

9 July 2009

John Heath - Interim Secretary  
Bril Bril Traditional Owners  
c/- Port Macquarie Hastings Council  
P O Box 84  
PORT MACQUARIE NSW 2444

Dear John,

**RE: CULTURAL HERITAGE ASSESSMENT, LAKE CATHIE-BONNY HILLS**

We provide the following information to you in accordance with your registration of interest as a stakeholder for consultation regarding the assessment and management of Aboriginal heritage in the area near Middle Rock, Lake Cathie.

Consultation with the Aboriginal community is undertaken in accordance with the interim Community Consultation Requirements for Applicants, published by the NSW Department of Environment and Climate Change (DECC).

The consultation process is required because "DECC recognises that:

- *Aboriginal heritage has both cultural and scientific/archaeological significance and that both should be the subject of assessment to inform its decision-making*
- *Aboriginal people are the primary determinants of the significance of their heritage*
- *Aboriginal community involvement needs to occur early in the assessment process to ensure that their values and concerns are taken fully into account, and so that their own decision-making structures are able to function*
- *Information arising out of consultation allows the consideration of Aboriginal community views about significance and impact, as well as the merits of management or mitigation measures to be considered in an informed way."*

A Cultural Heritage Assessment was prepared in February 2003 by Jacqueline Collins (Consultant Archaeologist) on behalf of King & Campbell Pty Ltd, covering Lot 1 DP 374315 and Lot 4 DP 615261. The Bripai LALC was contacted at commencement of the assessment and assistance was provided by Senior Sites Officer Lindsay Moran. (We understand from Lindsay that you had some involvement in this process.) During the field survey, an artefact was recorded

urban design

civil engineering

architecture

town planning

landscape architecture

surveying

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(AHIMS 30-6-0162). The artefact lies within an area zoned 7(f1) Environment Protection- Coastal, which is not subject to any rezoning proposals. At the request of Birpai LALC, the location and nature of the artefact has not been made public.

### Significance

In assessing the Aboriginal cultural/social significance of the artefact, the Birpai LALC and MINGALETTA Corporation was consulted and the Cultural Heritage Assessment concluded that the artefact has a high level of general heritage value, enhanced by its proximity to the significant midden at Middle Rock Point. In addition, the Cultural Heritage Assessment concluded that the artefact is of high scientific significance.

### Recommendations

The Cultural Heritage Assessment makes recommendations regarding the artefact. Recommendations are also made regarding an area further south along DUCHESS Creek with high potential archaeological sensitivity although no artefacts were found at this location. These recommendations were developed through discussion with Lindsay Moran as the representative of the Birpai LALC. The recommendations are summarised below:

- Retain the current 7(f1) Environment Protection-Coastal zoning over the eastern margin of Lot 4;
- Maintain mature littoral rainforest in this location in its natural condition;
- Consider restricting pedestrian access to the rainforest and providing restricted formal beach access away from the location of the artefact; and
- Retain existing vegetation along DUCHESS Creek and establish a buffer zone with a minimum width of 5m along the creek bank.

### Proposed Management

King & Campbell Pty Ltd on behalf of the property owners is preparing an application under Part 3A of the Environment Planning and Assessment Act 1979, which includes a Project Application to carry out environmental works within and adjacent to the rainforest, and a Concept Application to develop the private lands adjacent to the rainforest for urban uses. **The Project Application includes the implementation of all of the above recommendations.**

The environmental works within the rainforest which will be set out in the Project Application include the provision of fencing to the western side of the rainforest. The purpose of the fencing is to restrict public access to the rainforest. A low impact boardwalk or similar pedestrian access through the rainforest to the beach may then be included in a later Project application. The aim of the current Project Application is to protect the rainforest from general pedestrian access and will also restrict

access to the Aboriginal artefact within the rainforest. In accordance with the wishes of Birpai LALC, the site will not be signposted or identified in any way.

### **Your Involvement**

Should you consider that the proposed actions to protect the artefact are appropriate, no further action is required.

The Cultural Heritage Assessment is available at the following locations:

- Port Macquarie Hastings Council
- Birpai LALC
- Department of Planning.

Should you wish to make comment on the assessment or on the proposed form of management and protection, please do not hesitate to contact the writer. Please note that we do not intend to provide payment to stakeholders for their involvement.

We would be very happy to discuss with you any further queries you may have.

Yours sincerely  
**King & Campbell Pty Ltd**

*Meg Teasdell*

**Meg Teasdell**  
Environmental Engineer, MIEAust