

MUDGEE LOCAL
ABORIGINAL LAND
COUNCIL

ABORIGINAL CULTURAL
HERITAGE ASSESSMENT

RE: PROPOSED REZONING OF LOTS
271DP755442276 DP755442 TOOLS LANE ULAN
ROAD.

Prepared on behalf of Mudgee Local Aboriginal Land Council and Murong Gialinga Aboriginal and
Torres Strait Islander Corporation

By

Debbie Foley
July 2009

MUDGEE LOCAL
ABORIGINAL LAND
COUNCIL
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MUDGEE LOCAL ABORIGINAL LAND COUNCIL
PO BOX 1098
MUDGEE NSW 2850
PHONE: 02 6372 3511
FAX : 02 6372 3522
EMAIL: mudgeelalc@bigpond.com

RE: ABORINGINAL CULTURE HERITAGE ASSESSMENTS FOR THE
PROPOSED REZONING OF LOT271 DP755442 & LOT276 DP755442

20/07/09

1 INTRODUCTION

1.1 Purpose of Investigation

This report documents an Aboriginal Cultural Heritage carried out on DP755442 & LOT276 DP755442 for Barnson Pty limited due to the proposed rezoning of this area requested in this assessment.

1.2 Location of the Development

The location of the study area is on the Ulan Road at Tools Lane North of Mudgee Township, indentified on map. (Appendix 1)

Numerous Cultural Heritage Surveys have been carried out for various mining companies, Government Departments, Local Shire Councils, Telstra, Wineries & Local Developers.

1.3 Qualifications/Relevant Experience

Mudgee Local Aboriginal Land Council has been carrying out Aboriginal Cultural Heritage Assessments within its boundaries for over 6 years. Mudgee Local Aboriginal Land Council operates within the Tribal area of the Wiradjuri People.

1.4 Relevant Legislation

All work carried out by Mudgee Local Aboriginal Land Council Representatives are carried out to meet the National Parks and Wildlife Services Act, the Environment Planning & Assessment Act & all other relevant State & Federal Legislation.

1.5 Consultation

Mudgee Local Aboriginal Land Council's acting CEO was contacted by a telephone call and a letter from Kristy from Barnson's to carry out an Aboriginal Cultural Heritage Assessment on the area for rezoning.

Mudgee Local Aboriginal Land Council agreed to undertake the work. As the Area was a large survey there were two representatives on the first day of survey and four on the second day there people were as follows:

Shannon Foley	MLALC, MGATSIC
Debbie Foley	MGATSIC
Larry Foley	MLALC
Christine Maynard	MLALC

Following the survey in accordance with National Parks & Wildlife Service guidelines all relevant information & draft reports will be taken to a full meeting of Mudgee Local Aboriginal Land Council for their comments, recommendations & approval. Mudgee Local Aboriginal Land Council will provide Benson's with a full Aboriginal Cultural Heritage Assessment for the work in the study area in accordance with the National Parks & Wildlife Service Act 7 Guidelines.

2 DESCRIPTION

2.1 Description of the study area

A copy of the survey area provided by Barnson's defines the boundaries of the study area. The landscape of the study area consists of a few Apple Gum Trees only a few of other Gum Trees. The soil was sandy; there were a few pieces of coal from the railway track. The area had native vegetation and stock grazing on both lots. There were two creeks one dry, the other had water. On the second lot there was a large amount of erosion. The surface was visible and there was no local stone resource that would suitable artefact material. Therefore if any artefact materials were present in the study area they would be of foreign material and would be easily identified. The land itself has been altered by European farming practices such as fencing, grazing, ploughing and clearing.

2.2 Description of Impact

Impacts upon the study area will be those generally associated with the development such as heavy machinery, more traffic & the clearing of vegetation. If any Aboriginal Cultural Heritage Sites were identified within the study area the developers would need to apply to National parks & Wildlife Act 1974 for a consent to destroy as Section 90 states that it is an offence to knowingly cause destruction, defacement or damage to an Aboriginal relic or place.

3 METHEDODOLOGY

3.1 Pre/Fieldwork Investigation

There is a number of Aboriginal sites recorded on the National Parks & Wildlife Service site register within a 15km radius of the study area. These sites are situated at Ulan Also Moolarban coal mines. The study area is not a culturally sensitive area and does not have high potential Aboriginal Cultural Heritage Material.

3.2 Field Survey Strategy

The predominate aim of the survey is to determine the presence of any Aboriginal Cultural Heritage sites within the proposed for rezoning. The area will be inspected by carrying out a series of 10m wide parallel transects over the entire area.

Due to lack of visibility all exposures such as eroded areas will be thoroughly investigated to gain a representative sample of the study area. All tree's within the study area also be investigated to determine the presence of any scarred trees.

4 SURVEY

4.1 Aims of the survey

MLALC

M.G.A.T.S.I.C.

Representatives were required to:

- (1) Identify, evaluate and document Aboriginal Heritage places of Cultural significance within the study area.
- (2) Make recommendations for the conservation and management of identified places of Cultural significances.

4.2 Fieldwork

The Survey was conducted on two days Friday 5th of June & Monday 22nd of June 2009 by MLALC & M.G.A.T.S.I.C. Representatives. The information provided by Barnson's was used to identify the lots designated for the proposed rezoning to define the boundaries of the study areas. The assessment began at the inside of the front gate south/east off Tools Lane. As we carried out the survey we walked 10 meters apart. Surface Visibility was impeded by some heavy vegetation cover which was over 60% of the area.

Along the eroded area was thoroughly investigated that is where the Mudstone was found; however no Aboriginal cultural heritage materials were found. All trees were investigated but no evidence of scarred trees were found within the study areas.

5 RESULTS

5.1 Survey Results

Heavy grass and other vegetation impeded surface visibility mainly in the first lot during the survey. However from the representative samples taken from the limited areas of exposure no Aboriginal Cultural Heritage Sites were identified.

6 RECOMMENDATIONS

Mudgee Local Aboriginal Land Council & Murong Gialinga Aboriginal & Torres Strait Islander Corporation supports the concept of Environmental Impact studies that include Aboriginal & Archaeological concerns.

Mudgee Local Aboriginal Land Council & Murong Gialinga recognises that developments are necessary and Considers Aboriginal Culture Heritage Assessments as a mechanism for protecting areas of Cultural Significance for the Wiradjuri People.

Despite the fact no Aboriginal Cultural Heritage Sites were Identified during the survey, MLALC & M.G.A.T.S.I.C. consider that there is potential for Aboriginal Cultural Heritage Materials to be brought up to the surface during this type of development.

This may include any stone artefacts, bone artefacts or shell artefacts that may be brought up to the surface during earth moving activities.

If any such material is brought to the surface work should cease immediately in the affected area and MLALC, M.G.A.T.S.I.C. & National Parks & Wildlife officers should be contacted immediately, in accordance with the NSW National Parks & Wildlife Act 1974.

MLALC & M.G.A.T.S.I.C. would like to thank Barnson's for their co-operation in the protection of Aboriginal Cultural Heritage in the Mudgee Region.

We look forward to a continued working relationship in the future.

Yours Sincerely

D. Foley

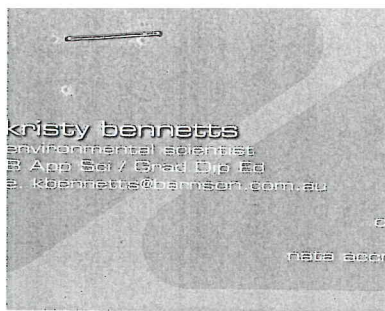
APPENDIXES

Appendix x1 Locality map

Appendix x2 Letter from Barnson

Appendix x3 Proposed Rezoning

Appendix x4 Photographs



kristy bennetts
environmental scientist
B App Sci / Grad Dip Ed
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project management
residential design
environmental consulting
registered surveyors
heritage consultants
commercial design
geotechnical engineering
town planning
industrial design
environmental drilling
mechanical engineering
graphic representations
construction management
civil engineering
nata accredited testing laboratory
electrical engineering
interior design

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barnson
DESIGN PLAN MANAGE

Our Reference: 13730-AAR

Tuesday, 9 June 2009

Mudgee Aboriginal Lands Council
2/3 Lovejoy Street
MUDGEES NSW 2850

Dear Sir / Madam,

Re: Aboriginal Archaeology Request

Barnson Pty Ltd would like to invite the Mudgee Aboriginal Lands Council to undertake an Aboriginal Archaeology Assessment and associated reporting on the following Lots:

- Lot 271 DP 755442
- Lot 276 DP 755442

This report has been requested by the Mid-Western Regional Council, with respect to the proposed rezoning of the Lots from Agricultural to Industrial.

A map of site has been included for your reference. Once received, the NSW Department of Environment and Climate Change (DECC) AHIMS search results will be provided to you.

It is understood that members of all interested aboriginal groups will be invited for inspection/comment.

Please contact Barnson prior to site inspection, to arrange for site access.

If you have any further enquires regarding this matter, please do not hesitate to contact the undersigned on 63 72 1888.

Yours faithfully

BARNSON PTY LTD



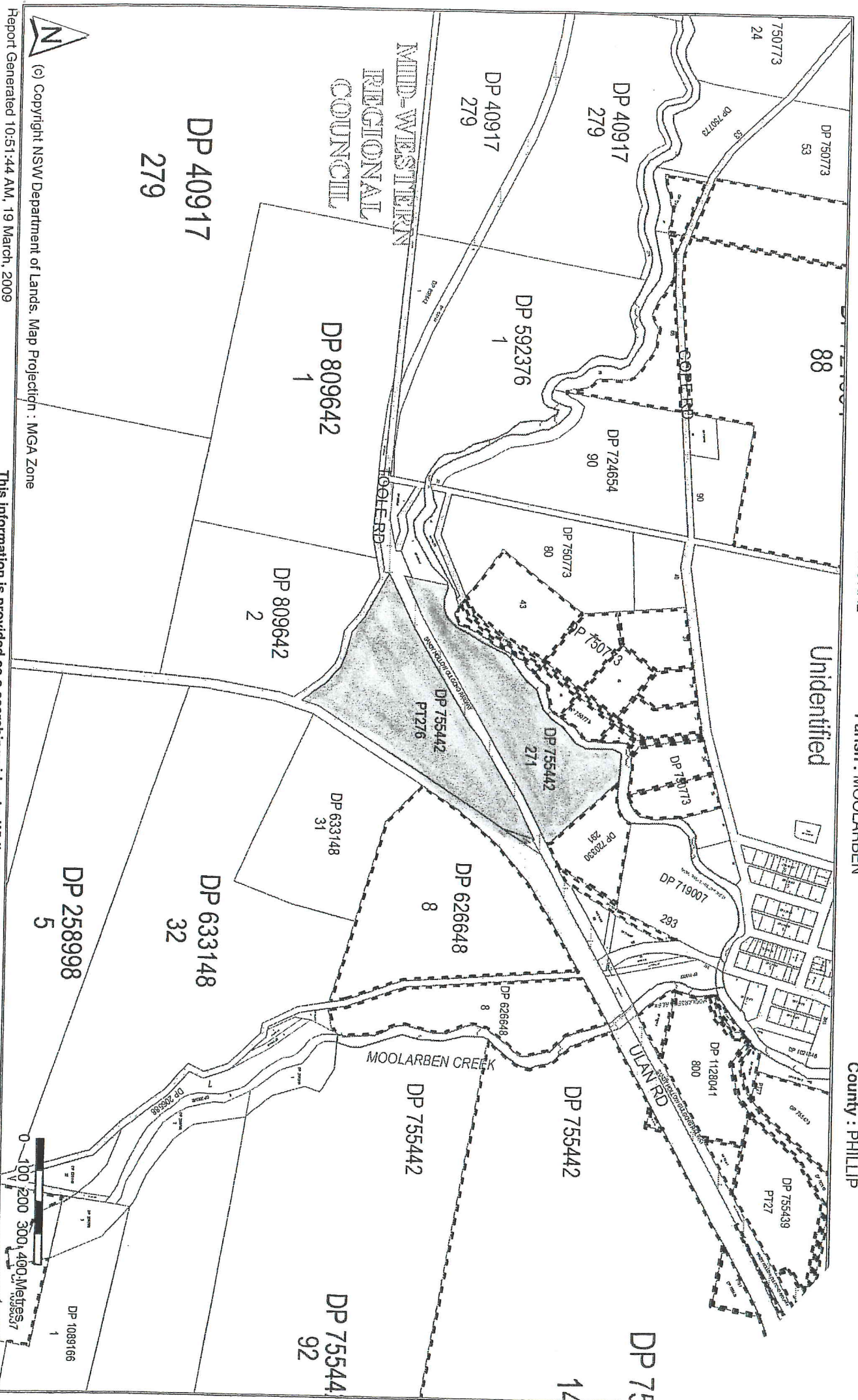
Kristy Bennetts
B. App. Sci/Grad Dip Ed
Environmental Scientist

Locality : ULAN

Requested Parcel : Lot 276 DP 755442
LGA : MID-WESTERN REGIONAL

Parish : MOOLARBEN

Identified Parcel : Lot 276 DP 755442
County : PHILLIP



(c) Copyright NSW Department of Lands. Map Projection : MGA Zone

Report Generated 10:51:44 AM, 19 March, 2009

This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGS Charting and Reference Maps.

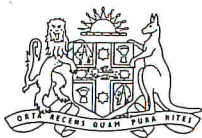


List of Sites (List - Short)

Lot 271 & 2716 Dp 755442

Grid Reference Type = AGD (Australian Geodetic Datum), Zone = 55, Easting From = 756776, Easting to = 758019, Northing From = 6423380, Northing to = 6424467, Feature Search Type = AHIMS Features

Site ID	Site Name	Datum	Zone	Eastng	Northing	Context	Site Features	Site Types (recorded prior to June 2001)	Recording (Primary)	Reports (Catalogue Number)	State Arch. Box No (for office use only)
36-3-0654	SHC IF 6	AGD	55	757719	6424379	Open Site	AFT : 1	None	Maynard, Murong Gialinga Aboriginal and Torres Strait Islander Corporation, Warrabinga Native Title Claimants Aboriginal Permit(s)		



Your reference : Lot 271 & 276 Dp 755442
Our reference : AHIMS #26016

Barnson Pty Ltd
1/36 Darling St
Dubbo NSW 2830

COPY

Monday, 01 June 2009

Attention: Kristy Bennets

Dear Sir or Madam:

Re: AHIMS Search for the following area at Lot 271 & 276 Dp 755442

I am writing in response to your recent inquiry in respect to Aboriginal objects and Aboriginal places registered with the NSW Department of Environment and Climate Change (DECC) at the above location.

A search of the DECC Aboriginal Heritage Information Management System (AHIMS) has shown that 1 Aboriginal objects and Aboriginal places are recorded in or near the above location. Please refer to the attached report for details.

The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.

The following qualifications apply to an AHIMS search:

- AHIMS only includes information on Aboriginal objects and Aboriginal places that have been provided to DECC;
- Large areas of New South Wales have not been the subject of systematic survey or recording of Aboriginal history. These areas may contain Aboriginal objects and other heritage values which are not recorded on AHIMS;
- Recordings are provided from a variety of sources and may be variable in their accuracy. When an AHIMS search identifies Aboriginal objects in or near the area it is recommended that the exact location of the Aboriginal object be determined by re-location on the ground; and
- The criteria used to search AHIMS are derived from the information provided by the client and DECC assumes that this information is accurate.

All Aboriginal places and Aboriginal objects are protected under the *National Parks and Wildlife Act 1974* (NPW Act) and it is an offence to destroy, damage or deface them without the prior consent of the DECC Director-General. An Aboriginal object is considered to be known if:

- It is registered on AHIMS;
- It is known to the Aboriginal community; or
- It is located during an investigation of the area conducted for a development application.

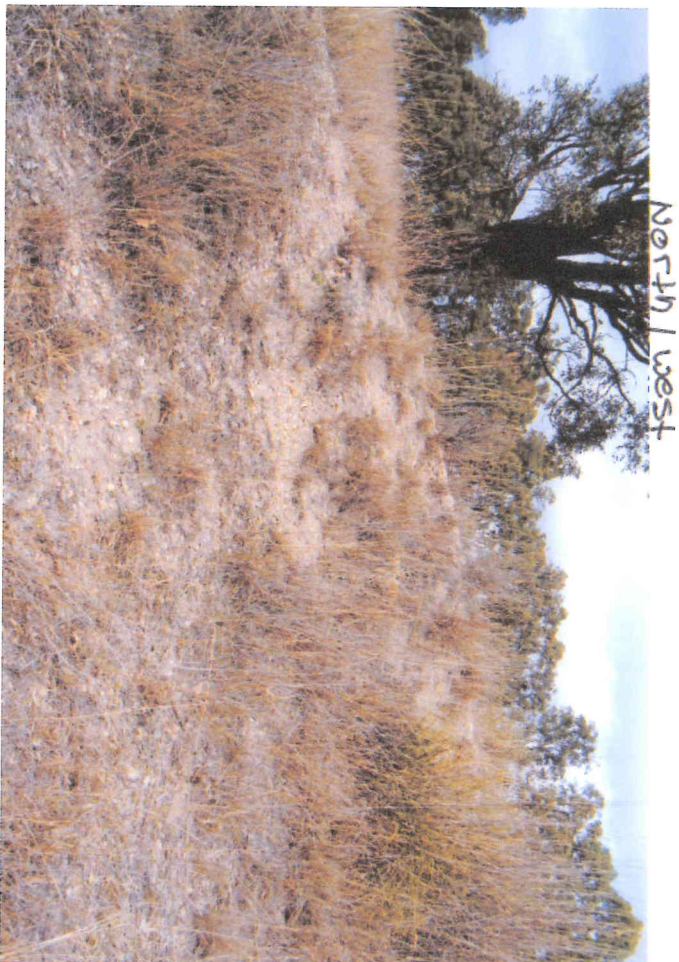
If you considering undertaking a development activity in the area subject to the AHIMS search, DECC would recommend that an Aboriginal Heritage Assessment be undertaken. You should consult with the relevant consent authority to determine the necessary assessment to accompany your development application.

Yours Sincerely

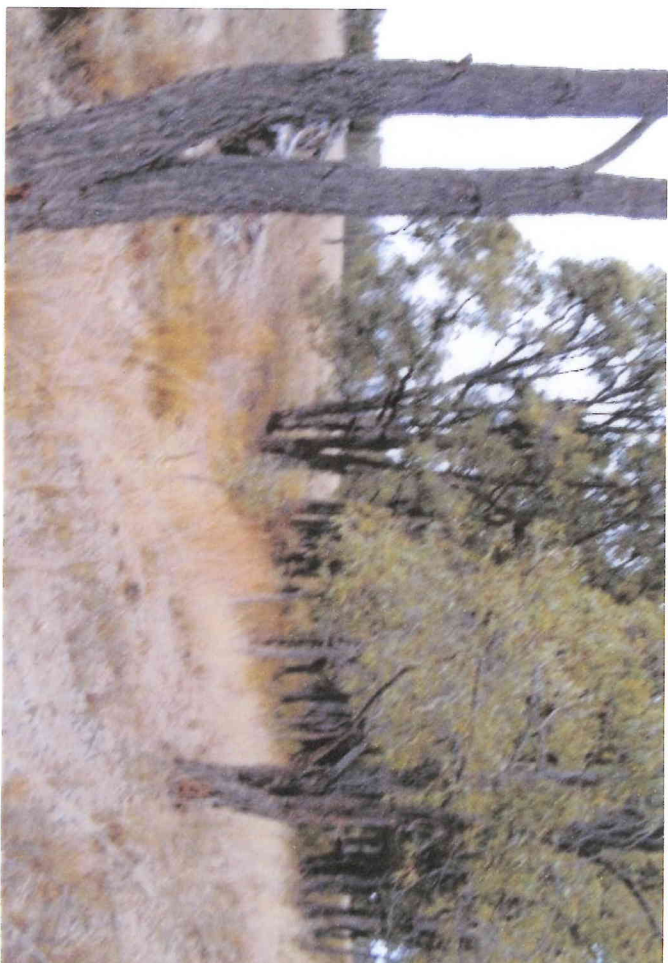
A handwritten signature in black ink, appearing to read 'S. Freeburn', with a long horizontal stroke extending to the right.

Freeburn, Shannon
Administrator
Information Systems & Assessment Section
Culture & Heritage Division
Phone: 02 9585 6471
Fax: 02 9585 6094





North / west







GLOSSARY

ANVIL STONE A stone used as a platform for knapping as in the production of bipolar flakes

ASSEMBLAGE The artefacts expressed at a site as a whole

BIPOLAR FLAKE A flake with characteristics indicating that it was struck from a core whilst resting on an anvil stone.

CORE A stone that has flakes removed .,

DEBITAGE Discarded flakes and chips from the knapping process

FLAKE Thin edge fragment removed from core

FLAKE PIECE A stone that has evidence of flake removal

HAMMER STONE A stone (usually a hard river pebble) used for striking flakes off a core

HEARTH The remains of a camp fire

KNAPPING The workings of stone in tool making

LAMELLATE A type of quartz technology that produces thin squarish flakes

RETOUCH The removal of small chips or flakes from a tool to sharpen an edge.

USEWEAR Abrasion and dulling of a tool's edge due to use .

CORTEX The natural surface of stone –eg water –worn as in river pebble

ISOLATED ARTEFACT Solitary stone artifact at least 50metres away from its nearest neighbour. This is based on NPWS policy that two artefacts within 50metres constitute a site.