

7 February 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396
Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Noel Downs
WLALC
PO Box 127
Muswellbrook NSW 2333

MCH Reference: Information pack

Dear Noel,

RE: LOWER BELFORD 'STANDEN RIDGE' INFORMATION PACK

I would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you (as per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010). MCH did not receive your preferred option and as such are sending you the information pack.

As per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), please find enclosed an information pack that details the project, the roles and responsibilities of all parties, details of the proposed methodologies and maps showing the location and extent of the study area.

In addition to this, the purpose of the information pack is also to ensure all parties have an understanding of the project, critical time lines, that cultural knowledge is obtained from the appropriate individuals, any issues or concerns can be addressed, the methods of survey are agreed upon and the new guidelines are met.

In line with the DECCW requirements, we ask that you provide the required information **no later than 28 February 2011**. MCH have also included a selection of pro formes that ensure all the required information is obtained to meet the DECCW requirements. You may wish to utilise the forms attached for your convenience or use of your own forms are encouraged.

As stated in the DECCW requirements, where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register (such as LALC's), must nominate the contact person(s) who hold the traditional knowledge and provide written confirmation and contact details of this person or persons whom they represent.

Please note that failure to provide the required information by the date provided will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in blue ink, appearing to read 'Penny McCardle', with a long horizontal stroke extending to the right.

Penny McCardle
Principal Archaeologist

As per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), MCH would like to provide the following information in relation to the Archaeological investigation at Lower Belford for "Standen Ridge".

1 OVERVIEW

McCardle Cultural heritage has been commissioned by Belford Land Corporation P/L to undertake the archaeological assessments for the proposed rezoning of land referred to as "Standen Ridge".

The assessment will determine the potential impacts upon the indigenous cultural heritage within the development area. It is intended that any areas of indigenous cultural heritage value will be identified and appropriate management recommendations will be established through consultation with the registered Aboriginal parties.

1.1 STUDY AREA

The study area is defined by the proponent and is located approximately 5 kilometres west of Branxton. Situated along Standen Drive at Lower Belford the study area includes Lot 11, DP844443, 7 Part of Lot 12, DP1100005, Part of Lot 13, DP1100005, Part of Lot 6, DP237936, Lot 91, DP1138554, and Lot 92, DP1138554. The location and extent of the study area is illustrated in *Figure 1.1*.

1.2 OUTLINE OF THE PROJECT

1.2.1 Project outline

The project is only in the rezoning stage and as such there is no development or plans at this stage.

1.2.2 Impacts

The project is only in the rezoning stage and as such there is no development or impacts at this stage.

1.2.3 Critical archaeological timelines

The following Table indicates the timelines critical for the archaeological assessment. *However, please note that consultation time may increase or decrease depending on response times from the registered groups.*

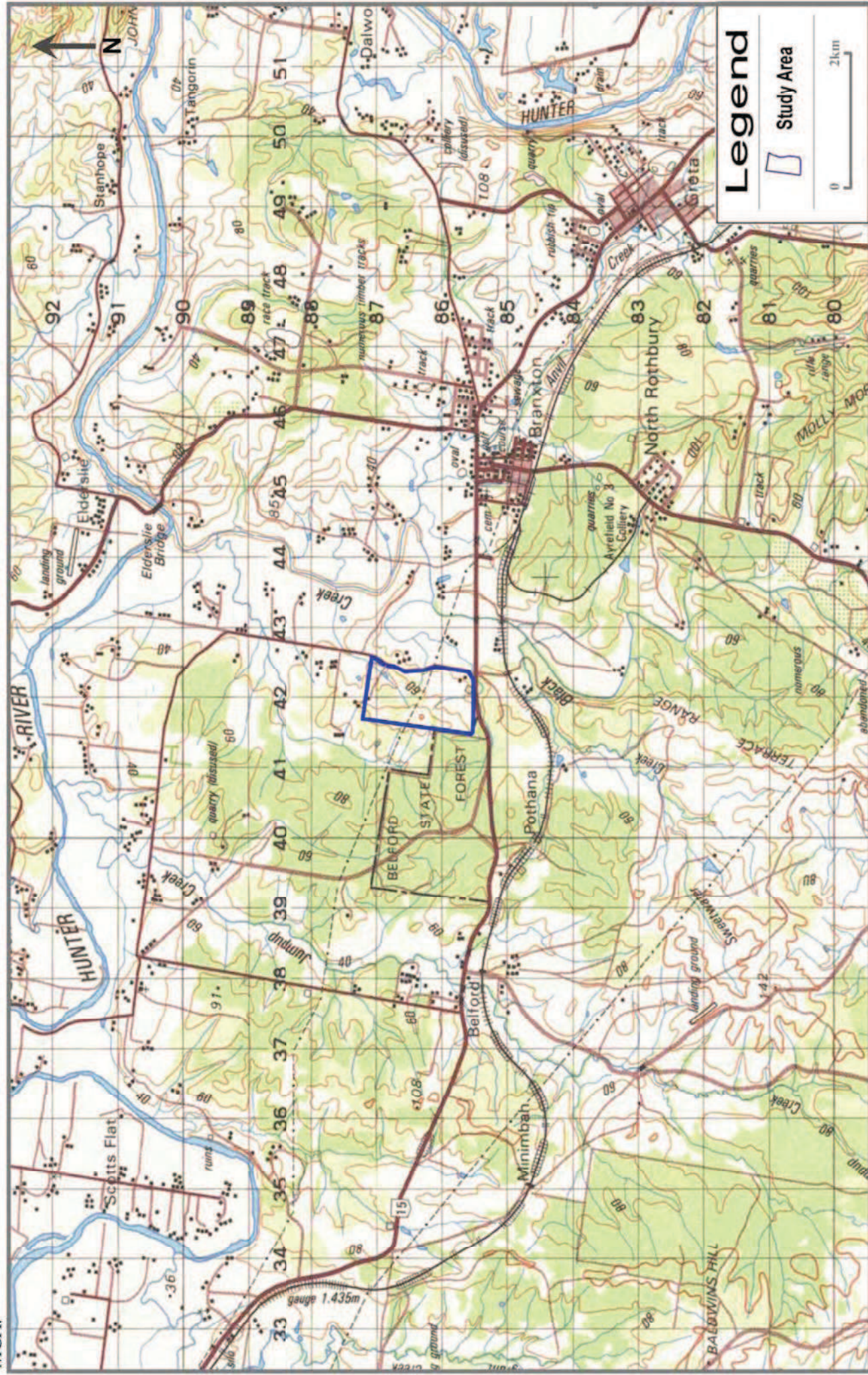


Figure 1.1 Regional Location of the Study Area

Table 1. Project schedule

Stages	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9
Stage 1: consultation									
Stage 2:survey									
Stage 3: reporting									
Stage 4: finalisation									

1.3

METHODS OF INVESTIGATION

There are two methods of investigation including the gathering of cultural significance knowledge and archaeological assessment. These are briefly outlined below.

Gathering of information of cultural significance

MCH and the proponent understand that unlike the written word, Aboriginal cultural knowledge is not static, but responds to change through absorbing new information and adapting to its implications. Aboriginal cultural knowledge is handed down through oral tradition (song, story, art, language and dance) from generation to generation, and preserves the relationship to the land (DECCW 2010).

Specific details and parts of cultural knowledge are usually held and maintained by individuals or within particular family groups. Although the broader community may be aware of the general features of that knowledge, it is not a common practice within Aboriginal society for detailed cultural knowledge to be known in the broader community or within Aboriginal community organisations. However, it at times it may be these organisations that defer to particular individuals or family groups as being the knowledge-holders of particular sets of cultural knowledge about places or the environment (DECCW 2010).

In some cases the information provided may be sensitive and MCH and the proponent will not share that information with all registered Aboriginal parties or others without the express permission of the individual.

MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. To this end, MCH and the proponent would like to extend an invitation to provide any cultural knowledge you have and any restrictions you would like to place on your information, as well as your preferred method of providing that information.

Archaeological assessment:

This entails an archaeological assessment of the proposed project area. It includes the gathering of both environmental and archaeological information to gain an understanding of the environment, disturbances and provide a predictive model for the proposed project area.

Following the completion of the survey, a report that includes detailed environmental and archaeological background, results, discussion, the cultural significance as determined by the registered Aboriginal parties and mitigation measures will be provided to all registered parties for their review. This will also include opportunities for the registered Aboriginal parties to provide feedback on any management or mitigation recommendations.

All registered parties will also be required to provide their own report/letter within a specified time and a copy of the final report will be provided to all parties.

1.3.1 Survey methodology

The entire study area will be surveyed on foot in transects of approximately 5-10 metres apart. This will ensure the entire study area has been covered and any evidence of past occupation, Potential Archaeological Deposits (PADs) and disturbances will be identified.

1.4 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES

The roles, responsibilities and functions of all parties are outlined below and is taken from DECCW (2010).

Department of Environment, Climate Change and Water (DECCW):

The Director General of DECCW is the decision-maker who decides to grant or refuse an Aboriginal Heritage Impact Permit (AHIP) application. If an AHIP is issued, conditions are usually attached and DECCW is responsible for ensuring the AHIP holder complies with those conditions. When considering an application under Part 6 of the NPW Act, the Director General will review the information provided by proponents in line with its internal policies and procedures to assess potential or actual harm to Aboriginal objects or places (DECCW, 2009).

The Environment Protection and Regulation Group (EPRG) of DECCW is responsible for administering the regulatory functions under Part 6 of the NPW Act.

DECCW expects that proponents and Aboriginal people should:

- be aware that Part 6 of the NPW Act establishes the Director General or delegate of DECCW as the decision-maker
- recognise that the Director General's (or delegates) decisions may not be consistent with the views of the Aboriginal community and/or the proponent. However, DECCW will take into account all relevant information it receives as part of its decision-making process.

Proponent:

All proponents operate within a commercial environment which includes:

- strict financial and management issues, priorities and deadlines
- the need to gain community support in order to secure any necessary approval/consent/licence/permit to operate
- the need for clearer processes and certainty of outcomes
- the need for suitable access to land for the purpose of their development project
- the need to work efficiently within the project's time, quality and cost planning and management parameters
- the need for culturally appropriate assessment findings relevant to their project.

Under these requirements, proponents should undertake the following:

- bring the registered Aboriginal parties or their nominated representatives together and be responsible for ensuring appropriate administration and management of the consultation process
- consider the cultural perspectives, views, knowledge and advice of the registered Aboriginal parties involved in the consultation process in assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s)
- provide evidence to DECCW of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the registered Aboriginal parties
- accurately record and clearly articulate all consultation findings in the final cultural heritage assessment report

Registered Aboriginal parties:

The interests and obligations of Aboriginal people relate to the protection of Aboriginal cultural heritage. It is only Aboriginal people who can determine who is accepted by their community as being authorised to speak for Country and its associated cultural heritage. Where there is a dispute about who speaks for Country, it is appropriate for Aboriginal people, not DECCW or the proponent, to resolve this dispute in a timely manner to enable effective consultation to proceed.

Aboriginal people who can provide information about cultural significance are, based on Aboriginal lore and customs, the traditional owners or custodians of the land that is the subject of the proposed project area. Traditional owners or custodians with appropriate cultural heritage knowledge necessary to make informed decisions who wish to register as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and customs
- recognise their responsibilities of their community, knowledge and obligations to protect and conserve their culture and heritage and to care for their traditional lands or country

- have the trust of their community, knowledge and understanding of their culture and permission to speak about it

The registered Aboriginal parties should undertake the following;

- ensure the appropriate cultural knowledge holder is providing the appropriate information
- uphold and respect the traditional rights, obligations and responsibilities of Aboriginal people within their own boundaries and not to infringe in other areas or Aboriginal people outside their own boundaries
- consider and provide the proponent the cultural perspectives, views, knowledge and advice during the consultation process, assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s)
- need to work efficiently within the project's time and provide feedback in a timely manner

Local Aboriginal land Councils:

The NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs) have statutory functions relevant to the protection of Aboriginal culture and heritage under the NSW Aboriginal Land Rights Act 1983. These requirements do not extend the role of NSWALC and LALCs in the significance assessment process. That is, these requirements do not provide NSWALC and/or LALCs any additional or specific decision-making role in the assessment of significance of Aboriginal object(s) and/or place(s) that are subject to an AHIP application under Part 6 of the NPW Act.

LALCs may choose to register an interest to be involved in the consultation process, or may assist registered Aboriginal parties to participate in the consultation process established by these requirements. In order to ensure effective consultation and the subsequent informed heritage assessment, LALCs are encouraged to identify and make contact with Aboriginal people who hold cultural knowledge in their area.

1.5

CONSULTATION NOT EMPLOYMENT

The following is taken from DECCW (2010).

Consultation with registered Aboriginal parties involves obtaining the views of, and information from, Aboriginal parties and reporting on these. It should not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring.

Aboriginal people may provide services to proponents through a contractual arrangement, however, this is separate from consultation. The proponent may reimburse Aboriginal people for any demonstrated reasonable out-of-pocket

expenses directly incurred in order to participate in the consultation process. A demonstrated reasonable expense would include documented loss of wages caused by the need to take time from paid employment to participate in meetings.

The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities (i.e. pay disputes) for Aboriginal people.

1.6

EMPLOYMENT

The proponent may engage a number of Aboriginal representatives from the registered parties (based on the size and nature of the project) to participate and assist in the fieldwork component of this project. If you would like to be considered for field work please answer the selection criteria attached and ensure you attach certificates of currency for the relevant insurances, CV(s), any certificates and references. MCH will then pass this information onto the proponent for their consideration to make the selection for fieldwork participants should they wish to do so.

MCH will ensure all Aboriginal parties are invited to participate in fieldwork, however paid participation is determined by the proponent.

1.7

FORMS

You will find a number of forms attached for your convenience. However, if you prefer to use your own please feel free to do so. Please ensure that these are either filled out in full or your own forms/letters answer all the questions and return to MCH no later than 28 January 2011.

Forms attached:

- 1) Register of cultural knowledge holder
- 2) Cultural significance
- 3) Comments on proposed methodology
- 4) Field work selection criteria

REGISTER OF CULTURAL KNOWLEDGE HOLDER

Lower Belford (Standen Ridge)

MCH and the proponent would like to facilitate a process whereby all registered Aboriginal parties are provided the opportunity to contribute to culturally appropriate information gathering, provide information that will enable the cultural significance of Aboriginal sites/places on the project area to be determined, and have input into the development of any cultural heritage management options. To enable this to occur, it is necessary to consult with the cultural knowledge holder(s).

To this end, as per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are required to provide details of the individual(s) who hold cultural knowledge (according to traditional lore) relevant to the project area. If your groups has no knowledge holders, this is important information too.

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form. However, should you wish to use this form, please complete the appropriate box, sign and return to MCH, (Fax: 4952 5501).

Please fill in the following information for cultural knowledge holder(s). If there are more than three in your organisation please feel free to attach another sheet. If there are no knowledge holders in your group please send back blank.

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

Name: _____

Address: _____

Phone: _____ Mobile: _____

Fax: _____ E-mail: _____

CULTURAL SIGNIFICANCE

Lower Belford (Standen Ridge)

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete the appropriate box, sign and return to MCH, (Fax: 4952 5501).

As per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the proponent seeks information on the following:

1) are there Aboriginal objects of cultural value in the proposed project area?

2) Are there Aboriginal places of cultural value to the Aboriginal people in the area of the proposed project? This may include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance.

3) Is there any other cultural information in relation to the proposed project area?

4) MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. Please provide your preferred method of providing detailed information on the above (e.g. written, verbal, this form) and any restrictions you would like to place on your information.

COMMENTS ON PROPOSED METHODOLOGY

Lower Belford (Standen Ridge)

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete the appropriate box, sign and return to MCH (Fax: 4952 5501).

I, _____ (*please insert your name*) of _____ (*please insert the name of your group*), **agree to the methodology** outlined by MCH in relation to the proposed project.

Additional comments:

Signed: _____ Date: _____

Position within organisation: _____

I, _____ (*please insert your name*) of _____ (*please insert the name of your group*), **do not agree to the methodology** outlined by MCH in relation to the proposed Project for the following reasons (*please explain your reasons for disagreeing*):

I would like to suggest the following (please provide your reasoning): _____

Signed: _____ Date: _____

Position within organisation: _____

ABORIGINAL COMMUNITY SELECTION CRITERIA FOR FIELDWORK

Lower Belford (Standen Ridge)

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete and return to MCH (Fax: 4952 5501).

Ability to assist in communicating the results of the fieldwork back to the registered Aboriginal parties for the assessment of cultural significance and returning advice on their response to MCH.

Please provide details on your ability to discuss results of field work, ability to effectively provide a cultural heritage report in an appropriate time frame.

Experience in field

Please nominate at least two individuals who will be available and fit for work (physically able to undertake field work) who may participate in the field work and their relevant experience (please attach CV's, certificates and references)

Name	
Experience	
Name	
Experience	

Price Per person (experienced person)	
Hour	\$ inc GST & travel
Half day	\$ inc GST & travel
Full day	\$ inc GST & travel
Price Per person (inexperienced/trainee)	
Hour	\$ inc GST & travel
Half day	\$ inc GST & travel
Full day	\$ inc GST & travel
Please note that the actual rate of pay for field work may or may not be your preferred rates, this is dependant on the set development budget.	

Insurances	
Public Liability	Expiry date: (attach certificate of currency)
Worker Compensation	Expiry date: : (attach certificate of currency)
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork.	

Occupational Health & Safety (OH&S)
All participants are required to comply with MCH and the proponents OH&S requirements. This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements. Failure to comply will prevent you from participating in the field work.

Penny McCardle

From: cacatua@resetdsl.net.au
Sent: Monday, 14 February 2011 3:11 PM
To: Penny McCardle
Subject: Lower Belford 'Standen Ridge'

Attachments: WComp 2011.jpg; Public Liability.jpg



WComp 2011.jpg
(10 KB)



Public Liability.jpg
(852 KB)

Penny,

Thank you for your letter/information pack with regards to Lower Belford 'Standen Ridge'.
We support the information pack methodology.

As for the criteria for field work. We are trained in the identification of Artefact by the National Parks and Wildlife. and are more than able to undertake the work you are asking for.
Attached is copies of our Insurances.

Our rates are \$75.00 inc GST per hour or part there of. We do not charge travel.

Thank you
Donna Sampson
Admin
CCC

Penny McCardle

From: Wanaruah Local Aboriginal Land Council [wanaruah@bigpond.net.au]
Sent: Monday, 28 February 2011 5:53 PM
To: 'Penny McCardle'
Subject: Lower Belford Standen Ridge.

MCH
P.O. Box 166
Adamstown NSW 2289

Re: Lower Belford Standen Ridge.

Dear Penny,

Thank you for this opportunity to comment. The area is of great cultural significance being near resource rich permanent water and shelter, it is also part of the song line between the Hunter and the coast. The general area has numerous know sites, and is within easy walking distance to a number of significant areas. The area is also within easy walking distance of a teaching tree.

Further to that only a few hundred meters away from the area in question, situated on the Black creek flood plain is a large (and Very significant) site of possibly Pleistocene age. The extent of the site is unknown as most of the area is in private hands and has not been studied. It is possible that it follows the length of Black creek to the Hunter River.

On the other side of the ridge it extends east to Jump Up Creek. This area also shows evidence of regular use by Aboriginal People over an extended period.

Wanaruah Local Aboriginal Land Council agrees with the initial survey methodology and would like to be part of it. Once we have had a chance to consider what is found we will be better placed to comment on any further requirements and/ or study that may need to be done.

Thank you

Noel Downs
CEO

5/03/2011

REGISTER OF CULTURAL KNOWLEDGE HOLDER

Lower Belford (Standen Ridge)

MCH and the proponent would like to facilitate a process whereby all registered Aboriginal parties are provided the opportunity to contribute to culturally appropriate information gathering, provide information that will enable the cultural significance of Aboriginal sites/places on the project area to be determined, and have input into the development of any cultural heritage management options. To enable this to occur, it is necessary to consult with the cultural knowledge holder(s).

To this end, as per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are required to provide details of the individual(s) who hold cultural knowledge (according to traditional lore) relevant to the project area. If your groups has no knowledge holders, this is important information too.

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form. However, should you wish to use this form, please complete the appropriate box, sign and return to MCH, (Fax: 4952 5501).

Please fill in the following information for cultural knowledge holder(s). If there are more than three in your organisation please feel free to attach another sheet. If there are no knowledge holders in your group please send back blank.

Name: Allan Paget

Address: 26 George Street, Singleton, 2330

Phone: 6571 5111

Mobile: _____

Fax: 6571 5777

E-mail: admin@ungooroo.com

Name: Jahlene Hall

Address: 26 George Street, Singleton, 2330

Phone: 6571 5111

Mobile: _____

Fax: 6571 5777

E-mail: admin@ungooroo.com.au

Name: Diedre Perkins

Address: 26 George Street, Singleton, 2330

Phone: 6571 5111

Mobile: _____

Fax: 6571 5777

E-mail: admin@ungooroo.com.au

COMMENTS ON PROPOSED METHODOLOGY

Lower Belford (Standen Ridge)

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete the appropriate box, sign and return to MCH (Fax: 4952 5501).

I, Allan Paget (please insert your name) of Ungooroo Aboriginal Corporation (please insert the name of your group), agree to the methodology outlined by MCH in relation to the proposed project.

Additional comments:

Signed: Allan Paget

Date: 14/2/11

Position within organisation: Chair person

I, _____ (please insert your name) of _____ (please insert the name of your group), do not agree to the methodology outlined by MCH in relation to the proposed Project for the following reasons (please explain your reasons for disagreeing):

I would like to suggest the following (please provide your reasoning):

Signed: _____

Date: _____

Position within organisation: _____

Price Per person (experienced person)	
Hour	\$ 68 inc GST & travel
Half day	\$ 330 inc GST & travel
Full day	\$ 660 inc GST & travel
Price Per person (inexperienced/trainee)	
Hour	\$ inc GST & travel
Half day	\$ inc GST & travel
Full day	\$ inc GST & travel
Please note that the actual rate of pay for field work may or may not be your preferred rates, this is dependant on the set development budget.	

Insurances		<i>Please refer to attachments.</i>
Public Liability	Expiry date:	(attach certificate of currency)
Worker Compensation	Expiry date: :	(attach certificate of currency)
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork.		

Occupational Health & Safety (OH&S)
All participants are required to comply with MCH and the proponents OH&S requirements. This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements.
Failure to comply will prevent you from participating in the field work.

7 February 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396

Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Rhonda Ward
Ungooroo Cultural & Community Services Inc.
8 Blacland Ave
Singleton NSW 2330

MCH Reference: Survey Invitation

Dear Rhonda,

RE: MURRAYS RISE FORMERLY KNOWN AS STANDEN RIDGE LOWER BELFORD

Thank you for registering your interest in the Indigenous archaeological assessment at Lower Belford. Please note that the project is now called "Murrays Rise" and will be referred to as such in all future correspondances if you could also do the same.

Belford Land Corporation (BLC) has received a number of applications and after careful consideration we would like to advise that your application for paid participation has been successful.

McCardle Cultural Heritage would like to organise the survey for the Murrays Rise project for the 18 March 2011 starting at 8am on site (cnr of the new England Highway and Standen Drive). We anticipate work will be complete within 1 day, however, please be advised this time may change.

Payment

The rate of pay will be \$65.00 per actual hours worked by one representative of your group. This amount includes GST, travel and all other costs. Payment will be within 28 days of receipt of a correct invoice and your cultural heritage report.

Please note that payment rates have been determined by the proponent and are based on the project budget.

OH&S Requirements

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability.

Field representatives participating in the survey will be required to wear covered shoes, long pants and long shirt (hi-visibility) with appropriate sun protection including hat. It is recommended that participants bring adequate amounts of food and water for the day.

Community Involvement

We will require from your group your cultural heritage report and invoice within 28 days of receiving the draft report from MCH.

BLC and MCH wishes reiterate its intent to positively engaging with the local Aboriginal community. In this spirit we have extended an invitation to other registered applicants to attend the survey.

If you accept the terms outlined in this letter please sign below and return to McCardle Cultural Heritage. **Participation in the program is dependant on the receipt of this signed letter and insurance details.**

Should you have any questions regarding these terms and conditions please contact Penny McCardle on 0412 702 396.

For more information about the project please contact Daniel Golenia, BLC on 6577 3077.

We look forward to working with you on this project,

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

I _____ of _____ agree to the
above terms of engagement for the Murrays Rise.

Signed: _____ Date _____

7 February 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396

Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Allan Paget
Ungooroo Aboriginal Corporation
PO Box 3095
Singleton NSW 2330

MCH Reference: Survey Invitation

Dear Allan,

RE: MURRAYS RISE FORMERLY KNOWN AS STANDEN RIDGE LOWER BELFORD

Thank you for registering your interest in the Indigenous archaeological assessment at Lower Belford. Please note that the project is now called "Murrays Rise" and will be referred to as such in all future correspondances if you could also do the same.

Belford Land Corporation (BLC) has received a number of applications and after careful consideration we would like to advise that your application for paid participation has been successful.

McCardle Cultural Heritage would like to organise the survey for the Murrays Rise project for the 18 March 2011 starting at 8am on site (cnr of the new England Highway and Standen Drive). We anticipate work will be complete within 1 day, however, please be advised this time may change.

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BLC and MCH wishes reiterate its intent to positively engaging with the local Aboriginal community. In this spirit we have extended an invitation to other registered applicants to attend the survey.

If you accept the terms outlined in this letter please sign below and return to McCardle Cultural Heritage. **Participation in the program is dependant on the receipt of this signed letter and insurance details.**

Should you have any questions regarding these terms and conditions please contact Penny McCardle on 0412 702 396.

For more information about the project please contact Daniel Golenia, BLC on 6577 3077.

We look forward to working with you on this project,

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

I _____ of _____ agree to the
above terms of engagement for the Murrays Rise.

Signed: _____ Date _____

7 February 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396

Fax: 4952 5501

Email: mcheritage@iprimus.com.au

George Sampson
Cacutua Cultural Consultants
22 Ibis Pde
Woodberry NSW 2322

MCH Reference: Survey Invitation

Dear Donna,

**RE: MURRAYS RISE FORMERLY KNOWN AS STANDEN RIDGE LOWER
BELFORD**

Thank you for registering your interesting in the Indigenous archaeological assessment at Lower Belford. Please note that the project is now called "Murrays Rise" and will be referred to as such in all future correspondances if you could also do the same.

Belford Land Corporation (BLC) has received a number of applications and after careful consideration we regret to advise that your application for paid participation has been unsuccessful.

We do appreciate the time taken to submit an application and wish to reconfirm our intention to positively engage with the local Aboriginal community.

In this spirit, if you wish to still participate in the survey (18 March 2011, 8am on site) on an unpaid basis, or be kept up-to-date on the progress of the survey, please contact Penny McCardle. Please note that if you intend to participate in the site survey then:

- Before commencement you must notify MCH for access arrangements and notification and provide MCH with a Certificate of Currency for Workers Compensation and Public Liability insurance; and
- All field participants must wear covered shoes, long pants and long shirt (hi-visibility) with appropriate sun protection including hat. It is recommended that participants bring adequate amounts of food and water for the day.

Following the completion of the survey, a draft copy of the assessment will be made available to you for comment. Should you have any further questions, please do not hesitate to contact Penny McCardle on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

7 February 2011



*McCardle Cultural
Heritage Pty Ltd*

Noel Downs
WLALC
PO Box 127
Muswellbrook NSW 2333

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

MCH Reference: Survey Invitation

Dear Noel,

**RE: MURRAYS RISE FORMERLY KNOWN AS STANDEN RIDGE LOWER
BELFORD**

Thank you for registering your interesting in the Indigenous archaeological assessment at Lower Belford. Please note that the project is now called "Murrays Rise" and will be referred to as such in all future correspondances if you could also do the same.

Belford Land Corporation (BLC) has received a number of applications and after careful consideration we regret to advise that your application for paid participation has been unsuccessful.

We do appreciate the time taken to submit an application and wish to reconfirm our intention to positively engage with the local Aboriginal community.

In this spirit, if you wish to still participate in the survey (18 March 2011, 8am on site) on an unpaid basis, or be kept up-to-date on the progress of the survey, please contact Penny McCardle. Please note that if you intend to participate in the site survey then:

- Before commencement you must notify MCH for access arrangements and notification and provide MCH with a Certificate of Currency for Workers Compensation and Public Liability insurance; and
- All field participants must wear covered shoes, long pants and long shirt (hi-visibility) with appropriate sun protection including hat. It is recommended that participants bring adequate amounts of food and water for the day.

Following the completion of the survey, a draft copy of the assessment will be made available to you for comment. Should you have any further questions, please do not hesitate to contact Penny McCardle on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

12 April 2011



*McCardle Cultural
Heritage Pty Ltd*

Rhonda Ward
Ungooroo Cultural & Community Services Inc.
8 Blacland Ave
Singleton NSW 2330

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

MCH Reference: Draft report to registered stakeholders

Dear Rhonda,

RE: LOWER BELFORD 'STANDEN RIDGE' DRAFT REPORT

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Your cultural significance assessment and report/letter is important as the project will benefit from your knowledge and comments. MCH would like to opportunity to include the cultural significance in the report to ensure both the scientific and cultural components are included to provide a bigger picture of the cultural landscape.

Additionally, any concerns you may have are also important and we would like the opportunity to address any concerns you may have.

In line with the DECCW requirements, we ask that you provide your comments, concerns and cultural significance report **no later than 9 May 2011**.

If you do not wish to provide any comments, report or letters, please notify MCH as soon as possible (even just a quick phone call or txt message) to ensure we do not keep sending reminders and requests for your response as this is both time consuming and may become bothersome to you.

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Penny McCardle
Principal Archaeologist

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12 April 2011

Noel Downs
WLALC
PO Box 127
Muswellbrook NSW 2333



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Penny McCardle
Principal Archaeologist

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4 May 2011



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MCH Reference: Final report to registered stakeholders

Dear Rhonda,

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If you wish to provide any comments or your letter/report please do so and I will forward it onto the proponent and OEH.

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Penny McCardle
Principal Archaeologist

9 May 2011



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ABN 33 251 730 169

PH: (02) 6543 1288
(02) 6543 1962
FAX: (02) 6542 5377
EMAIL: wanarua@bigpond.net.au

15 June 2011

Ms P McCardle
McCardle Cultural Heritage Pty Ltd
PO Box 166
ADAMSTOWN NSW 2289
(Sent by fax: 4952 5501)

Dear Penny

RE: DRAFT PROPOSED SUBDIVISION: 'MURRAY'S RISE' AT LOWER BELFORD, NSW

Thank you for the opportunity to comment on the above draft report.

This letter from the Wanarua LALC does not express the views of any other Aboriginal stakeholder group or groups (whether their representatives are members of the LALC or not) who have chosen to speak in their own right. The comments provided are considered appropriate under Clause No. 42(4) (a) and (b) of the Aboriginal Land Rights Act (1983) (and its amendments) in relation to the role of the LALC in the protection and the promotion of awareness in the community of culture and heritage for Aboriginal people within its boundary.

Once again, it seems very interesting how McCardle Heritage have managed to undertake an Aboriginal Archaeological Impact Assessment (as opposed to a due diligence study) without the assistance and input of the Aboriginal people.

Having read the draft review the Wanarua LALC continues to have issues with your interpretation of the methodologies for consultation under the OEH (former DECCW) Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the OEH Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW and the OEH Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales.

The LALC provided you with a letter stating that we wished to be consulted and also to participate in the above project along with 4 other groups. It is stated in Section 2.2



of your draft report stated that the information pack 'asked the registered groups to provide a CV ... to pass onto the client'. The LALC believes requesting this type of information is disrespectful to Aboriginal people who hold cultural knowledge of their country and is seen to suggest an elimination process from decision making and only acceptable to work in the field in a voluntary capacity. How do you think the Aboriginal community feels?

The more mature cultural heritage fieldworkers working in the Upper Hunter hold survey skills and knowledge of cultural values which have been handed down through their families and heritage fieldwork experience provided over many years, passionately for the protection and conservation of their countries' Aboriginal heritage.

It is only recently that TAFE, university and National Parks training has been made available to them and their children who are learning or who are yet to learn, their ancestry. Who are you to judge who is skilled enough to undertake the fieldwork and to discuss management outcomes for the protection of Aboriginal cultural heritage without their input? Tell me, how do people get the experience and knowledge of the workings of the scientific archaeology methods and techniques, as well as in-hand awareness of Aboriginal prehistory of their country, without the opportunity of acquiring this knowledge with the assistance of academic specialists of your caliber and undertaking this, in the field?

Once again, we do not believe that the OEH Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales requires proof of experience and qualifications from the participants in cultural heritage fieldwork and land assessment management options. This practice should not be used for the selection or rejection of participants who have expressed an interest in being involved in the project and we suggest that for future projects you use a progressive rostering system when working in the Upper Hunter, to give everyone the opportunity to work with you and to learn from you, and you to learn about the traditional and contemporary culture from them?

Under the Aboriginal Land Rights Act (1983) it is unsatisfactory that at least, the Wanaruah LALC was not represented in your fieldwork assessment, considering its role in the protection of culture and heritage for Aboriginal people within its boundary.

Although the Wanaruah LALC has reservations about the consultation process for this project, the LALC recommends that:

- when a development plan is submitted to Council for assessment, a copy is to be forwarded to the Land Council for discussion with other Aboriginal stakeholders as to the adequacy of this initial study and the potential impacts on sites that may still be present on this 'moderately' disturbed property;
- should any ground disturbance be proposed within the 'study area' including fence post removal, clearing of vegetation, grading, excavations, trenching etc., monitoring by a representative of the Wanaruah LALC will be required following the removal of the grass surface at each stage of the development

prior to any work commencing. This is to ensure that no potential artefacts or sites that may be present will be impacted; and

- in the event that stone artefacts or considerable bone material are unearthed/disturbed during the civil work operations, work must cease immediately in the affected area and the Wanarua LALC (phone 6543 1288) and Sarah Paddington at OEH Coff's Harbour (phone 6659 8226) be contacted straight away to assess the site and any impacts. Work must not commence in that area until management actions have been implemented and permission has been given to proceed.

Thank you once again for the opportunity to review this draft report.

Kind regards



Suzie Worth
Indigenous Archaeologist
Wanarua Local Aboriginal Land Council

Copy to: Sarah Paddington, OEH
Singleton Council

12 April 2011



*McCardle Cultural
Heritage Pty Ltd*

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Dear Noel,

RE: LOWER BELFORD 'STANDEN RIDGE' DRAFT REPORT

Please find attached a copy of the draft report for the above named project for your review.

Your cultural significance assessment and report/letter is important as the project will benefit from your knowledge and comments. MCH would like to opportunity to include the cultural significance in the report to ensure both the scientific and cultural components are included to provide a bigger picture of the cultural landscape.

Additionally, any concerns you may have are also important and we would like the opportunity to address any concerns you may have.

In line with the DECCW requirements, we ask that you provide your comments, concerns and cultural significance report **no later than 9 May 2011**.

If you do not wish to provide any comments, report or letters, please notify MCH as soon as possible (even just a quick phone call or txt message) to ensure we do not keep sending reminders and requests for your response as this is both time consuming and may become bothersome to you.

Please note that failure to provide the required information by the date provided will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

26 April 2011



*McCardle Cultural
Heritage Pty Ltd*

Rhonda Ward
Ungooroo Cultural & Community Services Inc.
8 Blacland Ave
Singleton NSW 2330

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

MCH Reference: Draft report to registered stakeholders Reminder 1

Dear Rhonda,

RE: LOWER BELFORD 'MURRAYS RISE' DRAFT REPORT

MCH sent you a copy of the draft report for the above named project on 12 April 2011 and requested your cultural significance assessment and report/letter no later than 9 May 2011. This is reminder that in line with the OEH (formerly DECCW) requirements, we ask that you provide your comments, concerns and cultural significance report **no later than 9 May 2011**.

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

26 April 2011



*McCardle Cultural
Heritage Pty Ltd*

George Sampson
Cacutua Cultural Consultants
22 Ibis Pde
Woodberry NSW 2322

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
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MCH Reference: Draft report to registered stakeholders Reminder 1

Dear George,

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

26 April 2011



*McCardle Cultural
Heritage Pty Ltd*

Alan Paget
Ungooroo Aboriginal Corporation
PO Box 3095
Singleton NSW 2330

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
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Email: mcheritage@iprimus.com.au

MCH Reference: Draft report to registered stakeholders Reminder 1

Dear Alan,

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

26 April 2011



*McCardle Cultural
Heritage Pty Ltd*

Noel Downs
WLALC
PO Box 127
Muswellbrook NSW 2333

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

MCH Reference: Draft report to registered stakeholders Reminder 1

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

4 May 2011



*McCardle Cultural
Heritage Pty Ltd*

Rhonda Ward
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8 Blacland Ave
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PO Box 166
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MCH Reference: Draft report to registered stakeholders Reminder 2

Dear Rhonda,

RE: LOWER BELFORD 'MURRAYS RISE' DRAFT REPORT

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for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

4 May 2011



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Dear George,

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Yours sincerely,
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Penny McCardle
Principal Archaeologist

4 May 2011



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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

4 May 2011



*McCardle Cultural
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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

9 May 2011



*McCardle Cultural
Heritage Pty Ltd*

Rhonda Ward
Ungooroo Cultural & Community Services Inc.
8 Blacland Ave
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PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

MCH Reference: Final report to registered stakeholders

Dear Rhonda,

RE: LOWER BELFORD 'MURRAYS RISE' REPORT

Please find enclosed a copy of the final report for the above named project.

If you wish to provide any comments or your letter/report please do so and I will forward it onto the proponent and OEH.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

9 May 2011



*McCardle Cultural
Heritage Pty Ltd*

George Sampson
Cacutua Cultural Consultants
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If you wish to provide any comments or your letter/report please do so and I will forward it onto the proponent and OEH.

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for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

9 May 2011



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If you wish to provide any comments or your letter/report please do so and I will forward it onto the proponent and OEH.

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for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

9 May 2011



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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist

15 August 2011



**McCardle Cultural
Heritage Pty Ltd**

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ADAMSTOWN NSW 2289

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Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Suzie Worth
WLALC
PO Box 127
Muswellbrook NSW 2333

MCH Reference: Response to WLALC letter dated 16 June 2011

Dear Suzie,

RE: LOWER BELFORD

MCH received your letter dated 16 June 2011 from our client on 11 August 2011 who had first received it from Council on 10 August 2011 but did not receive it from WLALC. This is the reason MCH had not responded previously.

The following are the issues raised by WLALC and MCH's response;

- 1) that the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the Due Diligence Code of Practice for the protection of Aboriginal Objects in New South Wales were not followed by MCH.

This is refuted based on the evidence. Table 1 (below) summarises the consultation within WLALC and all correspondences are provided in the report and are also attached.

Table 1. Consultation with WLALC

Requirements	Consultation with WLALC	WLALC response
Stage 1 - Notification of the project proposal and registration of interest	11 January 2011: letter to WLALC asking for a list of groups who MCH should consult with to no later than 21 January 2011.	19 January 2011: supplied MCH with a list of 31 groups & registered their interest in the project.
	21 January 2011: letter to WLALC (and all groups) asking if they would like to register, to do so by 3 March 2011 and asked to nominate their preferred option of receiving the information pack (Stage 2), meeting, mail, fax or email.	No response from WLALC
Stage 2 - Presentation of information about the proposed project	7 February 2011: As no group requested a meeting, including WLALC, the information packs were mailed to the registered groups. The information packs contained all the required information and maps	28 February 2011: agreed with the methodology of consultation, knowledge gathering and survey. Also states the area is highly significant (see Annex A).
Stage 3 -Gathering information about cultural significance	Stage 2 also requested the groups to nominate the way in which they would like to share the cultural knowledge or the gathering of knowledge.	WLALC did not respond to this request
Survey	7 January 2011: MCH invited all groups to participate in the survey on 18 March 2011 starting at 8am on site and asked for a copy of the relevant insurances.	No one attended, MCH tried calling registered groups. WLALC did not answer. As all groups were invited and no one cancelled or asked to rearrange the survey, MCH proceeded to ensure the project was not delayed.

Stage 4 – Review of draft cultural heritage assessment report	12 April 2011: MCH mailed all groups a copy of the draft report asking for their letter/report no later than 9 May 2011, it was also stated that failure to provide the required information by the date would result in a missed opportunity to contribute to their cultural heritage and the project will proceed.	No response from WLALC
	26 April 2011: MCH sent all groups a reminder letter asking for their letter/ response no later than 9 May 2011, it was also stated that failure to provide the required information by the date would result in a missed opportunity to contribute to their cultural heritage and the project will proceed.	No response from WLALC
	4 May 2011: MCH sent all groups a reminder letter asking for their letter/ response no later than 9 May 2011, it was also stated that failure to provide the required information by the date would result in a missed opportunity to contribute to their cultural heritage and the project will proceed.	No response from WLALC
Final report	9 May 2011: MCH sent all groups a copy of the final report for their records.	No response from WLALC
	15 June 2011: WLALC sent a letter to MCH (not received by MCH) raising concerns in relation to consultation.	

- 2) that MCH undertook an Aboriginal Archaeological Impact Assessment not a Due diligence study and without the assistance or input from the Aboriginal community.

This is also refuted based on the evidence in Table 1 and the attached documentation that shows full Due diligence and full consultation was undertaken.

- 3) that WLALC provided MCH with a letter stating WLALC wished to be consulted and participate in the project.

MCH did receive this letter and as shown in Table 1 and attached documentation, MCH has attempted on numerous occasions to consult with and have asked for WLALC's participation throughout the project. It has been WLALC's choice not to respond to correspondences or participate in the assessment.

- 4) the information pack asking for a CV to provide to the proponent to assist them in the selection process for paid or unpaid work WLALC find disrespectful.

This concern was not raised until nearly 5 weeks after the completion of the project not during the project. As WLALC are well aware, MCH do not select if or who is paid to participate in the assessment as it is determined by the proponent and the only information they can go on is what is provided by the registered Aboriginal groups if they wish to provide something. As MCH are now aware that WLALC find this process insulting, we apologise and would like to ask you how you would prefer proponents select if and who is paid to participate for future projects.

- 5) unexperienced people do not have the opportunity for people to learn from academic specialists.

WLALC were invited to participate and are well informed that any groups can send as many people as they wish, it was WLALC choice not to attend the survey or participate in the assessment.

- 6) the practice of selecting and rejecting participants in paid services for survey who have expressed an interest should be replaced by a progressive roster system.

MCH have never, nor will we get involved in issues of pay. Pay and roster systems have nothing to do with the consultation, it is a separate matter all together that is between the proponent and the individual groups.

WLALC have been fully consulted with and invited to participate throughout the project. It has been the choice of WLALC not to respond or participate in the assessment.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in dark ink, appearing to read 'Penny', followed by a horizontal line.

Penny McCardle
Principal Archaeologist

ANNEX B

Geotechnical Report

Belford Land Corporation Pty Ltd
PO Box 89
Singleton NSW 2330

Project 49385

6 April 2011

PH:tj

P:\49385\Docs\49385-01.doc

Attention: Mr Daniel Golenia

Email: golenia@bigpond.com

Dear Sir

**Clarification of Topsoil Materials
Proposed Residential Subdivision
'Murrays Rise', Standen Drive, Lower Belford, NSW**

1. Introduction

Following recent discussions and correspondence, it is understood that clarification is required regarding topsoil descriptions at the above site, following an inspection and review of the Douglas Partners (DP) reports by McCardle Cultural Heritage Archaeologists.

Douglas Partners has undertaken two reports at the site, namely:

- 'Report on Preliminary Contamination and Geotechnical Assessment, Proposed Rezoning, Standen Drive, Lower Belford' (Ref 1);
- 'Report on Effluent Disposal, Erosion and Salinity Assessment, Proposed Rezoning, Standen Drive, Lower Belford (Ref 2).

The scope of work for Reference 2 included subsurface investigation, comprising the excavation of 30 test pits across the site.

2. Clarification of Soil Horizons/Layers

The soil logging undertaken in Reference 2 was undertaken with reference to AS 1726 – 1993 "Australian Standard – Geotechnical Site Investigations" (Ref 3). The description and classification of soils were undertaken for geotechnical purposes with reference to the Australian standard, and takes into account factors such as soil grain size, soil plasticity and the presence of organic material within the soil.

The soil classifications in the DP report (Ref 2) have not referenced soil science nomenclature (ie A horizon, B horizon etc) and have been defined with reference to AS 1726 based on an engineering classification. For the purposes of the DP report, 'topsoil' as stated in the test pit logs in Reference 2 (generally sand/clayey sand) is considered to be material with poorer engineering properties than the underlying clays and rock because it contains some roots/rootlets from existing vegetation and would not normally be used as a foundation material for buildings and roads.

The publication 'Land Degradation Processes in Australia' (Ref 4) define the 'A horizon' as a horizon composed of mineral material with organic matter. Based on site observations and the soil descriptions in the test pit logs, the 'topsoil' described in Reference 2 contained little humic materials (ie decomposed organic matter) and in terms of soil horizon categories, is not considered to be characteristic of a true 'A horizon' topsoil. Based on the observed subsurface profile, there was little or no observed true 'A horizon' topsoils at the locations tested.

3. References

1. Douglas Partners Pty Ltd, 'Report on Preliminary Contamination and Geotechnical Assessment, Proposed Rezoning, Standen Drive, Lower Belford, prepared for Belford Land Corporation, Project 49385, July 2009.
2. Douglas Partners Pty Ltd, 'Report on Effluent Disposal, Erosion and Salinity Assessment, Proposed Rezoning, Standen Drive, Lower Belford, prepared for Belford Land Corporation, Project 49385, July 2009.
3. Australian Standard, 'AS 1726-1993 Geotechnical Site Investigations, April 1993.
4. GH McTainsh and WC Boughton, 'Land Degradation Processes in Australia', 1993.

Please contact either of the undersigned for clarification of the above as necessary.

Yours faithfully
Douglas Partners Pty Ltd

Reviewed by

Patrick Heads
Associate

John Harvey
Principal

ANNEX C

AHIMS Search Results



Penny Mccardle
Po Box 166
Adamstown New South Wales 2289
Attention: Penny Mccardle

Date: 12 January 2011

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 337000 - 347000,
Northings : 6381000 - 6391000 with a Buffer of 50 meters. Additional Info : Please e-mail in an excell spreadsheet.**

Thanks

Penny conducted by Penny Mccardle on 12 January 2011

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

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

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from DECCW's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- AHIMS records information about Aboriginal sites that have been provided to DECCW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-6-0627	Belford 3;	AGD	56	337770	6387200	Open site	Artefact	Isolated Finc	2684,102056
	<u>Contact</u>	<u>Recorders</u>	Ms.Jill Ruig					<u>Permits</u>	
37-6-1312	Anvil Creek RTA 10	AGD	56	346876	6383693	Open site	Artefact	<u>Permits</u>	2102
	<u>Contact</u>	<u>Recorders</u>	Leila McAdam					<u>Permits</u>	
37-6-1313	Anvil Creek RTA 11 IF	AGD	56	345965	6384253	Open site	Artefact	<u>Permits</u>	2102
	<u>Contact</u>	<u>Recorders</u>	Leila McAdam					<u>Permits</u>	
37-6-1315	Anvil Creek RTA 13 IF	AGD	56	344320	6384836	Open site	Artefact	<u>Permits</u>	2102
	<u>Contact</u>	<u>Recorders</u>	Leila McAdam					<u>Permits</u>	
37-6-1322	Anvil Creek RTA 20 IF	AGD	56	346377	6383908	Open site	Artefact	<u>Permits</u>	2102
	<u>Contact</u>	<u>Recorders</u>	Leila McAdam					<u>Permits</u>	
37-6-1602	PAD 21, RTA	AGD	56	346711	6384811	Open site	Potential Archaeological Deposit (PAD)	<u>Permits</u>	2102
	<u>Contact</u>	<u>Recorders</u>	Umwelt (Australia) Pty Limited					<u>Permits</u>	
37-6-2037	KR32	GDA	56	340549	6381110	Open site	Artefact	<u>Permits</u>	2562
	<u>Contact</u>	<u>Recorders</u>	Ms.Tessa Boer-Mah					<u>Permits</u>	
37-6-1989	Belford South 1	GDA	56	337177	6384277	Open site	Artefact	<u>Permits</u>	3201
	<u>Contact</u>	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	101565
37-6-1995	Belford South 7	GDA	56	337071	6384650	Open site	Artefact,Potential Archaeological Deposit (PAD)	<u>Permits</u>	101565
	<u>Contact</u>	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	
37-6-1997	Belford South 9	GDA	56	337134	6384765	Open site	Artefact,Potential Archaeological Deposit (PAD)	<u>Permits</u>	101565
	<u>Contact</u>	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	
37-6-2155	Branxton Rail 7	GDA	56	342738	6385081	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	South East Archaeology					<u>Permits</u>	
37-6-2161	Branxton Rail 13	GDA	56	345344	6384668	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	South East Archaeology					<u>Permits</u>	
37-6-2162	Branxton Rail 14	GDA	56	346785	6384241	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	South East Archaeology					<u>Permits</u>	
37-6-2138	Belford Rail 5	GDA	56	339249	6385416	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	South East Archaeology					<u>Permits</u>	
37-6-2139	Belford Rail 6	GDA	56	339393	6385359	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	South East Archaeology					<u>Permits</u>	
37-6-2143	Belford Rail 10	GDA	56	339671	6385065	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	South East Archaeology					<u>Permits</u>	
37-6-2255	Branxton RW 19/A	GDA	56	344513	6381164	Open site	Artefact	<u>Permits</u>	3286

Report generated by AHIMS Web Service on 12/01/2011 for Penny Mccardle for Datum :GDA, Zone : 56, Eastings : 337000 - 347000, Northings : 6381000 - 6391000 with a Buffer of 50 meters. Additional Info : Please e-mail in an excel spreadsheet.

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Penny. Number of Aboriginal sites and Aboriginal objects found is 99

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
	<u>Contact</u>	<u>Recorders</u>	<u>Peter Kuskie</u>					<u>Permits</u>	
37-6-2256	Branxton RW 21/A	GDA	56	344539	6381540	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	<u>Peter Kuskie</u>					<u>Permits</u>	
37-6-2257	Branxton RW 22/A	GDA	56	346147	6385002	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	<u>Peter Kuskie</u>					<u>Permits</u>	
37-6-2258	Branxton WWTW 2/A	GDA	56	346627	6385197	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	<u>Peter Kuskie</u>					<u>Permits</u>	
37-6-2270	Elderslie Road IF1	AGD	56	345560	6386684	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	<u>Mr.Josh Connelly</u>					<u>Permits</u>	
37-6-1647	Belford 11	AGD	56	337930	6387762	Open site	Artefact	<u>Permits</u>	100050
	<u>Contact</u>	<u>Recorders</u>	<u>Mr.Jamie Reeves</u>					<u>Permits</u>	
37-6-1601	Anvil Creek 27IF	AGD	56	346521	6384350	Open site	Artefact	<u>Permits</u>	101116
	<u>Contact</u>	<u>Recorders</u>	<u>Umwelt (Australia) Pty Limited</u>					<u>Permits</u>	2562
37-6-1991	Belford South 3	GDA	56	337090	6384514	Open site	Artefact	<u>Permits</u>	101565
	<u>Contact</u>	<u>Recorders</u>	<u>Mr.Giles Hamm</u>					<u>Permits</u>	
37-6-2158	Branxton Rail 10	GDA	56	344673	6384966	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	<u>South East Archaeology</u>					<u>Permits</u>	
37-6-2150	Branxton Rail 2	GDA	56	342204	6385060	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	<u>South East Archaeology</u>					<u>Permits</u>	100050
37-6-1643	Belford 10	AGD	56	337914	6387636	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	<u>Mr.Jamie Reeves</u>					<u>Permits</u>	
37-6-1641	Belford 8	AGD	56	339436	6387764	Open site	Artefact	<u>Permits</u>	100050
	<u>Contact</u>	<u>Recorders</u>	<u>Mr.Jamie Reeves</u>					<u>Permits</u>	
37-6-1314	Anvil Creek RTA 12 IF	AGD	56	345100	6384384	Open site	Artefact	<u>Permits</u>	2102
	<u>Contact</u>	<u>Recorders</u>	<u>Leila McAdam</u>					<u>Permits</u>	
37-6-2042	KR37	GDA	56	337427	6383908	Open site	Artefact	<u>Permits</u>	3201
	<u>Contact</u>	<u>Recorders</u>	<u>Ms.Tessa Boer-Mah</u>					<u>Permits</u>	
37-6-1966	ERB2 (Greta)	GDA	56	345678	6387349	Open site	Artefact	<u>Permits</u>	101344
	<u>Contact</u>	<u>Recorders</u>	<u>MCH - McCardle Cultural Heritage Pty Ltd</u>					<u>Permits</u>	
37-6-1967	ERB3 (Greta)	GDA	56	345975	6386861	Open site	Artefact	<u>Permits</u>	101344
	<u>Contact</u>	<u>Recorders</u>	<u>MCH - McCardle Cultural Heritage Pty Ltd</u>					<u>Permits</u>	
37-6-1990	Belford South 2	GDA	56	337017	6384514	Open site	Artefact	<u>Permits</u>	101565
	<u>Contact</u>	<u>Recorders</u>	<u>Mr.Giles Hamm</u>					<u>Permits</u>	
37-6-2159	Branxton Rail 11	GDA	56	344754	6384933	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>	<u>South East Archaeology</u>					<u>Permits</u>	
37-6-2137	Belford Rail 4	GDA	56	338594	6385459	Open site	Artefact	<u>Permits</u>	3286
	<u>Contact</u>	<u>Recorders</u>	<u>South East Archaeology</u>					<u>Permits</u>	

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Penny. Number of Aboriginal sites and Aboriginal objects found is 99

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
37-6-2142	Belford Rail 9	GDA	56	339720	6385130	Open site	Artefact	Permits	3286
	<u>Contact</u>	Recorders	South East Archaeology						
37-6-2207	Branxton RW 41/A	GDA	56	345496	6384504	Open site	Artefact	Permits	
	<u>Contact</u>	Recorders	Peter Kuskie						
37-6-2238	Belford Rail 18	GDA	56	341068	6384478	Open site	Artefact	Permits	
	<u>Contact</u>	Recorders	Peter Kuskie						
37-6-2227	Elderslie Road OC2	GDA	56	345388	6386331	Open site	Artefact	Permits	
	<u>Contact</u>	Recorders	Mr.Paul Irish						
37-6-2254	Branxton RW 17/A	GDA	56	344465	6380960	Open site	Artefact	Permits	
	<u>Contact</u>	Recorders	Peter Kuskie						
37-6-0685	Black Creek RTA 1 (Brayshaw - Black Creek)	AGD	56	343278	6385345	Open site	Artefact	Permits	3160,102056
	<u>Contact</u>	Recorders	Helen Brayshaw						
37-6-0628	Belford 4;	AGD	56	337720	6386950	Open site	Artefact	Permits	2684,102056
	<u>Contact</u>	Recorders	Ms.Jill Ruig						
37-6-1639	Belford 6	AGD	56	339703	6388332	Open site	Artefact	Permits	100030
	<u>Contact</u>	Recorders	Mr.Jamie Reeves						
37-6-1584	USR 23	AGD	56	337503	6388059	Open site	Artefact	Permits	2533
	<u>Contact</u>	Recorders	Ms.Penny Mccardle						
37-6-1603	Redhouse Creek 1	AGD	56	346462	6384549	Open site	Artefact	Permits	
	<u>Contact</u>	Recorders	Umwelt (Australia) Pty Limited						
37-6-1339	Black Creek RTA 2	AGD	56	343100	6385460	Open site	Artefact	Permits	2562
	<u>Contact</u>	Recorders	Leila McAdam						
37-6-1371	PAD20 Black Creek	AGD	56	343052	6385455	Open site	Potential Archaeological Deposit (PAD),Artefact	Permits	2096,2562
	<u>Contact</u>	Recorders	Leila McAdam						
37-6-0629	Belford 1;	AGD	56	338170	6387780	Open site	Artefact	Permits	2096,2562
	<u>Contact</u>	Recorders	Ms.Jill Ruig						
37-6-1992	Belford South 4	GDA	56	337169	6384683	Open site	Artefact,Potential Archaeological Deposit (PAD)	Permits	2684,102056
	<u>Contact</u>	Recorders	Mr.Giles Hamm						
37-6-2153	Branxton Rail 5	GDA	56	342891	6385197	Open site	Artefact	Permits	
	<u>Contact</u>	Recorders	South East Archaeology						
37-6-2147	Belford Rail 14	GDA	56	341296	6384658	Open site	Artefact	Permits	
	<u>Contact</u>	Recorders	South East Archaeology						
37-6-2148	Belford Rail 15	GDA	56	341774	6384738	Open site	Artefact	Permits	
	<u>Contact</u>	Recorders	South East Archaeology						

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
37-6-2149	Branxton Rail 1	GDA	56	342033	6384928	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	South East Archacology					<u>Permits</u>	
37-6-2152	Branxton Rail 4	GDA	56	342834	6385305	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	South East Archacology					<u>Permits</u>	
37-6-2095	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site			
	<u>Contact</u>	<u>Recorders</u>	Suzie Worth					<u>Permits</u>	
37-6-2236	Belford Rail 16	GDA	56	340485	6384650	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	
37-6-2237	Belford Rail 17	GDA	56	341006	6384478	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	
37-6-2230	Elderslie Rd 1	AGD	56	346173	6386945	Open site	Artefact		101078
	<u>Contact</u>	<u>Recorders</u>	Insite Planning Engineering Environmental					<u>Permits</u>	
37-6-1638	Belford 5	AGD	56	339729	6388963	Open site	Artefact		100050
	<u>Contact</u>	<u>Recorders</u>	Mr.Jamie Reeves					<u>Permits</u>	
37-6-0987	AGL 4	AGD	56	340187	6385454	Open site	Artefact		4749
	<u>Contact</u>	<u>Recorders</u>	Junburra Aboriginal Consultancy Services					<u>Permits</u>	
37-6-0995	AGL 2	AGD	56	341557	6385590	Open site	Artefact		4749, 102056
	<u>Contact</u>	<u>Recorders</u>	Junburra Aboriginal Consultancy Services					<u>Permits</u>	
37-6-1034	AGL 3	AGD	56	341557	6385586	Open site	Artefact		4749
	<u>Contact</u>	<u>Recorders</u>	Victor Perry					<u>Permits</u>	
37-6-1640	Belford 7	AGD	56	338140	6387921	Open site	Artefact		100050
	<u>Contact</u>	<u>Recorders</u>	Mr.Jamie Reeves					<u>Permits</u>	
37-6-1568	USR 9	AGD	56	338701	6387010	Open site	Artefact		101824
	<u>Contact</u>	<u>Recorders</u>	Ms.Penny Mccardle					<u>Permits</u>	
37-6-2041	KR36	GDA	56	337751	6383623	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	Ms.Tessa Boer-Mah					<u>Permits</u>	3201
37-6-1965	ERB1 (Greta)	GDA	56	345507	6387126	Open site	Artefact		101344
	<u>Contact</u>	<u>Recorders</u>	MCH - McCardle Cultural Heritage Pty Ltd					<u>Permits</u>	
37-6-1994	Belford South 6	GDA	56	337101	6384625	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	
37-6-2000	Belford South 12	GDA	56	336957	6384537	Open site	Artefact		101565
	<u>Contact</u>	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	
37-6-2156	Branxton Rail 8	GDA	56	343989	6385115	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	South East Archacology					<u>Permits</u>	
37-6-2157	Branxton Rail 9	GDA	56	344778	6385357	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	South East Archacology					<u>Permits</u>	
37-6-2140	Belford Rail 7	GDA	56	339540	6385316	Open site	Artefact		

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>	<u>South East Archaeology</u>					<u>Permits</u>	
37-6-2141	Belford Rail 8	GDA	56	339710	6385155	Open site	Artefact	<u>Permits</u>	3286
37-6-2271	Elderslie Road PAD1	AGD	56	345300	6386100	Open site	Potential Archaeological Deposit (PAD)	<u>Permits</u>	
37-6-2226	Elderslie Road OC1	<u>Recorders</u>	Mr.Paul Irish					<u>Permits</u>	
	<u>Contact</u>	GDA	56	345823	6386153	Open site	Artefact	<u>Permits</u>	
37-6-2239	Belford Rail 19	<u>Recorders</u>	Mr.Paul Irish					<u>Permits</u>	
	<u>Contact</u>	GDA	56	341230	6384460	Open site	Artefact	<u>Permits</u>	
37-6-2240	Belford Rail 20	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	
	<u>Contact</u>	GDA	56	341380	6384470	Open site	Artefact	<u>Permits</u>	
37-6-0996	AGL 1	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	4749
37-6-0630	Belford 2;	<u>Recorders</u>	Junburra Aboriginal Consultancy Services					<u>Permits</u>	
	<u>Contact</u>	AGD	56	337820	6387620	Open site	Artefact	Open Camp Site	2684,102056
37-6-1642	Belford 9	<u>Recorders</u>	Ms.Jill Ruig					<u>Permits</u>	
	<u>Contact</u>	AGD	56	337903	6387569	Open site	Artefact	<u>Permits</u>	100050
37-6-1323	Anvil Creek RTA 21	<u>Recorders</u>	Mr.Jamie Reeves					<u>Permits</u>	
	<u>Contact</u>	AGD	56	346233	6383950	Open site	Artefact	<u>Permits</u>	2102
37-6-2039	KR34	<u>Recorders</u>	Leila McAdam					<u>Permits</u>	
	<u>Contact</u>	GDA	56	339658	6381938	Open site	Artefact	<u>Permits</u>	3201
37-6-1927	HANWOOD RD	<u>Recorders</u>	Ms.Tessa Boer-Mah					<u>Permits</u>	
	<u>Contact</u>	AGD	56	343450	6383400	Open site	Potential Archaeological Deposit (PAD),Artefact	<u>Permits</u>	101222
37-6-1993	Belford South 5	<u>Recorders</u>	Insite Heritage Pty Ltd					<u>Permits</u>	
	<u>Contact</u>	GDA	56	337293	6384755	Open site	Artefact	<u>Permits</u>	3073,3082
37-6-1996	Belford South 8	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	
	<u>Contact</u>	GDA	56	337057	6384761	Open site	Artefact,Potential Archaeological Deposit (PAD)	<u>Permits</u>	101565
37-6-1998	Belford South 10	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	
	<u>Contact</u>	GDA	56	337019	6384544	Open site	Artefact	<u>Permits</u>	101565
37-6-1999	Belford South 11	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	
	<u>Contact</u>	GDA	56	336964	6384499	Open site	Artefact,Potential Archaeological Deposit (PAD)	<u>Permits</u>	101565
37-6-2154	Branxton Rail 6	<u>Recorders</u>	Mr.Giles Hamm					<u>Permits</u>	
	<u>Contact</u>	GDA	56	342778	6385156	Open site	Artefact	<u>Permits</u>	

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-2160	Branxton Rail 12	GDA	56	345091	6384829	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-2144	Belford Rail 11	GDA	56	340565	6384588	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-2145	Belford Rail 12	GDA	56	340784	6384662	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-0332	Jump Up Creek No.1	AGD	56	338384	6386001	Open site	Artefact	Open Camp Site	435
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	468
37-6-1720	Red House Creek 1b/PAD	GDA	56	346452	6385184	Open site	Potential Archaeological Deposit (PAD)	<u>Permits</u>	100451,100543
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-1324	Searle Anvil Creek RTA 22	AGD	56	345784	6384373	Open site	Artefact	<u>Permits</u>	2102
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-1340	Black Creek RTA 3	AGD	56	342812	6385305	Open site	Artefact	<u>Permits</u>	2102
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-2038	KR33	GDA	56	340063	6381566	Open site	Artefact	<u>Permits</u>	3201
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-2040	KR35	GDA	56	339167	6382370	Open site	Artefact	<u>Permits</u>	3201
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-2151	Branxton Rail 3	GDA	56	342352	6385118	Open site	Artefact	<u>Permits</u>	3201
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-2136	Belford Rail 3	GDA	56	337950	6385579	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
37-6-2146	Belford Rail 13	GDA	56	341009	6384582	Open site	Artefact	<u>Permits</u>	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	

2 November 2011



*McCardle Cultural
Heritage Pty Ltd*

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MCH Reference: Amendements for OEH

Dear Daniel,

**RE: ARCHAEOLOGICAL ASSESSMENT OF THE MURRAY'S RISE PROJECT &
OEH COMMENTS**

This letter addresses the concerns raised by OEH in their letter to Council dated 11 October 2011. These concerns have also been addressed in the revised report attached.

OEH Concern 1:

The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the *National Parks and Wildlife Act 1974* (NPW Act). This Act clearly establishes that Aboriginal objects and places are protected and may not be harmed, disturbed or desecrated without appropriate authorisation. Importantly, approvals under Parts 3, 4 and 5 of the *Environmental Planning and Assessment Act 1979* do not absolve the applicant of their obligations to comply with the NPW Act.

The following advice is provided to Council and the applicant following the review of the 'Indigenous Archaeological Due Diligence Assessment' prepared by McCardle Cultural Heritage, dated August 2011, OEH acknowledges that the applicant has undertaken a due diligence assessment for this project, noting that this is not an Archaeological and Aboriginal Cultural Heritage Assessment. The review of the report by OEH identified a few errors which limits OEH's ability to respond to Council on this matter.

The confusion regarding if the assessment is a Due Diligence assessment or Archaeological/cultural heritage assessment remains. As OEH have not clarified this, and have stipulated that the Due Diligence process does not require Aboriginal consultation (something MCH finds inappropriate as there may be cultural knowledge that archaeologists do not know about), the report will be re-named. The assessment followed the Due Diligence process as well as including consultation and cultural heritage assessment. The reason for this is that due to OEH verbal advise since the legislative changes, is that although the Due diligence process does not require consultation, OEH will not accept any reports without consultation as consultation is the only way to obtain cultural information and if consultation is not undertaken and a cultural site is harmed, then the proponent will be held responsible. It is acknowledged that there are discrepancies in the new processes and MCH and the proponent are trying to address these as best as possible.

OEH Concern 2:

The report concludes there are no known Aboriginal sites within the project area. The AHIMS search by the consultant, and OEH's independent search of the AHIMS database, both show there is a known site located within the project area (refer to Figure 5.1 in the report). Although it is noted that the project boundary in Figure 5.1 shows the site is outside the project area, Figures 1.3, 3.1, 5.3, 6.1, 6.2 and 6.3 all show a larger project boundary that includes this site. In addition, Figures 6.1-6.3 show the general area containing the site was incorporated in the survey.

The review by OEH identified there was an absence of 1) the site 37-6-1034 in the assessment, subsequent implications and recommendations within sections 7, 8 and 9 of the report, 2) details and maps of the proposed rezoning, 3) details and maps of future proposed impacts/conservation on Aboriginal heritage and 4) correct recommendations that reflect the proponents obligation to either adhere to a combination of Code of Practice for Archaeological Investigation and/or Aboriginal Heritage Impact Permits (AHIP) or to avoid impact to Aboriginal objects. Based on these factors, OEH is unable to provide additional advice to that provided to Council on 20 January 2011. It is recommended that the proponent address these absences and amend their report to ensure their obligations under the NPW Act are correctly outlined.

It is noted that that Figures 1.1 and 5.1 are topographic maps (1:100,000) that were produced prior to the re alignment of the New England Highway. However, the realignment has been included in these figures and the study area boundary is correct in all figures.

Additionally, the two sites OEH are referring to, are in fact south of the New England Highway and the study area. This has been confirmed through a review of Perry's (2004) report and maps. The report also discusses the know problems in relation to hand held GPS units and the AHIMS register, all of which OEH are fully aware of.

As there are no sites within the study area, including those identified by OEH, the recommendation do not require changing.

OEH Advice 1:

The requirements of the NPW Act were recently amended. The proponent must ensure they are familiar with these amendments prior to commencing any ground disturbance works onsite. Further regulatory information can be found on OEH's web-site at: www.environment.nsw.gov.au/cultureandheritage.htm.

Noted and the report will ensure all requirements are met and the proponent is aware of all changes.

OEH Advise 2:

It is the responsibility of any individual proposing to conduct ground disturbance works to ensure that they have conducted a thorough due diligence assessment. Only if it has been established that no harm to an Aboriginal object will occur, can any ground disturbance works commence. Further information on the NPW Act, including the definition of harm, is available on the OEH website at: www.environment.nsw.gov.au/licences/achregulation.htm

The Due Diligence process has been followed and no sites or PADs were identified.

OEH Advise 3:

Responsibility rests wholly with the proponent to ensure that 'harm' to Aboriginal objects will not occur.

This is noted and understood. The Due Diligence assessment was undertaken to determine if any sites and/or PADs were present and to ensure the appropriate management was undertaken of those sites/PADs to ensure no 'harm' would occur to those sites/PADs. NO sites or PADs were identified through the Due Diligence process.

OEH Advise 4:

When a due diligence process has identified a site, or the potential for an Aboriginal object, then the due diligence process ceases, and the proponent must adhere to the relevant legislative requirements of the NPW Act before conducting any ground disturbance works.

This is noted and understood. However, as explained above, no sites or PADs have been identified in the study area.

OEH Advise 5:

Where a due diligence assessment suggests there is a potential for Aboriginal objects to be located within the project area. Potential 'harm' to Aboriginal objects during proposed ground disturbance works must be appropriately managed by the proponent prior to commencing ground disturbance works.

This is also understood and as per the Due Diligence Code of Practice for the protection of Aboriginal Objects in New South Wales an assessment was undertaken and the assessment did not identify any PADs or sites.

OEH Advise 6:

Where an assessment concludes there are no potential archaeological deposits (PAD) in a project area, due to disturbance or land use, the proponent must be clear whether the conclusion mean; 1) there is no scientific information to be obtained, or 2) the land use/disturbance means Aboriginal objects may be present within a disturbed area, but only containing cultural values.

This is also understood. However, as noted above, the only way to obtain cultural heritage assessment is through consultation which is not required through the due diligence process. However, consultation was undertaken to address the cultural heritage aspect.

OEH are fully aware that obtaining a cultural assessment can be problematic as at times the Aboriginal stakeholders do not respond to any communications. This is the case for this project. Despite numerous attempts to engage with the registered Aboriginal community, the majority of stakeholders have chosen not to respond or provide any cultural significance assessments for this project. WLALC were the only group to provide general cultural information, although nothing specific to the study area. This is clearly explained throughout Chapter 2 of the report and all documentation regarding consultation is also provided in Annex A of the report.

OEH Advise 7:

Importantly, all Aboriginal objects, known or unknown, in pristine or disturbed contexts, are protected under the NPW Act.

This is also understood.

Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd



Penny McCardle,
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