local Environmental Plan;
- a review of local environmental information (topographic, geological, soil, geomorphological and vegetation descriptions) to determine the likelihood of archaeological sites and specific site types, prior and existing land uses and site disturbance that may effect site integrity;
- a review of previous cultural heritage investigations to determine the extent of archaeological investigations in the area and any archaeological patterns;
- the development of a predictive archaeological statement based on the data searches and literature review;
- identification of human and natural impacts in relation to the known and any new archaeological sites archaeological potential of the study area;
- consultation with the Aboriginal stakeholders as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010);
- undertake a site inspection with the participation of the registered Aboriginal stakeholders, and
- the development of mitigation and conservation measures in consultation with the registered Aboriginal stakeholders.

## 1.8 LEGISLATIVE CONTEXT

The following overview of the legislative framework, is provided solely for information purposes for the client, and should not be interpreted as legal advice. MCH will not be liable for any actions taken by any person, body or group as a result of this general overview and MCH recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the general summary below.

Land managers are required to consider the affects of their activities or proposed development on the environment under several pieces of legislation. Although there are a number of Acts and regulations protecting Aboriginal heritage, including places, sites and objects, within NSW, the three main ones include:

- National Parks and Wildlife Act (1974, as amended)
- National Parks and Wildlife Regulation (2009)
- Environmental Planning and Assessment Act (1979)

### 1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED)

The National Parks and Wildlife Act (1974), Amended 2010, is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. The NPW Act protects Aboriginal

heritage (places, sites and objects) within NSW and the Protection of Aboriginal heritage is outlined in s86 of the Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1)
- “A person must not harm an Aboriginal object” s86(2)
- “A person must not harm or desecrate an Aboriginal place” s86(4)

Penalties apply for harming an Aboriginal object, site or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the National Parks and Wildlife Act (1974, as amended) is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate that;

1. harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or
2. the proponent exercised due diligence in respect to Aboriginal heritage.

The ‘due diligence’ defence (s87[2]), states that if a person or company has applied due diligence to determine that no Aboriginal object, site or place was likely to be harmed as a result of the activities proposed for the Project Area, then liability from prosecution under the NPW Act 1974 will be removed or mitigated if it later transpires that an Aboriginal object, site or place was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and OEH notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

The archaeological due diligence assessment and report has been carried out in compliance with the NSW DECCW 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

### 1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2009)

The National Parks and Wildlife Regulation 2009 provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The Regulation (2009) recognises various due diligence codes of practice, including the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW which is pertinent to this report, but it also outlines procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

### 1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)

EP&A Act establishes the statutory framework for planning and environmental assessment in NSW and the implementation of the EP&A Act is the responsibility of the Minister for Planning, statutory authorities and local councils. The EP&A Act contains three parts which impose requirements for planning approval:



- Part 3 of the EP&A Act relates to the preparation and making of Environmental Planning Instruments (EPIs), State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).
- Part 4 of the EP&A Act establishes the framework for assessing development under an EPI. The consent authority for Part 4 development is generally the local council, however the consent authority may be the Minister, the Planning Assessment Commission or a joint regional planning panel depending upon the nature of the development.
- Part 4, Division 4.1 of the EP&A Act establishes the assessment pathway for State significant development (SSD) declared by the State Environmental Planning Policy (State and Regional Development) 2011 (NSW). Once a development is declared as SSD, the Director-General will issue Director-General Requirements (DGRs) outlining what issues must be considered in the EIS.
- Part 5 of the EP&A Act provides for the control of 'activities' that do not require development consent and are undertaken or approved by a determining authority. Development under Part 5 that are likely to significantly affect the environment is required to have an EIS prepared for the proposed activity.
- Part 5.1 of the EP&A Act establishes the assessment pathways for State significant infrastructure (SSI). Development applications made for SSI can only be approved by the Minister. Once a development is declared as SSI, the Director-General will issue DGRs outlining what issues must be addressed in the EIS.

The applicable approval process is determined by reference to the relevant environmental planning instruments and other controls, LEPs and State Environmental Planning Policies (SEPPs).

This project falls under Part 4.

## 1.9 QUALIFICATIONS OF THE INVESTIGATOR

Penny McCardle: Principal Archaeologist & Forensic Anthropologist has 10 years experience in Indigenous archaeological assessments, excavation, research, reporting, analysis and consultation. Six years in skeletal identification, biological profiling and skeletal trauma identification.

- BA (Archaeology and Palaeoanthropology, University of New England 1999
- Hons (Archaeology and Palaeoanthropology): Physical Anthropology), University of New England 2001
- Forensic Anthropology Course, University of New England 2003
- Armed Forces Institute of Pathology Forensic Anthropology Course, Ashburn, VA 2008
- Analysis of Bone trauma and Pseudo-Trauma in Suspected Violent Death Course, Erie College, Pennsylvania, 2009
- Currently undertaking a PhD, University of Newcastle, 2015

## 1.10 REPORT STRUCTURE

The report includes Section 1 which outlines the project, Section 2 provides the consultation, Section 3 presents the environmental context, Section 4 presents ethno historic context, Section 5 provides the archaeological background, Section 6 provides the results of the fieldwork, analysis and discussion; Section 7 presents the significance assessment, Section 8 provides the development impact assessment, Section 9 presents the mitigation strategies and Section 10 presents the management recommendations.

## 2 CONSULTATION

As per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010), MCH followed the four stages of consultation as set out below. All correspondences for each stage are provided in Annex A.

In relation to cultural significance, MCH recognises and supports the indigenous system of knowledge. That is, that knowledge is not 'open' in the sense that everyone has access and an equal right to it. Knowledge is not always definitive (in the sense that there is only one right answer) and knowledge is often restricted. As access to this knowledge is power, it must be controlled by people with the appropriate qualifications (usually based on age seniority, but may be based on other factors). Thus, it is important to obtain information from the correct people: those that hold the appropriate knowledge of those sites and/or areas relevant to the project. It is noted that only the Aboriginal community can identify and determine the accepted knowledge holder(s) may be not archaeologists or proponents.

If knowledge is shared, that information must be used correctly and per the wishes of the knowledge holder. Whilst an archaeologist may view this information as data, a custodian may view this information as highly sensitive, secret/sacred information and may place restrictions on its use. Thus it is important for MCH to engage in affective and long term consultation to ensure knowledge is shared and managed in a suitable manner that will allow for the appropriate management of that site/area.

MCH also know that archaeologists do not have the capability nor the right to adjudicate on the spirituality of a particular location or site as this is the exclusive right of the traditional owners who have the cultural and hereditary association with the land of their own ancestors. For these reasons, consultation forms an integral component of all projects and this information is sought from the registered stakeholders to be included in the report in the appropriate manner that is stipulated by those with the information.

### 2.1 STAGE 1: NOTIFICATION OF PROJECT PROPOSAL & REGISTRATION OF INTEREST

The aim of this stage is to identify, notify and register Aboriginal people and/or groups who hold cultural knowledge that is relevant to the project area, and who can determine the cultural significance of any Aboriginal objects and/or places within the proposed project area. In order to do this, the sources identified by OEH (2010:10) and listed in *Table 2.1*, to provide the names of people who may hold cultural knowledge that is relevant to determining the significance of Aboriginal objects and/or places were contacted by letter on 30/3/2016. A reply was requested by the 14/4/2016 and it was stipulated that if no response was received, the project and consultation will proceed. Information included in the correspondence to the sources listed in *Table 2.1* included the name and contact details of the proponent, an overview of the proposed project including the location and a map showing the location.

Table 2.1 Sources contacted

Organisations contacted	Response
Office of Environment and Heritage	7 possible stakeholders
Forster Local Aboriginal Land Council	No response
Greater Taree City Council	10 groups
Registrar Aboriginal Land Rights Act 1983	Purfleet Taree LALC
National Native Title Tribunal	No response
Native Title Services Corporation Limited	Do not respond
HLLS (previously: Catchment Authority)	Do not respond

Following this, MCH compiled a list of people/groups to contact (Refer to Annex A). As per the Aboriginal cultural heritage consultation requirements for proponents (April 2010), archaeologists and proponents must write to all those groups provided asking if they would like to register their interest in the project. Unfortunately some Government departments written to requesting a list of groups to consult with do not differentiate groups from different traditional boundaries and provide an exhaustive list of groups from across the region including those outside their traditional boundaries.

MCH wrote to all parties identified on 6/10/2015, and an advertisement was placed in the Manning River Times on 7/10/15. The correspondence and advertisement included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and requested to nominate the preferred option for the presentation of information about the proposed project: an information packet or a meeting and information packet (Refer to Stage 2). Lakkari Traditional Aboriginal Owners Group Incorporated (Mick Leon) and Elvina Oxley registered for the project.

## 2.2 STAGE 2: PRESENTATION OF INFORMATION

The aim of this stage is to provide the RAPs with information regarding the scope of the proposed project and the cultural heritage assessment process.

An information packet was sent to all RAPs on 29/4/16 and included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010). The pack included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010). A written response to the survey methods and the preferred method of sharing traditional knowledge was due no later than 23/5/16.

The information pack also stipulated that consultation was not employment, and requested that in order to assist the proponent in the engagement of field workers, that the groups provide information that will assist in the selection of field staff who may be paid on a contractual basis). This included, but was not limited to, experience in field work and in providing cultural heritage advice (asked to nominate at least two individuals who will be available and fit for work) and their relevant experience; and to provide a CV and insurance details.

The information pack also noted that failure to provide the required information by the date provided will result in a missed opportunity for the RAPs to contribute to their cultural heritage and the project will proceed.

No response to the information packet was received by MCH.

### 2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE

The aim of this stage is to facilitate a process whereby the RAPs can contribute to culturally appropriate information gathering and the research methodology, provide information that will enable the cultural significance of any Aboriginal objects and or/places within the proposed project area to be determined and have input into the development of any cultural heritage management options and mitigation measures. In order to do this, included in the information pack sent for Stage 2, was information pertaining to the gathering of cultural knowledge. This included the following information;

- MCH noted that information provided by RAPs may be sensitive and MCH and the proponent will not share that information with all RAPs or others without the express permission of the individual. MCH and the proponent extended an invitation to develop and implement appropriate protocols for sourcing and holding cultural information including any restrictions to place on information, as well as the preferred method of providing information;
- request for traditional/cultural knowledge or information associated with ceremonial, spiritual, mythological beliefs, traditions and known sites from the pre-contact period;
- request for traditional/cultural knowledge or information regarding sites or places with historical associations and/or cultural significance which date from the post-contact period and that are remembered by people today (e.g. plant and animal resource use areas, known camp sites); and
- request for traditional/cultural knowledge or information in relation to any sites or places of contemporary cultural significance (apart from the above) which has acquired significance recently.

During this process, the RAPs did not disclose any specific traditional/cultural knowledge or information of sites or places associated with spiritual, mythological, ceremonies or beliefs from the pre contact period within the study area or surrounding area. The stakeholders did not disclose any information pertaining to sites or places of cultural significance associated with the historic or contemporary periods within the study area or surrounding area. However, it must be noted that traditional/cultural knowledge and/or information regarding sites and/or places of cultural significance may exist that were not divulged to MCH by those consulted.

On the morning of the survey Elvina Oxley rang MCH archaeologist stating there may be sacred sites/burials in the area. No further information was provided and Ms Oxley decided not to attend the survey (refer to Section 2.4)..

### 2.4 SURVEY

All RAPs were invited to participate in the survey on 17/6/16. Elvina Oxley notified MCH by phone on 15/6/16 that she would be attending the survey. Unfortunately, MCH was notified by Elvina Oxley after the survey was due to start that she would not be attending due to remuneration issues and requesting that a male also be present during the survey due to the potential for a sacred site being in the area. MCH archaeologist Penny McCardle attempted to reconcile these issues by stating a male could attend and consultation was not related to remuneration which was set by the proponent in the absence of rates provided by the RAPs, but the issue could not be reconciled and the survey proceeded with MCH agreeing to consult further with the proponent regarding these issues.

During the survey MCH archaeologist also received two phone calls from the Forster LALC (Mr Robert Yettica and Mr Jay Currie) stating the LALC should be involved in the survey. MCH explained the consultation process and that the FLALC did not register or respond to any letters of the advertisement placed in the paper and as such were not registered for the project and were not able to register but MCH would forward a copy of the report to them if they wished.

## 2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT

Copies of the DRAFT report were forwarded to all RAPs for their review and were asked to provide a written or verbal response to the report no later than 21 July 2016.

A reminder letter was also sent to the RAPs (7/7/2016) requesting their cultural heritage report and also stipulated that failure to provide the required cultural heritage report by the date provided will result in a missed opportunity to contribute to their cultural heritage and the project will proceed.

MCH received no response to the draft report and no cultural heritage reports from the RAPs..

All comments received from the RAPs were considered in the final report, all submissions responded to and the draft report altered to include their comments. All RAPs were provided a copy of the final report. All documentation regarding the consultation process is provided in Annex A.

### 3 LANDSCAPE AND ENVIRONMENTAL CONTEXT

#### 3.1 INTRODUCTION

The nature and distribution of Aboriginal cultural materials in a landscape are strongly influenced by environmental factors such as topography, geology, landforms, climate, geomorphology, hydrology and the associated soils and vegetation (Hughes and Sullivan 1984). These factors influence the availability of plants, animals, water, raw materials, the location of suitable camping places, ceremonial grounds, burials, and suitable surfaces for the application of rock art. As site locations may differ between landforms due to differing environmental constraints that result in the physical manifestation of different spatial distributions and forms of archaeological evidence, these environmental factors are used in constructing predictive models of Aboriginal site locations.

Environmental factors also affect the degree to which cultural materials have survived in the face of both natural and human influences and affect the likelihood of sites being detected during ground surface survey. Site detection is dependent on a number of environmental factors including surface visibility (which is determined by the nature and extent of ground cover including grass and leaf litter etc) and the survival of the original land surface and associated cultural materials (by flood alluvium and slope wash materials). It is also dependent on the exposure of the original landscape and associated cultural materials (by water, sheet and gully erosion, ploughing, vehicle tracks etc), (Hughes and Sullivan 1984). Combined, these processes and activities are used in determining the likelihood of both surface and subsurface cultural materials surviving and being detected.

It is therefore necessary to have an understanding of the environmental factors, processes and activities, all of which affect site location, preservation, detection during surface survey and the likelihood of in situ subsurface cultural materials being present. The environmental factors, processes and disturbances of the surrounding environment and specific study area are discussed below.

#### 3.2 TOPOGRAPHY

The topographical context is important to identify potential factors relating to past Aboriginal land use patterns. The study area is located along Diamond Beach, more specifically, it consists of a very low gentle eastern facing slope (part of the dunal system) that continues into flats that is subject to water logging.

#### 3.3 GEOLOGY & SOILS

The underlying regional geology plays a major role in the structure of the surrounding environment (landforms, topography, geomorphology, vegetation, climate etc), and also influences patterns of past occupation and their manifestation in the archaeological record. This is primarily relevant to past Aboriginal land use in regard to the location of stone resources or raw materials and their procurement for the manufacturing and modification of stone tools.

The specific study area is situated on the Quaternary deposits including sand, silt, mud and gravel (Hastings 1:250,000 Geological Map Series 1970). No sources of raw materials are in close proximity to the study area and any artefacts located would have therefore have been transported/traded. Materials most dominant in stone tool manufacture throughout the Diamond Beach area are indurated mudstone/tuff and silcrete (Kuskie 2000) and are commonly found in creek line deposits,

such as those observed at Black Hill and Woods Gully (Kuskie and Kamminga 2000:183). Others include quartz, chert, porcellanite, quartzite and basalt.

### 3.4 CLIMATE

Climatic conditions would also have played a part in past occupation of an area as well as impacted upon the soils and vegetation and associated cultural materials. The highest temperature is 28° C and lowest is 6° C. The highest rainfall is from January to March and being up to 180mm and the lowest is August to October being up to 62mm (Department of Meteorology). During summer, the increased rainfall rate and reduced ground cover is reflected in a proportionately higher risk of erosion.

### 3.5 WATERWAYS

One of the major environmental factors influencing human behaviour is water as it is essential for survival and as such people will not travel far from reliable water sources. In those situations where people did travel far from reliable water, this indicates a different behaviour such as travelling to obtain rare or prized resources and/or trade. Proximity to water not only influences the number of sites likely to be found but also artefact densities. The highest number of sites and the highest density are usually found in close proximity to water and usually on an elevated landform. This assertion is undisputedly supported by the regional archaeological investigations carried out in the region where by such patterns are typically within 50 metres of a reliable water source.

The main types of water sources include permanent (rivers and soaks), semi-permanent (large streams, swamps and billabongs), ephemeral (small stream and creeks) and underground (artesian). Stream order assessment is one way of determining the reliability of streams as a water source. Stream order is determined by applying the Strahler method to 1:25 000 topographic maps. Based on the climatic analysis, the study area will typically experience comparatively reliable rainfalls under normal conditions and thus it is assumed that any streams above a third order classification will constitute a relatively permanent water source.

The Strahler method dictates that upper tributaries do not exhibit flow permanence and are defined as first order streams. When two first order streams meet they form a second order stream. Where two-second order streams converge, a third order stream is formed and so on. When a stream of lower order joins a stream of higher order, the downstream section of the stream will retain the order of the higher order upstream section (Anon 2003; Wheeling Jesuit University 2002).

The closest fresh water source is Moor Creek (3rd Order) which is located approximately 500 metres to the north west of the study area and Diamond Beach is located approximately 80 metres to the east. Therefore the study area may be considered moderate to high in relation to resources in terms of ocean resources but low in relation to fresh water availability and associated resources. Whilst the flats may have been utilised for hunting/gathering, flats were generally not used for camping due to the water logging of such a landform.

When assessing the relationship between sites and water sources it must be noted that the Australian continent has undergone significant environmental changes during the past 60,000 years that people have lived here and that Pleistocene sites (older than 10,000 years) would have been located in relation to Pleistocene water sources that may not exist today. Stone tool type will assist with the age of sites (Pleistocene or Holocene).

### 3.6 FLORA AND FAUNA

The availability of flora and associated water sources affect fauna resources, all of which are primary factors influencing patterns of past Aboriginal land use and occupation. The assessment of flora have two factors that assist in an assessment including a guide to the range of plant resources used for food and medicine and to manufacture objects including nets, string bags, shields and canoes which would have been available to Indigenous people in the past. The second is what it may imply about current and past land uses and to affect survey conditions such as visibility, access and disturbances.

European settlers extensively cleared the original native vegetation in the 1800's and the present vegetation within the investigation area being limited to the western portion that consists of open woodland and scrub. The remainder of the study area has been impacted by the existing tourist facility. The drainage throughout the study area would have supported a limited range of faunal populations including kangaroo, wallaby, goanna, snakes and a variety of birds. A wider variety of resources would have been available in areas to the west where more reliable water would have been available and to the east where ocean resources were available.

Typically, due to vegetation cover, most artefacts identified through surface inspection are identified when they are visible on exposures created by erosion or ground surface disturbances (Dean-Jones and Mitchell 1993; Kuskie and Kamminga 2000). The grass ground cover throughout the study area expected to result in limited visibility, hence reducing the detection of surface cultural materials.

### 3.7 LAND USES AND DISTURBANCES

Based upon archaeological evidence, the occupation of Australia extends back some 40,000 years (Mulvaney and Kamminga 1999) whilst Aboriginal people have been present within the Hunter Valley for at least 20,000 years (Koettig 1987). Although the impact of past Aboriginal occupation on the natural landscape is thought to have been relatively minimal, it cannot simply be assumed that 20,000 years of land use have passed without affecting various environmental variables. The practice of 'firestick farming' whereby the cautious setting of fires served to drive game from cover, provide protection and alter vegetation communities significantly influenced seed germination, thus increasing diversity within the floral community.

Following European settlement of the area in the 1820s, the landscape has been subjected to a range of different modifactory activities including extensive logging and clearing, agricultural cultivation (ploughing), pastoral grazing, residential developments and mining (Turner 1985). The associated high degree of landscape disturbance has resulted in the alteration of large tracts of land and the cultural materials contained within these areas. The specific study area has been cleared and initially used for pastoral purposes (grazing), involving the wholesale clearance of native vegetation, followed by the existing tourist development with its construction of buildings, fencing, access road and associated infrastructure (water, electricity, telephone).

Although pastoralism is a comparatively low impact activity, it does result in disturbances due to vegetation clearance and the trampling and compaction of grazed areas. These factors accelerate the natural processes of sheet and gully erosion, which in turn can cause the horizontal and lateral displacement of artefacts. Furthermore, grazing by hoofed animals can affect the archaeological record due to the displacement and breakage of artefacts resulting from trampling (Yorston *et al* 1990). Pastoral land uses are also closely linked to alterations in the landscape due to the construction of dams, fence lines and associated structures.



Excavation works required for building construction and the laying of infrastructure (roads, water, telephone, electricity) would require the removal of soils thus displacing and destroying any cultural materials that may have been present. All of the above also result in loss of vegetation and erosion to some extent.

### 3.8 NATURAL DISTURBANCES

It must be recognised that the disturbance of cultural materials can also be a result of natural processes. The patterns of deposition and erosion within a locality can influence the formation and/or destruction of archaeological sites. Within an environment where the rate of sediment accumulation is generally very high, artefacts deposited in such an environment will be buried shortly after being abandoned. Frequent and lengthy depositional events will also increase the likelihood of the presence of well-stratified cultural deposits (Waters 2000:538,540).

In a stable landscape with few episodes of deposition and minimal to moderate erosion, soils will form and cultural materials will remain on the surface until they are buried. Repeated and extended periods of stability will result in the compression of the archaeological record with multiple occupational episodes being located on one surface prior to burial (Waters 2000:538-539). Within the duplex soils artefacts typically stay within the A horizon on the interface between the A and B horizons.

If erosion occurs after cultural material is deposited, it will disturb or destroy sections of archaeological sites even if they were initially in a good state of preservation. The more frequent and severe the episodes of erosional events, the more likely it is that the archaeological record in that area will be disturbed or destroyed (Waters 2000:539; Waters and Kuehn 1996:484). Regional erosional events may entirely remove older sediments, soils and cultural deposits so that archaeological material or deposits of a certain time interval no longer exist within a region (Waters and Kuehn 1996:484-485).

The role of bioturbation is another significant factor in the formation of the archaeological record. Post-depositional processes can disturb and destroy artefacts and sites as well as preserve cultural materials. Redistribution and mixing of cultural deposits occurs as a result of burrowing and mounding by earthworms, ants and other species of burrowing animals. Artefacts can move downwards through root holes as well as through sorting and settling due to gravity. Translocation can also occur as a result of tree falls (Balek 2002:41-42; Peacock and Fant 2002:92). Depth of artefact burial and movement as a result of bioturbation corresponds to the limit of major biologic activity (Balek 2002:43). Artefacts may also be moved as a result of an oscillating water table causing alternate drying and wetting of sediments, and by percolating rainwater (Villa 1982:279).

Experiments to assess the degree that bioturbation can affect material have been undertaken. In abandoned cultivated fields in South Carolina, Michie (summarised in Balek 2002:42-43) found that over a 100 year period 35% of shell fragments that had been previously used to fertilise the fields were found between 15 and 60 centimetres below the surface, inferred to be as a result of bioturbation and gravity. Earthworms have been known to completely destroy stratification within 450 years (Balek 2002:48). At sites in Africa, conjoined artefacts have been found over a metre apart within the soil profile. The vertical distribution of artefacts from reconstructed cores did not follow the order in which they were struck off (Cahen and Moeyersons 1977:813). These kinds of variations in the depths of conjoined artefacts can occur without any other visible trace of disturbance (Villa 1982:287). However, bioturbation does not always destroy the stratigraphy of cultural deposits. In upland sites in America, temporally-distinct cultural horizons were found to move downwards through the soil as a layer within minimal mixing of artefacts (Balek 2002:48).

### 3.9 DISCUSSION

The mid north coast regional environment provided resources, including raw materials, fauna, flora and water, that would have allowed for sustainable occupation of the area. Within the study area, the landforms of gentle slope in relatively close proximity to the beach are likely to have been considered suitable for camping and/or hunting/gathering. The absence of reliable fresh water in close proximity indicates the location would not have been favourable for long term camping but utilised more for resource/subsistence used.

European land uses such as clearing and grazing, may have displaced cultural materials, and the works associated with the development of the tourist facility and associated infrastructure would have significantly impacted on the landscape and cultural materials that may have been present. However in less disturbed areas, such as the simple slope located along the eastern boundary, it is possible that archaeological deposits that may be present may remain relatively intact.

## 4 ETHNO-HISTORIC BACKGROUND

Unfortunately, due to European settlement and associated destruction of past Aboriginal communities, their culture, social structure, activities and beliefs, little information with regards to the early traditional way of life of past Aboriginal societies remains.

### 4.1 USING ETHNO-HISTORIC DATA

Anthropologists and ethnographers have attempted to piece together a picture of past Aboriginal societies throughout the Hunter Valley. Although providing a glimpse into the past, one must be aware that information obtained on cultural and social practices were commonly biased and generally obtained from informants including white settlers, bureaucrats, officials and explorers. Problems encountered with such sources are well documented (e.g. Barwick 1984; L'Oste-Brown et al 1998). There is little information about who collected information or their skills. There were language barrier and interpretation issues, and the degree of interest and attitudes towards Aboriginal people varied in light of the violent settlement history. Access to view certain ceremonies was limited. Cultural practices (such as initiation ceremonies and burial practices) were commonly only viewed once by an informant who would then interpret what he saw based on his own understanding and then generalise about those practices.

### 4.2 ETHNO-HISTORIC ACCOUNTS

In 1770 when Captain James Cook sailed the Endeavour along the eastern coast of Australia, both he and his officers noted seeing smoke rising from Aboriginal fires (Byrne & Nugent, 2004). As they sailed past the Diamond Beach area they were seeing the fires of the Biripi people. According to Horton's Map of Aboriginal Australia (1996), the Diamond Beach area, just north of Halliday's Point in NSW, was the area of the Biripi language group (also spelt Birripai, Bripi, Biripai, Birpai and Birrbay). Their traditional country stretched from Foster-Tuncurry in the south to Port Macquarie in the north, from the coast at its eastern extent to around Niangala in the west. Today the area includes towns like Taree, Wingham, Nabiac and Tinonee, where contemporary Aboriginal people continue to live. Other Aboriginal language groups surrounding the traditional country of the Biripi included the Dainggatti to the north, the Worimi to the south and the Geawegal and Kamilaroi to the west.

The contemporary Diamond Beach area contains evidence of the Biripi past in such Aboriginal sites as shell middens, rockshelters and culturally modified trees. The surrounding area is also known to contain bush foods that were utilised by the Biripi, including vegetation such as wombat berry (*Eustrephus latifolius*), lilly pilly (*Syzygium smithii*) and scrambling lilly (*Geitonoplesium cymosum*). Cunjevoi or native lily (*Alocasia brisbanensis*), red ash (*Alphitonia excels*), paperbark (*Melaleuca linariifolia*) and brush kurrajong (*Commersonia fraseri*) were also utilised as resources for medicine and tool materials. Faunal resources in the area included wallabies and goannas, with coastal access also providing the opportunity for a diet rich with shellfish and fish (Hallidays Point Landcare Group, 2014). The broader Biripi diet included fish, oyster, koala, possum, pademelon, emu and kangaroo (Maslin and Leon, 2004:8). As different resources were found in alternate locations across the seasons, each annual cycle saw the Biripi traverse a variety of different landforms, including the rugged foothills of the Great Dividing Range, the open woodland of the Gloucester Valley, the banks of the Manning River, rainforest belts, swamps, creeks and estuary islands (Byrne & Nugent, 2004:6).

Some records indicate that there was social segregation between men and women, particularly with regards to initiation ceremonies, during the Aboriginal past in this area (Maslin and Leon,

2004:9). Ethnographic records also indicate that tools and weapons used by the Biripi included canoes, spears, nets and fish-hooks for fishing, shields, tomahawks and boomerangs for hunting and fighting. Quartz flakes were noted as regularly utilised for the points and barbs on fishing spears (Byrne & Nugent, 2004:35). Other sources state that fire was used to control grassland areas and assist in hunting, the leaves of the Bangalow Palms were formed into water carriers, and the glue made from the yellow resin of *Xanthorrhoea* plants was both used locally and traded to other inland areas. Huts were formed from bark and timber and generally housed between eight and ten people, protecting them from the elements. A treat in the Biripi diet was honey, collected from the hives of the native *Trigona* bees. Some ethnographic descriptions of ceremonies describe dancing and the beating of shields, with the participants said to have decorated their bodies with different designs in white and red ochre (Birpai Land Council, 2002).

In 1818 surveyor-explorer John Oxley led an expedition into the traditional country of the Biripi. He recorded seeing Aboriginal people at a distance, arranged around camp-fires on the Forster side of the Lake's entrance. Oxley did not interact directly with the Biripi, but one of his party was speared by an unseen assailant in the area. In 1824 a land parcel of 1,000,000 acres was granted to the Australian Agricultural Company, covering an area from the Manning River to Port Stephens. This led to surveyors Henry Dangar and John Armstrong mapping the region for potential agricultural and pastoral uses (Byrne & Nugent, 2004:15-16). The result of their findings was that settlers started to spread across the region, developing the land for cultivation and grazing, making access to resources increasingly restricted. Conflicts arose which, combined with the effects of disease, saw the deaths of many Aboriginal people. The high impact of new diseases brought to the area by settlers was due to a lack of immunity for Aboriginal people to such ailments as smallpox, influenza, measles and tuberculosis (Maslin and Leon, 2004:9). There are also references to two massacres of Aboriginal people in the 1930s, one documented as occurring in 1835 at Belbora, where poisoned damper bread was distributed to Aboriginal people (Byrne & Nugent, 2004:22).

Those local Aboriginal people who survived disease and conflict were eventually marginalised in Aboriginal Reserves beyond the bounds of the main towns. Loss of access to landscape resources meant that as well as being marginalised by the dominant culture of the developed area, they had also become dependent on the settler economy for survival. In 1894 the Aboriginal Reserve at Karuah was officially gazetted, followed soon after by Forster in 1895 and Purfleet in 1900 (Maslin and Leon, 2004:9).

Around 1915 photographer Thomas Dick, a resident of the Port Macquarie area, undertook extensive work compiling a photographic record of the traditional life of the Biripi Aboriginal people. Due to the dislocation that had occurred for communities by this time, his photographs were by necessity staged and may have involved bringing Aboriginal people from peripheral areas into Port Macquarie for image production. Despite their nature as reconstructions of the past they do provide ethnographic insight into the traditional practices of the area, illustrating such scenes as collecting the nuts of the *Lepidozamia* and *Macrozamia* for food and removing bark from trees for shield manufacture. In 1923 Dick wrote: "I went into the mountains with them, gained their confidence and their secrets connected with their laws... I was fortunate for some of the old men were most intelligent and they recognised that their race was run, as it were, so they gave me under the conditions named, the history of their race. Now by these means I secured all of the marks on the sacred trees, and their meaning, all of the rules of the 'Waipara' or man making ceremony" (Australian National Herbarium, 2015).

Dick's interpretation that, as he put it, the Biripi's "race was run" was a common attitude prevailing through the dominant culture of Australia in the early nineteenth century. By the 1920s it was thought by many that Aboriginal people would become extinct, as disease, violence and cultural colonisation had reduced population numbers to somewhere between 50,000 and 90,000

(Jamison, 2004). In South Australia in the 1930s the Jindyworobak Movement saw white Australians appropriating Aboriginal language for prose and poetry with the aim of preserving Indigenous ideas and customs. The movement's poems described the Australian landscape as a place haunted by the ghostly remnants of Aboriginal tribes, presented as a fading part of the country's history (Elliot, 1979). Their reasoning for using Aboriginality in their creative works was to raise awareness of Aboriginal culture, because the then accepted notion was that soon Aboriginal people would disappear. This proved to be a false assumption and in the decades that have followed the Aboriginal population of Australia has continued to increase.

In 2004 a study was undertaken of the then contemporary country of the Biripi, focussing on post-contact culture through spatial analysis, oral history recordings and research into the Aboriginal heritage landscapes of such areas as Purfleet, Saltwater, Taree, Killawarra, Dingo Creek, Forster-Tuncurry and Wallis Lake. The resulting recordings collected memories of friendly and hostile farmers, hiding places, routes, bush havens and water places. There were even stories of spirits in the landscape where contemporary events were fused with traditional culture. Stories were told of the Tusk Woman, the spirit of a dead woman who haunted the Pacific Highway, and the Hairy Man. Local Aboriginal mother Faith Saunders noted there was a specific purpose in the contemporary spirit stories of the Aboriginal community. "The hairy man," Saunders stated, "we said you're not to go into the bush late in the afternoon. You got to be careful. The old hairy man will get ya out there and he'll put ya down a hole, and he'll put frogs in your ears, and when he hears us comin' lookin' for ya, coming to get ya, he'll run the other way. But there was a moral to the story... the hairy man was the molester. Today, we still tell the stories to the little kids at school. That they're not to get into any cars and they're not to take lollies from men, old men" (Byrne & Nugent, 2004:82-83). This demonstrates that although cultural colonisation and marginalisation had a devastating effect on the traditional way of life, Aboriginal culture and community continue to flourish in the traditional country of the Biripi.

## 5 ARCHAEOLOGICAL CONTEXT

A review of the archaeological literature of the region, and more specifically the Diamond Beach area and the results of a OEH AHIMS search provide essential contextual information for the current assessment. Thus, it is possible to obtain a broader picture of the wider cultural landscape highlighting the range of site types throughout the region, frequency and distribution patterns and the presence of any sites within the study area. It is then possible to use the archaeological context in combination with the review of environmental conditions to establish an archaeological predictive model for the study area.

### 5.1 OEH ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM

It must be noted that there are many limitations with an AHIMS search. Firstly site coordinates are not always correct due to errors and changing of computer systems at OEH over the years that failed to correctly translate old coordinate systems to new systems. Secondly, OEH will only provide up to 110 sites per search, thus limiting the search area surrounding the study area and enabling a more comprehensive analysis and finally, few sites have been updated on the OEH AHIMS register to notify if they have been subject to a s87 or s90 and as such what sites remain in the local area and what sites have been destroyed, to assist in determining the cumulative impacts, is unknown. In addition to this, other limitations include the number of studies in the local area. Fewer studies suggest that sites have not been recorded, ground surface visibility also hinders site identification and the geomorphology of the majority of NSW soils and high levels of erosion have proven to disturb sites and site contents, and the extent of those disturbances is unknown (i.e. we do not know if a site identified at the base of an eroded slope derived from the upper crest, was washed along the bottom etc: thus altering our predictive modelling in an unknown way). Thus the OEH AHIMS search is limited and provides a basis only that aids in predictive modelling.

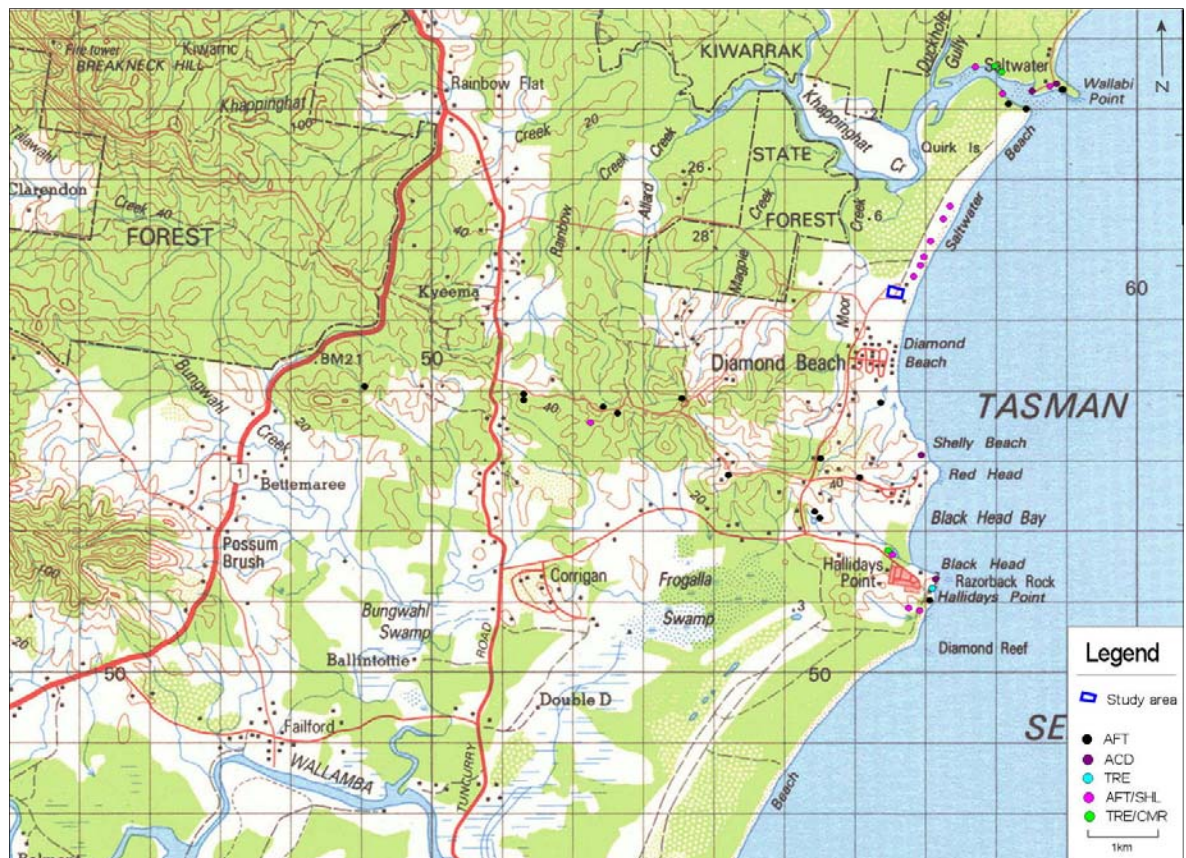
The new terminology for site names including (amongst many) an 'artefact' site encompasses stone, bone, shell, glass, ceramic and/or metal and combines both open camps and isolated finds into the one site name. Unfortunately this greatly hinders in the predictive modelling as different sites types grouped under one name provided inaccurate data.

A search of the OEH AHIMS register has shown that 42 known Aboriginal sites are currently recorded within five kilometres of the study area and include 20 artefact (AFT) sites, 14 artefact/shell (AFT/AHL) sites, 4 Aboriginal Ceremony and Dreaming (ACD) sites, 3 scarred/carved trees (TRE) and 1 scar/carved tree and ceremonial ring site (See Table 5.1). The AHIMS results are provided in *Annex B* and the location of sites is shown in Figure 5.1.

Table 5.1 AHIMS results

Site type	Frequency	%
AFT	20	47.6
AFT/SHL	14	33.3
ACD	4	9.5
TRE	3	7.1
TRE/CMR	1	2.4
<b>Total</b>	<b>42</b>	<b>100</b>

Figure 5.1 Known sites

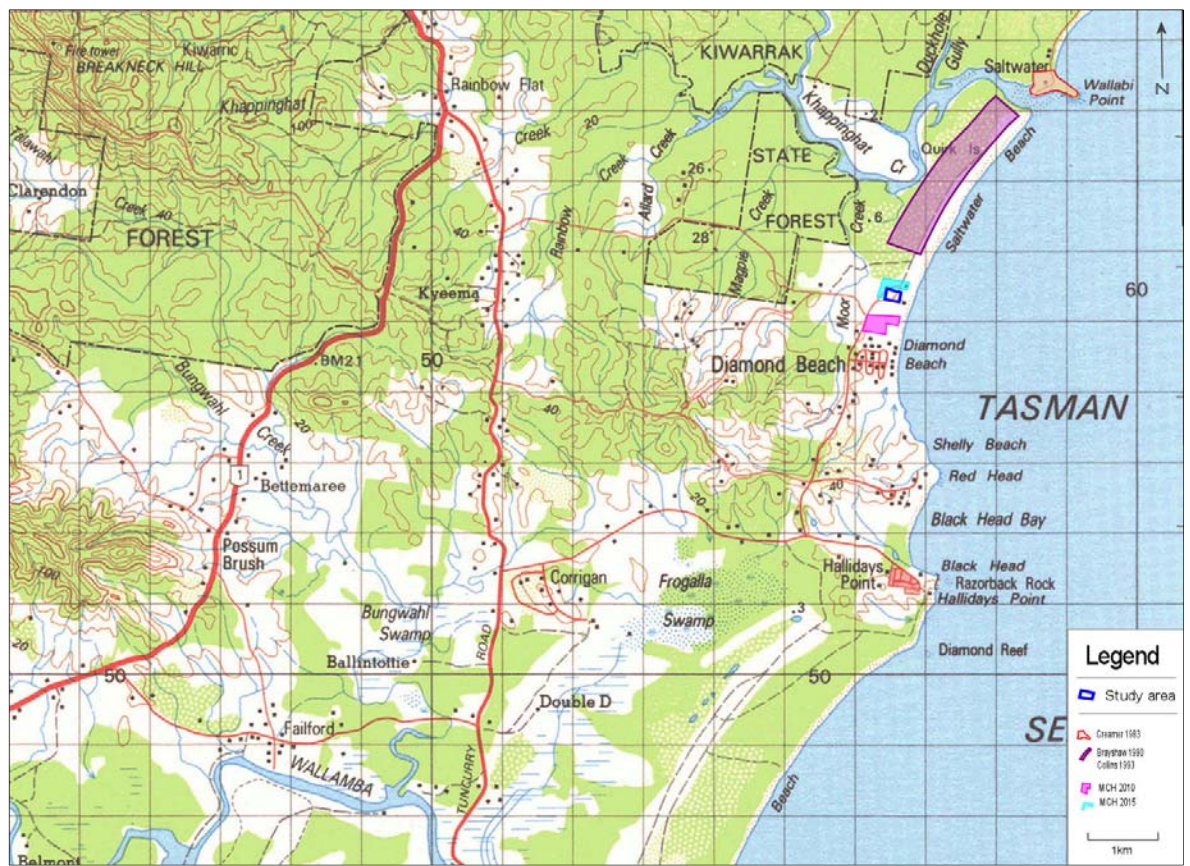


## LOCAL ARCHAEOLOGICAL CONTEXT

All archaeological surveys throughout the local area have been undertaken in relation to environmental assessments for developments. The most relevant investigations indicate differing results and observations based on surface visibility and exposure, alterations to the landscape (including mining, industrial and residential development), proximity to water sources and geomorphology. The reports available from OEH are discussed below and their location illustrated in Figure 5.2.

Creamer (1983) undertook an assessment in relation to a significant Aboriginal Place. The area referred to as Saltwater was first reported as being significant to contemporary Aboriginal people at Purfleet and Taree in 1976 by Terry Donovan who was an Aboriginal sites officer. Donovan (1969) concluded in his original report that a large fig tree allocated at the western end of Saltwater Recreation Reserve was believed to have spiritual powers and this site should be declared an Aboriginal Place to protect it. In 1982 the Purfleet Aboriginal community registered a land claim for Saltwater by sending information to the Aboriginal Land Trust and were asked to attend a site meeting to determine if archaeological sites existed which may support the claim. Fieldwork was undertaken in March 1983 but no details of the work are provided.

Figure 5.2 Previous studies



There are three main sites of significance at this location. A cave on the point of the headland believed to contain burials, the seasonal camping place on the Reserve used often and mainly at Christmas and Easter and the fig tree on the western bank of Saltwater (See Table 5.2).

Table 5.2 Summary of sites (Cremer 1983)

Site	Site type	Landform	Distance to water	Stream order	Artefacts/features	Disturbance	Subsurface potential
Headland cave	burial	base of headland	adjacent	Pacific Ocean	skeletal remains	high: flooding	no
Headland campsite	open camp	headland reserve	adjacent	Pacific Ocean/ Khappinghat Creek	not known	highly disturbed	not known
Fig tree	open camp	fauna	not known	Pacific Ocean/ Khappinghat Creek	Fig tree	high: tree uprooted	not known

During Cremer's investigation, the cave was visited in March 1983 with several Aboriginal men as guides. The cave had collapsed and is very close to the waterline which would have resulted in frequent flooding at high tide. The cave effectively acts like a 'blow hole' and no bones were



identified and it was concluded that due to the flooding and collapse that it is unlikely that any bones would remain. It was also believed that a person or persons of high social status were buried in the cave.

The seasonal camping place included approximately 300 metres in length of the headland immediately to the west of a flat area bordered on the south by dunes and the north by forest. This area was regularly used by Aboriginal people as a camping place, as an 'out station; from the Purfleet Mission that was located approximately 13 kilometres to the north west. This information was obtained from Margery Maher and Pat Davis who described the camps.

The sacred fig tree was believed to have powers as expressed during an interview with Margery Maher and Bert Marr. They were told to never sit under the tree or you'll be sick. Some children were fishing under the tree and one got sick with his glands swelling who was taken to the local doctor by Margery Maher who did not know what was wrong with him. Margery Maher then went to the fig tree, gathered some leaves and boiled them, washed the sick child's hands with them and the swelling had gone by morning. Bert Marr also stated that the last flood took the tree away. Creamer concluded that the area is of high significance to the Aboriginal people and recommended it be declared as an Aboriginal Place under the National Parks and Wildlife Act 1974.

Brayshaw (1990) undertook an assessment at Saltwater Beach as part of an Environmental Impact Statement for a proposed sand mine. The study area (600m x 2.4km) was located five kilometres north of Hallidays Points and 18 kilometres southeast of Taree. Landforms across the study area consisted of sand dunes along the beach foreshore. The fore-dunes were composed of Holocene sands, while the back barrier was Pleistocene in age. The closest water source to the study area was Khappinghat Creek, with swampy heath and floodplain associated with it. The investigation area was underlain by Permian sediments containing mudstone and sandstone and vegetation included red bloodwood, forest red gum, swamp mahogany, blackbutt, grey gum, geebung, white bottle brush and burrawang. The area had been impacted by land-uses including a caravan park and access tracks. A search of the NPWS register identified 15 sites between the southern end of the Manning River estuary and Hallidays Point. These sites were predominantly middens (seven) with two modified trees, two artefact scatters, one rock shelter, one burial, one mythological site and one ceremonial ground. It was predicted that scarred trees and burials may occur in the area. It was predicted that occupation sites (containing shell and/or stone artefacts) were most likely to occur in the fore-dune area close to the resources of Khappinghat Creek. Further discussion with a mining employee revealed that the fore dune had been previously mined along with the full length of Saltwater beach and that the mined strip had been several hundred metres in width in some places. One site was identified and included two yellow chert flakes situated on a south western slope on an elevated sand ridge. It was found that the archaeological context was destroyed by previous sand mining and as such no potential for in situ subsurface materials. Brayshaw recommended that a 50 metre wide strip be retained either side of Khappinghat Creek due to low ground surface visibility at the time of inspection and the prediction that this was likely to be an area where sites could occur.

Klaver and Heffernan (1991) was commissioned by Greater Taree City Council to document the known and predicted Aboriginal heritage within the Greater Taree local government area (LGA), and the significance of such heritage to the Aboriginal people. The primary function of the investigation was to inform the Council in order to consider implications for the management of Aboriginal cultural heritage within the LGA. The investigation entailed a review of all known literary sources, site registers, archaeological reports and Aboriginal consultation. In addition, a field survey was conducted to relocate known sites and identify new ones. The review of literary sources identified the relevant language groups, histories, estimates of populations and distribution, ethnographic data relating to land use, site locations, subsistence and elements of

material culture. A search of the NPWS site register identified 42 sites within the Greater Taree LGA. By comparison, the adjacent Kempsey LGA recorded 301 sites. The authors theorise that the low site density is indicative either of low Aboriginal land use, or, more likely, a reflection of a low site identification and/or archaeological investigation within the Greater Taree LGA. The most common site type of the registered sites was the shell midden, followed by bora rings, ceremonial/traditional sites and scarred/carved trees. As a result of Aboriginal consultation, reviews of literary sources including previous archaeological reports and analysis of maps identifying likely landforms, a pedestrian survey was undertaken of the LGA in order to identify new sites and relocating previously identified sites. The total area covered by the surveys totalled 327,538m<sup>2</sup> (0.0082% of the Greater Taree LGA). Areas with high visibility, such as vehicle tracks, were especially targeted. Visibility was described as poor. The most common site type identified included thirty four (34) shell middens (60.34%), followed by twelve (12) artefact scatters (22.41%) (including knapping floors). Other site types included three (3) scarred trees (5.17%), three (3) natural mythological sites (5.17%), two (2) bora grounds (3.45%) one (1) stone arrangement (1.73%) and one (1) burial (1.73%). It was concluded that further research was needed. In addition, an Aboriginal Heritage Conservation Policy was developed, and its adoption was recommended.

Collins (1993) undertook an additional assessment for Mineral Deposits Limited that focused on areas outside the previous assessment undertaken by Brayshaw (1990) and in areas outside of those known to have been previously mined. It was found that the majority of the lease had been mined previously and the study area supported regenerating heath vegetation. The study area was 76 hectares in size and consisted of coastal dunes between the rocky headlands of Red Head and Wallabi Point. Both coastal fore dune and hind dune complexes were present. A search of the NPWS register identified 30 Aboriginal sites registered within two kilometres of the study area and included middens, artefact scatters, modified trees and ceremonial sites. One artefact scatter had previously been identified along a track 55 metres south of the site by Brayshaw in 1990. Twelve artefacts were identified and it was argued that as the vegetation in the vicinity of the site was regenerating, it was likely that the artefacts had been subject to some spatial disturbances. However, it was also stated that further artefacts may be present in the site locality. Although the site was assessed as having low archaeological and educational significance, its location in relation to knapping site at Saltwater reserve placed it within an area of significant traditional and contemporary importance to the local Aboriginal people and is therefore considered an integral component to the cultural landscape of this area. It was recommended that sand mining remain within areas already previously disturbed through past mining activities and that part of the site within previously mined area should be subject to a s90 to allow the surface collection of those artefacts. In addition to this site, it was found that the presence of a discontinuous pipi midden band that was exposed below the surface in a cutting of the fore dune seaward cliff, may contain archaeological materials. It was found that the exposed shell was visible only in the part of the dune that overlaid an outcrop of 'coffee' rock and as such it was considered to be in situ. It was recommended that further investigation be undertaken or, alternatively, that this area be excluded from mining activities and retained as an in situ Potential Archaeological Deposit (PAD).

MCH (2010) completed an archaeological assessment of a study area proposed for future rezoning. The study area consisted of Lot 6 DP 244030 and Lot 9 DP 250425, being an area between Diamond Beach Road and Diamond Beach. The assessment was part of a capability and suitability study of the land to make recommendations for the implementation of a Local Environmental Plan (LEP) to ensure any rezoning would be environmentally sustainable and consistent with regional and local planning strategies. Past impacts in the bounds of the study area included clearing and grazing, house and shed construction and sand mining. The topography of the study area was characterised by a gentle eastern facing slope in the west, and flats in the eastern portion. The underlying geology consisted of the Permian Manning group containing mudstone and sandstone. The main water resource was the third order stream Moor Creek, located approximately 500 metres to the north-west of the study area. The first and second order streams that fed Moor Creek were situated

to the west and south-west. Diamond Beach was also located approximately 100 metres to the east of the study area, containing various marine resources. Vegetation in the study area consisted of a densely vegetated area with paperbark trees and a smaller cleared section used for horse grazing. A search of the AHIMS register identified 45 Aboriginal sites within five kilometres of the study area including 15 artefact scatters, nine middens, five isolated artefacts, three mythological sites, three rock shelters with middens, two middens, two ceremonial sites, one burial, three modified trees and two unspecified sites. It was predicted that isolated artefacts and middens were the most likely site types to occur within the study area. The study area was surveyed with a focus on areas of high ground surface visibility and exposures. No archaeological sites were identified. Due to the disturbances and distance from reliable drinking water no Potential Archaeological Deposits (PADs) were identified. Two cultural sites were identified by Aboriginal representative Mick Leon during the survey. These cultural sites are summarised below in Table 1.1.

Table 1.1 Summary of Diamond Beach sites (MCH 2010)

Site	Site type	Landform	Distance to water	Stream order	Artefacts /features	Disturbance	Subsurface potential
DBA-1	isolated artefact	modified	not provided	not provided	1 yellow-brown chert piece	caravan park & sewer line	no
DBA-2	isolated artefact	modified	not provided	not provided	1 unknown type of broken stone	caravan park & sewer line	no

MCH recommended that the persons responsible for the management of the site will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Also, that a S90 with collection permit will be required for DBA-1 and DBA-2.

MCH (2015) was commissioned by Seashells Ltd to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 18 DP 576415, 363 Diamond Beach Road, Diamond Beach. The objective of the project is to rezone part of the subject land to SP3 Tourist Zone, and E2 Environmental Conservation Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The study area was the site of the Seashells Resort and lies within the Greater Taree Local Government Area (LGA). Lot 18 has existing tourist facilities located thereon and also have development consents for additional tourist facilities that may be developed in the future.

The study area was located along Diamond Beach and consisted of a very low gentle eastern facing slope that is subject to regular water logging and the eastern, developed portion, has no remaining original landform remaining. Moor Creek (3rd Order) was located approximately 200 metres to the north west of the study area and Diamond Beach located approximately 100 metres to the east. Therefore the study area was considered low in terms of suitable occupation in relation to resources of water availability and associated resources. The survey identified no archaeological sites or PADs due to a combination of factors including impacts from the existing tourist facility, landform and distance from reliable water and associated resources required for camping. MCH recommend that the persons responsible for the management of an onsite will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is

the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974.

## 5.2 LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES

The following is a summary and discussion of previous investigations detailed in *Section 5.3*. It must be remembered, however, that there are various factors which will have skewed the results as they are in a regional assessment (Refer to *Section 5.1*). Therefore the summary provides an indication of what may be expected in terms of site location and distribution. Based on previous work it is also clear that the majority of sites contain stone artefacts. This is to be expected due to stone's high preservation qualities.

- The majority of sites are located within 50 metres of a water source with a drop of site number from 50-100 metres of water.
- the likelihood of finding sites of any size increases with proximity to water and the likelihood of finding large artefact scatters also increases markedly with proximity to water.
- Main site types are artefact scatters and isolated finds.
- The data suggests that slopes were the preferred location, however, this does not account for vertical movement of artefacts or sites being moved from flooding, flowing creeks etc.
- Mudstone, silcrete and tuff are by far the most common raw material types represented at sites in the region. Quartz and chert are the next most frequently in artefact assemblages followed by volcanic materials, porphyry and petrified wood. Siltstone, rhyolite and porcellanite are relatively rare.
- flakes, broken flakes and flaked pieces are the most common artefact types recorded.
- The vast majority of artefactual material in the region was observed on exposures with good to excellent ground surface visibility. The likelihood of finding artefacts surrounding these exposures is reduced due to poor visibility. The site area is often given as the area of exposure. Hence, it is inappropriate to attempt to draw any conclusions regarding site extent based on current information.

Based on information gained from previous studies within a five kilometre radius of the study area, it can be expected that:

- the likelihood of locating sites increases with proximity to water;
- the likelihood of finding large sites increases markedly with proximity to water;
- a variety of raw materials will be represented though the majority of sites will be predominated by mudstone and silcrete;
- a variety of artefact types will be located though the majority will be flakes, flaked pieces and debitage;
- grinding grooves will be located along or near water sources;
- the likelihood of finding scarred trees is dependent on the level of clearing in an area; and
- the majority of sites will be subject to disturbances including human and natural.

These findings are consistent with models developed for the area.

### 5.3 PREDICTIVE MODEL FOR THE STUDY AREA

Due to issues surrounding ground surface visibility and the fact that the distribution of surface archaeological material does not necessarily reflect that of sub-surface deposits, it is essential to establish a predictive model.

Previous archaeological studies undertaken throughout the region, the OEH AHIMS register and the environmental context provide a good indication of site types and site patterning in the area. This research has shown open camps and shell middens are by far the most common site type located within close proximity to water and the associated resources, specifically along the sand dunes. A variety of other site types have been identified in the regional area in far lower concentrations and include isolated finds, scarred and carved trees and less commonly bora/ceremonial grounds and a burial. The high representation of sites containing stone artefacts is to be expected due to the durability of stone in comparison to other raw materials.

The specific study area is not located in close proximity to reliable drinking water and associated resources. However, it is situated in close proximity to Diamond Beach at the east and associated resources as well as flats that are situated to the west. It is the low lying eastern facing slope in between these landforms that offers the most beneficial landform for camping whilst the ocean and flats provided the subsistence resources. Shell middens and stone artefacts may be found within the study area on the elevated slope and in closer proximity to the ocean front. The flats would have provided for hunting/gathering not camping due to water logging and sites are expected to contain assemblages dating from the Holocene. As no local raw materials for tool manufacture are present in the area, all stone artefacts would have been sourced elsewhere thus indicating trading/travel routes. Artefact types, if present within the study area, would comprise predominantly of debitage from flaking, flakes, broken flakes and few cores. Small numbers of modified artefacts including retouched flakes, and asymmetrical and symmetrical backed artefacts may be present.

However, sites are expected to have been disturbed throughout the majority of the project area by human disturbances (clearing, grazing and development) and past natural factors such as erosion. In less disturbed areas, such as the simple slope along the eastern boundary, sites may remain relatively intact. The accuracy of these predictions would be largely determined by the degree of such disturbances.

### 5.4 ARCHAEOLOGICAL POTENTIAL IN THE STUDY AREA

Based on archaeological sites registered in the region and the results of past archaeological studies, although no sites are expected to occur in the study area, two sites types are likely to occur to the east of the study area and may encroach into the eastern section of the study area:

- **Shell middens**

Shell middens are places where debris from eating shell fish has accumulated. Middens preserve a range of past dietary remains which have the potential to inform about past dietary consumption and availability of food resources. Most shell middens analysed to date pertain to coastal environments with few pertaining to inland middens. In NSW, middens are located on headlands, beaches and dunes, around estuaries, swamps, the tidal stretches of creeks and rivers and along the banks of inland rivers, creeks and lakes. Shell middens may be found in the open or in rock shelters and often those in the open are disturbed through erosion and land use impacts and those in shelters are usually well preserved. The location of middens is influenced by a variety of factors including, but not limited to, the availability of shell fish, aspect, accessibility and the nature of the

immediate area and are typically located within a reasonable distance from water on level, sheltered surfaces.

Ranging in size from small scatters to deep layered deposits that have built up over time, the size of the midden may relate to its location (e.g. riverbank middens tend to be smaller than estuarine and coastal middens). Small middens may represent short term occupation or the debris from a single meal. Major estuarine species include bivalves such as cockle, whelk, mud and rock oyster and both edible and hairy mussels. Rock platform species of gastropods include limpets, turban shell, periwinkles, nerites, tritons and cartrut shell fish and the most important beach species is the pipi. Shell middens may also include fish, sea birds, sea mammals and land mammals. Stone artefacts are also typically found within middens and indicate trade and/or transportation of raw materials. Bone and shell artefacts, such as fish hooks and barbs, evidence of cooking may be present in the form of charcoal, ash, fire stones, hearths, burnt clay and/or burnt earth. The midden usually occurs within a soil or sand layer that is darker than the surrounding sediment. Middens may also contain burials and if present are usually located under the midden.

Preservation varies with food stuffs such as berries and fruits leaving no archaeological traces, sea foods such as cartilageous fish, stingrays, octopus and fish eggs are likely to be equally invisible in the archaeological record. However, tissue such as shell and crustaceans and bone may be preserved. Preservation is also dependant on land use impacts and associated soil pH.

The interpretation of shell middens is only as good as ones analysis, which is only as good as ones sample, all of which are typically limited during surface survey only.

Shell middens may represent evidence of;

- Hunting and/or gathering events; or
- Long or short term occupation of a local, single or multiple occupation events.

Shell middens are the most common site type in the Diamond Beach locality. The likelihood of discovering shell middens in the project area is assessed as being low, due to the land use history of clearing and the existing tourist facility, but cannot be discounted.

- **Artefact scatters**

Also described as open campsites, artefact scatters and open sites, these deposits have been defined at two or more stone artefacts within 50 or 200 metres of each other and may include archaeological remains such as stone artefacts, shell, and sometimes hearths, stone lined fire places and heat treatment pits. These sites are usually identified as surface scatters of artefacts in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing) and access ways can also expose surface campsites. Artefact scatters may represent evidence of;

- Camp sites, where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of such tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;
- Hunting and/or gathering events;
- Other events spatially separated from a camp site, or
- Transitory movement through the landscape.

Artefact scatters are a common site type in the Diamond Beach locality and the broader region. There is a low potential for artefact scatters to occur within the relatively undisturbed western

portion of the study area. There is also the potential for such sites to be impacted on through past land uses including clearing and the existing tourist facility.

### 5.5 HERITAGE REGISTER LISTINGS

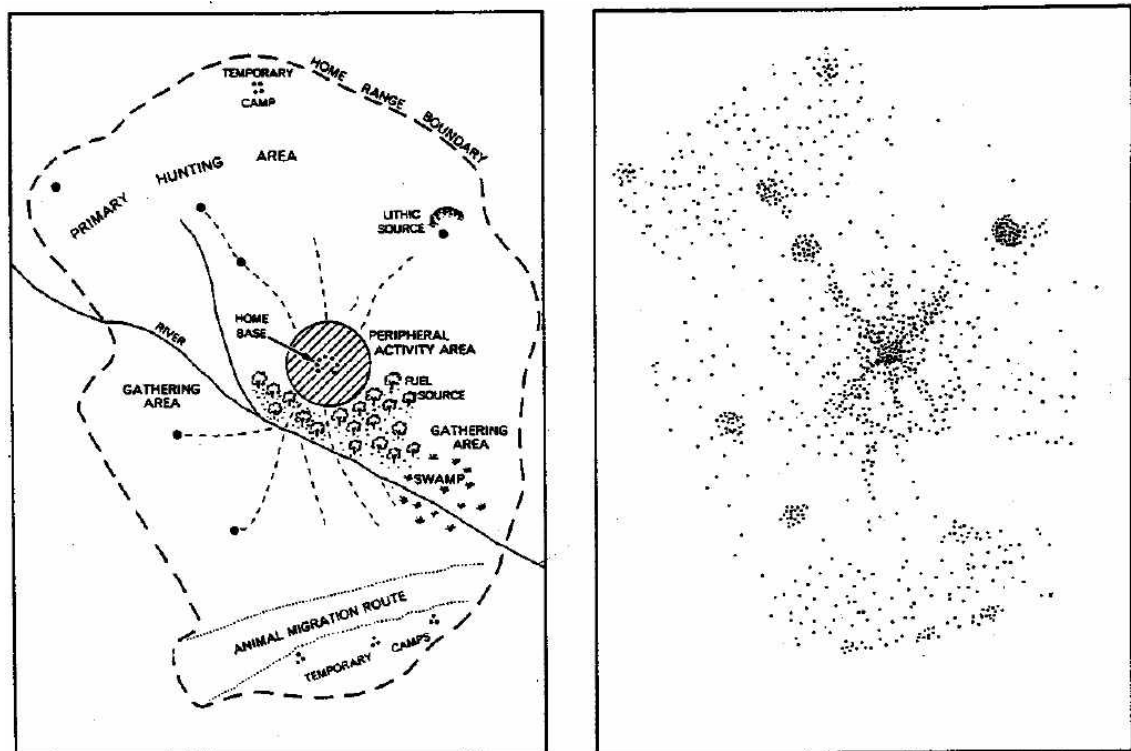
The State Heritage Register, the Australian Heritage Database (includes data from the World Heritage List UNESCO, National Heritage List, Commonwealth Heritage List, Register of the National Estate) and the Greater Taree City Council Local Environmental Plan have no sites listed. However, not all indigenous places are listed, and the Heritage Commission is consulting with Traditional Owners to gradually include indigenous information.

### 5.6 MODELS OF PAST ABORIGINAL LAND USE

The main aim of this project is to attempt to define both the nature and extent of occupation across the area. As a result, the nature of the analysis will focus on both the landform units and sites. The purpose of this strategy is to highlight any variations between sites and associated assemblages, landforms and resources across the area treating assemblages as a continuous scatter of cultural material across the landscape. In doing this, it is possible to identify variation across the landscape, landforms and assemblages that correspond with variation in the general patterns of landscape use and occupation. Thus the nature of activities and occupation can be identified through the analysis of stone artefact distributions across a landscape.

A general model of forager settlement patterning in the archaeological record has been established by Foley (1981). This model distinguishes the residential 'home base' site with peripheral 'activity locations'. Basically, the home base is the focus of attention and many activities and the activity locations are situated away from the home base and are the focus of specific activities (such as tool manufacturing). This pattern is illustrated in *Figure 5.3*.

Figure 5.3 Foley's model (L) and its manifestation in the archaeological record (R), (Foley 1981).



Home base sites generally occur in areas with good access to a wide range of resources (reliable water, raw materials etc). The degree of environmental reliability, such as reliable water and subsistence resources, may influence the rate of return to sites and hence the complexity of evidence. Home base sites generally show a greater diversity of artefacts and raw material types (which represent a greater array of activities performed at the site and immediate area).

Activity locations occur within the foraging radius of a home base camp (approximately 10 km); (Renfrew and Bahn 1991). Based on the premise that these sites served as a focus of a specific activity, they will show a low diversity in artefacts and are not likely to contain features reflecting a base camp (such as hearths). However, it is also possible that the location of certain activities cannot be predicted or identified, adding to the increased dispersal of cultural material across the landscape. If people were opting to carry stone tools during hunting and gathering journeys throughout the area rather than manufacturing tools at task locations, an increased number of used tools should be recovered from low density and dispersed assemblages.



## 6 RESULTS

### 6.1 METHODOLOGY

The survey area was surveyed on foot by the archaeologist and included transects across the accessible portions of the site approximately 2 metres apart walked in an east/west and focused on areas of high ground surface visibility and exposures (erosional features, tracks, cleared areas).

### 6.2 LANDFORMS & SURVEY UNITS

McDonald *et al* (1998) describes the categories of landform divisions. This is a two layered division involving treating the landscape as a series of 'mosaics'. The mosaics are described as two distinct sizes: the larger categories are referred to as landform patterns and the smaller being landform elements within these patterns. Landform patterns are large-scale landscape units, and landform elements are the individual features contained within these broader landscape patterns. There are forty landform pattern units and over seventy landform elements. However, of all the landform element units, ten are morphological types. For archaeological investigations they divide the landscape into standardised elements that can be used for comparative purposes and predictive modelling. As outlined in *Chapter 3*, the study area included a very gentle low east facing slope that forms part of the coastal dunes that flowed into flats. For ease of management, the study area was divided into 2 Survey Units (SUs) that were based on landforms (Refer to Figure 6.1).

Figure 6.1 Survey units



**Survey Unit 1 (slope)**

This survey unit included the slope located along the eastern side of the project area. This unit included a house and, electricity easement. The entire area had been subject to previous clearing with only small portion excavated for the electricity poles and dwellings.. Vegetation included grass with few trees. Visibility was 40% and exposures 50% (erosion

**Survey Unit 2 (flats)**

This survey unit included the remainder of the study area that consisted of cleared flats. The unit had also been subject to excavation works associated with holiday cabins and access roads as well as recent grading and fill. Exposures were high at 80% as was visibility 80%. Vegetation included grass cover with small pockets of trees.

**6.3 EFFECTIVE COVERAGE**

Effective coverage is an estimate of the amount of ground observed taking into account local constraints on site discovery such as vegetation and soil cover. The effective coverage for the study area was determined for both visibility and exposure ratings and Table 6.1 details the visibility rating system used. There are two components to determining the effective coverage: visibility and exposure.

Table 6.1 Ground surface visibility rating

Description	GSV rating %
<b>Very Poor</b> – heavy vegetation, scrub foliage or debris cover, dense tree or scrub cover. Soil surface of the ground very difficult to see.	0-9%
<b>Poor</b> – moderate level of vegetation, scrub, and / or tree cover. Some small patches of soil surface visible in the form of animal tracks, erosion, scalds, blowouts etc, in isolated patches. Soil surface visible in random patches.	10-29%
<b>Fair</b> – moderate levels of vegetation, scrub and / or tree cover. Moderate sized patches of soil surface visible, possibly associated with animal, stock tracks, unsealed walking tracks, erosion, blow outs etc, soil surface visible as moderate to small patches, across a larger section of the study area.	30-49%
<b>Good</b> – moderate to low level of vegetation, tree or scrub cover. Greater amount of areas of soil surface visible in the form of erosion, scalds, blowouts, recent ploughing, grading or clearing.	50-59%
<b>Very Good</b> – low levels of vegetation / scrub cover. Higher incidence of soil surface visible due to recent or past land-use practices such as ploughing, mining etc.	60-79%
<b>Excellent</b> – very low to non-existent levels of vegetation/scrub cover. High incidence of soil surface visible due to past or recent land use practices, such as ploughing, grading, mining etc.	80-100%
Note: this process is purely subjective and can vary between field specialists, however, consistency is achieved by the same field specialist providing the assessment for the one study area/subject site.	

Visibility is the amount of bare ground on the exposures which may reveal artefacts or other cultural materials, or visibility refers to ‘what conceals’. Visibility is hampered by vegetation, plant or leaf litter, loose sand, stony ground or introduced materials (such as rubbish) On its own, visibility is not a reliable factor in determining the detectability of subsurface cultural materials (DECCW 2010/783:39). The second component in establishing effective coverage is exposure. Exposure refers to ‘what reveals’. It estimates the area with a likelihood of revealing subsurface cultural materials rather than just an observation of the amount of bare ground. Exposure is the percentage of land for which erosion and exposure is sufficient to reveal cultural materials on the surface (DECCW 2010/783:37).

As indicated in *Table 6.2*, the effective coverage for study area illustrates that overall effective coverage was good at 56.84% with grass being the limiting factor and erosion across the study area moderate. The disturbances in the flats included clearing, excavation and fill works for the existing tourist facility and associated infrastructure, access road and fencing, all of which have impacted upon the landscape and potential associated cultural materials. The less disturbed eastern portion that included the simple slope, appears to have minimal impacts from past land uses. As described in detail in *Chapter 3*, these disturbances result in the lateral and horizontal movement of materials. Examples of disturbances and vegetation are shown in Figures 6.2 to 6.5.

Table 6.2 Effective coverage for the investigation area

SU	Landform	Area (m2)	Vis. %	Exp. %	Exposure type	Previous disturbances	Present disturbances	Limiting visibility factors	Effective coverage (m2)
1	slope	7,000	40%	50%	resort facility	clearing	erosion	grass	1,400
2	flats	36,000	80%	80%	erosion, road	clearing, tourist facility, access roads, grading/fill	resort facility, erosion	grass, tourist facility	23,040
<b>Totals</b>		<b>52,000</b>							<b>24,440</b>
<b>Effective coverage %</b>									<b>56.84%</b>

Figure 6.2 Eastern section of the project area facing north



Figure 6.3 Middle section of the project area facing south west



Figure 6.4 Southern section of the project area facing west



Figure 6.5 Existing holiday units and house facing west



The level and nature of the survey coverage is considered satisfactory to provide an effective assessment of the Aboriginal sites identified and those potentially present within the investigation area. The coverage was comprehensive for obtrusive site types (e.g. grinding grooves and scarred trees) but somewhat limited for the less obtrusive surface stone artefact sites by surface visibility constraints, that included vegetation cover and minimal exposures.

In view of the predictive modelling (Section 5) and the results obtained from the effective coverage, it is concluded that the survey provides a valid basis for determining the probable impacts of the potential development of the study area and form a basis for formulating recommendations for the management of potential Aboriginal sites.

## 6.4 ARCHAEOLOGICAL SITES

### 6.4.1 DEFINITION OF A SITE

A 'site' can be defined by various factors. For this study a 'site' was defined on the combination of the following inter-related factors:

- landform;
- exposure and visibility;
- visible boundaries of artefacts; and
- a feature identified by the Aboriginal community on the basis of their own cultural knowledge and significance.

The 'site area' was defined as the area in which artefacts were observed on a landform, though it must be remembered that this may not represent an accurate picture of site size. Visibility of artefacts is affected by differences in vegetation cover and hence ground surface visibility, as well as the degree of natural and human-induced disturbance.

### 6.4.2 DEFINITION OF SITE COMPLEX

Site complex refers to sites that occur in groups. For example, complexes may consist of burial grounds and carved trees, artefact scatters that represent different stages of procurement and manufacture or artefact scatters and shell middens. Complexes may also consist of artefact scatters that are connected across a landscape with the scatters being either specific activity centres (such as tool manufacturing sites) or larger base camp areas (with more artefacts and a variety of artefacts).

### 6.4.3 SITES IDENTIFIED

No sites were identified and this is likely due to the following;

- the only area with potential for in situ cultural deposits within the project area (eastern slope) had grass cover hindering visibility (Refer to Section 6.5);
- the high level of land uses and impacts across the remainder of the project area (flats) as well as natural factors (such as erosion and flooding) would have destroyed any evidence of past occupation; and
- the flat are also subject to regular localised water logging and is located approximately 500 metres east of Moor Creek (3<sup>rd</sup> Order) and associated resources. Therefore the flats may be considered to have low potential in relation to resource availability and hence occupation.

## 6.5 POTENTIAL ARCHAEOLOGICAL DEPOSIT (PAD)

The terms ‘Potential Archaeological Deposit (PAD)’ and ‘area(s) of archaeological sensitivity’ are used to describe areas that are likely to contain sub-surface cultural deposits. These sensitive landforms or areas are identified based upon the results of fieldwork, the knowledge gained from previous studies in, or around, the subject area and the resultant predictive models. Any or all of these attributes may be used in combination to define a PAD. The likelihood of a landscape having been used by past Aboriginal societies and hence containing archaeologically sensitive areas is primarily based on the availability of local natural resources for subsistence, artefact manufacture and ceremonial purposes. The likelihood of surface and subsurface cultural materials surviving in the landscape is primarily based on past land uses and preservation factors. One PAD was identified in the project area.

### 6.5.1 DIAMOND BEACH PAD 1

The gentle eastern facing slope along the eastern border of the project area appears to remain relatively undisturbed. The area is approximately 30 metres in width from the tree line back towards the tourist cabins and runs the length of the project area. Visibility across the PAD was 40% with grass being the limiting factor. Erosion was present revealing exposed sand with few unidentifiable shell pieces and crab shell. Although an electrical easement runs through this PAD (located at approximately 20 metres from the tree line running the length of the project area), the impacts from the easement appear to include the power pole locations only. Figure 6.5 shows the location of the PAD and Figure 6.6 shows the PAD. A site card has been submitted to AHIMS.

Figure 6.6 PAD location



Figure 6.7 PAD facing south



## 6.6 DISCUSSION

As no sites have been identified, the results of the investigation are discussed below in terms of overall site integrity, local and regional contexts, and predictive modeling.

### 6.6.1 INTEGRITY

The integrity of the study area can be assessed only for surface integrity through the consideration of past and present land uses and their impacts. Subsurface integrity can only be assessed through controlled excavation that allows for the examination of both the horizontal and vertical distribution of cultural materials (caused by natural and/or human impacts) and by conjoining artefacts. Land uses and their impacts (clearing, agricultural practices, excavation, building, road construction and associated infrastructure), as well as natural impacts (bioturbation, erosion, flooding), within the study area are considered to be moderate throughout the flats with the existing tourist cabins, house, shed, roads, grading/fill with localised water-logging. Due to such disturbances, the integrity of the flats within the project area is lost and any sites that may have been present would have been destroyed.

The gentle eastern sloping slope along the eastern border of the project area appears to have been subject to clearing only and excavation works for power poles and as such integrity is anticipated to remain below the initial top soils. This can only be clarified through further investigations.



## 6.7 INTERPRETATION & OCCUPATION MODEL

Given the high level of disturbance throughout the flats of the project area and the fact that no sites identified, it is not possible to discuss site interpretation or occupation models.

## 6.8 REGIONAL & LOCAL CONTEXT

Given the high level of disturbance throughout the flats of the project area and the fact that no sites identified, it is not possible to discuss the regional or local archaeological contexts.

## 6.9 REASSESSMENT OF THE PREDICTIVE MODEL

In view of the survey results, the predictive model of site location can be reassessed for the investigation area. The potential for artefacts to occur within the flats of the project area remains assessed as low or negligible. One PAD was identified on the elevated slope along the eastern border of the project area that has the potential for evidence of past Aboriginal land use to be present. Environmental contexts in which sites and potential deposits of research significance may occur, in association with focused and/or repeated Aboriginal occupation, may be present within the eastern gentle slope.

## 6.10 CONCLUSION

Sites provide valuable information about past occupation, use of the environment and its specific resources including diet, raw material transportation, stone tool manufacture, and movement of groups throughout the landscape. Therefore these results provide merely an indication of what may be expected in terms of site location and distribution. Proximity to water was an important factor in past occupation of the local area, with sites reducing in number significantly away from water with most sites located within 50-100 metres of the tributaries and beaches. The surrounding area contains no raw materials that are typically used in the manufacture of stone tools, and as such it can be assumed that any artefacts identified would be of materials traded and/or transported from other locations. The limited access to reliable fresh water and resources as well as the low lying landforms subject to regular water logging rendered the eastern section of the project area unsuitable for occupation thereby reducing the likelihood of in situ cultural materials to be present in the flats. However, the resources of the ocean would have been utilised and evidence may be present along the slope situated along the eastern boundary of the project area as this area appears to remain relatively undisturbed.

## 7 ASSESSMENT OF ARCHAEOLOGICAL SIGNIFICANCE

### 7.1 THE SIGNIFICANCE ASSESSMENT PROCESS

One of the key steps in the process of cultural heritage management is the assessment of significance. Not all sites are equally significant and not all are worthy of equal consideration and management (Sullivan and Bowdler 1984; Pearson and Sullivan 1995: 7).

The determination of significance can be a difficult process as the social and scientific context within which these decisions are made is subject to change (Sullivan and Bowdler 1984). This does not lessen the value of the heritage approach, but enriches both the process and the long-term outcomes for future generations as the reasons for, and objectives of, site conservation also change over time.

The assessment of significance of archaeological sites and resources is defined in most cases by what these entities can contribute to our understanding or knowledge of a place or site. In most cases, it is not possible to fully articulate or comprehend the extent of the archaeological resource at the outset, let alone its value. Therefore, the evaluation of the significance of archaeological material is based on the potential this resource has to contribute to our understanding of the past. Of importance is the type of information that can be revealed. In particular, site significance can be due to knowledge not available through other sources, and the contribution that it can make to our understanding of a place or a cultural landscape.

### 7.2 BASIS FOR EVALUATION

The significance of indigenous archaeological sites or cultural places can be assessed on the criteria of the Burra Charter, the Australian Heritage Commission Criteria of the National Estate, and the OEH guidelines that are derived from the former two. The NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit (1997) emphasises two realms of significance assessment:

Aboriginal cultural significance

Archaeological (scientific) significance

The cultural significance of the sites or landscape will be assessed by the Aboriginal groups mentioned previously.

### 7.3 ARCHAEOLOGICAL (SCIENTIFIC) SIGNIFICANCE

Scientific significance is assessed according to the contents of a site, state of preservation, integrity of deposits, representativeness/rarity of the site type, and potential to answer research questions on past human behaviour (NPWS 1997). For open campsites, evidence required to adequately assess significance includes information about the presence of sub-surface deposits, the integrity of these deposits, the nature of site's contents and extent of the site. A review of information pertaining to previously recorded sites within the local area and region enables the rarity and representativeness of a site to be assessed. High significance is usually attributed to sites that are so rare or unique that the loss of the site would affect our ability to understand an aspect of past Aboriginal use/occupation of an area. In some cases a site may be considered highly significant because its type is now rare due to destruction of the archaeological record through development. Medium significance can be attributed to sites that provide information on an established research question. Low significance is attributed to sites that cannot contribute new information about past

Aboriginal use/occupation of an area. This may be due to site disturbance or the nature of the site's contents. In order to clarify the significance assessment, the criteria used are explained below.

### 7.3.1 RESEARCH POTENTIAL

Research potential refers to the potential for information gained from further investigations of the evidence to be used in answering current or future research questions. Research questions can relate to any number of issues concerning past human material culture and associated behaviour (including cultural, social, spiritual etc) and/or use of the environment. Several inter-related factors to take into consideration include the intactness or integrity of the site, the connectedness of the site to other sites, and the potential for a site to provide a chronology extending back in the past. Several questions are posed for each site or area containing evidence of past occupation:

Can the evidence contribute information not available from any other resource?

Can the evidence contribute information not available from any other location or environmental setting?

Is this information relevant to questions of past human occupation (including cultural, social and/or spiritual behaviour) and/or environments or other subjects?

Assessing research potential therefore relies on comparisons with other evidence both within the local and regional context. The criteria used for assessing research potential include:

potential to address specific local research questions;

potential to address specific regional questions;

potential to address general methodological and theoretical questions;

potential sub-surface deposits; and

potential to address future research questions.

The particular questions asked of the available evidence should be able to contribute information that is not available from other resources or evidence and are relevant to questions about past human societies and their material culture. Levels for defining research potential are as follows:

High	Has the potential to provide new information not obtained from any other resource to answer current and/or future research questions.
Medium	Has the potential to contribute significant additional information to answer current and/or future research questions.
Low	Has no potential to contribute significant information to answer current or future research questions.

### 7.3.2 REPRESENTATIVENESS AND RARITY

Representativeness and rarity are assessed at a local, regional and national level (although assessing at a national level is difficult and commonly not possible due to a lack of national reports and available database). As the primary goal of cultural resource management is to afford the greatest protection to a representative sample of Aboriginal heritage throughout a region, this is an important criterion. The more unique or rare the evidence is, the greater its value as being representative within a regional context.

The main criteria used for assessing representativeness and rarity include:

- the extent to which the evidence occurs throughout the region;
- the extent to which this type of evidence is subject to existing and potential future impacts in the region;
- the integrity of the evidence compared to that at other locations within the region;
- whether the evidence represents a primary example of its type within the region; and
- whether the evidence has greater potential for educational purposes than at other similar locations within the region.

### 7.3.3 NATURE OF THE EVIDENCE

The nature of the evidence is related to representativeness and research potential. For example, the less common the type of evidence, the more likely it is to have representative value. The nature of the evidence is directly related to its potential to be used in addressing current and/or future research questions. Criteria used in assessing the nature of the evidence include:

- presence, range and frequency of artefacts;
- presence, range and frequency of artefact types; and
- presence and types of other features.

### 7.3.4 INTEGRITY

The state of preservation and disturbances of the evidence (integrity) is also related to representativeness and research potential. The higher the integrity (well preserved and not disturbed) of the evidence, the greater the level of information that is likely to be obtained from further study. This translates to greater importance for the evidence within a local and regional context, as it may be a suitable example for preservation/ conservation. The criteria used in assessing integrity include:

- horizontal spatial distribution of artefacts;
- vertical spatial distribution of artefacts;
- preservation of intact features such as hearths or knapping floors;
- preservation of site contents such as charcoal which may enable direct dating providing a reliable date of occupation of a given area;
- preservation of artefacts which may enable use-wear/residue analysis to determine tool use and possibly diet; and
- preservation of other cultural materials that may enable interpretation of the evidence in relation to cultural/social behaviour (e.g. burial types and associated mortuary practices may have been based on cultural, social, age, and/or gender distinctions).

Many of these criteria can only be obtained through controlled excavation. Generally high levels of ground disturbance (such as erosion, tracks, dams etc) limit the possibility that an area would unlikely contain intact spatial distributions, intact features, in situ charcoal et cetera. Definitions for defining levels of site integrity and condition have been derived from Witter (1992) and HLA (2002) and are as follows:

Excellent      Disturbance, erosion or development is minimal.

Good	Relatively undisturbed deposits or partially disturbed with an obvious in situ deposit.
Fair	Some disturbance but the degree of disturbance is difficult to assess.
Poor	Clearly mostly destroyed or disturbed by erosion or development.
Very Poor	Sites totally disturbed or clearly not in situ.
Destroyed	A known site that is clearly no longer there.

#### 7.4 EVALUATION

Table 7.1 presents the significance assessment for the PAD identified. As this is a PAD, its significance remains unknown at this time.

Table 7.1 Significance assessment

Site	Site Type	Representativeness	Integrity	Res. Pot	Sci. Sig
	PAD	unknown	unknown	unknown	unknown

#### 7.5 CULTURAL SIGNIFICANCE

While Aboriginal sites and places may have scientific significance, they also have cultural/social significance to the Aboriginal people from that area. Determining cultural/social significance can only be determined by the Aboriginal people from the area in which the sites and/or places were identified. Consultation with the Aboriginal community has been undertaken in order to document cultural/social significance and the registered groups will provide MCH with a letter/report.

## 8 ASSESSMENT OF IMPACTS

The archaeological record is a non-renewable resource that is affected by many processes and activities. As outlined in *Chapter 3 and 6*, the various natural processes and human activities would have impacted on archaeological deposits through both site formation and taphonomic processes. Chapter 4 describes the impacts within the study area, showing how these processes and activities have disturbed the landscape and associated cultural materials in varying degrees.

### 8.1 IMPACTS

The OEH Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (2010:21) describes impacts to be rated as follows:

1. Type of harm: is either direct, indirect or none
2. Degree of harm is defined as either total, partial or none
3. Consequence of harm is defined as either total loss, partial loss, or no loss of value

Table 8.1 Impact summary

Site	Site type	Type of harm	Degree of harm	Consequence of harm	Representative	Integrity	Res. Pot	Sci. Sig
	PAD	none	none	No loss	unknown	unknown	unknown	unknown

The results of the assessment indicate that the PAD will not be impacted by the proposed development as it is located within the area designated coastal erosion zone and Asset Protection Zone.

### 8.2 CUMULATIVE IMPACTS

The cumulative impact to Aboriginal heritage in terms of scientific inquiry in this location is low given that:

- The net development footprint (i.e. the area of direct impact) is small and does not affect a high proportion of any particular landform present within the region;
- No sites were identified within the study area;
- The PAD identified is situated within the area designated coastal erosion zone and Asset Protection Zone and as such will not be impacted on by the proposed development;
- The placement of the development within this area (flats) and within the disturbed context, ensures the cumulative impacts are focused in the areas of lower potential and therefore are kept to a minimum.

Mitigation measures to minimise these impacts are outlined in the following chapter.

## 9 MITIGATION AND MANAGEMENT STRATEGIES

Specific strategies, as outlined through the DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010c), are considered below for the management of the identified PAD within the project area.

### 9.1 CONSERVATION/PROTECTION

The OEH is responsible for the conservation/protection of Indigenous sites and they therefore require good reason for any impact on an indigenous site. Conservation is the first avenue and is suitable for all sites, especially those considered high archaeological significance and/or cultural significance. Conservation includes the processes of looking after an indigenous site or place so as to retain its cultural significance and are managed in a way that is consistent with the nature of peoples' attachment to them.

No sites were identified and as such conservation is not justified. The presence of deposits within the PAD remains unknown at this time and as the PAD is situated within the area designated coastal erosion zone and Asset Protection Zone and will remain protected and undisturbed.

### 9.2 FURTHER INVESTIGATION

An Aboriginal Heritage Impact Permit (AHIP) is no longer required to undertake test excavations (providing the excavations are in accordance with the Code of Practice for Archaeological Investigations in NSW). Subsurface testing is appropriate when a Potential Archaeological Deposit (PAD) has been identified, and it can be demonstrated that sub-surface Aboriginal objects with potential conservation value have a high probability of being present, and that the area cannot be substantially avoided by the proposed activity. However, testing may only be undertaken as per the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2011) and discussions/consultation with the local Aboriginal community.

If any future development will impact on the PAD, test excavations accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW must be undertaken prior to any works at that location.

### 9.3 AHIP

If harm will occur to an Aboriginal object or Place, then an AHIP is required form the OEH. If a systematic excavation of the known site could provide benefits and information for the Aboriginal community and/or archaeological study of past Aboriginal occupation, a salvage program may be an appropriate strategy to enable the salvage of cultural objects. The AHIP may also include surface collection of artefacts.

No sites were identified and as such an AHIP is not required.

## 10 RECOMMENDATIONS

### 10.1 GENERAL

- 4) The persons responsible for the management of an onsite will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974;
- 5) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW. The PAD area will be fenced with high visibility fencing to ensure no impacts during construction; and
- 6) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.



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## ANNEX A

# Aboriginal Stakeholder Consultation

No	Date	Communication	Purpose	Phone conversation/ notes	Outcomes
1	30/3/16	MCH contacted OEHL, LALC, Registrar of Aboriginal Owners (RAO), National Native Title Tribunal (NNTT) NTSCORP Ltd, Local Council, Hunter Local Land Services (HLLS)	OEHL ACHCR's (2010) requirement	Letter included required information as per the OEHL Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and requested registration no later than 14/4/16	letters sent
2	6/4/16	OEHL contacted MCH	list of possible stakeholders	Provided a response : 7 possible stakeholders	see attached
3	-	Forster LALC	list of possible stakeholders	No response	see attached
4	-	NNTT	list of possible stakeholders	Provided a response:	see attached
5	6/4/16	RAO	list of possible stakeholders	Provided a response: Purfleet Taree LALC	see attached
6	6/4/16	Local Council	list of possible stakeholders	Provided a response: : 10 possible stakeholders	see attached
7	NA	NTSCORP Limited	list of possible stakeholders	Do not provide lists of possible stakeholders	see attached
8	NA	HLLS (previously Catchment Authority)	list of possible stakeholders	Do not provide lists of possible stakeholders	see attached
9	13/4/16	Lakkari Traditional Aboriginal Owners Group Incorporated	Registered for the project	Registered for the project	registered
<b>14 April 2016 Request for groups to consult with closed</b>					
10	15/4/16	MCH contacted all groups listed in responses from Government departments listed above	OEHL ACHCR's (2010) requirement	Letter included required information as per the OEHL Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and requested registration no later than 28/4/16.	letters sent
11	15/4/16	Elvina Oxley	Registered for the project	Registered for the project	registered
12	15/4/16	Add in the Manning River Times placed by client.	OEHL ACHCR's (2010) requirement	Add included required information as per the OEHL Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and requested registration no later than 29/4/16.	see attached
<b>29 April 2016 Registration closed</b>					
13	29/4/16	MCH contacted all registered groups: sent an information pack for the project	requirement under the OEHL ACHCR's (2010)	Add included required information as per the OEHL Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) and requested registration no later than 23/5/16.	information pack sent
<b>23 May 2016 Response to information pack closed (no response received)</b>					
14	2/6/16	MCH contacted all registered stakeholders	survey	All registered Aboriginal stakeholders were sent an invitation to participate in the survey on 16/6/16. MCH also requested that any correspondence that their fieldworker provides that is deemed confidential by their group, that they identify it as such	survey invite sent

No	Date	Communication	Purpose	Phone conversation/ notes	Outcomes
15	15/6/16	Elvina Oxley called MCH	survey	Confirmed her attendance for the survey on Friday	response
<b>17/ June 2016 Survey</b>					
16	17/6/16	Elvina Oxley called MCH at 9am	survey	Expressed concerns regarding the remuneration and that as she is a Worimi custodian she felt that a male should also be present during the survey.  Penny stated the remuneration is not consultation and that it is important she attend the survey and that if she would like to bring a male that was fine but would unlikely be paid .	
17	17/6/16	Robert Yettica called MCH at 9:45am	survey	Expressed concerns regarding the remuneration and that a male should also be present during the survey. Wanted to know why the LALC were not involved. Penny stated that the LALC did not register for the project. Robert suggested the project could be stopped if the LALC were not included.	
18	17/6/16	Jay Currie (FLALC) called MCH at 10:15am	survey	Expressed concerns regarding the remuneration and that a male should also be present during the survey. Stated he had his sites officer with him to drop off for the survey. Penny stated the LALC did not register for the project. Jay stated he had organized the survey with a male but was unable to confirm who that was.	
19	17/6/16	MCH called Elvina Oxley at 10:20am	survey	Penny rang to confirm she was attending the survey. Elvina sad she was not attending until the proponent agreed to their remuneration and two people being on site (male and female) as she knows of a sacred site in the area and as a Worimi Custodian has to follow Worimi protocols. Penny suggested this should have been discussed before the time of the survey and that the survey was to go ahead and MCH would contact the proponent on her behalf. Elvina stated she had sent MCH an email with a letter regarding this and Penny stated she would follow this up.	
20	17/6/16	E. Oxley e-mailed MCH	Remuneration	Sent MCH a letter regarding remuneration and Worimi Custodial protocol	
21	17/6/16	MCH e-mailed E. Oxley	Letter	Thanked Elvina for the letter and that MCH forwarded it to their client and were waiting for a response.	
22	17/6/16	MCH contacted PDA Planning	Remuneration issues	Penny contacted the client outlining the issues and forwarded Elvinas' letter to him.	

No	Date	Communication	Purpose	Phone conversation/ notes	Outcomes
23	17/6/16	Elvina Oxley e-mailed MCH	Remuneration	Sent MCH an email stating she was charging the proponent 4 hours for the two phone calls on Friday to cancel her participation in the survey.	
24	19/6/16	MCH e-mailed Elvina Oxley	clarification	MCH sent an e-mail asking Elvina to confirm she was seeking to charge the proponent 4 hours for the two phone calls on Friday to cancel her participation in the survey.	Email sent
25	20/6/16	MCH called OEH	Consultation/remuneration	MCH contacted OEH (Nicole Davies) and outlined the issues also stating all legislative requirements and consultation had been adhered to and sought confirmation that then project proceed as all RAP where provided every opportunity to be included in the project and survey. OEH confirmed this and asked for an updated in writing.	Email sent to OEH
26	22/6/16	MCH contacted RAPs	Draft report	All registered Aboriginal stakeholders were sent a copy of the draft report for their review and comments. MCH also requested a cultural heritage assessment no later than 21/7/16. MCH also requested that any response to the draft report they deem confidential, that they identify it as such	Draft report sent
27	7/7/16	MCH contacted all registered stakeholders	Reminder	The registered Aboriginal stakeholders were sent a reminder letter that their review and comments on the draft and cultural heritage assessment was due no later than 21/7/16. MCH also requested that any response to the draft report they deem confidential, that they identify it as such	reminder letter issued
28	13/7/16	OEH contacted MCH	Environmental Line	OEH provided MCH with a formal response to an allegation made through the Environmental Line that MCH had not met the requirements set out in the Aboriginal Cultural heritage Consultation requirements for proponents 2010 (DECCW). OEH advised MCH that no action would be taken following MCH's provision of documentary evidence of compliance that community consultation was undertaken as required by the guidelines.	OEH letter received
<b>21 July 2016 Response to Draft report closed</b>					
29	25/7/16	MCH contacted all registered stakeholders	final report	All registered Aboriginal stakeholders were sent a copy of the final report	final report issued
<b>25 July 2016 Assessment complete</b>					



MCCARDLE  
CULTURAL HERITAGE

30 March 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Hunter Local Land Services  
Private Bag 2010  
Paterson2421

MCH Reference: *Aboriginal Heritage Impact Assessment*

Dear Sir/Madam,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





In order for the proponent to fulfil its cultural heritage consultation requirements as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), it would be appreciated if you could provide details of any Aboriginal groups or individuals that your organisation is aware of that may have an interest in the project. Please provide details in writing to the undersigned either via written correspondence or email (mcheritage@iprimus.com.au). It would be appreciated if you could respond within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



**M<sup>C</sup>CARDLE**  
CULTURAL HERITAGE

30 March 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
National Native Title Tribunal  
GPO Box 9973  
Sydney2001

*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Sir/Madam,

### RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

#### Location of the study area



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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

<b>Your details</b>	Name: Penny McCardle
	Position: Archaeologist
	Company/organisation: McCardle Cultural Heritage Pty Ltd
	Postal address: PO Box 166 Adamstown, NSW 2290
	Your reference: Diamond Beach
	Email address: mcheritage@iprimus.com.au
	Telephone No.: 0412 702 396
	Fax No.: 02 4592 5501
Date of request: 30/3/2016	
<b>Reason for search request</b>	<input type="checkbox"/> <b>I am a party to a native title proceeding</b> – please specify Federal Court/Tribunal file number/application name:
	<input checked="" type="checkbox"/> <b>I need to identify existing native title interests to comply with the NTA or other State/Territory legislation</b> – please provide details: OEH
<b>Details of the area to be searched</b>  Please complete the relevant description fields (fields marked with an asterisk must be completed) <b>or</b> provide a clear map of the area including landmarks	<b>Mining Tenure:</b> *State/Territory: *Mining/ exploration details: Tenement number(s) (i.e. EL No or MCN No) or block/sub block description:
	<b>Other Land Tenure:</b> *State/Territory: NSW (map attached) Land parcels: <i>Lot number(s)</i> : Lot 18 DP 576415, 363 Diamond Beach Road, Diamond Beach *Tenure type (e.g. <i>agricultural lease</i> ): Property name: Pastoral Lease number or name: *Local Government Area(s): Greater taree County: Parish: Town: Section: Hundred: Northern Territory Portion:
	<b>Other details:</b> (additional information may be attached):



MCCARDLE  
CULTURAL HERITAGE

30 March 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Hema Hariharan  
NTSCORP Limited  
PO Box 2105  
Strawberry Hills2012

MCH Reference: *Aboriginal Heritage Impact Assessment*

Dear Hema,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



**MCCARDLE**  
CULTURAL HERITAGE

30 March 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Nicole Davies  
Office of Environment & Heritage (Archaeology)  
Locked Bag 1002  
Dangar2309

*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Nicole,

### RE: Aboriginal Heritage Impact Assessment at Diamond Beach

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

#### Location of the study area



In order for the proponent to fulfil its cultural heritage consultation requirements as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), it would be appreciated if you could provide details of any Aboriginal groups or individuals that your organisation is aware of that may have an interest in the project. Please provide details in writing to the undersigned either via written correspondence or email (mcheritage@iprimus.com.au). It would be appreciated if you could respond within 14 working days of receipt of this letter.

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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist





MCCARDLE  
CULTURAL HERITAGE

30 March 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Office of the registrar, Aboriginal Land Rights Act 1983  
PO Box 112  
Glebe2037

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



MCCARDLE  
CULTURAL HERITAGE

30 March 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Forster Local Aboriginal Land Council  
PO Box 384  
Forster2428

MCH Reference: Aboriginal Heritage Impact Assessment

Dear Sir/Madam,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



MCCARDLE  
CULTURAL HERITAGE

30 March 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Greater Taree City Council  
PO Box 482  
Taree2430

MCH Reference: *Aboriginal Heritage Impact Assessment*

Dear Sir/Madam,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

6 April 2016

Penny McCardle  
PO Box 166  
ADAMSTOWN NSW 2289

Dear Penny

**Re: Request - Search for Registered Aboriginal Owners**

I refer to your letter dated 30 March regarding Aboriginal Cultural Heritage Assessment within Diamond Beach area in NSW.

I have searched the Register of Aboriginal Owners and the project area described *does not appear* to have Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983* (NSW).

I suggest that you contact the Purfleet Taree Local Aboriginal Land Council on (02) 6552 4106. They will be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely



Tabatha Dantoine  
**Directorate Support Officer**  
Office of the Registrar, *Aboriginal Land Rights Act 1983*

**GTCC LGA - Aboriginal Groups & Individuals Contact List – for consultation**

Organisation	CEO / Manager	Contact details	Street Address	Postal Address
Birpai Local Aboriginal Land Council	Acting CEO – Di Rutherford (financial officer) Phone Feb 2016 and find out if CEO appointed	Ph: 02 6584 9066 Fax 02 6583 8172 <a href="mailto:birpailalc@midcoast.co.au">birpailalc@midcoast.co.au</a>  Admin: Melanie Corrigan		PO Box 876 PORT MACQUARIE NSW 2444
Doo-wa-kee Cultural Heritage Services	CEO Mick Leon	Ph: 02 6552 3652 or 0402 751 584 <a href="mailto:doowakee@gmail.com">doowakee@gmail.com</a>	30 Pulteney Street	PO Box 22 TAREE NSW 2430
Forster Local Aboriginal Land Council	CEO Jay Currie	Jay Currie 0457 009 800 <a href="mailto:ceo@forsterlalc.org.au">ceo@forsterlalc.org.au</a>  Chairperson - Vincent Hall <a href="mailto:chairperson@forsterlalc.org.au">chairperson@forsterlalc.org.au</a>  Ph: 02 6555 5411 or 6554 8477 Bria Simon – Admin	10 Breckenridge Street (Tobwabba art building)	PO Box 384 FORSTER NSW 2428
Kamarah Aboriginal Corporation			Old service station	PO Box 39 KARUAH NSW 2324
Mid North Coast Indigenous Broadcaster Association	Ralph Saunders		2TLP Ngarralinyi (The Listening Place)	PO Box 657 TAREE NSW 2430
Minimbah Elders Group Inc.	Eva Leon [Mick's mother]		9/11 Bruce Street FORSTER NSW 2428	
Purfleet Taree Local Aboriginal Land Council	CEO - vacant	Ph: 02 6552 4106 or 0408 654 537 <a href="mailto:grennie@ptlalc.com.au">grennie@ptlalc.com.au</a>	Purfleet	PO Box 346 TAREE NSW 2430
Saltwater Tribal Council	Acting Chairperson: John Clark	Ph: 02 6552 4440 Secretary: Ray Hurst [husband of Aunty Pat Hurst, deceased 2014] Natasha Davis 0409 163 241	18 Ronald Road TAREE NSW 2430	
Sunrise Guiwan Biripi Elders Corporation	Uncle Warner Saunders (deceased)	<a href="mailto:warner.saunders9@gmail.com">warner.saunders9@gmail.com</a> 0487 660 726 ask Ralph Saunders @ 2TLP how to contact Uncle Warner		PO Box 129 CUNDLETOWN NSW 2430
Taree Indigenous	CEO John Clark	Ph: 02 6552 3652 Fax: 02 6552 3642	30 Pulteney Street Taree	PO Box 22 TAREE NSW 2430



**GTCC LGA - Aboriginal Groups & Individuals Contact List – for consultation**

Organisation	CEO / Manager	Contact details	Street Address	Postal Address
Development and Employment (TIDE)	<p>Program coordinator Chris Sheed</p> <p>Sean Ploder – Aboriginal Green Team</p>	<p>John Clark 0413 274 149 <a href="mailto:j.clark@tide.org.au">j.clark@tide.org.au</a></p> <p>Program coordinator Chris Sheed 0419 496 322 <a href="mailto:c.sheed@tide.org.au">c.sheed@tide.org.au</a></p> <p>Sean Ploder – Aboriginal Green Team <a href="mailto:sean@tide.com.au">sean@tide.com.au</a></p>		

**ABORIGINAL PARTIES (OTHER THAN LOCAL ABORIGINAL LAND COUNCILS) IN THE AREA OF INTEREST**

1.	<p>Saltwater Tribal Council  18 Ronald Road  TAREE, NSW 2430  Ph: (02) 65524440</p>
2.	<p>Ghinni Ghinni Youth and Culture Aboriginal Corporation  PO Box 641  TAREE, NSW 2430  Ph: (02) 65512160  Ghinni_ghinni@hotmail.com</p>
3.	<p>Bindi Aboriginal Heritage and Cultural Centre Inc.  187 Beechwood Road  WAUCHOPE, NSW 2446  Ph: (02) 65864560</p>
4.	<p>Sunrise Guiwan Biripi Elders Corporation  Warner Saunders  PO Box 129  CUNDLETOWN NSW 2430  Ph: 0487660726  <a href="mailto:Warner.saunders9@gmail.com">Warner.saunders9@gmail.com</a></p>
5.	<p>Doowakee  Mick Leon  PO Box 22  TAREE NSW 2430  Ph 02 6552 7856  Fax 02 6552 7543  Mob 0402 751 584  <a href="mailto:doowakee@gmail.com">doowakee@gmail.com</a></p>
6.	<p>Lakkari NTCG  Mick Leon  C/- Doo-wa-kee CHS  82 Victoria Street  TAREE NSW 2430  Ph 02 6552 7835  Mob 0402 751 584  <a href="mailto:doowakee@virginbroadband.com.au">doowakee@virginbroadband.com.au</a></p>
7.	<p>Birpi Local Aboriginal Land Council  Nathan Moran  Lot 33 - Aston Street</p>

	PORT MACQUARIE NSW 2444 Ph: (02) 6584 9066 Fax: (02) 6583 8172 <a href="mailto:birpailal@midcoast.com.au">birpailal@midcoast.com.au</a>
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## Penny McCardle

---

**From:** Mick Leon [doowakee@gmail.com]  
**Sent:** Wednesday, 13 April 2016 10:12 AM  
**To:** mcheritage@iprimus.com.au  
**Subject:** Proposed rezoning Diamond Beach

Hello please find Lakkari Traditional Aboriginal Owners Group Incorporated EOI for the proposed assessment.

There are a number of local Aboriginal people who hold knowledge for the local and regional localities in the Diamond Beach area.

Please contact Lakkari via email [doowakee@gmail.com](mailto:doowakee@gmail.com) or ph: 0402751584

Mick Leon  
For Lakkari

Note: all letters included the second page (see next page)



**MCCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Bindi Aboriginal Heritage and Cultural Centre Inc  
187 Beechwood Road  
Wauchope NSW 2440

*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Sir/Madam,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine 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. As per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to OEH and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person and provide written confirmation and contact details of this person or persons.

Should you wish to register your interest in this project, please register in writing no later than 28/4/16 to:

Penny McCardle  
McCardle Cultural Heritage  
PO Box 166  
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the initial information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



MCCARDLE  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Birpai Local Aboriginal Land Council  
PO Box 876  
Port Macquarie NSW 2444

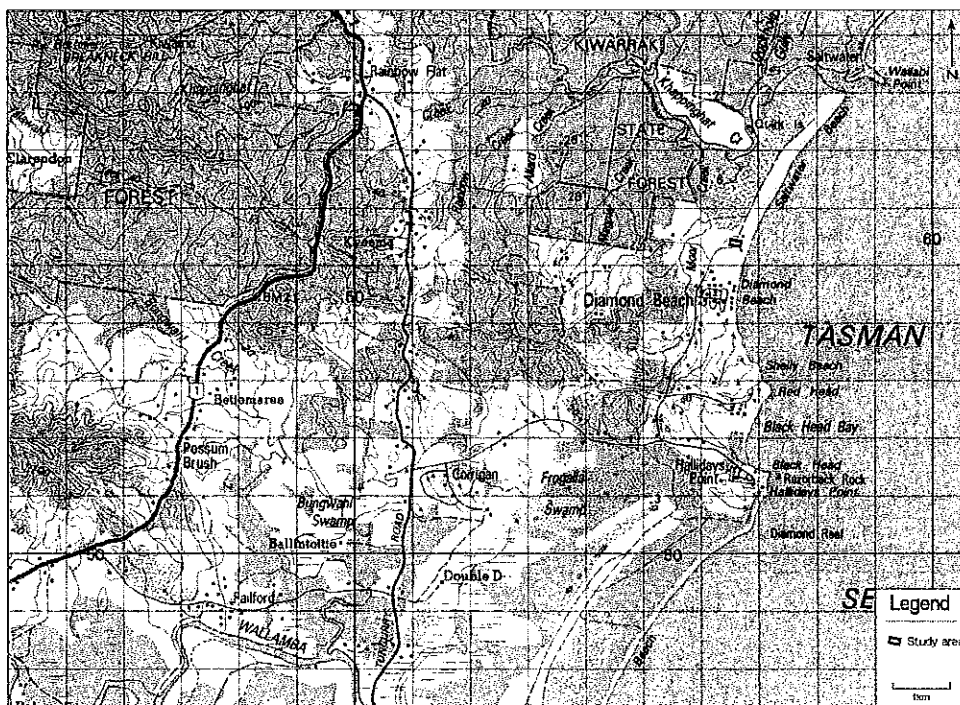
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Sir/Madam,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





**MCCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Cheryl Heikkanen  
3/14 Macintosh Street  
Forster NSW 2428

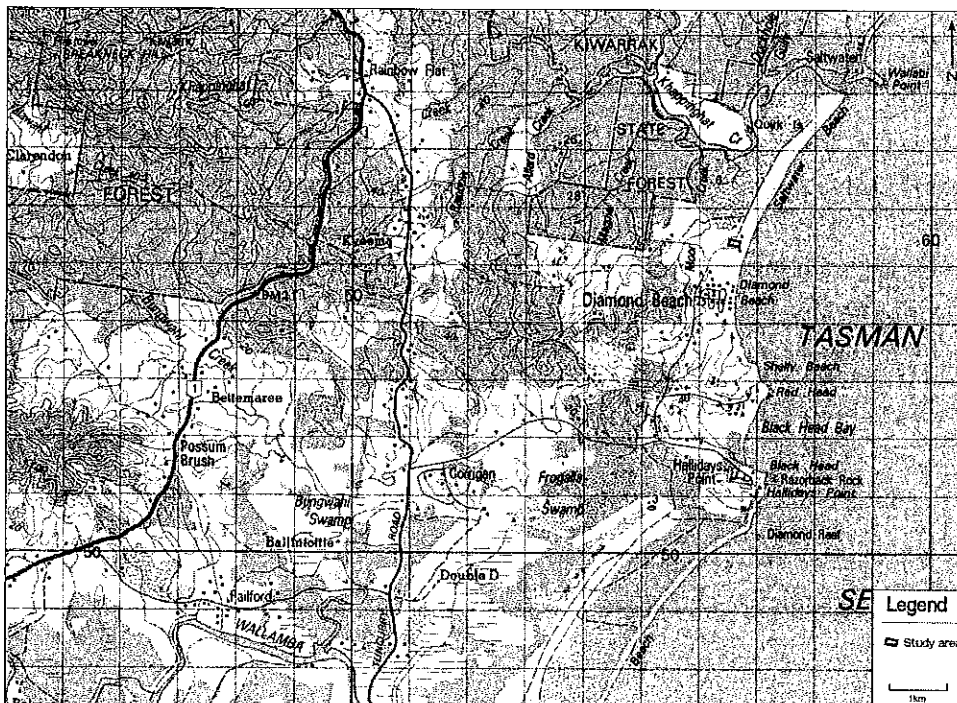
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Cheryl,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area







**MCCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Mick Leon  
Doo-wa-kee Cultural Heritage Services  
PO Box 22  
Taree NSW 2430

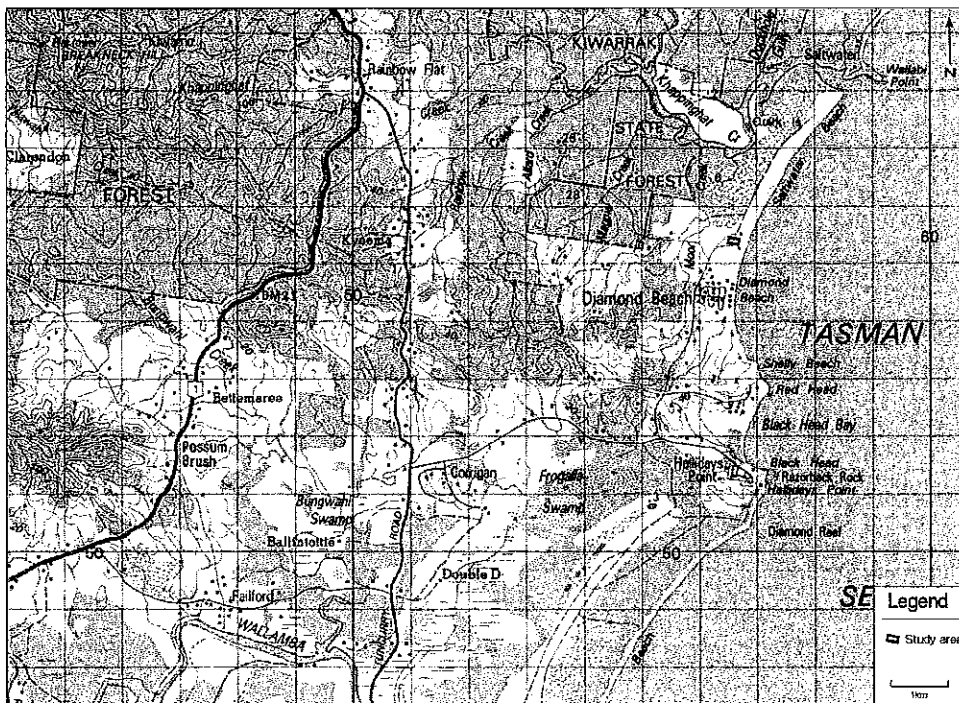
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Mick,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

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Location of the study area





**MCCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

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Sir/Madam  
Forster Local Aboriginal Land Council  
PO Box 384  
Forster NSW 2428

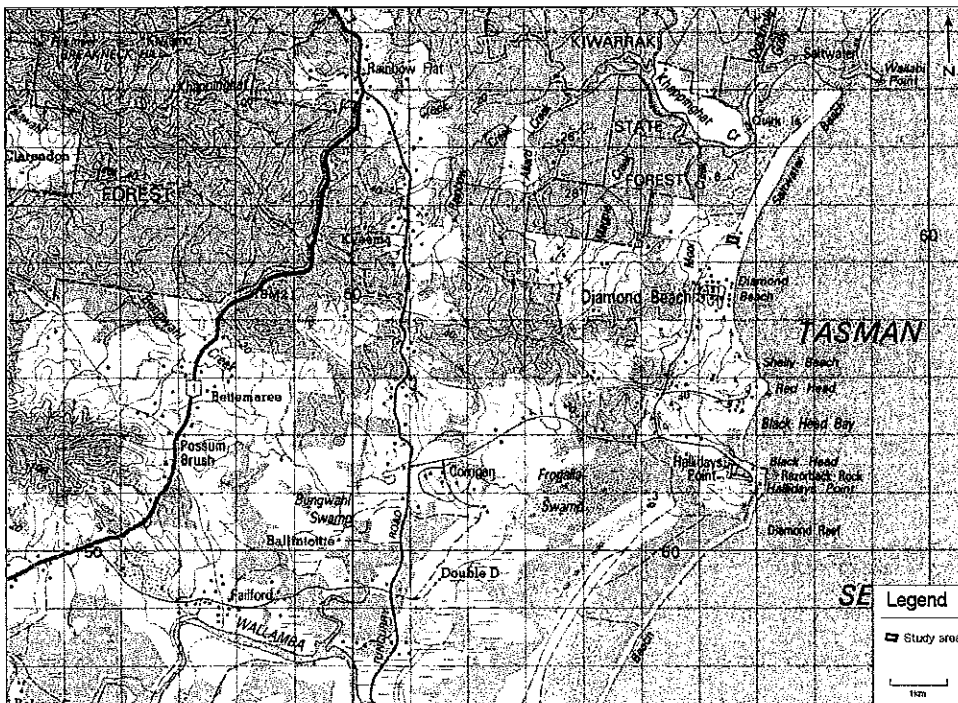
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Sir/Madam,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





MCCARDLE  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Biripi Aboriginal Corporation Medical Centre  
10 Old Pacific Highway  
Taree NSW 2430

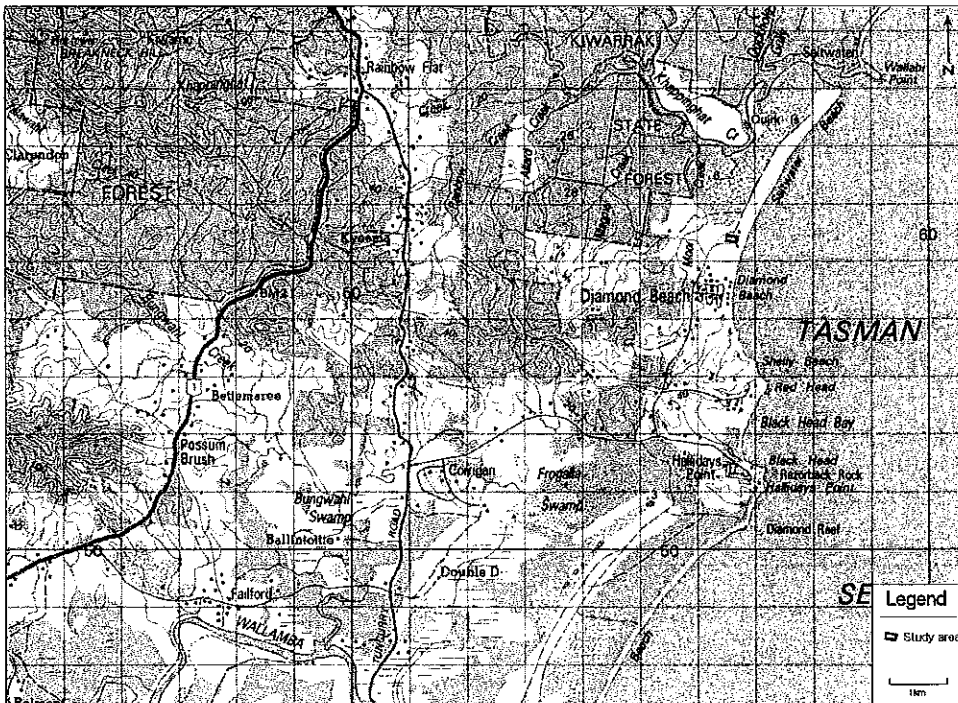
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Location of the study area





**MCCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

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Sir/Madam  
Garrigal Aboriginal Community Inc  
Po Box 182  
Gloucester NSW 2422

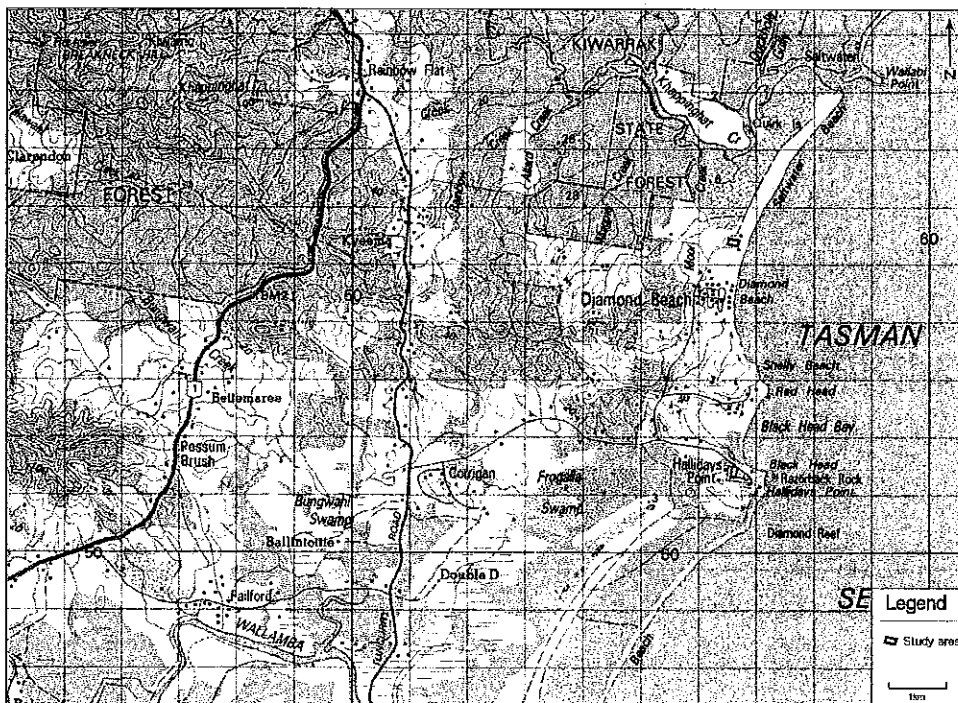
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Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
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P: 0412 702 396

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Sir/Madam  
Ghinni Ghinni Youth and Culture Aboriginal Corporation  
PO Box 641  
Taree NSW 2430

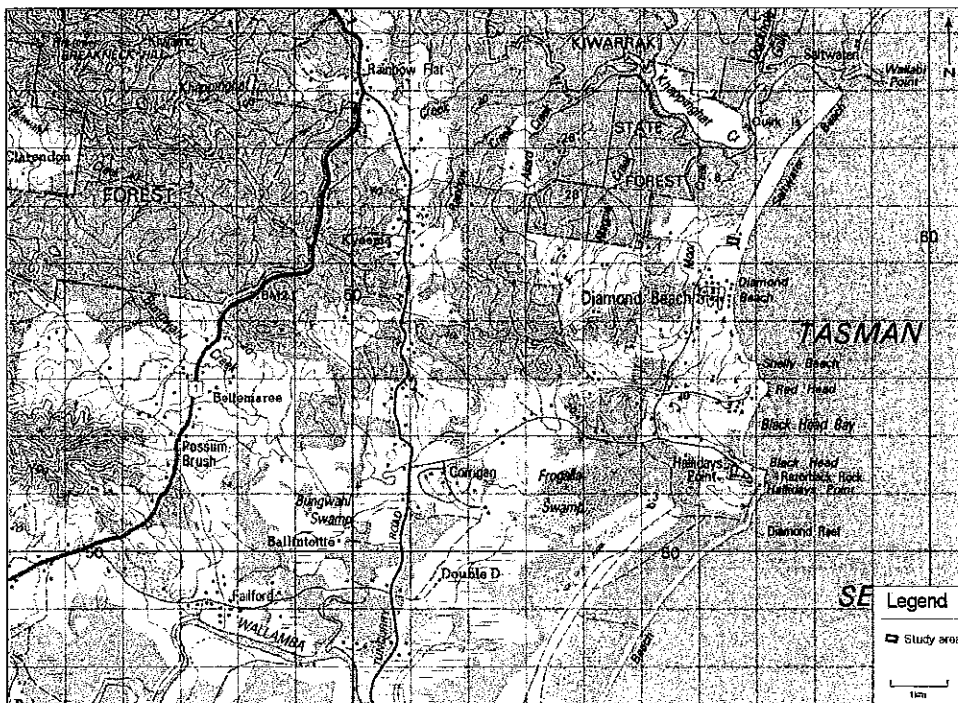
*MCH Reference: Aboriginal Heritage Impact Assessment*

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Location of the study area





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CULTURAL HERITAGE

15 April 2016

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Jo-Ann Kelly  
161 Hindman St  
Port Macquarie NSW 2444

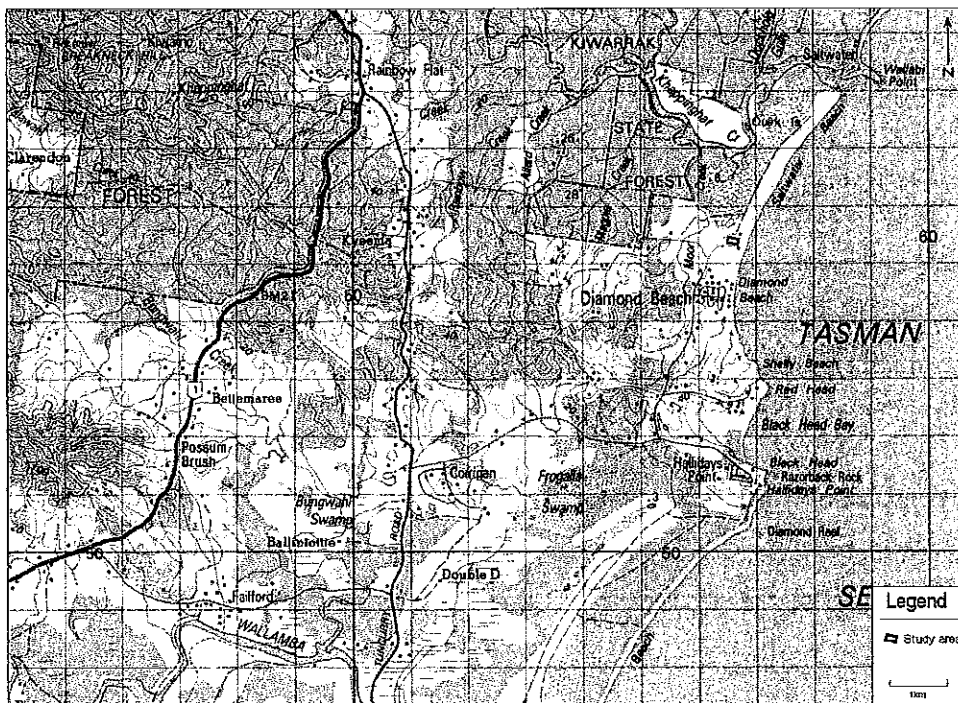
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Jo-Ann,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





**MCCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
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Sir/Madam  
Kamarah Aboriginal Corporation  
PO Box 39  
Karuah NSW 2324

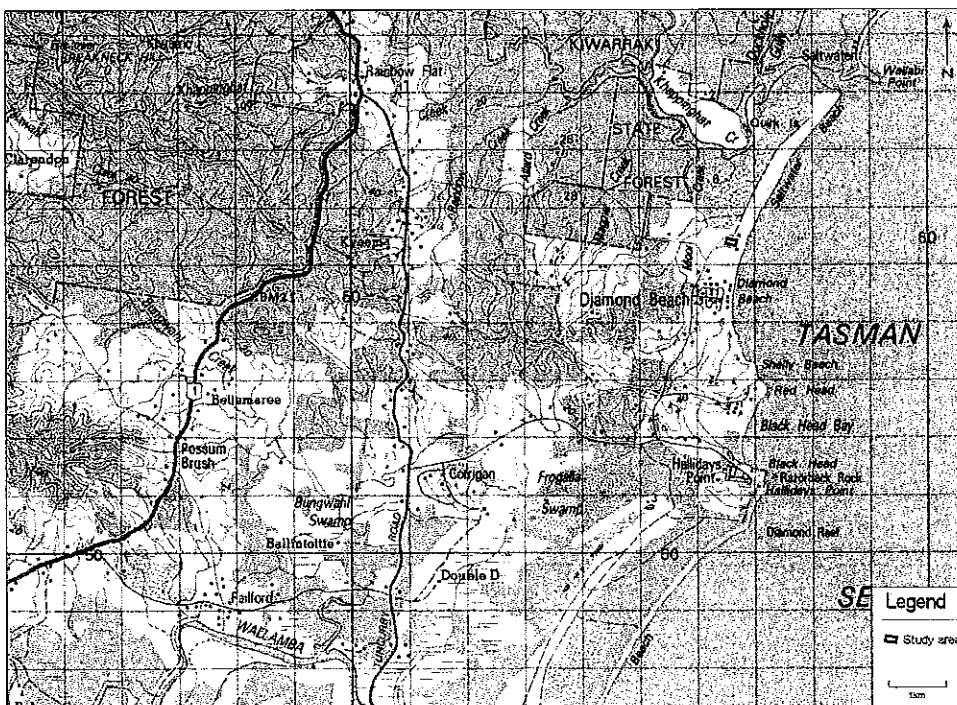
*MCH Reference: Aboriginal Heritage Impact Assessment*

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Location of the study area





**McCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Mick Leon  
Lakkari Native Title Group  
PO Box 22  
Taree NSW 2430

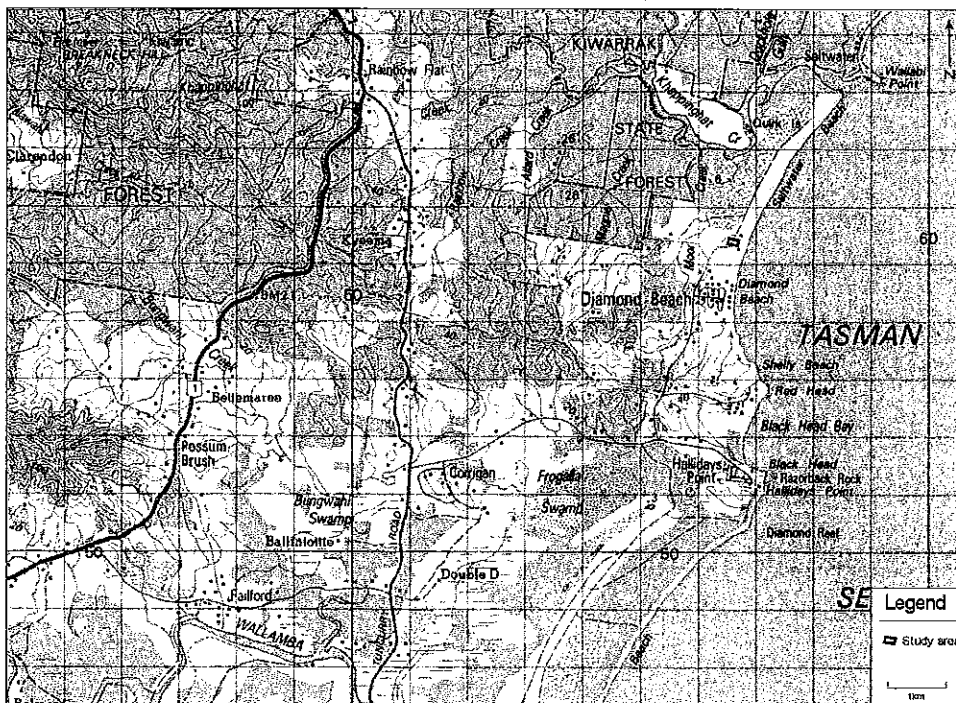
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Mick,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

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Location of the study area







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CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
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Peter North  
Many Rivers Aboriginal Legal Service  
PO Box 447  
Taree NSW 2430

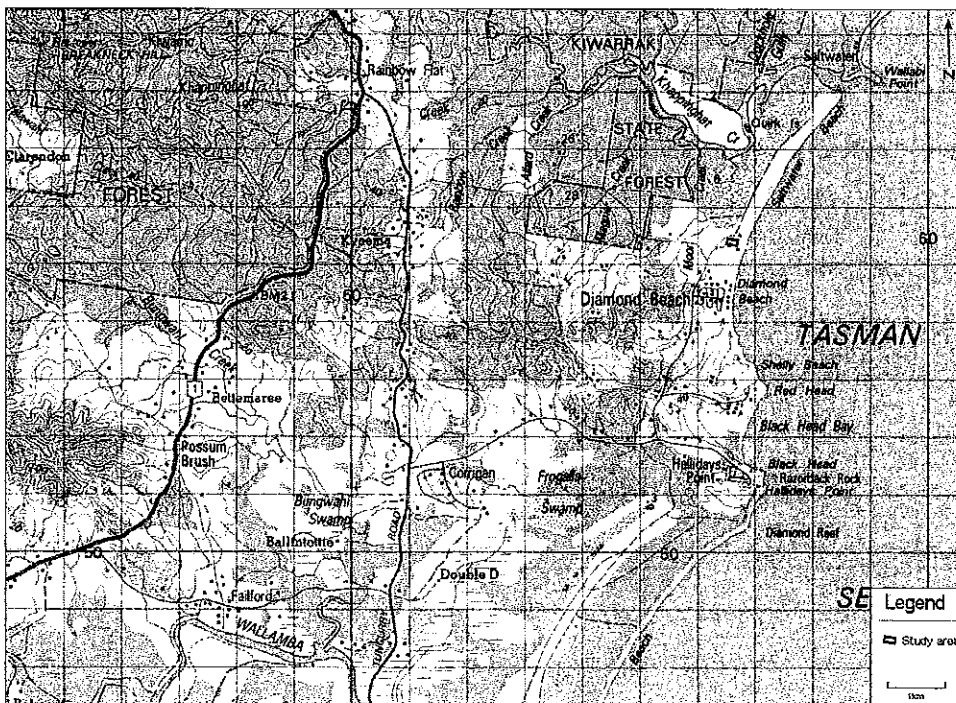
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Peter,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





**MCCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Mid North Coast Indigenous Broadcaster Association  
PO Box 657  
Taree NSW 2430

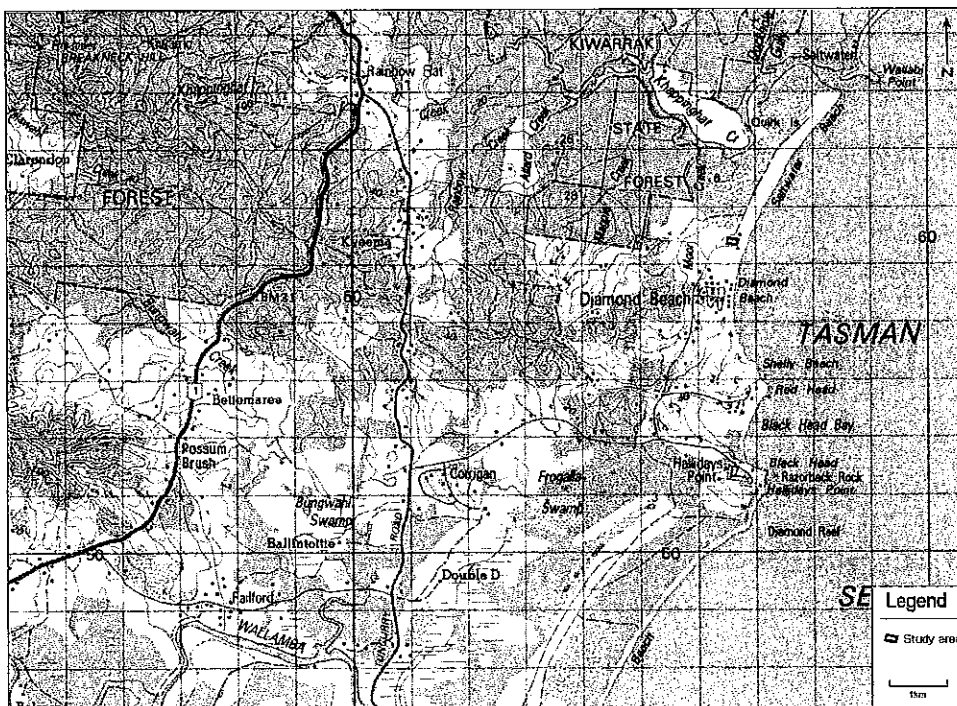
*MCH Reference: Aboriginal Heritage Impact Assessment*

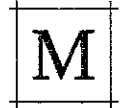
Dear Sir/Madam,

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Location of the study area





**McCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
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Eva Leon  
Minimbah Elders Group Inc  
9/11 Bruce Street  
Forster NSW 2428

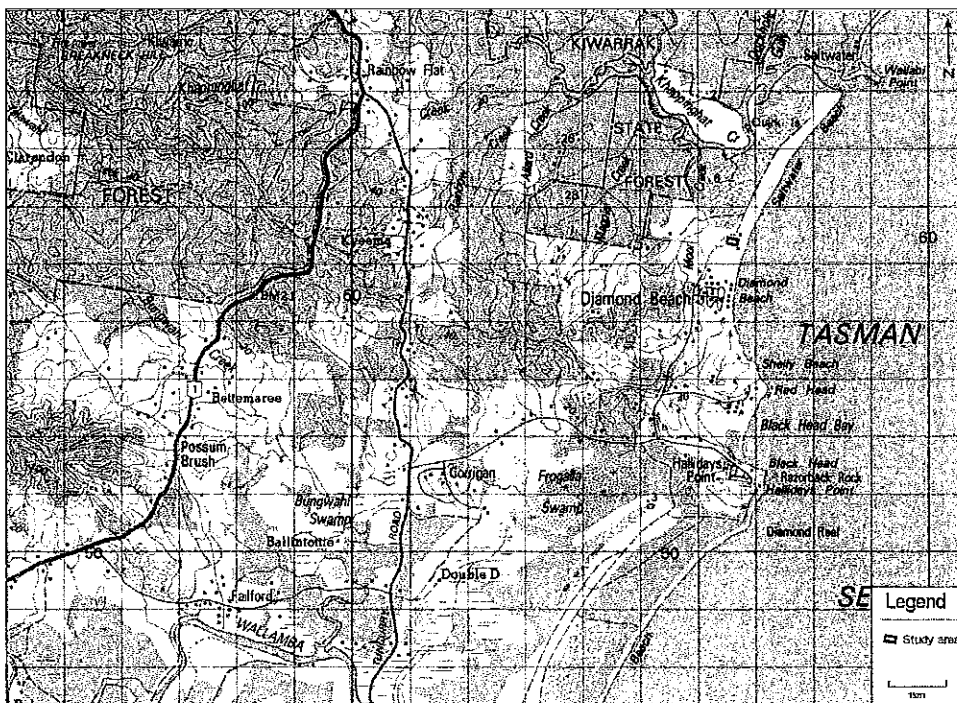
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Eva,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





**MCCARDLE**  
CULTURAL HERITAGE

15 April 2016

PO Box 166  
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mcheritage@iprimus.com.au  
P: 0412 702 396

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Norma Fisher  
4488 Buckets Way  
South Glouster NSW 2422

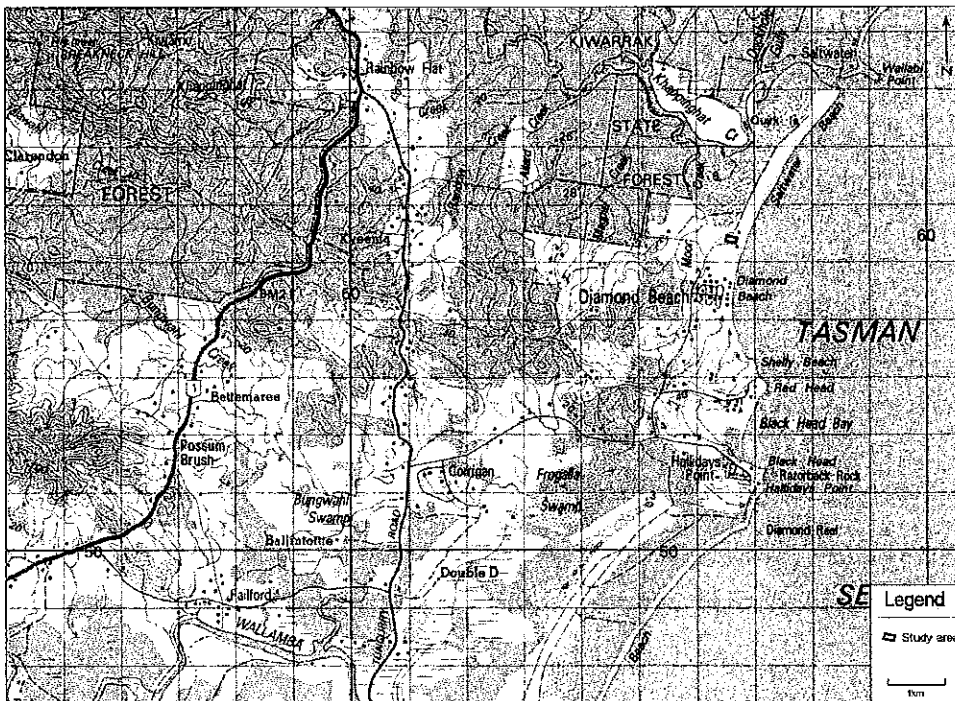
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Norma,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166  
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mcheritage@iprimus.com.au  
P: 0412 702 396

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Sir/Madam  
Purfleet Community Youth Centre Association  
PO Box 332  
Taree NSW 2430

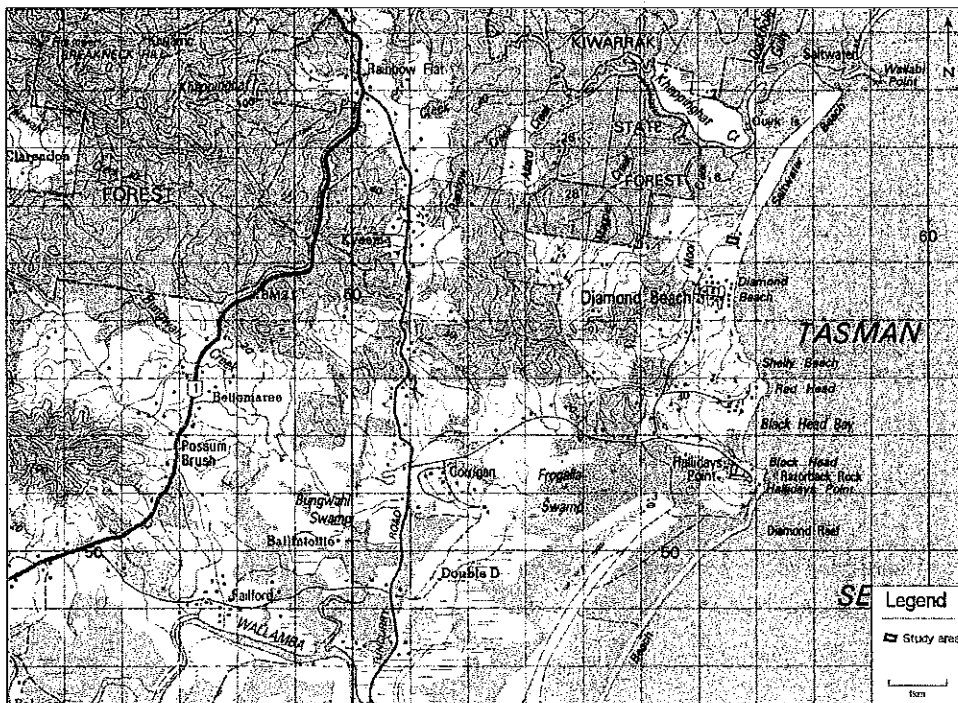
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Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166  
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mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Glen Rennie  
Purfleet Taree Local Aboriginal Land Council  
PO Box 346  
Taree NSW 2430

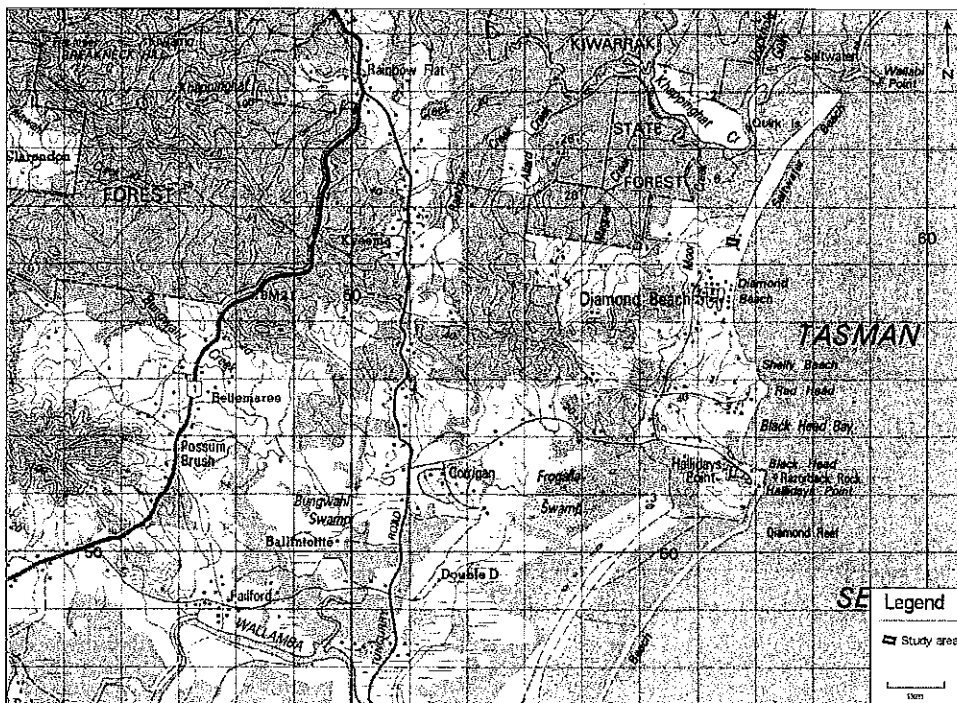
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Glen,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Sir/Madam  
Saltwater Tribal Council  
18 Ronald Road  
Taree NSW 2430

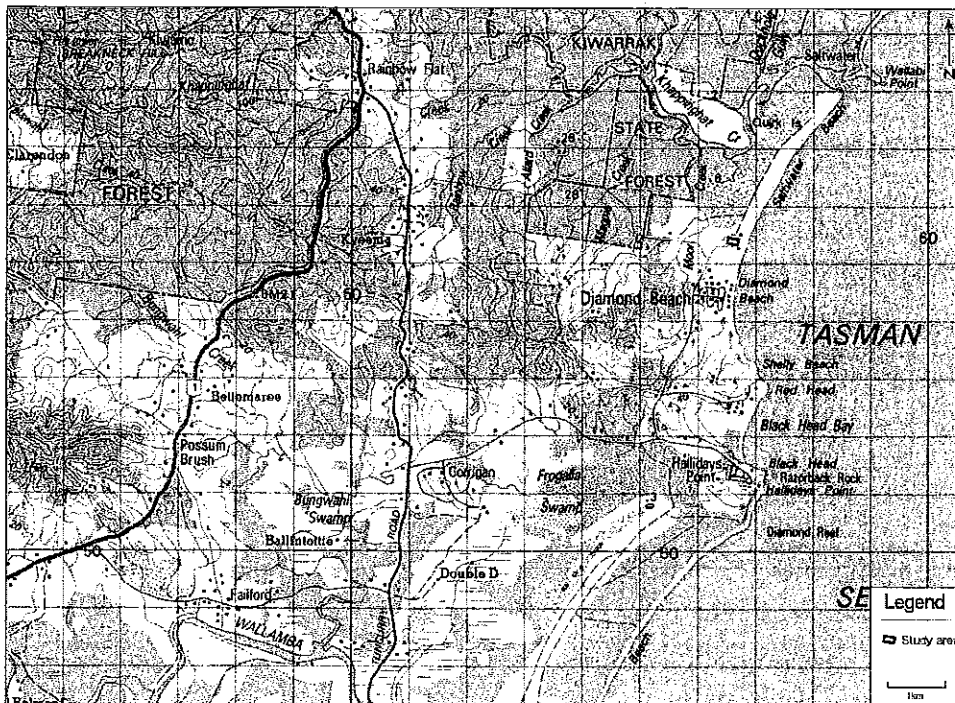
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Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166  
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mcheritage@iprimus.com.au  
P: 0412 702 396

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Warner Saunders  
Sunrise Guiwan Biripi Elders Corporation  
PO Box 129  
Cundletown NSW 2430

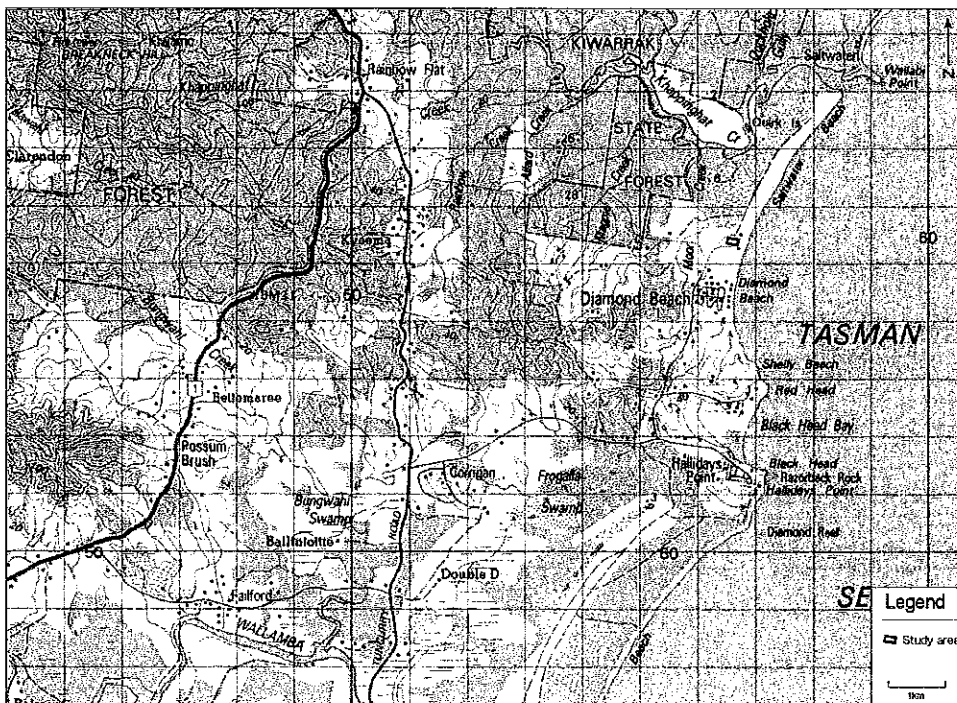
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear Warner,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH have been commissioned by PDA Planning to undertake an Aboriginal Heritage Impact Assessment (AHIA) for a proposed re-zoning of land at Diamond Beach, Greater Taree Local Government Area (LGA). The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010).

Location of the study area







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CULTURAL HERITAGE

15 April 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@primus.com.au  
P: 0412 702 396

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John Clark  
Taree Indigenous Development and Employment (TIDE)  
PO Box 22  
Taree NSW 2430

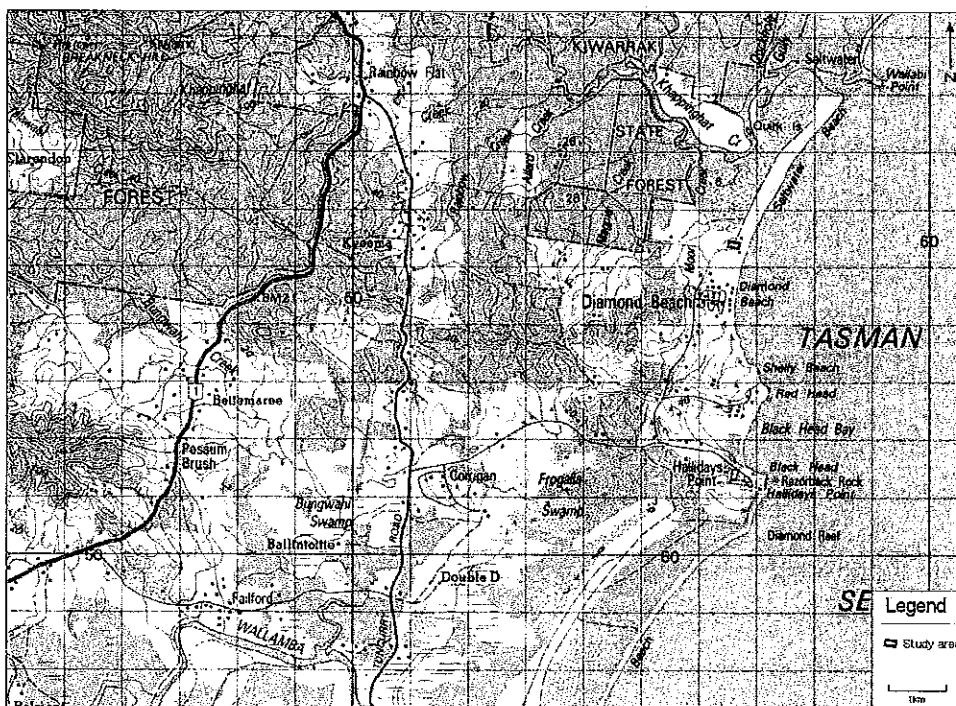
*MCH Reference: Aboriginal Heritage Impact Assessment*

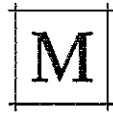
Dear John,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

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Location of the study area





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CULTURAL HERITAGE

15 April 2016

PO Box 166  
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mcheritage@iprimus.com.au  
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A Oxley  
PO Box 4018  
Stockland Forster NSW 2428

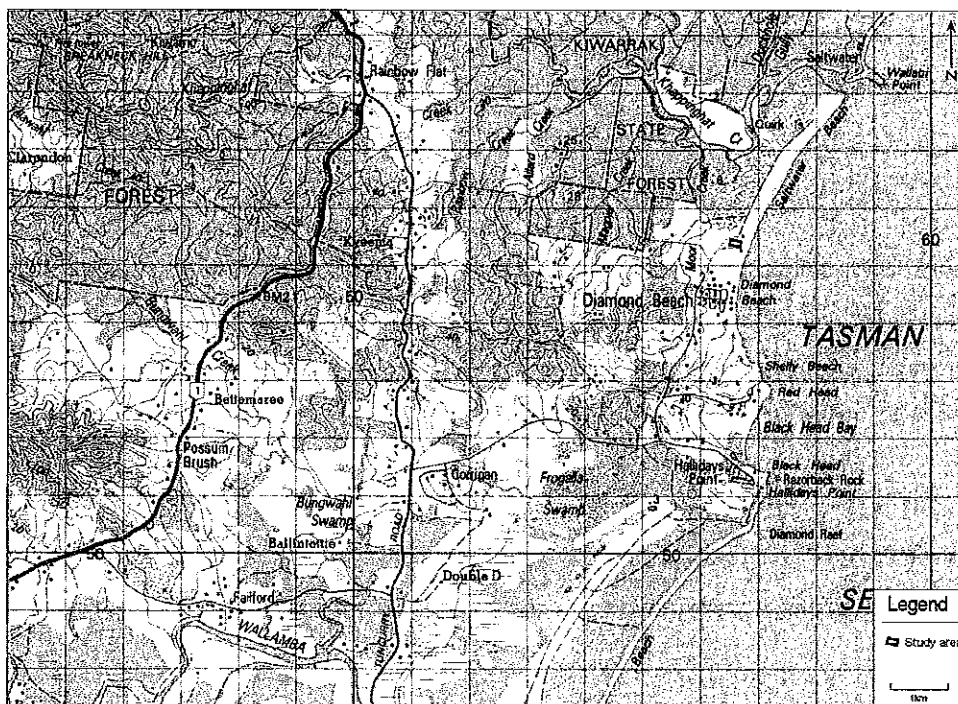
*MCH Reference: Aboriginal Heritage Impact Assessment*

Dear A,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

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Location of the study area



**Who hold cultural knowledge.**

**Proponent:** Oceanic Realty P/L.

**Project:** Proposed Rezoning of Land for Residential and Tourist purposes.

**Location:** Lot 17 DP 576415,  
391 Diamond Beach Road, Diamond Beach.

The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP when required and to assist the Director General of OEH in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine 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.

**Should you wish to register your interest in this project, please register in writing no later than 29 April 2016 to:**

**Penny McCardle, Principal Archeologist  
McCardle Cultural Heritage**

**PO Box 166, Adamstown NSW 2289**

If you register your interest in this project, please also nominate your



MCCARDLE  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

28 April 2016

*Mick Leon  
Lakkari Native Title Group  
PO Box 22  
Taree NSW 2430*

*MCH Reference: Information pack*

Dear Mick,

**RE: Information Packet for Diamond Beach**

MCH would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the pack.

In order for the proponent to fulfil its cultural heritage consultation requirements per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), please find enclosed an information pack that details the project, the roles and responsibilities of all parties, details of the proposed methodologies and map showing the location and extent of the study area. The purpose of the information pack is also to ensure all parties have an understanding of the project, critical time line, that cultural knowledge is obtained from the appropriate individuals, any issues or concerns can be addressed, the methods of survey are agreed upon and the new guidelines are met.

Additionally, in order for the proponent to further fulfil its cultural heritage consultation requirements as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), it would be appreciated if you could provide the required information no later than 23 May 2016. MCH have also included a selection of pro formes that ensure all the required information is obtained to meet the OEH requirements. You may wish to utilise the forms attached for your convenience or use of your own forms are encouraged.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation has no comments regarding the proposed methodology. Additionally, failure to provide the required information by the prescribed timeline, will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and may not be considered for engagement (the proponent needs the required information to make informed decisions about engagement) and the project will proceed.

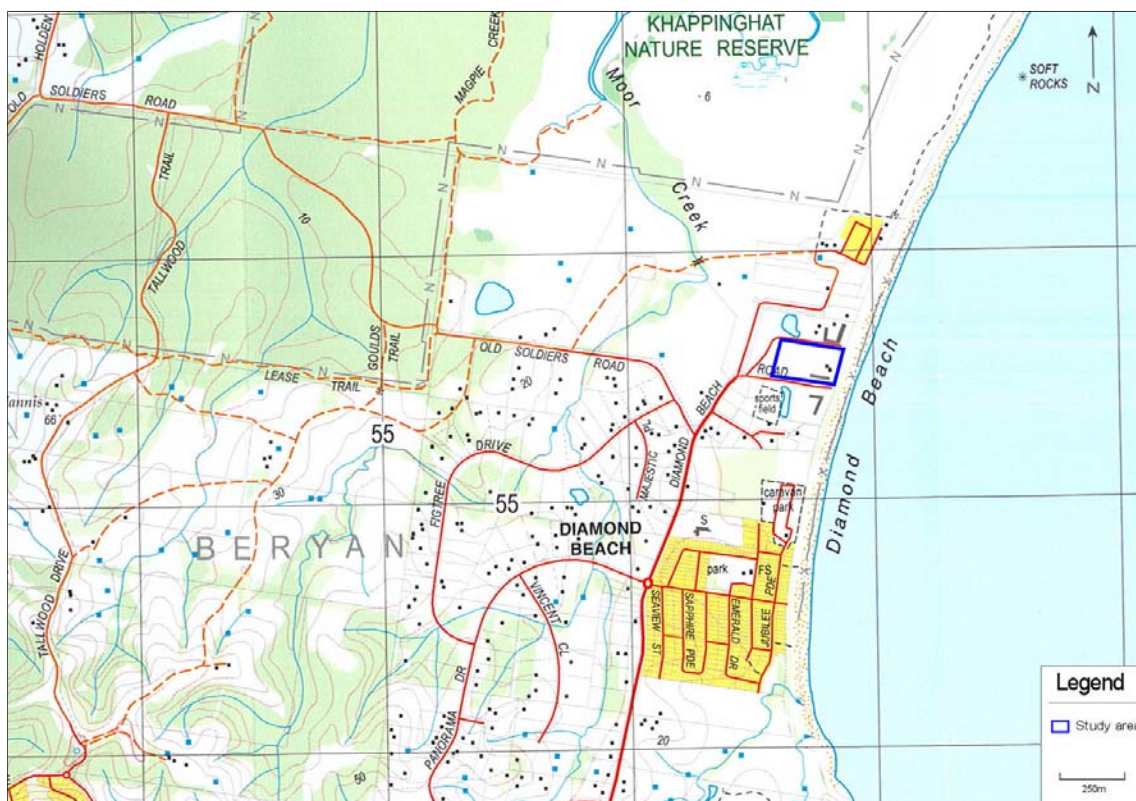
## 1 OVERVIEW

McCardle Cultural heritage has been commissioned by by Seashells Ltd to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach. The assessment will determine the potential impacts upon the indigenous cultural heritage within the development area. It is intended that any areas of indigenous cultural heritage value will be identified and appropriate management recommendations will be established through consultation with the registered Aboriginal parties.

## 2 STUDY AREA

The study area is defined by the proponent and is located approximately at the northern extent of the coastal village of Diamond Beach. Including 17 DP 576415, 391 Diamond Beach Road, Diamond Beach.

### 2.1 Location of the study area



### 3 PROJECT OUTLINE

The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The project is only in the rezoning stage and as such there are no development or plans at this stage.

#### 3.1 IMPACTS

The project is only in the rezoning stage and as such there is no development or impacts at this stage.

#### 3.2 CRITICAL ARCHAEOLOGICAL TIMELINE

The following Table indicates the timelines critical for the archaeological assessment. However, please note that consultation may be increased or decreased depending on response times and knowledge sharing.

##### 3.1 Archaeological timeline

Stages	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
Stage 1: consult.										
Stage 2: survey										
Stage 3: reporting										
Stage 4: finalisation										

### 4 METHODS OF INVESTIGATION

There are two methods of investigation including the gathering of cultural significance knowledge and archaeological assessment. These are briefly outlined below.

#### 4.1 GATHERING OF INFORMATION OF CULTURAL SIGNIFICANCE

MCH and the proponent understand that unlike the written word, Aboriginal cultural knowledge is not static, but responds to change through absorbing new information and adapting to its implications. Aboriginal cultural knowledge is handed down through oral tradition (song, story, art, language and dance) from generation to generation, and preserves the relationship to the land (DECCW 2010).

Specific details and parts of cultural knowledge are usually held and maintained by individuals or within particular family groups. Although the broader community may be aware of the general features of that knowledge, it is not a common practice within Aboriginal society for detailed cultural knowledge to be known in the broader community or within Aboriginal community organisations. However, at times these organisations may defer to particular individuals or family groups as being the knowledge-holders of particular sets of cultural knowledge about places or the environment (DECCW 2010).

In some cases the information provided may be sensitive and MCH and the proponent will not share that information with all registered Aboriginal parties or others without the express permission of the individual. MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. To this end, MCH and the proponent would like to extend an invitation to provide any cultural knowledge you have and any restrictions you would like to place on your information, as well as your preferred method of providing that information.

## 4.2 ARCHAEOLOGICAL ASSESSMENT

This entails an archaeological assessment of the proposed project area. It includes the gathering of both environmental and archaeological information to gain an understanding of the environment, disturbances and provide a predictive model for the proposed project area.

Following the completion of the survey, a report that includes detailed environmental and archaeological background, results, discussion, the cultural significance as determined by the registered Aboriginal parties and mitigation measures will be provide to all registered parties for their review. This will also include opportunities for the registered Aboriginal parties to provide feedback on any management or mitigation recommendations. All registered parties will also be required to provide their own report/letter within a specified time and a copy of the final report will be provided to all parties.

## 5 SURVEY METHODS

The entire study area will be surveyed on foot in transects of approximately 5-10 metres apart. This will ensure the entire study area is covered and any evidence of past occupation, Potential Archaeological Deposits (PADs) and disturbances will be identified.

## 6 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES

The roles, responsibilities and functions of all parties are outlined below and is taken from DECCW (2010).

### 6.1 OFFICE OF ENVIRONMENT AND HERITAGE (OEH)

The Director General of OEH is the decision-maker who decides to grant or refuse an Aboriginal Heritage Impact Permit (AHIP) application. If an AHIP is issued, conditions are usually attached and OEH is responsible for ensuring the AHIP holder complies with those conditions. When considering an application under Part 6 of the NPW Act, the Director General will review the information provided by proponents in line with its internal policies and procedures to assess potential or actual harm to Aboriginal objects or places (DECCW, 2009).

The Environment Protection and Regulation Group (EPRG) of OEH is responsible for administering the regulatory functions under Part 6 of the NPW Act. OEH expects that proponents and Aboriginal people should:

- be aware that Part 6 of the NPW Act establishes the Director General or delegate of OEH as the decision-maker; and

- recognise that the Director General's (or delegates) decisions may not be consistent with the views of the Aboriginal community and/or the proponent. However, OEHL will take into account all relevant information it receives as part of its decision-making process.

## 6.2 PROPONENT

All proponents operate within a commercial environment which includes:

- strict financial and management issues, priorities and deadlines;
- the need to gain community support in order to secure any necessary approval/consent/licence/permit to operate;
- the need for clearer processes and certainty of outcomes;
- the need for suitable access to land for the purpose of their development project;
- the need to work efficiently within the project's time, quality and cost planning and management parameters; and
- the need for culturally appropriate assessment findings relevant to their project.

Under these requirements, proponents should undertake the following:

- bring the registered Aboriginal parties or their nominated representatives together and be responsible for ensuring appropriate administration and management of the consultation process;
- consider the cultural perspectives, views, knowledge and advice of the registered Aboriginal parties involved in the consultation process in assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s);
- provide evidence to OEHL of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the registered Aboriginal parties; and
- accurately record and clearly articulate all consultation findings in the final cultural heritage assessment report.

## 6.3 REGISTERED ABORIGINAL STAKEHOLDERS

The interests and obligations of Aboriginal people relate to the protection of Aboriginal cultural heritage. It is only Aboriginal people who can determine who is accepted by their community as being authorised to speak for Country and its associated cultural heritage. Where there is a dispute about who speaks for Country, it is appropriate for Aboriginal people, not OEHL or the proponent, to resolve this dispute in a timely manner to enable effective consultation to proceed.

Aboriginal people who can provide information about cultural significance are, based on Aboriginal lore and customs, the traditional owners or custodians of the land that is the subject of the proposed project area. Traditional owners or custodians with appropriate cultural heritage knowledge necessary to make informed decisions who wish to register as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and customs;
- recognise their responsibilities of their community, knowledge and obligations to protect and conserve their culture and heritage and to care for their traditional lands or country; and



- have the trust of their community, knowledge and understanding of their culture and permission to speak about it.

The registered Aboriginal parties should undertake the following;

- ensure the appropriate cultural knowledge holder is providing the appropriate information;
- uphold and respect the traditional rights, obligations and responsibilities of Aboriginal people within their own boundaries and not to infringe in other areas or Aboriginal people outside their own boundaries;
- consider and provide the proponent the cultural perspectives, views, knowledge and advice during the consultation process, assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s); and
- need to work efficiently within the project's time and provide feedback in a timely manner.

#### 6.4 LOCAL ABORIGINAL LAND COUNCILS

The NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs) have statutory functions relevant to the protection of Aboriginal culture and heritage under the NSW Aboriginal Land Rights Act 1983. These requirements do not extend the role of NSWALC and LALCs in the significance assessment process. That is, these requirements do not provide NSWALC and/or LALCs any additional or specific decision-making role in the assessment of significance of Aboriginal object(s) and/or place(s) that are subject to an AHIP application under Part 6 of the NPW Act.

LALCs may choose to register an interest to be involved in the consultation process, or may assist registered Aboriginal parties to participate in the consultation process established by these requirements. In order to ensure effective consultation and the subsequent informed heritage assessment, LALCs are encouraged to identify and make contact with Aboriginal people who hold cultural knowledge in their area.

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The following is taken from DECCW (2010).

Consultation with registered Aboriginal parties involves obtaining the views of, and information from, Aboriginal parties and reporting on these. It should not be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement, however, this is separate from consultation. The proponent may reimburse Aboriginal people for any demonstrated reasonable out-of-pocket expenses directly incurred in order to participate in the consultation process. A demonstrated reasonable expense would include documented loss of wages caused by the need to take time from paid employment to participate in meetings. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities (i.e. pay disputes) for Aboriginal people.

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The proponent may engage a number of Aboriginal representatives from the registered parties (based on the size and nature of the project) to participate and assist in the fieldwork component of this project. If you would like to be considered for paid field work please answer the selection criteria attached and ensure you attach certificates of currency for the relevant insurances, CV(s), any certificates and references. MCH will then pass this information onto the proponent for their consideration to make the selection for fieldwork participants should they wish to do so. MCH will ensure all Aboriginal parties are invited to participate in fieldwork, however paid participation is determined by the proponent.

## 9 FORMS

You will find a number of forms attached for your convenience. However, if you prefer to use your own please feel free to do so. Please ensure that these are either filled out in full or your own forms/letters answer all the questions and return to MCH no later than 23 May 2016.

## 10 CONCLUSION

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

# Forms

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current forms.

However, should you wish to use this forms, please complete, sign and return to MCH using one of the following;

Fax: 4952 5501

e-mail: [mheritage@iprimus.com.au](mailto:mheritage@iprimus.com.au)

Postal address: MCH

PO Box 166

Adamstown, NSW 2289

## ABORIGINAL STAKEHOLDER SITE OFFICER APPLICATION

### Position description

A site officer must demonstrate that they have satisfactorily participated in previous archaeological fieldwork with an archaeologist. A trainee site officer does not need to demonstrate previous archaeological experience. Site officers must be able to:

- undertake direction from the project archaeologist
- undertake manual labour over extended periods of time
- use archaeological field tools such as mattocks, shovels, trowels, wheelbarrows, buckets and wet sieving stations
- work in a range of climates wearing protective clothing
- work in teams with a wide range of people
- identify a broad range of Aboriginal objects across the landscape

To qualify as a site officer, appropriate training in identifying Aboriginal objects must have been undertaken (such as the Office of Environment and Heritage's (OEH) sites awareness training course, or other relevant secondary or tertiary studies) or equivalent knowledge or experience must be demonstrated.

The duties of the site officer under the direction of the project archaeologist may include, but not limited to:

- pegging out locations for test pitting
- using shovels, brushes and trowels to excavate test pits
- relocating excavated materials in buckets or wheel barrows
- sieving excavated material
- meeting general and site specific Occupational Health and Safety requirements

### Selection criteria

The proponent will offer positions based on the following key selection criteria:

- an individual's ability to undertake the tasks specified in Section 2
- an individual's availability to undertake the activity (physically able to undertake field work)
- an individual's experience in undertaking similar activities. Applications may be subject to a reference check
- individuals with demonstrated local cultural knowledge
- individuals who can demonstrate they can communicate the results of the field work back to the registered Aboriginal stakeholders

- In addition to a consideration of the key selection criteria, the Proponent may give preference to applicants who live locally.
- The proponent is under no obligation to offer site officer positions based on an individual's association with a cultural group or area. The proponent makes no guarantee that registered parties will be engaged to undertake archaeological field activities. The number of site officer positions available will be based on need as described in the archaeological methodology. However, MCH will ensure all registered stakeholders are invited to participate in the survey regardless of engagement arrangements between the stakeholder(s) and the proponent. Applicants will be notified whether they have been successful or unsuccessful in their application.

### Engagement

- The Proponent selects and has final approval on who will be engaged as a site officer. Successful applicants will be engaged to provide the services through a written contract that will be provided at a later date. The proponent will only engage Service Providers with NSW workers compensation insurance, public liability insurance, and comprehensive motor vehicle insurance or third party property damage insurance.

### Payment

- The proponent will pay the Service Provider at a rate that will be based on the responses of all information pack responses received by the due date and the project budget.
- The quoted hourly rate is the rate to be paid by the Proponent to the Service Provider - **not** to the individual site officer/trainee site officer. The site officer/trainee site officer will be paid by the Service Provider at a rate agreed to by the Service Provider and the site officer/trainee site officer.
- Payment will only be made for the provision of the services (actual hours worked), and not for the time spent travelling to and from site. Payment will be made upon the receipt of a cultural heritage report following the survey and receipt of the draft report.

## ABORIGINAL SITE OFFICER APPLICATION FORM

An Aboriginal site officer application form must be filled out for each individual seeking to be engaged as a site officer.	
Name of organisation (if relevant)	
Name	
Contact number	
Mailing address	
Email address	
Fax	
Position applied for	Site officer <input type="checkbox"/> Trainee Site Officer <input type="checkbox"/>
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets as required)	
Please provide the contact details of at least one archaeologist (other than the project archaeologist) who can be contacted as a referee	
Please provide the contact details of at least one other person who may be contacted in regard to your previous cultural heritage experience	
Do you have Workcover NSW General Induction for Construction Work in NSW (also referred to as a green or white card)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you an Aboriginal person?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you a knowledge holder (according to traditional lore)?	Yes <input type="checkbox"/> No <input type="checkbox"/>

## INSURANCES

Public Liability	Expiry date:	(attach certificate of currency)
Worker Compensation	Expiry date: :	(attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: :	(attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

## OCCUPATIONAL Health & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements.

This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements.

This also includes appropriate and acceptable behavior at all times.

Failure to comply will prevent you from participating in the field work.

## REGISTER OF CULTURAL KNOWLEDGE HOLDER

MCH and the proponent would like to facilitate a process whereby all registered Aboriginal parties are provided the opportunity to contribute to culturally appropriate information gathering, provide information that will enable the cultural significance of Aboriginal sites/places on the project area to be determined, and have input into the development of any cultural heritage management options. To enable this to occur, it is necessary to consult with the cultural knowledge holder(s).

To this end, as per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are required to provide details of the individual(s) who hold cultural knowledge (according to traditional lore) relevant to the project area. If your groups has no knowledge holders, this is important information too.

Please fill in the following information for cultural knowledge holder(s). If there are more than three in your organisation please feel free to attach another sheet. If there are no knowledge holders in your group please send back blank.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_



## CULTURAL SIGNIFICANCE

As per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the proponent seeks information on the following:

- 1) Are there Aboriginal objects of cultural value in the proposed project area?

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- 2) Are there Aboriginal places of cultural value to the Aboriginal people in the area of the proposed project? This may include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance that may be either pre contact, post contact or contemporary in age.

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- 3) Is there any other cultural information in relation to the proposed project area?

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- 4) MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. Please provide your preferred method of providing detailed information on the above (e.g. written, verbal, this form) and any restrictions you would like to place on your information.

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## COMMENTS ON PROPOSED METHODOLOGY

I, \_\_\_\_\_ (please insert your name) of \_\_\_\_\_ (please insert the name of your group), **agree to the methodology** outlined by MCH in relation to the proposed project.

Additional comments:

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Position within organisation: \_\_\_\_\_

I, \_\_\_\_\_ (please insert your name) of \_\_\_\_\_ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in relation to the proposed

Project for the following reasons (please explain your reasons for disagreeing):

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I would like to suggest the following (please provide your reasoning): \_\_\_\_\_

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Position within organisation: \_\_\_\_\_



MCCARDLE  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

28 April 2016

A Oxley  
PO Box 4018  
Stockland Forster NSW 2428

*MCH Reference: Information pack*

Dear Ms Oxley,

**RE: Information Packet for Diamond Beach**

MCH would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the pack.

In order for the proponent to fulfil its cultural heritage consultation requirements per the OEI Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), please find enclosed an information pack that details the project, the roles and responsibilities of all parties, details of the proposed methodologies and map showing the location and extent of the study area. The purpose of the information pack is also to ensure all parties have an understanding of the project, critical time line, that cultural knowledge is obtained from the appropriate individuals, any issues or concerns can be addressed, the methods of survey are agreed upon and the new guidelines are met.

Additionally, in order for the proponent to further fulfil its cultural heritage consultation requirements as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), it would be appreciated if you could provide the required information no later than 23 May 2016. MCH have also included a selection of pro formes that ensure all the required information is obtained to meet the OEI requirements. You may wish to utilise the forms attached for your convenience or use of your own forms are encouraged.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEI requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation has no comments regarding the proposed methodology. Additionally, failure to provide the required information by the prescribed timeline, will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and may not be considered for engagement (the proponent needs the required information to make informed decisions about engagement) and the project will proceed.

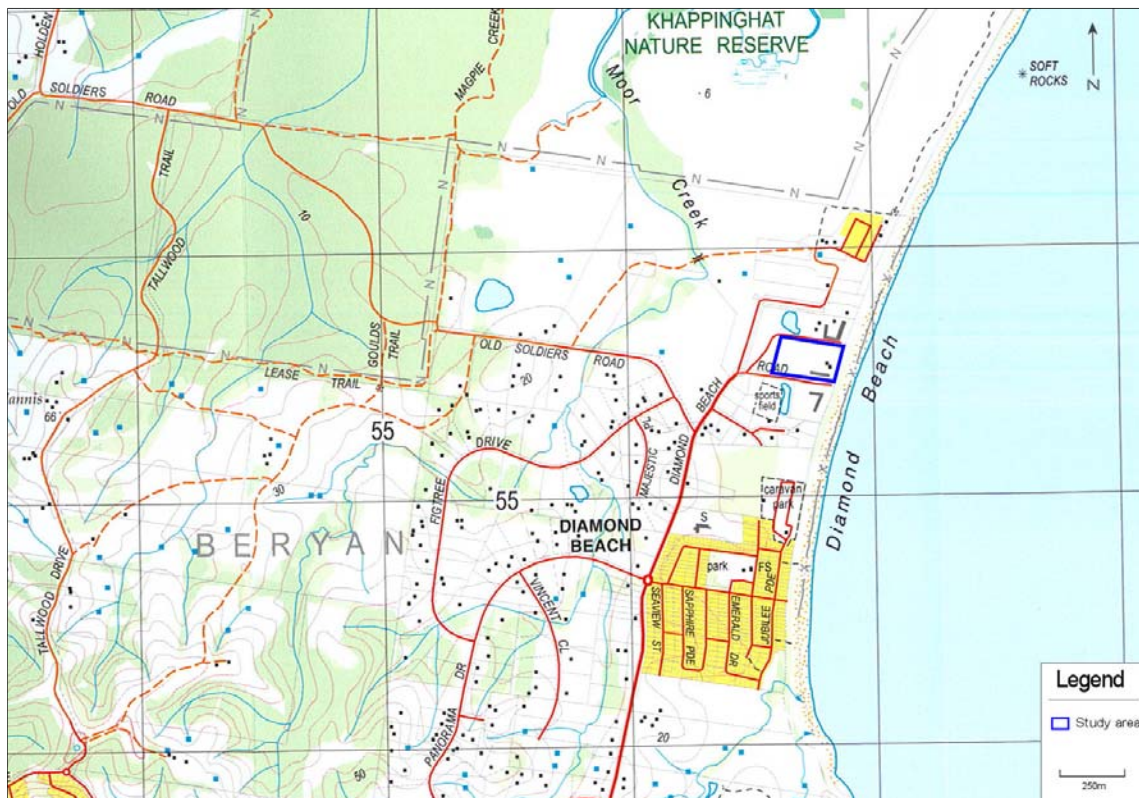
## 1 OVERVIEW

McCardle Cultural heritage has been commissioned by by Seashells Ltd to prepare an Aboriginal Heritage Impact Assessment for the proposed rezoning of land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach. The assessment will determine the potential impacts upon the indigenous cultural heritage within the development area. It is intended that any areas of indigenous cultural heritage value will be identified and appropriate management recommendations will be established through consultation with the registered Aboriginal parties.

## 2 STUDY AREA

The study area is defined by the proponent and is located approximately at the northern extent of the coastal village of Diamond Beach. Including 17 DP 576415, 391 Diamond Beach Road, Diamond Beach.

### 2.1 Location of the study area



### 3 PROJECT OUTLINE

The objective of the project is to rezone the subject land from Rural to SP3 Tourist Zone under the provisions of Greater Taree Local Environmental Plan 2010 (GT LEP 2010). The project is only in the rezoning stage and as such there are no development or plans at this stage.

#### 3.1 IMPACTS

The project is only in the rezoning stage and as such there is no development or impacts at this stage.

#### 3.2 CRITICAL ARCHAEOLOGICAL TIMELINE

The following Table indicates the timelines critical for the archaeological assessment. However, please note that consultation may be increased or decreased depending on response times and knowledge sharing.

##### 3.1 Archaeological timeline

Stages	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
Stage 1: consult.										
Stage 2: survey										
Stage 3: reporting										
Stage 4: finalisation										

### 4 METHODS OF INVESTIGATION

There are two methods of investigation including the gathering of cultural significance knowledge and archaeological assessment. These are briefly outlined below.

#### 4.1 GATHERING OF INFORMATION OF CULTURAL SIGNIFICANCE

MCH and the proponent understand that unlike the written word, Aboriginal cultural knowledge is not static, but responds to change through absorbing new information and adapting to its implications. Aboriginal cultural knowledge is handed down through oral tradition (song, story, art, language and dance) from generation to generation, and preserves the relationship to the land (DECCW 2010).

Specific details and parts of cultural knowledge are usually held and maintained by individuals or within particular family groups. Although the broader community may be aware of the general features of that knowledge, it is not a common practice within Aboriginal society for detailed cultural knowledge to be known in the broader community or within Aboriginal community organisations. However, at times these organisations may defer to particular individuals or family groups as being the knowledge-holders of particular sets of cultural knowledge about places or the environment (DECCW 2010).

In some cases the information provided may be sensitive and MCH and the proponent will not share that information with all registered Aboriginal parties or others without the express permission of the individual. MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. To this end, MCH and the proponent would like to extend an invitation to provide any cultural knowledge you have and any restrictions you would like to place on your information, as well as your preferred method of providing that information.

## 4.2 ARCHAEOLOGICAL ASSESSMENT

This entails an archaeological assessment of the proposed project area. It includes the gathering of both environmental and archaeological information to gain an understanding of the environment, disturbances and provide a predictive model for the proposed project area.

Following the completion of the survey, a report that includes detailed environmental and archaeological background, results, discussion, the cultural significance as determined by the registered Aboriginal parties and mitigation measures will be provide to all registered parties for their review. This will also include opportunities for the registered Aboriginal parties to provide feedback on any management or mitigation recommendations. All registered parties will also be required to provide their own report/letter within a specified time and a copy of the final report will be provided to all parties.

## 5 SURVEY METHODS

The entire study area will be surveyed on foot in transects of approximately 5-10 metres apart. This will ensure the entire study area is covered and any evidence of past occupation, Potential Archaeological Deposits (PADs) and disturbances will be identified.

## 6 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES

The roles, responsibilities and functions of all parties are outlined below and is taken from DECCW (2010).

### 6.1 OFFICE OF ENVIRONMENT AND HERITAGE (OEH)

The Director General of OEH is the decision-maker who decides to grant or refuse an Aboriginal Heritage Impact Permit (AHIP) application. If an AHIP is issued, conditions are usually attached and OEH is responsible for ensuring the AHIP holder complies with those conditions. When considering an application under Part 6 of the NPW Act, the Director General will review the information provided by proponents in line with its internal policies and procedures to assess potential or actual harm to Aboriginal objects or places (DECCW, 2009).

The Environment Protection and Regulation Group (EPRG) of OEH is responsible for administering the regulatory functions under Part 6 of the NPW Act. OEH expects that proponents and Aboriginal people should:

- be aware that Part 6 of the NPW Act establishes the Director General or delegate of OEH as the decision-maker; and

- recognise that the Director General's (or delegates) decisions may not be consistent with the views of the Aboriginal community and/or the proponent. However, OEHL will take into account all relevant information it receives as part of its decision-making process.

## 6.2 PROPONENT

All proponents operate within a commercial environment which includes:

- strict financial and management issues, priorities and deadlines;
- the need to gain community support in order to secure any necessary approval/consent/licence/permit to operate;
- the need for clearer processes and certainty of outcomes;
- the need for suitable access to land for the purpose of their development project;
- the need to work efficiently within the project's time, quality and cost planning and management parameters; and
- the need for culturally appropriate assessment findings relevant to their project.

Under these requirements, proponents should undertake the following:

- bring the registered Aboriginal parties or their nominated representatives together and be responsible for ensuring appropriate administration and management of the consultation process;
- consider the cultural perspectives, views, knowledge and advice of the registered Aboriginal parties involved in the consultation process in assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s);
- provide evidence to OEHL of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the registered Aboriginal parties; and
- accurately record and clearly articulate all consultation findings in the final cultural heritage assessment report.

## 6.3 REGISTERED ABORIGINAL STAKEHOLDERS

The interests and obligations of Aboriginal people relate to the protection of Aboriginal cultural heritage. It is only Aboriginal people who can determine who is accepted by their community as being authorised to speak for Country and its associated cultural heritage. Where there is a dispute about who speaks for Country, it is appropriate for Aboriginal people, not OEHL or the proponent, to resolve this dispute in a timely manner to enable effective consultation to proceed.

Aboriginal people who can provide information about cultural significance are, based on Aboriginal lore and customs, the traditional owners or custodians of the land that is the subject of the proposed project area. Traditional owners or custodians with appropriate cultural heritage knowledge necessary to make informed decisions who wish to register as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and customs;
- recognise their responsibilities of their community, knowledge and obligations to protect and conserve their culture and heritage and to care for their traditional lands or country; and

- have the trust of their community, knowledge and understanding of their culture and permission to speak about it.

The registered Aboriginal parties should undertake the following;

- ensure the appropriate cultural knowledge holder is providing the appropriate information;
- uphold and respect the traditional rights, obligations and responsibilities of Aboriginal people within their own boundaries and not to infringe in other areas or Aboriginal people outside their own boundaries;
- consider and provide the proponent the cultural perspectives, views, knowledge and advice during the consultation process, assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s); and
- need to work efficiently within the project's time and provide feedback in a timely manner.

#### 6.4 LOCAL ABORIGINAL LAND COUNCILS

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## 10 CONCLUSION

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

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## ABORIGINAL STAKEHOLDER SITE OFFICER APPLICATION

### Position description

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- identify a broad range of Aboriginal objects across the landscape

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The duties of the site officer under the direction of the project archaeologist may include, but not limited to:

- pegging out locations for test pitting
- using shovels, brushes and trowels to excavate test pits
- relocating excavated materials in buckets or wheel barrows
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- meeting general and site specific Occupational Health and Safety requirements

### Selection criteria

The proponent will offer positions based on the following key selection criteria:

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- an individual's availability to undertake the activity (physically able to undertake field work)
- an individual's experience in undertaking similar activities. Applications may be subject to a reference check
- individuals with demonstrated local cultural knowledge
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## ABORIGINAL SITE OFFICER APPLICATION FORM

An Aboriginal site officer application form must be filled out for each individual seeking to be engaged as a site officer.	
Name of organisation (if relevant)	
Name	
Contact number	
Mailing address	
Email address	
Fax	
Position applied for	Site officer <input type="checkbox"/> Trainee Site Officer <input type="checkbox"/>
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets as required)	
Please provide the contact details of at least one archaeologist (other than the project archaeologist) who can be contacted as a referee	
Please provide the contact details of at least one other person who may be contacted in regard to your previous cultural heritage experience	
Do you have Workcover NSW General Induction for Construction Work in NSW (also referred to as a green or white card)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you an Aboriginal person?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you a knowledge holder (according to traditional lore)?	Yes <input type="checkbox"/> No <input type="checkbox"/>

## INSURANCES

Public Liability	Expiry date:	(attach certificate of currency)
Worker Compensation	Expiry date: :	(attach certificate of currency)
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All participants are required to comply with MCH and the proponents OH&S requirements.

This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements.

This also includes appropriate and acceptable behavior at all times.

Failure to comply will prevent you from participating in the field work.

## REGISTER OF CULTURAL KNOWLEDGE HOLDER

MCH and the proponent would like to facilitate a process whereby all registered Aboriginal parties are provided the opportunity to contribute to culturally appropriate information gathering, provide information that will enable the cultural significance of Aboriginal sites/places on the project area to be determined, and have input into the development of any cultural heritage management options. To enable this to occur, it is necessary to consult with the cultural knowledge holder(s).

To this end, as per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are required to provide details of the individual(s) who hold cultural knowledge (according to traditional lore) relevant to the project area. If your groups has no knowledge holders, this is important information too.

Please fill in the following information for cultural knowledge holder(s). If there are more than three in your organisation please feel free to attach another sheet. If there are no knowledge holders in your group please send back blank.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

## CULTURAL SIGNIFICANCE

As per the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the proponent seeks information on the following:

- 1) Are there Aboriginal objects of cultural value in the proposed project area?

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- 2) Are there Aboriginal places of cultural value to the Aboriginal people in the area of the proposed project? This may include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance that may be either pre contact, post contact or contemporary in age.

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- 3) Is there any other cultural information in relation to the proposed project area?

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- 4) MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. Please provide your preferred method of providing detailed information on the above (e.g. written, verbal, this form) and any restrictions you would like to place on your information.

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## COMMENTS ON PROPOSED METHODOLOGY

I, \_\_\_\_\_ (please insert your name) of \_\_\_\_\_ (please insert the name of your group), **agree to the methodology** outlined by MCH in relation to the proposed project.

Additional comments:

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Position within organisation: \_\_\_\_\_

I, \_\_\_\_\_ (please insert your name) of \_\_\_\_\_ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in relation to the proposed

Project for the following reasons (please explain your reasons for disagreeing):

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I would like to suggest the following (please provide your reasoning): \_\_\_\_\_

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Position within organisation: \_\_\_\_\_



**MCCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

2 June 2016

A. Oxley  
PO Box 4018  
Stockland Forester  
NSW 2428

*MCH Reference: Indigenous Archaeological Assessment*

Dear Ms Oxley,

**RE:** Survey invitation and letter of engagement: Indigenous Archaeological Assessment at Diamond Beach

The proponent has received a number of applications and after careful consideration has selected whom they wish to engage in a paid capacity. The proponent and MCH would like to advise that your application for paid participation has been successful. MCH would like to organise the survey for the above named project for the 17/6/16 starting at 10am 391 Diamond Beach Road. We anticipate work will be complete within half a day, however, please be advised this time may change.

As part of the assessment process the proponent require an appropriate person from your organisation to participate in the survey of the study area to identify known or potential cultural heritage features. A cultural heritage report must be prepared following the survey and receipt of the draft archaeological report within the required 28 days review period. The cultural heritage report will identify known or potential Aboriginal objects or places and/or any other cultural heritage matters that may be affected by the project.

Oceanic Realty and MCH wishes to reiterate our intent to positively engaging with the local Aboriginal community. In this spirit we have extended an invitation to all registered applicants to attend the survey. If you accept the terms outlined in the Letter of Engagement (attached) please sign the Letter of Engagement and return to McCardle Cultural Heritage. Participation in the program is dependent on the receipt of the Letter of engagement and insurance certificate of currencies. Additionally, we have enclosed our OH&S requirements for field staff and request that you ensure all field staff participating in the project have read and understood the document fully prior to going out on site.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Should you have any questions regarding these terms and conditions or the project please contact myself on 0412 702 396.

Yours sincerely,  
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in dark ink, appearing to read 'Penny McCardle', with a horizontal line extending to the right.

Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

## **Aboriginal Site Officer/Trainee Site Officer**

### **Letter of Engagement**

Oceanic Reality wishes to engage Ms A. Oxley (Service Provider) to provide two Site Officers to undertake an archaeological test excavation of an identified PAD within the Minmi Development Site.

The proponent and Service Provider agree to the terms and conditions of the engagement as follows:

#### **Services**

The Service Provider will engage the two Site Officers to undertake the following:

- Archaeological survey of the project area
- a cultural heritage report and invoice within 28 days of receiving the draft report from MCH

#### **Fees**

The proponent will pay the following Fees to the Service Provider for Services:

- \$70.00 (exc GST) per person per hour for work undertaken by a Site Officer

Payment will be within 28 days of receipt of a correct invoice and cultural heritage report. Invoices are to be provided at the end of the month.

#### **Invoices are to be addressed to:**

Oceanic Reality  
C/o: PDA Planning  
PO Box 468  
Taree NSW 2430

#### **Time sheets**

The Service provider must ensure that the Site Officers sign a time sheet at the start and finish of each day the Services are provided. Fees will not be paid unless time sheets for each Site Officer have been completed. The archaeologist will have a time sheet that may be used.

#### **Work performance**

The Service Provider must ensure that the Site Officers are fit for work, undertake the Services in a timely manner, with reasonable care, skill and professionalism and in accordance with all applicable laws and any reasonable directions or requirements made by the proponent and/or MCH.

#### **Absences**

All field staff must call MCH the evening before work to notify their absence for the following day and organise for a replacement. If no notice is provided, that staff members place in the field team will be suspended until MCH are notified they will be back at work. It is the responsibility of the Service Provider to organise a replacement site officer from the list of persons provided to MCH at the start of the project.

**Proponent and MCH property**

All materials and equipment provided by MCH or the proponent during the term of engagement remain the property of MCH or the proponent and must be returned upon completion of the Services or termination of the agreement.

**Confidentially**

All information provided by MCH or the proponent to the Service Provider and/or Site Officer in relation to the services or the business or operations of the proponent and MCH are confidential. The Service Provider will ensure it and the Site Officer keep such information confidential at all times (including after the completion of the Services) and must not disclose it to any other person without the prior written consent from the proponent and/or MCH.

**OH&S Requirements**

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability. Field representatives participating in the test excavation will be required to wear steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day.

**Early termination**

The proponent reserves the right to terminate this agreement at any time by giving 1 week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

**No subcontracting**

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

**Insurances**

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor vehicle insurances prior to the Services being provided.

**Indemnity and release**

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided.

The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

**Variations**

No changes to these terms can be made without the prior written agreement with the proponent.

**Exclusion of other terms**

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign both copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

---

**Acceptance (Survey at Diamond Beach)**

**Signed by Ms A. Oxley**

**I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract. I/we declare that I/we are authorised to sign this letter on behalf of A. Oxley.**

**Please provide your ABN:**

**Signature of Witness**

**Signature of authorised person**

**Print name of Witness**

**Print name of authorised person**

**Print title and position of authorised person**

**Date:**

**Date:**





MCCARDLE  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

2 June 2016

Mick Leon  
LNTG  
PO Box 22  
Taree NSW 2430

*MCH Reference: Indigenous Archaeological Assessment*

Dear Mick,

**RE:** Survey invitation and letter of engagement: Indigenous Archaeological Assessment at Diamond Beach

Site officers have been selected by the proponent for the above named survey and are based on the information provided by each Service Provider that was requested with the information pack sent to you on 29/4/16. Unfortunately MCH did not receive the information requested in the information pack for the above named project from you.

Oceanic Realty has received a number of applications and after careful consideration we regret to advise that your application for paid participation has been unsuccessful. We do appreciate the time taken to submit an application and wish to reconfirm our intention to positively engage with the local Aboriginal community. In this spirit, if you wish to still participate in the survey (17/6/16) on an unpaid basis, or be kept up-to-date on the progress of the survey, please contact Penny McCardle. Please note that if you intend to participate in the site survey then:

- Before commencement you must notify MCH for access arrangements and notification and provide MCH with a Certificate of Currency for Workers Compensation and Public Liability insurance. MCH will also provide you with our OH&S requirements for field staff and request that you ensure all field staff participating in the project have read and understood the document fully prior to going out on site ; and
- All field participants must wear covered shoes, long pants and long shirt (hi-visibility) with appropriate sun protection including hat. It is recommended that participants bring adequate amounts of food and water for the day.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.



Following the completion of the survey, a draft copy of the assessment will be made available to you for comment. Should you have any further questions, please do not hesitate to contact Penny McCardle on 0412 702 396.

Yours sincerely,  
for McCardle Cultural Heritage Pty Ltd



Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

Great Seal Personal Heraldry Elvina©



Sui Generis / Sui Juris

Email address: [tobwabba20@gmail.com](mailto:tobwabba20@gmail.com)

Mobile: 0401 635 211

Ghinbraa Djillanilliu©  
Tobwabba Yuri Worimi  
Gattung-guba Wyeebulbah

Jean Oxley©  
PO Box 4018  
FORSTER NSW 2428  
AUSTRALIA

First in time first in law

Ms Penny McCardle  
Cultural Heritage

Dear Ms McCardle

Re: Survey 16<sup>th</sup> June 2016 Diamond Beach

I draw your attention in this late hour regarding the contractual agreement.

The standard minimum hours are duly four (4) hours please be advised anything under will still be charged at the standard rate of \$120 per hourly rate.

With consideration to the Proponent who is on Worimi Country I anticipate the business intended to be carried out holds to the Worimi Country protocol of having Worimi Custodians present on the areas wishing to be developed.

Further as to Worimi protocol any significant finds require the presence of an on-site qualified Worimi Custodian. The area in which the Indigenous Archaeological Assessment is taking place today requires attention to the potential exposure of tribal burials. This is in consideration to disturbing the earth for development.

As Worimi Country we require a male and female present as such I have elected to request the Proponent to issue paid employment for the presence of Cultural Consulting Services of Robert Yettica. Robert is a traditional knowledge holder in his own right of the Worimi Country.

Please note I am not referring this to any other area of communications and believe the Proponent must be informed immediately and made aware of the Worimi jurisdiction on these matters of business in the area of our culture and heritage in Worimi Country as Custodians of our land.

I look forward to the Proponents immediate communications on this matter.

Chief Custodian Elvina



Without Prejudice

16/6/2016

## Penny McCardle

---

**From:** Penny McCardle [mcheritage@iprimus.com.au]  
**Sent:** Friday, 17 June 2016 2:28 PM  
**To:** 'Elvina Yuri'  
**Subject:** RE: Letter Re: Diamond Beach Future DA and Proponents

Hi Elvina,

Thank you for your letter. I have forwarded it onto our client and am waiting for a response.

Kind regards,

**Penny McCardle**  
Archaeologist/Forensic Anthropologist



✉ PO Box 166,  
Adamstown 2289 NSW  
☎ 0412 702 396  
🌐 [mcheritage.com.au](http://mcheritage.com.au)

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---

**From:** Elvina Yuri [<mailto:tobwabba20@gmail.com>]  
**Sent:** Friday, 17 June 2016 9:14 AM  
**To:** [mcheritage@primus.com.au](mailto:mcheritage@primus.com.au)  
**Subject:** Letter Re: Diamond Beach Future DA and Proponents

Hi Penny

Please find response enclosed to Diamond Beach Elvina

## Penny McCardle

---

**From:** Elvina Yuri [tobwabba20@gmail.com]  
**Sent:** Friday, 17 June 2016 9:52 PM  
**To:** Penny McCardle  
**Subject:** Re: Letter Re: Diamond Beach Future DA and Proponents

Hi Penny

Please relay to the Proponent. For the consult over the mobile I will still be charging a consult fee which you may forward to the Proponent for four hours work as a qualified woman of the land. NOTED: ALL COMMUNICATIONS BY EMAIL, MOBILE, FAX, PHONE ARE ACCEPTED.

A minimum of 4 hours at a higher level of communications about the issues involved with carrying out an Indigenous Archaeological Assessment for the Proponent. This is in Worimi jurisdiction being the total sum of 4 hours by \$120 being a total sum of \$480.00. AS per discussion there are issues with the way the State has developed its controversial amalgamation which carries with it no set protocols or principles of dealing with Worimi Custodians. This sets a precedent for Worimi jurisdiction as to qualifications I hold as Chief Custodian of sacred ground.

I am now working on the set standard procedure. Nothing of what is within the RAP approach for Worimi.

On Fri, Jun 17, 2016 at 2:28 PM, Penny McCardle <[mheritage@iprimus.com.au](mailto:mheritage@iprimus.com.au)> wrote:


Hi Elvina,

Thank you for your letter. I have forwarded it onto our client and am waiting for a response.

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Archaeologist/Forensic Anthropologist



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Penny McCardle  
Archaeologist/Forensic Anthropologist



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**Sent:** Friday, 17 June 2016 9:14 AM  
**To:** [mheritage@primus.com.au](mailto:mheritage@primus.com.au)  
**Subject:** Letter Re: Diamond Beach Future DA and Proponents

Hi Penny

Please find response enclosed to Diamond Beach Elvina



## Penny McCardle

---

**From:** Penny McCardle [mcheritage@iprimus.com.au]  
**Sent:** Sunday, 19 June 2016 9:03 PM  
**To:** 'Elvina Yuri'  
**Subject:** RE: Letter Re: Diamond Beach Future DA and Proponents

Hi Elvina,

Am I correct in saying that you plan to charge the proponent for our phone conversations last week whereby you cancelled your participation in the survey due to remuneration issues?

Kind regards,

Penny McCardle

Archaeologist/Forensic Anthropologist



✉ PO Box 166,  
Adamstown 2289 NSW  
☎ 0412 702 396  
🌐 [mcheritage.com.au](http://mcheritage.com.au)

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On Fri, Jun 17, 2016 at 2:28 PM, Penny McCardle <[mcheritage@iprimus.com.au](mailto:mcheritage@iprimus.com.au)> wrote:

Hi Elvina,







**McCARDLE**  
CULTURAL HERITAGE

7 July 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Mick Leon  
Lakkari Native Title group  
PO Box 22  
Taree NSW 2430

*MCH Reference: Draft report reminder*

Dear Mick,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

MCH sent you a copy of the draft report for the above named project on the 22 June 2016 and requested for your report and/or comments no later than 21 July 2016. This is a reminder letter to ensure you provide your comments/report by the due date.

MCH would like to opportunity to include the cultural significance in the report to ensure both the scientific and cultural components are included to provide a bigger picture of the cultural landscape. Additionally, any concerns you may have are also important and we would like the opportunity to address any concerns you may have.

In line with the OEH requirements, we ask that you provide your comments, concerns and cultural significance report no later than 21 July 2016. If you do not wish to provide any comments, report or letters, please notify MCH as soon as possible (even just a quick phone call or txt message) to ensure we do not keep sending reminders and requests for your response as this is both time consuming and may become bothersome to you.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that if any response to the draft report is deemed confidential that this is either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that failure to provide the required information by the date provided will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



**McCARDLE**  
CULTURAL HERITAGE

7 July 2016

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

mcheritage.com.au

Elvina Oxley  
PO Box 4018  
Stockland Forster NSW 2428

«

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Please note that failure to provide the required information by the date provided will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



Ms Penny McCardle  
McCardle Cultural Heritage Pty Ltd  
PO Box 166  
ADAMSTOWN  
NSW 2289

Dear Ms McCardle

**ADVISORY LETTER – NATIONAL PARKS AND WILDLIFE ACT 1974**

**RE: Archaeological assessment of land at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach, NSW 'the project'**

The Office of Environment and Heritage (OEH) is responsible for assuring compliance with the *National Parks and Wildlife 1974* (NPW Act) with the aim of preventing unlawful harm or desecration to Aboriginal object/s or Aboriginal places.

OEH received an Environment Line report alleging that community consultation undertaken for the project by McCardle Cultural Heritage Pty Ltd did not meet the requirements set out in *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW) 'the guideline'.

After making inquiries with you during June 2016, you provided documentary evidence that community consultation for the project was undertaken as required by the guideline. I am satisfied this to be the case and I advise that OEH will not take any further action in response to this particular matter.

I appreciate that our inquiry may have been of concern to you and I thank you for your cooperation in bringing this matter to a close. You do not have to respond to this letter but if you would like to discuss any issues, please contact Rob Hughes on telephone 4927 3141.

Yours sincerely

 13/7/2016

**Sharon Molloy**  
**Acting Regional Manager**  
**Regional Operations**  
(By Delegation)



**McCARDLE**  
CULTURAL HERITAGE

25 July 2016

Mick Leon  
Lakkari Native Title group  
PO Box 22  
Taree NSW 2430

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

*MCH Reference: Final report*

Dear Mick,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

Please find a copy of the final report for the above named project.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



**McCARDLE**  
CULTURAL HERITAGE

25 July 2016

Elvina Oxley  
PO Box 4018  
Stockland Forster NSW 2428

PO Box 166  
Adamstown 2289 NSW  
mcheritage@iprimus.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

*MCH Reference: Final report*

Dear Elvina,

**RE: Aboriginal Heritage Impact Assessment at Diamond Beach**

Please find a copy of the final report for the above named project.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



## ANNEX B

### AHIMS search results

MCH - McCardle Cultural Heritage Pty Ltd

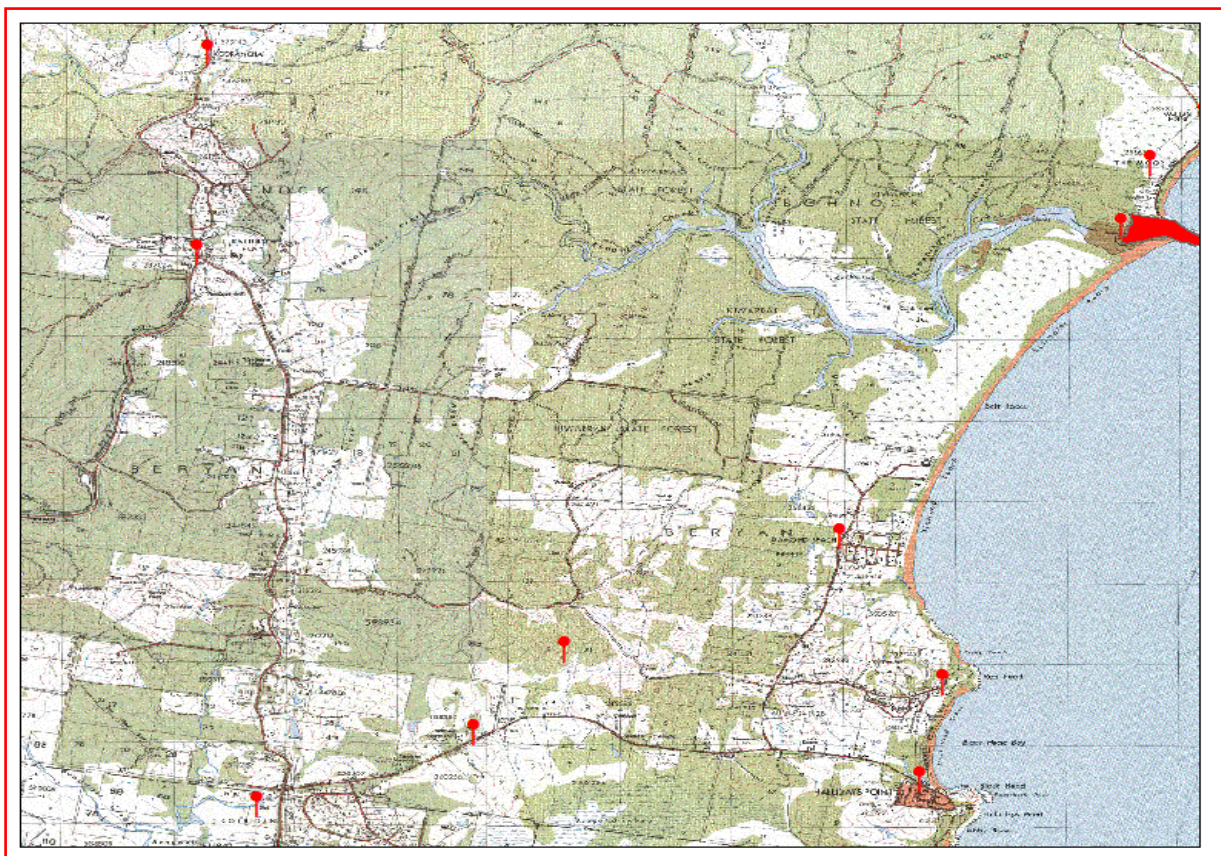
Date: 16 March 2016

P O Box 166  
Adamstown New South Wales 2289  
Attention: Penny Mccardle  
Email: mcheritage@iprimus.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 449000 - 459000, Northings : 6451000 - 6461000 with a Buffer of 50 meters. Additional Info : assessment, conducted by Penny Mccardle on 16 March 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:

**42 Aboriginal sites are recorded in or near the above location.**

**1 Aboriginal places have been declared in or near the above location. \***

<u>ID</u>	<u>Aboriginal Place Name</u>
22	Saltwater

### **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 \(http://www.nsw.gov.au/gazette\)](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.

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-3-0259	Saltwater	AGD	56	458800	6458300	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Aboriginal Place	
	<b>Contact</b>							<b>Permits</b>		
38-3-0062	Saltwater Beach;	AGD	56	458490	6457990	Open site	Valid	Artefact : -	Open Camp Site	1890
	<b>Contact</b>							<b>Permits</b>		
38-2-0134	RW-A1	AGD	56	450247	6458008	Open site	Valid	Artefact : 1		98900
	<b>Contact</b>							<b>Permits</b>	1905	
38-3-0225	Saltwater Artefact;	AGD	56	458060	6458550	Open site	Valid	Artefact : -	Open Camp Site	2103
	<b>Contact</b>							<b>Permits</b>		
38-3-0302	Khappinghat NR	GDA	56	458577	6458754	Open site	Not a Site	Artefact : -		
	<b>Contact</b> Mr.Warner Saunders							<b>Permits</b>		
38-2-0112	Jandra Quarry J6	AGD	56	449050	6453950	Open site	Valid	Artefact : -	Open Camp Site	97610
	<b>Contact</b>							<b>Permits</b>		
38-3-0275	Figtree Hill	AGD	56	456150	6452800	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>							<b>Permits</b>	2110	
38-3-0276	Diamond Beach Open Campsite	AGD	56	456350	6453800	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>							<b>Permits</b>		
38-2-0103	Tallwoods 1	AGD	56	451402	6453941	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>							<b>Permits</b>	1834	
38-2-0104	Tallwoods 2	AGD	56	451340	6453890	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>							<b>Permits</b>	1834	
38-2-0105	Tallwoods 3	AGD	56	452510	6453810	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>							<b>Permits</b>	1834	
38-2-0106	Tallwoods 4	AGD	56	452190	6453630	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	
	<b>Contact</b>							<b>Permits</b>	1834	
38-3-0278	Tallwoods 5	AGD	56	452710	6453750	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>							<b>Permits</b>	1834	
38-3-0279	Tallwoods 6	AGD	56	453580	6453810	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>							<b>Permits</b>	1834	
38-3-0001	Wallaby Point Saltwater Mythological Site	AGD	56	458500	6458250	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	225,2103
	<b>Contact</b>							<b>Permits</b>		
38-3-0265	BH4	AGD	56	455620	6453070	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>							<b>Permits</b>		

Report generated by AHIMS Web Service on 16/03/2016 for Penny Mccardle for the following area at Datum :GDA, Zone : 56, Eastings : 449000 - 459000, Northings : 6451000 - 6461000 with a Buffer of 50 meters. Additional Info : assessment. Number of Aboriginal sites and Aboriginal objects found is 42

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-3-0266	BH3	AGD	56	454200	6452730	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b>	Mr.John Appleton					<b>Permits</b>		
38-3-0267	BH2	AGD	56	455500	6452250	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b>	Mr.John Appleton					<b>Permits</b>		
38-3-0268	BH1	AGD	56	455430	6452280	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b>	Mr.John Appleton					<b>Permits</b>		
38-3-0007	Halliday's Point Forster	AGD	56	457200	6451200	Open site	Valid	Modified Tree (Carved or Scarred) : -, Ceremonial Ring (Stone or Earth) : -	Bora/Ceremonial,C arved Tree	
	<b>Contact</b>	<b>Recorders</b>	David Bell					<b>Permits</b>		
38-3-0030	Saltwater Camping Place;Wallabi Point;	AGD	56	458806	6458189	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Mr.John Clark					<b>Permits</b>		
38-3-0032	Black Head;Halliday's Point;	AGD	56	456549	6451750	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	
	<b>Contact</b>	<b>Recorders</b>	Mr.Ian Cranwell					<b>Permits</b>		
38-3-0047	Hallidays Point;	AGD	56	456850	6450850	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	1333
	<b>Contact</b>	<b>Recorders</b>	Warren Bluff					<b>Permits</b>		
38-3-0048	Hallidays Point;	AGD	56	456860	6450840	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	1333
	<b>Contact</b>	<b>Recorders</b>	Warren Bluff					<b>Permits</b>		
38-3-0220	Blackhead;	AGD	56	456490	6451750	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	2103
	<b>Contact</b>	<b>Recorders</b>	Mr.K Heffernan,Jan Klaver					<b>Permits</b>		
38-3-0221	Pebbly Beach 1;	AGD	56	457010	6450800	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>	Mr.K Heffernan,Jan Klaver					<b>Permits</b>		
38-3-0223	Blackhead Cave 1;	AGD	56	457325	6451350	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	2103
	<b>Contact</b>	<b>Recorders</b>	Mr.K Heffernan,Jan Klaver					<b>Permits</b>		
38-3-0224	Saltwater Canoe;Tree 1;	AGD	56	458060	6458550	Open site	Valid	Modified Tree (Carved or Scarred) : -	Carved Tree	2103
	<b>Contact</b>	<b>Recorders</b>	Mr.K Heffernan,Jan Klaver					<b>Permits</b>		
38-3-0226	Saltwater Canoe;Tree 2;	AGD	56	457985	6458650	Open site	Valid	Modified Tree (Carved or Scarred) : -	Carved Tree	2103

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0227	Saltwater Midden;	AGD	56	457740	6458625	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0229	Saltwater Midden;	AGD	56	458725	6458310	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0230	Readhead/Shelley Beach;	AGD	56	457060	6450990	Open site	Valid	Artefact : -	Open Camp Site	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0231	Crying Tree;	AGD	56	457125	6452990	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0232	Diamond Beach 1;	AGD	56	456825	6455470	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0233	Diamond Beach 2;	AGD	56	456900	6455625	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0234	Diamond Beach 3;	AGD	56	456930	6455725	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0235	Diamond Beach 4;	AGD	56	457000	6455870	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0236	Diamond Beach 5;	AGD	56	457115	6456120	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0237	Diamond Beach 6;	AGD	56	457210	6456280	Open site	Valid	Shell : -, Artefact : -	Midden	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0238	Saltwater Midden;	AGD	56	458240	6458225	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	2103
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0242	Saltwater;	AGD	56	458270	6458000	Open site	Valid	Artefact : -	Open Camp Site	2603
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-3-0286	KNAPPINGHAT#1	AGD	56	455762	6458692	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		

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