

This ACHMP is designed to ensure that the designated Conservation Areas are protected in a manner that retains their significance to the Aboriginal community and to the broader community. Therefore, the objectives of the management plan are to:

- protect the surface and subsurface archaeological deposits of the 'Dredge Island midden' and the 'Riverside_01 midden' from disturbance associated with development and use of the area by residents and visitors; and
- retain an area that preserves archaeological material in its natural context and provides an example of the type of environment occupied by Aboriginal people in the region.

In order to achieve these objectives, a clear set of guidelines relating to future use of, and access to these areas, and their general maintenance have been provided. The management plan has been developed in consultation with the Aboriginal community (refer to *Section 1.2*).

ERM, The Sheargold Group and Tattersall Lander Pty Ltd acknowledge that Aboriginal heritage is of primary interest to the Aboriginal community and that Aboriginal people have the right to be consulted and involved in all aspects of decision-making in relation to their heritage. ERM recognises that the Aboriginal community has a paramount role in identifying cultural significance and cultural values.

A comprehensive program of Aboriginal community consultation was undertaken for the concept plan in compliance with the Interim Community Consultation Requirements for Applicants policy (DEC 2010; refer to ERM 2011). The Registered Aboriginal Parties (RAPs) for the concept plan approval process were Karuah Local Area Land Council (KLALC) and Jan Webb. These RAPs will be the primary parties consulted in relation to ongoing Aboriginal heritage issues associated with the preparation of any future development applications consistent with the concept plan approval.

In accordance with the concept plan approval, this CHMP has been prepared in consultation with the KLALC and the Office of Environment and Heritage (OEH) (refer to *Annex A*).

3.1 LEGISLATION

Aboriginal cultural heritage is protected by several pieces of legislation within NSW. The primary legislation and planning instruments applicable to this management plan are the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *NSW National Parks and Wildlife Act 1974* (NPW Act).

Table 3.1 Key Legislation and Planning Instruments

Legislation / Policy	Relevance
National Parks and Wildlife Act 1974 (NPW Act)	<p>The NPW Act provides the statutory protection for all Aboriginal relics, with penalties that apply for breaches of the Act. Part 6 of the Act is concerned with Aboriginal objects and places.</p> <p>The NPW Act is accompanied by the National Parks and Wildlife Regulation 2009 (the Regulation), the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010) and other industry-specific codes.</p> <p>The provisions of the now repealed Part 3A of the EP&A Act overrule the requirement for an AHIP under the NPW Act. However, all other provisions of the NPW Act remain applicable. This includes Sections 85A and 89A of the NPW Act which details the recording and management of any Aboriginal cultural heritage values located within the area likely to be impacted by any subsequent development activity.</p>
NSW Environmental Planning and Assessment Act 1979 (EP&A Act)	<p>The EP&A Act regulates development activity in NSW. Part 3A of the EP&A Act (now repealed) previously applied to projects that were declared to be a 'Major Project' (in accordance with Section 75B of the EP&A Act). The concept plan was approved under Part 75W of the EP&A Act and therefore under Section 75U of the EP&A Act, it is not necessary to obtain approvals under other specific heritage legislation including the NPW Act and the <i>NSW Heritage Act 1977</i> in relation to approved activities that result in harm to an Aboriginal object.</p> <p>The EP&A Act requires compliance with the conditions of the project approval granted for the Project under Part 3A of the EP&A Act (as specified in <i>Section 3.3</i>). Section 75J (5) of the EP&A Act also states that conditions of approval for the carrying out of a project may require the proponent to comply with obligations made in a statement of commitments submitted by the proponent as part of the development approval process (as outlined in <i>Section 3.3</i>).</p>
Development Control Plan (DCP) 22 - Myall Quays Estate	<p>Development Control Plan (DCP) 22 – Myall Quays Estate is intended to assist Council, developers, residents and the general community with the implementation of Great Lakes Local Environmental Plan (LEP) to provide a framework for controlling and co-ordinating tourist and residential development on the study area. The LEP and this DCP are framed to provide for the protection of the natural environmental systems of the area. With specific reference to Aboriginal heritage, the DCP states that:</p> <p><i>'Any development proposals for the site should include measures to protect Aboriginal Site No 2 located within SEPP 14 Wetlands 746 and any other sites should they subsequently be discovered.'</i></p>

Ask First – A Guide to Respecting Indigenous Heritage Places and Values

Ask First is the Australian Heritage Commission's 2002 guide to consulting and negotiating with Indigenous peoples in regard to Indigenous heritage issues. The guide outlines a process for identifying and managing Indigenous heritage including tangible and intangible heritage as well as places. Its emphasis is on asking the Indigenous community first before taking any action relating to Indigenous cultural heritage. Ask First complements the Burra Charter (see below) as it informs the decisions and actions on the actual management of Indigenous cultural heritage. The objectives and actions found in this ACHMP recognise the process and principles of Ask First.

The Burra Charter 2013

The Burra Charter and associated guidelines are considered the best practice standards for the management of cultural heritage, including Indigenous cultural heritage, in Australia. The Charter was developed by the Australian National Committee of the International Council on Monuments and Sites (ICOMOS). Relevant to this plan, the charter defines a place, cultural significance, fabric, conservation, maintenance, preservation, setting, related place, associations and interpretation. The charter outlines a process for assessing cultural significance as well as conserving heritage concomitant with its significance.

CONCEPT PLAN APPROVAL

This ACHMP has been developed in accordance with the concept plan approval dated 23 June 2013. A full list of the conditions relating to Aboriginal cultural heritage and where they are addressed in the ACHMP provided in *Table 3.2* and *Table 3.3*.

Table 3.2 **Concept Plan Approval Conditions**

Condition	Requirement	Addressed in ACHMP
C4	All future development applications for each development stage are to include, where relevant, the following stage-specific management plans: e) Cultural Heritage Management Plan (see C14)	This ACHMP
C12	Cultural Heritage 1) A Cultural Heritage Management Plan (CHMP) shall be prepared for the two identified Aboriginal heritage sites located on the site – the 'Dredge Island Midden' and the 'Riverside_01 Midden' as referred to in the Riverside at Tea Gardens Heritage Assessment, completed by ERM and dated February 2011. The CHMP shall be submitted prior to the first development application being lodged with Council and shall be	<ul style="list-style-type: none"> • Potential impacts to the midden sites is discussed in <i>Section 5</i>. • Management actions are outlined in <i>Section 6</i> and <i>Table 8.1</i>. • Evidence of consultation is provided in <i>Annex A</i>.

	<p>prepared in consultation with the Karuah Local Aboriginal Land Council and OEH.</p> <p>2) All future applications for each stage of development are to demonstrate the implementation of the recommendations of the CHMP, including the requirement for site specific management strategies for each of the identified sites of cultural heritage significance as they relate to the area of the application.</p>	
C14	<p>Land Zoned E2</p> <p>Development planning and management of the conservation land under the Concept Plan is to be directed via the preparation and adoption of a Management Plan that is prepared in accordance with DCP 22. The Management Plan shall be approved in writing by Great Lakes Council prior to approval of any development application within the Tourist Precinct (Stage 13).</p>	<p>This ACHMP relates to Aboriginal heritage only. The management of the Conservation Area will be the subject of a separate Management Plan (to be developed).</p>

Concept Plan Approval Dated 27 June 2013

Table 3.3 **Statement of Commitments, Aboriginal Heritage**

Item	Commitment	Timing	Addressed in ACHMP
12	The midden site 'NPWS 38-5-148' identified as significant located within the SEPP 14 wetland and the midden site 'Riverside_01' located within the tourist precinct will be protected from development activities.	Prior to commencement of development upon the site.	Figure 1.2 Section 5
13	During ground surface disturbance works in the event that cultural heritage material is exposed within the development area, all development works will immediately cease and a representative of the OEH and Karuah LALC will be contacted regarding further assessment of any cultural materials. Management measures as outlined in the Management Plan would be implemented for the proposed works.	For the duration of the construction of the subdivision.	Section 7.1 and Table 8.1

Dated 12 June 2013

Interactions between people and their surroundings are of integral importance in both the initial formation and the subsequent preservation of the archaeological record. The nature and availability of resources including water, flora and fauna and suitable raw materials for the manufacture of stone tools and other items had (and continues to have) a significant influence over the way in which people utilise the landscape. Alterations to the natural environment also impact upon the preservation and integrity of any cultural materials that may have been deposited whilst current vegetation and erosional regimes affect the visibility and detectability of sites and relics. For these reasons, it is essential to consider the environmental context of the two midden sites as a component of the heritage management process.

4.1

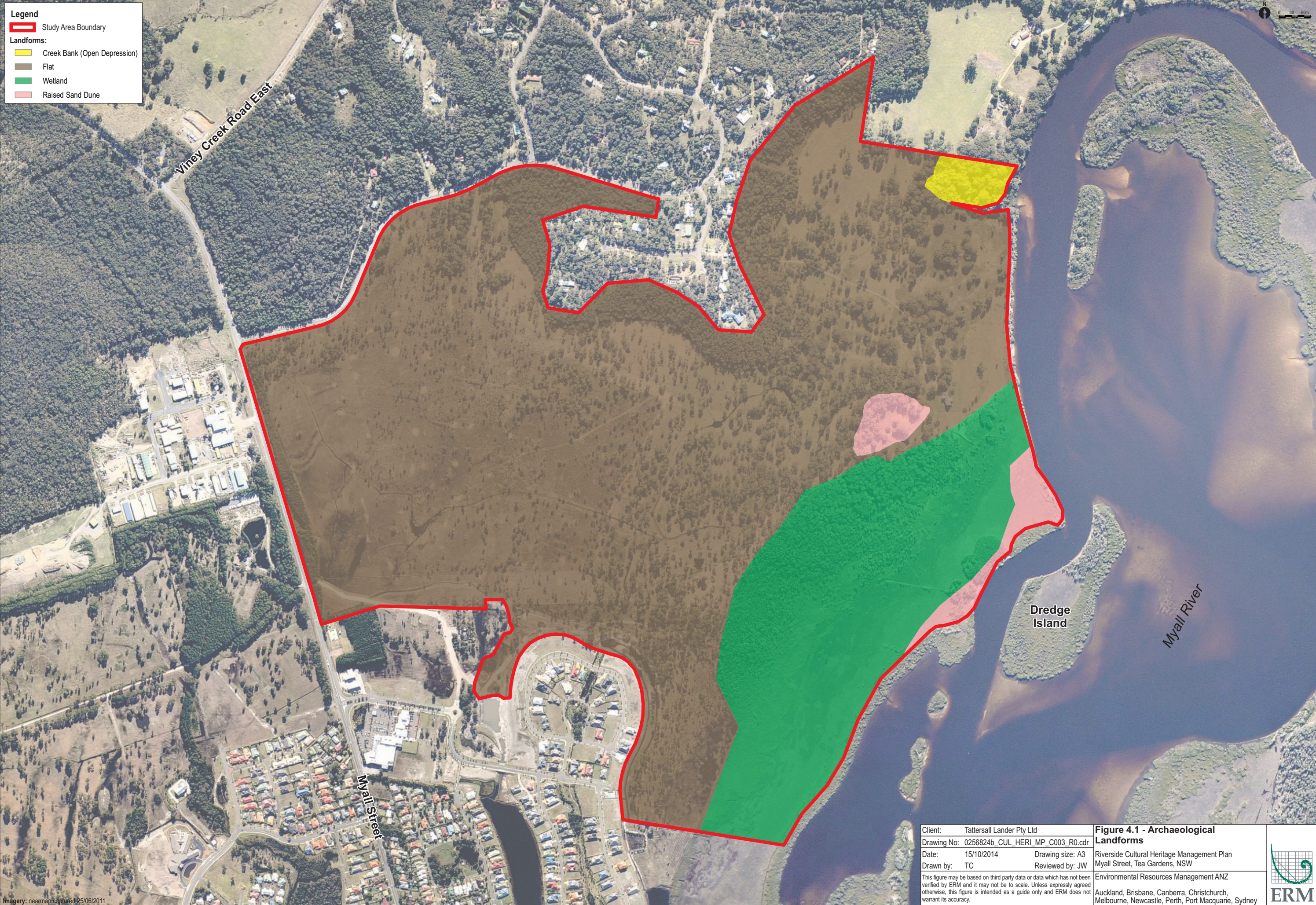
ENVIRONMENTAL CONTEXT AND LANDFORMS

The availability of water has significant implications for the range of resources available and the suitability of an area for human occupation. The study area is located in the Port Stephens catchment, and is bounded to the east by the Myall River estuary. Although the estuary is unsuitable for drinking it would have attracted a wide variety of animals and supported a range of plant species and shellfish/marine species, which are likely to have been used by Aboriginal people in the past.

The wetland area on the eastern side of Myall Lake is prone to periodic inundation and the vegetation in this landform is characterised by swamp and wetland species (refer to *Figure 4.1*). This landform is unlikely to contain in situ archaeological deposits as it is disturbed by flooding activity and is not an area that would have provided a comfortable place for Aboriginal use (ie stone tool making or eating of shell fish).

The sand dune was where the two midden sites have been recorded. These areas are raised above the flood level and are located close to the source of the shell fish and thus would have been a suitable area to prepare and consume food, resulting in the material now seen deflating out of the sand dunes. This is the most archaeological sensitive landform in the study area and is known to contain Aboriginal archaeological sites.

The flat landform that encompasses the entire western and central portion of the study area had low visibility. This landform is not considered to contain the potential for Aboriginal occupational evidence as sites are not locally found in this type of landform. There was no evidence during fieldwork that this landform contained any Aboriginal archaeological artefacts. Most of this landform has been cleared in the recent past for agricultural purposes and the trees are predominantly young, and therefore could not be scarred or carved. The areas of remnant vegetation were also checked for scarred or carved trees but none were observed.



The final landform in the study area is an area of open depression in the north eastern part of the study area. The small unnamed drainage line that flows into Myall River on the western edge has been disturbed by the construction of a dam (most likely for the watering of cattle). The drainage line is steep sided and contains moderate ground visibility. While no artefacts or sites were located on this landform, the area does contain some Aboriginal significance, and the landform has moderate archaeological potential as Aboriginal sites are found in comparable local contexts. Therefore this landform has some sensitivity and will also be conserved within the Conservation Area.

4.2 *ARCHAEOLOGICAL CONTEXT*

4.2.1 *Dredge Island Midden*

The study area has been previously surveyed by Brayshaw (1988), who traversed the entire area on foot, focussing on areas of ground surface exposure, mature trees, and environmental features which may have formed a focus for Aboriginal occupation. During this survey, Brayshaw located one site, a shell midden comprising four exposures within a 220m x 40m strip along the bank of the Myall River opposite the southern part of Dredge Island (AHIMS site 38-5-0148; see *Figure 4.1*).

A number of factors including increasing population pressure on the North Coast has impacted many sites including shell middens, meaning that all remaining shell middens have become more significant, especially those that by their nature or location mean they are likely to continue to survive. Given the lack of disturbance to this midden, the potential depth of deposit and the range of shell species represented (cockle, oyster, whelk and pipi), Brayshaw assessed the site as having high archaeological significance, and recommended that it be preserved (ERM 2011).

This site was relocated by ERM in the 2009 fieldwork. All areas of raised sand dune along the south eastern edge of Myall River adjacent to Dredge Island showed midden material, as indicated in the original site card. The midden deposit was not dense and most of what can be seen showed a sparse scattering of shell on the surface (refer to *Photographs 1 to 3*). No Aboriginal stone artefacts were noted in the midden material.

The midden is located within the SEPP 14 Wetland and therefore is considered to have been minimally disturbed, other than normal erosional processes and therefore is rare as the deposit is intact. Middens have a connectedness with other sites in the area as they show the subsistence strategies in the local area. There is potential that subsurface expression of the midden contains more scientific information about the subsistence strategies exploited in the area.



Photograph 1: Showing exposed area of 38-5-0148 Dredge Midden



Photograph 2: Showing general locality of 38-5-0148 Dredge Midden on the banks of the Myall River



Photograph 3: Showing general locality of 38-5-0148 Dredge Midden and the current erosional pressures.

4.2.2 Riverside 01

This midden site was originally recorded by ERM during the 2008 fieldwork and revisited during the 2009 survey. The midden is located on a raised sand dune area close to the wetland. The midden is currently overgrown with grass and the full extent and nature of the deposit could not be fully determined. The midden contained several species of edible shellfish, including cockle, whelk, mud oyster and pipi. The midden deposit was not dense and most of what could be seen showed a sparse scattering of small shell fragments on the surface. The size of shell fragments may relate to the current land use, where grazing cattle may have trampled the midden surface (refer to *Photographs 4 to 6*).

The midden is spread along the south east edge of the sand dune ridge with commanding views of the Myall River. The dune system is currently stabilised by non-native grasses. While this is preventing erosion of the dune system and midden, it also obscured an accurate assessment of the midden extent. The maximum extent recorded during the survey was 80 m in length (south westerly to north westerly direction) by 17 m wide (north westerly to south easterly direction).

Even with the moderate disturbance of the surface of the midden there is potential that subsurface expression of the midden contains more scientific information about the subsistence strategies exploited in the area. As the full extent and nature of the midden could not be determined it is considered that the midden has moderate scientific significance and covers the entire area of the raised sand dune landform.



Photograph 4: Showing exposed area of Riverside 01



Photograph 5: Example of shells within Riverside 01



Photograph 6: Showing edge of Riverside 01. Midden located on right hand side of image in the raised area of dune.

Both sites are located within buffer zones and will not be directly impacted by the residential development.

5.1.1 *Dredge Island Midden*

Dredge Island Midden is located in the 7(a) wetland zone which will be protected. Indirect impacts from the increased use of the foreshore area and the use of Myall River for water sports activities may have the potential to impact negatively on the Dredge Midden. Although it is unlikely, the increased water wash may increase the erosion processes occurring along the banks of the estuary thus damaging the midden. The mangroves will afford some protection from the effects of increased water wash although it may be necessary to limit access to this area of the foreshore (already in place given the protection of the SEPP 14 Wetland and use of boardwalks/cycle paths leading around rather than through the wetland areas) and limiting the speed of watercraft in the immediate vicinity of the midden. Vessels are already limited to four knots within the vicinity of Dredge Island and the entire area between Tea Gardens (to the south of the midden) and Tamboy (to the north of the midden) is a 'No Wash Zone' based on the Roads and Maritime Services (RMS) boating map (RMS 2013). No additional management measures are required at this stage.

5.1.2 *Riverside 01 Midden*

Riverside 01 Midden is present on all the areas of raised sand dune and is protected by a designated 10 m wide buffer zone (ERM 2011).

Middens are by nature soft sandy deposits that are easily disturbed and destroyed by simple activities such as walking and driving on them. Thus, a buffer will ensure that the delicate deposit of the midden is protected from unintentional damage that can occur through increased use of this landscape. The original 10 m buffer zone as approved within the concept plan was confirmed in the field during the 2009 survey and agreed with the local Aboriginal community representatives. The revised concept plan (*Figure 1.2*) has increased areas to be set aside for conservation and now provides 100 m to the nearest development (drainage) and over 200 m to the residential development.

The management of these much larger Conservation Areas, including the SEPP14 Wetland, will be covered separately in a Conservation Area Management Plan. Items to be included in these management plans with direct relevance to the protection of Aboriginal heritage values are outlined in *Sections 6 to 7* and summarised in *Section 8*.

MANAGEMENT AND CONTROL MEASURES FOR ABORIGINAL HERITAGE

This section outlines the policies and actions for the management of the two midden sites 'Dredge Island midden' and the 'Riverside_01 midden'.

The management and mitigation statements have been endorsed by the Karuah LALC (see *Annex A*) and are made in light of the results of the various field surveys, background research, predictive modelling, heritage significance assessment and relevant NSW legislation protecting Aboriginal heritage. They are also based on the conservation and ongoing protection of the raised sand dune landform.

6.1 CULTURAL HERITAGE AWARENESS TRAINING

All employees and subcontractors will undergo environmental awareness training as part of the site induction to ensure they understand their obligations and responsibilities. This training will include basic Aboriginal heritage awareness across the following topics:

- legal responsibilities;
- summary of significant sites;
- procedures for the discovery of previously unrecorded aboriginal objects; and
- site access requirements.

It is important to note that **only information endorsed for sharing by the KLALC should be included within the induction package**, alternatively a representative of the KLALC could be employed to undertake an induction session for all major contractors prior to works commencing.

6.2 PUBLIC ACCESS

6.2.1 Pathways

Controlled public access will be provided within the Conservation Areas through the construction of clearly defined pathways. The location of the pathways will facilitate public access through the conservation area, although it is important to note that they will not lead directly to the SEPP14 wetland or the protected midden sites.

While the primary purpose of Aboriginal areas is preservation of Aboriginal sites, promotion of public understanding of Aboriginal culture is also an important objective for some Aboriginal areas. The high visibility of artefacts and shell material offers excellent opportunities for the interpretation of

Aboriginal culture. Both of the middens have the capacity to withstand limited educational and tourist traffic as long as this is directed along defined and appropriately surfaced tracks within the buffer areas (not leading directly to the midden sites) and combined with high quality interpretive signs to encourage appreciation of the site and non-damaging behaviour.

The following proposals for public use of the Conservation Area and for interpretation have been discussed with representatives of the Karuah Local Aboriginal Land Council:

- based on the location of Dredge Island Midden (site 38-05-0148) within the protected SEPP 14 Wetland, associated buffer zones and the proposed constructed walkways adjacent to (not within) the wetland buffer, no further protection measures are required. Should plans change resulting in development occurring closer to the midden, or indirect impacts increase, means of protecting the midden should be investigated and implemented; and
- fencing placed around Riverside_01 midden would detract from the unity, landscape and interpretive value of the area. If the level and/or pattern of uncontrolled visitor use is found to be causing erosion or damage to archaeological features, control of access and fencing will be considered. Vehicle access will not be permitted and pedestrian access within the Conservation Areas will be along designated and well defined trails that do not lead directly to the raised sand dune landform.

The pathways should provide a clear route to actively discourage people from walking on areas other than the designated routes. The construction of the pathways should involve minimal ground surface disturbance. The preferred method of construction within the vicinity of the raised landforms is to provide a border to the pathways that sits on the ground surface and is composed of railway sleepers or a similar material. A geotextile membrane can then be laid within the pathway border and clean fill material, (in the form of crushed gravel, brick, tile or a similar material) can be laid above the geotextile membrane. This method of construction will minimise disturbance to surface and subsurface deposits and will ensure that imported materials do not spread beyond the designated pathway. Away from the midden site, the construction method is not constrained by heritage values and can be standard concrete pathways or boardwalks although the KLAC have requested they are notified prior to any sub-surface exploration within the Conservation Area (deeper than 300mm).

The location and extent of pathways will be confirmed on-site to ensure that they effectively conform to the landscape.

Signage will be developed for placement at entries to the Conservation Areas and at various locations along any pathways. Cultural heritage signage at the entry points should provide a brief explanation of the length of occupation and high level of use of the Tea Gardens area by Aboriginal people and should outline the protection of Aboriginal heritage under the NPW Act. Cultural heritage signage along the pathways should provide an indication of the range of plant species included within the reserves and should indicate that Aboriginal people used a broad range of plant and animal resources for food, medicine, shelter and tools. All cultural heritage signage should be discussed with the KLALC prior to erection.

Management of the bushfire risk within the Conservation Areas will be undertaken in accordance with a Bushfire Management Plan.

Prescribed low intensity burning is a minimal ground surface impact option identified within the *Conditions for Hazard Reduction and Aboriginal Heritage*. However, due to the surrounding residential properties and the possible aesthetic impacts, prescribed burning is unlikely to be a feasible option. Manual clearing techniques with minimal impact on the ground surface are the preferred method of bushfire hazard reduction.

Management activities to be considered for inclusion within the Bushfire Management Plan are listed below.

- All required asset protection zones to be provided within the development footprint and perimeter road system.
- If fire breaks are to be constructed within the Conservation Area, they must be outside of the 10 m buffer zone (to the Riverside 01 midden) to ensure no impact to the raised landform.
- No vegetation clearance will be permitted within the SEPP14 Wetland or within the vicinity of the Dredge Island midden.
- Manual vegetation clearance will occur at a height of no less than 100 mm above the ground surface within 10 m of the Riverside midden site and should not involve any impacts to the ground surface. Any activities within this area should be undertaken in consultation with the KLALC.
- Manual clearance should involve methods such as the use of brush hooks, hand-held brush cutters, leaf blower/vacuums or other minimal disturbance methods that do not impact on the ground surface.

- No vehicles or heavy machinery will be used during vegetation clearance.
- Limited ground surface coverage (in the form of leaf litter or other vegetation matter) should be retained to minimise disturbance and the potential exposure of artefacts.

6.5 *EROSION CONTROL*

As with the bushfire hazard control, mechanical erosion control works will only be used outside of the 10 m buffer zone to the Riverside midden. Dredge Island midden is already protected from erosion control works as it is located within the SEPP14 Wetland buffer.

Erosion control within the buffer areas will be restricted to measures that do not cause ground disturbance (ie seeding with native species, hay bales placed on the ground to control sediment and only when necessary). Any activities within this area should be undertaken in consultation with the KLALC.

All erosion control works outside of the 10m wide midden buffer and SEPP14 Wetland buffer zone will be undertaken in accordance with a separate Conservation Area Management Plan (to be developed).

6.6 *CONTROL OF FUTURE DEVELOPMENT*

There will be no further development activity within the Conservation Area and therefore no salvage procedures will be established.

MANAGEMENT OF PREVIOUSLY UNRECORDED ABORIGINAL HERITAGE EVIDENCE

7.1

PROTOCOL FOR DISCOVERY OF UNKNOWN SITES

The flat landform that encompasses the entire western and central portion of the study area is not considered to contain the potential for Aboriginal occupational evidence. There was no evidence during fieldwork that this landform contained any Aboriginal archaeological artefacts and there is no archaeological requirement for any further survey work or monitoring within this landform.

If previously unrecorded Aboriginal heritage evidence is identified within the study area, this evidence will be subject to temporary protection, recorded and appropriate management strategies implemented, in consultation with the registered Aboriginal stakeholder organisations as follows (refer to *Figure 7.1*):

- if during clearing or construction works Aboriginal artefacts are recovered a qualified archaeologist should at this time be contacted and the site recorded and assessed in consultation with the Aboriginal community; and
- once recording has occurred and a Care and Control Permit approved under Section 85a of the NP&W Act (if required), any salvage can be undertaken and works (with minimal disruption) can continue.

7.2

PROTOCOL FOR DISCOVERY OF SKELETAL REMAINS

Should any human skeletal remains be identified, the landowner will comply with statutory obligations and will consider the special needs of the Aboriginal community should those remains be identified as Aboriginal.

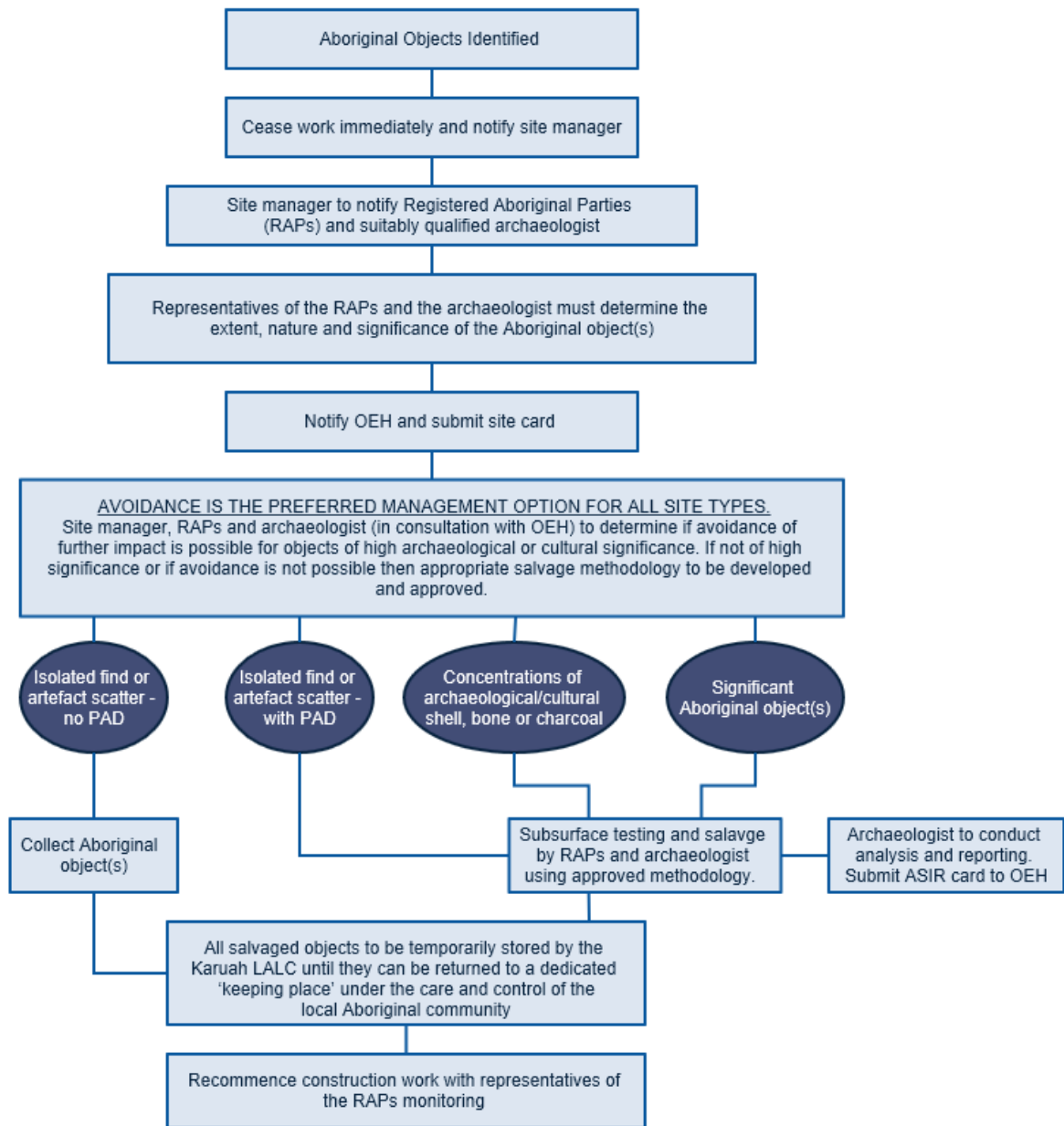
In the event of discovery of skeletal material all works should cease, and the police, relevant local Aboriginal community groups and a suitably experienced archaeologist or physical anthropologist should be contacted to assess the material before determining the correct management action. Works should not resume until the Police and/or OEH have given authority in writing and approved a management plan.

7.3

CARE AND CONTROL

A suitable area should be set aside within the Conservation Area for the possible containment of any cultural heritage material that is uncovered during the construction works. It is likely that this would be located within the raised sand dune landform to ensure the ongoing protection from flooding and inundation. This dedicated 'keeping place' would only be required in the event that material is uncovered and would be under the care and control of the local Aboriginal community.

Figure 7.1 Protocol for Discovery of Unknown Sites



These management and mitigation actions outline the policies and actions for the management of the two midden sites 'Dredge Island midden' and the 'Riverside_01 midden'. Dredge Island Midden is located in the 7(a) Wetland zone which will be protected. Riverside 01 is present on the entire raised sand dune and is protected by a designated 10m wide buffer zone. It is further protected within the Conservation Area which provides 100 m to the nearest development (drainage) and over 200m to the residential development.

These management actions are made in light of the results of the various field surveys, background research, predictive modelling, heritage significance assessment and relevant NSW legislation protecting Aboriginal heritage. They are also based on the conservation and ongoing protection of the raised sand dune landform.

All employees and contractors are responsible for implementation of this ACHMP with respect to their work areas and to immediately report any potential or actual heritage issues, including environmental incidents, to their Supervisor.

No.	Task	Responsibility	Timing
Administration and Contractor Induction			
01	Notify regulatory authorities of any incidents relating to Aboriginal heritage management.	Site Manager	As required
02	<p>All employees and subcontractors will undergo environmental awareness training as part of the site induction to ensure they understand their obligations and responsibilities. This training will include basic Aboriginal heritage awareness across the following topics:</p> <ul style="list-style-type: none"> • legal responsibilities; • summary of significant sites; • procedures for the discovery of previously unrecorded aboriginal objects; and • site access requirements. 	Site Manager Cultural heritage information contained within the induction package should be endorsed by KLALC	Prior to any land clearing within the study area
03	Only information endorsed for sharing by the KLALC should be included within the induction package, <u>alternatively</u> a representative of the KLALC could be employed to undertake an induction session for all major contractors prior to works commencing.	Site Manager In consultation with KLALC	Prior to any land clearing within the study area and as required.
Public Access to the Conservation Area			
04	Vehicle access will not be permitted and pedestrian access within the Conservation Area will be along designated and well defined trails that do not lead directly to the raised sand dune landform, the SEPP 14 Wetland or the two midden sites.	Site Manager	During and post construction
05	The location and extent of pathways within the Conservation Area will be confirmed on-site to ensure that they effectively conform to the landscape, and must provide a clear route to actively discourage people from walking on areas other than the designated routes. The construction of the pathways should involve minimal ground surface disturbance and will be <u>outside</u> of the SEPP14 Wetland and midden buffers.	Site Manager	Pre- construction and construction phases
06	Signage will be developed for placement at entries to the Conservation Areas and at various locations along any pathways. Cultural heritage signage should provide a brief explanation of the length of occupation and high level of use of the Tea Gardens area by Aboriginal people and should outline the protection of Aboriginal heritage under the NPW Act. All cultural heritage signage should be discussed with the KLALC prior to erection.	Site Manager In consultation with KLALC	During construction of the pathways

No.	Task	Responsibility	Timing
Maintenance of buffer zones to the 'Dredge Island midden' and the 'Riverside_01 midden'			
07	Dredge Island Midden is located in the 7(a) wetland zone which will be protected. No vegetation clearance will be permitted within the SEPP14 Wetland and no additional management measures are required at this stage.	Site Manager	Ongoing
08	Riverside 01 is present on all the areas of raised sand dune and is protected by a designated 10 m wide buffer zone. No vegetation clearance or ground disturbance will be permitted within 10 m of the raised sand dune. The Conservation Area also provides 100 m to the nearest development (drainage) and over 200 m to the residential development.	Site Manager	Ongoing
Vegetation and Bushfire Management within the Conservation Area			
09	<u>No vegetation clearance will be permitted within the SEPP14 Wetland, within the vicinity of the Dredge Island midden or within 10 m of the raised sand dune (Riverside midden site).</u>	Site Manager	Ongoing
10	All required asset protection zones to be provided within the development footprint and perimeter road system.	Site Manager	Ongoing
11	In the event that clearing is required within the Conservation Area to reduce bushfire hazard, only manual vegetation clearance will occur at a height of no less than 100 millimetres above the ground surface within 10 m of the raised sand dune (Riverside midden site) and should not involve any impacts to the ground surface. <u>No vehicles or heavy machinery will be used during vegetation clearance.</u>	Site Manager	Only if required for emergency bushfire hazard reduction
12	If fire breaks are to be constructed within the Conservation Area, they also must be outside of this 10 m buffer zone to ensure no impact to the raised landform.	Site Manager	Ongoing
13	KLAC should be notified prior to any sub-surface exploration within the Conservation Area (deeper than 300mm).	Site Manager	Ongoing
Management of Previously Unrecorded Aboriginal Heritage			
14	If during clearing or construction works Aboriginal artefacts are recovered a qualified archaeologist should at this time be contacted and the site recorded and assessed in consultation with the Aboriginal community.	In consultation with KLALC	In the event that material is uncovered
15	Once recording has occurred any salvage can be undertaken and works (with minimal disruption) can continue. All salvaged objects will be temporarily stored by the KLALC under a Care and Control Permit approved under Section 85a of the NP&W Act (if required), until they can be returned to a dedicated 'keeping place'.	Site Manager	As required

No.	Task	Responsibility	Timing
16	A suitable area should be set aside within the Conservation Area for the possible containment of any cultural heritage material that is uncovered during the construction works. It is likely that this would be located within the raised sand dune landform to ensure the ongoing protection from flooding and inundation. This dedicated 'keeping place' would be under the care and control of the local Aboriginal community.	In consultation with KLALC	Only required in the event that cultural heritage material is uncovered
17	Should any human skeletal remains be identified, the landowner will comply with statutory obligations and will consider the special needs of the Aboriginal community should those remains be identified as Aboriginal.	Site Manager	In the event of discovery of skeletal material
18	In the event of discovery of skeletal material all works should cease, and the police, relevant local Aboriginal community groups and a suitably experienced archaeologist or physical anthropologist should be contacted to assess the material before determining the correct management action. Works should not resume until the Police and/or OEHL have given authority in writing and approved a management plan.	Site Manager	In the event of discovery of skeletal material
Audit and Review			
19	Any changes to the Management Plan will not be implemented until the registered Aboriginal stakeholder organisations have been provided notification of and a minimum 15 working days to comment on the proposed amendments, and a copy of the revised ACHMP has been provided to OEHL and any other relevant government agencies.	Site Manager	As required

This ACHMP may be audited (if required) under the scope of any external environmental compliance audits.

In addition to the above, an internal review of this ACHMP may be conducted in response to:

- an incident recorded as a result of the operations that potentially affects any known cultural heritage site;
- a significant change in concept plan that may affect the implementation of this management plan;
- statutory requirements or directions/conditions of approvals requiring such action; or
- recommendations as a result of internal or external audits.

Any changes will not be implemented until the registered Aboriginal stakeholder organisations have been provided notification of and a minimum 15 working days to comment on the proposed amendments, and a copy of the revised ACHMP has been provided to OEH and any other relevant government agencies.

Australia ICOMOS (2013) **The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance**. <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

ERM (2011) **Riverside at Tea Gardens Aboriginal Heritage Assessment**. Report prepared for Crighton Property Pty Ltd, February 2011

Roads and Maritime Services (2013). **Boating map of Lower Myall River**. Available from <http://www.rms.nsw.gov.au/documents/maritime/usingwaterways/maps/boating-maps/7b-myall-tea-gardens.pdf>

Annex A

Evidence of Consultation

Level 4, Watt Street
Commercial Centre
45 Watt Street,
Newcastle NSW 2300
AUSTRALIA

PO Box 803,
Newcastle NSW 2300
AUSTRALIA

Telephone +61 2 4903 5500
Facsimile +61 2 4964 2152

www.erm.com

18 July, 2014

Acting Secretary
Department of Planning and Environment
Planning and Aboriginal Heritage Section
PO Box 668
PARRAMATTA NSW 2124

Our Reference: 0256824_RIVERSIDE CHMP_DPE_L01.DOCX

Dear Madam,

RE: RIVERSIDE CULTURAL HERITAGE MANAGEMENT PLAN



I am writing to inform you that Environmental Resources Management Australia (ERM) is preparing a Cultural Heritage Management Plan (CHMP) for the approved Riverside residential estate at Tea Gardens (please see attached *Figure 1*). The CHMP is required to be prepared in accordance with Condition C12 of the Concept Plan Approval (dated 27 June 2013) issued by the Department of Planning and Infrastructure.

Subclause (1) of this Condition C12 specifically requires consultation with the Karuah Local Aboriginal Land Council (KLALC) and your Department and states in part *"The CHMP shall be submitted prior to the first development application being lodged with Council and shall be prepared in consultation with the Karuah Local Aboriginal Land Council and OEH."*

The Project site has been subject to various surveys including Brayshaw 1988 and ERM 2008 and 2009. These surveys have resulted in the recording of two midden sites 'Dredge Island midden' and the 'Riverside_01 midden', located in the raised sand dune landform near Myall River. The middens will not be directly impacted by the development and it is proposed to protect them by including them within Conservation Areas to be established within the Project site.

ERM will prepare a detailed CHMP, in consultation with the Karuah LALC, providing the environmental and archaeological context of the two sites, and will describe the process for the ongoing management of the middens and surrounding buffer areas. This management plan will also consider the use of fencing, designated walkways and interpretive signage as an educational resource.

When the CHMP has been finalised, ERM will provide a copy to you for comment and endorsement.

Please do not hesitate to contact me if you have any questions. I will give you call in the next couple of weeks to discuss any initial input you may have into the long term management of these sites.

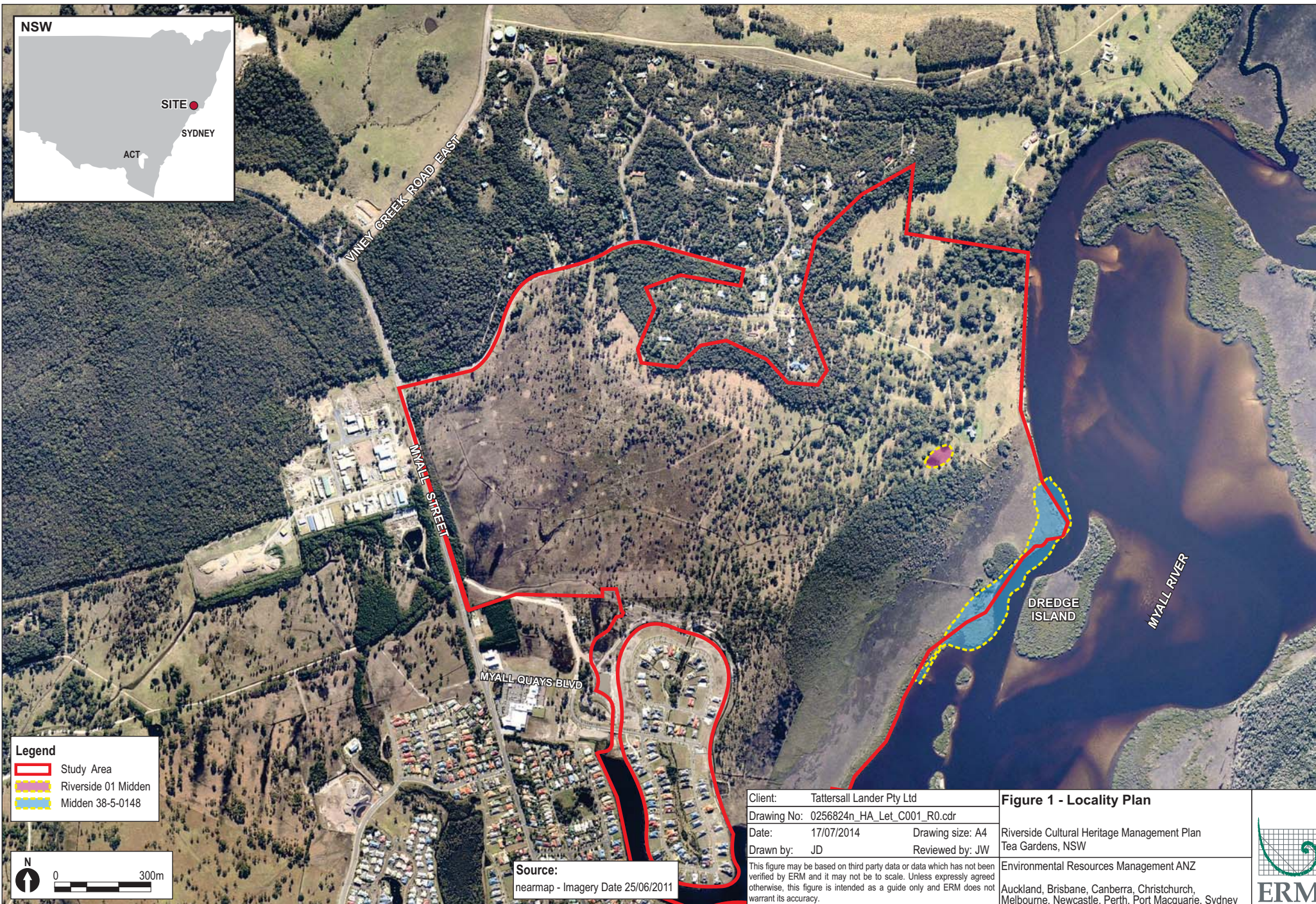
Yours sincerely,
for Environmental Resources Management Australia Pty Ltd

A handwritten signature in black ink that reads "Woodhouse." with a stylized initial "J" and a period at the end.

Joanne Woodhouse
Archaeologist

A handwritten signature in black ink that appears to read "S. O'Connor" in a cursive style.

Steve O'Connor
Technical Director



Laura Munro

From: Joanne Woodhouse
Sent: Tuesday, 2 December 2014 9:50 AM
To: Joanne Woodhouse
Subject: FW: Riverside Cultural Heritage Management Plan

From: karuah LALC [<mailto:karuahaboriginal@bigpond.com>]
Sent: Friday, November 28, 2014 8:34 AM
To: Joanne Woodhouse
Subject: RE: Riverside Cultural Heritage Management Plan

Dear Jo,

Within the conservation area, especially' the hill' including the other area's we spoke about.

Lennie

From: Joanne Woodhouse [<mailto:Joanne.Woodhouse@erm.com>]
Sent: Friday, 28 November 2014 7:58 AM
To: 'karuahaboriginal@bigpond.com'
Subject: Re: Riverside Cultural Heritage Management Plan

Thanks Lennie. Sorry I did not get the emails. Can you just clarify where you would like this to apply i.e.- across the sand dune landform or within the entire conservation area.

Thanks Jo

From: karuah LALC [<mailto:karuahaboriginal@bigpond.com>]
Sent: Thursday, November 27, 2014 03:46 PM
To: Joanne Woodhouse
Subject: RE: Riverside Cultural Heritage Management Plan

Dear Jo,

I have already sent an e-mail thanking you, but just incase I have reviewed the management plan and the only comment I have is that: If any sub-surface exploration (deeper than 300mm) is undertaken Karuah LALC is notified.

Lennie Anderson
CEO Karuah LALC

From: Joanne Woodhouse
Sent: Tuesday, October 21, 2014 7:21 PM
To: 'karuah LALC'
Subject: Riverside Cultural Heritage Management Plan

Hi Lennie,

Following up from our previous discussions please find attached a draft copy of the Riverside Heritage Management Plan for your review and comments. We would appreciate your feedback by Friday 31st October if possible so that we can finalise the report.

If you have any questions please do not hesitate to give me a call.

Regards, Jo.

Joanne Woodhouse

Senior Consultant

Environmental Resources Management Australia

Level 4

Watt Street Commercial Centre

45 Watt Street

Newcastle NSW 2300

PO Box 803, Newcastle NSW 2300

Phone: +61 2 49035521 Fax + 61 2 4903 5501 Mobile: 0408 605 377

Email: joanne.woodhouse@erm.com Web: www.erm.com

Level 4, Watt Street
Commercial Centre
45 Watt Street,
Newcastle NSW 2300
AUSTRALIA

PO Box 803,
Newcastle NSW 2300
AUSTRALIA

Telephone +61 2 4903 5500
Facsimile +61 2 4964 2152

www.erm.com

18 July, 2014

Dave Feeney
Karuah Local Aboriginal Land Council
PO BOX 30
KARUAH NSW 2324

karuahaboriginal@bigpond.com

Our Reference: 0256824_RIVERSIDE CHMP_KLALC_L01.DOCX

Dear Dave,

RE: RIVERSIDE CULTURAL HERITAGE MANAGEMENT PLAN



I am writing to inform you that Environmental Resources Management Australia (ERM) is preparing a Cultural Heritage Management Plan (CHMP) for the approved Riverside residential estate at Tea Gardens (please see attached *Figure 1*). The CHMP is required to be prepared in accordance with one of the conditions of the approval for this Project.

The Project site has been subject to various surveys including Brayshaw 1988 and ERM 2008 and 2009. These surveys have resulted in the recording of two midden sites 'Dredge Island midden' and the 'Riverside_01 midden', located in the raised sand dune landform near Myall River. The middens will not be directly impacted by the development and it is intended to protect them both within Conservation Areas to be established within the Project site.

ERM will prepare a detailed CHMP providing the environmental and archaeological context of the two sites, and will describe the process for the ongoing management of the middens and surrounding buffer areas. This management plan will also consider the use of fencing, designated walkways and interpretive signage as an educational resource.

When the CHMP has been drafted, ERM will provide a copy to you for comment and endorsement. If you are able to provide comments within a period of two weeks, this will enable us to incorporate your comments into the final management plan before submission to the Department of Planning and Environment for formal approval.

Please do not hesitate to contact me if you have any questions. Your input into the management plan process would be welcomed. I will give you call in the next couple of weeks to discuss any initial questions or queries you may have.

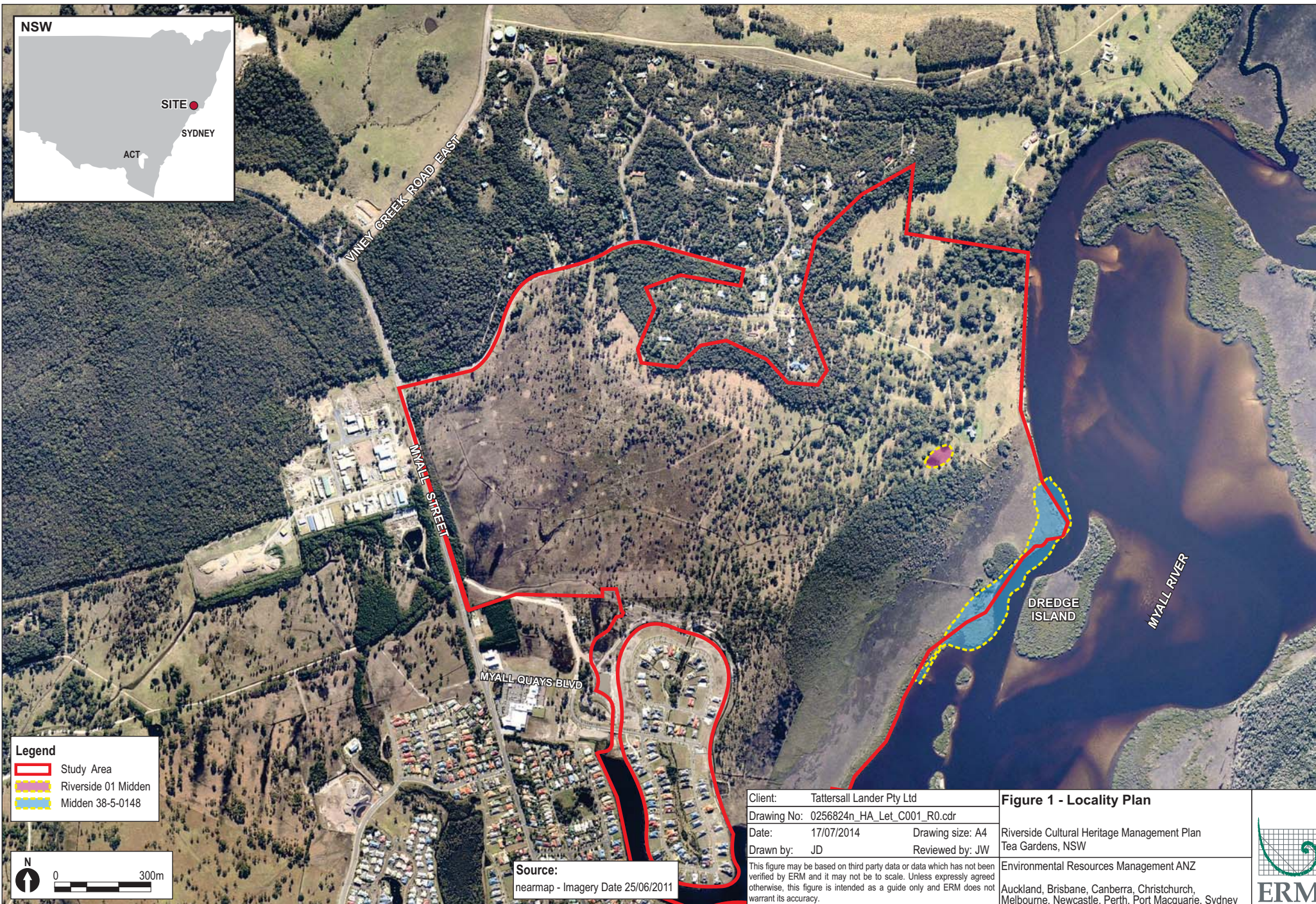
Yours sincerely,
for Environmental Resources Management Australia Pty Ltd

A handwritten signature in black ink that reads "J Woodhouse." The signature is written in a cursive style with a period at the end.

Joanne Woodhouse
Archaeologist

A handwritten signature in black ink that reads "S. O'Connor". The signature is written in a cursive style.

Steve O'Connor
Technical Director



Laura Munro

From: Nicole Davis <Nicole.Davis@environment.nsw.gov.au>
Sent: Wednesday, 12 November 2014 1:15 PM
To: Joanne Woodhouse
Subject: RE: Riverside Heritage Management Plan

Hi Joanne,

Drafts looks fine, I don't have any additional comments.

Regards
Nicole

Nicole Y Davis
Archaeologist - Planning
Hunter Central Coast Region
Office of Environment & Heritage
NSW Department of Planning and Environment
Level 2, 117 Bull Street
PO Box 488G Newcastle 2300
T: 02 4908 6825
M: 0409 394 343
W: nicole.davis@environment.nsw.gov.au

From: Joanne Woodhouse [<mailto:Joanne.Woodhouse@erm.com>]
Sent: Monday, 10 November 2014 10:16 AM
To: Davis Nicole
Subject: Riverside Heritage Management Plan

Hi Nicole,

As discussed please find attached a copy of the Draft Heritage Management Plan for the Riverside development at Tea Gardens.

Any comments you have on this draft would be much appreciated as we are hoping to finalise as soon as possible.

Regards, Jo.

Joanne Woodhouse
Senior Consultant
Environmental Resources Management Australia

Level 4
Watt Street Commercial Centre
45 Watt Street
Newcastle NSW 2300
PO Box 803, Newcastle NSW 2300

Phone: +61 2 49035521 Fax + 61 2 4903 5501 Mobile: 0408 605 377

Email: joanne.woodhouse@erm.com Web: www.erm.com

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Environmental Resources Management

PO Box 803
Newcastle NSW 2300
Watt Street Comercial Centre
45 Watt Street
Newcastle NSW2300

T: +61 2 49 035500
F: +61 2 49 295363
www.erm.com

