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**ARCHAEOLOGICAL EXCAVATIONS AT
NEBRASKA ESTATE ST GEORGES BASIN
NEW SOUTH WALES**

AUSTRAL HERITAGE CONSULTANTS

Brendan MARSHALL
28 Anketell St Coburg
VIC 3058

February 1996

**ARCHAEOLOGICAL EXCAVATIONS AT
NEBRASKA ESTATE ST GEORGES BASIN
NEW SOUTH WALES**

A report to the Shoalhaven City Council

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SUMMARY AND ACKNOWLEDGEMENT

Archaeological excavations in the form of backhoe scrapes were conducted at Nebraska Estate, west of St Georges Basin. A total of eight scrapes exposed 58 square metres of ground but revealed no subsurface evidence of past Aboriginal occupation. A foot survey of the major roads also revealed no archaeological sites additional to those recorded in 1994. The surface artefacts at two sites may have been introduced via the sand and gravel used to surface the roads. Because of their low density, high degree of disturbance and having been formed through the construction of the roads, the sites are of low scientific significance. The artefacts at a third site may derive from local deposits and the site is of moderate to low scientific significance. The cultural significance of all three sites as assessed by a representative of the Jerrinja Local Aboriginal Land Council is low.

██████████ (Shoalhaven City Council) organised the backhoe for the day and other aspects of the work while ██████████ (Austral Heritage Consultants) and ██████████ (Jerrinja Local Aboriginal Land Council) helped with the excavations. The consultancy was initially organised by ██████████ (South-East Archaeology) who advised on the field methodology and ██████████ (Antcliff Ecological Surveys) advised on the floristic value of areas to be excavated.

1. INTRODUCTION

This is a report on an archaeological excavation at Nebraska Estate, west of St Georges Basin on the south coast of New South Wales (Map 1). The excavation was commissioned by the Shoalhaven City Council in response to a request for sub-surface testing by the National Parks and Wildlife Service of N.S.W (NPWS). An archaeological survey at Nebraska Estate in 1994 had recorded two stone tool scatters and an isolated artefact (Marshall and Webb 1994). This survey had been largely restricted to roads and tracks. On the advice of NPSW, sub-surface testing was required in locations with poor ground visibility and exposure so that the lateral extent and density of any underlying archaeological deposits would be known.

Nebraska Estate is currently the subject of a rezoning bid from Rural to Residential and most of the Lots have been partially cleared of native vegetation. There has been no obvious development on the subject land since the initial foot survey and parts of this report is based on Marshall and Webb's (1994) initial statement.

1.1 Aboriginal Participation

Prior to the survey [REDACTED] of the Jerrinja Local Aboriginal Land Council was contacted and notified about the proposed excavations. The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* provides protection for all physical material relating to the past Aboriginal occupation of Australia. The Schedule of this act recognises the Jerrinja Local Aboriginal Land Council as the local Aboriginal community responsible for the Aboriginal archaeological sites within the boundaries of their community. [REDACTED] participated in the fieldwork and presented views on the previously recorded sites and the absence of sub-surface archaeological deposits (Section 6.3). [REDACTED] had also participated in the original foot survey.

2. BACKGROUND

2.1 Location

Nebraska Estate is located in coastal hinterland some 0.3 to 1.0 kilometres from the shoreline at St Georges Basin. The area is gently undulating and consist of low-lying hills and a small creek. The floodzone is shown on Map 2.

2.2 Environmental Background

Exposed sections show that the sediment is a thin layer of loamy top soil overlying a relatively dense yellow clay. The underlying bedrock does not appear to reach the surface and indeed naturally occurring stone is relatively rare. A degraded mudstone/sandstone occurs in areas where the surface sediments have been heavily eroded. The roads and tracks have been constructed with a mixture of gravel and sand from a local quarry

The vegetation has recently been assessed by Antcliff Ecological Surveys who describe it as a 'open forest woodland' presently dominated by Red Bloodwood (*Eucalyptus gummifera*) Red Mahogany (*E. resinifera*) and Turpentine (*Syncarpia glomulifera*) (Paul Burcher pers comm). Also present are Blackbutts (*E. pilularis*) and Spotted Gums (*E. maculata*), although these have been previously reduced by selective logging. The scrub and ground cover layers consist of a wide range of species including, Hairpin Banksia (*Banksia spinulosa*), Paperbark Tea-tree (*Leptospermum tinervium*), Kangaroo Grass (*Themeda australis*) and Wiry Panic (*Entolasia stricta*). Black She-

Oaks (*Allocasuarina littoralis*) are common in some areas and Bangalay (*E. botryoides*) and paperbarks (*Melaleuca biconvexa* and *M. linearifolia*) dominate the floodzone community (Paul Burcher pers comm).

Areas presently covered in thick vegetation were used to graze cattle at least 2 decades ago. The vegetation has been altered by logging and more recently by landowners clearing their Lots. Marshall and Webb (1994) suggested that regular firing by Aborigines in prehistoric times may have created a more open and accessible forest. Certainly the trees were much larger and the undergrowth less dense in historic times.

2.3 Archaeological Background

Pervious archaeological investigations in the St Georges Basin -Tomerong area are summarised in Marshall and Webb (1994). It is important to note that Aboriginal occupation of the south-coast extends back into Pleistocene times by at least 20,000 years (Smith and Sharp 1993). However, the surface archaeological deposits in the St Georges Basin-Tomerong area are probably much younger, less than 5,000 year old.

Surveys have been conducted by Lance (1986), Lance and Fuller (1988), Koeting (1989), Navin (1990) and Silcox (1990, 1991, 1992). Sub-surface material has been recorded by Silcox (1990) at two locations near Tomerong, as well as 14 other open sites; 10 stone tool scatters, two shell middens and two axe grinding grooves (NPWS Site Nos 58-2-0277-0284).

2.4 The 1994 Foot Survey

Marshall and Webb's survey was restricted to roads and other areas which offered some ground visibility, which ranged between 50% and 100%. In area, approximately 10% of the subject land was examined although the effective coverage was less due to visibility constraints. Two low density artefact scatters were recorded, Pelican Road Site n=23 (NPWS Site No 58-2-305) and Fisherman's Road Site n=4 (NPWS Site No 58-2-306), and an isolated artefact, the Nebraska Road Site (NPWS Site No 58-2-307). The artefacts were made from silcrete, quartzite, chert and sandstone and were predominantly simply flakes with no retouch.

It appeared that these sites predated the formation of the present vegetation sometime between 5,000 years BP and 1000 years BP, as suggested by the presence of microliths. All three sites were typical of those previously recorded elsewhere in the St. Georges Basin-Tomerong area, being low density artefact scatters occurring on slight ridges within the floodzone adjacent to the creek. All three sites were highly disturbed, there were no *in situ* artefacts, no obvious deposits from which the artefacts were originating, and a few displayed recent damage.

The thick vegetation obscured the ground around the recorded sites and particularly in the case of the Pelican Road Site (NPWS Site No 58-2-305), it was not possible to now the full extent of the scatter. All three sites may have been more extensive and there was a possibility that the artefacts were eroding out of *in situ* deposits.

3. METHODS

3.1 Excavation

Backhoe scrapes was the adopted method of testing for sub surface archaeological deposits (see Appendix 2 for NPWS permit). This is an efficient means of uncovering large areas of ground with a minimal degree of disturbance. Eight locations were selected for sampling (Map 3) on the basis of the:

- 1) distribution of the recorded surface sites,
- 2) distribution of the major topographic units comprising the subject land especially the floodzone,
- 3) the distribution of botanically significant or thick vegetation.

Lots wholly or partially cleared of native vegetation were targeted as these areas had suffered various degrees of recent disturbance, and did not require any additional disturbance of vegetation.

The original excavation design included the sieving of excavated sediment at 1 m intervals. This procedure was abandoned after the first scrape as a hand search of the sediments revealed no natural or cultural lithic material. At two locations however a sieve was used to check and confirm the observation of the absence of stone. Generally, the clayey deposits were difficult to sieve and clumps could more easily be broken by hand. After inspection of the sediments all the scrapes were refilled.

3.2 Foot Survey

A second foot survey of the subject land was also conducted in order to check on the sites recorded in 1994 and to see if any additional artefactual material had been uncovered during the intervening period. This would compliment the results of the sub-surface testing and provide information on the origins of artefacts and how the recorded sites had changed. This survey was conducted by two people walking 2 meters apart and was confined to the major roads.

3.3 Excavation and Survey Conditions

The excavations and survey were conducted over two days, on the 3rd and 4th of October, following a period of heavy rain. Generally fair sunny weather prevailed.

4. RESULTS

A total of 57.7 square meters of ground was uncovered by the backhoe at eight locations. The depth of the excavations averaged 12 cm. At two locations (Scrapes 5 and 7) shovels were used to dig in specific areas which displayed possibly significant changes in the colour and texture of the sediment. These holes were dug until yellow clay was reached. At scrapes 5 and 8 single buckets of sediment were dry sieved through a 3mm screen to confirm the observed absence of stone.

4.1 Excavation Data

Table 1 (over page) summarises data relating to the location, context, size and contents of the eight scrapes. All basic topographic units comprising the subject land, being the creek bank, floodzone, hill flanks and apex, were sampled. Vegetation ranged from

relatively undisturbed native forest (Scrape 8) to Lots completely cleared of trees and other vegetation (Scrape 7).

The deposits varied from a grey/brown surface sandy loam to a thick wet yellow clay. Sediments were sandiest in locations towards the creek (Scrape 5) and contained a high clay content on the hill flanks away from the flood zone (Scrape 2). Charcoal was present in the sediments at most locations.

No sub-surface artefacts were found in any of the eight backhoe scrapes. With the exception of Scrape 8, which yielded a small naturally broken quartz pebble no stone was found amongst the excavated sediment.

Scrape No.	Location	Vegetation	Size (m)	Topographic Unit	Sediments	Stone
1	Pelican Rd Road Reserve	Cleared	9.6 x 1 x 0.10	Base of hill flank near flood zone	Clayey loam- black	Absent
2	Pelican Rd North Lot 6	Cleared with bracken	10.4 x 1 x 0.15	Hill flank	Clayey loam- red/brown	Absent
3	Pelican Rd North Lot 6	Cleared with bracken	10.4 x 1 x 0.15	Hill flank	Sandy-clayey loam- grey/brown	Absent
4	Pelican Rd South Lot 10	Native forest	3.0 x 1 x 0.14	Hill flank	Sandy-clayey loam grey/brown	Absent
5	Pelican Rd South Lot 18	Partly cleared	5.1 x 1 x 0.10	Creek bank	Sandy loam- light grey/brown	Absent
6	Waterfield Rd Lot 8	Partly cleared	5.5 x 1 x 0.10	Hill flank near flood zone	Sandy-loam light grey/brown	Absent
7	Nebraska Rd South Lot 1	Cleared	4.0 x 1 x 0.10	Flood zone	Light clayey loam patches of brown/red	Absent
8	Nebraska Rd Southeast Lot 1	Partly cleared	9.7 x 1 x 0.10	Hill apex	Sandy light brown/grey	1 quartz pebble

Table 1. Summary of excavation data.

Except for Scrape 4 which was in relatively pristine forest, all of the selected locations had undergone various degrees of European disturbance, which would have disturbed any archaeological deposits. Scrape 7 for example was on a lot which had previously been bulldozed and at two other lots the scrapes revealed changes in sediments consistent with recently burnt tree trunks.

4.2 Survey Data

No new archaeological sites were found during the re-survey of the major roads. Several of the artefacts comprising the Pelican Road Site (NPWS Site No. 58-2-305) were relocated and a single artefact was observed at the location of the Nebraska Road Site (NPWS Site No. 58-2-307). Since the 1994 survey the roads generally had undergone considerable erosion as indicated by gullying and a build up of sediments along the verges at lower elevations. This erosion had not revealed any sub-surface archaeological deposits at the location of the recorded sites or in adjacent areas.

5. INTERPRETATIONS

5.1 Origin of the Surface Sites

The absence of artefactual stone in the backhoe scrapes suggests that there are few sub-surface archaeological deposits on the subject land generally and in the excavated locations in particular. This in turn suggests that the sites recorded during the 1994 survey may not have originated from local deposits but have been translocated to the area from a second source, which may be their original place of deposition. Two of the recorded sites, Pelican Road Site (NPWS Site No. 58-2-305) and Nebraska Road Site (NPWS Site No. 58-2-307), are restricted to the built roads and their presence may be due to road construction. Because of the local clays, the roads at Nebraska Estate are covered with a mixture of gravels and sand and it is probably in the latter that the artefacts were introduced. This was partially confirmed at the Pelican Road Site (NPWS Site No. 58-2-305) where an artefact was found to be overlying blue-stone gravel used in water drainage works.

The introduction of stone artefacts via sand for road construction does not adequately explain the occurrence of artefacts at the Fisherman's Road Site (NPWS Site No. 58-2-306) which is on a walking track. These artefacts may have originated from local deposits although the area is highly disturbed and unlikely to have any *in situ* archaeological deposits.

5.2 Summary

The Aboriginal archaeological sites at Nebraska Estate appear to be a mixture of artefacts recently transported to the area with road construction material and artefacts introduced by past Aboriginal inhabitants. They are typical of those found elsewhere in the St Georges Basin /Tomerong area being low in their density and consisting predominantly of simple unretouched flakes. The failure of the sub-surface testing to reveal any archaeological deposits suggests that even if sub-surface artefacts are present, they occur in extremely low densities.

6 SIGNIFICANCE ASSESSMENT

6.1 Assessing Archaeological Significance

While all Aboriginal archaeological sites are unique and have varying degrees of importance it is necessary to have a basis for determining which sites have the highest degree of significance. The significance of an Aboriginal archaeological site is generally determined by its cultural, scientific, historic and aesthetic values (*Guidelines for the Protection...of...Cultural Heritage Places*).

6.1.1 Cultural Significance

The *cultural significance* of an Aboriginal archaeological site is largely a measure of its value to the Aboriginal community who are descended from the people who used or occupied the site, or who are the custodians of the site. Determining cultural significance is a matter for the Aboriginal community which in this case is the Jerrinja Local Aboriginal Land Council.

6.1.2 Scientific Significance

The *scientific significance* of an Aboriginal archaeological site is a relative measure dependant upon the state of knowledge of individual sites and groups of sites within a broader regional context. Scientific value refers to a site's representativeness and research potential. Ideally, a range of sites of a certain type should be preserved which are representative of the variability of that site type. The research potential of a site involves issues such as distinctiveness, age, preservation and the presence of sub-surface deposits which could potentially be excavated and may be dateable.

6.1.3 Historic Significance

Historic significance refers to past historic associations between Aboriginal people and particular sites, and to written records or references to a site which provide an historic context, or information on alterations to a site through time.

6.1.4 Aesthetic Significance

Aesthetic significance refers to the aesthetic appeal of elements of an Aboriginal archaeological site, and of a site within its setting. Aesthetic significance usually relates to art sites.

6.2 Scientific Significance of Surface Site Recorded in 1994

None of the recorded sites or the artefacts from which they are comprised have either historic or aesthetic significance and the following discussion is restricted to their cultural and scientific value.

6.2.1 Pelican Road and Nebraska Road Sites (NPWS Site Nos. 58-2-305 and 58-2-307)

With the excavations and re-survey of Nebraska Estate the moderate scientific significance bestowed on the sites in 1994 can be reassessed. The possibility that the Pelican Road and Nebraska Road Sites (NPWS Site No. 58-2-305 and 58-2-307) were formed through road construction and consist of artefacts transported from elsewhere means that they have only a low scientific rating. If they originate locally, they are highly disturbed and their scientific value remains low.

6.2.2 Fisherman's Road Site (NPWS Site No. 58-2-306)

While the Fisherman's Road Site (NPWS Site No. 58-2-306) has a low artefact density and lies in a highly disturbed context, there is a greater possibility that the artefacts derive from local deposits and thus represent past Aboriginal habitation in the area. The scientific significance of this site is moderate to low.

6.2.3 Scientific Significance of the Previously Recorded Artefacts

As noted above, the stone artefacts which comprise all three sites as described in the 1994 report are predominantly unretouched flakes and are thus typically of surface lithics found in the St Georges Basin-Tomerong area. As such, the scientific significance of these artefacts is low.

6.3 Cultural Significance of the Sites

In 1994 [REDACTED], as the representative of the Jerrinja Local Aboriginal Land Council, considered all three sites to be of low cultural significance. While participating in the fieldwork reported here, [REDACTED] did not observe any archaeological material of cultural value and maintains her earlier view that the sites are not culturally significant.

7. LEGISLATIVE PROTECTION

Aboriginal Archaeological Sites in New South Wales are protected by the *National Parks and Wildlife Act* (1974) and the *Aboriginal and Torres Strait Islander Heritage Protection Act* (1984). Under Section 21U(1) of the Commonwealth Act it is illegal to 'wilfully deface, damage, otherwise interfere with or do any act likely to endanger an Aboriginal object or Aboriginal place' unless the prior consent of the local Aboriginal community has been obtained in writing.

Nebraska Estate is in the local community area of the Jerrinja Local Aboriginal Land Council and they can be contacted through:

[REDACTED]
Jerrinja Local Aboriginal Land Council
P.O. Box 8
Orient Point NSW 2540

General inquiries may be directed to

[REDACTED]
Archaeologist Southern Zone
NSW National Parks and Wildlife Service
193 Crawford Street
Queanbeyan NSW
2620 PO Box 2115
[REDACTED]

8. RECOMMENDATIONS

1. No further archaeological investigations are necessary on Nebraska Estate.
2. Written permission should be sought from the Jerrinja Local Aboriginal Land Council prior to any development which is likely to impact on the recorded sites.
3. Written permission should be sought from the Director of the National Parks and Wildlife Service (NSW) prior to any development which is likely to impact on the recorded sites.

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GLOSSARY

Artefact - any object manufactured or altered by humans.

BP-before present. For the purpose of radiocarbon dating 'present' is taken as 1950.

Backed blade-a flake which has been blunted along one edge with a sharp blade left on the opposite side.

Bondi Point-a type of asymmetrical backed blade.

In Situ - in an original position.

Flake-a piece of stone which has been detached from a core.

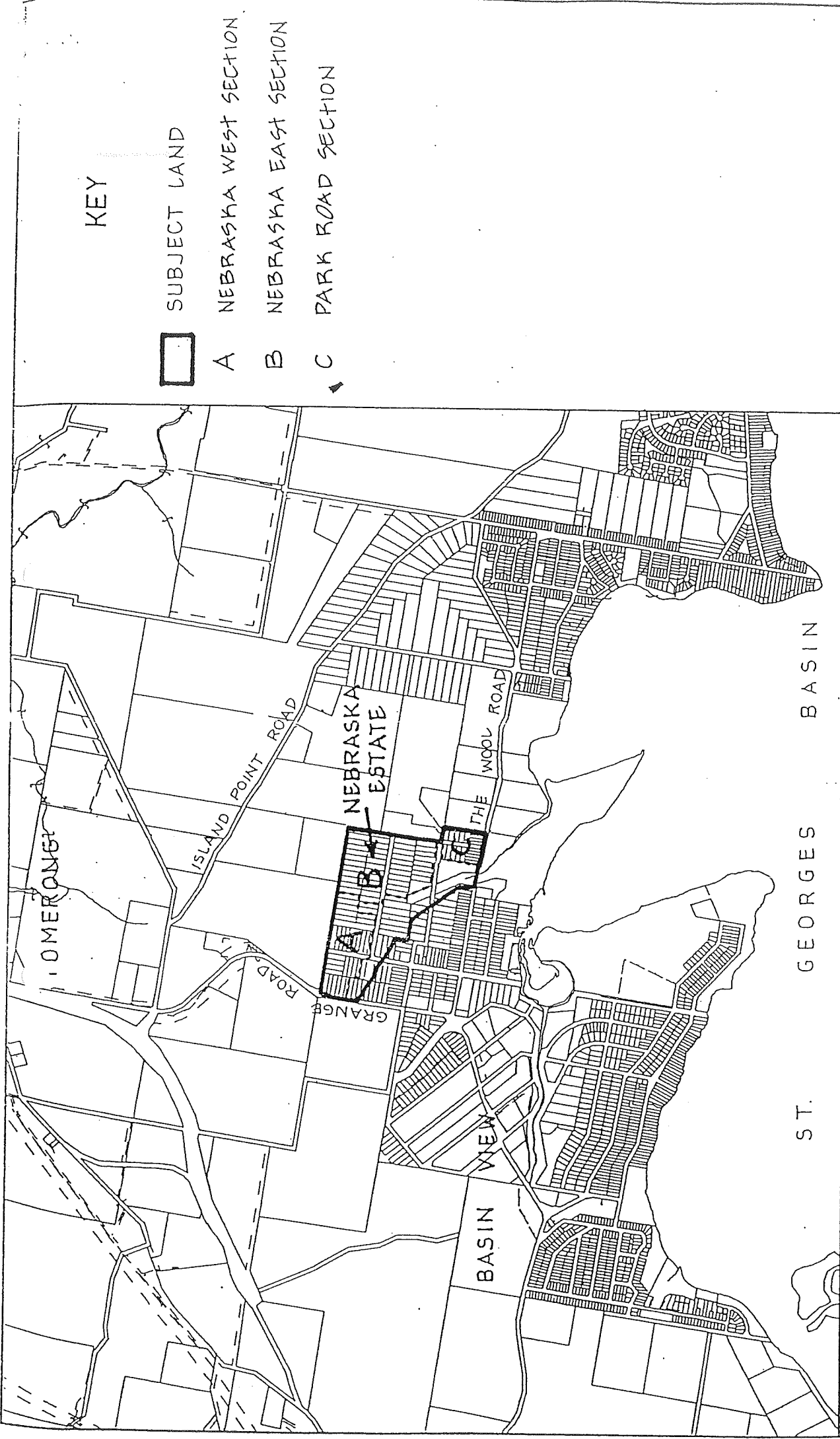
Lithic - stone.

Retouch-the removal of small flakes from a flake or core.

Scarred Tree - a tree bearing the scar resulting from the removal of its bark by Aborigines for the purpose of manufacturing bark artefacts or for gaining access to the tree canopy.

Silcrete-A type of silicious rock commonly used by Aborigines to make stone tools.

Tool-A flake or core which has evidence for use, usually in the form of retouch or usewear.

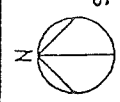


KEY



SUBJECT LAND

- A NEBRASKA WEST SECTION
- B NEBRASKA EAST SECTION
- C PARK ROAD SECTION



SCALE 1:25 000

CITY OF SHOALHAVEN
PLANNING SERVICES DIVISION

NEBRASKA ESTATE
LOCALITY PLAN

PLANNER

DRAWN BY D.J. ADAMS

FILE NO. 92/2728

GDS FILE PLAN:DLEP145

DATE 23/11/94

XMULTI (ADAMS) A4LOCAL

MAP 1. Location of Nebraska Estate

KEY

1 IN 100 YEAR FLOODLINE (REVISED 1991)



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MAP 2. Nebraska Estate showing flood zone and cities recorded in 1004

KEY

1 IN 100 YEAR FLOODLINE (REVISED 1991)

W O SCRAPE NO AND LOCATION



<p>SCALE 1: 5 000 M CONTOUR INTERVAL</p>	<p>CITY OF SHOALHAVEN PLANNING SERVICES DIVISION</p>	<p>NEBRASKA ESTATE</p>	<p>PLANNER DRAWN BY D.J. ADAMS FILE NO. 92/2728 GDS FILE PLAN:DLEP145 DATE 23/11/94 XJULTI (ADAMS) A4CONT0U</p>
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MAP 3. Nebraska Estate showing location of eight backhoe scrapes

APPENDIX 1

City of Shoalhaven Consultants Brief

CONSULTANT'S BRIEF

FOR FURTHER ARCHAEOLOGICAL INVESTIGATION - DRAFT LOCAL ENVIRONMENTAL PLAN NO. LP 145

RURAL PARTS OF NEBRASKA ESTATE DP 9699 IN THE VICINITY OF PELICAN ROAD ST GEORGES BASIN



See attached *Location and Site Plan*

1. AIM

To carry out on Council's behalf, further archaeological investigation, including sub-surface investigations building upon by Brendan Marshall and Cathie Webb January 1994, entitled *An Archaeological Survey of Nebraska Estate, St Georges Basin, New South Wales* a report prepared on behalf of South East Archaeology for the Council. Further details are given in Scope of Work below.

2. BACKGROUND

(a) Location and Present Use

The subject land is situated at the western end of St Georges Basin off The Wool Road and forms part of an estate which was subdivided at the turn of the century (pre 1919).

The land is generally timbered, although as it is in fragmented ownership some lots have been cleared or partially cleared. It appears much of the current groundcover is regrowth.

The area is dissected by a creek system as indicated by the flood zoning.

(b) Current Zoning and Planning Controls

The land is currently zoned Rural 1(a) or Rural 1(g) for areas identified as flood liable under the provisions of City of Shoalhaven Local Environmental Plan 1985. A small part of the land is affected by Scenic Preservation hatching under the Plan and there is a strip of land on The Wool Road in the south-eastern corner of the estate set aside for road widening. Council recently resolved to extend the Tree Preservation Order which presently applies to the rural lots within Nebraska Estate to land north of the estate. Council's consent is now required for the removal of trees in all areas affected by this Order.

3. SCOPE OF WORK

The consultant shall be required to:

- (a) consult with the Jerrinja Local Aboriginal Land Council before and, where appropriate, during the investigation ;
- (b) obtain from NSW National Parks and Wildlife Service a preliminary research permit to allow for specified sub-surface testing;
- (c) undertake an archaeological investigation to a standard acceptable to NSW National Parks and Wildlife Service and in accordance with its letter to Council of 11 November 1994, a copy of which is enclosed;
- (d) arrange to have the final draft report vetted by Peter Kuskie of South East Archaeology before submission to the Project Manager. Mr Kuskie's role in this respect should be acknowledged in the report;
- (e) liaise with Paul Burcher of Antcliff Ecological Services (02-484 2722) in the allocation of sub-surface investigation areas to minimise disturbance to valuable vegetation and wildlife habitat; and

- (f) obtain the written permission of the owners of land to be affected by sub-surface investigations before commencement of this work. Council can supply the particulars of land owners in the estate as required. Copies of written consents should be forwarded to the Project Manager.

4. CONSULTATION

This project will be managed by Alan Stasiukynas of Council's Planning Services Division or, in his absence, by the Planning Policy Manager, Ken Murray. The consultant should allow for at least two meetings with the Project Manager in Nowra, preferably before and after the sub-surface investigation is undertaken.

5. COSTS

Council requires a **FIXED PRICE QUOTE** for the preparation of the work as outlined in the brief.

Hourly rates of personnel to be involved, including any sub consultants, are to be provided so provision can be made for contingencies such as additional meetings etc. The quotation shall clearly state what has been allowed so that contingencies can be applied fairly, if needed. Also, a separate price is to be included in the event that Council resolves to hold a public meeting during the public exhibition period of the draft LEP.

A sum of 10% of the contract price will be withheld until such time as Council is satisfied that the work has been fully completed.

If successful in your bid for this work, Council will require that you submit a statutory declaration which states that all sub-consultants, your staff and others commissioned by yourselves to carry out work or supply material for it have been fully paid prior to the final payment being made to you.

6. PERSONNEL/SUB CONSULTANTS

The consultant shall name its staff members and any sub-consultants who will be working on this project (except for drafting, clerical and typing support), and provide a Resumé (qualifications/background/other project work) for each of them. Council will only consider persons qualified for specific tasks to work on the project.

No other professional staff or other sub-consultants are to be used on this project without the written permission of Council's Project Manager or his nominee.

7. TIMING

Please indicate the earliest commencement date and an estimated completion date. A work program should be provided, taking the form of a time line diagram.

8. REPORT

The report shall be bound, A4 size in portrait mode. Maps and diagrams should be capable of photocopying in black and white while still conveying their information. Two copies of the preliminary draft report shall be submitted to the Project Manager for initial assessment before being finalised.

Four copies of the final approved report are required, including one unbound copy.

9. COPYRIGHT

Any studies, investigations, designs and associated documentation and drawings prepared for Council in this project shall be owned and become the sole property of Shoalhaven City Council for all copyright purposes. Council requires, in writing, the consent of the consultant authorising Council to produce the report in whole or in part.

10. SUPPORT MATERIAL

Council can supply the consultant with base mapping, both of the subject land and surrounding area at any scale.

Aerial photography may be available at Council to assist in this project, however, this may only be used whilst at Council's offices. Should you require such photographs or enlargements of them to carry out your work, either in the field or at premises other than Council's Nowra office, then these should be budgeted in your proposal but shall become the property of the Council at the conclusion of the project.

11. PAYMENT

Two payments will be made for this project. The first at the presentation of the draft report for review subject to a detail invoice being presented to Council. The second and final payment shall be equivalent to an amount of 10% withheld as previously mentioned.

12. DISCLOSURE OF INTEREST

As part of the consultant's response to the brief you are required to disclose, in writing, any interest or matters which may prejudice the consultant's ability to act objectively on behalf of Council in this commission.

13. INSURANCE

Your response to the brief shall provide documentary evidence to Council that you have adequate insurance cover in respect of professional indemnity and public liability insurance.

14. OCCUPATIONAL HEALTH & SAFETY

Council requires that the consultant will at all times adopt recognised and appropriate standards in relation to occupational health and safety matters when undertaking this work. The consultant must also ensure that all sub-consultants do likewise.

15. CONFLICTS OF CONDITIONS

If there are any conflicts of conditions between this Brief and your response then, unless specifically agreed to in writing, the Council's conditions will take precedence.


16. TERMINATION OF CONSULTANCY

Council retains the right to terminate the consultancy at any time with two weeks notice having regard to the general performance of the consultant in carrying out the proposed work and/or for the consultant's inability to reasonably meet the agreed timetable for carrying out such work.

17. DATE FOR RETURN OF SUBMISSION

Please forward your submission to Council, in writing, with the required information by 5 pm on Friday, ~~26 May~~ 1995.

9th June (as)
If you have any queries on the above, please contact the Project Manager, Alan Stasiukynas on (044) 293 474 or, in his absence, the Planning Services Manager.



G A Napper
GENERAL MANAGER
May 1995

(as)
BF/GA
12 May 1995

(PS)

APPENDIX 2

National Parks and Wildlife Permit



PERMIT #:
(HO use only)

NATIONAL PARKS AND WILDLIFE ACT 1974
SECTION 87(1)

PERMIT

PERMIT TO CARRY OUT PRELIMINARY RESEARCH

PERMIT ISSUED TO: Brendan Marshall

OF (address in full): Austral Heritage Consultants
28 Anketell Street
Coburg Victoria 3058

AUTHORITY is hereby given for the person named above to conduct an archaeological survey for preliminary research to record Aboriginal art, collect material for analysis, conduct small test excavations, or other activities as specified under Section 86 of the National Parks and Wildlife Act 1974.

AREA COVERED by Permit for purpose as named above: Selected areas within the proposed Nebraska Estate as described in the consultants application.

TERM OF PERMIT: Commences date of permit issue

Expires **three** months from date of permit issue

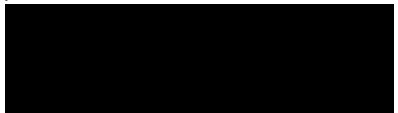
REPORTS DUE: Reports due **three** months from date of permit expiration

TERMS AND CONDITIONS OF THIS PERMIT

This permit is issued subject to General Terms and Conditions covering all archaeological Permits and Consents, as well as those Specific Terms and Conditions pertaining to each type of Permit. Both are detailed in the attached pages. This Permit is also issued subject to any Special Conditions determined by the Director-General, which appear hereunder:

Excavation and/or collection is to be conducted using the methods as set out in the application form (dated).

DATED at Sydney this 6th day of September, 1995


issued by the Director-General of
National Parks and Wildlife

SPECIFIC CONDITIONS APPLYING TO PRELIMINARY RESEARCH PERMITS

- 1 Any Aboriginal sites or locations or relics identified on the area covered by this permit must be clearly flagged and fenced temporarily as well as being identified to the proponent in the field.
- 2 All areas recorded or test-excavated are to be left in a condition satisfactory to the National Parks and Wildlife Service, immediately after the completion of the recording and test excavation.
- 3 A report on the result of the preliminary research shall be furnished to the National Parks and Wildlife Service within three months of the expiry of the Permit, or any renewal thereof.
- 4 This report shall include:
 - outline of the aims of the research;
 - a detailed description of the method of excavation/collection/ recording and analysis;
 - a complete list of all material recovered;
 - a detailed plan of sites excavated/collected, including the location of all trenches, auger holes and spoil heaps;
 - National Parks and Wildlife Service site forms for all sites found. These must include either 1:25,000 or 1:100,000 scale map references;
 - the report must include a summary of consultation undertaken with relevant Aboriginal community groups;
 - the permit holder shall also furnish the National Parks and Wildlife Service with a report written without archaeological terminology, which would be available to relevant Aboriginal Land Councils or relevant Aboriginal community groups.
- 5 All areas excavated are to be backfilled during the same field season, unless reasons acceptable to the Director-General are presented for a variance to this procedure.
- 6 Any Aboriginal relics recovered, being the property of the Crown, shall be deposited at The Australian Museum, in accordance with adopted procedures for the deposition of Aboriginal relics as prescribed by The Australian Museum, at or before a period of two years from the date of expiration of the Permit or any renewal thereof, whichever occurs first. Information about deposition requirements can be obtained from the Aboriginal Collections Manager, Division of Anthropology, The Australian Museum, on (02) 339 8111.

- 7 At the same time that Aboriginal relics are deposited in the Australian Museum, a copy of the report referred to in clause 3 above, and a copy of the report referred to in clause 14 of the General Terms and Conditions, field notes, site plans, section drawings and relevant photographs, shall be deposited at The Australian Museum.
- 8 Any investigations should involve consultation with, and the involvement of appropriate representatives of the Jerrinja Local Aboriginal Land Council.
- 9 Should any 'relic', defined under the Heritage Act of NSW be uncovered, then excavation or disturbance of that area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with S.146 of the Heritage Act, 1977 (as amended).

Historic Archaeologists of the Heritage Council can be contacted on

(02) 391 2066
(02) 391 2061

A 'relic' under the Heritage Act is defined as any deposit, object or material evidence-

- (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and
- (b) which is 50 or more years old.

GENERAL TERMS AND CONDITIONS

1. Permits and Consents are not transferable.
2. A Permit covers only that area stated in the Permit
3. A Consent covers only that area stated in the instrument of Consent and in any Schedules thereto.
4. Permits may be revoked at any time at the discretion of the Director-General.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General.
6. The Person to whom the Permit is issued or the Consent granted shall be responsible for the manner in which the work covered by the Permit or Consent is performed.
7. An officer of the National Parks and Wildlife Service, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit or Consent.
8. Permits and Consents are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.
9. The holder of the Permit or Consent shall furnish, when required to do so, an undertaking to indemnify the National Parks and Wildlife Service against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit or Consent.
10. All reports received in connection with work carried out under a Permit or Consent shall be treated as confidential but the National Parks and Wildlife Service shall have the right to copy all such reports, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit or Consent, the holder of the Permit or Consent may refuse to allow the National Parks and Wildlife Service and The Australian Museum, if such information is held by those institutions, to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons. After this period of five years from the date of issue of the Permit or Consent, the Service and The Australian Museum shall have the right to use and authorise the use of information contained in all reports submitted under the Permit or Consent, except where specifically requested by the holder of the Permit or Consent.



12. Upon publication of any information relating to work done under a Permit or Consent, a copy of such publication(s) shall be forwarded to the National Parks and Wildlife Service, The Australian Museum, Sydney, and the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, unless permission to do otherwise has been obtained from the Service.
13. The holder of the Permit or Consent shall consult with the local Aboriginal community regarding the work covered by the Permit or Consent and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The National Parks and Wildlife Service and The Australian Museum may supply copies of relevant reports as furnished by the holder of the permit or Consent to local Aboriginal communities. Upon request by the Service, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interest local groups.
15. The holder of the Permit or Consent shall keep field records and a copy of all such records shall be lodged with the National Parks and Wildlife Service at the termination of each field work period. A copy of all field records shall be lodged with The Australian Museum at the time the archaeological materials are deposited with the Museum.
16. The holder of the Permit or Consent shall notify the local District office of the National Parks and Wildlife Service at the commencement and completion of fieldwork, and shall supply to District officers details of field work programs and results if requested.
17. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) Furnish an undertaking to indemnify the National Parks and Wildlife Service against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
 - (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the National Parks and Wildlife Service within two weeks from the date of revocation of that Permit;
 - (iii) furnish the National Parks and Wildlife Service within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered;



- (iv) deposit any Aboriginal relics removed during work associated with the Permit, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, after these relics have been fully examined, or within six months from the date of revocation of that Permit whichever occurs sooner.
- (b) The National Parks and Wildlife Service and The Australian Museum shall have the right to use and authorise the use of information collected under the Permit.

