
ANNEXURE I

Cultural and Heritage Management Plan



Aboriginal Cultural Heritage Management Plan

Settlers Ridge, South West Rocks, NSW

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Document Status

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Summary

RPS has been commissioned by Planners North to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the proposed development of Lots 31 and 223, DP754396 and Lot 57 DP1117398, Steve Eagleton Drive, South West Rocks, NSW. The proposed development is known as Settlers Ridge and will incorporate a 137 lot residential subdivision.

On 25 July 2013 a Concept Plan Approval under Section 75O of the Environmental Planning and Assessment Act 1979 was granted by the NSW Department of Planning and Infrastructure. A number of Concept Approval Conditions must be met and this includes Condition C12, a requirement for a Cultural Heritage Management Plan for a tree identified as being of special Aboriginal heritage significance, recorded on the Office of Environment and Heritage Aboriginal Heritage Information System database as AHIMS# 22-4-0135.

This document has been developed to manage Aboriginal Cultural Heritage within the proposed development area as stipulated in the Concept Plan Approval Application (10-0103). The Project Area is located within the Kempsey Local Government Area and is administered by the Kempsey Shire Council.

This document is intended to provide guidance for the management of Aboriginal heritage within the Project Area both during construction and into the future. This ACHMP applies to the entire Project Area. For the practical management of Aboriginal heritage, a clear outline of roles and responsibilities is provided along with operational flow charts to be used by Land Managers and contractors who may need to access, or conduct works, within the Project Area.

This ACHMP has been produced in consultation with the registered Aboriginal parties that have expressed an interest in the project. This consultation is ongoing from the original cultural heritage investigation of the area conducted in accordance with *the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Terms, Definitions & Abbreviations

Abbreviation/ Term	Meaning
Aboriginal Object	"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" (DECCW 2010:18).
Aboriginal Place	"A place declared under s.84 of the NPW Act that, in the opinion of the Minister, is or was of special significance to Aboriginal culture" (DECCW 2010:18). Aboriginal places are gazetted by the minister.
ACHCR	Aboriginal Cultural Heritage Consultation Requirements for Proponents
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 EP&A Act 1979).
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
DECCW	Department of Environment, Climate Change and Water (is now the Office of Environment and Heritage – OEH)
DoPI	Department of Planning and Infrastructure (from April 2011) previously known as Department of Planning (DoP)
EP&A Act	NSW Environmental Planning and Assessment Act 1979
Harm	"Destroy, deface, damage an object, move an object from the land on which it is situated, cause or permit an object to be harmed." (DECCW 2010:18)
LALC	Local Aboriginal Land Council
LGA	Local Government Area
NPW Act	NSW National Parks and Wildlife Act 1974 (administered by OEH)
NPW Regulation	NSW National Parks and Wildlife Regulation 2009 (administered by OEH)
NPWS	National Parks and Wildlife Service
OEH	Office of Environment and Heritage (formerly DECCW)
Project Area	Project Area is used in this report to mean the same as the subject area to the proposed activity

I.0 Introduction

In September 2013, RPS was commissioned by Planners North to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the proposed Settlers Ridge development. The requirement for the ACHMP stems from RPS submitting a Cultural Heritage Assessment Report – South West Rocks (RPS 2011) that included the identification of an Aboriginal culturally modified tree. Following on from this assessment, on 25 July 2013 a conditional Concept Plan Approval under Section 75O of the Environmental Planning and Assessment Act 1979 was granted by the NSW Department of Planning and Infrastructure.

I.1 Overview

This ACHMP applies to the proposed development of Lots 31 and 223, DP754396 and Lot 57 DP1117398, Steve Eagleton Drive, South West Rocks, NSW (the Project Area) (**Figure 1**).

The Project Area is south of South West Rocks, NSW within the Kempsey Local Government Area (KLGA) and administered by the Kempsey Shire Council (KSC).

On 30 March 2011 a cultural heritage survey was conducted over an area south of South West Rocks under consideration for a residential subdivision to be known as Settlers Ridge. That survey conducted in conjunction with representatives from Kempsey Local Aboriginal Land Council located one Aboriginal cultural heritage object, a culturally scarred tree. In accordance with Office of Environment and Heritage requirements the tree was registered on the Aboriginal Heritage Information Management System (AHIMS) as AHIMS# 22-4-0135.

Following submission of an environmental assessment report the Concept Plan Approval for this project was granted under Section 75O of the *Environmental Planning & Assessment Act 1979* on 25 July 2013. A condition of the Concept Plan Approval was that a number of conditions, including the submission of an Aboriginal Cultural Heritage Management Plan (ACHMP), be met.

I.2 Purpose

This ACHMP is intended to provide guidance for the management of Aboriginal heritage within the Project Area for activities before construction commences, during works and until development completion. For the practical management of Aboriginal heritage a clear outline of roles and responsibilities is provided along with operational flow charts to be used by Land Managers and contractors who may need to access, or conduct works within the Project Area.

This document has been prepared in order to effectively manage Aboriginal cultural heritage resources within the Project Area. Heritage protocol flow charts for implementation by Land Managers and onsite personnel have also been prepared.

I.3 Scope

The ACHMP remains the heritage management document for the area identified until such time as the practical completion of the development. The ongoing management of the previously recorded site AHIMS # 22-4-0135 is incorporated in to the document. It is noted that the tree is to be retained and managed as part of a park.

In accordance with the Department of Planning and Infrastructure Concept Plan Approval Conditions (C12) and the Director-General's Environmental Assessment Report there are a number of mandatory heritage management protocols that must be implemented.

Table 1 Departmental Requirements

Agency	Requirement	Corresponding section of this report
Department of Planning and Infrastructure	ACHMP be prepared by a suitably qualified person in consultation with OEH.	Section 1.5
	Incorporate recommendations in the RPS Cultural Heritage Assessment Report.	Section 4.0
	Outline any proposed management actions for land within the sectioned off area of RPS SWR 1 (AHIMS #22-4-0135).	Section 4.0
OEH Director General's Environmental Assessment Report	Consult with and involve all registered Aboriginal representatives in the ongoing management of Aboriginal cultural heritage values.	Section 4.0
	Halt all works in immediate area should ground disturbance identify any new Aboriginal object(s), with a suitably qualified cultural heritage specialist and representatives of the Aboriginal community contacted to determine significance.	Section 6.1 and Figure 3
	Halt all works if human remains are located with no action undertaken until NSW Police have provided written notification. If remains are indentified as Aboriginal, the proponents must contact OEH and registered Aboriginal representatives.	Section 6.2 and Figure 4
	Develop an Aboriginal Cultural Education Induction Program for induction of all personnel and contractors.	Section 5.1

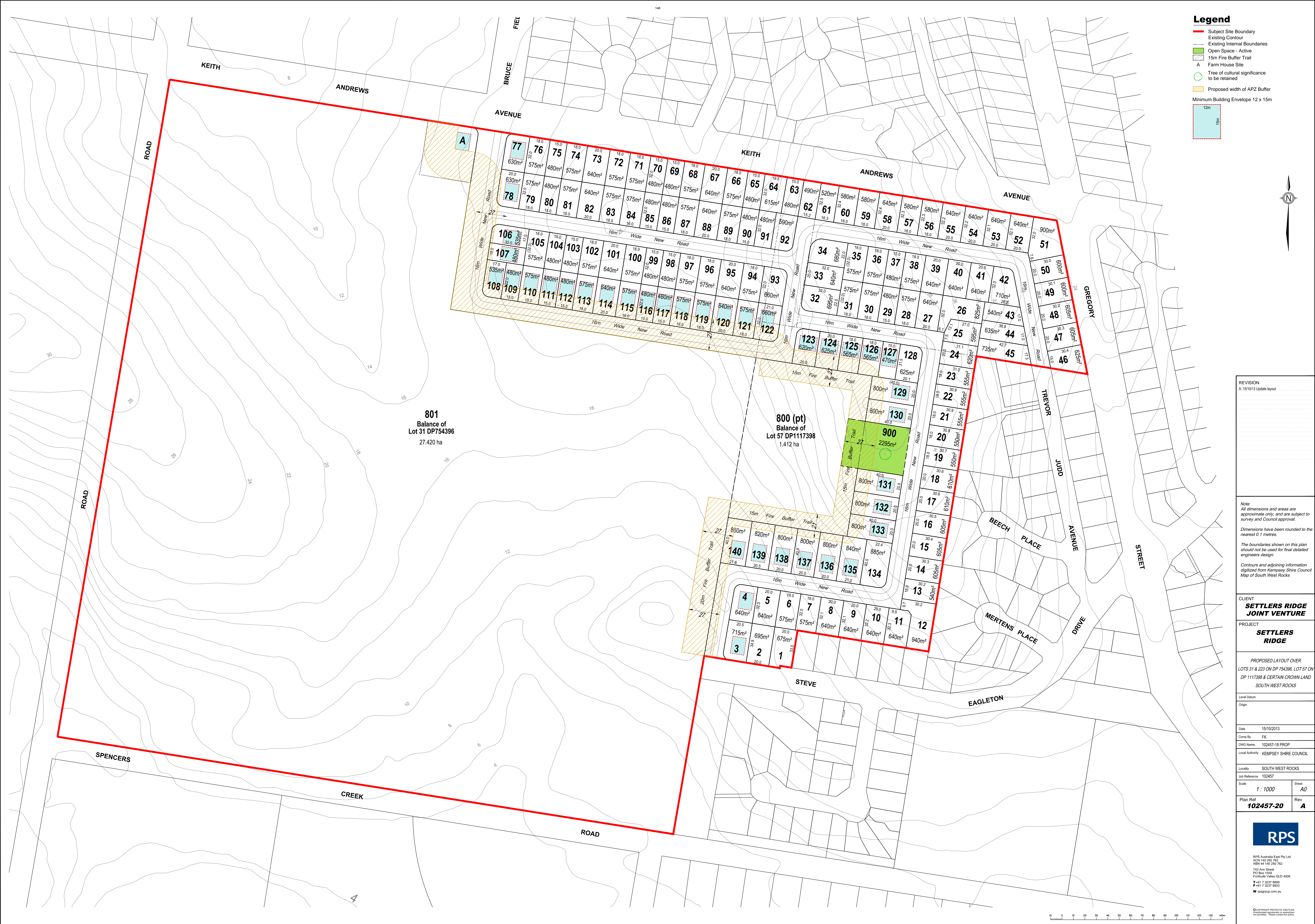
1.4 Intended Land Use

The development is planned as a 137 residential lot subdivision that includes active open space, on-site and off-site biodiversity offsetting and roadways.

It is intended that the previously recorded Aboriginal AHIMS# 22-4-0135 be avoided with the site, a culturally modified tree forming part of a park to service the residential subdivision.

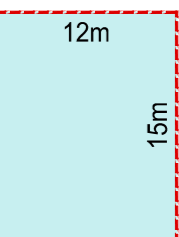
1.5 Authorship

This management plan has been prepared by Laraine Nelson, Senior Cultural Heritage Consultant, RPS and reviewed by Darrell Rigby, Regional Cultural Heritage Manager, RPS. The OEH has been consulted throughout, including during the consultation process and pertaining to advice in the retention of AHIMS# 22-4-0135.



Legend

- Subject Site Boundary
- Existing Contour
- Existing Internal Boundaries
- Open Space - Active
- 15m Fire Buffer Trail
- Farm House Site
- A
- Tree of cultural significance to be retained
- Proposed width of APZ Buffer
- Minimum Building Envelope 12 x 15m



REVISION
A: 15/10/13 Update layout

Note
All dimensions and areas are approximate only, and are subject to survey and Council approval.
Dimensions have been rounded to the nearest 0.1 metres.
The boundaries shown on this plan should not be used for final detailed engineers design.
Contours and adjoining information digitized from Kempsey Shire Council Map of South West Rocks

CLIENT
**SETTLERS RIDGE
JOINT VENTURE**

PROJECT
**SETTLERS
RIDGE**

PROPOSED LAYOUT OVER
LOTS 31 & 223 ON DP 754396, LOT 57 ON
DP 1117398 & CERTAIN CROWN LAND
SOUTH WEST ROCKS

Level Datum
Origin

Date 15/10/2013
Comp By FX
DWG Name 102457-18 PROP
Local Authority KEMPSEY SHIRE COUNCIL

Locality SOUTH WEST ROCKS
Job Reference 102457

Scale 1 : 1000 Sheet A0

Plan Ref 102457-20 Rev A



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2.0 Legislative Context

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

Aboriginal heritage (places, sites and objects) in NSW are protected by the *National Parks and Wildlife Act 1974* which is overseen by the Office of Environment and Heritage (OEH) (formerly Department of Environment, Climate Change and Water (DECCW)), now a part of the Department of Premier and Cabinet. The *Environmental Planning and Assessment Act (1979)*, overseen by the Department of Planning and Infrastructure, along with other environmental planning instruments, trigger the requirement for the investigation and assessment of Aboriginal heritage as part of the development approval process.

2.1.1 *National Parks and Wildlife Act 1974*

The NSW Government is working toward standalone legislation to protect Aboriginal cultural heritage which will be a significant reform for NSW. The first stage of this work has been completed and includes significant changes to the primary state legislation relating to Aboriginal cultural heritage in NSW (*National Parks and Wildlife Act 1974*) (NPW Act).

Changes to the NPW Act made effective on 1 October 2010 include:

- increased penalties for Aboriginal heritage offences, in some cases from \$22,000 to up to \$1.1 million in the case of companies who do not comply with the legislation;
- provisions so that companies or individuals cannot claim 'no knowledge' in cases of serious harm to Aboriginal heritage places and objects by creating new strict liability offences under the Act;
- remediation provisions to ensure people who illegally harm significant Aboriginal sites are forced to repair the damage, without need for a court order;
- unified Aboriginal heritage permits into a single, more flexible permit; and,
- strengthened offences around breaches of Aboriginal heritage permit conditions.

2.1.2 *Environmental Planning & Assessment Act 1979 (EP&A Act)*

This Act regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Assessment documents prepared to meet the requirements of the *EP&A Act 1979* including Reviews of Environmental Factors (REF), Environmental Impact Statements (EIS) and Environmental Impact Assessments (EIA) should address Aboriginal heritage, and planning documents such as Local Environment Plans (LEP) and Regional Environmental Plans (REP) typically contain provisions for Aboriginal heritage where relevant. This project has been approved under Section 75O and pursuant to Part 3A of the *EP&A Act 1979*.

3.0 Aboriginal Community Involvement

3.1 The Aboriginal Cultural Heritage Consultation Requirements (ACHCRs)

The ACHCRs include a four stage Aboriginal consultation process that was adhered to during the original consultation/field survey/ Cultural Heritage Assessment Report. At that time the Expression of Interest letters were sent to the Aboriginal parties listed in **Table 1**. Four groups, the Registered Aboriginal Parties (**Table 2**) responded. Greg Blair and Craig Smith, Sites Officers representing Kempsey Local Aboriginal Land Council (Kempsey LALC) participated in the area survey on 30 March 2011. All Registered Aboriginal Parties were provided with copies of the resulting Cultural Heritage Assessment report and asked to provide comment. No comments were forthcoming. The process is fully documented in the RPS South West Rocks Cultural Heritage Assessment (August 2012).

Table 2 Recipients – Request for Expression of Interest Letters

Organisation	Name of Representative	Date EOI sent
Guri Wa Ngundagar Aboriginal Corporation	Noel Lockwood	12 January 2011
Pandanus People Inc	Shirley Doyle	12 January 2011
Nulla Nulla Boongutti Aboriginal Corporation	Mervyn Cohen	12 January 2011
Djigay Student Association	Arthur Kelly	12 January 2011
Dunghutti Elders Council Aboriginal Corporation	Board of Directors	12 January 2011
Mirriwinni Gardens Aboriginal Academy	Fay Oliver	12 January 2011
Goori Galbans Aboriginal Corporation	Madeline Donovan	12 January 2011
Booroongen Djugun Aboriginal Corporation	Garry Morris	12 January 2011
Benelongs Haven Limited	Val Carroll	12 January 2011
South Kempsey Aboriginal Men's Group Aboriginal Corporation	Raymond Donovan	12 January 2011

Table 3 Registered Aboriginal Parties

Organisation	Name of Representative	Date EOI sent
Kempsey Local Aboriginal Land Council	Jo-Anne Kelly	6/01/2011
Pandanus People Inc	Shirley Doyle	21/01/2011
Nulla Nulla Boongutti Aboriginal Corporation	Mervyn Cohen	21/01/2011
Dunghutti Elders Council Aboriginal Corporation	Board of Directors	25/01/2011

3.2 ACHMP Consultation

On 23 September 2013 Jo-Anne Kelly, CEO Kempsey LALC was advised that a Cultural Heritage Management Plan was being produced for AHIMS# 22-4-0135. A request was made that Greg Blair and Craig Smith, who had represented Kempsey LALC in the field survey that identified AHIMS# 22-4-0135, attend an on-site meeting.

3.2.1 Inspection of AHIMS# 22-4-0135

An inspection of the culturally scarred tree was conducted on 9 October 2013 by Greg Blair and Craig Smith (representing Kempsey LALC) in conjunction with David Tooby, Landscape Architect (King + Campbell), Alex Dodd, Arborist (Alex's Vegetation) and Laraine Nelson, Senior Cultural Heritage Consultant (RPS).

David Tooby requested advice from Kempsey LALC representatives on whether the community approved of the tree being retained in its current position and identified as being culturally modified by Aboriginal people.

Greg Blair and Craig Smith agreed that the cultural significance of the tree should be publicly demonstrated through its retention in the park and indicated they would like to see an information board about culturally modified trees also in place.

Alex Dodd provided advice on the integrity of the tree from a safety perspective. He considered the tree, while dead, was not in immediate danger of failing. However he considered an area around the tree encompassing the failure impact area should be cordoned off through appropriate plantings and barriers. Mr Dodd also suggested that just prior to works commencing on the park the tree be inspected again to confirm the findings of this investigation.

All those present agreed with this comment.

Greg Blair, Craig Smith, David Tooby and Alex Dodd identified a number of trees that if possible should be retained to provide support and context for AHIMS# 22-4-0135. At the end of the meeting David Tooby provided an overview of the concept for the park that was agreed to by the Kempsey LALC representatives.

3.2.2 Consultation

A draft of this ACHMP was forwarded to the Registered Aboriginal Parties on 1 November 2013 with a request for comments by the 15 November 2013. No responses were received by that date. A series of phone calls were made on 25 November 2013 to all Registered Aboriginal Parties requesting comment and where possible emails were also forwarded. As no response was received further phone calls were made and emails sent on 27 November. At the time of finalising the report no responses had been elicited or received.

The Registered Aboriginal Party correspondence log for the ACHMP can be found at Appendix 3.

4.0 AHIMS #22-4-0135 - Aboriginal Culturally Modified Tree

The site card produced for recording AHIMS #22-4-0135, the Aboriginal culturally modified tree can be found at **Appendix 1**.

The tree is described as a *Eucalyptus Pilularis* (Blackbutt) (**Appendix 2**). It is estimated the tree is around 15 metres high with circumference at the base of 4.73 metres (**Plates 1 to 4**).

The tree was inspected again on the 9 October 2013. The tree is dead however the Kempsey LALC representatives, Alex Dodd and David Tooby agreed that the tree was sufficiently sound to be incorporated into a park with the provision that an adequate buffer be placed around it as a safety measure in the instance the tree fails.

The Arborist has recommended the tree be re-assessed prior to any works commencing in its vicinity.

4.1 AHIMS #22-4-0135 - Management

In accordance with the Department of Planning and Infrastructure Concept Plan Approval Conditions (C12) and the Director-General's Environmental Assessment Report a landscape plan has been devised to assist in the retention of AHIMS #22-4-0135, the culturally modified tree.

The successful management of the tree is dependent on the retention of an area around it sufficient to guard against inadvertent impact. This includes the retention of some surrounding trees that will provide a buffer against winds.

The Landscape Architect in conjunction with advice from the Arborist and the representatives from Kempsey LALC established an area around the tree and identified a number of trees that will contribute to its integrity.

In addition a landscape plan incorporating AHIMS #22-4-0135 as part of a larger park has been developed (Figure 2).

4.2 AHIMS #22-4-0135- Interpretative Sign

During the consultation meeting on 9 October 2013 the Aboriginal representatives expressed a wish that the Aboriginal culturally modified tree AHIMS #22-4-0135 should be identified with an appropriate sign. This sign should be descriptive and provide an interpretation of why trees were modified by Aboriginal people.

The following is an example of text that may be suitable:

Aboriginal people culturally modified trees by deliberately removing bark for a variety of purposes. Bark from trees such as this one may have been used for containers or shields. Bark was also used to make canoes and shelters. Culturally modified trees are now rarely found as previous land clearing practises and advancing age has reduced their numbers.

Investigations could also be made into incorporating an historic photograph of Aboriginal people extracting bark from a tree.



Plate 1 Detail AHIMS #22-4-0135



Plate 2 AHIMS #22-4-0135



Plate 3 Looking north west to AHIMS #22-4-0135



Plate 4 Greg Blair (Kempsey LALC) & Alex Dodds

5.0 Heritage Management Protocols

This section outlines the heritage management protocols that are required for the proposed development. They draw on the findings of the Cultural Heritage Assessment Report, the recent site visit and the requirements of the Concept Plan Approval and OEH Director General's Environmental Assessment Report. It is the responsibility of the Land Manager to ensure these protocols are implemented; an outline of the roles and responsibilities are provided in Section 7.0.

5.1 Aboriginal cultural heritage inductions

Aboriginal cultural heritage inductions will be required for all on-site personnel during any ground disturbing works for the duration of the development. The content of the induction programme should be developed in conjunction with Kempsey LALC. It will include, but not be limited to, a discussion of:

- The content of this ACHMP;
- New South Wales and Commonwealth heritage related legislation;
- What is cultural significance;
- "No-go" areas of the Project Area and adjacent lands; and,
- Penalties for causing harm to cultural heritage.

The induction will not exceed 60 minutes in length. Attendees will acknowledge participation and understanding of the content of the induction by signing an attendance sheet. A list of attendees will be maintained by the Land Manager to ensure all required personnel have participated in the Aboriginal cultural heritage induction.

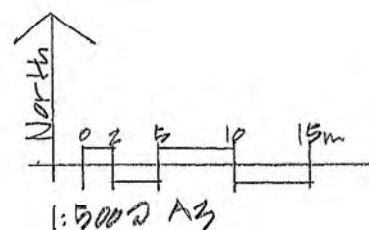
5.2 Avoidance and management of AHIMS 22-4-0135

It has been agreed that construction works will not impact this site.

Prior to the commencement of construction work at the Project Area, the Aboriginal culturally modified tree (AHIMS #22-4-0135) should be appropriately fenced and avoided by all on-site personnel and their associated ancillary equipment (including vehicles). An example of appropriate high visibility fencing is shown in **Plate 5** below. This fencing should be erected to incorporate at the minimum the area shown in **Figure 2**.



Plate 5 Example of High Visibility Protective Fencing



Managed landscape
in Asset Protection
Zone - Isolated existing
trees retained in
mown grass area.

Timber bench seat

Softfall area

Swing - refer
to image

Playset - refer
to image

Edge planting
against property
boundary

- *Lomandra*
Katrinns



Playset
(ORB4-1003 by Forpark
Australia may be considered)



Swingset
(Post Swing by Forpark
Australia may be considered)

16m wide road

153

127

21

20

19

18

128

Mown grass

Existing trees retained as
wind buffer to 'Scarred Tree'

Ground plane planting and
existing fallen limbs and
rocks retained as physical
buffer to 'Scarred Tree'

'Scarred Tree'

Interpretive - signage - telling
the story of the 'Scarred
Tree'

Ground plane plant species
to be used around the base
of the 'Scarred Tree' as
physical buffer

- *Gahnia clarkii* (tall sawsedge)
 - *Lomandra longifolia* (matt rush)
 - *Xanthorrhoea* sp. (grass tree)
 - *Cytisus racemosus* (yellow broom)
- Plant at 3 plants
per m²
- May be transplanted from
disturbed areas of the site



'Scarred Tree' with fallen branches in
foreground - A physical planting buffer
is to be established around the base of
the tree, keeping in place the fallen
branches and rocks - refer to plan.

KING + CAMPBELL

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01	09.10.13	ISSUED FOR INFORMATION

DATUM: AHD SCALE: AS SHOWN

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PROJECT NO:	5683	DRAWING TITLE:	OPEN SPACE LANDSCAPE CONCEPT PLAN
DA NO:		PROJECT:	LOTS 31 & 223 ON DP 754396, LOT 57 ON DP 1117398 & CERTAIN CROWN LAND SOUTH WEST ROCKS
DESIGNED BY:	DT	CLIENT:	SETTLERS RIDGE JOINT VENTURE
DRAWN BY:	HQ	DRAWING NO:	5683L_Concept Plan.psd
CHECKED BY:	DT	SHEET:	1
DATE CREATED:	OCT 2013	REVISION:	

6.0 Heritage Contingency Protocols

The previous section of this ACHMP has outlined the protocols to be followed for the known heritage sites in the vicinity of the Project Area. This section outlines the heritage contingency procedures that have been developed for unexpected finds; it includes procedures for unexpected Aboriginal objects, the discovery of human remains and unexpected historic objects.

6.1 Heritage contingency protocol for unexpected Aboriginal objects

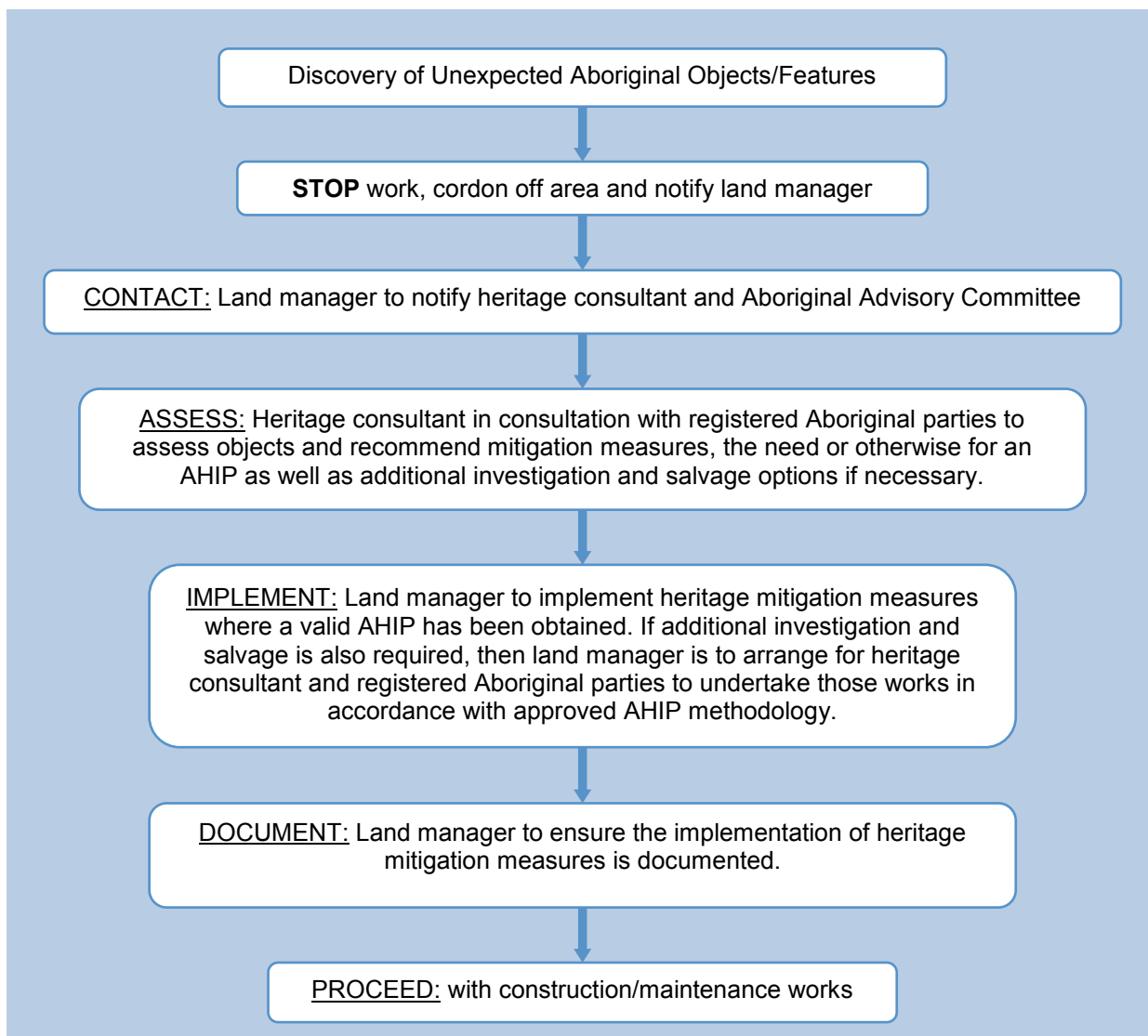
Heritage contingency protocols for unexpected Aboriginal objects that are found in the Project Area during construction are outlined in **Figure 3**, below. Should unexpected Aboriginal objects/features be encountered, work must stop immediately and the area cordoned off with a high visibility barrier such as that shown in **Plate 5**. The Land Manager is to be notified of the situation as soon as possible.

The Land Manager should then contact the heritage consultant and Registered Aboriginal Parties. The heritage consultant, in consultation with the Registered Aboriginal Parties, is to assess the object(s) and recommend appropriate mitigation measures.

The Land Manager may implement reasonable heritage mitigation measures that are recommended by the heritage consultant. If additional investigation and salvage is recommended, the Land Manager may arrange for the heritage consultant and registered Aboriginal parties to undertake those works. The Land Manager will document the implementation of any heritage mitigation measures agreed to and completed.

Provided that these heritage contingency protocols have been followed, construction/maintenance works within the Project Area may proceed.

Figure 3 Heritage contingency protocol for unexpected Aboriginal objects/features encountered during construction works



6.2 Heritage contingency protocol for discovery of human skeletal remains

Human skeletal remains are of the highest importance to Aboriginal peoples and all care, caution, respect and dignity must be adhered to should such remains be discovered.

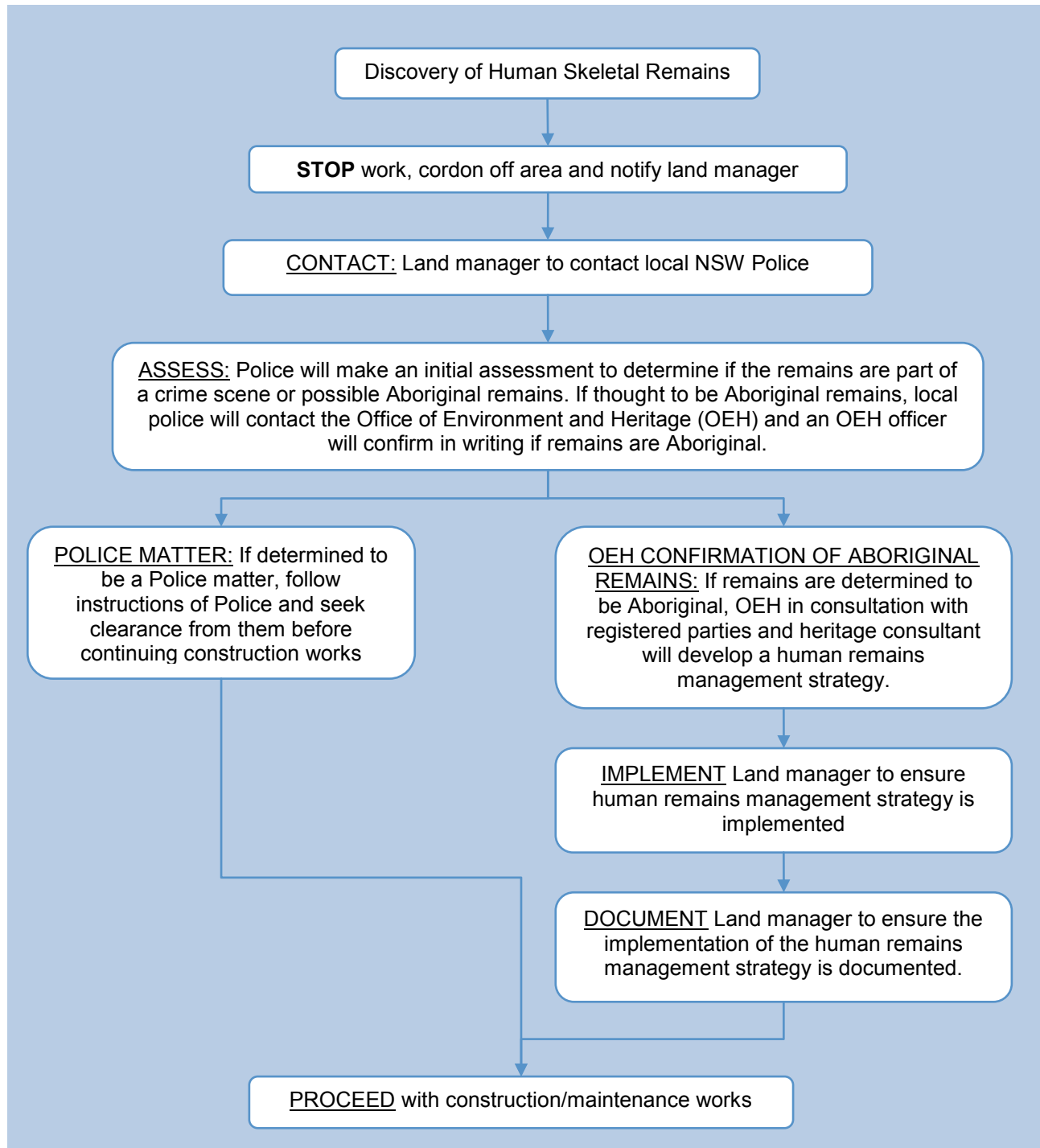
Where human skeletal remains are discovered within the Project Area the NSW Government sanctioned process for the reporting and management of skeletal remains will be implemented. Heritage contingency protocols for the discovery of human skeletal remains during construction are outlined **Figure 4**, below. Should any clearly identifiable human remains or possible human remains be encountered, work must stop immediately, the area cordoned off with a high visibility barrier such as that shown in Plate 5. The Land Manager is to be notified of the situation as soon as possible.

The Land Manager is to contact the local NSW Police, who will then assess whether the remains are part of a crime scene, or possible Aboriginal remains. If determined by police to be Aboriginal remains, the Police will contact OEH and an OEH officer will confirm the determination in writing. If determined to be a Police matter, Police instructions are to be followed. Clearance to recommence construction works should be sought directly from the Police.

If OEH confirms that the remains are Aboriginal, OEH (in consultation with registered Aboriginal parties and the heritage consultant) will develop a human remains management strategy. The Land Manager is to ensure that this strategy is implemented, and must document its implementation.

Provided that these heritage contingency protocols have been followed, construction/maintenance works within the Project Area may proceed.

Figure 4 Heritage contingency protocol for discovery of skeletal remains



6.3 Contingency for Historic Heritage

In addition to the protocols for previously unidentified Aboriginal archaeological material, the following historic heritage contingency protocol must also be followed during construction works within the Project Area:

If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment and Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed and the relevant permits are in place.

7.0 Roles and Responsibilities

This section defines the roles of persons associated with the implementation of this ACHMP, as well as their responsibilities under this ACHMP.

7.1 Land Manager

7.1.1 Definition

The person nominated by the land owner, or equivalent, to manage the lands within the Project Area. For the purposes of this ACHMP the Land Manager is the on-site supervisor.

7.1.2 Responsibilities

- Read, understand, implement and ensure the practical application of this ACHMP. Any queries should be directed to the heritage consultant, in this case, RPS;
- Follow instructions outlined in flow charts under the Heritage Management Protocols section of this ACHMP;
- Be the point of contact for all onsite personnel and maintain a list of all onsite personnel;
- Ensure that all onsite personnel understand their responsibilities in this ACHMP by means of the heritage induction, provide a copy of this ACHMP for use onsite and maintain a list of onsite personnel who have attended the heritage induction/s;
- Be aware that there is an immediate **STOP WORK** requirement for some situations outlined in the Heritage Management Protocols, and ensure that onsite personnel have the necessary procedures in place, and equipment available, to secure the area in such situations;
- Contact organisations and individuals where required under the Heritage Management Protocols. This may include, but is not exclusive to, government authorities, heritage consultants and the registered Aboriginal parties to this ACHMP;
- Maintain a contact list for organisations and individuals who may need to be contacted under this ACHMP; and
- Ensure the ACHMP is updated if and as required until the practical completion of works.

7.2 Onsite Personnel

7.2.1 Definition

Any individual undertaking works in the development area subject to this ACHMP under the relevant DA.

7.2.2 Responsibilities

- Undertake the Aboriginal cultural heritage induction;
- Read and understand this ACHMP and direct any queries to the Land Manager as appropriate and as required under the provisions of this ACHMP;
- Follow instructions outlined in flow charts under the Heritage Management Protocols section of this ACHMP; and

- Be aware that there is an immediate **STOP WORK** requirement for some situations outlined in the Heritage Management Protocols.

7.3 Registered Aboriginal Parties

7.3.1 Definition

Person, or persons, of Aboriginal descent who have registered as holders of traditional knowledge in the Project Area as part of the original consultation/field survey Cultural Heritage Assessment Report – South West Rocks (RPS 2011). The registered Aboriginal parties are listed in Table 4 above.

Table 4 Registered Aboriginal Parties – Contact Details

Registered Aboriginal Party	Contact	Phone	Email/ Address
Kempsey Local Aboriginal Land Council	Jo-Anne Kelly (CEO)	0265628688	klalc_ceo@bigpond.com 8/1 John Street Kempsey NSW 2440
Pandanus People Inc	Shirley Doyle	0265666893	1 Mayta Moran Close Fig Tree Reserve South West Rocks NSW 2431
Nulla Nulla Boongutti Aboriginal Corporation	Mervyn Cohen	0265672137	C/- Willawarren Post Office Via Kempsey NSW 2440
Dunghutti Elders Council Aboriginal Corporation	Ngaire Mathews (CEO)	0265622855	admin@decac.com.au 17-23 South St South Kempsey NSW 2440

7.3.2 Responsibilities

- Provide advice on Aboriginal cultural heritage issues in a timely manner; and
- Assist in the identification of cultural heritage sites, as necessary.

7.4 Heritage Consultant

7.4.1 Definition

An individual engaged by the Land Manager who possesses the appropriate technical qualifications and experience to undertake the heritage assessment and management activities required for the ongoing implementation of the provisions of this ACHMP.

7.4.2 Responsibilities

- Assist the Land Manager with the implementation of this ACHMP, as required
- Undertake the assessment and recording of any new sites identified within the Project Area in accordance with the provisions of this ACHMP;
- Assist with the project heritage induction, if requested.
- Provide advice and assistance to the Land Manager with the review and amendment of this ACHMP as required; and
- Liaise with the Registered Aboriginal Parties, as appropriate.

7.5 Arborist

7.5.1 Definition

An individual engaged by the Land Manager who possesses the appropriate technical qualifications and experience to undertake the assessment and management activities required for the management of AHIMS #22-4-0135, the culturally modified tree.

7.5.2 Responsibilities

- Assist the Land Manager with the implementation of this ACHMP, as required, with regard AHIMS #22-4-0135;
- Undertake the assessment of AHIMS #22-4-0135 in accordance with the provisions of this ACHMP; and
- Provide advice and assistance to the Land Manager with regards AHIMS #22-4-0135.

7.6 Landscape Architect

7.6.1 Definition

An individual engaged by the Land Manager who possesses the appropriate technical qualifications and experience to undertake the production of a landscape plan that will assist in retention and protection of AHIMS #22-4-0135, the culturally modified tree.

7.6.2 Responsibilities

- Assist the Land Manager with the implementation of this ACHMP, as required, with regard the landscaping of the park that incorporate AHIMS #22-4-0135; and
- Provide advice and assistance to the Land Manager with regard the landscaping of the park that incorporate AHIMS #22-4-0135.

8.0 Conclusion

This document has been prepared as a guiding document for the management of AHIMS site 22-4-0135, a culturally scarred tree. In addition this document has protocols contained within it for the general protection of all Aboriginal heritage within the Settlers Ridge Project Area until practical completion of the development.

9.0 References

Department of Environment, Climate Change and Water (2010) *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

RPS (2011). Cultural Heritage Assessment - South West Rocks, SJ Connelly CPP Pty Ltd.

Appendix I

Site Card: AHIMS # 22-4-0135

page 2

165

General Site Information

166

Closed Site

Shelter/Cave Formation

- ☐ Boulder
☐ Wind erosion
☐ Water erosion
☐ Rock collapse

Rock Surface Condition

- ☐ Boulder
☐ Sandstone platform
☐ Silica gloss
☐ Tessellated
☐ Weathered
☐ Other platform

Open Site

Site Orientation

- ☐ N-S
☐ NE-SW
☐ E-W
☐ SE-NW
☐ N/A

Condition of Ceiling

- ☐ Boulder
☐ Sandstone platform
☐ Silica gloss
☐ Tessellated
☐ Weathered
☐ Other platform

Shelter Aspect

- ☐ North
☐ North East
☐ East
☐ South East
☐ South
☐ South West
☐ West
☐ North West

Features

- ☐ 1. Aboriginal Ceremony & Dreaming
☐ 2. Aboriginal Resource & Gathering
☐ 3. Art
☐ 4. Artefact
☐ 5. Burial
☐ 6. Ceremonial Ring
☐ 7. Conflict
☐ 8. Earth Mound
☐ 9. Fish Trap
☐ 10. Grinding Groove
☐ 11. Habitation Structure
☐ 12. Hearth
☐ 13. Non Human Bone & Organic Material
☐ 14. Ochre quarry
☐ 15. Potential Archaeological Deposit
☐ 16. Stone Quarry
☐ 17. Shell
☐ 18. Stone Arrangement
☒ 19. Modified Tree
☐ 20. Water Hole

Site Plan Indicate scale, boundaries of site, features



Site Dimensions

Closed Site Dimensions (m)

- Internal length
 Internal width
 Shelter height
 Shelter floor area

Open Site Dimensions (m)

- Total length of visible site
 Average width of visible site
 Estimated area of visible site
 Length of assessed site area

[illegible]

Site Cultural & Scientific Analysis and Preliminary Management Recommendations

[illegible]

Endorsed by: ☐ Knowledge Holder ☐ Nominated Trustee ☐ Native Title Holder ☐ Community Consensus

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[illegible][illegible]

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[illegible][illegible][illegible][illegible]

<input type="checkbox"/>	A4 location map
<input type="checkbox"/>	B/W photographs
<input type="checkbox"/>	Colour photographs
<input type="checkbox"/>	Slides
<input type="checkbox"/>	Aerial photographs
<input type="checkbox"/>	Site plans, drawings
<input type="checkbox"/>	Recording tables
<input type="checkbox"/>	Other
<input type="checkbox"/>	Feature inserts-No.

[illegible]

Site I.D.

First recorded date

No. of instances

Recorded by

Site Name

RPS SWR 1

Importance

18 cannot be presently determined

Aboriginal Information Recorded?

No

Feature description

No. of scars

1

No. of carved panels

Feature Condition

Very good

Good

Poor

Easting

503796

Condition

Weathered

Ringbarked

Fire damage

Vehicle damage

Insects/termites

Rot

Limb fall

Stock damage

Northing

6581015

Recommended Action

Fencing

Closure to public

Continued inspection

Expert assessment

Fire hazard reduction

Insect removal

Meeting with land manager

Rubbish removal

Signage

Tree health assessment

Track closure/re-routing

Additional recording

Feature environment (Complete when feature environment differs to site environment, use attributes from cover card, page 2)

UNDULATING PLAIN

UPPER SLOPE

1-15deg

OPEN FOREST

urban expansion

Land form

Land form unit

Slope

Vegetation

Land use

Water

Distance to permanent water source

1,000

metres

Distance to temporary water source

100

metres

Name of nearest permanent water source

Spencer Creek

Name of nearest temporary water

unnamed

Feature Location Plan



Scar/Carved Panel Drawing



Appendix 2

Arborist Report

Location: Settlers Ridge

09/10/2013

South west rocks

Off Steve Eagleton dr.

Tree: Eucalyptus Pilularis

Common Name: Blackbutt

For Culturally scarred dead tree to be best retained and in best means for public safety there should be a protection zone around the specimen e.g. Fence.

Also with retaining, as many safe Structural tree's surrounding the specimen, Will help protect the habitat tree from failure in a wind or storm event.

This Tree will need to be re-assessed prior in works beginning around Specimen for more accurate Guidelines for safety with Public Park being built, As the tree is dead, the Top, Canopy may change dramatically. I have attached photo's below showing this.

Height Approximately: 15m

DBH Diameter at Breast Height: 152

Alex Dodds

ALEX'S VEGETATION.

Fully Qualified Horticulturist, Arborist And Landscaper.





Appendix 3

Registered Aboriginal Party Correspondence

Registered Aboriginal Party	Contact	Phone	Details
Kempsey Local Aboriginal Land Council	Jo-Anne Kelly (CEO)	0265628688	<ul style="list-style-type: none"> Report mailed: 1 November 2013 with response requested by 15 November. Phone call to Kempsey LALC on 25 November 2013 spoke to Sue Bierhuizen. Jo-Anne Kelly away from office this week On advice from Sue an email was sent to Jo-Anne requesting comment. 2nd email sent to 27 November 2013 advising of need to finalise the report and requesting comment 2 December 2013 phone call – office not attended
Pandanus People Inc	Shirley Doyle	0265666893	<ul style="list-style-type: none"> Report mailed: 1 November 2013 with response requested by 15 November 2013. Phone call made on 25 November 2013 no-one home. Phone call 27 November 2013 no-one home
Nulla Nulla Boongutti Aboriginal Corporation	Mervyn Cohen	0265672137	<ul style="list-style-type: none"> Report mailed: 1 November 2013 with response requested by 15 November 2013. Phone call made on 25 November 2013 Mervyn away from house. Phone call 27 November 2013, Mr Cohen advised that he had received the report but had not read. I asked if I rang back later in the day could he provide comment and he agreed. Phoned back 4.00 25 November 2013 no-one home.
Dunghutti Elders Council Aboriginal Corporation	Ngaire Mathews (CEO)	0265622855	<ul style="list-style-type: none"> Report mailed: 1 November 2013 with response requested by 15 November 2013. Phone call 25 November 2013 office not attended. Email 25 November 2013 requesting comment. 2nd email sent to 27 November 2013 advising of need to finalise the report and requesting comment 2 December 2013 phone call – office not attended

Newcastle Office

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292

PO Box 428, Hamilton, NSW Australia 2303

T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

ABN 441 402 927 62

PR119347
30 November 2013

Attn: Jo-Anne Kelly
Kempsey Local Aboriginal Land Council
8/1 John Street
Kempsey NSW 2440

Mail/Email

Dear Jo-Anne

RE: CULTURALLY MODIFIED TREE, SOUTH WEST ROCKS - ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

In 2011, under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)*, a request was made for Aboriginal groups with an interest in the area of Steve Eagleton Drive, South West Rocks. Your group registered an interest and was provided with information on the project. A field survey was conducted on 30 March 2011 in conjunction with Kempsey Local Aboriginal Land Council Sites Officers. One culturally modified tree was identified and registered on the OEH Aboriginal Heritage Information Management System (AHIMS) database as AHIMS# 22-4-0135. A draft South West Rocks (Settlers Ridge) Heritage Assessment Report was produced and sent to you for comment (27 April 2011).

On 25 July 2013 a Concept Plan Approval under Section 75O of the Environmental Planning and Assessment Act 1979 was granted by the NSW Department of Planning and Infrastructure. One of the Conditions of this Approval was that a Cultural Heritage Management Plan for a tree identified as being of special Aboriginal heritage significance (AHIMS# 22-4-0135) was established.

RPS has been commissioned by Planners North to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the proposed development at Steve Eagleton Drive, South West Rocks, NSW. The proposed residential subdivision will be known as Settlers Ridge.

This document is intended to provide guidance for the management of Aboriginal heritage within the Project Area both during construction and into the future. This ACHMP applies to the entire Project Area. For the practical management of Aboriginal heritage, a clear outline of roles and responsibilities is provided along with operational flow charts to be used by Land Managers and contractors who may need to access, or conduct works, within the Project Area.

I would be grateful if you could provide comments on the Settlers Ridge (South West Rocks) Aboriginal Cultural Heritage Management Plan (included) by [REDACTED]

Those comments can be made on the attached [REDACTED] and forwarded to:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

or a response may be emailed to

laraine.nelson@rpsgroup.com.au

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely

[REDACTED]



Laraine Nelson
Senior Cultural Heritage Consultant

COMMENT

I would like to provide the following comments on the Aboriginal Cultural Heritage Management Plan for Settlers Ridge, South West Rocks

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YOUR GROUP:

YOUR NAME:

SIGNATURE:

DATE:

Newcastle Office

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292

PO Box 428, Hamilton, NSW Australia 2303

T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

ABN 441 402 927 62

Our Ref: PR119347
Date: 30 November 2013

Attn: Shirley Anne Doyle
Pandanus People
1 Mayta Moran Close
Fig Tree Reserve
South West Rocks NSW 2431

Via: Mail/Email

Dear Mrs Doyle

RE: CULTURALLY MODIFIED TREE, SOUTH WEST ROCKS - ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

In 2011, under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)*, a request was made for Aboriginal groups with an interest in the area of Steve Eagleton Drive, South West Rocks. Your group registered an interest and was provided with information on the project. A field survey was conducted on 30 March 2011 in conjunction with Kempsey Local Aboriginal Land Council Sites Officers. One culturally modified tree was identified and registered on the OEH Aboriginal Heritage Information Management System (AHIMS) database as AHIMS# 22-4-0135. A draft South West Rocks (Settlers Ridge) Heritage Assessment Report was produced and sent to you for comment (27 April 2011).

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I would be grateful if you could provide comments on the Settlers Ridge (South West Rocks) Aboriginal Cultural Heritage Management Plan (included) by **15 November 2013**.

Those comments can be made on the attached **Comments Form** and forwarded to:

RPS

Attn Laraine Nelson

PO Box 428

Hamilton NSW 2303

or a response may be emailed to

laraine.nelson@rpsgroup.com.au

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely

RPS

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Laraine Nelson
Senior Cultural Heritage Consultant

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YOUR NAME:

SIGNATURE:

DATE:

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T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

ABN 441 402 927 62

Our Ref: PR119347
Date: 30 November 2013

Attn: Mr Mervyn Cohen
Nulla Nulla Boongutti Aboriginal Corporation
C/- Willawarren Post Office
Via Kempsey NSW 2440
Via: Mail/Email

Dear Mr Cohen

RE: CULTURALLY MODIFIED TREE, SOUTH WEST ROCKS - ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

In 2011, under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)*, a request was made for Aboriginal groups with an interest in the area of Steve Eagleton Drive, South West Rocks. Your group registered an interest and was provided with information on the project. A field survey was conducted on 30 March 2011 in conjunction with Kempsey Local Aboriginal Land Council Sites Officers. One culturally modified tree was identified and registered on the OEH Aboriginal Heritage Information Management System (AHIMS) database as AHIMS# 22-4-0135. A draft South West Rocks (Settlers Ridge) Heritage Assessment Report was produced and sent to you for comment (27 April 2011).

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Yours sincerely

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Laraine Nelson
Senior Cultural Heritage Consultant

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YOUR GROUP:

YOUR NAME:

SIGNATURE:

DATE:

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T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

ABN 441 402 927 62

PR119347
30 November 2013

Attn: Ngaire Matthews
Dunghutti Elders Council Aboriginal Corporation
17-23 South St
South Kempsey NSW 2440

Mail/Email

Dear Ngaire


RE: CULTURALLY MODIFIED TREE, SOUTH WEST ROCKS - ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN


In 2011, under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)*, a request was made for Aboriginal groups with an interest in the area of Steve Eagleton Drive, South West Rocks. Your group registered an interest and was provided with information on the project. A field survey was conducted on 30 March 2011 in conjunction with Kempsey Local Aboriginal Land Council Sites Officers. One culturally modified tree was identified and registered on the OEH Aboriginal Heritage Information Management System (AHIMS) database as AHIMS# 22-4-0135. A draft South West Rocks (Settlers Ridge) Heritage Assessment Report was produced and sent to you for comment (27 April 2011).

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RPS
Attn Laraine Nelson
PO Box 428
Hamilton NSW 2303

or a response may be emailed to

laraine.nelson@rpsgroup.com.au

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely

A small black square redacting the name of the sender.A handwritten signature in cursive script, appearing to read 'Laraine Nelson'.

Laraine Nelson
Senior Cultural Heritage Consultant

COMMENT

I would like to provide the following comments on the Aboriginal Cultural Heritage Management Plan for Settlers Ridge, South West Rocks

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.....

YOUR GROUP:

YOUR NAME:

SIGNATURE:

DATE:

ANNEXURE J

Advice in relation to the availability of offsite credits



29 May 2014

Planners North

Via email

Att: Steve Connelly

Our ref: 22/01030/14

3253

Your ref:

Dear Steve,

**Settlers Ridge
Potential BioBanking Credit Supply**

GHD understands your project at South West Rocks (referred to as Settlers Ridge) requires 1,157 ecosystem credits and 310 species credits for the Brush-tailed Phascogale, *Phascogale tapoatafa*, in accordance with the BioBanking scheme, to offset the project impacts on biodiversity.

As you are aware, GHD is acting on behalf of several potential biobank site owners on the Mid North Coast and two of these appear suitable to supply ecosystem credits and the species credits for the Brush-tailed Phascogale. One of these clients has committed to completing the BioBanking assessment immediately and will make the credits available on the open market. Further, it is our understanding this client will issue you a letter outlining the conditions associated with a potential 'take-up offer' for your clients consideration in the near future.

GHD is confident that the first biobank site will provide suitable credits to partially full fill the credit requirements for your project. Should your clients be satisfied with the offer, GHD is confident the credits could be secured in an orderly and efficient manner in accordance with the relevant BioBanking legislation.

Should you have any further questions relating to this matter please contact me accordingly?

Sincerely

GHD Pty Ltd

Daniel Williams

Principal Environmental Consultant

6586 8714