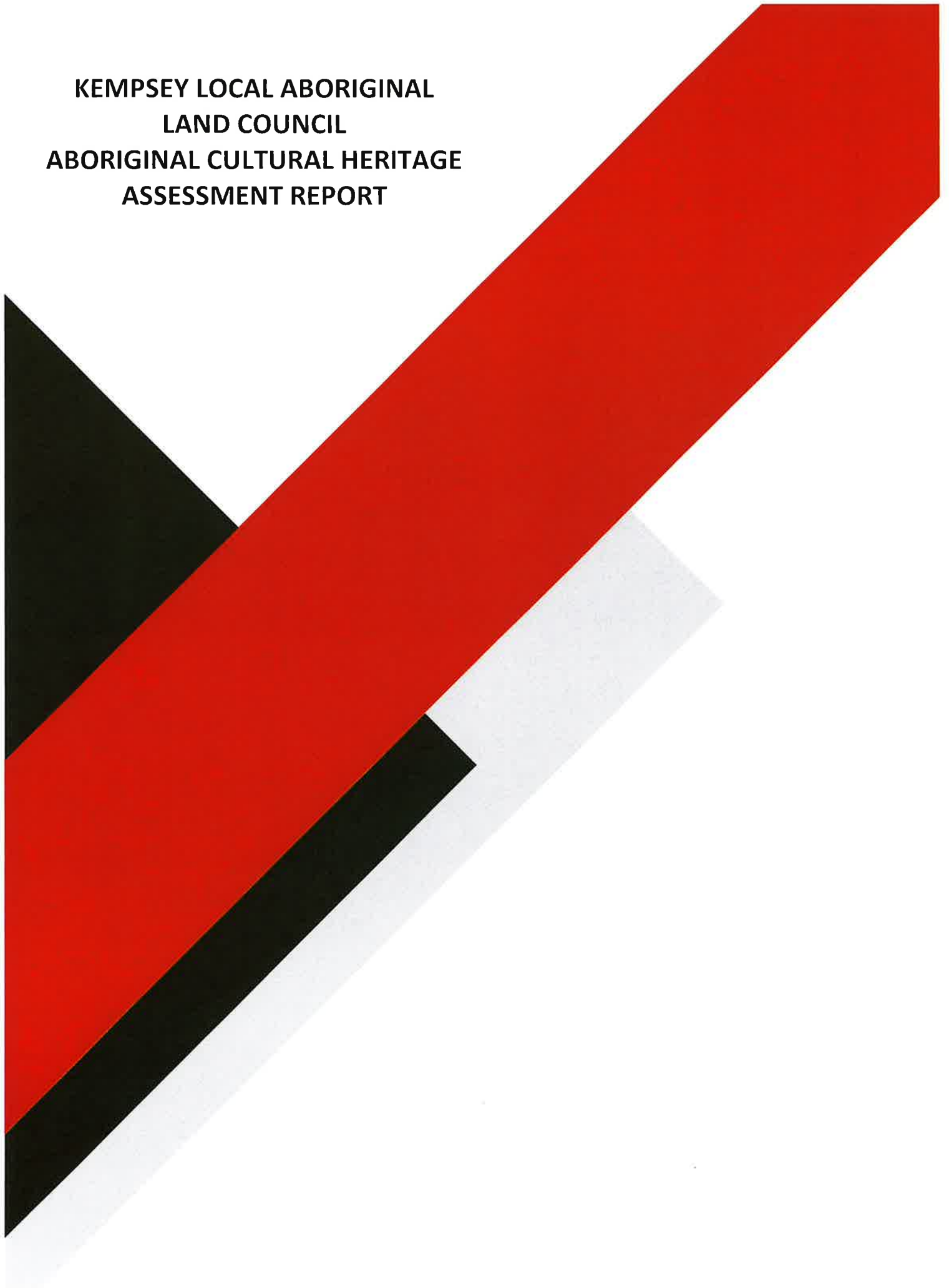


**KEMPSEY LOCAL ABORIGINAL
LAND COUNCIL
ABORIGINAL CULTURAL HERITAGE
ASSESSMENT REPORT**





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KEMPSEY LOCAL ABORIGINAL LAND COUNCIL

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ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT

| DATE | PROPERTY OWNER/ DEVELOPER/CONSULTANT | CONTACT DETAILS |
|-----------|---|--|
| 28/9/2022 | Les and Belinda Madigan | silverperch@bigpond.com (02) 4344 7549 0417499656 |

| | | | | |
|--------------------|---|---|-----------|--------|
| SITE LOCATION: | Lot Number | 1 | DP Number | 842144 |
| SITWORK DATES: | 26/9/2022 | | | |
| SITE ADDRESS: | Lot 1 Beranghi Road, Crescent Head, NSW, 2440 | | | |
| SITE OFFICERS: | Kevin Smith | | | |
| EXECUTIVE SUMMARY: | <p>The following is a report detailing the results of an Aboriginal Cultural Heritage Assessment Report and associated Aboriginal community consultation regarding</p> <p>The lands subject to assessment is located at Lot 1 Beranghi Road, Crescent Head on the Mid North Coast of NSW.</p> | | | |
| DEFINITIONS: | <p>The following definitions apply to the terms used in this report:</p> <ol style="list-style-type: none"> 1. 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. 2. 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. 3. AHIMS means Aboriginal Heritage Information Management System. 4. AHIP means Aboriginal Heritage Impact Permit. 5. Due Diligence Code means the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DEECW 2010). 6. LALC means Local Aboriginal Land Council. 7. KLALC means Kempsey Local Aboriginal Land Council. | | | |



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DESKTOP ARCHAEOLOGICAL RESEARCH AND ABORIGINAL HERITAGE INFO. MANAGEMENT SYS. (AHIMS) DATA:

AHIMS data systems research indicates **0** recorded Aboriginal sites located within 1000 metre Area and near proposed project area.

Although no AHIMS registered sites are within a 1000m area of the project site, the area is significant to the Dunghutti people. The local area has several sites of high importance, listed below;

OBJECTID

78445

SITE_ID

30-3-0030

SITE_NAME

Maria River;

FEATURE_TYPE

Ceremonial Ring (Stone or Earth)

OBJECTID

109521

SITE_ID

30-3-0385

SITE_NAME

Bernanghi Stone Arrangement

FEATURE_TYPE

Stone Arrangement

VALIDITY_STATUS

VAL

IMPORTANCE

Contributes to Primary Importance

Details

OBJECTID

78446

SITE_ID

30-3-0037

SITE_NAME

Crescent Head Saltwater Lake

FEATURE_TYPE

Ceremonial Ring (Stone or Earth)

VALIDITY_STATUS

VAL

The high probability of Historical Aboriginal Cultural activity near the project site, indicates the need to carefully survey the project especially the high sections on the ridge areas.

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



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| | |
|---|---|
| | 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 of poor surface visibility. |
| SENIOR SITES OFFICER SURVEY RESULTS: | <p>Result: A walkover Cultural Heritage survey was conducted on the above proposed Developments project to ascertain any evidence of Aboriginal activity within the proposed development project site</p> <p>NO FIND RESULT.</p> |
| CONSTRAINTS TO SITE DETECTION: | <p>The constraints to site detection are almost always most influenced by post European settlement land uses and seldom by natural erosion processes. The area of surface exposure and the degree of surface visibility within exposed surfaces are usually the product of 'recent' land uses for example land clearing, ploughing, road construction, natural erosion and accelerated (manmade) erosion.</p> <p>In this case the major 'manmade' constraints to Aboriginal site survivability and detection include;</p> <ul style="list-style-type: none"> - Area was heavily timber earlier and was removed with logging operation activity which indicate there was a lots of ground disturbances over the 17 Lots that was subdivided. |
| Undetermined Aboriginal Land Claim& Native Title Status: | <p>The land identified as Lot 1 DP 842144 in this KLALC Cultural Heritage Report is NOT the subject of an undetermined Aboriginal Land Claim number</p> <p><i>For further information on Claimable Crown Lands and Native Title determination please see; Aboriginal Land Rights ACT Part 2 Div 2 SEC 36 (Crown Lands) & Part 2 Div 4 Sec 42 (Native Title).</i></p> |
| RECOMMENDATION: | <p>The following recommendations are provided to ameliorate impacts to the Aboriginal cultural landscape in the vicinity of the Proposed works;</p> <p>Recommendation 1: KLALC support the plans for subdivision on the condition that If there is any building activity with soil disturbances on the higher section of the ridge, KLALC site Officer to be notified and be on site to ascertain any Evidence of Aborigines activity in a culturally sensitive manner.</p> <p>Recommendation 2: As the soil is disturbed (turned over) and upon detection of Aboriginal artefacts All work is to cease immediately.</p> <p>Recommendation 3: Unexpected Aboriginal objects remain protected by the <i>NPW Act</i>. If any such objects, or potential objects, are uncovered during the activity, work in the vicinity must cease, and Heritage NSW, and Kempsey LALC must be</p> |



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contacted for advice. If the Aboriginal object cannot be avoided as part of the works, then an AHIP (Aboriginal Heritage Impact Permit) is required.

NOTE: Aboriginal cultural items will be recorded & suitable arrangements for the ongoing management and protection will be undertaken in consultation with Aboriginal Communities & groups, NPWS and Heritage NSW.

Recommendation 4: 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 (Kempsey) and the Heritage NSW 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 Heritage NSW 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.

The National Parks and Wildlife Act 1974 (NSW)

The NPW Act is the primary legislation pertaining to 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 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.

An Aboriginal Place is an area of particular significance to Aboriginal people which has been declared an Aboriginal Place by the Minister.

The penalty for individuals who inadvertently harm Aboriginal Objects has been set at up to \$55,000, while for corporations it is \$220,000.

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|-------------------------------|--------------|
| KLALC Senior Site Officer | Kevin Smith |
| Date/s site work conducted | 26/9/2022 |
| KLALC Chief Executive Officer | Greg Douglas |

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|--------------|---|
| Attachments: | AHIMS report Six MAPS Invoice Due Diligence Code of Practice for the Protection of Aboriginal Objects Photos ALC Map |
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A handwritten signature in black ink, appearing to read 'Greg Douglas'.

Greg Douglas
Chief Executive Officer
Kempsey Local Aboriginal Land Council