

# Riverside at Tea Gardens

## Aboriginal Cultural Heritage Assessment

Tattersall Lander Pty Ltd

March 2018

0406528RP01– FINAL

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## ABBREVIATIONS

ABBREVIATION	DEFINITION
ACHA	Aboriginal Cultural Heritage Assessment
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit <i>The provisions of the now repealed Part 3A of the EP&amp;A Act overrule the requirement for an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act.</i>
BP	Before Present
Burra Charter	Australian best heritage practice reference that provides guidance for the conservation and management of places of cultural significance (cultural heritage places)
DECCW	Department of Environment and Climate Change and Water
DoE	Department of Environment
EP&A Act	Environmental Planning and Assessment Act 1979 (NSW)
ERM	Environmental Resources Management Australia Pty Ltd
ha	hectares
IBRA	Interim Biogeographic Regionalisation for Australia
KLALC	Karuah Local Aboriginal Land Council
LEP	Local Environmental Plan
LES	Local Environment Study
LGA	Local Government Area
MCP	Modified Concept Plan - MP 10_0136 MOD 1
NNTT	National Native Title Tribunal
NPW	National Parks and Wildlife
NTS Corp	Native Title Services Corporation
ORALRA	Office of The Registrar, Aboriginal Land Rights Act
OEHS	Office of Environment and Heritage (NSW)
PAD	Potential Archaeological Deposit
QA	Quality Assurance
RAP	Registered Aboriginal Party
RNE	Register of the National Estate
SHI	State Heritage Inventory
SHR	State Heritage Register
Tattersall Lander	Tattersall Lander Pty Ltd

## EXECUTIVE SUMMARY

*Environmental Resources Management Australia Pty Ltd (ERM) were commissioned by Tattersall Lander Pty Ltd (Tattersall Lander) on behalf of SGD 1 Pty Ltd (the Proponent - Sheargold) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support the proposed modification to the Approved Concept Plan for a residential development at Tea Gardens NSW. The Modified Concept Plan (MCP) has been prepared subsequent to the public exhibition of the Concept Application in early 2012 and the Concept Plan Approval on 27th June 2013 (MP 10\_0136).*

*Following revision of the development boundary, an additional area of 5.83 hectares associated with the proposed commercial precinct in the south west corner of the site that was not included in the Approved Concept Plan or the previous ACHA (ERM 2011) has been added to the MCP and forms the basis of this assessment.*

*The overall aim of the heritage assessment was to ascertain whether there are any heritage values associated with the study area that could potentially be affected by the proposed development and provide relevant mitigation measures for impacts to these heritage values during any future works.*

*During the field survey, one highly disturbed shell deposit was located outside of the study area boundary and was reported to be a highly disturbed shell deposit mixed with imported fill. This disturbed site has been recorded as Riverside\_02 and will not be impacted as a result of the modified concept plan, although it will be disturbed by excavation works in the water management area. This site and the recommended mitigation measures will be included in the updated Riverside Cultural Heritage Management Plan (in prep).*

*There is low archaeological potential for any unidentified sites to be present in the study area although an unexpected finds procedure in accordance within the updated Riverside Riverside Cultural Heritage Management Plan (in prep) will also apply.*

Environmental Resources Management Australia Pty Ltd (ERM) were commissioned by Tattersall Lander Pty Ltd (Tattersall Lander) on behalf of SGD 1 Pty Ltd (the Proponent - Sheargold) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support the proposed modification to the Approved Concept Plan for a residential development at Tea Gardens NSW (refer to Figure 1.1).

The Modified Concept Plan (MCP) has been prepared subsequent to the public exhibition of the Concept Application in early 2012 and the Concept Plan Approval on 27th June 2013 (MP 10\_0136). Following revision of the development boundary, an additional area of 5.83 hectares (ha) associated with the proposed commercial precinct in the south west corner of the site that was not included in the Approved Concept Plan or the previous ACHA (ERM 2011) has been added to the MCP and forms the basis of this assessment (refer to *Figure 1.1*).

**1.1****BACKGROUND**

This ACHA considers the Aboriginal heritage and archaeology of the additional 5.83 ha associated with the proposed commercial precinct in the south west corner of the Riverside project area. It provides an assessment of potential impacts of the proposed development on the identified heritage values and presents impact mitigation strategies for inclusion in the updated Riverside Cultural Heritage Management Plan (*in prep*).

In 2013 the Minister for Planning and Infrastructure approved a concept application pursuant to Part 3A (now repealed) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a residential and tourist subdivision under community title. Approximately 40% of the area included in the original concept plan is proposed to be developed for urban uses and water management, the remaining 114.93 ha (60%) will be set aside for conservation. Recent modifications to the Riverside Tea Gardens Concept Plan have now included an additional 5.83 ha portion of land. In accordance with recommendations from the Office of Environment and Heritage (OEH) ERM has prepared this ACHA for the additional portion of land.

ERM has prepared this ACHA based on the following current legislation, regulation and best practice guidelines:

- *National Parks and Wildlife Act 1974*;
- *Heritage Act 1977*;
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010a) (Consultation Guidelines);



- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010b);
- *Code of practice for archaeological investigation of Aboriginal objects in NSW* (DECCW 2010c);
- *Guide to investigating, assessing; and reporting on Aboriginal cultural heritage in NSW* (OEH 2011); and
- the *Australia ICOMOS Burra Charter 2013* (Burra Charter).

## 1.2

### STUDY AREA

The study area comprises Lot 9 DP 270561 and is approximately 5.83 ha in area associated with the proposed commercial precinct in the south west corner of the Riverside project area (see *Figure 1.2; Photograph 1.1*). The Riverside project area is bounded by the Myall River to the east and Myall Road to the west. The Shearwater Residential Estate lies to the north of the site and residential development of Tea Gardens is to the south.

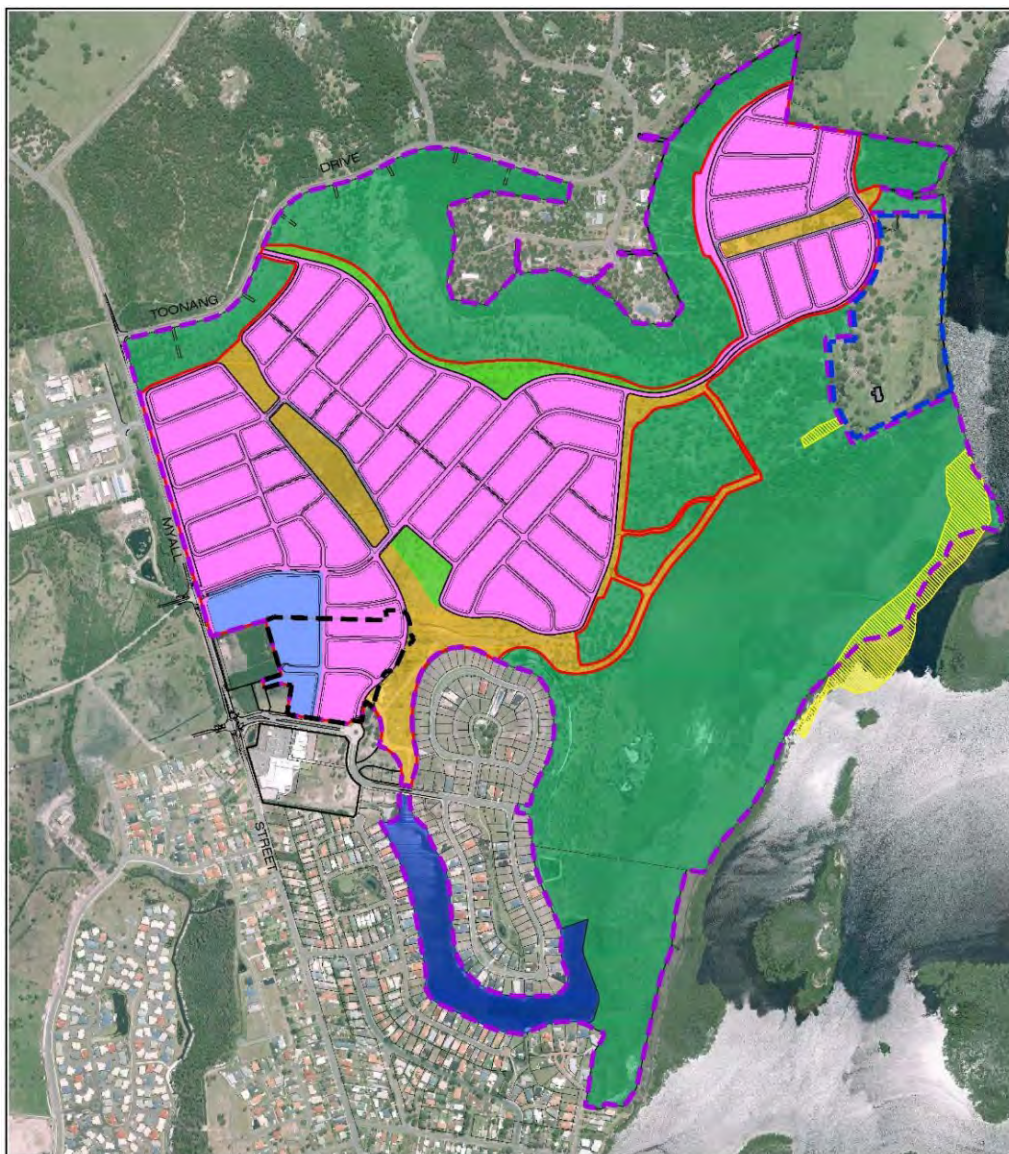


*Photograph 1.1 Southern section of study area, view to west (ERM 2017)*









ITEM	DESCRIPTION	Ha	%
	Extent of Site - 'Riverside' concept plan	218.00Ha	100%
	Development Footprint	96.13Ha	44.1%
	Area Now Excluded	9.99 Ha	
	Area Now Included	5.83 Ha	
	Conservation	114.93Ha	52.7%
	Existing Lakes	6.94Ha	3.2%
	Open Space / Water Management	13.60Ha	6.2%
	Active Recreation Area	3.78Ha	1.7%
	Low Density Residential	73.86Ha	33.9%
	Future Commercial	4.89Ha	2.2%
	Location of Known Midden		
	Existing House		

## Modified Concept Plan

1.2

Drawing No: 0406528b\_TGACHA\_C001\_R0.cdr

Project Riverside Tea Gardens

Date: 21/09/2017

Drawing size: A4

Aboriginal Cultural Heritage Assessment

Drawn by: DR

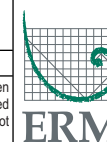
Reviewed by: KD

Client: Tattersall Lander Pty Ltd

0 10 20m



This figure may be based on third party data or data which has not been verified by ERM and it may not be to scale. Unless expressly agreed otherwise, this figure is intended as a guide only and ERM does not warrant its accuracy.



Source:

Tattersall Lander Pty Ltd - Site Area Plan - Rc03 Concept Plan.dwg

### 1.3

#### *PROJECT DESCRIPTION*

The amended Concept Plan proposed is a substantially reduced and revised version of the approved Concept Plan. These works include: -

1. Biodiversity Offsets Package with the securing of all Koala credits onsite;
2. Amended Stormwater and Groundwater Management Plan including an amended flooding report due to the finalisation of the 2014 Lower Myall River and Myall Lakes Flood Study and the lowering of flood impacts;
3. Major reductions in the development footprint with significant increases in important ecological corridor widths;
4. Reorganisation of the residential and commercial interface adjoining Myall Street and the Myall Quays Shopping Village. This will result in the addition of a small area of the Commercial Community Title (DP 270561) into the MCP as well as a reduction of land from DP 270100 that will revert to future commercial lands (the subject of this ACHA); and
5. The provision for a Riverside Walk as a proactive protection mechanism to control public access through the wetland and biodiversity area.

The existing Approved Concept Plan provides for a development footprint of 108.30 ha. The amended MCP layout plan is proposing 96.14 ha of site area for development with 73.86 ha being used for residential dwellings.

### 1.4

#### *AUTHORSHIP*

Katherine Deverson (ERM Heritage Consultant) conducted the field survey on Tuesday 12 September 2017 and authored this report. Sarah Ward (ERM Principal Cultural Heritage Consultant) undertook an additional survey on Tuesday 19 September 2017 and Joanne Woodhouse (ERM Senior Consultant) undertook a technical review of this report. Paul Douglass (ERM Partner) undertook a quality assurance (QA) review of the report.

This report is structured in the following way:

<i>Chapter 2</i>	Legislative framework;
<i>Chapter 3</i>	Aboriginal community consultation undertaken for the heritage assessment;
<i>Chapter 4</i>	Background - Environmental and landscape background, archaeological context, Aboriginal heritage predictive model and historical background relating to the study area;
<i>Chapter 5</i>	Survey methodology and results;
<i>Chapter 6</i>	Significance assessment of sites located within the study area;
<i>Chapter 7</i>	Impact assessment; and
<i>Chapter 8</i>	Heritage management and impact mitigation recommendations.

In addition, there are three annexes, including:

<i>Annex A</i>	Log of the Stakeholder consultation undertaken for the project;
<i>Annex B</i>	Newspaper Advertisement
<i>Annex C</i>	Aboriginal Heritage Information Management System (AHIMS) Site Cards
<i>Annex D</i>	Relevant and new Aboriginal Heritage Information Management System (AHIMS) data.

Aboriginal cultural heritage in NSW is protected by the *National Parks and Wildlife (NPW) Act 1974*. Land managers are required to consider the effects of their activities or proposed development on the environment under several pieces of legislation, principally the *Environmental Planning & Assessment Act 1979*. Cultural heritage, which includes indigenous heritage, is subsumed within the definition of “environment”. Commonwealth legislation protecting indigenous heritage may also apply to indigenous heritage places in NSW in certain circumstances. Key legislation is summarised in *Table 2.1* below.

**Table 2.1**      **Key Legislation**

State Legislation
<p><i>National Parks and Wildlife Act 1974 (NSW)</i></p> <p>All Indigenous objects within the State of New South Wales are protected under Part 6, and particularly Section 90, of the NPW Act.</p> <p>Under section 5 of the Act, “Aboriginal Object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Indigenous habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.</p> <p>Sites of traditional significance that do not necessarily contain archaeological materials may be gazetted as ‘Aboriginal places’ and are protected under section 84 of the Act. This protection applies to all sites, regardless of their significance or land tenure.</p> <p>Under section 90, a person who, without first obtaining the consent of the Director-General, knowingly destroys, defaces or damages, or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place is guilty of an offence.</p> <p>The provisions of the now repealed Part 3A of the EP&amp;A Act overrule the requirement for an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act, however all other provisions remain applicable to this project. 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 development activity.</p>
<p><i>Heritage Act 1977 (NSW)</i></p> <p>The NSW <i>Heritage Act 1977</i> establishes the NSW Heritage Council and the SHR. The aim of the Act is to conserve the heritage of New South Wales. The aim of heritage management is not to prevent change and development, but to ensure that the heritage significance of recognised heritage items is not harmed by changes.</p> <p>The SHR is a separate listing to the State Heritage Inventory and includes items which are accorded SHR listing through gazettal in the NSW Government Gazette. Nominated items are considered by the NSW Heritage Council which then makes a recommendation to the Minister for Heritage. The Minister is empowered to place Interim Heritage Orders (IHO) on an item of potential State significance on the basis of advice received from the Heritage Council. :</p> <ol style="list-style-type: none"> <li>An item is important in the course, or pattern, of NSW’s cultural or natural history.</li> <li>An item has strong or special association with the life or works of a person, or group of persons of importance in NSW’s cultural or natural history.</li> <li>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.</li> <li>An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons.</li> <li>An item has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history.</li> </ol>

### State Legislation

- f. An item possesses uncommon, rare, or endangered, aspects of NSW's cultural or natural history.
- g. An item is important in demonstrating the principal characteristics of a class of NSW's a) cultural or natural places: or b) cultural or natural environments.

#### *Environmental Planning and Assessment Act 1979 (NSW)*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) provide the statutory framework for the assessment of the activity. Section 79C of the EP&A Act requires the consent authority to take into consideration a range of matters when undertaking an assessment of a DA. The EP&A Act requires that environmental impacts are considered in land use planning, including impacts on Aboriginal and non-Aboriginal heritage. Various planning instruments prepared under the Act identify permissible land use and development constraints.

The NSW National Parks and Wildlife Services (NPWS) provide guidelines for Aboriginal heritage assessment, including those conducted under the EP&A Act.

### Commonwealth Legislation

#### *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)*

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* protects areas and/or objects which are of significance to Aboriginal people and which are under threat of destruction. The Act can, in certain circumstances override state and territory provisions, or it can be implemented in circumstances where state or territory provisions are lacking or are not enforced. A significant area or object is defined as one that is of particular importance to Aboriginal people according to Aboriginal tradition. The Act must be invoked by or on behalf of an Aboriginal or Torres Strait Islander or organisation.

This chapter contains details of the Aboriginal community consultation undertaken in regard to the Aboriginal cultural heritage of the study area.

In accordance with the guideline *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), consultation with Aboriginal people is an essential part of the heritage assessment process to determine potential harm on Aboriginal cultural heritage from proposed activities; and to inform decision making if it is determined that harm cannot be avoided.

The guideline also sets out four stages of consultation requirements. Fulfilment of these requirements is outlined below.

### 3.1 **STAGE 1: NOTIFICATION OF THE PROPOSED ACTIVITY AND REGISTRATION OF INTEREST**

ERM has actively sought to identify stakeholder groups or people wishing to be consulted with about the modified concept plan. A consultation log was started at this time, and updated during the various stages of the project. The consultation log is presented in *Annex A*. The proposed activity was advertised in the Myall Coast News of the Area, requesting the participation of interested Aboriginal groups. The advertisement is presented in *Annex B*.

To identify relevant stakeholders, letters about the proposed activity (dated 19 June 2017) were supplied to the following bodies:

- Karuah Local Aboriginal Land Council (KLALC);
- NSW OEH (Hunter Region);
- Local Land Services, Hunter Region;
- National Native Title Tribunal (NNTT);
- Native Title Services Corporation (NTS Corp);
- Office of the Registrar, Aboriginal Land Rights Act (1983); and
- Mid-Coast Council.

Four Aboriginal parties registered an interest in being consulted:

- KLALC;
- Karuah Indigenous Corporation;
- Nur Run Gee; and
- Mur Roo Ma Inc.



### 3.2

#### **STAGE 2: PRESENTATION OF INFORMATION ABOUT THE PROPOSED ACTIVITY**

A project notification letter was sent to each of the registered Aboriginal parties (RAPs) (dated 5 July 2017). The letter included:

- an outline of the proposed works;
- the proposed methodology and dates for pedestrian survey;
- a request to nominate one person for attendance on one day of the survey; and
- a request for Aboriginal parties to identify any particular areas of interest within the study area to survey, to inform the preparation of a roster.

KLALC also requested a face to face meeting to discuss the project and proposed assessment. This meeting was undertaken on 6 July 2017.

No comments were received from other RAPs in relation to the proposed methodology.

As outlined within the consultation log (*Annex A*), KLALC voiced concerns that the other RAPs, while welcome to register an interest, should not be invited to attend the field survey as it was located within the Karuah LALC boundaries. ERM considered the advice and consulted with both OEH and the RAPs over a period of eight weeks to ensure that the views of all RAPs could be duly considered.

A search by ORALRA (Office of The Registrar, Aboriginal Land Rights Act) has confirmed that no Traditional Owners have been registered over this property and there are always some questions around interpretation of the consultation guidelines although it is generally accepted that consultation does not mean that all RAPs have to attend every site visit, consultation is merely being involved in the project and being provided the opportunity to review and comment. Based on advice from OEH, providing equal opportunity in this project was the preferred option in this instance as all groups indicated their interest in being involved in the site visit and they confirmed (verbal only) that they are traditional owners of the Worimi Nation. One of the RAPs was also involved in the recording of the midden sites in the immediate locality.

### 3.3

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

Based on the responses received during Stage 2 consultation and ongoing consultation with OEH and the RAPs as outline above, ERM issued invitations for participation of Aboriginal parties in field surveys on 12 September or 19 September 2017. Emails and telephone calls were made to each party that had expressed interest in the survey to confirm attendance and clarify any potential questions or issues about the methodology, and to determine meeting locations and times for each survey day.

During telephone calls and the face to face meeting with the KLALC, the known heritage sites in the area (derived from results of AHIMS searches and previous surveys) were discussed, to provide Aboriginal parties with information about the types of recorded sites in the area. Information was also sought regarding cultural knowledge of the study area. All groups expressed that the study area, although heavily disturbed, held potential cultural sensitivity. KLALC provided further comment in regards to the importation of fill from Limekilns (a substantial cultural area) for the making of roads and confirmed that the areas of swamp were not intensively occupied by Aboriginal people in the local area. .

### 3.4

#### *STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT REPORT*

A draft copy of this ACHA report was provided to all registered Aboriginal parties on 13 October 2017, for the purposes of receiving written or oral general comments and comments on the cultural significance of the study area. Responses were received from Karuah Indigenous Corporation on 6 November 2017 and Nur Run Gee on 3 November 2017 indicating their support of the management recommendations. Additional recommendations presented by these RAPS include:

- any turf stripping in the project should be monitored by a representative from each of the registered stakeholders with connection to Worimi Country;
- artefacts that are impacted by construction of the project should be salvaged by a representative from each of the registered stakeholders with connection to Worimi Country; and
- a request that OEH treat the oral history parts of the assessment with the utmost of 'confidentiality'.

Responses were also received from KLALC dated 18 January 2018 indicating that they do not support the ACHA report in its draft format. Consideration was given to the recommendations of the KLAC and a revised draft was provided to all registered Aboriginal parties on 9 February 2018. Specifically, based on the advice of KLALC, the potential hearth site has now being confirmed as a modern fire pit and is not identified as a PAD. Responses were received from Karuah Indigenous Corporation on 15 February 2018 and Nur Run Gee on 10 February 2018 indicating their continued support of the management recommendations.

An email response received from KLALC dated 12 February 2018 indicates that they do not agree that salvage and test excavation is warranted at Riverside\_02. KLALC also remain disrespected that other RAPs participated in the field survey.

Copies of their correspondence are provided in *Annex A*.

## 4.1

## ENVIRONMENTAL CONTEXT

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, fauna, and stone materials had (and continues to have) a significant influence over the way in which people use the landscape.

Alterations to the natural environment also impact upon the preservation and integrity of cultural materials within that environment. Current vegetation and erosional regimes also affect the visibility and detectability of Aboriginal sites and objects. For these reasons, it is essential to consider environmental factors as a component in any heritage assessment.

## 4.1.1

*Bioregion*

Bioregions and sub-bioregions are large, geographically distinct areas of land with common characteristics such as geology, landform patterns, climate, ecological features and plant and animal communities. The Interim Biogeographic Regionalisation for Australia (IBRA; Department of the Environment (DoE) 2014) provides a regional and national planning framework for the systematic development of a comprehensive, adequate and representative National Reserve System. Bioregions delineate salient environmental characteristics, which can highlight patterns in Aboriginal site patterning.

NSW has 17 identified bioregions. The study area is located at the southernmost point of the NSW North Coast, which extends along the coast from Tea Gardens north to just over the Queensland border. It is bordered by the Sydney Basin bioregion to the south, and the New England Tableland bioregion to the west. The total area of this bioregion is 5,924,130 ha, and the NSW portion is 5,692,351.6 ha; it occupies 7.11% of NSW (OEHL 2016). A summary of the main attributes of the bioregion are provided in *Table 4.1*.

**Table 4.1**      *Summary of Attributes for the South Eastern Highlands Bioregion*

Characteristic	Description
Geology	The North Coast Bioregion is one of the most diverse in NSW. It has Devonian and Permian bedrocks that are part of the New England Fold Belt and have been closely faulted as they were thrust over the northern margin of the Sydney Basin. Small bodies of granite and granodiorite have intruded the sedimentary rocks and there are three centres of Tertiary basalt eruption.
Landforms	The region overlies dissected ranges and plateau of the Great Dividing Range, extending to the Great Escarpment in the east and the western slopes of inland drainage basins. The region covers a variety of landforms such as steep to gentle slopes, ridges and valley floors.
Soils	<p>The soil and vegetation patterns in the bioregion are very complex because of the different substrates, the topographic variation and the climatic differences encountered across and along the bioregion. In general, only the most fertile soils (normally from basalts) support rainforests, but exceptions to this are found in numerous protected pockets where plant nutrients have accumulated through organic cycling in litter.</p> <p>On the basalts the soils are typically red, friable loams or clay loams with high fertility, good structure and excellent water-holding capacity. On granites and most of the quartz rich sedimentary rocks, shallow yellow earths are found on hillcrests, yellow and brown texture contrast profiles are found on the slopes, and organic loams or sandy loams are found on the alluvial plains. In the coastal dunes, deep siliceous sands and very well developed podsols can be found.</p>
Vegetation	The region contains a diverse range of vegetation communities such as yellow box, red box, Blakely's red gum, white box and white gum to the west of the region, brown barrel to the east, river oak along streams, grey gum and Blaxland's Stringybark in lower areas and brown barrel, mountain gum, narrow-leaved peppermint and ribbon gum on elevated areas.

Source: OEH 2016

#### **4.1.2**      *Climate*

The sub-tropical climate of the coastal portion of the NSW North Coast bioregion is characterised by hot summers. A breakdown of climatic variables for the bioregion is given in *Table 4.2* (OEH 2016).

**Table 4.2**      *NSW North Coast bioregion - Climate Variable Information*

Climate Information	Variable
Mean annual temperature	8-20°C
Minimum average monthly temperature	-2.8-9.8°C
Maximum average monthly temperature	20.3-30.9°C
Mean annual rainfall	607-2912mm
Minimum average monthly rainfall	30-99mm
Maximum average monthly rainfall	76-499mm

#### 4.1.3

#### *Topography and Landforms*

Speight (1990) describes categories of landform divisions, including ten morphological types of landform element units. For archaeological investigations they divide the landscape into standardised elements that can be used for comparative purposes and predictive modelling. A number of landform units were identified within the surrounding area, being slopes, ridges, flats, dunes and gullies/creeks. Site types most likely to occur on these landforms are shell middens and stone artefact sites (scatters and isolated finds). The study area is predominantly flat and low-lying. The landscape drains down to the south and to the Myall River estuary at its east.

#### 4.1.4

#### *Geology and Soils*

The area surrounding the study area predominantly overlies Quaternary sands comprising gravel, sand, silt and clay, with a small section in the north west overlying Carboniferous bedrock of the Wootton Beds, including sandstone, siltstone, claystone, shale, limestone and lavas (Newcastle 1:250,000 geological series). No stone outcrops appear to occur in the study area. Axe grinding grooves are often located on sandstone where it occurs in association with water, but the lack of such outcrops indicates that this type of site will not occur in the study area. Stone art/engraving sites and shelter sites will also not occur, given the lack of outcrops.

Stone from the Nerong Volcanics group outcrops in the area surrounding Port Stephens. The Nerong Volcanics include a range of stone types that are not typically used to manufacture artefacts but have been reported as being utilised and have been found in archaeological sites some distance from their source (Dean-Jones 1990:116; Umwelt 2000:7.8; Dyll 2004:144). To the northwest of Port Stephens, outcrops of various igneous and sedimentary rocks suitable for stone tool manufacture (including tuff) are present (Dean-Jones 1990:18). No cobbles of suitable raw material for stone artefact manufacture appear to occur naturally within the study area. As such, stone quarry sites are not expected to occur.

The soils identified in the surrounding area were alluvium, siliceous sand, leached sand, structured plastic clay, salt marsh/heath sands, sand podzols, brown and yellow podzolics and organic sands/muds (Gardner Browne *et al.* 1991:30). Field observation of soil horizons indicated that the study area was covered by a silty clay deposit and imported sands used as fill. Advice from the KLALC suggests that the fill has been imported from Limekilns (a substantial cultural area) for the making of roads.

#### **4.1.5**      *Hydrology*

The availability of water has significant implications for the range of resources present 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.

A small intermittent creek is present north-east of the study area, draining into the Myall River. Several ephemeral intermittent drainage lines are present to the north, draining down the slope to the low-lying part of the study area.

The location of the estuary indicates that shell middens are likely to be present in and near the study area. Stone artefacts are most likely to occur in the context of middens, being scattered in very low numbers throughout the remainder of the study area.

#### **4.1.6**      *Land Use and Disturbance*

The broader Riverside project area was cleared in 1932 for a pine plantation, which has heavily disturbed the area. Large areas of the plantation were burned out in 1979 and it was not maintained after this time. The study area subject to this assessment is highly disturbed having been subject to the importation of fill material and continually slashed.

#### **4.1.7**      *Flora and Fauna*

The study area is located near the Myall River estuary, which supports an extensive environment of seagrass and mangroves which would provide shellfish such as cockles and oysters. In this regard it is likely that shell middens may be present within the study area.

#### **4.1.8**      *Implications for Archaeology*

The environmental context outlined above has a number of implications for archaeology in the study area. Previous disturbance caused by clearing and ongoing slashing indicates that no stone arrangements or ceremonial grounds will be found. Further, scarred or carved trees will not be located in the study area. A lack of stone outcrops indicates that shelter sites, quarrying sites, stone engraving/art sites and axe grinding grooves will not occur.

The location of the estuary and the presence of salt marsh soils in the wetlands indicate that shell middens may be present. The presence of small creeks indicates that stone artefacts may occur in very low numbers; however such artefacts are most likely to occur in the context of middens.

## 4.2

### ARCHAEOLOGICAL CONTEXT

The purpose of this section is to provide archaeological background information for use in developing a predictive model of Aboriginal site location for the study area.

#### 4.2.1

##### *AHIMS Results*

A search of the AHIMS Aboriginal Sites Database was undertaken on 13 September 2017, the search covered the entire Riverside project area with a 1000 m buffer. A total of 15 recorded sites were identified within this search area (see *Figure 4.1; Annex D*), which comprised nine middens, one stone artefact scatter, one burial, and three Potential Archaeological Deposits (PADs).

This search of the local area shows that middens are the main Aboriginal site type recorded in the area, and these are predominantly located on the beach and bays of Port Stephens, and along the estuaries and rivers of the area (including the Myall River).

Two midden sites (38-5-0148 and 38-5-0306) have been recorded to the north of the current study area and will be protected within the proposed Conservation Area. The sites are managed as part of the updated Riverside Cultural Heritage Management Plan (in prep). No other sites are located within 1.5 km of the study area.





#### Legend

- ▭ Study Area
- ▭ Riverside Project Area
- AHIMS Search Results

Source: Imagery - nearmaps 5th July 2017

#### AHIMS Search Results

Drawing No: 0406528b\_TGACHA\_G004\_R0.mxd

Date: 22/09/2017

Drawing Size: A4

Drawn By: DR

Reviewed By: KD

Coordinate System: GDA 1994 MGA Zone 56

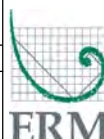
0 0.5 1km



Riverside Tea Gardens  
Aboriginal Cultural Heritage Assessment

Client: Tattersall Lander Pty Ltd

This figure may be based on third party data or data which has not been verified by ERM and it may not be to scale. Unless expressly agreed otherwise, this figure is intended as a guide only and ERM does not warrant its accuracy.





#### 4.2.2

#### *Previous Local Studies*

A brief literature review was undertaken to understand the local region's archaeological patterning. This review was targeted to those reports relevant to the study area.

A number of archaeological investigations have been undertaken within and adjacent to the Riverside at Tea Gardens site. These are outlined below, to establish a basis on which the predictive model for the study area may be formulated.

#### *ERM (2011)*

ERM conducted field surveys in 2008 and 2009 within the broader Riverside project area. The surveys covered the current study area (no archaeological site recorded) however the area was later removed from the concept plan and the surveys were not formerly reported in the Aboriginal Heritage Assessment (ERM 2011).

The surveys were undertaken in consultation with the KLALC and focused on identifying Aboriginal cultural sites and PADs throughout the area. Ground visibility was reported to be a limiting factor and exposed areas with higher visibility were targeted. Two midden sites and one PAD were identified during the surveys. These sites had been recorded previously and were re-located during the 2009 fieldwork. All sites are located in an area set aside for conservation and will not be impact as a result of the MCP. A summary of the results of the 2008 and 2009 surveys (site name, content and context) is provided in *Table 4.3*, the location of the sites is shown in *Figure 5.1*.

**Table 4.3** *Aboriginal sites recorded within the study area*

Site	Content	Location	Archaeological potential <sup>1</sup>
<b>38-5-0306 (Riverside_01)</b>	Midden	Sand Dune in east of project area. Approx. 100 m west of coastline	Moderate potential
<b>38-5-0148</b>	Midden	Sand Dune at eastern limit of project area on coastline.	Moderate potential
<i>1 – Criteria for the assessment of archaeological potential is provided in Table 5.1</i>			

*Brayshaw (1988)*

The Riverside project area (including the current 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 220 m x 40 m 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.

*Previous Archaeological Work to the South of the Study Area*

The area immediately south of the study area was surveyed by Dallas (1982), who located a disturbed shell midden (AHIMS site 38-5-0076; see *Figure 4.1*) on a sandy elevation above a swamp adjoining the Myall River. The shell species represented were whelk, cockle and oyster, and flaked stone artefacts were also present. Given the shallow deposit and high level of disturbance, the site was assessed as having low archaeological significance. A Consent to Destroy (S.90) permit for this site was issued in 1982, however this permit lapsed without impact to the midden, the site was destroyed in 1994.

The site was reinvestigated by Kinhill Engineers (1994), at which time a new midden exposure was recorded approximately 100 m to the south west (AHIMS site 38-5-0147; see *Figure 4.1*). Kinhill Engineers conducted a program of test excavation (under a S.87 permit) on this new site, and assessed the site as being of moderate to low archaeological significance, with further excavation work unlikely to add to an understanding of the site. Whelk, oyster and some cockle were recovered at this site, as were stone artefacts.

A small area proposed for a caravan park on the southern edge of Tea Gardens was surveyed by Dean-Jones (1989), and no archaeological evidence was found.

Land at the mouth of the Myall River, on the southern edge of Hawks Nest, was surveyed by Byrne (1985). Four occurrences of oyster were located over several hundred metres along a vehicle track on the edge of a mangrove swamp, and one stone artefact was located. The site was identified as a short-stay camp with limited extent, depth and shell species, and had been heavily disturbed by the vehicle track. It was assessed as being of low archaeological significance.

#### *Previous Archaeological Work to the West of the Study Area*

The area immediately to the west of the study area was surveyed by Silcox (1998). One stone artefact scatter (comprising two artefacts) and one isolated find were located during the survey, and these were both assessed as having low archaeological significance.

The area immediately west and south-west of the study area was surveyed by RPS Harper Somers O'Sullivan in 2008. The surveys located midden sites originally recorded by Silcox in 1999 and determined that these sites were highly disturbed by previous land uses, such as grazing.

#### *Previous Archaeological Work to the North of the Study Area*

An area proposed for residential development at Monkey Jacket was surveyed by Rich and Brayshaw (1983), and no archaeological evidence was found.

#### *Summary*

The local heritage studies demonstrate that the study area and its immediate surroundings have been previously surveyed for archaeology. The methodologies for these surveys appear to have been adequate, and no sites have been located within the current study area.

### **4.2.3 Regional Archaeological Context**

By far the bulk of the archaeological investigations in the Port Stephens catchment have been carried out in relation to development projects. Consequently, the locations of previous studies are generally linked to the primary areas of development, rather than reflecting a cohesive research design. Shell middens are the most common site type along the coast, and tend to occur most frequently in association with beach dunes or estuaries, and to a lesser extent with rock platforms/headlands, particularly in close proximity to fresh water (Sullivan 1982). While shell middens are the most common type of site on the coast, other sites recorded include stone artefact scatters, scarred trees and axe grinding grooves, and burials may be located in soft dune sand either alone or in association with middens.

Sites on the NSW North Coast have been dated predominantly to the last 6,000 years, which corresponds to the time when sea levels rose to their present level (Lampert and Hughes 1974). During the period of lower sea level, the NSW coast would have been located a great distance to the east. Archaeological sites on that ancient coastline would have been submerged below the rising sea levels following the last glacial maximum when sea levels were at their lowest (approximately 18,000 BP).

Most middens on the NSW North Coast date to the last 1,000 years, with many dating to from 300-500 years Before Present (BP) and later (Sullivan 1982:124). However, much earlier evidence of late Pleistocene occupation in the nearby Hunter region has been identified at a number of sites, namely Warkworth West, Fal Brook and Lemington (AMBS 2002; ERM 2004:15; Koettig 1987; Kuskie 2000). Whilst the representation of Pleistocene sites in the region is limited, it should not be assumed that this apparent paucity of dated sites reflects a lack of human activity. Based on the current models for the peopling of Australia and the evidence from surrounding regions, it seems likely that the Hunter region was initially occupied at some time between 20,000 and 40,000 years ago (ERM 2004:68).

#### 4.2.4 *Implications for the Study Area – Predictive Model*

Based on the archaeological and environmental context outlined above, it is predicted that shell middens are the type of site most likely to be found in the study area. Stone artefacts are more likely to be found in association with middens, rather than being represented by individual sites. The disturbance that has occurred over the majority of the study area (and the broader Riverside project area) indicates that no stone arrangements or ceremonial grounds will be found, and a lack of stone outcrops and cobbles within the study area indicates that stone quarry sites, shelter sites, rock art/engravings and axe grinding grooves will not occur. Evidence of intensive usage or occupation is unlikely.

It is unlikely but possible that burials may occur within the study area, most likely in association with midden material; however recorded burials in the vicinity indicate that burials are more likely to occur in middens in the soft sand of the beach and the bays of Port Stephens, rather than in or near the estuaries. There is no indication that burials are more likely to occur in the study area than in any of the surrounding localities. Site types that may potentially be found in or near the study area are described in *Table 4.3* below.

**Table 4.4**      *Aboriginal sites known and potentially found in the local area*

Site Types	Definitions
Shell middens	Middens predominantly consist of accumulations of shell that represent the exploitation and consumption of shellfish by Aboriginal people. Shell species may be marine, estuarine or freshwater depending on the environmental context. Middens frequently also include faunal remains, stone artefacts, hearths and charcoal.
Stone artefact scatters	Stone artefact scatter sites, also known as open campsites, are usually indicated by surface scatters of stone artefacts and sometimes fire blackened stones and charcoal. Where such sites are buried by sediment they may not be noticeable unless exposed by erosion or disturbed by modern activities. The term 'campsite' is used as a label which, in the case of open sites, does not necessarily imply that Aboriginal people actually camped at the site; rather it indicates only that some type of activity was carried out there.
Isolated Finds	Sites consisting of only one identified stone artefact, isolated from any other artefacts or archaeological evidence (and defined by an arbitrary separation distance of 50 m). They are generally indicative of sporadic past Aboriginal use of a location.
Grinding grooves	Grooves resulting from the grinding of stone axes or other implements are found on flat areas of suitable sandstone. They are often located near waterholes or creek beds as water is necessary in the sharpening process. In areas where suitable outcrops of rock were not available, transportable pieces of sandstone were used.
Scarred trees	Scarred trees bear the marks of bark and wood removal for utilisation as canoes, shields, boomerangs or containers. It is commonly very difficult to confidently distinguish between Aboriginal scars and natural scars or those made by Europeans. Scars may also originate as 'foot-marks', small pockets cut into the bark of a tree enabling the tree to be climbed.
Burial sites	Burials may be of isolated individuals, or they may form complex burial grounds. Often associated with other site types such as middens, or mounds.

This section provides an overview of the surveys of the study area undertaken to determine the presence of Aboriginal heritage sites.

## 5.1

## FIELD SURVEY METHODOLOGY

The study area was surveyed by the ERM Heritage Consultant, Katherine Deverson, and Aboriginal representatives from Karuah Indigenous Corporation and Nur Run Gee on 12 September 2017, and again on 19 September 2017 by ERM Principal Cultural Heritage Consultant, Sarah Ward and representatives from KLALC. The survey attempted to look at areas of exposure within the study area.

When potential heritage sites or items were identified they were recorded by the survey team for content, GPS location and digitally photographed. Notes were made of soil conditions, evidence of disturbance and possible extent of sites. Areas with archaeological potential were identified upon the definitions in Table 5.1. Specific methodologies are described below.

**Table 5.1** Definitions of Archaeological Potential

Rank	Definition	Example
No potential	Artefacts cannot occur <i>in situ</i> .	Eroded landforms, reconstructed landscapes, hazardous landscape, developed areas.
Low potential	Artefacts are not normally found in comparable contexts but could occur in low densities making detection unlikely.	Landforms with no specific focus for use, i.e. with water sources or undifferentiated slopes.
Moderate potential	Artefacts are known to occur in comparable landforms in detectable densities (~1 artefact/m <sup>2</sup> ) and there is an unknown possibility for detection.	Landforms with an environmental focus which may have seen seasonal visitation.
High potential	Artefacts are consistently found in comparable landforms or similar environmental contexts and thus will certainly be found in any ground breaking works.	Landforms with known environmental focus encouraging repeat visitation to specific locale, i.e. margins of swamp or near high order creeks.

The survey was conducted according to the methodology discussed with all Aboriginal stakeholders. Participants walked in transects approximately 2-3 m apart covering the entire 5.83 ha area.

The survey focused on the identification of Aboriginal heritage values relating to archaeological sites, although discussion also included Aboriginal intangible values and the importance of Aboriginal sites to the local community. Field survey methods were adopted to pursue the discovery of new archaeological sites, ensure their accurate recording and provide sufficient background information to provide an assessment of cultural (and social) significance to the extent that surface survey allowed.

### 5.1.1 *Fieldwork Constraints*

The majority of the study area appears to have been used as agricultural grazing land and has been recently slashed, is largely covered in grass and fill material and has low ground surface visibility.

Given that the study area was relatively small the survey comprehensively covered the entire area, however it focused on areas of higher ground visibility.

## 5.2 *DISCUSSION OF SURVEY RESULTS*

A summary of the results is presented in *Table 5.2* and described below.

### 5.2.1 *Landform*

The study area comprises flat landform that had low ground visibility. 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 vegetation were also checked for scarred or carved trees but none were observed. Much of the study area appeared to be covered in or mixed with imported off-site fill as shown in *Photograph 5.1*.



*Photograph 5.1 Study area, showing fill material and ground visibility, view to west (ERM 2017)*

During the field survey on 12 September 2017, one highly disturbed shell deposit was located outside of the study area boundary (refer to *Figures 5.1 and 5.2*). The midden deposit was not dense and most of what can be seen showed a sparse scattering of mature shell on the surface. Some unworked chert material was located in this area; however no Aboriginal stone artefacts or animal bone were noted in the midden material. *Figure 5.1* shows the extent of the midden, the main deposit appears to be located on the slightly raised area beneath a remnant patch of trees covering approximately 30 m x 20 m and is mixed with imported fill.

The shell species present included cockle, whelk, and pipi, all species commonly reported to have been utilised and found within middens in the local area (Brayshaw 1988 and Dallas 1982). The site is in poor condition and is surrounded by largely disturbed areas. Evidence for the midden was also found in a group of trees 70 m to the south of the main deposit, the ground between these areas is highly disturbed and is covered by/mixed with imported off-site fill. It is considered likely that the two deposits were originally part of one site however confirmation of the site extent is difficult from surface survey only as it is obscured by the imported fill. KLALC have indicated that this fill has been sourced from Limekilns (a substantial cultural site) which would also contain shell deposit and midden material.

As confirmed by KLALC in their review of the draft report, a shell deposit is not necessarily a midden, and many shell deposits are incorrectly recorded as Aboriginal middens. Natural shell deposits can be differentiated from middens because they consist of mature and immature, edible and inedible shellfish and would contain no (or limited) charcoal or stone tools.

In this instance, the deposit is noted to be characterised by mature shell of species known to be utilised as a food resource. While no Aboriginal stone artefacts or animal bone were noted, the surface expression is obscured by the imported fill and this disturbed site has been recorded as Riverside\_02. This newly recorded midden site is located within the Riverside development open area (water management) and will be included in the updated Riverside Cultural Heritage Management Plan (*in prep*).

The AHIMS card for the site is included in *Annex C*.





*Photograph 5.2 Riverside\_02, view to north (ERM 12 September 2017)*




*Photograph 5.3 Riverside\_02, shell deposit (ERM 19 September 2017)*



Table 5.2 Fieldwork Results

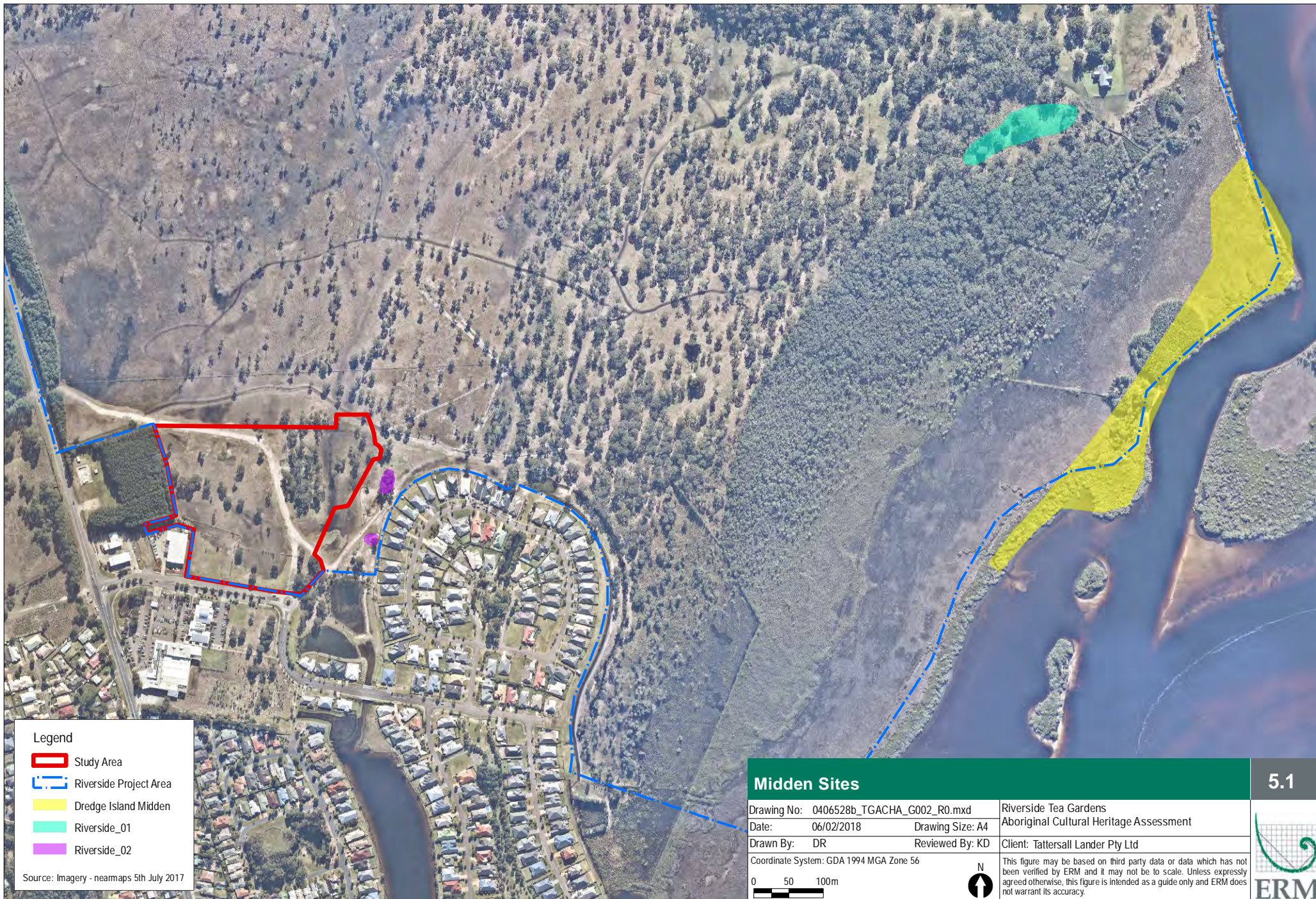
Site	Previously Recorded	Description	Location <sup>1</sup>	Description	Archaeological potential <sup>2</sup>
Riverside_02	No	<p>Highly disturbed shell deposit was located outside of the study area boundary. The shell species present included cockle, whelk, and pipi, all species commonly reported to have been utilised and found within middens in the local area (Brayshaw 1988 and Dallas 1982). The site is in poor condition and is surrounded by largely disturbed areas.</p> <p>Confirmation of the site extent is difficult from surface survey only as it is obscured by the imported fill. KLALC have indicated that this fill has been sourced from Limekilns (a substantial cultural site) which would also contain shell deposit and midden material.</p>	<5m <u>outside</u> eastern boundary of study area.		Moderate Potential
Potential Hearth	No	<p>A small deposit of heat fractured rock and animal bone (identified as kangaroo) was located during the 19 September 2017 survey by ERM archaeologist and KLAC. Based on the density and compaction of the deposit and that it appeared to extend further below the surface it was identified in the field as a potential hearth site, however it could not be confirmed as a cultural deposit based on its surface expression only. . The item is located in an area that has been highly disturbed and is mixed with imported fill material Based on further advice from KLALC this site has been confirmed as a modern fire pit and not a cultural site.</p>	South-west portion of study area. Not confirmed as a cultural deposit.		<p>No Potential.</p> <p><i>No further assessment has been undertaken.</i></p>

Site	Previously Recorded	Description	Location <sup>1</sup>	Description	Archaeological potential <sup>2</sup>
<b>Isolated pieces of imported stone material</b>	No	Three isolated pieces of imported stone material (i.e. not naturally occurring within the study area and of a type commonly used in stone tool manufacture) were also located during the 19 September 2017 survey in areas that have been identified as containing imported fill (sand).	Within imported fill in the western portion of the study area. They were not confirmed as being culturally modified and are not considered to be in situ. They have not been recorded as Aboriginal/cultural sites.		<p>No Potential.</p> <p><i>No further assessment has been undertaken.</i></p>

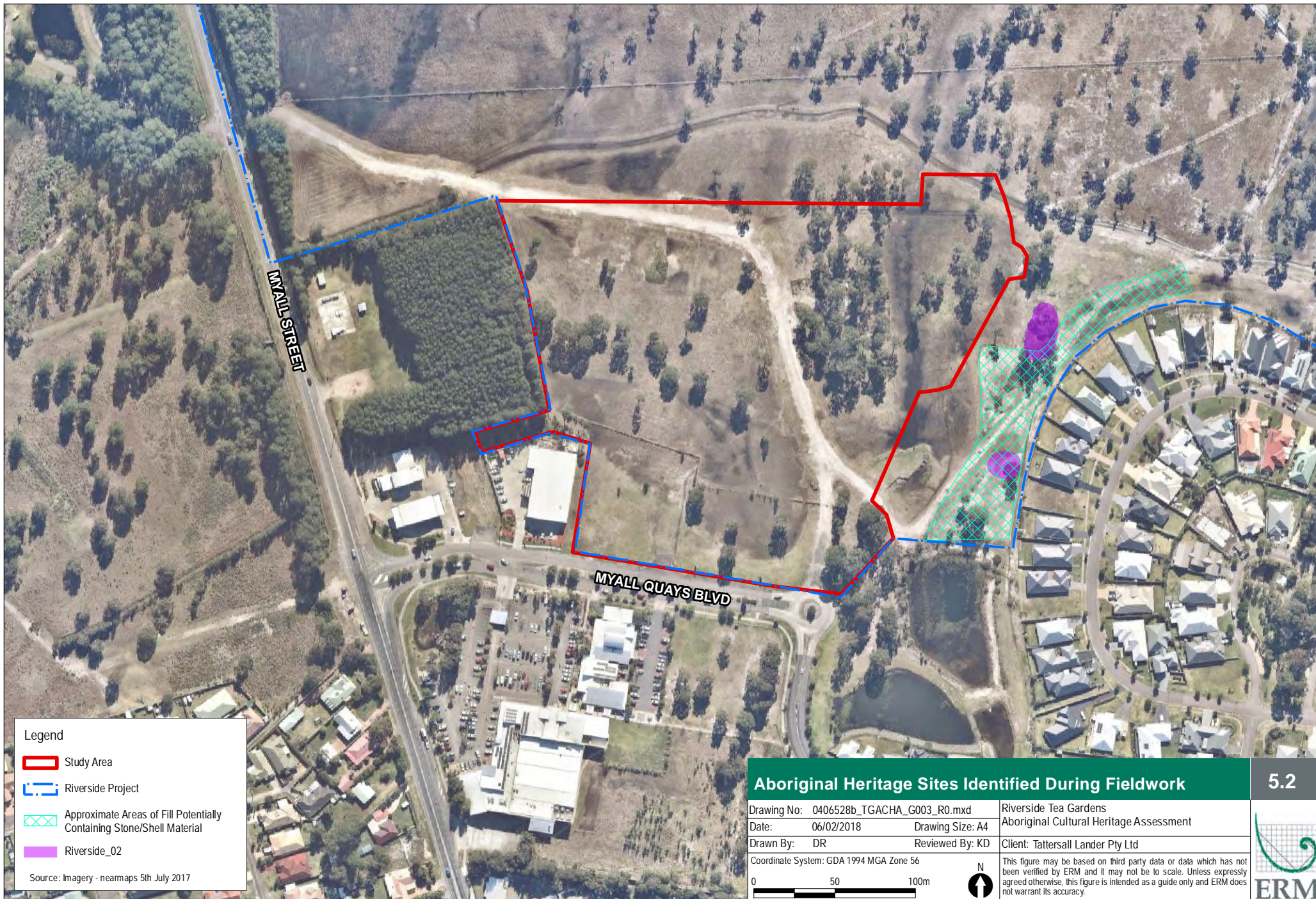
1 - Refer to Figures 5.1 and 5.2

2 - Criteria for the assessment of archaeological potential is provided in Table 5.1









#### Legend

- Study Area
- Riverside Project
- Approximate Areas of Fill Potentially Containing Stone/Shell Material
- Riverside\_02

Source: Imagery - nearmaps 5th July 2017

#### Aboriginal Heritage Sites Identified During Fieldwork

5.2

Drawing No: 0406528b\_TGACHA\_G003\_R0.mxd

Riverside Tea Gardens  
Aboriginal Cultural Heritage Assessment

Date: 06/02/2018

Drawing Size: A4

Drawn By: DR

Reviewed By: KD

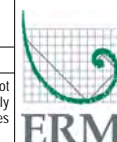
Client: Tattersall Lander Pty Ltd

Coordinate System: GDA 1994 MGA Zone 56

0 50 100m



This figure may be based on third party data or data which has not been verified by ERM and it may not be to scale. Unless expressly agreed otherwise, this figure is intended as a guide only and ERM does not warrant its accuracy.





The heritage values significance assessment for the study area has been assessed in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) and encompasses the four values outlined in the *Burra Charter* (social, historical, scientific and aesthetic) (Australian ICOMOS 2013).

## 6.1 ASSESSMENT OF ABORIGINAL ARCHAEOLOGICAL SIGNIFICANCE

### 6.1.1 Preamble

Aboriginal heritage sites, objects and places hold value for communities in many different ways. The nature of those heritage values is an important consideration when deciding how to manage a heritage site, object or place and balance competing land-use options.

Assessing the cultural significance of a place means identifying the reasons why a place is culturally important.

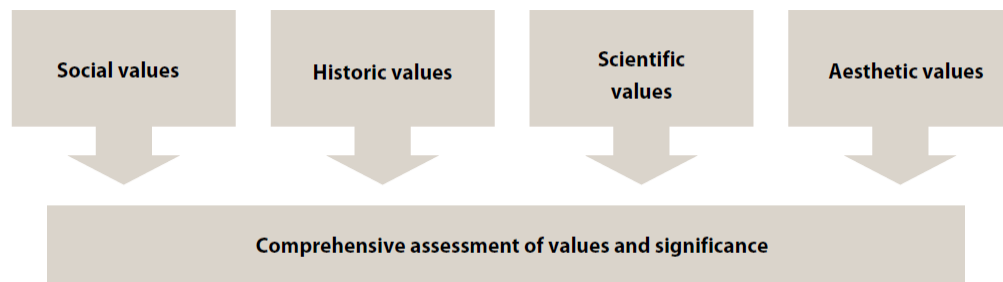
The NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit (1997) states:

While Aboriginal sites and places may have educational, tourism, and other values to groups in society, their two principal values are their cultural/social significance to Aboriginal people and their scientific significance to archaeologists. It is thus possible to identify two main streams in the overall significance assessment process: the assessment of cultural/social significance to Aboriginal people and the assessment of scientific significance to archaeologists... (1997: 92)

The OEH *Guideline for investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (2011) states that analysing cultural heritage significance involves two main steps:

- identifying the range of values present, including social, historic, scientific and aesthetic values; and
- assessing why they are important.

In addition to identifying the scientific and cultural (social) values of Aboriginal places, the OEH Guideline (2011:7) draws on the *Burra Charter* (2013) and adds that historic and aesthetic values should also be considered. The assessment process is shown diagrammatically in *Figure 6.1*.



**Figure 6.1** *Diagrammatic presentation of the significance assessment process (OEH 2011)*

The assessment in *Section 6.1.3* focuses upon the scientific significance of the sites recorded during the survey. The cultural significance assessment is provided in *Section 6.1.4* of this report. Aboriginal groups who participated in the survey will be afforded the opportunity to comment on this draft report for a cultural and social significance assessment of the sites recorded.

### **6.1.2** *Background: Scientific Significance Assessment*

This assessment has sought to identify Aboriginal heritage objects and sites within the study area and obtain sufficient information to allow the scientific values of those objects and sites to be determined. NPWS (1997:93) have stated that *'while various criteria for archaeological significance assessment have been advanced over the years, most of them fall under the heading of archaeological research potential'*. As such, seven key criteria may be used to examine the scientific value/significance of a site. These are:

- **Rarity:** whether any or all aspects of a site (type, location, integrity, content and archaeological potential) can be considered common or rare within a local, regional or national context;
- **Representativeness:** the comparative rarity of the site when considered and contrasted against other similar sites conserved at the local and/or regional level;
- **Archaeological landscapes:** the study of the cultural sites relating to Aboriginal peoples within the context of their interactions in the wider social and natural environment they inhabited. Landscapes can be large or small depending upon specific contexts (i.e. local or regional conditions); they may also may be influenced by Aboriginal social and demographic factors (which may no longer be apparent);
- **Connectedness:** whether the site can be connected to other sites at the local or regional level through aspects such as type, chronology, content (i.e. materials present, manufacturing processes), spatial patterning or ethno-historical information;

- Integrity & condition: integrity refers to the level of modification a site has been subject to (the cultural and natural formation process) and whether the site could yield intact archaeological deposits, which could be spatially meaningful. Condition takes into account the state of the material, which is especially relevant for organic materials;
- Complexity: the demonstrated or potential ability of a site to yield a complex assemblage (stone, bone and/or shell) and/or features (hearths, fire pits, activity areas); and
- Archaeological potential: the potential to yield information (from sub-surface materials which retain integrity, stratigraphical or not) that will contribute to an understanding of contemporary archaeological interest, or which could be saved for future research potential.

### 6.1.3 *Scientific Significance Assessment*

The midden site identified to the east of the study area is a common site type within the region. Occupational sites are not found locally in areas of flat landforms, or areas of swamp; however the site is near wetlands and estuaries, where middens and artefact scatters are common. The highly disturbed midden site (Riverside\_02) has been identified as having moderate to no potential for containing intact archaeological deposits, primarily based on their landform type and the low-density surface scatters.

The midden site is considered to have a low level of archaeological/scientific significance. Its commonness within the regional landscape both in terms of material, density, and site type is not considered to warrant a 'high' level of scientific significance and the site is in poor condition, mixed with imported fill and is not intact.

### 6.1.4 *Aboriginal Cultural Significance Assessment*

Cultural/social significance concerns the values of a place, feature or site to particular community groups, in this case the local Aboriginal communities. The primary guide to management of heritage places is the Australia ICOMOS Burra Charter 2013. The Burra Charter defines cultural significance as:

*Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.*

*Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.*

*Places may have a range of values for different individuals or groups.*

Aspects of cultural or social significance are relevant to sites, objects and landscapes that are important or have become important to local Aboriginal communities. This importance involves both traditional links with specific areas as well as an overall concern by Aboriginal people for sites generally and their continued protection.



Aboriginal communities have provided input into the archaeological survey methodology and the archaeological and cultural significance assessment of the study area. They will also be provided the opportunity to comment on the cultural and social significance assessment of the study area.

Landscapes or locations within a landscape may hold special significance to Aboriginal communities as places where traditional lifestyles have occurred and where sacred or symbolic significance places exist. The evidence of Aboriginal heritage sites (including but not limited to artefact scatters, middens, scarred trees, burials) are direct evidence of past Aboriginal people, and reflect traditional ways of life including subsistence practices, ceremonial practices and aspects of cultural life. Therefore, it can be inferred that any identified site holds significance to Aboriginal people however; the level of significance may vary according to site type.

As such, the Aboriginal community can best determine Aboriginal cultural significance. Consultation with Aboriginal people (who can provide information about the local and regional significance of Aboriginal cultural heritage) is therefore required for any archaeological, social or cultural values assessment of Aboriginal heritage (especially where there is the potential for impact or harm to an Aboriginal heritage site or item). The consultation guidelines used for this assessment (see *Chapter 3*) set out a process for identifying and registering Aboriginal parties who wish to be consulted on the proposed development. These processes have been followed and consultation with the registered Aboriginal stakeholder groups has been maintained throughout the assessment including during the field assessment.

#### *Riverside\_02*

This midden is considered to be of low archaeological significance. Middens are the most common site type surrounding the study area. Riverside\_02 is highly disturbed and in poor condition and therefore is not considered rare or intact. Middens have a connectedness with other sites in the area as they show the subsistence strategies in the local area. There is limited potential that sub-surface expression of the midden contains more scientific information about the subsistence strategies exploited in the area.

### **6.1.5 Summary of Significance Assessment**

Table 6.1 provides an overview of the significance assessment.

**Table 6.1 Summary of Significance Assessment**

Site	Archaeological potential	Scientific significance	Aboriginal social significance <sup>1</sup>
Riverside_02	Moderate	Low	Low
1 – derived from discussion with local Aboriginal community representatives			

This chapter provides an impact assessment for each of the Aboriginal sites and items identified in *Chapter 5*.

**7.1*****POTENTIAL IMPACTS TO ABORIGINAL HERITAGE SITES***

Riverside\_02 is located outside of the current study area, and will not be impacted as a result of the modified concept plan. This newly recorded highly disturbed midden site is located within the adjacent Riverside development open area (water management). This area will be disturbed by excavation works and a recommended surface collection and possible test excavation procedure (only where subsurface potential is confirmed) will be included in the updated Riverside Cultural Heritage Management Plan (in prep).

The following management and mitigation statements are made in light of the disturbed midden (Riverside\_02) recorded to the east of the current study area, background research, predictive modelling, heritage significance assessment, and relevant NSW legislation protecting Aboriginal heritage.

Riverside\_02 is located outside of the current study area however it will be impacted by excavation works in the water management area. Mitigation recommendations will be included in the updated Riverside Cultural Heritage Management Plan (in prep) as follows:

- surface collection is recommended for Riverside\_02. This will also provide the opportunity for the collection of additional surface artefacts and raw material that have been imported in fill. Only if evidence of subsurface cultural deposit is confirmed, limited test excavation using hand tools may be required and will be guided by the management plan;
- the remainder of the study area has limited potential for additional sites to be present and no specific management measures or monitoring is recommended from an archaeological perspective;
- 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;
- a suitable area should be set aside for the possible containment of any cultural heritage material that is uncovered during the construction works. 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 in accordance with a management plan; and
- 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.

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Annex A

## Aboriginal Stakeholder Consultation

RAP	Contact Name	Address	Phone	Email
KLALC.	Len Roberts— CEO  Site Officer:	Karuah Local Aboriginal Land Council  16 Mustons Ave  Karuah NSW 2324  KARUAH NSW 2324	(02) 4997 5733	admin@karuahaboriginal.com.au
Karuah Indigenous Corporation	Dave Feeney		0421114853	karuahindigenous@outlook.com
Nur Run Gee	Lennie Anderson	22 Popplewell Rd Fern Bay NSW 2295	0431 334 365	lennie.anderson011@bigpond.com
Mur Roo Ma Inc.	Anthony Anderson/Bec Young	7 Vardon Road Fern Bay, 2295	0402 827 482	murroomainc1@gmail.com

\*Note: Evidence of consultation such as copies of letters and emails can be supplied upon request.

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
02/05/2017	KLALC	JW ERM	Phone Call	Consultation log entry	ERM phoned Karuah LALC to inform them that we had been engaged to prepared heritage assessment and updated management plan. KLALC suggested that fieldwork in the week commencing 15 May should be fine and to send details via email.		
08/05/2017	KLALC	JW ERM	Email	Consultation letter	ERM sent email and an attached letter providing additional information on the project and proposing a one day field survey on Tuesday 16 May 2017. The letter also highlights that this is an existing project and that we would be consulting with existing Registered Parties but would also welcome any additional interested persons suggested by the KLALC.		
09/05/2017	KLALC	JW ERM	Phone Call	Consultation log entry and follow up email	ERM phoned Len Roberts (CEO, Karuah LALC) to follow up on the email sent. Len very busy but suggested that they would not be available on Tuesday 16 May for field survey. Len also noted that Jan Webb represented the Land Council and was not an individual RAP as indicated within the existing management plan.  Len requested that information be emailed so that he could take to the board for discussion.	Email and attachment resent 09/05/2017.	
17/05	KLALC	JW ERM	Phone Call	Consultation log	ERM phoned Len Roberts (CEO, Karuah LALC) to follow up on the email sent. Karuah Local Aboriginal Land Council have some concerns regarding our consultation approach for	We have currently scoped to undertake the consultation as an existing project and to consult only with the existing project	



Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					Project and would like to see us stick to the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (the Guidelines). The Land Council have already spoken to OEH in this regard.	RAPs. Given that no ongoing consultation has been undertaken for this project for over two years, ERM will commence notification of the Project as per the guidelines.	
15 June 2017	-	-	Newspaper Advertisement	Yes	Koori Mail Myall Coast News of the Area (Nota)		
19 June 2017	the Registrar	ERM	Stage 1 Notification letter sent via email and post.	Yes	Letters have been sent to the relevant government agencies to determine the relevant stakeholder groups for contact. Response requested by 3 July 2017.	26/06/2017 - response received via email noting that the project area does not have any Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (NSW). Suggested that we contact KLALC.	
19 June 2017	OEH Hunter Region	ERM	Stage 1 Notification letter sent via email and post.	Yes	Letters have been sent to the relevant government agencies to determine the relevant stakeholder groups for contact. Response requested by 3 July 2017.		
19 June 2017	NTSCorp	ERM	Stage 1 Notification letter sent via email and post.	Yes	Letters have been sent to the relevant government agencies to determine the relevant stakeholder groups for contact. Response requested by 3 July 2017.		
19 June 2017	NNTT	ERM	Stage 1 Notification letter sent via email and post.	Yes	Letters have been sent to the relevant government agencies to determine the relevant stakeholder groups for contact. Response requested by 3 July 2017.	20/06/17 – response email from NNTT, no relevant stakeholders listed	

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
19 June 2017	Midcoast Council	ERM	Stage 1 Notification letter sent via email and post.	Yes	Letters have been sent to the relevant government agencies to determine the relevant stakeholder groups for contact. Response requested by 3 July 2017.		
19 June 2017	Hunter LLS	ERM	Stage 1 Notification letter sent via email and post.	Yes	Letters have been sent to the relevant government agencies to determine the relevant stakeholder groups for contact. Response requested by 3 July 2017.	20/06/17 - Email forwarded by Hunter LLS to the Wingham (local) LLS office, ERM was copied in on the forwarded email.	
21 June 2017	Karuah LALC	ERM	Stage 1 Notification letter sent via email and post.	Yes	Letters have been sent to the relevant government agencies to determine the relevant stakeholder groups for contact. Response requested by 3 July 2017.		
21 June 2017	Karuah LALC Len Roberts	KD ERM	Phone	Consultation log	ERM phoned Len Roberts (CEO, Karuah LALC) to follow up on the email sent. Len was unavailable so left message.		Will call again 22/06/17 morning, if call not returned before then.
22 June 2017	Karuah LALC Len Roberts	KD ERM	Phone	Consultation log	ERM phoned Len Roberts, scheduled face to face meeting for 6 July 2017, 10am		
27 June 2017	Karuah Indigenous Corporation	Dave Feeney	Email	Yes	<u>Registration of Interest</u> - Karuah Indigenous Corporation	27/06/2017 - ERM replied to the email to acknowledge that it has been received and that we will be in touch soon with more details.	
29 June 2017	Nur-Run-Gee Pty Ltd	Lennie Anderson	Email	Yes	<u>Registration of Interest</u> - Nur-Run-Gee Pty Ltd and Murrooma Inc	29/06/2017 - ERM replied to the email to acknowledge that it has been received and that we will be in touch soon with more details.	
30 June 2017	Worimi Local Aboriginal	Jackie	Email	Yes	WLAC requested DP & LOT for the development to double check if the project is	KLALC replied to the email stating that the project is within the	3/07/2017 – ERM spoke to Jackie (WLALC) to confirm site

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
	Land Council	Henderson			within the boundaries of Worimi LALC. They also suggested that we contact Karuah Local Aboriginal Land Council (.cc into the email).	Karuah boundaries.	location. WLALC happy that it is outside of their boundaries and that consultation should be with KLALC. No further action.
4 July 2017	Nur-Run-Gee Lennie Anderson	KD ERM	Phone	Consultation log	Called to advise that information pack would be sent in coming days and that ERM consultant KD would be available for meeting face to face on 5 or 6 July. Nur-Run-Gee rep not available for face to face, happy to receive information pack and discuss afterwards via email/phone if required		
4 July 2017	Mur Roo Ma Inc Anthony Anderson	KD ERM	Phone	Consultation log	Called to advise that information pack would be sent in coming days and that ERM consultant KD would be available for meeting face to face on 5 or 6 July. Nur-Run-Gee reps not available for face to face, happy to receive information pack and discuss afterwards via email/phone if required.  Anthony advised that Bec Young would be conducting any site visit.		
4 July 2017	Karuah Indigenous Corp Dave Feeney	KD ERM	Phone	Consultation log	No answer - Left message to advise that information pack would be sent in coming days and that ERM consultant KD would be available for meeting face to face on 5 or 6 July, if required.	No return call to schedule meeting	
5 July	Karuah LALC Len Roberts	KD ERM	Stage 2 Presentation of Project Information letter sent via Email	Yes	Emailed information pack, with letter detailing project and modified concept plan of site, requesting cultural information about site / comments		

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
5 July	Nur-Run-Gee Lennie Anderson	KD ERM	Stage 2 Presentation of Project Information letter sent via Email	Yes	Emailed information pack, with letter detailing project and modified concept plan of site, requesting cultural information about site / comments		
5 July	Mur Roo Ma Inc Anthony Anderson	KD ERM	Stage 2 Presentation of Project Information letter sent via Email	Yes	Emailed information pack, with letter detailing project and modified concept plan of site, requesting cultural information about site / comments		
5 July	Karuah Indigenous Corp Dave Feeney	KD ERM	Stage 2 Presentation of Project Information letter sent via Email	Yes	Emailed information pack, with letter detailing project and modified concept plan of site, requesting cultural information about site / comments		
6 July 2017	Karuah LALC	KD ERM	Face to face Meeting	Consultation log	KD travelled to KLALC for planned meeting with Len Roberts. Len was unexpectedly unavailable for meeting and meeting was held with other KLALC representatives (Bev Manton and Fiona) who read through project information pack and discussed fieldwork, advising that KLALC prefers to have two representatives on site visits.	Advised to call Len Roberts on Tuesday 11 July as follow up call to meeting	
11 July 2017	Karuah LALC Len Roberts	KD ERM	Phone call	Consultation log	KD called as follow up to meeting, Len was not available, left message.		
25 July 2017	Mur Roo Ma Inc	KD ERM	Email	Yes	Emailed to enquire about best dates for attendance at site visit.	Mur Roo Ma replied by email on 26 July (see below entry).	

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
	Bec Young						
<b>26 July 2017</b>	Mur Roo Ma Inc Bec Young	Mur Roo Ma Inc Bec Young	Email	Yes	Reply email to advise best dates for Bec to attend site visit were between 14 <sup>th</sup> and 16 <sup>th</sup> August.	ERM replied by email thanking Mur Roo Ma for response and advised that we would confirm a site visit date after consultation with other RAPs.	
<b>27 July 2017</b>	Karuah LALC Len Roberts	KD ERM	Email	Yes	Emailed to enquire about best dates for attendance at site visit. Advised that KD would call later that day to discuss	KLALC called ERM shortly after receipt of email (see below entry).	
<b>27 July</b>	Karuah LALC Len Roberts	Karuah LALC Len Roberts	Phone	Consultation log	Len Roberts called to advise that KLALC could attend on either of ERM's preferred site visit dates (15 <sup>th</sup> or 16 <sup>th</sup> of August), however he advised that KLALC did not agree with the inclusion of other three RAPs in site visit and that he believed they only had the right to be consulted with but not to be invited to site, as they were from off-country. Len advised that if the other three RAPs were invited to attend the field survey then the KLALC would pull out of the field survey. ERM offered to undertake the surveys over two separate days. Len declined and noted that we would be in breach of the Act if we did take them on site.	KD followed up by advising ERM project PM JW who would follow up with KLALC and OEH.	
<b>27 July</b>	Karuah LALC Len Roberts	JW ERM	Phone	Consultation log	ERM phoned Len to follow up on previous conversation with KD. Len confirmed that if the other three RAPs were invited to attend the field survey then he would pull out of the field survey. Again, ERM offered to undertake the surveys over two separate days. Len declined and noted that we would be in breach of the ALR Act if we did take	ERM to discuss with the client and we will call Len back to confirm how we are going to proceed as soon as possible.	

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					them on site at all as they are not TOs within Karuah/Tea Gardens. They have registered an interest in the project as companies (not individuals or Aboriginal corporations) and therefore should not be included as RAPs.		
27 July	Mur Roo Ma Inc Bec Young	KD ERM	Phone	Consultation log and email	ERM phoned to explain that the KALC have questioned their involvement in the field survey and that at this stage if advised by the client/OEH, ERM may take only KLALC into the field however there was no answer so left message to return call.	ERM to call again next day 28 July 2017.  Received email later that day advising that Mur Roo Ma are withdrawing from fieldwork citing cultural boundaries.	Mur Roo Ma will continue to be consulted as part of the project and will be provided the opportunity to contribute and provided comment on all draft reports.
27 July	Nur-Run-Gee Lennie Anderson	JW ERM	Phone	Consultation log	ERM phoned to explain that the KALC have questioned their involvement in the field survey and that at this stage ERM may be advised by the client to take only KLALC into the field but would appreciate their continued involvement and support during the reporting and preparation of the management plan. Lennie verbally confirmed that he is in fact a TO within the Karuah area and was involved in the original recording of middens sites within the locality. His involvement would therefore be beneficial in being able to record any changes to the middens over the past 20 years and to inform a robust management plan.  Lennie noted other projects in the area to confirm that he has worked in the local area as a TO including Jimmys Beach Restoration Works, Pindimar Abalone Farm, Bulahdelah Bypass and Tahlee. Lennie also noted that	Discussion with OEH and client continuing. Both indicate a preference to extend equal opportunity to all RAPs.	

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					<p>he was CEO of the KLALC and has a continuing interest and knowledge of the local area.</p> <p>ERM advised that discussions with OEH and are client continuing and we will update him as soon as we can.</p>		
28 July	Peter Saad OEH	JW ERM	Phone/email	Consultation log and email	ERM spoke to Peter Saad (OEH) to confirm that we are in fact working under and bound by the National Parks and Wildlife Act and not the Aboriginal Land Rights Acts. Peter confirmed that to be able to complete a robust cultural assessment including social aspects it is important that all registered Aboriginal parties should be given equal opportunity participate in the entire process. Email included in consultation log.	15/8/2017. Confirmation email received from OEH.	.
28 July 2017	Karuah Indigenous Corp Dave Feeney	Karuah Indigenous Corp Dave Feeney	Phone	Consultation log	Dave Feeney called KD to ask for update on project. KD explained that the KALC have questioned their involvement in the field survey. KD advised that OEH has confirmed that we are in fact working under and bound by the National Parks and Wildlife Act and not the Aboriginal Land Rights Acts. KD also advised that at this stage and based on advice from OEH we would likely be extending equal opportunities to all groups to attend the field survey on 16 August 2017 however this needed to confirmed by the client. Dave Feeney advised that the date would be suitable for him to attend and that he resides within Karuah land and verbally confirmed that he is a TO. KD advised invitation would be sent 31 July or 1 August	Discussion with OEH and client continuing. Both indicate a preference to extend equal opportunity to all RAPs. No confirmation on field survey yet.	

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					via email following consult with client, and would call if there were any further issues.		
<b>1 August 2017</b>	Karuah LALC Len Roberts	JW ERM	Phone	Consultation log	ERM phoned KLALC to recognise KLALC concerns with other RAPs attending the field Survey. Phone call attempted to discuss any options available to extend equal opportunities to all RAPs as based on our conversations with OEH and subsequent conversations with the client to date this was their current preference. Len advised of his disagreement with this approach. No further discussion and call ended.	Discussion with OEH and client continuing. Will wait for formal response from OEH before proceeding further.	
<b>8 August 2017</b>	the Registrar	ERM	Letter	Yes	A second search was requested by ERM to confirm if there are any Registered Aboriginal Owners over the property.	22/08/2017 - response received noting that <i>'the project area described does have Registered Aboriginal Owners for Worimi Conservation Lands, pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (ALRA)'</i> .	
<b>15 August 2017</b>	Peter Saad OEH	JW ERM	Email	Yes	Confirmation email received from OEH confirming that the provisions of the ALR Act, while relevant to the Local Aboriginal Land Council; do not affect the Aboriginal cultural heritage assessment requirements for this project. OEH also note that if you are proposing to undertake consultation processes or elicit cultural information from RAPs during the course of conducting the field survey, then this would form part of your consultation process, and OEH would therefore expect that all RAPs are afforded the opportunity to be involved in this	Forwarded to client for consideration.  ERM do expect to discuss cultural significance of the known midden sites during the field survey to inform the updated management plan.	.



Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					process.		
<b>21 August 2017</b>	Tattersall Lander	ERM	Email	yes	<p>ERM confirmed that the Modification to the Aboriginal Cultural Heritage Assessment is being undertaken in accordance with the National Parks and Wildlife Act, the National Parks and Wildlife Regulation and relevant OEH codes of practice. This is the correct legislation and ERM will continue to undertake the assessment in accordance with this legislation and the DECCW 2010 Aboriginal cultural heritage consultation requirements for proponents (consultation guidelines). As advised by OEH, the provisions of the Aboriginal Land Rights Act do not affect the Aboriginal cultural heritage assessment requirements for this project.</p> <p>OEH do not have an approval role in this project although they do maintain an advisory role to the Department of Planning and Environment (DPE) who regulate the EP&amp;A Act. OEH will continue to provide this role.</p> <p>All ERM heritage consultants agree that consultation does not mean that all RAPs have to attend every site visit; consultation is merely being involved in the project and being provided the opportunity to review and comment. Providing equal opportunity in this project was the original ERM recommended approach as all groups indicated their interest in being involved in the site visit and they confirmed (verbal only) that they are traditional owners of the</p>	<p>21 August 2017</p> <p>Confirmation from client that '<i>we should proceed with the consultation as per the advice from OEH</i>' and all RAP should be invited to attend the survey.</p>	

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					<p>Worimi Nation. One of the RAPS also indicated that they were involved in the original recording of the two midden sites located within the conservation area.</p> <p>Whilst there is no dispute that the RAPS identify as traditional owners of the Worimi Nation, a search by ORALRA (Office of The Registrar, Aboriginal Land Rights Act) has confirmed that no Traditional Owners have been registered over this property. Unfortunately in this case, based on conflicting information presented by the RAPS, it would be difficult to argue who is and is not a TO within the local area and this is a cultural issue separate to this project.</p> <p>The process from this point is still largely undefined and the question around who should be invited to attend the field survey will be a project based decision and not dictated by any of the registered Aboriginal Parties. In the interest of progressing this project, the less inflammatory path may be to take the Karuah LALC into the field and continue to consult with the other RAPS separately (with no site visit offered). ERM will support any decisions made by the proponent and it is important to note that either option will create some tension within the community and the RAPS.</p>		
<b>22 August 2017</b>	Nur-Run-Gee Lennie Anderson	KD ERM	Phone	Consultation log	KD called to advise that project was still active and confirm Nur-Run-Gee's continuing interest. Advised that decision were being made by PM team (i.e. client etc.) about the	To call again on project progression	

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					site visit team and that ERM would advise when decisions were finalised. Lennie advised continuing interest in project.		
<b>22 August 2017</b>	Karuah Indigenous Corp Dave Feeney	KD ERM	Phone	Consultation log	KD called to advise that project was still active and confirm Karuah Indigenous Corp's continuing interest. Advised that decision were being made by PM team (i.e. client etc.) about the site visit team and that ERM would advise when decisions were finalised. Dave advised continuing interest in project.	To call again on project progression	
<b>24 August 2017</b>	Worimi Conservation Lands Graeme Russell	JW ERM	Phone/email	yes	JW phoned Graeme Russell and confirmed that the Tea Gardens project area is outside of the Worimi Conservation Lands boundary and that they did not need to be consulted further.		No further action
<b>31 August 2017</b>	KLALC	ERM	Email	yes	Email to invite attendance at site survey on Tuesday 12 September 2017 – alternative date of 14 September also offered to KLALC.	RAP to respond by Thursday 7 September	
<b>31 August 2017</b>	Nur-Run-Gee Lennie Anderson	JW ERM	Email	yes	Email to invite attendance at site survey on Tuesday 12 September 2017 – request insurances etc.	RAP to respond by Thursday 7 September	ERM to provide meeting time and place by Friday 8 September
<b>31 August 2017</b>	Karuah Indigenous Corp Dave Feeney	JW ERM	Email	yes	Email to invite attendance at site survey on Tuesday 12 September 2017 – request insurances etc.	RAP to respond by Thursday 7 September	ERM to provide meeting time and place by Friday 8 September
<b>31 August 2017</b>	Nur-Run-Gee Lennie Anderson	Lennie Anderson	Email	Yes	Email to confirm attendance at site survey, advised will provide information (insurances etc.) soon	Lennie to provide insurance details	
<b>1 September</b>	Karuah	Karuah	Email	Yes	Email to advise that Karuah Indigenous Corp		

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
<b>2017</b>	Indigenous Corp Dave Feeney	Indigenous Corp Dave Feeney			would attend site visit on Friday 8 September		
<b>1 September 2017</b>	Karuah Indigenous Corp Dave Feeney	JW ERM	Email	yes	Email to confirm that site visit is Tuesday 12 September		
<b>3 September 2017</b>	Karuah Indigenous Corp Dave Feeney	Karuah Indigenous Corp Dave Feeney	Email	Yes	Email to provide details of insurance		
<b>4 September 2017</b>	Nur-Run-Gee Lennie Anderson	Lennie Anderson	Email	Yes	Email to provide details of insurance, WCL Board Membership and Native Title Services correspondence to support that he is a TO within the Worimi Nation.		
<b>8 September 2017</b>	Nur-Run-Gee Lennie Anderson	KD ERM	Phone / Email	Yes	Call and follow up email to advise/confirm start time for site survey of 8am Tuesday 12 September, and organise meeting place at look out at the Tea Gardens Road lookout		
<b>8 September 2017</b>	Karuah Indigenous Corp Dave Feeney	KD ERM	Phone	Yes	Call and follow up email to advise/confirm start time for site survey of 8am Tuesday 12 September, and organise meeting place at look out at the Tea Gardens Road lookout		
<b>3 September 2017</b>	Karuah Indigenous Corp Dave Feeney	Karuah Indigenous Corp Dave	Email	Yes	Replied to previous email to confirm attendance of two reps of Karuah Indigenous Corp at 8am Tuesday 12 September at the Tea Gardens Road lookout		

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
Feeney							
<b>12 September 2017</b>	Karuah Indigenous Corp -Di Feeney & Ray Feeney Nur-Run-Gee - Lennie Anderson ERM - KD		Field Survey Attendance	Consultation Log	Field survey carried out at Riverside_01 and in 5.83 ha additional project area	ERM to provide copy of draft ACHA to RAPs for review	
<b>13 September 2017</b>	KLALC	ERM	Email	Yes	Email to confirm that KLALC will participate in the field survey to be scheduled for Tuesday 19 September.	KLALC replied by email to confirm that two RAPs (and potentially two juniors) will attend the survey.	
<b>19 September 2017</b>	KLALC and OEH	ERM	Email and Letter	Yes	<p>In accordance with the NSW OEH Consultation Guidelines, ERM advised both KLALC and OEH that the registered Aboriginal Parties for the Riverside Tea Gardens Project are:</p> <ul style="list-style-type: none"> <li>• Karuah Local Aboriginal Land Council;</li> <li>• Karuah Indigenous Corporation;</li> <li>• Nur-Run-Gee Pty Ltd;</li> <li>• Mur Roo Ma Inc.</li> </ul> <p>Also provided confirmation that Karuah Indigenous Corporation and Nur-Run-Gee Pty Ltd attended a field survey on 12 September 2017. Joanne Simms, Kylee Beetson and other invited representatives from Karuah LALC will be attending a separate site visit on 19 September 2017 with Principal</p>		

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					Archaeologist Sarah Ward.		
<b>19 September 2017</b>	KLALC – ERM - SW		Field Survey Attendance	Consultation Log	Field survey carried out at Riverside_01 and in 5.83 ha additional project area	ERM to provide copy of draft ACHA to RAPs for review	
<b>13 October 2017</b>	Karuah LALC Len Roberts	ERM	Email	Yes	Draft report provided for review and comment. Feedback requested by Friday 10 November 2017.  External link provided for download.	2 October 2017. Report resent to the client (Sheargold) to send to the KLALC directly as Len Roberts indicated that he was not able to download the report.	20 November 2017. Follow up phone call to confirm that the reports had been received.
	Mur Roo Ma Inc Bec Young	ERM	Email	Yes	Draft report provided for review and comment. Feedback requested by Friday 10 November 2017.  External link provided for download.	No comment received.	
	Nur-Run-Gee Lennie Anderson	ERM	Email	Yes	Draft report provided for review and comment. Feedback requested by Friday 10 November 2017.  External link provided for download.	3 October 2017. Email comments received and will be appended to the final report.	
	Karuah Indigenous Corp Dave Feeney	ERM	Email	Yes	Draft report provided for review and comment. Feedback requested by Friday 10 November 2017.  External link provided for download.	6 October 2017. Email comments received and will be appended to the final report.	
<b>20 November 2017</b>	KLALC	ERM KD	Phone	Consultation log	Called KLALC, spoke to Kelly to confirm that KLALC had received the draft ACHA sent in October as well as the Management Plan emailed on 3/11/17. Kelly advised that they had received the draft report and she would advise Len (CEO) that they had received it and that he would contact us if he had any comments or questions.	18 January 2018. Response received from KLALC indicating that they do not support the ACHA report in its draft format. Consideration was given to the recommendations of the KLAC and a revised draft was provided to all registered Aboriginal parties on 9 February 2018. Specifically, based	

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
						on the advice of KLALC, the potential hearth site has now being confirmed as a modern fire pit and is not identified as a PAD.	
<b>9 February 2018</b>	Karuah LALC Len Roberts	ERM	Email	Yes	Revised draft report provided for review and comment.	<p>12 February 2018. Email response from Len Roberts confirming that they still do not support the plan in its present form, noting (summarized):</p> <ul style="list-style-type: none"> <li>• We do not agree with salvage and there is no need for further test excavation.</li> <li>• The identification by you of the RAPs is not sound.</li> <li>• There is no definition of unexpected finds.</li> <li>• It was wrong to have other parties on site without or knowledge or consent. Until that is rectified KLALC remains disrespected by ERM.</li> </ul> <p>KLALC also note that OEH has initial similar concerns. Len to take this to a meeting and will respond accordingly.</p>	See log entry on 27 February 2018.
	Mur Roo Ma Inc Bec Young	ERM	Email	Yes	Revised draft report provided for review and comment.	No comment received.	
	Nur-Run-Gee Lennie	ERM	Email	Yes	Revised draft report provided for review and comment.	12 February 2018. Email response stating that the heath was only	12 February 2018. Follow up phone and verbal confirmation



Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
	Anderson					ever potential and easy to rescind. Lennie Anderson questions why if the LALC refused to come onsite the first inspection did ERM take them on the second site inspection - after all we would have had a quicker 'protection' of our Culture? Does that mean any individual RAP can expect ERM to take them out as individuals, doesn't that defeat the purpose?	that Nur-Run-Gee agree with both the Riverside Aboriginal Heritage Assessment and the Updated Management Plan. They are comfortable that the 'potential' hearth recorded in the field is not a cultural site. They support the recording of the disturbed midden site and the recommendation for surface collection and possible test excavation as outlined within the management plan.
	Karuah Indigenous Corp Dave Feeney	ERM	Email	Yes	Revised draft report provided for review and comment.	15 February 2018. Email response stating:  1. The site outside the study area YES we should recover all that we can  2. I agree to the recommendations	
<b>27 February 2018</b>	Karuah LALC Len Roberts	ERM	Email	Yes	Email sent to Len Roberts stating <i>that: We [ERM] recognise that this project has caused some conflict and on behalf of ERM, we would like to apologise for any action that has offended you or the Karuah LALC members. At no time would we intentionally cause offence or disrespect and we value your ongoing involvement in the project and the long term management of the recorded sites. We respectfully recognise the role that the land council plays in the protection of</i>	5. March 2018. Response received from Len Roberts stating that they are unable to have a relationship with ERM. The response states that <i>unfortunately you do not appear to understand the grief and angst caused by you and your company to Karuah Local Aboriginal Land Council, nor the disrespect shown toward us. If you did you would not have acted so in the first place. To have taken so</i>	ERM to discuss ongoing reconciliation outside of this project.

Date	RAP/Contact Name	Contact Made By:	Form of Contact:	Evidence of Consultation	Details	Response/Follow up?	Any Additional Actions Required?
					<i>cultural heritage values and would like to continue to work with the land council to try to resolve any outstanding concerns that you have on this project</i>	<i>long to try and resolve the matter is also disrespectful. A more contrite and meaningful apology which shows an understanding of the wrong and hurt caused to us would be a first step in reconciliation.</i>	
<b>5 March 2018</b>	Karuah LALC Len Roberts	ERM	Email	Yes	Email sent. Following on from our previous correspondence and provision of the revised draft cultural heritage assessment and updated management plan on Friday 9 February 2018, we would appreciate receiving any further comments you have by Friday 9 March 2018.	No further responses received.	



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# **KLALC Comment on Riverside Cultural Heritage Assessment and Management Plan**

## **Introduction**

Environmental Resources Management Australia Pty Ltd (ERM) were commissioned by Tattersall Lander Pty Ltd (Tattersall Lander) on behalf of SGD 1 Pty Ltd (the Proponent - Sheargold) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support the proposed modification to the Approved Concept Plan for a residential development at Tea Gardens NSW.

In addition (ERM) were engaged to update the Aboriginal Cultural Heritage Management Plan.

This report is Karuah Local Aboriginal Land Council's (KLALC) response to the draft reports for those assessments.

It must be stated from the outset that KLALC has been alienated and disrespected by the approach and process taken by ERM in this matter and finds the reports deficient in rigour and appreciation of Aboriginal Heritage Cultural Values.

This response adopts a statement and response approach to the information forwarded to KLALC for comment. The original draft is in black with KLALC response in Blue.

## **Consultation**

A project notification letter was sent to each of the registered Aboriginal parties (RAPs) (dated 5 July 2017). The letter included:

- an outline of the proposed works;
- the proposed methodology and dates for pedestrian survey;
- a request to nominate one person for attendance on one day of the survey;

and

- a request for Aboriginal parties to identify any particular areas of interest within the study area to survey, to inform the preparation of a roster. KLALC also requested a face to face meeting to discuss the project and proposed assessment. This meeting was undertaken on 6 July 2017.

The request for a meeting by KLALC was because the initial approach to KLALC was that a survey was to be conducted and could we send along a representative. Our response was that we had not been given sufficient information and that the proper process had not been followed. We also advised that we needed to be advised of any parties who may express an interest in the project. This did not



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happen until after the fieldwork was undertaken by others without KLALC knowledge. Not only is such a requirement in the consultation process but is part of the Burra Charter that local Aboriginal people be kept informed at all stages.

Based on advice from OEH, providing equal opportunity in this project was the preferred option in this instance as all groups indicated their interest in being involved in the site visit and they confirmed (verbal only) that they are traditional owners of the Worimi Nation. One of the RAPS was also involved in the recording of the midden sites in the immediate locality.

The purpose of advising the LALC of those expressing an interest is to determine who speaks on country. The failure to notify KLALC of the RAPS was a fundamental flaw which allowed non representative persons to speak about local heritage of which they had no knowledge and led to misinformation as to the outcome of the assessment. ERM had already been told that none of the probable RAPS were traditional owners. The fact that ERM took verbal assurance from the RAPS is a testament to poor research and disrespectful to KLALC.

Based on the responses received during Stage 2 consultation and ongoing consultation with OEH and the RAPS as outline above, ERM issued invitations for participation of Aboriginal parties in field surveys on 12 September or 19 September 2017. Emails and telephone calls were made to each party that had expressed interest in the survey to confirm attendance and clarify any potential questions or issues about the methodology, and to determine meeting locations and times for each survey day.

Brief telephone conversations were held with KLALC but no had anything to do with the methodology as none had been given to KLALC. The log on the 3/5 is incorrect as at no time did KLALC agree that the fieldwork on 15 may should occur. On the contrary it was advised to ERM that they need to provide details about the project and methodology

The 8/5 log was correct and that the registered parties were KLALC and Jan Webb

9/5 log -27 June taken as correct correct

30 Jun correct and confirmed by WLALC that it is a matter for KLALC.

5 July any letter purported to be sent was not received by KLALC. Also doubt letter would have been sent as meeting scheduled for next day.

6 July correct and note information pack presented that day

11 July KLALC has no record of any call on that day from ERM

15 August note that the advice from OEH is regarding involvement in the consultation process not field work. ERM chose to ignore the advice of OEH.



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Comment on process. It must be noted that Len Anderson despite his claims was never involved in the recording of the original middens. His only involvement in the other surveys mentioned by him was because they were on the boundary of KLALC and Worimi.

ERM misrepresented the advice from OEG H and the Registrar. OEH advised that it was that all parties could be consulted but not all need to be involved in fieldwork. ERM acknowledged that in their consultation log. The registrar advised that the only TO's were for Worimi conservation lands and no TO's existed North of Port Stephens. ERM chose to ignore the advice and hence disrespect KLALC.

To state that it would be difficult to argue that it would be difficult beggars belief. The Registrar determines who are TO's.

The decision to deliberately take others on site and lie to KLALC that such action did not occur is tantamount to deception and untrustworthiness. KLALC is profoundly distressed by the actions taken by ERM and is not in a position to support their conclusions as they are based on deception.

19 September finally official advice as to the registered parties after the event when it should have been the first advice.

Katherine Deverson (ERM Heritage Consultant) conducted the field survey on Tuesday 12 September 2017 and authored this report. Sarah Ward (ERM Principal Cultural Heritage Consultant) undertook an additional survey on Tuesday 19 September 2017

This comment is in stark contrast to the information that KLALC was told that no other site visits had occurred. Sarah Ward confirmed that despite what we had been told the other parties had been taken out separately. Such behaviour is conduct conducive to corruption. We at KLALC do not know what transpired at that site visit. So unable to comment on the findings.

During telephone calls and the face to face meeting with the KLALC, the known heritage sites in the area (derived from results of AHIMS searches and previous surveys) were discussed, to provide Aboriginal parties with information about the types of recorded sites in the area. Information was also sought regarding cultural knowledge of the study area. All groups expressed that the study area held potential cultural sensitivity, through knowledge of the area.

This comment is not correct. KLALC advised that whilst the area was used by our people in the past the land was disturbed as it had been a pine plantation since 1940 and that any shell deposit would likely be from the making of roads brought in from Limekilns, which was substantial cultural area. The subject land was actually filled swamp and not intensively occupied by our people.

### ***5.1.1 Fieldwork Constraints***

The majority of the study area appears to have been used as agricultural grazing land and has been recently slashed, is largely covered in grass and fill material and has low ground surface visibility.



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Given that the study area was relatively small the survey comprehensively covered the entire area, however it focused on areas of higher ground visibility.

The greatest fieldwork constraint is that it had been a pine plantation which had been heavily worked, filled and altered.

### ***Potential Hearth (recorded as Riverside\_03)***

During the 19 September 2017 a small deposit of heat fractured rock and animal bone (identified as Kangaroo) was located in the south-west section of the study area. Based on the density and compaction of the deposit and that it appeared to extend further below the surface it was identified as a potential hearth site, however it could not be confirmed as a cultural deposit based on its surface expression only. This is due to the highly disturbed nature of the study area and ongoing surface impacts including the importation of fill material and regular slashing. This feature has not been recorded as an Aboriginal/cultural site however if the future development of the study area will require excavation within the vicinity of the potential hearth, it is recommended further investigation may be required to determine if the site is a cultural deposit and to guide the final development design. This site and the recommended AHIP procedure will be included in the updated Riverside Cultural Heritage Management Plan (in prep).

KLALC heavily disagrees with this statement and process. KLALC is of the strong view that it is not a hearth and it should not have been recorded as such without further consultation with KLALC. It was good to flag as such but any reasonable archaeologist would have discussed the possibilities and either discounted it or shown that it was.

It is the considered view is that the hearth is not an Aboriginal object nor is the area a PAD. KLALC cannot endorse its listing as such nor can it endorse any test excavation.

### ***5.2.2 Riverside\_02***

During the field survey on 12 September 2017, one highly disturbed shell deposit was located outside of the study area boundary (refer to *Figures 5.1 and 5.2*). The midden deposit was not dense and most of what can be seen showed a sparse scattering of shell on the surface.... . The site is in poor condition and is surrounded by largely disturbed areas. Evidence for the midden was also found in a group of trees 70 m to the south of the main deposit, the ground between these areas is highly disturbed and is covered by/mixed with imported off-site fill.

This is the most disturbing aspect of the entire process. At no stage was KLALC advised of such midden nor shown such midden. MA shell deposit is not necessarily a midden. There is a taxonomical approach to determining middens that competent archaeologists use. Not to have any discussion about the lack of animal bones or understanding of the use of shell deposits in early road making is problematic.

Recommendations (avoidance or AHIP) agreed to by following Aboriginal groups:  
Karuah Indigenous Corporation (on-site 12 September 2017)



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Nur Run Gee (on-site 12 September 2017) (site card)

After analysing the history of the area the basic description in the report KLAC is of the opinion that it is not a midden and should never have been identified as such. KLALC should have been afforded the opportunity to assess the shell deposit. There have been several shell deposits that have been incorrectly recorded as middens and later identified by this author in conjunction with experts from OEH as not being middens. This appears to be a classic case of mistakenly recording shell deposit as a midden.

### Management Plan

#### 6.1 Salvage of Aboriginal Objects

KLAC does not support the salvage of objects until they have had the opportunity to assess that they are indeed objects. It is the opinion of KLALC based on the information contained in the ERM report that there has not been any surface objects identified

7. The management and mitigation statements have been developed in consultation with relevant Aboriginal parties

False statement. KLALC has not been given any opportunity to be involved in the management mitigation statements and management. To be given a report to comment on is not developmental consultation.

7.1 agree

7.2 agree but further collaboration with KLALC required

7.3 Agree in principle but signage should be undertaken in collaboration with KLALC not merely discussed. Example of collaboration is signage at Buladelah Mountain with Forest Corp and KLALC

7.4 whilst the intent is admirable the Bushfire Management plan should be implemented in collaboration with Experts, RFS and KLALC. Some of the proposals are not possible nor desirable from a bushfire management perspective.

7.5 Agree in principle

7.6 Any monitoring program should not be prescriptive but in collaboration

#### 8 Management of previously unrecorded Aboriginal Heritage Evidence

Whilst the flowcharts are acceptable they are deficient with best practice. Skeletal remains are a matter for police and not OEH until police determine otherwise. Unknown objects need to be defined and distinguished from being unknown and unexpected. It needs to be amended to reflect best practice.





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9.1 Control measures whilst adequate in concept is not adequate in detail and as such does not constitute a management plan but rather a statement of intent an needs to be developed with deinable roles , responsibilities and expectations.

### **Conclusion:**

KLALC has been alienated in this process and many errors have occurred because of that alienation. Decisions have been made without any input from KLALC and errors and incorrect claims have occurred a s aresult.

KLALC is not able to support the assessment or management plan in its present form.

KLALC strongly believe that R2 and R# are not Aboriginal Objects or PAD's

### **Recommendations**

- That the proponent in collaboration with KLALC writes an updated management plan in the light of best practice. There are several examples of workable management plans that have been lodged with the Department of Planning and OEH. One notable example is the plan and protocols developed for Huntlee residential development near Branxton
- That the Proponent enters into an MOU with KL:AC regarding the management of Aboriginal cultural heritage within the entire project area.

Signed

Len Roberts

(BA, Grad Dip Comp, Dip Sp. Ed,)

CEO

18/1/18

M: 0403071922

[REDACTED]

---

**From:** David Feeney <karuahindigenous@outlook.com>  
**Sent:** Monday, 6 November 2017 11:42 AM  
**To:** [REDACTED]  
**Subject:** Re: Riverside At Tea Gardens, Draft Management Plan for Review

Hi [REDACTED]

### **RECOMMENDATIONS for Tea Gardens**

I Dave Feeney Snr Aboriginal Cultural Officer and Chief executive Officer for Karuah Indigenous Corporation recommends that in the interests of the Worimi people and generally, that any turf stripping in the project should be monitored by a representative from each of the registered stakeholders with connection to Worimi Country.

In addition, I Dave Feeney recommends that the any artefacts that impacted by construction of the project should be salvaged by a representative from each of the registered stakeholders with connection to Worimi Country.

Should any more works or excavation work or clearing works commence in any of the Project areas, you may need to contact the Aboriginal Culture Officers.

"Why", because if excavation works turn over any Aboriginal artefact, within the first 1meter, then the Aboriginal Culture Officers can identify the significance of that site and make some recommendation right away for the next step.

Thank you

Dave Feeney

CEO

Karuah Indigenous Corporation

0421114853

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**From:** [REDACTED]  
**Sent:** Friday, November 3, 2017 12:03:18 AM  
**To:** David Feeney ([karuahindigenous@outlook.com](mailto:karuahindigenous@outlook.com))  
**Cc:** [REDACTED]  
**Subject:** Riverside At Tea Gardens, Draft Management Plan for Review

Hi Dave,

Thankyou for your participation in this assessment and your continued interest and support for Riverside Project, Tea Gardens NSW. Please find attached a draft copy of the updated Heritage Management Plan for the Tea Gardens Riverside Project.

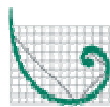
We would appreciate any comments or feedback on this draft report by Friday 1 December 2017.

[REDACTED]

[REDACTED]

[REDACTED]

Environmental Resources Management Australia



**ERM** *The business of sustainability*

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

[REDACTED] [REDACTED]

Email [REDACTED] Web: [www.erm.com](http://www.erm.com)

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Please visit ERM's web site: <http://www.erm.com>

[REDACTED]

---

**From:** lennie.anderson011 lennie.anderson011 <lennie.anderson011@bigpond.com>  
**Sent:** Friday, 3 November 2017 2:12 PM  
**To:** [REDACTED]  
**Subject:** Re: Riverside At Tea Gardens, Draft Management Plan for Review

Hi [REDACTED],

I just overviewed the Riverside at Tea Gardens Report and found it to be accurate in the findings and recommendations that occurred on that day of the Site Inspection! I would However request that OEH treat the Oral History parts with the utmost of 'confidentiality' as we have found persons? organisations not directly involved with a Project are collecting intelligence from these reports and offering them as their true records.

Lennie Anderson OAM

Nur-Run-Gee Pty Ltd (Director)

----- Original Message -----

From: [REDACTED]  
To: "[lennie.anderson011@bigpond.com](mailto:lennie.anderson011@bigpond.com)" <[lennie.anderson011@bigpond.com](mailto:lennie.anderson011@bigpond.com)>  
Sent: Friday, 3 Nov, 2017 At 9:59 AM  
Subject: Riverside At Tea Gardens, Draft Management Plan for Review

Hi Lennie,

Thankyou for your participation in this assessment and your continued interest and support for Riverside Project, Tea Gardens NSW. Please find attached a draft copy of the updated Heritage Management Plan for the Tea Gardens Riverside Project.

We would appreciate any comments or feedback on this draft report by Friday 1 December 2017.

Regards, [REDACTED]

[REDACTED]

[REDACTED]

Environmental Resources Management Australia

[REDACTED]

---

**From:** lennie.anderson011 lennie.anderson011 <lennie.anderson011@bigpond.com>  
**Sent:** Saturday, 10 February 2018 2:30 PM  
**To:** [REDACTED]  
**Subject:** Re: Riverside Tea Gardens

Hi [REDACTED],

Thank you for this revised report! However the Hearth was a 'potential' not a definite! It's easy to (as you have) rescind! My question to ERM is, If the LALC refused to come onsite the first inspection why did they take them on the second site inspection after all we would have had a quicker 'protection' of our Culture? does that mean any individual RAP can expect ERM to take them out as individuals, doesn't that defeat the purpose?

Lennie Anderson OAM

Worimi Elder and Custodian ( Registered and Recognised)

----- Original Message -----

**From:** [REDACTED]  
**To:** "lennie.anderson011@bigpond.com" <lennie.anderson011@bigpond.com>  
**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]

**Sent:** Friday, 9 Feb, 2018 At 11:16 AM  
**Subject:** Riverside Tea Gardens

Hi Lennie,

Thank you for your continued involvement in the Riverside project at Tea Gardens. As briefly discussed this morning, ERM have prepared revised reports (final draft version) in response to comments received from the registered Aboriginal stakeholders.

As discussed the most significant change is confirmation that the potential hearth recorded on 19 September 2017 (survey undertaken with KLALC) is a modern fire pit and not a cultural site. The description of the disturbed midden recorded in the field on 12 September 2017 (survey undertaken with Karuah Indigenous Corporation and Nur Run Gee) has been updated and a revised site card appended to the reports. This site has been recommended for surface collection (as per the previous report already reviewed).

We would appreciate your review and comment on these revised draft reports. If you have any questions please do not hesitate to contact me.

Kind Regards, [REDACTED]



[REDACTED]

---

**From:** David Feeney <karuahindigenous@outlook.com>  
**Sent:** Thursday, 15 February 2018 11:32 AM  
**To:** [REDACTED]  
**Subject:** Re: Riverside Tea Gardens

Hi [REDACTED]

1. The site out side the study area YES we should recover all that we can
2. I agree to the recommendations

Thank you

Dave Feeney  
CEO  
Karuah Indigenous Corporation  
0421114853

---

**From:** [REDACTED]  
**Sent:** Friday, February 9, 2018 1:13:41 AM  
**To:** David Feeney (karuahindigenous@outlook.com)  
**Cc:** [REDACTED]  
**Subject:** Riverside Tea Gardens

Hi Dave,

Thank you for your continued involvement in the Riverside project at Tea Gardens. As briefly discussed this morning, ERM have prepared revised reports (final draft version) in response to comments received from the registered Aboriginal stakeholders.

As discussed the most significant change is confirmation that the potential hearth recorded on 19 September 2017 (survey undertaken with KLALC) is a modern fire pit and not a cultural site. The description of the disturbed midden recorded in the field on 12 September 2017 (survey undertaken with Karuah Indigenous Corporation and Nur Run Gee) has been updated and a revised site card appended to the reports. This site has been recommended for surface collection (as per the previous report already reviewed).

We would appreciate your review and comment on these revised draft reports. If you have any questions please do not hesitate to contact me.

Kind Regards [REDACTED]

[REDACTED]  
[REDACTED]  
Environmental Resources Management Australia



**ERM** *The business of sustainability*

Level 4

[REDACTED]

---

**From:** admin@karuahaboriginal.com.au  
**Sent:** Monday, 12 February 2018 9:37 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Riverside Tea Gardens

Hi [REDACTED] I have taken a preliminary look at the plan and your response.

We cannot support the plan in its present form.

- We do not agree with salvage and there is no need for further test excavation. Any test excavation should have been undertaken with respect to the original investigation if believed to be warranted. The Arch Code allows for this.
- The identification by you of the RAPs is not sound. The Legislation clearly defines an Aboriginal Party as being either an Aboriginal individual or an Aboriginal organisation or an Aboriginal Owner. A company is neither an individual or Aboriginal Organisation. You have private companies registered. Further more the parties must have connection to country and not be represented by the land council.
- There is no definition of unexpected finds.
- It was wrong to have other parties on site without or knowledge or consent. How are you going to address this extremely important issue. Until that is rectified KLALC remains disrespected by ERM. You state in the preamble that you acknowledge our importance with respect to culture but trample upon us.

It is interesting to note that OEH has initial similar concerns to us.

I will take this to a meeting and respond accordingly. Having received this on 9/2 I understand we have some time to respond.

All the best Len Roberts CEO

---

**From:** [REDACTED]  
**Sent:** Friday, 9 February 2018 11:20 AM  
**To:** admin@karuahaboriginal.com.au; karuahaboriginal@bigpond.com  
**Cc:** [REDACTED]  
**Subject:** Riverside Tea Gardens

Hi Len,

Thank you for your continued involvement in the Riverside project at Tea Gardens and your comments on the draft cultural heritage assessment and updated management plan (dated 18 January 2018). ERM have prepared revised reports (final draft version) in response to the comments received from the registered Aboriginal stakeholders. Copies of these revised reports have been attached to this email.

As suggested within your response, the potential hearth recorded on 19 September 2017 (survey undertaken with KLALC) has been confirmed as a modern fire pit and not a potential cultural site. The description of the disturbed midden recorded in the field on 12 September 2017 (survey undertaken with Karuah Indigenous Corporation and Nur Run Gee) has also been updated.

We would appreciate your review of these revised draft reports. Please do not hesitate to contact me if you have any questions.

Kind Regards, [REDACTED]

Annex B

## Newspaper Advertisement

## NOTICE OF ABORIGINAL CONSULTATION - TEA GARDENS

Environmental Resources Management Pty Ltd, on behalf of Tattersall Lander Pty Ltd, is proposing to undertake an Indigenous Cultural Heritage Assessment associated with a small modification to the approved Riverside Tea Gardens development. This project will also include an updated Cultural Heritage Management Plan to include the revised development footprint. The focus of this heritage assessment will be the additional 5.83 ha of land in the south west of the development footprint, off Myall Quays Boulevard.



Local Aboriginal parties wishing to be consulted for this assessment are invited to register a written expression of their interest by 29 June 2017. Please respond in writing to: Attn: Joanne Woodhouse, Environmental Resources Management Australia. PO Box 803, Newcastle NSW 2300. Or email to [joanne.woodhouse@erm.com](mailto:joanne.woodhouse@erm.com)

Annex C

## AHIMS Site Cards



# Aboriginal Site Recording Form

AHIMS Registrar  
PO Box 1967, Hurstville NSW 2220



## Office Use Only

Site Number

Date received

Date entered into system

Date catalogued

Entered by (I.D.)

## Information Access

☐ Gender/male ☐ Gender/female ☐ Location restriction ☐ General restriction ☐ No access

## For Further Information Contact:

### ☐ Nominated Trustee

Title

Surname

First Name

Initials

Organisation

Address

Phone number

Fax

### ☐ Knowledge Holder

Title

Surname

First Name

Initials

Organisation

Address

Phone number

Fax

## Aboriginal Heritage Unit or Cultural Heritage Division Contacts

## Geographic Location

Site Name

Easting

Northing

AGD/GDA

Mapsheet

Zone

Location Method

Other Registration

## Primary Recorder

Title

Surname

First Name

Initials

Organisation

Address

Phone number

Fax

Date recorded

Office Use Only

Client on system

Client on system

Client on system



OPEN/CLOSE SITE ☒ Open Site

## Site Context

## Landform

- ☐ Mountainous  
☐ Plain  
☐ Rolling hills  
☐ Steep hills  
☒ Undulating plain

## Landform Unit

- ☐ Beach  
☐ Coastal rock platform  
☐ Dune  
☐ Intertidal flat  
☐ Lagoon  
☐ Tidal Creek

☐ Tidal Flat☐ Cliff☐ Crest☒ Flat☐ Lower slope☐ Mid slope☐ Upper slope☐ Plain☐ Ridge☐ Tor☐ Valley flat☐ Levy☐ Stream bank☐ Stream channel☐ Swamp☐ Terrace☐ Terrace flat

## Slope

 degrees

## Vegetation

- ☐ Closed forest  
☒ Grasslands  
☒ Isolated clumps of trees  
☐ Open forest  
☐ Open woodland  
☐ Scrub  
☐ Woodland  
☒ Cleared  
☐ Revegetated  
☐ N/A

## Land use

- ☐ Conservation  
☐ Established urban  
☐ Farming-intensive  
☐ Farming-low intensity  
☐ Forestry  
☐ Industrial  
☐ Mining  
☐ Pastoral/grazing  
☒ Recreation  
☐ Semi-rural  
☐ Service corridor  
☐ Transport corridor  
☐ Urban expansion  
☐ Residential

## Water

Distance to permanent water source  metresDistance to temporary water source  metresName of nearest permanent water source Name of nearest temporary water 

## Directions for Relocation

In central east of paddock of roundabout at Myall Quays  
Boulevard, Tea Gardens. Located in small group of trees.

## Current Land Tenure

- ☐ Public National Park / other Government  
Dept.  
☐ Private

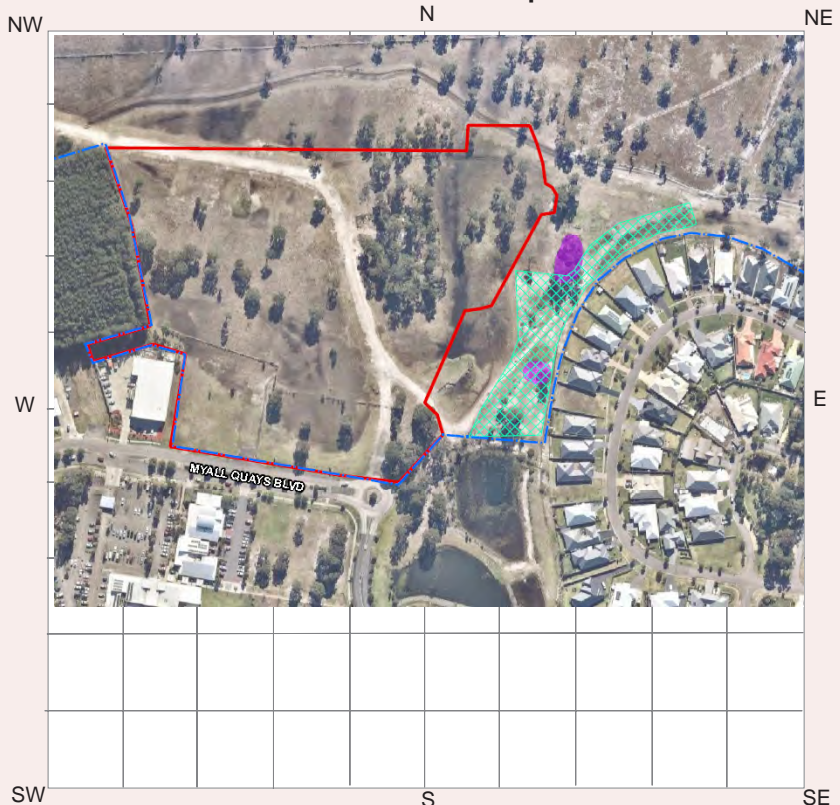
## Primary report

I.D.  (I.D. Office Use only)

ERM (2017) Riverside at Tea Gardens Aboriginal

Cultural Heritage Assessment

## Site Location Map



## General Site Information

## Closed Site

## Shelter/Cave Formation

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

## Rock Surface Condition

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

## 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

## Open Site

## Site Orientation

- ☒ N-S  
☐ NE-SW  
☐ E-W  
☐ SE-NW  
☐ N/A

## 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)

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

Recommendations (avoidance or Surface Collectio) agreed to by following Aboriginal groups:

Karuah Indigenous Corporation (on-site 12 September 2017)

Nur Run Gee (on-site 12 September 2017)

## Site Cultural & Scientific Analysis and Preliminary Management Recommendations

One highly disturbed shell deposit was located outside of the study area boundary and was reported to be a highly disturbed shell deposit mixed with imported fill. This disturbed site has been recorded as Riverside\_02 and will not be impacted as a result of the modified concept plan, although it will be disturbed by excavation works in the water management area. Riverside\_02 is a low-density surface assemblage, and a site type which is common in the region. Scientific significance is considered low.

This site and the recommended surface collection procedure is included in the Riverside Cultural Heritage Management Plan (in prep).

Site is in poor condition and is highly disturbed .

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

Title

Surname

First Name

Initials

--	--	--

[illegible][illegible]

--	--

## Organisation

[illegible]

Address

[illegible]

Phone number

[illegible]

Fax

[illegible]

## Comments

7

### A4 location map

7

B/W photographs

7

## Colour photographs

7

## Slides

--	--

## Aerial photographs

7

## Site plans, drawings

7

## Recording tables

7

Other

7

Feature inserts-No.	Feature inserts-Description
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## NPWS FEATURE RECORDING FORM - ARTEFACT

page 1

Site I.D. Site Name First recorded date Importance No. of instances Recorded by 

Yes No

Stone artefacts only 

## Percentage of Non-stone Artefacts to Percentage of Stone Artefacts

Artefacts collected 

0-9% 10-19% 20-29% 30-39% 40-49% 50-59% 60-69% 70-79% 80-89% 90-100%

Permit issued 

## Feature Context &amp; Condition

Scatter No. Easting Northing 

## Density

## Dimensions

Yes No

(Artefact count per square metre)

Length (m)

Width (m)

Depth (m)

In situ

Stratified

## Feature Condition

## General Condition

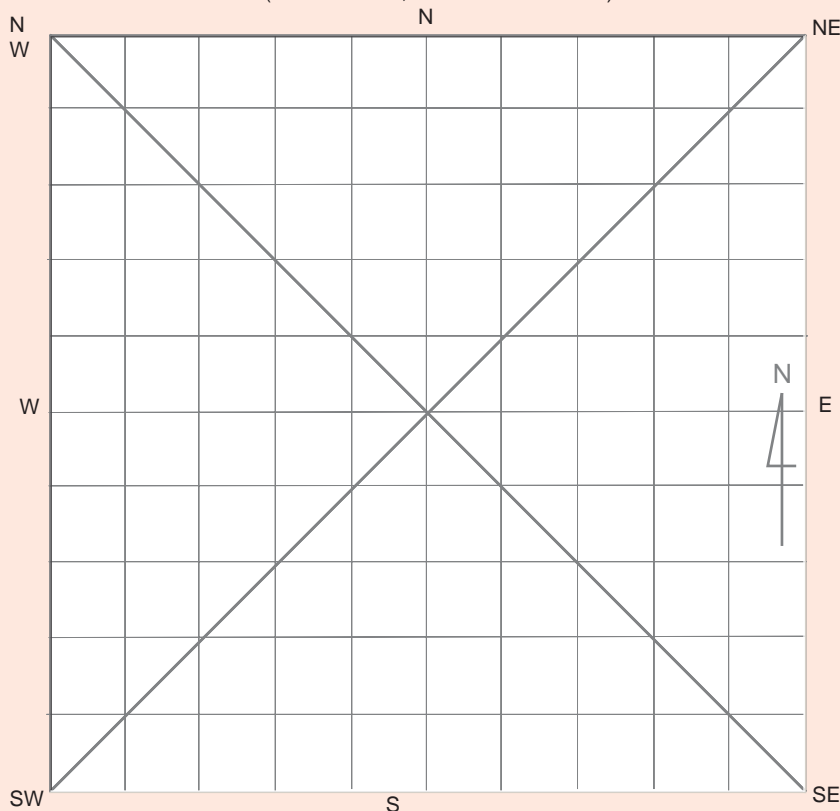
## Recommended Action

- ☐ Very good
- ☐ Good
- ☐ Poor

- ☐ Weathered
- ☐ Vehicle damage
- ☐ Surface water wash
- ☐ Fire damage
- ☐ Erosion
- ☐ Stock damage
- ☐ Exposed archaeological material

- ☐ Boardwalk
- ☐ Fencing
- ☐ Closure to public
- ☐ Continued inspection
- ☐ Fire hazard reduction
- ☐ Expert assessment
- ☐ Meeting with land manager
- ☐ Revegetation
- ☐ Signage
- ☐ Soil erosion control
- ☐ Track closure/re-routing
- ☐ Additional recording

## Feature Plan (Indicate scale, location of instances)



## Feature Environment

(Complete when *feature* environment differs to *site* environment, use attributes from cover card, p. 2)

Land form

Land form unit

Slope

Vegetation

Land use

## Water

Distance to permanent water source  metresDistance to temporary water source  metres

Name of nearest permanent water source

Name of nearest temporary water

## NPWS FEATURE RECORDING TABLE - ARTEFACT

page 2

## Stone Artefact

[illegible]

### Other Artefact Type

[illegible]

## Material

Basalt	Clear glass
Chert	Ceramic
Fine grained siliceous	Porcelain
Granite	Tin can
Quartz	Wire
Quartzite	Nail
Sandstone	Button
Silcrete	Shell
Green glass	Bone
Amber glass	Wood
Amethyst glass	Resin

## Artefact Description

Adze	Flake tool
Anvil	Flaked piece
Axe	Hammerstone
Backed blade	Manuport
Blade	Milling slab
Core	Mortar
Core tool	Muller
Cyclon	Nuclear tool
Distal fragment	Pirri
Eloura	Proximal fragment
Flake	Tula
	Other diagnostic type
	Modified
	Unworked

## Platform Surface

- Cortex
- Flake scar
- More than one flake scar
- Faceted
- Ground
- Indeterminate
- Bipolar

### Platform Type

- W
- Focal
- Shattered
- Indeterminate
- Bipolar

## Termination

- Feather
- Hinge
- Step
- Outrepasse
- Bipolar

## Cross Section

- High/strong
- High/weak
- Low/weak
- Irregular

Comments:

Site I.D.

Site Name

First recorded date

Importance

Aboriginal Information Recorded?

No. of instances

Recorded by

Feature description

No. of scars

No. of carved panels

Feature Condition

☐ Very good

☐ Good

☐ Poor

Condition

☐ Weathered

☐ Ringbarked

☐ Fire damage

☐ Vehicle damage

☐ Insects/termites

☐ Rot

☐ Limb fall

☐ Stock damage

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

Easting

Northing

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

Land form

Land form unit

Water

Distance to permanent water source  metres

Distance to temporary water source  metres

Name of nearest permanent water source

Name of nearest temporary water

Feature Location Plan

Scar/Carved Panel Drawing

NW

N

NE

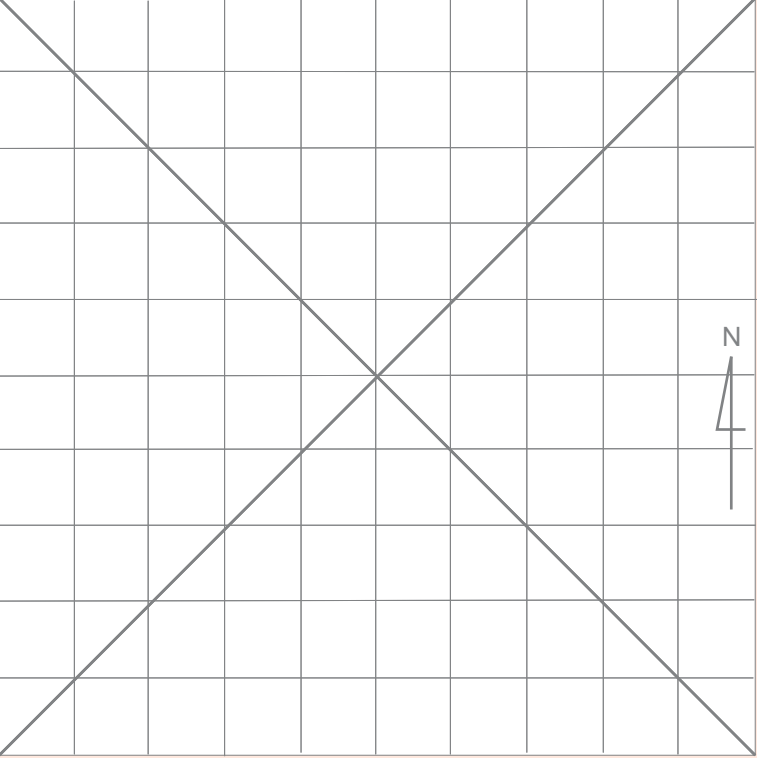
W

E

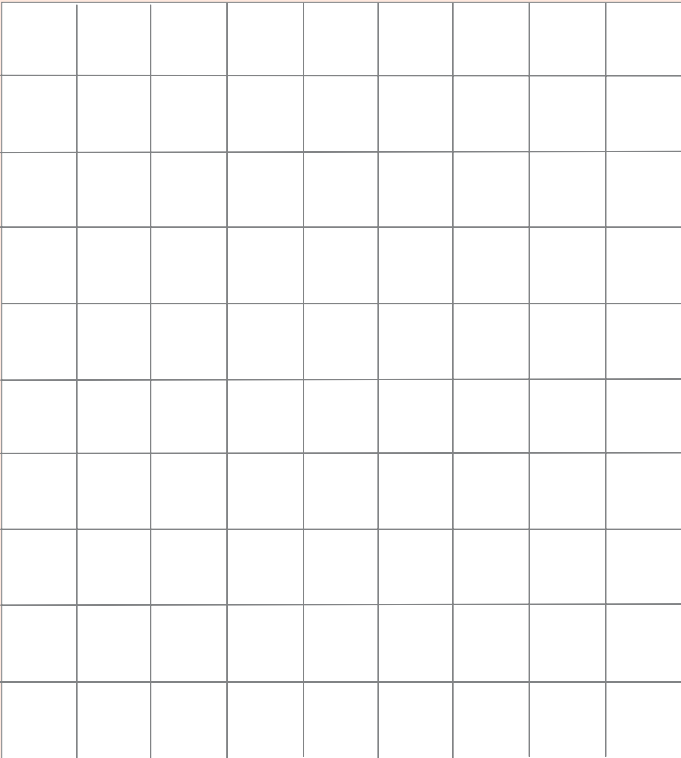
SW

S

SE



Indicate scale



Attach additional drawings



## page 2

[illegible]

Type of Tree	Tree Species	Living Status	Tree Status	Regrowth	Scar Shape	Carving Type	Axe Marks	Orientation
Carved Tree	Eucalypt	Dead	Standing	Yes	Oval	Linear	Metal	North East
Scarred Tree	Red Gum	Alive	Lying down	No	Rectangular	Geometric	Stone	East
Carved/Scarred Tree	Angotha	Dying	Partially felled		Square	Pictorial	Indeterminate	South East
			Subject to salinity		Round			South
			Not <i>in situ</i>		Other			South West
								West
								North West
								North

## NPWS FEATURE RECORDING FORM - GROOVE

page 1

Site I.D. Site Name First recorded date  /  / Importance 

Aboriginal Information Recorded?

No. of instances Recorded by 

## Feature Description

## Type of Grinding Feature

- ☐ Broad
- ☐ Narrow/point
- ☐ Hollow

## Profile Shape

- ☐ 'U' shaped
- ☐ 'V' shaped
- ☐ Flat

## Seed Species Present

Recording date  /  / 

## Groove Function

## Dimensions

## Smallest

## Largest

Length (mm) Length (mm) Groove count Width (mm) Width (mm) Cluster count Depth (mm) Depth (mm) 

## Feature Context &amp; Condition

Easting Northing 

## Dimensions of Whole Feature

 Length (m) Width (m)

## Feature Condition

- ☐ Very good
- ☐ Good
- ☐ Poor

## General Condition

- ☐ Weathered
- ☐ Vandalised

## General Condition ctd

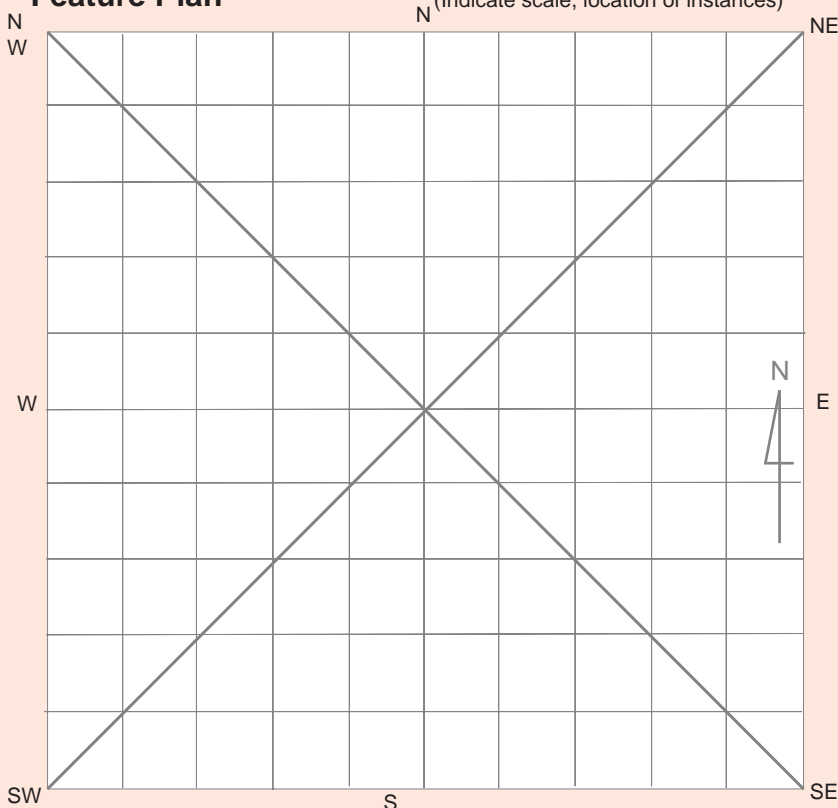
- ☐ Fire damage
- ☐ Surface water wash
- ☐ Graffiti
- ☐ Vehicle damage
- ☐ Erosion
- ☐ Stock damage

## Recommended Action

- ☐ Boardwalk
- ☐ Cage/barrier/fencing
- ☐ Closure to public
- ☐ Continued inspection
- ☐ Expert assessment
- ☐ Graffiti removal
- ☐ Meeting with land manager
- ☐ Revegetation
- ☐ Rubbish removal
- ☐ Signage
- ☐ Erosion control
- ☐ Track closure/re-routing
- ☐ Additional recording

## Feature Plan

(Indicate scale, location of instances)



## Feature Environment

(Complete when *feature* environment differs to *site* environment, use attributes from cover card, p. 2)

Land form

Land form unit

Slope

Vegetation

Land use

## Water

Distance to permanent water source  metresDistance to temporary water source  metres

Name of nearest permanent water source

Name of nearest temporary water

Site I.D. Site Name First recorded date  /  / Importance Aboriginal Information  
Recorded? No. of instances Recorded by **Feature Context  
& Condition**Easting  Northing Pigment ☐ Engraved ☐ Super-impositioning ☐**Artwork Condition**

- ☐ Very good
- ☐ Good
- ☐ Poor

**General Condition**

- ☐ Weathered
- ☐ Vandalised
- ☐ Surface water wash
- ☐ Mineralisation
- ☐ Graffiti
- ☐ Fire damage
- ☐ Insects/termites
- ☐ Erosion
- ☐ Stock
- ☐ Unstable structure

**Recommended Action**

- ☐ Boardwalk
- ☐ Cage/barrier/fencing
- ☐ Closure to public
- ☐ Continued inspection
- ☐ Dripline
- ☐ Expert assessment
- ☐ Fire hazard removal
- ☐ Graffiti removal
- ☐ Insect/bird nest removal
- ☐ Meeting with land manager
- ☐ Rubbish removal
- ☐ Signage
- ☐ Erosion control
- ☐ Track closure/re-routing
- ☐ Additional recording

**Feature Environment**(Complete when *feature* environment differs to *site* environment, use attributes from cover card, p. 2) Land form Land form unit Slope Vegetation Land use**Water**Distance to permanent water source  metresDistance to temporary water source  metresName of nearest permanent water source Name of nearest temporary water **Art Sketch Plan**

Sketch and number motif groups

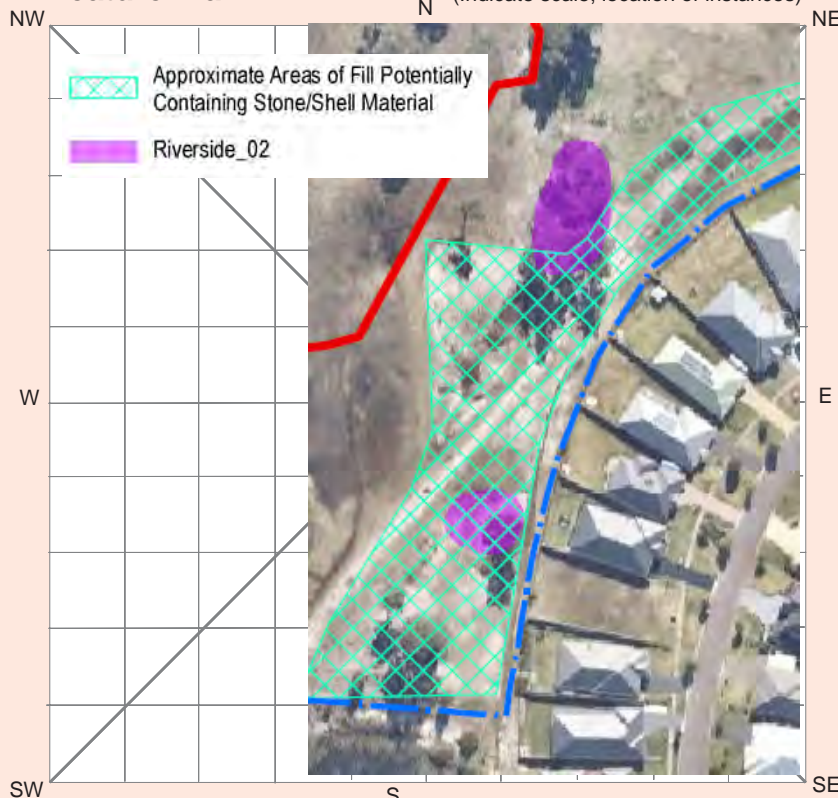


Motif			Application Technique	Main Colour	Art Location	Condition
Anthropomorphic	Female	Marine-Other	Abraded	Black	All over shelter surfaces	Faded
Bird	Fish	Other	Drawn	Mauve *	ceiling	Stained
Bird Track	Foot	Pattern	Other	N/A	Floor	Mineralisation Evident
Canoe	Hand	Quadruped	Painted	Orange *	Mostly near largest sheltered space	V brant Colours
Circle	Jellyfish	Reptile	Pecked	Other	Mostly on out of the way surfaces	Unweathered
Contact material culture	Kangaroo	Rifle	Pigment & Engraved	Red *	Other	Weathered
Duck	Line	Shield	Stencilled	White *	Wall	
Eel	Lizard	Ship	Form	Yellow *		
Emu	Macropod	Snake	Fill			
Emu track	Macropod Track	Spear	Line			
European figure	Male	Wallaby	Line+ Fill			
			Other			
			Pattern			

[illegible]

Site I.D. Site Name First recorded date Importance Aboriginal Information  
Recorded? No. of instances Recorded by **Feature Context  
& Condition**Easting  Northing **Dimensions of Whole Feature**30  Length (m) 20  Width (m)  Depth (m)**Shell Distribution**☒ Surface scatter 800  Distance to high water mark (m)☐ Stratified deposit☐ Mounded**Feature Condition**☐ Very good☐ Good☒ Poor**General Condition**☒ Weathered☐ Vandalised☐ Surface water wash☐ Mineralisation☐ Graffiti**General Condition ctd**☐ Fire damage☒ Vehicle damage☐ Insects/termites☐ Erosion☐ Stock damage☐ Unstable structure☐ Exposed bone material☐ Exposed archaeological  
material**Recommended Action**☐ Boardwalk☐ Cage/barrier/fencing☒ Closure to public☐ Continued inspection☐ Expert assessment☐ Fire hazard removal☐ Graffiti removal☐ Meeting with land manager☐ Insect/bird nest removal☐ Revegetation☐ Rubbish removal☐ Signage☐ Erosion control☐ Track closure/re-routing☐ Additional recording**Feature Plan**

(Indicate scale, location of instances)

**Feature Environment**(Complete when *feature* environment  
differs to *site* environment, use attributes  
from cover card, p. 2) Land form Land form unit Slope Vegetation Land use**Water**Distance to permanent water source 850  metresDistance to temporary water source  metres

Name of nearest permanent water source

Name of nearest temporary water

Species		Percentage of this Species Shell to Percentage Total of other Shell
Anadara	Nerita	0 – 9%
Bimbala	Ocean Snail	10 – 19%
Chiton	Periwinkle	20 – 29%
Cowrie	P	30 – 39%
Dog Cockle	Ribbed Cockle	40 – 49%
Duck Bill	Rock Oyster	50 – 59%
Limpit	Thiad	60 – 69%
Mud oyster	Triton	70 – 79%
Mutton Fish	Turban (large)	80 – 89%
		90 – 100%

[illegible]



Annex D

## AHIMS Search Results

# AHIMS Web Services (AWS)

## Extensive search - Site list report

Your Ref/PO Number : 0406528

Client Service ID : 301359

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0044	Tea Gardens.	AGD	56	421236	6385002	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Unknown Author					<b>Permits</b>		
38-5-0076	Monkey Jacket;Tea Garden;	AGD	56	420660	6386560	Open site	Valid	Shell : -, Artefact : -	Midden	249
	<b>Contact</b>	<b>Recorders</b>	Ms.Mary Dallas					<b>Permits</b>	581	
38-5-0082	Hawks Nest	AGD	56	422560	6384060	Open site	Valid	Shell : -, Artefact : -	Midden	1034
	<b>Contact</b>	<b>Recorders</b>	Denis Byrne					<b>Permits</b>	58	
38-5-0087	Tea Gardens;	AGD	56	421600	6387050	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Helen Brayshaw,Mr.David Crew					<b>Permits</b>		
38-5-0147	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	<b>Contact</b>	<b>Recorders</b>	Ms.Jillian Comber,Glen Morris					<b>Permits</b>	583,613	
38-5-0148	Myall River Midden-1;MRM-1;	AGD	56	421600	6387100	Open site	Valid	Shell : -, Artefact : -	Midden	1373
	<b>Contact</b>	<b>Recorders</b>	Helen Brayshaw					<b>Permits</b>		
38-5-0019	Hawks Nest;	AGD	56	423703	6385049	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Len Dyll					<b>Permits</b>		
38-5-0192	Winda Woppa 1 Burial Site	AGD	56	421681	6383884	Open site	Valid	Burial : 1		
	<b>Contact</b>	<b>Recorders</b>	Ms.Jill Ruig					<b>Permits</b>	1340,2015	
38-5-0041	Tea Gardens Limekilns	AGD	56	419134	6384962	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Mr.Steve Brereton					<b>Permits</b>		
38-5-0056	Tea Gardens	AGD	56	421000	6385000	Open site	Valid	Shell : -, Artefact : -	Midden	719
	<b>Contact</b>	<b>Recorders</b>	Margery Sullivan					<b>Permits</b>		
38-5-0301	Shearwater PAD 1	GDA	56	422000	6389000	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		101531,10212 6,102127
	<b>Contact</b>	<b>Recorders</b>	Mrs.Angela Besant					<b>Permits</b>		
38-5-0302	Shearwater PAD 2	GDA	56	420500	6389100	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		101531,10212 6,102127
	<b>Contact</b>	<b>Recorders</b>	Mrs.Angela Besant					<b>Permits</b>		
38-5-0306	Riverside 01	AGD	56	421423	6387509	Open site	Valid	Shell : -		
	<b>Contact</b>	<b>Recorders</b>	Doctor.Diana Neuweiger					<b>Permits</b>		
38-5-0315	Riverside PAD	GDA	56	421291	6387326	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<b>Contact</b>	<b>Recorders</b>	Doctor.Diana Neuweiger,ERM - Thornton					<b>Permits</b>		
38-5-0329	Kore Kore Creek	GDA	56	418592	6387375	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	Mrs.Isabelle Strachan,Mid Coast Council - Foster					<b>Permits</b>		

Report generated by AHIMS Web Service on 13/09/2017 for Joanne Woodhouse for the following area at Lat, Long From : -32.6682, 152.1264 - Lat, Long To : -32.6304, 152.1862 with a Buffer of 1000 meters. Additional Info : Heritage Assessment. Number of Aboriginal sites and Aboriginal objects found is 15

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
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Report generated by AHIMS Web Service on 13/09/2017 for Joanne Woodhouse for the following area at Lat, Long From : -32.6682, 152.1264 - Lat, Long To : -32.6304, 152.1862 with a Buffer of 1000 meters. Additional Info : Heritage Assessment. Number of Aboriginal sites and Aboriginal objects found is 15

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