

FORSTER REZONING NORTH TUNCURRY

Aboriginal Cultural Heritage Assessment Report Addendum



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REPORT

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1 ADDENDUM 2021

1.1 Background

This addendum amends *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom* (ACHAR), prepared by Doo-wakee, Rob Yettica Cultural Heritage, Elvina Jean Paulson Indigenous Cultural Resource Management Services (2011). It is to be referred to when using the ACHAR.

The amendments were identified through an evaluation of the 2011 ACHAR with regards to the *Code of Practice for Archaeological Investigations of Aboriginal Objects* requirements. They are presented in this ACHAR and now comply with the *Code of Practice for Archaeological Investigations of Aboriginal Objects*. They were identified by the Biodiversity and Conservation Division's (BCD) in consultation with the Department of Planning, Industry and Environment (DPIE) (now Heritage NSW, HNSW) and RPS Group.

The 2011 ACHAR is now updated to identify any potential Aboriginal cultural heritage within the proposal area that may potentially constrain future land-use or inform heritage conservation outcomes. Specifically, the AHIMS site cards 38-2-0025 and 38-2-0026 information required updating to reflect the results of previous Aboriginal archaeological surveys showing the extent of the archaeologically sensitive area. Further, the technical requirements in the ACHAR, including a review of previous archaeological studies and the predictive model, are updated to current standards. The renewed Aboriginal community consultation, undertaken in line with the Consultation Requirements (DECCW, 2010a), is also included in this addendum. The reassessment has facilitated the production of appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

The NSW Government's Hunter Regional Plan 2036 (HRP 2036) identifies North Tuncurry as a potential urban release area to address the housing needs of the MidCoast area. Landcom (the proponent) is therefore seeking to rezone approximately 615ha of land for conservation and urban purposes. The rezoning, referred to as the North Tuncurry Urban Release Area or NTURA, seeks to formalise the Project Delivery Agreement (PDA) entered into between the NSW Department of Industry - Crown Lands and Water and Landcom.

In August 2019, Landcom submitted the draft Rezoning Study, including the 2011 ACHAR, to the DPIE for review and to determine whether the draft documentation is fit for public exhibition purposes. The DPIE referred the Rezoning Study (and supporting studies) to MidCoast Council and relevant state agencies inviting feedback from those stakeholders. Landcom has engaged RPS to prepare this Addendum ACHAR in order to address feedback received from the NSW Biodiversity Conservation Division that the ACHAR be updated to align with currently applicable plans, policies and guidelines.

This Addendum ACHAR reviews the Master Plan that underpins the current rezoning study with due consideration of relevant legislation, plans, policies and guidelines. The Addendum ACHAR concludes that the indicative subdivision design within the Master Plan will avoid the two known identified items of Aboriginal cultural heritage. Notwithstanding this, to comply with the above legislative requirements and standards, this Addendum ACHAR makes a suite of recommendations that should be considered when future physical works are being undertaken. It should be noted that these recommendations do not preclude the progression of the rezoning study / planning proposal through to gazettal.

1.2 What is an Addendum?

The addendum is a change to *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom* (2011). It forms part of a commitment to maintaining compliance standards with the *Code of Practice for Archaeological Investigations of Aboriginal Objects*. This addendum provides a clear record of changes to the 2011 ACHAR that need to be applied.

The addendum documents these changes but does not alter the intent or purpose of the 2011 ACHAR. The purpose of the 2011 ACHAR, of determining known or potential Aboriginal sites possibly affected by environmental or rezoning works, remains valid with this addendum. The additional purpose of developing mitigation strategies for any known or potential Aboriginal sites affected also remains valid with this addendum.

1.3 Why is an Addendum needed?

The 2011 ACHAR described AHIMS site cards 38-2-0025 and 38-2-0026 that are now out-dated. The technical requirements section of ACHARs have changed standards. The project encountered significant delays in addressing environmental issues. These have recently been resolved allowing completion of the rezoning proposal to proceed. The Addendum consequently seeks to update outdated sections and compliance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects*. After careful consideration of the issues raised, the response was to develop this addendum. This addendum alters the 2011 ACHAR as requested by Landcom, the Biodiversity and Conservation Division's (BCD), the Department of Planning, Industry and Environment (DPIE) and RPS Group.

1.4 What will the Addendum do?

This addendum modifies the 2011 ACHAR. Specifically, it applies to the following sections of the 2011 ACHAR:

- Section 2: Aboriginal Involvement
 - Section 2.1 Process
 - Section 2.2 Outcome
- Section 5: Archaeological Background
 - Section 5.1 DECCW Aboriginal Heritage Information Management System
 - Section 5.2 Past surveys in the study locality
 - Section 5.3 Potential site types within the study area
- Section 9: Significance Assessment
 - Section 9.1 Management principles and the concept of significance
 - Section 9.2 Significance of the study area
- Section 11: Management Recommendations
 - Section 11.1 General requirements

Under these sections the addendum affects the results of previous Aboriginal archaeological surveys, including a review of previous archaeological studies and the predictive model and the general technical requirements. This addendum will inform the identification of any potential Aboriginal cultural heritage within the proposal area that may potentially constrain future land-use or inform heritage conservation outcomes. This updated information reflects the assessment of the extent of the archaeologically sensitive area.

Table 1 Key of which sections of the 2011 ACHAR have been amended or remain unchanged

Original Page	Section	Amended
6	1 INTRODUCTION	
6	1.1 Executive Summary	
7	1.2 Nature and location of the study	
13	2 ABORIGINAL INVOLVEMENT	Amended
13	2.1 Process	
13	2.2 Outcome	
16	3 ENVIRONMENT AND LANDUSE EFFECTS	
17	4 CULTURAL BACKGROUND	
19	4.1 Ethnohistorical Background	
20	5 ARCHAEOLOGICAL BACKGROUND	Amended
20	5.1 DECCW Aboriginal Heritage Information Management System	
20	5.2 Past surveys in the study locality	
24	5.3 Potential site types within the study area	
28	6 FIELD SURVEY 2	
28	6.1 Survey method and procedure	
28	6.2 Survey coverage	
30	7 SURVEY RESULTS	
31	8 RESULTS ASSESSMENT	
31	8.1 NTSHL-3	
35	9 SIGNIFICANCE ASSESSMENT	Amended
35	9.1 Management principles and the concept of significance	
35	9.2 Significance of the study area	
36	10 STATUTORY OBLIGATIONS	
37	11 MANAGEMENT RECOMMENDATIONS	Amended
37	11.1 General requirements	

These changes will have the following effects:

- Conveying the most recent and renewed Aboriginal community consultation, undertaken in line with the Consultation Requirements
- Describing updated technical requirements, including review of previous archaeological studies and the predictive model
- Providing current and amended information with which to inform the identification of any potential Aboriginal cultural heritage within the proposal area

The changes are in line with recommendations by the Biodiversity and Conservation Division's (BCD, Department of Planning, Industry and Environment (DPIE), and RPS Group.

For those sections that have not been amended (remain unchanged), please refer to the original 2011 ACHAR.

1.5 How will the Addendum be implemented?

This addendum to the 2011 ACHAR does not initiate a replacement of the report. It is an amendment and is embedded in the ACHAR.

2 EXECUTIVE SUMMARY

RPS has been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR). The *Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom* (ACHAR), prepared by Doo-wakee, Rob Yettica Cultural Heritage, Elvina Jean Paulson Indigenous Cultural Resource Management Services, relates to North Tuncurry (Lot 331 DP1104340, Lot 294 DP43110, and Lot 295 DP43110) in the MidCoast Council Local Government Area (LGA).

This addendum amends the 2011 ACHAR. It is to be referred to when using the 2011 ACHAR.

The 2011 ACHAR was initially undertaken for a Landcom project that proposed to re-zone land for urban purposes. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area of the proposed rezoning proposal. The assessment aimed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by the proposed land rezoning being carried out and if so, to develop impact mitigation strategies.

The project will involve the rezoning of land for environmental conservation, low and medium density residential, private recreation, business development and general industrial areas.

The project area was initially surveyed by Doowakee consultants, Robert Yettica and Elvina-Jean Paulson, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as **NTSHL-3** in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicles and machinery (Yettica, 2011, p. 6). The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits. A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted that about the project area.

The project encountered significant delays in addressing environmental issues. These have recently been resolved allowing completion of the rezoning proposal to proceed.

The purpose of the ACHAR addendum is to document the re-assessment of potential impacts to Aboriginal heritage associated with the proposal and if necessary, provide additional recommendations to avoid or mitigate impact. A key component of the ACHAR is consultation with Aboriginal stakeholders, which has been recommenced. If necessary, the ACHAR forms part of the application for an Aboriginal Heritage Impact Permit (AHIP). An AHIP is required if the proposal will – directly or indirectly – harm an Aboriginal object, or a declared Aboriginal place.

This Addendum ACHAR reviews the Master Plan that underpins the current rezoning study with due consideration of relevant legislation, plans, policies and guidelines. The Addendum ACHAR concludes that the indicative subdivision design within the Master Plan will avoid the two known identified items of Aboriginal cultural heritage. Notwithstanding this, to comply with the above legislative requirements and standards, this Addendum ACHAR makes a suite of recommendations that should be considered when future physical works are being undertaken. It should be noted that these recommendations do not preclude the progression of the rezoning study / planning proposal through to gazettal.

2.1 Recommendations

The current proposal is for a rezoning. The following recommendations relate to the future carrying out of work, which is a separate process.

Recommendation 1: Minimise harm

Prior to the commencement of any works: the two AHIMS sites 35-8-0025 and 35-8-0026 should be temporarily fenced off to ensure foot and vehicle traffic do not disturb the sites and affect the archaeological integrity. A 10 metre buffer should be placed around the site boundaries and placement of the fencing should be conducted in conjunction with the Forster LALC. If the sites will be directly impacted, then Landcom must apply to Heritage NSW for an AHIP under s.90 of the *National Parks and Wildlife Act 1974* (NPW Act) prior to any impacts occurring at North Tuncurry.

Recommendation 2: Aboriginal cultural heritage induction

All site workers and personnel involved in future works associated with the Project Area should be inducted and briefed on the possible identification of Aboriginal objects during construction and their responsibilities according to the provisions of *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

An Aboriginal cultural heritage induction led by Forster LALC is recommended and can be arranged via 02 6555 5411.

Recommendation 3: Unexpected finds procedure, Aboriginal object/s

If suspected Aboriginal objects are identified during future construction the following procedures must be followed (**Appendix C**):

1. Immediately cease all activity at the location.
2. Ensure no further harm occurs, secure the area.
3. Notify Environment Protection Authority's Enviro Line on 131 555, Forster LALC on 02 6555 5411 and an archaeologist (RPS +61 2 4940 4200).
4. No further action to be undertaken until Heritage NSW provides written consent.

Recommendation 4: Unexpected finds procedure, human remains

All human remains in, on or under the land must not be harmed. If suspected human remains are located during any stage of the proposed works (**Appendix C**):

1. Immediately cease all activity at the site.
2. Ensure no further harm occurs, secure the area to avoid further harm to the remains.
3. Notify the NSW Police 000.
4. Notify the Environment Protection Authority's Enviro Line on 131 555, Forster LALC on 02 6555 5411 and an archaeologist (RPS +61 2 4940 4200).

GLOSSARY

Table 2 Glossary and abbreviations

Abbreviation/Term	Meaning
Aboriginal cultural heritage	The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present-day Aboriginal communities.
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCR	Aboriginal Cultural Heritage Consultation Requirements
Aboriginal object	Defined in the NPW Act as: "Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains,"
Aboriginal Place	A place declared under Section 84 of the NPW Act that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture. Aboriginal places have been gazetted by the minister.
Aboriginal culturally modified tree	Defined in the NPW Act as: "a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved or modified by an Aboriginal person by: (a) the deliberate removal, by traditional methods, of bark or wood from the tree, or (b) the deliberate modification, by traditional methods, of the wood of the tree.
Activity	A project, development, or work (this term is used in its ordinary meaning and is not restricted to an activity as defined by Part 5 EPA Act 1979).
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit. permit issued by the Director-General of DPIE (or their delegate) authorising a person to harm or desecrate Aboriginal objects or places.
Archaeology	The scientific study of material traces of human history, particularly the relics and cultural remains of past human activities.
Archaeological deposit	A layer of soil material containing archaeological objects and/or human remains.
Archaeological investigation	The process of assessing the archaeological potential of an impact area by a qualified archaeologist.
Archaeological site	An area that contains surface or sub-surface material evidence of past human activity in which material evidence (artefacts) of past activity is preserved.
Archaeological test excavation	
Artefact	An object made by human agency (e.g. stone artefacts).
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010),
Consultation Requirements	<i>Aboriginal cultural heritage consultation requirements for proponents</i> (DECCW 2010).
CHMP	Cultural Heritage Management Plan
DEC	New South Wales (NSW) Department of Environment and Conservation (restructured to become DECC)
DECC	NSW Department of Environment, Conservation and Climate (restructured to become DECCW)
DECCW	NSW Department of Environment, Climate Change and Water (restructured to become the Office of Environment and Heritage)
DPIE	NSW Department of Planning, Industry and Environment
Development	Development as defined by the <i>EPA Act</i> as the use or subdivision of land, building construction and the associated works, any other thing, matter or act that may be controlled by an environmental planning instrument.

Abbreviation/Term	Meaning
DA	Development Application
Disturbed land	Defined in the NPW Act as; land that has been the subject of a human activity that has changed the land's surface being changes that remain clear and observable. Examples include: soil ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks (such as previous drill sites or trenches).
Due diligence	Taking reasonable and practicable steps to determine whether a person's actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm.
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
The Guide	<i>Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW</i> (OEH, 2011)
Harm	With regard to Aboriginal objects this has the same meaning as the <i>NPW Act</i> : destroy, deface or damage an object; move an object from the land on which it is situated; cause or permit an object to be harmed.
Heritage NSW	Formerly NSW Department of Planning, Industry and Environment
Impact	Influence or effect exerted by a project or other activity on the natural, built and community environment.
Isolated artefact / find	A single artefact found in an isolated context.
LALC	Local Aboriginal Land Council
LEP	Local Environment Plan
LGA	Local Government Area
Management plans	Conservation plans which identify management strategies for all known sites recorded within a (usually approved) Project Area.
Methodology	The procedures used to undertake an archaeological investigation.
Mitigation	To address the problem of conflict between land use and site conservation.
NPW Act	<i>National Parks and Wildlife Act 1974 (NSW)</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019 (NSW)</i>
NPWS	NSW National Parks and Wildlife Service
OEH	NSW Government Office of Environment and Heritage (restructured to become the DPIE)
PADs	Potential archaeological deposit. A location considered to have a potential for subsurface archaeological material.
Project Area	Defined area of the current project, as seen in Figure 1
RAPs	Registered Aboriginal parties
REF	Review of Environmental Factors
RPS	RPS Australia East Pty Ltd
Site	A place where past human activity is identifiable.
SSD	State Significant Development
SU	Survey unit

NB. Abbreviations spelt out in the first instances, then abbreviated throughout the report

3 INTRODUCTION

RPS has been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR). The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom (ACHAR) 2011 was prepared by Doo-wakee, Rob Yettica Cultural Heritage, Elvina Jean Paulson Indigenous Cultural Resource Management Services for proposed re-zoning by Landcom.

The 2011 ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area of the proposed rezoning proposal. The assessment aimed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by future proposed rezoning works and if so, to develop impact mitigation strategies.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits. A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted that about the project area. Since these findings, the Landcom land re-zoning project has undergone a hiatus. Recently, the project has recommenced, however, sections of the 2011 ACHAR now require updating.

The purpose of this addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed rezoning and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values. This report has been compiled to meet the requirements of the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH, 2010). If necessary, the ACHAR forms part of the application for an Aboriginal Heritage Impact Permit (AHIP). An AHIP is required if future proposed rezoning works will – directly or indirectly – harm an Aboriginal object, or a declared Aboriginal place.

3.1 Project Area

This Addendum has been produced for the proposed rezoning at North Tuncurry (Lot 331 DP1104340, Lot 294 DP43110, and Lot 295 DP43110) in the MidCoast Council Local Government Area (LGA) and is hereafter known as the Project Area (**Figure 1**).

3.2 Proposed future activity

The proposed land rezoning will create spaces for environmental conservation, low and medium density residential, private recreation, business development and general industrial areas.

3.3 Information and privacy

3.3.1 Restricted information

No restricted information is provided in this report.

3.3.2 Confidentiality

No confidential information is included in this report. However, it is noted that the report contains details relating to the locations of registered Aboriginal heritage sites within and near the Project Area that may be considered confidential information by Registered Aboriginal Parties (RAPs).

3.3.3 Copyright

The report was prepared by RPS Australia East Pty Ltd for Landcom.

- a. Copyrighting of drawings, reports, specifications calculations and other documents provided by RPS Australia East Pty Ltd in connection with the provision of the Services will remain the property of RPS Australia East Pty Ltd.
- b. Subject to clause (c) below, the Client alone will have an exclusive licence to use the documents referred to in clause (a).
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3.4 Aboriginal Heritage Impact Permit (AHIP)

3.4.1 Details of existing AHIP applications

There are no known applications pending, refused or otherwise associated with the Project Area.

3.4.2 Proposed AHIP

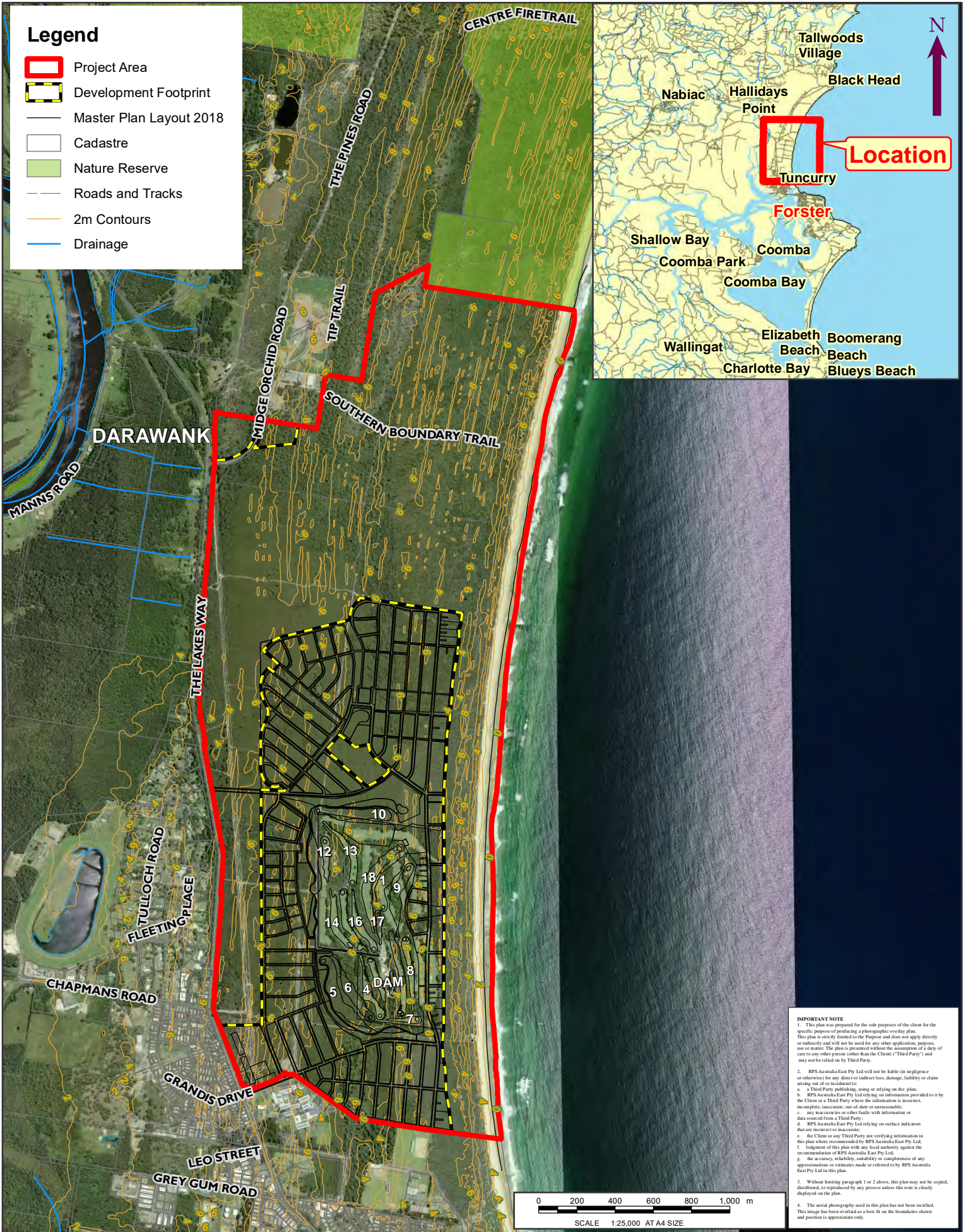
Where required, the ACHAR will act as supporting documentation for an AHIP application.

3.5 Authorship and acknowledgement

This report has been prepared by RPS Senior Heritage Consultant/Archaeologist Ben Slack (BA Arch) and RPS Graduate Heritage Consultant/Archaeologist Kate Morris (BA/BSc *Hons*). GIS mapping was undertaken by RPS Senior Draftsperson, Natalie Wood. This report was reviewed and approved by RPS Senior Heritage Consultant/Archaeologist Ben Slack (BA Arch).

Representatives of the registered Aboriginal Parties (RAPs) were involved in the consultation processes, which form the basis of this assessment. These representatives are listed in **Table 3**.

This report acknowledges the Traditional Owners and Elders, past, present and future, on whose land this project is located.



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4 LEGISLATIVE CONTEXT

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

4.1 National Parks and Wildlife Act 1974

Aboriginal cultural heritage (objects and places) in NSW are protected by the *National Parks and Wildlife Act 1974* which is overseen by HNSW (formerly DPIE, DECCW and OEH). In some cases, Aboriginal heritage may also be protected under the *Heritage Act 1977*, also overseen by HNSW (formerly the Heritage Branch of the Department of Planning). The *Environmental Planning and Assessment Act 1979*, overseen by the DPIE, and other environmental planning instruments trigger the requirement for the investigation and assessment of Aboriginal cultural heritage as part of the development approval process.

The *National Parks and Wildlife Act 1974* (NPW Act) is the principal Act providing protection for Aboriginal cultural heritage (objects and places) in NSW. It provides protection for Aboriginal cultural heritage irrespective of the level of archaeological or cultural heritage significance or land tenure. HNSW is responsible for the administration of the NPW Act. The NPW Act provides protection for Aboriginal cultural heritage in NSW. Section 86 of the NPW Act states:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object”
- “A person must not harm an Aboriginal object”
- “A person must not harm or desecrate an Aboriginal place”

Under the NPW Act, it is an offence to harm an Aboriginal object or place. Harming an Aboriginal object or place may result in a fine of up to \$550,000 for an individual and imprisonment for two years; and in the case of a corporation, a fine of up to \$1.1 million. The fine for a strict liability offence (s86 [2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the NPW Act 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 1) that harm was authorised under Section 90 of the NPW Act, or 2) that the proponent exercised due diligence in respect to Aboriginal cultural heritage. The due diligence defence states that if a person or company has exercised due diligence, liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed. If an Aboriginal object is identified during the proposed activity, all activity within that area must cease and HNSW notified (DECCW, 2010c:13). The due diligence defence does not authorise continuing harm.

4.1.1 Notification of Aboriginal objects

Under Section 89A of the NPW Act, the proponent must report all Aboriginal objects and places to the Director General of HNSW within a reasonable time, unless already recorded on the Aboriginal Heritage Information Management System (AHIMS). Fines of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

4.1.2 Investigating and assessing Aboriginal cultural heritage

There are a number of procedural publications governing archaeological practice in NSW. The publications relevant to the investigation and assessment of Aboriginal cultural heritage include;

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011);
- *Code of practice for archaeological investigation of Aboriginal objects in New South Wales* (the Code) (DECCW, 2010b); and,

- *Aboriginal cultural heritage requirements for proponents* (DECCW, 2010a)

The *Aboriginal cultural heritage consultation requirements for proponents* (2010a) codifies a process for consultation with Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal cultural heritage. The requirements are consistent with the NPW Act and seek, inter alia, to conserve Aboriginal objects and places of significance to Aboriginal people. Consultation is therefore a fundamental part of the Aboriginal cultural heritage assessment process.

4.1.3 Aboriginal Place

Under Section 90 of the NPW Act it is an offence to 'harm' an Aboriginal object or place unless an AHIP has been issued by the Director General of HNSW. No Aboriginal Places are located within the Project Area.

4.1.4 AHIP under Part 6

An AHIP can be issued by the Chief Executive of the Department under Part 6 of the NPW Act where harm to an Aboriginal object or Aboriginal Place cannot be avoided. Section 90 of the NPW Act relates specifically to AHIPs. An AHIP can be issued, transferred, varied, surrendered, revoked or suspended.

4.2 Heritage Act

The *Heritage Act 1977* provides protection for environmental heritage including historic places, structures, relics, moveable objects and landscapes of significance. The *Heritage Act 1977* also affords protection to Aboriginal places of State heritage significance included on the State Heritage Register (SHR) or subject to an Interim Heritage Order. No Aboriginal places included on the SHR or subject to an Interim Heritage Order are located within the Project Area.

4.3 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPA Act) regulates a system of environmental planning and assessment for NSW. Land use planning requires the consideration of environmental impact, including the potential impact on Aboriginal cultural heritage. The NPW Act therefore provides protection for Aboriginal objects or places, and the EPA Act necessitates an assessment of Aboriginal cultural heritage as part of the planning and approvals process.

The proposed rezoning of the NTURA site will establish a new planning regime for the land, which will supersede the current local environmental planning instrument applying to the land. It is proposed to rezone the whole of the NTURA site in accordance with the provisions of the Great Lakes LEP 2014, albeit with the inclusion of site-specific provisions to realise the intent of the Master Plan.

The Minister for Planning and Public Spaces endorsed the preparation of a self-repealing State Environmental Planning Policy (SEPP) Amendment to Great Lakes Local Environmental Plan 2014 (GL LEP 2014) on the 18 March 2020. The Rezoning Study submitted to the Minister for Planning and Public Spaces sets the vision for the NTURA and outlines the extent and scope of the new land uses and development control framework proposed to apply to the NTURA site.

The Study has been prepared in accordance with the Study Requirements issued by the (then) Director General of (then) NSW Planning and Infrastructure (now Department of Planning, Industry and Environment). It is important to note that the Study Requirements were issued under the former State Environmental Planning Policy (Major Development) which has been replaced by the State Environmental Planning Policy (State Significant Precincts). In addition, it should also be noted the Study Requirements were issued in the context of the Study being prepared concurrently with a Concept Plan Application under Part 3A of the EP&A Act. Part 3A has since been repealed, and many of the detailed development components for which the Concept Plan would have sought consent will now form part of future Development Applications. Aboriginal heritage will continue to be a consideration through future development approvals processes.

4.4 MidCoast Council Local Environment Plan (LEP)

The Project Area is within the MidCoast Council LGA (formerly the Great Lakes LGA). The MidCoast Council was formed in 2016 with the amalgamation of the former Great Lakes, Greater Taree and Gloucester Shire, however, a single LEP does not yet exist for the LGA. There are currently three separate LEPs for the Great Lakes Region, the Manning Region and Gloucester Region.

Neither the Manning Region (Greater Taree LEP 2010) nor the Gloucester LEP 2010 listed any heritage items within the vicinity of the Project Area. While the Great Lakes LEP 2014 has local heritage items listed in Forster, all items are south of the Coolongolook River inlet, south of the Project Area.

Both the Greater Taree LEP 2010 and Gloucester LEP 2010 include protection of cultural heritage in their aims of the plan; however, it is only the Great Lakes LEP 2014 that includes provisions for how future consideration should be given to Aboriginal Cultural Heritage. It is only applicable to land identified as “1” on the Additional Permitted Uses Map and states that:

- 2) Development for the purpose of environmental protection works (being for the purpose of drainage and wetlands) is permitted with development consent if the consent authority is satisfied that the development will not—
 - (a) compromise public safety, or
 - (b) increase any adverse impact on sensitive ecosystems caused by the quantity, quality or frequency of stormwater discharge, or
 - (c) have an adverse impact on flooding upstream of the land, or
 - (d) have an adverse impact on any Aboriginal place of heritage significance, or
 - (e) increase any adverse impact on sensitive groundwater dependent ecosystems caused by groundwater flow regimes.

4.5 Aboriginal Land Rights Act 1983

The purpose of this legislation is to provide land rights for Aboriginal people within NSW and to establish Local Aboriginal Land Councils. Under Section 36 of the Act, a Local Aboriginal Land Council, on behalf of Aboriginal people, can claim certain Crown land that:

- Is able to be lawfully sold, leased, reserved or dedicated
- Is not lawfully used or occupied
- Will not, or not likely, in the opinion of the Crown Lands Minister, be needed for residential purposes
- Will not, or not likely, be needed for public purposes
- Does not comprise land under determination by a claim for native title
- Is not the subject of an approved determination under native title

Claims for land are by application to the Office of the Registrar, *Aboriginal Land Rights Act 1983*. No registered Native title claims, title determinations of Indigenous land use agreements over the Project Area.

4.6 Native Title Act 1993

The Commonwealth *Native Title Act 1993* establishes a structure for the protection and recognition of native title where:

- Aboriginal people have a native title interest to maintain traditional customs and laws.
- Aboriginal people have sustained connection with the land or waters in question
- The native title rights and interests are recognised by the common law of Australia.

The Native Title Act 1993 establishes processes to determine where native title exists, how activities affecting upon native title may be carried out, and to provide compensation where native title is impaired or extinguished. The Act provides Aboriginal people who hold native title rights and interests, or who have made a native title claim, the right to be consulted and in some cases, to participate in decisions about activities proposed to be undertaken on the land. There are no Native Title Claims registered or determined within the Project Area.

5 ABORIGINAL COMMUNITY CONSULTATION

It is acknowledged that Aboriginal people should be involved in the Aboriginal heritage planning process and are the primary source of information about the value of their heritage. This includes the best management and conservation measures for Aboriginal heritage and the way in which their cultural information (particularly sensitive information) is used. Aboriginal community consultation is regarded as an integral part of the process of investigating and assessing Aboriginal cultural heritage (OEH, 2010).

5.1 Aboriginal Cultural Heritage Consultation Requirements

Aboriginal community consultation has been undertaken for this amended assessment and has followed the Consultation Requirements (DECCW, 2010a). The Consultation Requirements outline a four stage Aboriginal consultation process and mandate specific timeframes for each stage. The four stages are summarised below. All the consultation documentation for each stage is included in **Appendix A**.

5.1.1 Stage 1 – Notification of project proposal and registration of interest.

Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. This identification process should draw on reasonable sources of information including: the relevant DPIE Environment Protection and Regulation Group regional office, the relevant LALC(s), the Register of Aboriginal Owners, the Native Title Tribunal, Native Title Services Corporation, local council(s) and the relevant Local Land Services, as well as placing an advertisement in a local newspaper circulating in the general location of the activity. Aboriginal organisations and/or individuals identified should be notified of the activity and invited to register an expression of interest for Aboriginal consultation.

5.1.2 Stage 2 – Presentation of information about the proposed project

The aim of stage 2 is to provide registered Aboriginal parties identified during stage 1 information about the scope of the proposal and the proposed heritage assessment process.

5.1.3 Stage 3 – Gathering information about cultural significance

Stage 3 provides the opportunity for registered Aboriginal stakeholders to recommend culturally appropriate research methodologies for the cultural heritage assessment. At this stage registered stakeholders are invited to provide input to determine the cultural significance of Aboriginal objects and/or places within the Project Area. In turn they are also given the opportunity to have an input into the development of any cultural heritage management options.

5.1.4 Stage 4 - Review of draft cultural heritage assessment report.

The final stage of the Consultation Requirements requires all registered Aboriginal stakeholders to be provided with a copy of the draft ACHAR and given 28 days in which to review the document. This stage provides Aboriginal stakeholders with an opportunity to review the ACHAR prior to its submission with the AHIP application. Further cultural information may be gathered at this stage and all comments received are then incorporated into the final report.

5.2 Record of consultation

A full record of all correspondence undertaken for this reassessment is included in **Appendix A**.

In accordance with Stage 1, step 4.1.2, letters requesting the details of any Aboriginal people that may hold cultural knowledge relevant to the Project Area were sent to the following agencies:

- Department of Planning, Industry and Environment Hunter Central Coast Region,
- The Registrar, Aboriginal Land Rights Act 1983,
- Native Title Services Corporation Limited,

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- The National Native Title Tribunal,
- Midcoast Council,
- Forster Local Aboriginal Land Council, and
- Hunter Local Land Services.

In accordance with Stage 1, step 4.1.1, a notice was placed in the Great Lakes Advocate on the 8th of October 2020 (**Appendix A**). Also, in accordance with Stage 1, step 4.1.3, Aboriginal people or organisations identified at step 4.1.2 were invited to register for the project. At the completion of Stage 1 of the Consultation Requirements a total of 8 Aboriginal people or organisations were registered for the project. The list of RAPs is given in **Table 3**.

Table 3 RAPs at the completion of Stage 1 of the ACHCRs

Organisation	Representative
Murra Bidgee Mullangari Aboriginal Corporation	Ryan Johnson and Darleen Johnson-Carroll
Nunawanna Aboriginal Corporation	Colin Ahoy
A1 Indigenous Services	Carolyn Hickey
Widescope Indigenous Group	Steven Hickey
Didge Ngunawal Clan	Paul Boyd and Lilly Carroll
Forster Local Aboriginal Land Council	N/A
Details withheld	Details withheld
Details withheld	Details withheld

In accordance with Stage 1, step 4.1.6, the names and details of all RAPs for the project were forwarded to Forster LALC and Heritage NSW on 9 November 2020, unless RAPs had specified, they did not want their details released.

In accordance with Stage 2 and 3, RPS provided all RAPs with copies of both the original ACHAR and the Addendum methodology on 10 November 2020 and responses were due by 8 December 2020. Aboriginal stakeholders were provided with information about the proposal and the cultural heritage assessment process, including the methodology for collecting information on cultural heritage significance. RPS received no comments on proposed methodology.

In accordance with Stage 4, step 4.4.2, a draft copy of this Addendum report was forwarded to all RAPs on 11/02/2021. All RAPs were provided 28 days to review the document and make comments, request alterations or provide additions to this Addendum. No feedback or comments were received regarding the ACHAR addendum. The cultural significance of the Project Area has been included in Section 8 of this report.

6 DESCRIPTION OF THE AREA

Please refer to *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom (ACHAR) 2011* for description of the geographic location, environmental context, and Aboriginal history in proximity to the Project Area.

6.1 Location

Please refer to *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom (ACHAR) 2011*.

6.2 Environmental context

Please refer to *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom (ACHAR) 2011* for a summary of the environmental context of the Project Area including topography, soils, geology, flora and fauna, hydrology and previous disturbance.

7 ABORIGINAL HERITAGE CONTEXT

Please refer to *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom (ACHAR) 2011* for a description of the Aboriginal heritage context of the Project Area, this includes a summary of Aboriginal history within the area.

7.1 Aboriginal history in the area

Please refer to *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom (ACHAR) 2011*.

7.2 Archaeological context

7.2.1 Aboriginal Heritage Information Management System (AHIMS)

The purpose of re-evaluating the relevant heritage information is to assist in identifying whether Aboriginal objects or places are present, or likely to be present within the Project Area. It also assists in defining areas of archaeological potential.

An extensive search was undertaken of the AHIMS on the 9th October 2020 by RPS Senior Heritage Consultant Ben Slack and RPS Graduate Heritage Consultant Kate Morris (client service ID # 541372) encompassing Eastings: 447282 - 454958, and Northings: 6438221 - 6447729 (**Appendix B**). This extensive search identified 49 sites within the search parameters, two of which are located along the edge of the Project Area (**Figure 2**).

Table 4 Summary of AHIMS within the searched coordinates

Site Type	Quantity	%
Potential Archaeological Deposit (PAD)	1	2%
Artefact Scatter	1	2%
Restricted	1	2%
Burial	1	2%
Isolated Find	9	18%
Midden	36	74%
TOTAL	49	100%

Source: AHIMS 09/10/2020. Search Eastings: 447282 - 454958, Northings: 6438221 - 6447729 with a Buffer of 0 meters.

Two AHIMS sites (38-2-0025 and 38-2-0026) are located along the edge of the Project Area (**Figure 2**). AHIMS 38-3-0035, 38-2-0027 and 38-2-0028 are all close to the Project Area, approximately 200 metres from the north and south west boundaries. Further details regarding the AHIMS sites and the archaeological context are provided in **Appendix B**.

Table 5 AHIMS within the searched coordinates

AHIMS#	Site Name	Site Type	Status	Eastings	Northings
38-2-0079	McCLYMONTS CREEK 8	Midden	Valid	448900	6438320
38-2-0080	McCLYMONTS CREEK 7	Midden	Valid	448920	6438440
38-2-0081	McCLYMONTS CREEK 6	Midden	Valid	448820	6438540
38-2-0082	McCLYMONTS CREEK 5	Midden	Valid	448820	6438530
38-2-0083	McCLYMONTS CREEK 4	Midden	Valid	448700	6438730
38-3-0282	LS4	Isolated Find	Valid	453860	6438740
38-3-0283	LS5	Artefact Scatter	Valid	453780	6438450
38-3-0284	LS6	Isolated Find	Valid	453860	6438040
38-3-0285	LS7	Isolated Find	Valid	453840	6438600

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AHIMS#	Site Name	Site Type	Status	Eastings	Northings
38-3-0290	LS1 (Forster)	Isolated Find	Valid	453850	6438300
38-3-0291	LS2	Isolated Find	Valid	453880	6438200
38-3-0292	LS3	Isolated Find	Valid	453870	6438150
38-3-0281	PAD A3	PAD	Valid	453820	6438350
38-2-0043	Tuncurry No:6	Midden	Valid	451850	6439100
38-2-0136	Tuncurry TAFE	Isolated Find	Valid	452780	6439300
38-2-0102	LEO-1	Midden,Open Camp Site	Valid	451616	6441000
38-2-0084	McCLYMONTS CREEK 3	Midden	Valid	448680	6438620
38-2-0085	McCLYMONT CREEK 1	Midden	Valid	448400	6438700
38-2-0086	McCLYMONTS CREEK 2	Midden	Valid	448660	6438610
38-2-0087	WALLUMBA RIVER 2	Midden	Valid	449600	6440100
38-2-0088	WALLAMBA RIVER 1	Midden	Valid	449450	6439630
38-3-0260	Forster Bridge Tool Site	Midden,Open Camp Site	Valid	453580	6439350
38-3-0003	Forster.	Midden	Valid	454045	6438907
38-3-0004	172 Wharf St.Forster	Midden	Valid	454045	6438907
38-3-0025	Tuncurry; South St.	Midden	Valid	453115	6439804
38-3-0035	Tuncurry Midden Site 3	Midden	Valid	453200	6445800
38-3-0043	The Tanks	Midden	Valid	454750	6439350
38-3-0044	The Tanks	Midden	Valid	454800	6439350
38-2-0015	Wallis Island; The Piggery	Midden	Valid	448000	6438100
38-5-0149	Old Forster Police Station	Burial/s	Valid	454030	6439030
38-2-0025	Tuncurry Open Site 2	Midden	Valid	451900	6442700
38-2-0026	Tuncurry Open Midden Site1	Midden	Valid	451800	6444700
38-2-0027	Chapman's Road	Midden	Valid	451700	6441700
38-2-0028	Chapman's Road	Midden	Valid	451600	6441700
38-2-0040	Twin Dolphins C.P. No:3	Midden	Valid	451250	6440000
38-2-0041	South St. Tuncurry No:4	Midden	Valid	451720	6439800
38-2-0042	Tuncurry No:5	Midden	Valid	450950	6439400
38-2-0044	Tuncurry No:7	Midden	Valid	451910	6438760
38-2-0048	Mather Island Site 15	Midden	Valid	452480	6438400
38-2-0049	Mather Island Site 14	Midden	Valid	452160	6438410
38-2-0050	Long Island Site 13	Midden	Valid	451410	6438450
38-2-0051	Long Island Site 12	Midden	Valid	451650	6438500
38-2-0062	Gereeba Channel #1	Midden	Valid	449550	6444150
38-2-0063	Gereeba Channel #2	Midden	Valid	449410	6443050
38-3-0061	Forster Beach	Midden	Valid	453800	6439880
38-3-0243	Little and South St. Shop	Midden	Valid	453860	6438450
38-2-0116	Tuncurry Street	Isolated Find	Valid	452340	6439990
38-3-0294	Restriction applied. Please contact ahims@environment.nsw.gov.au	Restricted	Valid	Restricted	Restricted
38-2-0179	Banksia Garden Shell Midden 1	Isolated Find	Valid	451778	6440961

Source: AHIMS 09/10/2020. Search Eastings: 447282 - 454958, Northings: 6438221 - 6447729 with a Buffer of 0 meters.

Two AHIMS sites (38-2-0025 and 38-2-0026) are located along the edges of the Project Area. Details of these two AHIMS sites are below.

AHIMS 38-2-0025

This site was originally recorded in 1988 by T. Bonhomme as a midden/campsite. It was noted that shell and stone were exposed at an intersection of two access tracks. One chert core was found on the surface. Shell included cockle, whelk, oyster and shellfish, all of which were found in compact black soil. Stone tool density was recorded as less than 1 per m² with visibility at 75% on the access tracks but poor for the surrounding vegetated area. One area of the site is severely eroded and it was recommended the site be excavated to determine the scientific significance.

In 1991, this site was supposedly excavated in conjunction with AHIMS 38-2-0040. It is unclear whether the excavation actually occurred at AHIMS 38-2-0025 though due to the description. Four 60cm long trenches were excavated to a depth of approximately 50cm. Augers were also utilised. A shell band width of approximately 30cm was found and consisted of compact black sandy soil, anadara, mud whelk and periwinkles. Intact shell midden material is confined to the north-eastern corner of Lot 65. All augers revealed dark soils with either few shell fragments or no shell. The midden is dominated by *Anadara Tropezia* with a 3:1 ratio to Mud whelk. A low number of periwinkles were distributed throughout the shell deposit and no artefacts or bone were observed. No definite hearths were observed, and some mixing occurred that was likely due to previous clearance for the Twin Dolphins Caravan Park. The report concluded that AHIMS 38-2-0040 and AHIMS 38-2-0025 were probably the same site.

As AHIMS 38-2-0025 is approximately 2 kilometres north of the Twin Dolphins Caravan Park and AHIMS 38-2-0040, it is unlikely that the accompanying excavation report is of AHIMS 38-2-0025. Further, no stone artefacts were found in the excavation while surface artefacts were noted in the original survey. AHIMS 38-2-0025 is 1.2 kilometres from Wallamba River and 1 kilometre north of Chapmans Road on the Taree-Tuncurry Road.

AHIMS 38-2-0026

This site was also originally recorded in 1988 by T. Bonhomme as a midden/campsite and sits on a dune. Shell was exposed over a large area of 100x100 metres. The distribution of shell and stone varied along the site and included chert flakes, anadara, pyrezus and crassistrea shells. There were a lower number of stone artefacts and flakes were generally less than 3 centimetres. The dune consists of silicious sands with a high level of organic content. The site itself is less than 500 metres from the Wallamba River and 5 kilometres north of the Tuncurry Cemetery on the Tuncurry-Taree Road. It was recognised as important to the Cabarita Local Aboriginal Land Council and recommended that the site be excavated to determine its scientific significance.

2011 ACHAR survey results of NTSHL-3

In the initial survey for the 2011 ACAR, the recorders noted a site (NTSHL-3) that comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The early European materials concealed substrates of cockle and oyster shell deposits. The site was later found to be associated with AHIMS 38-2-0025 shell deposits.

These two sites and all nearby sites, including AHIMS 38-3-0035, 38-2-0027 and 38-2-0028, comprise middens.

IMPORTANT NOTE

1. This plan was prepared for the sole purposes of the client for the specific purpose of producing a photographic overlay plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.

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c. any inaccuracies or other faults with information or data sourced from a Third Party;

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




f. lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;

g. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.

3. Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless the note is clearly displayed on the plan.

4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Legend

-  Project Area
-  Development Footprint
-  Master Plan Layout 2018
-  Cadastre
-  Nature Reserve
-  Roads and Tracks
-  2m Contours
-  Drainage
- AHIMS**
 -  Midden



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7.3 Archaeological literature review

A review of previous studies undertaken in the area, including archaeological surveys and excavations, is used to establish a better understanding of the archaeological potential of the Project Area.

RPS Australia East Pty Ltd. (2017). Aboriginal Cultural Heritage Management Plan, Cellito Beach NSW

In 2016, RPS was commissioned by MidCoast Council to undertake an Aboriginal cultural heritage management plan to provide management strategies to ensure the protection of Aboriginal cultural heritage items at Pacific Palms Cellito Beach. Cellito Beach is located at the northern end of Sandbar Beach, approximately 5.5 kilometres south of Wallis Lake and approximately 22.3 kilometres south of the township of Forster. The study area was located within the Forster LALC boundary.

A site inspection was undertaken in 2016, a number of site card discrepancies were found and further investigated. Concerns about the cumulative impacts of illegal 4WD and tourist usage were raised as issues. The recommendations suggest that there be no impact to AHIMS sites, cultural awareness training to be undertaken by all contractors and monitoring to the registered sites to ensure they are not disturbed.

RPS Australia East Pty Ltd. (2016). Heritage Due Diligence Assessment: Green Point Drive and Lakes Way, Forster, NSW in Great Lakes Local Government Area.

RPS was engaged by RPS Infrastructure Solutions on behalf of Telstra to undertake a heritage due diligence assessment for the installation of nbn™ cabling at Green Point and Forster in the MidCoast Local Government Area (LGA). The south-west boundary of the Project Area is at Green Point and the northern boundary begins at Forster. It is bordered to the south by the Booti Booti National Park. The Study Area is approximately 3.2 kilometres long with a 20 metre corridor.

A site inspection found no suitable raw materials or Aboriginal objects, sites or deposits. Nevertheless, high amounts of surface disturbances and modifications to the landform were noted and 116 AHIMS are in the vicinity. As no Aboriginal objects were identified in the Study Area, it was assessed that there was no identified risk of harm to Aboriginal objects. A PAD is located 400 metres west of the Project Area and middens and artefact scatters are located 600 metres south-west. The recommendations suggest that all contractors be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as a heritage induction.

RPS Australia East Pty Ltd. (2011). European Cultural Heritage Assessment: North Tuncurry Development Project, Great Lakes Local Government Area.

RPS was engaged by Landcom to prepare a European Cultural Heritage Assessment for land re-zoning for the North Tuncurry Development Project, now referred to as the North Tuncurry Urban Renewal Area. The 615ha Project Area is located at Tuncurry in the Great Lakes Local Government Area (LGA) on the NSW mid north coast.

Though desk top research found that the area had been associated with the Tuncurry Afforestation Prison Camp, the Tuncurry-Forster Aeroclub, and the first commercial pine plantation in New South Wales, a site inspection found no potential historic or archaeological sites.

The Tuncurry Afforestation Prison Camp was the first prison camp of its type in NSW while the plantation it established was the first commercial pine plantation in New South Wales. The only remaining items associated with that Camp are north of and outside the Project Area and therefore will not be impacted. No trace of the nursery and residence associated with the Afforestation Camp, which would have been within the Project Area, were located during a site inspection. The southern study area had been the location of the Tuncurry-Forster Aeroclub, established in 1973. Aside from the runway associated with the Tuncurry-Forster Aeroclub, which now forms part of the road to the Tuncurry Golf Club, no other item related to the Aeroclub was found. Recommendations suggested that if significant European cultural heritage material is uncovered, work should cease in that vicinity immediately until an adequate significance assessment is performed and the NSW Heritage Branch is notified, with works only recommencing when an appropriate and approved management strategy is instigated.

Graham Brooks and Associates Pty Ltd. (2003). Conservation Management Plan and Cultural Tourism Plan: Supplementary information Sugarloaf Point Lighthouse

In 2003 Graham Brooks and Associates Pty Ltd was commissioned by National Parks and Wildlife to undertake a Conservation Management Plan for National Parks and Wildlife Lighthouses. The report notes 3 Aboriginal midden sites within close vicinity to the lighthouse. The report found a high potential for further

midden sites in the area. Resource availability for food and medicine and the association with Aboriginal places makes this site culturally significant to the Worimi.

Sugarloaf Point was acknowledged as a cultural landscape and it was recommended that Sugarloaf Point be managed in consultation with the Worimi.

Leon, M.J. and D. Feeney (1998). Duralie Coal Mine Proposal Aboriginal Sites Investigation of Coal Shaft Creek.

Karuah and Forster Local Aboriginal Land Council was engaged by John Trotter (Environmental Engineer with Stratford Coal Pty Ltd) on behalf of Duralie Coal Pty Ltd to undertake an Aboriginal Heritage assessment of Coal Shaft Creek, Monkeri south of Gloucester. Duralie Coal Pty Ltd proposed to commence operations of an open cut mine in the area surrounding Coal Shaft Creek.

A site inspection in 1998 found 4 suspected scar trees along the North coast railway line, 'a number' of other suspected scar trees, early surveyor's marks, two possible grooves in exposed rock and three surface artefacts. The authors concluded that two of the scar trees were formed from natural bushfires. The three surface artefacts (basalt flake, quartzite core, and basalt with use-wear) were removed. Despite the findings described in the report, the conclusions contradict the evidence and state that no Aboriginal sites were on the property. The recommendations suggest that the authenticity of the scar trees be validated and that another Aboriginal Heritage assessment should be undertaken if the artefacts were also authenticated (which they were with evidence in the appendices). The findings were that no further investigation was required. Given the findings, it is likely that scar trees or Aboriginal objects and places may be found in this locale.

McDonald, J. (1995). Seal Rocks Plan of Management: Assessment of Archaeological and Anthropological Issues

In 1995, EDAW on behalf of the Seal Rocks Steering Committee commissioned Brayshaw McDonald Pty Ltd to commence a management assessment of Seal Rocks, NSW. A management plan was devised to assess both crown lands and the surrounding township of Seal Rocks to determine the archaeological context, potential, and management implications of the project area. The project area for this report was located between Port Stephens to the south and Forster-Tuncurry to the north, within the Forster LALC boundary.

A site inspection was undertaken to ground truth the previously registered sites and assess their current condition. It was noted that the sites were heavily eroded due to both vehicle and pedestrian access. Four new sites were recorded; three of these sites were midden and the other was an open engraving site. The midden sites were located within proximity to the beach and headlands.

The report recommends an assessment be undertaken of the archaeological and anthropological significance of Seal Rocks to realise the full extent of Aboriginal Objects and or places and landscapes within the area. It was recommended that the area was suitable for recreational purposes only.

7.4 Summary and analysis of background information

The Project Area is part of the broader cultural landscape of the Forster area, which is immersed in cultural significance including cultural landscapes. Access to perennial resources and fresh water are major determinants of where Aboriginal people would have camped for any period of time. The Project Area is located by the ocean, estuaries and large permanent water sources, with an abundance of marine, estuarine, and riverine food resources. There are several registered AHIMS in the broader area and despite some previous reports concluding no objects or places, there may be scar trees and PADs in the wider area in addition to the known coastal midden sites.

The greater Great Lakes region has been impacted by European land use, which historically both commercially utilised and cleared the surrounding vegetation for land use. Historically the timber getting industry and the ship building industry were located on the Myall Lakes. The Project Area itself has been minorly impacted from past and present recreational usage and the natural erosion caused by wind and water. The low impact of disturbance within this area will most likely not affect the potential for identify further Aboriginal sites and objects within the project Area and the integrity of cultural deposits, if present.

As the Project Area is located by the coastal shoreline, surrounded by midden sites and has two sites bordering the Project Area, it is considered to be an archaeologically sensitive landscape.

7.5 Results of archaeological survey

Please refer to *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom* (ACHAR) 2011 for the results of the original archaeological survey.

It was deemed that a re-inspection was unnecessary as the AHIMS sites now fall outside of the Project Area and were inspected during 2011. Furthermore, no change to the proposed rezoning footprint has occurred.

8 CULTURAL HERITAGE VALUES AND STATEMENT OF SIGNIFICANCE

Please refer to *The Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom (ACHAR)* 2011 for the original significance assessment.

The reassessment of the AHIMS and archaeological literature has not altered the significance determined in the 2011 ACHAR. Nevertheless, the 2011 ACHAR focussed on the Aboriginal cultural and social significance, spiritual significance, and the archaeological and scientific significance. This excludes the aesthetic and historical significance.

The Burra Charter provides guidance for the conservation and management of places of cultural significance or cultural heritage places. The definition of cultural significance as supplied by the Burra Charter focuses on scientific, aesthetic, historic, or social values of the past, present and future generations (Australia ICOMOS, 2013).

Aboriginal cultural heritage is assessed using the categories developed by the Burra Charter:

- Social and cultural value (assessed by Aboriginal people only);
- Spiritual value;
- Scientific/archaeological value;
- Aesthetic value; and
- Historical value.

This section of the report provides an additional assessment of the aesthetic and historical values within the Project Area. The significance assessment matrix is in **Table 6**.

Table 6 Aboriginal Cultural Heritage Significance Assessment Matrix

Significance Assessment Matrix				
Significance	Potential to provide further archaeological information			
		Low	Moderate	High
	Low	Low	Low	Medium
	Medium	Low	Medium	High
	High	Medium	High	Major

Significance of Aboriginal Cultural Heritage based on the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in Part 6 of the NSW NPW Act 1974.

8.1 Aesthetic value

Aesthetic value refers to “the sensory, scenic, architectural and creative aspects of the place” this is often linked with social values. These values may consider colour, texture, scale, form, sensory association with place or usage including sound and smell and the fabric or material of the landscape (OEH 2011).

From assessing plates included in the 2011 ACHAR, the aesthetic value is low-moderate, will not be directly impacted due to the proposed rezoning.

8.2 Historical value

Historic value refers to the associations Aboriginal people have with places, historically important people, events and phases. Post Contact places such as missions, reserves and massacre sites.

The history of the broader area of Forster and Tuncurry are discussed in the 2011 ACHAR, and no historic places were registered on the National Heritage Register or State Heritage Register within the Project Area in both 2011 and 2021. Therefore, the historic value is low, however, it will not be directly impacted due to the proposed rezoning in any case.

8.3 Best Practice Guidelines

The Project Area, as shown by the AHIMS results, is part of a broader landscape, rich with cultural sites including middens and artefact sites.

In the Burra Charter conservation, preservation, and management of places of cultural significance are recommended where conservation means all the processes of looking after a place so as to retain its cultural significance and preservation means maintaining a place in its existing state and retarding deterioration (Australia ICOMOS, 2013).

The Charter states:

“Contents, fixtures and objects which contribute to the cultural significance of a place should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and preservation; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.” (Australia ICOMOS, 2013)

8.4 Statement of significance

RPS acknowledges that all artefacts hold cultural significance to Aboriginal people as they form part of the wider cultural landscape. RPS acknowledges that the Project Area is culturally significant as part of the wider Aboriginal cultural landscape, and when viewed in isolation.

This reassessment has not altered the significance determined in the 2011 ACHAR. Nevertheless, the aesthetic and historical significance, which were excluded originally, are presented here.

The aesthetic and historical value are assessed to be of low-moderate significance. Neither of these values will be impacted due to the proposed rezoning. However, no updated advice was provided by RAPS on the significance during the reassessment.

9 IMPACT ASSESSMENT

This section provides a description of the proposed rezoning assessed for this project. The description includes a summary of the previous impacts, proposed impacts and the potential harm of Aboriginal objects and/or places within the Project Area.

9.1 Previous impacts to the Project Area

The Project Area has been subject to minor impacts through 4WD tracks.

9.2 Proposed Rezoning

The indicative subdivision design within the Master Plan that underpins the current rezoning proposal will avoid the two known identified items of Aboriginal cultural heritage. Notwithstanding this, to comply with the above legislative requirements and standards, this Addendum ACHAR makes a suite of recommendations that should be considered when future physical works are being undertaken. It should be noted that these recommendations do not preclude the progression of the rezoning study / planning proposal through to gazettal.

A description of the future proposed works is listed below.

- The Master Plan will deliver approximately 2,123 dwellings over the next 30 years within a footprint of approximately 256 ha (incl the golf course).
- Physical infrastructure including roads, parks, drainage and community infrastructure will also be delivered on a stage by stage basis.
- Servicing

9.3 Impact assessment

The indicative subdivision design within the Master Plan that underpins the current rezoning proposal will avoid the two known identified items of Aboriginal cultural heritage. This results in nil to minimal impact of the AHIMS sites. Nevertheless, potential impacts should be considered when future physical works are being undertaken.

The future proposed works within the Project Area will involve groundworks, laying down of equipment and vehicular movements which will impact the surface and ground subsurface. The nearby AHIMS lay outside the Project Area of the proposed works but may be indirectly impacted with increased pedestrian traffic or construction works vehicles and employees.

The impact assessment is summarised in **Table 7** below.

Table 7 Impact Assessment of the AHIMS sites abutting the Project Area

Sites within the Project Area		
AHIMS	Harm	Degree
35-8-0025	Indirect	Partial
35-8-0026	Indirect	Partial

If the AHIMS sites are disturbed indirectly through future proposed works, the archaeological integrity may be affected. It is unlikely, however, and if indirect disturbance occurred, the effect on the archaeological integrity would likely be low.

10 MANAGEMENT AND MITIGATION MEASURES

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved. If conservation is not practicable, measures should be taken to mitigate against impacts to Aboriginal sites.

The nature of the mitigation measures recommended is based on the assessed significance of the site/s and is informed by the cultural significance provided by the Aboriginal community during consultation.

Mitigation measures vary depending on the assessment of archaeological significance of a site and are based on the significance criteria discussed in Section 8 (**Table 8**). In general, the significance of a site would influence the recommended conservation outcomes and appropriate mitigation measures, on the following basis:

- Low archaeological significance – conservation where possible, an AHIP would be required to impact the site prior to works commencing.
- Moderate archaeological significance – conservation where possible. If conservation is not practicable, salvage excavations or similar mechanisms determined in consultation with the Aboriginal community may be necessary under an AHIP.
- High archaeological significance – conservation as a priority. Only if all practicable alternatives have been exhausted would impacts under an AHIP be considered justified. Comprehensive salvage excavations may be necessary.

The Project Area was previously assessed as having a moderate archaeological significance, with moderate potential for further subsurface artefactual deposits.

The proposed rezoning will not directly impact the AHIMS sites, neither will future works if the recommendations provided are followed.

Table 8 Summary of Impacts and Mitigation and Management Measures for AHIMS sites 35-8-0025 and 35-8-0026

ID	Site Type	Significance	Consequence of impact	Mitigation / Management measures
35-8-0025	Midden	Moderate	Partial loss of value	Temporarily fence off the area during works, ensuring foot and vehicle traffic do not disturb the site
35-8-0026	Midden	Moderate	Partial loss of value	Temporarily fence off the area during works, ensuring foot and vehicle traffic do not disturb the site

There is a potential for the likelihood of further archaeological deposits, however, the two AHIMS sites will not be directly impacted during the proposed rezoning nor future works.

10.1 Avoiding and minimising harm

There will be no impact to the two AHIMS sites during the proposed rezoning and the potential to impact or harm Aboriginal objects in future is low. However, to ensure potential impacts are minimised, it is recommended that prior to commencement of future works, both sites be temporarily fenced off with a 10 metre buffer off the site boundary, to ensure foot and vehicle traffic do not disturb the sites and affect the archaeological integrity. Further, it is recommended that cultural heritage inductions be undertaken by all personnel involved in the future works to ensure any unexpected finds are managed.

10.2 Principles of ecologically sustainable development

When assessing harm, the NPW Act requires consideration of the principles of ecologically sustainable development (ESD). The principles of ESD include the precautionary principle and the principle of inter-generational equity.

10.2.1 Precautionary principle

The precautionary principle states that if there is a risk of serious or irreversible harm, lack of certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The precautionary principle requires “careful evaluation to avoid, wherever practicable serious or irreversible damage to the environment” and “an assessment of the risk rated consequences of various options” (DECCW 2009: 26). It is important to consider the precautionary principle when:

- The proposal involves a risk of serious irreversible damage to an Aboriginal object or place, or to the value of that object or place.
- There is uncertainty about cultural or archaeological value, including in relation to the condition, rarity or representativeness of an Aboriginal object or place (DECCW 2009:26).

10.3 Intergenerational equity

Intergenerational equity is defined as the principle that the “present generation should ensure the health, diversity and productivity of the environment for the benefit of future generations” (DECCW 2009:29). Intergenerational equity requires an understanding of the cultural and archaeological landscape and must consider the cumulative impact of a proposal. The proposed mitigation methods will ensure that the integrity remains for both sites.

10.4 Proposed Management Policy for Aboriginal Heritage

10.4.1 Unexpected Finds Procedure

An unexpected finds procedure will provide a method to manage potential heritage constraints and unexpected finds during future construction works. If suspected Aboriginal objects are identified during construction work should stop immediately and Forster LALC, HNSW and an archaeologist contacted to identify and record the objects. This procedure should be made accessible to all relevant employees and contractors working within the Project Area via toolbox talks and display in break out rooms/ sites offices.

An unexpected finds procedure will provide a method to manage potential heritage constraints and unexpected finds during future construction works (**Appendix C**):

10.4.2 Discovery of human remains

If suspected human remains are located during any stage of the future works, work should stop immediately, and the NSW Police and the Coroner’s Office should be notified. HNSW, Aboriginal stakeholder groups and an archaeologist should be contacted if the remains are found to be Aboriginal.

All human remains in, on or under the land must not be harmed. If suspected human remains are located during any stage of the future works (**Appendix C**).

10.4.3 Ongoing consultation with Aboriginal stakeholder groups

Consultation with registered Aboriginal stakeholders would continue throughout the life of the project. This would include circumstances where:

- There is an amendment to the Aboriginal Heritage Impact Permit, and
- An artefact is encountered and triggers the requirement of the ‘Unexpected Finds Procedure’.

10.4.4 Management of Aboriginal objects

As 36 Aboriginal objects were recovered during the test excavation program, management is required in this instance. Temporary and permanent storage locations are required for the artefacts retrieved during the test excavation.

The temporary storage of the artefacts is at the RPS Office, Unit 2A, 45 Fitzroy Street Carrington NSW, in a locked cabinet. Options for permanent storage are as follows:

10.4.4.1 Reburial

Any Aboriginal objects recovered during salvage excavation works under the proposed AHIP could be reburied within the Project Area within an area that would not be impacted by any future development works. This would be done in consultation with the proponent and the RAPs.

The proposed reburial methodology would adhere to the Code of Practice (page 35) this would include the following steps.

- Completion of full artefact catalogue including photographic and drawn records for diagnostic artefacts
- Production of the catalogue in hardcopy and softcopy to be included with the artefacts
- All stone artefacts would be individually bagged and tagged with the artefact ID, provenance and project details written on the outside of the bags as well as individual tags so that they can be referenced back to the catalogue
- All artefacts would be double bagged in good quality plastic zip-lock bags
- The artefact assemblage and catalogue would be placed in a suitable impervious and permanent container which would also be labelled as above.
- A site update card would be forwarded to the DPIE AHIMS registrar with information on the location and depth of reburial.

10.4.4.2 Storage at the Forster Local Aboriginal Land Council

The Aboriginal objects recovered during salvage excavation could be stored at the Forster LALC office under a Care and Control Agreement.

10.4.4.3 Other Location

Additional options nominated by the RAPs would be considered in consultation with all RAPs and Heritage NSW.

11 RECOMMENDATIONS

This addendum has been compiled in accordance with the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Part 6 of NPW Act. The following conclusions have been drawn from the previous and updated environmental, cultural and archaeological information for the Project Area.

The Project Area was previously assessed as having a moderate archaeological significance, with moderate potential for further subsurface artefactual deposits.

The current proposed rezoning will not directly impact the AHIMS sites.

The potential to impact or harm Aboriginal objects is low, however, to ensure potential impacts are minimised, the recommendations made in the 2011 ACHAR are to be followed and further recommendations are made below for future works.

Recommendation 1: Minimise harm

Prior to the commencement of any works: the two AHIMS sites 35-8-0025 and 35-8-0026 should be temporarily fenced off during works to ensure foot and vehicle traffic do not disturb the sites and affect the archaeological integrity. A 10 metre buffer should be placed around the site boundaries and placement of the fencing should be conducted in conjunction with the Forster LALC. If the sites will be directly impacted, then Landcom must apply to Heritage NSW for an AHIP under s.90 of the National Parks and Wildlife Act 1974 (NPW Act) prior to any impacts occurring at North Tuncurry.

Recommendation 2: Aboriginal cultural heritage induction

All site workers and personnel involved in future works associated with the Project Area should be inducted and briefed on the possible identification of Aboriginal objects during construction and their responsibilities according to the provisions of *National Parks and Wildlife Act 1974* and *the Heritage Act 1977*.

An Aboriginal cultural heritage induction led by Forster LALC is recommended and can be arranged via 02 6555 5411.

Recommendation 3: Unexpected finds procedure, Aboriginal object/s

If suspected Aboriginal objects are identified during construction the following procedures must be followed (**Appendix C**):

- a. Immediately cease all activity at the location.
- b. Ensure no further harm occurs, secure the area.
- c. Notify Environment Protection Authority's Enviro Line on 131 555, Forster LALC on 02 6555 5411 and an archaeologist (RPS +61 2 4940 4200).
- d. No further action to be undertaken until Heritage NSW provides written consent.

Recommendation 4: Unexpected finds procedure, human remains

All human remains in, on or under the land must not be harmed. If suspected human remains are located during any stage of the proposed works (**Appendix C**):

- a. Immediately cease all activity at the site.
- b. Ensure no further harm occurs, secure the area to avoid further harm to the remains.
- c. Notify the NSW Police 000.
- d. Notify the Environment Protection Authority's Enviro Line on 131 555, Forster LALC on 02 6555 5411 and an archaeologist (RPS +61 2 4940 4200).

12 REFERENCES

- Australia ICOMOS. (2013). The Burra Charter, The Australia ICOMOS Charter for Places of Cultural Significance. In.
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 Part 6 National Parks and Wildlife Act, (2010a).
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, (2010b).
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, (2010c).
- Graham Brooks and Associates Pty Ltd. (2003). *Conservation Management Plan and Cultural Tourism Plan: Supplementary information Sugarloaf Point Lighthouse*. Retrieved from
- Leon, M. J., & Feeney, D. (1998). *Duralie Coal Mine Proposal Aboriginal Sites Investigation of Coal Shaft Creek*. Retrieved from
- McDonald, J. (1995). *Seal Rocks Plan of Management: Assessment of Archaeological and Anthropological Issues*. Retrieved from
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- RPS. (2011). *European Cultural Heritage Assessment North Tuncurry Development Project Great Lakes LGA*. Retrieved from
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- RPS, A. E. P. L. (2017). *Aboriginal Cultural Heritage Management Plan, Cellito Beach NSW*. Retrieved from
- Yettica, R., and E.J. Paulson. (2011). *Aboriginal Cultural Heritage Assessment of North Tuncurry, report to Landcom*. Retrieved from

Appendix A

Consultation Log

PR147858 North Tuncurry - Consultation Log**Pre-Consultation Letters sent to Agencies**

Date	Agency	Comms	Sent by	Response
8/10/2020 Pre-notification Agency request for Aboriginal Party Listings, allowing 21 days to respond as per correspondence with DPIE regarding their timeframes	Department of Planning Industry and Environment (DPIE)/ Heritage NSW	post/email	Ben Slack	15/10/2020
	Forster Local Aboriginal Land Council (LALC)	post	RPS	12/10/2020
	The Native Title Tribunal	post	RPS	8/10/2020
	Native Title Services Corporation	post	RPS	-
	Registrar of Aboriginal Owners NSW Department of Aboriginal Affairs	post	RPS	-
	Midcoast Council	post/email	Ben Slack	-
	Hunter Local Land Services	post	RPS	-

**Newspaper
Advertisement**

Date	Newspaper	Comms	Sent by	Response
8/10/2020 Newspaper Advertisement	Great Lakes Advocate	newspaper	RPS	N/A

Consultation letters sent to the Representative Aboriginal Parties (RAPs)

Date	RAPs	Comms	Sent by	Response	Received by
20/10/2020 Consultation letters sent to the RAPs to register interest, giving 2 weeks to respond	Foster Local Aboriginal Land Council	post/email	Kate Morris	-	
	NTSCorp/ Lakkari Traditional Owner Aboriginal Corporation	post/email	Kate Morris	-	
	A1 Indigenous Services	post/email	Kate Morris	26/10/2020	Ben Slack
	Birpai Local Aboriginal Land Council	post/email	Kate Morris	-	
	Details withheld	post/email	Kate Morris	26/10/2020	Kate Morris
	DFTV Enterprises	post/email	Kate Morris	-	
	Didge Ngunawal Clan	post/email	Kate Morris	26/10/2020	Ben Slack
	Hunters & Collectors	post/email	Kate Morris	-	
	Karuah Indigneous Corporation	post/email	Kate Morris	-	
	Kawul Pty Ltd trading as Wonn1 Sites	post/email	Kate Morris	-	
	Lakkari NTCG	post/email	Kate Morris	-	

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Lower Hunter Aboriginal Incorporated	post/email	Kate Morris	-	
Murra Bidgee Mullangari Aboriginal Corporation	post/email	Kate Morris	22/10/2020	Kate Morris
Mur-Roo-Ma Inc	post/email	Kate Morris	21/10/2020	Kate Morris
Myland Cultural & Heritage Group	post/email	Kate Morris	-	
Nunawanna Aboriginal Corporation	post/email	Kate Morris	26/10/2020	Ben Slack
Nur-Run-Gee Pty Ltd	post/email	Kate Morris	-	
Wattaka Wonnarua CC Service	post/email	Kate Morris	-	
Widescope Indigenous Group	post/email	Kate Morris	26/10/2020	Ben Slack
Yinarr Cultural Services	post/email	Kate Morris	-	
Michael Green Cultural Heritage Consultant	post	RPS	-	
Roger Matthews Consultancy	post	RPS	-	

RAP Consultation letter responses

Date	RAPs	Comms	Sent by	Response
26/10/2020	A1 Indigenous Services	email	Kate Morris	Registered interest
26/10/2020	Didge Ngunawal Clan	email	Kate Morris	Registered interest
22/10/2020	Murra Bidgee Mullangari Aboriginal Corporation	email	Kate Morris	Registered interest
21/10/2020	Mur-Roo-Ma Inc	email	Kate Morris	Not registering
26/10/2020	Nunawanna Aboriginal Corporation	email	Kate Morris	Registered interest
26/10/2020	Widescope Indigenous Group	email	Kate Morris	Registered interest
26/10/2020	Details withheld	email	Kate Morris	Registered interest
26/10/2020	Details withheld	email	Kate Morris	Registered interest

Methodology Consultation

Date	RAPs	Comms	Sent by	Response
9/11/2020-8/12/2020	A1 Indigenous Services	email	Kate Morris	-
Methodology sent to the RAPs that registered interest for comment, allowing 28 days to review	Didge Ngunawal Clan	email	Kate Morris	-
	Murra Bidgee Mullangari Aboriginal Corporation	email	Kate Morris	-
	Mur-Roo-Ma Inc	email	Kate Morris	-
	Nunawanna Aboriginal Corporation	email	Kate Morris	-
	Widescope Indigenous Group	email	Kate Morris	-

PR147858 North Tuncurry - Consultation Log

Details withheld	email	Kate Morris	-
Details withheld	email	Kate Morris	-

RAP Methodology Responses

None received

Draft Report

11/02/2021-
11/03/2021

Draft Report sent to
the RAPs for review,
allowing 28 days to
review

RAPs	Comms	Sent by	Response
A1 Indigenous Services	email	Kate Morris	
Didge Ngunawal Clan	email	Kate Morris	
Murra Bidgee Mullangari Aboriginal Corporation	email	Kate Morris	
Mur-Roo-Ma Inc	email	Kate Morris	
Nunawanna Aboriginal Corporation	email	Kate Morris	
Widescope Indigenous Group	email	Kate Morris	
Details withheld	email	Kate Morris	
Details withheld	email	Kate Morris	

**RAP Addendum
ACHAR Responses**

None Received

Appendix B

Consultation Documents

Department of Planning,
Industry and Environment
Hunter Central Coast Region
Locked bag 1002
Dangar NSW 2309

Dear Steven Cox,

Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

RPS have been engaged by Landcom to update a previously conducted Aboriginal Cultural Heritage Assessment Report (ACHAR) that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

Landcom propose to re-zone land for urban purposes. An ACHAR was completed in 2011 for the proposal area and the current assessment is being undertaken to update that assessment to current and relevant guidelines.

In updating the ACHAR, RPS, on behalf of Landcom, will be undertaking Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH 2010) (*Consultation Requirements*).

In accordance with Section 4.1.2 of the above stated guidelines, RPS are seeking to identify Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the Project Area. If your organisation is aware of any such Aboriginal people or groups that may want to be involved in the project, please forward the relevant contact details by no later than the **14 October 2020** to:

Ben Slack
RPS Group
Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
or ben.slack@rpsgroup.com.au

The relevant Project Manager are as follows:

Stephanie Ballango
Landcom
Parramatta NSW 2150
sballango@landcom.nsw.gov.au

Figure 1 - Project Area



Forster Local Aboriginal Land Council
PO Box 384
Forster NSW 2428

Dear Sir/Madam,

Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

RPS have been engaged by Landcom to update a previously conducted Aboriginal Cultural Heritage Assessment Report (ACHAR) that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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RPS Group
Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
or ben.slack@rpsgroup.com.au

The relevant Project Manager are as follows:

Stephanie Ballango
Landcom
Parramatta NSW 2150
sballango@landcom.nsw.gov.au

Figure 1 - Project Area



Hunter Local Land Services
Private Bag 2010
Paterson, NSW 2421

Dear Sir/Madam,

Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

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Ben Slack
RPS Group
Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
or ben.slack@rpsgroup.com.au

The relevant Project Manager are as follows:

Stephanie Ballango
Landcom
Parramatta NSW 2150
sballango@landcom.nsw.gov.au

Figure 1 - Project Area



Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Midcoast Council
PO Box 450
Forster NSW 2428

Dear Sir/Madam,

Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

RPS have been engaged by Landcom to update a previously conducted Aboriginal Cultural Heritage Assessment Report (ACHAR) that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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Ben Slack
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Carrington NSW 2294
or ben.slack@rpsgroup.com.au

The relevant Project Manager are as follows:

Stephanie Ballango
Landcom
Parramatta NSW 2150
sballango@landcom.nsw.gov.au

Figure 1 - Project Area



Native Title Services
Corporation Limited
PO Box 2105
Strawberry Hills NSW 2012

Dear Sir/Madam,

Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

RPS have been engaged by Landcom to update a previously conducted Aboriginal Cultural Heritage Assessment Report (ACHAR) that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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In accordance with Section 4.1.2 of the above stated guidelines, RPS are seeking to identify Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the Project Area. If your organisation is aware of any such Aboriginal people or groups that may want to be involved in the project, please forward the relevant contact details by no later than the **14 October 2020** to:

Ben Slack
RPS Group
Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
or ben.slack@rpsgroup.com.au

The relevant Project Manager are as follows:

Stephanie Ballango
Landcom
Parramatta NSW 2150
sballango@landcom.nsw.gov.au

Figure 1 - Project Area



Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

National Native Title Tribunal
GPO Box 9973
Sydney NSW 2001

Dear Director,

Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

RPS have been engaged by Landcom to update a previously conducted Aboriginal Cultural Heritage Assessment Report (ACHAR) that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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sballango@landcom.nsw.gov.au

Figure 1 - Project Area



Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

The Register of Aboriginal Owners NSW,
Department of Aboriginal Affairs
PO Box 112
Glebe NSW 2037

Dear Sir/Madam,

Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

RPS have been engaged by Landcom to update a previously conducted Aboriginal Cultural Heritage Assessment Report (ACHAR) that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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Landcom
Parramatta NSW 2150
sballango@landcom.nsw.gov.au

Figure 1 - Project Area



Kate Morris

From: Benjamin Slack
Sent: Thursday, 15 October 2020 11:33 AM
To: Kate Morris
Subject: FW: North Tuncurry rezoning CR request
Attachments: HNSW CR Response - North Tuncurry rezoning.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kate

Here is our stakeholder list from Heritage NSW, this together with the other responses we can start to build our stakeholder list with which we will send the expression of interest letters to. Once we receive those responses, those parties become our Registered Aboriginal Parties (RAPs)

It's a bit time consuming but the best way to get all our stakeholders details up and ready to go is to go through the attached and compile it into the excel sheet here [J:\JOBS\147k\147858 Foster\06 - Archaeology\6.1 - Aboriginal Consultation\06 St1 4 Eol Invitation](#) Also don't forget to save these emails and attachments into the big7 received folder

There isn't a huge rush on this so don't feel you need to jump into it, let me know if you need some time

Thanks,

Ben Slack

Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: Rosalie Neve <Rosalie.Neve@environment.nsw.gov.au>
Sent: Thursday, 15 October 2020 9:05 AM
To: Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: Re: North Tuncurry rezoning CR request

CAUTION: This email originated from outside of RPS.

Request response attached

Rosalie Neve | Aboriginal Heritage Planning Officer
Heritage NSW, Community Engagement, Department of Premier and Cabinet
T: 0472 828 864 | rosalie.neve@environment.nsw.gov.au



**Premier
& Cabinet**

This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

Kate Morris

From: Benjamin Slack
Sent: Wednesday, 14 October 2020 2:48 PM
To: Kate Morris
Subject: FW: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry - ref 145704-1

FYI re Forster

Ben Slack

Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: Clare Barcham <cbarcham@ntscorp.com.au>
Sent: Wednesday, 14 October 2020 2:37 PM
To: Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry - ref 145704-1

CAUTION: This email originated from outside of RPS.

Dear Ben,

Thank you for your letter of 1 October 2020 regarding notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

Representatives of Lakkari Traditional Owner Aboriginal Corporation would like to be consulted in relation to the Aboriginal Cultural Heritage Assessment being undertaken prior to the proposed rezoning of the land at North Tuncurry. At present, I am able to provide you with the contact details for one individual who would like to be consulted:

Robert Yettica
Phone: 0457 336 884
Email: robert.yettica@gmail.com

The Corporation have also identified two others who should be consulted however I am yet to obtain their contact details to be able to provide those to you. Until I can obtain the contact details for the other two people, could you please also direct any correspondence to myself and I will pass it on to Lakkari Traditional Owner Aboriginal Corporation.

Please let me know if I can be of any further assistance.

Kind regards,
Clare

Clare Barcham | Solicitor



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation.

We also acknowledge and pay our respect to their Elders past and present.

t 02 9310 3188 | m 0448 444 417 | f 02 9310 4177 | Free call: 1800 111 844

e cbarcham@ntscorp.com.au | w www.ntscorp.com.au

Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia

NTSCORP is committed to supporting local
Aboriginal businesses where possible through
the purchase of goods and services.

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from viruses or other defects. Any views in this message are those of the individual sender, except where the
sender expressly and with authority, states them to be the views of NTSCORP.

Please consider the environment before printing this email

Kate Morris

From: Benjamin Slack
Sent: Monday, 12 October 2020 11:31 AM
To: Kate Morris
Subject: FW: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry
Attachments: Notification for Aboriginal Community Consultation.pdf

FYI. This looks like the response we get now from Council, looks to just be a stamp saying they have received it. Just save in the Big7 Received folder

Cheers,

Ben Slack

Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: Diane Dreise <Diane.Dreise@MidCoast.nsw.gov.au>
Sent: Monday, 12 October 2020 11:03 AM
To: Alexandra Macvean <alexandra.macvean@midcoast.nsw.gov.au>
Cc: 'sballango@landcom.nsw.gov.au' <sballango@landcom.nsw.gov.au>; Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry

CAUTION: This email originated from outside of RPS.

For your information/attention

Diane Dreise

Records Support Officer



Direct 02 6591 7245

Diane.Dreise@MidCoast.nsw.gov.au

www.midcoast.nsw.gov.au or follow us 



*We acknowledge the traditional custodians of the land on which we work and live, the Gathang-speaking people and pay our respects to all Aboriginal and Torres Strait Islander people who now reside in the MidCoast Council area.
We extend our respect to elders past and present, and to all future cultural-knowledge holders.*

Kate Morris

From: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Sent: Thursday, 8 October 2020 4:15 PM
To: Benjamin Slack
Cc: Kate Morris
Subject: RE: SR20/1037 - 147858 NNTT Search

CAUTION: This email originated from outside of RPS.

UNCLASSIFIED

Native title search – NSW Parcel - Lot 331/DP 1104340

Your ref: 147858 North Tuncurry - Our ref: SR20/1037

Dear Ben Slack,

Thank you for your search request received on 07 October 2020 in relation to the above area. Based on the records held by the National Native Title Tribunal as at 08 October 2020 it would appear that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- Native Title Determinations
- Indigenous Land Use Agreements (Registered and notified)

At the time this search was carried out, there were **no relevant entries** in the above databases.

Parcel ID	Alt ID	Feature Area SqKm	Tenure	NNTT file number	Name
331//DP1104340	155791670	5.6811	CROWN	No overlap	

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our [website](#).

Information on native title claims and freehold land can also be found on the Tribunal's website here: [Native title claims and freehold land](#).

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

The Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact us on the free call number 1800 640 501.

Regards,

Geospatial Searches

National Native Title Tribunal | Perth

Email: GeospatialSearch@nntt.gov.au | www.nntt.gov.au

From: Benjamin Slack <ben.slack@rpsgroup.com.au>
Sent: Thursday, 8 October 2020 7:51 AM
To: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Cc: Kate Morris <Kate.Morris@rpsgroup.com.au>
Subject: SR20/1037 - 147858 NNTT Search

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Morning

Please find attached request for a search of the tribunal register for the North Tuncurry area

Any issues or queries please let me know

Many thanks,

Ben Slack

Senior Heritage Consultant
RPS | Australia Asia Pacific
Unit 2A, 45 Fitzroy Street
Carrington NSW 2294, Australia
T +61 2 4940 4200
D 54225
E ben.slack@rpsgroup.com.au



rpsgroup.com

[LinkedIn](#) | [Facebook](#) | [Instagram](#) | [YouTube](#)

In response to COVID-19, RPS has adapted the way we work to ensure we remain connected with you and our

colleagues, and continue to deliver good work.

We recognise that the months ahead will pose challenges for many of our clients and partners. We're here to help in any way we can. While COVID-19 might separate us physically in the short term, please know that we're here, we're with you and we're stronger together.

If you need support or would like to discuss your forward looking priorities, please get in touch. You can continue to contact me in the usual ways via phone and email, or we can set up a virtual meeting.

This email and its attachments may contain confidential and/or privileged information and is for the sole use of the intended recipient(s). The contents of this email must not be disclosed to or used by or copied in any way by anyone other than the intended recipient(s). If you are not the intended recipient, any use, distribution or copying of the information contained in this email and its attachments is strictly prohibited. Confidentiality and/or privilege in the content of this email is not waived. If you have received this email in error, please email the sender by replying to this message and immediately delete and destroy any copies of this email and any attachments. Please note that neither RPS Consultants Pty Ltd, any subsidiary, related entity ('RPS') nor the sender accepts any responsibility for viruses and it is your responsibility to scan or otherwise check this email and any attachments. The views or opinions expressed are the author's own and may not reflect the views or opinions of RPS

Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Mur-Roo-Ma Inc
Anthony Anderson
7 Vardon Road
FERN BAY NSW 2295

Dear Mr Anderson,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

RPS have been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment (ACHA) report that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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In preparing the addendum to the previous ACHA report, RPS (on behalf of Landcom) will be recommencing Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. This consultation will inform the updates needing to be included in the Aboriginal cultural heritage assessment report addendum.

In accordance with Section 4.1.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, RPS are seeking to identify Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area. If you are an Aboriginal person or group that may want to be involved in the project, please register your interest no later than **3 November 2020** to:

Benjamin Slack
RPS Australia East Pty Ltd
PO Box 120
Unit 2A, 45 Fitzroy Street
CARRINGTON NSW 2294
Tel: 02 4940 4200
ben.slack@rpsgroup.com.au

Our ref: PR147858-1

In compliance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) the contact details for the relevant Project Manager are as follows:

Stephanie Ballango

Landcom
PARRAMATTA NSW 2150
sballango@landcom.nsw.gov.au

If you have any questions regarding this correspondence or wish to discuss the proposed project further, please do not hesitate to contact myself via email or on 02 4940 4200.

Yours sincerely,



for RPS Australia East Pty Ltd
Benjamin Slack
Senior Heritage Consultant



FIGURE 1: PROJECT AREA LOCATION

LOCATION:	NORTHTUNCURRY	DATUM:	GDA94
		PROJECTION:	MGA Zone 56
JOB NO.:	PR 147858	Data Sources:	RPS, Client
PURPOSE:	HERITAGE		Land and Property 2015
Technician:	Natalie Wood	Date:	18/08/2020

CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Kawul Pty Ltd trading as Wonn1 Sites
Arthur Fletcher
619 Main Rd
GLENDALE NSW 2285

Dear Mr Fletcher,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

RPS have been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment (ACHA) report that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Birpai Local Aboriginal Land Council
CEO
14 Aston Street
PORT MACQUARIE NSW 2444

Dear Sir/Madam,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

RPS have been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment (ACHA) report that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

A1 Indigneous Services
Carolyn Hickey
10 Marie Pitt Place
GLENMORE PARK NSW 2745

Dear Ms Hickey,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

RPS have been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment (ACHA) report that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

NTSCorp
Clare Barcham
Level 1, 44-70 Rosehill Street
REDFERN NSW 2016

Dear Ms Barcham,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

RPS have been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment (ACHA) report that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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Benjamin Slack
RPS Australia East Pty Ltd
PO Box 120
Unit 2A, 45 Fitzroy Street
CARRINGTON NSW 2294
Tel: 02 4940 4200
ben.slack@rpsgroup.com.au

Our ref: PR147858-1

In compliance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) the contact details for the relevant Project Manager are as follows:

Stephanie Ballango

Landcom
PARRAMATTA NSW 2150
sballango@landcom.nsw.gov.au

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Yours sincerely,



for RPS Australia East Pty Ltd
Benjamin Slack
Senior Heritage Consultant



FIGURE 1: PROJECT AREA LOCATION

LOCATION:	NORTHTUNCURRY	DATUM:	GDA94
		PROJECTION:	MGA Zone 56
JOB NO.:	PR 147858	Data Sources:	RPS, Client
PURPOSE:	HERITAGE		Land and Property 2015
Technician:	Natalie Wood	Date:	18/08/2020

Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Nunawanna Aboriginal Corporation
Colin Ahoy
4 Archibald Street
ARMIDALE NSW 2350

Dear Mr Ahoy,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

RPS have been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment (ACHA) report that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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Technician:	Natalie Wood	Date:	18/08/2020

Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Lower Hunter Aboriginal Incorporated
David Ahoy
5 Killara Drive
CARDIFF SOUTH NSW 2285

Dear Mr Ahoy,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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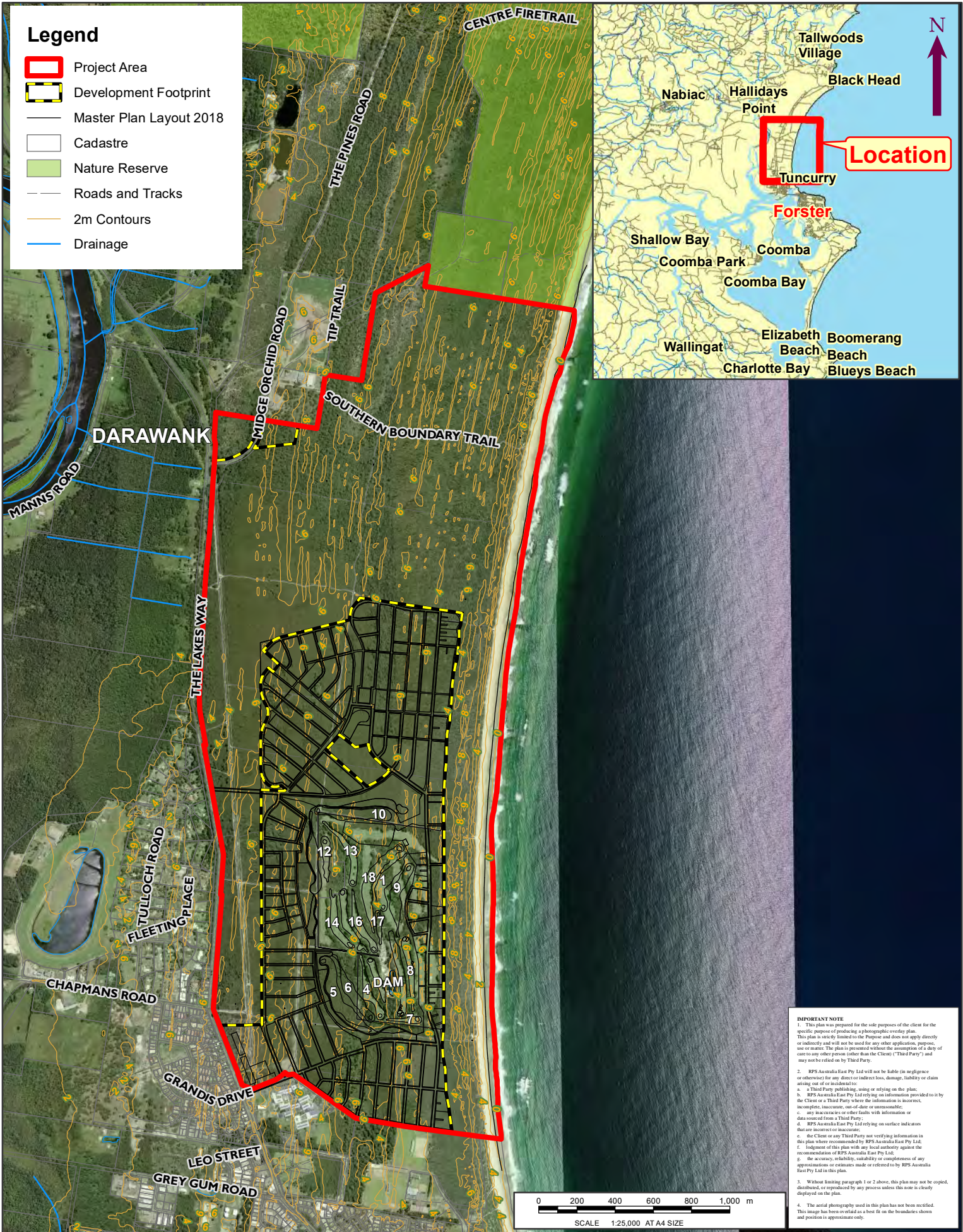


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Technician:	Natalie Wood	Date:	18/08/2020

Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Karuah Indigneous Corporation
David Feeney
1-7 Mustons Rd
KARUAH NSW 2324

Dear Mr Feeney,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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CLIENT: LANDCOM

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Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

DFTV Enterprises
Derrick Vale Snr
5 Mountbatten Close
RUTHERFORD NSW 2320

Dear Mr Vale Snr,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

RPS have been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment (ACHA) report that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

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Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Wattaka Wonnarua CC Service
Des Hickey
4 Kennedy Street
SINGLETON NSW 2330

Dear Mr Hickey,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Unit 2A, 45 Fitzroy Street
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Date: 20 October 2020

Yinarr Cultural Services
Kathleen Steward Kinchela
Lot 5 Westwood Estate
MERRIWA NSW 2329

Dear Ms Steward Kinchela,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Unit 2A, 45 Fitzroy Street
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T +61 2 4940 4200

Date: 20 October 2020

Kevin Duncan
95 Moala Parade
CHARMHAVEN NSW 2263

Dear Mr Duncan,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
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Date: 20 October 2020

Lee Davison
4 Old Bar Road
OLD BAR NSW 2430

Dear Mr Davison,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Technician:	Natalie Wood	Date:	18/08/2020

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Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Nur-Run-Gee Pty Ltd
Leonard Anderson OAM
22 Popplewell Road
FERN BAY NSW 2295

Dear Mr Anderson,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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CLIENT: LANDCOM

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Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
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Date: 20 October 2020

Corroboree Aboriginal Corporation
Marilyn Carroll-Johnson
PO Box 3340
ROUSE HILL NSW 2155

Dear Ms Carroll-Johnson,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Benjamin Slack
RPS Australia East Pty Ltd
PO Box 120
Unit 2A, 45 Fitzroy Street
CARRINGTON NSW 2294
Tel: 02 4940 4200
ben.slack@rpsgroup.com.au

Our ref: PR147858-1

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Stephanie Ballango

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PARRAMATTA NSW 2150
sballango@landcom.nsw.gov.au

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Yours sincerely,



for RPS Australia East Pty Ltd
Benjamin Slack
Senior Heritage Consultant



FIGURE 1: PROJECT AREA LOCATION

LOCATION:	NORTHTUNCURRY	DATUM:	GDA94
		PROJECTION:	MGA Zone 56
JOB NO.:	PR 147858	Data Sources:	RPS, Client
PURPOSE:	HERITAGE	Land and Property	2015
Technician:	Natalie Wood	Date:	18/08/2020

CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
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Our ref: PR147858-1

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Michael Green Cultural Heritage Consultant
Michael Green
115A Lakeview Parade
BLACKSMITHS NSW 2281

Dear Mr Green,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
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Date: 20 October 2020

Lakkari NTCG
Mick Leon
C/-4/39 Short Street
FORSTER NSW 2428

Dear Mr Leon,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Unit 2A, 45 Fitzroy Street
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Date: 20 October 2020

Didge Ngunawal Clan
Paul Boyd & Lilly Carroll
33 Carlyle Crescent
CAMBRIDGE GARDENS NSW 2747

Dear Mr Boyd & Ms Carroll,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Date: 20 October 2020

Murra Bidgee Mullangari Aboriginal Corporation
Ryan Johnson & Darleen Johnson-Carroll
PO Box 246
SEVEN HILLS NSW 2147

Dear Mr Johnson & Ms Johnson-Carroll,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Unit 2A, 45 Fitzroy Street
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Date: 20 October 2020

Robert Syron
6a Cockshell Drive
GAWLER SA 5118

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Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Lakkari Traditional Owner Aboriginal Corporation
Robert Yettica
7 South Street
FORSTER NSW 2428

Dear Mr Yettica,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Unit 2A, 45 Fitzroy Street
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Date: 20 October 2020

Roger Matthews Consultancy
Roger Matthews
105 View Street
GUNNEDAH NSW 2380

Dear Mr Matthews,

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Unit 2A, 45 Fitzroy Street
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Date: 20 October 2020

Widescope Indigenous Group
Steven Hickey
73 Russell Street
EMU PLAINS NSW 2750

Dear Mr Hickey,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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DATUM: GDA94

PROJECTION: MGA Zone 56

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PURPOSE: HERITAGE

Technician: Natalie Wood

Date: 18/08/2020

Data Sources:

RPS, Client

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Unit 2A, 45 Fitzroy Street
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Date: 20 October 2020

Hunters & Collectors
Tania Matthews
Unit 1/19 South Street
GUNNEDAH NSW 2320

Dear Ms Matthews,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

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Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 20 October 2020

Myland Cultural & Heritage Group
Warren Schillings
30 Taurus Street
ELEMORE VALE NSW 2287

Dear Mr Schillings,

Re: Notification for Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

RPS have been engaged by Landcom to prepare an addendum to the 2011 Aboriginal Cultural Heritage Assessment (ACHA) report that addresses the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA relates to the proposed re-zoning of land for urban purposes at North Tuncurry (Lot 331 of DP 1104340, Lot 294 of DP 43110, and Lot 295 of DP 43110), as shown in Figure 1. The re-zoning has the potential to impact on Aboriginal objects and therefore an update to the 2011 Aboriginal cultural heritage assessment is being undertaken.

In preparing the addendum to the previous ACHA report, RPS (on behalf of Landcom) will be recommencing Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. This consultation will inform the updates needing to be included in the Aboriginal cultural heritage assessment report addendum.

In accordance with Section 4.1.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, RPS are seeking to identify Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area. If you are an Aboriginal person or group that may want to be involved in the project, please register your interest no later than **3 November 2020** to:

Benjamin Slack
RPS Australia East Pty Ltd
PO Box 120
Unit 2A, 45 Fitzroy Street
CARRINGTON NSW 2294
Tel: 02 4940 4200
ben.slack@rpsgroup.com.au

Our ref: PR147858-1

In compliance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) the contact details for the relevant Project Manager are as follows:

Stephanie Ballango

Landcom
PARRAMATTA NSW 2150
sballango@landcom.nsw.gov.au

If you have any questions regarding this correspondence or wish to discuss the proposed project further, please do not hesitate to contact myself via email or on 02 4940 4200.

Yours sincerely,



for RPS Australia East Pty Ltd
Benjamin Slack
Senior Heritage Consultant



FIGURE 1: PROJECT AREA LOCATION

LOCATION:	NORTHTUNCURRY	DATUM:	GDA94
		PROJECTION:	MGA Zone 56
JOB NO.:	PR 147858	Data Sources:	RPS, Client
PURPOSE:	HERITAGE		Land and Property 2015
Technician:	Natalie Wood	Date:	18/08/2020

Ensuring a healthy future

CONSERVATION

BY JEANENE DUNCAN

Great Lakes

BUSH regenerator, Scott Meier still can't believe he is being paid to do something he has a passion for.

The Topi Topi-based co-founder of Bushland and Rainforest Restoration and Consulting (BARRC), Mr Meier has helped to restore some of the State's most endangered indigenous vegetation, including strips of unique littoral rainforest throughout the Great Lakes.

His love for nature can be traced back to his childhood growing up in north western Sydney, and a home which backed onto hundreds of hectares of native bushland.

"I grew up playing and riding my bikes in the bush," Mr Meier (pictured) he said.

After completing his secondary school education, Scott began studying economics at university.

However, it was only a matter of time before he was called back to his first love, management and rehabilitation of the land, cultivating this passion with TAFE stud-



ies as a mature student.

Scott credits Australia with having one of the most efficient and effective conservation and land management systems in the world.

"The depth of interest (in conservation) is like no other in the world," he said.

He said biodiversity and conservation was not undertaken as widely as in Australia anywhere else in the world.

"We cannot live on the planet without healthy native vegetation; the economic ramifications would

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"If the landscape is not managed we lose fertility of the land."

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"The role of the bush re-

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"It is critical that their knowledge is incorporated into Australia's developing fire management systems."

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"Regardless of the qualifications or science degrees that my employees hold, I send all of my employees to TAFE NSW to complete the Certificate III in Conservation and Land Management," Scott said.

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Registration of Interest for Aboriginal cultural knowledge holders Forster, NSW



On behalf of Landcom, RPS is requesting registration of interest from Aboriginal Stakeholders for Aboriginal Heritage Investigation in the Forster area. RPS are seeking to identify Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area.

The purpose of this community consultation with Aboriginal people is to assist the proposed applicant in the updating of the previously conducted Aboriginal Cultural Heritage Assessment. The proposed works at North Tuncurry (Lot 331 of DP 1104340, Lot 294 of DP 43110, and Lot 295 of DP 43110) are to be undertaken for re-zoning land for urban purposes.

As per DPIE guidelines, *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010), responses are to be received before **Thursday 22 October 2020**. If you are an Aboriginal person or group who may hold cultural knowledge, please forward the relevant contact details to:

Benjamin Slack
RPS Australia East Pty Ltd
PO Box 120
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Tel: 02 4940 4200
ben.slack@rpsgroup.com.au

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Stephanie Ballango
Landcom
Parramatta NSW 2150
or sballango@landcom.nsw.gov.au

TA5672580



DAN MANI
SUNDAY 11 OCT
4-7PM



RAFFLES | 6PM
THURSDAY, FRIDAY, SUNDAY

COURTESY BUS 4PM DAILY | MEMBERS ONLY
6554 6799

STRAND STREET FORSTER

www.forstertuncurrygolf.com.au

Kate Morris

From: Benjamin Slack
Sent: Sunday, 25 October 2020 7:13 PM
To: Kate Morris
Subject: FW: EOI for Aboriginal Community Consultation for the proposed land re-zoning at North

FYI

Ben Slack

Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: Carolyn .H <cazadirect@live.com>
Sent: Sunday, 25 October 2020 4:37 PM
To: Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: Re: EOI for Aboriginal Community Consultation for the proposed land re-zoning at North

CAUTION: This email originated from outside of RPS.



Contact: Carolyn Hickey

M: 0411650057

E: Cazadirect@live.com

A: 10 Marie Pitt Place, Glenmore Park, NSW 2745

ACN: 639 868 876

ABN: 31 639 868 876

Hi Ben,

Thank you for your email, I would like to register in being involved in all levels of consultation for this project, such as, Meetings, Reports, Sharing Cultural Information, and available Field Work.

I am a traditional owner and a lead voice among my family group.

I've had many years' experience in helping preserve Aboriginal cultural heritage on projects, I hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and places in the area of the proposed project.

I have also attached A1 *Indigenous Services Insurances*.

Please feel free to contact me on details supplied above,

Kind Regards,

Carolyn Hickey

From: Kate Morris <Kate.Morris@rpsgroup.com.au>

Sent: Tuesday, 20 October 2020 4:56 PM

To: cazadirect@live.com <cazadirect@live.com>

Subject: EOI for Aboriginal Community Consultation for the proposed land re-zoning at North

Good afternoon,

Please find attached an EOI letter for the **proposed land re-zoning at NorthTuncurry**.

Kind Regards,

Kate Morris

Graduate Heritage Consultant

RPS | Australia Asia Pacific

Unit 2A, 45 Fitzroy Street

Carrington NSW 2294, Australia

T +61 2 4940 4200

D +61 2 4940 4214

E kate.morris@rpsgroup.com.au



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If you need support or would like to discuss your forward looking priorities, please get in touch. You can continue to contact me in the usual ways via phone and email, or we can set up a virtual meeting.

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Kate Morris

From: Benjamin Slack
Sent: Monday, 26 October 2020 6:34 PM
To: Kate Morris
Subject: FW: EOI

Follow Up Flag: Follow up
Flag Status: Flagged

Here's another!

Ben Slack

Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: lilly carroll <didgengunawalclan@yahoo.com.au>
Sent: Monday, 26 October 2020 1:56 PM
To: Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: EOI

CAUTION: This email originated from outside of RPS.

Hi Ben,

DNC would like to register an interest into Land rezoning at North Tuncurry project

Kind regards
Paul Boyd & Lilly Carroll
Directors DNC
[Sent from Yahoo Mail for iPhone](#)

Kate Morris

From: Benjamin Slack
Sent: Sunday, 25 October 2020 7:09 PM
To: Kate Morris
Subject: FW: Expression of Interest
Attachments: EOI Dumaresq Creek Bridge upgrade.pdf

FYI

Ben Slack

Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: Colin Ahoy <cahoy7@myune.edu.au>
Sent: Saturday, 24 October 2020 6:05 PM
To: Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: Expression of Interest

CAUTION: This email originated from outside of RPS.

Hello Ben,

Please find attached a copy of my expression of interest for the proposed re-zoning North of Tuncurry.

Regards

Get [Outlook for iOS](#)

From: [Benjamin Slack](#)
To: [Kate Morris](#)
Subject: FW: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry - ref 145704-1
Date: Wednesday, 14 October 2020 2:48:27 PM
Attachments: [image003.gif](#)
[image001.png](#)

FYI re Forster

Ben Slack
Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: Clare Barcham <cbarcham@ntscorp.com.au>
Sent: Wednesday, 14 October 2020 2:37 PM
To: Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: Re: Notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry - ref 145704-1

CAUTION: This email originated from outside of RPS.

Dear Ben,

Thank you for your letter of 1 October 2020 regarding notification for Aboriginal Community Consultation for the rezoning of land at North Tuncurry.

Representatives of Lakkari Traditional Owner Aboriginal Corporation would like to be consulted in relation to the Aboriginal Cultural Heritage Assessment being undertaken prior to the proposed rezoning of the land at North Tuncurry. At present, I am able to provide you with the contact details for one individual who would like to be consulted:

Robert Yettica
Phone: 0457 336 884
Email: robert.yettica@gmail.com

The Corporation have also identified two others who should be consulted however I am yet to obtain their contact details to be able to provide those to you. Until I can obtain the contact details for the other two people, could you please also direct any correspondence to myself and I will pass it on to Lakkari Traditional Owner Aboriginal Corporation.

Please let me know if I can be of any further assistance.

Kind regards,
Clare

Clare Barcham | Solicitor



**NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation.
We also acknowledge and pay our respect to their Elders past and present.**

t 02 9310 3188 | **m** 0448 444 417 | **f** 02 9310 4177 | **Free call:** 1800 111 844
e cbarcham@ntscorp.com.au | **w** www.ntscorp.com.au
Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia



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Please consider the environment before printing this email

From: [Benjamin Slack](#)
To: [Kate Morris](#)
Cc: [Maree Perks](#)
Subject: FW: Telephone Message - Loma from Foster Aboriginal Land Council
Date: Tuesday, 20 October 2020 2:26:12 PM
Attachments: [image002.png](#)

Hey Kate

We got a call re north Tuncurry, see below from Maree

Maree – its all good we have Robs details on hand

Cheers,

Ben Slack
Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: Maree Perks <Maree.Perks@rpsgroup.com.au>
Sent: Tuesday, 20 October 2020 2:22 PM
To: Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: Telephone Message - Loma from Foster Aboriginal Land Council

Hey Ben,

Received a call from Loma from Foster Aboriginal Land Council, in regards to the letter you send re North Tuncurry PR145704-1, she is wondering if it is to late to notify a representative as the cut off on the letter was 14/10/20

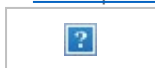
She would like to nominate Robert Yettica – 0457 336 884 – Cultural Heritage Consultant for the Aboriginal Land Council.

I have tried to contact both Loma and Robert, but could not get the email and address details. Sorry I will remember to ask next time.

Cheers

Maree

Maree Perks
Business Support Officer
RPS | Australia Asia Pacific
Unit 2A, 45 Fitzroy Street
Carrington NSW 2294, Australia
T +61 2 4940 4200
D +61 2 4940 4209
E maree.perks@rpsgroup.com.au



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If you need support or would like to discuss your forward looking priorities, please get in touch. You can continue to contact me in the usual ways via phone and email, or we can set up a virtual meeting.

Kate Morris

From: Benjamin Slack
Sent: Monday, 26 October 2020 1:22 PM
To: Kate Morris
Subject: FW: Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

Another one

Ben Slack

Senior Heritage Consultant
RPS | Australia Asia Pacific
T +61 2 4940 4200
E ben.slack@rpsgroup.com.au

From: WIDESCOPE . <widescope.group@live.com>
Sent: Monday, 26 October 2020 9:06 AM
To: Benjamin Slack <ben.slack@rpsgroup.com.au>
Subject: Aboriginal Community Consultation for the proposed land re-zoning at North Tuncurry

CAUTION: This email originated from outside of RPS.

Hi Ben,

Please register Steven Hickey for the above project thank you

Regards
Donna Hickey
Administration
0425232056

From: [Anthony Anderson](#)
To: [Kate Morris](#)
Subject: Re: EOI for Aboriginal Community Consultation for the proposed land re-zoning at North
Date: Wednesday, 21 October 2020 12:57:24 PM
Attachments: [image003.png](#)

CAUTION: This email originated from outside of RPS.

Hi Kate,

Thanks for invite to register however Murrooma will not be registering for this project as it is just a bit too far north for us and believe it's best to gain knowledge of this area from the traditional owners and people in that community who speak for country in order to gain an accurate assessment for the proponent.

Thanks Bec Young

On Tuesday, October 20, 2020, Kate Morris <Kate.Morris@rpsgroup.com.au> wrote:

Good afternoon,

Please find attached an EOI letter for the **proposed land re-zoning at North Tuncurry**.

Kind Regards,

Kate Morris

Graduate Heritage Consultant
RPS | Australia Asia Pacific
[Unit 2A, 45 Fitzroy Street](#)
Carrington NSW 2294, Australia
T +61 2 4940 4200
D +61 2 4940 4214
E kate.morris@rpsgroup.com.au



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--

Anthony Anderson
CEO Mur-roo-ma Incorporated
Justice of The Peace

Our ref: 147858

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Heritage NSW
Community Engagement,
Department of Premier and Cabinet
Locked Bag 5020
PARRAMATTA NSW 2124

Dear Samantha Higgs,

147858 North Tuncurry Aboriginal Cultural Heritage Assessment Addendum

In accordance with Stage 1 of the *Aboriginal Cultural Heritage Consultation requirements for Proponents (2010)*, the following groups are Registered Aboriginal Parties (RAPs) for the project:

END OF STAGE 1 – Registered groups

Group	Contact	Date Registration Received	Comment
Murra Bidgee Mullangari Aboriginal Corporation	Ryan Johnson and Darleen Johnson-Carroll	22/10/2020	RAP
Nunawanna Aboriginal Corporation	Colin Ahoy	26/10/2020	RAP
A1 Indigenous Services	Carolyn Hickey	26/10/2020	RAP
Widescope Indigenous Group	Steven Hickey	26/10/2020	RAP
Didge Ngunawal Clan	Paul Boyd and Lilly Carroll	26/10/2020	RAP
Name Withheld	Name withheld	26/10/2020	RAP
Name withheld	Name withheld	26/10/2020	RAP

Included in this letter is:

- a) A copy of the newspaper advertisement from The Great Lakes Advocate.

We trust this information is sufficient for your purposes; however, should you require any further details or clarification, please do not hesitate to contact Ben Slack through the information provided below.

Our ref: 147858

Yours sincerely,



for RPS Australia East Pty Ltd

Ben Slack

Senior Heritage Consultant

ben.slack@rpsgroup.com.au

02 4940 4200

Ensuring a healthy future

CONSERVATION

BY JEANENE DUNCAN

Great Lakes

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"I grew up playing and riding my bikes in the bush," Mr Meier (pictured) he said.

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Landcom
Parramatta NSW 2150
or sballango@landcom.nsw.gov.au

TA5672580



DAN MANI

SUNDAY 11 OCT

4-7PM



RAFFLES | 6PM

THURSDAY, FRIDAY, SUNDAY

COURTESY BUS 4PM DAILY | MEMBERS ONLY

6554 6799

STRAND STREET FORSTER

www.forstertuncurrygolf.com.au

Our ref: 147858

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Forster Local Aboriginal Land Council
PO Box 384
Forster NSW 2428

Dear Sir/Madam,

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Senior Heritage Consultant

ben.slack@rpsgroup.com.au

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Registration of Interest for Aboriginal cultural knowledge holders Forster, NSW



On behalf of Landcom, RPS is requesting registration of interest from Aboriginal Stakeholders for Aboriginal Heritage Investigation in the Forster area. RPS are seeking to identify Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area.

The purpose of this community consultation with Aboriginal people is to assist the proposed applicant in the updating of the previously conducted Aboriginal Cultural Heritage Assessment. The proposed works at North Tuncurry (Lot 331 of DP 1104340, Lot 294 of DP 43110, and Lot 295 of DP 43110) are to be undertaken for re-zoning land for urban purposes.

As per DPIE guidelines, *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010), responses are to be received before **Thursday 22 October 2020**. If you are an Aboriginal person or group who may hold cultural knowledge, please forward the relevant contact details to:

Benjamin Slack
RPS Australia East Pty Ltd
PO Box 120
CARRINGTON NSW 2294
Tel: 02 4940 4200
ben.slack@rpsgroup.com.au

Further information will be provided upon registration.

In compliance with the DPIE *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) the contact details for the relevant Project Manager are as follows:

Stephanie Ballango
Landcom
Parramatta NSW 2150
or sballango@landcom.nsw.gov.au

TA5672580



DAN MANI

SUNDAY 11 OCT

4-7PM



RAFFLES | 6PM

THURSDAY, FRIDAY, SUNDAY

COURTESY BUS 4PM DAILY | MEMBERS ONLY
6554 6799
STRAND STREET FORSTER
www.forstertuncurrygolf.com.au

Our ref: 147858 North Tuncurry

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

A1 Indigenous Services
Carolyn Hickey
10 Marie Pitt Place
GLENMORE PARK NSW 2745

Dear Ms Hickey,

Re: Proposed Land Re-zoning at North Tuncurry Update to Cultural Heritage Assessment

RPS is currently preparing an addendum to a 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area relating to Landcom's re-zoning of land for urban purposes. The addendum will not change the original ACHAR but provide an updated assessment of the cultural heritage and mitigation recommendations.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits.

A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted abutting the project area and both are midden/campsites. Since these findings, the Landcom land re-zoning project has been put on hold. Recently, the project has recommenced, and sections of the 2011 ACHAR now require updating, including the consultation process.

The purpose of the addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

Part of the reassessment involves recommencing community consultation to provide and update information about the cultural significance of Aboriginal objects and/or places within the Project Area. The finalised addendum to the original ACHAR will then be provided to the Registered Aboriginal Parties (RAPs) for the project for review.

The original ACHAR has been provided for reference.

If you would like to provide information about the cultural significance of this area and recommend culturally appropriate methodologies and management for the heritage reassessment, please contact Ben Slack on the below details within the next 28 days. Final comments are due 8th December 2020.

Our ref: 147858 North Tuncurry

Yours sincerely,
for RPS Australia East Pty Ltd



Ben Slack
Senior Heritage Consultant
ben.slack@rpsgroup.com.au
+61 2 4940 4214

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




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Legend

-  Project Area
-  Development Footprint
-  Master Plan Layout 2018
-  Cadastre
-  Nature Reserve
-  Roads and Tracks
-  2m Contours
-  Drainage
- AHIMS**
-  Midden



CLIENT: LANDCOM

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Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
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Appendix A

Aboriginal Cultural Heritage Assessment of North Tuncurry, 2011



Aboriginal Cultural Heritage Assessment of North Tuncurry,

Report to Landcom November 2011

**Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson
Indigenous Cultural Resource Management Services**

ACKNOWLEDGEMENTS

The Survey Consultants gratefully acknowledges the contributions of the following people and organisations in preparing this report:

Aboriginal Community Groups

- Lakkari Aboriginal Corporation
- Barry Bungie, Tony Marr, Mick Leon (Doo-wa-kee Culture & Heritage Unit)
- Carl King, Acting Coordinator (Forster Local Aboriginal Land Council)

Aboriginal Owners - Families

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

Government Departments

- Kellie Syron & Craig Aspinall for Fiona Marshall, General Manager (Hunter-Central Rivers CMA Catchment Management Authority)
- Natalie Rotumah, (Native Title Services - NSW)
- Sarah Paddington, Archaeologist (North Coast Region, Environmental Protection & Regulation Group, Office of Environment and Heritage)
- Courtney Field, Administrative Officer (Office of the Registrar *Land Rights Act* (1983))
- Great Lakes Council
- Land & Property Management Authority (Taree)

Landcom

- Michael Pring, Study Officer

ABBREVIATIONS

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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1 INTRODUCTION

1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

NTSHL-3 was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

Lot	Deposited Plan	Registered Owner
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

DRAFT

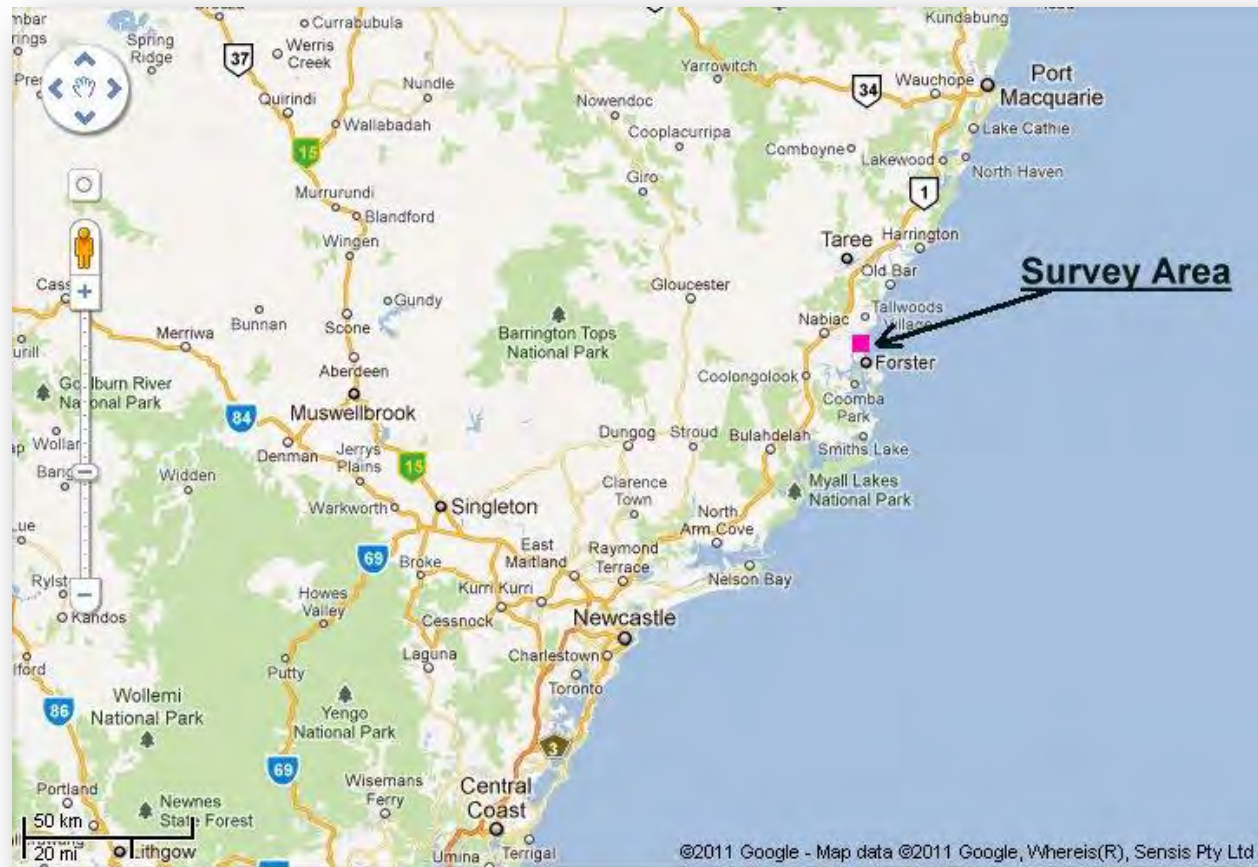


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

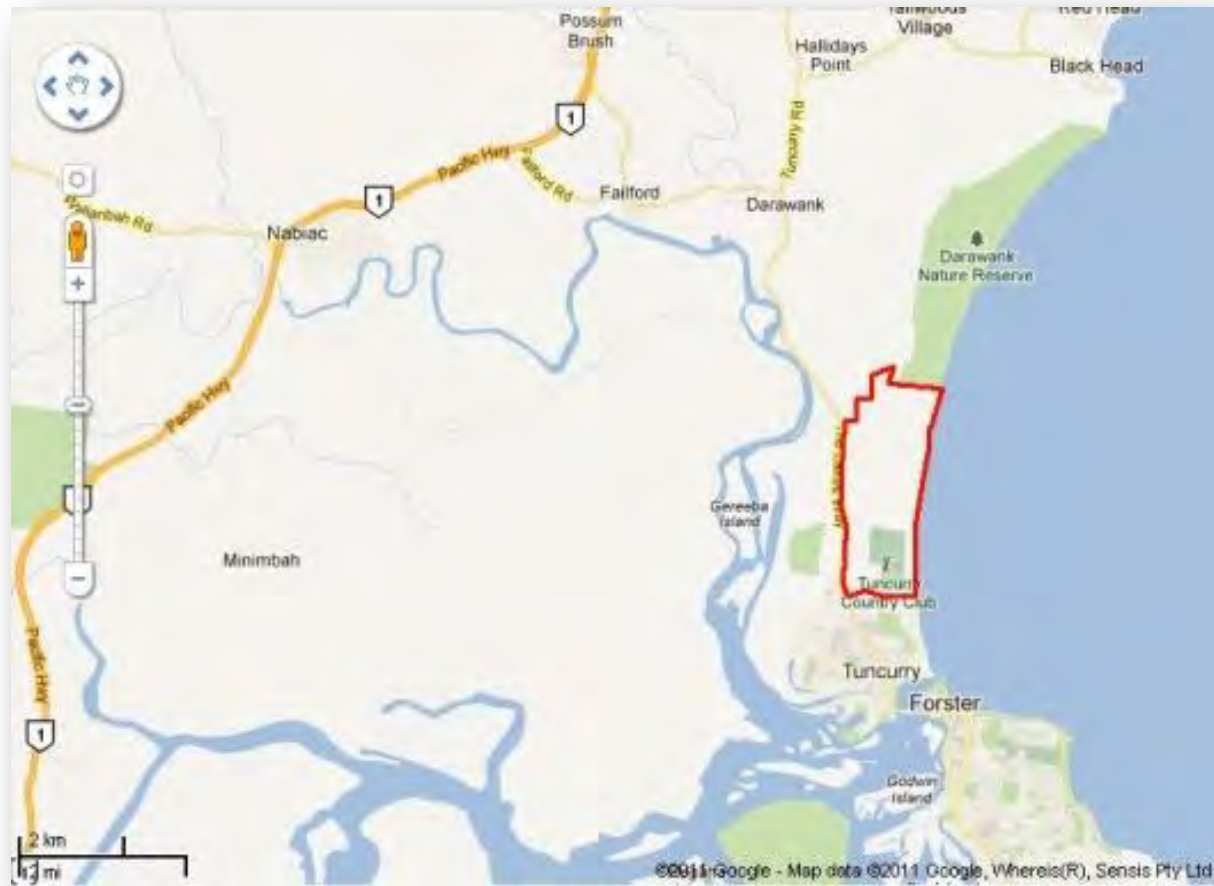


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)

2.1 Process

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In accordance with the the OEH consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
 - Forster Local Aboriginal Land Council
 - Great Lakes Council
 - National Native Title Tribunal
 - NSW Office of Environment and Heritage
 - Native Title Services Corporation Ltd
 - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEH, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

The Community Consultation

Name	Cultural Connection	Knowledge of the Area
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific „cobra“ (*Teredo* spp, generally known as “bora-worm”) resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes¹ and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant² of in-tact cultural material and spiritual meaning.

¹ 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

² “Integrant - Constituting part of a whole; integral.

3 ENVIRONMENT AND LANDUSE EFFECTS

SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981³). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”⁴

³ Black Sands, I.W.Morley 1981.

⁴ Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.⁵

OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp⁶. More recently an educational facility incorporating TAFE and High School were established.

4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

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

⁵ NSW DPI Primefacts May 2008 - The first „commercial“ radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

⁶ State library of NSW Tuncurry Prison:
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>



FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682⁷

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry⁸ noted the following while traversing the nearby lands:

"At one mile east, saw the hill called Tallowah, by the blacks....."

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

".....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

"Further SW through second class forest, then three miles west and saw three blacks with two children."

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

⁷ J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

⁸ W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabitac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.1 Ethnohistorical Context

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

5 ARCHAEOLOGICAL BACKGROUND

5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an „in-situ“ midden (AHIMS site ID: *Un-recorded*) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

Commonwealth Registers

National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

National Native Title Tribunal Registers

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

State Registers

National Parks and Wildlife Act Registers

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
Total:	48

Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the

protection and/or management is defined by the instrument under which they are listed.

No listed items.

Environmental Planning and Assessment Act Registers

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage

Non-Aboriginal Listed items within the broader area.

- Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,
- Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,
- 2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),
- South Street DP 619110 Tuncurry House.

Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

5.3 Past surveys in the regional study locality⁹

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

⁹ The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

Forster,

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522*.

BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain¹⁰.

LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an „in-situ“ midden (Lot 9 DP 245624, Elliots Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including „sanitation“ disposal within this area. Dean Jones makes particular reference to „shell scatters“ existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

¹⁰ This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

6. FIELD SURVEY

6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9th June – 18th August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

6.2 Survey coverage

Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

TABLE 2.1 **SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m ²
2	South East	2600m x 1051m	5	10	6322m ²
3	North West	1760m x 974m	2	20	8459m ²
4	Golf Club	1007m x 631m	10	20	3165m ²

Notes:

Exposure and visibility are averaged over the transect or study area.

Yellow highlight to indicate applicable/ relational context for the study area.

Highlighted purple – locality.

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional „pathways“ through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

7. SURVEY RESULTS

One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: 38-20025 in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: 38-20025). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording NTSHL-3 as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes “Additional Recording” of this site under the current 38-20025 initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings¹¹.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: 38-20026 (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

¹¹ *See Fig-7, p.35.

8. RESULTS ASSESSMENT

8.1 North Tuncurry SHL-3 (NTSHL-3)¹²

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT¹³,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

¹² See Figure 7, p.35.

¹³ There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

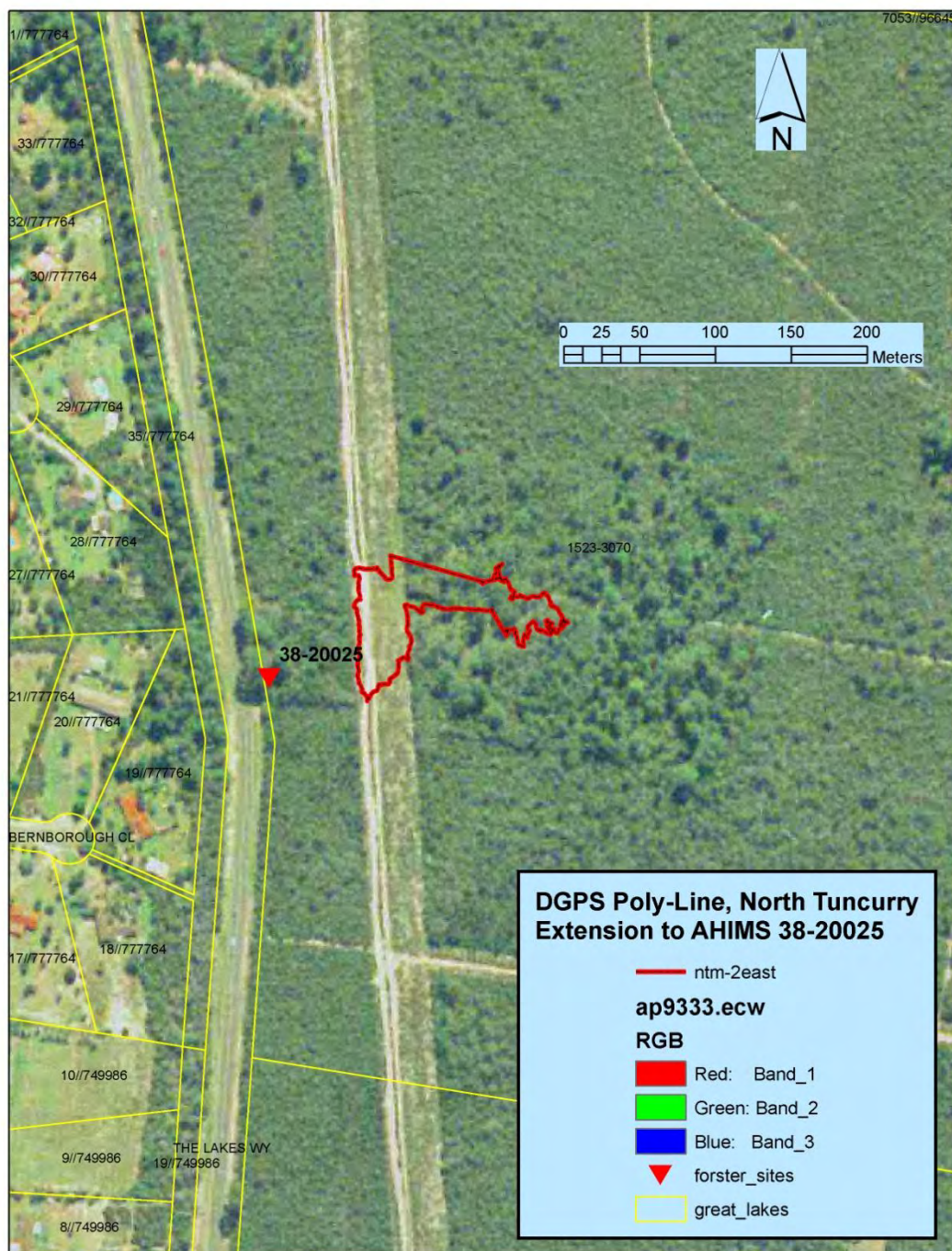


FIGURE 7. DGPS SITE EXTENT - 38-20025

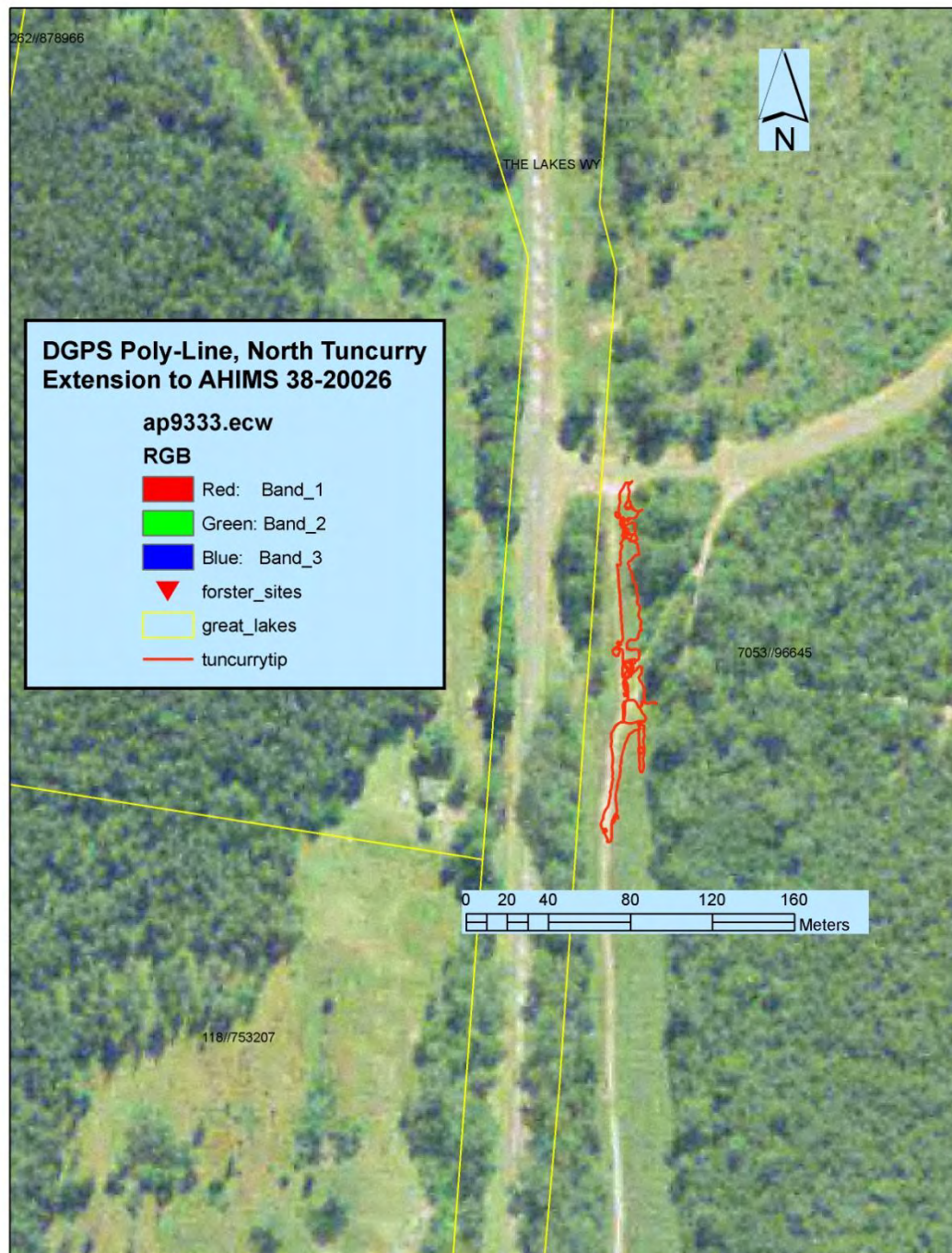


FIGURE 8. DGPS SITE EXTENT 38-20026

9. SIGNIFICANCE ASSESSMENT

9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its „aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians“ (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies¹⁴ support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

9.2 Significance of the study area

Aboriginal cultural/social significance

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a „cobra“¹⁵ resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

¹⁴ 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

¹⁵ *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

Archaeological/scientific significance

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape¹⁶.

10 STATUTORY OBLIGATIONS

The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- „any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).“

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

¹⁶ 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

11. MANAGEMENT RECOMMENDATIONS

11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

12 REFERENCES

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DRAFT

13 Terminology

ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

CEREMONIAL (KEEPPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erillure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

14 Field Photographs



FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026



FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY



FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.



FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025



FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3



FIGURE 16. NTSHL-3 SHELL EXPOSURE

15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT



LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarr Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study.
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom
C/- Great Lakes Resources
Level 2 Bridgepoint
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

Copy of Template Letter forwarded to Del Arnold.

To:

Date:

Dear Mr/Ms

RE: Registration of interest for Aboriginal community consultation

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant „cultural knowledge holders“ can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

Please note: In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from www.alc.org.au.

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....
.....

Registration of individuals with cultural knowledge

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC's boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men's or women's sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....
.....
.....

Please note that a „cultural knowledge holder“ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

A note on the use of cultural knowledge

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

Payment for Aboriginal cultural advice & site assessments

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

Copy of circular email distributed to notified stakeholders:

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,
Sarah.Paddington@environment.nsw.gov.au,
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,
enquiries@nnntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

X-KeepSent: 3DFCE49F:C5537F59-CA2578B0:002027AC; type=4;
name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

X-MIMETrack: Serialize by Router on

NOTES-PARRA01/LANDCOM/AU(Release 8.0.2|August 07, 2008) at
17/06/2011

12:39:28 PM

Content-Type: multipart/mixed; boundary="=_mixed 000E9735CA2578B2_="

--=_mixed 000E9735CA2578B2_ =

Content-Type: text/html; charset="us-ascii"

Content-Transfer-Encoding: 7bit

Dear Sir/Madam

Landcom has commissioned Lakkari
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their
behalf

and in accordance with the Consultation Guidelines I write seeking
the

names of Aboriginal people who may hold cultural knowledge relevant
to

the the determination of significance of Aboriginal objects or places
on

the site. A plan of the site and a copy of the DP are
attached.

I look forward to your
advice.

Regards

Michael Pring

Development Director

Landcom - Tuncurry

P: +612 6555 8495

M: 0412 997 409

E: mpring@Landcom.nsw.gov.au

Copy of OEH Comments



Office of
Environment
& Heritage

Our reference: FIL11/1155

Mr Michael Pring
Development Director
Landcom Tuncurry Project
PO Box 33
Newcastle, NSW, 2300

Dear Mr Pring

**RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY
NORTH TUNCURRY**

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, *but not be limited to, multiple forms of communication*; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 3

Attachment 1:

1. Forster Local Aboriginal Land Council,
Loma Paulson
PO Box 384
Forster NSW 2428
2. Do-Wa-Kee,
Mick Leon
c-1 PO Box 22
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,
Del Arnold
PO Box 182
Gloucester NSW 2422

Copy of emailed response from Great Lakes Shire Council:

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>
To: <mpring@Landcom.nsw.gov.au>
Date: 06/07/2011 08:59 AM
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council
10 Breckenridge Street
PO Box 384
FORSTER NSW 2428
Ph: 02 6555 541
www.forsterlalc.org.au
- Steve Bereton
Office of Environment & Heritage
Parks & Wildlife Division
Ph: 02 6591 0300
- Glenda Roberts
Senior Aboriginal Planning Officer
Planning & Aboriginal Heritage – North East
Environmental Protection & Regulation
Office of Environment & Heritage
Department of Premier & Cabinet
Ph: 02 6651 5946

Regards

Louise Gaffney

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: louise.gaffney@greatlakes.nsw.gov.au

Phone: (02) 6591 7351

Copy of reply letter from the National Native Title Tribunal:



30 June 2011

Michael Pring
Development Director
Landcom - Tuncurry

Email: mpring@landcom.nsw.gov.au

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

Native Title Search Results of Tuncurry within Great Lakes Local Government Area

DR

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl

Our ref: 147858 North Tuncurry

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Corroboree Aboriginal Corporation
Marilyn Carroll-Johnson
PO Box 3340
ROUSE HILL NSW 2155

Dear Ms Carroll-Johnson,

Re: Proposed Land Re-zoning at North Tuncurry Update to Cultural Heritage Assessment

RPS is currently preparing an addendum to a 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area relating to Landcom's re-zoning of land for urban purposes. The addendum will not change the original ACHAR but provide an updated assessment of the cultural heritage and mitigation recommendations.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits.

A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted abutting the project area and both are midden/campsites. Since these findings, the Landcom land re-zoning project has been put on hold. Recently, the project has recommenced, and sections of the 2011 ACHAR now require updating, including the consultation process.

The purpose of the addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

Part of the reassessment involves recommencing community consultation to provide and update information about the cultural significance of Aboriginal objects and/or places within the Project Area. The finalised addendum to the original ACHAR will then be provided to the Registered Aboriginal Parties (RAPs) for the project for review.

The original ACHAR has been provided for reference.

If you would like to provide information about the cultural significance of this area and recommend culturally appropriate methodologies and management for the heritage reassessment, please contact Ben Slack on the below details within the next 28 days. Final comments are due 8th December 2020.

Our ref: 147858 North Tuncurry

Yours sincerely,
for RPS Australia East Pty Ltd



Ben Slack
Senior Heritage Consultant
ben.slack@rpsgroup.com.au
+61 2 4940 4214



FIGURE 2: PROJECT AREA WITH AHIMS

LOCATION:	NORTH TUNCURRY	DATUM:	GDA94
		PROJECTION:	MGA Zone 56
JOB NO.:	PR 147858	Data Sources:	RPS, Client
PURPOSE:	HERITAGE	Land and Property	2017
Technician:	Natalie Wood	Date:	19/08/2020

CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Appendix A

Aboriginal Cultural Heritage Assessment of North Tuncurry, 2011



Aboriginal Cultural Heritage Assessment of North Tuncurry,

Report to Landcom November 2011

**Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson
Indigenous Cultural Resource Management Services**

ACKNOWLEDGEMENTS

The Survey Consultants gratefully acknowledges the contributions of the following people and organisations in preparing this report:

Aboriginal Community Groups

- Lakkari Aboriginal Corporation
- Barry Bungie, Tony Marr, Mick Leon (Doo-wa-kee Culture & Heritage Unit)
- Carl King, Acting Coordinator (Forster Local Aboriginal Land Council)

Aboriginal Owners - Families

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

Government Departments

- Kellie Syron & Craig Aspinall for Fiona Marshall, General Manager (Hunter-Central Rivers CMA Catchment Management Authority)
- Natalie Rotumah, (Native Title Services - NSW)
- Sarah Paddington, Archaeologist (North Coast Region, Environmental Protection & Regulation Group, Office of Environment and Heritage)
- Courtney Field, Administrative Officer (Office of the Registrar *Land Rights Act* (1983))
- Great Lakes Council
- Land & Property Management Authority (Taree)

Landcom

- Michael Pring, Study Officer

ABBREVIATIONS

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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1 INTRODUCTION

1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

NTSHL-3 was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

Lot	Deposited Plan	Registered Owner
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

DRAFT

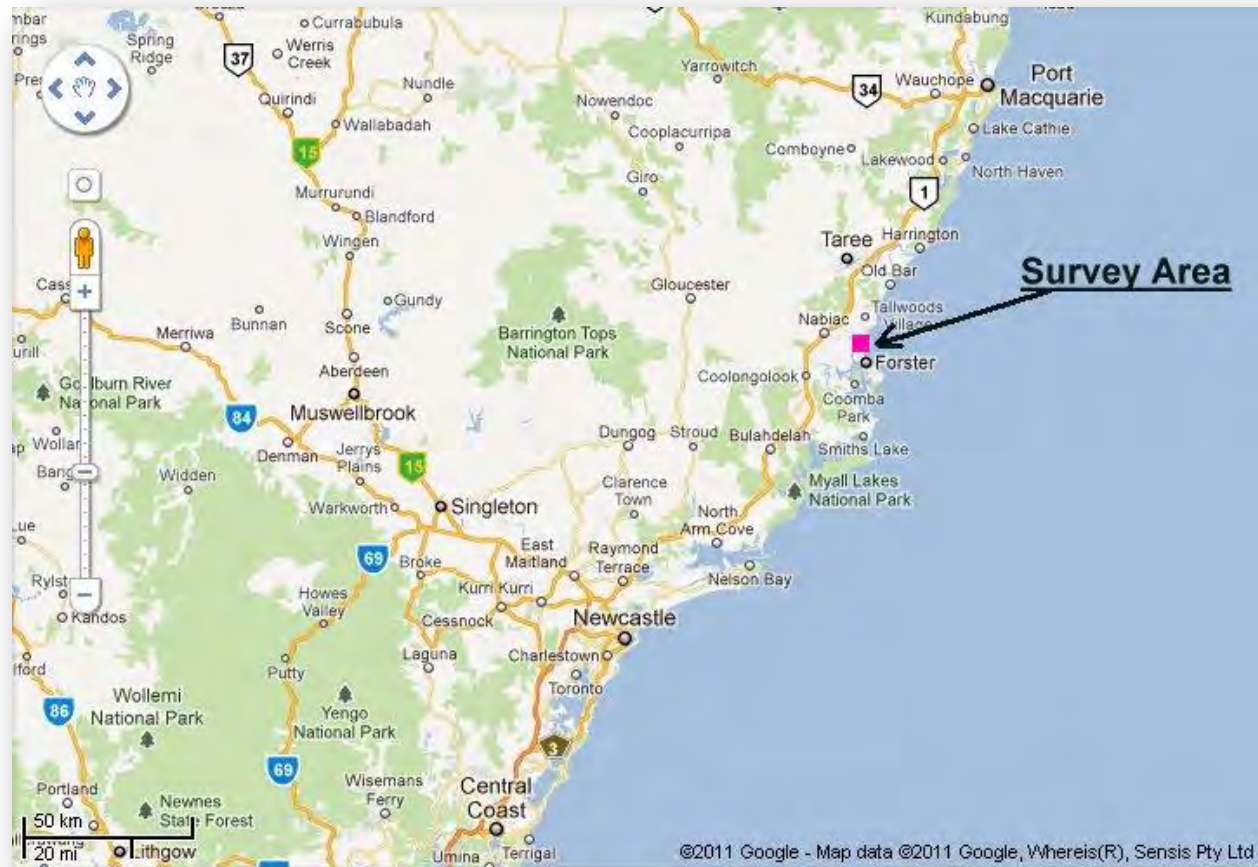


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

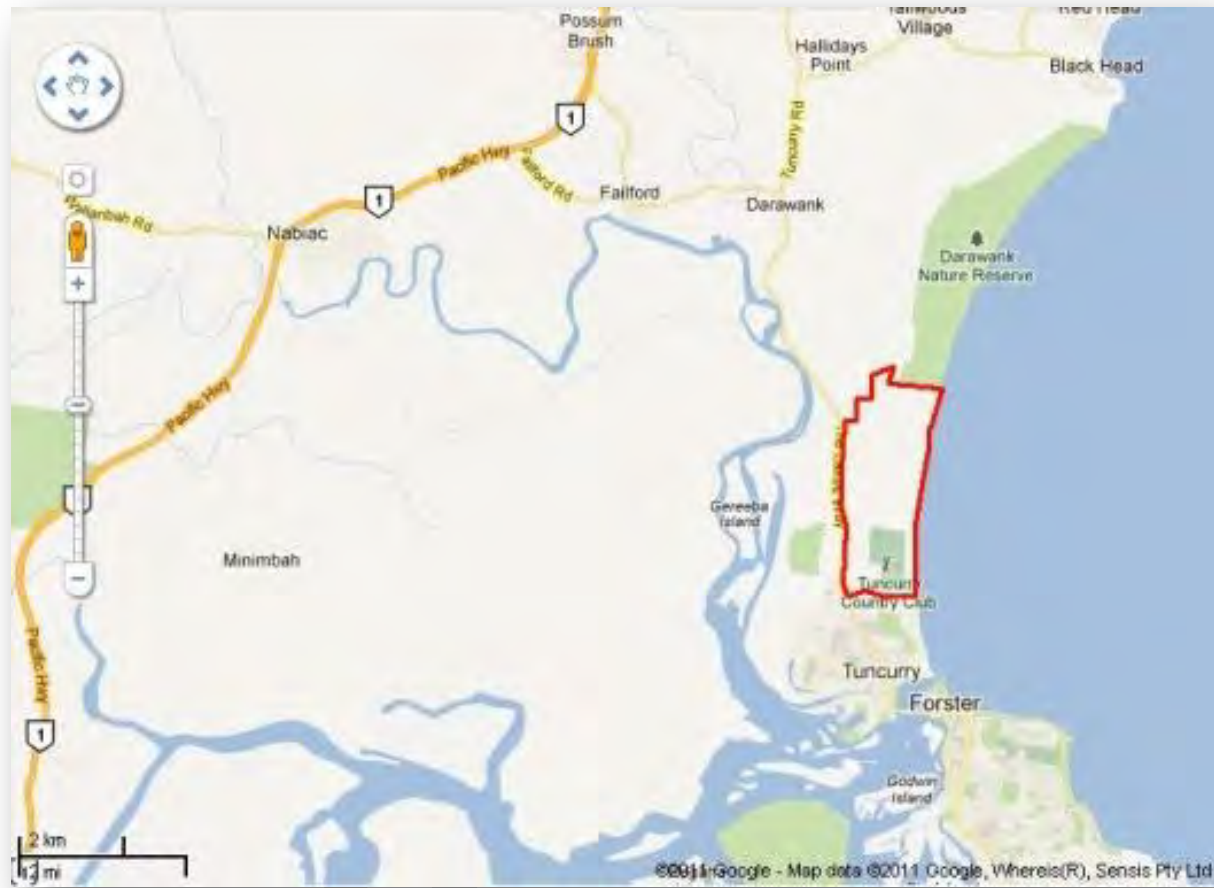


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)

2.1 Process

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In accordance with the the OEH consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
 - Forster Local Aboriginal Land Council
 - Great Lakes Council
 - National Native Title Tribunal
 - NSW Office of Environment and Heritage
 - Native Title Services Corporation Ltd
 - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEH, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

The Community Consultation

Name	Cultural Connection	Knowledge of the Area
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific „cobra“ (*Teredo* spp, generally known as “bora-worm”) resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes¹ and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant² of in-tact cultural material and spiritual meaning.

¹ 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

² “Integrant - Constituting part of a whole; integral.

3 ENVIRONMENT AND LANDUSE EFFECTS

SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981³). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”⁴

³ Black Sands, I.W.Morley 1981.

⁴ Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.⁵

OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp⁶. More recently an educational facility incorporating TAFE and High School were established.

4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

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

⁵ NSW DPI Primefacts May 2008 - The first „commercial“ radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

⁶ State library of NSW Tuncurry Prison:
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>



FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682⁷

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry⁸ noted the following while traversing the nearby lands:

"At one mile east, saw the hill called Tallowah, by the blacks....."

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

".....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

"Further SW through second class forest, then three miles west and saw three blacks with two children."

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

⁷ J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

⁸ W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabitac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.1 Ethnohistorical Context

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

5 ARCHAEOLOGICAL BACKGROUND

5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an „in-situ“ midden (AHIMS site ID: *Un-recorded*) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

Commonwealth Registers

National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

National Native Title Tribunal Registers

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

State Registers

National Parks and Wildlife Act Registers

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
Total:	48

Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the

protection and/or management is defined by the instrument under which they are listed.

No listed items.

Environmental Planning and Assessment Act Registers

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage

Non-Aboriginal Listed items within the broader area.

- Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,
- Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,
- 2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),
- South Street DP 619110 Tuncurry House.

Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

5.3 Past surveys in the regional study locality⁹

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

⁹ The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

Forster,

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522*.

BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain¹⁰.

LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an „in-situ“ midden (Lot 9 DP 245624, Elliotts Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including "sanitation" disposal within this area. Dean Jones makes particular reference to „shell scatters" existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

¹⁰ This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

6. FIELD SURVEY

6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9th June – 18th August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

6.2 Survey coverage

Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

TABLE 2.1 **SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m ²
2	South East	2600m x 1051m	5	10	6322m ²
3	North West	1760m x 974m	2	20	8459m ²
4	Golf Club	1007m x 631m	10	20	3165m ²

Notes:

Exposure and visibility are averaged over the transect or study area.

Yellow highlight to indicate applicable/ relational context for the study area.

Highlighted purple – locality.

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional „pathways“ through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

7. SURVEY RESULTS

One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: **38-20025** in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: **38-20025**). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording **NTSHL-3** as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes “Additional Recording” of this site under the current **38-20025** initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings¹¹.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: **38-20026** (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

¹¹ *See Fig-7, p.35.

8. RESULTS ASSESSMENT

8.1 North Tuncurry SHL-3 (NTSHL-3)¹²

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT¹³,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

¹² See Figure 7, p.35.

¹³ There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

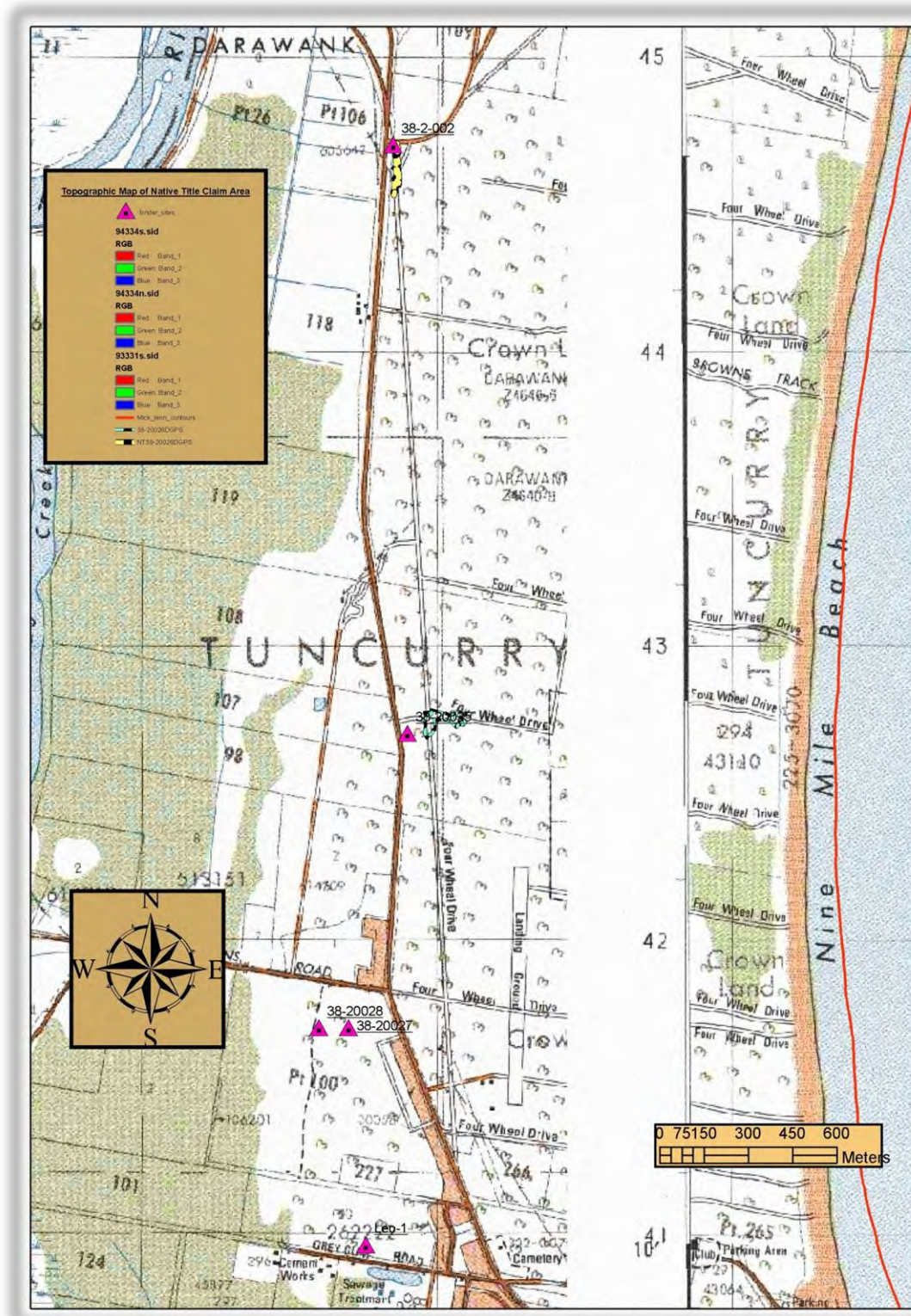


FIGURE 6. DGPS RECORDINGS

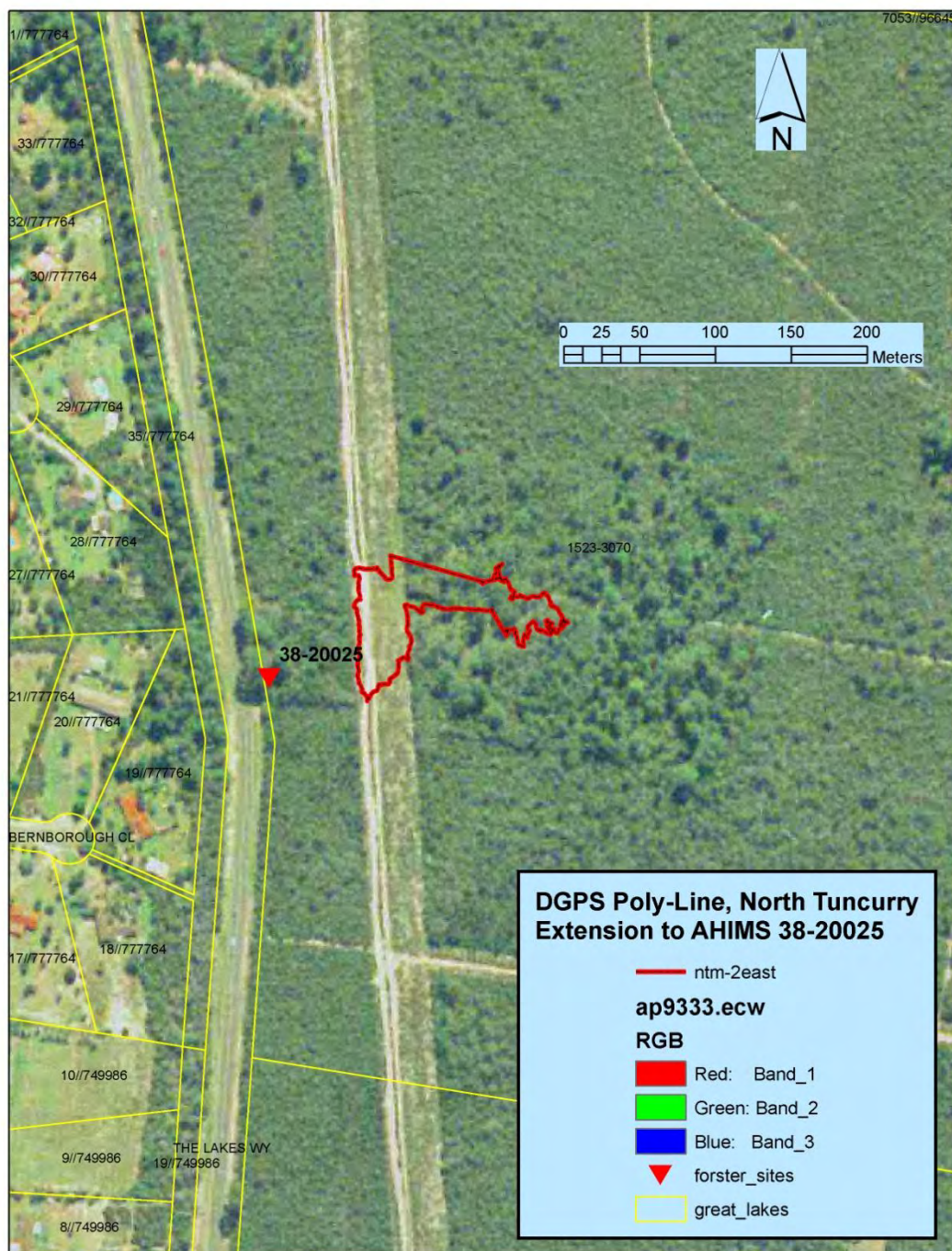


FIGURE 7. DGPS SITE EXTENT - 38-20025

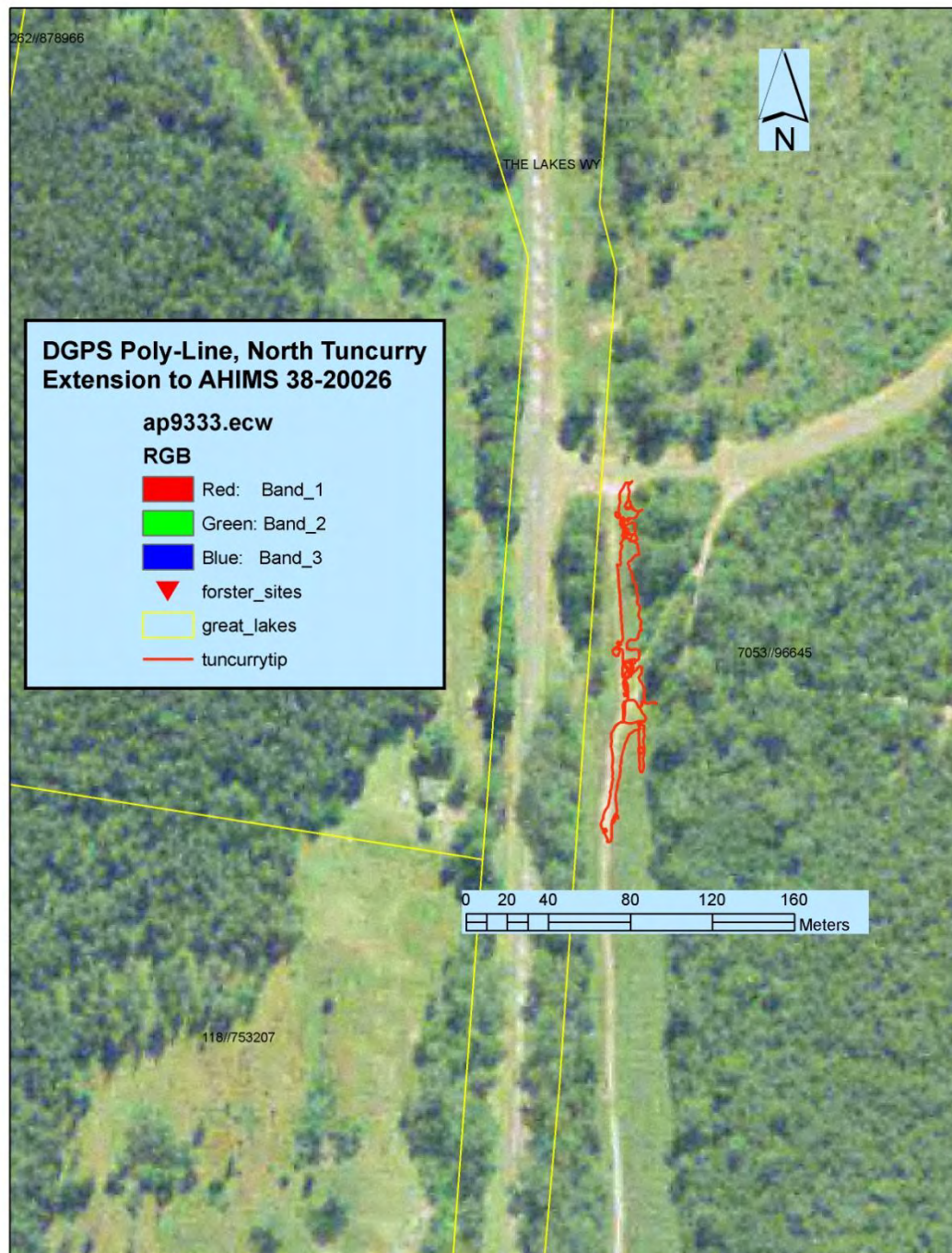


FIGURE 8. DGPS SITE EXTENT 38-20026

9. SIGNIFICANCE ASSESSMENT

9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its „aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians“ (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies¹⁴ support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

9.2 Significance of the study area

Aboriginal cultural/social significance

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a „cobra“¹⁵ resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

¹⁴ 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

¹⁵ *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

Archaeological/scientific significance

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape¹⁶.

10 STATUTORY OBLIGATIONS

The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- „any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).“

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

¹⁶ 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

11. MANAGEMENT RECOMMENDATIONS

11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

12 REFERENCES

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- National Parks and Wildlife Service (NSW) 1997 *Guidelines for archaeological survey reporting. Working draft*. Cultural Heritage Services Division, National Parks and Wildlife Service.
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- Speight, J.G. 1990 *Landform*. In R.C. McDonald, R.F. Isbell, J.G. Speight, J. Walker and M.S. Hopkins (eds), Australian Soil and Land Survey: Field Handbook. Inkata Press, Sydney. Pp 9-57.

DRAFT

13 Terminology

ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

CEREMONIAL (KEEPPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erillure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

14 Field Photographs



FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026



FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY



FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.



FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025



FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3



FIGURE 16. NTSHL-3 SHELL EXPOSURE

15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT



LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarr Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study.
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom
C/- Great Lakes Resources
Level 2 Bridgepoint
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

Copy of Template Letter forwarded to Del Arnold.

To:

Date:

Dear Mr/Ms

RE: Registration of interest for Aboriginal community consultation

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant „cultural knowledge holders“ can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

Please note: In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from www.alc.org.au.

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....
.....

Registration of individuals with cultural knowledge

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC's boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men's or women's sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....
.....
.....

Please note that a „cultural knowledge holder“ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

A note on the use of cultural knowledge

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

Payment for Aboriginal cultural advice & site assessments

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

Copy of circular email distributed to notified stakeholders:

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,
Sarah.Paddington@environment.nsw.gov.au,
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,
enquiries@nnntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

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name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

X-MIMETrack: Serialize by Router on

NOTES-PARRA01/LANDCOM/AU(Release 8.0.2|August 07, 2008) at
17/06/2011

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Content-Transfer-Encoding: 7bit

Dear Sir/Madam

Landcom has commissioned Lakkari
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their
behalf

and in accordance with the Consultation Guidelines I write seeking
the

names of Aboriginal people who may hold cultural knowledge relevant
to

the the determination of significance of Aboriginal objects or places
on

the site. A plan of the site and a copy of the DP are
attached.

I look forward to your
advice.

Regards

Michael Pring

Development Director

Landcom - Tuncurry

P: +612 6555 8495

M: 0412 997 409

E: mpring@Landcom.nsw.gov.au

Copy of OEH Comments



Office of
Environment
& Heritage

Our reference: FIL11/1155

Mr Michael Pring
Development Director
Landcom Tuncurry Project
PO Box 33
Newcastle, NSW, 2300

Dear Mr Pring

**RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY
NORTH TUNCURRY**

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, but not be limited to, multiple forms of communication; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 3

Attachment 1:

1. Forster Local Aboriginal Land Council,
Loma Paulson
PO Box 384
Forster NSW 2428
2. Do-Wa-Kee,
Mick Leon
c-1 PO Box 22
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,
Del Arnold
PO Box 182
Gloucester NSW 2422

Copy of emailed response from Great Lakes Shire Council:

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>
To: <mpring@Landcom.nsw.gov.au>
Date: 06/07/2011 08:59 AM
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council
10 Breckenridge Street
PO Box 384
FORSTER NSW 2428
Ph: 02 6555 541
www.forsterlalc.org.au
- Steve Bereton
Office of Environment & Heritage
Parks & Wildlife Division
Ph: 02 6591 0300
- Glenda Roberts
Senior Aboriginal Planning Officer
Planning & Aboriginal Heritage – North East
Environmental Protection & Regulation
Office of Environment & Heritage
Department of Premier & Cabinet
Ph: 02 6651 5946

Regards

Louise Gaffney

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: louise.gaffney@greatlakes.nsw.gov.au

Phone: (02) 6591 7351

Copy of reply letter from the National Native Title Tribunal:



30 June 2011

Michael Pring
Development Director
Landcom - Tuncurry

Email: mpring@landcom.nsw.gov.au

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

Native Title Search Results of Tuncurry within Great Lakes Local Government Area

DR

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl

Our ref: 147858 North Tuncurry

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Didge Ngunawal Clan
Paul Boyd & Lilly Carroll
33 Carlyle Crescent
CAMBRIDGE GARDENS NSW 2747

Dear Mr Boyd & Ms Carroll,

Re: Proposed Land Re-zoning at North Tuncurry Update to Cultural Heritage Assessment

RPS is currently preparing an addendum to a 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area relating to Landcom's re-zoning of land for urban purposes. The addendum will not change the original ACHAR but provide an updated assessment of the cultural heritage and mitigation recommendations.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits.

A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted abutting the project area and both are midden/campsites. Since these findings, the Landcom land re-zoning project has been put on hold. Recently, the project has recommenced, and sections of the 2011 ACHAR now require updating, including the consultation process.

The purpose of the addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

Part of the reassessment involves recommencing community consultation to provide and update information about the cultural significance of Aboriginal objects and/or places within the Project Area. The finalised addendum to the original ACHAR will then be provided to the Registered Aboriginal Parties (RAPs) for the project for review.

The original ACHAR has been provided for reference.

If you would like to provide information about the cultural significance of this area and recommend culturally appropriate methodologies and management for the heritage reassessment, please contact Ben Slack on the below details within the next 28 days. Final comments are due 8th December 2020.

Our ref: 147858 North Tuncurry

Yours sincerely,
for RPS Australia East Pty Ltd



Ben Slack
Senior Heritage Consultant
ben.slack@rpsgroup.com.au
+61 2 4940 4214



CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Appendix A

Aboriginal Cultural Heritage Assessment of North Tuncurry, 2011



Aboriginal Cultural Heritage Assessment of North Tuncurry,

Report to Landcom November 2011

**Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson
Indigenous Cultural Resource Management Services**

ACKNOWLEDGEMENTS

The Survey Consultants gratefully acknowledges the contributions of the following people and organisations in preparing this report:

Aboriginal Community Groups

- Lakkari Aboriginal Corporation
- Barry Bungie, Tony Marr, Mick Leon (Doo-wa-kee Culture & Heritage Unit)
- Carl King, Acting Coordinator (Forster Local Aboriginal Land Council)

Aboriginal Owners - Families

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

Government Departments

- Kellie Syron & Craig Aspinall for Fiona Marshall, General Manager (Hunter-Central Rivers CMA Catchment Management Authority)
- Natalie Rotumah, (Native Title Services - NSW)
- Sarah Paddington, Archaeologist (North Coast Region, Environmental Protection & Regulation Group, Office of Environment and Heritage)
- Courtney Field, Administrative Officer (Office of the Registrar *Land Rights Act* (1983))
- Great Lakes Council
- Land & Property Management Authority (Taree)

Landcom

- Michael Pring, Study Officer

ABBREVIATIONS

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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1 INTRODUCTION

1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

NTSHL-3 was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

Lot	Deposited Plan	Registered Owner
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club

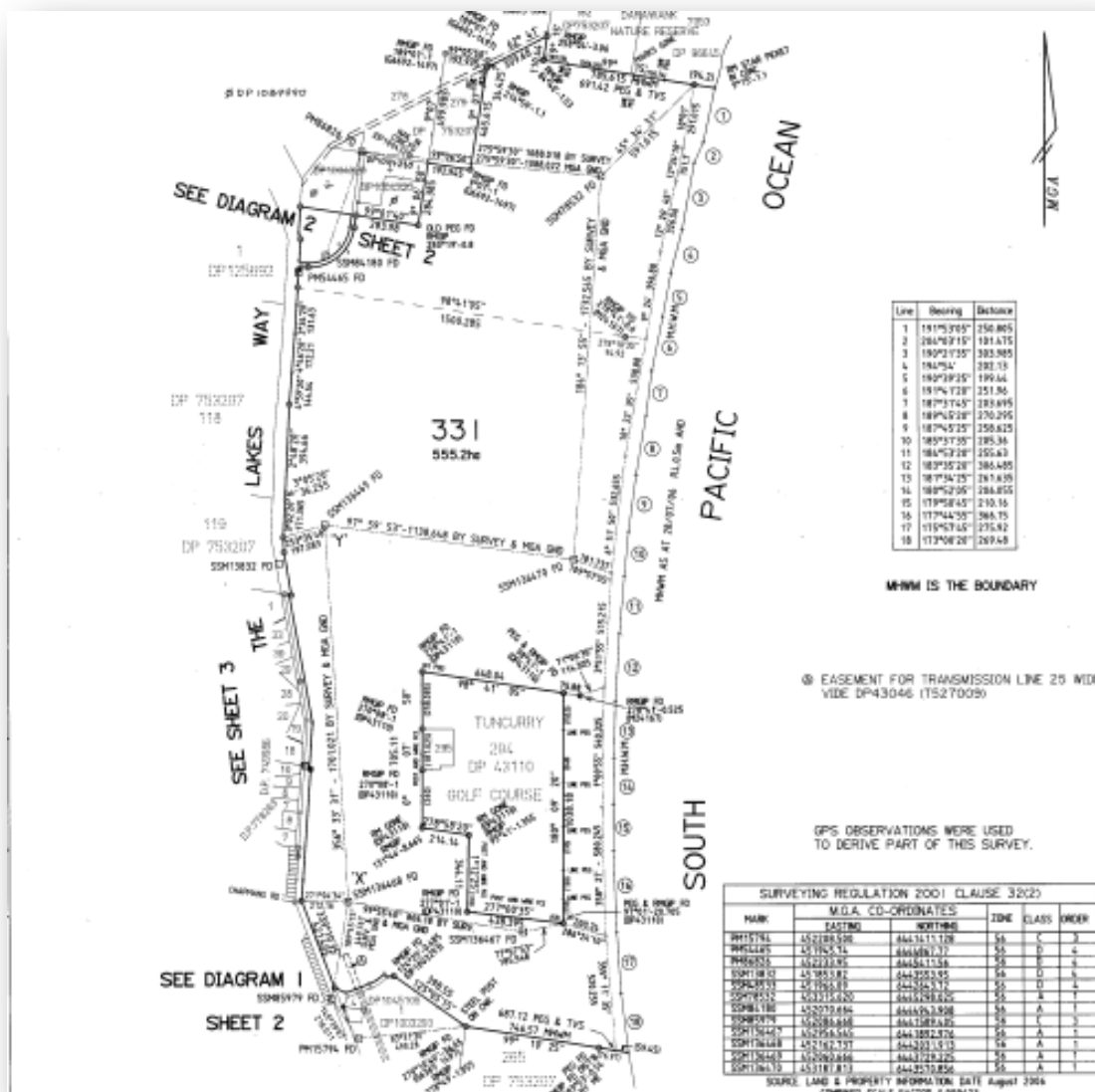


FIGURE 1. SURVEYORS MAP OF STUDY LANDS.

The NSW Department of Planning is the Determining Authority (DA) for this study and will assess the significance of impact on the environment, including Aboriginal cultural heritage, through a State Significant Site Study (SSS), supported by specialist studies where required.

The Aboriginal community and the Aboriginal Consultants will aid Landcom in the preparation of the SSS study by assessing the Aboriginal cultural heritage associated with the proposed development, and this assessment will constitute the heritage component of the SSS study.

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

DRAFT

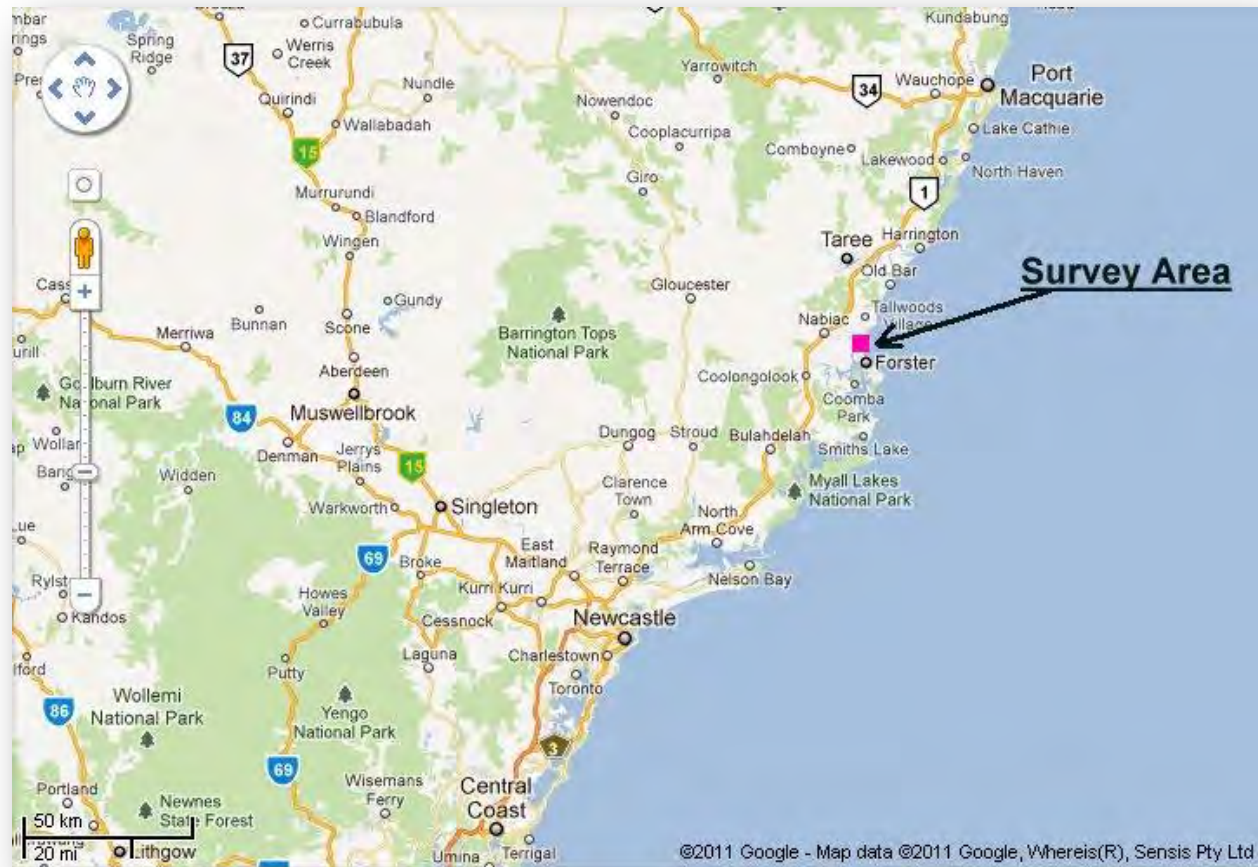


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

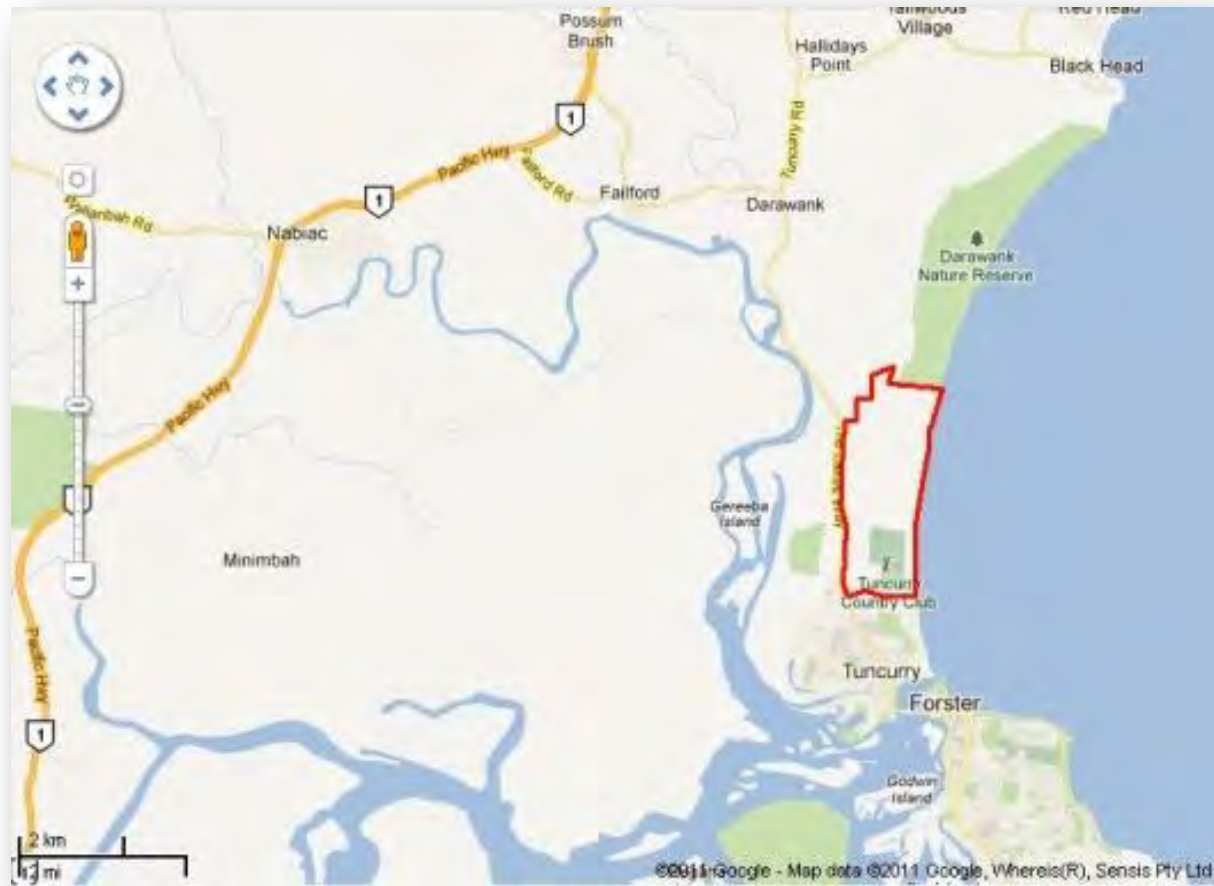


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)

2.1 Process

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In accordance with the the OEH consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
 - Forster Local Aboriginal Land Council
 - Great Lakes Council
 - National Native Title Tribunal
 - NSW Office of Environment and Heritage
 - Native Title Services Corporation Ltd
 - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEH, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

The Community Consultation

Name	Cultural Connection	Knowledge of the Area
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific „cobra“ (*Teredo* spp, generally known as “bora-worm”) resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes¹ and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant² of in-tact cultural material and spiritual meaning.

¹ 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

² “Integrant - Constituting part of a whole; integral.

3 ENVIRONMENT AND LANDUSE EFFECTS

SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981³). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”⁴

³ Black Sands, I.W.Morley 1981.

⁴ Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.⁵

OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp⁶. More recently an educational facility incorporating TAFE and High School were established.

4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

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

⁵ NSW DPI Primefacts May 2008 - The first „commercial“ radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

⁶ State library of NSW Tuncurry Prison:
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>



FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682⁷

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry⁸ noted the following while traversing the nearby lands:

“At one mile east, saw the hill called Tallowah, by the blacks.....”

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

“.....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

“Further SW through second class forest, then three miles west and saw three blacks with two children.”

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

⁷ J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

⁸ W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabitac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.1 Ethnohistorical Context

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

5 ARCHAEOLOGICAL BACKGROUND

5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an „in-situ“ midden (AHIMS site ID: *Un-recorded*) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

Commonwealth Registers

National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

National Native Title Tribunal Registers

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

State Registers

National Parks and Wildlife Act Registers

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
Total:	48

Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the

protection and/or management is defined by the instrument under which they are listed.

No listed items.

Environmental Planning and Assessment Act Registers

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage

Non-Aboriginal Listed items within the broader area.

- Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,
- Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,
- 2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),
- South Street DP 619110 Tuncurry House.

Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

5.3 Past surveys in the regional study locality⁹

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

⁹ The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

Forster,

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522*.

BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain¹⁰.

LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an „in-situ“ midden (Lot 9 DP 245624, Elliotts Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including „sanitation“ disposal within this area. Dean Jones makes particular reference to „shell scatters“ existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

¹⁰ This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

6. FIELD SURVEY

6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9th June – 18th August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

6.2 Survey coverage

Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

TABLE 2.1 **SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m ²
2	South East	2600m x 1051m	5	10	6322m ²
3	North West	1760m x 974m	2	20	8459m ²
4	Golf Club	1007m x 631m	10	20	3165m ²

Notes:

Exposure and visibility are averaged over the transect or study area.

Yellow highlight to indicate applicable/ relational context for the study area.

Highlighted purple – locality.

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional „pathways“ through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

7. SURVEY RESULTS

One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: 38-20025 in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: 38-20025). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording NTSHL-3 as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes “Additional Recording” of this site under the current 38-20025 initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings¹¹.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: 38-20026 (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

¹¹ *See Fig-7, p.35.

8. RESULTS ASSESSMENT

8.1 North Tuncurry SHL-3 (NTSHL-3)¹²

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT¹³,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

¹² See Figure 7, p.35.

¹³ There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

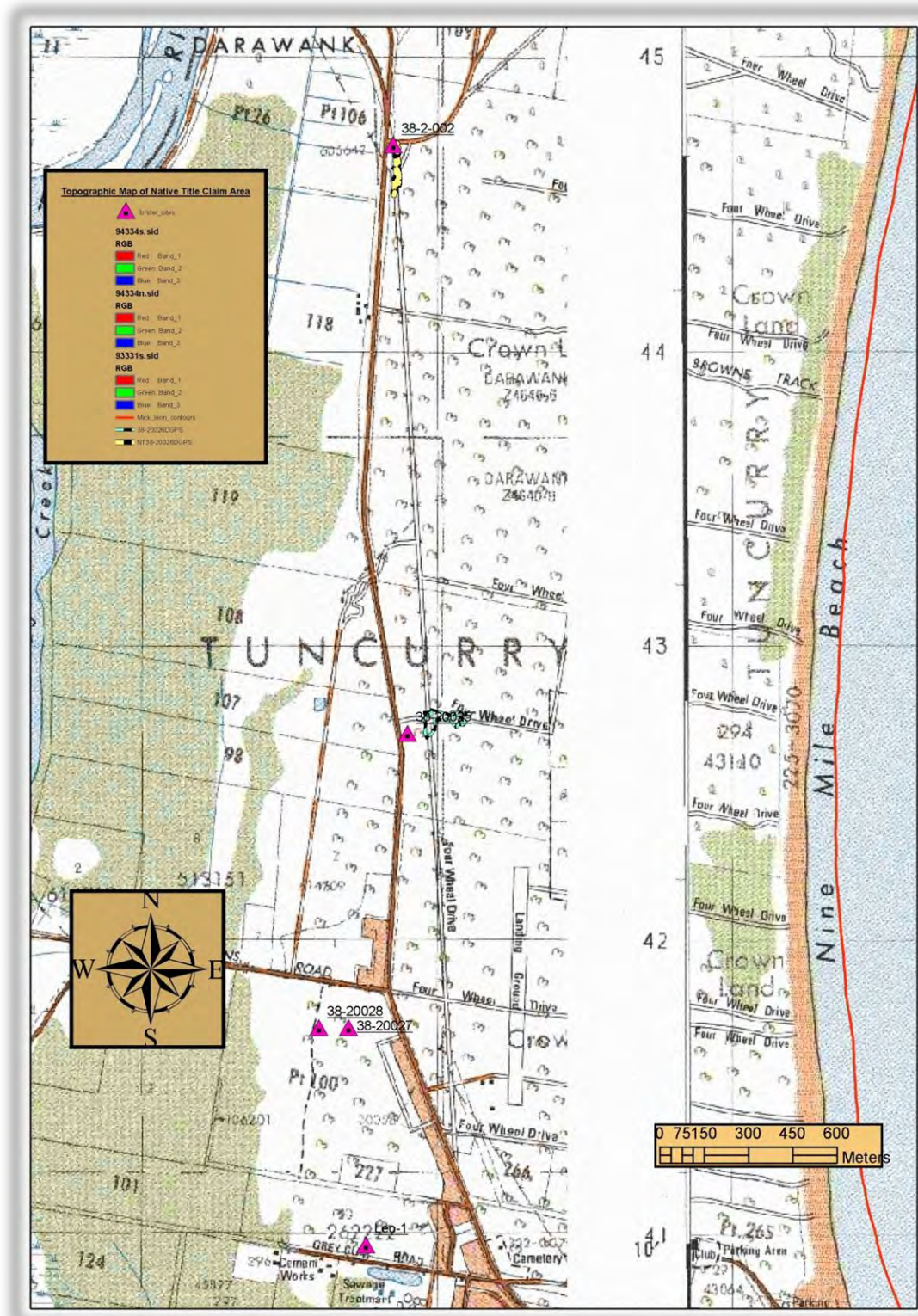


FIGURE 6. DGPS RECORDINGS

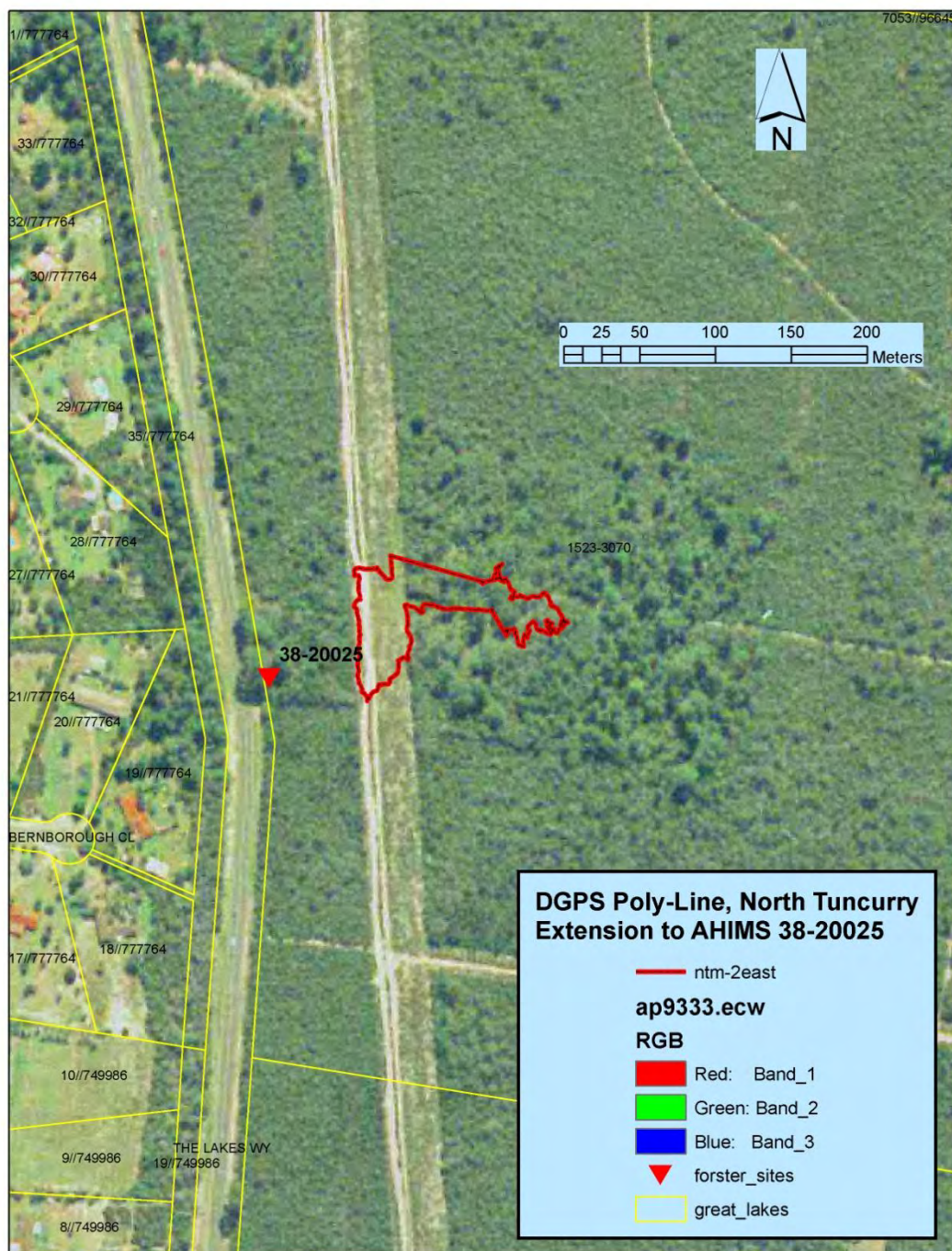


FIGURE 7. DGPS SITE EXTENT - 38-20025

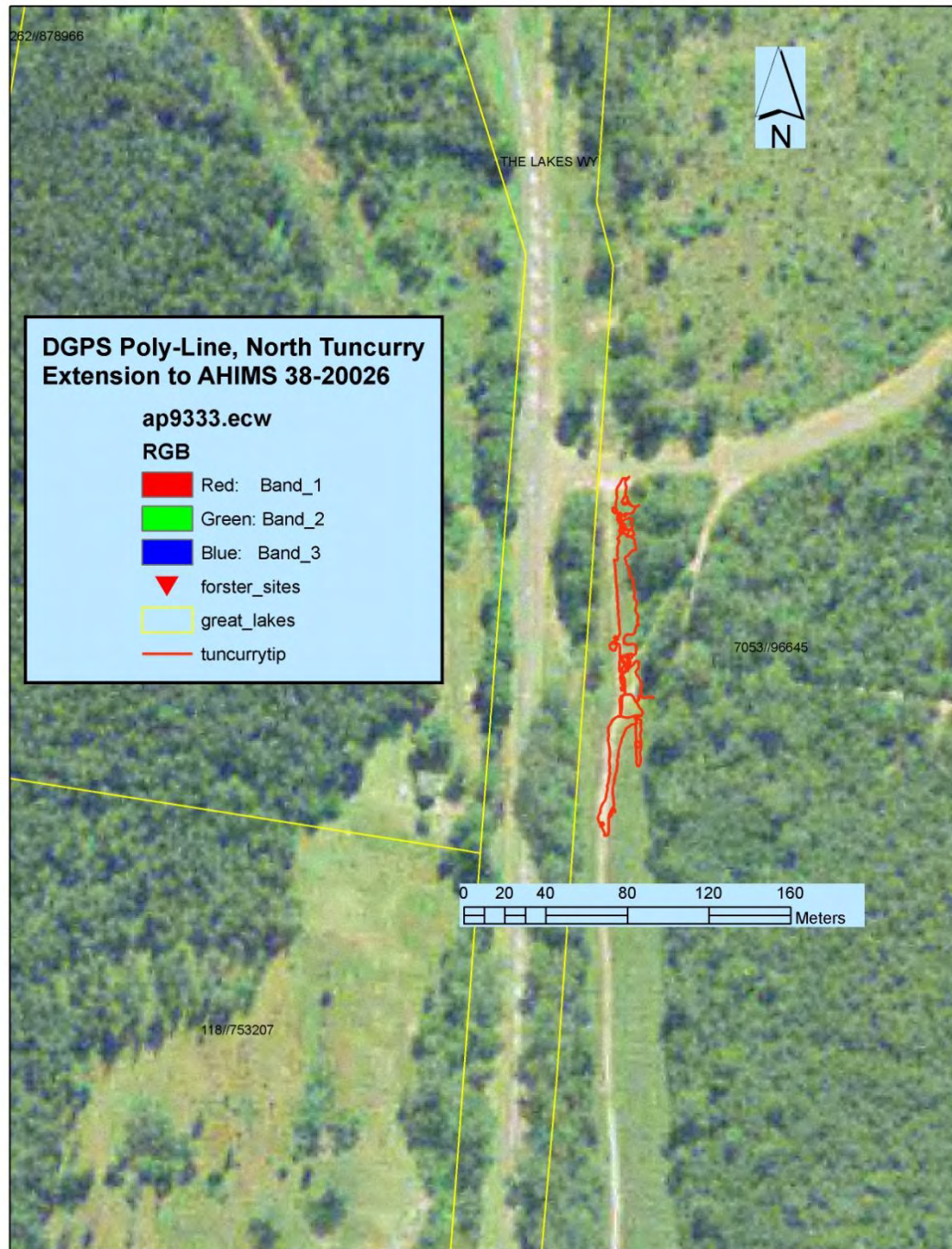


FIGURE 8. DGPS SITE EXTENT 38-20026

9. SIGNIFICANCE ASSESSMENT

9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its „aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians“ (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies¹⁴ support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

9.2 Significance of the study area

Aboriginal cultural/social significance

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a „cobra“¹⁵ resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

¹⁴ 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

¹⁵ *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

Archaeological/scientific significance

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape¹⁶.

10 STATUTORY OBLIGATIONS

The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- „any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).“

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

¹⁶ 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

11. MANAGEMENT RECOMMENDATIONS

11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

12 REFERENCES

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DRAFT

13 Terminology

ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

CEREMONIAL (KEEPPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erillure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

14 Field Photographs



FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026



FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY



FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.



FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025



FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3



FIGURE 16. NTSHL-3 SHELL EXPOSURE

15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT



LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarr Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study.
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom
C/- Great Lakes Resources
Level 2 Bridgepoint
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

Copy of Template Letter forwarded to Del Arnold.

To:

Date:

Dear Mr/Ms

RE: Registration of interest for Aboriginal community consultation

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant „cultural knowledge holders“ can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

Please note: In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from www.alc.org.au.

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....
.....

Registration of individuals with cultural knowledge

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC's boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men's or women's sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....
.....
.....

Please note that a „cultural knowledge holder“ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

A note on the use of cultural knowledge

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

Payment for Aboriginal cultural advice & site assessments

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

Copy of circular email distributed to notified stakeholders:

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,
Sarah.Paddington@environment.nsw.gov.au,
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,
enquiries@nnntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

X-KeepSent: 3DFCE49F:C5537F59-CA2578B0:002027AC; type=4;
name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

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17/06/2011

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Dear Sir/Madam

Landcom has commissioned Lakkari
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their
behalf

and in accordance with the Consultation Guidelines I write seeking
the

names of Aboriginal people who may hold cultural knowledge relevant
to

the the determination of significance of Aboriginal objects or places
on

the site. A plan of the site and a copy of the DP are
attached.

I look forward to your
advice.

Regards

Michael Pring

Development Director

Landcom - Tuncurry

P: +612 6555 8495

M: 0412 997 409

E: mpring@Landcom.nsw.gov.au

Copy of OEH Comments



Office of
Environment
& Heritage

Our reference: FIL11/1155

Mr Michael Pring
Development Director
Landcom Tuncurry Project
PO Box 33
Newcastle, NSW, 2300

Dear Mr Pring

**RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY
NORTH TUNCURRY**

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, *but not be limited to, multiple forms of communication*; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 3

Attachment 1:

1. Forster Local Aboriginal Land Council,
Loma Paulson
PO Box 384
Forster NSW 2428
2. Do-Wa-Kee,
Mick Leon
c-\ PO Box 22
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,
Del Arnold
PO Box 182
Gloucester NSW 2422

Copy of emailed response from Great Lakes Shire Council:

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>
To: <mpring@Landcom.nsw.gov.au>
Date: 06/07/2011 08:59 AM
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council
10 Breckenridge Street
PO Box 384
FORSTER NSW 2428
Ph: 02 6555 541
www.forsterlalc.org.au
- Steve Bereton
Office of Environment & Heritage
Parks & Wildlife Division
Ph: 02 6591 0300
- Glenda Roberts
Senior Aboriginal Planning Officer
Planning & Aboriginal Heritage – North East
Environmental Protection & Regulation
Office of Environment & Heritage
Department of Premier & Cabinet
Ph: 02 6651 5946

Regards

Louise Gaffney

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: louise.gaffney@greatlakes.nsw.gov.au

Phone: (02) 6591 7351

Copy of reply letter from the National Native Title Tribunal:



30 June 2011

Michael Pring
Development Director
Landcom - Tuncurry

Email: mpring@landcom.nsw.gov.au

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

Native Title Search Results of Tuncurry within Great Lakes Local Government Area

DR

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl

Our ref: 147858 North Tuncurry

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Forster Local Aboriginal Land Council
PO Box 384
10 Breckenridge Street
Forster NSW 2428

Dear Sir/Madam,

Re: Proposed Land Re-zoning at North Tuncurry Update to Cultural Heritage Assessment

RPS is currently preparing an addendum to a 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area relating to Landcom's re-zoning of land for urban purposes. The addendum will not change the original ACHAR but provide an updated assessment of the cultural heritage and mitigation recommendations.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits.

A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted abutting the project area and both are midden/campsites. Since these findings, the Landcom land re-zoning project has been put on hold. Recently, the project has recommenced, and sections of the 2011 ACHAR now require updating, including the consultation process.

The purpose of the addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

Part of the reassessment involves recommencing community consultation to provide and update information about the cultural significance of Aboriginal objects and/or places within the Project Area. The finalised addendum to the original ACHAR will then be provided to the Registered Aboriginal Parties (RAPs) for the project for review.

The original ACHAR has been provided for reference.

If you would like to provide information about the cultural significance of this area and recommend culturally appropriate methodologies and management for the heritage reassessment, please contact Ben Slack on the below details within the next 28 days. Final comments are due 8th December 2020.

Our ref: 147858 North Tuncurry

Yours sincerely,
for RPS Australia East Pty Ltd



Ben Slack
Senior Heritage Consultant
ben.slack@rpsgroup.com.au
+61 2 4940 4214



FIGURE 2: PROJECT AREA WITH AHIMS

LOCATION:	NORTH TUNCURRY	DATUM:	GDA94
		PROJECTION:	MGA Zone 56
JOB NO.:	PR 147858	Data Sources:	RPS, Client
PURPOSE:	HERITAGE	Land and Property	2017
Technician:	Natalie Wood	Date:	19/08/2020

CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Appendix A

Aboriginal Cultural Heritage Assessment of North Tuncurry, 2011



Aboriginal Cultural Heritage Assessment of North Tuncurry,

Report to Landcom November 2011

**Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson
Indigenous Cultural Resource Management Services**

ACKNOWLEDGEMENTS

The Survey Consultants gratefully acknowledges the contributions of the following people and organisations in preparing this report:

Aboriginal Community Groups

- Lakkari Aboriginal Corporation
- Barry Bungie, Tony Marr, Mick Leon (Doo-wa-kee Culture & Heritage Unit)
- Carl King, Acting Coordinator (Forster Local Aboriginal Land Council)

Aboriginal Owners - Families

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

Government Departments

- Kellie Syron & Craig Aspinall for Fiona Marshall, General Manager (Hunter-Central Rivers CMA Catchment Management Authority)
- Natalie Rotumah, (Native Title Services - NSW)
- Sarah Paddington, Archaeologist (North Coast Region, Environmental Protection & Regulation Group, Office of Environment and Heritage)
- Courtney Field, Administrative Officer (Office of the Registrar *Land Rights Act* (1983))
- Great Lakes Council
- Land & Property Management Authority (Taree)

Landcom

- Michael Pring, Study Officer

ABBREVIATIONS

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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1 INTRODUCTION

1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

NTSHL-3 was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

Lot	Deposited Plan	Registered Owner
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club

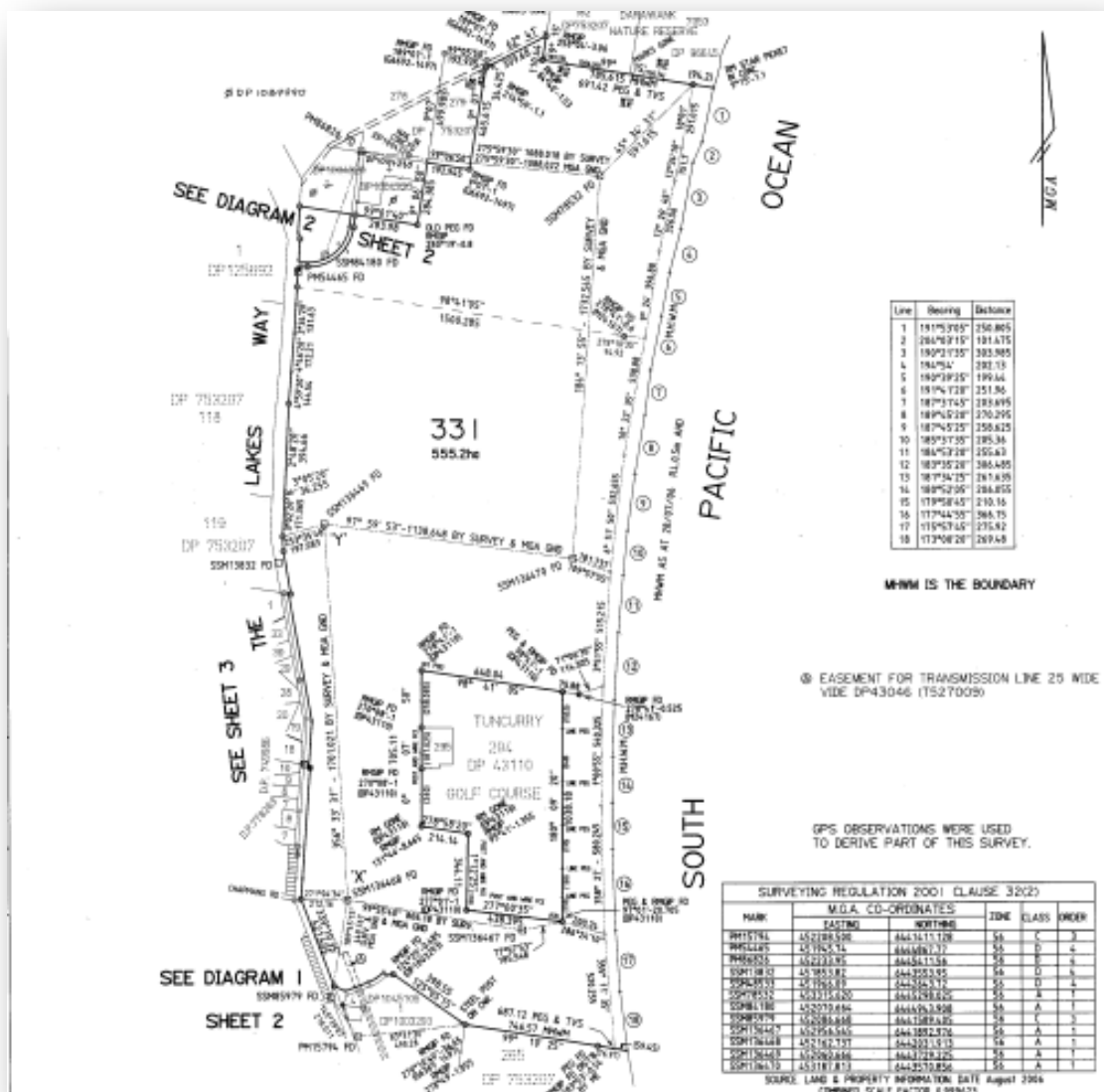


FIGURE 1. SURVEYORS MAP OF STUDY LANDS.

The NSW Department of Planning is the Determining Authority (DA) for this study and will assess the significance of impact on the environment, including Aboriginal cultural heritage, through a State Significant Site Study (SSS), supported by specialist studies where required.

The Aboriginal community and the Aboriginal Consultants will aid Landcom in the preparation of the SSS study by assessing the Aboriginal cultural heritage associated with the proposed development, and this assessment will constitute the heritage component of the SSS study.

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

DRAFT

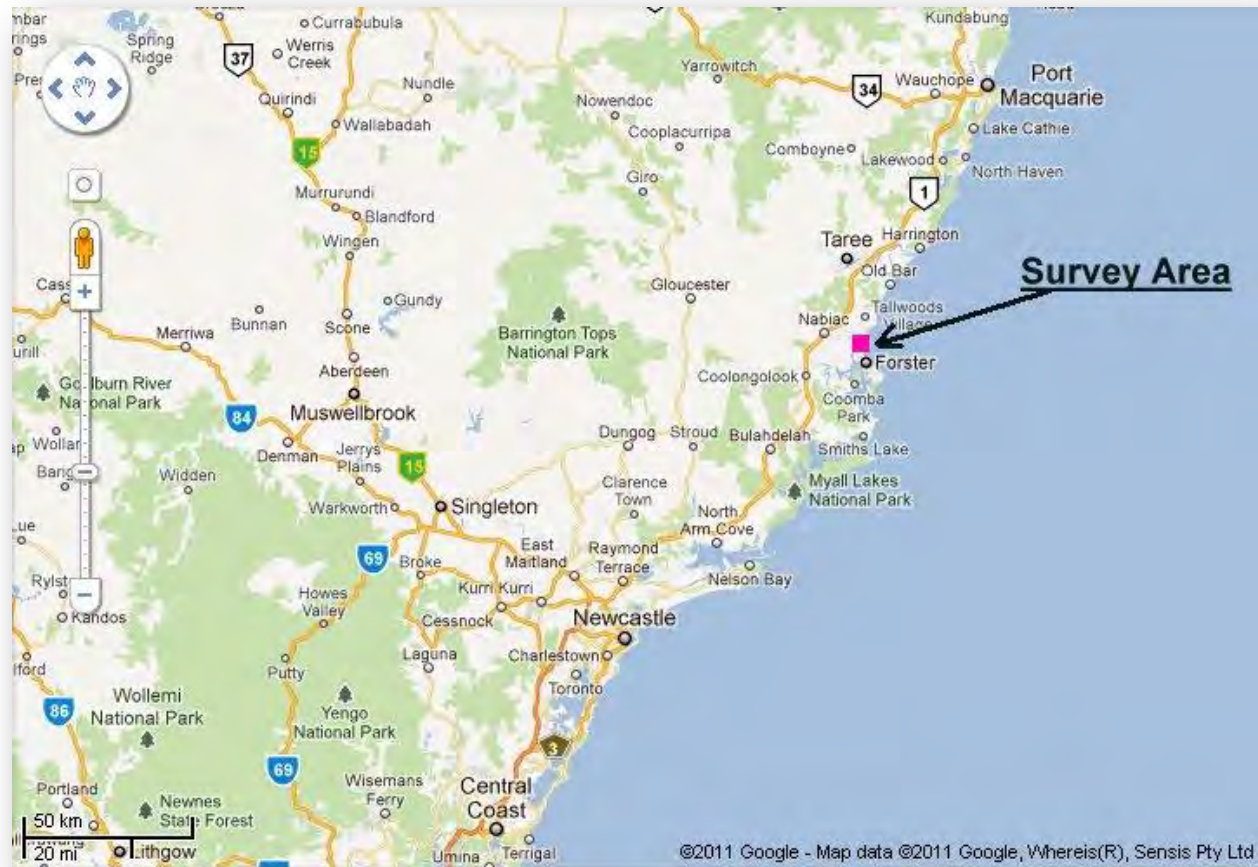


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

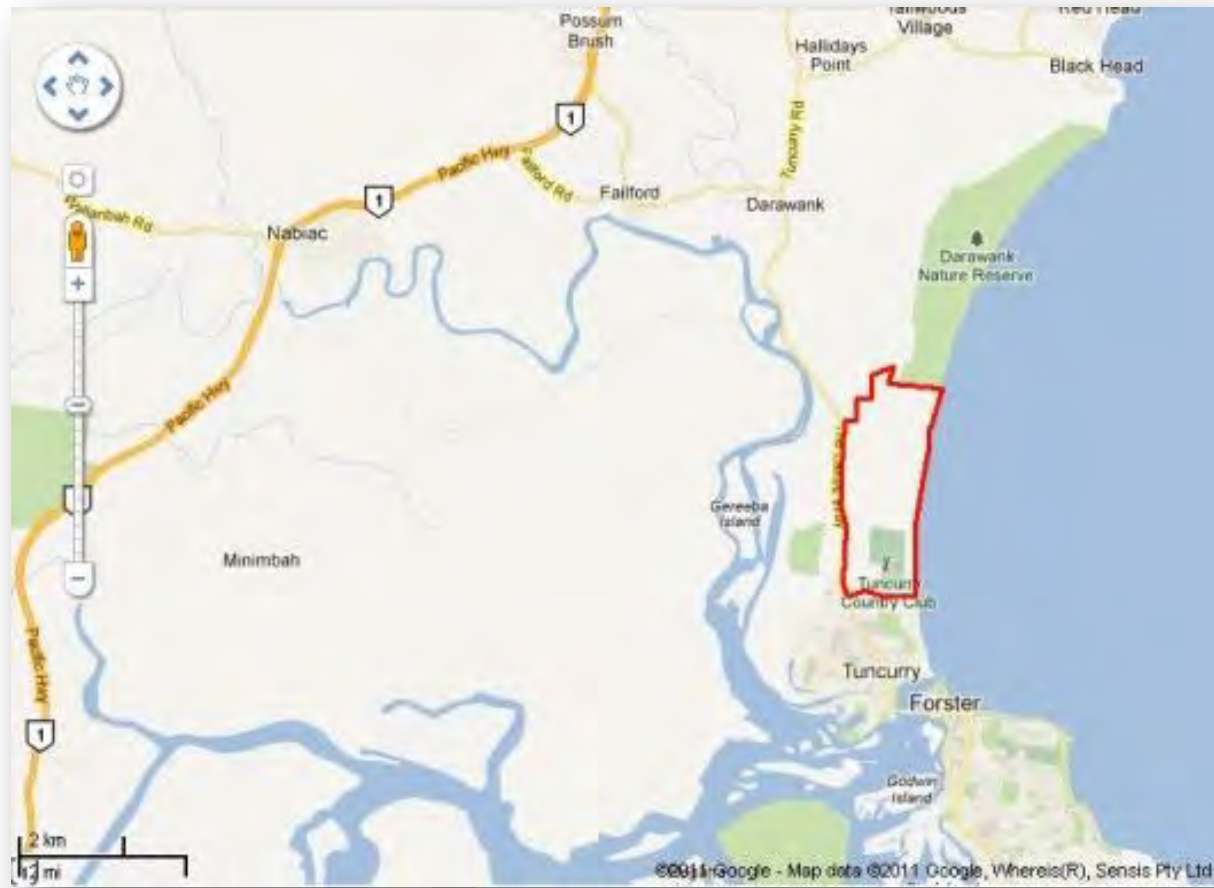


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)

2.1 Process

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In accordance with the the OEH consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
 - Forster Local Aboriginal Land Council
 - Great Lakes Council
 - National Native Title Tribunal
 - NSW Office of Environment and Heritage
 - Native Title Services Corporation Ltd
 - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEH, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

The Community Consultation

Name	Cultural Connection	Knowledge of the Area
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific „cobra“ (*Teredo* spp, generally known as “bora-worm”) resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes¹ and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant² of in-tact cultural material and spiritual meaning.

¹ 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

² “Integrant - Constituting part of a whole; integral.

3 ENVIRONMENT AND LANDUSE EFFECTS

SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981³). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”⁴

³ Black Sands, I.W.Morley 1981.

⁴ Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.⁵

OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp⁶. More recently an educational facility incorporating TAFE and High School were established.

4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

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

⁵ NSW DPI Primefacts May 2008 - The first „commercial“ radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

⁶ State library of NSW Tuncurry Prison:
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>



FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682⁷

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry⁸ noted the following while traversing the nearby lands:

“At one mile east, saw the hill called Tallowah, by the blacks.....”

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

“.....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

“Further SW through second class forest, then three miles west and saw three blacks with two children.”

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

⁷ J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

⁸ W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabitac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.1 Ethnohistorical Context

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

5 ARCHAEOLOGICAL BACKGROUND

5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an „in-situ“ midden (AHIMS site ID: *Un-recorded*) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

Commonwealth Registers

National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

National Native Title Tribunal Registers

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

State Registers

National Parks and Wildlife Act Registers

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
Total:	48

Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the

protection and/or management is defined by the instrument under which they are listed.

No listed items.

Environmental Planning and Assessment Act Registers

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage

Non-Aboriginal Listed items within the broader area.

- Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,
- Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,
- 2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),
- South Street DP 619110 Tuncurry House.

Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

5.3 Past surveys in the regional study locality⁹

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

⁹ The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

Forster,

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522*.

BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain¹⁰.

LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an „in-situ“ midden (Lot 9 DP 245624, Elliots Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including "sanitation" disposal within this area. Dean Jones makes particular reference to „shell scatters" existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

¹⁰ This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

6. FIELD SURVEY

6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9th June – 18th August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

6.2 Survey coverage

Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

TABLE 2.1 **SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m ²
2	South East	2600m x 1051m	5	10	6322m ²
3	North West	1760m x 974m	2	20	8459m ²
4	Golf Club	1007m x 631m	10	20	3165m ²

Notes:

Exposure and visibility are averaged over the transect or study area.

Yellow highlight to indicate applicable/ relational context for the study area.

Highlighted purple – locality.

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional „pathways“ through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

7. SURVEY RESULTS

One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: 38-20025 in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: 38-20025). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording NTSHL-3 as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes “Additional Recording” of this site under the current 38-20025 initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings¹¹.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: 38-20026 (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

¹¹ *See Fig-7, p.35.

8. RESULTS ASSESSMENT

8.1 North Tuncurry SHL-3 (NTSHL-3)¹²

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT¹³,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

¹² See Figure 7, p.35.

¹³ There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

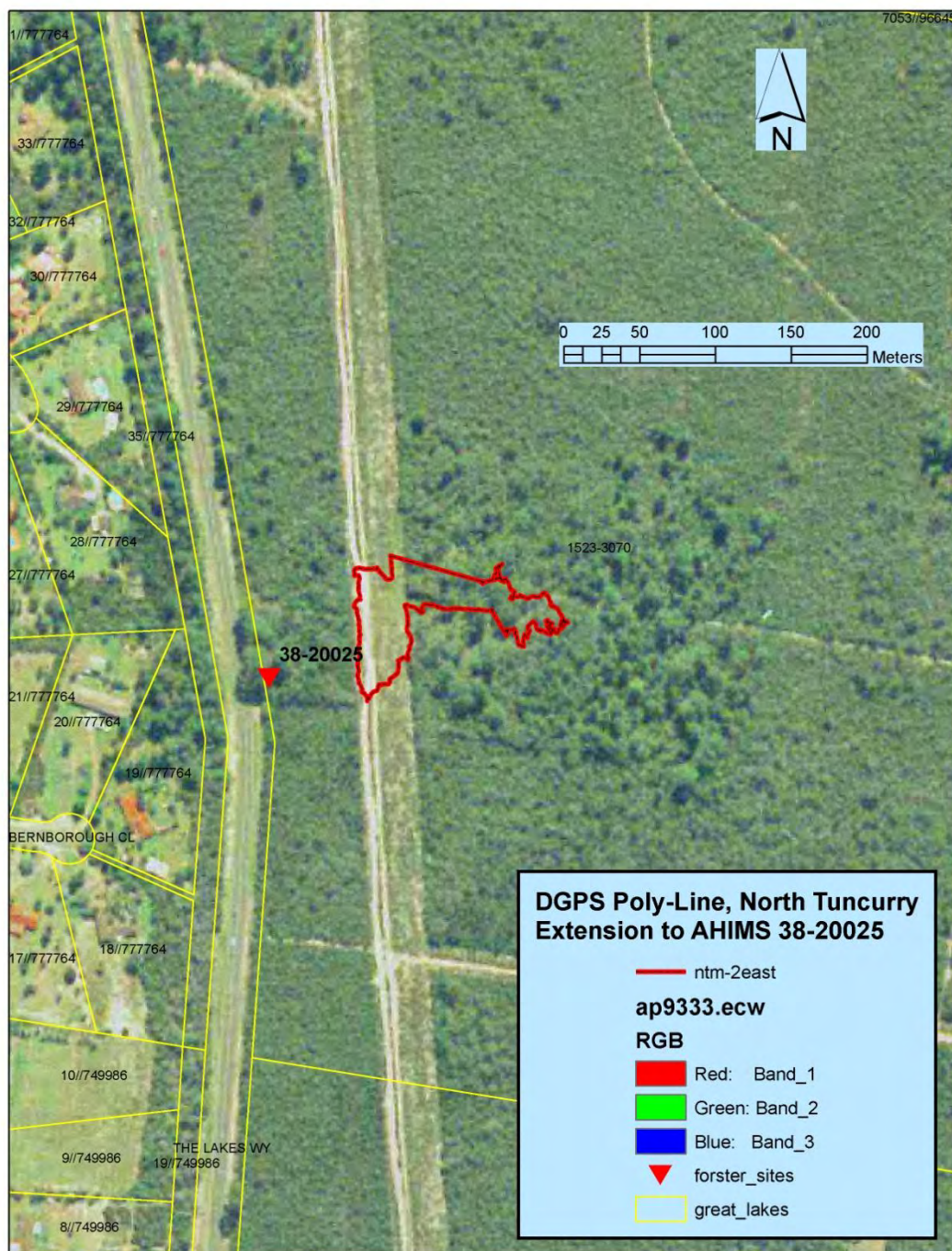


FIGURE 7. DGPS SITE EXTENT - 38-20025

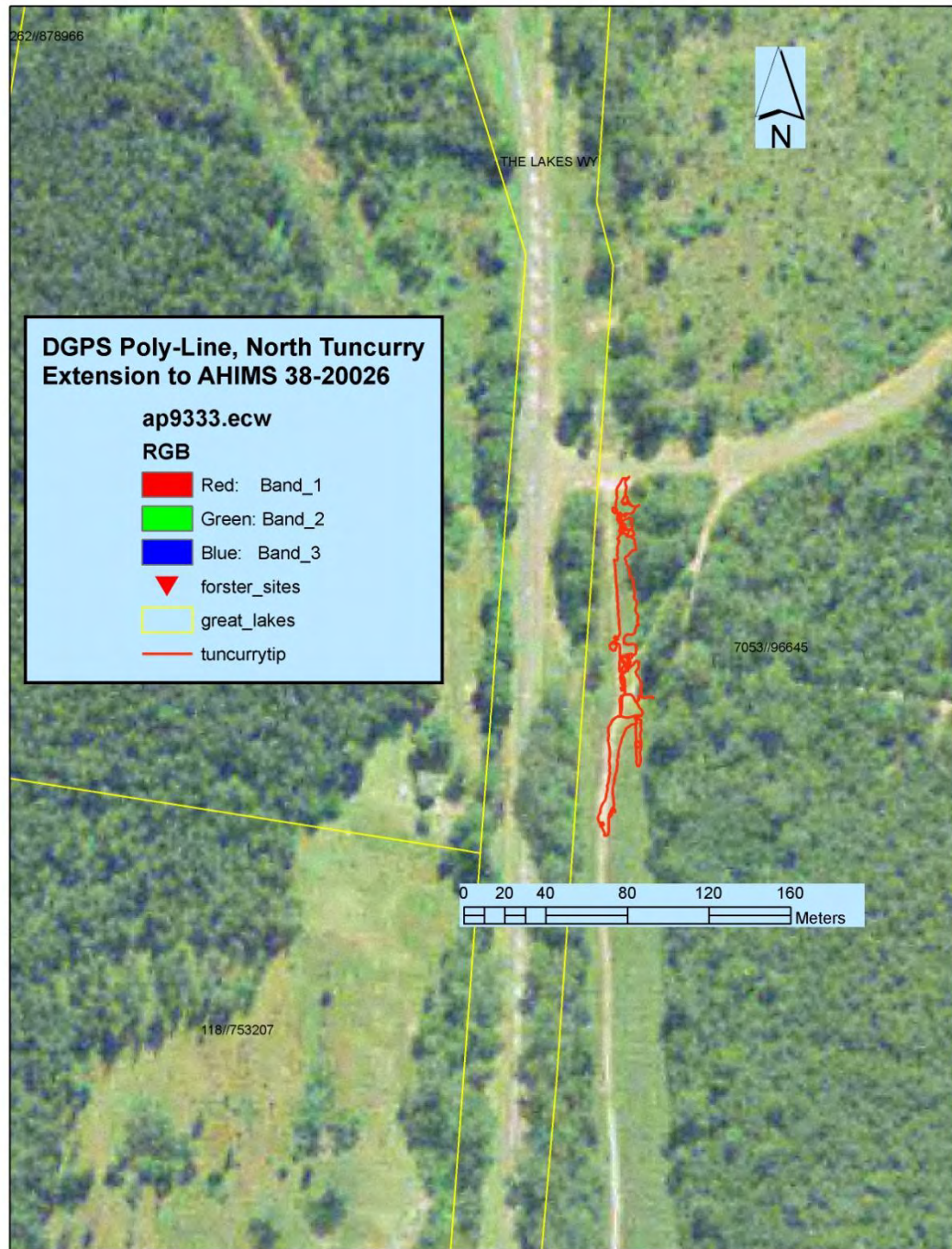


FIGURE 8. DGPS SITE EXTENT 38-20026

9. SIGNIFICANCE ASSESSMENT

9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its „aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians“ (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies¹⁴ support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

9.2 Significance of the study area

Aboriginal cultural/social significance

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a „cobra“¹⁵ resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

¹⁴ 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

¹⁵ *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

Archaeological/scientific significance

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape¹⁶.

10 STATUTORY OBLIGATIONS

The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- „any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).“

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

¹⁶ 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

11. MANAGEMENT RECOMMENDATIONS

11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

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DRAFT

13 Terminology

ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

CEREMONIAL (KEEPPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erillure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

14 Field Photographs



FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026



FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY



FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.



FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025



FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3



FIGURE 16. NTSHL-3 SHELL EXPOSURE

15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT



LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarr Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study.
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom
C/- Great Lakes Resources
Level 2 Bridgepoint
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

Copy of Template Letter forwarded to Del Arnold.

To:

Date:

Dear Mr/Ms

RE: Registration of interest for Aboriginal community consultation

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant „cultural knowledge holders“ can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

Please note: In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from www.alc.org.au.

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....
.....

Registration of individuals with cultural knowledge

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC's boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men's or women's sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....
.....
.....

Please note that a „cultural knowledge holder“ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

A note on the use of cultural knowledge

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

Payment for Aboriginal cultural advice & site assessments

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

Copy of circular email distributed to notified stakeholders:

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,
Sarah.Paddington@environment.nsw.gov.au,
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,
enquiries@nnntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

X-KeepSent: 3DFCE49F:C5537F59-CA2578B0:002027AC; type=4;
name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

X-MIMETrack: Serialize by Router on

NOTES-PARRA01/LANDCOM/AU(Release 8.0.2|August 07, 2008) at
17/06/2011

12:39:28 PM

Content-Type: multipart/mixed; boundary="=_mixed 000E9735CA2578B2_="

--=_mixed 000E9735CA2578B2_ =

Content-Type: text/html; charset="us-ascii"

Content-Transfer-Encoding: 7bit

Dear Sir/Madam

Landcom has commissioned Lakkari
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their
behalf

and in accordance with the Consultation Guidelines I write seeking
the

names of Aboriginal people who may hold cultural knowledge relevant
to

the the determination of significance of Aboriginal objects or places
on

the site. A plan of the site and a copy of the DP are
attached.

I look forward to your
advice.

Regards

Michael Pring

Development Director

Landcom - Tuncurry

P: +612 6555 8495

M: 0412 997 409

E: mpring@Landcom.nsw.gov.au

Copy of OEH Comments



Office of
Environment
& Heritage

Our reference: FIL11/1155

Mr Michael Pring
Development Director
Landcom Tuncurry Project
PO Box 33
Newcastle, NSW, 2300

Dear Mr Pring

**RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY
NORTH TUNCURRY**

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, *but not be limited to, multiple forms of communication*; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 3

Attachment 1:

1. Forster Local Aboriginal Land Council,
Loma Paulson
PO Box 384
Forster NSW 2428
2. Do-Wa-Kee,
Mick Leon
c-\ PO Box 22
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,
Del Arnold
PO Box 182
Gloucester NSW 2422

Copy of emailed response from Great Lakes Shire Council:

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>
To: <mpring@Landcom.nsw.gov.au>
Date: 06/07/2011 08:59 AM
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council
10 Breckenridge Street
PO Box 384
FORSTER NSW 2428
Ph: 02 6555 541
www.forsterlalc.org.au
- Steve Bereton
Office of Environment & Heritage
Parks & Wildlife Division
Ph: 02 6591 0300
- Glenda Roberts
Senior Aboriginal Planning Officer
Planning & Aboriginal Heritage – North East
Environmental Protection & Regulation
Office of Environment & Heritage
Department of Premier & Cabinet
Ph: 02 6651 5946

Regards

Louise Gaffney

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: louise.gaffney@greatlakes.nsw.gov.au

Phone: (02) 6591 7351

Copy of reply letter from the National Native Title Tribunal:



30 June 2011

Michael Pring
Development Director
Landcom - Tuncurry

Email: mpring@landcom.nsw.gov.au

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

Native Title Search Results of Tuncurry within Great Lakes Local Government Area

DR

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl

Our ref: 147858 North Tuncurry

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Gunjeewong Cultural Heritage Corporation
Cherie (Carroll) Turrise
1 Bellevue Place
PORTLAND NSW 2847

Dear Ms Turrise,

Re: Proposed Land Re-zoning at North Tuncurry Update to Cultural Heritage Assessment

RPS is currently preparing an addendum to a 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area relating to Landcom's re-zoning of land for urban purposes. The addendum will not change the original ACHAR but provide an updated assessment of the cultural heritage and mitigation recommendations.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits.

A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted abutting the project area and both are midden/campsites. Since these findings, the Landcom land re-zoning project has been put on hold. Recently, the project has recommenced, and sections of the 2011 ACHAR now require updating, including the consultation process.

The purpose of the addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

Part of the reassessment involves recommencing community consultation to provide and update information about the cultural significance of Aboriginal objects and/or places within the Project Area. The finalised addendum to the original ACHAR will then be provided to the Registered Aboriginal Parties (RAPs) for the project for review.

The original ACHAR has been provided for reference.

If you would like to provide information about the cultural significance of this area and recommend culturally appropriate methodologies and management for the heritage reassessment, please contact Ben Slack on the below details within the next 28 days. Final comments are due 8th December 2020.

Our ref: 147858 North Tuncurry

Yours sincerely,
for RPS Australia East Pty Ltd



Ben Slack
Senior Heritage Consultant
ben.slack@rpsgroup.com.au
+61 2 4940 4214

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1. This plan was prepared for the sole purposes of the client for the specific purpose of producing a photographic overlay plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.

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




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Legend

-  Project Area
-  Development Footprint
-  Master Plan Layout 2018
-  Cadastre
-  Nature Reserve
-  Roads and Tracks
-  2m Contours
-  Drainage
- AHIMS**
-  Midden



CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Appendix A

Aboriginal Cultural Heritage Assessment of North Tuncurry, 2011



Aboriginal Cultural Heritage Assessment of North Tuncurry,

Report to Landcom November 2011

**Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson
Indigenous Cultural Resource Management Services**

ACKNOWLEDGEMENTS

The Survey Consultants gratefully acknowledges the contributions of the following people and organisations in preparing this report:

Aboriginal Community Groups

- Lakkari Aboriginal Corporation
- Barry Bungie, Tony Marr, Mick Leon (Doo-wa-kee Culture & Heritage Unit)
- Carl King, Acting Coordinator (Forster Local Aboriginal Land Council)

Aboriginal Owners - Families

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

Government Departments

- Kellie Syron & Craig Aspinall for Fiona Marshall, General Manager (Hunter-Central Rivers CMA Catchment Management Authority)
- Natalie Rotumah, (Native Title Services - NSW)
- Sarah Paddington, Archaeologist (North Coast Region, Environmental Protection & Regulation Group, Office of Environment and Heritage)
- Courtney Field, Administrative Officer (Office of the Registrar *Land Rights Act* (1983))
- Great Lakes Council
- Land & Property Management Authority (Taree)

Landcom

- Michael Pring, Study Officer

ABBREVIATIONS

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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1 INTRODUCTION

1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

NTSHL-3 was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

Lot	Deposited Plan	Registered Owner
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club

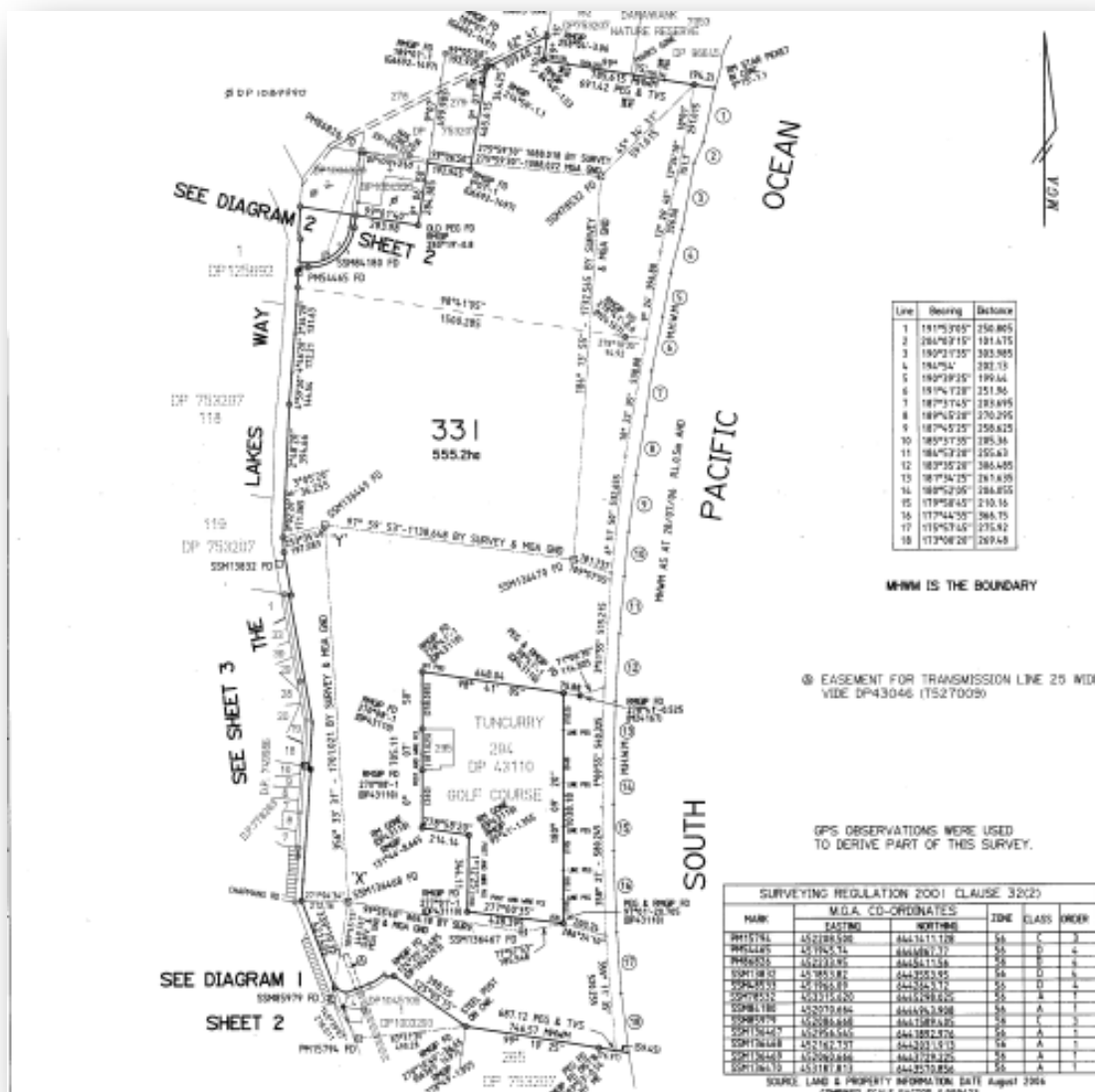


FIGURE 1. SURVEYORS MAP OF STUDY LANDS.

The NSW Department of Planning is the Determining Authority (DA) for this study and will assess the significance of impact on the environment, including Aboriginal cultural heritage, through a State Significant Site Study (SSS), supported by specialist studies where required.

The Aboriginal community and the Aboriginal Consultants will aid Landcom in the preparation of the SSS study by assessing the Aboriginal cultural heritage associated with the proposed development, and this assessment will constitute the heritage component of the SSS study.

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

DRAFT

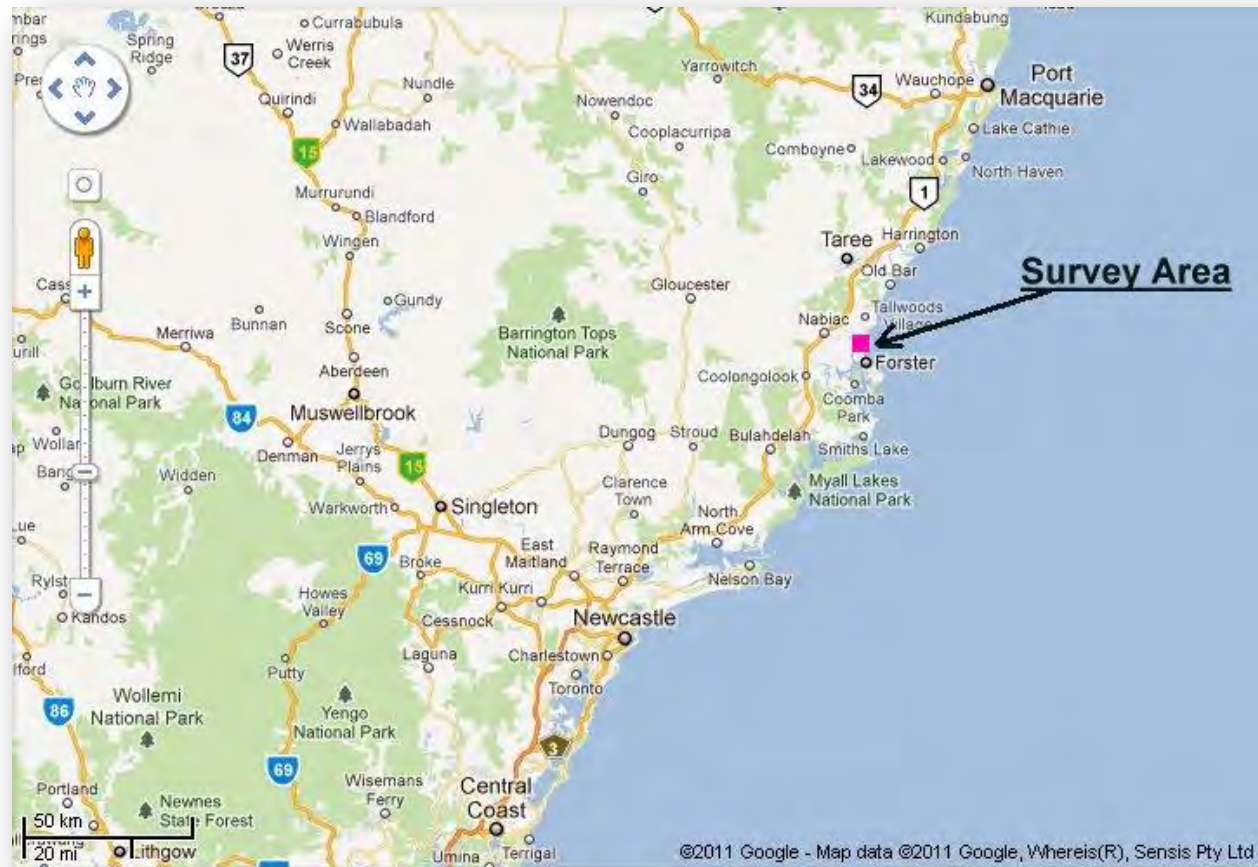


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

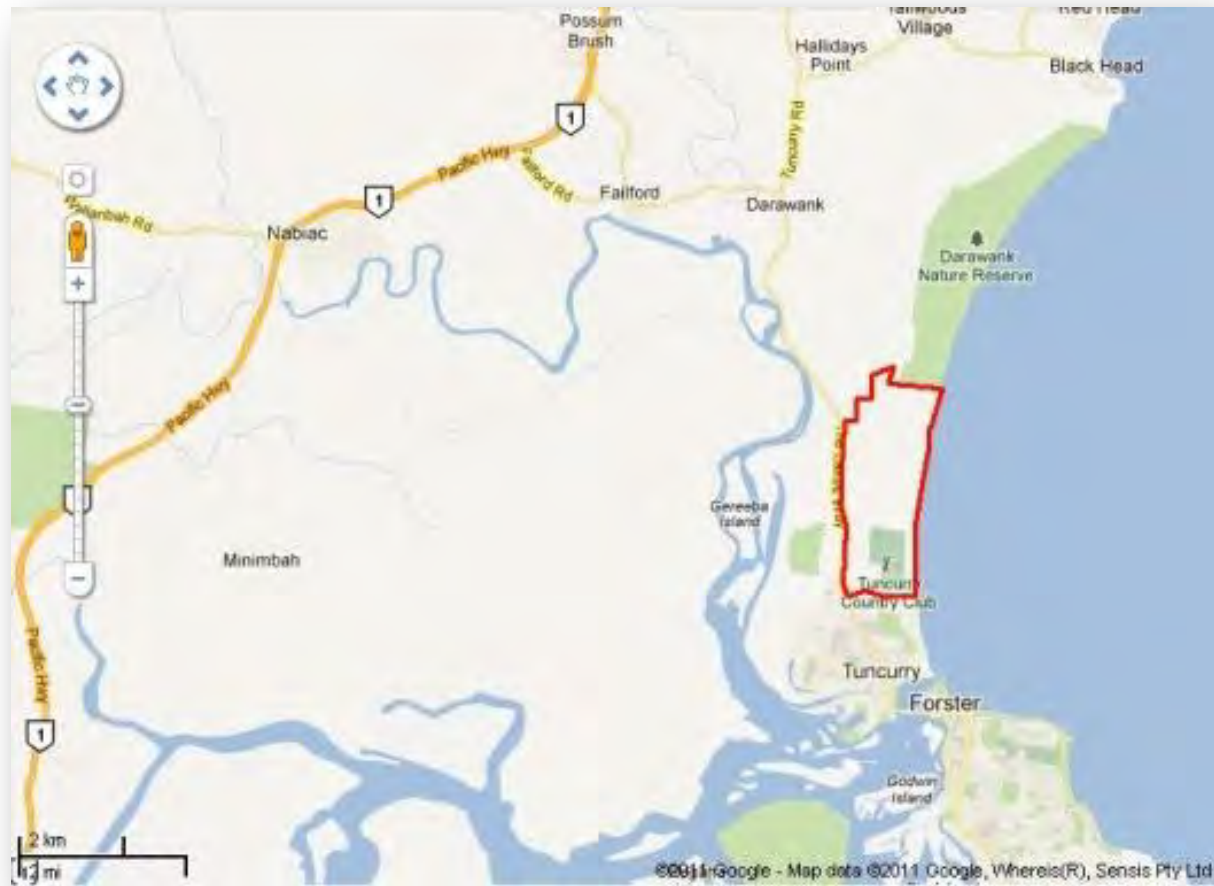


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)

2.1 Process

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In accordance with the the OEH consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
 - Forster Local Aboriginal Land Council
 - Great Lakes Council
 - National Native Title Tribunal
 - NSW Office of Environment and Heritage
 - Native Title Services Corporation Ltd
 - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEH, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

The Community Consultation

Name	Cultural Connection	Knowledge of the Area
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific „cobra“ (*Teredo* spp, generally known as “bora-worm”) resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes¹ and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant² of in-tact cultural material and spiritual meaning.

¹ 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

² “Integrant - Constituting part of a whole; integral.

3 ENVIRONMENT AND LANDUSE EFFECTS

SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981³). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”⁴

³ Black Sands, I.W.Morley 1981.

⁴ Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.⁵

OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp⁶. More recently an educational facility incorporating TAFE and High School were established.

4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

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

⁵ NSW DPI Primefacts May 2008 - The first „commercial“ radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

⁶ State library of NSW Tuncurry Prison:
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>



FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682⁷

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry⁸ noted the following while traversing the nearby lands:

"At one mile east, saw the hill called Tallowah, by the blacks....."

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

".....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

"Further SW through second class forest, then three miles west and saw three blacks with two children."

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

⁷ J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

⁸ W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabitac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.1 Ethnohistorical Context

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

5 ARCHAEOLOGICAL BACKGROUND

5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an „in-situ“ midden (AHIMS site ID: **Un-recorded**) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

Commonwealth Registers

National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

National Native Title Tribunal Registers

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

State Registers

National Parks and Wildlife Act Registers

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
Total:	48

Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the

protection and/or management is defined by the instrument under which they are listed.

No listed items.

Environmental Planning and Assessment Act Registers

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage

Non-Aboriginal Listed items within the broader area.

- Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,
- Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,
- 2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),
- South Street DP 619110 Tuncurry House.

Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

5.3 Past surveys in the regional study locality⁹

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

⁹ The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

Forster,

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522*.

BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain¹⁰.

LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an „in-situ“ midden (Lot 9 DP 245624, Elliots Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including „sanitation“ disposal within this area. Dean Jones makes particular reference to „shell scatters“ existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

¹⁰ This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

6. FIELD SURVEY

6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9th June – 18th August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

6.2 Survey coverage

Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

TABLE 2.1 **SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m ²
2	South East	2600m x 1051m	5	10	6322m ²
3	North West	1760m x 974m	2	20	8459m ²
4	Golf Club	1007m x 631m	10	20	3165m ²

Notes:

Exposure and visibility are averaged over the transect or study area.

Yellow highlight to indicate applicable/ relational context for the study area.

Highlighted purple – locality.

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional „pathways“ through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

7. SURVEY RESULTS

One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: 38-20025 in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: 38-20025). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording NTSHL-3 as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes “Additional Recording” of this site under the current 38-20025 initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings¹¹.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: 38-20026 (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

¹¹ *See Fig-7, p.35.

8. RESULTS ASSESSMENT

8.1 North Tuncurry SHL-3 (NTSHL-3)¹²

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT¹³,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

¹² See Figure 7, p.35.

¹³ There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

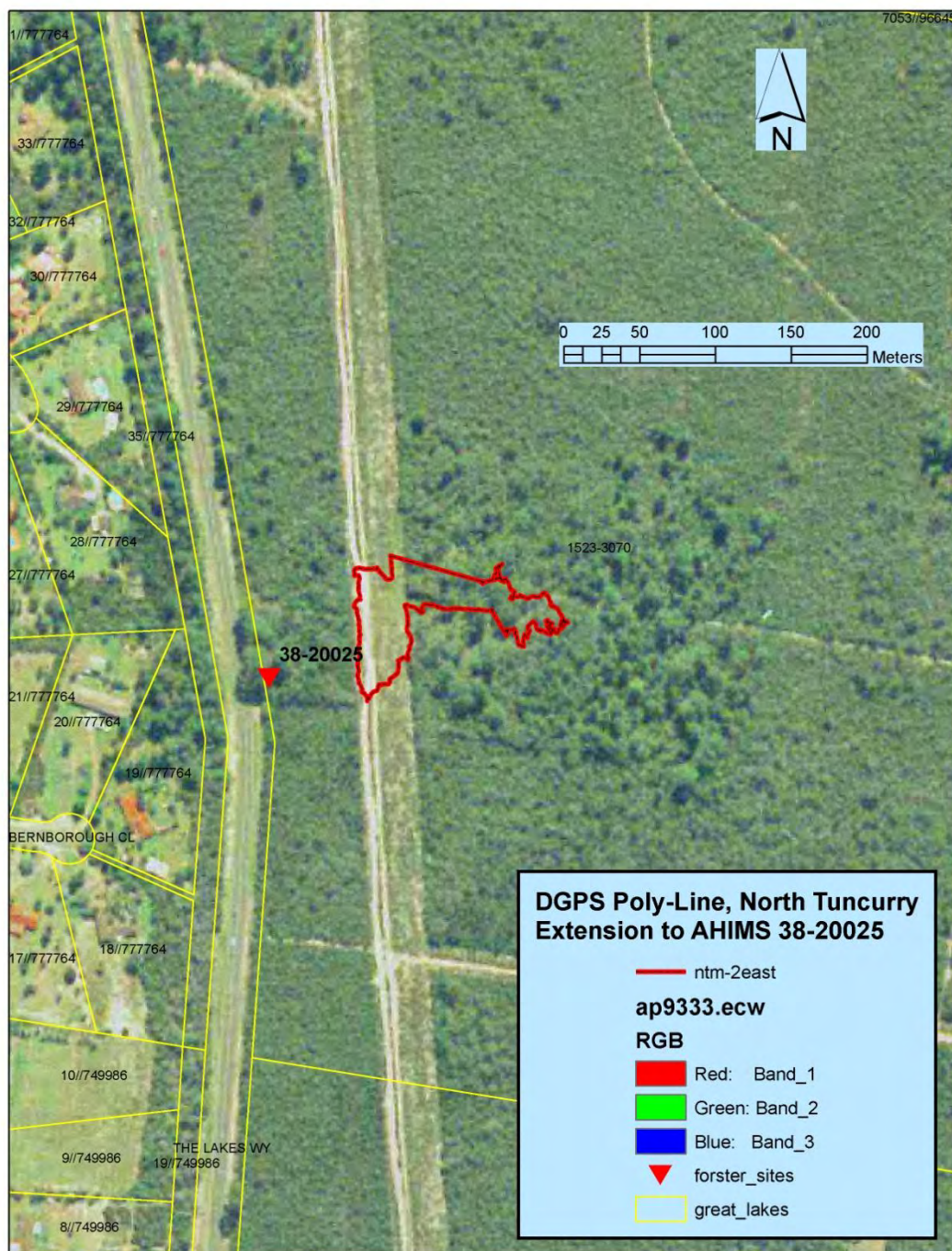


FIGURE 7. DGPS SITE EXTENT - 38-20025

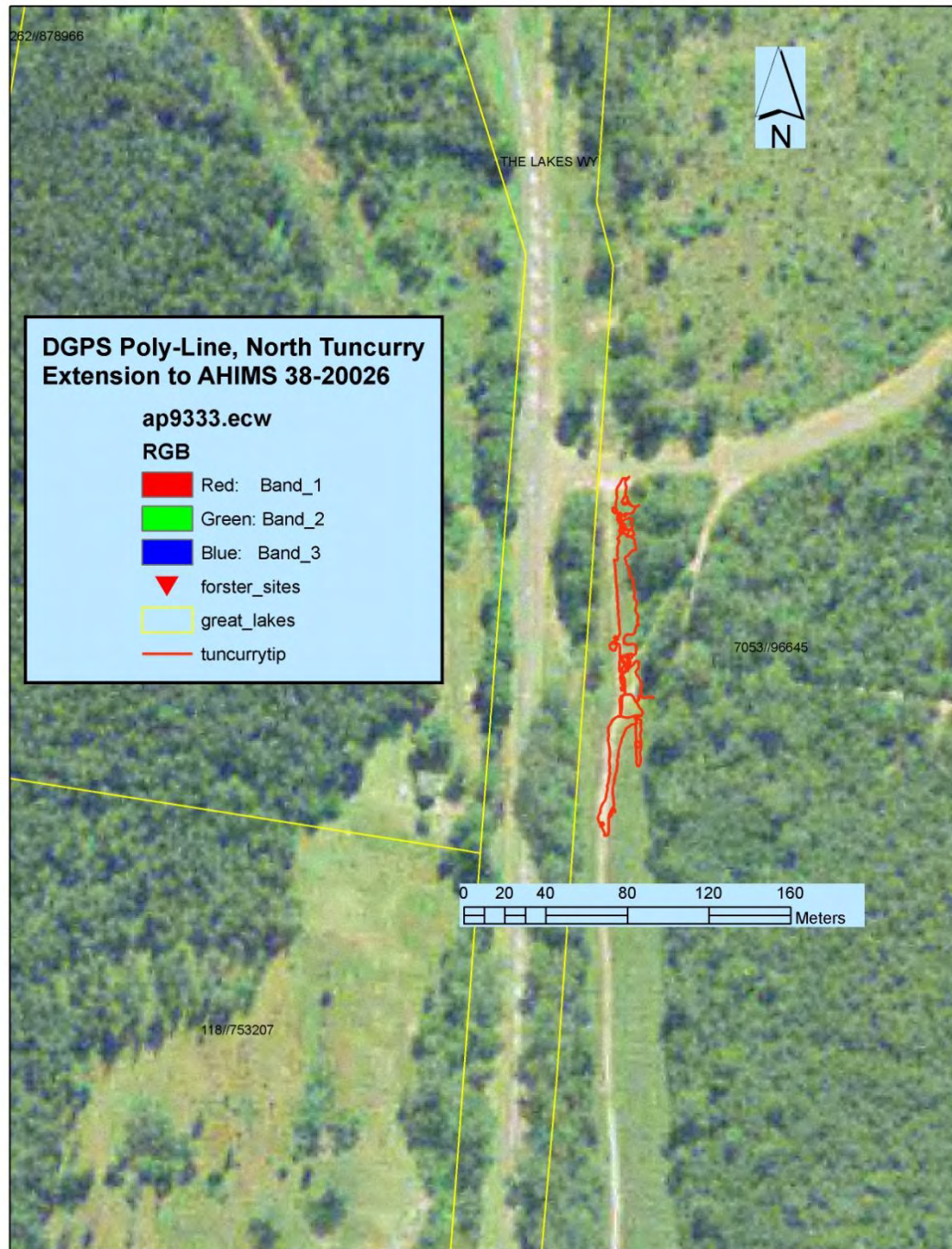


FIGURE 8. DGPS SITE EXTENT 38-20026

9. SIGNIFICANCE ASSESSMENT

9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its „aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians“ (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies¹⁴ support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

9.2 Significance of the study area

Aboriginal cultural/social significance

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a „cobra“¹⁵ resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

¹⁴ 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

¹⁵ *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

Archaeological/scientific significance

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape¹⁶.

10 STATUTORY OBLIGATIONS

The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- „any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).“

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

¹⁶ 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

11. MANAGEMENT RECOMMENDATIONS

11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

12 REFERENCES

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DRAFT

13 Terminology

ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

CEREMONIAL (KEEPPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erillure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

14 Field Photographs



FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026



FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY



FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.



FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025



FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3



FIGURE 16. NTSHL-3 SHELL EXPOSURE

15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT



LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarr Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study.
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom
C/- Great Lakes Resources
Level 2 Bridgepoint
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

Copy of Template Letter forwarded to Del Arnold.

To:

Date:

Dear Mr/Ms

RE: Registration of interest for Aboriginal community consultation

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant „cultural knowledge holders“ can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

Please note: In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from www.alc.org.au.

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....
.....

Registration of individuals with cultural knowledge

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC's boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men's or women's sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....
.....
.....

Please note that a „cultural knowledge holder“ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

A note on the use of cultural knowledge

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

Payment for Aboriginal cultural advice & site assessments

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

Copy of circular email distributed to notified stakeholders:

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,
Sarah.Paddington@environment.nsw.gov.au,
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,
enquiries@nnntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

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name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

X-MIMETrack: Serialize by Router on

NOTES-PARRA01/LANDCOM/AU(Release 8.0.2|August 07, 2008) at
17/06/2011

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Content-Transfer-Encoding: 7bit

Dear Sir/Madam

Landcom has commissioned Lakkari
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their
behalf

and in accordance with the Consultation Guidelines I write seeking
the

names of Aboriginal people who may hold cultural knowledge relevant
to

the the determination of significance of Aboriginal objects or places
on

the site. A plan of the site and a copy of the DP are
attached.

I look forward to your
advice.

Regards

Michael Pring

Development Director

Landcom - Tuncurry

P: +612 6555 8495

M: 0412 997 409

E: mpring@Landcom.nsw.gov.au

Copy of OEH Comments



Office of
Environment
& Heritage

Our reference: FIL11/1155

Mr Michael Pring
Development Director
Landcom Tuncurry Project
PO Box 33
Newcastle, NSW, 2300

Dear Mr Pring

RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY NORTH TUNCURRY

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, but not be limited to, multiple forms of communication; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 3

Attachment 1:

1. Forster Local Aboriginal Land Council,
Loma Paulson
PO Box 384
Forster NSW 2428
2. Do-Wa-Kee,
Mick Leon
c-1 PO Box 22
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,
Del Arnold
PO Box 182
Gloucester NSW 2422

Copy of emailed response from Great Lakes Shire Council:

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>
To: <mpring@Landcom.nsw.gov.au>
Date: 06/07/2011 08:59 AM
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council
10 Breckenridge Street
PO Box 384
FORSTER NSW 2428
Ph: 02 6555 541
www.forsterlalc.org.au
- Steve Bereton
Office of Environment & Heritage
Parks & Wildlife Division
Ph: 02 6591 0300
- Glenda Roberts
Senior Aboriginal Planning Officer
Planning & Aboriginal Heritage – North East
Environmental Protection & Regulation
Office of Environment & Heritage
Department of Premier & Cabinet
Ph: 02 6651 5946

Regards

Louise Gaffney

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: louise.gaffney@greatlakes.nsw.gov.au

Phone: (02) 6591 7351

Copy of reply letter from the National Native Title Tribunal:



30 June 2011

Michael Pring
Development Director
Landcom - Tuncurry

Email: mpring@landcom.nsw.gov.au

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

Native Title Search Results of Tuncurry within Great Lakes Local Government Area

DR

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl

Our ref: 147858 North Tuncurry

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Murra Bidgee Mullangari Aboriginal Corporation
Ryan Johnson & Darleen Johnson-Carroll
PO Box 246
SEVEN HILLS NSW 2147

Dear Mr Johnson & Ms Johnson-Carroll,

Re: Proposed Land Re-zoning at North Tuncurry Update to Cultural Heritage Assessment

RPS is currently preparing an addendum to a 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area relating to Landcom's re-zoning of land for urban purposes. The addendum will not change the original ACHAR but provide an updated assessment of the cultural heritage and mitigation recommendations.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits.

A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted abutting the project area and both are midden/campsites. Since these findings, the Landcom land re-zoning project has been put on hold. Recently, the project has recommenced, and sections of the 2011 ACHAR now require updating, including the consultation process.

The purpose of the addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

Part of the reassessment involves recommencing community consultation to provide and update information about the cultural significance of Aboriginal objects and/or places within the Project Area. The finalised addendum to the original ACHAR will then be provided to the Registered Aboriginal Parties (RAPs) for the project for review.

The original ACHAR has been provided for reference.

If you would like to provide information about the cultural significance of this area and recommend culturally appropriate methodologies and management for the heritage reassessment, please contact Ben Slack on the below details within the next 28 days. Final comments are due 8th December 2020.

Our ref: 147858 North Tuncurry

Yours sincerely,
for RPS Australia East Pty Ltd



Ben Slack
Senior Heritage Consultant
ben.slack@rpsgroup.com.au
+61 2 4940 4214

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




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Legend

-  Project Area
-  Development Footprint
-  Master Plan Layout 2018
-  Cadastre
-  Nature Reserve
-  Roads and Tracks
-  2m Contours
-  Drainage
- AHIMS**
-  Midden



CLIENT: LANDCOM

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Appendix A

Aboriginal Cultural Heritage Assessment of North Tuncurry, 2011



Aboriginal Cultural Heritage Assessment of North Tuncurry,

Report to Landcom November 2011

**Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson
Indigenous Cultural Resource Management Services**

ACKNOWLEDGEMENTS

The Survey Consultants gratefully acknowledges the contributions of the following people and organisations in preparing this report:

Aboriginal Community Groups

- Lakkari Aboriginal Corporation
- Barry Bungie, Tony Marr, Mick Leon (Doo-wa-kee Culture & Heritage Unit)
- Carl King, Acting Coordinator (Forster Local Aboriginal Land Council)

Aboriginal Owners - Families

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

Government Departments

- Kellie Syron & Craig Aspinall for Fiona Marshall, General Manager (Hunter-Central Rivers CMA Catchment Management Authority)
- Natalie Rotumah, (Native Title Services - NSW)
- Sarah Paddington, Archaeologist (North Coast Region, Environmental Protection & Regulation Group, Office of Environment and Heritage)
- Courtney Field, Administrative Officer (Office of the Registrar *Land Rights Act* (1983))
- Great Lakes Council
- Land & Property Management Authority (Taree)

Landcom

- Michael Pring, Study Officer

ABBREVIATIONS

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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1 INTRODUCTION

1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

NTSHL-3 was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

Lot	Deposited Plan	Registered Owner
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

DRAFT

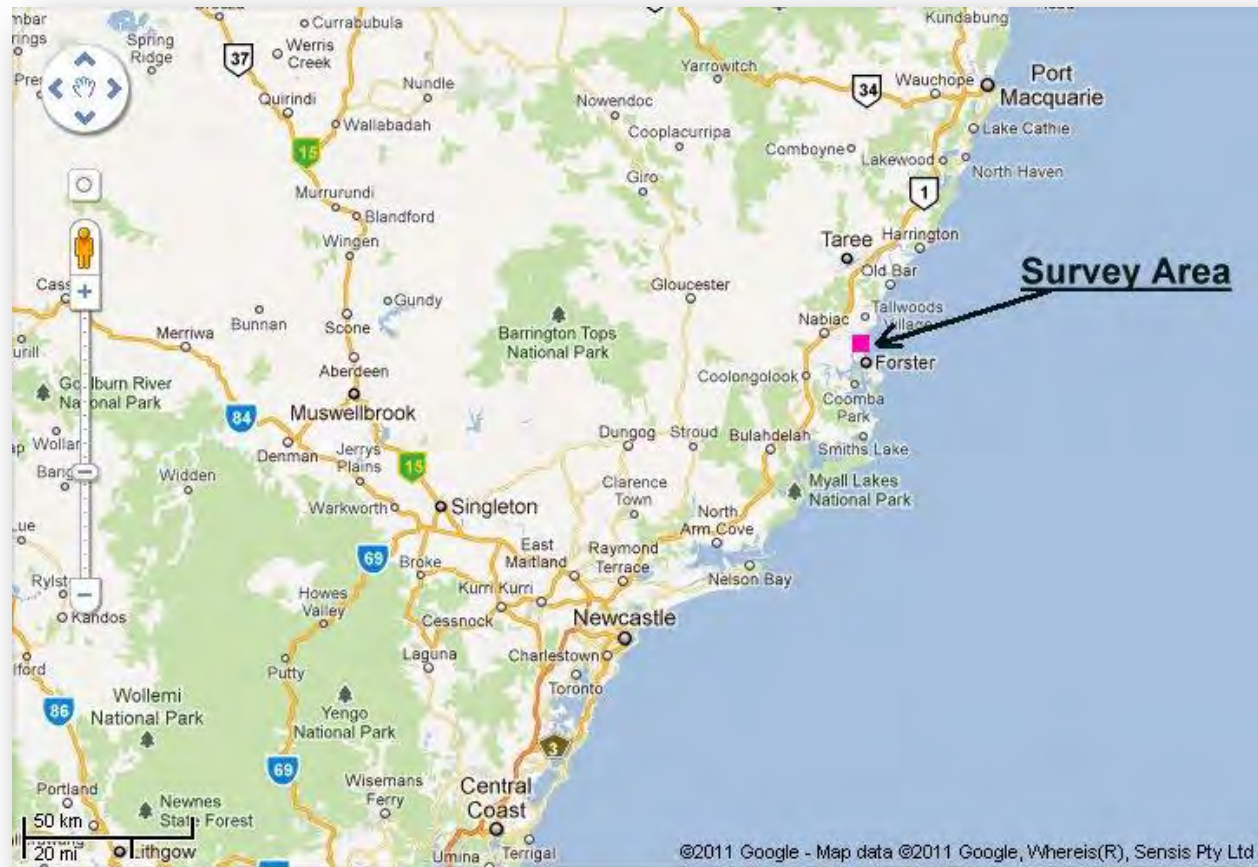


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

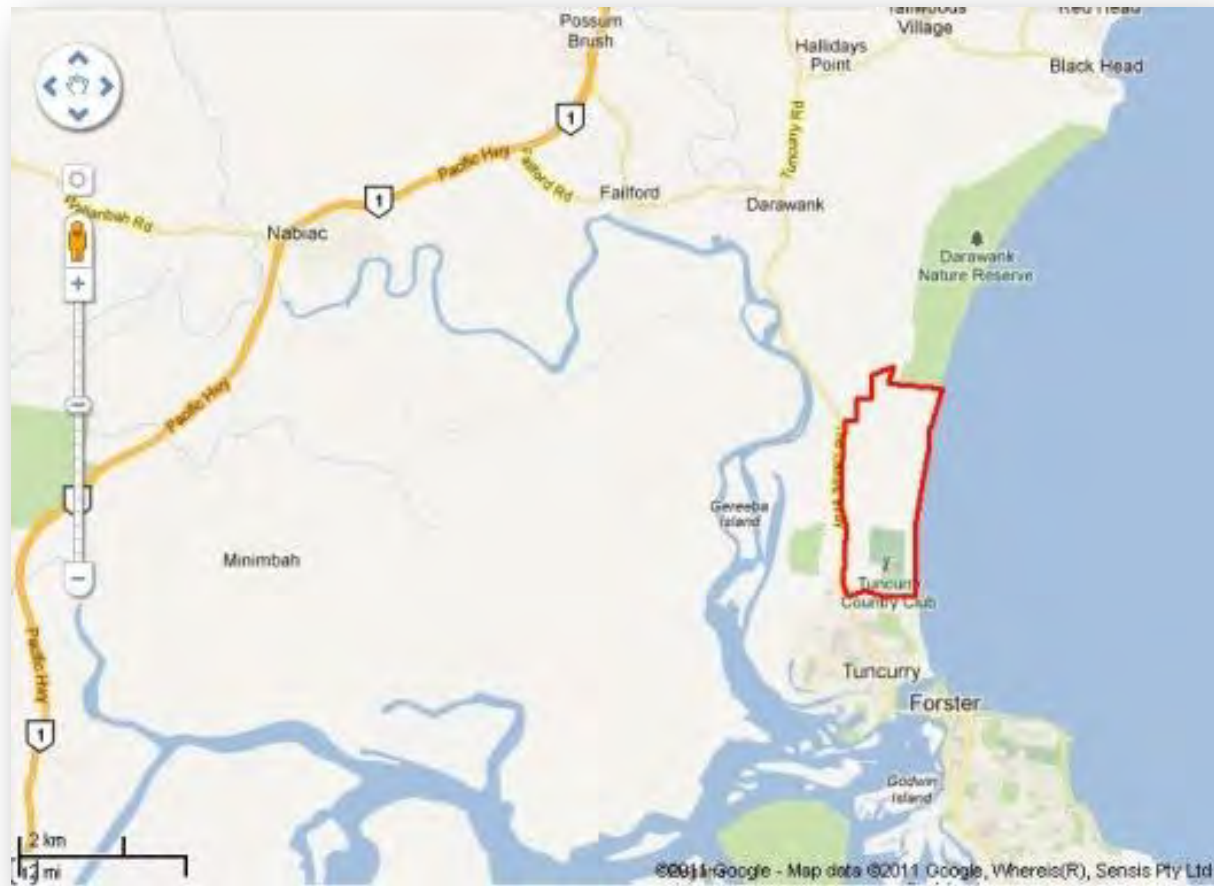


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)

2.1 Process

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In accordance with the the OEH consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
 - Forster Local Aboriginal Land Council
 - Great Lakes Council
 - National Native Title Tribunal
 - NSW Office of Environment and Heritage
 - Native Title Services Corporation Ltd
 - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEH, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

The Community Consultation

Name	Cultural Connection	Knowledge of the Area
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific „cobra“ (*Teredo* spp, generally known as “bora-worm”) resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes¹ and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant² of in-tact cultural material and spiritual meaning.

¹ 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

² “Integrant - Constituting part of a whole; integral.

3 ENVIRONMENT AND LANDUSE EFFECTS

SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981³). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”⁴

³ Black Sands, I.W.Morley 1981.

⁴ Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.⁵

OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp⁶. More recently an educational facility incorporating TAFE and High School were established.

4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

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

⁵ NSW DPI Primefacts May 2008 - The first „commercial“ radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

⁶ State library of NSW Tuncurry Prison:
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>



FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682⁷

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry⁸ noted the following while traversing the nearby lands:

"At one mile east, saw the hill called Tallowah, by the blacks....."

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

".....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

"Further SW through second class forest, then three miles west and saw three blacks with two children."

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

⁷ J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

⁸ W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabitac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.1 Ethnohistorical Context

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

5 ARCHAEOLOGICAL BACKGROUND

5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an „in-situ“ midden (AHIMS site ID: *Un-recorded*) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

Commonwealth Registers

National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

National Native Title Tribunal Registers

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

State Registers

National Parks and Wildlife Act Registers

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
Total:	48

Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the

protection and/or management is defined by the instrument under which they are listed.

No listed items.

Environmental Planning and Assessment Act Registers

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage

Non-Aboriginal Listed items within the broader area.

- Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,
- Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,
- 2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),
- South Street DP 619110 Tuncurry House.

Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

5.3 Past surveys in the regional study locality⁹

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

⁹ The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

Forster,

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522*.

BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain¹⁰.

LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an „in-situ“ midden (Lot 9 DP 245624, Elliotts Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including „sanitation“ disposal within this area. Dean Jones makes particular reference to „shell scatters“ existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

¹⁰ This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

6. FIELD SURVEY

6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9th June – 18th August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

6.2 Survey coverage

Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

TABLE 2.1 **SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m ²
2	South East	2600m x 1051m	5	10	6322m ²
3	North West	1760m x 974m	2	20	8459m ²
4	Golf Club	1007m x 631m	10	20	3165m ²

Notes:

Exposure and visibility are averaged over the transect or study area.

Yellow highlight to indicate applicable/ relational context for the study area.

Highlighted purple – locality.

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional „pathways“ through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

7. SURVEY RESULTS

One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: 38-20025 in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: 38-20025). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording NTSHL-3 as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes “Additional Recording” of this site under the current 38-20025 initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings¹¹.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: 38-20026 (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

¹¹ *See Fig-7, p.35.

8. RESULTS ASSESSMENT

8.1 North Tuncurry SHL-3 (NTSHL-3)¹²

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT¹³,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

¹² See Figure 7, p.35.

¹³ There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

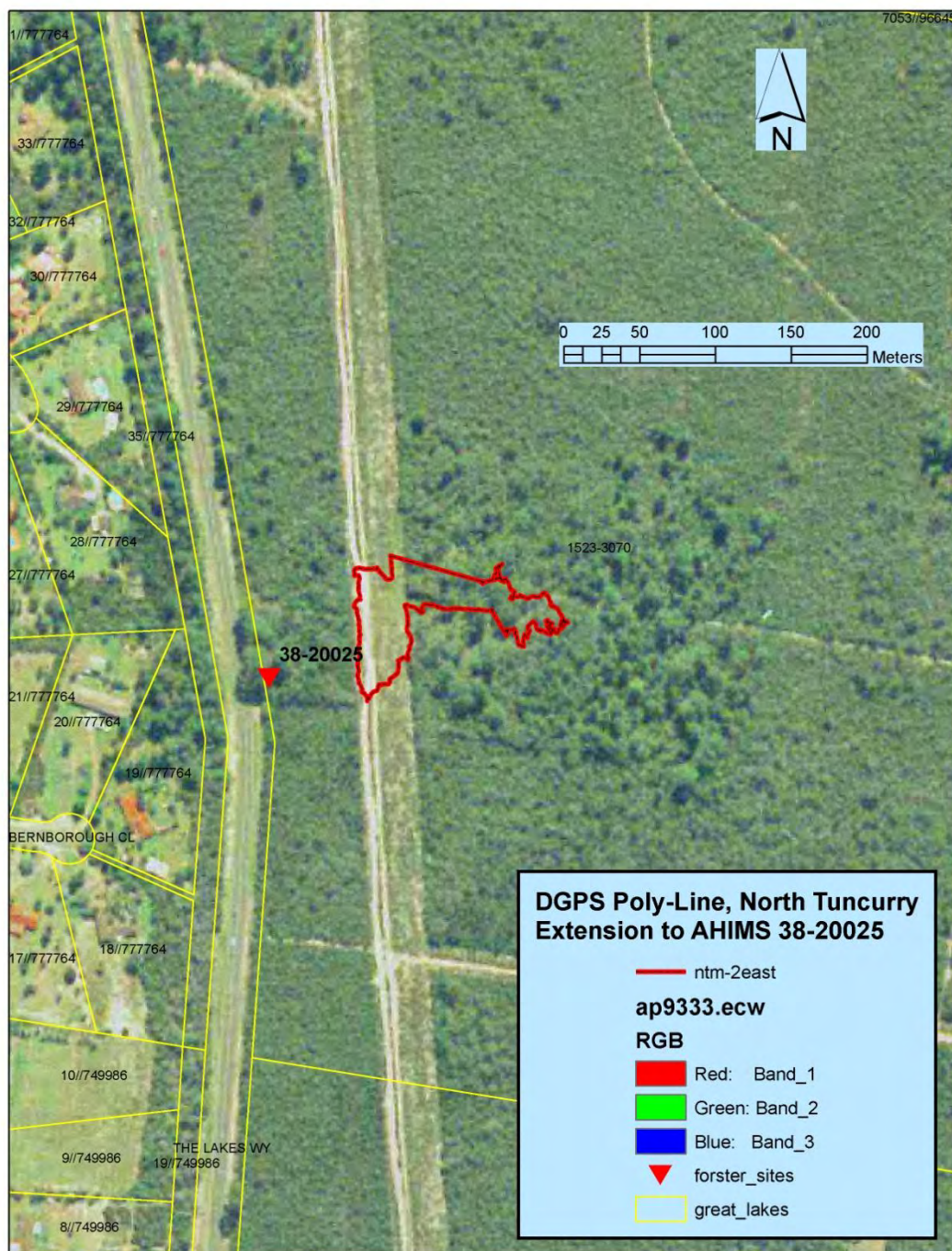


FIGURE 7. DGPS SITE EXTENT - 38-20025

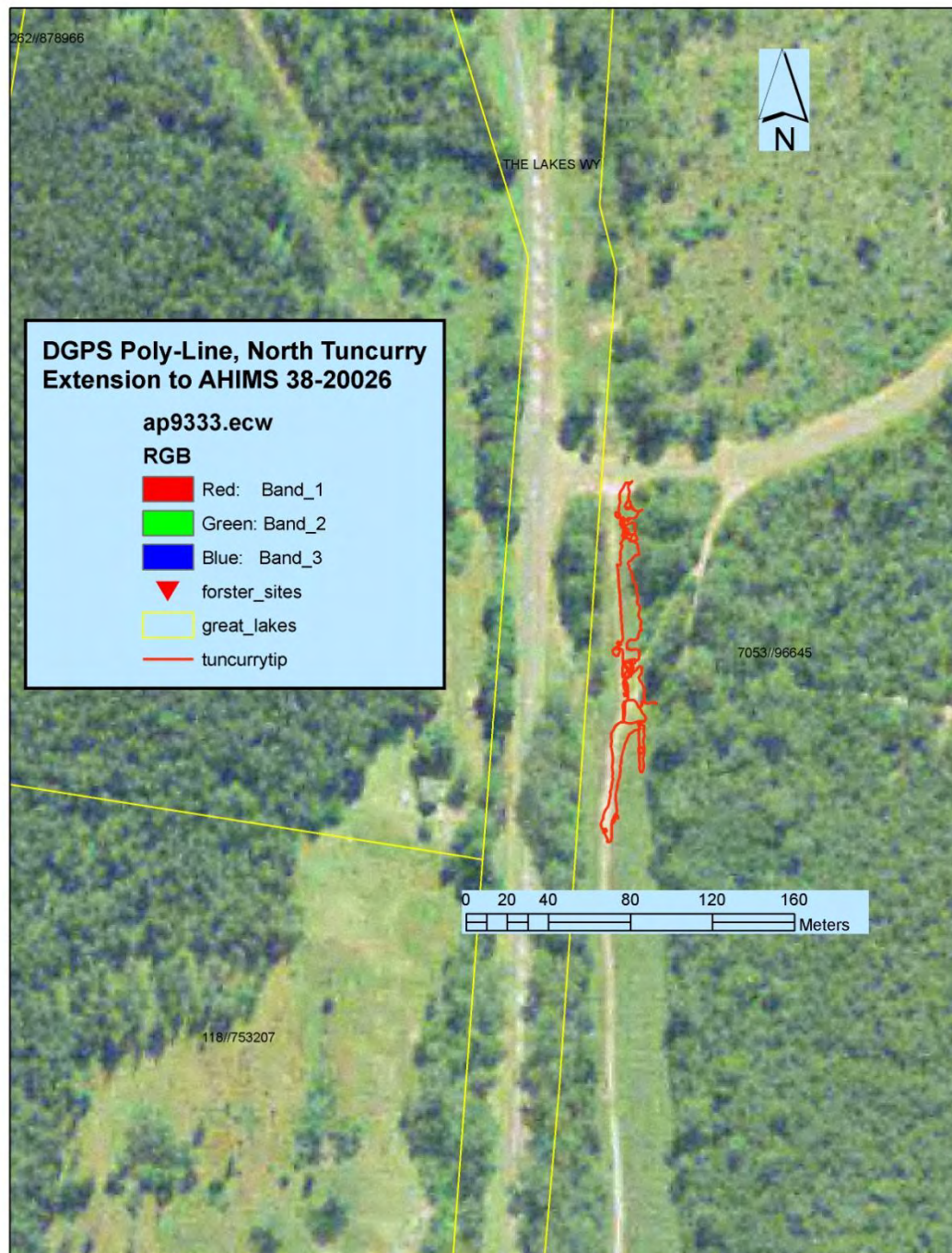


FIGURE 8. DGPS SITE EXTENT 38-20026

9. SIGNIFICANCE ASSESSMENT

9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its „aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians“ (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies¹⁴ support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

9.2 Significance of the study area

Aboriginal cultural/social significance

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a „cobra“¹⁵ resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

¹⁴ 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

¹⁵ *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

Archaeological/scientific significance

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape¹⁶.

10 STATUTORY OBLIGATIONS

The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- „any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).“

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

¹⁶ 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

11. MANAGEMENT RECOMMENDATIONS

11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

12 REFERENCES

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DRAFT

13 Terminology

ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

CEREMONIAL (KEEPPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erillure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

14 Field Photographs



FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026



FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY



FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.



FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025



FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3



FIGURE 16. NTSHL-3 SHELL EXPOSURE

15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT



LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarr Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study.
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom
C/- Great Lakes Resources
Level 2 Bridgepoint
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

Copy of Template Letter forwarded to Del Arnold.

To:

Date:

Dear Mr/Ms

RE: Registration of interest for Aboriginal community consultation

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant „cultural knowledge holders“ can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

Please note: In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from www.alc.org.au.

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....
.....

Registration of individuals with cultural knowledge

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC's boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men's or women's sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....
.....
.....

Please note that a „cultural knowledge holder“ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

A note on the use of cultural knowledge

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

Payment for Aboriginal cultural advice & site assessments

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

Copy of circular email distributed to notified stakeholders:

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,
Sarah.Paddington@environment.nsw.gov.au,
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,
enquiries@nnntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

X-KeepSent: 3DFCE49F:C5537F59-CA2578B0:002027AC; type=4;
name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

X-MIMETrack: Serialize by Router on

NOTES-PARRA01/LANDCOM/AU(Release 8.0.2|August 07, 2008) at
17/06/2011

12:39:28 PM

Content-Type: multipart/mixed; boundary="=_mixed 000E9735CA2578B2_="

--=_mixed 000E9735CA2578B2_ =

Content-Type: text/html; charset="us-ascii"

Content-Transfer-Encoding: 7bit

Dear Sir/Madam

Landcom has commissioned Lakkari
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their
behalf

and in accordance with the Consultation Guidelines I write seeking
the

names of Aboriginal people who may hold cultural knowledge relevant
to

the the determination of significance of Aboriginal objects or places
on

the site. A plan of the site and a copy of the DP are
attached.

I look forward to your
advice.

Regards

Michael Pring

Development Director

Landcom - Tuncurry

P: +612 6555 8495

M: 0412 997 409

E: mpring@Landcom.nsw.gov.au

Copy of OEH Comments



Office of
Environment
& Heritage

Our reference: FIL11/1155

Mr Michael Pring
Development Director
Landcom Tuncurry Project
PO Box 33
Newcastle, NSW, 2300

Dear Mr Pring

RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY NORTH TUNCURRY

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, *but not be limited to, multiple forms of communication*; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 3

Attachment 1:

1. Forster Local Aboriginal Land Council,
Loma Paulson
PO Box 384
Forster NSW 2428
2. Do-Wa-Kee,
Mick Leon
c-\ PO Box 22
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,
Del Arnold
PO Box 182
Gloucester NSW 2422

Copy of emailed response from Great Lakes Shire Council:

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>
To: <mpring@Landcom.nsw.gov.au>
Date: 06/07/2011 08:59 AM
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council
10 Breckenridge Street
PO Box 384
FORSTER NSW 2428
Ph: 02 6555 541
www.forsterlalc.org.au
- Steve Bereton
Office of Environment & Heritage
Parks & Wildlife Division
Ph: 02 6591 0300
- Glenda Roberts
Senior Aboriginal Planning Officer
Planning & Aboriginal Heritage – North East
Environmental Protection & Regulation
Office of Environment & Heritage
Department of Premier & Cabinet
Ph: 02 6651 5946

Regards

Louise Gaffney

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: louise.gaffney@greatlakes.nsw.gov.au

Phone: (02) 6591 7351

Copy of reply letter from the National Native Title Tribunal:



30 June 2011

Michael Pring
Development Director
Landcom - Tuncurry

Email: mpring@landcom.nsw.gov.au

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

Native Title Search Results of Tuncurry within Great Lakes Local Government Area

DR

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl

Our ref: 147858 North Tuncurry

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Nunawanna Aboriginal Corporation
Colin Ahoy
10 Dale Crescent
ARMIDALE NSW 2350

Dear Mr Ahoy,

Re: Proposed Land Re-zoning at North Tuncurry Update to Cultural Heritage Assessment

RPS is currently preparing an addendum to a 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area relating to Landcom's re-zoning of land for urban purposes. The addendum will not change the original ACHAR but provide an updated assessment of the cultural heritage and mitigation recommendations.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits.

A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted abutting the project area and both are midden/campsites. Since these findings, the Landcom land re-zoning project has been put on hold. Recently, the project has recommenced, and sections of the 2011 ACHAR now require updating, including the consultation process.

The purpose of the addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

Part of the reassessment involves recommencing community consultation to provide and update information about the cultural significance of Aboriginal objects and/or places within the Project Area. The finalised addendum to the original ACHAR will then be provided to the Registered Aboriginal Parties (RAPs) for the project for review.

The original ACHAR has been provided for reference.

If you would like to provide information about the cultural significance of this area and recommend culturally appropriate methodologies and management for the heritage reassessment, please contact Ben Slack on the below details within the next 28 days. Final comments are due 8th December 2020.

Our ref: 147858 North Tuncurry

Yours sincerely,
for RPS Australia East Pty Ltd



Ben Slack
Senior Heritage Consultant
ben.slack@rpsgroup.com.au
+61 2 4940 4214



FIGURE 2: PROJECT AREA WITH AHIMS

LOCATION:	NORTH TUNCURRY	DATUM:	GDA94
		PROJECTION:	MGA Zone 56
JOB NO.:	PR 147858	Data Sources:	RPS, Client
PURPOSE:	HERITAGE	Land and Property	2017
Technician:	Natalie Wood	Date:	19/08/2020

CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



Appendix A

Aboriginal Cultural Heritage Assessment of North Tuncurry, 2011



Aboriginal Cultural Heritage Assessment of North Tuncurry,

Report to Landcom November 2011

**Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson
Indigenous Cultural Resource Management Services**

ACKNOWLEDGEMENTS

The Survey Consultants gratefully acknowledges the contributions of the following people and organisations in preparing this report:

Aboriginal Community Groups

- Lakkari Aboriginal Corporation
- Barry Bungie, Tony Marr, Mick Leon (Doo-wa-kee Culture & Heritage Unit)
- Carl King, Acting Coordinator (Forster Local Aboriginal Land Council)

Aboriginal Owners - Families

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

Government Departments

- Kellie Syron & Craig Aspinall for Fiona Marshall, General Manager (Hunter-Central Rivers CMA Catchment Management Authority)
- Natalie Rotumah, (Native Title Services - NSW)
- Sarah Paddington, Archaeologist (North Coast Region, Environmental Protection & Regulation Group, Office of Environment and Heritage)
- Courtney Field, Administrative Officer (Office of the Registrar *Land Rights Act* (1983))
- Great Lakes Council
- Land & Property Management Authority (Taree)

Landcom

- Michael Pring, Study Officer

ABBREVIATIONS

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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1 INTRODUCTION

1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

NTSHL-3 was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

Lot	Deposited Plan	Registered Owner
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club

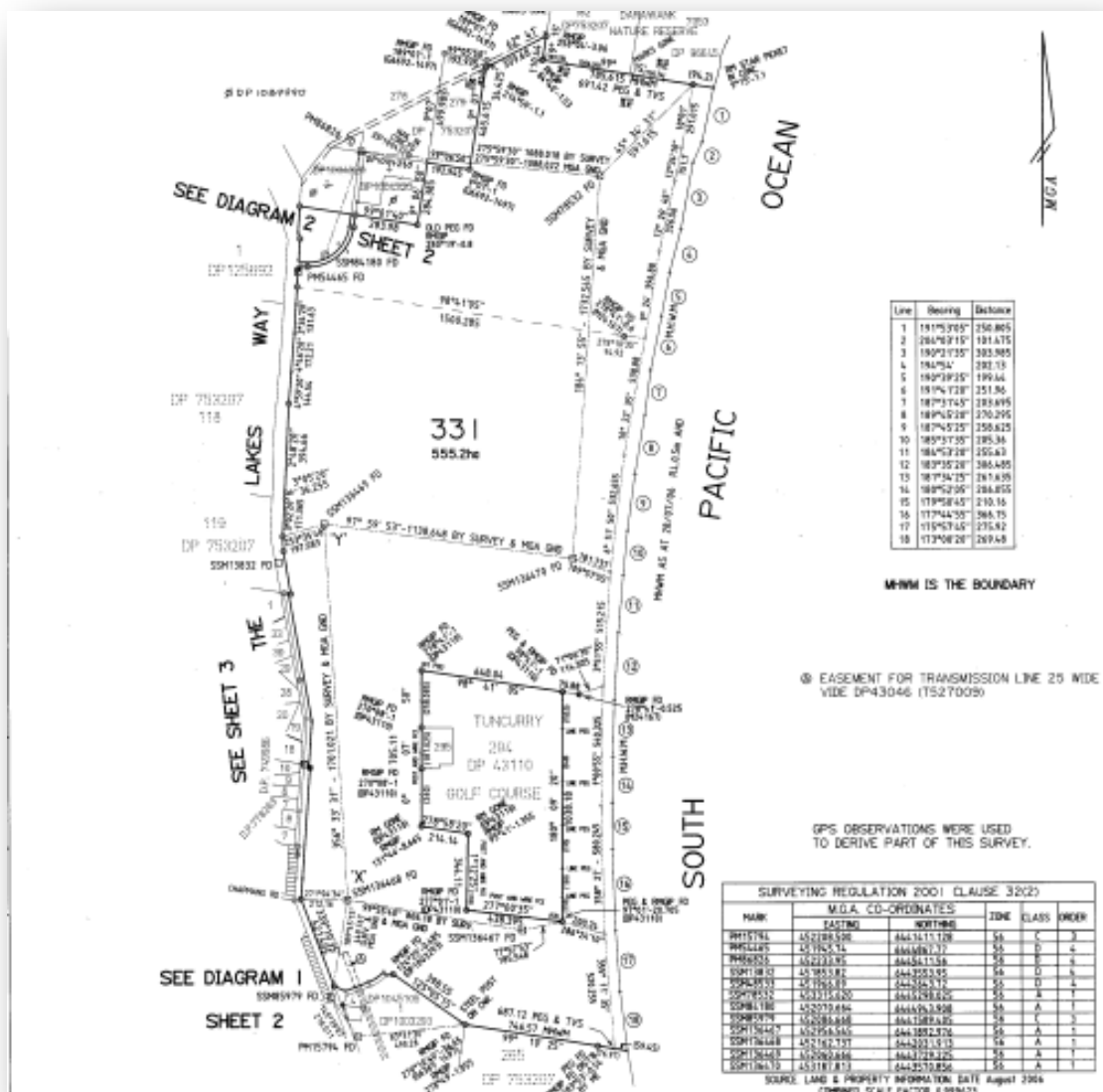


FIGURE 1. SURVEYORS MAP OF STUDY LANDS.

The NSW Department of Planning is the Determining Authority (DA) for this study and will assess the significance of impact on the environment, including Aboriginal cultural heritage, through a State Significant Site Study (SSS), supported by specialist studies where required.

The Aboriginal community and the Aboriginal Consultants will aid Landcom in the preparation of the SSS study by assessing the Aboriginal cultural heritage associated with the proposed development, and this assessment will constitute the heritage component of the SSS study.

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

DRAFT

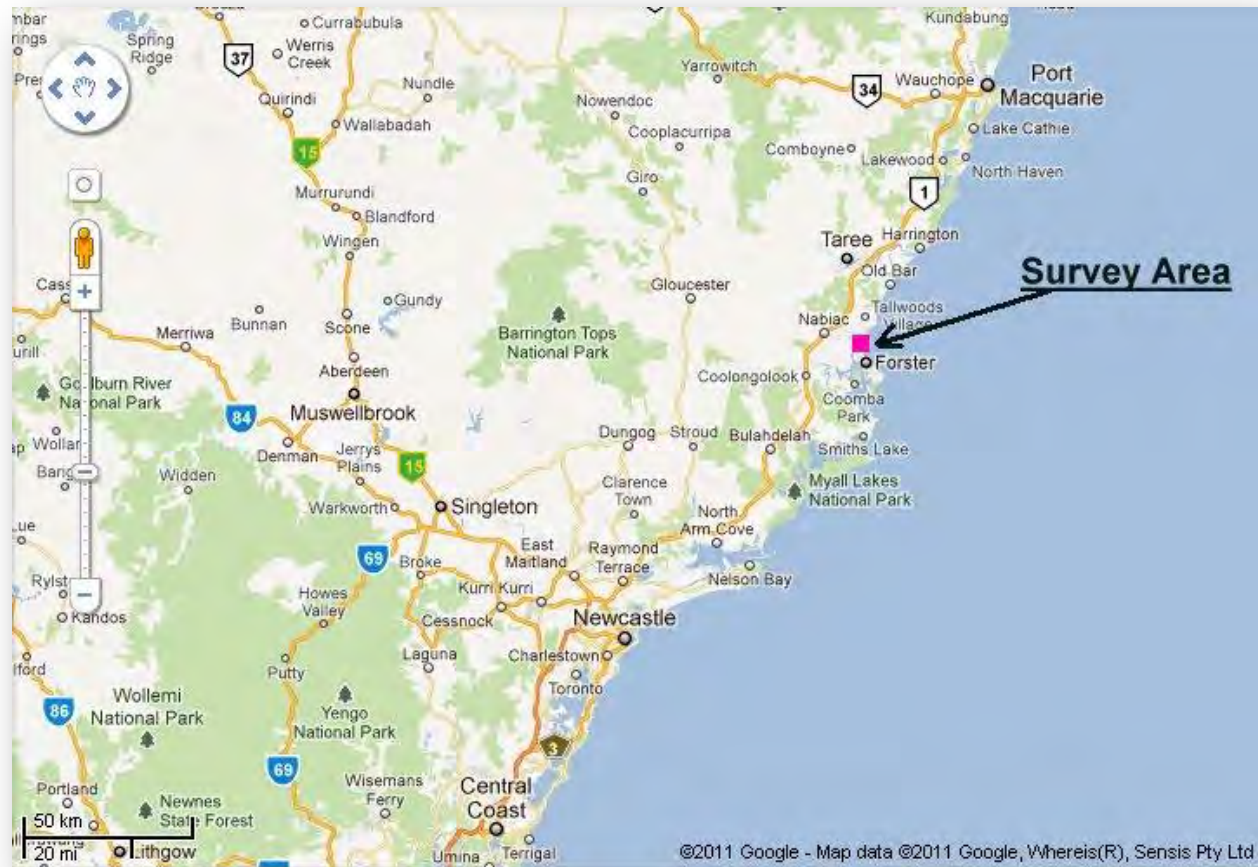


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

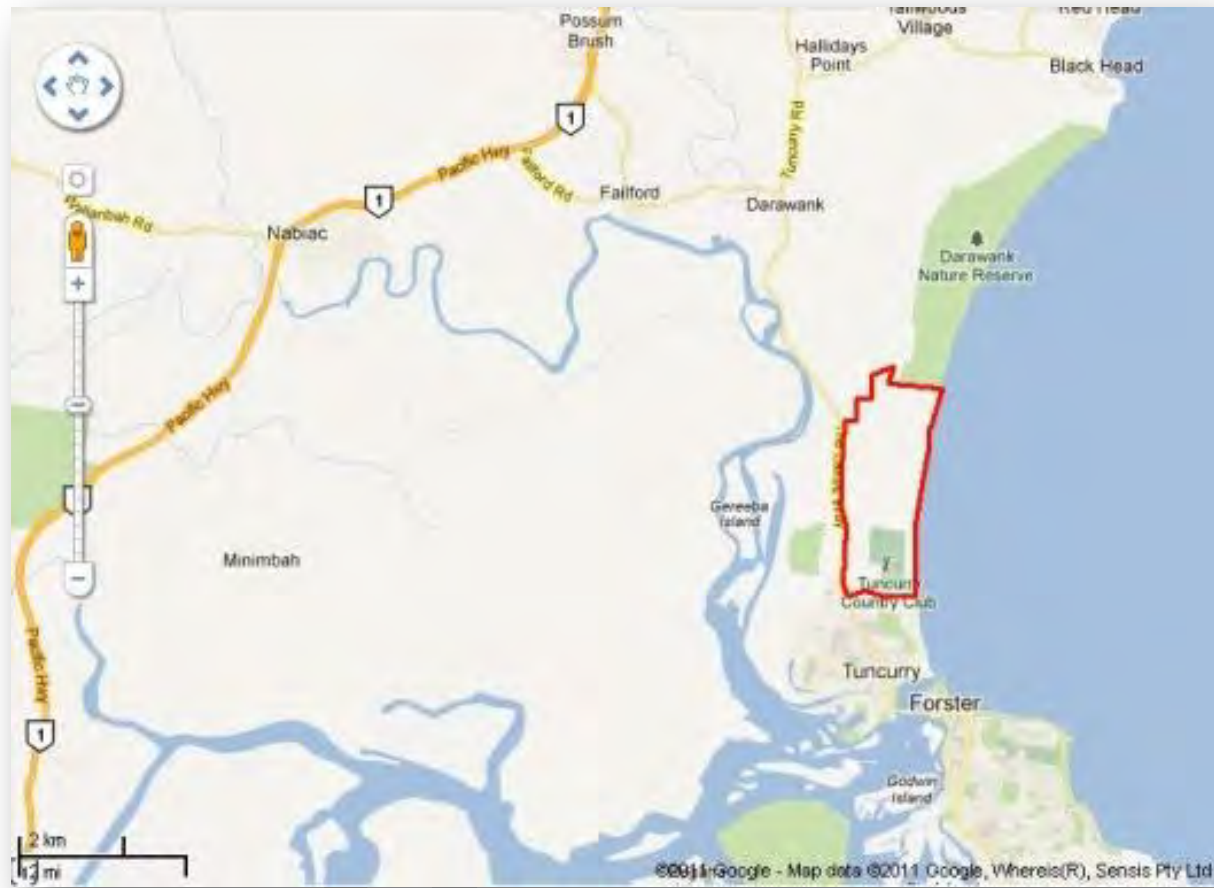


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

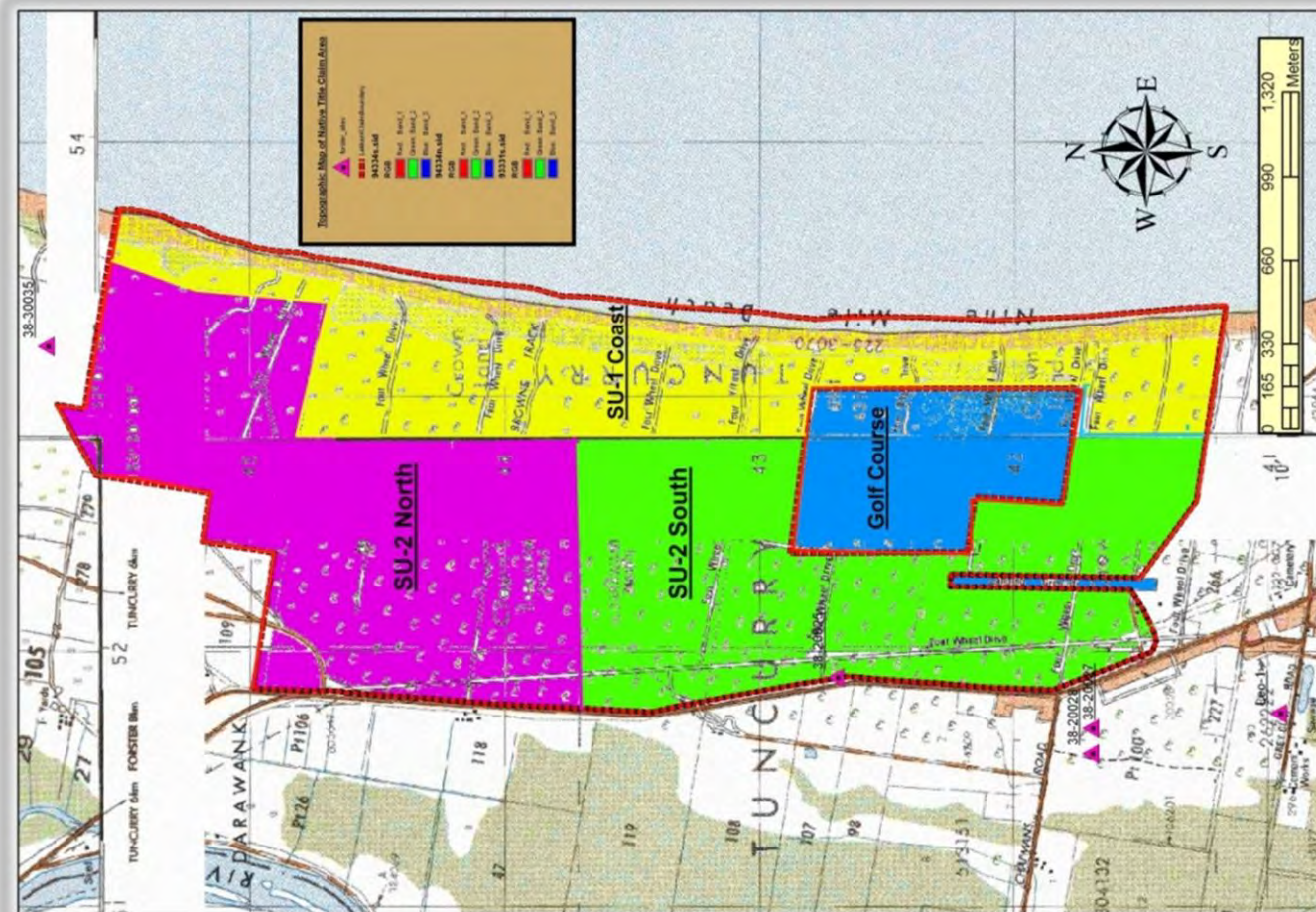


FIGURE 4. SURVEY AREA & SURVEY UNITS

2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)

2.1 Process

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In accordance with the the OEHL consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
 - Forster Local Aboriginal Land Council
 - Great Lakes Council
 - National Native Title Tribunal
 - NSW Office of Environment and Heritage
 - Native Title Services Corporation Ltd
 - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEHL, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

The Community Consultation

Name	Cultural Connection	Knowledge of the Area
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific „cobra“ (*Teredo* spp, generally known as “bora-worm”) resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes¹ and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant² of in-tact cultural material and spiritual meaning.

¹ 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

² “Integrant - Constituting part of a whole; integral.

3 ENVIRONMENT AND LANDUSE EFFECTS

SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981³). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”⁴

³ Black Sands, I.W.Morley 1981.

⁴ Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.⁵

OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp⁶. More recently an educational facility incorporating TAFE and High School were established.

4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

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

⁵ NSW DPI Primefacts May 2008 - The first „commercial“ radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

⁶ State library of NSW Tuncurry Prison:
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>



FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682⁷

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry⁸ noted the following while traversing the nearby lands:

“At one mile east, saw the hill called Tallowah, by the blacks.....”

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

“.....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

“Further SW through second class forest, then three miles west and saw three blacks with two children.”

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

⁷ J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

⁸ W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabitac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.1 Ethnohistorical Context

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

5 ARCHAEOLOGICAL BACKGROUND

5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an „in-situ“ midden (AHIMS site ID: *Un-recorded*) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

Commonwealth Registers

National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

National Native Title Tribunal Registers

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

State Registers

National Parks and Wildlife Act Registers

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
Total:	48

Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the

protection and/or management is defined by the instrument under which they are listed.

No listed items.

Environmental Planning and Assessment Act Registers

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage

Non-Aboriginal Listed items within the broader area.

- Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,
- Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,
- 2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),
- South Street DP 619110 Tuncurry House.

Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

5.3 Past surveys in the regional study locality⁹

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

⁹ The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

Forster,

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522*.

BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain¹⁰.

LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an „in-situ“ midden (Lot 9 DP 245624, Elliots Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including "sanitation" disposal within this area. Dean Jones makes particular reference to „shell scatters" existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

¹⁰ This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

6. FIELD SURVEY

6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9th June – 18th August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

6.2 Survey coverage

Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

TABLE 2.1 **SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m ²
2	South East	2600m x 1051m	5	10	6322m ²
3	North West	1760m x 974m	2	20	8459m ²
4	Golf Club	1007m x 631m	10	20	3165m ²

Notes:

Exposure and visibility are averaged over the transect or study area.

Yellow highlight to indicate applicable/ relational context for the study area.

Highlighted purple – locality.

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional „pathways“ through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

7. SURVEY RESULTS

One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: 38-20025 in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: 38-20025). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording NTSHL-3 as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes “Additional Recording” of this site under the current 38-20025 initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings¹¹.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: 38-20026 (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

¹¹ *See Fig-7, p.35.

8. RESULTS ASSESSMENT

8.1 North Tuncurry SHL-3 (NTSHL-3)¹²

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT¹³,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

¹² See Figure 7, p.35.

¹³ There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

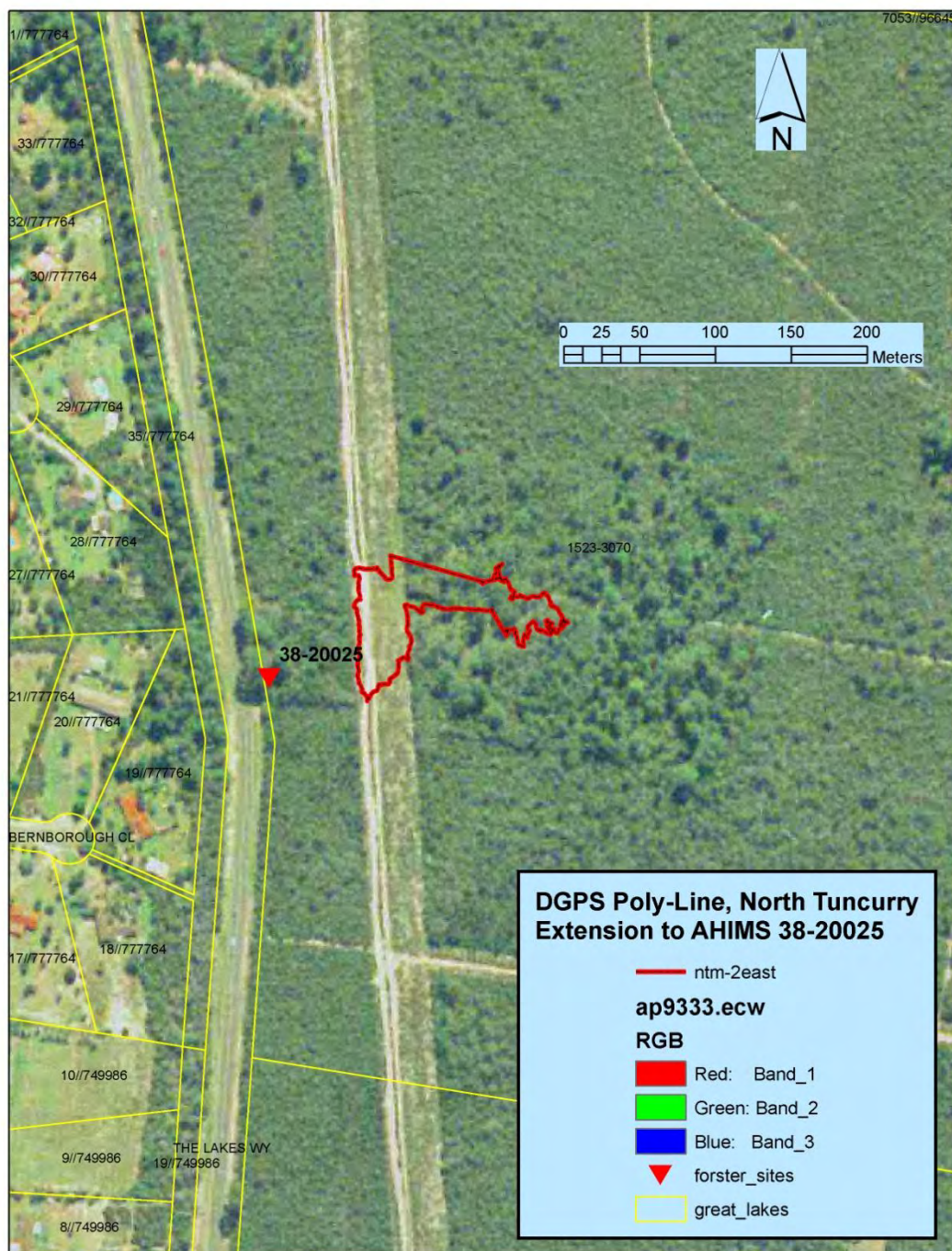


FIGURE 7. DGPS SITE EXTENT - 38-20025

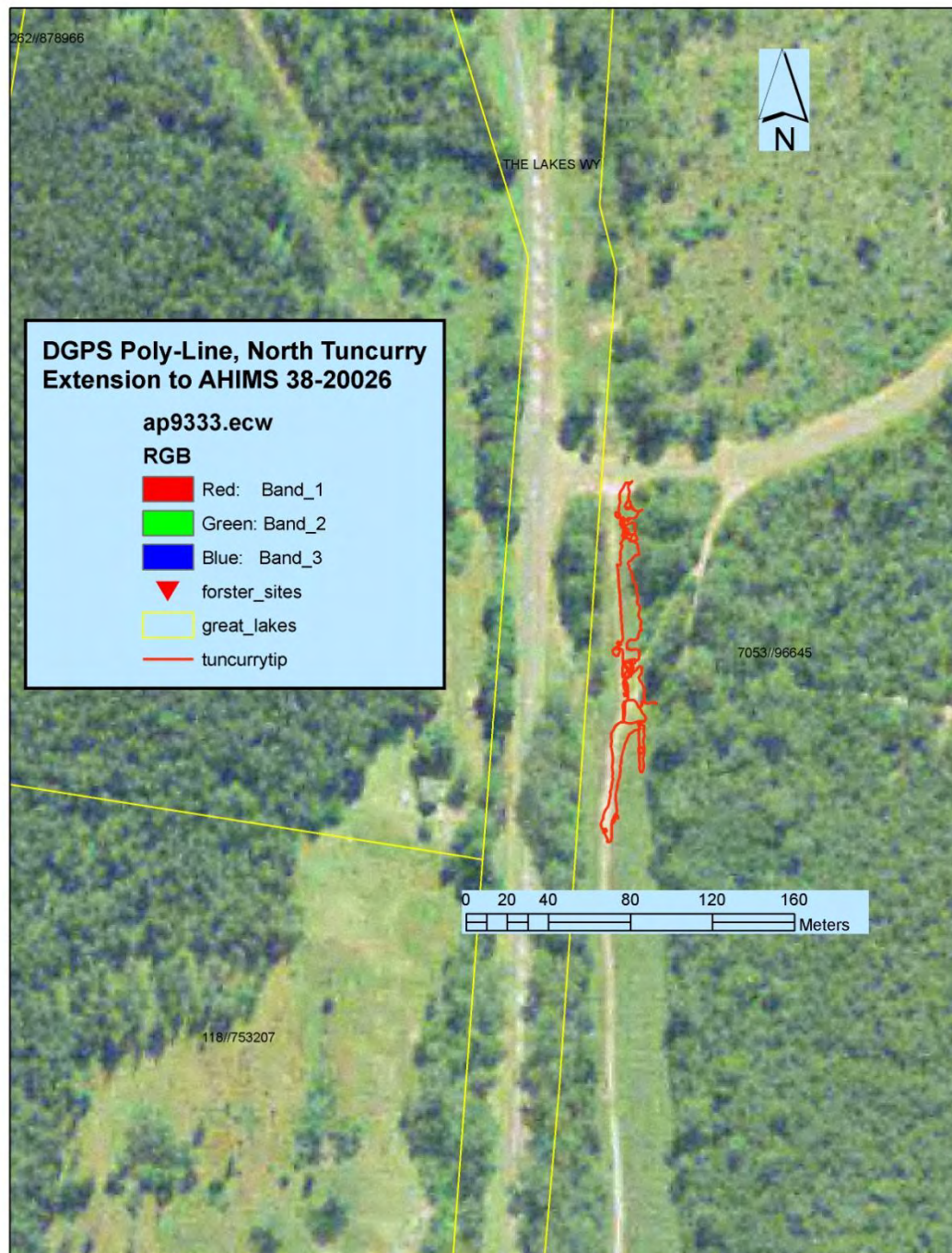


FIGURE 8. DGPS SITE EXTENT 38-20026

9. SIGNIFICANCE ASSESSMENT

9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its „aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians“ (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies¹⁴ support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

9.2 Significance of the study area

Aboriginal cultural/social significance

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a „cobra“¹⁵ resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

¹⁴ 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

¹⁵ *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

Archaeological/scientific significance

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape¹⁶.

10 STATUTORY OBLIGATIONS

The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- „any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).“

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

¹⁶ 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

11. MANAGEMENT RECOMMENDATIONS

11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

12 REFERENCES

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DRAFT

13 Terminology

ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

CEREMONIAL (KEEPPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erillure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

14 Field Photographs



FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026



FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY



FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.



FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025



FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3



FIGURE 16. NTSHL-3 SHELL EXPOSURE

15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT



LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarr Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study.
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom
C/- Great Lakes Resources
Level 2 Bridgepoint
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

Copy of Template Letter forwarded to Del Arnold.

To:

Date:

Dear Mr/Ms

RE: Registration of interest for Aboriginal community consultation

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant „cultural knowledge holders“ can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

Please note: In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from www.alc.org.au.

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....
.....

Registration of individuals with cultural knowledge

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC's boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men's or women's sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....
.....
.....

Please note that a „cultural knowledge holder“ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

A note on the use of cultural knowledge

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

Payment for Aboriginal cultural advice & site assessments

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

Copy of circular email distributed to notified stakeholders:

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,
Sarah.Paddington@environment.nsw.gov.au,
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,
enquiries@nnntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

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name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

X-MIMETrack: Serialize by Router on

NOTES-PARRA01/LANDCOM/AU(Release 8.0.2|August 07, 2008) at
17/06/2011

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Content-Transfer-Encoding: 7bit

Dear Sir/Madam

Landcom has commissioned Lakkari
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their
behalf

and in accordance with the Consultation Guidelines I write seeking
the

names of Aboriginal people who may hold cultural knowledge relevant
to

the the determination of significance of Aboriginal objects or places
on

the site. A plan of the site and a copy of the DP are
attached.

I look forward to your
advice.

Regards

Michael Pring

Development Director

Landcom - Tuncurry

P: +612 6555 8495

M: 0412 997 409

E: mpring@Landcom.nsw.gov.au

Copy of OEH Comments



Office of
Environment
& Heritage

Our reference: FIL11/1155

Mr Michael Pring
Development Director
Landcom Tuncurry Project
PO Box 33
Newcastle, NSW, 2300

Dear Mr Pring

**RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY
NORTH TUNCURRY**

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, *but not be limited to, multiple forms of communication*; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 3

Attachment 1:

1. Forster Local Aboriginal Land Council,
Loma Paulson
PO Box 384
Forster NSW 2428
2. Do-Wa-Kee,
Mick Leon
c-\ PO Box 22
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,
Del Arnold
PO Box 182
Gloucester NSW 2422

Copy of emailed response from Great Lakes Shire Council:

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>
To: <mpring@Landcom.nsw.gov.au>
Date: 06/07/2011 08:59 AM
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council
10 Breckenridge Street
PO Box 384
FORSTER NSW 2428
Ph: 02 6555 541
www.forsterlalc.org.au
- Steve Bereton
Office of Environment & Heritage
Parks & Wildlife Division
Ph: 02 6591 0300
- Glenda Roberts
Senior Aboriginal Planning Officer
Planning & Aboriginal Heritage – North East
Environmental Protection & Regulation
Office of Environment & Heritage
Department of Premier & Cabinet
Ph: 02 6651 5946

Regards

Louise Gaffney

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: louise.gaffney@greatlakes.nsw.gov.au

Phone: (02) 6591 7351

Copy of reply letter from the National Native Title Tribunal:



30 June 2011

Michael Pring
Development Director
Landcom - Tuncurry

Email: mpring@landcom.nsw.gov.au

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

Native Title Search Results of Tuncurry within Great Lakes Local Government Area

DR

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl

Our ref: 147858 North Tuncurry

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 November 2020

Widescope Indigenous Group
Steven Hickey
73 Russell Street
EMU PLAINS NSW 2750

Dear Mr Hickey,

Re: Proposed Land Re-zoning at North Tuncurry Update to Cultural Heritage Assessment

RPS is currently preparing an addendum to a 2011 Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry. The ACHAR assessed the Aboriginal archaeological (cultural heritage) significance of the area relating to Landcom's re-zoning of land for urban purposes. The addendum will not change the original ACHAR but provide an updated assessment of the cultural heritage and mitigation recommendations.

The project area was initially surveyed by Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, and resulted in the identification of a further portion of AHIMS 38-2-0025. It was initially thought to be a new Aboriginal site and was referred to as NTSHL-3 in the 2011 ACHAR. The newly identified extent of the site comprised non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials concealed substrates of shell deposits (cockle & oyster). The site was noted as being associated with AHIMS 38-2-0025 shell deposits.

A second registered Aboriginal site, AHIMS 38-2-0026 is also located along the edge of the study area. These Aboriginal sites are the only two noted abutting the project area and both are midden/campsites. Since these findings, the Landcom land re-zoning project has been put on hold. Recently, the project has recommenced, and sections of the 2011 ACHAR now require updating, including the consultation process.

The purpose of the addendum is to document the reassessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values.

Part of the reassessment involves recommencing community consultation to provide and update information about the cultural significance of Aboriginal objects and/or places within the Project Area. The finalised addendum to the original ACHAR will then be provided to the Registered Aboriginal Parties (RAPs) for the project for review.

The original ACHAR has been provided for reference.

If you would like to provide information about the cultural significance of this area and recommend culturally appropriate methodologies and management for the heritage reassessment, please contact Ben Slack on the below details within the next 28 days. Final comments are due 8th December 2020.

Our ref: 147858 North Tuncurry

Yours sincerely,
for RPS Australia East Pty Ltd



Ben Slack
Senior Heritage Consultant
ben.slack@rpsgroup.com.au
+61 2 4940 4214

IMPORTANT NOTE

1. This plan was prepared for the sole purposes of the client for the specific purpose of producing a photographic overlay plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.

2. RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:

a. a Third Party publishing, using or relying on the plan;

b. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out of date or unusable;

c. any inaccuracies or other faults with information or data sourced from a Third Party;

d. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;

e. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;










f. lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;

g. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.

3. Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless the note is clearly displayed on the plan.

4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Legend

-  Project Area
-  Development Footprint
-  Master Plan Layout 2018
-  Cadastre
-  Nature Reserve
-  Roads and Tracks
-  2m Contours
-  Drainage
- AHIMS**
-  Midden



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Appendix A

Aboriginal Cultural Heritage Assessment of North Tuncurry, 2011



Aboriginal Cultural Heritage Assessment of North Tuncurry,

Report to Landcom November 2011

**Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson
Indigenous Cultural Resource Management Services**

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Aboriginal Owners - Families

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

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- Great Lakes Council
- Land & Property Management Authority (Taree)

Landcom

- Michael Pring, Study Officer

ABBREVIATIONS

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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1 INTRODUCTION

1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

NTSHL-3 was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

Lot	Deposited Plan	Registered Owner
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club

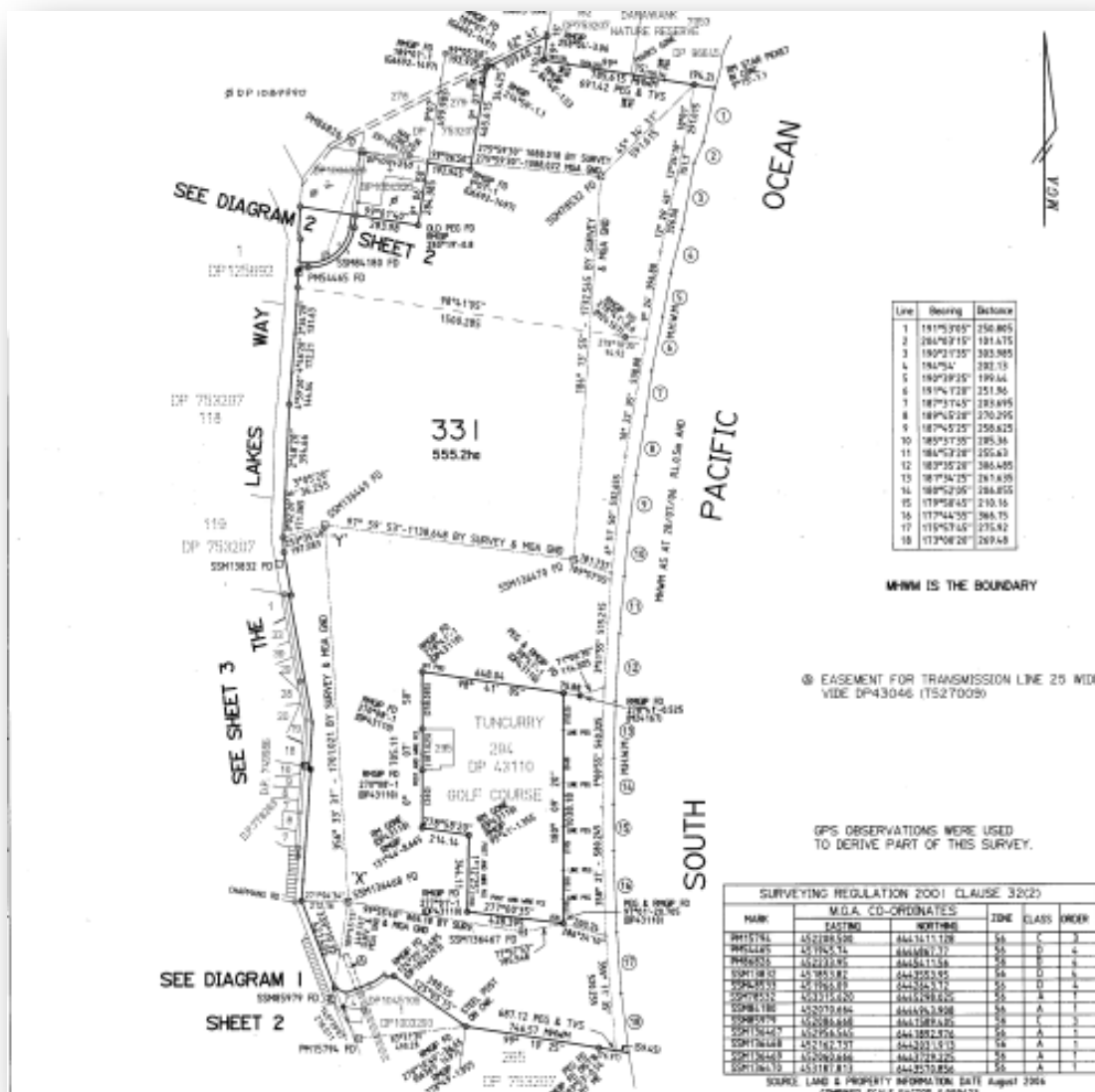


FIGURE 1. SURVEYORS MAP OF STUDY LANDS.

The NSW Department of Planning is the Determining Authority (DA) for this study and will assess the significance of impact on the environment, including Aboriginal cultural heritage, through a State Significant Site Study (SSS), supported by specialist studies where required.

The Aboriginal community and the Aboriginal Consultants will aid Landcom in the preparation of the SSS study by assessing the Aboriginal cultural heritage associated with the proposed development, and this assessment will constitute the heritage component of the SSS study.

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

DRAFT

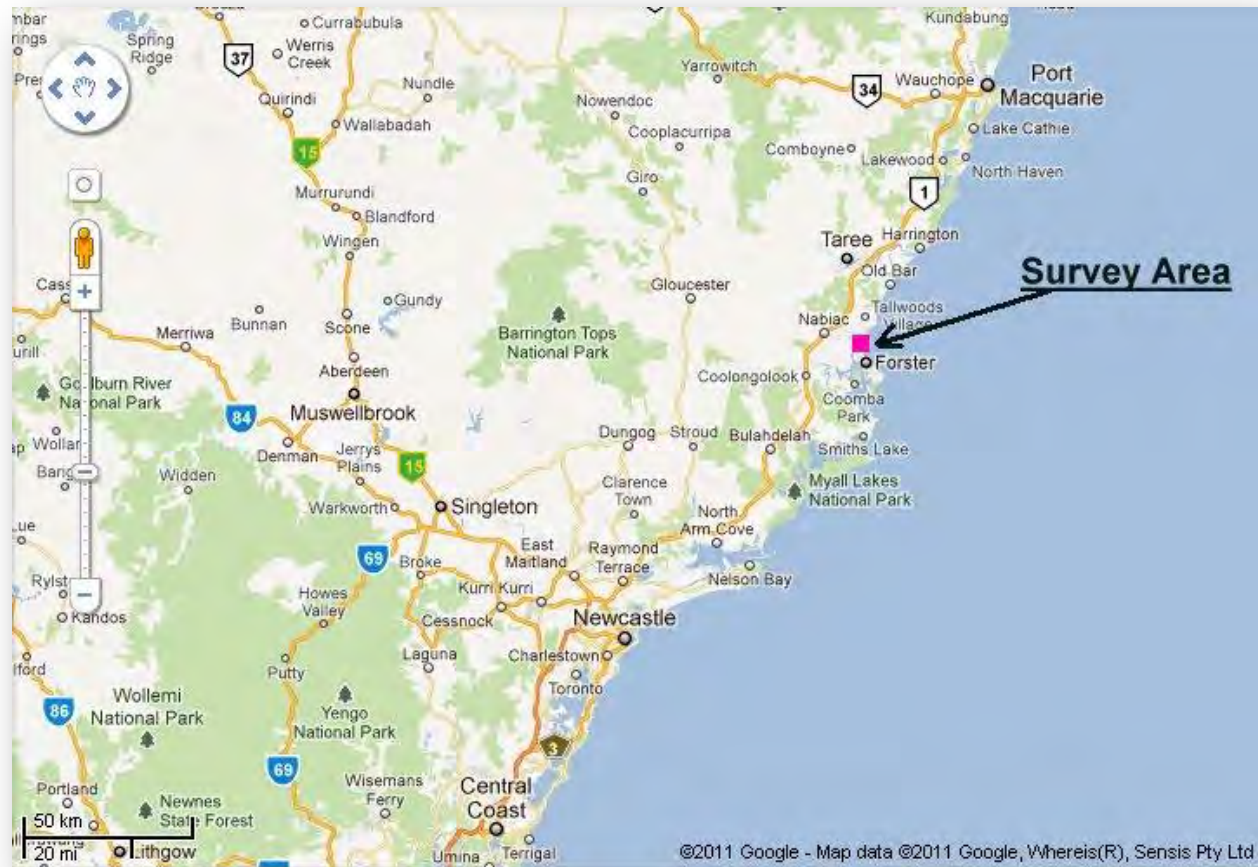


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

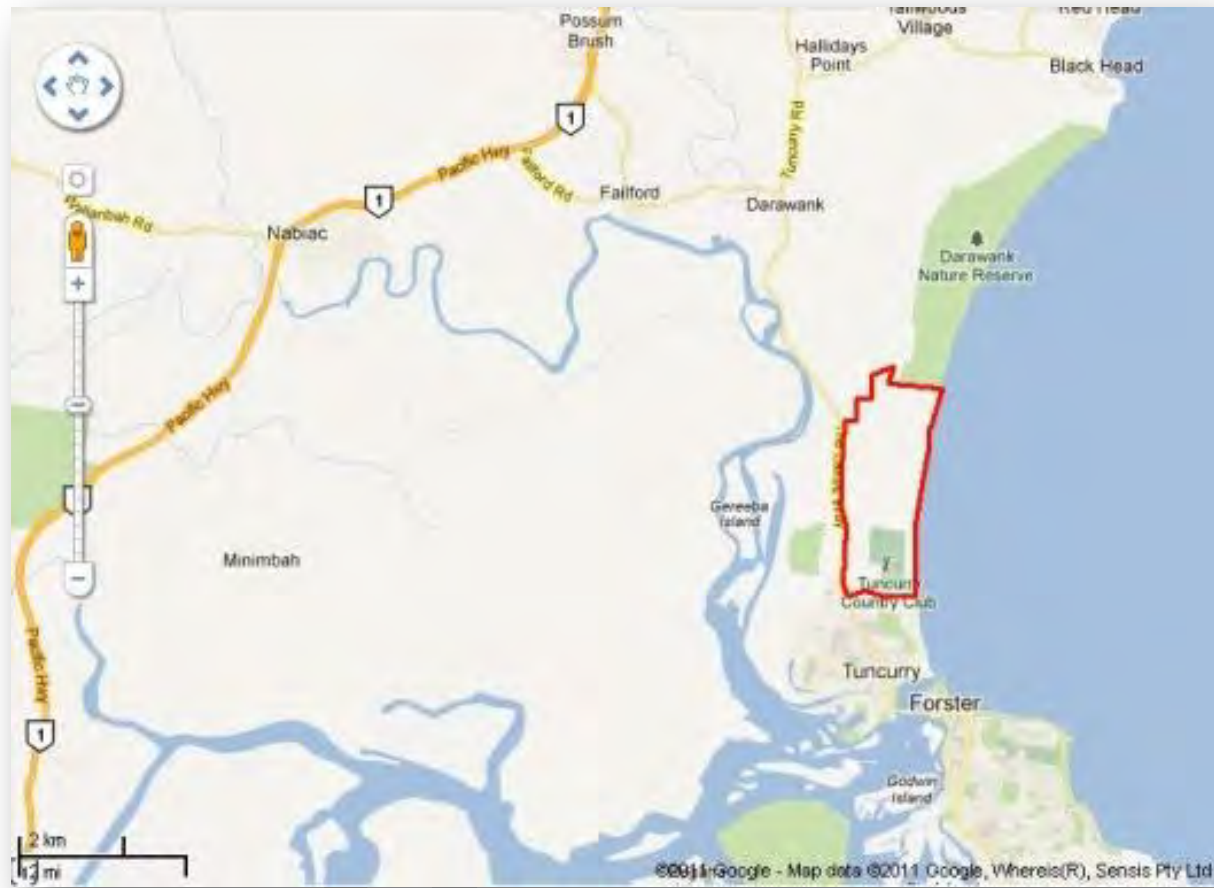


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

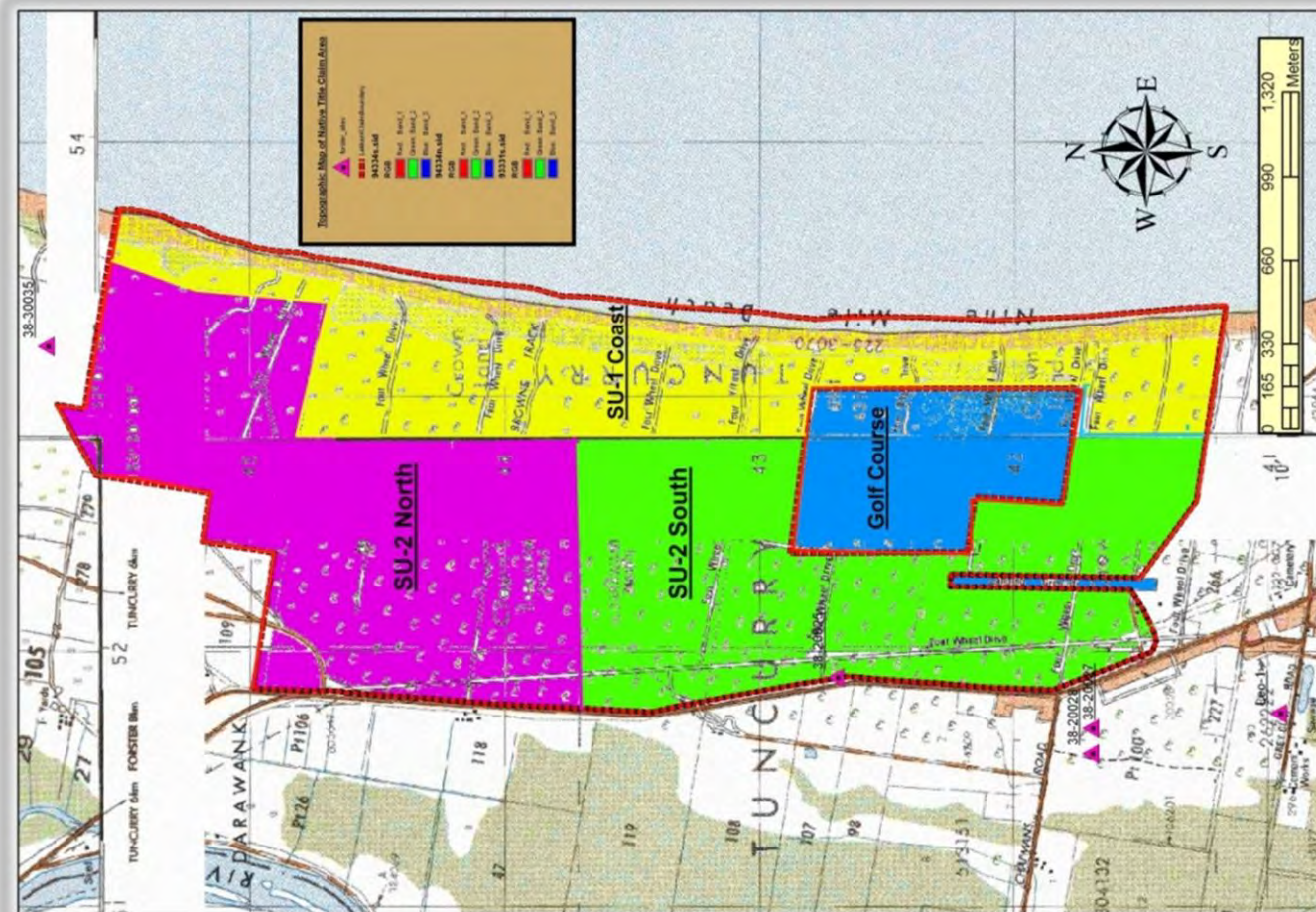


FIGURE 4. SURVEY AREA & SURVEY UNITS

2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)

2.1 Process

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In accordance with the the OEH consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
 - Forster Local Aboriginal Land Council
 - Great Lakes Council
 - National Native Title Tribunal
 - NSW Office of Environment and Heritage
 - Native Title Services Corporation Ltd
 - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEH, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

The Community Consultation

Name	Cultural Connection	Knowledge of the Area
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific „cobra“ (*Teredo* spp, generally known as “bora-worm”) resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes¹ and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant² of in-tact cultural material and spiritual meaning.

¹ 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

² “Integrant - Constituting part of a whole; integral.

3 ENVIRONMENT AND LANDUSE EFFECTS

SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981³). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”⁴

³ Black Sands, I.W.Morley 1981.

⁴ Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.⁵

OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp⁶. More recently an educational facility incorporating TAFE and High School were established.

4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

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

⁵ NSW DPI Primefacts May 2008 - The first „commercial“ radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

⁶ State library of NSW Tuncurry Prison:
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>



FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682⁷

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry⁸ noted the following while traversing the nearby lands:

“At one mile east, saw the hill called Tallowah, by the blacks.....”

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

“.....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

“Further SW through second class forest, then three miles west and saw three blacks with two children.”

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

⁷ J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

⁸ W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabitac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.1 Ethnohistorical Context

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

5 ARCHAEOLOGICAL BACKGROUND

5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an „in-situ“ midden (AHIMS site ID: *Un-recorded*) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

Commonwealth Registers

National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

National Native Title Tribunal Registers

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

State Registers

National Parks and Wildlife Act Registers

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
Total:	48

Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the

protection and/or management is defined by the instrument under which they are listed.

No listed items.

Environmental Planning and Assessment Act Registers

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage

Non-Aboriginal Listed items within the broader area.

- Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,
- Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,
- 2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),
- South Street DP 619110 Tuncurry House.

Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

5.3 Past surveys in the regional study locality⁹

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

⁹ The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

Forster,

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522*.

BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain¹⁰.

LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an „in-situ“ midden (Lot 9 DP 245624, Elliotts Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including „sanitation“ disposal within this area. Dean Jones makes particular reference to „shell scatters“ existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

¹⁰ This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

6. FIELD SURVEY

6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9th June – 18th August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

6.2 Survey coverage

Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

TABLE 2.1 **SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m ²
2	South East	2600m x 1051m	5	10	6322m ²
3	North West	1760m x 974m	2	20	8459m ²
4	Golf Club	1007m x 631m	10	20	3165m ²

Notes:

Exposure and visibility are averaged over the transect or study area.

Yellow highlight to indicate applicable/ relational context for the study area.

Highlighted purple – locality.

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional „pathways“ through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

7. SURVEY RESULTS

One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: 38-20025 in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: 38-20025). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording NTSHL-3 as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes “Additional Recording” of this site under the current 38-20025 initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings¹¹.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: 38-20026 (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

¹¹ *See Fig-7, p.35.

8. RESULTS ASSESSMENT

8.1 North Tuncurry SHL-3 (NTSHL-3)¹²

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT¹³,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

¹² See Figure 7, p.35.

¹³ There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

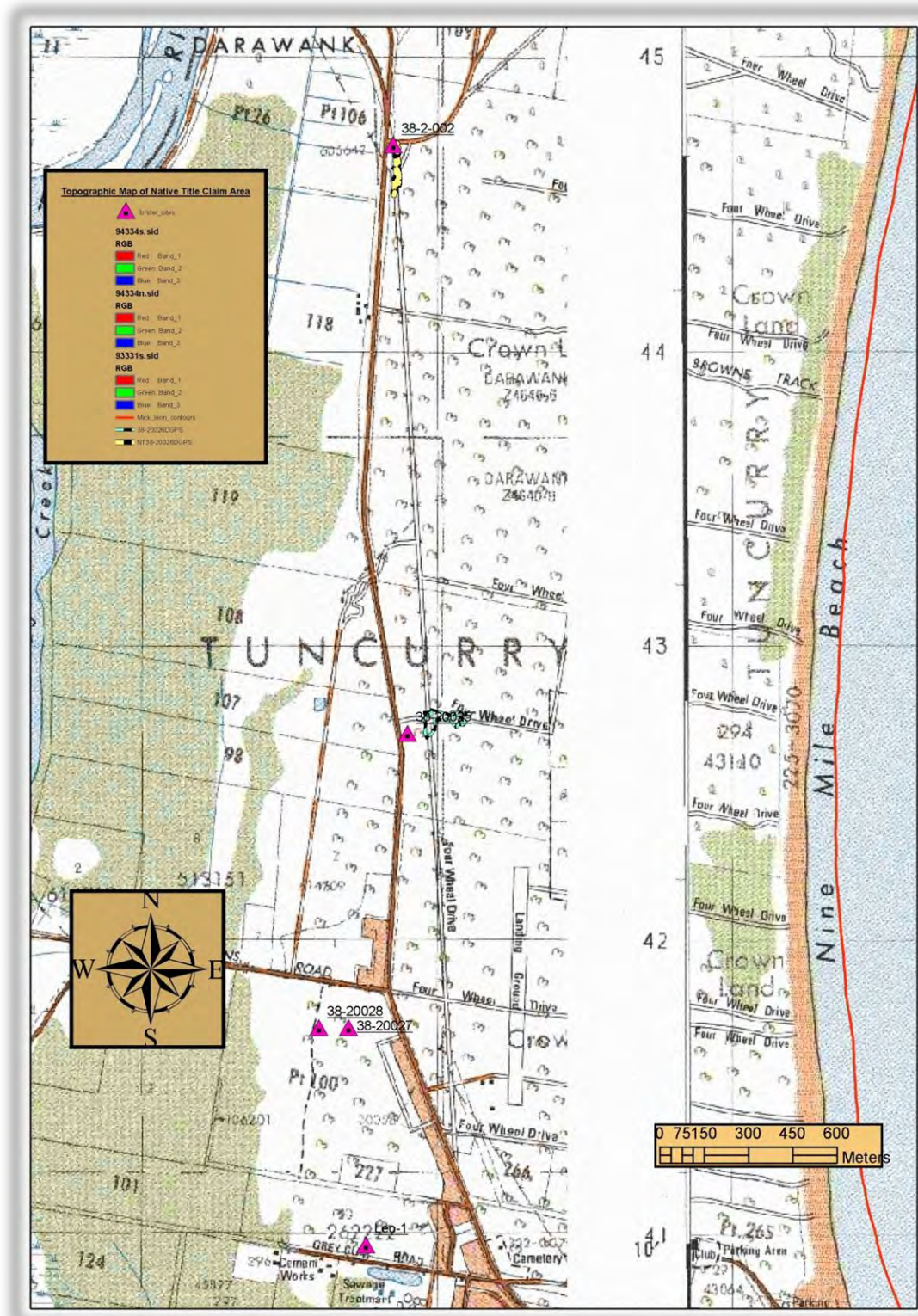


FIGURE 6. DGPS RECORDINGS

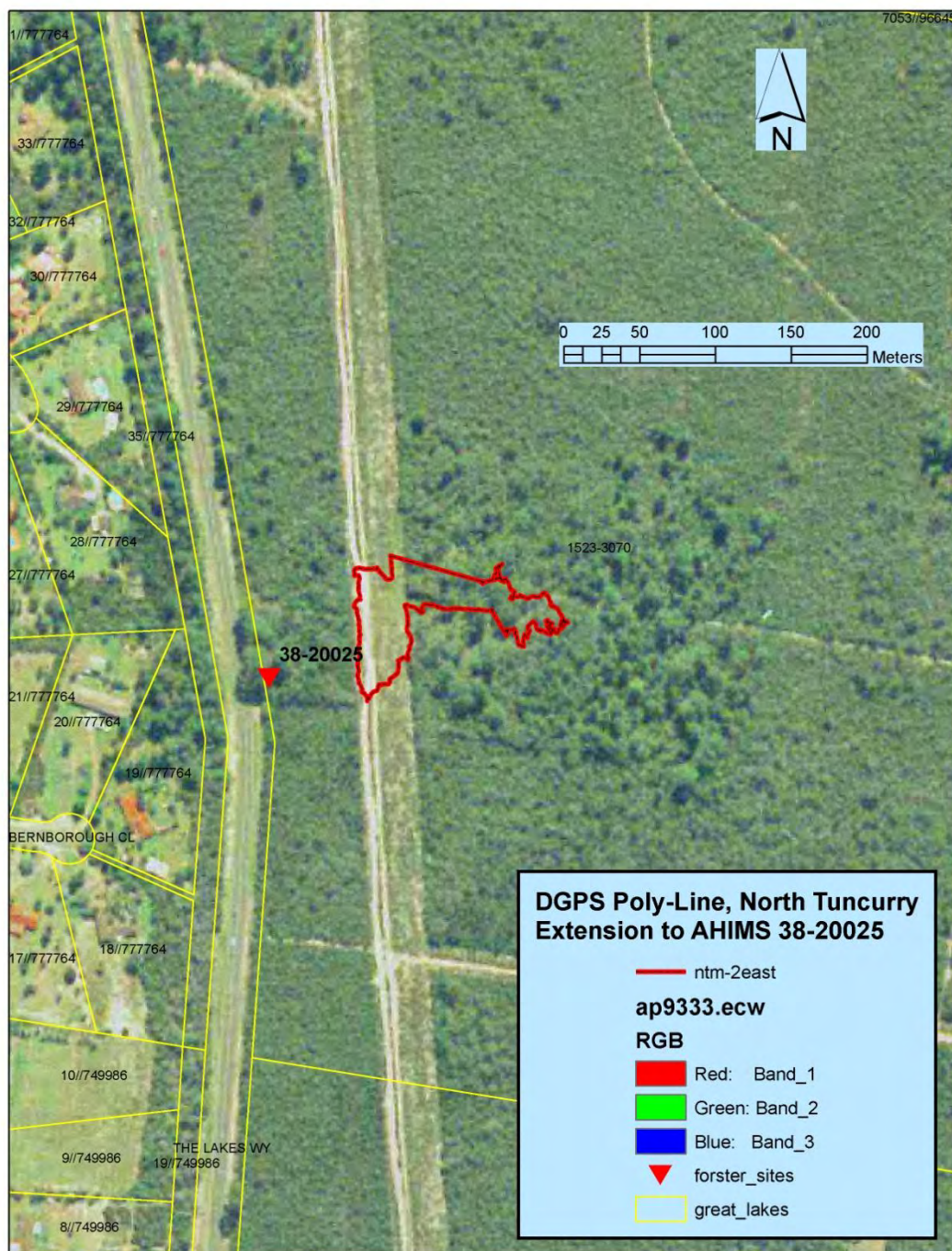


FIGURE 7. DGPS SITE EXTENT - 38-20025

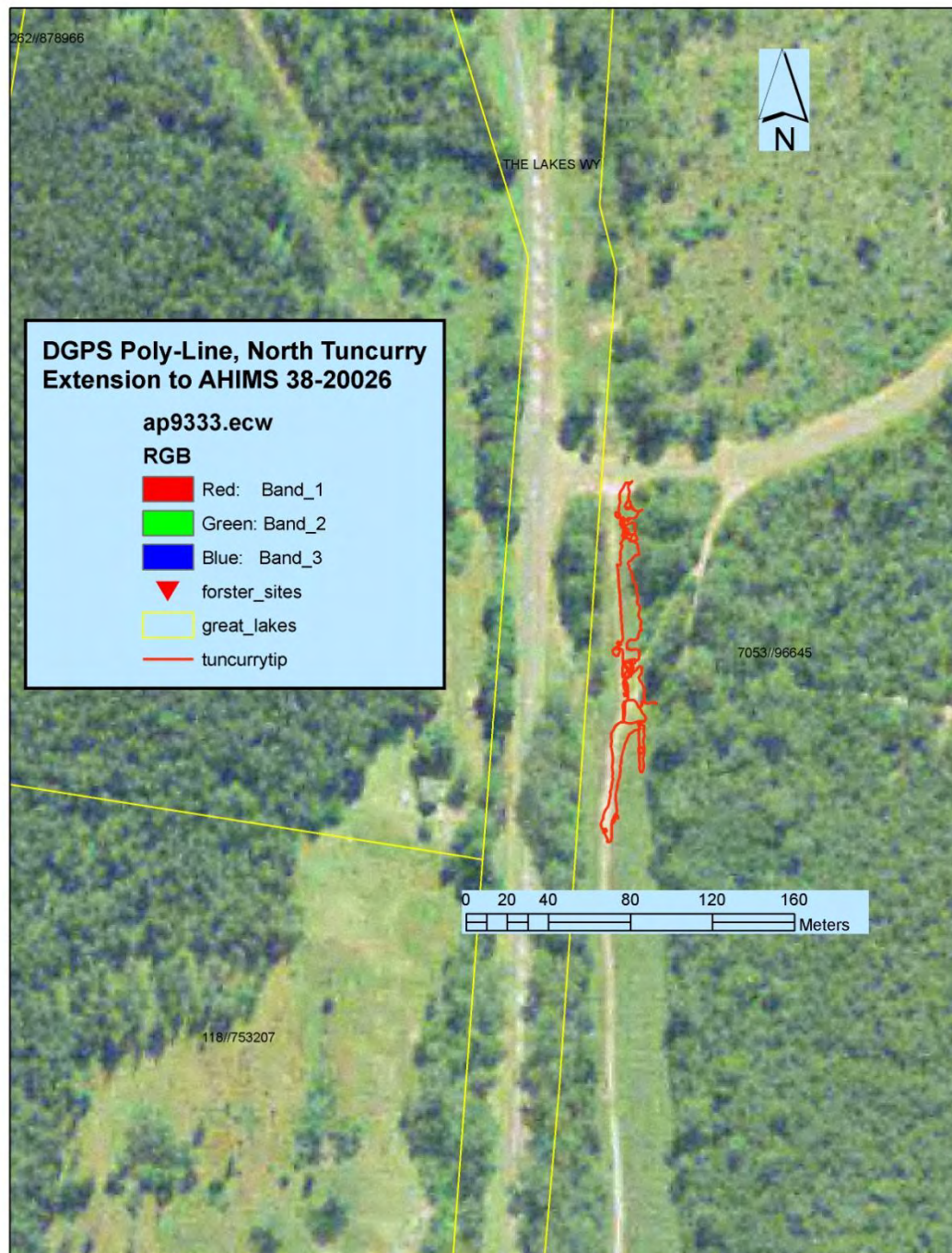


FIGURE 8. DGPS SITE EXTENT 38-20026

9. SIGNIFICANCE ASSESSMENT

9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its „aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians“ (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies¹⁴ support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

9.2 Significance of the study area

Aboriginal cultural/social significance

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a „cobra“¹⁵ resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

¹⁴ 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

¹⁵ *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

Archaeological/scientific significance

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape¹⁶.

10 STATUTORY OBLIGATIONS

The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- „any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).“

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

¹⁶ 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

11. MANAGEMENT RECOMMENDATIONS

11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

12 REFERENCES

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DRAFT

13 Terminology

ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

CEREMONIAL (KEEPPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erillure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

14 Field Photographs



FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026



FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY



FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.



FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025



FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3



FIGURE 16. NTSHL-3 SHELL EXPOSURE

15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT



LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarr Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study.
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom
C/- Great Lakes Resources
Level 2 Bridgepoint
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

Copy of Template Letter forwarded to Del Arnold.

To:

Date:

Dear Mr/Ms

RE: Registration of interest for Aboriginal community consultation

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant „cultural knowledge holders“ can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

Please note: In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from www.alc.org.au.

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....

.....

Registration of individuals with cultural knowledge

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC's boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men's or women's sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....

.....

.....

Please note that a „cultural knowledge holder“ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

A note on the use of cultural knowledge

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

Payment for Aboriginal cultural advice & site assessments

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

Copy of circular email distributed to notified stakeholders:

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,
Sarah.Paddington@environment.nsw.gov.au,
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,
enquiries@nnntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

X-KeepSent: 3DFCE49F:C5537F59-CA2578B0:002027AC; type=4;
name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

X-MIMETrack: Serialize by Router on

NOTES-PARRA01/LANDCOM/AU(Release 8.0.2|August 07, 2008) at
17/06/2011

12:39:28 PM

Content-Type: multipart/mixed; boundary="=_mixed 000E9735CA2578B2_="

--=_mixed 000E9735CA2578B2_ =

Content-Type: text/html; charset="us-ascii"

Content-Transfer-Encoding: 7bit

Dear Sir/Madam

Landcom has commissioned Lakkari
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their
behalf

and in accordance with the Consultation Guidelines I write seeking
the

names of Aboriginal people who may hold cultural knowledge relevant
to

the the determination of significance of Aboriginal objects or places
on

the site. A plan of the site and a copy of the DP are
attached.

I look forward to your
advice.

Regards

Michael Pring

Development Director

Landcom - Tuncurry

P: +612 6555 8495

M: 0412 997 409

E: mpring@Landcom.nsw.gov.au

Copy of OEH Comments



Office of
Environment
& Heritage

Our reference: FIL11/1155

Mr Michael Pring
Development Director
Landcom Tuncurry Project
PO Box 33
Newcastle, NSW, 2300

Dear Mr Pring

**RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY
NORTH TUNCURRY**

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, *but not be limited to, multiple forms of communication*; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Page 3

Attachment 1:

1. Forster Local Aboriginal Land Council,
Loma Paulson
PO Box 384
Forster NSW 2428
2. Do-Wa-Kee,
Mick Leon
c-\ PO Box 22
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,
Del Arnold
PO Box 182
Gloucester NSW 2422

Copy of emailed response from Great Lakes Shire Council:

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>
To: <mpring@Landcom.nsw.gov.au>
Date: 06/07/2011 08:59 AM
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council
10 Breckenridge Street
PO Box 384
FORSTER NSW 2428
Ph: 02 6555 541
www.forsterlalc.org.au
- Steve Bereton
Office of Environment & Heritage
Parks & Wildlife Division
Ph: 02 6591 0300
- Glenda Roberts
Senior Aboriginal Planning Officer
Planning & Aboriginal Heritage – North East
Environmental Protection & Regulation
Office of Environment & Heritage
Department of Premier & Cabinet
Ph: 02 6651 5946

Regards

Louise Gaffney

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: louise.gaffney@greatlakes.nsw.gov.au

Phone: (02) 6591 7351

Copy of reply letter from the National Native Title Tribunal:



30 June 2011

Michael Pring
Development Director
Landcom - Tuncurry

Email: mpring@landcom.nsw.gov.au

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

Native Title Search Results of Tuncurry within Great Lakes Local Government Area

DR

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl

Kate Morris

From: Kate Morris
Sent: Thursday, 11 February 2021 12:17 PM
To: 'cazadirect@live.com'
Subject: North Tuncurry Addendum
Attachments: 147858 Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) _ RED.pdf

Good afternoon,

Attached is a copy of the North Tuncurry Addendum for your review and comment. If you have comments you wish to be included in the final version of this report, please forward them via email no later than 11 March 2021. We are happy to discuss the results of the assessment and welcome any comments or suggestions you may have. Please let us know if we have missed anything you wish to be included.

Kind regards,

Kate Morris

Graduate Heritage Consultant
RPS | Australia Asia Pacific
Unit 2A, 45 Fitzroy Street
Carrington NSW 2294, Australia
T +61 2 4940 4200
D +61 2 4940 4214
E kate.morris@rpsgroup.com.au



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Kate Morris

From: Kate Morris
Sent: Thursday, 11 February 2021 12:17 PM
To: cahoy7@myune.edu.au
Subject: North Tuncurry Addendum
Attachments: 147858 Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) _ RED.pdf

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Kind regards,

Kate Morris

Graduate Heritage Consultant
RPS | Australia Asia Pacific
Unit 2A, 45 Fitzroy Street
Carrington NSW 2294, Australia
T +61 2 4940 4200
D +61 2 4940 4214
E kate.morris@rpsgroup.com.au



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Kate Morris

From: Kate Morris
Sent: Thursday, 11 February 2021 12:18 PM
To: corroboreecorp@bigpond.com
Subject: North Tuncurry Addendum
Attachments: 147858 Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) _ RED.pdf

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E kate.morris@rpsgroup.com.au



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Kate Morris

From: Kate Morris
Sent: Thursday, 11 February 2021 12:15 PM
To: 'Darleen Johnson'
Subject: North Tuncurry Addendum
Attachments: 147858 Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) _ RED.pdf

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Kind regards,

Kate Morris

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Unit 2A, 45 Fitzroy Street
Carrington NSW 2294, Australia
T +61 2 4940 4200
D +61 2 4940 4214
E kate.morris@rpsgroup.com.au



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Kate Morris

From: Kate Morris
Sent: Thursday, 11 February 2021 12:20 PM
To: 'didgengunawalclan@yahoo.com.au'
Subject: North Tuncurry Addendum
Attachments: 147858 Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) _ RED.pdf

Good afternoon,

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Kind regards,

Kate Morris

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T +61 2 4940 4200
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E kate.morris@rpsgroup.com.au



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Kate Morris

From: Kate Morris
Sent: Thursday, 11 February 2021 12:20 PM
To: info@forsterlalc.org.au
Subject: North Tuncurry Addendum
Attachments: 147858 Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) _ RED.pdf

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E kate.morris@rpsgroup.com.au



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Kate Morris

From: Kate Morris
Sent: Thursday, 11 February 2021 12:18 PM
To: gunjeewong@yahoo.com.au
Subject: North Tuncurry Addendum
Attachments: 147858 Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) _ RED.pdf

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Kate Morris

From: Kate Morris
Sent: Thursday, 11 February 2021 12:19 PM
To: Widescope.group@live.com
Subject: North Tuncurry Addendum
Attachments: 147858 Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) _ RED.pdf

Good afternoon,

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Kind regards,

Kate Morris

Graduate Heritage Consultant
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E kate.morris@rpsgroup.com.au



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Appendix C

Extensive AHIMS

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 147858 North Tuncurry

Client Service ID : 541372

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-2-0079	McCLYMONTS CREEK 8	AGD	56	448900	6438320	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	Michael Green <u>Permits</u>							
38-2-0080	McCLYMONTS CREEK 7	AGD	56	448920	6438440	Open site	Valid	Artefact : -, Shell : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	Michael Green <u>Permits</u>							
38-2-0081	McCLYMONTS CREEK 6	AGD	56	448820	6438540	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	Michael Green <u>Permits</u>							
38-2-0082	McCLYMONTS CREEK 5	AGD	56	448820	6438530	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	Michael Green <u>Permits</u>							
38-2-0083	McCLYMONTS CREEK 4	AGD	56	448700	6438730	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	Michael Green <u>Permits</u>							
38-3-0282	LS4	AGD	56	453860	6438740	Open site	Valid	Shell : -		97577
	<u>Contact</u>	<u>Recorders</u>	Michael Therin <u>Permits</u> 3422							
38-3-0283	LS5	AGD	56	453780	6438450	Open site	Valid	Artefact : 20		97577
	<u>Contact</u>	<u>Recorders</u>	Michael Therin <u>Permits</u>							
38-3-0284	LS6	AGD	56	453860	6438040	Open site	Valid	Shell : -		97577
	<u>Contact</u>	<u>Recorders</u>	Michael Therin <u>Permits</u>							
38-3-0285	LS7	AGD	56	453840	6438600	Open site	Valid	Shell : -		97577
	<u>Contact</u>	<u>Recorders</u>	Michael Therin <u>Permits</u> 1873,3422							
38-3-0290	LS1 (Forster)	AGD	56	453850	6438300	Open site	Valid	Shell : -		
	<u>Contact</u>	<u>Recorders</u>	Michael Therin,Therin Archaeological Consulting <u>Permits</u> 1873							
38-3-0291	LS2	AGD	56	453880	6438200	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>	Michael Therin,Therin Archaeological Consulting <u>Permits</u> 1873							
38-3-0292	LS3	AGD	56	453870	6438150	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>	Michael Therin,Therin Archaeological Consulting <u>Permits</u> 1873							
38-3-0281	PAD A3	AGD	56	453820	6438350	Open site	Valid	Potential Archaeological Deposit (PAD) : -	DLA Signatory	
	<u>Contact</u>	<u>Recorders</u>	Michael Therin <u>Permits</u>							
38-2-0043	Tuncurry;No:6;	AGD	56	451850	6439100	Open site	Valid	Shell : -, Artefact : -	Midden	1333
	<u>Contact</u>	<u>Recorders</u>	Warren Bluff <u>Permits</u>							
38-2-0136	Tuncurry TAFE	AGD	56	452780	6439300	Open site	Valid	Shell : -, Artefact : -		
	<u>Contact</u> T Russell	<u>Recorders</u>	Mr.Peter. W. Lean <u>Permits</u>							
38-2-0102	LEO-1	GDA	56	451616	6441000	Open site	Valid	Shell : -, Artefact : -	Midden,Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Mick Leon,MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny McCardle <u>Permits</u> 4197							

Report generated by AHIMS Web Service on 09/10/2020 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 447282 - 454958, Northings : 6438221 - 6447729 with a Buffer of 0 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 49

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 147858 North Tuncurry

Client Service ID : 541372

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-2-0084	McCLYMONTS CREEK 3	AGD	56	448680	6438620	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-2-0085	McCLYMONT CREEK 1	AGD	56	448400	6438700	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-2-0086	McCLYMONTS CREEK 2	AGD	56	448660	6438610	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-2-0087	WALLUMBA RIVER 2	AGD	56	449600	6440100	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-2-0088	WALLAMBA RIVER 1	AGD	56	449450	6439630	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-3-0260	Forster Bridge Tool Site	AGD	56	453580	6439350	Open site	Valid	Shell : -, Artefact : -	Midden,Open Camp Site	97588,99029,9961,99962
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-3-0003	Forster.	AGD	56	454045	6438907	Open site	Valid	Shell : -, Artefact : -	Midden	1097,1105,1303,1373,1839,1984
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-3-0004	172 Wharf St.Forster	AGD	56	454045	6438907	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-3-0025	Tuncurry;South St;	AGD	56	453115	6439804	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-3-0035	Tuncurry Midden Site 3;	AGD	56	453200	6445800	Open site	Valid	Shell : -, Artefact : -	Midden	907,1350,102421
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-3-0043	The Tanks;	AGD	56	454750	6439350	Open site	Valid	Shell : -, Artefact : -	Midden	1333
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-3-0044	The Tanks;	AGD	56	454800	6439350	Open site	Valid	Shell : -, Artefact : -	Midden	1333
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-2-0015	Wallis Island;The Piggery;	AGD	56	448000	6438100	Open site	Valid	Shell : -, Artefact : -	Midden	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-5-0149	Old Forster Police Station;	AGD	56	454030	6439030	Open site	Valid	Burial : -	Burial/s	
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-2-0025	Tuncurry Open Site 2;	AGD	56	451900	6442700	Open site	Valid	Shell : -, Artefact : -	Midden	907,1370,102421
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
38-2-0026	Tuncurry Open Midden Site 1;	AGD	56	451800	6444700	Open site	Valid	Shell : -, Artefact : -	Midden	907,1370,102421
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							

Report generated by AHIMS Web Service on 09/10/2020 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 447282 - 454958, Northings : 6438221 - 6447729 with a Buffer of 0 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 49

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 147858 North Tuncurry

Client Service ID : 541372

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-2-0027	Chapman's Road; <u>Contact</u>	AGD	56	451700	6441700	Open site	Valid	Shell : -, Artefact : -	Midden	1370
38-2-0028	Chapman's Road; <u>Contact</u>	AGD	56	451600	6441700	Open site	Valid	Shell : -, Artefact : -	Midden	1370
38-2-0040	Twin Dophlins C.P.;No:3; <u>Contact</u>	AGD	56	451250	6440000	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0041	South St. Tuncurry;No:4; <u>Contact</u>	AGD	56	451720	6439800	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0042	Tuncurry;No:5; <u>Contact</u>	AGD	56	450950	6439400	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0044	Tuncurry;No:7; <u>Contact</u>	AGD	56	451910	6438760	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0048	Mather Island;Site 15; <u>Contact</u>	AGD	56	452480	6438400	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0049	Mather Island;Site 14; <u>Contact</u>	AGD	56	452160	6438410	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0050	Long Island;Site 13; <u>Contact</u>	AGD	56	451410	6438450	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0051	Long Island;Site 12; <u>Contact</u>	AGD	56	451650	6438500	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0062	Gereeba Channel;# 1; <u>Contact</u>	AGD	56	449550	6444150	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-2-0063	Gereeba Channel;# 2; <u>Contact</u>	AGD	56	449410	6443050	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-3-0061	Forster Beach <u>Contact</u>	AGD	56	453800	6439880	Open site	Valid	Shell : -, Artefact : -	Midden	1333
38-3-0243	Little and South St. Shop; <u>Contact</u>	AGD	56	453860	6438450	Open site	Valid	Shell : -, Artefact : -	Midden	
38-2-0116	Tuncurry Street <u>Contact</u>	AGD	56	452340	6439990	Open site	Valid	Artefact : -, Shell : -		
38-3-0294	Restriction applied. Please contact ahims@environment.nsw.gov.au. <u>Contact</u> S Scanlon					Open site	Valid			
38-2-0179	Banksia Garden Shell Midden 1 <u>Contact</u>	GDA	56	451778	6440961	Open site	Valid	Shell : -		
		<u>Recorders</u>		Mr.Steve Brereton				<u>Permits</u>		
		<u>Recorders</u>		MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny Mccardle				<u>Permits</u>	4197	

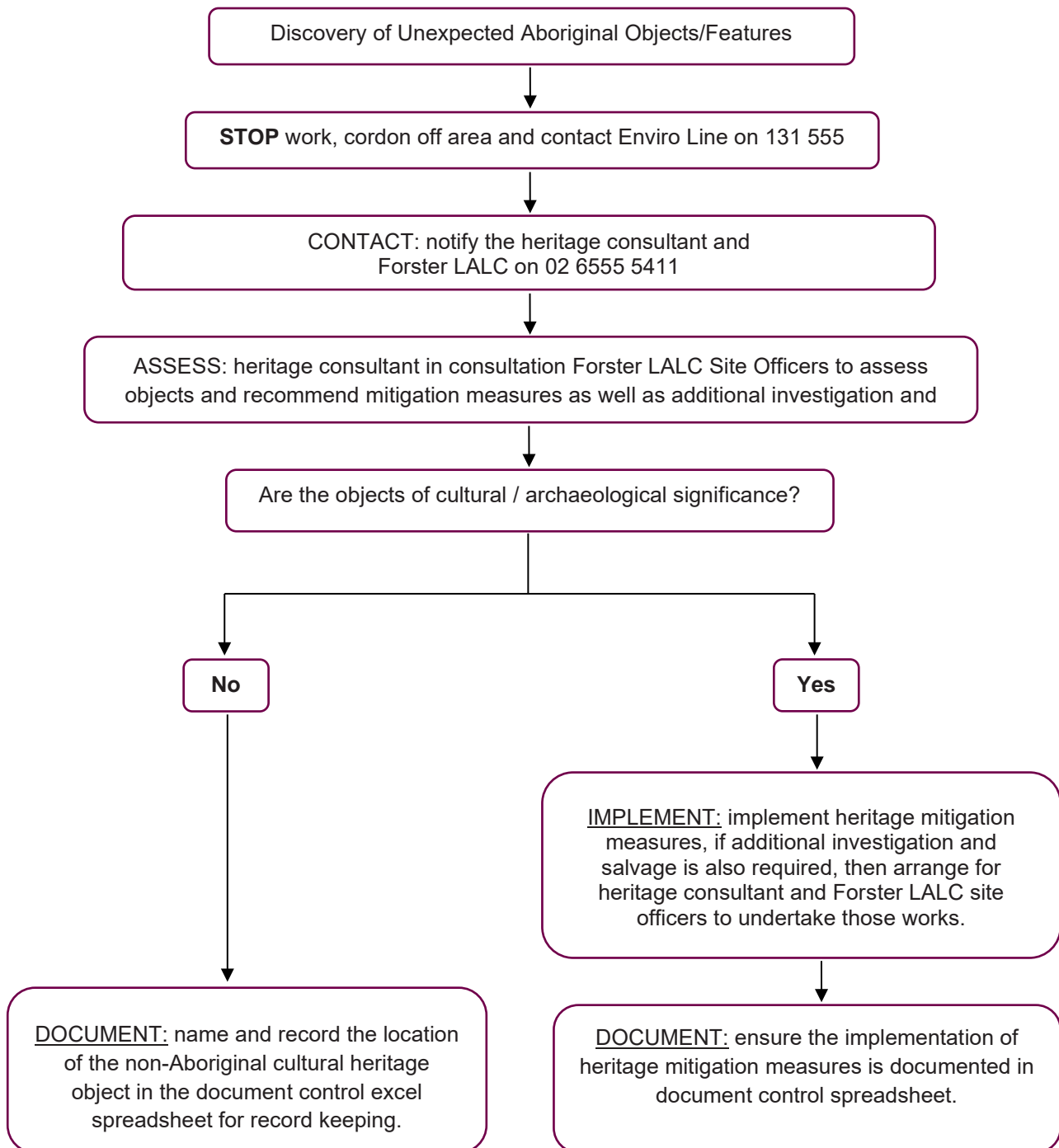
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Appendix D

Unexpected Finds

UNEXPECTED FINDS PROCEDURE FOR ABORIGINAL OBJECTS ENCOUNTERED DURING SITE WORKS



UNEXPECTED FINDS PROCEDURE FOR DISCOVERY OF HUMAN SKELETAL REMAINS

Human skeletal remains are of the highest importance to Aboriginal peoples and all care, caution, respect and dignity will be utilised by all parties should such remains be discovered.

