

Riverside at Tea Gardens

Updated Cultural Heritage Management Plan

Tattersall Lander Pty Ltd

March 2018

0406528 FINAL

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ABREVIATIONS

ACHA	Aboriginal Cultural Heritage Assessment
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management Service
AHIP	Aboriginal Heritage Impact Permit <i>The provisions of the now repealed Part 3A of the EP&A Act overrule the requirement for an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act.</i>
ASIR	The Aboriginal Site Impact Recording (ASIR) form must be completed after authorised impacts to AHIMS sites occur. Once completed, the form must be sent to the AHIMS Registrar.
Concept Plan Approval	Concept plan approval MP 100136
DCP 22	Development Control Plan (DCP) 22 – Myall Quays Estate
DEC	Former Department of Environment and Conservation
DECCW	Former Department of Environment, Climate Change and Water
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
ERM	Environmental Resources Management Australia Pty Ltd
KLALC	Karuah Local Aboriginal Land Council
LEP	Local Environment Plan
MCP	Modified Concept Plan
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	National Parks & Wildlife Amendment Regulation 2010
OEH	Office of Environment and Heritage
PAD	Potential Archaeological Deposit
RAP	Registered Aboriginal Parties
RMS	Roads and Maritime Services
SEPP 14	State Environmental Planning Policy No 14 – . Coastal Wetlands

CONTENTS

1	INTRODUCTION	
1.1	BACKGROUND	1
1.2	PURPOSE AND SCOPE	2
2	STATUTORY CONSIDERATIONS AND PROJECT APPROVAL REQUIREMENTS	
2.1	LEGISLATION	5
2.2	GUIDELINES AND STANDARDS	6
2.3	CONCEPT PLAN APPROVAL MP 100136	7
2.4	MODIFIED CONCEPT PLAN	8
3	OBJECTIVES AND PERFORMANCE TARGETS	
3.1	OBJECTIVES OF THE ACHMP	10
3.2	PERFORMANCE TARGETS	10
4	CONSULTATION AND PARTICIPATION	
5	KNOWN ARCHAEOLOGICAL RESOURCES	
5.1	ENVIRONMENTAL CONTEXT AND LANDFORMS	13
5.2	ABORIGINAL HERITAGE SITES	15
5.2.1	DREDGE ISLAND MIDDEN (AHIMS #38-5-0148)	15
5.2.2	RIVERSIDE_01 MIDDEN (AHIMS #38-5-0306)	18
5.2.3	RIVERSIDE_02 DISTURBED MIDDEN	19
6	HERITAGE ASPECTS & IMPACTS	
6.1	DREDGE ISLAND MIDDEN (AHIMS #38-5-0148)	22
6.1.1	RIVERSIDE_01 MIDDEN (AHIMS #38-5-0306)	23
6.2	RIVERSIDE_02 DISTURBED MIDDEN	23
7	ARCHAEOLOGICAL TEST EXCAVATION AND SALVAGE PROGRAM (RIVERSIDE_02)	
7.1	SURFACE COLLECTION (SALVAGE) OF ABORIGINAL OBJECTS	25
7.1.1	INTERPRETATIVE CONTEXT	25
7.1.2	SURFACE COLLECTION	25
7.2	TEST EXCAVATION	26
7.2.1	EXCAVATION REPORT	27
7.3	ARCHAEOLOGICAL EXCAVATION	27
8	MANAGEMENT AND CONTROL MEASURES FOR ABORIGINAL HERITAGE	
8.1	CULTURAL HERITAGE AWARENESS TRAINING	29

CONTENTS

8.2	<i>PUBLIC ACCESS</i>	29
8.2.1	<i>PATHWAYS</i>	29
8.3	<i>INTERPRETATION PRACTICES</i>	31
8.4	<i>BUSHFIRE HAZARD REDUCTION</i>	31
8.5	<i>EROSION CONTROL</i>	32
8.6	<i>ONGOING MANAGEMENT AND MONITORING</i>	32
9	<i>MANAGEMENT OF PREVIOUSLY UNRECORDED ABORIGINAL HERITAGE EVIDENCE</i>	
9.1	<i>PROTOCOL FOR DISCOVERY OF UNEXPECTED SITES</i>	33
9.2	<i>PROTOCOL FOR DISCOVERY OF SKELETAL REMAINS</i>	35
9.3	<i>CARE AND CONTROL</i>	35
10	<i>ROLES AND RESPONSIBILITIES</i>	
11	<i>COMPLIANCE MANAGEMENT</i>	
11.1	<i>RECORD KEEPING AND AUDITING</i>	43
11.2	<i>REVIEW AND CONTINUOUS IMPROVEMENT OF ACHMP</i>	43
12	<i>REFERENCES</i>	

ANNEXES

ANNEX A	<i>EVIDENCE OF CONSULTATION</i>	
ANNEX B	<i>AHIMS SITE CARDS</i>	

LIST OF FIGURES

FIGURE 1.1	<i>LOCALITY PLAN</i>	3
FIGURE 1.2	<i>CONCEPT PLAN</i>	4
FIGURE 5.1	<i>ARCHAEOLOGICAL LANDFORMS AND HERITAGE SITES</i>	14
FIGURE 7.1	<i>METHODOLOGY FOR THE SALVAGE AND EXCAVATION OF ABORIGINAL OBJECTS</i>	24
FIGURE 9.1	<i>PROTOCOL FOR DISCOVERY OF UNEXPECTED SITES</i>	34
FIGURE 9.2	<i>PROTOCOL FOR DISCOVERY OF SKELETAL REMAINS</i>	36

CONTENTS

LIST OF TABLES

TABLE 2.1	KEY LEGISLATION AND PLANNING INSTRUMENTS	5
TABLE 2.2	CONCEPT PLAN APPROVAL CONDITIONS	7
TABLE 2.3	STATEMENT OF COMMITMENTS, ABORIGINAL HERITAGE	8
TABLE 2.4	OEH RECOMMENDATIONS	9
TABLE 5.1	SIGNIFICANCE OF THE ABORIGINAL HERITAGE SITES	21
TABLE 6.1	SUMMARY OF POTENTIAL IMPACT TO ABORIGINAL HERITAGE SITES	22
TABLE 10.1	ROLES, RESPONSIBILITIES AND HERITAGE CONTROL MEASURES	38

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 prepare this updated Aboriginal Cultural Heritage Management Plan (ACHMP) to include the proposed modification to the Approved Concept Plan for a residential development at Tea Gardens NSW (refer to *Figure 1.1*).

This updated ACHMP supersedes the previous ACHMP (ERM, December 2014).

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 (refer to *Figure 1.2*). In accordance with recommendations from the Office of Environment and Heritage (OEH) ERM has prepared this updated ACHMP to reflect the Modified Concept Plan (MCP).

A request to modify the Concept Approval for the Major Project MP 100136 'Riverside Tea Gardens' was submitted to the Department of Planning and Environment in early 2017. As part of this process, the NSW Office of Environment and Heritage (OEH) reviewed the proposal with respect to biodiversity and Aboriginal cultural heritage. Following OEH's recommendations, ERM also prepared a separate Aboriginal Cultural Heritage Assessment (ACHA) of the additional 5.83 ha area (ERM 2017). This assessment included additional consultation with relevant Aboriginal parties (in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, DECCW 2010), updated database searches and surveys over two days in September 2017 including inspections of the previously recorded midden sites within the conservation area. This updated ACHMP incorporates the results of these additional works.

This updated ACHMP is designed to ensure that the designated Conservation Areas are protected in a manner that retains their significance to the Aboriginal community and to the broader community. It has been prepared in consideration of feedback from OEH and the Aboriginal community to:

- protect the surface and subsurface archaeological deposits of the Dredge Island midden and Riverside_01 midden from disturbance associated with development and use of the area by residents and visitors;
- retain an area that preserves archaeological material in its natural context and provides an example of the type of environment occupied by Aboriginal people in the region;
- detail a program for the recording and surface collection for the highly disturbed Riverside_02;
- describe the measures that would be implemented if any unexpected finds or Aboriginal skeletal remains are discovered during the project; and
- describe the protocol for ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites.

Figure 1.1 Locality Plan

Figure 1.2 Concept Plan

2 STATUTORY CONSIDERATIONS AND PROJECT APPROVAL REQUIREMENTS

2.1 LEGISLATION

Key legislation relevant to heritage management includes:

- *Environmental Planning and Assessment Act 1979* (EP&A Act);
- *National Parks and Wildlife Act 1974* (NPW Act); and
- *National Parks & Wildlife Amendment Regulation 2010* (NPW Regulation).

Commonwealth legislation protecting Aboriginal heritage may also apply to Aboriginal heritage places in NSW in certain circumstances. Key legislation is summarised in *Table 3.1* below.

Table 2.1 Key Legislation and Planning Instruments

State Legislation
<p><i>National Parks and Wildlife Act 1974</i> (NSW)</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&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</i> (NSW)</p> <p>The NSW <i>Heritage Act 1977</i> establishes the NSW Heritage Council and the State Heritage Register (SHR). The aim of the Act is to conserve the heritage of NSW. 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>

State Legislation

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. 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.

Part 3A of EP&A Act (now repealed) previously applied to projects that were declared to be a major project (in accordance with Section 75B). The concept plan was approved under Part 75W of the EP&A Act and there under Section 75U, it is not necessary to obtain approvals under other specific heritage legislation including the NPW Act and the *NSW Heritage Act 1977* in relation to approved activities that result in harm to an Aboriginal object.

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.

Local Planning Guidelines

Development Control Plan (DCP) 22 - Myall Quays Estate

Development Control Plan (DCP) 22 – Myall Quays Estate is intended to assist Council, developers, residents and the general community with the implementation of Great Lakes Local Environmental Plan (LEP) to provide a framework for controlling and co-ordinating tourist and residential development on the study area. The LEP and this DCP are framed to provide for the protection of the natural environmental systems of the area. With specific reference to Aboriginal heritage, the DCP states that:

‘Any development proposals for the site should include measures to protect Aboriginal Site No 2 located within SEPP 14 Wetlands 746 and any other sites should they subsequently be discovered.’

2.2

GUIDELINES AND STANDARDS

The main guidelines, specifications and policy documents relevant to this ACHMP include:

- Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010);
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010); and
- Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011).

A full list of the concept plan approval MP 100136 conditions relating to Aboriginal cultural heritage and where they are addressed in this ACHMP is provided in *Table 2.2* and *Table 2.3*.

Table 2.2 *Concept Plan Approval Conditions*

Condition	Requirement	Addressed in updated ACHMP
C4	All future development applications for each development stage are to include, where relevant, the following stage-specific management plans: e) Cultural Heritage Management Plan (see C14)	This updated ACHMP
C12	Cultural Heritage 1) A Cultural Heritage Management Plan (CHMP) shall be prepared for the two identified Aboriginal heritage sites located on the site – the ‘Dredge Island Midden’ and the ‘Riverside_01’ midden as referred to in the Riverside at Tea Gardens Heritage Assessment, completed by ERM and dated February 2011. The CHMP shall be submitted prior to the first development application being lodged with Council and shall be prepared in consultation with the Karuah Local Aboriginal Land Council and OEH. 2) All future applications for each stage of development are to demonstrate the implementation of the recommendations of the CHMP, including the requirement for site specific management strategies for each of the identified sites of cultural heritage significance as they relate to the area of the application.	<ul style="list-style-type: none"> • Potential impacts to the midden sites are discussed in <i>Section 6</i>. • Management actions are outlined in <i>Section 8</i> and <i>Table 10.1</i>. • Evidence of consultation is provided in <i>Annex A</i>.
C14	Land Zoned E2 Development planning and management of the conservation land under the Concept Plan is to be directed via the preparation and adoption of a Management Plan that is prepared in accordance with DCP 22. The Management Plan shall be approved in writing by Great Lakes Council prior to approval of any development application within the Tourist Precinct (Stage 13).	This updated ACHMP relates to Aboriginal heritage only. The management of the Conservation Area will be the subject of a separate Management Plan (to be developed).

Concept Plan Approval Dated 27 June 2013

Table 2.3 *Statement of Commitments, Aboriginal Heritage*

Item	Commitment	Timing	Addressed in ACHMP
12	The midden site 'NPWS 38-5-148' identified as significant located within the SEPP 14 wetland and the midden site 'Riverside_01' located within the tourist precinct will be protected from development activities.	Prior to commencement of development upon the site.	<i>Figure 1.2 Section 6</i>
13	During ground surface disturbance works, in the event that cultural heritage material is exposed within the development area, all development works will immediately cease and a representative of the OEH and Karuah LALC will be contacted regarding further assessment of any cultural materials. Management measures as outlined in the Management Plan would be implemented for the proposed works.	For the duration of the construction of the subdivision.	<i>Section 9 and Table 10.1</i>

Dated 12 June 2013

2.4 **MODIFIED CONCEPT PLAN**

In 2017, an approval request to modify the Concept Approval for the Major Project MP 100136 'Riverside Tea Gardens' was submitted to the Department of Planning and Environment. As part of this process, OEH reviewed the proposal with respect to biodiversity and Aboriginal cultural heritage. OEH's recommendations regarding Aboriginal cultural heritage and where they are addressed in this updated ACHMP are provided in *Table 2.4*.

Table 2.4 **OEH Recommendations**

Item	Recommendation	Addressed in ACHMP
1	In relation to the Riverside_01 midden, the ACHMP should be updated to include detailed mapping of the assessed site boundary and boundary coordinates. The ACHMP states that the site is considered to cover the entire area of the raised sand dune landform, however, an Aboriginal Site Recording Form (ASRF) is not supplied for this site in the ACHMP, and the mapped extent of the site in <i>Figures 1.1</i> and <i>1.2</i> differs from the extent of the raised sand dune landform mapped in <i>Figure 4.1</i> . It is therefore not possible to accurately confirm the defined extent of the Riverside_01 midden. The ACHMP includes a range of provisions for the management of the Riverside_01 midden (including the specification of a 10 m buffer zone surrounding the site boundary), however, without accurate site details, effectively implementing these measures would be difficult.	<ul style="list-style-type: none"> ERM conducted site surveys in 2017 re-locating and recording the previously recorded midden sites An updated ASRF is attached at <i>Annex B</i> <i>Figures 1.1, 1.2</i> and <i>5.1</i> have been updated to accurately show extent of Riverside_01 and the raised sand dune landform
2	In relation to the ongoing management of the two middens, the ACHMP states that further means of protecting the middens (such as control of access and fencing) will be considered if indirect impacts increase or if uncontrolled visitor use is found to be causing erosion or damage to archaeological features. However, the ACHMP does not outline a process for monitoring the condition of the middens and determining whether damage is occurring over time. OEH suggests that the ACHMP be updated to include commitments to undertake ongoing, regular monitoring of the two identified middens to determine if damage is occurring. This monitoring program should be conducted in consultation with KLALC at regularly prescribed intervals, and should inform the ongoing management strategies for both sites.	<ul style="list-style-type: none"> Ongoing management and monitoring strategies were discussed during consultation and site surveys with RAPs in September 2017. Management strategies and monitoring have been included in <i>Section 8</i> and <i>Table 10.1</i>.
3	OEH suggests that the 'Protocol for Discovery of Unknown Sites' should be updated to better articulate the requirements for management and salvage of any such unexpected finds prior to construction works continuing. Figure 7.1 of the ACHMP shows that an appropriate salvage methodology for unexpected finds must be developed (in consultation with OEH), approved and implemented prior to construction works resuming, however, aside from this figure, the process for managing unknown sites during construction is not otherwise detailed within the ACHMP. OEH suggests that the table of key tasks and responsibilities in Section 8 is updated so that the requirement to consult with OEH regarding the management of previously unrecorded Aboriginal sites and obtain approval for any management measures is expressly stated. It should be clear that any approved salvage or mitigation measures must be completed prior to any construction works recommencing in that location.	<ul style="list-style-type: none"> The Protocol for Discovery of Unexpected Sites has been updated in <i>Section 9</i> and <i>Table 10.1</i>.

Dated 28 February 2017

3.1**OBJECTIVES OF THE ACHMP**

Objectives for heritage management plan include:

- identify relevant obligations and legislative requirements to be addressed during the construction phase of the Project;
- describe the specific construction heritage requirements and identify the best practice methods to be implemented;
- retain an area that preserves archaeological material in its natural context and provides an example of the type of environment occupied by Aboriginal people in the region;
- detail a program for the recording, salvage and surface collection for Riverside_02;
- describe the measures that would be implemented if any unexpected finds or Aboriginal skeletal remains are discovered during the Project;
- describe the protocol for ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites;
- outline record keeping and management plan monitoring requirements; and
- define responsibilities.

3.2**PERFORMANCE TARGETS**

The following targets have been established for the management of Aboriginal cultural heritage at the Riverside project area:

- ensure full compliance with the relevant legislative requirements and conditions of approval;
- minimise or avoid impacts on known Aboriginal heritage objects and sites;
- follow correct procedure and ensure notification of any Aboriginal heritage objects or sites discovered during ground disturbance activities; and
- ensure training on Aboriginal cultural heritage management is provided to relevant personnel.

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

A comprehensive program of Aboriginal community consultation was undertaken for the original concept plan in compliance with the Interim Community Consultation Requirements for Applicants (former Department of Environment and Conservation [DEC] 2004; refer to ERM 2011). The Registered Aboriginal Parties (RAPs) for the original concept plan approval process were Karuah Local Area Land Council (KLALC) and Jan Webb.

The updated consultation process for the MCP was undertaken in accordance with the guideline *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) and is reported in the ACHAR (ERM 2017). Four Aboriginal parties have registered an interest in being consulted:

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

The additional survey area and a reconnaissance survey of the previously recorded midden sites was undertaken 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.

These RAPs will be the primary parties consulted in relation to ongoing Aboriginal heritage management within the Riverside project area. Appropriate instances for consultation include (but are not limited to):

- If unexpected Aboriginal objects or sites are discovered during ground disturbance works; and
- If amendments to this ACHMP will result in any amendments to the management and mitigation measures as outlined in *Table 10.1*.

A draft copy of this ACHMP report was provided to all registered Aboriginal parties on 3 November 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 management recommendations in their draft format. Consideration was given to the recommendations of the KLALC and a revised draft was provided to all registered Aboriginal parties on 9 February 2018, for the purposes of receiving written or oral general comments. 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*.

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

5.1

ENVIRONMENTAL CONTEXT AND LANDFORMS

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

The wetland area on the eastern side of Myall Lake is prone to periodic inundation and the vegetation in this landform is characterised by swamp and wetland species (refer to *Figure 5.1*). This landform is unlikely to contain in situ archaeological deposits as it is disturbed by flooding activity and is not an area that would have provided a comfortable place for Aboriginal use (ie. stone tool making or eating of shell fish).

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

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

Figure 5.1 Archaeological Landforms and Heritage Sites

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

5.2 ABORIGINAL HERITAGE SITES

5.2.1 *Dredge Island Midden (AHIMS #38-5-0148)*

The study area has been previously surveyed by Brayshaw (1988), who traversed the entire area on foot, focussing on areas of ground surface exposure, mature trees, and environmental features which may have formed a focus for Aboriginal occupation. During this survey, Brayshaw located one site, a shell midden comprising four exposures within a 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 5.1*).

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.

This site was relocated by ERM in the 2009 (ERM 2011). All areas of raised sand dune along the south eastern edge of Myall River adjacent to Dredge Island showed midden material, as indicated in the original site card. The midden deposit was not dense and most of what can be seen showed a sparse scattering of shell on the surface (refer to *Photographs 5.1 to 5.3*). No Aboriginal stone artefacts were noted in the midden material. This site was again relocated by ERM in the most recent fieldwork (19 September 2017), and while the midden has been subject to erosion during the intervening years it remains relatively intact. An isolated backed glass artefact was also noted on Dredge Island (refer to *Photograph 5.4*) and has been included on the updated AHIMS site card (*Annex B*).

The midden is located within the SEPP 14 Wetland and therefore is considered to have been minimally disturbed, there is potential that subsurface expression of the midden contains more scientific information about the subsistence strategies exploited in the area.

The current erosional pressures on this site are due to natural processes and are not associated with the proposed development.



Photograph 5.1 Showing general locality of 38-5-0148 Dredge Midden on the banks of the Myall River (ERM 2017)



Photograph 5.2 Showing exposed area of 38-5-0148 Dredge Midden (ERM 2009)



Photograph 5.3 Showing general locality of 38-5-0148 Dredge Midden and the erosional pressures (ERM 2009)



Photograph 5.4 Isolated backed glass artefact noted on Dredge Island (19 September ERM 2017)

5.2.2

Riverside_01 Midden (AHIMS #38-5-0306)

This midden site was originally recorded by ERM during the 2008 fieldwork and revisited during the 2009 and 2017 surveys. The midden is located on a raised sand dune area close to the wetland. The midden is currently overgrown with grass and the full extent and nature of the deposit could not be fully determined. The midden contained several species of edible shellfish, including cockle, whelk, mud oyster and pipi. The midden deposit was not dense and most of what could be seen showed a sparse scattering of small shell fragments on the surface. The size of shell fragments may relate to the current land use, where grazing cattle may have trampled the midden surface (refer to *Photographs 5.5*).

The midden is spread along the south-east edge of the sand dune ridge with commanding views of the Myall River. The dune system is currently stabilised by non-native grasses. While this is preventing erosion of the dune system and midden, it also obscured an accurate assessment of the midden extent. The maximum extent recorded during the survey was 150 m in length (NE to SW) by 30 m wide (NNW to SSW).

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



Photograph 5.5 Showing edge of Riverside_01. Midden located on right hand side of image in the raised area of dune (ERM 2009)

One highly disturbed shell deposit was recorded by ERM and representative from Karuah Indigenous Corporation and Nur Run Gee during the 2017 fieldwork (refer to *Figure 5.1* and *Photograph 5.6 to 5.8*). 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. An area approximately 30 m x 20 m was recorded and mapped as containing shell material and 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. No Aboriginal stone artefacts or animal bone were noted 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 disturbed by excavation works. A copy of the AHIMS site card is included in *Annex B*.



Photograph 5.6 Riverside_02, view to north (ERM 12 September 2017)



Photograph 5.7 Riverside_02, exposed shell deposit (ERM 19 September 2017)



Photograph 5.8 Example of shells within Riverside_02 (ERM 19 September 2017)

Table 5.1 Significance of the Aboriginal Heritage Sites

Site	Archaeological potential	Scientific significance	Aboriginal social significance ¹
Dredge Island Midden	High	Moderate	Moderate
Riverside_01	High	Moderate	Moderate
Riverside_02	Moderate	Low	Low

Derived from discussion with local Aboriginal community representatives as reported by ERM 2017 and ERM 2014

Potential impacts on Aboriginal cultural heritage are predominantly attributed to ground disturbance works. As indicated within *Table 5.1*, potential impacts may occur as a result of:

- Direct impacts as a result of construction and excavation works within the development footprint
- Indirect impacts from the increased use of the foreshore area and the use of Myall River
- Recreational use of the conservation areas

Of the three site records, only Riverside_02 will be directly impacted and will need to be subject to surface collection. This will also provide the opportunity for the collection of additional surface artefacts and raw material that may have been imported in fill. Only if evidence of subsurface cultural deposit is confirmed, limited test excavation using hand tools may be required.

Table 6.1 *Summary of potential impact to Aboriginal Heritage Sites*

Potential Impact	Dredge Island Midden	Riverside_01	Riverside_02
Direct impacts as a result of construction and excavation works within the development footprint	No	No	Yes
Indirect impacts from the increased use of the foreshore area and the use of Myall River	Possible	No	No
Recreational use of the conservation areas	Possible	Possible	No

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 (ERM 2017) although it is noted that Karuah Indigenous Corporation have requested that the removal of any topsoil should be monitored by a representative from each of the registered stakeholders with connection to Worimi Country.

6.1 DREDGE ISLAND MIDDEN (AHIMS #38-5-0148)

Dredge Island Midden is located in the 7(a) wetland zone which will be protected. Indirect impacts from the increased use of the foreshore area and the use of Myall River for water sports activities may have the potential to impact negatively on the Dredge Midden. Although it is unlikely, the increased water wash may increase the erosion processes occurring along the banks of the estuary thus damaging the midden.

As highlighted by ERM (2014), the mangroves will afford some protection from the effects of increased water wash although it may be necessary to limit access to this area of the foreshore (already in place given the protection of the SEPP 14 Wetland and use of boardwalks/cycle paths leading around rather than through the wetland areas) and limiting the speed of watercraft in the immediate vicinity of the midden. Vessels are already limited to four knots within the vicinity of Dredge Island and the entire area between Tea Gardens (to the south of the midden) and Tamboy (to the north of the midden) is a 'No Wash Zone' based on the Roads and Maritime Services (RMS) boating map (RMS 2017).

No additional management measures are required.

6.1.1 Riverside_01 Midden (AHIMS #38-5-0306)

Middens are by nature soft sandy deposits that are easily disturbed and destroyed by simple activities such as walking and driving on them. Thus, a buffer will ensure that the delicate deposit of the midden is protected from unintentional damage that can occur through increased use of this landscape. The 10m buffer zone as approved within the original concept plan was confirmed in the field during the 2009 and 2017 surveys and agreed with the local Aboriginal community representatives. The MCP (*Figure 1.2*) has increased areas to be set aside for conservation and now provides 100 m to the nearest development (drainage) and over 200 m to the residential development.

The management of these much larger Conservation Areas, including the SEPP14 Wetland, will be covered separately in a Conservation Area Management Plan. Items to be included in these management plans with direct relevance to the protection of Aboriginal heritage values are summarised in *Section 9*.

No additional management measures are required.

6.2 RIVERSIDE_02 DISTURBED MIDDEN

Riverside_02 is located within an open area (water management area) and will be disturbed by excavation works. The midden is highly disturbed, in poor condition and of low scientific and social significance.

Surface collection and possible test excavation procedure (only where subsurface potential is confirmed) is recommended as outlined in *Section 7*.

ARCHAEOLOGICAL TEST EXCAVATION AND SALVAGE PROGRAM (RIVERSIDE_02)

This section discusses the processes and procedures for the surface collection and possible test excavation of items of Aboriginal heritage within Riverside_02. This will also provide the opportunity for the collection of additional surface artefacts and raw material that may have been imported in fill.

The management and mitigation statements have been developed in consultation with Aboriginal parties during the field surveys in September 2017 and with consideration given to their responses to the draft reports.

A simplified flow chart of the archaeological test excavation and salvage program is also shown below in *Figure 7.1*.

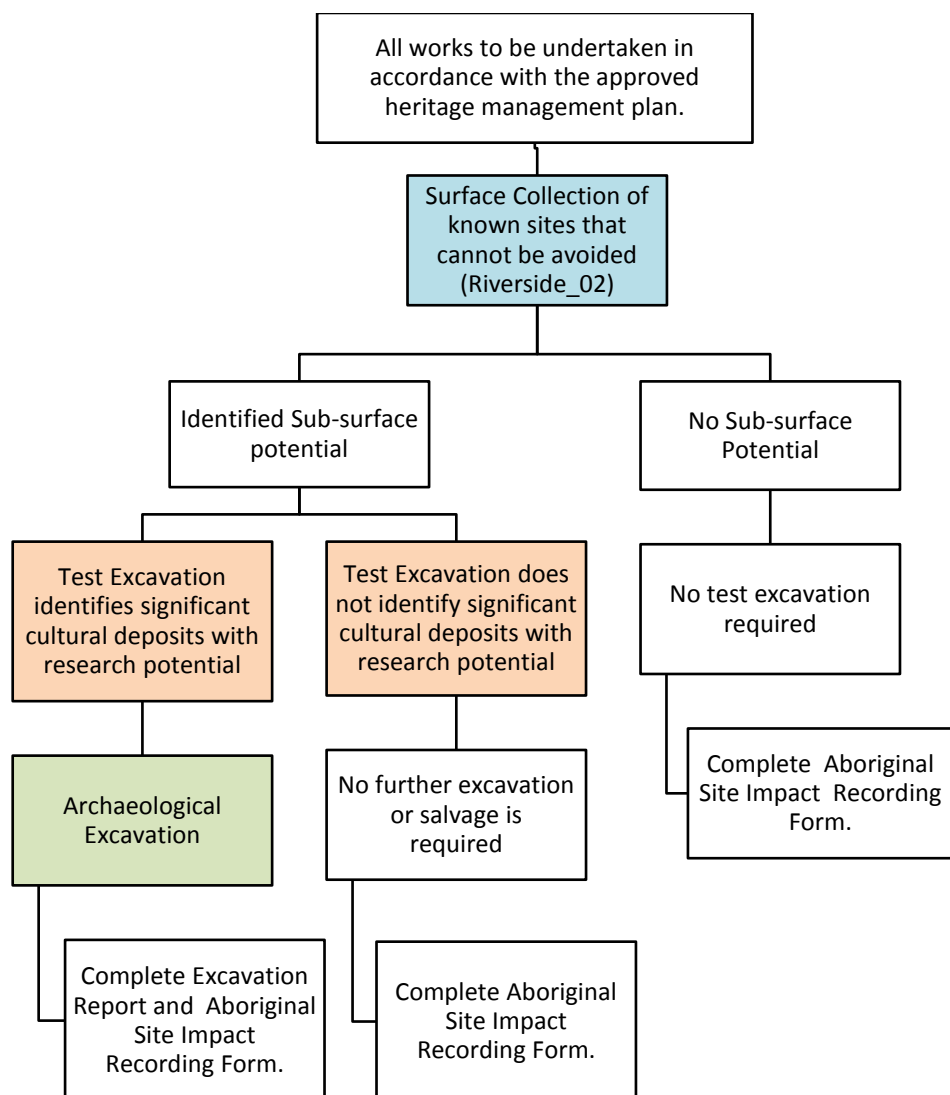


Figure 7.1 *Methodology for the Salvage and Excavation of Aboriginal Objects*

7.1 SURFACE COLLECTION (SALVAGE) OF ABORIGINAL OBJECTS

The following draft methodology will be applied to Riverside_02. All of these activities will be undertaken by a qualified archaeologist and in consultation (and participation) with the RAPs.

7.1.1 Interpretative Context

The following research questions will give context to the analysis of the highly disturbed midden site. The sample salvage methodology below may be modified as the salvage progresses although any major changes in methodology will require consultation with the Aboriginal stakeholders.

- Is the shell deposit (and any artefacts on the surface) in situ? As reported in the ACHA (ERM 2017), the surface extent of this deposit 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.
- What is the relationship between the soil type and the visibility/density of the shell deposit and any artefacts on the surface?
- A review of the environmental context of the midden site including impacts from importation of fill in comparison to sites salvaged in similar projects in the region.

7.1.2 Surface Collection

During the surface collection:

- Any surface objects within Riverside_02 will be collected. This includes surface artefacts and raw material that have been imported in fill.
- Recording of site context/condition at time of collection will be undertaken.
- Any artefacts collected will be handled, stored and recorded as outlined in Section 9.3.
- An Aboriginal Site Impact Recording (ASIR) form will be completed and submitted to the Aboriginal Heritage Information Management System (AHIMS) Registrar as soon as practical.

Only where subsurface potential is identified during surface collection at Riverside_02 will the site be subject to test excavation. The purpose of this programme of test excavation is to provide a broad understanding of Aboriginal cultural heritage within the Riverside project area. If the test excavation identifies significant cultural deposits with research potential, further finer resolution excavation would be considered as outlined in Section 7.3.

The test excavation methodology is developed to provide a robust level of archaeological information to inform the management of the site during construction. It will aim to test those areas of the midden that have no archaeological exposure or visibility (i.e. covered by imported fill), and to confirm the boundaries of the midden.

The test excavation would be undertaken under the supervision of a core team of archaeologists and Aboriginal representatives. An integral part of the project team is Aboriginal stakeholders skilled in the identification of Aboriginal artefacts. These registered stakeholders may be employed on the project team each day or on a rostered basis.

The following key tasks will be undertaken:

- Test excavation will generally be excavated in 0.5m x 0.5 m test pits.
- Test pits will be extended in transects over the sample area at appropriate spacing being no more than 15 metres apart.
- Excavation will be undertaken by hand using trowels, mattocks and shovels.
- the grid will continue until no more artefacts are found in order to identify the extent of the deposit;
- the first excavation unit will be excavated and documented in 5 cm excavation units, or 'spits'. Subsequent test pits may be excavated in 10 cm spits or stratigraphical unit (whichever is smaller) and this would at the discretion of the Excavation Director (Archaeologist);
- Deposit will be dry sieved through 5mm sieves. Wet sieving will be reverted to in response to damp and or heavy clay soil.
- all test pits will be documented using photographic records, written descriptions and scaled drawings. If discrete high-density artefact concentrations or cultural features, such as hearths, are revealed during the test excavation, these will be also excavated and recorded.

- Artefacts collected will be handled stored and recorded as outlined in *Section 9.3*.
- test trenches/pits will be backfilled as soon as practical.
- following test excavation and analysis, an ASIR form will be completed and submitted to the AHIMS Registrar as soon as practical.

7.2.1 *Excavation Report*

Following surface collection and test excavation (if required), an excavation report will be completed in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. The report will include the following:

- Details of ongoing consultation with registered Aboriginal stakeholders;
- Excavation and salvage methodology;
- Results of the excavation and salvage;
- Results of the analysis of recovered Aboriginal objects;
- Future management strategies for the Aboriginal objects; and
- ASIR forms will be completed for each site impacted by salvage and excavation works and will be submitted to the AHIMS Registrar.

7.3 *ARCHAEOLOGICAL EXCAVATION*

Only where test excavation at Riverside_02 confirms significant cultural deposits with research potential excavation will be carried out.

- The central area of the site will be expanded until sterile deposit is reached/or a statistically valid sample has been retrieved and artefact numbers have diminished to a level that indicates that the main body of the site has been salvaged.
- Deposit will be excavated by hand in arbitrary 100mm spits or in stratigraphic sequence as appropriate.
- Evidence or otherwise of bioturbation and taphonomic processes will be recorded in detail.

- Spoil will be dry sieved in 5mm sieves. Wet sieving will be used in response to damp and or heavy clay soil. Where a reduction event is suspected 3mm sieves will be used.
- Samples of charcoal in stratified deposits will be retained for dating purposes.
- Artefacts collected will be handled stored and recorded as outlined in *Section 9.3*.

MANAGEMENT AND CONTROL MEASURES FOR ABORIGINAL HERITAGE

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

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

8.1 CULTURAL HERITAGE AWARENESS TRAINING

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

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

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

8.2 PUBLIC ACCESS

8.2.1 Pathways

Controlled public access will be provided within the Conservation Areas through the construction of clearly defined pathways. The location of the pathways will facilitate public access through the conservation area, although it is important to note that they will not lead directly to the SEPP14 wetland or Riverside_01.

While the primary purpose of Aboriginal areas is preservation of Aboriginal sites, promotion of public understanding of Aboriginal culture is also an important objective for some Aboriginal areas. The high visibility of artefacts and shell material offers excellent opportunities for the interpretation of Aboriginal culture. Both the Dredge Island Midden and Riverside_01 have the capacity to withstand limited educational and tourist traffic as long as this is directed along defined and appropriately surfaced tracks within the buffer areas (not leading directly to the midden sites) and combined with high quality interpretive signs to encourage appreciation of the site and non-damaging behaviour.

The following proposals for public use of the Conservation Area and for interpretation have been discussed with RAPs:

- Based on the location of Dredge Island Midden (site 38-05-0148) within the protected SEPP 14 Wetland, associated buffer zones and the proposed constructed walkways adjacent to (not within) the wetland buffer, no further protection measures are required. Should plans change resulting in development occurring closer to the midden, or indirect impacts increase, means of protecting the midden should be investigated and implemented; and fencing placed around Riverside_01 would detract from the unity, landscape and interpretive value of the area. If the level and/or pattern of uncontrolled visitor use is found to be causing erosion or damage to archaeological features, control of access and fencing will be considered. Vehicle access will not be permitted and pedestrian access within the Conservation Areas will be along designated and well defined trails that do not lead directly to the raised sand dune landform.
- The pathways should provide a clear route to actively discourage people from walking on areas other than the designated routes. The construction of the pathways should involve minimal ground surface disturbance. The preferred method of construction within the vicinity of the raised landforms is to provide a border to the pathways that sits on the ground surface and is composed of railway sleepers or a similar material. A geotextile membrane can then be laid within the pathway border and clean fill material, (in the form of crushed gravel, brick, tile or a similar material) can be laid above the geotextile membrane. This method of construction will minimise disturbance to surface and subsurface deposits and will ensure that imported materials do not spread beyond the designated pathway. Away from the midden sites, the construction method is not constrained by heritage values and can be standard concrete pathways or boardwalks although, during the consultation undertaken in 2014, the KLALC have requested they are notified prior to any sub-surface exploration within the Conservation Area (deeper than 300 mm).

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

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

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

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

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

- All required asset protection zones to be provided within the development footprint and perimeter road system.
- If fire breaks are to be constructed within the Conservation Area, they must be outside of the 10 m buffer zone to the Riverside_01 midden to ensure no impact to the raised landform.
- No vegetation clearance will be permitted within the SEPP14 Wetland or within the vicinity of the Dredge Island midden.
- In the event that clearing is required within the Conservation Area to reduce bushfire hazard, clearance will occur at a height of no less than 100 mm above the ground surface within 10 m of the raised sand dune (Riverside_01 midden site) and should not involve any impacts to the ground surface. Any activities within this area should be undertaken in consultation with the KLALC.

As with the bushfire hazard control, mechanical erosion control works will only be used outside of the 10 m buffer zone to the Riverside_01 midden. Dredge Island midden is already protected from erosion control works as it is located within the SEPP14 Wetland buffer.

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

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

Further means of protecting the middens (such as control of access and fencing) may need to be considered if indirect impacts increase or if uncontrolled visitor use is found to be causing erosion or damage to archaeological features. Ongoing monitoring of the condition of the middens and determining whether damage is occurring over time is necessary.

The condition of the two middens must be inspected annually in consultation with the KLALC and should inform the ongoing management strategies for the sites. This will involve visual inspection and photographs of the two middens noting:

- Has the visible extent of the midden changed?
- Is there any evidence of damage to the midden sites?
- Is there any evidence of increased erosion?
- Is there any evidence of uncontrolled visitor use i.e. pedestrians not using the defined pathways within the Conservation Area?
- Any other observations that suggest that controlled access and/or fencing of these midden sites is required?

MANAGEMENT OF PREVIOUSLY UNRECORDED ABORIGINAL HERITAGE EVIDENCE

An 'unexpected heritage find' can be defined as any unanticipated archaeological discovery that has not been identified during a previous assessment and is not covered by an existing approval under relevant legislation. The range of potential archaeological discoveries can include but are not limited to, Aboriginal stone artefacts, shell middens, burial sites, engraved rock art or scarred trees.

A process should be put into place to ensure, in the event of any chance finds or unforeseen discoveries that they are properly recorded and OEH notified immediately of the find and as much detail as possible collected including the location, brief description and photo if possible.

When previously undetected Aboriginal archaeological objects are discovered during works, all works will cease until a qualified archaeologist, OEH and the KLALC have been advised and have been provided with the opportunity to inspect the place and discuss appropriate management responses. All newly discovered Aboriginal archaeological sites (i.e. loci with artefacts) will be fully recorded and an ASRF will be submitted to OEH.

The Protocol for Discovery of Unexpected Sites, Human Remains and Historic Heritage Items has been outlined below.

9.1

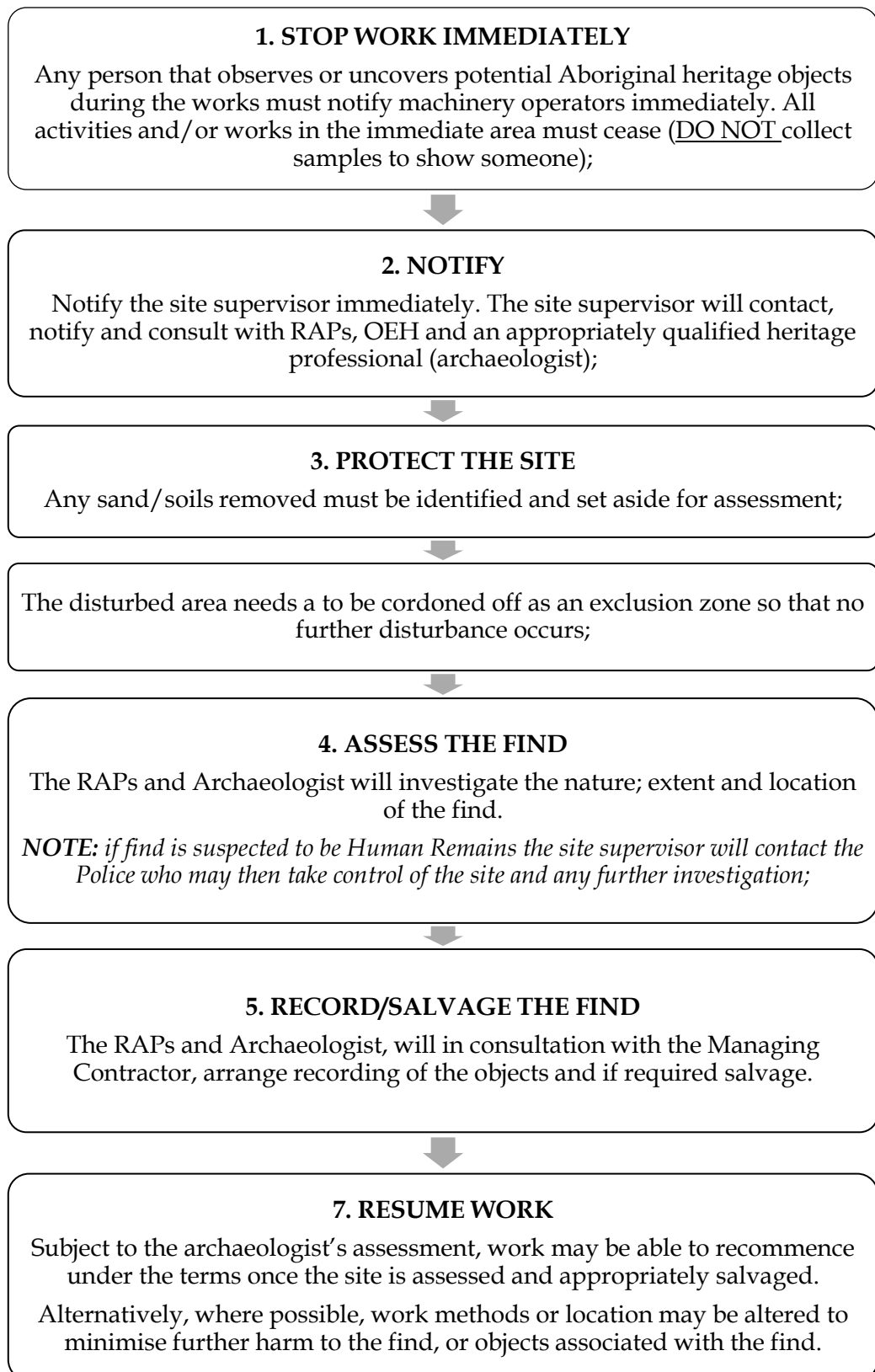
PROTOCOL FOR DISCOVERY OF UNEXPECTED SITES

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

If previously unrecorded Aboriginal heritage evidence is identified within the study area, this evidence will be subject to temporary protection, recorded and appropriate management strategies implemented, in consultation with RAPs and OEH as follows:

- if during clearing or construction works Aboriginal artefacts are recovered a qualified archaeologist should at this time be contacted and the site recorded and assessed in consultation with the Aboriginal community and OEH; and
- once recording has occurred salvage can be undertaken and works (with minimal disruption and written approval from OEH) can continue.

Figure 9.1 Protocol For Discovery Of Unexpected Sites



An 'unexpected heritage find' can be defined as any unanticipated archaeological discovery that has not been identified during a previous assessment and is not covered by an existing approval under relevant legislation. The range of potential archaeological discoveries can include but are not limited to, Aboriginal stone artefacts, shell middens, burial sites, engraved rock art or scarred trees.

9.2

PROTOCOL FOR DISCOVERY OF SKELETAL REMAINS

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

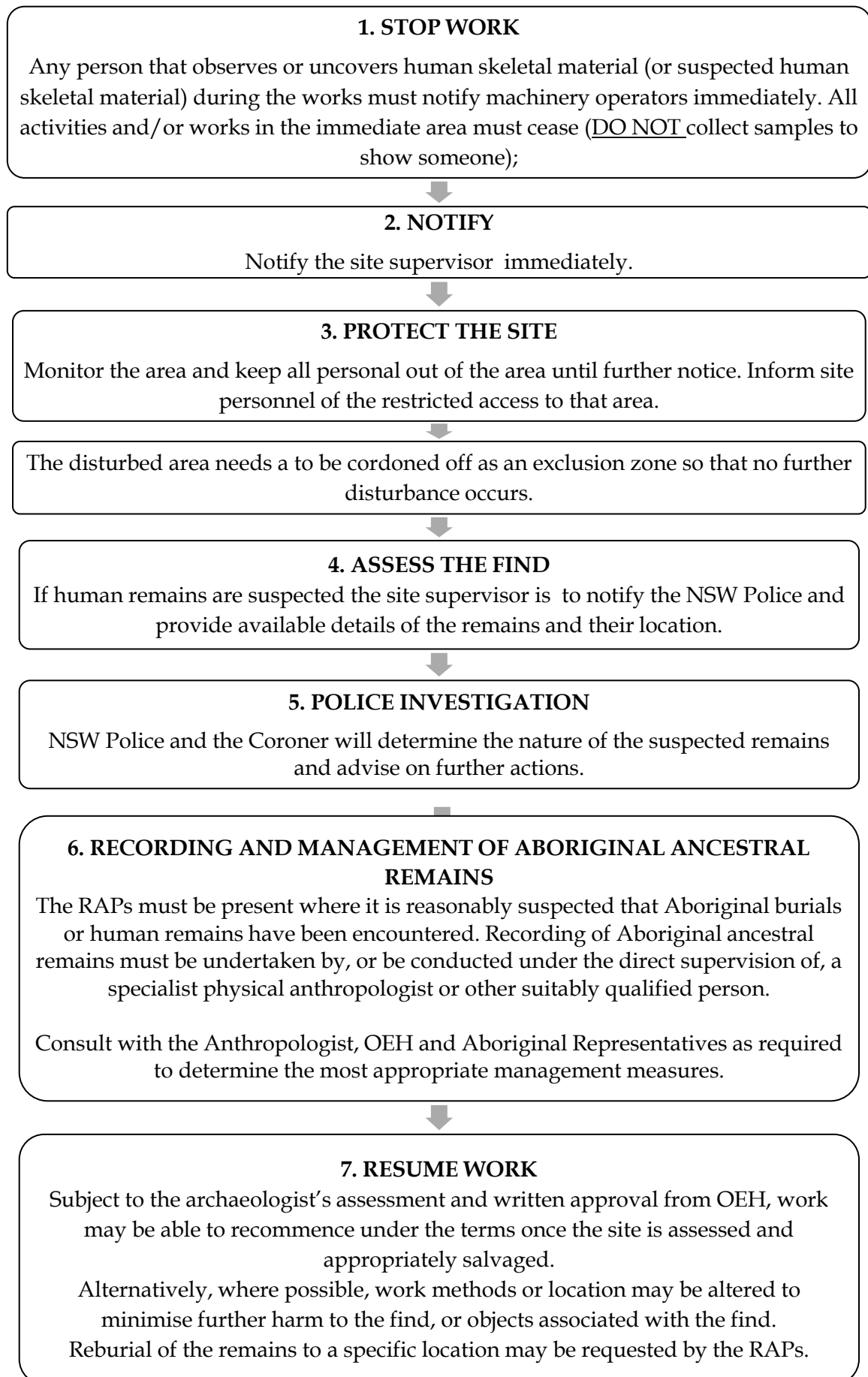
In the event of discovery of skeletal material all works should cease, and the police, relevant local Aboriginal community groups and a suitably experienced archaeologist or physical anthropologist should be contacted to assess the material before determining the correct management action. Works should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

9.3

CARE AND CONTROL

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

Figure 9.2 Protocol for Discovery of Skeletal Remains



Key personnel responsible for implementation of the measures set out in this ACHMP are:

- Project Manager
- Site Manager
- Site Supervisor

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

Table 10.1 Roles, Responsibilities and Heritage Control Measures

No.	Control Measure	Responsibility	Timing	Performance Criteria
Administration and Contractor Induction				
01	Notify regulatory authorities of any incidents relating to Aboriginal heritage management.	Site Manager	As required	Copies of all notifications and evidence of consultation are retained
02	<p>All employees and subcontractors will undergo environmental awareness training as part of the site induction to ensure they understand their obligations and responsibilities. This training will include basic Aboriginal heritage awareness across the following topics:</p> <ul style="list-style-type: none"> • legal responsibilities; • summary of significant sites; • procedures for the discovery of previously unrecorded aboriginal objects; and • site access requirements. 	<p>Site Manager Site Supervisor</p> <p>Cultural heritage information contained within the induction package should be endorsed by KLALC</p>	Prior to any land clearing within the study area and as required	<p>Ensure all site contractors and visitors receive suitable heritage inductions prior to carrying out any development on site</p> <p>Training and pre-start meeting records are maintained</p>
03	Only information endorsed for sharing by the KLALC should be included within the induction package, <u>alternatively</u> a representative of the KLALC could be employed to undertake an induction session for all major contractors prior to works commencing.	<p>Site Manager</p> <p>In consultation with KLALC</p>	Prior to any land clearing within the study area and as required.	Cultural heritage information contained within the induction material has been endorsed

No.	Control Measure	Responsibility	Timing	Performance Criteria
Surface Collection and Test Excavation – Riverside_02				
04	<p>Surface objects recorded within Riverside_02 will be collected. Any additional surface artefacts and raw material that have been imported in fill will also be collected.</p> <p>Recording of site context/condition at time of collection will be undertaken and an ASIR form completed and submitted to the AHIMS Registrar as soon as practical.</p> <p>Any artefactual material will be collected, interpreted and catalogued then reburied within the conservation area.</p> <p>The reburial location will be agreed upon with the registered Aboriginal stakeholders in the field (during the salvage) and its location shared with OEH. An AHIMS site card will be submitted to the AHIMS Registrar.</p> <p>Only where subsurface potential is identified during surface collection will the site be subject to test excavation.</p>	<p>Site Supervisor</p> <p>Archaeologist</p>	Prior to any land clearing within the water management area.	ASIR form completed and submitted to the AHIMS Registrar
Public Access to the Conservation Area				
05	<p>Vehicle access will not be permitted and pedestrian access within the Conservation Area will be along designated and well defined trails that do not lead directly to the raised sand dune landform, the SEPP 14 Wetland or the two midden sites.</p> <p>Monitoring and ongoing maintenance of all pedestrian trails will be clearly defined within the Conservation Area Management Plan (to be developed).</p>	Site Supervisor	During and post construction	Designated and well defined trails are maintained within the Conservation Area Impact to heritage sites avoided
06	The location and extent of pathways within the Conservation Area will be confirmed on-site to ensure that they effectively conform to the landscape, and must provide a clear route to actively discourage people from walking on areas other than the designated routes. The construction of the pathways should involve minimal ground surface disturbance and will be <u>outside</u> of the SEPP14 Wetland and midden buffers.	<p>Site Manager</p> <p>Site Supervisor</p>	Pre- construction and construction phases	Impact to heritage sites avoided
07	Signage will be developed for placement at entries to the Conservation Areas and at various locations along any pathways. Cultural heritage signage should provide a brief explanation of the length of occupation and high level of use of the Tea Gardens area by Aboriginal people and should outline the protection of Aboriginal heritage under the NPW Act. All cultural heritage signage should be designed in collaboration with the KLALC prior to erection.	<p>Site Manager</p> <p>In collaboration with KLALC</p>	During construction of the pathways	Heritage signage designed in collaboration with the KLALC

No.	Control Measure	Responsibility	Timing	Performance Criteria
Maintenance of buffer zones to the 'Dredge Island midden' and 'Riverside_01'				
08	Dredge Island Midden is located in the 7(a) wetland zone which will be protected. No vegetation clearance will be permitted within the SEPP14 Wetland and no additional management measures are required at this stage.	Site Supervisor	Ongoing	Impact to heritage sites avoided
09	Riverside_01 is present on all the areas of raised sand dune and is protected by a designated 10 m wide buffer zone. No vegetation clearance or ground disturbance will be permitted within 10 m of the raised sand dune. The Conservation Area also provides 100 m to the nearest development (drainage) and over 200 m to the residential development.	Site Supervisor	Ongoing	Impact to heritage sites avoided
Vegetation and Bushfire Management within the Conservation Area				
10	No vegetation clearance will be permitted within the SEPP14 Wetland, within the vicinity of the Dredge Island midden or within 10 m of the raised sand dune (Riverside_01 midden site).	Site Supervisor	Ongoing	The location of the SEPP 14 Wetland, Dredge Island midden and Riverside_01 midden are all clearly identified within the Bushfire Management Plan
11	All required asset protection zones to be provided within the development footprint and perimeter road system.	Site Supervisor	Ongoing	Impact to heritage sites avoided
12	In the event that clearing is required within the Conservation Area to reduce bushfire hazard, vegetation clearance will occur at a height of no less than 100 mm above the ground surface within 10 m of the raised sand dune (Riverside_01 midden site) and should not involve any impacts to the ground surface.	Site Supervisor	Only if required for emergency bushfire hazard reduction	Impact to heritage sites avoided
13	If fire breaks are to be constructed within the Conservation Area, they also must be outside of this 10 m buffer zone to ensure no impact to the raised landform.	Site Supervisor	Ongoing	Impact to heritage sites avoided

No.	Control Measure	Responsibility	Timing	Performance Criteria
14	KLALC should be notified prior to any sub-surface exploration within the Conservation Area (deeper than 300 mm).	Site Supervisor	Ongoing	Maintain consultation with Aboriginal stakeholders Impact to heritage sites avoided
Management of Previously Unrecorded Aboriginal Heritage				
15	If during clearing or construction works Aboriginal artefacts are recovered a qualified archaeologist should at this time be contacted and the site recorded and assessed in consultation with the Aboriginal community and OEH.	Site Supervisor Archaeologist	In the event that material is uncovered	Unexpected finds protocol is followed Only those sites that cannot be avoided are subject to surface collection/test excavation
16	Once recording has occurred, salvage can be undertaken and works (with minimal disruption) can continue. All salvaged objects will be temporarily stored by the KLALC, until they can be returned to an agreed upon 'keeping place'.	In consultation with KLALC	As required	An AHIMS site card submitted to the AHIMS registrar Maintain consultation with Aboriginal stakeholders
17	A suitable area should be set aside within the Conservation Area for the possible containment of any cultural heritage material that is uncovered during the construction works. It is likely that this would be located within the raised sand dune landform to ensure the ongoing protection from flooding and inundation. This dedicated 'keeping place' would be under the care and control of the local Aboriginal community.	In consultation with KLALC	Only required in the event that cultural heritage material is uncovered	Unexpected finds protocol is followed
18	Should any human skeletal remains be identified, the landowner will comply with statutory obligations and will consider the special needs of the Aboriginal community should those remains be identified as Aboriginal.	Site Manager	In the event of discovery of skeletal material	

No.	Control Measure	Responsibility	Timing	Performance Criteria
19	In the event of discovery of skeletal material all works should cease, and the police, relevant local Aboriginal community groups and a suitably experienced archaeologist or physical anthropologist should be contacted to assess the material before determining the correct management action. Works should not resume until the Police and/or OEHL have given authority in writing and approved a management plan.	Site Supervisor	In the event of discovery of skeletal material	Unexpected finds protocol is followed Maintain consultation with Aboriginal stakeholders Works do not resume until the Police and/or OEHL have given authority in writing and approved a management plan.
Audit, Review and Monitoring				
20	Any changes to the Management Plan will not be implemented until the registered Aboriginal stakeholder organisations have been provided notification of and a minimum 15 working days to comment on the proposed amendments, and a copy of the revised ACHMP has been provided to OEHL and any other relevant government agencies.	Site Manager	As required	Copies of all notifications and evidence of consultation are retained
21	The condition of Dredge Island and Riverside_01 must be inspected monitored annually in consultation with the KLALC and should inform the ongoing management strategies for the sites. This will involve visual inspection and photographs of the two middens noting: <ul style="list-style-type: none"> Has the visible extent of the midden changed? Is there any evidence of damage to the midden sites? Is there any evidence of increased erosion? Is there any evidence of uncontrolled visitor use i.e. pedestrians not using the defined pathways within the Conservation Area? Any other observations that suggest that controlled access and/or fencing of these midden sites is required? 	Site Supervisor	Annually	Monitoring inspection report completed Records of any follow up action required. Maintain consultation with Aboriginal stakeholders

11 COMPLIANCE MANAGEMENT

11.1 RECORD KEEPING AND AUDITING

All records would be stored safely and be readily accessible for auditing. The Project Manager is responsible for maintaining all environmental management documents. Types of records relevant to this ACHMP include:

- monitoring, inspection and compliance reports/records;
- correspondence with public authorities and registered Aboriginal stakeholders;
- induction and training records;
- reports on unexpected finds and any unexpected impacts to heritage; and
- records of complaints and follow-up action.

11.2 REVIEW AND CONTINUOUS IMPROVEMENT OF ACHMP

Continuous improvement of this plan will be achieved by the ongoing evaluation of heritage management performance against heritage policies, objectives and targets to identify opportunities for improvement. This ACHMP may be audited (if required) under the scope of any external environmental compliance audits.

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

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

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

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

Department of Environment, Climate Change and Water (NSW) (DECCW) (2010) **Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010** (Part 6 *National Parks and Wildlife Act 1974*).

Department of Environment and Conservation (NSW) (former) (2004) **Interim Community Consultation Requirements for Applicants.** (Part 6 Approvals *National Parks and Wildlife Act 1974*).

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

ERM (2014) **Riverside at Tea Gardens Aboriginal Cultural Heritage Management Plan.** Report prepared for Crighton Property Pty Ltd.

Roads and Maritime Services (2017). **Boating map of Lower Myall River.** Available from <http://www.rms.nsw.gov.au/documents/maritime/usingwaterways/maps/boating-maps/7b-myall-tea-gardens.pdf>

Annex A

Evidence of Consultation

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 NNNT, 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						
26 July 2017	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 th and 16 th 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.	
27 July 2017	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).	
27 July	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 th or 16 th 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.	
27 July	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.		
1 August 2017	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.	
8 August 2017	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> .	
15 August 2017	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.		
21 August 2017	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&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>		
22 August 2017	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.		
22 August 2017	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	
24 August 2017	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
31 August 2017	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	
31 August 2017	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
31 August 2017	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
31 August 2017	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	
1 September	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?
2017	Indigenous Corp Dave Feeney	Indigenous Corp Dave Feeney			would attend site visit on Friday 8 September		
1 September 2017	Karuah Indigenous Corp Dave Feeney	JW ERM	Email	yes	Email to confirm that site visit is Tuesday 12 September		
3 September 2017	Karuah Indigenous Corp Dave Feeney	Karuah Indigenous Corp Dave Feeney	Email	Yes	Email to provide details of insurance		
4 September 2017	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.		
8 September 2017	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		
8 September 2017	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		
3 September 2017	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							
12 September 2017	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	
13 September 2017	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.	
19 September 2017	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"> • Karuah Local Aboriginal Land Council; • Karuah Indigenous Corporation; • Nur-Run-Gee Pty Ltd; • Mur Roo Ma Inc. <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.		
19 September 2017	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	
13 October 2017	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.	
20 November 2017	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.	
9 February 2018	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"> • We do not agree with salvage and there is no need for further test excavation. • The identification by you of the RAPs is not sound. • There is no definition of unexpected finds. • It was wrong to have other parties on site without or knowledge or consent. Until that is rectified KLALC remains disrespected by ERM. <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	
27 February 2018	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>	
5 March 2018	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.	



Karuah Local Aboriginal Land Council

ABN 17 304 066 465

Ph: (02) 49 975733

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Email: karuahaboriginal@bigpond.com

PO Box 30

16 Mustons Rd

KARUAH NSW 2324

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

From: [REDACTED]
Sent: Friday, November 3, 2017 12:03:18 AM
To: David Feeney (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.

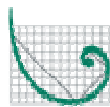
We would appreciate any comments or feedback on this draft report by Friday 1 December 2017.

[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

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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" <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

AHIMS Site Cards



Aboriginal Site Recording Form

AHIMS Registrar
PO Box 1967, Hurstville NSW 2220



Office Use Only

Site Number 3 8 - 5 - 0 3 0 6

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

Office Use Only

Client on system

☐

Client on system

☐

Geographic Location

Site Name R i v e r s i d e 0 1

Easting 4 2 1 5 0 3 Northing 6 3 8 7 6 9 4 AGD/GDA GDA

Mapsheet

Zone 56 Location Method Non-Differential GPS

Other Registration

Primary Recorder

Title Surname First Name Initials

D e v e r s o n K a t h e r i n e

Organisation E R M

Address 1 5 T e n c h S t K i n g s t o n A C T 2 6 0 4

Phone number 2 6 2 1 6 5 3 1 1 Fax

Date recorded 12/09/2017

Client on system

☐

Open Site

S

SE |

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

Open Site

Site Orientation

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

Condition of Ceiling

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

Shelter Aspect

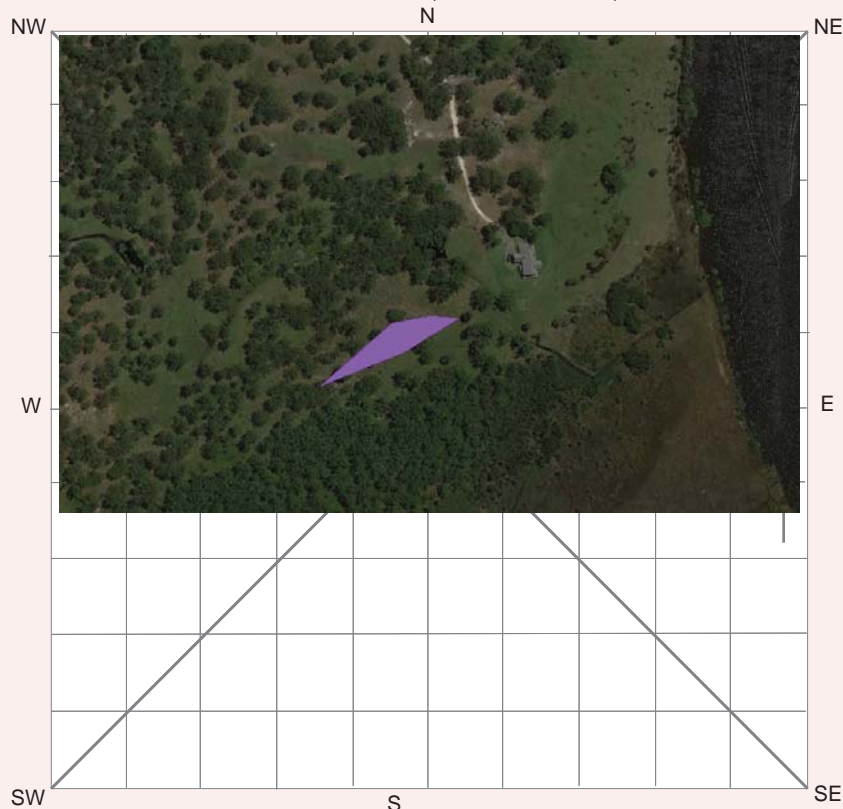
- ☐ North
- ☐ North East
- ☐ East
- ☐ South East
- ☐ South
- ☐ South West
- ☐ West
- ☐ North West

Features

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

Site Plan

Indicate scale, boundaries of site, features



Site Dimensions

Closed Site Dimensions (m)

- Internal length
- Internal width
- Shelter height
- Shelter floor area

Open Site Dimensions (m)

- 150 Total length of visible site
- 30 Average width of visible site
- 1500 Estimated area of visible site
- 300 Length of assessed site area

This image shows a blank sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is a margin at the top, and the bottom edge of the paper is slightly irregular, suggesting it might be a scan of a physical document.

Site Cultural & Scientific Analysis and Preliminary Management Recommendations

The midden is spread along the south-east edge of the sand dune ridge with commanding views of the Myall River. The dune system is currently stabilised by non-native grasses. While this is preventing erosion of the dune system and midden, it also obscured an accurate assessment of the midden extent. The maximum extent recorded during the survey was 150 m in length (NE to SW) by 30 m wide (NNW to SSW).

[illegible]

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

[illegible]

Site I.D.	<input type="text"/>	Site Name	<input type="text"/>
First recorded date	<input type="text"/>	Importance	<input type="text"/>
No. of instances	<input type="text"/>		
Recorded by	<input type="text"/>		
	Yes No		
Stone artefacts only	<input type="text"/>	Percentage of Non-stone Artefacts to Percentage of Stone Artefacts	
Artefacts collected	<input type="text"/>	0-9% 10-19% 20-29% 30-39% 40-49% 50-59% 60-69% 70-79% 80-89% 90-100%	
Permit issued	<input type="text"/>	<input type="text"/>	

Feature Context & ConditionScatter No. Easting Northing **Density****Dimensions**

Yes No

(Artefact count per square metre)

Length (m)

Width (m)

Depth (m)

In situ

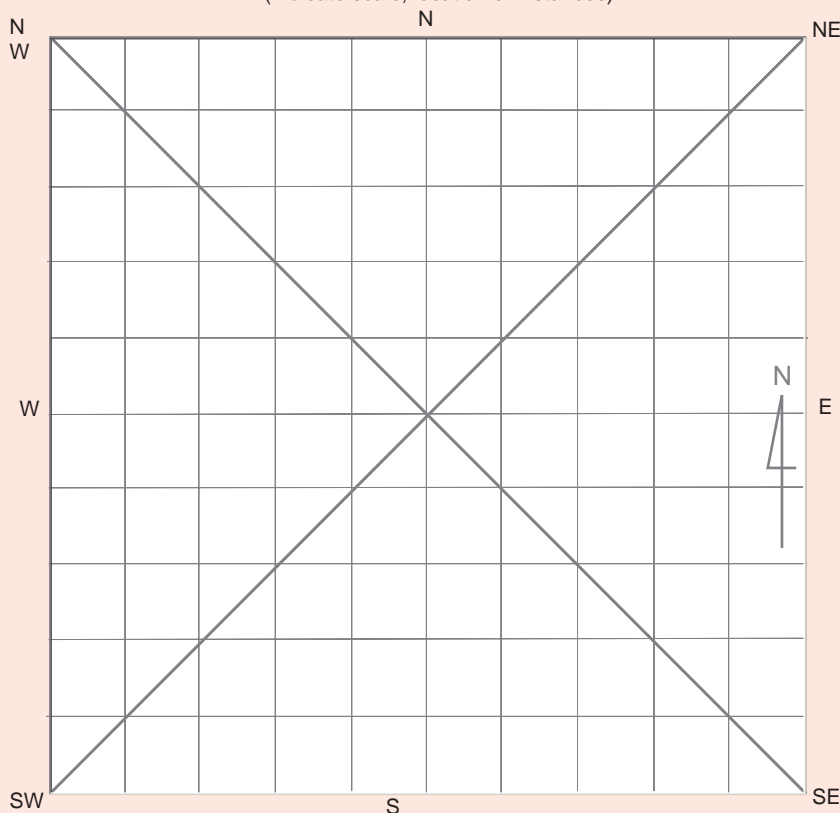
Stratified

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

WaterDistance to permanent water source metresDistance to temporary water source metres

Name of nearest permanent water source

Name of nearest temporary water

[illegible][illegible]

Material		Artefact Description		Platform Surface	Termination
Basalt	Clear glass	Adze	Flake tool	Cortex	Feather
Chert	Ceramic	Anvil	Flaked piece	Flake scar	Hinge
Fine grained siliceous	Porcelain	Axe	Hammerstone	More than one flake scar	Step
Granite	Tin can	Backed blade	Manuport	Faceted	Outrepassé
Quartz	Wire	Blade	Milling slab	Ground	Bipolar
Quartzite	Nail	Core	Mortar	Indeterminate	
Sandstone	Button	Core tool	Muller	Bipolar	
Silcrete	Shell	Cyclon	Nuclear tool		
Green glass	Bone	Distal fragment	Pirri		
Amber glass	Wood	Eloura	Proximal fragment	Platform Type	Cross Section
Amethyst glass	Resin	Flake	Tula	W	High/strong
			Other diagnostic type	Focal	High/weak
			Modified	Shattered	Low/weak
			Unworked	Indeterminate	Irregular
				Bipolar	

[illegible]

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

Easting

Northing

Recommended Action

☐ Fencing

☐ Closure to public

☐ Continued inspection

☐ Expert assessment

☐ Fire hazard reduction

☐ Insect removal

☐ Meeting with land manager

☐ Rubbish removal

☐ Signage

☐ Tree health assessment

☐ Track closure/re-routing

☐ Additional recording

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

Land form

Land form unit

Slope

Vegetation

Land use

Water

Distance to permanent water source metres

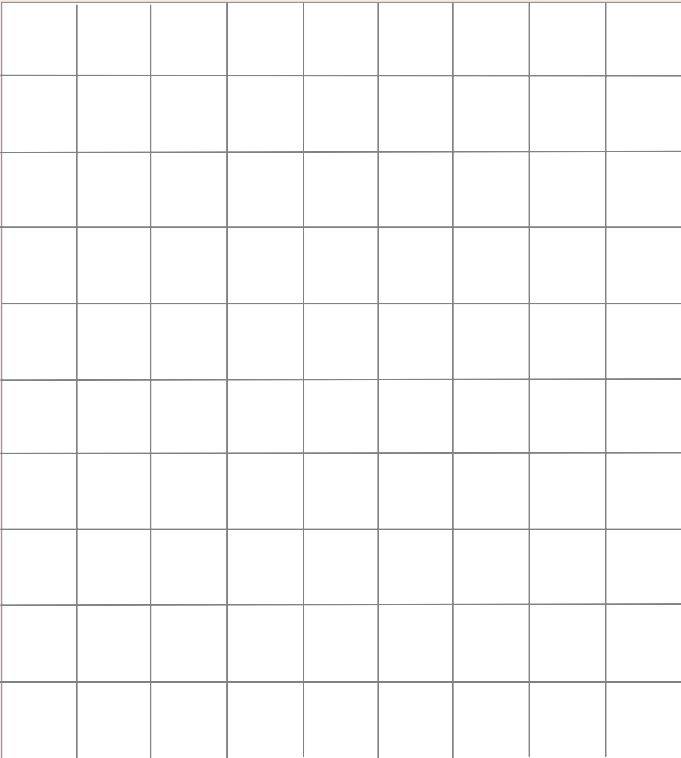
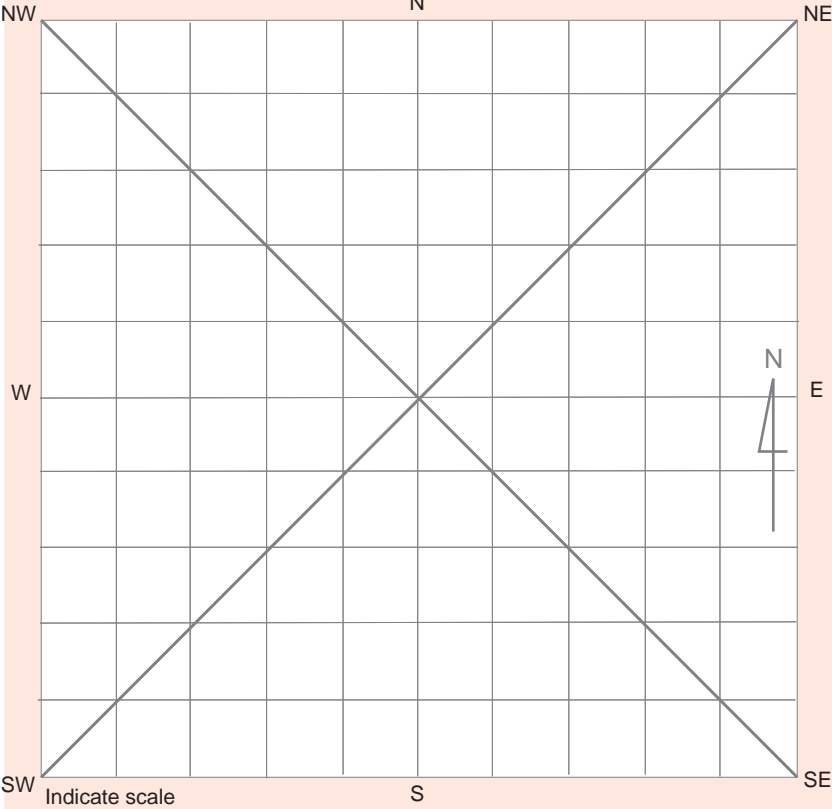
Distance to temporary water source metres

Name of nearest permanent water source

Name of nearest temporary water

Feature Location Plan

Scar/Carved Panel Drawing



page 2

[illegible]

Tree Data Collection Form						
Type of Tree	Tree Species	Living Status	Tree Status	Regrowth	Scar Shape	Carving Type
Carved Tree	Eucalypt	Dead	Standing	Yes	Oval	Linear
Scarred Tree	Red Gum	Alive	Lying down	No	Rectangular	Geometric
Carved/Scarred Tree	Angotha	Dying	Partially felled		Square	Pictorial
			Subject to salinity		Round	
			Not <i>in situ</i>		Other	
Comments:						
						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 & Condition

Easting Northing

Dimensions of Whole Feature

 Length (m) Width (m)

Feature Condition

- ☐ Very good
- ☐ Good
- ☐ Poor

General Condition

- ☐ Weathered
- ☐ Vandalised

General Condition ctd

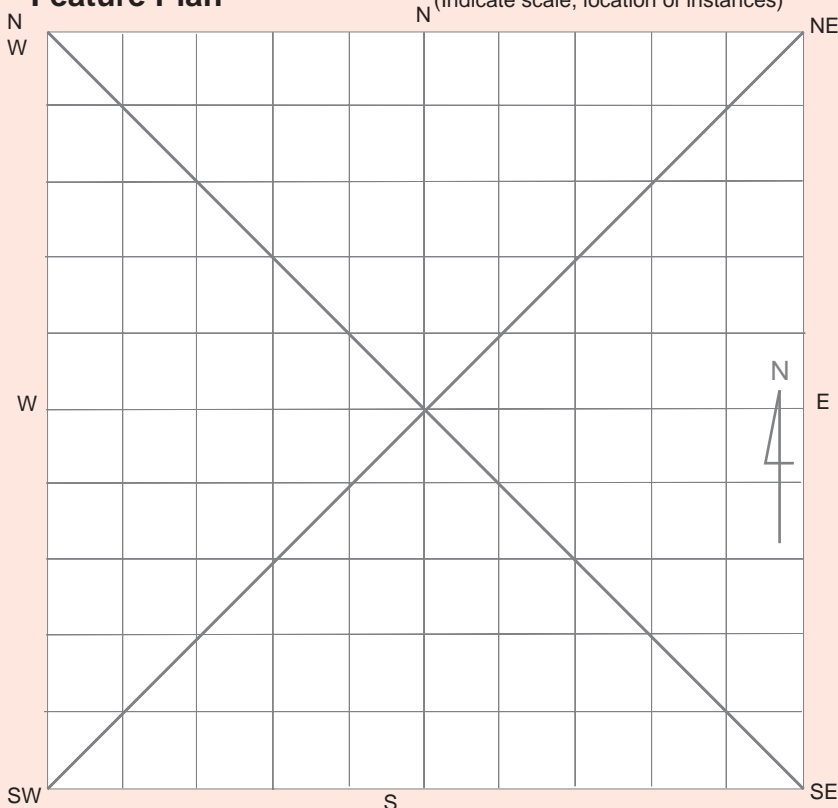
- ☐ Fire damage
- ☐ Surface water wash
- ☐ Graffiti
- ☐ Vehicle damage
- ☐ Erosion
- ☐ Stock damage

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 metres

Distance to temporary water source metres

Name of nearest permanent water source

Name of nearest temporary water

Art Sketch Plan

Sketch and number motif groups



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

[illegible]

Site I.D. 38-5-0306

Site Name Riverside 01

First recorded date / /

Importance

Aboriginal Information
Recorded?

No. of instances

Recorded by

Feature Context
& Condition

Easting

4 2 1 5 0 3

Northing

6 3 8 7 6 9 4

Dimensions of Whole Feature

150

Length (m)

30

Width (m)

Depth (m)

Shell Distribution



Surface scatter



Stratified deposit



Mounded

240

Distance to high water mark (m)

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



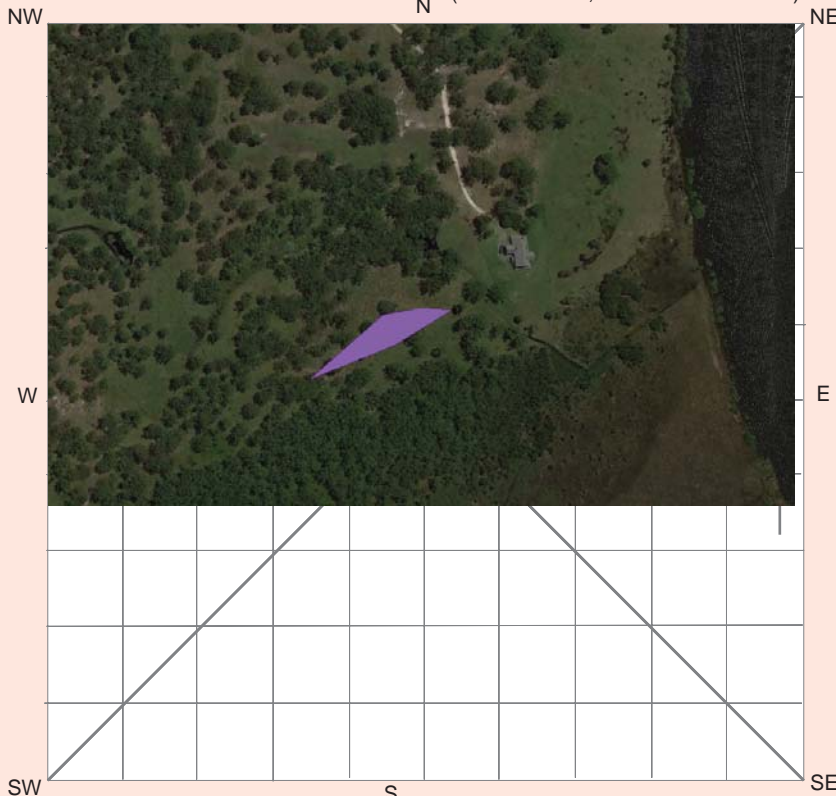
Track closure/re-routing



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

Dune

Land form unit

Slope

Non-native grass

Vegetation

Conservation

Land use

Water

Distance to permanent water source 240 metres

Distance to temporary water source metres

Name of nearest permanent water source

Myall River

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]



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

Non-Differential GPS

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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Site I.D.	<input type="text"/>	Site Name	<input type="text"/>
First recorded date	<input type="text"/>	Importance	<input type="text"/>
No. of instances	<input type="text"/>		
Recorded by	<input type="text"/>		
	Yes No		
Stone artefacts only	<input type="text"/>	Percentage of Non-stone Artefacts to Percentage of Stone Artefacts	
Artefacts collected	<input type="text"/>	0-9% 10-19% 20-29% 30-39% 40-49% 50-59% 60-69% 70-79% 80-89% 90-100%	
Permit issued	<input type="text"/>	<input type="text"/>	

Feature Context & ConditionScatter No. Easting Northing **Density****Dimensions**

Yes No

(Artefact count per square metre)

Length (m)

Width (m)

Depth (m)

In situ

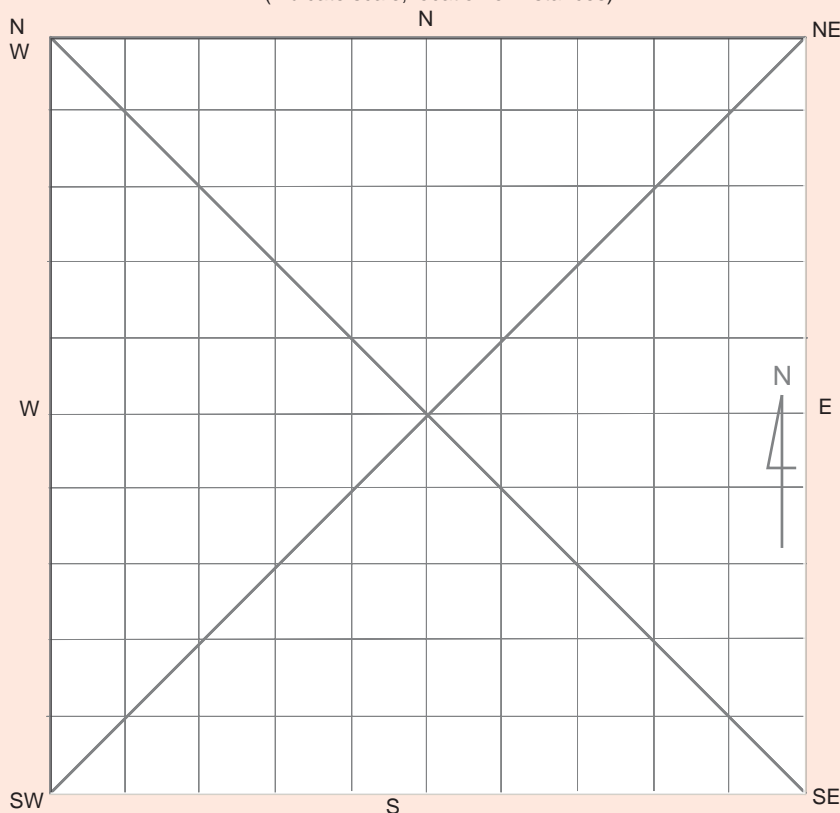
Stratified

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

WaterDistance 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:

[illegible]

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

Slope

Vegetation

Land use

Water

Distance to permanent water source metres

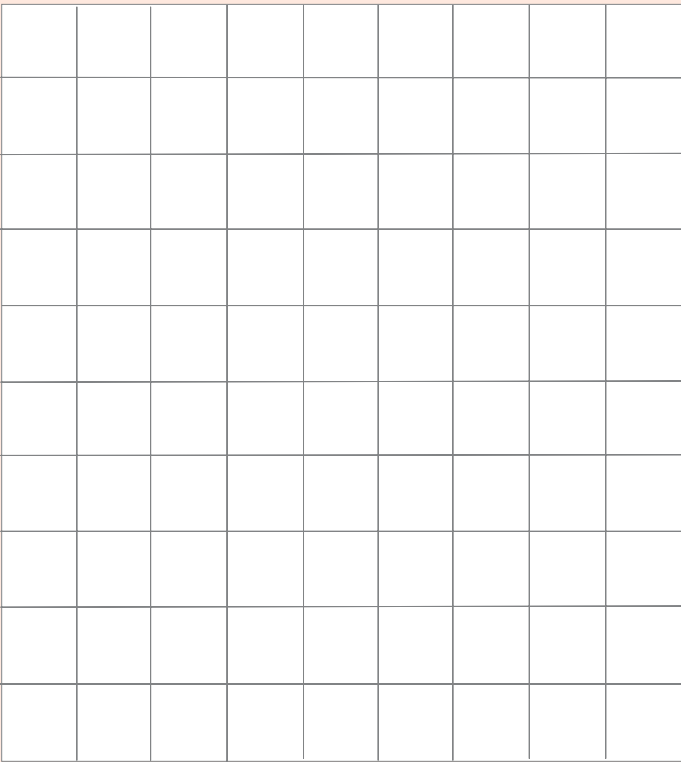
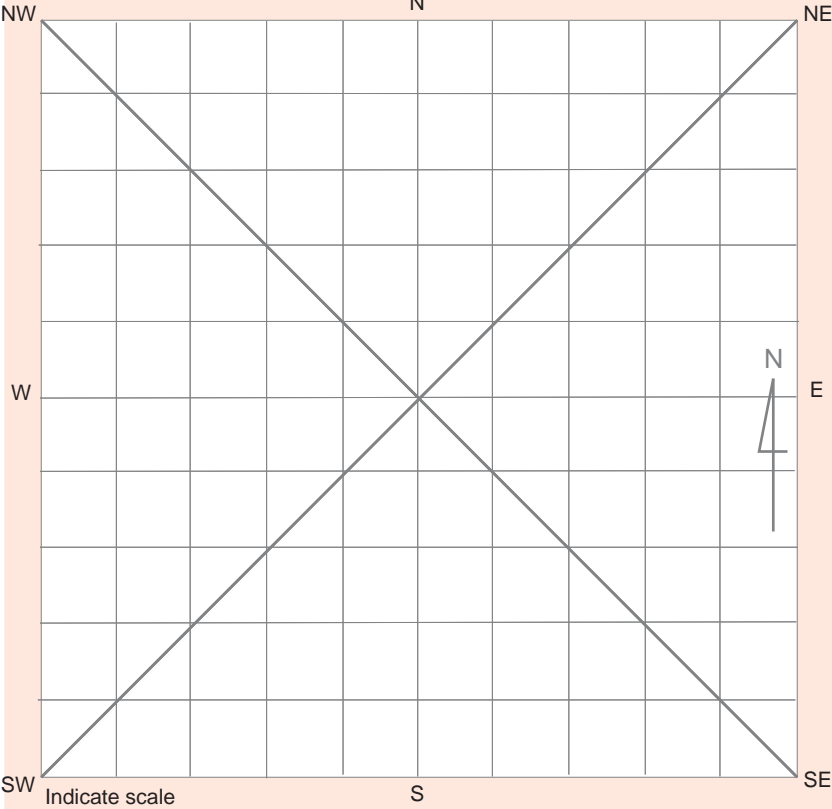
Distance to temporary water source metres

Name of nearest permanent water source

Name of nearest temporary water

Feature Location Plan

Scar/Carved Panel Drawing



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 & Condition

Easting Northing

Dimensions of Whole Feature

 Length (m) Width (m)

Feature Condition

- ☐ Very good
- ☐ Good
- ☐ Poor

General Condition

- ☐ Weathered
- ☐ Vandalised

General Condition ctd

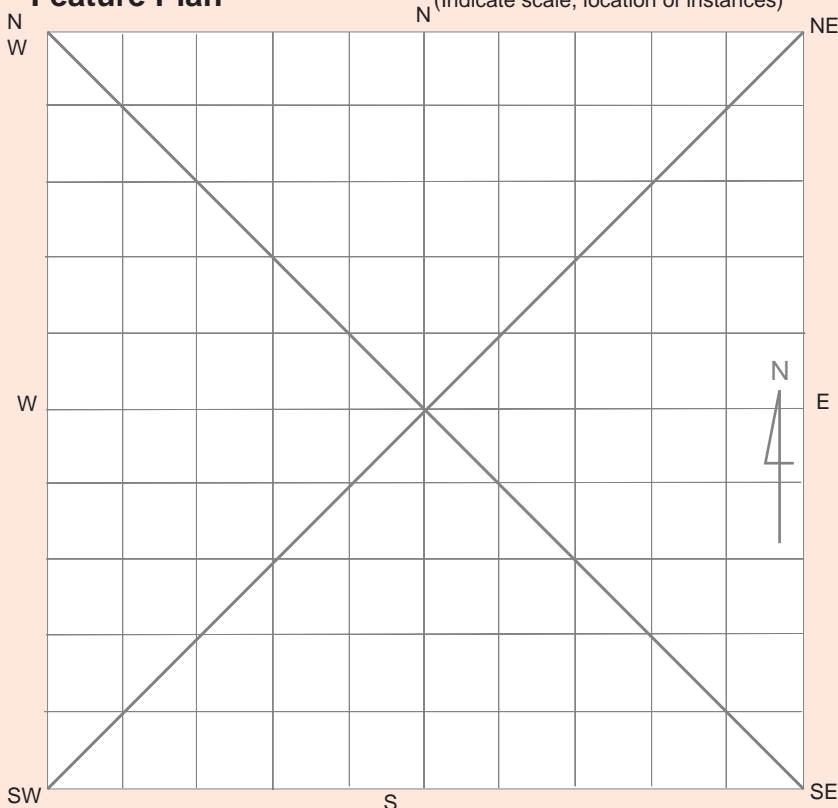
- ☐ Fire damage
- ☐ Surface water wash
- ☐ Graffiti
- ☐ Vehicle damage
- ☐ Erosion
- ☐ Stock damage

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

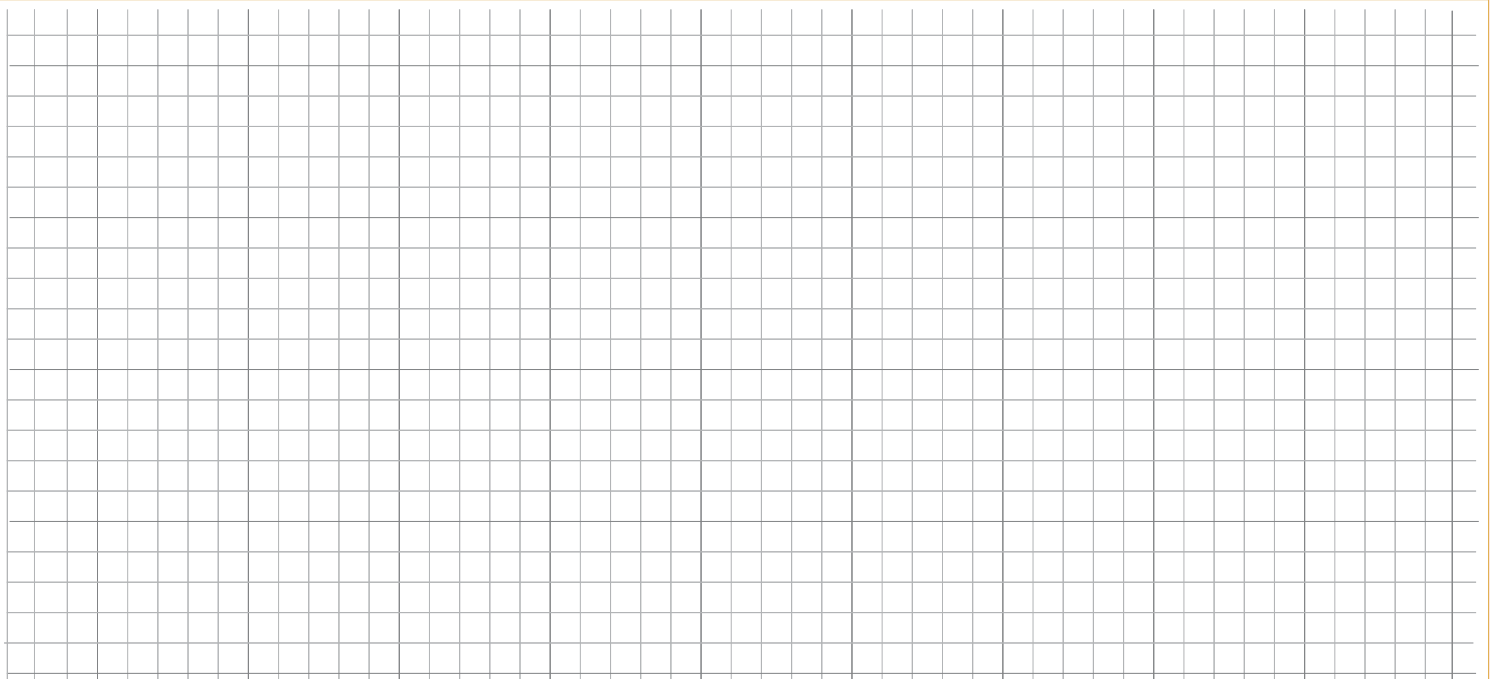
- ☐ Weathered
- ☐ Vandalised
- ☐ Surface water wash
- ☐ Mineralisation
- ☐ Graffiti
- ☐ Fire damage
- ☐ Insects/termites
- ☐ Erosion
- ☐ Stock
- ☐ Unstable structure

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



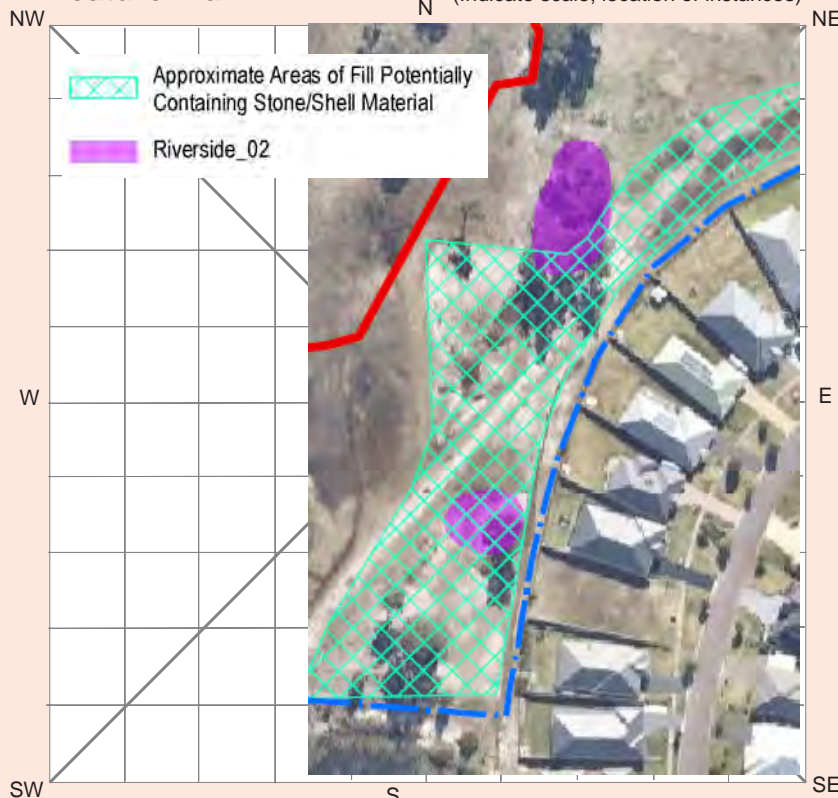
[illegible]

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** Length (m) Width (m) Depth (m)**Shell Distribution**☒ Surface scatter 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 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]

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