

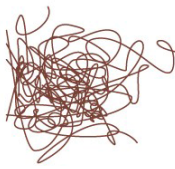


528 CANIABA ROAD, LISMORE NSW: CULTURAL HERITAGE ASSESSMENT



PREPARED FOR L & D FARQUARSON

EVERICK HERITAGE
JULY 2019



Report Reference:

Hill, T. Piper, A P. Fowler and T. Robins. 2019 528 Caniaba Road Caniaba, NSW: Cultural Heritage Assessment (July 2019). Everick Heritage Pty Ltd. Unpublished report prepared for L & D Farquarson.

EVERICK HERITAGE PTY LTD

ABN: 78 102 206 682
Level 9, Matisse Tower
110 Mary Street
Brisbane City, QLD 4000

T: (07) 3211 4478

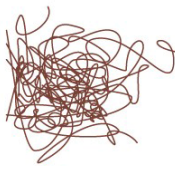
E: info@everick.com.au

Document Status:

Rev No.	Version	Author(s)	Amended Sections	Date	Authorised
4	Final	T. Hill	3, 10	11 July 2019	T. Robins

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EXECUTIVE SUMMARY

The following is a report detailing a Cultural Heritage Assessment for the proposed rezoning of lands for a future subdivision at 528 Caniaba Road, Caniaba NSW (the 'Project'). The land subject to heritage assessment is identified as part of Lot 2 DP1073973, located at the intersection of Canaiba Road and Fredericks Road, Canaiba NSW (the 'Project Area').

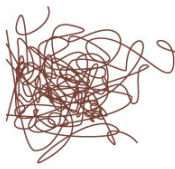
The intent of this Cultural Heritage Assessment is to assess the suitability of the amended land use proposal in relation to potential impacts to Aboriginal and non-Aboriginal (historic) heritage. Should potentially significant heritage be identified, the assessment will consider high level planning mechanisms through which such heritage can be adequately managed at the planning proposal stage.

Everick Heritage (the 'Consultant') was commissioned by GM Project Development and Management on behalf of L & D Farquharson (the 'Proponent') to undertake a Cultural Heritage Assessment for the Project. The brief for this project was to undertake a Cultural Heritage Assessment of suitable standard to be submitted in support of the Project. In accordance with the relevant administrative and legislative standards for New South Wales (see Section 2 below) and the requirements under the Further Information Request by the Lismore City Council, the methods employed in this assessment included:

- a) a search of relevant heritage registers;
- b) review of historical aerials;
- c) a site inspection conducted with a representative of the Ngulingah Local Aboriginal Land Council ('LALC');
- d) assessments of archaeological significance and impact; and
- e) report on findings and recommended management strategies.

The methods used for this assessment are in compliance with the Office of Environment and Heritage ('OEH') *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010* (NSW) and all relevant legislation as described in Section 2 of this report. The following report complies with the accepted methodology for undertaking a Due Diligence Assessment under the *National Parks and Wildlife Act 1974* ('NPW Act').

An onsite meeting was held for Mr Jahmal Roberts of Ngulingah LALC on 28 August 2017. A consultation meeting was held with Uncle John Roberts from the Widjabul / Wyabul Native Title Claim Group on 1 September 2017 in Lismore.



A search of the OEH Aboriginal Heritage Information Management System ('AHIMS') database, conducted on 08 August 2017 (Service ID 294917; Appendix B) indicated that no Aboriginal sites were listed within the Project Area.

As a result of the desktop study, the field inspection and consultation with Jamahl Roberts and John Roberts, the following conclusions were established:

- No Indigenous cultural heritage sites or relics were identified within the Project Area.
- No places with 'intangible' cultural heritage values were identified in the Project Area.
- No areas have been identified that are considered to contain potential archaeological deposits of significant Aboriginal heritage.

The entire Project Area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code.

Having regard to the archaeological potential of the Project Area, the following recommendations are cautionary in nature and considered sufficient for application in both planning proposal and development application stages.

Recommendation 1: Survey Unit 2

Having consideration for the outcomes of the field assessment and consultation with representatives of the Aboriginal community additional archaeological investigation is not required as the area has been cleared and sites are not known to occur within the immediate area. However, consideration should be given to the layout of future developments within this area to minimize ground disturbance as much as possible.

Recommendation 2: Aboriginal Objects Find Procedure

It is recommended that if it is suspected that Aboriginal cultural material has been uncovered as a result of development activities within the Project Area:

- a) work in the surrounding area is to stop immediately;
- b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)* (NSW).



Recommendation 3: Aboriginal Human Remains

Although it is unlikely that human remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The site should be cordoned off and the remains themselves should be left untouched. The nearest police station (Lismore), the Ngulingah LALC and the OEH Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the site for criminal activities, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal Human Remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

Recommendation 4: Notifying the OEH

It is recommended that if Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as sites in the AHIMS database managed by the OEH. Any management outcomes for the site will be included in the information provided to the AHIMS.

Recommendation 5: Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal cultural heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal community.



CONTENTS

EXECUTIVE SUMMARY	2
1. INTRODUCTION.....	9
1.1 PURPOSE OF THE CULTURAL HERITAGE ASSESSMENT	9
1.2 PROPONENT, PROJECT BRIEF & METHODOLOGY	9
1.3 DESCRIPTION OF PLANNING PROPOSAL.....	10
1.4 REPORT AUTHORSHIP	10
2. LEGISLATIVE AND PLANNING CONTEXT	13
2.1 THE NATIONAL PARKS AND WILDLIFE ACT 1974 (NSW).....	13
2.2 DUE DILIGENCE CODE OF PRACTICE FOR THE PROTECTION OF ABORIGINAL OBJECTS 2010.....	15
2.3 THE ACHCRP (2010).....	15
2.4 THE LISMORE LOCAL ENVIRONMENT PLAN 2012	15
3. ABORIGINAL COMMUNITY CONSULTATION.....	18
3.1 TRADITIONAL OWNER KNOWLEDGE	18
3.2 CONSULTATION WITH THE NGULINGAH LALC	18
4. LANDSCAPE CONTEXT	19
4.1 TOPOGRAPHY	19
4.2 GEOLOGY AND SOILS LANDSCAPES.....	19
4.3 VEGETATION	19
4.4 DISTURBANCE ANALYSIS	19
5. HERITAGE REGISTER SEARCHES	22
5.1 ABORIGINAL HERITAGE INFORMATION SYSTEM SEARCH	22
5.2 HISTORIC HERITAGE REGISTERS.....	22
6. SELECTED ARCHAEOLOGICAL SYNTHESIS AND PREDICTIONS	23
6.1 ETHNOHISTORICAL SUMMARY	23
6.2 PREVIOUS ARCHAEOLOGICAL ASSESSMENTS	25
6.3 ABORIGINAL SITES AND FEATURES (RANGE AND NATURE)	28
7. FIELD SURVEY: ABORIGINAL CULTURAL HERITAGE.....	29
7.1 SURVEY TEAM	29
7.2 ASSESSMENT METHODS	29
7.3 SURVEY COVERAGE.....	30
8. RESULTS.....	34
9. RECOMMENDATIONS ABORIGINAL CULTURAL HERITAGE	35
10. REFERENCES	37
APPENDIX A: CORRESPONDANCE WITH ABORIGINAL COMMUNITY.....	41
APPENDIX B: AHIMS SEARCH RESULTS	43



TABLES AND FIGURES

TABLE 1: SUMMARY OF ENVIRONMENT AND GROUND DISTURBANCE FOR SURVEY UNITS.	30
TABLE 2: SURVEY COVERAGE.....	31
FIGURE 1: PROJECT AREA AND REGIONAL LOCALITY.....	11
FIGURE 2: LOT BOUNDARY AND REZONING PROPOSAL.	12
FIGURE 3: SOILS LANDSCAPE MAP.	21
FIGURE 4: SURVEY UNITS.	32
FIGURE 5: SURVEY UNIT 1- RESIDENTIAL INFRASTRUCTURE.	33
FIGURE 6: SURVEY UNIT 2- LOOKING NORTH, DOWN BROAD RIDGE CREST.....	33
FIGURE 7: SURVEY UNIT 3B - SHOWING MODERATE-STEEP SLOPE AND DENSE GRASS COVER.	34



DEFINITIONS

The following definitions apply to the terms used in this report:

Aboriginal Object means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal 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.

Aboriginal Place means any place declared to be an Aboriginal place (under s. 84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal Objects.

ACHCRP Guidelines means the *OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)*.

AHIP means Aboriginal Heritage Impact Permit

Archaeological Code of Practice means the *OEH Code of Practice for Archaeological Conduct in New South Wales (2010)*.

Assessment Area means the lands under archaeological and cultural heritage assessment

Due Diligence Code means the *OEH Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010)*.

LALC means Local Aboriginal Land Council

LEP means the Local Environment Plan

LCC means Lismore City Council

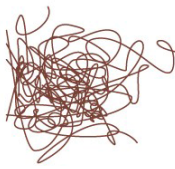
LPI means the New South Wales Government Land and Property Information Division

NPW Act means the *National Parks and Wildlife Act 1974* (NSW).

NPW Regulations means the *National Parks and Wildlife Regulations 2009* (NSW).

OEH means the New South Wales Office of Environment and Heritage.

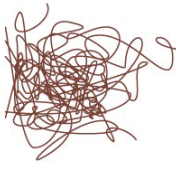
Project Area means the land subject to this assessment, being Lot 2 DP1073973, Canaiba Road, Canaiba NSW.



Proposed Works means all activities associated with proposed future earth works, construction and landscaping within the Project Area (including activities undertaken by subsequent landholders).

The Project means the lands subject to heritage assessment at Lot 2 DP1073973, Canaiba Road, Canaiba NSW.

The Consultant means qualified archaeological staff and/or contractors of Everick Heritage Pty Ltd.



1. INTRODUCTION

1.1 Purpose of the Cultural Heritage Assessment

The following is a report detailing a Cultural Heritage Assessment for the proposed rezoning of lands for a future subdivision at 528 Caniaba Road, Caniaba NSW (the 'Project'). The land subject to heritage assessment is identified as part of Lot 2 DP1073973, located at the intersection of Caniaba Road and Fredericks Road, Caniaba NSW (the 'Project Area').

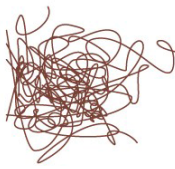
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1.2 Proponent, Project Brief & Methodology

Everick Heritage (the 'Consultant') was commissioned by GM Project Development and Management on behalf of L & D Farquharson (the 'Proponent') to undertake a Cultural Heritage Assessment for the Project. The brief for was to undertake a Cultural Heritage Assessment of suitable standard to be submitted in support of the Project. In accordance with the relevant administrative and legislative standards for New South Wales (see Section 2 below) and requirements under the Further Information Request for the Lismore City Council, the methods employed in this assessment included:

- a) a search of relevant heritage registers;
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- e) report on findings and recommended management strategies.

The methods used for this assessment are in compliance with the OEH *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010)* (NSW) and all relevant legislation as described in Section 2 of this report. The following report complies with the accepted methodology for undertaking a Due Diligence Assessment under the *National Parks and Wildlife Act 1974* (NSW) ('NPW Act').



1.3 Description of Planning Proposal

The purpose of the Planning Proposal is to rezone land at Caniaba Road for residential purposes and to apply. A Gateway Determination has not been made for the Project.

Whilst the current proposal relates to a rezoning application, the impact assessment assumes that future development applications may result in the disturbance of soils with the potential to contain Aboriginal Objects. The heritage management recommendations have been structured with this level of impact in mind.

1.4 Report Authorship

The desktop study was undertaken by Senior Archaeologists Adrian Piper and Archaeologist Pauline Fowler. The field inspection was conducted by Senior Archaeologist Tim Hill assisted by archaeologist Pauline Fowler. This report was written by Tim Hill and Pauline Fowler. Technical review was completed by Everick Director Tim Robins. Aboriginal Community Consultation was conducted by Tim Robins.

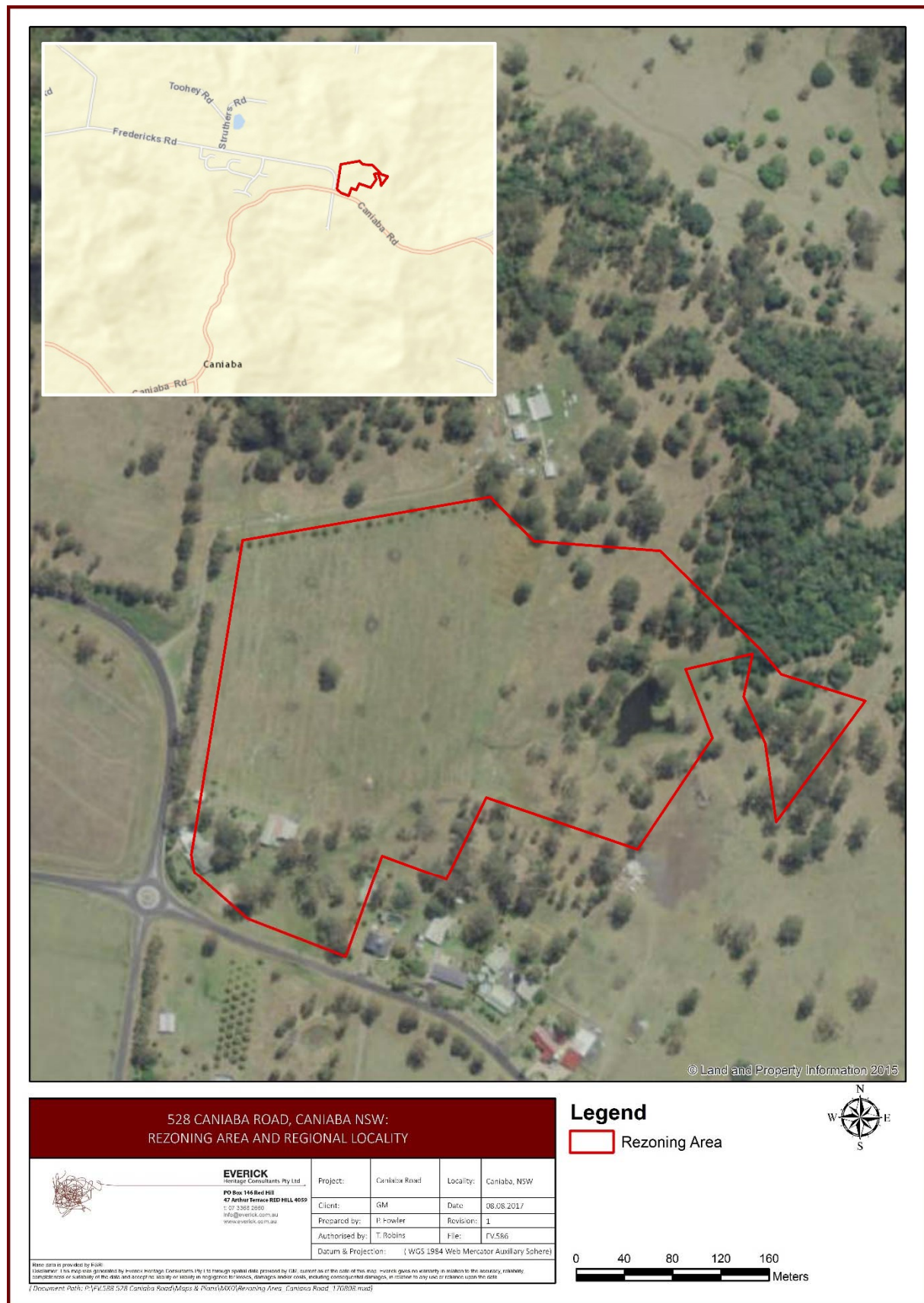
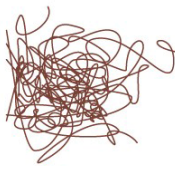


Figure 1: Project Area and Regional Locality.

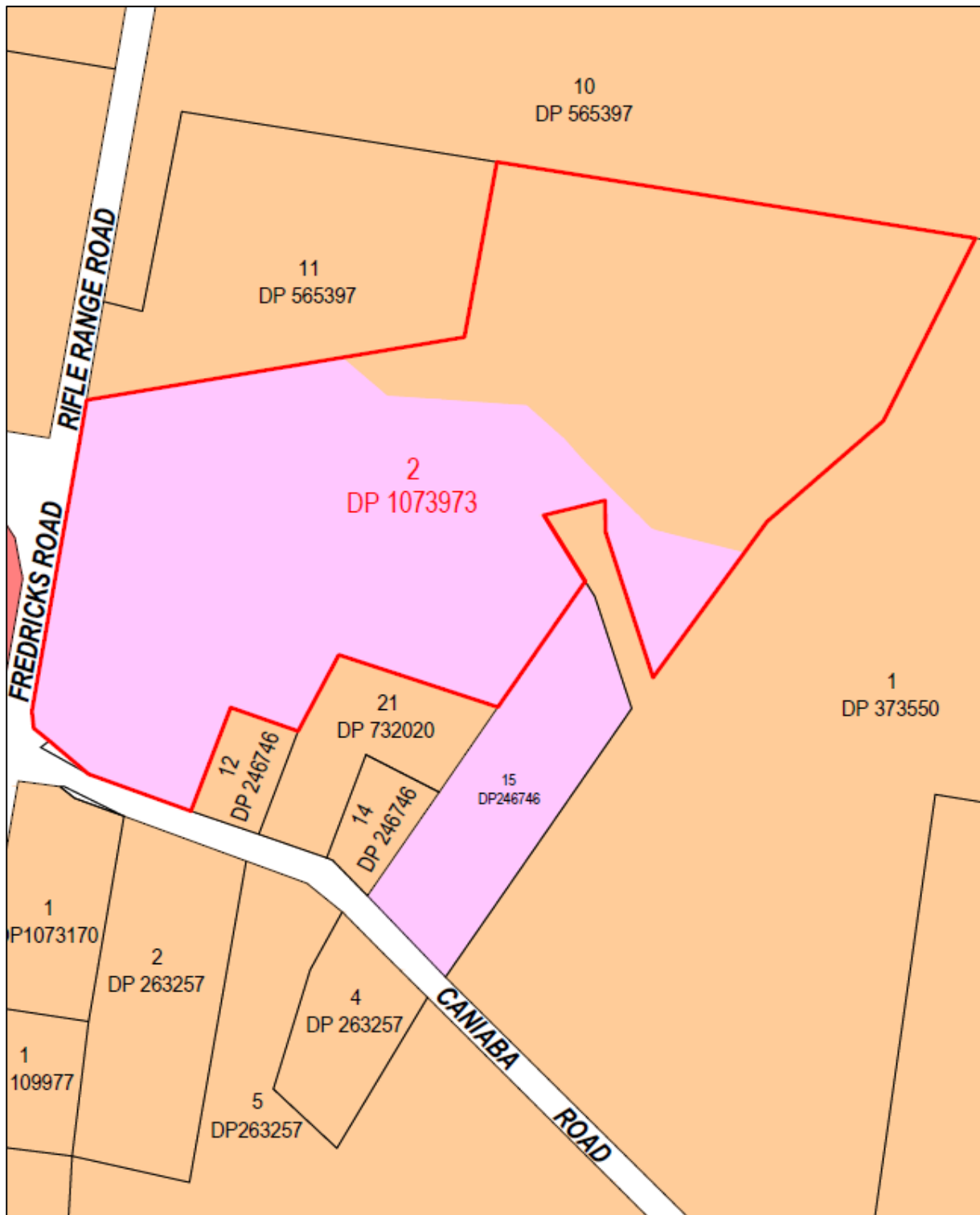
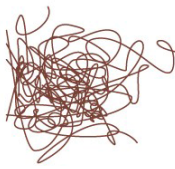
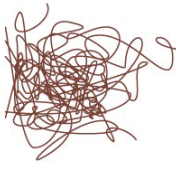


Figure 2: Lot Boundary and Rezoning Proposal.



2. LEGISLATIVE AND PLANNING CONTEXT

The primary State legislation concerning cultural heritage in New South Wales is the NPW Act 1974 (NSW) and the Lismore City Council Local Environment Plans and Development Control Plans. The Commonwealth also has a role in the protection of nationally significant cultural heritage through the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth), *The Protection of Movable Cultural Heritage Act 1986* (Cth) and the *Historic Shipwrecks Act 1976* (Cth).

For the purposes of this assessment the State and local legislation are most relevant. The consent authorities will be the Lismore City Council and, where a referral agency is required, the OEH. Approval from the OEH will also be required should the Project impact on identified Aboriginal Objects. The information below lists the legislative and policy framework within which this assessment is set.

2.1 The National Parks and Wildlife Act 1974 (NSW)

The *National Parks and Wildlife Act 1974* (NSW) (NPW Act) is the primary legislation concerning the identification and protection of Aboriginal cultural heritage. It provides for the management of both Aboriginal Objects and Aboriginal Places. Under the NPW Act, an Aboriginal Object is any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area, regardless of whether the evidence of habitation occurred before or after non-Aboriginal settlement of the land. This means that every Aboriginal Object, regardless of its size or seeming isolation from other Objects, is protected under the Act.

An Aboriginal Place is an area of particular significance to Aboriginal people which has been *declared* an Aboriginal Place by the Minister. The drafting of this legislation reflects the traditional focus on Objects, rather than on areas of significance such as story places and ceremonial grounds. However, a gradual shift in cultural heritage management practices is occurring towards recognising the value of identifying the significance of areas to Indigenous peoples beyond their physical attributes. With the introduction of the *National Parks and Wildlife Amendment Act 2010* (NSW) the former offence provisions under Section 86 of 'disturbing', 'moving', 'removing' or 'taking possession' of Aboriginal Objects or Places have been replaced by the new offence of 'harming or desecrating'. The definition of 'harm' is 'destroying, defacing or damaging an Object'. Importantly, in the context of the management recommendations in this assessment, harm to an Object that is 'trivial or negligible' will not constitute an offence.

The new amendments also significantly strengthen the penalty provisions. The issue of intent to harm Aboriginal cultural heritage has been formally addressed by separating it from inadvertent harm. The penalty for individuals who inadvertently harm Aboriginal Objects has been set at up to \$55,000, while for corporations it is \$220,000.



Also introduced is the concept of '*circumstances of aggravation*' which allows for harsher penalties (up to \$110,000) for individuals who inadvertently harm Aboriginal heritage in the course of undertaking a commercial activity or have a record for committing similar offences. For those who knowingly harm Aboriginal cultural heritage, the penalty will rise substantially. The maximum penalty will be set at \$275,000 or one year imprisonment for individuals, while for corporations it will rise to \$1,100,000.

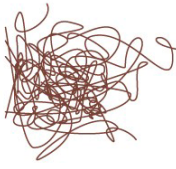
Where a land user has or is likely to undertake activities that will harm Aboriginal Objects, the Director General (OEH) has a range of enforcement powers, including stop work orders, interim protection orders and remediation orders. The amended regulations also allow for a number of penalties in support of these provisions. The NPW Act also now includes a range of defense provisions for unintentionally harming Aboriginal Objects:

- a) Undertaking activities that are prescribed as 'Low Impact'.
- b) Acting in accordance with the new Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010).
- c) Using a consulting archaeologist who correctly applies the OEH Code of Practice for Archaeological Conduct in New South Wales (2010) ('Archaeological Code of Practice').
- d) Acting in accordance with an Aboriginal Heritage Impact Permit (AHIP).

The new regulations allow for a range of low impact activities to be undertaken without the need to consult the OEH or a consulting archaeologist. Generally, those who undertake activities of this nature will not be committing an offence, even if they inadvertently harm Aboriginal Objects. These activities include:

- a) Maintenance – For example on existing roads and tracks, or on existing utilities such as underground power cables and sewage lines.
- b) Farming and Land Management – for land previously disturbed, activities such as cropping, grazing, bores, fencing, erosions control etc. *
- c) Removal of dead or dying vegetation - only if there is minimal ground disturbance.
- d) Environmental rehabilitation – weed removal, bush regeneration.
- e) Development in accordance with a Development Certificate issued under the EPA Act 1979 (provided the land is previously disturbed). *
- f) Downhole logging, sampling and coring using hand held equipment.
- g) Geochemical surveying, seismic surveying, costeaning or drilling. *

* This defense is only available where the land has been disturbed by previous activity. Disturbance is defined as a clear and observable change to the land's surface, including but not limited to land disturbed by the following: soil ploughing; urban development; rural infrastructure (such as dams and fences); roads, trails and walking tracks; pipelines, transmission lines; and storm water drainage and other similar infrastructure.



2.2 Due Diligence Code of Practice for the Protection of Aboriginal Objects 2010

The Due Diligence Code has been applied in Section 10 of this assessment. It operates by posing a series of questions for land users before they commence development. These questions are based around assessing previous ground disturbance. An activity will generally be unlikely to harm Aboriginal Objects where it:

- a) will cause no additional ground disturbance; or
- b) is in a developed area; or
- c) in a significantly disturbed area.

Where these criteria are not fulfilled, further assessment for Aboriginal cultural heritage will typically be required prior to commencing the activity.

2.3 The ACHCRP (2010)

The *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) ('ACHCRP') provide an acceptable framework for conducting Aboriginal community consultation in preparation for impacts to Aboriginal cultural heritage. Proponents are required to follow them where a Project is likely to impact on cultural heritage and where required by Council. It is recommended by the OEH that all cultural heritage assessments involve this level of consultation, although it is not strictly a requirement unless it meets the above criteria. The ACHCRP Guidelines typically take a minimum of 90 days to complete. However, in complicated Projects this period may need to be extended by several months. The Guidelines require public notice of the assessment, preparation of a proposed methodology, undertaking site meetings and excavations where required, the production of a draft report, which is distributed to the registered Aboriginal groups and the production of a final report.

Although not strictly required, a thorough consultation process will treat the ACHCRP Guidelines as a minimum standard of community consultation. Generally, consultants must go to further effort to identify the significance of a given site to the Aboriginal community. This will likely include undertaking additional site inspections if requested by Aboriginal stakeholders, fully resourcing the community by providing copies of past archaeological and environmental assessments in the region and meeting with community members to seek their opinions of the site.

2.4 The Lismore Local Environment Plan 2012

The Lismore Shire LEP 2012 provides statutory protection for items already listed as being of heritage significance. It ensures that essential best practice components of the heritage decision-making process are followed.

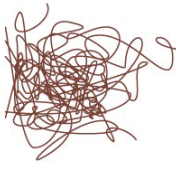


A listed environmental heritage item is an item that is either:

- a) designated as an item of environmental heritage in Schedule 5 of the Lismore Shire LEP 2012; or
- b) designated as an item of environmental heritage by the DCP 2012.

As per Part 5 Clause 5.10(2) of the Lismore Shire LEP 2012, for listed heritage items, a person must have the consent of the Council for:

- a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - i. a heritage item,
 - ii. an Aboriginal object,
 - iii. a building, work, relic or tree within a heritage conservation area,
- b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- d) disturbing or excavating an Aboriginal Place of heritage significance,
- e) erecting a building on land:
 - i. on which a heritage item is located or that is within a heritage conservation area, or
 - ii. on which an Aboriginal Object is located or that is within an Aboriginal Place of heritage significance; and
- f) subdividing land:
 - i. on which a heritage item is located or that is within a heritage conservation area, or
 - ii. on which an Aboriginal Object is located or that is within an Aboriginal Place of heritage significance.



Consent should only be given once the Council considers the effect of the proposed development on the heritage significance of the area. The Council may also require a heritage management document to be prepared. This document must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the area concerned. After this the Council may also require a heritage conservation management plan for the heritage that was assessed.

If the proposed development will require the demolition of a nominated State Heritage item then the Council must notify the Heritage Council of the application and consider any responses received within 28 days. Similarly, if the development is on an archaeological site, the Council must notify the Heritage Council of intentions to grant consent and consider any responses received within 28 days.

Should the development be on an Aboriginal Place of heritage significance, the Council must notify the local Aboriginal communities about the application and consider any responses received within 28 days. Additionally, the Council must consider the effect that the development would have on the heritage significance of the Aboriginal Place and any Aboriginal Objects that are known or likely to be within the development. This must be done by means of an adequate investigation and assessment.

The Council may also grant consent for a development on a heritage item, land, or Aboriginal place that would not otherwise be allowed in this Plan, if the Council is satisfied that:

- a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.



3. ABORIGINAL COMMUNITY CONSULTATION

3.1 Traditional Owner Knowledge

The Aboriginal community are the primary determinants of the significance of their cultural heritage. Members of the Aboriginal community will be consulted, and will continue to be consulted, with regard to their concerns not only about known archaeological sites in the region, but also about cultural values such as areas with historic and spiritual significance, and other values relating to flora and fauna of the area. The Consultant recognises that there is Traditional Owner knowledge associated with the region that may have to be treated in a confidential manner. Where there is potential for impacts upon Aboriginal heritage as a result of future development proposals, consultation under ACHCRP (2010) would apply.

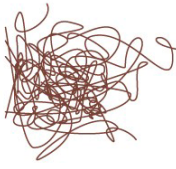
3.2 Consultation with the Ngulingah LALC

Project information, including a site plan, was provided to the CEO of the Ngulingah LALC on 10 August 2017. A copy of this assessment has been provided to the Ngulingah LALC for comment. All written feedback will be provided to GM Project Development and Management Pty Ltd and Lismore City Council and (if required) the OEH upon receipt.

An onsite meeting was held for Mr Jahmal Roberts of Ngulingah LALC on 28 August 2017. This meeting outlined the scope of the rezoning proposal and considerations of proximity to water and flat ground suitable for campsites; the history of disturbance; and the area available for archaeological inspection. Jahmal agreed that the area broad ridge crest had the potential to contain Aboriginal objects but had been disturbed. Jahmal agreed that a 'Find Procedure' would be a minimum management response in the event of an archaeological find but preferred that additional investigation of the ridge crest took place prior to commencement of works.

A consultation meeting was held with Uncle John Roberts from the Widjabul/ Wyabul Native Title Claim Group on 1 September 2017 in Lismore. John indicated that the Caniaba Ridge is an old pathway from Lismore up to the top of the hill to the west of the Project Area. This hill overlooks the old "Cubawee- Tuncester" Aboriginal mission on the Lismore-Kyogle Road. John indicated that he understood there to be burials at the top of the hill but was not sure of their date. John recalls that he used to hunt echidna on the western slopes of this hill, but that his parents would not let him go up to the top of the hill itself on account of the burials up there. John noted that the airport would have been swamp and good hunting ground but did not specifically mention any cultural sites within the Project Area.

A copy of this assessment was provided to the Ngulingah LALC on 30 October 2017 for review. No comments were received via email.



4. LANDSCAPE CONTEXT

4.1 Topography

The Project Area is located within a region of low undulating rises on flat basalt plateau surfaces (Morand 1994:42). The topography within the Project Area broadly consists of a low broad ridgeline which rises up to a natural hill in the west. The central crest is broad at its upper limits (south) narrowing as it extends north. The eastern slopes of the ridgeline fall moderately towards a tertiary creek.

4.2 Geology and Soils Landscapes

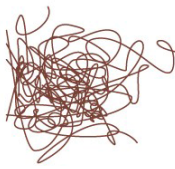
The Project Area is located within the Frederick and Georgica variant A soil landscapes (Morand 1994). Soil Landscapes consists of a Georgica landscape with an underlying geology of tertiary basalts formed on Lismore Basalts. Soils consist of red to black basaltic soils which transition to kraznozems in the east (Morand 1994: 59; 98). Soils are highly acidic subject to localised waterlogging, stoniness, slumping and mass movement.

4.3 Vegetation

The Georgica and Fredericks landscape formerly supported closed-forest environments colloquially referred to as the 'Big Scrub' (Morand 1994:35). The subtropical rainforest environment formerly expanding across the basalt plateau of the region, was most certainly utilised by Aboriginal people, though the current academic consensus is that this exploitation did not include habitual or extensive periods of occupation within the rainforest environs (Godwin 1999a and Byrne 1987) although local Aboriginal sources suggest that there were discreet areas habitually occupied in the Lismore region. The region has been subject to extensive vegetation clearing throughout the past century and earlier and now largely supports grasslands with some areas of closed forest communities remaining in isolated pockets (Morand 1994:35).

4.4 Disturbance Analysis

Timber getting was initially the sole industry in the Richmond-Tweed River regions, after sawyers made their way via land and later sea. Widespread land clearing for settlement was legalised by the 'Selection Acts' post 1870 characterised by thousands of small land parcels of approximately 40 acres. It is likely that the Project Area was cleared during the latter half of the 1800's.



The early timber-getting, pastoral and dairying industries that prevailed in early European settlement have to a large extent shaped the current environment of the region. Vegetation clearing methods varied between manual sawing and chain pulling which would have resulted in substantial ground disturbance. Further land management took place in the form of rock picking, with exposed basalt rocks and boulders often picked and removed from fields to allow for pasture growth and the improvement of agricultural plots, though evidence of this practice is anecdotal (Everick 2015a). The Lismore LGA maintains only 24.6% of native vegetation cover, the lowest vegetation habitat quality of the northern rivers catchment (NRCMA 2012: 8).

A portion of the upper ridge crest has been significantly disturbed as a result of cut and fill excavations for the existing residential house site and a house-training arena. This work would have substantially affected the location and distribution of Aboriginal objects should they have existed within the topsoil.

Conclusions: All parts of the Project Area have been disturbed within the meaning of the Due Diligence Code. The Project Area has been cleared of vegetation prior to the late 1950's. It is unclear if vegetation was cleared in a single or multiple event, though it can be reasonably argued that some maintenance activities occurred to ensure the area remained relatively free of regrowth vegetation.

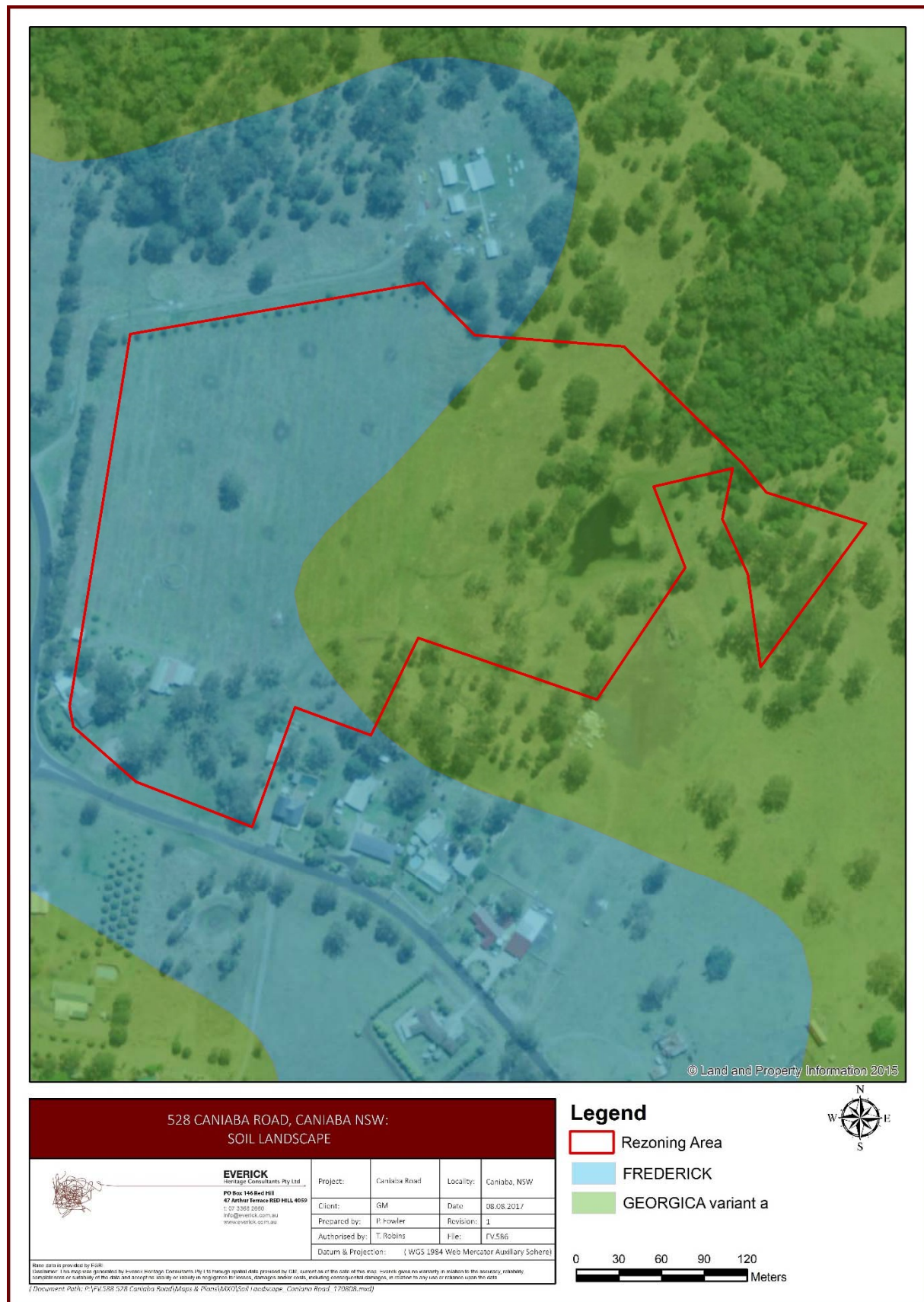
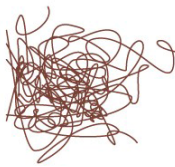


Figure 3: Soils Landscape map.



5. HERITAGE REGISTER SEARCHES

5.1 Aboriginal Heritage Information System Search

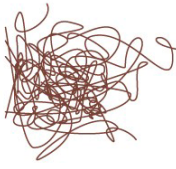
A search was conducted on 08 August 2017 of the OEH Aboriginal Heritage Information Management System (AHIMS) for the Project Area (Service ID 294917; Appendix B) which returned no Aboriginal sites listed within the Project Area.

Care should be taken when using the AHIMS database to reach conclusions about site prevalence or distribution. For example, a lack of sites in a given area should not be seen as evidence that the area was not occupied by Aboriginal people. It may simply be an indication that it has not been surveyed or that the survey was undertaken in areas or at times of poor ground surface visibility. Further, care needs to be taken when looking at the classification of sites. For example, the decision to classify a site an artefact scatter containing shell rather than a midden can be a highly subjective exercise, the threshold for which may vary between archaeologists. There are also errors with the data.

5.2 Historic Heritage Registers

The following heritage registers were accessed on 1 September 2017:

- **The World Heritage List** (Australian Heritage Council): Contains no heritage listings within the Project Area.
- **The National Heritage List** (Australian Heritage Council): Contains no heritage listings within the Project Area.
- **Commonwealth Heritage List** (Australian Heritage Council): Contains no heritage listings within the Project Area.
- **Register of the National Estate** (Australian Heritage Council): Contains one registered heritage listings within the Project Area, one indicative place listing and one interim list listing.
- **The State Heritage Register and Inventory** (NSW Heritage Office): Contains no heritage listings in Section 1 (NPW Act) within the Project Area. The register contains one listing under Section 2 (NSW Heritage Act) and 2 listings under Section 3 (Local / State Agencies), for the Goonellabah region. No listings are located within the Project Area.
- **Lismore Local Environment Plan 2012:** Contains no heritage listings within the Project Area.



6. SELECTED ARCHAEOLOGICAL SYNTHESIS AND PREDICTIONS

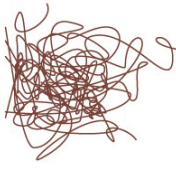
6.1 Ethnohistorical Summary

The Aboriginal people of the Lismore area form part of a larger linguistic group, the Bundjalung, which spoke a range of dialects in the area between the Clarence and Logan Rivers extending west to Tenterfield. The Lismore area is commonly accepted as the centre of the Wiyabal dialect country, including Goonellabah, Lismore and areas between the Tuckean Swamp in the south and the Nightcap Range in the north (Crowley 1978). Dialect groups and sub clans composed of interlinked family groups occupied distinct areas within the wider Bundjalung association. Crowley (1978) tentatively identifies the Banjalang dialect areas as the Nyangbal between the Evans River and about Broken Head, the Minyanbal south of the Evans River and the Wiyabal and Banjalang to the west of the Nyangbal (Crowley 1978). The following brief review of ethno history sources relates to the Aboriginal use of the rainforests that covered vast areas of the Richmond and Tweed valleys. The Project Area is located on what were the north western slopes of the Alstonville Plateau the central 'component' of the 'big scrub'.

Based on the most recent regional models (Godwin 1999a and Byrne 1987) the Project Area is located within the sub-coastal zone and formed part of the larger big scrub rainforest, which whilst utilised by Aboriginal people were not utilised for occupation in the same manner as the more resource rich riverine floodplains, coastal estuaries, coastal plains and beaches. Whilst it is known that Aboriginal people did utilise the resources of rainforests and tall closed forests this use is typically targeted at selected species and does not have a significant archaeological signature.

Byrne (1987) developed a state-wide land use model specifically around the use and occupation of rainforests. Byrne distinguishes between the 'Lowland' and 'Upland' rainforests and proposes;

...The lowland rainforests were situated within what might be termed the core areas of the coastal lowland tribes. The North Coast of New South Wales supported some of the heaviest populations of Aborigines in the prehistoric Australia. The foci of settlement of these tribes were the immediate coastal strip, the estuaries and valleys of the major rivers. The key attribute of the lowland rainforests was their proximity to the main areas of settlement and, hence, the accessibility of their resources...Most of these rainforests could be exploited from bases in other and neighbouring environments. It is likely that major campsites were located close to the productive margins of these rainforests. Campsites may also have been situated in clearings within rainforests where they acted as bases for the exploitation of core areas of extensive forests and as staging camps for travel through such forests... (Byrne 1987:54, 55).



Bray (1923) states that the Lismore 'tribe' used to go to Ballina at the mouth of the river. This would presumably require negotiating at least parts of the Alstonville Plateau using traditional campsites on the route. These natural clearings where are commonly referred to as 'Grasses' by early European settlers.

The use of clearings otherwise surrounded by rainforest as campgrounds was originally documented by Leycester on a trip into the Richmond Tweed headwaters in 1880. He refers to two clearings a dinner time camp at 'Bald Hill' called by the blacks Byangully, "...replete with every comfort a bush camp in Australia could afford, that of grass, water, and game in abundance of the best kind..." twenty miles distant from open country and Tanning Mountain "...a table-top covered with fine grass..." (Leycester 1880: Typescript). Similar clearings are believed to be recognised in local place names Howards Grass, Lagoon Grass and Chilcotts Grass.

The resources of sub-tropical rainforest were used extensively in the technology of the Richmond, which is heavily dependent on wood and bark fibre (McBryde 1978:197). McBryde's sources refer to shields (McFarlane 1934; Dawson 1935), single point fire-hardened spears, three types of boomerang (Dawson 1935), clubs-nulla nulla and pademelon sticks, bark and palm leaf bags, wooden water vessels, possum rugs, cane and shell necklaces and stone knives (Bundock 1898). Bark was used for containers and shelter. Stone axes are referred to by Dawson (1935:22) and Byrne (1946:2). Fishing nets and rope was made from twine spun from the flame tree (Byrne ibid). Fishing nets were made a couple of yards long with a stick at each end used individually or in combination with many of the same (Seymour in Piper 1976). Bundock (1898) and Ainsworth (1922) described the same type of nets used for game drives in rainforests.

An indication of the importance of rainforest foods and material resources can be synthesised from '*Records of Times Past*' dealing with ethno history (Sullivan: 101, Pierce: 115) and *Museum Collections from the Richmond River District*, edited by Isabel McBryde (1978). Items of material equipment and weapons fashioned from rain forest materials includes water carrying vessels (Bangalow Palm), string bag, woven bag (Stinging tree), shield (Stinging tree), nets (Stinging tree) tow row (Stinging tree, lawyer cane), axe handles (lawyer cane), necklets (lawyer cane), shelter supports (lawyer cane), cane bugles (lawyer cane) cordage (Stinging tree, fig tree), clubs (Black bean). Food sources: possums, paddymelon, bandicoot, Moreton Bay Chestnut, cunjevoi, macadamia, wild grapes, Burrawang tree or palm, wild cherries. The above items are only those gleaned from the authors Richmond River sources and do not include many other foods e.g. rainforest birds and resources e.g. medicinal plants.

The most detailed analysis of material culture of the North Coast has been that undertaken by McBryde (1978) much of which was reliant upon rainforest woods and fibres. The region of the Tweed, Richmond and Clarence Rivers would seem to form a distinct unit. This is particularly so in the case of fishing technology. The multi-pronged fishing spear and the shellfish hook are both absent from this region. Fish were caught in nets or speared in the shallows (McBryde 1978:187). Spears were single pointed fire hardened weapons (Dawson 1935: 22), of both a



lighter and heavier variety (Byrne 1946: 3). Neither the woomera nor the spear throwing stick were used in this region (Dawson *ibid*). The range of materials is considered wider than central Australian tribes with fewer all-purpose items, few composite tools and a number of specialised ones. This may reflect a more sedentary life style in a rich environment requiring fewer specialised tools (*Ibid*: 187). The stone tool element in the material culture was small and unspecialised. The archaeological evidence suggests changes to a simpler stone technology took place only centuries before European settlement. The stone tools in use immediately prior to European settlement, '... show little typological sophistication and did not demand highly skilled craftsmanship' (*Ibid*: 198).

Aboriginal land use models based on ethnographic sources identify broad patterns of settlement and movement in the region and are useful but not conclusive in predicting the potential nature of archaeological remains within the Project Area. McBryde (1974) proposes that groups ranged between the sea coast and foothills of the coastal ranges on a seasonal basis (i.e. McBryde 1974) utilising the immediate coast and main rivers as the focus of occupation. Early sources support this view to some extent as there are records describing the movement of inland groups of the Clarence River to the coast during winter (McFarlane 1934; Dawson 1935:25).

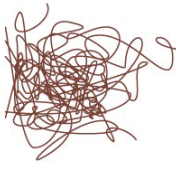
Coleman (1982) proposes an alternate model where it is suggested that movement of coastal people was not frequent, and that semi sedentary groups moved north and south within the coastal plain rather than to the upper rivers (Coleman 1982).

Godwin (1999a and 1999b) argues that neither of the above 'models' is supported by the archaeological record and that local conditions dictated exploitation strategies on the north coast of NSW. In this model:

Sub-coastal groups journeyed to the coast, but only in small numbers: there was not the large-scale migration of people posited by McBryde. The data suggests that this took place throughout the year and could have been for both ritual and secular reasons. Groups also journeyed through the "Falls" country throughout the year. There are also reports of movement in a north-south direction along the sub-coastal strip from river valley to river valley, and from the sub-coastal zone to the tablelands which appears to have been associated with ceremonial gatherings. These ranged from clan-sized gatherings through to inter-tribal meetings (Godwin 1999a:123)

6.2 Previous Archaeological Assessments

The review of previous archaeological assessments forms part of the basis for making predictive statements as to the type of sites and the environmental contexts in which they might be found. The most relevant of previous studies to the East Lismore Project Area are those conducted over the Alstonville Plateau its hillcrests, spurs and side slopes and similar landforms north to Byron Bay. These include but not limited to Ainsworth (2010, 2013),



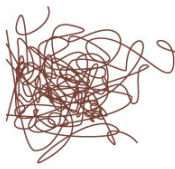
Converge (2012), Everick (2012, 2015a-c, 2016a-c), Mills (1997, 1998), Navin (2007, 2008), Piper (1994a-c, 2001) and Piper and Robins (2006).

Piper (1994 a-c) conducted archaeological assessments at rock/gravel quarry sites at Tuckombil, Uralba and Alstonville where no archaeological sites were found. An archaeological assessment at Pierces Creek found no cultural heritage sites. The property owner reported a family anecdote of a 'black's camp' and stone axes being found by the original owner James Sneath about 1880. An extensive area (895 ha) of the Plateau adjacent to Wollongbar Village was assessed by Piper (2001) resulting in the finding of a stone axe on a rock sheet at the junction of two streams. Piper and Robins (2006) assessed 33 ha of a hill crest and slopes at McLeans Ridges without result for cultural heritage. Everick Heritage (2012) assessed an area of lower slopes of the Alstonville Plateau at East Lismore without result for Aboriginal archaeological heritage. Mid slopes of the Plateau proposed for subdivision at the Waterford Park development also returned a nil result for cultural heritage (Everick 2015a).

Fox (2008) in Ainsworth 2013 is reported to have assessed areas of Goonellabah and Macleans Ridges without locating "...any visible archaeology..." although consultation reconfirmed the potential Aboriginal use of the areas for transit purposes (Ainsworth 2013: 46). The Ainsworth 2013 report also refers to a report by Sciusco and Harrison "...that examined a 1 km stretch of pipeline and two pumping stations at Howard's Grass, immediately to the north of Lismore on the Wilson River as well as a 14 km stretch of pipeline running from Bexhill north through Corndale to Nightcap Water Treatment Plant at the Rock Creek Dam. Several potential landscape features were identified, but no items of Aboriginal Heritage were located during the survey..." (Ainsworth 2013: 45).

Ainsworth Heritage (2010) has conducted two cultural heritage assessments that included mid and lower slopes of the Plateau between Goonellabah and East Lismore. The Ainsworth assessment recorded a remarkable number of grinding bowls, stone arrangements, scarred trees, carved stones and stone funerary mounds. The veracity of a number of the sites as being of Aboriginal origin or intervention is open to question. Natural features or the result of land uses is a more likely explanation for a number of the purported Aboriginal sites. An Ainsworth 2013 study off Pineapple Road, an extensive area of spurs and side slopes on the western sides of the Plateau identified 12 PADS (Potential Archaeological Deposits) on the basis of the belief they are campsites on transit ridgelines, have views to the Wilson River floodplain and mythological sites in the Tweed Range. There was no archaeological evidence to support the conclusion of Potential Archaeological Deposits. The assessment also recorded a stone exhibiting flaking believed to be a quarry of Aboriginal origin (Ainsworth 2013: 49-52). A reassessment of the stone suggests the flaking is through natural causes and possibly additional mechanical damage.

Everick Heritage has assessed extensive areas of side slopes to the central Alstonville Plateau in relation to proposed land releases for residential subdivision. These include areas of Howards Grass (2015c), Lagoon Grass (2016a), Chilcotts Grass (2016c) and Richmond Hill (2016b). Each of these studies assessed former rain forested



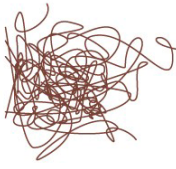
slopes without locating archaeological sites. Richmond Hill is by Aboriginal tradition a trackway between the Tucki Tucki area and Wilson River floodplain. Howards Grass and Lagoon Grass derive their names from clearings in the midst of otherwise forest that are believed to be focal points for Aboriginal occupation and resource gathering (Stubbs 2000).

Archaeological investigations by Mills in relation to the Alstonville Bypass were conducted at Maguires Creek and Kays Lane Interchange. PADs were identified leading to excavations by mechanical auguring at both sites. The Kays Lane PAD produced 5 stone flakes from 36 auger holes and the Maguires Creek PAD produced 4 flakes from a surface site. The nine artefacts were chert material (Mills 1998: 11-14).

At the northern extension of the Alstonville Plateau Navin Officer 2007, refers to the Craib (1997, 1999) examination of the section of the Pacific Highway from the Bangalow Bypass to St Helena Hill then to the Ewingsdale interchange for a proposed highway upgrade. In addition to the surface survey, a series of twenty geotechnical test trenches, situated between Ewingsdale and St Helena Hill, were monitored for the presence of subsurface cultural deposits. No Aboriginal sites were identified in the surveys or the geotechnical trenches. Craib concluded that the area had generally low Aboriginal archaeological cultural heritage potential (Navin and Officer 2007: 25).

The Navin and Officer (2007) survey of the Tintenbar to Ewingsdale Pacific Highway Upgrade identified one small scatter of two stone artefacts, two isolated finds and 36 PADs in a variety of landforms considered to have been used by Aboriginal people as campsites and transit areas. Thirteen of the 36 PADs were selected (on the basis of representativeness of landform and likely site type along the Project route) for further investigation through archaeological subsurface testing (Navin and Officer 2008). 106 test pits were excavated and a total of five stone artefacts were recovered, each from separate test pits. Two artefacts were found in two separate pits and one in one pit each. No artefacts were recovered from the other PADs tested and as a result these were determined not to be sites. The objects were assessed as being of low scientific significance. This was consistent with the conclusions made during the investigations in 2008. The investigation recommended that no further archaeological assessment was required within the Project corridor.

Converge (2012) conducted a cultural assessment over the North Lismore Plateau. Following the field assessment and consultation with Traditional Custodian informants, significant Aboriginal sites were recorded comprising water spring sites, an increase site or Djurbihl and the other a women's site associated with birthing practice (Converge 2012: 52). Non-Aboriginal sites included dry stone terracing, dry stone walls, spring cavities, farm building footings, mine shafts and a European grave (*ibid*: 60). Cultural heritage assessment at North Lismore Plateau is ongoing.



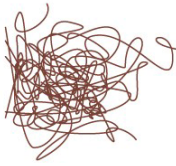
6.3 Aboriginal Sites and Features (Range and Nature)

There is little from previous assessments of the former forests of the Alstonville Plateau and North Lismore Plateau that would be of assistance in nominating a particular potential for one landform over another to contain physical evidence of prior Aboriginal occupation. That Aboriginal groups or individuals traversed these forests is undeniable. There has been a long tradition that Richmond Hill Road traverses a spur/ridgeline used in traditional times as a path between the Tucki Creek and Wilsons River systems. Similarly, it is tradition that ridgelines were used by groups in transit to camping places in the vicinity of the Tucki Tucki ceremonial area. The Project Area is quite removed from these localities and landscape features and therefore it is unlikely that the low broad ridgeline located within the area would have been used as a main transverse line. Rather it is more likely a Project Area, if used, was used on an intermittent basis for activities that leave little or no archaeological signature.

The range of possible archaeological sites in the Project Area is limited by both its limited range of Aboriginal uses and the impacts of later destructive European land uses. Therefore, sites such as burials, ceremonial, scarred/carved trees were excluded from the list of possible sites. The following types of sites were considered to have a low potential of occurring in the Project Area: quarry sites, artefact scatters and isolated artefacts.

Having consideration for the disturbance history and results of past assessments the following predictive statements summarise the potential for Aboriginal archaeological sites:

- Aboriginal Objects should they occur in the Project Area would consist of randomly scattered isolated stone artefacts but heavy grass cover will limit their detection. This prediction could apply to any location where traditional Aboriginal practices have been carried out but would be more likely on the plateau crest.
- Evidence of stone quarrying activity is possible but considered highly unlikely in the basalt geology. While basalt is procurable almost anywhere on the Alstonville Plateau and known as a raw material for stone artefacts, it has not been found in a quarried situation in the area. Suitable pebbles or pieces were probably collected opportunistically.



7. FIELD SURVEY: ABORIGINAL CULTURAL HERITAGE

7.1 Survey Team

The Project Area is within the area administered for Aboriginal cultural heritage purposes by the Ngulingah Local Aboriginal Land Council. A pedestrian archaeological survey for Aboriginal cultural heritage of the Project Area was undertaken by Senior Archaeologist Tim Hill and Archaeologist Pauline Fowler on 21 August 2017. A site inspection was undertaken by Jahmal Roberts Sites Officer of the Ngulingah LALC and Tim Hill of Everick Heritage, on 28 August 2017.

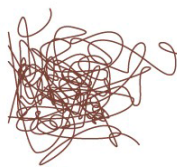
7.2 Assessment Methods

The archaeological field assessment was targeted at inspecting the areas which were considered to have increased archaeological potential based on the predictive model. The desktop predictive modelling (Section 6) suggests that to a limited degree, the greatest potential for Aboriginal archaeological sites in the Goonellabah/Alstonville locality are the level areas and rises on the plateau proper that is south of the Project Area and natural river levees in the Wilson River floodplain. Where distinct ridges provide potential access corridors between major features such as between the plateau and riverine lowlands, archaeological sites that reflect transitory use may exist.

The field assessment methods aimed to inspect exposed ground surfaces as conditions would allow; to record any archaeological material found and assess its significance; and assess the potential for concealed Aboriginal archaeological sites. The assessment also aims to establish if there are sites or areas of a non-archaeological nature significant to the Aboriginal community. At this stage of the assessment this is through consultation with Ngulingah LALC.

Archaeological features may include evidence of stone artefact scatters or individual artefacts, traces of bone (human and animal), shell deposits, scarred trees and ash-stained earth that might represent fireplaces. When artefacts are found their location was recorded with a GPS (using WSG84 datum), photographed and generally described. A note is made of artefact types and their numbers. General characteristics of the artefacts are noted including raw material type and condition including the degree of weathering and heat cracking. The length, width and thickness of a number of artefacts are recorded. Woodland areas with 'old growth' trees would be inspected for evidence of Aboriginal scarring due to bark removal or holes/notches cut into bark and tap wood. The details would be logged on standard OEH Site Recording Forms for registration with the OEH AHIMS.

Photographs were taken as a record of general features and conditions and to document the degree of surface visibility. Notes were made of the degree of surface visibility, the area of visibility, ground cover, land uses and any



other relevant features. A hand held GPS (WSG 84 datum) was used to record the extent of survey coverage except where fence lines, google and topographic mapping provided clear reference points. Mapping and plans used in this assessment were provided by Newton Denny Chapelle Pty Ltd and represent the level of information provided to Everick Heritage.

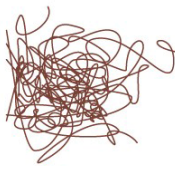
In addition to assessing the cultural heritage potential of the Project Area, the survey aimed to confirm the interpretation of the nature and degree of ground disturbance observed in historical aerial photographs and satellite imagery.

7.3 Survey Coverage

The following broadly describes the conditions for Aboriginal site detection in the Project Area. The Project Area is a generally a spur with moderately to gentle slopes eastward to the Lismore Airport. For purposes of description the Project Area is treated as three broad survey units corresponding with slope (Figure 4). The historical disturbances through land clearing and grazing are common to all survey units. A summary of the landscape features and broad disturbance types within each survey unit are listed in Table 1.

Table 1: Summary of Environment and Ground Disturbance for Survey Units.

Survey Unit	Environmental Description	Ground Disturbance Summary
Survey Unit 1	Area: ca 2.36 ha Upper slopes of Ridge crest Moderate northwards slop Closed grass covers. Residential development and introduced vegetation.	Land/rock clearing. Low intensity grazing, cut and fill, residential development.
Survey Unit 2	Area: ca 1.71 ha Broad ridge crest Slight northwards slope Closed grass covers, basalt stone and boulders,	Land/rock clearing, Low intensity grazing,
Survey Unit 3a	Area: ca 0.93ha Western side slope of ridge crest Moderate slope Closed grass covers	Land/rock clearing Low intensity grazing.
Survey Unit 3b	Area: ca 1.72ha Eastern side slope of ride crest Moderate to steep slope	Land/rock clearing, grazing, erosion



<i>Survey Unit</i>	<i>Environmental Description</i>	<i>Ground Disturbance Summary</i>
	Closed grass covers	

To achieve the most effective archaeological assessment a systematic ground survey of all exposed surfaces achieves the most effective coverage. However, in the Project Area the surface conditions rendered a systematic search impractical due to closed ground covers of either grasses or rock. Therefore, an opportunistic spot search of any exposed ground surfaces was the only means practically possible.

Table 2 presents information on the extent to which survey data provides sufficient evidence for an evaluation of the distribution of Aboriginal archaeological materials across the Project Area. The evaluation of survey coverage provides a measure of the effectiveness of the survey to reveal archaeological evidence. The calculations in Table 2 do not provide an exact percentage, but reasonable estimates.

Table 2: Survey Coverage.

Unit	Area (ha)	Exposure %	Visibility %	Effective coverage area (ha)	Effective coverage%	Sites Found
1	2.36	20	30	0.1416	6	0
2	1.71	10	30	0.0513	3	0
3a	0.93	5	10	0.00465	0.5	0
3b	1.72	5	10	0.0086	0.5	0

An area of approximately 6.7 ha was surveyed, the greater proportion of which is ridge crest or upper slope. The areas of ground surface visibility, and the subsequent proportion of the survey unit where site detection is possible, are low for archaeological assessments but common in this locality, where exposure percentages of less than 10% are the norm. The total area for site detection less than 6% of total area which in the heavily grassed pasturelands of this locality is usual for Aboriginal archaeological assessments.

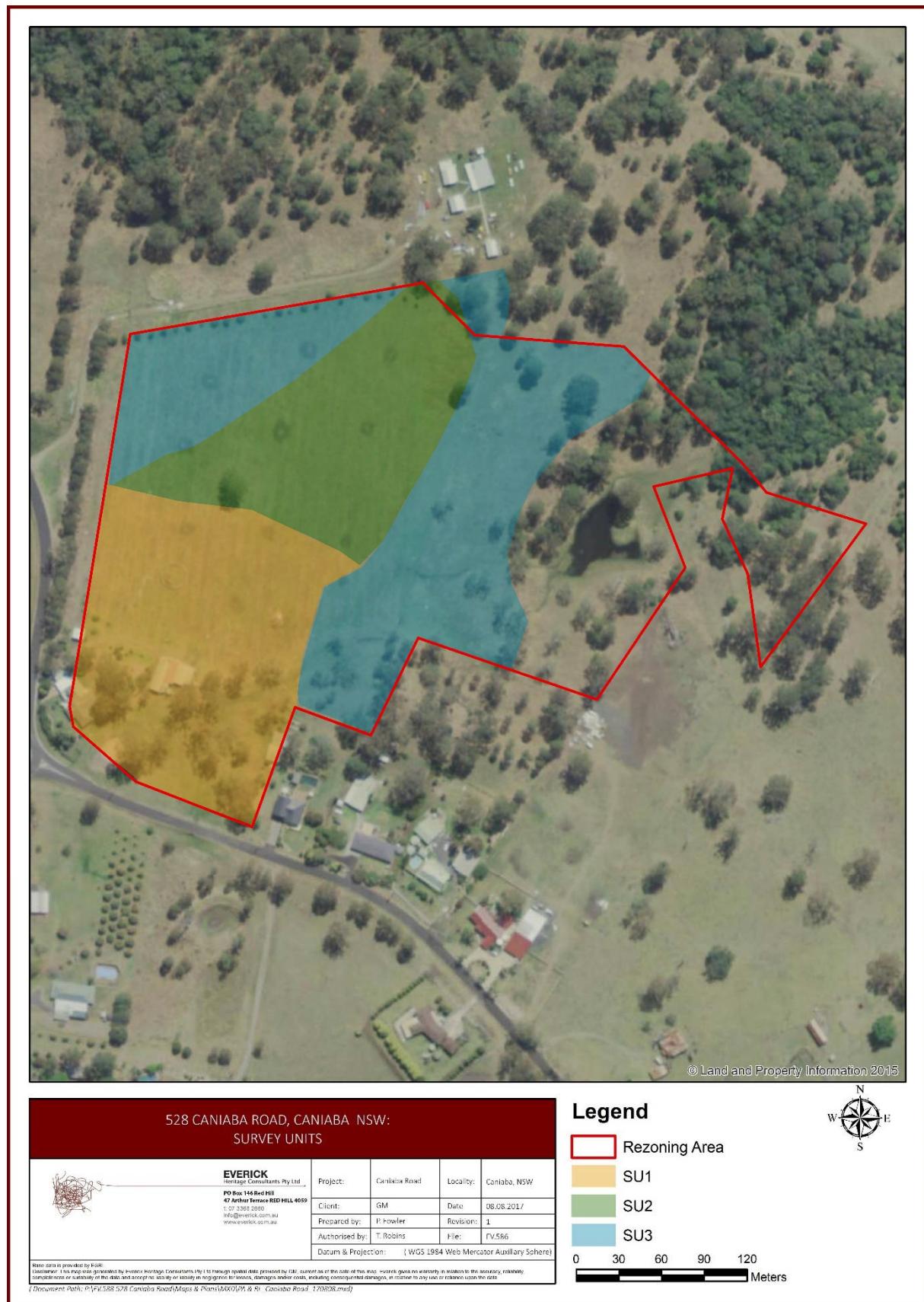
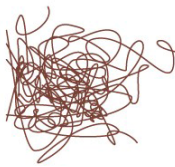


Figure 4: Survey Units.

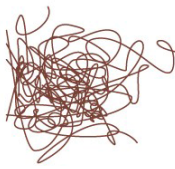


Figure 5: Survey Unit 1- Residential infrastructure.



Figure 6: Survey Unit 2- looking north, down broad ridge crest.

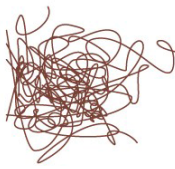


Figure 7: Survey Unit 3b - showing moderate-steep slope and dense grass cover.

8. RESULTS

As a result of the desktop study, the field inspection and consultation with Jamahl Roberts and John Roberts, the following conclusions were established:

- No Indigenous cultural heritage sites or relics were identified within the Project Area.
- No places with 'intangible' cultural heritage values were identified in the Project Area.
- No areas have been identified that are considered to contain potential archaeological deposits of significant Aboriginal heritage.
- All of the Project Area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.



9. RECOMMENDATIONS ABORIGINAL CULTURAL HERITAGE

Having regard to the archaeological potential of the Project Area, the following recommendations are cautionary in nature and considered sufficient for application in both planning proposal and development application stages.

Recommendation 1: Survey Unit 2

Having consideration for the outcomes of the field assessment and consultation with representatives of the Aboriginal community additional archaeological investigation is not required as the area has been cleared and sites are not known to occur within the immediate area. However, consideration should be given to the layout of future developments within this area to minimize ground disturbance as much as possible.

Recommendation 2: Aboriginal Objects Find Procedure

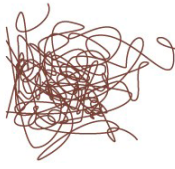
It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of development activities within the Project Area:

- a) work in the surrounding area is to stop immediately;
- b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)* (NSW).

Recommendation 3: Aboriginal Human Remains

Although it is unlikely that human remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The site should be cordoned off and the remains themselves should be left untouched. The nearest police station (Lismore), the Ngulingah LALC and the OEH Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the site for criminal activities, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal human remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

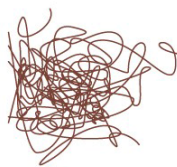


Recommendation 4: Notifying the OEH

It is recommended that if Aboriginal cultural material is uncovered as a result of development activities within the Project Area, they are to be registered as sites in the AHIMS database, managed by the OEH. Any management outcomes for the site will be included in the information provided to AHIMS.

Recommendation 5: Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal cultural heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal community.



10. REFERENCES

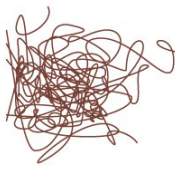
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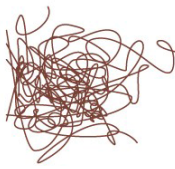


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APPENDIX A: CORRESPONDANCE WITH ABORIGINAL COMMUNITY

From: Tim Hill

Sent: Monday, 30 October 2017 9:11 AM

To: NgulingahReception@ngulingah.org.au

Cc: graham@gmproject.com.au; Pauline Fowler <p.fowler@everick.com.au>; Dave Edwards <Dave.Edwards@lismore.nsw.gov.au>

Subject: FW: Cultural Heritage Assessments - Review

Good Morning

We are hoping to progress the planning proposals for the following projects (below), and would like to include a written response from Ngulingah LALC (email will be fine). Could you please see attached the respective reports and if you wish to make comment, please do so by COB Monday 6 November. Please contact me via phone if you wish to discuss any of the projects in person- I will be travelling past Lismore a few times in the next week.

Ta

Tim Hill BA (Hons.)

Senior Archaeologist

EVERICK Heritage Consultants Pty Ltd

ABN 78102206682

PO Box 200

Coffs Harbour NSW 2450

Ph: 1300 124 356

Mob: 0422 309 822

Fax: (07) 3368 2440

Email: t.hill@everick.com.au

Web: www.everick.com.au

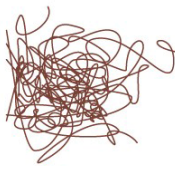


From: Tim Hill

Sent: Wednesday, 6 September 2017 10:30 AM

To: keshia.gordon@ngulingah.org.au

Subject: Confirmation of site survey work-related Jamahl Roberts



Hi Keisha

Please find this email as confirmation of Jamaal Roberts site survey work last monday morning.

This consisted of surveys at the following properties;

270 Dunoon Road

Cainaiba Road

East Lismore rezoning/ Whyralla

Northcote Road Goonelabah

Palmer Road McLeans Ridge.

Jamaal also assisted consultation with Uncle John Roberts.

The total time was 4 hours. Can you please contact Liz Martin for arrange invoicing.

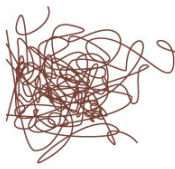
Sincerely

Tim Hill

Everick Heritage Consultants

0422309822

Sent from my SAMSUNG Galaxy S6 on the Telstra Mobile Network



APPENDIX B: AHIMS SEARCH RESULTS



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : EV588 Caniaba

Client Service ID : 294917

Everick Heritage Consultants Pty Ltd

Date: 08 August 2017

47 Arthur Tee

Red Hill Queensland 4059

Attention: Pauline Fowler

Email: p.fowler@everick.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 2, DP:DP1073973 with a Buffer of 1000 meters, conducted by Pauline Fowler on 08 August 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *