

APPENDIX 6

April 2026

Wingham Urban Release Area 1



UPDATED ABORIGINAL CULTURAL HERITAGE ASSESSMENT - April 2026

MPT Farms Pty Limited

M

Lot 92 Wingham Road, Wingham

LGA: Midcoast Council

Aboriginal Cultural Heritage Assessment (ACHA)

1 April 2026

McCARDLE CULTURAL HERITAGE PTY LTD

ACN 104 590 141 • ABN 89 104 590 141

PO Box 166, Adamstown, NSW 2289

Mobile: 0412 702 396 • Email: penny@mcheritage.com.au



Report No: J202423 ACHA

Approved by: Penny McCardle

Position: Director

Signed: 

Date: 1 April 2026

This report has been prepared in accordance with the scope of services described in the contract or agreement between McCardle Cultural Heritage Pty Ltd (MCH), ACN: 104 590 141, ABN: 89 104 590 141, and the proponent. The report relies upon data, surveys, measurements and specific times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the proponent. Furthermore, the report has been prepared solely for use by the proponent and MCH accepts no responsibility for its use by other parties.

CONTENTS

EXECUTIVE SUMMARY	1
GLOSSARY	3
ACRONYMS.....	5
AHIMS SITE ACRONYMS	5
 1 INTRODUCTION	 6
1.1 INTRODUCTION	6
1.2 PROPONENT DETAILS	6
1.3 THE PROJECT AREA.....	6
1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT.....	7
1.5 PURPOSE OF THE ARCHAEOLOGICAL ASSESSMENT.....	8
1.6 OBJECTIVE OF THE ASSESSMENT	8
1.7 PROJECT BRIEF/SCOPE OF WORK.....	8
1.8 LEGISLATIVE CONTEXT	8
1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED).....	9
1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2019)	9
1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)	10
1.9 QUALIFICATIONS OF THE INVESTIGATOR	10
1.10 REPORT STRUCTURE.....	11
 2 CONSULTATION	 12
2.1 STAGE 1: NOTIFICATION & REGISTRATION OF INTEREST.....	12
2.2 STAGE 2: PRESENTATION OF INFORMATION.....	13
2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE	14
2.4 SURVEY.....	14
2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT	15
 3 LANDSCAPE AND ENVIRONMENTAL CONTEXT	 16
3.1 INTRODUCTION	16
3.2 GEOLOGY	16
3.3 TOPOGRAPHY	17
3.4 SOILS	17
3.5 CLIMATE.....	17
3.6 WATERWAYS	18
3.7 FLORA AND FAUNA	18
3.8 LANDUSES AND DISTURBANCES	19
3.9 NATURAL DISTURBANCES	20

3.10	DISCUSSION	22
4	CULTURAL CONTEXT	23
4.1	ETHNO-HISTORIC ACCOUNTS.....	23
5	ARCHAEOLOGICAL CONTEXT.....	26
5.1	REGIONAL ARCHAEOLOGICAL CONTEXT	26
5.2	HERITAGE REGISTER LISTINGS.....	27
5.3	ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM.....	27
5.4	LOCAL ARCHAEOLOGICAL CONTEXT.....	28
5.5	LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES.....	31
5.6	MODELS OF PAST ABORIGINAL LAND USE	32
5.6.1	MODEL OF OCCUPATION FOR THE REGION.....	33
5.7	PREDICTIVE MODEL FOR THE PROJECT AREA	34
5.8	ARCHAEOLOGICAL POTENTIAL IN THE PROJECT AREA	35
6	RESULTS.....	37
6.1	METHODOLOGY	37
6.2	LANDFORMS	37
6.3	SURVEY UNITS	37
6.4	EFFECTIVE COVERAGE & DISTURBANCES.....	40
6.5	ARCHAEOLOGICAL SITES	42
6.6	POTENTIAL ARCHAEOLOGICAL DEPOSIT/ SENSITIVITY.....	42
6.7	DISCUSSION	43
6.7.1	INTEGRITY	43
6.8	INTERPRETATION & OCCUPATION MODEL	43
6.9	REGIONAL & LOCAL CONTEXT	43
6.10	REASSESSMENT OF THE PREDICTIVE MODEL.....	43
6.11	CONCLUSION	43
7	ASSESSMENT OF IMPACTS	45
7.1	IMPACTS.....	45
8	MITIGATION AND MANAGEMENT STRATEGIES.....	46
8.1	CONSERVATION/PROTECTION	46
8.2	FURTHER INVESTIGATION	46
8.3	AHIP	46
9	RECOMMENDATIONS	47
9.1	GENERAL	47
9.2	PAD	47

APPENDICES

APPENDIX A CONSULTATION

APPENDIX B AHIMS SEARCH RESULTS

APPENDIX C UNEXPECTED FINDS PROCEDURE

LIST OF TABLES

TABLE 2.1 SOURCES CONTACTED	13
TABLE 2.2 REGISTERED ABORIGINAL PARTIES.....	13
TABLE 3.1 LAND USE SCALE (CSIRO 2010)	19
TABLE 5.1 SUMMARY OF SITES (KLAVER AND HEFFERNAN 1991)	29
TABLE 5.2 SUMMARY OF SITES (COLLINS 2000)	30
TABLE 5.3 SITE DESCRIPTIONS (KUSKIE & KAMMINGA 2000).	34
TABLE 6.1 GROUND SURFACE VISIBILITY RATING	40
TABLE 6.2 EFFECTIVE COVERAGE FOR THE INVESTIGATION AREA	41
TABLE 6.3 LAND USE SCALE (CSIRO 2010) AND LAND USES IN THE PROJECT AREA	41

LIST OF FIGURES

FIGURE 1.1 REGIONAL LOCATION OF THE PROJECT AREA	6
FIGURE 1.2 AERIAL PHOTOGRAPH OF THE PROJECT AREA (NEARMAP 2023).....	7
FIGURE 1.3 PRECINCT PLAN	7
FIGURE 5.1 APPROXIMATE LOCATION OF AHIMS SITES	27
FIGURE 5.2 FOLEY'S MODEL (L) AND ITS MANIFESTATION IN THE ARCHAEOLOGICAL RECORD (R), (FOLEY 1981).....	33
FIGURE 6.1 SURVEY COVERAGE MAP	37
FIGURE 6.2 EASTERN PART OF THE PROJECT AREA (FACING NORTH EAST).....	38
FIGURE 6.3 CENTRE PART OF THE PROJECT AREA (FACING WEST)	38
FIGURE 6.4 NORTH WESTERN SECTION (FACING EAST)	39
FIGURE 6.5 NORTH WESTERN TRACK THROUGH OPEN WOODLAND (FACING NORTH).....	39
FIGURE 6.6 WESTERN SIDE OF THE PROJECT AREA (FACING NORTH EAST).....	39
FIGURE 6.7 PAD LOCATION IN RELATION TO THE RESIDENTIAL REZONING AREA.....	42

EXECUTIVE SUMMARY

McCardle Cultural Heritage Pty Ltd (MCH) has been engaged by Hampstead Property on behalf of MPT Farms Pty Limited to prepare an Aboriginal Cultural Heritage Assessment (ACHA), and an Aboriginal Heritage Impact Permit (AHIP), if required, for the proposed rezoning and development of a portion of the property (Rezoning Area) from RU1 Primary Production to R1 General Residential.

The underlying geology of the majority of the project area is mainly Palaeozoic Giro Beds that consist of pebbly mudstone, mudstone conglomerate, siltstone, shale, sandstone, Unnamed limestone and Cedar Party limestone. The areas along the creek consist of Quaternary sand, silt, mud and gravel. The presence of mudstone within the geology of the project area indicates that stone materials suitable for manufacturing stone artefacts may occur in various locations throughout the project area.

Lot 92 is bordered by Cedar Party Creek, a 6th order creek, on its northern and western sides. Additionally, one 1st order drainage line extends from the centre of the project area north into Cedar Party Creek. Therefore, it can be inferred that the project area was well-resourced in terms of water availability and likely served as a focal point for camping and other activities. The presence of a 6th order creek suggests a substantial and consistent flow of water throughout the project area. This would have provided a reliable source of water for drinking, cooking, and other daily activities. In terms of past land uses and the associated impact to the landscape and archaeological record, the project area has been subject to large scale clearing, at least one ploughing event for grazing as well as tracks throughout.

A search AHIMS identified 6 known Aboriginal sites recorded within two kilometres of the project area and include two artefact sites, one burial, one stone arrangement, one ceremonial ring and one Aboriginal ceremony and dreaming/burial/ PAD. There are no sites or Aboriginal Places in the project area. Within Lot 92, it is possible that artefact scatters (possibly with hearths, grinding stones – evidence of food preparation) will be found along Cedar Party Creek with the highest concentration being within 50 metres of the creek. It is also likely that the remainder of the project area, specifically the rezoning area, would have been used for hunting and gathering which manifests in the archaeological record as a background scatter of discarded artefacts. The refinement of this predictive model will be dependent upon an investigation of the range of landforms and the occurrence of modern disturbances within the project area.

The project area was surveyed as one unit and identified that the project area had been previously cleared and ploughed for pasture as well as grazing and a power easement was present. Vegetation consisted mainly of grass varying in height, limiting visibility and few trees were present in the project area. No sites were identified during the survey. However, Cedar Party Creek, a 6th order creek, specifically areas within 50 metres along its length within Lot 92, have the potential to contain evidence of past Aboriginal land use. This is based on the strategic assessment of its geographical features, particularly the presence of a dependable fresh water source, associated subsistence and medicinal sources, and elevated land along its length. The area along Cedar Party Creek (up to 50 metres in width from its banks) is identified as a PAD.

The PAD will be protected by the Riparian Zone (up to 40 metres in width along the length of the creek), and as it is excluded from the residential rezoning area. As the PAD will not be impacted on there are no impacts to the potential archaeological record and the following recommendations are provided:

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are

made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974;

- 2) An Unexpected Finds Procedure for cultural materials and human remains (Appendix B) will be implemented during all works;
- 3) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately, the Unexpected Finds Procedure followed and the Environmental Line contacted;
- 4) A cultural awareness program should be included as part of the site induction program and developed with the RAPs and form part of the Environmental Management Plan, and
- 5) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW prior to any works being undertaken at the PAD location.

GLOSSARY

Aboriginal Cultural Heritage Values: traditional values of Aboriginal people, handed down in spiritual beliefs, stories and community practices and may include local plant and animal species, places that are important and ways of showing respect for other people.

Aboriginal Place: are locations that have been recognised by the Minister (and gazetted under the *National Parks and Wildlife Act 1974*) as having special cultural significance to the Aboriginal community. An Aboriginal Place may or may not include archaeological materials.

Aboriginal Site: an Aboriginal site is the location of one or more Aboriginal archaeological objects, including flaked stone artefacts, midden shell, grinding grooves, archaeological deposits, scarred trees etc.

Artefact: any object that is physically modified by humans.

Assemblage: a collection of artefacts associated by a particular place or time, assumed generated by a single group of people, and can comprise different artefact types.

Axe: a stone-headed axe usually having two ground surfaces that meet at a bevel.

Backed artefact: a stone tool where the margin of a flake is retouched at a steep angle and that margin is opposite a sharp edge.

Background scatter: a term used to describe low density scatter of isolated finds that are distributed across the landscape without any obvious focal point.

Blade: a flake that is at least twice as long as it is wide.

Bondi point: a small asymmetrical backed artefact with a point at one end and backing retouch.

Core: a chunk of stone from which flakes are removed and will have one or more negative flake scars but no positive flake scars. The core itself can be shaped into a tool or used as a source of flakes to be formed into tools.

Debitage: small pieces of stone debris that break off during the manufacturing of stone tools. These are usually considered waste and are the by-product of production (also referred to as flake piece).

Flake: any piece of stone struck off a core and has a number of characteristics including ring cracks showing where the hammer hit the core and a bulb of percussion. May be used as a tool with no further working, may be retouched or serve as a platform for further reduction.

Flaked piece/waste flake: an unmodified and unused flake, usually the by-product of tool manufacture or core preparation (also referred to asdebitage).

Formation processes: human caused (land uses etc) or natural processes (geological, animal, plant growth etc) by which an archaeological site is modified during or after occupation and abandonment. These processes have a large effect on the provenience of artefacts or features.

Grinding stone: an abrasive stone used to abrade another artefact or to process food.

Hammer stone: a stone that has been used to strike a core to remove a flake, often causing pitting or other wear on the stone's surface.

Harm: is defined as an act that may destroy, deface or damage an Aboriginal object or place. In relation to an object, this means the movement or removal of an object from the land in which it has been situated

Holocene: the post-glacial period, beginning about 10,000 B.P.

In situ: archaeological items are said to be "in situ" when they are found in the location where they were last deposited.

Pleistocene: the latest major geological epoch, colloquially known as the "Ice Age" due to the multiple expansion and retreat of glaciers. Ca. 3,000, 000-10,000 years B.P.

Retouched flake: a flake that has been flaked again in a manner that modified the edge for the purpose of resharpening that edge.

Stratified Archaeological Deposits: Aboriginal archaeological objects may be observed in soil deposits and within rock shelters or caves. Where layers can be detected within the soil or sediments, which are attributable to separate depositional events in the past, the deposit is said to be stratified. The integrity of sediments and soils are usually affected by 200 years of European settlement and activities such as land clearing, cultivation and construction of industrial, commercial and residential developments.

Taphonomy: the study of processes which have affected organic materials such as bone after death; it also involves the microscopic analysis of tooth-marks or cut marks to assess the effects of butchery or scavenging activities.

Traditional Aboriginal Owners: Aboriginal people who are listed in the Register of Aboriginal owners pursuant to Division 3 of the *Aboriginal Land Register Act (1983)*. The Registrar must give priority to registering Aboriginal people for lands listed in Schedule 14 of the *National Parks and Wildlife Act 1974* or land subject to a claim under 36A of the *Aboriginal Land Rights Act 1983*.

Traditional Knowledge: Information about the roles, responsibilities and practices set out in the cultural beliefs of the Aboriginal community. Only certain individuals have traditional knowledge and different aspects of traditional knowledge may be known by different people, e.g., information about men's initiation sites and practices, women's sites, special pathways, proper responsibilities of people fishing or gathering food for the community, ways of sharing and looking after others, etc.

Typology: the systematic organization of artefacts into types on the basis of shared attributes.

Use wear: the wear displayed on an artefact as a result of use.

ACRONYMS

ACHA	Aboriginal Cultural Heritage Assessment
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit

AHIMS SITE ACRONYMS

ACD	Aboriginal ceremonial and dreaming
AFT	Artefact (stone, bone, shell, glass, ceramic and metal)
ARG	Aboriginal resource and gathering
ART	Art (pigment or engraving)
BOM	Non-human bone and organic material
BUR	Burial
CFT	Conflict site
CMR	Ceremonial ring (stone or earth)
ETM	Earth mound
FSH	Fish trap
GDG	Grinding groove
HAB	Habitation structure
HTH	Hearth
OCQ	Ochre quarry
PAD	Potential archaeological Deposit
SHL	Shell
STA	Stone arrangement
STQ	Stone quarry
TRE	Modified tree (carved or scarred)
WTR	Water hole

1 INTRODUCTION

1.1 INTRODUCTION

McCardle Cultural Heritage Pty Ltd (MCH) has been engaged by Hampstead Property on behalf of MPT Farms Pty Limited to prepare an Aboriginal Cultural Heritage Assessment (ACHA), and an Aboriginal Heritage Impact Permit (AHIP), if required, for the proposed rezoning and development of a portion of the property (Rezoning Area) from RU1 Primary Production to R1 General Residential.

The assessment has been undertaken to meet the Heritage NSW, Department of Premier & Cabinet, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), and the requirements of Council's minutes to the pre-lodgement meeting.

1.2 PROPONENT DETAILS

MPT Farms Pty Limited

1.3 THE PROJECT AREA

The 63.5-hectare Property zoned RU1 Primary Production is largely cleared of vegetation and the topography slopes gently downward towards Cedar Party Creek to the north and east. The project area is in close proximity to the Wingham town centre approximately 300 metres away at the closest point offering high accessibility and connectivity with the established town and its amenities including primary and secondary schools, main street shops and cafes, Wingham Pool, and the Wingham Central Park. Located along Wingham Road (Lot 92 DP1285477), the location and extent of the project area is illustrated in Figures 1.1 and 1.2.

Figure 1.1 Regional location of the project area

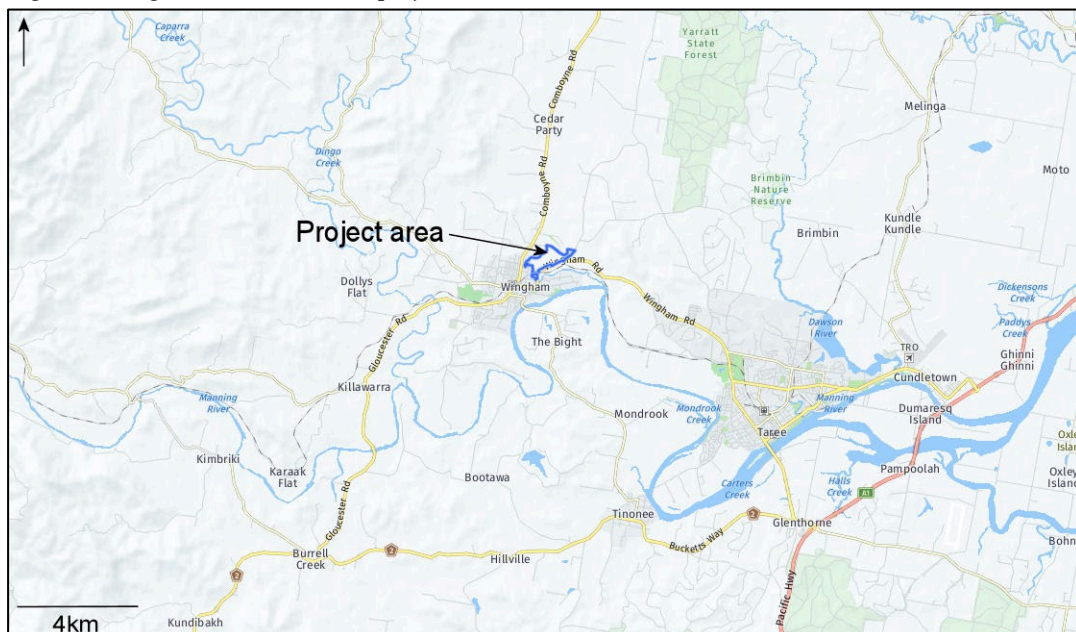


Figure 1.2 Aerial photograph of the project area (Nearmap 2023)

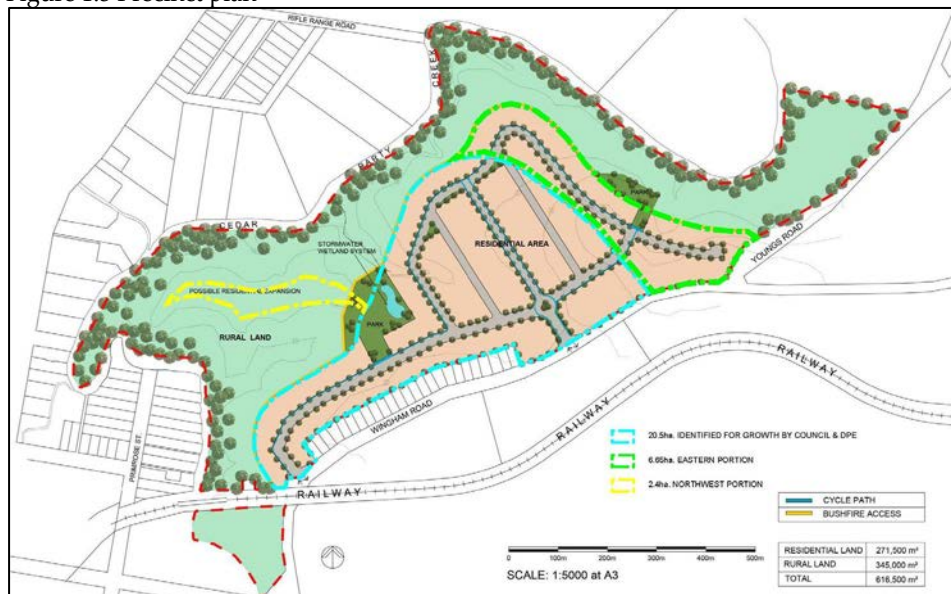


1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposal seeks amendment to the Greater Taree Local Environmental Plan 2010 (GTLEP) to rezone part of the Property at Wingham Road, Wingham to enable residential development. The Proposal also seeks appropriate built form controls including changes to the Minimum Lot Size and the introduction of a limit for the Height of Buildings. Zoning(s) and controls are to be consistent with the Standard Instrument and will be finalised following consultation with MidCoast Council.

The Property has been identified for urban growth within local and state strategic planning documents since 2006 and most recently within the MidCoast Urban Release Areas Report in July 2021 and the Hunter Regional Plan 2041 adopted by the Minister for Planning in December 2022. MPT's vision for the project area is a high quality rural residential community that is cohesive with the village of Wingham.

Figure 1.3 Precinct plan



1.5 PURPOSE OF THE ARCHAEOLOGICAL ASSESSMENT

The purpose of the assessment is to assess any archaeological constraints to support the proposal and to provide opportunities and options to ensure any cultural materials present are protected through appropriate mitigation and management.

1.6 OBJECTIVE OF THE ASSESSMENT

The objective of the assessment is to identify areas of Aboriginal cultural heritage value, to determine possible impacts on any Aboriginal cultural heritage identified (including potential subsurface evidence) and to develop management recommendations where appropriate. The assessment employs a regional approach, taking into consideration the landscape of the project area (landforms, water resources, soils, geology etc), the regional archaeological patterning identified by past studies, natural processes (e.g., erosion) as well as land uses and associated impacts across the landscape and any associated cultural that may be present.

1.7 PROJECT BRIEF/SCOPE OF WORK

The following tasks were carried out:

- a review of relevant statutory registers and inventories for indigenous cultural heritage including the Aboriginal Heritage Information Management System (AHIMS) for known archaeological sites, the State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Heritage Register and the relevant Local Environmental Plan;
- a review of local environmental information (e.g., topographic, geological, soil, geomorphological, vegetation, hydrology) to determine the likelihood of archaeological sites and specific site types that may be present, prior and existing land uses and associated impacts and site disturbance that may affect site integrity;
- a review of previous investigations to determine the extent of archaeological investigations in the area and identify any archaeological patterns;
- the development of a predictive archaeological model based on the data searches and literature review;
- identification of human and natural impacts in relation to the known and any new archaeological sites and archaeological potential within the project area;
- consultation with the Registered Aboriginal Parties (RAPs) as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010);
- undertake a site inspection with the participation of the RAPs, and
- the development of mitigation and conservation measures in consultation with the RAPs.

1.8 LEGISLATIVE CONTEXT

The following overview of the legislative framework, is provided solely for information purposes for the client, and should not be interpreted as legal advice. MCH will not be liable for any actions taken by any person, body or group as a result of this general overview and MCH recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the general summary below.

Land managers are required to consider the effects of their activities or proposed development on the environment under several pieces of legislation. Although there are a number of Acts and regulations protecting Aboriginal heritage, including places, sites and objects, within NSW, the three main ones include:

- National Parks and Wildlife Act (1974, as amended)
- National Parks and Wildlife Regulation (2019)
- Environmental Planning and Assessment Act (1979)

1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED)

The National Parks and Wildlife Act (1974), is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. The NPW Act protects Aboriginal heritage (places, sites and objects) within NSW and the protection of Aboriginal heritage is outlined in s86 of the Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1)
- “A person must not harm an Aboriginal object” s86(2)
- “A person must not harm or desecrate an Aboriginal place” s86(4)

Penalties apply for harming an Aboriginal object, site or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the National Parks and Wildlife Act (1974, as amended) is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate that;

- 1) harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or
- 2) the proponent exercised due diligence in respect to Aboriginal heritage.

The ‘due diligence’ defence (s87[2]), states that if a person or company has applied due diligence to determine that no Aboriginal object, site or place was likely to be harmed as a result of the activities proposed for the Project Area, then liability from prosecution under the NPW Act 1974 will be removed or mitigated if it later transpires that an Aboriginal object, site or place was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and Heritage NSW, Department of Premier & Cabinet notified (DECCW 2010:13). The due diligence defence does not allow for continuing harm or as defence to s.86(1) or (4).

1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2019)

The National Parks and Wildlife Regulation 2019 provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The Regulation (2019) recognises various due diligence codes of practice, including the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, but it also outlines procedures for Aboriginal Heritage

Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)

EP&A Act establishes the statutory framework for planning and environmental assessment in NSW and the implementation of the EP&A Act is the responsibility of the Minister for Planning, statutory authorities and local councils. The EP&A Act contains three parts which impose requirements for planning approval:

- Part 3 of the EP&A Act relates to the preparation and making of Environmental Planning Instruments (EPIs), State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).
- Part 4 of the EP&A Act establishes the framework for assessing development under an EPI. The consent authority for Part 4 development is generally the local council, however the consent authority may be the Minister, the Planning Assessment Commission or a joint regional planning panel depending upon the nature of the development.
- Part 4, Division 4.1 of the EP&A Act establishes the assessment pathway for State significant Development (SSD) declared by the State Environmental Planning Policy (State and Regional Development) 2011 (NSW). Once a development is declared as SSD, the Secretary's Environmental Assessment Requirements (SEARs) will be issued outlining what issues must be considered in the EIS.
- Part 5 of the EP&A Act provides for the control of 'activities' that do not require development consent and are undertaken or approved by a determining authority. Development under Part 5 that are likely to significantly affect the environment is required to have an EIS prepared for the proposed activity.
- Part 5.1 of the EP&A Act establishes the assessment pathways for State Significant Infrastructure (SSI). Development applications made for SSI can only be approved by the Minister. Once a development is declared as SSI, the SEARs will be issued outlining what issues must be addressed in the EIS.

The applicable approval process is determined by reference to the relevant environmental planning instruments and other controls, LEPs and State Environmental Planning Policies (SEPPs). This project falls under Part 3.

1.9 QUALIFICATIONS OF THE INVESTIGATOR

Dr. Penny McCardle: Principal Archaeologist & Forensic Anthropologist has 23 years experience in Indigenous archaeological assessments, excavation, research, reporting, analysis and consultation and 19 years in skeletal identification, biological profiling and skeletal trauma identification for NPWS, NSW Police and the NSW Department of Forensic Medicine.

- BA (Archaeology and Palaeoanthropology): Indigenous archaeology, University of New England 1999
- Hons (Archaeology and Palaeoanthropology): Physical Anthropology, University of New England 2001
- Forensic Anthropology Course, University of New England 2003
- Armed Forces Institute of Pathology Forensic Anthropology Course, Ashburn, VA 2008

- Analysis of Bone trauma and Pseudo-Trauma in Suspected Violent Death Course, Erie College, Pennsylvania, 2009
- Documenting Scenes of War and Human Rights Violations. Institute for International Criminal Investigations, 2018
- PhD, University of Newcastle, 2019

1.10 REPORT STRUCTURE

The report includes Section 1 which outlines the project, Section 2 provides the consultation, Section 3 presents the environmental context, Section 4 presents ethno historic context, Section 5 provides the archaeological background, Section 6 provides the results of the fieldwork, analysis and discussion; Section 7 presents the development impact assessment, Section 8 presents the mitigation strategies and Section 9 presents the management recommendations.

2 CONSULTATION

As per the Heritage NSW, Department of Premier & Cabinet Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010), MCH followed the four stages of consultation as set out below. All correspondences for each stage are provided in Appendix A.

In relation to cultural significance, MCH recognises and supports the indigenous system of knowledge. That is, that knowledge is not 'open' in the sense that everyone has access and an equal right to it. Knowledge is not always definitive (in the sense that there is only one right answer) and knowledge is often restricted. As access to this knowledge is power, it must be controlled by people with the appropriate qualifications (usually based on age seniority, but may be based on other factors). Thus, it is important to obtain information from the correct people: those that hold the appropriate knowledge of those sites and/or areas relevant to the project. It is noted that only the Aboriginal community can identify and determine the accepted knowledge holder(s) may be not archaeologists or proponents. If knowledge is shared, that information must be used correctly and per the wishes of the knowledge holder.

Whilst an archaeologist may view this information as data, a custodian may view this information as highly sensitive, secret/sacred information and may place restrictions on its use. Thus, it is important for MCH to engage in affective and long-term consultation to ensure knowledge is shared and managed in a suitable manner that will allow for the appropriate management of that site/area. MCH also know that archaeologists do not have the capability nor the right to adjudicate on the spirituality of a particular location or site as this is the exclusive right of the traditional owners who have the cultural and hereditary association with the land of their own ancestors. For these reasons, consultation forms an integral component of all projects and this information is sought from the registered stakeholders to be included in the report in the appropriate manner that is stipulated by those with the information.

2.1 STAGE 1: NOTIFICATION & REGISTRATION OF INTEREST

The aim of this stage is to identify, notify and register Aboriginal people and/or groups who hold cultural knowledge that is relevant to the project area, and who can determine the cultural significance of any Aboriginal objects and/or places within the proposed project area. In order to do this, the sources identified by Heritage NSW, Department of Premier & Cabinet (OEH 2010:10) and listed in Table 2.1, to provide the names of people who may hold cultural knowledge that is relevant to determining the significance of Aboriginal objects and/or places were contacted by letter on 5th December 2023 and it was stipulated that if no response was received, the project and consultation will proceed. Information included in the correspondence to the sources listed in Table 2.1 included the name and contact details of the proponent, an overview of the proposed project including the location and a map showing the location.

Table 2.1 Sources contacted

Organisations contacted	Response
Heritage NSW	28 groups
Purfleet/Taree LALC	registered for the project
Northcoast Council	no response
Registrar Aboriginal Land Rights Act 1983	no response
National Native Title Tribunal	no claims
Native Title Services Corporation Limited	no response
North Coast Local Land Services	no response

Following this, MCH compiled a list of people/groups to contact (Refer to Appendix A). As per the Aboriginal cultural heritage consultation requirements for proponents (April 2010), archaeologists and proponents must write to all those groups provided asking if they would like to register their interest in the project. Unfortunately, some Government departments written to requesting a list of groups to consult with do not differentiate groups from different traditional boundaries and provide an exhaustive list of groups from across the region including those outside their traditional boundaries.

MCH wrote to all parties identified by the various departments (15/01/2024) and an advertisement was placed in the Manning River Times, on 12th January 2024. The correspondence and advertisement included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and requested to nominate the preferred option for the presentation of information about the proposed project: an information packet or a meeting and information packet (Refer to Stage 2). The Registered Aboriginal Parties (RAPs) are listed in Table 2.2.

Table 2.2 Registered Aboriginal Parties

RAP	Contact
A1 Indigenous Services	Carolyn Hickey
Lee Davison	Lee Davison
Purfleet/Taree Local Aboriginal Land Council	Kelly King
Amanda Hickey Cultural Services	Amanda Hickey

2.2 STAGE 2: PRESENTATION OF INFORMATION

The aim of this stage is to provide the RAPs with information regarding the scope of the proposed project and the Indigenous cultural heritage assessment process.

As the RAPs did not provide their preferred method of receiving information, an information packet was sent to all RAPs and included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010). The pack included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and a written response to the proposed methods was due no later than 27th February 2024.

The information pack also stipulated that consultation was not employment, and requested that in order to assist the proponent in the engagement of field workers, that the groups provide information that will assist in the selection of field staff who may be paid on a contractual basis. This included, but was not limited to, experience in field work and in providing cultural heritage advice and their relevant experience; and to provide a CV and insurance details.

The information pack also noted that failure to provide the required information by the date required (28 days) will result in a missed opportunity for the RAPs to contribute to their cultural heritage and the project will proceed.

2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE

The aim of this stage is to facilitate a process whereby the RAPs may contribute to culturally appropriate information gathering and the research methodology, provide information that will enable the identification of the cultural significance of any Aboriginal objects and or/places within the proposed project area, and have input into the development of any cultural heritage management and mitigation measures. In order to do this, included in the information pack sent for Stage 2, was information pertaining to the gathering of cultural knowledge. This included the following information;

- MCH noted that information provided by RAPs may be sensitive and MCH and the proponent will not share that information with all RAPs or others without the express permission of the individual. MCH and the proponent extended an invitation to develop and implement appropriate protocols for sourcing and holding cultural information including any restrictions to place on information, as well as the preferred method of providing information;
- request for traditional/cultural knowledge or information associated with ceremonial, spiritual, mythological beliefs, traditions and known sites from the pre-contact period;
- request for traditional/cultural knowledge or information regarding sites or places with historical associations and/or cultural significance which date from the post-contact period and that are remembered by people today (e.g., plant and animal resource use areas, known camp sites); and
- request for traditional/cultural knowledge or information in relation to any sites or places of contemporary cultural significance (apart from the above) which has acquired significance recently.

During this process, the RAPs did not disclose any specific traditional/cultural knowledge or information of sites or places associated with spiritual, mythological, ceremonies or beliefs from the pre contact period, historic and, or, contemporary periods, within the project area or surrounding area. However, it must be noted that traditional/cultural knowledge and/or information regarding sites and/or places of cultural significance may exist that were not divulged to MCH by those consulted.

2.4 SURVEY

All RAPs were invited to participate in the survey on 18th March 2024. Unfortunately, no RAPs attended and the survey proceeded.

2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT

Copies of the draft report were forwarded to all RAPs for their review and were asked to provide a written or verbal response no later than 20th April 2024 (additional time provided due to Easter). MCH received no responses from the RAPs. All documentation regarding the consultation process is provided in Appendix A.

3 LANDSCAPE AND ENVIRONMENTAL CONTEXT

3.1 INTRODUCTION

Documenting and understanding the context of archaeological sites in relation to surrounding terrain features is essential to landscape archaeological studies worldwide (De Reu et al., 2011; De Smedt et al., 2013; Turrero et al., 2013) and the nature and distribution of Aboriginal cultural materials in a landscape are strongly influenced by environmental factors such as topography, geology, landforms, climate, geomorphology, hydrology and the associated soils and vegetation (Hughes and Sullivan 1984). These factors influence the availability of plants, animals, water, raw materials, the location of suitable camping places, ceremonial grounds, burials, and suitable surfaces for the application of rock art. As site locations may differ between landforms due to differing environmental constraints that result in the physical manifestation of different spatial distributions and forms of archaeological evidence, these environmental factors are used in constructing predictive models of Aboriginal site locations, based on the assumption that the environment provided constraints and opportunities that influenced such behaviour in relation to site selection and use.

Environmental factors also effect the degree to which cultural materials have survived in the face of both natural and human influences and affect the likelihood of sites being detected during ground surface survey. Site detection is dependent on a number of environmental factors including surface visibility (which is determined by the nature and extent of ground cover including grass and leaf litter etc) and the survival of the original land surface and associated cultural materials (by flood alluvium, erosion etc). It is also dependant on the exposure of the original landscape and associated cultural materials by human impacts (e.g., Aboriginal fire stick farming, clearing, logging, agricultural activities, construction works, mining etc), (Hughes and Sullivan 1984). Combined, these processes and activities are used in determining the likelihood of both surface and subsurface cultural materials surviving and being detected.

It is therefore necessary to understand the environmental factors, processes and activities, all of which affect site location, preservation and detection during surface survey and the likelihood of in situ subsurface cultural materials being present. The environmental factors, processes and disturbances of the surrounding environment and specific project area are discussed below.

3.2 GEOLOGY

The underlying regional geology plays a major role in the structure of the surrounding environment (e.g., landforms, topography, geomorphology, vegetation, climate, hydrology etc), and also influences patterns of past occupation and their manifestation in the archaeological record. This is primarily relevant to past Aboriginal land use in regard to the location of stone resources or raw materials and their procurement for the manufacturing and modification of stone tools.

The processes of sedimentation, uplift, ongoing physical and chemical weathering, re-deposition and volcanic activity have resulted in the formation of a complex landscape in the regional area that incorporates diversity in topography, vegetation and wildlife. For its Aboriginal inhabitants, these processes have resulted in the presence of caves and ledges suitable for shelter/occupation and the application of rock art, deposits of raw materials essential to the manufacture of stone tools as well as locations that provide the rocky creek bed outcrops utilised in the production of ground-edge implements.

The underlying geology of the majority of the project area is mainly Palaeozoic Giro Beds that consist of pebbly mudstone, mudstone conglomerate, siltstone, shale, sandstone, Unnamed limestone and Cedar Party limestone. The areas along the creek consist of Quaternary sand, silt, mud and gravel (Hastings 1:250,000 Geological Map Series Sheet, 1970). The presence of mudstone within the geology of the project area indicates that stone materials suitable for manufacturing stone artefacts may occur in various locations throughout the project area.

3.3 TOPOGRAPHY

The topographical context is important to identify potential factors relating to past Aboriginal land use patterns and is largely determined by the geology and is important to identify potential factors relating to past Aboriginal land use patterns as not all landforms are suitable camping locations. The project area consists of simple slopes dissected by a drainage line roughly located through the centre of the project area.

3.4 SOILS

The nature of the surrounding soil landscape also has implications for Aboriginal land use and site preservation, mainly relating to supporting vegetation and the preservation of organic materials, the location and age of cultural materials.

Past human actions impact the soil record, as seen through changes in soil characteristics, changes to sedimentation, and the presence of archaeological features and artefacts preserved within modern soils. Soil and sediment conditions control what survives in the burial environment, what decomposes, and consequently influence all archaeological sites, artefacts, and biological remains. Soils have formed under the continuous influence of people, up to the present day, when most land is actively managed for agriculture, pastoral, forestry, extraction or construction.

Soils may also be impacted on by natural agencies. The deposit of alluvial and aeolian sediments and colluvium movement of fine sediments (including artefacts) results in the movement and burying of archaeological materials. The increased movement in soils by this erosion is likely to impact upon cultural materials through the post-depositional movement of materials, specifically small portable materials such as stone tools, contained within the soil profiles.

The project area consists of the Cedar Party residual soil landscape which is characterised by undulating rises on low ridges, dominated by crests and upper slopes, on Permian limestones in the north east Hunter Region. Soils consist of moderately deep (50 - <150cm) well-drained sub-plastic brown and red dermosols and shallow (25 - <50cm) acidic lithic tenosols to deep (100 - <150cm) melacic red dermosols. The Cedar Party landscape is limited by shallow soils, localised rock outcrops and localised sheet erosion.

3.5 CLIMATE

Climatic conditions would also have played a part in past occupation of an area as well as impacted upon the soils and vegetation and associated cultural materials. This is characterised by temperatures ranging from an average minimum of below 5°C to an average maximum of 28°C. Winter rainfall levels are somewhat variable and generally average 30 millimetres per month. Summer rainfalls are more stable at approximately 55-60 millimetres per month, giving a mean annual rainfall of 740 millimetres. During summer, the increased rainfall rate and reduced ground cover is reflected in a proportionately higher risk of erosion.

3.6 WATERWAYS

One of the major environmental factors influencing human behaviour is water as it is essential for survival and as such people will not travel far from reliable water sources. In those situations where people did travel far from reliable water, this indicates a different behaviour such as travelling to obtain rare or prized resources and/or trade. Proximity to water not only influences the number of sites likely to be found but also artefact densities. The highest number of sites and the highest density are usually found in close proximity to water and usually on an elevated landform. This assertion is undisputedly supported by both the regional and local archaeological, where by such patterns have been identified and sites are typically within 50 metres of a reliable water source in the valley landforms and up to 100 metres in the sandstone country.

The main types of water sources include permanent (rivers and soaks), semi-permanent (large streams, swamps and billabongs), ephemeral (small stream and creeks) and underground (artesian). Stream order assessment is one way of determining the reliability of streams as a water source. Stream order is determined by applying the Strahler method to 1:25 000 topographic maps. Based on the climatic analysis, the project area will typically experience comparatively reliable rainfalls under normal conditions and thus it is assumed that any streams above a third order classification will constitute a relatively permanent water source.

The Strahler method dictates that upper tributaries do not exhibit flow permanence and are defined as first order streams. When two first order streams meet, they form a second order stream. Where two-second order streams converge, a third order stream is formed and so on. When a stream of lower order joins a stream of higher order, the downstream section of the stream will retain the order of the higher order upstream section (Anon 2003; Wheeling Jesuit University 2002).

Lot 92 is bordered by Cedar Party Creek, a 6th order creek, on its northern and western sides. Additionally, one 1st order drainage lines extends from the centre of the project area north into Cedar Party Creek. This water feature is of importance when considering past Aboriginal land uses and survival, as water is essential for human survival. Therefore, it can be inferred that areas along Cedar Pary Creek within the project area were well-resourced in terms of water availability and likely served as a focal point for camping and other activities. The presence of a 6th order creek suggests a substantial and consistent flow of water throughout the project area. This would have provided a reliable source of water for drinking, cooking, and other daily activities.

3.7 FLORA AND FAUNA

The availability of flora and associated water sources affect fauna resources, all of which are primary factors influencing patterns of past Aboriginal land use and occupation. The assessment of flora has two factors that assist in an assessment including a guide to the range of plant resources used for food and medicine and to manufacture objects including nets, string bags, shields and canoes which would have been available to Indigenous people in the past. The second is what it may imply about current and past land uses and to affect survey conditions such as visibility, access and disturbances.

The original native vegetation in the project area was extensively cleared by European settlers, and is now dominated by introduced grasses with portions of the project area along Cedar Party Creek including open woodland and a wide-open woodland area in the north. The drainage throughout the project area would have supported a range of faunal populations including kangaroo, wallaby, goanna, reptiles and a variety of birds and aquatic species.

3.8 LANDUSES AND DISTURBANCES

Heritage NSW (DECCW 2010) defines disturbed lands as land that has been the subject of human activity that has changed the lands' surface and, or the subsurface, these changes being changes that remain clear and observable. Examples may include ploughing, construction works (roads, tracks, fire trails, dams, fences, clearing, utilities and infrastructure). This definition is based on the types of disturbances classified in The Australian Soil and Land Survey Field Handbook (CSIRO 2010) and Table 3.1 provides a scale formulated by the CSIRO of the levels of disturbances and their classification, which will assist in determining the level of disturbance across the project area and its impact on potential cultural material that may be present. These disturbances on the landscape have been thoroughly examined and recorded through numerous experiments (see below) in a variety of landforms throughout the world, along with the impacts on objects within the deposits.

Table 3.1 Land use scale (CSIRO 2010)

Minor disturbance		Moderate disturbance		Major disturbance	
Cleared and/or grazed at some time, but apparently never ploughed		Cleared and/or grazed at some time, with ploughing also attested		Severe disturbance to natural soil profiles; complete-to-near complete topsoil loss/disturbance	
0	No effective disturbance; natural	3	Extensive clearing (e.g., poisoning and ringbarking)	6	Cultivation: grain fed
1	No effective disturbance other than grazed by hoofed animals	4	Complete clearing: pasture native or improved, but never cultivated	7	Cultivation: irrigated, past and present
2	Limited clearing (e.g., selected logging)	5	Complete clearing: pasture native or improved, cultivated at some stage	8	Highly disturbed: e.g., quarry, road works, mining, landfill, urban

Based upon archaeological evidence, the occupation of Australia extends back some 40,000 years (Mulvaney and Kamminga 1999). Although the impact of past Aboriginal occupation on the natural landscape is thought to have been relatively minimal, it cannot simply be assumed that 20,000 years of land use have passed without affecting various environmental variables. The practice of 'firestick farming' whereby the cautious setting of fires served to drive game from cover, provide protection and alter vegetation communities significantly influenced seed germination, thus increasing diversity within the floral community.

Following European settlement of the area in the 1820s, the regional landscape has been subjected to a range of different modifactory activities including extensive logging and clearing, agricultural cultivation (ploughing), pastoral grazing, residential developments and mining (Turner 1985). The associated high degree of landscape disturbance has resulted in the alteration of large tracts of land and the cultural materials contained within these areas. Unfortunately, no historical aerial images are available to assist in identifying past land uses and the associate impacts to the landscape. However, based on the current project area, it is evident that it has been subject to large scale clearing, at least one ploughing event for grazing as well as tracks

throughout. These landuses and how they impact on the landscape and deposits are discussed below.

In terms of these land uses and impacts on the landscape and cultural materials that may be present, early vegetation clearing included the uprooting of trees by chaining which disturbed or destroyed that may be present near, or underneath trees and vegetation (Wood 1982). Alternatively, timber was harvested manually, using axes and hand saws and generally, only the trees that were wanted for timber were felled (selective logging). However, after the 1950s, there was an increase in mechanisation in the logging industry, and clear-felling became widely practised whereby the best logs were removed for processing, but nearly every other tree was bulldozed and burnt, and had increased impacts to the landscape.

Farming and agricultural activities also disturbed the landscape. Although pastoralism is a comparatively low impact activity, it does result in disturbances due to vegetation clearance and the trampling and compaction of grazed areas. These factors accelerate the natural processes of sheet and gully erosion, which in turn can cause the horizontal and lateral displacement of artefacts. Furthermore, grazing by hoofed animals can affect the archaeological record due to the displacement and breakage of artefacts resulting from trampling (Yorston et al 1990). Pastoral land uses are also closely linked to alterations in the landscape due to the construction of dams, fence lines and associated structures.

As a sub-set of agricultural land use, ploughing for improved grazing typically disturbs the top 10-12 centimetres of topsoil (Koettig 1986a) depending on the method and machinery used during the process. Ploughing increases the occurrence of erosion and can also result in the direct horizontal and vertical movement of artefacts, thus causing artificial changes in artefact densities and distributions. In fact, studies undertaken on artefact movement due to ploughing (e.g., Roper 1976; Odell and Cowan 1987) has shown that artefacts move between one centimetre up to 18 metres laterally depending on the equipment used and horizontal movement. Ploughing may also interfere with other features and disrupt soil stratigraphy (Lewarch and O'Brien 1981), all of which result in a disturbed deposit, which, depending on the depth of soils, may result in no site integrity remaining. Ploughing activities are typically evidenced through 'ridges and furrows' however a lengthy cessation in ploughing activities dictates that these features may no longer be apparent on the surface.

In terms of everyday land uses, vehicular movements on sites have been well documented and based on several experiments (DeBloois, Green and Wylie 1974, Gallagher 1978), have shown that vehicle movements over an archaeological site are extremely destructive to the site through compaction and movement, thus altering the spatial relationship and location of the artefacts. Based on general observations it is expected that the creation of dirt tracks for vehicle access would also result in the loss of vegetation and therefore will enhance erosion and the associated relocation of cultural materials. As fence construction require the removal of soils for the post holes, this would also have resulted in the disturbance and possible destruction of any cultural materials. All of which result in loss of vegetation and erosion to some extent.

3.9 NATURAL DISTURBANCES

The disturbance of cultural materials can also be a result of natural processes. The patterns of deposition and erosion within a locality can influence the formation and/or destruction of archaeological sites. Within an environment where the rate of sediment accumulation is generally very high, artefacts deposited in such an environment will be buried shortly after being abandoned. Frequent and lengthy depositional events will also increase the likelihood of the presence of well-stratified cultural deposits (Waters 2000:538,540).

In a stable landscape with few episodes of deposition and minimal to moderate erosion, soils will form and cultural materials will remain on the surface until they are buried. Repeated and extended periods of stability will result in the compression of the archaeological record with multiple occupational episodes being located on one surface prior to burial (Waters 2000:538-539). Within duplex soils, artefacts typically stay within the A horizon on the interface between the A and B horizons.

If erosion occurs after cultural material is deposited, it will disturb or destroy sections, or all of, archaeological sites even if they were initially in a good state of preservation. The more frequent and severe the episodes of erosional events the more likely it is that the archaeological record in that area will be disturbed or destroyed (Waters 2000:539; Waters and Kuehn 1996:484). Regional erosional events may entirely remove older sediments, soils and cultural deposits so that archaeological material or deposits of a certain time interval no longer exist within a region (Waters and Kuehn 1996:484-485).

The role of bioturbation is another significant factor in the formation of the archaeological record. Post-depositional processes can disturb and destroy artefacts and sites as well as preserve cultural materials. Redistribution and mixing of cultural deposits occur as a result of burrowing and mounding by earthworms, ants and other species of burrowing animals. Artefacts can move downwards through root holes as well as through sorting and settling due to gravity. Translocation can also occur as a result of tree falls (Balek 2002:41-42; Peacock and Fant 2002:92). Depth of artefact burial and movement as a result of bioturbation corresponds to the limit of major biologic activity (Balek 2002:43).

Burrowing and mounding by various animals and insects can result in the burial and translocation of artefacts. Size-sorting also tends to occur thus destroying stratigraphic integrity. Artefacts with a diameter smaller than that of burrows within an area may be moved upwards and be deposited in mounds by the fauna. Conversely, larger artefacts gradually move downward due to gravity and to animals burrowing beneath the larger artefacts and eventually collapsing into the burrow. They may then form concentrations which mimic cultural layers and are therefore open to misinterpretation (Balek 2002:46). Artefact burial rate through the effects of burrowing and mounding animals varies but can be as great as 2.7 metres in 5000 years (Balek 2002:45).

Experiments to assess the degree that bioturbation can affect material have been undertaken. In abandoned cultivated fields in South Carolina, Michie (summarised in Balek 2002:42-43) found that over a 100-year period 35% of shell fragments that had been previously used to fertilise the fields were found between 15 and 60 centimetres below the surface, inferred to be as a result of bioturbation and gravity.

Earthworms have been known to completely destroy stratification within 450 years (Balek 2002:48). Earthworm activity can significantly affect cultural materials though the degree and nature of disturbance will relate to the species of earthworm/s represented (Armour-Chelu and Andrews 1994; Canti 2003; Fowler et al. 2004; Stein 1983). Different species of earthworm's act in varying ways; some species live in deep soils and move vertically to and from the surface, whilst others live within the top ten centimetres of soil and tend to move horizontally through the soil matrix (Fowler et al. 2004:453). Earthworms, under favourable conditions, can excavate to depths of six metres (Stein 1983:278). Whilst, the size and behaviour of earthworms varies between species, they are similar in some ways; earthworms burrow through the soil by pushing soil aside or consuming it as well as organic materials, which they then regurgitate or excrete either behind them or on the surface. As earthworms move through the soil, they churn the soil within an area over time which results in blurring of soil horizons (Fowler et al. 2004:457, 461; Stein 2003:139).

The ways in which earthworms can affect cultural deposits includes: creating false artefact concentrations and stratigraphy (for example biомantles) by moving artefacts downwards through the soil; indirectly displacing larger artefacts as they burrow through the soil; burying artefacts through the deposition of fecal material on the surface; and blurring natural and cultural boundaries. They can also destroy remains of seeds and organic materials as they eat them (Fowler et al. 2004:462; Stein 1983:280-281). In Australia, most earthworm species cannot tolerate pH values lower than 4.5 and prefer neutral conditions with a pH of around 7 (Stein 1983:280).

Artefacts may also be moved as a result of an oscillating water table causing alternate drying and wetting of sediments, and by percolating rainwater (Villa 1982:279).

3.10 DISCUSSION

The regional environment provided resources, including raw materials, fauna, flora and water, that would have allowed for occupation of the area. Within the project area, the presence of Cedar Party Creek indicates the northern and western portions of the project area along the creek are likely to have been suitable for camping. The landscape would have provided some subsistence resources in close proximity to the creek, which was likely suited to small to medium scale camping by small numbers of people over short to medium periods of time as well as hunting and gathering throughout the remainder of the project area.

In relation to modern alterations to the landscape, the previous large-scale clearing and initial ploughing to establish pasture grazing lands can be expected to have had moderate impacts upon the archaeological record. Such land uses may would have displaced cultural materials, however in less disturbed areas, it is likely that archaeological deposits may remain relatively intact.

4 CULTURAL CONTEXT

Unfortunately, due to European settlement and associated destruction of past Aboriginal communities, their culture, social structure, activities and beliefs, little information with regards to the early traditional way of life of past Aboriginal societies remains.

Anthropologists and ethnographers have attempted to piece together a picture of past Aboriginal societies throughout Australia. Although providing a glimpse into the past, one must be aware that information obtained on cultural and social practices were commonly biased and generally obtained from informants including white settlers, bureaucrats, officials and explorers. Problems encountered with such sources are well documented (e.g., Barwick 1984; L'Oste-Brown et al 1998). There is little information about who collected information or their skills. There were language barriers and interpretation issues, and the degree of interest and attitudes towards Aboriginal people varied in light of the violent settlement history. Access to view certain ceremonies was limited and cultural practices (such as initiation ceremonies and burial practices) were commonly only viewed once by an informant who would then interpret what he saw based on his own understanding and then generalise about those practices.

4.1 ETHNO-HISTORIC ACCOUNTS

The project area is located within the bounds of the Biripi language group (also spelt Birpai). It ranged from just to the north of Forster-Tuncurry at its southern-most extent, to past Port Macquarie at its northern extent. From the coastline it reached west to the Glenrock area. This traditional language area was bordered to the north by the Dainggatti and Nganyaywana language groups, to the west by the Kamilaroi and Geawegal, and to the south by the Worimi language group. Close to the border of the Biripi traditional language group area, Forster-Tuncurry was defined as being at the northern extent of the Worimi area, which stretched to Port Stephens in the south and Gloucester in the west (Horton, 1996). Having the coast along its eastern border was a boon for both the Worimi and Biripi groups, as it provided rich marine resources for those who lived there. Canoes were used for fishing, with woven nets and lines with shell and bone fish hooks as part of the traditional tool kit (Byrne & Nugent, 2004: 18). Quartz flakes were also used to fashion points for fishing spears (Byrne & Nugent, 2004:35). Fish traps were constructed in the river areas to provide a regular source of food. The bags and nets that were regularly used were made from such resources as spun bark fibre and the hair of small marsupials, spun by a small wooden spindle with a hook at one end (Klaver & Heffernan, 1991).

The Biripi traditional country covered a number of different landforms, each with its own resources. As well as undulating bush areas and open woodland plain, there were also bands of rainforest along the Manning River, which was a major water source and an important cultural element within the Biripi landscape. Major creeks flowing from the Manning River were utilised as pathways and resource gathering areas. Vegetation along the Manning River included cedars, fig trees, tamarind trees, ferns, vines and shrubs. Swamps areas close to the Manning River and along the eastern coastline were also resource rich areas that were regularly utilised. Ethnographic recordings refer to the islands located in the estuary being frequented, with known camps present on Oxley Island (Byrne & Nugent, 2004: 16).

Registered sites across the Biripi area attest to the use of the wider landscape, both inland and coastal, in the Aboriginal past. Site types predominantly include artefact scatters across the wider area and shell middens along the coast. The middens attest to the use of coastal resources such as oysters for food, with the refuse deposited following meals accumulating over long periods of time into the remnant deposits. Artefact scatters attest to both the production and use of stone tools, with uses including hunting and preparing animals for food as well as preparing their skins for clothing. Stone tools were hafted to wood and were also often used to shape other wooden implements, such as clubs, spears, spear throwers and boomerangs. Other tools included tomahawks, nulla nullas and shields (Klaver & Heffernan, 1991; Byrne & Nugent, 2004: 35).

One site previously identified as a traditional camping area at Saltwater, to the south of Old Bar, was noted as a place of continuity for the local Aboriginal community, as it was used over thousands of years, with recordings of contemporary community use as well within the same ancient space (Byrne & Nugent, 2004: 6). Access to traditional Dreaming locations became restricted, as did access to resources, due to encroaching settlement. Other elements within the landscape were imbued with cultural significance on into contemporary times, as local resident Ella Simon described of her experiences growing up in the area in the early 1900s. She noted that she was told that a rock in Wallis Lake was the embodiment of a clever woman, known as 'Granny Rock', and that heavy rain would result from touching a forbidden mangrove tree on the beach, an isolated growth near Blackhead (Simon, 1987).

Some information was recorded about the ceremonial life of the Biripi people by early settlers, describing totemic beliefs and practices. This included a description of a cabra ground used for male initiation, an area that consisted of two rings surrounding carved trees. The bark of the trees was described as especially carved for such ceremonies with the ritual musical instrument known as a bull roarer used during the initiation. Corroborees were also known to occur, with fires and dancing described, prior to 1900 (Byrne & Nugent, 2004: 33-34). Male initiation rites in pre-contact times included body scarification and the knocking out of a boy's front tooth (Byrne & Nugent, 2004: 46). Women were described as wearing cloaks made from animal skins, while men wore waist bands. Other cultural decoration included tattoos, nose piercings with bone adornments, body painting, hair styling and headdresses (Klaver & Heffernan, 1991).

The Dreaming was understood in traditional Biripi culture as the time when Ancestral Beings shaped the landscape. Totems were used by the Biripi as classifications that tied people to the plants and animals of the natural world. Some totems that were used included the crab, shark, eagle, stingray, kangaroo, bass and porpoise. Those people belonging to a particular totem were forbidden to hunt or eat that animal and performed ceremonies related to its protection. Totemic groups also defined lineage and family history, as well as how different totemic groups interacted with each other (Robinson, 2011).

Burial practices varied over time and from location to location, with burial grounds having been described along waterways such as Koala Creek, between the Cross and Bully Mountains, in dunes, and later in historic cemeteries. Oral history described a burial ground in Wingham where Aboriginal warriors and elders were buried in a sitting position (Klaver & Heffernan, 1991). Grave robbing is known to have occurred in the area, perpetrated by early settlers and explorers claiming ethnographic research as their motivation (Byrne & Nugent, 2004).

The first white explorers moved through Biripi country in 1818, with settlement following soon after. Radical changes to Aboriginal life started around 1826 in the Manning Valley, accelerating from the 1830s to the 1860s. Steel fish hooks were an early commodity of trade, adopted readily by Aboriginal people across the area (Byrne & Nugent, 2004: 17). Tobacco, tea, rum and steel hatchets were other items traded between the settlers and the Biripi people (Byrne & Nugent, 2004: 24). As contact increased conflict also resulted, with at least two massacres in the area, the

first in 1835 at Belbora, where damper laced with dingo poison was given to Aboriginal people, the second in the same year, when a group of Aboriginal people were driven off a cliff at Mount McKenzie, near the headwaters of the Gloucester River, now part of the Barrington Tops National Park (Byrne & Nugent, 2004: 22). By the 1880s access to traditional resource areas had been restricted by the settlers and Aboriginal people became increasingly dependent on work from the invading economy, working as labourers for farmers and cedar getters. At the same time segregation became institutionalised and reserves were set up where Aboriginal people were forced to reside, such as the one at Purfleet established in 1900.

The Biripi area holds numerous post-contact sites, including missions, fringe camp areas at the edges of Taree and Wingham and the reserve at Purfleet. These locations are an important reflection of the changed lifestyles in the historical period as Aboriginal people were excluded both from the majority of their former country and from the settler community. Aboriginal community focus was instead contained within new areas that were defined by the invaders rather than being attached to cultural significance (Byrne & Nugent, 2004: 6). Oral history records demonstrate that these camps and settlements were still surrounded by circles used as traditional country, defined in one study as “backyard zones” and regarded as extensions of the camps and settlements (Byrne & Nugent, 2004: 123). Despite the impact that settlers had on traditional culture, it has continued to survive through the Aboriginal people that still live in the area today.

5 ARCHAEOLOGICAL CONTEXT

A review of the archaeological literature of the region, and more specifically the local area and the results of an AHIMS search provide essential contextual information for the current assessment. Thus, it is possible to obtain a broader picture of the wider cultural landscape highlighting the range of site types throughout the region, frequency and distribution patterns and the presence of any sites within the project area. It is then possible to use the archaeological context in combination with the review of environmental conditions to establish an archaeological predictive model for the project area.

5.1 REGIONAL ARCHAEOLOGICAL CONTEXT

The definition of site curtilages in NSW are guided by the requirements for site registration in the AHIMS database, leading to geographically discrete sites as individual entities, existing in isolation. Such an approach is understandable, as it grows from the need to define sites as per legislatively guided parameters. This is further reinforced by the geographically focussed work of consultant archaeologists, limiting their analysis to a specific geographically constrained area based on individual project specifications. While this is the common practice for recording individual sites, it is important to contextualise them within a broader archaeological and cultural landscape that links them together. In this way assemblages may be understood as a continuous scatter of cultural material across the landscape and the nature of activities and occupation can be identified through the analysis of artefact distributions across a landscape.

No regional based archaeological assessments were available and as such a general broad based regional archaeological context and summary is provided as follows:

- a wide variety of site types are represented in the project area with open campsites and isolated artefacts by far the most common;
- lithic artefacts are primarily manufactured from mudstone and silcrete with a variety of other raw materials also utilised but in smaller proportions;
- sites in proximity to ephemeral water sources or located in the vicinity of headwaters of upper tributaries (1st order streams) have a sparse distribution and density and contain little more than a background scatter;
- sites located in the vicinity of the upper reaches of minor tributaries (2nd order streams) also have a relatively sparse distribution and density and may represent evidence of localised one-off behaviour;
- sites located in the vicinity of the lower reaches of tributaries (3rd order creeks) have an increased distribution and density and contain evidence that may represent repeated occupation or concentration of activity;
- sites located in the vicinity of major tributaries (4th and 5th order streams/rivers) have the highest distribution and densities. These sites tend to be extensive and complex in landscapes with permanent and reliable water and contain evidence representative of concentrated activity; and

- sites located within close vicinity at the confluence of any order stream may be a focus of activity and may contain a relatively higher artefact distribution and density.

Within the region, a broad range of site types are represented including artefact scatters, isolated artefacts, scar trees, grinding grooves and water holes. Within the areas covered by the regional studies, the range of available landforms has been sampled. In regional terms, site distribution is extremely closely linked to topography, with elevated landforms with access to reliable water exhibiting the highest concentrations of sites.

5.2 HERITAGE REGISTER LISTINGS

The State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Heritage Register and the relevant Local Environmental Plan have no Aboriginal objects, sites or places listed.

5.3 ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM

MCH note that there are many limitations with an AHIMS search. Firstly, site coordinates are not always correct due to errors and changing of computer systems over the years that failed to correctly translate old coordinate systems to new systems. Secondly, AHIMS will only provide up to 110 sites per search, thus limiting the search area surrounding the project area and enabling a more comprehensive analysis and finally, few sites have been updated on the AHIMS register to notify if they have been subject to a s87 or s90 and as such what sites remain in the local area and what sites have been destroyed, to assist in determining the cumulative impacts, is unknown. Additionally, terminology for site names including (amongst many) an 'artefact' site encompasses stone, bone, shell, glass, ceramic and/or metal and combines both open camps and isolated finds into the one site name. Unfortunately, this greatly hinders in the predictive modelling as different sites types grouped under one name provided inaccurate data.

A search of the AHIMS register has shown that 6 known Aboriginal sites are currently recorded within two kilometres of the project area and include two artefact sites (AFT), one burial (BUR), one stone arrangement (STA), one ceremonial ring (CMR/TRE) and one Aboriginal ceremony and dreaming/burial/ PAD (ACD/BUR/PAD). The AHIMS results are provided in Appendix B and the location of sites is shown in Figure 5.1. Examination of the site cards for the site in close



proximity to the project area, indicates that this site is not in the project area. There are no sites or Aboriginal Places in the project area.

5.4 LOCAL ARCHAEOLOGICAL CONTEXT

Limitations in the use of examining previous local assessment include the number of studies in the local area. Fewer studies suggest that sites have not been recorded, ground surface visibility also hinders site identification and the geomorphology of the majority of NSW soils and high levels of erosion have proven to disturb sites and site contents, and the extent of those disturbances is unknown (i.e., we do not know if a site identified at the base of an eroded slope derived from the upper crest, was washed along the bottom etc: thus, altering our predictive modelling in an unknown way).

All archaeological surveys throughout the local area have been undertaken in relation to environmental assessments for developments. The most relevant investigations indicate differing results and observations based on surface visibility and exposure, alterations to the landscape (including mining, industrial and residential development), proximity to water sources and geomorphology. The reports available from AHIMS are discussed below.

Klaver and Heffernan (1991) undertook an archaeological heritage study of the Greater Taree area. This study was to document and provide an analysis of the distribution and character of known archaeological sites within the bounds of Taree. This was undertaken in order to assist the Greater Taree City Council in the ongoing conservation of its heritage resources. The topography of the study area consisted of hilly to steep and undulating lands with blocks of rugged terrain around the Killabakh and Goonook mountains in the north, and the Ganghatt, Kiwarric and Talawahl mountains in the south. Flat land occurred on the floors of valleys cut by rivers such as the Manning, Wallamba and Wang Wauk, as well as creeks such as the Dingo, Caparra, Cedar Party, Burrell, Khoribakh and Firefly. The flat lands in proximity to the Manning River in the east were enclosed by lands of steeper gradients in the north and south. The eastern coastal strip and lower Manning River, Lansdowne River and Dawson River all flowed through a large section of flat gradients that included large estuarine islands between the Manning River's northern and southern inlets. Vegetation in the area included ferns, mosses, various epiphytes and tree genera such as *Ceratopetalum*, *Orites*, *Schizomeria* and *Trochocarpa*. It also included eucalyptus species, *Melaleuca viridifolia*, *Casuarina glauca*, *Banksia* spp., *Casuarina cunninghamiana* and the genera *Aegiceras*, with *Avicennia* also noted as present in the area.

A search of the AHIMS register identified 42 previously recorded sites within the study area. Site types included artefact scatters, middens, rockshelters, engravings and bora grounds. A review of past reports and studies also identified historic sites of Aboriginal cultural significance, including Saltwater Reserve and the Purfleet Mission Church. Most sites were identified as distributed along the coast line or adjacent to the Manning River. No predictive model was included in this report. The survey identified 59 sites and are summarised in Table 5.1.

Klaver and Heffernan recommended that the information in the study be used to increase public awareness of the Aboriginal heritage; that the Aboriginal Heritage Conservation Policy be adopted by the City of Greater Taree Council; that re-recording and survey requirements be considered by NPWS and that the City of Greater Taree Council consider planning to reduce the risk of damage to the sites by restricting site visitation. Additionally, that three places specified in the Schedule of Sites for Nomination to the Register of the National Estate be considered for such nomination by the Purfleet-Taree Local Aboriginal Land Council; and that the procedures with respect to the Saltwater area and specified parts of it be adopted by the City of Greater Taree Council.

Table 5.1 Summary of sites (Klaver and Heffernan 1991)

Site type	No of sites	Landform	Distance to water	Disturbed (Y/N)	Subsurface potential
midden	38	not provided	not provided	not provided	yes
artefact scatter	13	not provided	not provided	not provided	yes
scarred tree	4	not provided	not provided	not provided	no
ceremonial	2	not provided	not provided	not provided	not provided
burial	1	not provided	not provided	not provided	not provided
stone arrangement	1	not provided	not provided	not provided	not provided

Collins (2000) completed an archaeological survey of proposed effluent main alignments and wet weather storage sites. Midcoast Water proposed to extend pipelines and construct wet weather storage sites to allow effluent generated by the mid-north coast towns of Taree and Wingham to be used on agricultural land. Although the actual impact area was proposed to total approximately eight hectares, a larger study area was assessed as the pipeline routes were yet to be determined. General preferred corridors and alternative corridors were surveyed to identify heritage constraints across a total study area of 22 hectares in size. The topography of the study area traversed the gently undulating, low-lying terrain of the Manning River floodplain. The underlying geology was made up of stratified Holocene alluvial deposits which were generally acidic and either seasonally or permanently wet. Extensive pebble beds edged the Manning River at Wingham, extending across the eroded lower alluvial terrace and containing raw materials used in the production of Aboriginal tools, including silicified greywacke, chert, jasper and quartzite. Prior to vegetation clearance, the alluvial floodplain soils associated with the water course of the Manning River supported a dense gallery rainforest community. Plant resources likely to have been present could have been used for manufacturing boomerangs, shields and canoes, while faunal resources would have provided food and skins for clothing and other uses.

A search of the AHIMS register verified that there were no Aboriginal sites previously recorded either within or in the immediate vicinity of the study area. Site types in the surrounding area included artefact scatters, modified trees, ceremonial sites, a stone arrangement and post-contact sites. It was predicted that burials and middens could occur along the Manning River, with artefact scatters and isolated artefacts likely to occur across all landforms within the study area.

One artefact scatter site was identified during the survey (Table 5.2), but it was outside the area proposed to be affected by the proposed works. No PADs were identified although the river bank and lower terrace parts of the study area were noted as having the potential to contain subsurface deposits.

Table 5.2 Summary of sites (Collins 2000)

Site	Site type	Landform	Distance to water	Stream order	Artefacts /features	Disturbance	Subsurface potential
KG1	artefact scatter	terrace	24 m	Manning River	3	flood scoured	no

Collins concluded that the probability of the proposed narrow pipeline trenches intercepting with subsurface deposits was low and that no further archaeological investigation was warranted. It was recommended that lower terrace and river bank areas be avoided and that monitoring occur during trenching works. It was further recommended that all relevant contractors and employees to be advised of their legal obligations with regard to Aboriginal cultural materials and that stop work procedures to be instigated should unexpected finds be identified during works.

Australian Heritage Services (2011) completed a due diligence assessment of sections of existing rail track that were proposed for strategic upgrades. The proposed works consisted of the upgrading of an access road and setup compound, clearance of vegetation, creation of a stock pile area, construction of cuttings and embankments, installation of structural, capping and bottom ballast, layout of sleepers, cutting the existing line and slewing across to pre-laid sleepers, tamping and destressing the curve and reinstating the site and properties to original condition. The study area comprised of Curve Easing Sites 21 and 23 close to the town of Maitland in NSW. The topography of the study area included river flats and hill country. The vegetation had been predominantly cleared from the area during past activity. It was noted that wetlands were in the surrounding region, which would have provided resources and supported faunal life within this area in the Aboriginal past. The nearest named water courses were Herons Creek, Watson Taylors Lake and Stewarts River. A search of the AHIMS register did not identify any sites within the bounds of the study area and only three previously recorded sites were identified within a 10-kilometre radius. Due to high levels of past disturbance, it was predicted as unlikely that intact Aboriginal sites would be found within the study area. The survey did not identify any sites or PADs and it was recommended that the proposed works proceed without heritage constraint. It was recommended that stop work procedures be implemented should unexpected finds be identified during works and that an Aboriginal Cultural Education Program should be developed for all workers associated with the project.

MCH undertook an Aboriginal cultural heritage assessment for a proposed rezoning of land located at Kolodong. The project area, located on the Lower Permian to Upper Carboniferous Giro Beds, was characterized by undulating land with gentle slopes, drainage lines, and creeks in the northwestern and southeastern portions. The southern area mainly consisted of river flats. The soil composition in the project area includes an A horizon of fine clay loam overlaying a B horizon of fine clay loam sand. There were two 1st order drainage lines in the north that flow south through the northwestern part of the project area and joined a 2nd order creek, which continued to flow southwest and eventually merged with a 3rd order creek (Tyrill Creek) just outside the western border of the project area. Additionally, there are two 1st order drainage lines in the southeastern portion that flow east and join a 2nd order creek outside the eastern border of the project area. The closest reliable water source was the Manning River, located approximately 1.2 kilometres to the west.

Since European settlement in the 1820s, the project area has undergone various modifications including extensive logging, clearing, agricultural cultivation, pastoral grazing, residential developments, and mining (Turner, 1985). These activities have significantly altered the landscape and cultural materials within the area. The specific project area has experienced large-

scale clearing, early ploughing, and the construction of residential, church, and school buildings. Currently, the area is managed as grassland for low-intensity grazing, and it includes rural dwellings, dams, and rural infrastructure and utilities.

A search of the AHIMS register identified 8 known Aboriginal sites are recorded within five kilometres of the project area and included two scar trees, two artefact sites, one stone arrangement, one burial, one Aboriginal ceremonial and dreaming with scar tree and one ceremonial ring with scar tree. The survey focused on areas of high ground surface visibility and exposures and the creek line (erosional features, creek banks, tracks, cleared areas). The survey clarified that the project area had been subject to previous large-scale clearing, grazing and agricultural practices as evident by deteriorated ridges and furrows. Currently used for grazing, there were residential houses, church and school along the eastern boundary and one located at the centre of the project area. Three dams were located on the eastern slopes and four along the 2nd order creek in the western portion of the project area. Additional disturbances included tracks and fencing. Vegetation was predominantly pasturing grass with few trees in some areas which contributed to reduced ground surface visibility (15.77%). No sites or PADs were identified and was likely due to the following;

- the drainage throughout the project area are mainly 1st order with one 2nd order, all of which typically are associated with very low-density artefact scatters or isolated finds;
- the southern section of the 2nd order drainage line (and confluence area with another 2nd order) consists of moderate slopes which are considered unsuitable for camping;
- taking the environmental and archaeological contexts into account, it is likely the project area would have been used for hunting and gathering and travel to more reliable water sources and associated resources. Evidence of such past Aboriginal land uses manifest in the archaeological record as a background scatter of artefacts across the landscape; and
- previous land uses would have disturbed any cultural materials that may have been present.

MCH recommended that should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

5.5 LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES

The following is a summary of the previous investigations detailed in Section 5.3 and 5.4. It must be remembered, however, that there are various factors which will have skewed the results discussed in Section 5.3. Therefore, the summary provides an indication of what may be expected in terms of site location and distribution.

- the majority of high-density sites are located on elevated landforms within 50 metres of a reliable fresh water source with a drop of site number and densities with a decrease in stream order;
- the likelihood of finding sites of any size increases with proximity to fresh water sources and the likelihood of finding large artefact scatters also increases markedly with proximity to reliable high order water sources;
- the main site types are artefact scatters and isolated finds;

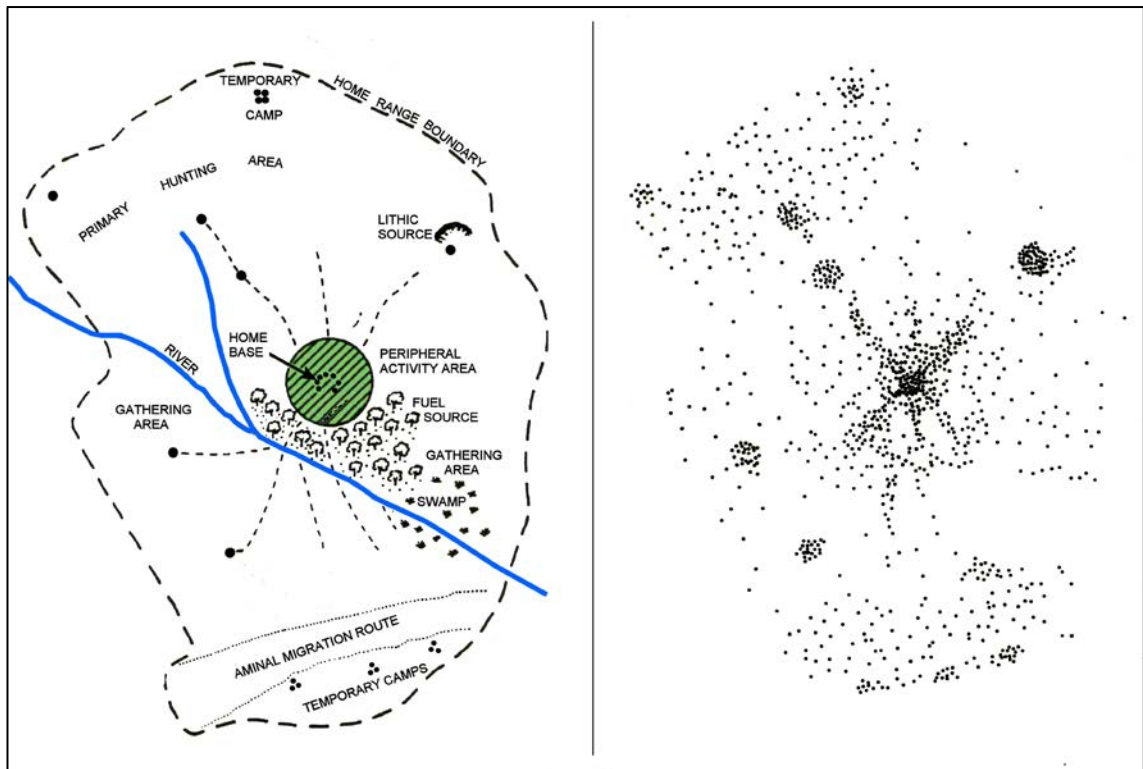
- mudstone, silcrete, chert and tuff are by far the most common raw material types represented at sites in the region. Quartz is the next most frequently in artefact assemblages followed by volcanic materials, porphyry and petrified wood. Siltstone, rhyolite and porcellanite are relatively rare;
- flakes, broken flakes and flaked pieces are the most common artefact types recorded
- the vast majority of artefactual material in the region was observed on exposures with good to excellent ground surface visibility. The likelihood of finding artefacts surrounding these exposures is reduced due to poor visibility. The site area is often given as the area of exposure. Hence, it is inappropriate to attempt to draw any conclusions regarding site extent based on current information; and
- the majority of sites have been impacted by past land uses, some with significant impacts to the archaeological record (i.e. excavation works), others minimal impact (tracks).

These findings are consistent with models developed for the local area.

5.6 MODELS OF PAST ABORIGINAL LAND USE

The aim of this assessment is to attempt to define both the nature and extent of occupation across the area. As a result, the nature of the analysis will focus on both landform units and sites. The purpose of this strategy is to highlight any variations between sites and associated assemblages, landforms and resources across the area treating assemblages as a continuous scatter of cultural material across the landscape. In doing this, it is possible to identify land use variations across the landscape, landforms and assemblages that correspond with variation in the general patterns of landscape use and occupation. Thus, the nature of activities and occupation can be identified through the analysis of stone artefact distributions across a landscape. A general model of forager settlement patterning in the archaeological record has been established by Foley (1981). This model distinguishes the residential “home base” site with peripheral “activity locations”. Basically, the home base is the focus of attention and many activities and the activity locations are situated away from the home base and are the focus of specific activities (such as tool manufacturing). This pattern is illustrated in Figure 5.2. Home base sites generally occur in areas with good access to a wide range of resources (reliable water, raw materials etc), and the degree of environmental reliability, such as reliable water and subsistence resources, may influence the rate of return to sites and hence the complexity of evidence. Home base sites generally show a greater diversity of artefacts and raw material types (which represent a greater array of activities performed at the site and immediate area). Activity locations occur within the foraging radius of a home base camp (approximately 10 km); (Renfrew and Bahn 1991). Based on the premise that these sites served as a focus of a specific activity, they will show a low diversity in artefacts and are not likely to contain features reflecting a base camp (such as hearths). However, it is also possible that the location of certain activities cannot be predicted or identified, adding to the increased dispersal of cultural material across the landscape. If people were opting to carry stone tools during hunting and gathering journeys throughout the area rather than manufacturing tools at task locations, an increased number of used tools should be recovered from low density and dispersed assemblages across the landscape.

Figure 5.2 Foley's model (L) and its manifestation in the archaeological record (R), (Foley 1981).



5.6.1 MODEL OF OCCUPATION FOR THE REGION

Work throughout NSW has aimed to understand the nature of Aboriginal occupation and determine the nature of land use. This theme often aims to identify and explain archaeological patterning in site type, content and distribution. General theories have been developed outlining the relationship between land use patterns and the resulting archaeological evidence. A number of models developed for the region have been reviewed (McBryde 1976; Koettig 1994; Dean-Jones and Mitchell 1993; Rich 1995; Kuskie and Kamminga 2000; McDonald and White 2010). All models state that the primary requirements for repeated, concentrated or permanent occupation is access to reliable fresh water. Brief and possible repeated occupation may be represented in areas that have unreliable access to ephemeral water sources, however, these areas will not contain high archaeological evidence or potential (Goodwin 1999).

Kuskie and Kamminga (2000) established a general model of occupation strategies based primarily upon ethnographic research. Used as a starting point, it makes a general set of predictions for the region that is consistent with other studies (e.g., Nelson 1991). The model distinguishes between short-term or extended long-term occupation and makes some predictions about the likely location of different foraging and settlement activities. Combining this information with a general review of assemblage contents from a sample of excavated sites within the region, a baseline of settlement activities may be determined (Barton 2001).

The model provides a number of archaeological expectations that may be tested. For example, the presence of features requiring a considerable labour investment such as stone-lined ovens or heat-treatment pits are likely to occur at places where occupation occurred for extended periods of time. The presence of grindstones is also a reliable indicator of low mobility and extended occupation. Seed grinding requires a large investment of time and effort (Cane 1989). In most ethnographic examples, seed grinding is an activity that takes place over an entire day to provide adequate energetic returns (Cane 1989; Edwards and O'Connell 1995).

Where group mobility was high and campsites frequently shifted throughout the landscape, artefact assemblages are not expected to contain elements such as grindstones, heat-treatment pits, ovens and the diversity of implements frequently discarded at places of extended residential occupation. It may also have been the case that the location of particular activities could not be predicted by tool users, adding to the increased low-density scattering of artefacts over the landscape. Also, if individuals were opting to carry a number of stone tools during hunting and gathering activities and maintaining these tools rather than manufacturing new tools at each task location, the ratio of used tools to unworn flakes in these assemblages should be high. Table 5.3 has been adapted from Kuskie and Kamminga (2000). The identification of specific activity areas through analysis of the composition of the patterning of lithic assemblages was utilised. However, this is applied to excavated materials as they provide more realistic data due to the lesser degree of disturbances, removal and breakages.

Table 5.3 Site descriptions (Kuskie & Kamminga 2000).

Occupation pattern	Activity location	Proximity to water	Proximity to food	Archaeological expectations
Transitory movement	all landscape zones	not important	not important	- assemblages of low density & diversity - evidence of tool maintenance & repair - evidence for stone knapping
Hunting &/or gathering without camping	all landscape zones	not important	near food resources	- assemblages of low density & diversity - evidence of tool maintenance & repair - evidence for stone knapping - high frequency of used tools
Camping by small groups	associated with permanent & temporary water	near (within 100m)	near food resources	- assemblages of moderate density & diversity - evidence of tool maintenance & repair - evidence for stone knapping & hearths
Nuclear family base camp	level or gently undulating ground	near reliable source (within 50m)	near food resources	- assemblages of high density & diversity - evidence of tool maintenance & repair & casual knapping - evidence for stone knapping - heat treatment pits, stone lined ovens - grindstones
Community base camp	level or gently undulating ground	near reliable source (within 50m)	near food resources	- assemblages of high density & diversity - evidence of tool maintenance & repair & casual knapping - evidence for stone knapping - heat treatment pits, stone lined ovens - grindstones & ochre - large area >100sqm with isolated camp sites

5.7 PREDICTIVE MODEL FOR THE PROJECT AREA

Due to issues surrounding ground surface visibility and the fact that the distribution of surface archaeological material does not necessarily reflect that of sub-surface deposits, it is essential to establish a predictive model.

Previous archaeological studies undertaken throughout the region, the AHIMS register and the environmental context provide a good indication of site types and site patterning in the area. This research has shown that occupation sites (artefact scatters and isolated finds) are the most

frequently recorded site type and are commonly located along or adjacent to watercourses, and on relatively flat to gently sloping topography in close proximity to reliable fresh water. Sites with higher artefact densities are similarly concentrated within fifty metres of higher order watercourses with site numbers and site densities decreasing with a reduction of stream order and distance from a water source. Within the local area, previous assessments within a similar environmental context indicate that, within a well-watered context, there is high potential for archaeological material to be present on level, typically well-elevated landforms that provide ready access to low-lying waterlogged areas and the associated resources.

Within the specific project area, it is possible that artefact scatters (possibly with hearths, grinding stones – evidence of food preparation) may be found along Cedar Party Creek with the highest concentration being within 50 metres of the creek. It is also possible that the remainder of the project area may have been used for hunting and gathering activities which manifests in the archaeological record as an unpredictable background scatter of discarded artefacts. The refinement of this predictive model will be dependent upon an investigation of the range of landforms and the occurrence of modern disturbances within the project area.

5.8 ARCHAEOLOGICAL POTENTIAL IN THE PROJECT AREA

Based on archaeological sites registered in the region and the results of past archaeological studies, two site types are likely to occur throughout the project area:

- **Artefact scatters**

Also described as open campsites, artefact scatters have been defined as two or more stone artefacts within 50 metres of each other and will include archaeological remains such as stone artefacts and may be found in association with hunting and gathering activities (manifests in the archaeological record as low-density discarded artefacts across the landscape) or camping where other evidence may be present such as shell, hearths, stone lined fire places and/or heat treatment pits. These sites are usually identified as surface scatters of artefacts in areas where ground surface visibility is increased due to lack of vegetation and land uses. Erosion, agricultural activities (such as ploughing, grazing), construction and mining activities and access ways can also expose surface campsites. Artefact scatters may represent evidence of;

- Large camp sites, where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of such tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;
- Medium/small camp sites, where activities such as minimal tool manufacturing occurred;
- Hunting and/or gathering events;
- Other events spatially separated from a camp site, or
- Transitory movement through the landscape.

Artefact scatters are a common site type in the locality and the broader region. There is potential for artefact scatters to occur within the project area in areas close to Cedar Party Creek. There is also the potential for such sites to be impacted on through past landuses.

- **Isolated finds**

Isolated artefacts are usually identified in areas where ground surface visibility is increased due to lack of vegetation and land uses. Erosion, agricultural activities (such as ploughing), construction and mining activities and access ways can also expose surface artefacts. Isolated finds may represent evidence of;

- Hunting and/or gathering events; or
- Transitory movement through the landscape.

Isolated finds are a common site type in the locality and the broader region. There is potential for isolated artefacts to occur across the project area and across all landforms. There is also the potential for such sites to be impacted on through past impacts including previous land uses.

6 RESULTS

6.1 METHODOLOGY

The survey area was surveyed on foot by the accordance with the proposed methodology provided to the stakeholders for review. The survey focused on areas of high ground surface visibility and exposures (erosional features, tracks, cleared areas).

6.2 LANDFORMS

McDonald et al (1998) describes the categories of landform divisions that consists of a two layered division involving treating the landscape as a series of “mosaics”. The mosaics are described as two distinct sizes: the larger categories are referred to as landform patterns and the smaller being landform elements within these patterns. Landform patterns are large-scale landscape units, and landform elements are the individual features contained within these broader landscape patterns. There are forty landform pattern units and over seventy landform elements. However, of all the landform element units, ten are morphological types. For archaeological investigations they divide the landscape into standardised elements that can be used for comparative purposes and predictive modelling. As outlined in Section 3, the project area includes one major landform: slopes dissected by one drainage line.

6.3 SURVEY UNITS

The project area, consisting of one major landform, was surveyed as one survey unit (SU) that was based on landform elements (following McDonald et al 1984) and Figure 6.1 provides the survey map. The project area had been previously cleared and ploughed at least once for improved pasture with some eroded plough ridges and furrow present. In addition to this, the project area was utilised for grazing with stock yard pens located along the southern border near the entry gate along Wingham Road. A power easement is also located east/west through the project area. A number of tracks were noted and water stop valve posts and associated underground water pipelines were noted along a track in the treed area located towards the northern part of the project area.

Figure 6.1 Survey coverage map



The vegetation within the project area primarily comprised grass of varying heights, ranging from ground level up to waist height. This diversity in grass height significantly limited visibility across the ground surface. A new growth open woodland area was located in the north part of the project area and sporadic trees along the creek and through the project area few trees were present. Exposures were low and no raw materials usually transported into the area and utilised for stone tool manufacture were present or visible. Examples of the project area are provided in Figures 6.2 to 6.6.

Figure 6.2 Eastern part of the project area (facing north east)



Figure 6.3 Centre part of the project area (facing west)



Figure 6.4 North western section (facing east)



Figure 6.5 North western track through open woodland (facing north)



Figure 6.6 Western side of the project area (facing north east)



6.4 EFFECTIVE COVERAGE & DISTURBANCES

To determine the effectiveness of an archaeological survey, the visibility and exposure conditions for each survey unit is calculated to provide an effective coverage amount. Effective coverage is an estimate of the amount of ground observed considering local constraints on site discovery such as vegetation and leaf litter and erosion. There are two components to determining the effective coverage: visibility and exposure.

Visibility is the amount of bare ground on the exposures which may reveal artefacts or other cultural materials, or visibility refers to 'what conceals'. Visibility is hampered by vegetation, plant or leaf litter, loose sand, stony ground or introduced materials (such as rubbish). On its own, visibility is not a reliable factor in determining the detectability of subsurface cultural materials (DECCW 2010/783:39).

The second component in establishing effective coverage is exposure. Exposure refers to "what reveals". It estimates the area with a likelihood of revealing subsurface cultural materials rather than just an observation of the amount of bare ground. Exposure is the percentage of land for which erosion and exposure is sufficient to reveal cultural materials on the surface (DECCW 2010/783:37). The effective coverage for the project area was determined for both visibility and exposure ratings and Table 6.1 details the visibility rating system used.

Table 6.1 Ground surface visibility rating

Description	GSV rating %
Very Poor – heavy vegetation, scrub foliage or debris cover, dense trees or scrub cover. Soil surface of the ground very difficult to see.	0-9%
Poor – moderate level of vegetation, scrub, and / or tree cover. Some small patches of soil surface visible in the form of animal tracks, erosion, scalds, blowouts etc, in isolated patches. Soil surface visible in random patches.	10-29%
Fair – moderate levels of vegetation, scrub and / or tree cover. Moderate sized patches of soil surface visible, possibly associated with animal, stock tracks, unsealed walking tracks, erosion, blow outs etc, soil surface visible as moderate to small patches, across a larger section of the project area.	30-49%
Good – moderate to low level of vegetation, tree or scrub cover. Greater amount of areas of soil surface visible in the form of erosion, scalds, blowouts, recent ploughing, grading or clearing.	50-59%
Very Good – low levels of vegetation / scrub cover. Higher incidence of soil surface visible due to recent or past land-use practices such as ploughing, mining etc.	60-79%
Excellent – very low to non-existent levels of vegetation/scrub cover. High incidence of soil surface visible due to past or recent land use practices, such as ploughing, grading, mining etc.	80-100%
Note: this process is purely subjective and can vary between field specialists, however, consistency is achieved by the same field specialist providing the assessment for the one project area/subject site.	

As indicated in Table 6.2, the effective coverage for project area is 5% with grass being the limiting factor and erosion across the project area being minimal. The disturbances included clearing, fences, grazing, all of which would have impacted upon the landscape and associated cultural materials through displacement and/or removal.

Table 6.2 Effective coverage for the investigation area

SU	Landform	Area (m2)	Vis. %	Exp. %	Exposure type	Previous disturbances	Present disturbances	Limiting visibility factors	Effective coverage (m2)
1	slopes	616,500	20%	25%	erosion, tracks, excavation	clearing, ploughing, grazing	erosion, excavation in far south	vegetation	30,825
Totals		616,500							30,825
Effective coverage %									5.00%

The level and nature of the effective survey coverage is considered satisfactory to provide an effective assessment of the project area. The coverage was comprehensive for obtrusive site types (e.g., grinding grooves and scarred trees) but somewhat limited for the less obtrusive surface stone artefact sites by surface visibility constraints that included vegetation cover and minimal exposures.

In relation to land uses and the associated impacts on the landscape and any cultural materials that may have been present, the project area has been subject to clearing, at least one ploughing event, grazing and parts for the electricity easement and tracks, and as indicated in Table 6.3, these disturbances range from moderate to high.

Table 6.3 Land use scale (CSIRO 2010) and land uses in the project area

Minor disturbance		Project area	Moderate disturbance		Project area	Major disturbance		Project area
0	No effective disturbance; natural		3	Extensive clearing (e.g., poisoning and ringbarking)		6	Cultivation: grain fed	
1	No effective disturbance other than grazed by hoofed animals		4	Complete clearing: pasture native or improved, but never cultivated		7	Cultivation: irrigated, past and present	
2	Limited clearing (e.g., selected logging)		5	Complete clearing: pasture native or improved, cultivated at some stage	yes	8	Highly disturbed: e.g., quarry, road works, mining, landfill, urban	Far south only

In view of the predictive modelling and the results obtained from the effective coverage and disturbance rating, it is concluded that the survey provides a valid basis for determining the probable impacts of the proposal and formulating recommendations for the management of the project area.

6.5 ARCHAEOLOGICAL SITES

The absence of identified sites in the project areas can be attributed to various factors. While a scattered presence of low-density artifacts from hunting and gathering was anticipated, the unpredictability of such evidence, combined with historical land uses, as well as dense grass cover, resulted in no sites being located.

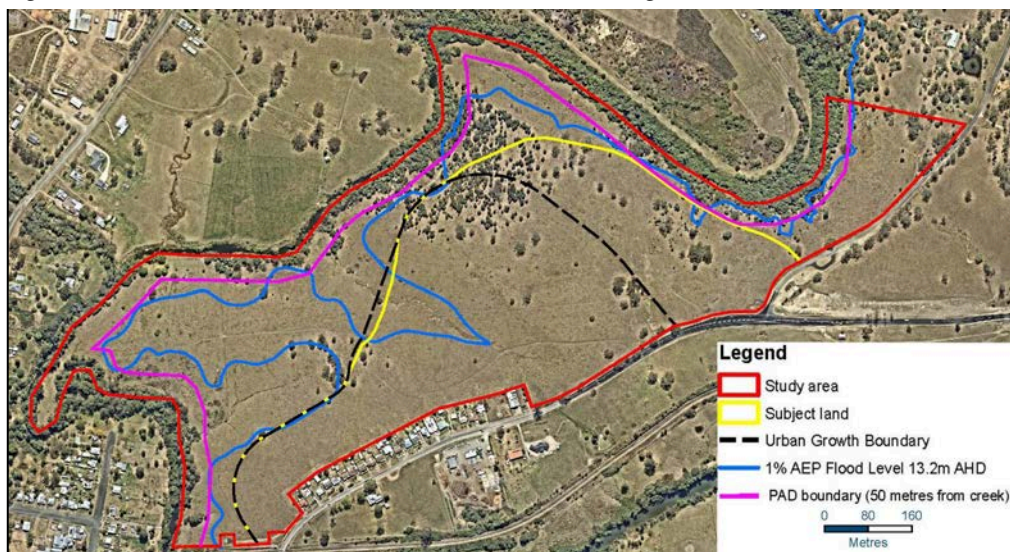
Locations along Cedar Party Creek are considered to be the most promising areas for evidence of past Aboriginal land use due to the presence of a reliable fresh water source. The creek's classification as a 6th order creek suggests the potential for supporting camping activities. However, thick vegetation impeded visibility, resulting in no identifiable sites along the creek. This area is recognised as a Potential Archaeological Deposit (PAD).

6.6 POTENTIAL ARCHAEOLOGICAL DEPOSIT/ SENSITIVITY

The terms “potential archaeological deposit (PAD)” and “area(s) of archaeological sensitivity” are used to describe areas that are likely to contain sub-surface cultural deposits. These sensitive landforms or areas are identified based upon the results of fieldwork, the knowledge gained from previous studies in or around the subject area and the resultant predictive models. Any or all of these attributes may be used in combination to define an area of potential archaeological sensitivity. The likelihood of a landscape having been used by past Aboriginal societies and hence containing archaeologically sensitive areas is primarily based on the availability of local natural resources for subsistence, artefact manufacture and ceremonial purposes. The likelihood of surface and subsurface cultural materials surviving in the landscape is primarily based on past land uses and preservation factors.

It is well documented throughout NSW and the local area that proximity to reliable fresh water was a major factor in past site selection by Aboriginal societies. Cedar Party Creek, a 6th order creek, specifically areas within 50 metres along its length within the project area, have the potential to contain evidence of past Aboriginal land use. This is based on the strategic assessment of its geographical features, particularly the presence of a dependable fresh water source, associated subsistence and medicinal sources, and elevated land along its length. The area along Cedar Party Creek (up to 50 metres in width from its banks) is identified as a PAD. It is noted that the PAD is located outside the residential rezoning area (Figure 6.7).

Figure 6.7 PAD location in relation to the residential rezoning area



6.7 DISCUSSION

Considering the environmental, cultural and archaeological contexts of the regional and local area, the distribution of archaeological sites may be identified and thus effectively protected, manage lands, and conserve areas where required and appropriate.

As no sites have been identified, the results of the investigation are discussed below in terms of overall site integrity, local and regional contexts, and predictive modeling.

6.7.1 INTEGRITY

The integrity of an area can be assessed only for surface integrity through the consideration of past and present land uses and their impacts. Subsurface integrity can only be assessed through controlled excavation that allows for the examination of both the horizontal and vertical distribution of cultural materials (caused by natural and/or human impacts) and by conjoining artefacts. Land uses and their impacts (clearing, one ploughing event, grazing), as well as natural impacts (bioturbation, erosion), within the project area have been discussed in Section 3 and 6 and are considered to be moderate throughout (significantly high in the far south where excavation works have occurred) and due to such disturbances, the integrity of the project area is expected to have been disturbed and any sites that may have been present may have been disturbed or destroyed. However, without excavation it is difficult to determine post-depositional impacts.

6.8 INTERPRETATION & OCCUPATION MODEL

Given the fact that no sites identified, it is not possible to discuss site interpretation or occupation models.

6.9 REGIONAL & LOCAL CONTEXT

Given the fact that no sites identified, it is not possible to discuss the regional or local archaeological contexts.

6.10 REASSESSMENT OF THE PREDICTIVE MODEL

Given the fact that no sites were identified and the project area is highly disturbed, it is not possible to reassess the predictive model.

6.11 CONCLUSION

Sites provide valuable information about past occupation, use of the environment and its specific resources including diet, raw material transportation, stone tool manufacture, and movement of groups throughout the landscape. Previous broad-based regional research has shown that proximity to water was an important factor in past occupation, with sites reducing in number significantly away from water. This research has also shown that occupation sites (artefact scatters and isolated finds) are the most frequently recorded site type and are commonly located along or adjacent to watercourses, and on relatively flat elevated landforms in close proximity to reliable fresh water. Sites with higher artefact densities are similarly concentrated within fifty metres of watercourses and throughout the wider landscape, a background scatter of artefacts is present and represent hunting and gathering or travel.

Cedar Party Creek (6th order) is located along the western boundary of the project area. Thus, the western side of the project area may be considered reasonably resourced in terms of water availability and associated subsistence and medicinal resources. Cedar Party Creek and up to 50 metres in width along its length within the project area is identified as a PAD.

Whilst a background scatter of discarded artefacts across the remainder of the project area may have been present, predicting their location is impossible due to the nature of the activities that produced the evidence (transitory activities such as hunting and gathering), these sites are also expected to have been displaced or destroyed through past land uses including clearing, ploughing and grazing.

7 ASSESSMENT OF IMPACTS

The archaeological record is a non-renewable resource that is affected by many processes and activities. As outlined in Section 3 and 6, the various natural processes and human activities would have impacted on archaeological deposits through both site formation and taphonomic processes. Section 6 describes the impacts within the project area, showing how these processes and activities have disturbed the landscape and associated cultural materials in varying degrees.

7.1 IMPACTS

Detailed descriptions of the impacts are provided in Section 1.5 and the results of the survey in Section 6. The Heritage NSW, Department of Premier & Cabinet Code of practice for the archaeological investigation of Aboriginal objects in New South Wales (2010:21) describes impacts to be rated as follows:

- 1) Type of harm: is either direct, indirect or none
- 2) Degree of harm is defined as either total, partial or none
- 3) Consequence of harm is defined as either total loss, partial loss, or no loss of value

No archaeological sites were found in the survey of the project area, which has been disturbed by various activities. In situ sites are not expected to be present within the rezoning area.

The exception to this is the PAD along Cedar Party Creek. The PAD will be partially protected by the Riparian Zone (up to 40 metres in width along the length of the creek) and is outside the residential rezoning area, and as such will not be impacted on by the proposal.

There are no impacts on the archaeological record or PAD.

8 MITIGATION AND MANAGEMENT STRATEGIES

Specific strategies, as outlined through the Heritage NSW, Department of Premier & Cabinet: Code of practice for archaeological investigation of Aboriginal objects in New South Wales (DECCW 2010b) and the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011) are considered below for the management of the identified site within the project area.

One of the most important considerations in selecting the most suitable and appropriate strategy is the recognition that Aboriginal cultural heritage is very important to the local Aboriginal community. Decisions about the management of sites and potential archaeological deposits should be made in consultation with the appropriate local Aboriginal community.

8.1 CONSERVATION/PROTECTION

Heritage NSW, Department of Premier & Cabinet is responsible for the conservation/protection of Indigenous sites and they therefore require good reason for any impact on an indigenous site. Conservation is the first avenue and is suitable for all sites, especially those considered high archaeological significance and/or cultural significance. Conservation includes the processes of looking after an indigenous site or place so as to retain its cultural and scientific significance and are managed in a way that is consistent with the nature of peoples' attachment to them.

As no sites have been identified and the residential rezoning area is disturbed through previous clearing, ploughing and grazing activities, conservation/protection is not required.

8.2 FURTHER INVESTIGATION

With the exception of shell middens and burials, an Aboriginal Heritage Impact Permit (AHIP) is not required to undertake test excavations (providing the excavations are in accordance with the Code of Practice for Archaeological Investigations in NSW and consultation with the RAPs). Subsurface testing is appropriate when a PAD has been identified, and it can be demonstrated that sub-surface Aboriginal objects with potential conservation value have a high probability of being present, and that the area cannot be substantially avoided by the proposed activity.

As no sites have been identified and the residential rezoning area is disturbed through previous clearing, ploughing and grazing activities, further investigations within the residential rezoning area are not justified.

8.3 AHIP

If harm will occur to an Aboriginal object or Place, then an AHIP is sought from Heritage NSW, Department of Premier & Cabinet as a defence to that harm. If a systematic excavation of the known site could provide benefits and information for the Aboriginal community and/or archaeological study of past Aboriginal occupation, a salvage program, and, or community collection, may be an appropriate strategy to enable the salvage of cultural objects.

As no sites have been identified and the project area, an AHIP is not required.

9 RECOMMENDATIONS

9.1 GENERAL

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974;
- 2) An Unexpected Finds Procedure for cultural materials and human remains (Appendix B) will be implemented during all works, and
- 3) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately, the Unexpected Finds Procedure followed and the Environmental Line contacted.
- 4) A cultural awareness program should be included as part of the site induction program and developed with the RAPs and form part of the Environmental Management Plan.

9.2 PAD

- 5) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW prior to any works being undertaken at the PAD location.

REFERENCES

Australian Heritage Services Pty Ltd. 2011. Aboriginal Heritage Due Diligence Assessment TEJV/ARTC Curve Easing Sites 21, 23, 31, 32, & 34 (Wingham). Report prepared for Australian Rail Track Corporation.

Anonymous 2003 CatchmentSIM GIS.

<http://www.uow.edu.au/~cjr03/index.htm?Overview/VNAnalysis/VNAnalysisFrame.htm~mainFrame>. Downloaded 24 February 2004.

Balek, C. 2002. Buried Artefacts in Stable Upland Sites and the Role of Bioturbation: A Review. *Geoarchaeology: An International Journal*, 17(1):41-51.

Barton, H. 2001. Howick Coal Mine Archaeological Salvage Excavations, Hunter Valley, NSW. AMBS Consulting. Report Prepared for Coal & Allied.

Barwick, D. 1984. Mapping the Past: An atlas of Victorian Clans. *Aboriginal History*. Vol. 8 (2):100-131.

Cane, S. 1989. Australian Aboriginal Seed Grinding and its Archaeological Record: a case study from the Western Desert. In *Foraging and Farming*, D. R. Harris and G. C. Hillman (eds.), 99-119. London: Unwin Hyman.

Canti, M. 2003. Earthworm activity and archaeological stratigraphy: A review of products and processes. *Journal of Archaeological Science*, 30:135-148.

Collins, J. 2000. Taree and Wingham Effluent Management Scheme Aboriginal archaeological assessment of preferred and alternative effluent main alignments and wet weather storage sites. Report prepared for Midcoast Water.

Dean-Jones, P. and P.B. Mitchell. 1993. Hunter Valley Aboriginal sites assessment project. Environmental modelling for archaeological site potential in the Central Lowlands of the Hunter Valley. Report to NSW National Parks and Wildlife Service.

DeBloois, Evan I.; Green, D.F.; Wylie, H.G. 1974. A test of the impact of pinyon-juniper chaining on archaeological sites. Ogden, Utah: Intermountain Region, Forest Serv., U.S. Dep. Agric.: *Archaeological Reports*.

De Reu, J., Bourgeois, J., De Smedt, P., Zwertvaegher, A., Antrop, M., Bats, M., De Maeyer, P., Finke, P., Van Meirvenne, M., Verniers, J., and Crombe, P. 2011. Measuring the relative topographic position of archaeological sites in the landscape, a case study on the Bronze Age barrows in northwest Belgium. *Journal of Archaeological Science*, 38(12): 3435-3446.

De Smedt, P., Bats, M., and Crombe, P. 2013. Application of the topographic position index to heterogeneous landscapes. *Geomorphology*, 186: 39-49.

Department of Environment, Climate Change and Water (DECCW). 2010a. *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. Department of Environment, Climate Change and Water NSW, Sydney.

Department of Environment, Climate Change and Water (DECCW). 2010b. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Department of Environment, Climate Change and Water NSW, Sydney.

Department of Environment, Climate Change and Water (DECCW). 2010c. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. Department of Environment, Climate Change and Water NSW, Sydney.

Edwards, D. and J. F. O'Connell 1995. Broad Spectrum Diets in Arid Australia. *Antiquity*, 69: 769-783.

Foley, R. 1981. A Model of Regional Archaeological Structure. *Proceedings of the Prehistoric Society*. 47: 1-17.

Fowler, K.D, H.J. Greenfield and L.O. van Schalkwyk. 2004. The Effects of Burrowing Activity on Archaeological Sites: Ndongondwane, South Africa. *Geoarchaeology* 19(5):441-470.

Gallagher, J. G. 1978. Scarification and cultural resources: an experiment to evaluate serotinous lodgepole pine forest regeneration techniques. *Plains Anthropologist* 23-82, Pt. 1: 289-299.

Hughes, P. 1984. NSW National Parks and Wildlife Service Hunter Valley Region Archaeology Project Stage 1: An Overview of the Archaeology of the Hunter Valley, its Environmental Setting and the Impact of Development. Volume 1. Unpublished Report by Anutech Pty Ltd to NSW NPWS.

Klaver, J & Heffernan, K. 1991. Greater Taree Aboriginal Heritage Study. Report prepared for Greater Taree City Council.

Koettig, M. 1986a. Test Excavations at Six Locations along the Proposed Pipeline Route between Glennies Creek Dam, Hunter Valley Region, NSW. A report to the Public Works Department, NSW.

Koettig, M. 1986b. Assessment of Archaeological Sites along the Proposed Singleton to Glennies Creek Water Pipeline Route and the Reservoir Site at Apex Lookout, Hunter Valley, New South Wales. Unpublished report for The Public Works Department.

Koettig, M. 1994. Bulga Lease Authorisation 219 salvage excavations. Volumes 1-5. d Report to Saxonvale Coal Pty Ltd.

Kuskie, P.J., and J. Kamminga. 2000. Salvage of Aboriginal archaeological sites in relation to the F3 Freeway near Lenaghans Drive, Black Hill, New South Wales. Report to Roads and traffic Authority New South Wales.

Lewarch, D. E. and O'Brien, M. J. 1981. The Expanding Role of Surface Assemblages in Archaeological research. In Schiffer, M. B. (ed) *Advances in Archaeological Method and Theory*, Volume 4. Academic Press, New York.

Lissarrague, A. 2010. *A Grammar and Dictionary of Gathang: The Language of the Birrbay, Guringay and Warrimay*. Muurrbay Aboriginal Language & Culture Co-operative.

L'Oste-Brown, S., L. Godwin., and C. Porter., In Association with Bowen Basin Aboriginal steering Committee. 1998. *Towards an Indigenous Social and Cultural Landscape of the Bowen Basin. Bowen Basin Aboriginal Cultural Heritage Project. Cultural Heritage Monograph Series Volume 2.* Queensland Department of Environment and Heritage, Brisbane.

Manning River Times. 2011. Biripi's Native Tongue. Site accessed 23 June 2018. <https://www.manningrivertimes.com.au/news/local/news/general/biripis-native-tongue/2210262.aspx>

McBryde, I. 1976. *Subsistence patterns in New England prehistory.* University of Queensland Occasional Papers in Anthropology, 6:48-68.

MCH. 2018. Residential rezoning at Kolodong. Aboriginal cultural heritage assessment. Report for Coastplan Group.

McDonald, R.C., Isbell, R.F., Speight, J.G., Walker, J. and Hopkins, M.S. 1998. *Australian Soil and Land Survey Field Handbook*, Second Edition. Inkata Press, Australia.

McDonald, J and White, B. 2010. Lithic Artefact Distribution in the Rouse Hill Development Area, Cumberland Plain, New South Wales. In: *Australian Archaeology* 70: 29-38.

Mulvaney, J., and J. Kamminga. 1999. *Prehistory of Australia.* Allen and Unwin, Australia.

Nelson, M. 1991. The study of technological organisation. In Schiffer, M. (ed.) *Archaeological Method and Theory.* Tuscon: University of Arizona Press. pp. 57-100.

Odell, G. and F. Cowan. 1987. Estimating Tillage Effects on Artifact Distributions. *American Antiquity*, 52(3):456-484.

Office of Environment and Heritage (OEH), 2011. *Guide to Investigating, Assessing and reporting on Aboriginal Cultural Heritage in NSW.* Department of Environment, Climate Change and Water NSW, Sydney.

Peacock, E. and D. Fant. 2002. Biomantle Formation and Artefact Translocation in Upland Sandy Soils: An Example from the Holly Springs National Forest, North-Central Mississippi, U.S.A. In *Geoarchaeology* 17(1):91-114.

Renfrew, C., and Bahn, P. 1991. *Archaeology: Theories, Methods and Practice.* Thames & Hudson.

Rich, E. 1995. Site W4 (NPWS#37-6-155), Warkworth, Hunter Valley: Artefacts Analysis. In Hugland, L. and Rich, E. Warkworth Open Cut Coal Mines: Report on Salvage Investigation of Site 37-6-155 (=Mt. Thorley E/W4), Carried out in Compliance with NPWS Consent #732. Volumes 1-111. Report to Warkworth Mining Pty.

Robinson, C. 2011. Totems of the Birpai. Site accessed 24 June 2018. <http://mnclibrary.org.au/totems-of-the-birpai/>

Roper, D. 1976. Lateral Displacement of Artifacts Due to Plowing. *American Antiquity* 41(3):372-375.

Simon, E, 1987. *Through My Eyes.* Collins Dove, Australia.

- Stein, J. 1983. Earthworm activity: A source of potential disturbance of archaeological sediments. *American Antiquity* 48(2):277-289.
- Turner, J.W. 1985. Historical themes of the shire of Muswellbrook. Report to EJE and Shire of Muswellbrook.
- Turrero, P., Dominguez-Cuesta, M., Jimenez-Sanchez, M., and Garcia-Vazquez, E. 2013. The special distribution of Paleolithic human settlements and its influence on palaeoecological studies: a case from Northern Iberia. *Journal of Archaeological Science*, Volume 40, Issue 12, pp: 4127-4138.
- Villa, P. 1982. Conjoinable Pieces and Site Formation Processes. *American Antiquity* 47(2):276-290.
- Waters, M. 2000. Alluvial Stratigraphy and Geoarchaeology in the American Southwest. *Geoarchaeology: An International Journal* 15(6):537-557.
- Waters, M. and D. Kuehn. 1996. The Geoarchaeology of Place: The Effect of Geological Processes on the Preservation and Interpretation of the Archaeological Record. *American Antiquity* 61(3):483-496.
- Wheeling Jesuit University, 2002. *Exploring the Environment: Water Quality*. <http://www.cotf.edu/ete/modules/waterq/wqphysmethods.html> Downloaded 24 February 2004.
- Wood, S. 1982. Mechanical treatment impacts to cultural resources in Central Arizona: The marden brush cutter. Presented at the Symposium on Dynamics and Management of Mediterranean-Type Ecosystems, June 22-26, 1981, San Diego, California
- Yorston, R.M., Gaffney, V.L. and Reynolds, P.J. 1990. Simulation of Artefact Movement Due to Cultivation. *Journal of Archaeological Science* 17:67-83.

APPENDIX A

Aboriginal Stakeholder Consultation

Date	Consultation type	Heritage NSW requirement	Consult stage	RAP/Agency	Contact person	Description
5/12/23	Letter	4.1.2	1	MCH contacted Heritage NSW		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted Purfleet/Taree Local Aboriginal Land Council (P/TLALC)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted Registrar of Aboriginal Owners (RAO)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted Midcoast Council		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted Native Title Tribunal (NNTT)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted NTSCORP Ltd		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted North Coast Land Services (NCLS)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
	Letter	4.1.2	1	Heritage NSW		Identified Aboriginal parties:
5/12/23	E-mail	4.1.2	1	LALC		Offered a site worker to do the survey for a set fee but did not register, but MCH assumed their intent was to register
	Letter/e-mail	4.1.2	1	RAO		Identified Aboriginal parties:
6/12/23	Letter/e-mail	4.1.2	1	NNTT		No claims
	Letter/e-mail	4.1.2	1	Council		Identified Aboriginal parties:
NA		4.1.2	1	NTSCORP	Do not provide lists of possible stakeholders	
NA		4.1.2	1	NCLS	Do not provide lists of possible stakeholders	
19 th December 2023 C.O.B. Request for groups to consult with closed						
12/1/24	Public notice	4.1.3	1	All registered Aboriginal parties (RAPs)		Public notice in Manning River Times and requested registration no later than 29/1/2024 (additional time provided due to the public holiday).
15/1/24	Letter & email	4.1.3, 4.1.4, 4.1.5, 4.2.1	1	All RAPs	those provided from sources above	Formal letter to identified RAPs. Letter requested registration of interest in the project, project outline, maps and asking for the preferred method to receive information (meeting/mail/email). Required registration by C.O.B. 29/1/2024 (additional time provided due to the public holiday).

Date	Consultation type	Heritage NSW requirement	Consult stage	RAP/Agency	Contact person	Description
16/1/24	email	4.1.7, 4.1.8	1		Lee Davison	Registered for the project
21/1/24	email	4.1.7, 4.1.8	1	A1 Indigenous Services	Carolyn Hickey	Registered for the project
21/1/24	email	4.1.7, 4.1.8	1	Amanda Hickey Cultural Services	Amanda Hickey	Registered for the project
29th January 2024 C.O.B. Registration for project closed						
30/1/24	Email & letter	1; s 4.1.6		Heritage NSW		Letter notifying Heritage NSW of RAPs
30/1/24	Email & letter	1; s 4.1.6		P/TLALC		Letter notifying T/TLALC of RAPs
30/1/24	Letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	All RAPs		Formal letter and information packet sent to identified RAPs. Information packet included project outline, project area, critical timelines, impacts, brief cultural, environmental and archaeological context, proposed methods of investigation, proposed methods of gathering cultural knowledge, and maps. A response the proposed methodology was required registration by C.O.B. 27/2/2024
30/1/24	E-mail & letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3		Lee Davison	Wanted to raise our awareness to a high number of registered parties that are not Biripi. It is their preference that the proponent considers Biripi people to be involved in paid field work, as it is their obligation to care for their Country and cultural heritage. Would get back to MCH regarding the info pack
25/2/24	E-mail & letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	A1 Indigenous Services	Carolyn Hickey	Agreed with the proposed methodology
26/2/24	E-mail & letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	Amanda Hickey Cultural Services	Amanda Hickey	Agreed with the proposed methodology
27th February 2024 C.O.B. Response to information packet closed						
28/2/24	Letter & email		3	All RAPs		All RAPs sent a letter of invitation to attend and participate in the survey on 19/3/2024
12/3/24	Email	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	Amanda Hickey Cultural Services	Amanda Hickey	Provided signed fieldwork paperwork

[illegible]

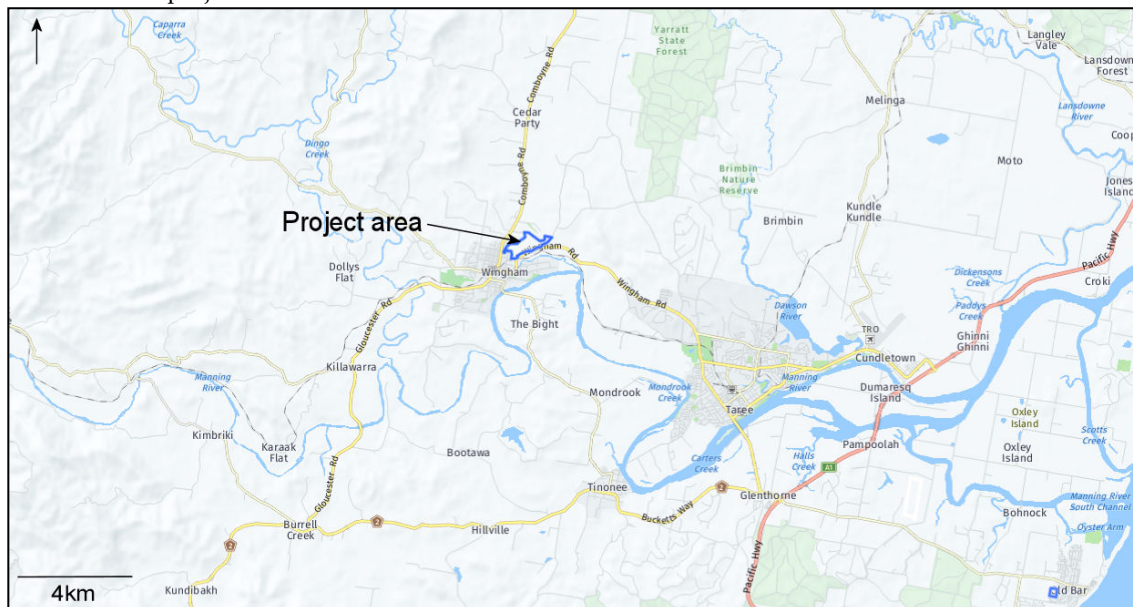
From: penny@mheritage.com.au
Sent: Tuesday, 5 December 2023 9:55 AM
To: 'information@ntscorp.com.au'; 'heritagemailbox@environment.nsw.gov.au';
'admin.northcoast@lls.nsw.gov.au'; 'admin@ptlalc.com.au'; 'council@midcoast.nsw.gov.au';
'Rachel Rewiri'
Subject: Proposed rezoning and development at Wingham

**RE: Written notification of project proposal and registration of interest as required under Heritage NSW
Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning
and development at Wingham**

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



In order to comply with the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, in particular Stage 1 (s4.1.2) - we are writing to advise you of the proposal and ask whether you could provide details of any Aboriginal groups or individuals that your organisation is aware of who may have an interest in the investigation area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Should you have this information, we request that you provide the names and contact details of these Aboriginal people/organisations, in writing, to the undersigned either via written correspondence or email (penny@mcheritage.com.au) within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, and the minimal time requirements as stated in the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

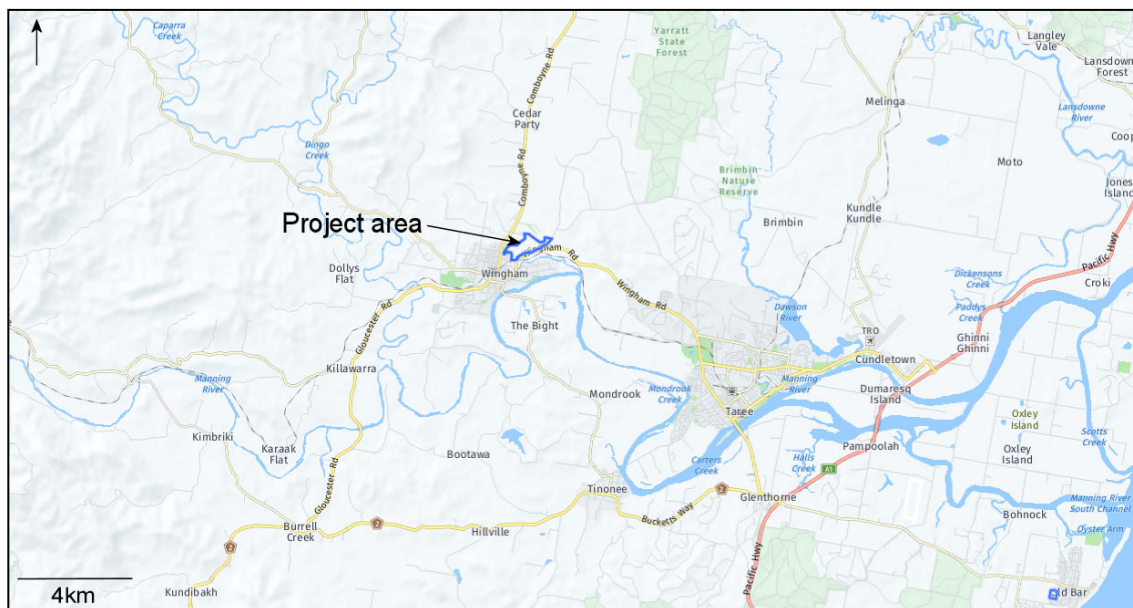
From: penny@mheritage.com.au
Sent: Tuesday, 5 December 2023 9:56 AM
To: 'GeospatialSearch@NNTT.gov.au'
Subject: Search
Attachments: NNTT GeospatialSearch2020.pdf

**RE: Written notification of project proposal and registration of interest as required under Heritage NSW
Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning
and development at Wingham**

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



In order to comply with the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, in particular Stage 1 (s4.1.2) - we are writing to advise you of the proposal and ask whether you could provide details of any Aboriginal groups or individuals that your organisation is aware of who may have an interest in the investigation area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Should you have this information, we request that you provide the names and contact details of these Aboriginal people/organisations, in writing, to the undersigned either via written correspondence or email (penny@mcheritage.com.au) within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, and the minimal time requirements as stated in the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.



Request for Spatial Search of Tribunal Registers

1: Your details

Your name:	DR Penny McCardle		
Your company:	McCardle Cultural Heritage Pty Ltd		
E-mail address:	penny@mcheritage.com.au	Phone:	0412 702 396
Your reference:	Wingham	Your state:	NSW
☒	I have read and acknowledge the terms and conditions on the next page.		

2: Areas to be searched

Jurisdiction to be searched:		Tenure to be searched:	
------------------------------	--	------------------------	--

Parcel or tenement identifiers (add up to 20 separate identifiers). **Please see over for parcel identifiers.**

Parcel 1:	Lot 92 DP1285477	Parcel 2:	
Parcel 3:		Parcel 4:	
Parcel 5:		Parcel 6:	
Parcel 7:		Parcel 8:	
Parcel 9:		Parcel 10:	
Parcel 11:		Parcel 12:	
Parcel 13:		Parcel 14:	
Parcel 15:		Parcel 16:	
Parcel 17:		Parcel 18:	
Parcel 19:		Parcel 20:	

If your search area is not a non-freehold parcel or mining or petroleum tenement, you can enter other tenure or administrative regions here (e.g. local government area, townsite or county). Please provide as much detail as you can.

Click or tap here to enter text.

E-mail the completed form to GeospatialSearch@NNTT.gov.au

Parcel Identifiers

In most jurisdictions please identify parcels using lot on plan, or lot/section/plan as appropriate. The NNTT is generally not able to identify parcels using land title information. Where possible, the NNTT uses the terminology and formatting of unique identifiers used in each state to uniquely identify a land parcel. More details are below:

1. **Lot on plan.** Use for Western Australia and Queensland.
2. **Lot/Section/Plan.** Use for New South Wales.
3. **LAISKEY.** Use for the Northern Territory. The laiskey is a unique identifier for each parcel comprised of the location code, LTO code (derived from the survey plan) where applicable and the parcel number.
4. **Parcel ID** – Use for South Australia. Concatenation of Parcel Type, Parcel, Plan Type and Plan.
5. **SPI** (Standard Parcel Identifier) – Use for Victoria.

Terms and Conditions

1. Specify only one jurisdiction (e.g. Queensland) and one type of tenure (e.g. mining tenement) per form. You can add up to 20 separate tenements or parcels per search request. For more than 20 parcels or tenements please submit additional search requests or contact GeospatialSearch@NNTT.gov.au to discuss your requirements.

Note: if your area of interest cannot be clearly identified from the search form, or is not held in NNTT datasets, we may instead provide search results for a surrounding local government area, or other suitable regional area.

2. Freehold land.

Under the Native Title Act 1993 (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as a 'previous exclusive possession act'. This means that native title has been extinguished over the area. Native title claimants are not allowed to include land and waters covered by previous exclusive possession acts in their applications; therefore they would normally exclude freehold areas. A native title application may, however, be made over freehold land on the basis that freehold was invalidly granted, but the chances of this happening are very low.

3. Cultural Heritage in NSW.

The National Native Title Tribunal has undertaken steps to remove itself from the formal list of sources for information about indigenous groups in development areas. The existence or otherwise of native title is quite separate to any matters relating to Aboriginal cultural heritage. Information on native title claims, native title determinations and Indigenous Land Use Agreements is available on the Tribunal's website.

4. Spatial searches rely on data obtained from the relevant custodian. Whilst efforts are taken to update such datasets on a regular basis, the collection and interpretation of such datasets may be influenced by a number of factors that can impact of the completeness and accuracy of your search results.

Disclaimer

While the National Native Title Tribunal (NNTT) and the Native Title Registrar (Registrar) have exercised due care in ensuring the accuracy of the information provided, it is provided for general information only and on the understanding that neither the NNTT, the Registrar nor the Commonwealth of Australia is providing professional advice. Appropriate professional advice relevant to your circumstances should be sought rather than relying on the information provided. In addition, you must exercise your own judgment and carefully evaluate the information provided for accuracy, currency, completeness and relevance for the purpose for which it is to be used.

The information provided is often supplied by, or based on, data and information from external sources, therefore the NNTT and Registrar cannot guarantee that the information is accurate or up-to-date.

The NNTT and Registrar expressly disclaim any liability arising from the use of this information.

This information should not be relied upon in relation to any matters associated with cultural heritage.

penny@mheritage.com.au

From: PTLALC (Admin) <admin@ptlalc.com.au>
Sent: Tuesday, 5 December 2023 10:52 AM
To: penny@mheritage.com.au
Subject: RE: Proposed rezoning and development at Wingham

Hi Penny

The land council has got a site officer that could assist with this the fee for a full day is \$1025.00 the lalc office will be closed from the 22nd December 2023 until 10th January 2024

Thanks
Kelly King

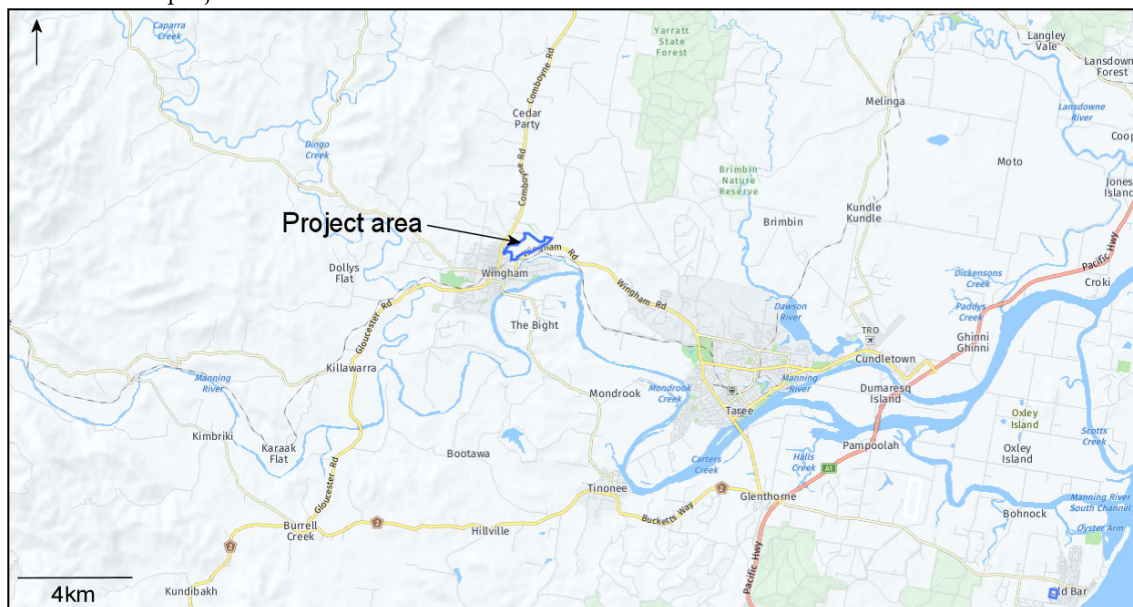
From: penny@mheritage.com.au <penny@mheritage.com.au>
Sent: Tuesday, December 5, 2023 9:55 AM
To: information@ntscorp.com.au; heritagemailbox@environment.nsw.gov.au; admin.northcoast@lls.nsw.gov.au; PTLALC (Admin) <admin@ptlalc.com.au>; council@midcoast.nsw.gov.au; 'Rachel Rewiri' <rachel.rewiri3@oralra.nsw.gov.au>
Subject: Proposed rezoning and development at Wingham

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



From: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Sent: Wednesday, 6 December 2023 11:38 AM
To: penny@mheritage.com.au
Subject: RE: SR23/2006 - Search - SR23/2006 [SEC=OFFICIAL]

OFFICIAL

Your ref: *Wingham* **Our ref:** *SR23/2006*

Dear Dr Penny McCardle ,

Thank you for your search request.

Based on the records held by the National Native Title Tribunal as at 06 December 2023, it would appear that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- Native Title Determinations
- Indigenous Land Use Agreements (Registered and notified)

At the time this search was carried out, there were **no relevant entries** in the above databases.

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our [website](#).

Information on native title claims and freehold land can also be found on the Tribunal's website here: [Native title claims and freehold land](#) .

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

The Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact us via GeospatialSearch@NNTT.gov.au

Regards,

Geospatial Searches

National Native Title Tribunal | Perth

Email: GeospatialSearch@nntt.gov.au | www.nntt.gov.au

*Please note, the NNTT will be closed for the statutory holidays and will be on reduced staff from **4:30 pm Friday 22 December 2023 to 8:30 am Friday 5 January 2024**.*

From: penny@mheritage.com.au <penny@mheritage.com.au>
Sent: Tuesday, December 5, 2023 6:56 AM
To: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Subject: SR23/2006 - Search

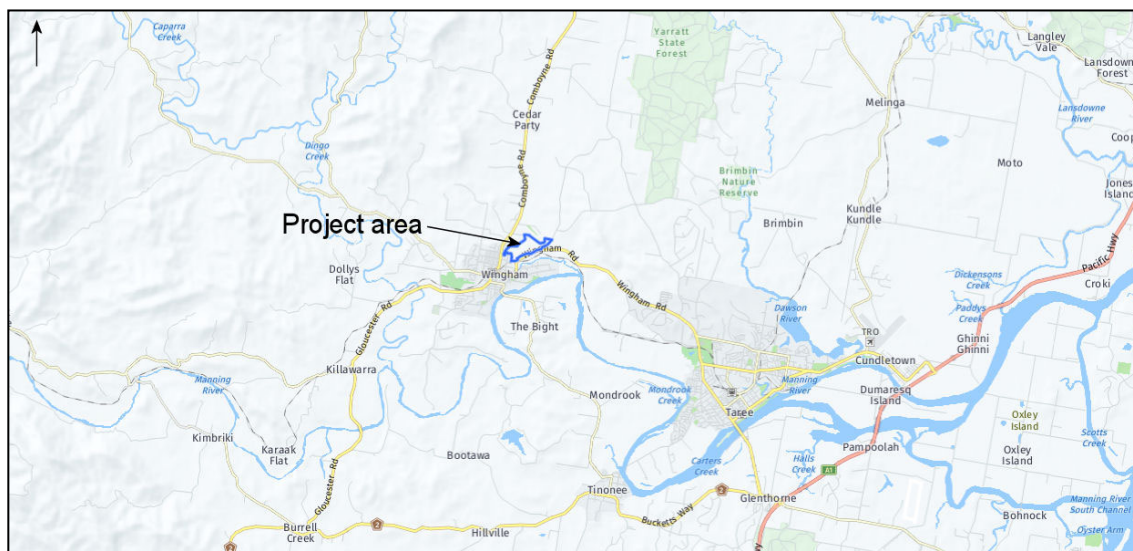
Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



**LIST OF ABORIGINAL STAKEHOLDERS FOR THE DEPARTMENT OF PLANNING AND ENVIRONMENT (DPE) HELD BY DPE FOR THE PURPOSES OF THE OEH
ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

The purpose of this letter is to assist you as the proposed applicant in undertaking Aboriginal community consultation in accordance with the relevant legislation and guidelines.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is 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 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 for Aboriginal people.

In accordance with Clause 60 (10) of the National Parks and Wildlife Regulation 2019, where an agreement of the kind listed below specifies or identifies a modified or alternative consultation process for the purposes of Part 6 of the National Parks and Wildlife Act 1974, the applicant is to undertake consultation in accordance with the modified or alternative process. The applicable agreements are:

- a) a registered Indigenous Land Use Agreement under the Native Title Act 1993 of the Commonwealth entered into between an Aboriginal community and the State,
- b) a lease entered into under Part 4A of the Act,
- c) an agreement entered into by the Secretary and a board of management reserved under Part 4A of the Act that has the consent of Aboriginal owner board members for the land concerned,
- d) an agreement entered into between an Aboriginal community and the Department of Planning, Industry and the Environment.

Where you believe your application is wholly or partially located within an area subject to any of the above agreements, please provide further correspondence (including mapping, if required) detailing the applicable agreement and its relationship to the application area to heritagemailbox@environment.nsw.gov.au. Heritage NSW will respond with further advice.

Where the above does not apply, please proceed with consultation in accordance with the Clause 60 (1-9) of the National Parks and Wildlife Regulation 2019 and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (the "Consultation Requirements"). A copy of the Consultation Requirements can be found on the OEH website at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>.

Under the Consultation Requirements, a proponent is required to provide Aboriginal people who may hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to the proposed project area, with an opportunity to be involved in consultation. Section 3.3.1 of the Consultation Requirements states that Aboriginal people who can provide this information are, based on Aboriginal lore and custom, the traditional owners or custodians of the land that is the subject of the proposed project.

The Consultation Requirements also state that:

Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making who seek to register their interest as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and custom

- recognise their responsibilities and obligations to protect and conserve their culture and heritage and 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.

This list is provided to proponents in accordance with Clause 60(2)(a)(i) of the National Parks and Wildlife Regulation 2019 and section 4.1.2 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

The stakeholders identified on this list may have an interest in the proposed project area and may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places.

How to use this list

- Contact the organisations/individuals who have indicated an interest in the relevant LGA/s and invite them to register an interest in your project.
- Do not reproduce the attached list in publicly available reports and other documents. Your report should only contain the names of the organisations and individuals who you have invited to register an interest in your project and those who have registered as stakeholders for your project.
- Note that the provision of this Aboriginal stakeholder list does not override a proponent's requirement to also advertise in the local newspaper and to seek from other sources the names of any other Aboriginal people who may hold cultural knowledge as required under clause 60 (2) of the National Parks and Wildlife Regulation 2019.
- Please refer to Clause 60 of the National Parks and Wildlife Regulation 2019 and the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 for further information on the requirements of the consultation process.
- If contact details of stakeholders are found to be incorrect or outdated, please contact heritagemailbox@environment.nsw.gov.au.

Last updated September 2023

Our reference: doc23/1067742

Proposed rezoning and development at Wingham

Aboriginal Stakeholders –Mid Coast Local Government Area.

A1 Indigenous Services	Carolyn Hickey	cazadirect@live.com	-	0411 650 057	-	10 Marie Pitt Place, Glenmore Park, NSW, 2745	-
Birpai Local Aboriginal Land Council	CEO	birpailalc@midcoast.com.au	(02) 6584 9066	-	-	14 Aston Street PORT MACQUARIE NSW 2444	-
Corroboree Aboriginal Corporation	Marilyn Carroll-Johnson	corroboreecorp@outlook.com	(02) 8824 324	0415 911 159	-	PO BOX 344 LITHGOW NSW 2790	-
D F T V Enterprises	Derrick Vale	deckavale@hotmail.com	-	0401 162 998 0422 876 047 0438 812 197	-	5 Mountbatten Close RUTHERFORD NSW 2320	-
Didge Ngunawal Clan	Lillie Carroll ; Paul Boyd	didgengunawalclan@yahoo.com.au	-	0426 823 944 ; 0450 616 404	-	33 Carlyle Crescent Cambridge Gardens NSW 2747	-
Forster Local Aboriginal Land Council	CEO Cal Davis	ceo@forsterlalc.org.au	(02) 6555 5411	-	-	PO Box 384 FORSTER NSW 2428	-
Gomery Cultural Consultants	David Horton	daveyhorton69@gmail.com	-	0458 532 707	-	22 Cabernet Street Muswellbrook 2333 NSW	-
Hunters & Collectors	Tania Matthews	Tamatthews10@hotmail.com	-	0407 348 384	-	Unit 1/19 South Street Gunnedah NSW 2320	-
Kamilaroi Yankuntjatjara Working Group	Phil Khan	philipkhan.acn@live.com.au	-	0434 545 982	-	78 Forbes Street, Emu Plains, NSW 2750	-

Karuah Indigenous Corporation	David Feeney	indigenoukaruah@outlook.com	(02) 4997 5952	0421 114 853	-	1/7 Mustons Rd KARUAH NSW 2324	-
Karuah Local Aboriginal Land Council	CEO	office@karuahaboriginal.com.au	(02) 4997 5733	-	-	16 Muston Road KARUAH NSW 2324	-
Kawul Pty Ltd trading as Wonn1 Sites	Arthur Fletcher	Wonn1sites@gmail.com	(02) 4954 7751	0402 146 193	-	619 Main Road GLENDALE NSW 2285	-
Kevin Duncan	Kevin Duncan	kevin.duncan@bigpond.com	(02) 4392 9346	0431 224 099	-	95 Moala Parade HARMHAVEN NSW 2263	-
Lakkari NTCG	Mick Leon	doowakee@gmail.com doowakee@virginbroadband.com.au	-	0402 751 584	-	C/- 4/39 Short Street FORSTER NSW 2428 C/- Doo-wa-kee CHS 82 Victoria Street TAREE NSW 2430	-
Lee Davison	Lee Davison	leedavison114@yahoo.com.au	-	0450 180 680	-	4 Old Bar Road OLD BAR NSW 2430	-
Lower Hunter Aboriginal Incorporated	David Ahoy	lowerhunterai@gmail.com	-	0421 329 520	-	5 Killara Drive CARDIFF SOUTH NSW 2285	-
Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson ; Ryan Johnson	murrabidgeemullangari@yahoo.com.au	-	0490 051 102 0475 565 517 0497 983 332	-	PO Box 3035 Rouse Hill NSW 2155	-
Mur-Roo-Ma Inc.	Anthony Anderson	murroomainc1@gmail.com	(02) 4928 1910	0402 827 482	-	7 Vardon Road FERN BAY NSW 2295	-
Myland Cultural & Heritage Group	Warren Schillings	warren@yarnteen.com.au	-	0431 392 554	-	30 Taurus Street ELERMORE VALE NSW 2287	-

Nunawanna Aboriginal Corporation	Colin Ahoy	cahoy7@myune.edu.au colinahoy57@gmail.com	-	0421 655 192 0423 943 756	-	10 Dale Crescent ARMIDALE NSW 2350 4 Archibald Street, Armidale NSW 2350	Send to both email address
Nur-Run-Gee Pty Ltd	Leonard Anderson OAM	lennie.anderson011@bigpond.com	-	0431 334 365	-	22 Popplewell Road NSW FERN BAY NSW 2295	-
Purfleet/Taree Local Aboriginal Land Council	CEO	admin@ptlalc.com.au	(02) 6552 4106	-	-	Lots 1-3 Old Pacific Highway PURFLEET NSW 2430	-
Robert Syron	Robert Syron	bobsam1@bigpond.net.au	-	0407 209 553	-	6a Cockshell Drive GAWLER EAST SA 5118	-
WATTAKA Pty Ltd	Des Hickey	deshickey@bigpond.com	(02) 6573 3786	0432 977 178	-	4 Kennedy Street SINGLETON NSW 2330	-
Widescope Indigenous Group	Steven Hickey; Donna Hickey	Widescope.group@live.com	-	SH: 0425 230 693 DH: 0425 232 056	-	73 Russell Street, Emu Plains, NSW 2750	-
Yinarr Cultural Services	Kathleen Steward Kinchela	yinarculturalservices@bigpond.com dontminemeay@gmail.com	-	0475 436 589	-	Lot 5 Westwood Estate MERRIWA NSW 2329	-
Girragirra Murun Aboriginal Corporation	Diana Astin	girragirramurun@yahoo.com		0433837512		PO Box 148 Wellington NSW 2820 PO box 981 Ulladulla NSW 2539	
Wingarra Wilay Aboriginal Corporation	Raymond Moon	wingarrawilay@yahoo.com		0450087707		PO Box Wellington NSW 2820	

Connect with Classifieds

MANNING RIVER
Times

Phone: 02 6551 3855

Email: classifieds.mnc@austcommunitymedia.com.au

MANNING RIVER
Times

Connect with Classifieds

Place a Classifieds ad

6551 3855 classifieds.

classifieds.mnc@austcommunitymedia.com.au

Save time, submit online 24/7
adirect.com.au

Print and online packages available
throughout Australia

Advertising self service enquiries:
acmadonline@austcommunitymedia.com.au

Self Service

Death Notices

Osmand, Margaret Ann

Passed away on the 20th of December 2023,
at hospital in Newcastle,
Recently from Taree

Aged 73 years

After a short but courageous battle.

Dearly loved wife and soulmate of Bill Osmand
(dec.). Loving daughter of Harold Joseph and
Yvonne Bradbury (both dec.). Loved sister of
Robin, Harold, Kevin (dec.), David (dec.), Allan
and their wives and partners. Loved family
member of the Osmand and Weidner families.

Forever In Our Hearts.❤️

John Hossack

FUNERAL SERVICES

Albury Ph: (02) 6041 3855

Funeral Notices

BERRELL, Helen Cameron

Late of Taree, passed
away peacefully on
Monday the 1st of
January, 2024.

Aged 86 Years

Beloved wife of Lyell
(dec). Much loved
daughter of Jack &
Edna (both dec).
Cherished Mum of
Catherine and Paul.
Adored grandmother
to Connor and
Cameron.
Helen will be sadly
missed by all her
extended family and
friends.

Helen's Funeral
Service will be held in
the Chapel at the
Manning Great Lakes
Memorial Gardens
Crematorium,
Pampoolah Road
Taree, commencing at
2.00pm today Friday
12th January.

Ph 6557 8557

Funeral Notices

GOODSELL, Christopher Ross
"Chris"

Late of Old Bar, died
peacefully on Monday
8th January 2024.

Aged 75 Years.

Devoted husband of
Vicki. Much loved Dad
to Meg, Jo and Sarah.
Wonderful Granddad
to Ryley, Madi, Emily,
Kiara, Charles and
Elliot. Loving brother
of Bob, Judy and
Greg. Chris will be
dearly missed by his
family, friends and
many community
members, near and
far.

Chris's Memorial
Service will be held at
the Manning Uniting
Church, Albert Street
Taree, commencing at
11:00am on Tuesday
16th of January, 2024.

Ph 6557 8557

In Memoriam

ARMSTRONG, Brian

13th January 1994

It's been 30 years

Forever in our hearts and sadly missed

Neil, Cheryl, Matthew, Eve & Maree 🌹 xx



Births

WAS YOUR BABY
BORN IN 2023?

LET EVERYONE KNOW
THAT A NEW BABY
HAS BEEN WELCOMED INTO THE WORLD.

FIND YOUR FAVOURITE PHOTOGRAPH.
WRITE SOME LOVING WORDS.
WE'LL PUT THEM BOTH TOGETHER,
AND PUBLISH YOUR HEARTFELT VERSE.

BABIES OF 2023
WILL BE PUBLISHED
IN MARCH 2024.

ONLY
\$66

SIZE: DEPTH-45MM
WIDTH-129MM
(INCLUSIVE
GST)

ACM

trusted voice

To register your interest, please email your name and contact details to:
tradesprograms@austcommunitymedia.com.au or Phone: Rachel 4570 4411
Attention Rachel - Babies of 2023.

Share Accommodation

BUDGET
ACCOMMODATION
TAREE

From \$200 p/w

www.low-cost-acco
mmmodation.com.au

☎ 0431 294 308

Church Notices

DIVINE
SERVICES

Stay Connected with your Church

Seventh-Day Adventist Church
Taree Church Cowper & Gipps Sts.
taree.adventist.org.au
Zoom each week at 9:30am
Pastor Graham Stewart - 0447 444 424

The Salvation Army
Join us in person or online at
https://midnorthcoastsalvos.online.church.
9.30 am every Sunday
Taree Corps: 55 Manning Street

Manning Valley Covenant Ministries
6 Coolabah Dr, Taree Visit
www.mvcm.com.au
for information regarding our community
outreach ministries
Pastors Glenn and Felicity Hodson.
Ph: 6551 0042
To update your church services please email
tradesprograms@austcommunitymedia.com.au

Pets and Pet Care

Australian
Pet Cremations

Enquiries welcome

1300 272 225

ALL OUR
CLASSIFIEDS
APPEAR
ONLINE

Public Notices

Notification of project proposal and registration of interest under
Heritage NSW Aboriginal Cultural Heritage Consultation
Requirements for Proponents 2010 (Stage 1) – Proposed rezoning
and development at Wingham.

McCardle Cultural Heritage (MCH) have been engaged by Hampstead
Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight
Road, Wingham NSW 2429) to prepare an Aboriginal Cultural Heritage
Assessment (ACHA) and Section 90 Aboriginal Heritage Impact Permit
(AHIP) application, if required, for the proposed rezoning and
development located along Wingham Road, Wingham (Lot 92
DP1285477).

The purpose of community consultation with Aboriginal people is to assist
the proposed applicant in the preparation of the AHIP application if
required and to assist Heritage NSW, Department of Planning and
Environment in their consideration and determination of the application
should an AHIP be required.

In compliance with the Heritage NSW policy - Aboriginal Cultural Heritage
Consultation Requirements for Proponents 2010, MCH would like to
extend an invitation to Aboriginal people who hold cultural knowledge
relevant to the proposed project area and who can determine the
significance of Aboriginal object(s) and/or place(s) in the area of the
proposed project to register an interest in the consultation process for
this project.

Written registrations must be forwarded to MCH (P.O. Box 166
Adamstown, NSW, 2289; ✉ penny@mcheritage.com.au no later than
C.O.B. 29 January 2024.

All registered parties will then be contacted to discuss the project in
compliance with Heritage NSW policy. If you register your interest in this
project, please also nominate your preferred option to receive the initial
information. You may wish to attend a non-paid meeting and receive an
information pack, or receive an information packet through the mail or
e-mail.

Any parties who register are advised that, unless otherwise requested,
their details will be forward to Heritage NSW and the relevant LALC within
28 days of the closing date of registration and in compliance with
Heritage NSW policy.

Trade Services

AFFORDABLE House
Painting in/out, reliable,
insured. 0449 612 132
Lic 319841C.

ALCANDO RENOVA-
TIONS & Maintenance.
Call Alan 0428 505 144
Lic 133785c

G.P Concreting. All
Aspects of Concreting.
Free Quote. Ph: 0427
495 040. Lic 257322c

Connect with
Classifieds



NOT SURE
HOW
TO BEST
ADVERTISE
YOUR ITEMS
FOR SALE?

Why not enjoy
the same
service as
Barbara did
recently

"I just want to say that your classified
ladies were so helpful - you must be
so happy having such wonderful &
efficient staff. It was a pleasure
dealing with them.

Barbara. 🌹

Phone or email
your local
classified staff
and let them
help you.

Connect with Classifieds

Removals & Storage

SMALL REMOVALS

Local or long distance,
fully insured. Phone
Adam on 0413 088 800

EXTRA
EXTRA!!!

Read all
about it with
ONE simple click

WE NOW
HAVE
CLICK & GO

See something
you like online?
Want more info?

Simply click on
the Ad & we'll
direct you to
their page

Connect with
Classifieds

ACM

penny@mheritage.com.au

From: penny@mheritage.com.au
Sent: Monday, 15 January 2024 11:55 AM
To: 'cazadirect@live.com'; 'birpailalc@midcoast.com.au'; 'maz_lolli@yahoo.com.au';
'deckavale@hotmail.com'; 'didgengunawalclan@yahoo.com.au'; 'ceo@forsterlalc.org.au';
'leannekirkman1964@gmail.com'; 'Tamathews10@hotmail.com'; 'philipkhan.acn@live.com.au';
'indigenousskaruah@outlook.com'; 'office@karuahaboriginal.com.au'; 'Wonn1sites@gmail.com';
'kevin.duncan@bigpond.com'; 'doowakee@gmail.com'; 'leedavison114@yahoo.com.au';
'lowerhunterai@gmail.com'; 'murrabidgeemullangari@yahoo.com.au'; 'murroomainc1
@gmail.com'; 'warren@yarnteen.com.au'; 'cahoy7@myune.edu.au'; 'lennie.anderson011
@bigpond.com'; 'admin@ptlalc.com.au'; 'bobsam1@bigpond.net.au'; 'deshickey@bigpond.com';
'Widescope.group@live.com'; 'yinarculturalservices@bigpond.com';
'girragirramurun@yahoo.com'; 'wingarrawilay@yahoo.com'
Subject: Cedar Creek Estate ACHA
Attachments: Letter to all RAPs.pdf

Hi all,

Please see the attached

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

15 January 2024

Via email

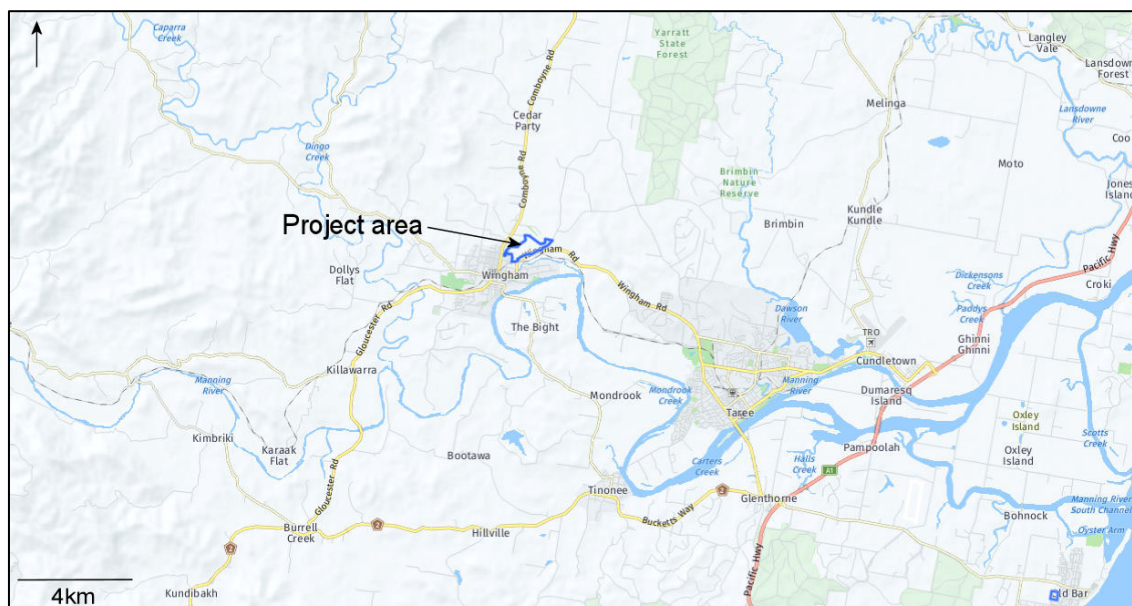
Dear All,

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Stage 1 (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist Heritage NSW in their consideration and determination of the application should an AHIP be required.

This is an invitation for **Aboriginal people who hold cultural knowledge relevant to the proposed project area** (registration is not to be based on where an individual or company works across NSW) and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to Heritage NSW and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- 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, must nominate a contact person and provide written confirmation and contact details of this person or persons.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who are nominated who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) which provides guidelines to identify traditional knowledge holders. Should you wish to register your interest in this project, please register in writing no later than C.O.B. 29th January 2024 to:

Dr. Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown, NSW, 2289

If you register your interest in this project, please also nominate your preferred option to receive the project information. You may wish to have a non-paid meeting and receive an information pack, or receive information packet through the mail or e-mail. If a preferred method is not nominated, all information will be forward by mail or e-mail.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

From: Lee Davison <leedavison114@yahoo.com.au>
Sent: Tuesday, 16 January 2024 9:24 AM
To: penny@mheritage.com.au
Subject: Re: Cedar Creek Estate ACHA

Hi Penny,

Thanks for your email.

I would like to register for consultation on behalf of myself and family members who hold cultural knowledge within the Biripi area.

We are Biripi and wish to assist in ensuring the best interests for our culture and heritage are maintained. I will discuss this proposal and any further consultation with members of my family, but please share all correspondence and the information package via this email address.

Please don't hesitate to call if you'd like to discuss this proposal.

Thank you
Lee Davison
0450 180 680

On 15 Jan 2024, at 11:55 am, penny@mheritage.com.au wrote:

Hi all,

Please see the attached

Kind regards,

Dr. Penny McCardle
Principal & Forensic Archaeologist
Forensic Anthropologist

<image001.png>

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

From: Carolyn .H <cazadirect@live.com>
Sent: Sunday, 21 January 2024 1:30 PM
To: penny@mheritage.com.au
Subject: Re: Cedar Creek Estate ACHA



Contact: Carolyn Hickey
Mobile: 0411650057
Email: Cazadirect@live.com
Address: 10 Marie Pitt Place, Glenmore Park, NSW 2745
ABN: : 20 616 970 327

Hi,
Thank you for your email, I would like to register in being involved in all levels of consultation for this project.
Including, Meetings, Reports, Sharing Cultural Information, and available Field Work.
Please feel free to contact me on details supplied

Kind Regards,
Carolyn Hickey

When Selecting Groups for Engagement:

Please consider that **A1 INDIGENOUS SERVICES** is a member of the **NSW INDIGENOUS CHAMBER OF COMMERCE**.

We carry the NSWICC Assured logo showing that **A1 Indigenous Services** has met National Policy requirements as upheld by the First Australians Chamber of Commerce and Industry (FACCI) for being identified as a **100% First Nations Owned Indigenous Business** That has demonstrate compliance with Government and Industry Regulators.

A1 INDIGENOUS SERVICES is now a member of the NSW INDIGENOUS CHAMBER OF COMMERCE

A business or enterprise carrying the NSWICC Assured logo has met National Policy requirements as upheld by the First Australians Chamber of Commerce and Industry (FACCI) for being identified as a First Nations Business Owner or Entrepreneur and the business must demonstrate compliance with Government and Industry Regulators.

(Certificate attached) A certificate confirms that the Enterprise listed above has met all requirements of the NSWICC's Assured Program , operating as a100% Aboriginal Owned, Operated and Controlled Business. The NSW Indigenous Chamber of Commerce (NSWICC) is the Peak body for Aboriginal Business in New South Wales and a member of the First Australians Chamber of Commerce and Industry (FACCI)

penny@mheritage.com.au

From: Amanda De Zwart <amandahickey@live.com.au>
Sent: Sunday, 21 January 2024 1:33 PM
To: penny@mheritage.com.au
Subject: Fwd: Cedar Creek Estate ACHA
Attachments: Letter to all RAPs.pdf

Hi Penny

I would like to register for consultation for this project

Thank you

Amanda Hickey

From: penny@mheritage.com.au <penny@mheritage.com.au>
Sent: Monday, 15 January 2024 11:55 AM
To: cazadirect@live.com <cazadirect@live.com>; birpailalc@midcoast.com.au <birpailalc@midcoast.com.au>; maz_lolli@yahoo.com.au <maz_lolli@yahoo.com.au>; deckavale@hotmail.com <deckavale@hotmail.com>; didgengunawalclan@yahoo.com.au <didgengunawalclan@yahoo.com.au>; ceo@forsterlalc.org.au <ceo@forsterlalc.org.au>; leannekirkman1964@gmail.com <leannekirkman1964@gmail.com>; Tamatthews10@hotmail.com <Tamatthews10@hotmail.com>; philipkhan.acn@live.com.au <philipkhan.acn@live.com.au>; indigenousskaruah@outlook.com <indigenousskaruah@outlook.com>; office@karuahaboriginal.com.au <office@karuahaboriginal.com.au>; Wonn1sites@gmail.com <Wonn1sites@gmail.com>; kevin.duncan@bigpond.com <kevin.duncan@bigpond.com>; doowakee@gmail.com <doowakee@gmail.com>; leedavison114@yahoo.com.au <leedavison114@yahoo.com.au>; lowerhunterai@gmail.com <lowerhunterai@gmail.com>; murrabidgeemullangari@yahoo.com.au <murrabidgeemullangari@yahoo.com.au>; murroomainc1@gmail.com <murroomainc1@gmail.com>; warren@yarnteen.com.au <warren@yarnteen.com.au>; cahoy7@myune.edu.au <cahoy7@myune.edu.au>; lennie.anderson011@bigpond.com <lennie.anderson011@bigpond.com>; admin@ptlalc.com.au <admin@ptlalc.com.au>; bobsam1@bigpond.net.au <bobsam1@bigpond.net.au>; deshickey@bigpond.com <deshickey@bigpond.com>; Widescope.group@live.com <Widescope.group@live.com>; yinarculturalservices@bigpond.com <yinarculturalservices@bigpond.com>; girragirramurun@yahoo.com <girragirramurun@yahoo.com>; wingarrawilay@yahoo.com <wingarrawilay@yahoo.com>
Subject: Cedar Creek Estate ACHA

Hi all,

Please see the attached

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist

Forensic Anthropologist



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

30 January 2024

Heritage NSW, Department of Premier & Cabinet
heritagemailbox@environment.nsw.gov.au

Dear Sir/madam,

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (s4.1.6): provision of Registered Aboriginal Parties (RAPs): Proposed Proposed rezoning and developoent at Wingham

In compliance with the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1; s 4.1.6), please find attached records of Registered Aboriginal Parties (RAPs) for the above-named project.

Also, in compliance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1: s 4.1.3 and 4.1.6), please also find attached a copy of the public notification placed in the Manning River Times Newspaper.

If you have any questions or would like any additional information please don't hesitate to contact me on 0412 702 396 or via e-mail at penny@mcheritage.com.au.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Registered Aboriginal Parties

Company	Contact
Purfleet/Taree Local Aboriginal Land Council	Kelly King
	Lee Davison
A1 Indigenous Services	Carolyn Hickey
	Amanda Hickey



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

30 January 2024

Purfleet/Taree Local Aboriginal Land Council
admin@ptlalc.com.au

Dear Sir/madam,

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (s4.1.6): provision of Registered Aboriginal Parties (RAPs): Proposed rezoning and development at Wingham

In compliance with the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1; s 4.1.6), please find attached records of Registered Aboriginal Parties (RAPs) for the above-named project.

Also, in compliance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1: s 4.1.3 and 4.1.6), please also find attached a copy of the public notification placed in the Manning River Times Newspaper.

If you have any questions or would like any additional information please don't hesitate to contact me on 0412 702 396 or via e-mail at penny@mcheritage.com.au.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Registered Aboriginal Parties

Company	Contact
Purfleet/Taree Local Aboriginal Land Council	Kelly King
	Lee Davison
A1 Indigenous Services	Carolyn Hickey
	Amanda Hickey

From: penny@mheritage.com.au
Sent: Tuesday, 30 January 2024 8:00 AM
To: 'cazadirect@live.com'; 'leedavison114@yahoo.com.au'; 'admin@ptlalc.com.au'; 'Amanda De Zwart'
Subject: Cedar Creek Estate, Wingham Info Pack
Attachments: ACHAR Info Pack.pdf

Dear all,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2 & 3) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation – proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) 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 MCH did not receive your preferred option, we are posting/emailing the information packet.

In order for the proponent to fulfil its cultural heritage consultation requirements per the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2; s 4.2.1 to 4.2.4; Stage 3, s 4.3.1 to 4.3.7) please find enclosed an Aboriginal Cultural Heritage Assessment Information Packet that outlines the proposed project including, but not limited to, details of the proposed the project including maps, an outline of the impact assessment process, summary of the cultural, environmental and archaeological contexts, a site specific predictive model, details of the proposed methodology, the roles and responsibilities of all parties, and provide an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have.

MCH would appreciate your input on;

- The proposed methodology
- Any Aboriginal objects and/or place(s) of cultural value within the investigation area and/or any issues of cultural significance you are aware of
- Any protocols and/or restrictions you may wish to implement in relation to any information you may like to provide, and
- Any other factors you consider relevant to the heritage assessment;

Please make your written submission to MCH by close of business 27th February 2024. The absence of a response by the requested timeline will be taken as your indication that your organisation has no comments regarding the above.

The proponent intends to engage a number of RAPs (relative to the scale and nature of the investigations) to participate in the field work. If you wish to be considered for paid participation in the field investigations please review and complete the Aboriginal stakeholder site officer application form attached to the information packet provided. Aboriginal representatives will be selected by the proponent based upon merits of the applications received with respect to the selection criteria. Late application will not be accepted by the proponent.

Please note that the number of people engaged and the duration of any engagement will be at the sole discretion of the proponent who will notify MCH of the successful applicants. MCH will notify the successful applicants and all RAPs will be invited to participate in the field investigations regardless of remuneration and subject to Occupational Health and Safety requirements and operational requirements.

Please note that regardless of participation in the field investigations, RAPs will be consulted in accordance with the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 for the remainder of the assessment.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

M

Cedar Creek Estate

LGA: Midcoast Council

Aboriginal Cultural Heritage Assessment Information Packet

29 January 2024

McCARDLE CULTURAL HERITAGE PTY LTD

ACN 104 590 141 • ABN 89 104 590 141

PO Box 166, Adamstown, NSW 2289

Mobile: 0412 702 396 • Email: penny@mcheritage.com.au



Report No: J202423 Info Pack

Approved by: Penny McCardle

Position: Director

Signed: 

Date: 29 January 2024

This report has been prepared in accordance with the scope of services described in the contract or agreement between McCardle Cultural Heritage Pty Ltd (MCH), ACN: 104 590 141, ABN: 89 104 590 141, and the proponent. The report relies upon data, surveys, measurements and specific times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the proponent. Furthermore, the report has been prepared solely for use by the proponent and MCH accepts no responsibility for its use by other parties.

CONTENTS

GLOSSARY	I
1 INTRODUCTION.....	1
1.1 CONSULTATION	1
1.2 PROJECT AREA	1
1.3 PROJECT OUTLINE AND IMPACTS	2
1.4 CRITICAL DEVELOPMENT TIME LINES.....	3
1.5 CRITICAL ARCHAEOLOGICAL TIMELINE	3
2 ENVIRONMENTAL CONTEXT.....	4
3 ARCHAEOLOGICAL CONTEXT.....	5
3.1.1 PREDICTIVE MODEL.....	6
4 METHODS OF INVESTIGATION	7
4.1 GATHERING OF INFORMATION OF CULTURAL SIGNIFICANCE	7
4.1.1 PROPOSED METHODS: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE ...	7
4.1.2 IDENTIFYING KNOWLEDGE HOLDERS	7
4.1.3 IDENTIFYING CULTURAL SIGNIFICANCE	8
4.1.4 VALUES AND QUESTIONS TO CONSIDER	8
4.1.5 PROVIDING YOUR KKNOWLEDGE AND CULTURAL SIGNIFICANCE INFORMATION	10
4.2 ARCHAEOLOGICAL INVESTIGATION METHODS	11
4.2.1 OBJECTIVES	11
4.2.2 ABORIGINAL CULTURAL HERITAGE ASSESSMENT METHODOLOGY & REPORT	11
4.2.3 PROPOSED SURVEY METHODOLOGY	11
4.3 FORMS	12
5 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES	13
5.1 HERITAGE NSW, DEPARTMENT OF PREMIER AND CABINET	13
5.2 PROPONENT.....	13
5.3 REGISTERED ABORIGINAL STAKEHOLDERS	14
5.4 LOCAL ABORIGINAL LAND COUNCILS	14
5.5 EMPLOYMENT.....	14
5.6 FORMS	15

APPENDICES

APPENDIX A FORMS

LIST OF TABLES

1.1 ARCHAEOLOGICAL TIMELINE	3
-----------------------------------	---

LIST OF FIGURES

FIGURE 1.1 LOCATION OF THE PROJECT AREA	2
FIGURE 1.2 AERIAL PHOTOGRAPH OF THE PROJECT AREA	2
FIGURE 3.1 APPROXIMATE LOCATION OF AHIMS SITES	5

GLOSSARY

Aboriginal Cultural Heritage Values: traditional values of Aboriginal people, handed down in spiritual beliefs, stories and community practices and may include local plant and animal species, places that are important and ways of showing respect for other people.

Aboriginal Place: are locations that have been recognised by the Minister for Climate Change and the Environment (and gazetted under the *National Parks and Wildlife Act 1974*) as having special cultural significance to the Aboriginal community. An Aboriginal Place may or may not include archaeological materials.

Aboriginal Site: an Aboriginal site is the location of one or more Aboriginal archaeological objects, including flaked stone artefacts, midden shell, grinding grooves, archaeological deposits, scarred trees etc.

Harm: is defined as an act that may destroy, deface or damage an Aboriginal object or place. In relation to an object, this means the movement or removal of an object from the land in which it has been situated

Traditional Aboriginal Owners: Aboriginal people who are listed in the Register of Aboriginal owners pursuant to Division 3 of the *Aboriginal Land Register Act (1983)*. The Registrar must give priority to registering Aboriginal people for lands listed in Schedule 14 of the *National Parks and Wildlife Act 1974* or land subject to a claim under 36A of the *Aboriginal Land Rights Act 1983*.

Traditional Knowledge: Information about the roles, responsibilities and practices set out in the cultural beliefs of the Aboriginal community. Only certain individuals have traditional knowledge and different aspects of traditional knowledge may be known by different people, e.g., information about men's initiation sites and practices, women's sites, special pathways, proper responsibilities of people fishing or gathering food for the community, ways of sharing and looking after others, etc.

1 INTRODUCTION

McCardle Cultural Heritage Pty Ltd (MCH) has been engaged by Hampstead Property on behalf of MPT Farms Pty Limited to prepare an Aboriginal Cultural Heritage Assessment (ACHA), and an Aboriginal Heritage Impact Permit (AHIP), if required, for the proposed rezoning and development of a portion of the property (Rezoning Area) from RU1 Primary Production to R1 General Residential.

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 and archaeological values will be identified and appropriate management recommendations will be established through consultation with the Registered Aboriginal Parties (RAPs).

In compliance with the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2, s4.21 to 4.2.4 and Stage 3 s4.3.1 to 4.3.7), this Aboriginal Cultural Heritage Information Packet provides information about the proposed project including, but not limited to, details of the proposed the project including maps, an outline of the assessment process, summary of the environmental, cultural and archaeological contexts, a predictive model, the proposed methodology, the roles and responsibilities of all parties, and provides an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have.

The assessment has been undertaken to meet the Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010a, the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW 2011, the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010b, and the brief.

1.1 CONSULTATION

Consultation will be undertaken as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 and will be detailed in the ACHA.

1.2 PROJECT AREA

The 63.5-hectare Property zoned RU1 Primary Production is largely cleared of vegetation and the topography slopes gently downward towards Cedar Party Creek to the north and east. Cedar Creek Estate is in close proximity to the Wingham town centre just 300 metres away at the closest point offering high accessibility and connectivity with the established town and its amenities including primary and secondary schools, main street shops and cafes, Wingham Pool, and the Wingham Central Park. Located along Wingham Road (Lot 92 DP1285477), the location and extent of the project area is illustrated in Figures 1.1 and 1.2.

Figure 1.1 Location of the project area

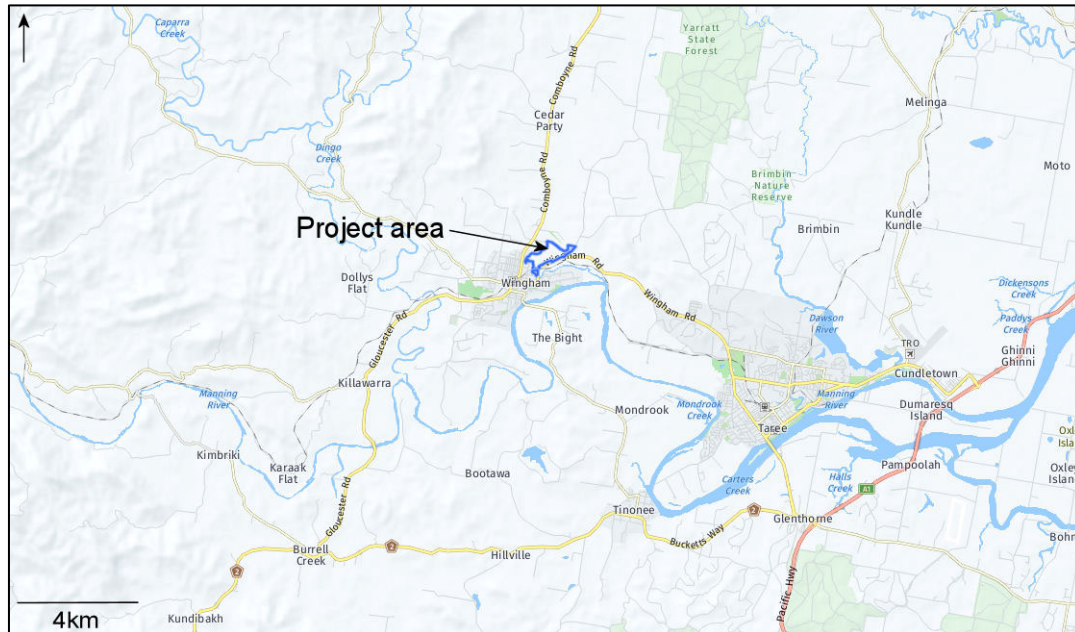
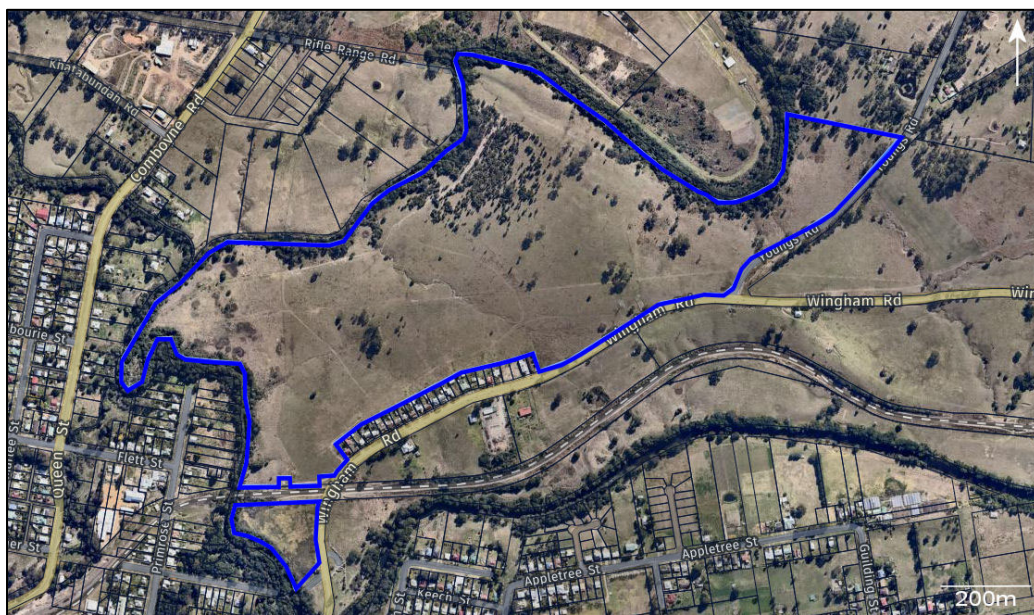


Figure 1.2 Aerial photograph of the project area



1.3 PROJECT OUTLINE AND IMPACTS

The Proposal seeks amendment to the Greater Taree Local Environmental Plan 2010 (GTLEP) to rezone part of the Property at Wingham Road, Wingham to enable residential development. The Proposal also seeks appropriate built form controls including changes to the Minimum Lot Size and the introduction of a limit for the Height of Buildings. Zoning(s) and controls are to be consistent with the Standard Instrument and will be finalised following consultation with MidCoast Council.

The Property has been identified for urban growth within local and state strategic planning documents since 2006 and most recently within the MidCoast Urban Release Areas Report in July 2021 and the Hunter Regional Plan 2041 adopted by the Minister for Planning in December 2022. MPT's vision for Cedar Creek Estate is a high quality rural residential community that is cohesive with the village of Wingham.

1.4 CRITICAL DEVELOPMENT TIME LINES

The proponent wishes to commence works as soon as possible but also acknowledges the need to undertake cultural heritage and archaeological investigations on the site. Ideally these would be undertaken prior to any works commencing on the site, however, it would be possible to stage the development to exclude areas identified for investigation until the investigations are complete.

1.5 CRITICAL ARCHAEOLOGICAL TIMELINE

The following Table indicates the timelines critical for the archaeological assessment. However, please note that consultation may be increased or decreased depending on response times and knowledge sharing.

1.1 Archaeological timeline

	Week														
Stages	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Stage 1: consultation	Gov. letters		RAP letters		Information pack				2 weeks' notice for survey & survey			Draft report review			
Stage 2: gathering of knowledge															
Stage 2: contextual research															
Stage 3: survey															
Stage 4: reporting															
Stage 5: finalisation															

2 ENVIRONMENTAL CONTEXT

The environmental context provides an understanding of the landscape and environmental factors as well as potential resources that may have been available in the past. The land uses also assists in an understanding of potential impacts they would have had on the landscape and associated cultural materials. This information is utilised with the archaeological context in order to ascertain a reliable predictive model of not only site location and site type, but also the likelihood of survivability within that landscape.

The underlying geology of the majority of the project area is mainly Palaeozoic Giro Beds that consist of pebbly mudstone, mudstone conglomerate, siltstone, shale, sandstone, Unnamed limestone and Cedar Party limestone. The areas along the creek consist of Quaternary sand, silt, mud and gravel. The presence of mudstone within the geology of the project area indicates that stone materials suitable for manufacturing stone artefacts may occur in various locations throughout the project area. Unfortunately, there is no soils information available for the project area.

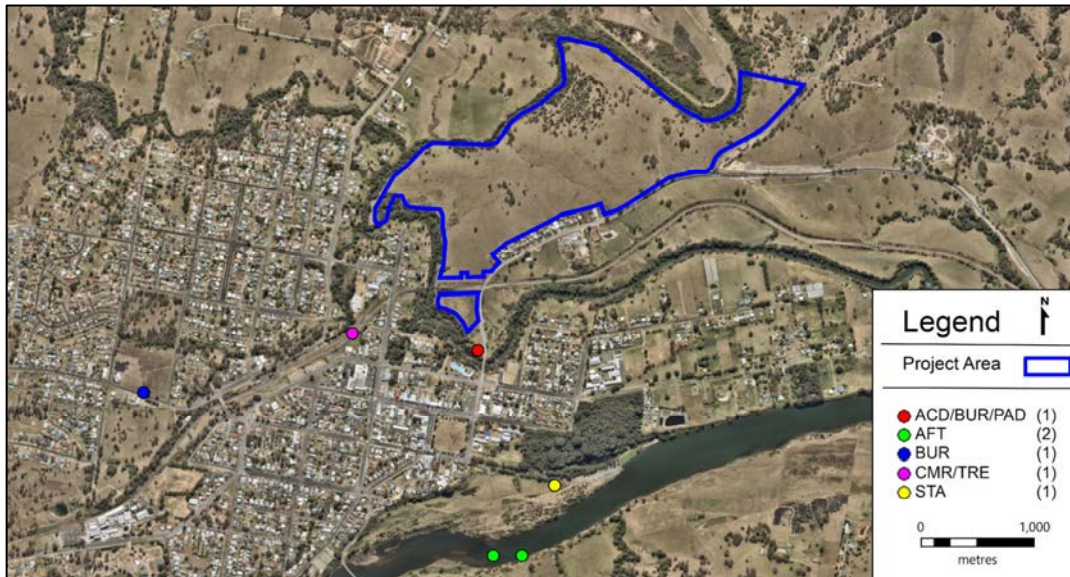
The project area is bordered by Cedar Party Creek, a 6th order creek, on its northern and western sides. Additionally, two 1st order drainage lines extend southward from the creek into the project area. This water feature is of significant importance when considering past Aboriginal land uses and survival, as water is essential for human survival. Therefore, it can be inferred that the project area was well-resourced in terms of water availability and likely served as a focal point for camping and other activities. The presence of a 6th order creek suggests a substantial and consistent flow of water throughout the project area. This would have provided a reliable source of water for drinking, cooking, and other daily activities. In terms of past land uses and the associated impact to the landscape and archaeological record, the project area has been subject to large scale clearing, at least one ploughing event for grazing as well as tracks throughout.

3 ARCHAEOLOGICAL CONTEXT

The archaeological background provides context to the project area and wider cultural landscape in which the project area is situated. It identifies known sites, their landform location and proximity to subsistence resources. It also provides the nature and extent of known sites as well as their distribution across the landscape, thereby enabling a site-specific predictive model to be developed.

A search of the AHIMS register has shown that 6 known Aboriginal sites are currently recorded within two kilometres of the project area and include two artefact sites (AFT), one burial (BUR), one stone arrangement (STA), one ceremonial ring (CMR/TRE) and one Aboriginal ceremony and dreaming/burial/ PAD (ACD/BUR/PAD). The location of sites is shown in Figure 3.1. Examination of the site cards for the site in close proximity to the project area, indicates that this site is not in the project area. There are no sites or Aboriginal Places in the project area.

Figure 3.1 Approximate location of AHIMS sites



Researching both the regional and local archaeological contexts, the following archaeological patterning is evident:

- the majority of high-density sites are located on elevated landforms within 50 metres of a reliable fresh water source with a drop of site number and densities with a decrease in stream order;
- the likelihood of finding sites of any size increases with proximity to fresh water sources and the likelihood of finding large artefact scatters also increases markedly with proximity to reliable high order water sources;
- the main site types are artefact scatters and isolated finds;
- mudstone, silcrete, chert and tuff are by far the most common raw material types represented at sites in the region. Quartz is the next most frequently in artefact assemblages followed by volcanic materials, porphyry and petrified wood. Siltstone, rhyolite and porcellanite are relatively rare;
- flakes, broken flakes and flaked pieces are the most common artefact types recorded
- the vast majority of artefactual material in the region was observed on exposures with good to excellent ground surface visibility. The likelihood of finding artefacts surrounding these exposures is reduced due to poor visibility. The site area is often given as the area of exposure. Hence, it is

inappropriate to attempt to draw any conclusions regarding site extent based on current information; and

- the majority of sites have been impacted by past land uses, some with significant impacts to the archaeological record (i.e. excavation works), others minimal impact (tracks).

3.1.1 PREDICTIVE MODEL

Based on the AHIMS search and both the regional and local archaeological contexts, it was predicted that within the specific project area, it is possible that artefact scatters (possibly with hearths, grinding stones – evidence of food preparation) will be found along Cedar Party Creek with the highest concentration being within 50 metres of the creek. It is also likely that the remainder of the project area would have been used for hunting and gathering which manifests in the archaeological record as a background scatter of discarded artefacts. The refinement of this predictive model will be dependent upon an investigation of the range of landforms and the occurrence of modern disturbances within the project area.

Just as the environmental context and the results of the regional and local archaeological contexts have assisted in formulating a predictive model, the predictive modeling has assisted in formulating the field investigation methodology (Sections 4 and 5).

4 METHODS OF INVESTIGATION

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

4.1 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, at times these organisations may 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).

All responses to the information packet will be considered in the final methods which will adapt accordingly. Any other changes to the methods may occur on site in order adapt to unforeseen field conditions.

4.1.1 PROPOSED METHODS: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE

The aim of gathering of cultural knowledge and understanding any cultural significance in relation to the project area and its surrounds is to facilitate a process whereby RAPs can;

- a) Contribute culturally appropriate information
- b) Contribute to the proposed methodology
- c) Provide information that will enable the cultural significance of Aboriginal objects and/or places within the project area to be determined.

4.1.2 IDENTIFYING KNOWLEDGE HOLDERS

The aim is to identify Traditional Owners/traditional knowledge holders who have knowledge that is relevant to the project area so that any potential effects of the project or activity on the Indigenous cultural heritage values of objects and/or places can be identified.

It also aims to identify Indigenous people who may not necessarily be Traditional Owners/traditional knowledge holders but who do have interests in the area so that any effects of the project or activity on the Indigenous heritage values of objects and/or places, such as mission stations and historic buildings, will be identified.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who nominate who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010) which provides guidelines to identify traditional knowledge holders. Knowledge holders are defined as follows:

- a) Traditional knowledge holder of specific, detailed knowledge passed directly by a traditional knowledge holder in a traditional manner
- b) Traditional knowledge holder of general knowledge passed directly by a traditional knowledge holder in a traditional manner

- c) Knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc).

Knowledge holders have been initially identified through the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 1 (S. 4.1.1 to 4.1.2) that seeks to identify, notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Additionally, knowledge holders were sought to be identified through the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 1 (S. 4.1.3 to 4.1.8) that sought to identify, notify and register Aboriginal people who identify as knowledge holders (using the above defined knowledge holder criteria) who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Native Title Claimant Groups/individuals are acknowledged as knowledge holders due to the requirements through the Native Title Registration process. Native Title Claimant groups/individuals are also asked to further define the knowledge holder using the above defined knowledge holder criteria.

This process ensures consistent consultation for all RAPs and adheres to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010).

4.1.3 IDENTIFYING CULTURAL SIGNIFICANCE

Cultural significance is embodied in the place—in its fabric, setting, use, associations and meanings. It may exist in: objects at the place or associated with it; in other places that have some relationship to the place; and in the activities and traditional and customary practices that may occur at the place or that are dependent on the place. A place may be of cultural significance if it satisfies one or more of these criteria. Satisfying more criteria does not mean a place is necessarily more significant.

Only Aboriginal people who are descendants of the people from the traditional lands in which the project is situated can identify the cultural significance of their own cultural heritage.

The cultural significance of a place is assessed by analysing evidence gathered through the physical investigation of the place, research and consultation for this project in line with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010) and the ICOMS Burra Charter (2013). Part of the process is to evaluate its qualities against a set of criteria that are established for this purpose. The criteria used include those set out by the Burra Charter (see below).

4.1.4 VALUES AND QUESTIONS TO CONSIDER

The following values and questions are derived from the Burra Charter (2013) to facilitate your consideration when providing information on the cultural significance of any Aboriginal objects(s) and/or place(s). The criteria discussed below are a means to assess cultural significance in order to meet the Government Departmental requirements. MCH understands that the method of assessing cultural significance presented may not be culturally appropriate and considered offensive to some; it is not intended to be so.

There are five terms or values, which are listed alphabetically in the Burra Charter, and are often included in Australian heritage legislation. Criteria are also used to help define cultural and natural significance, and there is now a nationally agreed set of heritage assessment criteria and each of these criteria may have tangible and intangible aspects and it is essential that both are acknowledged.

The five criteria include Aesthetic value, Historic value, Scientific value, Social value and Spiritual value. These are discussed below along with some questions for consideration when you consider reporting on the cultural significance.

AESTHETIC SIGNIFICANCE

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. It is how we respond to visual and non-visual aspects such as sounds, smells and other factors that can have a strong impact on your thoughts, feelings and attitudes. It may also include consideration of the form, scale, colour, texture and material and its beauty (Australia ICOMOS 2013). When considering the aesthetic value and significance of a site and/or PAD, some questions to consider may include:

- Does the object or place have special compositional or uncommonly attractive qualities involving combinations of colour, textures, spaces, massing, detail, movement, unity, sounds, scents?
- Is the object or place distinctive within the setting or a prominent visual landmark?
- Does the object or place have qualities which are inspirational or which evoke strong feelings or special meanings?
- Is the object or place symbolic for its aesthetic qualities: for example, does it inspire artistic or cultural response, is it represented in art, photography, literature, folk art, folk lore, mythology or other imagery or cultural arts?
- Does the object or place display particular aesthetic characteristics of an identified style or fashion?
- Does the object or place show a high degree of creative or technical achievement?

HISTORIC SIGNIFICANCE

The historic value encompasses all aspects of history. For example, it may include the history of aesthetics, art, science, society and spirituality. A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment (Australia ICOMOS 2013). When considering the historic value and significance of a site and/or PAD, some questions to consider may include:

- Is the object or place associated with an important event or theme in your history?
- Is the object or place important in showing patterns in the development of your history locally, in a region, or on a state-wide, or national or global basis?
- Does the object or place show a high degree of creative or technical achievement for a particular period?
- Is the object or place associated with a particular person or cultural group important in the history of the local area, state, nationally or globally?

SCIENTIFIC SIGNIFICANCE

The scientific value refers to the information content of a place and its ability to reveal more about an aspect of the past through examination or investigation of the place, including the use of archaeological techniques. The relative scientific value of a place is likely to depend on the importance of the information or data involved, on its rarity, quality or representativeness, and its potential to contribute further important information about the place itself or a type or class of place or to address important research questions (Australia ICOMOS 2013). Whilst the scientific value and significance will be discussed in detail in the Archaeological Heritage Impact Assessment report, it is important to consider this value when

assessing the cultural values and significance of an object and/or place. When considering the scientific value and significance of a site and/or PAD, you may consider:

- Would further investigation of the place have the potential to reveal substantial new information and new understandings about people, places, processes or practices which are not available from other sources?

SOCIAL VALUE

Social value refers to the associations a place has for a particular community or cultural group and the cultural or social meaning it has for that community or cultural group (Australia ICOMOS 2013). When considering the social value and significance of a site and/or PAD, some questions to consider may include:

- Is the object or place important as a local marker or symbol?
- Is the object or place important as part of your community identity or the identity of another particular cultural group?
- Is the object or place important to you, your community or other cultural group because of associations and meanings developed from long use and association?

SPIRITUAL VALUE

Spiritual value embraces the intangible values and meanings embodied in or evoked by a place which gives importance to the spiritual identity, or traditional knowledge, art and practices of a cultural group. Spiritual value may also be reflected in the intensity of aesthetic and emotional responses or community associations, and be expressed through cultural practices and related places (Australia ICOMOS 2013). The qualities of the place may inspire a strong and/or spontaneous emotional or metaphysical response in people, expanding their understanding of their place, purpose and obligations in the world, particularly in relation to the spiritual realm (Australia ICOMOS 2013). When considering the spiritual value and significance of a site and/or PAD, some questions to consider may include:

- Does the object or place contribute to the spiritual identity or belief system of you, your community or another cultural group?
- Is the place a repository of knowledge, traditional art or lore related to spiritual practice for you, your community or another a cultural group?
- Is the object or place important in maintaining the spiritual health and wellbeing of you, your community people or another culture or group?
- Do the physical attributes of the object or place play a role in recalling or awakening an understanding of an individual or a group's relationship with the spiritual realm?
- Do the spiritual values of the object or place find expression in Awabakal cultural practices or human-made structures, or inspire creative works?

4.1.5 PROVIDING YOUR KKNOWLEDGE AND CULTURAL SIGNIFICANCE INFORMATION

It is difficult to provide options that will ensure every individual's needs are met. In light of this, the following proposed options are provided are in no way the only options available. If you have alternative ways of providing your knowledge and cultural significance information, please notify MCH to ensure we can facilitate your requirements where appropriate.

It is acknowledged and understood that the methods and options discussed are not traditional customs and some may take offence. MCH sincerely apologise for any offence taken as none is intended.

- 1) Discussion in the field during the field work
- 2) Written documentation (letter, e-mail)
- 3) Meeting to discuss and/or provide written documentation
- 4) Formal interview with specific questions/answers and/or discussions
- 5) Phone conversation
- 6) Internet video conversation
- 7) Using the attached form/questioner

4.2 ARCHAEOLOGICAL INVESTIGATION METHODS

4.2.1 OBJECTIVES

The objective of the investigation is to determine whether surface and, or, subsurface cultural material exists in the areas identified as having archaeological potential. The detection of surface material will drive the management recommendations and mitigation measures to ensure that any significant cultural resources are identified and protected where possible or is subject to minimal impact by the proposed development.

4.2.2 ABORIGINAL CULTURAL HERITAGE ASSESSMENT METHODOLOGY & REPORT

Overall, the ACHA will include, but not limited to, the following;

- Project background, including project description, detailed maps, legislative context, qualifications of the investigator
- Consultation outlining the process as per the Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
- Landscape context including, landforms, soils, geology, geomorphology, water sources, fauna and flora, history of land use and impacts and, natural impacts
- Archaeological context including review of previous regional and local work in the area, AHIMS search, summary and discussion of the local and regional character of Aboriginal land use and its material traces, occupation model and site-specific predictive model
- Results that will include the field work results (see below for proposed methodology), detailed descriptions of landforms (survey units), vegetation cover, exposures, land uses and disturbances, site(s) and PAD(s). It will also include any analysis and discussion
- An assessment of scientific values and significance assessment
- An impact assessment
- Management and mitigation measures
- Recommendations
- References
- Appendices will include the AHIMS results and community consultation log and communications

4.2.3 PROPOSED SURVEY METHODOLOGY

The survey methodology is in accordance with the Heritage NSW policy - Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales 2010, Section 2.2. This proposed methodology is subject to variation due to unforeseen field conditions/constraints.

- Survey units identified based on landforms

- Transects will be via foot with the survey team spaced at 5-10 metres apart across the investigation area
- Ground surface visibility recorded for each survey unit and given a % rating of vegetation cover
- Exposures recorded for each survey unit given a % rating of exposure and exposure type
- Using the effective coverage and exposure information, calculate the effective survey coverage for each survey unit and the entire investigation area
- Disturbances recorded for each survey unit
- Take representative photographs of survey units
- All sites and/or PADs recorded in each survey unit and accurately mapped

Sites and their boundaries will be defined as;

- The spatial extent of the visible objects or direct evidence of their location
- Obvious physical boundaries where present such as, but not limited to, mound sites, middens, ceremonial grounds, disturbances (i.e., road, building)
- Identification by the Aboriginal community on the basis of cultural information

All sites and PADs will include, but not limited to, the following:

- Site type and content
- Survey unit (landform)
- Distance from water sources
- Vegetation cover (if any)
- Exposure (if any)
- Disturbances (if any)
- GPS co-ordinates
- Identified site boundaries
- Potential for in situ deposits
- Photographs (with a metric scale)

4.3 FORMS

You will find 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 the questions and return to MCH no later than 27th February 2024.

5 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES

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

5.1 HERITAGE NSW, DEPARTMENT OF PREMIER AND CABINET

Heritage NSW 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 Heritage NSW is responsible for ensuring the AHIP holder complies with those conditions. When considering an application under Part 6 of the NPW Act, Heritage NSW 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 Heritage NSW, is responsible for administering the regulatory functions under Part 6 of the NPW Act. Heritage NSW expects that proponents and Aboriginal people should:

- be aware that Part 6 of the NPW Act establishes a delegate of Heritage NSW, as the decision-maker; and
- recognise that the decisions may not be consistent with the views of the Aboriginal community and/or the proponent. However, Heritage NSW will consider all relevant information it receives as part of its decision-making process.

5.2 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; and
- the need for culturally appropriate assessment findings relevant to their project.

Under these requirements, proponents should undertake the following:

- bring the RAPs 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 RAPs 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 Heritage NSW of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the registered Aboriginal parties; and
- accurately record and clearly articulate all consultation findings in the final ACHA report.

5.3 REGISTERED ABORIGINAL STAKEHOLDERS

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 Heritage NSW, 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; and
- 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); and
- need to work efficiently within the project's time and provide feedback in a timely manner.

5.4 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.

5.5 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. Renumeration for any fieldwork is not part of the consultation process and MCH do not get involved in any such issues. However, please note that any renumeration offered by the proponent for any field work component of the assessment may be based on a number of factors, including but not limited to, the overall

project budget, job description, receipt of CVs and insurance certificate of currencies, and will be above the industry standard rate of pay for the specific work.

If you would like to be considered for paid 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 regardless of remuneration. Paid participation is determined by the proponent not MCH.

5.6 FORMS

You will find 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 the questions and return to MCH no later than 27th February 2024.

Appendix A

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, sign and return to MCH using one of the following;

E-mail: penny@mcheritage.com.au

Postal address: MCH

PO Box 166

Adamstown, NSW 2289

ABORIGINAL STAKEHOLDER SITE OFFICER APPLICATION

Position description (site officers are selected by the proponent and based on the information provided by you (CV, experience, reference check, insurances, rates)).

A site officer must demonstrate that they have satisfactorily participated in previous archaeological fieldwork with an archaeologist. A trainee site officer does not need to demonstrate previous archaeological experience. Site officers must be able to:

- undertake direction from the project archaeologist
- work in a range of climates wearing the required PPE
- work in teams with a wide range of people
- identify a broad range of Aboriginal objects across the landscape

To qualify as a site officer, appropriate training in identifying Aboriginal objects must have been undertaken (such as the NPWS sites awareness training course, or other relevant secondary or tertiary studies) or equivalent knowledge or experience must be demonstrated. The duties of the site officer under the direction of the project archaeologist may include, but not limited to:

- walking the project area
- meeting general and site-specific Occupational Health and Safety requirements

Selection criteria

The proponent will offer positions based on the following key selection criteria:

- an individual's ability to undertake the tasks specified above
- an individual's availability to undertake the activity (physically able to undertake field work)
- an individual's experience in undertaking similar activities. Applications may be subject to a reference check
- individuals with demonstrated cultural knowledge relevant to the local area
- individuals who can demonstrate they can communicate the results of the field work back to their managers and RAPs
- in addition to a consideration of the key selection criteria, the Proponent may give preference to applicants who live locally

The proponent is under no obligation to offer site officer positions based on an individual's association with a cultural group or area. The proponent makes no guarantee that registered parties will be engaged to undertake archaeological field activities. The number of site officer positions available will be based on need as described in the archaeological methodology. However, MCH will ensure all registered stakeholders are invited to participate in the fieldwork regardless of engagement arrangements between the stakeholder(s) and the proponent. Applicants will be notified whether they have been successful or unsuccessful in their application for remuneration for fieldwork.

Engagement & Payment

The Proponent selects and has final approval on who will be engaged as a site officer. Successful applicants will be engaged to provide the services through a written contract that will be provided at a later date. The proponent will only engage Service Providers with NSW workers compensation insurance, public liability insurance, and comprehensive motor vehicle insurance or third-party property damage insurance. Engagement of the Service Provider will be a rate that may be based on a number of factors, including but not limited to, the overall project budget, job description, receipt of CVs and insurance certificate of currencies, offered rates of the RAPs and will be above the industry standard rate of pay for the specific work.

The quoted rate is the rate to be paid by the Proponent to the Service Provider - not to the individual site officer/trainee site officer. Payment will only be made for the provision of the services (actual hours worked), not for the time spent travelling to and from site, and there is no daily or half daily rate. Payment will be made upon the receipt of a cultural heritage report and receipt of your response to the draft report.

ABORIGINAL SITE OFFICER APPLICATION FORM

Cedar Creek Estate, Wingham

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	
Name	
Contact number	
Mailing address	
Email address	
Position applied for	Site officer ☐ Trainee Site Officer ☐
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets)	
Please provide the contact details of at least one archaeologist who can be contacted as a referee	

INSURANCES

Public Liability	Expiry date:	(attach certificate of currency)
Worker Compensation	Expiry date:	(attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date:	(attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

FINANCIAL (do not fill out GST column if you are not registered for GST)

Hourly rate	Excluding GST	Including GST	Other Information
\$	\$	\$	

OCCUPATIONAL HEALTH & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements, including PPE requirements (long pants, long sleeved shirt, high visibility clothing, hat, sunscreen and steel capped boots). You will be advised of any additional requirements. All fieldworkers will arrive on time at the meeting location and stay for the duration of the fieldwork. All fieldworkers will need to bring lunch, snacks and drinking water.

This also includes appropriate and acceptable behaviour at all times and be fit and ready for work (including being alcohol, drug and fatigue free).

Failure to comply will prevent you from participating in the field work.

COMMENTS ON PROPOSED METHODOLOGY

Cedar Creek Estate, Wingham

I, _____ (please insert your name) of _____ (please insert the name of your group), **agree to the methodology** outlined by MCH in the information packet for the above-named project.

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 the information packet for the above-named 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: _____

PROVIDING KNOWLEDGE ABOUT CULTURAL SIGNIFICANCE

Cedar Creek Estate, Wingham

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

I would like to provide knowledge about cultural significance using the following method(s). Please tick your preferred method(s):

- 1) Discussion in the field during field work
- 2) Written documentation (letter, e-mail)
- 3) Meeting to discuss and/or provide written documentation
- 4) Formal interview with specific questions/answers and/or discussions
- 5) Phone conversation
- 6) Internet video conversation
- 7) Using the attached form/questioner

Other: Please provide details:

From: Lee Davison <leedavison114@yahoo.com.au>
Sent: Tuesday, 30 January 2024 11:32 AM
To: penny@mheritage.com.au
Subject: Re: Cedar Creek Estate, Wingham Info Pack

Hi Penny

Thanks for your email. I'll review the information packet and get back to you with any comments or recommendations.

We would like to have a member of our family participate in the field work associated with the assessment, and would like to raise your awareness to a high number of registered parties that are not Biripi. It is our preference that the proponent considers Biripi people to be involved in paid field work, as it is our obligation to care for our Country and cultural heritage.

I'll consult with my family and complete the form accordingly.

Talk soon
Lee
0450 180 680
Sent from my iPhone

On 30 Jan 2024, at 8:00 am, penny@mheritage.com.au wrote:

Dear all,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2 & 3) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation – proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) 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 MCH did not receive your preferred option, we are posting/emailing the information packet.

In order for the proponent to fulfil its cultural heritage consultation requirements per the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2; s 4.2.1 to 4.2.4; Stage 3, s 4.3.1 to 4.3.7) please find enclosed an Aboriginal Cultural Heritage Assessment Information Packet that outlines the proposed project including, but not limited to, details of the proposed the project including maps, an outline of the impact assessment process, summary of the cultural, environmental and archaeological contexts, a site specific predictive model, details of the proposed methodology, the roles and responsibilities of all parties, and provide an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have.

MCH would appreciate your input on;

1. The proposed methodology
2. Any Aboriginal objects and/or place(s) of cultural value within the investigation area and/or any issues of cultural significance you are aware of

ABORIGINAL SITE OFFICER APPLICATION FORM

Cedar Creek Estate, Wingham

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	A1 INDIGENOUS SERVICES		
Name	CAROLYN HICKEY		
Contact number	0411650057		
Mailing address	10 MARIE PITT PL, GLENMORE PARK, NSW 2745		
Email address	cazadirect@live.com		
Position applied for	Site officer ☒ Trainee Site Officer ☐		
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	ATTACHED		
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets)	ATTACHED		
Please provide the contact details of at least one archaeologist who can be contacted as a referee	Sarah Mane Archaeologist 0415293874 DOMINIC STEELE 0411884232 YOLANDA PAVINCICH Senior Heritage Consultant 0488774337		

INSURANCES

Public Liability	Expiry date: 9 February 2025 (attach certificate of currency)
Worker Compensation	Expiry date: 31/1/2025 (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: 1 May 2024 (attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

FINANCIAL (do not fill out GST column if you are not registered for GST)

Hourly rate	Excluding GST	Including GST	Other Information
\$ 125.00	\$ 113.64	\$ 125.00	

OCCUPATIONAL HEALTH & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements, including PPE requirements (long pants, long sleeved shirt, high visibility clothing, hat, sunscreen and steel capped boots). You will be advised of any additional requirements. All fieldworkers will arrive on time at the meeting location and stay for the duration of the fieldwork. All fieldworkers will need to bring lunch, snacks and drinking water.

This also includes appropriate and acceptable behaviour at all times and be fit and ready for work (including being alcohol, drug and fatigue free).

Failure to comply will prevent you from participating in the field work.

COMMENTS ON PROPOSED METHODOLOGY

Cedar Creek Estate, Wingham

I, CAROLYN HICKEY (please insert your name) of A1 INDIGENOUS SERVICES (please insert the name of your group), **agree to the methodology** outlined by MCH in the information packet for the above-named project.

Signed: _____



Date: 25/2/24

Position within organisation: OWNER

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in the information packet for the above-named 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: _____

PROVIDING KNOWLEDGE ABOUT CULTURAL SIGNIFICANCE

Cedar Creek Estate, Wingham

Company Name): A1 INDIGENOUS SERVICES

Contact: 0411650057

Postal address: 10 MARIE PITT PL, GLENMORE PARK, NSW 2745

Mobile No: 0411650057

E-Mail: cazadirect@live.com

Date: 25/02/2024

I would like to provide knowledge about cultural significance using the following method(s). Please tick your preferred method(s):

- 1) Discussion in the field during field work ✓
- 2) Written documentation (letter, e-mail) ✓
- 3) Meeting to discuss and/or provide written documentation ✓
- 4) Formal interview with specific questions/answers and/or discussions ✓
- 5) Phone conversation ✓
- 6) Internet video conversation ✓
- 7) Using the attached form/questioner ✓

Other: Please provide details:



A1 INDIGENOUS SERVICES

Contact: Carolyn Hickey

M: 0411650057

E: Cazadirect@live.com

A: 10 Marie Pitt Place,
Glenmore Park, NSW 2745

ABN: : 20 616 970 327

25 February 2024

Hi my name is Carolyn Hickey,

**I am a Traditional Owner with over 20 years experience in helping preserve
Aboriginal cultural heritage on projects.**

**I hold cultural knowledge relevant to determining the cultural significance of
Aboriginal objects and values that exist in the project area.**

Most recent site's

- M1 ROAD UPGRADE
- KURRI KURRI PIPELINE PROJECT
Northern Road Stage 5 & 6/ TFNSW
- Warragamba Dam Project
- Western Sydney Airport
- Badgerys Creek
- Elizabeth Drive/ Artefact
- Bridge Street/ Artefact
- Central Station/ Artefact
- Parramatta River
- Tenth Avenue Austral
- M12/ TFNSW
- Box Hill/ Extent
- Trinity Grammar School
- Elizabeth Drive/Artefact
- Transport M12
- Muswellbrook Bypass
- Singleton Bypass
- Muswellbrook Solar farm
- Muswellbrook mine
- Heatherbrae Hunter River School
- Cessnock / Gillieston Heights
- M1/Raymond Terrence
- Hunter High school
- TFNSW Mulgoa Road Upgrade
- Singleton Solar Farm
- APA New England Hwy
- MANY MORE



ABORIGINAL SITE OFFICER APPLICATION FORM

Cedar Creek Estate, Wingham

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	AHCS Amanda Hickey Cultural Services
Name	Amanda De Zwart
Contact number	0434480558
Mailing address	57 Gough st Emu plains
Email address	Amandahickey@live.com.au
Position applied for	Site officer ☒ Trainee Site Officer ☐
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	COMPLETE TRAINING IN (FIRST NATIONS, LAND MAPPING AND STONE ARTEFACT IDENTIFICATION) - (CO-CREATED A CULTURAL HERITAGE AWARENESS INDUCTION FOR THE WONNARUA COUNTRY) Training for on-ground construction crews and sub-contractors, to ensure that there is
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets)	SITES -M1 ROAD UPGRADE -KURRI KURRI PIPELINE PROJECT Northern Road Stage 5 & 6/ TFNSW -Warragamba Dam Project -Western Sydney Airport -Badgerys Creek -Elizabeth Drive/ Artefact -Bridge Street/ Artefact -Central Station/ Artefact -Parramatta River -Tenth Avenue Austral -M12/ TFNSW -Box Hill/ Extent -Trinity Grammar School -Elizabeth Drive . 25 YEARS EXPERIENCE. MANY MORE
Please provide the contact details of at least one archaeologist who can be contacted as a referee	YOLANDA PAVINCICH Senior Heritage Consultant 0488774337 DOMINIC STEELE 0411884232 TRISTAN MILLER / K & N Consulting 0432 925 680 Sarah Mane Archaeologist 0415293874

INSURANCES

Public Liability	Expiry date: 14/10/2024 (attach certificate of currency)
Worker Compensation	Expiry date: 31/08/2024 (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: 10/11/2024 (attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

FINANCIAL (do not fill out GST column if you are not registered for GST)

Hourly rate	Excluding GST	Including GST	Other Information
\$ \$125	\$ \$125	\$	

OCCUPATIONAL HEALTH & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements, including PPE requirements (long pants, long sleeved shirt, high visibility clothing, hat, sunscreen and steel capped boots). You will be advised of any additional requirements. All fieldworkers will arrive on time at the meeting location and stay for the duration of the fieldwork. All fieldworkers will need to bring lunch, snacks and drinking water.

This also includes appropriate and acceptable behaviour at all times and be fit and ready for work (including being alcohol, drug and fatigue free).

Failure to comply will prevent you from participating in the field work.

COMMENTS ON PROPOSED METHODOLOGY

Cedar Creek Estate, Wingham

Amanda Dezwart AHCS

I, _____ (please insert your name) of _____ (please insert the name of your group), **agree to the methodology** outlined by MCH in the information packet for the above-named project.

Amanda Hickey Cultural Services AHCS Support the Cedar Creek Estate, MCH methodology

Signed:  Date: 26/02/2024

Owner

Position within organisation: _____

Amanda De Zwart

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in the information packet for the above-named 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 SITE OFFICER APPLICATION FORM

Cedar Creek Estate, Wingham

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	AHCS Amanda Hickey Cultural Services
Name	Amanda De Zwart
Contact number	0434480558
Mailing address	57 Gough st Emu plains
Email address	Amandahickey@live.com.au
Position applied for	Site officer ☒ Trainee Site Officer ☐
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	COMPLETE TRAINING IN (FIRST NATIONS, LAND MAPPING AND STONE ARTEFACT IDENTIFICATION) - (CO-CREATED A CULTURAL HERITAGE AWARENESS INDUCTION FOR THE WONNARUA COUNTRY) Training for on-ground construction crews and sub-contractors, to ensure that there is
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets)	SITES -M1 ROAD UPGRADE -KURRI KURRI PIPELINE PROJECT Northern Road Stage 5 & 6/ TFNSW -Warragamba Dam Project -Western Sydney Airport -Badgerys Creek -Elizabeth Drive/ Artefact -Bridge Street/ Artefact -Central Station/ Artefact -Parramatta River -Tenth Avenue Austral -M12/ TFNSW -Box Hill/ Extent -Trinity Grammar School -Elizabeth Drive . 25 YEARS EXPERIENCE. MANY MORE
Please provide the contact details of at least one archaeologist who can be contacted as a referee	YOLANDA PAVINCICH Senior Heritage Consultant 0488774337 DOMINIC STEELE 0411884232 TRISTAN MILLER / K & N Consulting 0432 925 680 Sarah Mane Archaeologist 0415293874

INSURANCES

Public Liability	Expiry date: 14/10/2024 (attach certificate of currency)
Worker Compensation	Expiry date: 31/08/2024 (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: 10/11/2024 (attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

FINANCIAL (do not fill out GST column if you are not registered for GST)

Hourly rate	Excluding GST	Including GST	Other Information
\$ \$125	\$ \$125	\$	

OCCUPATIONAL HEALTH & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements, including PPE requirements (long pants, long sleeved shirt, high visibility clothing, hat, sunscreen and steel capped boots). You will be advised of any additional requirements. All fieldworkers will arrive on time at the meeting location and stay for the duration of the fieldwork. All fieldworkers will need to bring lunch, snacks and drinking water.

This also includes appropriate and acceptable behaviour at all times and be fit and ready for work (including being alcohol, drug and fatigue free).

Failure to comply will prevent you from participating in the field work.



MCCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

28 February 2024

Via email

Dear A1 Indigenous Services & Amanda Hickey Cultural Services,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) –Survey invitation and letter of engagement- Proposed rezoning and developoent at Cedar Creek Estate

The proponent (MPT Farms Pty Limited) has received a number of applications and after careful consideration has selected whom they wish to engage in a paid capacity. The proponent and MCH would like to advise that your application for paid participation has been successful. MCH would like to organise the survey for the above-named project for the 19th March 2024 starting at 10am near 1080 Wingham Road, Wingham. We anticipate work will be complete within half a day, however, please be advised this time may change.

As part of the assessment process the proponent require an appropriate person from your organisation to participate in the survey of the study area to identify known or potential cultural heritage features. A cultural heritage report must be prepared following the survey and receipt of the draft archaeological report within the required 28 days review period. The cultural heritage report will identify known or potential Aboriginal objects or places and/or any other cultural heritage matters that may be affected by the project.

MPT Farms Pty Limited and MCH wishes to reiterate our intent to positively engaging with the local Aboriginal community. In this spirit an invitation has been extended to all registered applicants to attend the survey. If you accept the terms outlined in the Letter of Engagement (attached) please sign the Letter of Engagement and return to MCH. Participation in the program is dependent on the receipt of the Letter of Engagement and insurance certificate of currencies (Workers Comp, Public Liability and Comprehensive Motor vehicle).

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.



McCARDLE
CULTURAL HERITAGE

Should you have any questions regarding these terms and conditions or the project please contact myself on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Aboriginal Site Officer/Trainee Site Officer

Letter of Engagement

MPT Farms Pty Limited wishes to engage «Company» (Service Provider) to provide one Site Officer to undertake an archaeological survey of the proposed development at Cedar Creek Estate.

The proponent and Service Provider agree to the terms and conditions of the engagement as follows:

Services

The Service Provider will engage one Site Officer to undertake the following:

- Survey (walking) of the project area
- a cultural heritage report and invoice within 28 days of receiving the draft report from MCH

Fees

After considering the wide range of rates of pay supplied to the proponent by the RAPs, the proponent has determined the rate of pay based on the overall project budget and the job description being offered. The proponent will pay the following Fees to the Service Provider for Services:

- \$100.00 + GST per person per hour for work undertaken by a Site Officer (inclusive of travel)

Payment will be within 28 days of receipt of a correct invoice and cultural heritage report. Invoices are to be provided at the end of the month.

Invoices are to be addressed to:

MPT Farms Pty Limited C/o- MCH
penny@mcheritage.com.au

Time sheets

The Service provider must ensure that the Site Officers sign a time sheet at the start and finish of each day the Services are provided. Fees will not be paid unless time sheets for each Site Officer has been completed. The archaeologist will have a time sheet that may be used.

Work performance

The Service Provider must ensure that the Site Officers are fit for work, undertake the Services in a timely manner, with reasonable care, skill and professionalism and in accordance with all applicable laws and any reasonable directions or requirements made by the proponent and/or MCH.

Absences

All field staff must call MCH the evening before work to notify their absence for the following day and organise for a replacement. If no notice is provided, that staff members place in the field team will be suspended until MCH are notified they will be back at work. It is the responsibility of the Service Provider to organise a replacement site officer from the list of persons provided to MCH at the start of the project.

Proponent and MCH property

All materials and equipment provided by MCH or the proponent during the term of engagement remain the property of MCH or the proponent and must be returned upon completion of the Services or termination of the agreement.

Confidentially

All information provided by MCH or the proponent to the Service Provider and/or Site Officer in relation to the services or the business or operations of the proponent and MCH are confidential. The Service Provider will ensure the Site Officer keep such information confidential at all times (including after the completion of the Services) and must not disclose it to any other person without the prior written consent from the proponent and/or MCH.

OH&S Requirements

Before commencement of work, you must provide MCH with certificate of currencies for Workers Comp, Public Liability and Comprehensive Motor Vehicle insurances. Field representatives participating in the field work will be required to wear PPE including steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day. If field staff attend the site without the required PPE, they will not be permitted on site or to participate in the field work. It is the responsibility of the Service Provider to ensure all field staff are made aware of this.

COVID-19 requirements

All field staff will be required to be double vaccinated and adhere to the required NSW Health orders at time of all field work. Proof of vaccination will be required at the start of field work. In order to ensure the safety of all staff, any field staff who do not provide the required information will not be permitted on site or to participate in the field work.

Bullying, harassment and unacceptable behaviour

All field staff are required to treat others with dignity, courtesy and respect at all times. Behaviours that are unacceptable and may be against the law, include (but not limited to) discrimination, bullying, sexual harassment, racial and religious vilification are unacceptable and are covered by federal and state legislation, abusive language and threats in any form. Field staff found to have engaged in such conduct will be asked to leave the site immediately and their manager contacted. Failure to leave the site may result in the local Police being contacted. It is the responsibility of the Service Provider to ensure all field staff are made aware of this.

Early termination

The proponent reserves the right to terminate this agreement at any time by giving 1-week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

No subcontracting

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

Insurances

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor Vehicle insurances prior to the Services being provided.

Indemnity and release

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided. The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

Variations

No changes to these terms can be made without the prior written agreement with the proponent.

Exclusion of other terms

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign two copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Cedar Creek Estate)

Signed by «Company»

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.

I/we declare that I/we are authorised to sign this letter on behalf of «Company».

Please provide your ABN:

Signature of Witness

Signature of authorised person

Print name of Witness

Print name of authorised person

Print title and position of authorised person

Date:

Date:

From: penny@mheritage.com.au
Sent: Wednesday, 28 February 2024 7:02 PM
To: 'cazadirect@live.com'; 'leedavison114@yahoo.com.au'; 'admin@ptlalc.com.au'
Subject: Cedar Creek Estate

Dear all,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) –Survey invitation - Proposed rezoning and developoent at Cedar Creek Estate

The proponent received a number of applications and after careful consideration, in the absence of your response and information requested, we regret to advise that your application for paid participation has been unsuccessful. We 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 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, Public Liability and Comprehensive Motor Vehicle insurances. MCH will also provide you with our OH&S requirements for field staff and request that you ensure all field staff participating in the project have read and understood the document fully prior to going out on site; 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.

COVID requirements

All field staff will be required to be double vaccinated and adhere to the required NSW Health orders at time of all field work (e.g. face masks, social distancing, quarantining if required). Proof of vaccination will be required at the start of field work. In order to ensure the safety of all staff, any field staff who do not provide the required information will not be permitted on site or to participate in the field work.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Following the completion of the field work, 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.

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

Insurances

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor Vehicle insurances prior to the Services being provided.

Indemnity and release

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided. The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

Variations

No changes to these terms can be made without the prior written agreement with the proponent.

Exclusion of other terms

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign two copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Cedar Creek Estate)

Signed by «Company» **AHCS Amanda Hickey Cultural Services**

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.

I/we declare that I/we are authorised to sign this letter on behalf of «Company».

Please provide your ABN:

Signature of Witness	Signature of authorised person
	
Print name of Witness	Print name of authorised person
Donna Hickey	Amanda Dezwart
	Print title and position of authorised person
	Aboriginal Rap Amanda Dezwart
Date: 1/2/2024	Date: 1/2/2024

From: penny@mheritage.com.au
Sent: Wednesday, 20 March 2024 4:32 PM
To: 'cazadirect@live.com'; 'leedavison114@yahoo.com.au'; 'admin@ptlalc.com.au';
'amandahickey@live.com.au'
Subject: Wingham Draft report
Attachments: Lot 92 Wingham Road, Wingham DRAFT 20 3 2024.pdf

Dear All,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3 & 4 – Review of Draft Cultural Heritage Assessment - Proposed rezoning and developoent at Wingham

Please find enclosed a copy of the draft Aboriginal Cultural Heritage Assessment (ACHA) for the above-named project for your review.

The ACHA includes information provided by the knowledge holders and is included with their permission. As required by the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 3 (S. 4.3.5; 4.3.6; 4.3.7) and Stage 4 (S. 4.4.1; 4.4.2; 4.4.3) and based on the information provided by knowledge holders throughout the project, the cultural significance will be included in the final report.

MCH would like to provide further opportunity to provide your further input and request your comments on the draft ACHA. Additionally, any concerns you may have, are also important, and we would like to provide another opportunity to address any concerns you may have.

As outlined in the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 4 (S. 4.4.3) MCH would appreciate your input and your comments on the draft report, no later than C.O.B. 20th April 2024.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that if any response to the draft report is deemed confidential that this is either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that in order to adhere to time constraints, the absence of a response by the requested timeline, will be taken by the proponent as your indication that your organisation has no comments

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

22 April 2024

Via Email

Dear All,

**RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
(Stage 4 –Final Cultural Heritage Assessment - Proposed rezoning and developoent at Wingham**

MCH and MPT Farms Pty Limited (Proponent) would like to take this opportunity to thank you for your involvement in the above-named project. Your time and input have been instrumental throughout the project

As outlined in the Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 4 (S. 4.4.5), please find a copy of the final report attached.

We look forward to continue working with you in the future.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

APPENDIX B

AHIMS search results

Penny Mccardle

Date: 15 January 2024

Po Box 166

Adamstown New South Wales 2289

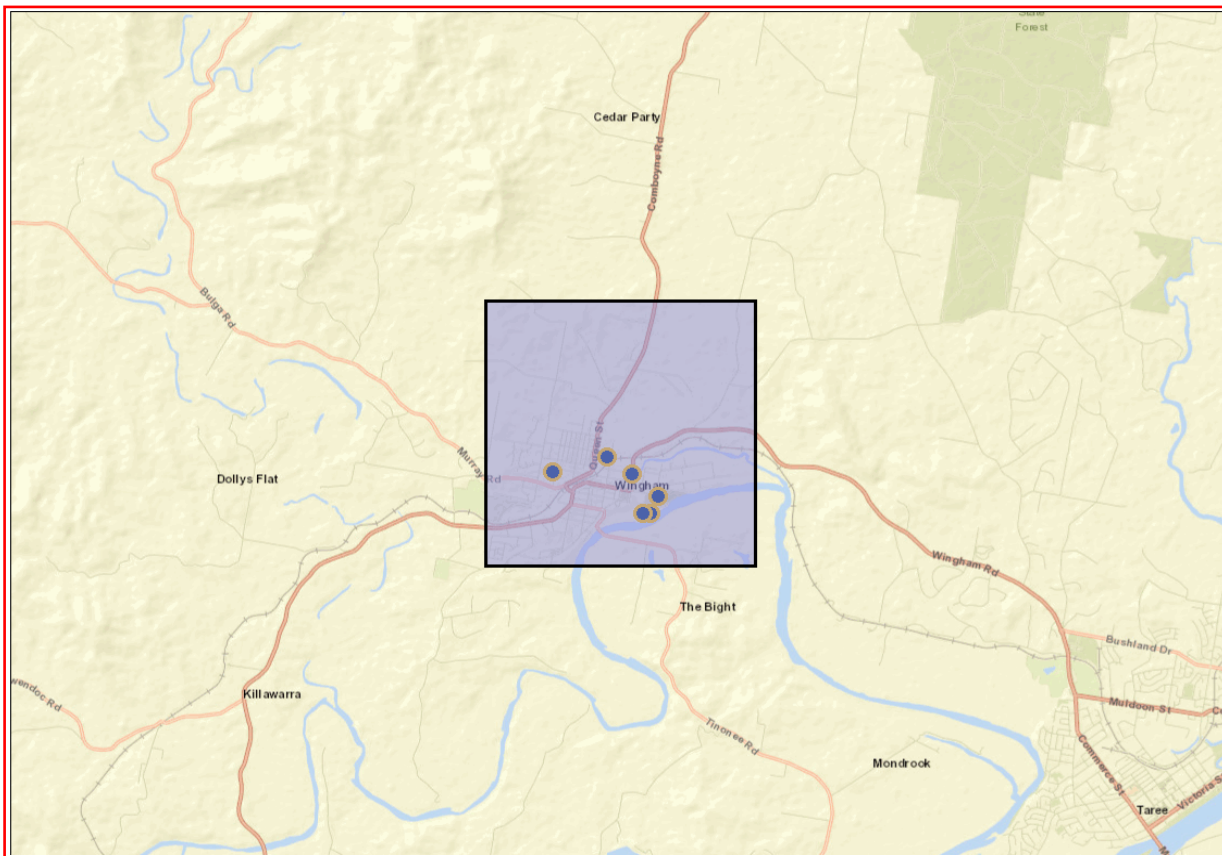
Attention: Penny Mccardle

Email: penny@mcheritage.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 438800.0 - 442800.0, Northings : 6472760.0 - 6476760.0 with a Buffer of 0 meters, conducted by Penny Mccardle on 15 January 2024.

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



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

6	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 \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW 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.



Client Service ID : 854712

**** Site Status**
Valid - The site has been recorded and accepted onto the system as valid
Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.
Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground
Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Page 1 of 1

APPENDIX C

Unexpected finds procedure

Unexpected finds procedures

Unexpected find protocols have been developed to provide procedures for unexpected finds including Aboriginal objects and the discovery of human remains. These protocols must be followed throughout all stages of the development.

Unexpected Aboriginal objects

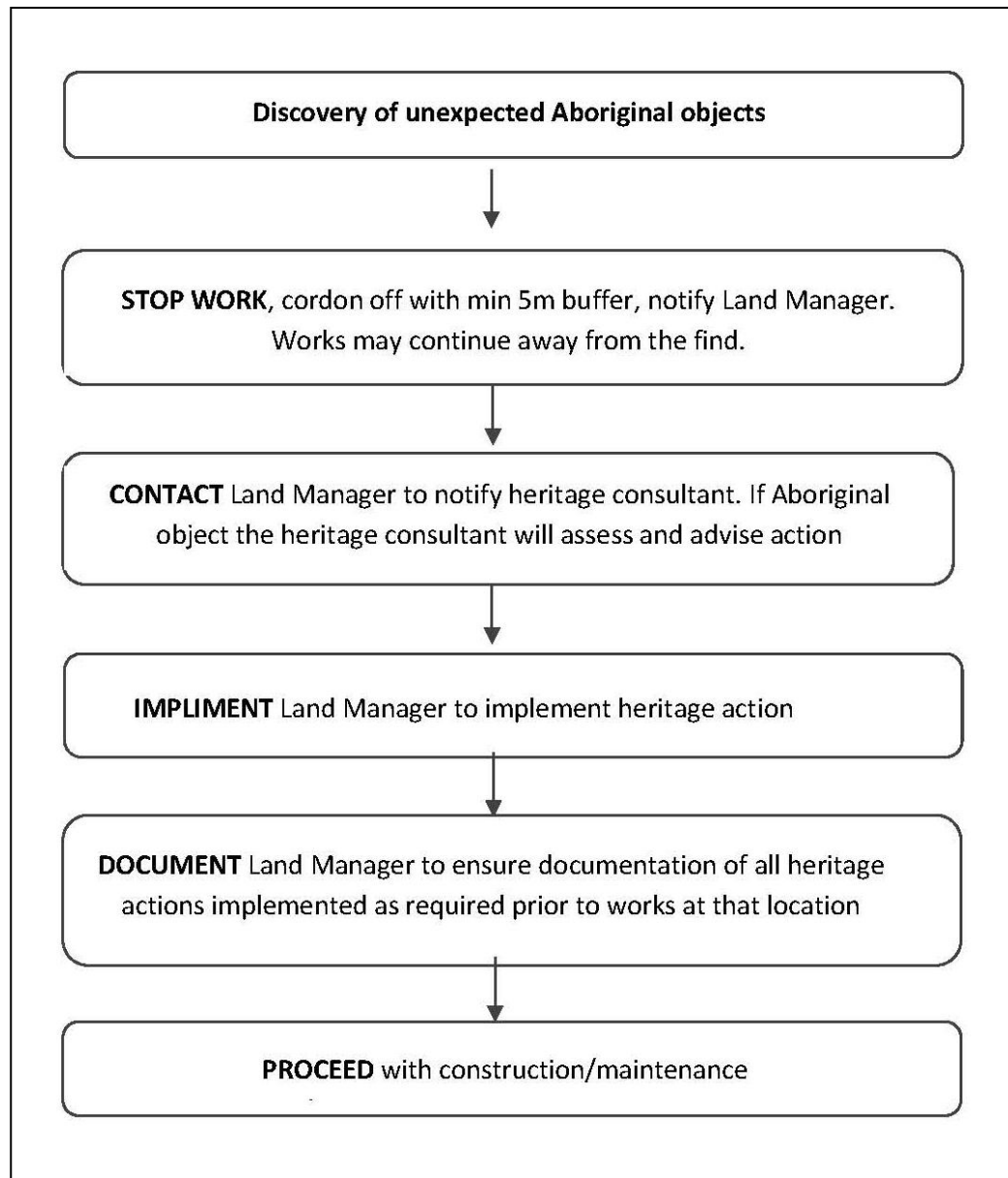
Should unexpected Aboriginal objects be uncovered during any stage of the development, Figure 1 illustrates the protocols. Unexpected Aboriginal objects may include, but not limited to, isolated artefacts, artefact scatters, scarred trees, hearths and shell middens (descriptions of such objects are provided).

Work must stop immediately in that location, the objects cordoned off with at least a 5m perimeter surrounding the object(s) with high visibility fencing/barrier and the Land Manager notified immediately. The Land Manager will then contact the heritage consultant who will assess the object(s) and recommend appropriate mitigation measures, including contacting the Environmental Line if required. The Land Manager is to implement all reasonable mitigation measures recommended by the heritage consultant and in accordance with Heritage NSW regulations and the NSW NPW Act.

If additional works are required, such as an Aboriginal Cultural Heritage Assessment (ACHA) with or without test excavations) or an Aboriginal Heritage Impact Permit (AHIP) (with collection or salvage excavations), the Land Manager is to arrange for the heritage consultant to undertake those works in accordance with all Heritage NSW requirements, procedures and Code of Practice. The methodology for undertaking additional works will be dependant on a number of factors including, but not limited to, site/object type and disturbances. Due to the unknown nature of unexpected objects, methodologies for further investigations (if required) of unexpected Aboriginal objects will be determined during consultation with Heritage NSW.

Provided these heritage unexpected finds protocols have been followed, construction/maintenance works in that location may proceed.

Figure 1. Unexpected finds protocol flow chart



Discovery of human remains

Human skeletal remains are of the highest significance and importance to Aboriginal people, and all care, respect and dignity will be extended by all parties should human remains be uncovered.

If human remains or unidentified bone are uncovered during any stage of the development and maintenance activities, the appropriate State legislation will be followed. All human remains fall under the *Coroners Act 2009* in the first instance. If they are identified as Aboriginal and older than 100 years old, they will fall under the *NSW NPWS Act 1974* (as amended). If they are identified as Aboriginal and 100 years or less, they will remain under Police derestriction under the *Coroners Act 2009*. Figure 2 outlines the required protocols should human remains be uncovered.

Should any human remains or unidentifiable bone be found, work is to stop in that area immediately and an area of 15m cordoned off surrounding the remains/bone in high visibility fencing. The Land Manager is to be notified immediately.

The Land Manager will contact the heritage consultant and local NSW Police immediately, who will then contact the NSW Forensic Services who will determine if they are:

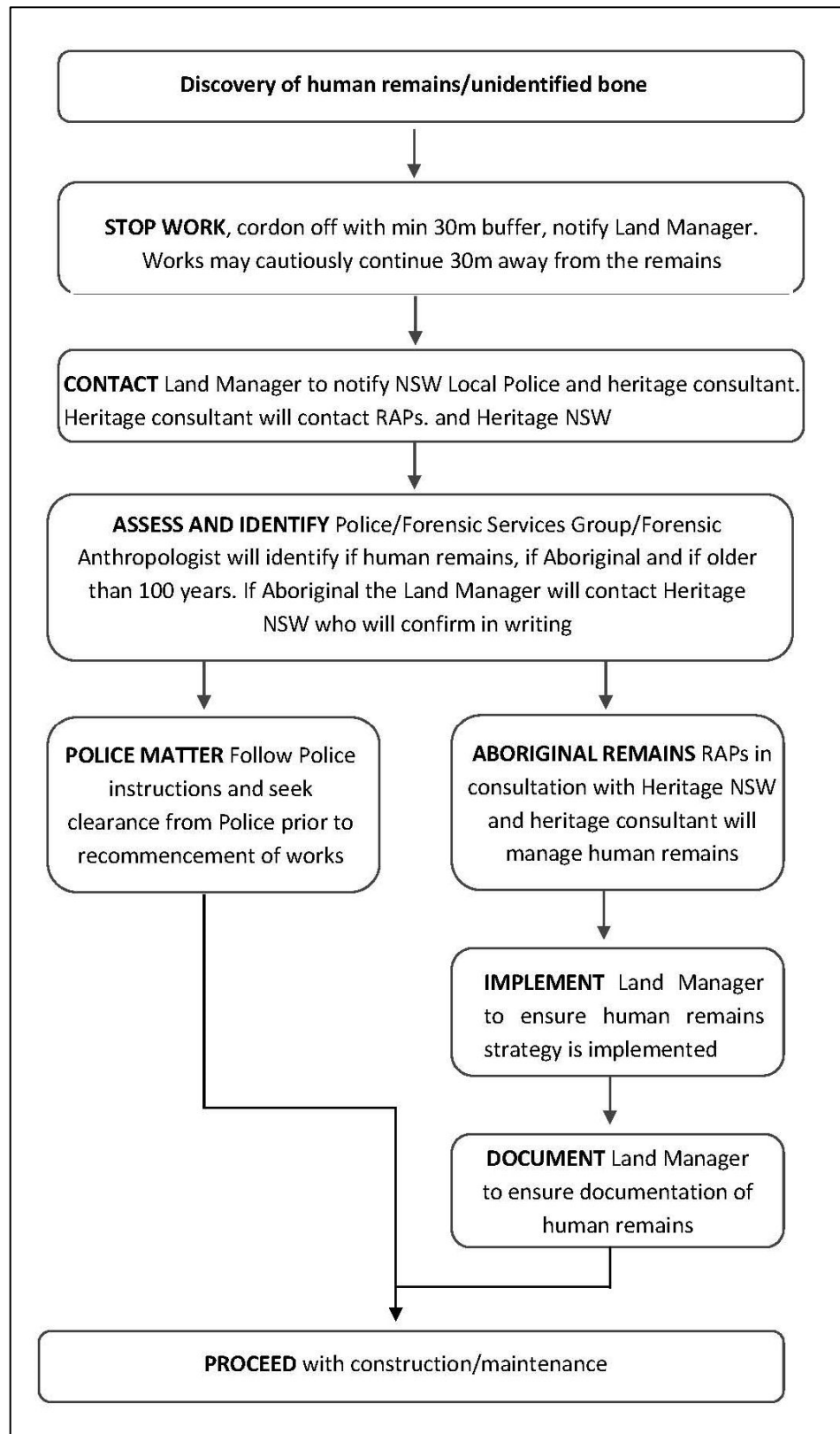
- 1) Human;
- 2) Aboriginal or non-Aboriginal;
- 3) If Aboriginal, determine antiquity (older or younger than 100 years)

If it is determined the remains are Aboriginal and older than 100 years old, the Police will notify the Land Manager who must contact the Environmental Line and Heritage NSW immediately. Heritage NSW, in consultation with the relevant Aboriginal community and the heritage consultant will develop a human remains management strategy and the Land Manager is to ensure this strategy is implemented. The Land Manager must also document the human remains management strategy and the heritage consultant will provide a letter of clearance prior to any works recommencing at that location.

If the remains are determined to be a Police matter, Police instructions will be followed and clearance to recommence works should be sought from the Police.

Provided the human skeletal protocols have been followed and documented, and a clearance letter from the heritage consultant has been obtained, construction/maintenance works may proceed in that location.

Figure 2 Human remains protocol flow chart



Verification of all Aboriginal objects (sites)

All potential Aboriginal sites will be verified by the heritage consultant in the first instance, and Heritage NSW if required.

The purpose of the verification process is to determine whether or not the objects in question are in fact Aboriginal objects to ensure appropriate management measures be implemented.

The verification process will include the following provisions:

1. A heritage consultant may assess the scientific status of the Aboriginal object (site) and provide evidence and justification for significance;
2. If it is an Aboriginal object the Environmental Line will be contacted and the site reported;
3. An AHIMS site card will be completed for each Aboriginal object (site); and
4. Management recommendations specific to each Aboriginal object (site), will be determined by Heritage NSW.

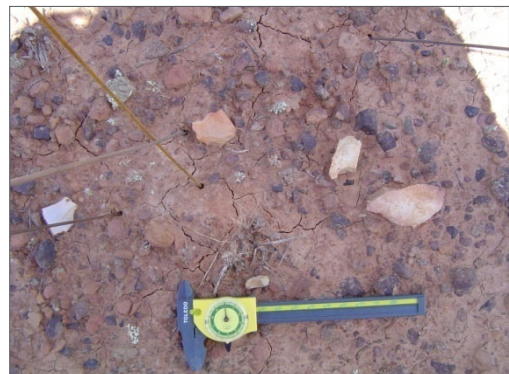
Surface Artefact scatters

Also described as open campsites, artefact scatters and open sites, these deposits have been defined at two or more stone artefacts within 50 or 200 metres of each other and may include archaeological remains such as stone artefacts, shell, and sometimes hearths, stone lined fire places and heat treatment pits. These sites are usually identified as surface scatters of artefacts in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing) and access ways can also expose surface campsites. Artefact scatters may represent evidence of;

- Camp sites, where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of such tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;
- Hunting and/or gathering events;
- Other events spatially separated from a camp site, or
- Transitory movement through the landscape.

If a potential artefact scatter has been identified, the Unexpected Finds Protocol must be followed immediately.

Examples of artefact scatters (MCH)



Surface Isolated finds

Isolated artefacts are usually identified in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing) and access ways can also expose surface artefacts. Isolated finds may represent evidence of;

- Hunting and/or gathering events; or
- Transitory movement through the landscape.

If a potential isolated find has been identified, the Unexpected Finds Protocol must be followed immediately.

Examples of isolated artefacts (MCH)



INITIAL ABORIGINAL CULTURAL HERITAGE ASSESSMENT



MPT Farms Pty Limited

M

Lot 92 Wingham Road, Wingham

LGA: Midcoast Council

Aboriginal Cultural Heritage Assessment (ACHA)

22 April 2024

McCARDLE CULTURAL HERITAGE PTY LTD

ACN 104 590 141 • ABN 89 104 590 141

PO Box 166, Adamstown, NSW 2289

Mobile: 0412 702 396 • Email: penny@mcheritage.com.au



Report No: J202423 ACHA

Approved by: Penny McCardle

Position: Director

Signed: 

Date: 22 April 2024

This report has been prepared in accordance with the scope of services described in the contract or agreement between McCardle Cultural Heritage Pty Ltd (MCH), ACN: 104 590 141, ABN: 89 104 590 141, and the proponent. The report relies upon data, surveys, measurements and specific times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the proponent. Furthermore, the report has been prepared solely for use by the proponent and MCH accepts no responsibility for its use by other parties.

CONTENTS

EXECUTIVE SUMMARY.....	1
GLOSSARY	3
ACRONYMS	5
AHIMS SITE ACRONYMS	5
 1 INTRODUCTION.....	 6
1.1 INTRODUCTION	6
1.2 PROPONENT DETAILS	6
1.3 THE PROJECT AREA.....	6
1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT	7
1.5 PURPOSE OF THE ARCHAEOLOGICAL ASSESSMENT	8
1.6 OBJECTIVE OF THE ASSESSMENT	8
1.7 PROJECT BRIEF/SCOPE OF WORK.....	8
1.8 LEGISLATIVE CONTEXT	8
1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED).....	9
1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2019)	9
1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)	10
1.9 QUALIFICATIONS OF THE INVESTIGATOR	10
1.10 REPORT STRUCTURE.....	11
 2 CONSULTATION.....	 12
2.1 STAGE 1: NOTIFICATION & REGISTRATION OF INTEREST.....	12
2.2 STAGE 2: PRESENTATION OF INFORMATION	13
2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE	14
2.4 SURVEY	14
2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT	15
 3 LANDSCAPE AND ENVIRONMENTAL CONTEXT.....	 16
3.1 INTRODUCTION	16
3.2 GEOLOGY	16
3.3 TOPOGRAPHY	17
3.4 SOILS	17
3.5 CLIMATE.....	17
3.6 WATERWAYS	18
3.7 FLORA AND FAUNA	18
3.8 LANDUSES AND DISTURBANCES	19
3.9 NATURAL DISTURBANCES	20

3.10	DISCUSSION	22
4	CULTURAL CONTEXT	23
4.1	ETHNO-HISTORIC ACCOUNTS.....	23
5	ARCHAEOLOGICAL CONTEXT.....	26
5.1	REGIONAL ARCHAEOLOGICAL CONTEXT	26
5.2	HERITAGE REGISTER LISTINGS.....	27
5.3	ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM.....	27
5.4	LOCAL ARCHAEOLOGICAL CONTEXT.....	28
5.5	LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES.....	31
5.6	MODELS OF PAST ABORIGINAL LAND USE	32
5.6.1	MODEL OF OCCUPATION FOR THE REGION	33
5.7	PREDICTIVE MODEL FOR THE PROJECT AREA	34
5.8	ARCHAEOLOGICAL POTENTIAL IN THE PROJECT AREA	35
6	RESULTS	37
6.1	METHODOLOGY	37
6.2	LANDFORMS	37
6.3	SURVEY UNITS	37
6.4	EFFECTIVE COVERAGE & DISTURBANCES	39
6.5	ARCHAEOLOGICAL SITES	41
6.6	POTENTIAL ARCHAEOLOGICAL DEPOSIT/ SENSITIVITY.....	42
6.7	DISCUSSION	42
6.7.1	INTEGRITY	43
6.8	INTERPRETATION & OCCUPATION MODEL	43
6.9	REGIONAL & LOCAL CONTEXT	43
6.10	REASSESSMENT OF THE PREDICTIVE MODEL.....	43
6.11	CONCLUSION	43
7	ASSESSMENT OF IMPACTS	44
7.1	IMPACTS.....	44
8	MITIGATION AND MANAGEMENT STRATEGIES	45
8.1	CONSERVATION/PROTECTION	45
8.2	FURTHER INVESTIGATION	45
8.3	AHIP	45
9	RECOMMENDATIONS.....	46
9.1	GENERAL	46
9.2	PAD	46

APPENDICES

APPENDIX A CONSULTATION

APPENDIX B AHIMS SEARCH RESULTS

APPENDIX C UNEXPECTED FINDS PROCEDURE

LIST OF TABLES

TABLE 2.1 SOURCES CONTACTED	13
TABLE 2.2 REGISTERED ABORIGINAL PARTIES.....	13
TABLE 3.1 LAND USE SCALE (CSIRO 2010)	19
TABLE 5.1 SUMMARY OF SITES (KLAVER AND HEFFERNAN 1991)	29
TABLE 5.2 SUMMARY OF SITES (COLLINS 2000)	30
TABLE 5.3 SITE DESCRIPTIONS (KUSKIE & KAMMINGA 2000).	34
TABLE 5.3 GROUND SURFACE VISIBILITY RATING	40
TABLE 5.4 EFFECTIVE COVERAGE FOR THE INVESTIGATION AREA	40
TABLE 5.5 LAND USE SCALE (CSIRO 2010) AND LAND USES IN THE PROJECT AREA	41

LIST OF FIGURES

FIGURE 1.1 REGIONAL LOCATION OF THE PROJECT AREA	6
FIGURE 1.2 AERIAL PHOTOGRAPH OF THE PROJECT AREA (NEARMAP 2023).....	7
FIGURE 1.3 PRECINCT PLAN	7
FIGURE 5.1 APPROXIMATE LOCATION OF AHIMS SITES	27
FIGURE 5.2 FOLEY’S MODEL (L) AND ITS MANIFESTATION IN THE ARCHAEOLOGICAL RECORD (R), (FOLEY 1981).....	33
FIGURE 6.1 EASTERN PART OF THE PROJECT AREA (FACING NORTH EAST).....	38
FIGURE 6.2 CENTRE PART OF THE PROJECT AREA (FACING WEST)	38
FIGURE 6.3 NORTH WESTERN SECTION (FACING EAST)	38
FIGURE 6.4 NORTH WESTERN TRACK THROUGH OPEN WOODLAND (FACING NORTH).....	39
FIGURE 6.5 WESTERN SIDE OF THE PROJECT AREA (FACING NORTH EAST).....	39
FIGURE 6.6 PAD LOCATION IN RELATION TO THE RESIDENTIAL REZONING AREA.....	42

EXECUTIVE SUMMARY

McCardle Cultural Heritage Pty Ltd (MCH) has been engaged by Hampstead Property on behalf of MPT Farms Pty Limited to prepare an Aboriginal Cultural Heritage Assessment (ACHA), and an Aboriginal Heritage Impact Permit (AHIP), if required, for the proposed rezoning and development of a portion of the property (Rezoning Area) from RU1 Primary Production to R1 General Residential.

The underlying geology of the majority of the project area is mainly Palaeozoic Giro Beds that consist of pebbly mudstone, mudstone conglomerate, siltstone, shale, sandstone, Unnamed limestone and Cedar Party limestone. The areas along the creek consist of Quaternary sand, silt, mud and gravel. The presence of mudstone within the geology of the project area indicates that stone materials suitable for manufacturing stone artefacts may occur in various locations throughout the project area.

Lot 92 is bordered by Cedar Party Creek, a 6th order creek, on its northern and western sides. Additionally, one 1st order drainage line extends from the centre of the project area north into Cedar Party Creek. Therefore, it can be inferred that the project area was well-resourced in terms of water availability and likely served as a focal point for camping and other activities. The presence of a 6th order creek suggests a substantial and consistent flow of water throughout the project area. This would have provided a reliable source of water for drinking, cooking, and other daily activities. In terms of past land uses and the associated impact to the landscape and archaeological record, the project area has been subject to large scale clearing, at least one ploughing event for grazing as well as tracks throughout.

A search AHIMS identified 6 known Aboriginal sites recorded within two kilometres of the project area and include two artefact sites, one burial, one stone arrangement, one ceremonial ring and one Aboriginal ceremony and dreaming/burial/ PAD. There are no sites or Aboriginal Places in the project area. Within Lot 92, it is possible that artefact scatters (possibly with hearths, grinding stones – evidence of food preparation) will be found along Cedar Party Creek with the highest concentration being within 50 metres of the creek. It is also likely that the remainder of the project area, specifically the rezoning area, would have been used for hunting and gathering which manifests in the archaeological record as a background scatter of discarded artefacts. The refinement of this predictive model will be dependent upon an investigation of the range of landforms and the occurrence of modern disturbances within the project area.

The project area was surveyed as one unit and identified that the project area had been previously cleared and ploughed for pasture as well as grazing and a power easement was present. Vegetation consisted mainly of grass varying in height, limiting visibility and few trees were present in the project area. No sites were identified during the survey. However, Cedar Party Creek, a 6th order creek, specifically areas within 50 metres along its length within Lot 92, have the potential to contain evidence of past Aboriginal land use. This is based on the strategic assessment of its geographical features, particularly the presence of a dependable fresh water source, associated subsistence and medicinal sources, and elevated land along its length. The area along Cedar Party Creek (up to 50 metres in width from its banks) is identified as a PAD.

The PAD will be protected by the Riparian Zone (up to 40 metres in width along the length of the creek), and as it is excluded from the residential rezoning area. As the PAD will not be impacted on there are no impacts to the potential archaeological record and the following recommendations are provided:

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are

made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974;

- 2) An Unexpected Finds Procedure for cultural materials and human remains (Appendix B) will be implemented during all works;
- 3) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately, the Unexpected Finds Procedure followed and the Environmental Line contacted;
- 4) A cultural awareness program should be included as part of the site induction program and developed with the RAPs and form part of the Environmental Management Plan, and
- 5) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW prior to any works being undertaken at the PAD location.

GLOSSARY

Aboriginal Cultural Heritage Values: traditional values of Aboriginal people, handed down in spiritual beliefs, stories and community practices and may include local plant and animal species, places that are important and ways of showing respect for other people.

Aboriginal Place: are locations that have been recognised by the Minister (and gazetted under the *National Parks and Wildlife Act 1974*) as having special cultural significance to the Aboriginal community. An Aboriginal Place may or may not include archaeological materials.

Aboriginal Site: an Aboriginal site is the location of one or more Aboriginal archaeological objects, including flaked stone artefacts, midden shell, grinding grooves, archaeological deposits, scarred trees etc.

Artefact: any object that is physically modified by humans.

Assemblage: a collection of artefacts associated by a particular place or time, assumed generated by a single group of people, and can comprise different artefact types.

Axe: a stone-headed axe usually having two ground surfaces that meet at a bevel.

Backed artefact: a stone tool where the margin of a flake is retouched at a steep angle and that margin is opposite a sharp edge.

Background scatter: a term used to describe low density scatter of isolated finds that are distributed across the landscape without any obvious focal point.

Blade: a flake that is at least twice as long as it is wide.

Bondi point: a small asymmetrical backed artefact with a point at one end and backing retouch.

Core: a chunk of stone from which flakes are removed and will have one or more negative flake scars but no positive flake scars. The core itself can be shaped into a tool or used as a source of flakes to be formed into tools.

Debitage: small pieces of stone debris that break off during the manufacturing of stone tools. These are usually considered waste and are the by-product of production (also referred to as flake piece).

Flake: any piece of stone struck off a core and has a number of characteristics including ring cracks showing where the hammer hit the core and a bulb of percussion. May be used as a tool with no further working, may be retouched or serve as a platform for further reduction.

Flaked piece/waste flake: an unmodified and unused flake, usually the by-product of tool manufacture or core preparation (also referred to asdebitage).

Formation processes: human caused (land uses etc) or natural processes (geological, animal, plant growth etc) by which an archaeological site is modified during or after occupation and abandonment. These processes have a large effect on the provenience of artefacts or features.

Grinding stone: an abrasive stone used to abrade another artefact or to process food.

Hammer stone: a stone that has been used to strike a core to remove a flake, often causing pitting or other wear on the stone's surface.

Harm: is defined as an act that may destroy, deface or damage an Aboriginal object or place. In relation to an object, this means the movement or removal of an object from the land in which it has been situated

Holocene: the post-glacial period, beginning about 10,000 B.P.

In situ: archaeological items are said to be "in situ" when they are found in the location where they were last deposited.

Pleistocene: the latest major geological epoch, colloquially known as the "Ice Age" due to the multiple expansion and retreat of glaciers. Ca. 3,000, 000-10,000 years B.P.

Retouched flake: a flake that has been flaked again in a manner that modified the edge for the purpose of resharpening that edge.

Stratified Archaeological Deposits: Aboriginal archaeological objects may be observed in soil deposits and within rock shelters or caves. Where layers can be detected within the soil or sediments, which are attributable to separate depositional events in the past, the deposit is said to be stratified. The integrity of sediments and soils are usually affected by 200 years of European settlement and activities such as land clearing, cultivation and construction of industrial, commercial and residential developments.

Taphonomy: the study of processes which have affected organic materials such as bone after death; it also involves the microscopic analysis of tooth-marks or cut marks to assess the effects of butchery or scavenging activities.

Traditional Aboriginal Owners: Aboriginal people who are listed in the Register of Aboriginal owners pursuant to Division 3 of the *Aboriginal Land Register Act (1983)*. The Registrar must give priority to registering Aboriginal people for lands listed in Schedule 14 of the *National Parks and Wildlife Act 1974* or land subject to a claim under 36A of the *Aboriginal Land Rights Act 1983*.

Traditional Knowledge: Information about the roles, responsibilities and practices set out in the cultural beliefs of the Aboriginal community. Only certain individuals have traditional knowledge and different aspects of traditional knowledge may be known by different people, e.g., information about men's initiation sites and practices, women's sites, special pathways, proper responsibilities of people fishing or gathering food for the community, ways of sharing and looking after others, etc.

Typology: the systematic organization of artefacts into types on the basis of shared attributes.

Use wear: the wear displayed on an artefact as a result of use.

ACRONYMS

ACHA	Aboriginal Cultural Heritage Assessment
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit

AHIMS SITE ACRONYMS

ACD	Aboriginal ceremonial and dreaming
AFT	Artefact (stone, bone, shell, glass, ceramic and metal)
ARG	Aboriginal resource and gathering
ART	Art (pigment or engraving)
BOM	Non-human bone and organic material
BUR	Burial
CFT	Conflict site
CMR	Ceremonial ring (stone or earth)
ETM	Earth mound
FSH	Fish trap
GDG	Grinding groove
HAB	Habitation structure
HTH	Hearth
OCQ	Ochre quarry
PAD	Potential archaeological Deposit
SHL	Shell
STA	Stone arrangement
STQ	Stone quarry
TRE	Modified tree (carved or scarred)
WTR	Water hole

1 INTRODUCTION

1.1 INTRODUCTION

McCardle Cultural Heritage Pty Ltd (MCH) has been engaged by Hampstead Property on behalf of MPT Farms Pty Limited to prepare an Aboriginal Cultural Heritage Assessment (ACHA), and an Aboriginal Heritage Impact Permit (AHIP), if required, for the proposed rezoning and development of a portion of the property (Rezoning Area) from RU1 Primary Production to R1 General Residential.

The assessment has been undertaken to meet the Heritage NSW, Department of Premier & Cabinet, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), and the requirements of Council's minutes to the pre-lodgement meeting.

1.2 PROPONENT DETAILS

MPT Farms Pty Limited

1.3 THE PROJECT AREA

The 63.5-hectare Property zoned RU1 Primary Production is largely cleared of vegetation and the topography slopes gently downward towards Cedar Party Creek to the north and east. The project area is in close proximity to the Wingham town centre approximately 300 metres away at the closest point offering high accessibility and connectivity with the established town and its amenities including primary and secondary schools, main street shops and cafes, Wingham Pool, and the Wingham Central Park. Located along Wingham Road (Lot 92 DP1285477), the location and extent of the project area is illustrated in Figures 1.1 and 1.2.

Figure 1.1 Regional location of the project area

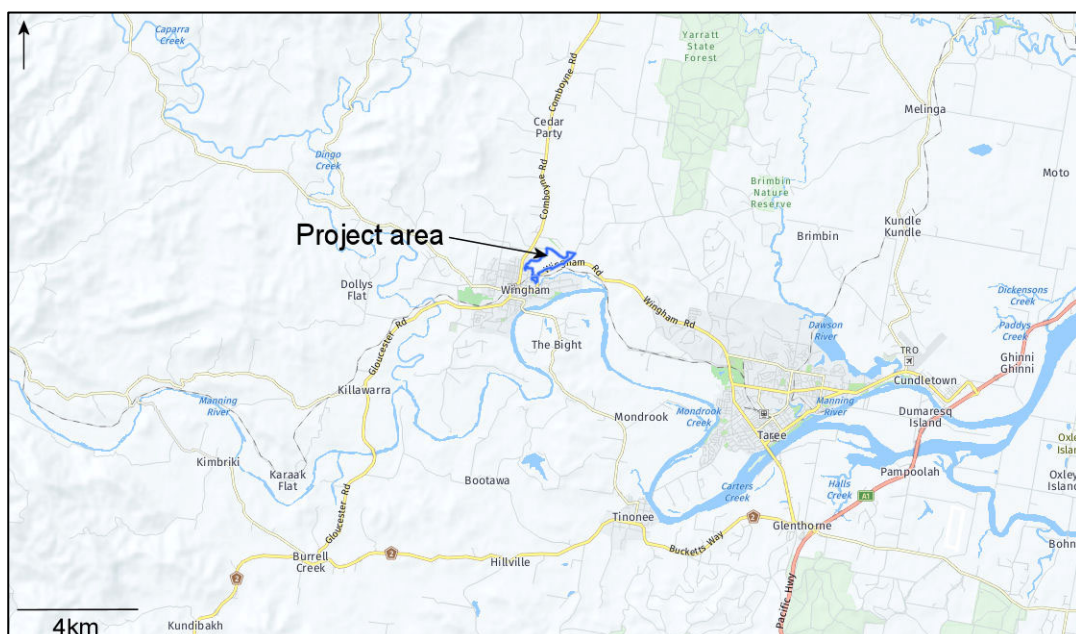
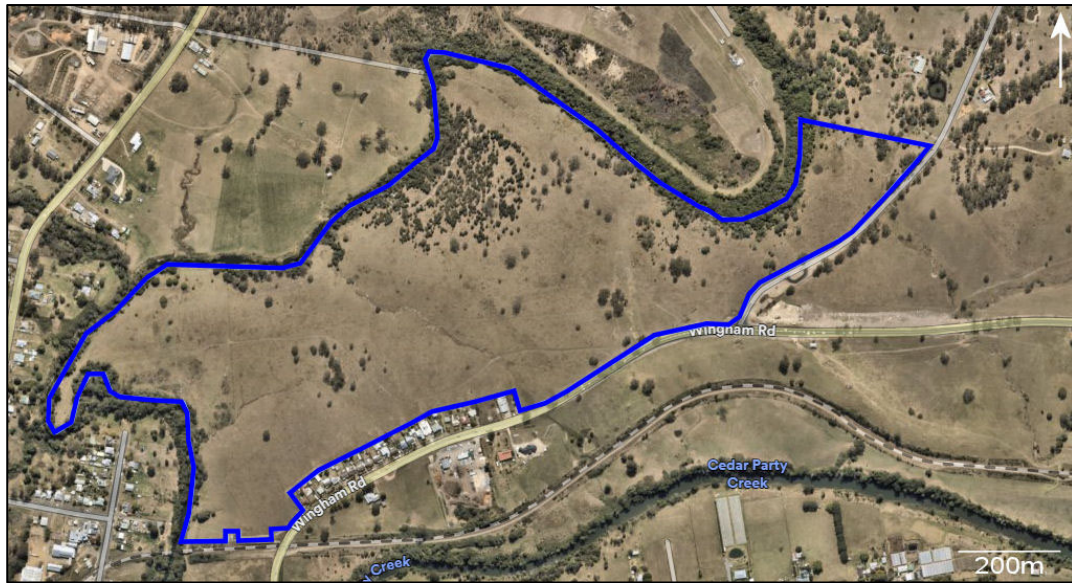


Figure 1.2 Aerial photograph of the project area (Nearmap 2023)

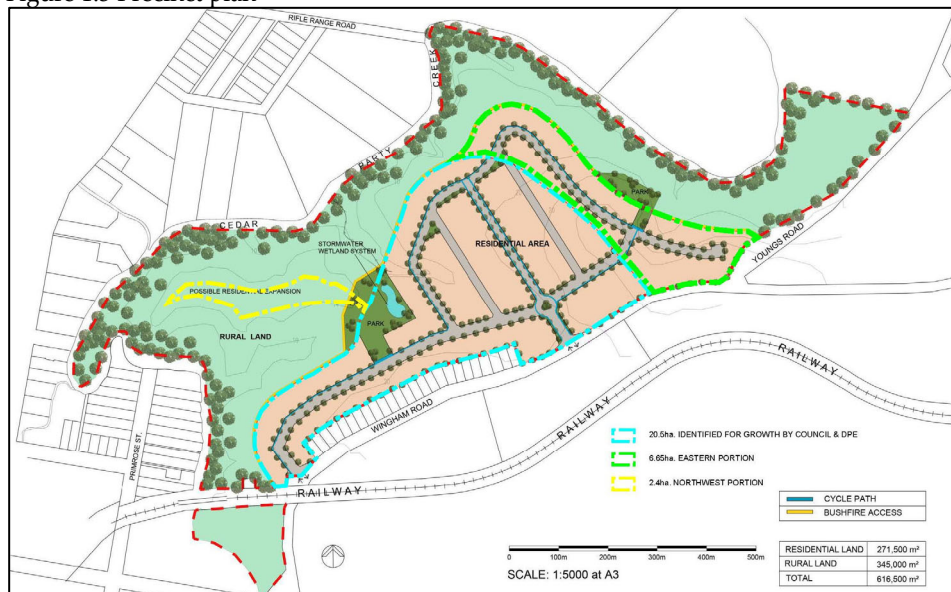


1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposal seeks amendment to the Greater Taree Local Environmental Plan 2010 (GTLEP) to rezone part of the Property at Wingham Road, Wingham to enable residential development. The Proposal also seeks appropriate built form controls including changes to the Minimum Lot Size and the introduction of a limit for the Height of Buildings. Zoning(s) and controls are to be consistent with the Standard Instrument and will be finalised following consultation with MidCoast Council.

The Property has been identified for urban growth within local and state strategic planning documents since 2006 and most recently within the MidCoast Urban Release Areas Report in July 2021 and the Hunter Regional Plan 2041 adopted by the Minister for Planning in December 2022. MPT's vision for the project area is a high quality rural residential community that is cohesive with the village of Wingham.

Figure 1.3 Precinct plan



1.5 PURPOSE OF THE ARCHAEOLOGICAL ASSESSMENT

The purpose of the assessment is to assess any archaeological constraints to support the proposal and to provide opportunities and options to ensure any cultural materials present are protected through appropriate mitigation and management.

1.6 OBJECTIVE OF THE ASSESSMENT

The objective of the assessment is to identify areas of Aboriginal cultural heritage value, to determine possible impacts on any Aboriginal cultural heritage identified (including potential subsurface evidence) and to develop management recommendations where appropriate. The assessment employs a regional approach, taking into consideration the landscape of the project area (landforms, water resources, soils, geology etc), the regional archaeological patterning identified by past studies, natural processes (e.g., erosion) as well as land uses and associated impacts across the landscape and any associated cultural that may be present.

1.7 PROJECT BRIEF/SCOPE OF WORK

The following tasks were carried out:

- a review of relevant statutory registers and inventories for indigenous cultural heritage including the Aboriginal Heritage Information Management System (AHIMS) for known archaeological sites, the State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Heritage Register and the relevant Local Environmental Plan;
- a review of local environmental information (e.g., topographic, geological, soil, geomorphological, vegetation, hydrology) to determine the likelihood of archaeological sites and specific site types that may be present, prior and existing land uses and associated impacts and site disturbance that may affect site integrity;
- a review of previous investigations to determine the extent of archaeological investigations in the area and identify any archaeological patterns;
- the development of a predictive archaeological model based on the data searches and literature review;
- identification of human and natural impacts in relation to the known and any new archaeological sites and archaeological potential within the project area;
- consultation with the Registered Aboriginal Parties (RAPs) as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010);
- undertake a site inspection with the participation of the RAPs, and
- the development of mitigation and conservation measures in consultation with the RAPs.

1.8 LEGISLATIVE CONTEXT

The following overview of the legislative framework, is provided solely for information purposes for the client, and should not be interpreted as legal advice. MCH will not be liable for any actions taken by any person, body or group as a result of this general overview and MCH recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the general summary below.

Land managers are required to consider the effects of their activities or proposed development on the environment under several pieces of legislation. Although there are a number of Acts and regulations protecting Aboriginal heritage, including places, sites and objects, within NSW, the three main ones include:

- National Parks and Wildlife Act (1974, as amended)
- National Parks and Wildlife Regulation (2019)
- Environmental Planning and Assessment Act (1979)

1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED)

The National Parks and Wildlife Act (1974), is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. The NPW Act protects Aboriginal heritage (places, sites and objects) within NSW and the protection of Aboriginal heritage is outlined in s86 of the Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1)
- “A person must not harm an Aboriginal object” s86(2)
- “A person must not harm or desecrate an Aboriginal place” s86(4)

Penalties apply for harming an Aboriginal object, site or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the National Parks and Wildlife Act (1974, as amended) is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate that;

- 1) harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or
- 2) the proponent exercised due diligence in respect to Aboriginal heritage.

The ‘due diligence’ defence (s87[2]), states that if a person or company has applied due diligence to determine that no Aboriginal object, site or place was likely to be harmed as a result of the activities proposed for the Project Area, then liability from prosecution under the NPW Act 1974 will be removed or mitigated if it later transpires that an Aboriginal object, site or place was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and Heritage NSW, Department of Premier & Cabinet notified (DECCW 2010:13). The due diligence defence does not allow for continuing harm or as defence to s.86(1) or (4).

1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2019)

The National Parks and Wildlife Regulation 2019 provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The Regulation (2019) recognises various due diligence codes of practice, including the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, but it also outlines procedures for Aboriginal Heritage

Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)

EP&A Act establishes the statutory framework for planning and environmental assessment in NSW and the implementation of the EP&A Act is the responsibility of the Minister for Planning, statutory authorities and local councils. The EP&A Act contains three parts which impose requirements for planning approval:

- Part 3 of the EP&A Act relates to the preparation and making of Environmental Planning Instruments (EPIs), State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).
- Part 4 of the EP&A Act establishes the framework for assessing development under an EPI. The consent authority for Part 4 development is generally the local council, however the consent authority may be the Minister, the Planning Assessment Commission or a joint regional planning panel depending upon the nature of the development.
- Part 4, Division 4.1 of the EP&A Act establishes the assessment pathway for State significant Development (SSD) declared by the State Environmental Planning Policy (State and Regional Development) 2011 (NSW). Once a development is declared as SSD, the Secretary's Environmental Assessment Requirements (SEARs) will be issued outlining what issues must be considered in the EIS.
- Part 5 of the EP&A Act provides for the control of 'activities' that do not require development consent and are undertaken or approved by a determining authority. Development under Part 5 that are likely to significantly affect the environment is required to have an EIS prepared for the proposed activity.
- Part 5.1 of the EP&A Act establishes the assessment pathways for State Significant Infrastructure (SSI). Development applications made for SSI can only be approved by the Minister. Once a development is declared as SSI, the SEARs will be issued outlining what issues must be addressed in the EIS.

The applicable approval process is determined by reference to the relevant environmental planning instruments and other controls, LEPs and State Environmental Planning Policies (SEPPs). This project falls under Part 3.

1.9 QUALIFICATIONS OF THE INVESTIGATOR

Dr. Penny McCardle: Principal Archaeologist & Forensic Anthropologist has 23 years experience in Indigenous archaeological assessments, excavation, research, reporting, analysis and consultation and 19 years in skeletal identification, biological profiling and skeletal trauma identification for NPWS, NSW Police and the NSW Department of Forensic Medicine.

- BA (Archaeology and Palaeoanthropology): Indigenous archaeology, University of New England 1999
- Hons (Archaeology and Palaeoanthropology): Physical Anthropology, University of New England 2001
- Forensic Anthropology Course, University of New England 2003
- Armed Forces Institute of Pathology Forensic Anthropology Course, Ashburn, VA 2008

- Analysis of Bone trauma and Pseudo-Trauma in Suspected Violent Death Course, Erie College, Pennsylvania, 2009
- Documenting Scenes of War and Human Rights Violations. Institute for International Criminal Investigations, 2018
- PhD, University of Newcastle, 2019

1.10 REPORT STRUCTURE

The report includes Section 1 which outlines the project, Section 2 provides the consultation, Section 3 presents the environmental context, Section 4 presents ethno historic context, Section 5 provides the archaeological background, Section 6 provides the results of the fieldwork, analysis and discussion; Section 7 presents the development impact assessment, Section 8 presents the mitigation strategies and Section 9 presents the management recommendations.

2 CONSULTATION

As per the Heritage NSW, Department of Premier & Cabinet Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010), MCH followed the four stages of consultation as set out below. All correspondences for each stage are provided in Appendix A.

In relation to cultural significance, MCH recognises and supports the indigenous system of knowledge. That is, that knowledge is not 'open' in the sense that everyone has access and an equal right to it. Knowledge is not always definitive (in the sense that there is only one right answer) and knowledge is often restricted. As access to this knowledge is power, it must be controlled by people with the appropriate qualifications (usually based on age seniority, but may be based on other factors). Thus, it is important to obtain information from the correct people: those that hold the appropriate knowledge of those sites and/or areas relevant to the project. It is noted that only the Aboriginal community can identify and determine the accepted knowledge holder(s) may be not archaeologists or proponents. If knowledge is shared, that information must be used correctly and per the wishes of the knowledge holder.

Whilst an archaeologist may view this information as data, a custodian may view this information as highly sensitive, secret/sacred information and may place restrictions on its use. Thus, it is important for MCH to engage in affective and long-term consultation to ensure knowledge is shared and managed in a suitable manner that will allow for the appropriate management of that site/area. MCH also know that archaeologists do not have the capability nor the right to adjudicate on the spirituality of a particular location or site as this is the exclusive right of the traditional owners who have the cultural and hereditary association with the land of their own ancestors. For these reasons, consultation forms an integral component of all projects and this information is sought from the registered stakeholders to be included in the report in the appropriate manner that is stipulated by those with the information.

2.1 STAGE 1: NOTIFICATION & REGISTRATION OF INTEREST

The aim of this stage is to identify, notify and register Aboriginal people and/or groups who hold cultural knowledge that is relevant to the project area, and who can determine the cultural significance of any Aboriginal objects and/or places within the proposed project area. In order to do this, the sources identified by Heritage NSW, Department of Premier & Cabinet (OEH 2010:10) and listed in Table 2.1, to provide the names of people who may hold cultural knowledge that is relevant to determining the significance of Aboriginal objects and/or places were contacted by letter on 5th December 2023 and it was stipulated that if no response was received, the project and consultation will proceed. Information included in the correspondence to the sources listed in Table 2.1 included the name and contact details of the proponent, an overview of the proposed project including the location and a map showing the location.

Table 2.1 Sources contacted

Organisations contacted	Response
Heritage NSW	28 groups
Purfleet/Taree LALC	registered for the project
Northcoast Council	no response
Registrar Aboriginal Land Rights Act 1983	no response
National Native Title Tribunal	no claims
Native Title Services Corporation Limited	no response
North Coast Local Land Services	no response

Following this, MCH compiled a list of people/groups to contact (Refer to Appendix A). As per the Aboriginal cultural heritage consultation requirements for proponents (April 2010), archaeologists and proponents must write to all those groups provided asking if they would like to register their interest in the project. Unfortunately, some Government departments written to requesting a list of groups to consult with do not differentiate groups from different traditional boundaries and provide an exhaustive list of groups from across the region including those outside their traditional boundaries.

MCH wrote to all parties identified by the various departments (15/01/2024) and an advertisement was placed in the Manning River Times, on 12th January 2024. The correspondence and advertisement included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and requested to nominate the preferred option for the presentation of information about the proposed project: an information packet or a meeting and information packet (Refer to Stage 2). The Registered Aboriginal Parties (RAPs) are listed in Table 2.2.

Table 2.2 Registered Aboriginal Parties

RAP	Contact
A1 Indigenous Services	Carolyn Hickey
Lee Davison	Lee Davison
Purfleet/Taree Local Aboriginal Land Council	Kelly King
Amanda Hickey Cultural Services	Amanda Hickey

2.2 STAGE 2: PRESENTATION OF INFORMATION

The aim of this stage is to provide the RAPs with information regarding the scope of the proposed project and the Indigenous cultural heritage assessment process.

As the RAPs did not provide their preferred method of receiving information, an information packet was sent to all RAPs and included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010). The pack included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and a written response to the proposed methods was due no later than 27th February 2024.

The information pack also stipulated that consultation was not employment, and requested that in order to assist the proponent in the engagement of field workers, that the groups provide information that will assist in the selection of field staff who may be paid on a contractual basis. This included, but was not limited to, experience in field work and in providing cultural heritage advice and their relevant experience; and to provide a CV and insurance details.

The information pack also noted that failure to provide the required information by the date required (28 days) will result in a missed opportunity for the RAPs to contribute to their cultural heritage and the project will proceed.

2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE

The aim of this stage is to facilitate a process whereby the RAPs may contribute to culturally appropriate information gathering and the research methodology, provide information that will enable the identification of the cultural significance of any Aboriginal objects and or/places within the proposed project area, and have input into the development of any cultural heritage management and mitigation measures. In order to do this, included in the information pack sent for Stage 2, was information pertaining to the gathering of cultural knowledge. This included the following information;

- MCH noted that information provided by RAPs may be sensitive and MCH and the proponent will not share that information with all RAPs or others without the express permission of the individual. MCH and the proponent extended an invitation to develop and implement appropriate protocols for sourcing and holding cultural information including any restrictions to place on information, as well as the preferred method of providing information;
- request for traditional/cultural knowledge or information associated with ceremonial, spiritual, mythological beliefs, traditions and known sites from the pre-contact period;
- request for traditional/cultural knowledge or information regarding sites or places with historical associations and/or cultural significance which date from the post-contact period and that are remembered by people today (e.g., plant and animal resource use areas, known camp sites); and
- request for traditional/cultural knowledge or information in relation to any sites or places of contemporary cultural significance (apart from the above) which has acquired significance recently.

During this process, the RAPs did not disclose any specific traditional/cultural knowledge or information of sites or places associated with spiritual, mythological, ceremonies or beliefs from the pre contact period, historic and, or, contemporary periods, within the project area or surrounding area. However, it must be noted that traditional/cultural knowledge and/or information regarding sites and/or places of cultural significance may exist that were not divulged to MCH by those consulted.

2.4 SURVEY

All RAPs were invited to participate in the survey on 18th March 2024. Unfortunately, no RAPs attended and the survey proceeded.

2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT

Copies of the draft report were forwarded to all RAPs for their review and were asked to provide a written or verbal response no later than 20th April 2024 (additional time provided due to Easter). MCH received no responses from the RAPs. All documentation regarding the consultation process is provided in Appendix A.

3 LANDSCAPE AND ENVIRONMENTAL CONTEXT

3.1 INTRODUCTION

Documenting and understanding the context of archaeological sites in relation to surrounding terrain features is essential to landscape archaeological studies worldwide (De Reu et al., 2011; De Smedt et al., 2013; Turrero et al., 2013) and the nature and distribution of Aboriginal cultural materials in a landscape are strongly influenced by environmental factors such as topography, geology, landforms, climate, geomorphology, hydrology and the associated soils and vegetation (Hughes and Sullivan 1984). These factors influence the availability of plants, animals, water, raw materials, the location of suitable camping places, ceremonial grounds, burials, and suitable surfaces for the application of rock art. As site locations may differ between landforms due to differing environmental constraints that result in the physical manifestation of different spatial distributions and forms of archaeological evidence, these environmental factors are used in constructing predictive models of Aboriginal site locations, based on the assumption that the environment provided constraints and opportunities that influenced such behaviour in relation to site selection and use.

Environmental factors also effect the degree to which cultural materials have survived in the face of both natural and human influences and affect the likelihood of sites being detected during ground surface survey. Site detection is dependent on a number of environmental factors including surface visibility (which is determined by the nature and extent of ground cover including grass and leaf litter etc) and the survival of the original land surface and associated cultural materials (by flood alluvium, erosion etc). It is also dependant on the exposure of the original landscape and associated cultural materials by human impacts (e.g., Aboriginal fire stick farming, clearing, logging, agricultural activities, construction works, mining etc), (Hughes and Sullivan 1984). Combined, these processes and activities are used in determining the likelihood of both surface and subsurface cultural materials surviving and being detected.

It is therefore necessary to understand the environmental factors, processes and activities, all of which affect site location, preservation and detection during surface survey and the likelihood of in situ subsurface cultural materials being present. The environmental factors, processes and disturbances of the surrounding environment and specific project area are discussed below.

3.2 GEOLOGY

The underlying regional geology plays a major role in the structure of the surrounding environment (e.g., landforms, topography, geomorphology, vegetation, climate, hydrology etc), and also influences patterns of past occupation and their manifestation in the archaeological record. This is primarily relevant to past Aboriginal land use in regard to the location of stone resources or raw materials and their procurement for the manufacturing and modification of stone tools.

The processes of sedimentation, uplift, ongoing physical and chemical weathering, re-deposition and volcanic activity have resulted in the formation of a complex landscape in the regional area that incorporates diversity in topography, vegetation and wildlife. For its Aboriginal inhabitants, these processes have resulted in the presence of caves and ledges suitable for shelter/occupation and the application of rock art, deposits of raw materials essential to the manufacture of stone tools as well as locations that provide the rocky creek bed outcrops utilised in the production of ground-edge implements.

The underlying geology of the majority of the project area is mainly Palaeozoic Giro Beds that consist of pebbly mudstone, mudstone conglomerate, siltstone, shale, sandstone, Unnamed limestone and Cedar Party limestone. The areas along the creek consist of Quaternary sand, silt, mud and gravel (Hastings 1:250,000 Geological Map Series Sheet, 1970). The presence of mudstone within the geology of the project area indicates that stone materials suitable for manufacturing stone artefacts may occur in various locations throughout the project area.

3.3 TOPOGRAPHY

The topographical context is important to identify potential factors relating to past Aboriginal land use patterns and is largely determined by the geology and is important to identify potential factors relating to past Aboriginal land use patterns as not all landforms are suitable camping locations. The project area consists of simple slopes dissected by a drainage line roughly located through the centre of the project area.

3.4 SOILS

The nature of the surrounding soil landscape also has implications for Aboriginal land use and site preservation, mainly relating to supporting vegetation and the preservation of organic materials, the location and age of cultural materials.

Past human actions impact the soil record, as seen through changes in soil characteristics, changes to sedimentation, and the presence of archaeological features and artefacts preserved within modern soils. Soil and sediment conditions control what survives in the burial environment, what decomposes, and consequently influence all archaeological sites, artefacts, and biological remains. Soils have formed under the continuous influence of people, up to the present day, when most land is actively managed for agriculture, pastoral, forestry, extraction or construction.

Soils may also be impacted on by natural agencies. The deposit of alluvial and aeolian sediments and colluvium movement of fine sediments (including artefacts) results in the movement and burying of archaeological materials. The increased movement in soils by this erosion is likely to impact upon cultural materials through the post-depositional movement of materials, specifically small portable materials such as stone tools, contained within the soil profiles.

The project area consists of the Cedar Party residual soil landscape which is characterised by undulating rises on low ridges, dominated by crests and upper slopes, on Permian limestones in the north east Hunter Region. Soils consist of moderately deep (50 - <150cm) well-drained sub-plastic brown and red dermosols and shallow (25 - <50cm) acidic lithic tenosols to deep (100 - <150cm) melacic red dermosols. The Cedar Party landscape is limited by shallow soils, localised rock outcrops and localised sheet erosion.

3.5 CLIMATE

Climatic conditions would also have played a part in past occupation of an area as well as impacted upon the soils and vegetation and associated cultural materials. This is characterised by temperatures ranging from an average minimum of below 5°C to an average maximum of 28°C. Winter rainfall levels are somewhat variable and generally average 30 millimetres per month. Summer rainfalls are more stable at approximately 55-60 millimetres per month, giving a mean annual rainfall of 740 millimetres. During summer, the increased rainfall rate and reduced ground cover is reflected in a proportionately higher risk of erosion.

3.6 WATERWAYS

One of the major environmental factors influencing human behaviour is water as it is essential for survival and as such people will not travel far from reliable water sources. In those situations where people did travel far from reliable water, this indicates a different behaviour such as travelling to obtain rare or prized resources and/or trade. Proximity to water not only influences the number of sites likely to be found but also artefact densities. The highest number of sites and the highest density are usually found in close proximity to water and usually on an elevated landform. This assertion is undisputedly supported by both the regional and local archaeological, where by such patterns have been identified and sites are typically within 50 metres of a reliable water source in the valley landforms and up to 100 metres in the sandstone country.

The main types of water sources include permanent (rivers and soaks), semi-permanent (large streams, swamps and billabongs), ephemeral (small stream and creeks) and underground (artesian). Stream order assessment is one way of determining the reliability of streams as a water source. Stream order is determined by applying the Strahler method to 1:25 000 topographic maps. Based on the climatic analysis, the project area will typically experience comparatively reliable rainfalls under normal conditions and thus it is assumed that any streams above a third order classification will constitute a relatively permanent water source.

The Strahler method dictates that upper tributaries do not exhibit flow permanence and are defined as first order streams. When two first order streams meet, they form a second order stream. Where two-second order streams converge, a third order stream is formed and so on. When a stream of lower order joins a stream of higher order, the downstream section of the stream will retain the order of the higher order upstream section (Anon 2003; Wheeling Jesuit University 2002).

Lot 92 is bordered by Cedar Party Creek, a 6th order creek, on its northern and western sides. Additionally, one 1st order drainage lines extends from the centre of the project area north into Cedar Party Creek. This water feature is of importance when considering past Aboriginal land uses and survival, as water is essential for human survival. Therefore, it can be inferred that areas along Cedar Pary Creek within the project area were well-resourced in terms of water availability and likely served as a focal point for camping and other activities. The presence of a 6th order creek suggests a substantial and consistent flow of water throughout the project area. This would have provided a reliable source of water for drinking, cooking, and other daily activities.

3.7 FLORA AND FAUNA

The availability of flora and associated water sources affect fauna resources, all of which are primary factors influencing patterns of past Aboriginal land use and occupation. The assessment of flora has two factors that assist in an assessment including a guide to the range of plant resources used for food and medicine and to manufacture objects including nets, string bags, shields and canoes which would have been available to Indigenous people in the past. The second is what it may imply about current and past land uses and to affect survey conditions such as visibility, access and disturbances.

The original native vegetation in the project area was extensively cleared by European settlers, and is now dominated by introduced grasses with portions of the project area along Cedar Party Creek including open woodland and a wide-open woodland area in the north. The drainage throughout the project area would have supported a range of faunal populations including kangaroo, wallaby, goanna, reptiles and a variety of birds and aquatic species.

3.8 LANDUSES AND DISTURBANCES

Heritage NSW (DECCW 2010) defines disturbed lands as land that has been the subject of human activity that has changed the lands' surface and, or the subsurface, these changes being changes that remain clear and observable. Examples may include ploughing, construction works (roads, tracks, fire trails, dams, fences, clearing, utilities and infrastructure). This definition is based on the types of disturbances classified in The Australian Soil and Land Survey Field Handbook (CSIRO 2010) and Table 3.1 provides a scale formulated by the CSIRO of the levels of disturbances and their classification, which will assist in determining the level of disturbance across the project area and its impact on potential cultural material that may be present. These disturbances on the landscape have been thoroughly examined and recorded through numerous experiments (see below) in a variety of landforms throughout the world, along with the impacts on objects within the deposits.

Table 3.1 Land use scale (CSIRO 2010)

Minor disturbance		Moderate disturbance		Major disturbance	
Cleared and/or grazed at some time, but apparently never ploughed		Cleared and/or grazed at some time, with ploughing also attested		Severe disturbance to natural soil profiles; complete-to-near complete topsoil loss/disturbance	
0	No effective disturbance; natural	3	Extensive clearing (e.g., poisoning and ringbarking)	6	Cultivation: grain fed
1	No effective disturbance other than grazed by hoofed animals	4	Complete clearing: pasture native or improved, but never cultivated	7	Cultivation: irrigated, past and present
2	Limited clearing (e.g., selected logging)	5	Complete clearing: pasture native or improved, cultivated at some stage	8	Highly disturbed: e.g., quarry, road works, mining, landfill, urban

Based upon archaeological evidence, the occupation of Australia extends back some 40,000 years (Mulvaney and Kamminga 1999). Although the impact of past Aboriginal occupation on the natural landscape is thought to have been relatively minimal, it cannot simply be assumed that 20,000 years of land use have passed without affecting various environmental variables. The practice of 'firestick farming' whereby the cautious setting of fires served to drive game from cover, provide protection and alter vegetation communities significantly influenced seed germination, thus increasing diversity within the floral community.

Following European settlement of the area in the 1820s, the regional landscape has been subjected to a range of different modifactory activities including extensive logging and clearing, agricultural cultivation (ploughing), pastoral grazing, residential developments and mining (Turner 1985). The associated high degree of landscape disturbance has resulted in the alteration of large tracts of land and the cultural materials contained within these areas. Unfortunately, no historical aerial images are available to assist in identifying past land uses and the associate impacts to the landscape. However, based on the current project area, it is evident that it has been subject to large scale clearing, at least one ploughing event for grazing as well as tracks

throughout. These landuses and how they impact on the landscape and deposits are discussed below.

In terms of these land uses and impacts on the landscape and cultural materials that may be present, early vegetation clearing included the uprooting of trees by chaining which disturbed or destroyed that may be present near, or underneath trees and vegetation (Wood 1982). Alternatively, timber was harvested manually, using axes and hand saws and generally, only the trees that were wanted for timber were felled (selective logging). However, after the 1950s, there was an increase in mechanisation in the logging industry, and clear-felling became widely practised whereby the best logs were removed for processing, but nearly every other tree was bulldozed and burnt, and had increased impacts to the landscape.

Farming and agricultural activities also disturbed the landscape. Although pastoralism is a comparatively low impact activity, it does result in disturbances due to vegetation clearance and the trampling and compaction of grazed areas. These factors accelerate the natural processes of sheet and gully erosion, which in turn can cause the horizontal and lateral displacement of artefacts. Furthermore, grazing by hoofed animals can affect the archaeological record due to the displacement and breakage of artefacts resulting from trampling (Yorston et al 1990). Pastoral land uses are also closely linked to alterations in the landscape due to the construction of dams, fence lines and associated structures.

As a sub-set of agricultural land use, ploughing for improved grazing typically disturbs the top 10-12 centimetres of topsoil (Koettig 1986a) depending on the method and machinery used during the process. Ploughing increases the occurrence of erosion and can also result in the direct horizontal and vertical movement of artefacts, thus causing artificial changes in artefact densities and distributions. In fact, studies undertaken on artefact movement due to ploughing (e.g., Roper 1976; Odell and Cowan 1987) has shown that artefacts move between one centimetre up to 18 metres laterally depending on the equipment used and horizontal movement. Ploughing may also interfere with other features and disrupt soil stratigraphy (Lewarch and O'Brien 1981), all of which result in a disturbed deposit, which, depending on the depth of soils, may result in no site integrity remaining. Ploughing activities are typically evidenced through 'ridges and furrows' however a lengthy cessation in ploughing activities dictates that these features may no longer be apparent on the surface.

In terms of everyday land uses, vehicular movements on sites have been well documented and based on several experiments (DeBloois, Green and Wylie 1974, Gallagher 1978), have shown that vehicle movements over an archaeological site are extremely destructive to the site through compaction and movement, thus altering the spatial relationship and location of the artefacts. Based on general observations it is expected that the creation of dirt tracks for vehicle access would also result in the loss of vegetation and therefore will enhance erosion and the associated relocation of cultural materials. As fence construction require the removal of soils for the post holes, this would also have resulted in the disturbance and possible destruction of any cultural materials. All of which result in loss of vegetation and erosion to some extent.

3.9 NATURAL DISTURBANCES

The disturbance of cultural materials can also be a result of natural processes. The patterns of deposition and erosion within a locality can influence the formation and/or destruction of archaeological sites. Within an environment where the rate of sediment accumulation is generally very high, artefacts deposited in such an environment will be buried shortly after being abandoned. Frequent and lengthy depositional events will also increase the likelihood of the presence of well-stratified cultural deposits (Waters 2000:538,540).

In a stable landscape with few episodes of deposition and minimal to moderate erosion, soils will form and cultural materials will remain on the surface until they are buried. Repeated and extended periods of stability will result in the compression of the archaeological record with multiple occupational episodes being located on one surface prior to burial (Waters 2000:538-539). Within duplex soils, artefacts typically stay within the A horizon on the interface between the A and B horizons.

If erosion occurs after cultural material is deposited, it will disturb or destroy sections, or all of, archaeological sites even if they were initially in a good state of preservation. The more frequent and severe the episodes of erosional events the more likely it is that the archaeological record in that area will be disturbed or destroyed (Waters 2000:539; Waters and Kuehn 1996:484). Regional erosional events may entirely remove older sediments, soils and cultural deposits so that archaeological material or deposits of a certain time interval no longer exist within a region (Waters and Kuehn 1996:484-485).

The role of bioturbation is another significant factor in the formation of the archaeological record. Post-depositional processes can disturb and destroy artefacts and sites as well as preserve cultural materials. Redistribution and mixing of cultural deposits occur as a result of burrowing and mounding by earthworms, ants and other species of burrowing animals. Artefacts can move downwards through root holes as well as through sorting and settling due to gravity. Translocation can also occur as a result of tree falls (Balek 2002:41-42; Peacock and Fant 2002:92). Depth of artefact burial and movement as a result of bioturbation corresponds to the limit of major biologic activity (Balek 2002:43).

Burrowing and mounding by various animals and insects can result in the burial and translocation of artefacts. Size-sorting also tends to occur thus destroying stratigraphic integrity. Artefacts with a diameter smaller than that of burrows within an area may be moved upwards and be deposited in mounds by the fauna. Conversely, larger artefacts gradually move downward due to gravity and to animals burrowing beneath the larger artefacts and eventually collapsing into the burrow. They may then form concentrations which mimic cultural layers and are therefore open to misinterpretation (Balek 2002:46). Artefact burial rate through the effects of burrowing and mounding animals varies but can be as great as 2.7 metres in 5000 years (Balek 2002:45).

Experiments to assess the degree that bioturbation can affect material have been undertaken. In abandoned cultivated fields in South Carolina, Michie (summarised in Balek 2002:42-43) found that over a 100-year period 35% of shell fragments that had been previously used to fertilise the fields were found between 15 and 60 centimetres below the surface, inferred to be as a result of bioturbation and gravity.

Earthworms have been known to completely destroy stratification within 450 years (Balek 2002:48). Earthworm activity can significantly affect cultural materials though the degree and nature of disturbance will relate to the species of earthworm/s represented (Armour-Chelu and Andrews 1994; Canti 2003; Fowler et al. 2004; Stein 1983). Different species of earthworm's act in varying ways; some species live in deep soils and move vertically to and from the surface, whilst others live within the top ten centimetres of soil and tend to move horizontally through the soil matrix (Fowler et al. 2004:453). Earthworms, under favourable conditions, can excavate to depths of six metres (Stein 1983:278). Whilst, the size and behaviour of earthworms varies between species, they are similar in some ways; earthworms burrow through the soil by pushing soil aside or consuming it as well as organic materials, which they then regurgitate or excrete either behind them or on the surface. As earthworms move through the soil, they churn the soil within an area over time which results in blurring of soil horizons (Fowler et al. 2004:457, 461; Stein 2003:139).

The ways in which earthworms can affect cultural deposits includes: creating false artefact concentrations and stratigraphy (for example biomantles) by moving artefacts downwards through the soil; indirectly displacing larger artefacts as they burrow through the soil; burying artefacts through the deposition of fecal material on the surface; and blurring natural and cultural boundaries. They can also destroy remains of seeds and organic materials as they eat them (Fowler et al. 2004:462; Stein 1983:280-281). In Australia, most earthworm species cannot tolerate pH values lower than 4.5 and prefer neutral conditions with a pH of around 7 (Stein 1983:280).

Artefacts may also be moved as a result of an oscillating water table causing alternate drying and wetting of sediments, and by percolating rainwater (Villa 1982:279).

3.10 DISCUSSION

The regional environment provided resources, including raw materials, fauna, flora and water, that would have allowed for occupation of the area. Within the project area, the presence of Cedar Party Creek indicates the northern and western portions of the project area along the creek are likely to have been suitable for camping. The landscape would have provided some subsistence resources in close proximity to the creek, which was likely suited to small to medium scale camping by small numbers of people over short to medium periods of time as well as hunting and gathering throughout the remainder of the project area.

In relation to modern alterations to the landscape, the previous large-scale clearing and initial ploughing to establish pasture grazing lands can be expected to have had moderate impacts upon the archaeological record. Such land uses may would have displaced cultural materials, however in less disturbed areas, it is likely that archaeological deposits may remain relatively intact.

4 CULTURAL CONTEXT

Unfortunately, due to European settlement and associated destruction of past Aboriginal communities, their culture, social structure, activities and beliefs, little information with regards to the early traditional way of life of past Aboriginal societies remains.

Anthropologists and ethnographers have attempted to piece together a picture of past Aboriginal societies throughout Australia. Although providing a glimpse into the past, one must be aware that information obtained on cultural and social practices were commonly biased and generally obtained from informants including white settlers, bureaucrats, officials and explorers. Problems encountered with such sources are well documented (e.g., Barwick 1984; L'Oste-Brown et al 1998). There is little information about who collected information or their skills. There were language barriers and interpretation issues, and the degree of interest and attitudes towards Aboriginal people varied in light of the violent settlement history. Access to view certain ceremonies was limited and cultural practices (such as initiation ceremonies and burial practices) were commonly only viewed once by an informant who would then interpret what he saw based on his own understanding and then generalise about those practices.

4.1 ETHNO-HISTORIC ACCOUNTS

The project area is located within the bounds of the Biripi language group (also spelt Birpai). It ranged from just to the north of Forster-Tuncurry at its southern-most extent, to past Port Macquarie at its northern extent. From the coastline it reached west to the Glenrock area. This traditional language area was bordered to the north by the Dainggatti and Nganyaywana language groups, to the west by the Kamilaroi and Geawegal, and to the south by the Worimi language group. Close to the border of the Biripi traditional language group area, Forster-Tuncurry was defined as being at the northern extent of the Worimi area, which stretched to Port Stephens in the south and Gloucester in the west (Horton, 1996). Having the coast along its eastern border was a boon for both the Worimi and Biripi groups, as it provided rich marine resources for those who lived there. Canoes were used for fishing, with woven nets and lines with shell and bone fish hooks as part of the traditional tool kit (Byrne & Nugent, 2004: 18). Quartz flakes were also used to fashion points for fishing spears (Byrne & Nugent, 2004:35). Fish traps were constructed in the river areas to provide a regular source of food. The bags and nets that were regularly used were made from such resources as spun bark fibre and the hair of small marsupials, spun by a small wooden spindle with a hook at one end (Klaver & Heffernan, 1991).

The Biripi traditional country covered a number of different landforms, each with its own resources. As well as undulating bush areas and open woodland plain, there were also bands of rainforest along the Manning River, which was a major water source and an important cultural element within the Biripi landscape. Major creeks flowing from the Manning River were utilised as pathways and resource gathering areas. Vegetation along the Manning River included cedars, fig trees, tamarind trees, ferns, vines and shrubs. Swamps areas close to the Manning River and along the eastern coastline were also resource rich areas that were regularly utilised. Ethnographic recordings refer to the islands located in the estuary being frequented, with known camps present on Oxley Island (Byrne & Nugent, 2004: 16).

Registered sites across the Biripi area attest to the use of the wider landscape, both inland and coastal, in the Aboriginal past. Site types predominantly include artefact scatters across the wider area and shell middens along the coast. The middens attest to the use of coastal resources such as oysters for food, with the refuse deposited following meals accumulating over long periods of time into the remnant deposits. Artefact scatters attest to both the production and use of stone tools, with uses including hunting and preparing animals for food as well as preparing their skins for clothing. Stone tools were hafted to wood and were also often used to shape other wooden implements, such as clubs, spears, spear throwers and boomerangs. Other tools included tomahawks, nulla nullas and shields (Klaver & Heffernan, 1991; Byrne & Nugent, 2004: 35).

One site previously identified as a traditional camping area at Saltwater, to the south of Old Bar, was noted as a place of continuity for the local Aboriginal community, as it was used over thousands of years, with recordings of contemporary community use as well within the same ancient space (Byrne & Nugent, 2004: 6). Access to traditional Dreaming locations became restricted, as did access to resources, due to encroaching settlement. Other elements within the landscape were imbued with cultural significance on into contemporary times, as local resident Ella Simon described of her experiences growing up in the area in the early 1900s. She noted that she was told that a rock in Wallis Lake was the embodiment of a clever woman, known as 'Granny Rock', and that heavy rain would result from touching a forbidden mangrove tree on the beach, an isolated growth near Blackhead (Simon, 1987).

Some information was recorded about the ceremonial life of the Biripi people by early settlers, describing totemic beliefs and practices. This included a description of a cabra ground used for male initiation, an area that consisted of two rings surrounding carved trees. The bark of the trees was described as especially carved for such ceremonies with the ritual musical instrument known as a bull roarer used during the initiation. Corroborees were also known to occur, with fires and dancing described, prior to 1900 (Byrne & Nugent, 2004: 33-34). Male initiation rites in pre-contact times included body scarification and the knocking out of a boy's front tooth (Byrne & Nugent, 2004: 46). Women were described as wearing cloaks made from animal skins, while men wore waist bands. Other cultural decoration included tattoos, nose piercings with bone adornments, body painting, hair styling and headdresses (Klaver & Heffernan, 1991).

The Dreaming was understood in traditional Biripi culture as the time when Ancestral Beings shaped the landscape. Totems were used by the Biripi as classifications that tied people to the plants and animals of the natural world. Some totems that were used included the crab, shark, eagle, stingray, kangaroo, bass and porpoise. Those people belonging to a particular totem were forbidden to hunt or eat that animal and performed ceremonies related to its protection. Totemic groups also defined lineage and family history, as well as how different totemic groups interacted with each other (Robinson, 2011).

Burial practices varied over time and from location to location, with burial grounds having been described along waterways such as Koala Creek, between the Cross and Bully Mountains, in dunes, and later in historic cemeteries. Oral history described a burial ground in Wingham where Aboriginal warriors and elders were buried in a sitting position (Klaver & Heffernan, 1991). Grave robbing is known to have occurred in the area, perpetrated by early settlers and explorers claiming ethnographic research as their motivation (Byrne & Nugent, 2004).

The first white explorers moved through Biripi country in 1818, with settlement following soon after. Radical changes to Aboriginal life started around 1826 in the Manning Valley, accelerating from the 1830s to the 1860s. Steel fish hooks were an early commodity of trade, adopted readily by Aboriginal people across the area (Byrne & Nugent, 2004: 17). Tobacco, tea, rum and steel hatchets were other items traded between the settlers and the Biripi people (Byrne & Nugent, 2004: 24). As contact increased conflict also resulted, with at least two massacres in the area, the

first in 1835 at Belbora, where damper laced with dingo poison was given to Aboriginal people, the second in the same year, when a group of Aboriginal people were driven off a cliff at Mount McKenzie, near the headwaters of the Gloucester River, now part of the Barrington Tops National Park (Byrne & Nugent, 2004: 22). By the 1880s access to traditional resource areas had been restricted by the settlers and Aboriginal people became increasingly dependent on work from the invading economy, working as labourers for farmers and cedar getters. At the same time segregation became institutionalised and reserves were set up where Aboriginal people were forced to reside, such as the one at Purfleet established in 1900.

The Biripi area holds numerous post-contact sites, including missions, fringe camp areas at the edges of Taree and Wingham and the reserve at Purfleet. These locations are an important reflection of the changed lifestyles in the historical period as Aboriginal people were excluded both from the majority of their former country and from the settler community. Aboriginal community focus was instead contained within new areas that were defined by the invaders rather than being attached to cultural significance (Byrne & Nugent, 2004: 6). Oral history records demonstrate that these camps and settlements were still surrounded by circles used as traditional country, defined in one study as “backyard zones” and regarded as extensions of the camps and settlements (Byrne & Nugent, 2004: 123). Despite the impact that settlers had on traditional culture, it has continued to survive through the Aboriginal people that still live in the area today.

5 ARCHAEOLOGICAL CONTEXT

A review of the archaeological literature of the region, and more specifically the local area and the results of an AHIMS search provide essential contextual information for the current assessment. Thus, it is possible to obtain a broader picture of the wider cultural landscape highlighting the range of site types throughout the region, frequency and distribution patterns and the presence of any sites within the project area. It is then possible to use the archaeological context in combination with the review of environmental conditions to establish an archaeological predictive model for the project area.

5.1 REGIONAL ARCHAEOLOGICAL CONTEXT

The definition of site curtilages in NSW are guided by the requirements for site registration in the AHIMS database, leading to geographically discrete sites as individual entities, existing in isolation. Such an approach is understandable, as it grows from the need to define sites as per legislatively guided parameters. This is further reinforced by the geographically focussed work of consultant archaeologists, limiting their analysis to a specific geographically constrained area based on individual project specifications. While this is the common practice for recording individual sites, it is important to contextualise them within a broader archaeological and cultural landscape that links them together. In this way assemblages may be understood as a continuous scatter of cultural material across the landscape and the nature of activities and occupation can be identified through the analysis of artefact distributions across a landscape.

No regional based archaeological assessments were available and as such a general broad based regional archaeological context and summary is provided as follows:

- a wide variety of site types are represented in the project area with open campsites and isolated artefacts by far the most common;
- lithic artefacts are primarily manufactured from mudstone and silcrete with a variety of other raw materials also utilised but in smaller proportions;
- sites in proximity to ephemeral water sources or located in the vicinity of headwaters of upper tributaries (1st order streams) have a sparse distribution and density and contain little more than a background scatter;
- sites located in the vicinity of the upper reaches of minor tributaries (2nd order streams) also have a relatively sparse distribution and density and may represent evidence of localised one-off behaviour;
- sites located in the vicinity of the lower reaches of tributaries (3rd order creeks) have an increased distribution and density and contain evidence that may represent repeated occupation or concentration of activity;
- sites located in the vicinity of major tributaries (4th and 5th order streams/rivers) have the highest distribution and densities. These sites tend to be extensive and complex in landscapes with permanent and reliable water and contain evidence representative of concentrated activity; and

- sites located within close vicinity at the confluence of any order stream may be a focus of activity and may contain a relatively higher artefact distribution and density.

Within the region, a broad range of site types are represented including artefact scatters, isolated artefacts, scar trees, grinding grooves and water holes. Within the areas covered by the regional studies, the range of available landforms has been sampled. In regional terms, site distribution is extremely closely linked to topography, with elevated landforms with access to reliable water exhibiting the highest concentrations of sites.

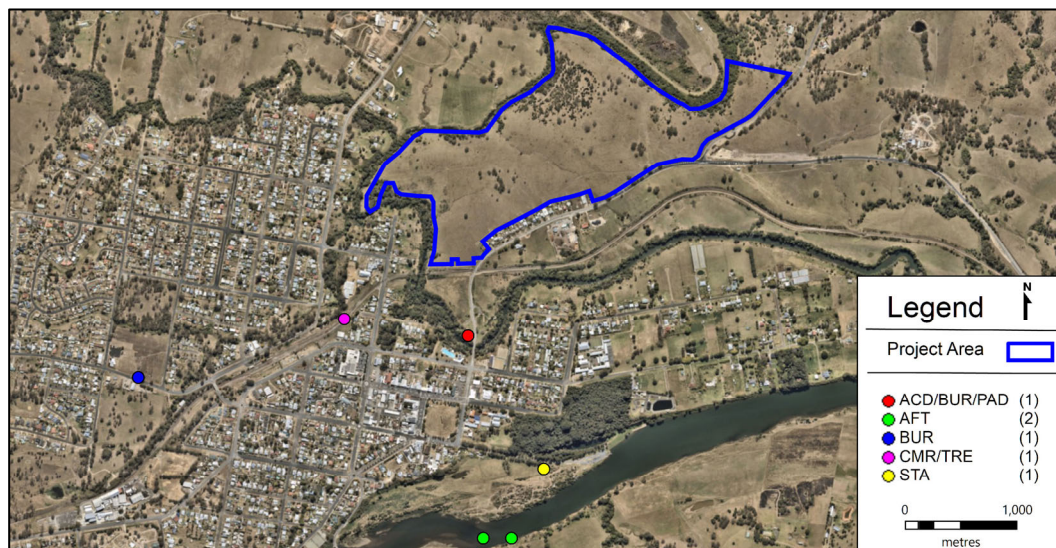
5.2 HERITAGE REGISTER LISTINGS

The State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Heritage Register and the relevant Local Environmental Plan have no Aboriginal objects, sites or places listed.

5.3 ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM

MCH note that there are many limitations with an AHIMS search. Firstly, site coordinates are not always correct due to errors and changing of computer systems over the years that failed to correctly translate old coordinate systems to new systems. Secondly, AHIMS will only provide up to 110 sites per search, thus limiting the search area surrounding the project area and enabling a more comprehensive analysis and finally, few sites have been updated on the AHIMS register to notify if they have been subject to a s87 or s90 and as such what sites remain in the local area and what sites have been destroyed, to assist in determining the cumulative impacts, is unknown. Additionally, terminology for site names including (amongst many) an 'artefact' site encompasses stone, bone, shell, glass, ceramic and/or metal and combines both open camps and isolated finds into the one site name. Unfortunately, this greatly hinders in the predictive modelling as different sites types grouped under one name provided inaccurate data.

A search of the AHIMS register has shown that 6 known Aboriginal sites are currently recorded within two kilometres of the project area and include two artefact sites (AFT), one burial (BUR), one stone arrangement (STA), one ceremonial ring (CMR/TRE) and one Aboriginal ceremony and dreaming/burial/ PAD (ACD/BUR/PAD). The AHIMS results are provided in Appendix B and the location of sites is shown in Figure 5.1. Examination of the site cards for the site in close



proximity to the project area, indicates that this site is not in the project area. There are no sites or Aboriginal Places in the project area.

5.4 LOCAL ARCHAEOLOGICAL CONTEXT

Limitations in the use of examining previous local assessment include the number of studies in the local area. Fewer studies suggest that sites have not been recorded, ground surface visibility also hinders site identification and the geomorphology of the majority of NSW soils and high levels of erosion have proven to disturb sites and site contents, and the extent of those disturbances is unknown (i.e., we do not know if a site identified at the base of an eroded slope derived from the upper crest, was washed along the bottom etc: thus, altering our predictive modelling in an unknown way).

All archaeological surveys throughout the local area have been undertaken in relation to environmental assessments for developments. The most relevant investigations indicate differing results and observations based on surface visibility and exposure, alterations to the landscape (including mining, industrial and residential development), proximity to water sources and geomorphology. The reports available from AHIMS are discussed below.

Klaver and Heffernan (1991) undertook an archaeological heritage study of the Greater Taree area. This study was to document and provide an analysis of the distribution and character of known archaeological sites within the bounds of Taree. This was undertaken in order to assist the Greater Taree City Council in the ongoing conservation of its heritage resources. The topography of the study area consisted of hilly to steep and undulating lands with blocks of rugged terrain around the Killabakh and Goonook mountains in the north, and the Ganghatt, Kiwarriic and Talawahl mountains in the south. Flat land occurred on the floors of valleys cut by rivers such as the Manning, Wallamba and Wang Wauk, as well as creeks such as the Dingo, Caparra, Cedar Party, Burrell, Khoribakh and Firefly. The flat lands in proximity to the Manning River in the east were enclosed by lands of steeper gradients in the north and south. The eastern coastal strip and lower Manning River, Lansdowne River and Dawson River all flowed through a large section of flat gradients that included large estuarine islands between the Manning River's northern and southern inlets. Vegetation in the area included ferns, mosses, various epiphytes and tree genera such as *Ceratopetalum*, *Orites*, *Schizomeria* and *Trochocarpa*. It also included eucalyptus species, *Melaleuca viridifolia*, *Casuarina glauca*, *Banksia* spp., *Casuarina cunninghamiana* and the genera *Aegiceras*, with *Avicennia* also noted as present in the area.

A search of the AHIMS register identified 42 previously recorded sites within the study area. Site types included artefact scatters, middens, rockshelters, engravings and bora grounds. A review of past reports and studies also identified historic sites of Aboriginal cultural significance, including Saltwater Reserve and the Purfleet Mission Church. Most sites were identified as distributed along the coast line or adjacent to the Manning River. No predictive model was included in this report. The survey identified 59 sites and are summarised in Table 5.1.

Klaver and Heffernan recommended that the information in the study be used to increase public awareness of the Aboriginal heritage; that the Aboriginal Heritage Conservation Policy be adopted by the City of Greater Taree Council; that re-recording and survey requirements be considered by NPWS and that the City of Greater Taree Council consider planning to reduce the risk of damage to the sites by restricting site visitation. Additionally, that three places specified in the Schedule of Sites for Nomination to the Register of the National Estate be considered for such nomination by the Purfleet-Taree Local Aboriginal Land Council; and that the procedures with respect to the Saltwater area and specified parts of it be adopted by the City of Greater Taree Council.

Table 5.1 Summary of sites (Klaver and Heffernan 1991)

Site type	No of sites	Landform	Distance to water	Disturbed (Y/N)	Subsurface potential
midden	38	not provided	not provided	not provided	yes
artefact scatter	13	not provided	not provided	not provided	yes
scarred tree	4	not provided	not provided	not provided	no
ceremonial	2	not provided	not provided	not provided	not provided
burial	1	not provided	not provided	not provided	not provided
stone arrangement	1	not provided	not provided	not provided	not provided

Collins (2000) completed an archaeological survey of proposed effluent main alignments and wet weather storage sites. Midcoast Water proposed to extend pipelines and construct wet weather storage sites to allow effluent generated by the mid-north coast towns of Taree and Wingham to be used on agricultural land. Although the actual impact area was proposed to total approximately eight hectares, a larger study area was assessed as the pipeline routes were yet to be determined. General preferred corridors and alternative corridors were surveyed to identify heritage constraints across a total study area of 22 hectares in size. The topography of the study area traversed the gently undulating, low-lying terrain of the Manning River floodplain. The underlying geology was made up of stratified Holocene alluvial deposits which were generally acidic and either seasonally or permanently wet. Extensive pebble beds edged the Manning River at Wingham, extending across the eroded lower alluvial terrace and containing raw materials used in the production of Aboriginal tools, including silicified greywacke, chert, jasper and quartzite. Prior to vegetation clearance, the alluvial floodplain soils associated with the water course of the Manning River supported a dense gallery rainforest community. Plant resources likely to have been present could have been used for manufacturing boomerangs, shields and canoes, while faunal resources would have provided food and skins for clothing and other uses.

A search of the AHIMS register verified that there were no Aboriginal sites previously recorded either within or in the immediate vicinity of the study area. Site types in the surrounding area included artefact scatters, modified trees, ceremonial sites, a stone arrangement and post-contact sites. It was predicted that burials and middens could occur along the Manning River, with artefact scatters and isolated artefacts likely to occur across all landforms within the study area.

One artefact scatter site was identified during the survey (Table 5.2), but it was outside the area proposed to be affected by the proposed works. No PADs were identified although the river bank and lower terrace parts of the study area were noted as having the potential to contain subsurface deposits.

Table 5.2 Summary of sites (Collins 2000)

Site	Site type	Landform	Distance to water	Stream order	Artefacts /features	Disturbance	Subsurface potential
KG1	artefact scatter	terrace	24 m	Manning River	3	flood scoured	no

Collins concluded that the probability of the proposed narrow pipeline trenches intercepting with subsurface deposits was low and that no further archaeological investigation was warranted. It was recommended that lower terrace and river bank areas be avoided and that monitoring occur during trenching works. It was further recommended that all relevant contractors and employees to be advised of their legal obligations with regard to Aboriginal cultural materials and that stop work procedures to be instigated should unexpected finds be identified during works.

Australian Heritage Services (2011) completed a due diligence assessment of sections of existing rail track that were proposed for strategic upgrades. The proposed works consisted of the upgrading of an access road and setup compound, clearance of vegetation, creation of a stock pile area, construction of cuttings and embankments, installation of structural, capping and bottom ballast, layout of sleepers, cutting the existing line and slewing across to pre-laid sleepers, tamping and destressing the curve and reinstating the site and properties to original condition. The study area comprised of Curve Easing Sites 21 and 23 close to the town of Maitland in NSW. The topography of the study area included river flats and hill country. The vegetation had been predominantly cleared from the area during past activity. It was noted that wetlands were in the surrounding region, which would have provided resources and supported faunal life within this area in the Aboriginal past. The nearest named water courses were Herons Creek, Watson Taylors Lake and Stewarts River. A search of the AHIMS register did not identify any sites within the bounds of the study area and only three previously recorded sites were identified within a 10-kilometre radius. Due to high levels of past disturbance, it was predicted as unlikely that intact Aboriginal sites would be found within the study area. The survey did not identify any sites or PADs and it was recommended that the proposed works proceed without heritage constraint. It was recommended that stop work procedures be implemented should unexpected finds be identified during works and that an Aboriginal Cultural Education Program should be developed for all workers associated with the project.

MCH undertook an Aboriginal cultural heritage assessment for a proposed rezoning of land located at Kolodong. The project area, located on the Lower Permian to Upper Carboniferous Giro Beds, was characterized by undulating land with gentle slopes, drainage lines, and creeks in the northwestern and southeastern portions. The southern area mainly consisted of river flats. The soil composition in the project area includes an A horizon of fine clay loam overlaying a B horizon of fine clay loam sand. There were two 1st order drainage lines in the north that flow south through the northwestern part of the project area and joined a 2nd order creek, which continued to flow southwest and eventually merged with a 3rd order creek (Tyrill Creek) just outside the western border of the project area. Additionally, there are two 1st order drainage lines in the southeastern portion that flow east and join a 2nd order creek outside the eastern border of the project area. The closest reliable water source was the Manning River, located approximately 1.2 kilometres to the west.

Since European settlement in the 1820s, the project area has undergone various modifications including extensive logging, clearing, agricultural cultivation, pastoral grazing, residential developments, and mining (Turner, 1985). These activities have significantly altered the landscape and cultural materials within the area. The specific project area has experienced large-

scale clearing, early ploughing, and the construction of residential, church, and school buildings. Currently, the area is managed as grassland for low-intensity grazing, and it includes rural dwellings, dams, and rural infrastructure and utilities.

A search of the AHIMS register identified 8 known Aboriginal sites are recorded within five kilometres of the project area and included two scar trees, two artefact sites, one stone arrangement, one burial, one Aboriginal ceremonial and dreaming with scar tree and one ceremonial ring with scar tree. The survey focused on areas of high ground surface visibility and exposures and the creek line (erosional features, creek banks, tracks, cleared areas). The survey clarified that the project area had been subject to previous large-scale clearing, grazing and agricultural practices as evident by deteriorated ridges and furrows. Currently used for grazing, there were residential houses, church and school along the eastern boundary and one located at the centre of the project area. Three dams were located on the eastern slopes and four along the 2nd order creek in the western portion of the project area. Additional disturbances included tracks and fencing. Vegetation was predominantly pasturing grass with few trees in some areas which contributed to reduced ground surface visibility (15.77%). No sites or PADs were identified and was likely due to the following;

- the drainage throughout the project area are mainly 1st order with one 2nd order, all of which typically are associated with very low-density artefact scatters or isolated finds;
- the southern section of the 2nd order drainage line (and confluence area with another 2nd order) consists of moderate slopes which are considered unsuitable for camping;
- taking the environmental and archaeological contexts into account, it is likely the project area would have been used for hunting and gathering and travel to more reliable water sources and associated resources. Evidence of such past Aboriginal land uses manifest in the archaeological record as a background scatter of artefacts across the landscape; and
- previous land uses would have disturbed any cultural materials that may have been present.

MCH recommended that should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

5.5 LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES

The following is a summary of the previous investigations detailed in Section 5.3 and 5.4. It must be remembered, however, that there are various factors which will have skewed the results discussed in Section 5.3. Therefore, the summary provides an indication of what may be expected in terms of site location and distribution.

- the majority of high-density sites are located on elevated landforms within 50 metres of a reliable fresh water source with a drop of site number and densities with a decrease in stream order;
- the likelihood of finding sites of any size increases with proximity to fresh water sources and the likelihood of finding large artefact scatters also increases markedly with proximity to reliable high order water sources;
- the main site types are artefact scatters and isolated finds;

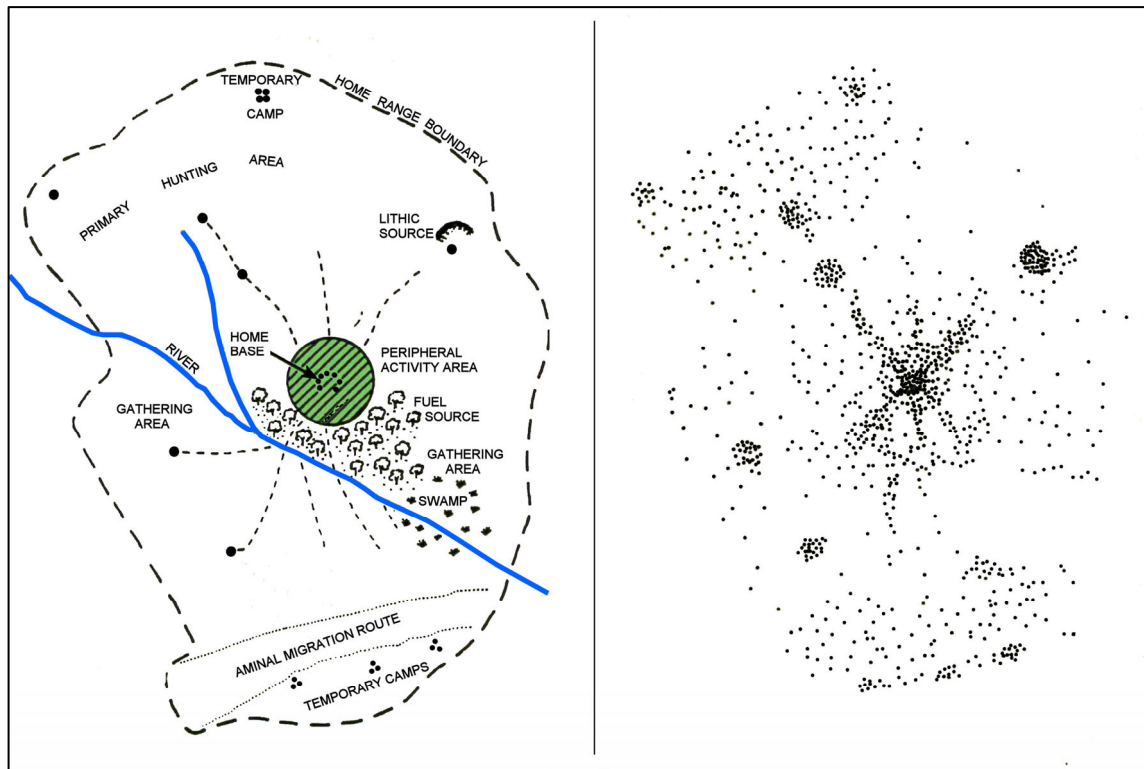
- mudstone, silcrete, chert and tuff are by far the most common raw material types represented at sites in the region. Quartz is the next most frequently in artefact assemblages followed by volcanic materials, porphyry and petrified wood. Siltstone, rhyolite and porcellanite are relatively rare;
- flakes, broken flakes and flaked pieces are the most common artefact types recorded
- the vast majority of artefactual material in the region was observed on exposures with good to excellent ground surface visibility. The likelihood of finding artefacts surrounding these exposures is reduced due to poor visibility. The site area is often given as the area of exposure. Hence, it is inappropriate to attempt to draw any conclusions regarding site extent based on current information; and
- the majority of sites have been impacted by past land uses, some with significant impacts to the archaeological record (i.e. excavation works), others minimal impact (tracks).

These findings are consistent with models developed for the local area.

5.6 MODELS OF PAST ABORIGINAL LAND USE

The aim of this assessment is to attempt to define both the nature and extent of occupation across the area. As a result, the nature of the analysis will focus on both landform units and sites. The purpose of this strategy is to highlight any variations between sites and associated assemblages, landforms and resources across the area treating assemblages as a continuous scatter of cultural material across the landscape. In doing this, it is possible to identify land use variations across the landscape, landforms and assemblages that correspond with variation in the general patterns of landscape use and occupation. Thus, the nature of activities and occupation can be identified through the analysis of stone artefact distributions across a landscape. A general model of forager settlement patterning in the archaeological record has been established by Foley (1981). This model distinguishes the residential “home base” site with peripheral “activity locations”. Basically, the home base is the focus of attention and many activities and the activity locations are situated away from the home base and are the focus of specific activities (such as tool manufacturing). This pattern is illustrated in Figure 5.2. Home base sites generally occur in areas with good access to a wide range of resources (reliable water, raw materials etc), and the degree of environmental reliability, such as reliable water and subsistence resources, may influence the rate of return to sites and hence the complexity of evidence. Home base sites generally show a greater diversity of artefacts and raw material types (which represent a greater array of activities performed at the site and immediate area). Activity locations occur within the foraging radius of a home base camp (approximately 10 km); (Renfrew and Bahn 1991). Based on the premise that these sites served as a focus of a specific activity, they will show a low diversity in artefacts and are not likely to contain features reflecting a base camp (such as hearths). However, it is also possible that the location of certain activities cannot be predicted or identified, adding to the increased dispersal of cultural material across the landscape. If people were opting to carry stone tools during hunting and gathering journeys throughout the area rather than manufacturing tools at task locations, an increased number of used tools should be recovered from low density and dispersed assemblages across the landscape.

Figure 5.2 Foley's model (L) and its manifestation in the archaeological record (R), (Foley 1981).



5.6.1 MODEL OF OCCUPATION FOR THE REGION

Work throughout NSW has aimed to understand the nature of Aboriginal occupation and determine the nature of land use. This theme often aims to identify and explain archaeological patterning in site type, content and distribution. General theories have been developed outlining the relationship between land use patterns and the resulting archaeological evidence. A number of models developed for the region have been reviewed (McBryde 1976; Koettig 1994; Dean-Jones and Mitchell 1993; Rich 1995; Kuskie and Kamminga 2000; McDonald and White 2010). All models state that the primary requirements for repeated, concentrated or permanent occupation is access to reliable fresh water. Brief and possible repeated occupation may be represented in areas that have unreliable access to ephemeral water sources, however, these areas will not contain high archaeological evidence or potential (Goodwin 1999).

Kuskie and Kamminga (2000) established a general model of occupation strategies based primarily upon ethnographic research. Used as a starting point, it makes a general set of predictions for the region that is consistent with other studies (e.g., Nelson 1991). The model distinguishes between short-term or extended long-term occupation and makes some predictions about the likely location of different foraging and settlement activities. Combining this information with a general review of assemblage contents from a sample of excavated sites within the region, a baseline of settlement activities may be determined (Barton 2001).

The model provides a number of archaeological expectations that may be tested. For example, the presence of features requiring a considerable labour investment such as stone-lined ovens or heat-treatment pits are likely to occur at places where occupation occurred for extended periods of time. The presence of grindstones is also a reliable indicator of low mobility and extended occupation. Seed grinding requires a large investment of time and effort (Cane 1989). In most ethnographic examples, seed grinding is an activity that takes place over an entire day to provide adequate energetic returns (Cane 1989; Edwards and O'Connell 1995).

Where group mobility was high and campsites frequently shifted throughout the landscape, artefact assemblages are not expected to contain elements such as grindstones, heat-treatment pits, ovens and the diversity of implements frequently discarded at places of extended residential occupation. It may also have been the case that the location of particular activities could not be predicted by tool users, adding to the increased low-density scattering of artefacts over the landscape. Also, if individuals were opting to carry a number of stone tools during hunting and gathering activities and maintaining these tools rather than manufacturing new tools at each task location, the ratio of used tools to unworn flakes in these assemblages should be high. Table 5.3 has been adapted from Kuskie and Kamminga (2000). The identification of specific activity areas through analysis of the composition of the patterning of lithic assemblages was utilised. However, this is applied to excavated materials as they provide more realistic data due to the lesser degree of disturbances, removal and breakages.

Table 5.3 Site descriptions (Kuskie & Kamminga 2000).

Occupation pattern	Activity location	Proximity to water	Proximity to food	Archaeological expectations
Transitory movement	all landscape zones	not important	not important	- assemblages of low density & diversity - evidence of tool maintenance & repair - evidence for stone knapping
Hunting &/or gathering without camping	all landscape zones	not important	near food resources	- assemblages of low density & diversity - evidence of tool maintenance & repair - evidence for stone knapping - high frequency of used tools
Camping by small groups	associated with permanent & temporary water	near (within 100m)	near food resources	- assemblages of moderate density & diversity - evidence of tool maintenance & repair - evidence for stone knapping & hearths
Nuclear family base camp	level or gently undulating ground	near reliable source (within 50m)	near food resources	- assemblages of high density & diversity - evidence of tool maintenance & repair & casual knapping - evidence for stone knapping - heat treatment pits, stone lined ovens - grindstones
Community base camp	level or gently undulating ground	near reliable source (within 50m)	near food resources	- assemblages of high density & diversity - evidence of tool maintenance & repair & casual knapping - evidence for stone knapping - heat treatment pits, stone lined ovens - grindstones & ochre - large area >100sqm with isolated camp sites

5.7 PREDICTIVE MODEL FOR THE PROJECT AREA

Due to issues surrounding ground surface visibility and the fact that the distribution of surface archaeological material does not necessarily reflect that of sub-surface deposits, it is essential to establish a predictive model.

Previous archaeological studies undertaken throughout the region, the AHIMS register and the environmental context provide a good indication of site types and site patterning in the area. This research has shown that occupation sites (artefact scatters and isolated finds) are the most

frequently recorded site type and are commonly located along or adjacent to watercourses, and on relatively flat to gently sloping topography in close proximity to reliable fresh water. Sites with higher artefact densities are similarly concentrated within fifty metres of higher order watercourses with site numbers and site densities decreasing with a reduction of stream order and distance from a water source. Within the local area, previous assessments within a similar environmental context indicate that, within a well-watered context, there is high potential for archaeological material to be present on level, typically well-elevated landforms that provide ready access to low-lying waterlogged areas and the associated resources.

Within the specific project area, it is possible that artefact scatters (possibly with hearths, grinding stones – evidence of food preparation) may be found along Cedar Party Creek with the highest concentration being within 50 metres of the creek. It is also possible that the remainder of the project area may have been used for hunting and gathering activities which manifests in the archaeological record as an unpredictable background scatter of discarded artefacts. The refinement of this predictive model will be dependent upon an investigation of the range of landforms and the occurrence of modern disturbances within the project area.

5.8 ARCHAEOLOGICAL POTENTIAL IN THE PROJECT AREA

Based on archaeological sites registered in the region and the results of past archaeological studies, two site types are likely to occur throughout the project area:

- **Artefact scatters**

Also described as open campsites, artefact scatters have been defined as two or more stone artefacts within 50 metres of each other and will include archaeological remains such as stone artefacts and may be found in association with hunting and gathering activities (manifests in the archaeological record as low-density discarded artefacts across the landscape) or camping where other evidence may be present such as shell, hearths, stone lined fire places and/or heat treatment pits. These sites are usually identified as surface scatters of artefacts in areas where ground surface visibility is increased due to lack of vegetation and land uses. Erosion, agricultural activities (such as ploughing, grazing), construction and mining activities and access ways can also expose surface campsites. Artefact scatters may represent evidence of;

- Large camp sites, where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of such tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;
- Medium/small camp sites, where activities such as minimal tool manufacturing occurred;
- Hunting and/or gathering events;
- Other events spatially separated from a camp site, or
- Transitory movement through the landscape.

Artefact scatters are a common site type in the locality and the broader region. There is potential for artefact scatters to occur within the project area in areas close to Cedar Party Creek. There is also the potential for such sites to be impacted on through past landuses.

- **Isolated finds**

Isolated artefacts are usually identified in areas where ground surface visibility is increased due to lack of vegetation and land uses. Erosion, agricultural activities (such as ploughing), construction and mining activities and access ways can also expose surface artefacts. Isolated finds may represent evidence of;

- Hunting and/or gathering events; or
- Transitory movement through the landscape.

Isolated finds are a common site type in the locality and the broader region. There is potential for isolated artefacts to occur across the project area and across all landforms. There is also the potential for such sites to be impacted on through past impacts including previous land uses.

6 RESULTS

6.1 METHODOLOGY

The survey area was surveyed on foot by the accordance with the proposed methodology provided to the stakeholders for review. The survey focused on areas of high ground surface visibility and exposures (erosional features, tracks, cleared areas).

6.2 LANDFORMS

McDonald et al (1998) describes the categories of landform divisions that consists of a two layered division involving treating the landscape as a series of “mosaics”. The mosaics are described as two distinct sizes: the larger categories are referred to as landform patterns and the smaller being landform elements within these patterns. Landform patterns are large-scale landscape units, and landform elements are the individual features contained within these broader landscape patterns. There are forty landform pattern units and over seventy landform elements. However, of all the landform element units, ten are morphological types. For archaeological investigations they divide the landscape into standardised elements that can be used for comparative purposes and predictive modelling. As outlined in Section 3, the project area includes one major landform: slopes dissected by one drainage line.

6.3 SURVEY UNITS

The project area, consisting of one major landform, was surveyed as one survey unit (SU) that was based on landform elements (following McDonald et al 1984). The project area had been previously cleared and ploughed at least once for improved pasture with some eroded plough ridges and furrow present. In addition to this, the project area was utilised for grazing with stock yard pens located along the southern border near the entry gate along Wingham Road. A power easement is also located east/west through the project area. A number of tracks were noted and water stop valve posts and associated underground water pipelines were noted along a track in the treed area located towards the northern part of the project area.

The vegetation within the project area primarily comprised grass of varying heights, ranging from ground level up to waist height. This diversity in grass height significantly limited visibility across the ground surface. A new growth open woodland area was located in the north part of the project area and sporadic trees along the creek and through the project area few trees were present. Exposures were low and no raw materials usually transported into the area and utilised for stone tool manufacture were present or visible. Examples of the project area are provided in Figures 6.1 to 6.5.

Figure 6.1 Eastern part of the project area (facing north east)



Figure 6.2 Centre part of the project area (facing west)



Figure 6.3 North western section (facing east)



Figure 6.4 North western track through open woodland (facing north)



Figure 6.5 Western side of the project area (facing north east)



6.4 EFFECTIVE COVERAGE & DISTURBANCES

To determine the effectiveness of an archaeological survey, the visibility and exposure conditions for each survey unit is calculated to provide an effective coverage amount. Effective coverage is an estimate of the amount of ground observed considering local constraints on site discovery such as vegetation and leaf litter and erosion. There are two components to determining the effective coverage: visibility and exposure.

Visibility is the amount of bare ground on the exposures which may reveal artefacts or other cultural materials, or visibility refers to 'what conceals'. Visibility is hampered by vegetation, plant or leaf litter, loose sand, stony ground or introduced materials (such as rubbish). On its own, visibility is not a reliable factor in determining the detectability of subsurface cultural materials (DECCW 2010/783:39).

The second component in establishing effective coverage is exposure. Exposure refers to "what reveals". It estimates the area with a likelihood of revealing subsurface cultural materials rather

than just an observation of the amount of bare ground. Exposure is the percentage of land for which erosion and exposure is sufficient to reveal cultural materials on the surface (DECCW 2010/783:37). The effective coverage for the project area was determined for both visibility and exposure ratings and Table 6.1 details the visibility rating system used.

Table 6.1 Ground surface visibility rating

Description	GSV rating %
Very Poor – heavy vegetation, scrub foliage or debris cover, dense trees or scrub cover. Soil surface of the ground very difficult to see.	0-9%
Poor – moderate level of vegetation, scrub, and / or tree cover. Some small patches of soil surface visible in the form of animal tracks, erosion, scalds, blowouts etc, in isolated patches. Soil surface visible in random patches.	10-29%
Fair – moderate levels of vegetation, scrub and / or tree cover. Moderate sized patches of soil surface visible, possibly associated with animal, stock tracks, unsealed walking tracks, erosion, blow outs etc, soil surface visible as moderate to small patches, across a larger section of the project area.	30-49%
Good – moderate to low level of vegetation, tree or scrub cover. Greater amount of areas of soil surface visible in the form of erosion, scalds, blowouts, recent ploughing, grading or clearing.	50-59%
Very Good – low levels of vegetation / scrub cover. Higher incidence of soil surface visible due to recent or past land-use practices such as ploughing, mining etc.	60-79%
Excellent – very low to non-existent levels of vegetation/scrub cover. High incidence of soil surface visible due to past or recent land use practices, such as ploughing, grading, mining etc.	80-100%
Note: this process is purely subjective and can vary between field specialists, however, consistency is achieved by the same field specialist providing the assessment for the one project area/subject site.	

As indicated in Table 6.2, the effective coverage for project area is 5% with grass being the limiting factor and erosion across the project area being minimal. The disturbances included clearing, fences, grazing, all of which would have impacted upon the landscape and associated cultural materials through displacement and/or removal.

Table 6.2 Effective coverage for the investigation area

SU	Landform	Area (m2)	Vis. %	Exp. %	Exposure type	Previous disturbances	Present disturbances	Limiting visibility factors	Effective coverage (m2)
1	slopes	616,500	20%	25%	erosion, tracks, excavation	clearing, ploughing, grazing	erosion, excavation in far south	vegetation	30,825
Totals		616,500							30,825
Effective coverage %									5.00%

The level and nature of the effective survey coverage is considered satisfactory to provide an effective assessment of the project area. The coverage was comprehensive for obtrusive site types (e.g., grinding grooves and scarred trees) but somewhat limited for the less obtrusive surface stone artefact sites by surface visibility constraints that included vegetation cover and minimal exposures.

In relation to land uses and the associated impacts on the landscape and any cultural materials that may have been present, the project area has been subject to clearing, at least one ploughing event, grazing and parts for the electricity easement and tracks, and as indicated in Table 6.3, these disturbances range from moderate to high.

Table 6.3 Land use scale (CSIRO 2010) and land uses in the project area

Minor disturbance		Project area	Moderate disturbance		Project area	Major disturbance		Project area
0	No effective disturbance; natural		3	Extensive clearing (e.g., poisoning and ringbarking)		6	Cultivation: grain fed	
1	No effective disturbance other than grazed by hoofed animals		4	Complete clearing: pasture native or improved, but never cultivated		7	Cultivation: irrigated, past and present	
2	Limited clearing (e.g., selected logging)		5	Complete clearing: pasture native or improved, cultivated at some stage	yes	8	Highly disturbed: e.g., quarry, road works, mining, landfill, urban	Far south only

In view of the predictive modelling and the results obtained from the effective coverage and disturbance rating, it is concluded that the survey provides a valid basis for determining the probable impacts of the proposal and formulating recommendations for the management of the project area.

6.5 ARCHAEOLOGICAL SITES

The absence of identified sites in the project areas can be attributed to various factors. While a scattered presence of low-density artifacts from hunting and gathering was anticipated, the unpredictability of such evidence, combined with historical land uses, as well as dense grass cover, resulted in no sites being located.

Locations along Cedar Party Creek are considered to be the most promising areas for evidence of past Aboriginal land use due to the presence of a reliable fresh water source. The creek's classification as a 6th order creek suggests the potential for supporting camping activities. However, thick vegetation impeded visibility, resulting in no identifiable sites along the creek. This area is recognised as a Potential Archaeological Deposit (PAD).

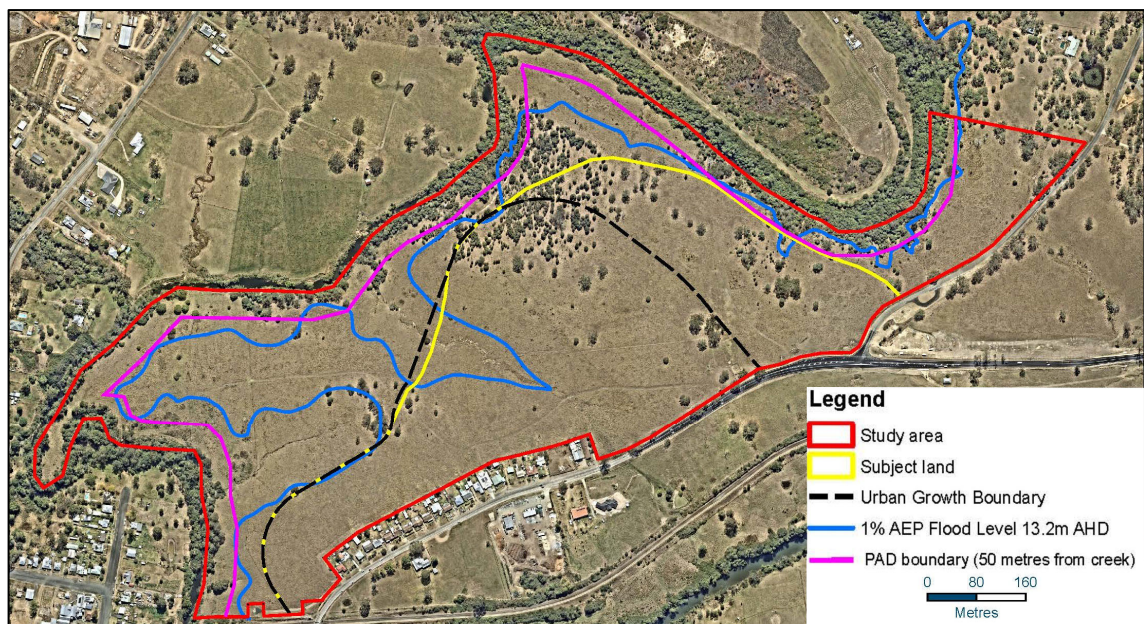
6.6 POTENTIAL ARCHAEOLOGICAL DEPOSIT/ SENSITIVITY

The terms “potential archaeological deposit (PAD)” and “area(s) of archaeological sensitivity” are used to describe areas that are likely to contain sub-surface cultural deposits. These sensitive landforms or areas are identified based upon the results of fieldwork, the knowledge gained from previous studies in or around the subject area and the resultant predictive models. Any or all of these attributes may be used in combination to define an area of potential archaeological sensitivity.

The likelihood of a landscape having been used by past Aboriginal societies and hence containing archaeologically sensitive areas is primarily based on the availability of local natural resources for subsistence, artefact manufacture and ceremonial purposes. The likelihood of surface and subsurface cultural materials surviving in the landscape is primarily based on past land uses and preservation factors.

It is well documented throughout NSW and the local area that proximity to reliable fresh water was a major factor in past site selection by Aboriginal societies. Cedar Party Creek, a 6th order creek, specifically areas within 50 metres along its length within the project area, have the potential to contain evidence of past Aboriginal land use. This is based on the strategic assessment of its geographical features, particularly the presence of a dependable fresh water source, associated subsistence and medicinal sources, and elevated land along its length. The area along Cedar Party Creek (up to 50 metres in width from its banks) is identified as a PAD. It is noted that the PAD is located outside the residential rezoning area (Figure 6.6).

Figure 6.6 PAD location in relation to the residential rezoning area



6.7 DISCUSSION

Considering the environmental, cultural and archaeological contexts of the regional and local area, the distribution of archaeological sites may be identified and thus effectively protected, manage lands, and conserve areas where required and appropriate.

As no sites have been identified, the results of the investigation are discussed below in terms of overall site integrity, local and regional contexts, and predictive modeling.

6.7.1 INTEGRITY

The integrity of an area can be assessed only for surface integrity through the consideration of past and present land uses and their impacts. Subsurface integrity can only be assessed through controlled excavation that allows for the examination of both the horizontal and vertical distribution of cultural materials (caused by natural and/or human impacts) and by conjoining artefacts. Land uses and their impacts (clearing, one ploughing event, grazing), as well as natural impacts (bioturbation, erosion), within the project area have been discussed in Section 3 and 6 and are considered to be moderate throughout (significantly high in the far south where excavation works have occurred) and due to such disturbances, the integrity of the project area is expected to have been disturbed and any sites that may have been present may have been disturbed or destroyed. However, without excavation it is difficult to determine post-depositional impacts.

6.8 INTERPRETATION & OCCUPATION MODEL

Given the fact that no sites identified, it is not possible to discuss site interpretation or occupation models.

6.9 REGIONAL & LOCAL CONTEXT

Given the fact that no sites identified, it is not possible to discuss the regional or local archaeological contexts.

6.10 REASSESSMENT OF THE PREDICTIVE MODEL

Given the fact that no sites were identified and the project area is highly disturbed, it is not possible to reassess the predictive model.

6.11 CONCLUSION

Sites provide valuable information about past occupation, use of the environment and its specific resources including diet, raw material transportation, stone tool manufacture, and movement of groups throughout the landscape. Previous broad-based regional research has shown that proximity to water was an important factor in past occupation, with sites reducing in number significantly away from water. This research has also shown that occupation sites (artefact scatters and isolated finds) are the most frequently recorded site type and are commonly located along or adjacent to watercourses, and on relatively flat elevated landforms in close proximity to reliable fresh water. Sites with higher artefact densities are similarly concentrated within fifty metres of watercourses and throughout the wider landscape, a background scatter of artefacts is present and represent hunting and gathering or travel.

Cedar Party Creek (6th order) is located along the western boundary of the project area. Thus, the western side of the project area may be considered reasonably resourced in terms of water availability and associated subsistence and medicinal resources. Cedar Party Creek and up to 50 metres in width along its length within the project area is identified as a PAD.

Whilst a background scatter of discarded artefacts across the remainder of the project area may have been present, predicting their location is impossible due to the nature of the activities that produced the evidence (transitory activities such as hunting and gathering), these sites are also expected to have been displaced or destroyed through past land uses including clearing, ploughing and grazing.

7 ASSESSMENT OF IMPACTS

The archaeological record is a non-renewable resource that is affected by many processes and activities. As outlined in Section 3 and 6, the various natural processes and human activities would have impacted on archaeological deposits through both site formation and taphonomic processes. Section 6 describes the impacts within the project area, showing how these processes and activities have disturbed the landscape and associated cultural materials in varying degrees.

7.1 IMPACTS

Detailed descriptions of the impacts are provided in Section 1.5 and the results of the survey in Section 6. The Heritage NSW, Department of Premier & Cabinet Code of practice for the archaeological investigation of Aboriginal objects in New South Wales (2010:21) describes impacts to be rated as follows:

- 1) Type of harm: is either direct, indirect or none
- 2) Degree of harm is defined as either total, partial or none
- 3) Consequence of harm is defined as either total loss, partial loss, or no loss of value

No archaeological sites were found in the survey of the project area, which has been disturbed by various activities. In situ sites are not expected to be present within the rezoning area.

The exception to this is the PAD along Cedar Party Creek. The PAD will be partially protected by the Riparian Zone (up to 40 metres in width along the length of the creek) and is outside the residential rezoning area, and as such will not be impacted on by the proposal.

There are no impacts on the archaeological record or PAD.

8 MITIGATION AND MANAGEMENT STRATEGIES

Specific strategies, as outlined through the Heritage NSW, Department of Premier & Cabinet: Code of practice for archaeological investigation of Aboriginal objects in New South Wales (DECCW 2010b) and the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011) are considered below for the management of the identified site within the project area.

One of the most important considerations in selecting the most suitable and appropriate strategy is the recognition that Aboriginal cultural heritage is very important to the local Aboriginal community. Decisions about the management of sites and potential archaeological deposits should be made in consultation with the appropriate local Aboriginal community.

8.1 CONSERVATION/PROTECTION

Heritage NSW, Department of Premier & Cabinet is responsible for the conservation/protection of Indigenous sites and they therefore require good reason for any impact on an indigenous site. Conservation is the first avenue and is suitable for all sites, especially those considered high archaeological significance and/or cultural significance. Conservation includes the processes of looking after an indigenous site or place so as to retain its cultural and scientific significance and are managed in a way that is consistent with the nature of peoples' attachment to them.

As no sites have been identified and the residential rezoning area is disturbed through previous clearing, ploughing and grazing activities, conservation/protection is not required.

8.2 FURTHER INVESTIGATION

With the exception of shell middens and burials, an Aboriginal Heritage Impact Permit (AHIP) is not required to undertake test excavations (providing the excavations are in accordance with the Code of Practice for Archaeological Investigations in NSW and consultation with the RAPs). Subsurface testing is appropriate when a PAD has been identified, and it can be demonstrated that sub-surface Aboriginal objects with potential conservation value have a high probability of being present, and that the area cannot be substantially avoided by the proposed activity.

As no sites have been identified and the residential rezoning area is disturbed through previous clearing, ploughing and grazing activities, further investigations within the residential rezoning area are not justified.

8.3 AHIP

If harm will occur to an Aboriginal object or Place, then an AHIP is sought from Heritage NSW, Department of Premier & Cabinet as a defence to that harm. If a systematic excavation of the known site could provide benefits and information for the Aboriginal community and/or archaeological study of past Aboriginal occupation, a salvage program, and, or community collection, may be an appropriate strategy to enable the salvage of cultural objects.

As no sites have been identified and the project area, an AHIP is not required.

9 RECOMMENDATIONS

9.1 GENERAL

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974;
- 2) An Unexpected Finds Procedure for cultural materials and human remains (Appendix B) will be implemented during all works, and
- 3) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately, the Unexpected Finds Procedure followed and the Environmental Line contacted.
- 4) A cultural awareness program should be included as part of the site induction program and developed with the RAPs and form part of the Environmental Management Plan.

9.2 PAD

- 5) If the identified PAD will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW prior to any works being undertaken at the PAD location.

REFERENCES

- Australian Heritage Services Pty Ltd. 2011. Aboriginal Heritage Due Diligence Assessment TEJV/ARTC Curve Easing Sites 21, 23, 31, 32, & 34 (Wingham). Report prepared for Australian Rail Track Corporation.
- Anonymous 2003 CatchmentSIM GIS.
<http://www.uow.edu.au/~cjr03/index.htm?Overview/VNAnalysis/VNAnalysisFrame.htm~mainFrame>. Downloaded 24 February 2004.
- Balek, C. 2002. Buried Artefacts in Stable Upland Sites and the Role of Bioturbation: A Review. *Geoarchaeology: An International Journal*, 17(1):41-51.
- Barton, H. 2001. Howick Coal Mine Archaeological Salvage Excavations, Hunter Valley, NSW. AMBS Consulting. Report Prepared for Coal & Allied.
- Barwick, D. 1984. Mapping the Past: An atlas of Victorian Clans. *Aboriginal History*. Vol. 8 (2):100-131.
- Cane, S. 1989. Australian Aboriginal Seed Grinding and its Archaeological Record: a case study from the Western Desert. In *Foraging and Farming*, D. R. Harris and G. C. Hillman (eds.), 99-119. London: Unwin Hyman.
- Canti, M. 2003. Earthworm activity and archaeological stratigraphy: A review of products and processes. *Journal of Archaeological Science*, 30:135-148.
- Collins, J. 2000. Taree and Wingham Effluent Management Scheme Aboriginal archaeological assessment of preferred and alternative effluent main alignments and wet weather storage sites. Report prepared for Midcoast Water.
- Dean-Jones, P. and P.B. Mitchell. 1993. Hunter Valley Aboriginal sites assessment project. Environmental modelling for archaeological site potential in the Central Lowlands of the Hunter Valley. Report to NSW National Parks and Wildlife Service.
- DeBloois, Evan I.; Green, D.F.; Wylie, H.G. 1974. A test of the impact of pinyon-juniper chaining on archaeological sites. Ogden, Utah: Intermountain Region, Forest Serv., U.S. Dep. Agric.: *Archaeological Reports*.
- De Reu, J., Bourgeois, J., De Smedt, P., Zwertvaegher, A., Antrop, M., Bats, M., De Maeyer, P., Finke, P., Van Meirvenne, M., Verniers, J., and Crombe, P. 2011. Measuring the relative topographic position of archaeological sites in the landscape, a case study on the Bronze Age barrows in northwest Belgium. *Journal of Archaeological Science*, 38(12): 3435-3446.
- De Smedt, P., Bats, M., and Crombe, P. 2013. Application of the topographic position index to heterogeneous landscapes. *Geomorphology*, 186: 39-49.
- Department of Environment, Climate Change and Water (DECCW). 2010a. *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. Department of Environment, Climate Change and Water NSW, Sydney.

Department of Environment, Climate Change and Water (DECCW). 2010b. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Department of Environment, Climate Change and Water NSW, Sydney.

Department of Environment, Climate Change and Water (DECCW). 2010c. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. Department of Environment, Climate Change and Water NSW, Sydney.

Edwards, D. and J. F. O'Connell 1995. Broad Spectrum Diets in Arid Australia. *Antiquity*, 69: 769-783.

Foley, R. 1981. A Model of Regional Archaeological Structure. *Proceedings of the Prehistoric Society*. 47: 1-17.

Fowler, K.D, H.J. Greenfield and L.O. van Schalkwyk. 2004. The Effects of Burrowing Activity on Archaeological Sites: Ndongondwane, South Africa. *Geoarchaeology* 19(5):441-470.

Gallagher, J. G. 1978. Scarification and cultural resources: an experiment to evaluate serotinous lodgepole pine forest regeneration techniques. *Plains Anthropologist* 23-82, Pt. 1: 289-299.

Hughes, P. 1984. NSW National Parks and Wildlife Service Hunter Valley Region Archaeology Project Stage 1: An Overview of the Archaeology of the Hunter Valley, its Environmental Setting and the Impact of Development. Volume 1. Unpublished Report by Anutech Pty Ltd to NSW NPWS.

Klaver, J & Heffernan, K. 1991. Greater Taree Aboriginal Heritage Study. Report prepared for Greater Taree City Council.

Koettig, M. 1986a. Test Excavations at Six Locations along the Proposed Pipeline Route between Glennies Creek Dam, Hunter Valley Region, NSW. A report to the Public Works Department, NSW.

Koettig, M. 1986b. Assessment of Archaeological Sites along the Proposed Singleton to Glennies Creek Water Pipeline Route and the Reservoir Site at Apex Lookout, Hunter Valley, New South Wales. Unpublished report for The Public Works Department.

Koettig, M. 1994. Bulga Lease Authorisation 219 salvage excavations. Volumes 1-5. d Report to Saxonvale Coal Pty Ltd.

Kuskie, P.J., and J. Kamminga. 2000. Salvage of Aboriginal archaeological sites in relation to the F3 Freeway near Lenaghans Drive, Black Hill, New South Wales. Report to Roads and traffic Authority New South Wales.

Lewarch, D. E. and O'Brien, M. J. 1981. The Expanding Role of Surface Assemblages in Archaeological research. In Schiffer, M. B. (ed) *Advances in Archaeological Method and Theory*, Volume 4. Academic Press, New York.

Lissarrague, A. 2010. *A Grammar and Dictionary of Gathang: The Language of the Birrbay, Guringay and Warrimay*. Muurrbay Aboriginal Language & Culture Co-operative.

L'Oste-Brown, S., L. Godwin., and C. Porter., In Association with Bowen Basin Aboriginal steering Committee. 1998. *Towards an Indigenous Social and Cultural Landscape of the Bowen Basin. Bowen Basin Aboriginal Cultural Heritage Project. Cultural Heritage Monograph Series Volume 2.* Queensland Department of Environment and Heritage, Brisbane.

Manning River Times. 2011. Biripi's Native Tongue. Site accessed 23 June 2018. <https://www.manningrivertimes.com.au/news/local/news/general/biripis-native-tongue/2210262.aspx>

McBryde, I. 1976. *Subsistence patterns in New England prehistory.* University of Queensland Occasional Papers in Anthropology, 6:48-68.

MCH. 2018. Residential rezoning at Kolodong. Aboriginal cultural heritage assessment. Report for Coastplan Group.

McDonald, R.C., Isbell, R.F., Speight, J.G., Walker, J. and Hopkins, M.S. 1998. *Australian Soil and Land Survey Field Handbook*, Second Edition. Inkata Press, Australia.

McDonald, J and White, B. 2010. Lithic Artefact Distribution in the Rouse Hill Development Area, Cumberland Plain, New South Wales. In: *Australian Archaeology* 70: 29-38.

Mulvaney, J., and J. Kamminga. 1999. *Prehistory of Australia.* Allen and Unwin, Australia.

Nelson, M. 1991. The study of technological organisation. In Schiffer, M. (ed.) *Archaeological Method and Theory.* Tuscon: University of Arizona Press. pp. 57-100.

Odell, G. and F. Cowan. 1987. Estimating Tillage Effects on Artifact Distributions. *American Antiquity*, 52(3):456-484.

Office of Environment and Heritage (OEH), 2011. *Guide to Investigating, Assessing and reporting on Aboriginal Cultural Heritage in NSW.* Department of Environment, Climate Change and Water NSW, Sydney.

Peacock, E. and D. Fant. 2002. Biomantle Formation and Artefact Translocation in Upland Sandy Soils: An Example from the Holly Springs National Forest, North-Central Mississippi, U.S.A. In *Geoarchaeology* 17(1):91-114.

Renfrew, C., and Bahn, P. 1991. *Archaeology: Theories, Methods and Practice.* Thames & Hudson.

Rich, E. 1995. Site W4 (NPWS#37-6-155), Warkworth, Hunter Valley: Artefacts Analysis. In Hugland, L. and Rich, E. Warkworth Open Cut Coal Mines: Report on Salvage Investigation of Site 37-6-155 (=Mt. Thorley E/W4), Carried out in Compliance with NPWS Consent #732. Volumes 1-111. Report to Warkworth Mining Pty.

Robinson, C. 2011. Totems of the Birpai. Site accessed 24 June 2018. <http://mnclibrary.org.au/totems-of-the-birpai/>

Roper, D. 1976. Lateral Displacement of Artifacts Due to Plowing. *American Antiquity* 41(3):372-375.

Simon, E, 1987. *Through My Eyes.* Collins Dove, Australia.

- Stein, J. 1983. Earthworm activity: A source of potential disturbance of archaeological sediments. *American Antiquity* 48(2):277-289.
- Turner, J.W. 1985. Historical themes of the shire of Muswellbrook. Report to EJE and Shire of Muswellbrook.
- Turrero, P., Dominguez-Cuesta, M., Jimenez-Sanchez, M., and Garcia-Vazquez, E. 2013. The special distribution of Paleolithic human settlements and its influence on palaeoecological studies: a case from Northern Iberia. *Journal of Archaeological Science*, Volume 40, Issue 12, pp: 4127-4138.
- Villa, P. 1982. Conjoinable Pieces and Site Formation Processes. *American Antiquity* 47(2):276-290.
- Waters, M. 2000. Alluvial Stratigraphy and Geoarchaeology in the American Southwest. *Geoarchaeology: An International Journal* 15(6):537-557.
- Waters, M. and D. Kuehn. 1996. The Geoarchaeology of Place: The Effect of Geological Processes on the Preservation and Interpretation of the Archaeological Record. *American Antiquity* 61(3):483-496.
- Wheeling Jesuit University, 2002. *Exploring the Environment: Water Quality*. <http://www.cotf.edu/ete/modules/waterq/wqphysmethods.html> Downloaded 24 February 2004.
- Wood, S. 1982. Mechanical treatment impacts to cultural resources in Central Arizona: The marden brush cutter. Presented at the Symposium on Dynamics and Management of Mediterranean-Type Ecosystems, June 22-26, 1981, San Diego, California
- Yorston, R.M., Gaffney, V.L. and Reynolds, P.J. 1990. Simulation of Artefact Movement Due to Cultivation. *Journal of Archaeological Science* 17:67-83.

APPENDIX A

Aboriginal Stakeholder Consultation

Date	Consultation type	Heritage NSW requirement	Consult stage	RAP/Agency	Contact person	Description
5/12/23	Letter	4.1.2	1	MCH contacted Heritage NSW		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted Purfleet/Taree Local Aboriginal Land Council (P/TLALC)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted Registrar of Aboriginal Owners (RAO)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted Midcoast Council		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted Native Title Tribunal (NNTT)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted NTSCORP Ltd		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
5/12/23	Letter	4.1.2	1	MCH contacted North Coast Land Services (NCLS)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 19/12/20237
	Letter	4.1.2	1	Heritage NSW		Identified Aboriginal parties:
5/12/23	E-mail	4.1.2	1	LALC		Offered a site worker to do the survey for a set fee but did not register, but MCH assumed their intent was to register
	Letter/e-mail	4.1.2	1	RAO		Identified Aboriginal parties:
6/12/23	Letter/e-mail	4.1.2	1	NNTT		No claims
	Letter/e-mail	4.1.2	1	Council		Identified Aboriginal parties:
NA		4.1.2	1	NTSCORP	Do not provide lists of possible stakeholders	
NA		4.1.2	1	NCLS	Do not provide lists of possible stakeholders	
19 th December 2023 C.O.B. Request for groups to consult with closed						
12/1/24	Public notice	4.1.3	1	All registered Aboriginal parties (RAPs)		Public notice in Manning River Times and requested registration no later than 29/1/2024 (additional time provided due to the public holiday).
15/1/24	Letter & email	4.1.3, 4.1.4, 4.1.5, 4.2.1	1	All RAPs	those provided from sources above	Formal letter to identified RAPs. Letter requested registration of interest in the project, project outline, maps and asking for the preferred method to receive information (meeting/mail/email). Required registration by C.O.B. 29/1/2024 (additional time provided due to the public holiday).

Date	Consultation type	Heritage NSW requirement	Consult stage	RAP/Agency	Contact person	Description
16/1/24	email	4.1.7, 4.1.8	1		Lee Davison	Registered for the project
21/1/24	email	4.1.7, 4.1.8	1	A1 Indigenous Services	Carolyn Hickey	Registered for the project
21/1/24	email	4.1.7, 4.1.8	1	Amanda Hickey Cultural Services	Amanda Hickey	Registered for the project
29th January 2024 C.O.B. Registration for project closed						
30/1/24	Email & letter	1; s 4.1.6		Heritage NSW		Letter notifying Heritage NSW of RAPs
30/1/24	Email & letter	1; s 4.1.6		P/TLALC		Letter notifying T/TLALC of RAPs
30/1/24	Letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	All RAPs		Formal letter and information packet sent to identified RAPs. Information packet included project outline, project area, critical timelines, impacts, brief cultural, environmental and archaeological context, proposed methods of investigation, proposed methods of gathering cultural knowledge, and maps. A response the proposed methodology was required registration by C.O.B. 27/2/2024
30/1/24	E-mail & letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3		Lee Davison	Wanted to raise our awareness to a high number of registered parties that are not Biripi. It is their preference that the proponent considers Biripi people to be involved in paid field work, as it is their obligation to care for their Country and cultural heritage. Would get back to MCH regarding the info pack
25/2/24	E-mail & letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	A1 Indigenous Services	Carolyn Hickey	Agreed with the proposed methodology
26/2/24	E-mail & letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	Amanda Hickey Cultural Services	Amanda Hickey	Agreed with the proposed methodology
27th February 2024 C.O.B. Response to information packet closed						
28/2/24	Letter & email		3	All RAPs		All RAPs sent a letter of invitation to attend and participate in the survey on 19/3/2024
12/3/24	Email	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	Amanda Hickey Cultural Services	Amanda Hickey	Provided signed fieldwork paperwork

[illegible]

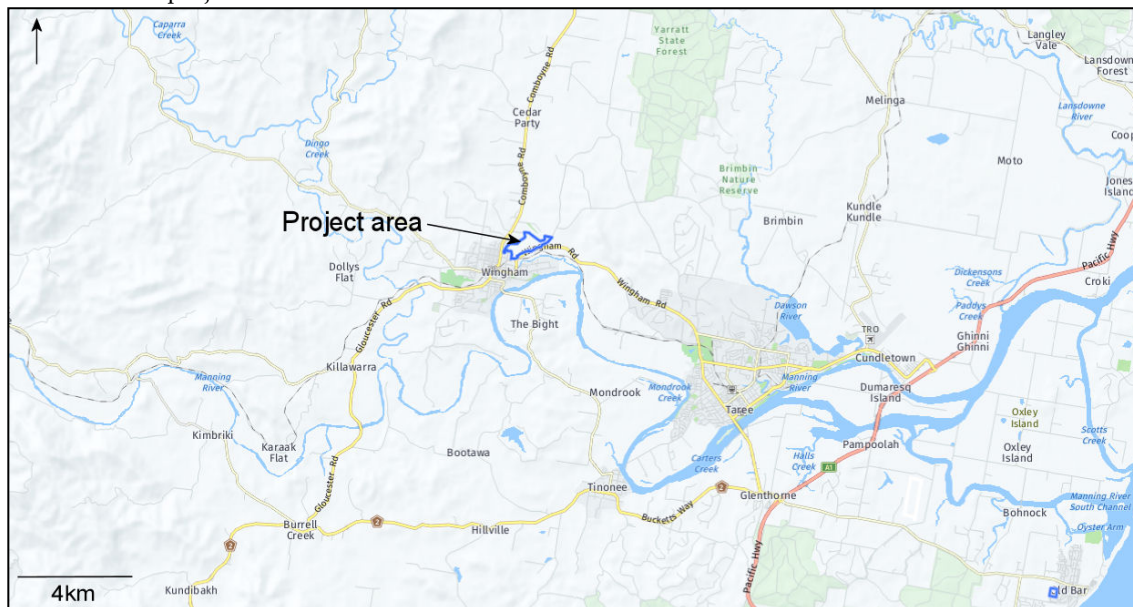
From: penny@mheritage.com.au
Sent: Tuesday, 5 December 2023 9:55 AM
To: 'information@ntscorp.com.au'; 'heritagemailbox@environment.nsw.gov.au';
'admin.northcoast@lls.nsw.gov.au'; 'admin@ptlalc.com.au'; 'council@midcoast.nsw.gov.au';
'Rachel Rewiri'
Subject: Proposed rezoning and development at Wingham

**RE: Written notification of project proposal and registration of interest as required under Heritage NSW
Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning
and development at Wingham**

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



In order to comply with the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, in particular Stage 1 (s4.1.2) - we are writing to advise you of the proposal and ask whether you could provide details of any Aboriginal groups or individuals that your organisation is aware of who may have an interest in the investigation area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Should you have this information, we request that you provide the names and contact details of these Aboriginal people/organisations, in writing, to the undersigned either via written correspondence or email (penny@mcheritage.com.au) within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, and the minimal time requirements as stated in the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

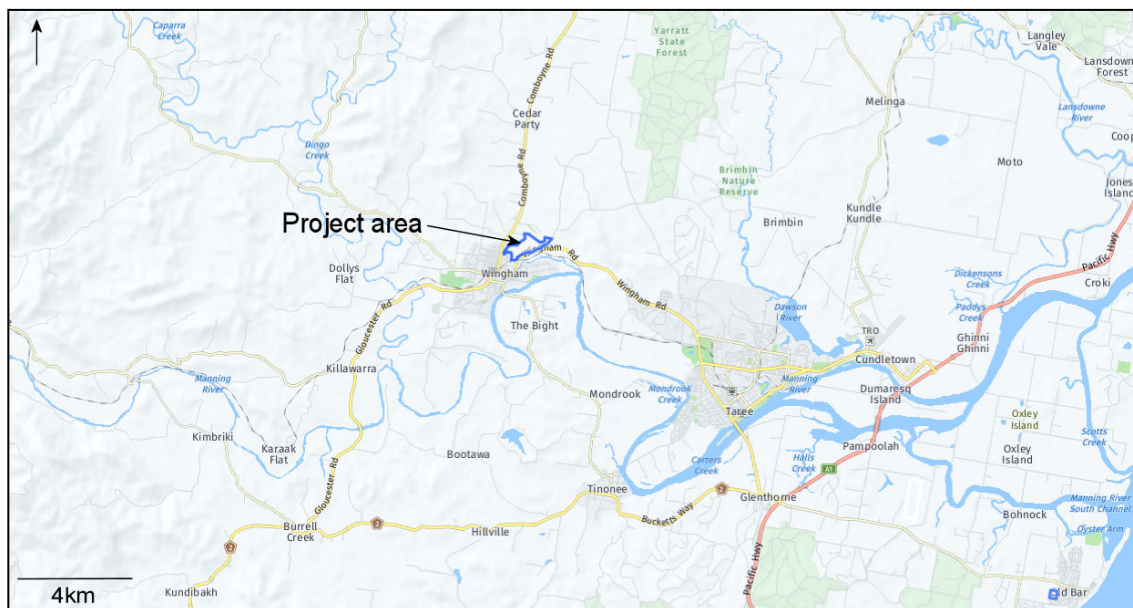
From: penny@mheritage.com.au
Sent: Tuesday, 5 December 2023 9:56 AM
To: 'GeospatialSearch@NNTT.gov.au'
Subject: Search
Attachments: NNTT GeospatialSearch2020.pdf

**RE: Written notification of project proposal and registration of interest as required under Heritage NSW
Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning
and development at Wingham**

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



In order to comply with the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, in particular Stage 1 (s4.1.2) - we are writing to advise you of the proposal and ask whether you could provide details of any Aboriginal groups or individuals that your organisation is aware of who may have an interest in the investigation area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Should you have this information, we request that you provide the names and contact details of these Aboriginal people/organisations, in writing, to the undersigned either via written correspondence or email (penny@mcheritage.com.au) within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, and the minimal time requirements as stated in the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.



Request for Spatial Search of Tribunal Registers

1: Your details

Your name:	DR Penny McCardle		
Your company:	McCardle Cultural Heritage Pty Ltd		
E-mail address:	penny@mcheritage.com.au	Phone:	0412 702 396
Your reference:	Wingham	Your state:	NSW
☒	I have read and acknowledge the terms and conditions on the next page.		

2: Areas to be searched

Jurisdiction to be searched:		Tenure to be searched:	
------------------------------	--	------------------------	--

Parcel or tenement identifiers (add up to 20 separate identifiers). **Please see over for parcel identifiers.**

Parcel 1:	Lot 92 DP1285477	Parcel 2:	
Parcel 3:		Parcel 4:	
Parcel 5:		Parcel 6:	
Parcel 7:		Parcel 8:	
Parcel 9:		Parcel 10:	
Parcel 11:		Parcel 12:	
Parcel 13:		Parcel 14:	
Parcel 15:		Parcel 16:	
Parcel 17:		Parcel 18:	
Parcel 19:		Parcel 20:	

If your search area is not a non-freehold parcel or mining or petroleum tenement, you can enter other tenure or administrative regions here (e.g. local government area, townsite or county). Please provide as much detail as you can.

Click or tap here to enter text.

E-mail the completed form to GeospatialSearch@NNTT.gov.au

Parcel Identifiers

In most jurisdictions please identify parcels using lot on plan, or lot/section/plan as appropriate. The NNTT is generally not able to identify parcels using land title information. Where possible, the NNTT uses the terminology and formatting of unique identifiers used in each state to uniquely identify a land parcel. More details are below:

1. **Lot on plan.** Use for Western Australia and Queensland.
2. **Lot/Section/Plan.** Use for New South Wales.
3. **LAISKEY.** Use for the Northern Territory. The laiskey is a unique identifier for each parcel comprised of the location code, LTO code (derived from the survey plan) where applicable and the parcel number.
4. **Parcel ID** – Use for South Australia. Concatenation of Parcel Type, Parcel, Plan Type and Plan.
5. **SPI** (Standard Parcel Identifier) – Use for Victoria.

Terms and Conditions

1. Specify only one jurisdiction (e.g. Queensland) and one type of tenure (e.g. mining tenement) per form. You can add up to 20 separate tenements or parcels per search request. For more than 20 parcels or tenements please submit additional search requests or contact GeospatialSearch@NNTT.gov.au to discuss your requirements.

Note: if your area of interest cannot be clearly identified from the search form, or is not held in NNTT datasets, we may instead provide search results for a surrounding local government area, or other suitable regional area.

2. Freehold land.

Under the Native Title Act 1993 (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as a 'previous exclusive possession act'. This means that native title has been extinguished over the area. Native title claimants are not allowed to include land and waters covered by previous exclusive possession acts in their applications; therefore they would normally exclude freehold areas. A native title application may, however, be made over freehold land on the basis that freehold was invalidly granted, but the chances of this happening are very low.

3. Cultural Heritage in NSW.

The National Native Title Tribunal has undertaken steps to remove itself from the formal list of sources for information about indigenous groups in development areas. The existence or otherwise of native title is quite separate to any matters relating to Aboriginal cultural heritage. Information on native title claims, native title determinations and Indigenous Land Use Agreements is available on the Tribunal's website.

4. Spatial searches rely on data obtained from the relevant custodian. Whilst efforts are taken to update such datasets on a regular basis, the collection and interpretation of such datasets may be influenced by a number of factors that can impact of the completeness and accuracy of your search results.

Disclaimer

While the National Native Title Tribunal (NNTT) and the Native Title Registrar (Registrar) have exercised due care in ensuring the accuracy of the information provided, it is provided for general information only and on the understanding that neither the NNTT, the Registrar nor the Commonwealth of Australia is providing professional advice. Appropriate professional advice relevant to your circumstances should be sought rather than relying on the information provided. In addition, you must exercise your own judgment and carefully evaluate the information provided for accuracy, currency, completeness and relevance for the purpose for which it is to be used.

The information provided is often supplied by, or based on, data and information from external sources, therefore the NNTT and Registrar cannot guarantee that the information is accurate or up-to-date.

The NNTT and Registrar expressly disclaim any liability arising from the use of this information.

This information should not be relied upon in relation to any matters associated with cultural heritage.

penny@mheritage.com.au

From: PTLALC (Admin) <admin@ptlalc.com.au>
Sent: Tuesday, 5 December 2023 10:52 AM
To: penny@mheritage.com.au
Subject: RE: Proposed rezoning and development at Wingham

Hi Penny

The land council has got a site officer that could assist with this the fee for a full day is \$1025.00 the lalc office will be closed from the 22nd December 2023 until 10th January 2024

Thanks
Kelly King

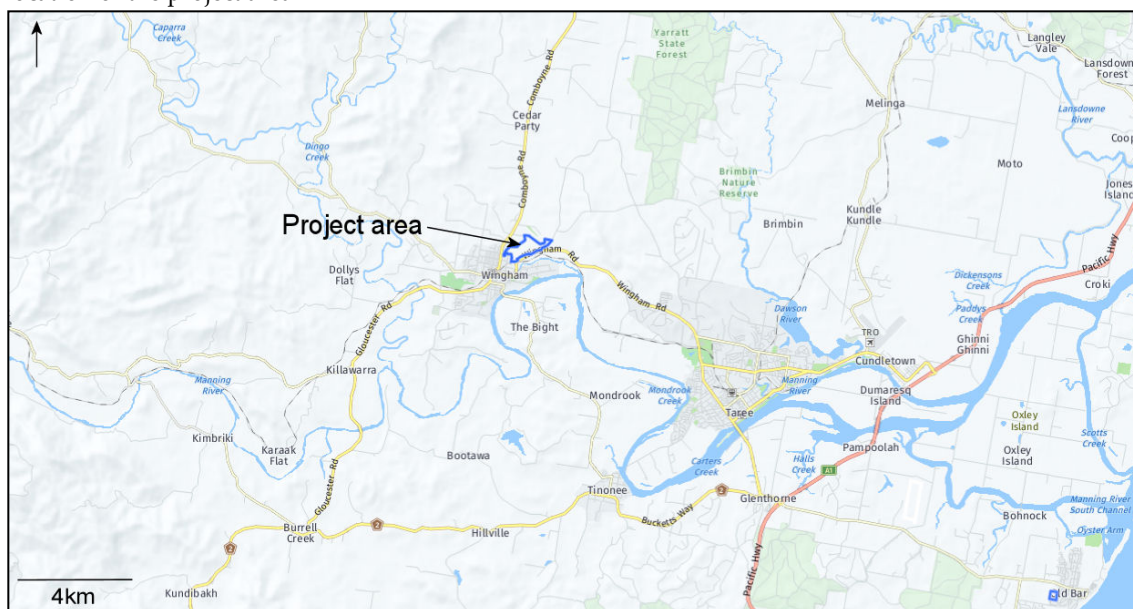
From: penny@mheritage.com.au <penny@mheritage.com.au>
Sent: Tuesday, December 5, 2023 9:55 AM
To: information@ntscorp.com.au; heritagemailbox@environment.nsw.gov.au; admin.northcoast@lls.nsw.gov.au; PTLALC (Admin) <admin@ptlalc.com.au>; council@midcoast.nsw.gov.au; 'Rachel Rewiri' <rachel.rewiri3@oralra.nsw.gov.au>
Subject: Proposed rezoning and development at Wingham

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



From: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Sent: Wednesday, 6 December 2023 11:38 AM
To: penny@mheritage.com.au
Subject: RE: SR23/2006 - Search - SR23/2006 [SEC=OFFICIAL]

OFFICIAL

Your ref: *Wingham* **Our ref:** *SR23/2006*

Dear Dr Penny McCardle ,

Thank you for your search request.

Based on the records held by the National Native Title Tribunal as at 06 December 2023, it would appear that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- Native Title Determinations
- Indigenous Land Use Agreements (Registered and notified)

At the time this search was carried out, there were **no relevant entries** in the above databases.

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our [website](#).

Information on native title claims and freehold land can also be found on the Tribunal's website here: [Native title claims and freehold land](#) .

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

The Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact us via GeospatialSearch@NNTT.gov.au

Regards,

Geospatial Searches

National Native Title Tribunal | Perth

Email: GeospatialSearch@nntt.gov.au | www.nntt.gov.au

*Please note, the NNTT will be closed for the statutory holidays and will be on reduced staff from **4:30 pm Friday 22 December 2023 to 8:30 am Friday 5 January 2024**.*

From: penny@mheritage.com.au <penny@mheritage.com.au>
Sent: Tuesday, December 5, 2023 6:56 AM
To: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Subject: SR23/2006 - Search

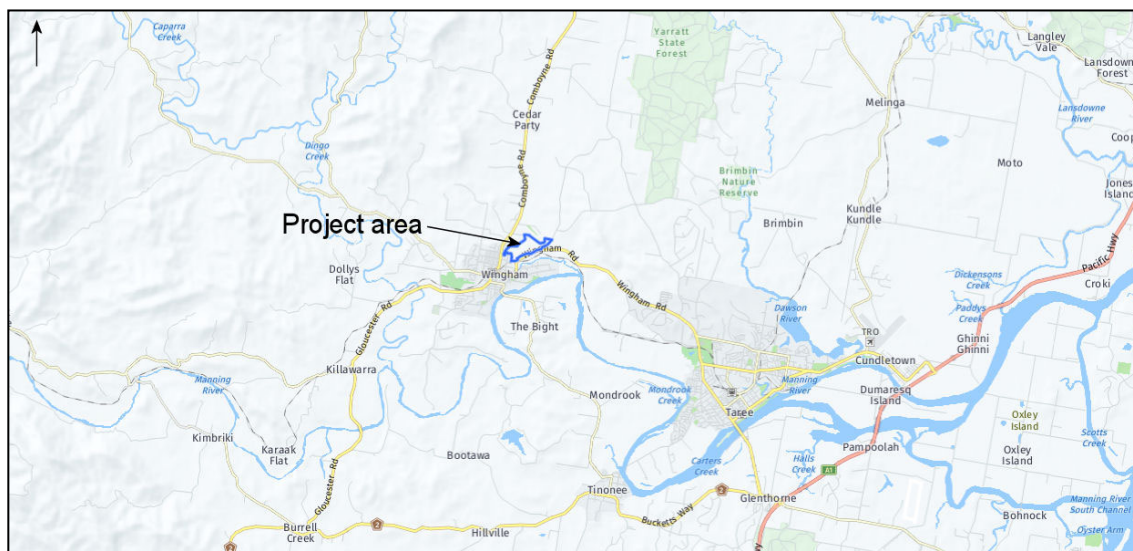
Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



**LIST OF ABORIGINAL STAKEHOLDERS FOR THE DEPARTMENT OF PLANNING AND ENVIRONMENT (DPE) HELD BY DPE FOR THE PURPOSES OF THE OEH
ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

The purpose of this letter is to assist you as the proposed applicant in undertaking Aboriginal community consultation in accordance with the relevant legislation and guidelines.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is 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 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 for Aboriginal people.

In accordance with Clause 60 (10) of the National Parks and Wildlife Regulation 2019, where an agreement of the kind listed below specifies or identifies a modified or alternative consultation process for the purposes of Part 6 of the National Parks and Wildlife Act 1974, the applicant is to undertake consultation in accordance with the modified or alternative process. The applicable agreements are:

- a) a registered Indigenous Land Use Agreement under the Native Title Act 1993 of the Commonwealth entered into between an Aboriginal community and the State,
- b) a lease entered into under Part 4A of the Act,
- c) an agreement entered into by the Secretary and a board of management reserved under Part 4A of the Act that has the consent of Aboriginal owner board members for the land concerned,
- d) an agreement entered into between an Aboriginal community and the Department of Planning, Industry and the Environment.

Where you believe your application is wholly or partially located within an area subject to any of the above agreements, please provide further correspondence (including mapping, if required) detailing the applicable agreement and its relationship to the application area to heritagemailbox@environment.nsw.gov.au. Heritage NSW will respond with further advice.

Where the above does not apply, please proceed with consultation in accordance with the Clause 60 (1-9) of the National Parks and Wildlife Regulation 2019 and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (the "Consultation Requirements"). A copy of the Consultation Requirements can be found on the OEH website at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>.

Under the Consultation Requirements, a proponent is required to provide Aboriginal people who may hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to the proposed project area, with an opportunity to be involved in consultation. Section 3.3.1 of the Consultation Requirements states that Aboriginal people who can provide this information are, based on Aboriginal lore and custom, the traditional owners or custodians of the land that is the subject of the proposed project.

The Consultation Requirements also state that:

Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making who seek to register their interest as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and custom

- recognise their responsibilities and obligations to protect and conserve their culture and heritage and 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.

This list is provided to proponents in accordance with Clause 60(2)(a)(i) of the National Parks and Wildlife Regulation 2019 and section 4.1.2 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

The stakeholders identified on this list may have an interest in the proposed project area and may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places.

How to use this list

- Contact the organisations/individuals who have indicated an interest in the relevant LGA/s and invite them to register an interest in your project.
- Do not reproduce the attached list in publicly available reports and other documents. Your report should only contain the names of the organisations and individuals who you have invited to register an interest in your project and those who have registered as stakeholders for your project.
- Note that the provision of this Aboriginal stakeholder list does not override a proponent's requirement to also advertise in the local newspaper and to seek from other sources the names of any other Aboriginal people who may hold cultural knowledge as required under clause 60 (2) of the National Parks and Wildlife Regulation 2019.
- Please refer to Clause 60 of the National Parks and Wildlife Regulation 2019 and the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 for further information on the requirements of the consultation process.
- If contact details of stakeholders are found to be incorrect or outdated, please contact heritagemailbox@environment.nsw.gov.au.

Last updated September 2023

Our reference: doc23/1067742

Proposed rezoning and development at Wingham

Aboriginal Stakeholders –Mid Coast Local Government Area.

A1 Indigenous Services	Carolyn Hickey	cazadirect@live.com	-	0411 650 057	-	10 Marie Pitt Place, Glenmore Park, NSW, 2745	-
Birpai Local Aboriginal Land Council	CEO	birpailalc@midcoast.com.au	(02) 6584 9066	-	-	14 Aston Street PORT MACQUARIE NSW 2444	-
Corroboree Aboriginal Corporation	Marilyn Carroll-Johnson	corroboreecorp@outlook.com	(02) 8824 324	0415 911 159	-	PO BOX 344 LITHGOW NSW 2790	-
D F T V Enterprises	Derrick Vale	deckavale@hotmail.com	-	0401 162 998 0422 876 047 0438 812 197	-	5 Mountbatten Close RUTHERFORD NSW 2320	-
Didge Ngunawal Clan	Lillie Carroll ; Paul Boyd	didgengunawalclan@yahoo.com.au	-	0426 823 944 ; 0450 616 404	-	33 Carlyle Crescent Cambridge Gardens NSW 2747	-
Forster Local Aboriginal Land Council	CEO Cal Davis	ceo@forsterlalc.org.au	(02) 6555 5411	-	-	PO Box 384 FORSTER NSW 2428	-
Gomery Cultural Consultants	David Horton	daveyhorton69@gmail.com	-	0458 532 707	-	22 Cabernet Street Muswellbrook 2333 NSW	-
Hunters & Collectors	Tania Matthews	Tamatthews10@hotmail.com	-	0407 348 384	-	Unit 1/19 South Street Gunnedah NSW 2320	-
Kamilaroi Yankuntjatjara Working Group	Phil Khan	philipkhan.acn@live.com.au	-	0434 545 982	-	78 Forbes Street, Emu Plains, NSW 2750	-

Karuah Indigenous Corporation	David Feeney	indigenoukaruah@outlook.com	(02) 4997 5952	0421 114 853	-	1/7 Mustons Rd KARUAH NSW 2324	-
Karuah Local Aboriginal Land Council	CEO	office@karuahaboriginal.com.au	(02) 4997 5733	-	-	16 Muston Road KARUAH NSW 2324	-
Kawul Pty Ltd trading as Wonn1 Sites	Arthur Fletcher	Wonn1sites@gmail.com	(02) 4954 7751	0402 146 193	-	619 Main Road GLENDALE NSW 2285	-
Kevin Duncan	Kevin Duncan	kevin.duncan@bigpond.com	(02) 4392 9346	0431 224 099	-	95 Moala Parade HARMHAVEN NSW 2263	-
Lakkari NTCG	Mick Leon	doowakee@gmail.com doowakee@virginbroadband.com.au	-	0402 751 584	-	C/- 4/39 Short Street FORSTER NSW 2428 C/- Doo-wa-kee CHS 82 Victoria Street TAREE NSW 2430	-
Lee Davison	Lee Davison	leedavison114@yahoo.com.au	-	0450 180 680	-	4 Old Bar Road OLD BAR NSW 2430	-
Lower Hunter Aboriginal Incorporated	David Ahoy	lowerhunterai@gmail.com	-	0421 329 520	-	5 Killara Drive CARDIFF SOUTH NSW 2285	-
Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson ; Ryan Johnson	murrabidgeemullangari@yahoo.com.au	-	0490 051 102 0475 565 517 0497 983 332	-	PO Box 3035 Rouse Hill NSW 2155	-
Mur-Roo-Ma Inc.	Anthony Anderson	murroomainc1@gmail.com	(02) 4928 1910	0402 827 482	-	7 Vardon Road FERN BAY NSW 2295	-
Myland Cultural & Heritage Group	Warren Schillings	warren@yarnteen.com.au	-	0431 392 554	-	30 Taurus Street ELERMORE VALE NSW 2287	-

Nunawanna Aboriginal Corporation	Colin Ahoy	cahoy7@myune.edu.au colinahoy57@gmail.com	-	0421 655 192 0423 943 756	-	10 Dale Crescent ARMIDALE NSW 2350 4 Archibald Street, Armidale NSW 2350	Send to both email address
Nur-Run-Gee Pty Ltd	Leonard Anderson OAM	lennie.anderson011@bigpond.com	-	0431 334 365	-	22 Popplewell Road NSW FERN BAY NSW 2295	-
Purfleet/Taree Local Aboriginal Land Council	CEO	admin@ptlalc.com.au	(02) 6552 4106	-	-	Lots 1-3 Old Pacific Highway PURFLEET NSW 2430	-
Robert Syron	Robert Syron	bobsam1@bigpond.net.au	-	0407 209 553	-	6a Cockshell Drive GAWLER EAST SA 5118	-
WATTAKA Pty Ltd	Des Hickey	deshickey@bigpond.com	(02) 6573 3786	0432 977 178	-	4 Kennedy Street SINGLETON NSW 2330	-
Widescope Indigenous Group	Steven Hickey; Donna Hickey	Widescope.group@live.com	-	SH: 0425 230 693 DH: 0425 232 056	-	73 Russell Street, Emu Plains, NSW 2750	-
Yinarr Cultural Services	Kathleen Steward Kinchela	yinarculturalservices@bigpond.com dontminemeay@gmail.com	-	0475 436 589	-	Lot 5 Westwood Estate MERRIWA NSW 2329	-
Girragirra Murun Aboriginal Corporation	Diana Astin	girragirramurun@yahoo.com		0433837512		PO Box 148 Wellington NSW 2820 PO box 981 Ulladulla NSW 2539	
Wingarra Wilay Aboriginal Corporation	Raymond Moon	wingarrawilay@yahoo.com		0450087707		PO Box Wellington NSW 2820	

Connect with Classifieds

MANNING RIVER
Times

Phone: 02 6551 3855
Email: classifieds.mnc@austcommunitymedia.com.au

Phone: 02 6551 3855
Email: classifieds.mnc@austcommunitymedia.com.au

Connect with Classifieds

Phone: 02 6551 3855
Email: classifieds.mnc@austcommunitymedia.com.au

MANNING RIVER
Times

Connect with Classifieds

Place a Classifieds ad

6551 3855 classifieds.
classifieds.mnc@austcommunitymedia.com.au
Save time, submit online 24/7
adirect.com.au

Print and online packages available
throughout Australia
Advertising self service enquiries:
acmadonline@austcommunitymedia.com.au

Self Service

Death Notices

Osmand, Margaret Ann

Passed away on the 20th of December 2023,
at hospital in Newcastle,
Recently from Taree
Aged 73 years
After a short but courageous battle.

Dearly loved wife and soulmate of Bill Osmand
(dec.). Loving daughter of Harold Joseph and
Yvonne Bradbury (both dec.). Loved sister of
Robin, Harold, Kevin (dec.), David (dec.), Allan
and their wives and partners. Loved family
member of the Osmand and Weidner families.

Forever In Our Hearts.♥

John Hossack
FUNERAL SERVICES
Albury Ph: (02) 6041 3855

Funeral Notices

BERRELL, Helen Cameron

Late of Taree, passed
away peacefully on
Monday the 1st of
January, 2024.

Aged 86 Years

Beloved wife of Lyell
(dec). Much loved
daughter of Jack &
Edna (both dec).
Cherished Mum of
Catherine and Paul.
Adored grandmother
to Connor and
Cameron.
Helen will be sadly
missed by all her
extended family and
friends.

Helen's Funeral
Service will be held in
the Chapel at the
Manning Great Lakes
Memorial Gardens
Crematorium,
Pampoolah Road
Taree, commencing at
2.00pm today Friday
12th January.

Becker Family
FUNERALS
Ph 6557 8557

GOODSELL, Christopher Ross
"Chris"

Late of Old Bar, died
peacefully on Monday
8th January 2024.

Aged 75 Years.

Devoted husband of
Vicki. Much loved Dad
to Meg, Jo and Sarah.
Wonderful Granddad
to Ryley, Madi, Emily,
Kiara, Charles and
Elliot. Loving brother
of Bob, Judy and
Greg. Chris will be
dearly missed by his
family, friends and
many community
members, near and
far.

Chris's Memorial
Service will be held at
the Manning Uniting
Church, Albert Street
Taree, commencing at
11:00am on Tuesday
16th of January, 2024.

Becker Family
FUNERALS
Ph 6557 8557

In Memoriam

ARMSTRONG, Brian

13th January 1994

It's been 30 years

Forever in our hearts and sadly missed

Neil, Cheryl, Matthew, Eve & Maree



Births

WELCOME to the World

ONLY \$66
SIZE: DEPTH-45MM
WIDTH-129MM
(INCLUSIVE GST)

WAS YOUR BABY BORN IN 2023?
LET EVERYONE KNOW
THAT A NEW BABY
HAS BEEN WELCOMED INTO THE WORLD.

FIND YOUR FAVOURITE PHOTOGRAPH.
WRITE SOME LOVING WORDS.
WE'LL PUT THEM BOTH TOGETHER,
AND PUBLISH YOUR HEARTFELT VERSE.

BABIES OF 2023
WILL BE PUBLISHED
IN MARCH 2024.

ACM
trusted voice

To register your interest, please email your name and contact details to:
tradesprograms@austcommunitymedia.com.au or Phone: Rachel 4570 4411
Attention Rachel - Babies of 2023.

Share Accommodation

BUDGET
ACCOMMODATION
TAREE

From \$200 p/w

www.low-cost-acco
mmmodation.com.au

0431 294 308

Church Notices

DIVINE SERVICES

Stay Connected with your Church

Seventh-Day Adventist Church
Taree Church Cowper & Gipps Sts.
taree.adventist.org.au
Zoom each week at 9:30am
Pastor Graham Stewart - 0447 444 424

The Salvation Army
Join us in person or online at
https://midnorthcoastsalvos.online.church.
9.30 am every Sunday
Taree Corps: 55 Manning Street

Manning Valley Covenant Ministries
6 Coolabah Dr, Taree Visit
www.mvcm.com.au
for information regarding our community
outreach ministries
Pastors Glenn and Felicity Hodson.
Ph: 6551 0042
To update your church services please email
tradesprograms@austcommunitymedia.com.au

Pets and Pet Care

Australian
Pet Cremations

Enquiries welcome
1300 272 225

Public Notices

Notification of project proposal and registration of interest under
Heritage NSW Aboriginal Cultural Heritage Consultation
Requirements for Proponents 2010 (Stage 1) - Proposed rezoning
and development at Wingham.

McCardle Cultural Heritage (MCH) have been engaged by Hampstead
Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight
Road, Wingham NSW 2429) to prepare an Aboriginal Cultural Heritage
Assessment (ACHA) and Section 90 Aboriginal Heritage Impact Permit
(AHIP) application, if required, for the proposed rezoning and
development located along Wingham Road, Wingham (Lot 92
DP1285477).

The purpose of community consultation with Aboriginal people is to assist
the proposed applicant in the preparation of the AHIP application if
required and to assist Heritage NSW, Department of Planning and
Environment in their consideration and determination of the application
should an AHIP be required.

In compliance with the Heritage NSW policy - Aboriginal Cultural Heritage
Consultation Requirements for Proponents 2010, MCH would like to
extend an invitation to Aboriginal people who hold cultural knowledge
relevant to the proposed project area and who can determine the
significance of Aboriginal object(s) and/or place(s) in the area of the
proposed project to register an interest in the consultation process for
this project.

Written registrations must be forwarded to MCH (P.O. Box 166
Adamstown, NSW, 2289; ✉ penny@mcheritage.com.au no later than
C.O.B. 29 January 2024.

All registered parties will then be contacted to discuss the project in
compliance with Heritage NSW policy. If you register your interest in this
project, please also nominate your preferred option to receive the initial
information. You may wish to attend a non-paid meeting and receive an
information pack, or receive an information packet through the mail or
e-mail.

Any parties who register are advised that, unless otherwise requested,
their details will be forward to Heritage NSW and the relevant LALC within
28 days of the closing date of registration and in compliance with
Heritage NSW policy.

Trade Services

AFFORDABLE House
Painting in/out, reliable,
insured. 0449 612 132
Lic 319841C.

ALCANDO RENOVA-
TIONS & Maintenance.
Call Alan 0428 505 144
Lic 133785c

G.P Concreting. All
Aspects of Concreting.
Free Quote. Ph: 0427
495 040. Lic 257322c

Connect with
Classifieds



NOT SURE
HOW
TO BEST
ADVERTISE
YOUR ITEMS
FOR SALE?

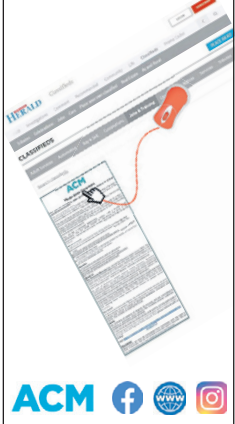
Why not enjoy
the same
service as
Barbara did
recently

I just want to say that your classified
ladies were so helpful - you must be
so happy having such wonderful &
efficient staff. It was a pleasure
dealing with them.

Barbara.

Phone or email
your local
classified staff
and let them
help you.

Connect with Classifieds



penny@mheritage.com.au

From: penny@mheritage.com.au
Sent: Monday, 15 January 2024 11:55 AM
To: 'cazadirect@live.com'; 'birpailalc@midcoast.com.au'; 'maz_lolli@yahoo.com.au';
'deckavale@hotmail.com'; 'didgengunawalclan@yahoo.com.au'; 'ceo@forsterlalc.org.au';
'leannekirkman1964@gmail.com'; 'Tamattthews10@hotmail.com'; 'philipkhan.acn@live.com.au';
'indigenousskaruah@outlook.com'; 'office@karuahaboriginal.com.au'; 'Wonn1sites@gmail.com';
'kevin.duncan@bigpond.com'; 'doowakee@gmail.com'; 'leedavison114@yahoo.com.au';
'lowerhunterai@gmail.com'; 'murrabidgeemullangari@yahoo.com.au'; 'murroomainc1
@gmail.com'; 'warren@yarnteen.com.au'; 'cahoy7@myune.edu.au'; 'lennie.anderson011
@bigpond.com'; 'admin@ptlalc.com.au'; 'bobsam1@bigpond.net.au'; 'deshickey@bigpond.com';
'Widescope.group@live.com'; 'yinarculturalservices@bigpond.com';
'girragirramurun@yahoo.com'; 'wingarrawilay@yahoo.com'
Subject: Cedar Creek Estate ACHA
Attachments: Letter to all RAPs.pdf

Hi all,

Please see the attached

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

15 January 2024

Via email

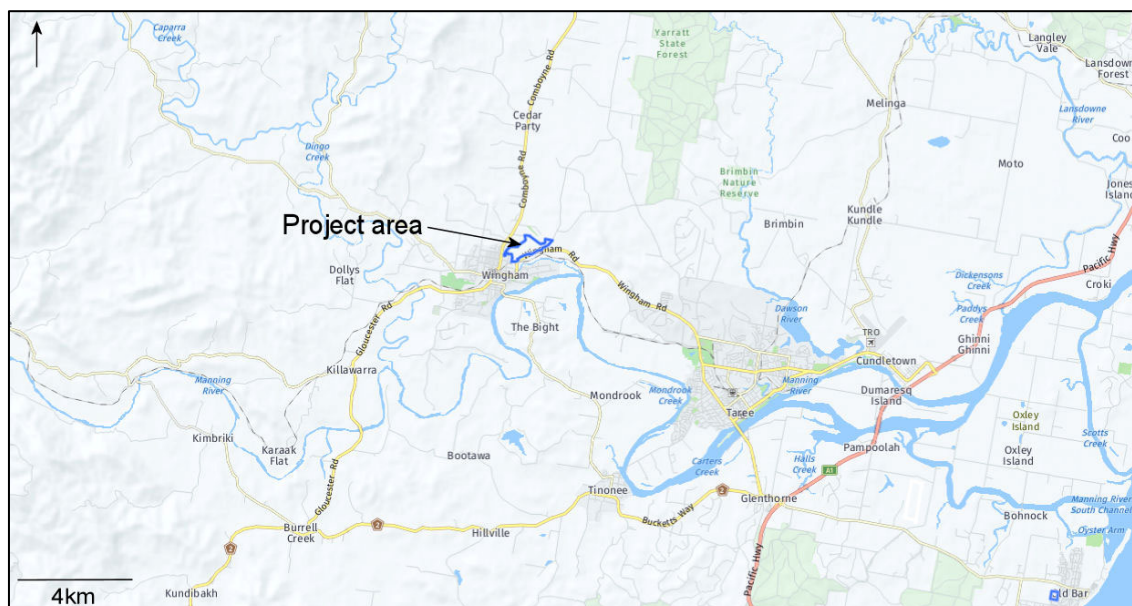
Dear All,

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural heritage Consultation Requirements for Proponents 2010 (Stage 1)– Proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) have been engaged by Hampstead Property on behalf of the Proponent (MPT Farms Pty Limited, 95 Bight Road, Wingham NSW 2429) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed rezoning and development located along Wingham Road, Wingham (Lot 92 DP1285477), Midcoast Local Government Area (LGA).

As per the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Stage 1 (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist Heritage NSW in their consideration and determination of the application should an AHIP be required.

This is an invitation for **Aboriginal people who hold cultural knowledge relevant to the proposed project area** (registration is not to be based on where an individual or company works across NSW) and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to Heritage NSW and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- 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, must nominate a contact person and provide written confirmation and contact details of this person or persons.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who are nominated who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) which provides guidelines to identify traditional knowledge holders. Should you wish to register your interest in this project, please register in writing no later than C.O.B. 29th January 2024 to:

Dr. Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown, NSW, 2289

If you register your interest in this project, please also nominate your preferred option to receive the project information. You may wish to have a non-paid meeting and receive an information pack, or receive information packet through the mail or e-mail. If a preferred method is not nominated, all information will be forward by mail or e-mail.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

From: Lee Davison <leedavison114@yahoo.com.au>
Sent: Tuesday, 16 January 2024 9:24 AM
To: penny@mheritage.com.au
Subject: Re: Cedar Creek Estate ACHA

Hi Penny,

Thanks for your email.

I would like to register for consultation on behalf of myself and family members who hold cultural knowledge within the Biripi area.

We are Biripi and wish to assist in ensuring the best interests for our culture and heritage are maintained. I will discuss this proposal and any further consultation with members of my family, but please share all correspondence and the information package via this email address.

Please don't hesitate to call if you'd like to discuss this proposal.

Thank you
Lee Davison
0450 180 680

On 15 Jan 2024, at 11:55 am, penny@mheritage.com.au wrote:

Hi all,

Please see the attached

Kind regards,

Dr. Penny McCardle
Principal & Forensic Archaeologist
Forensic Anthropologist

<image001.png>

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

From: Carolyn .H <cazadirect@live.com>
Sent: Sunday, 21 January 2024 1:30 PM
To: penny@mheritage.com.au
Subject: Re: Cedar Creek Estate ACHA



INDIGENOUS SERVICES

Contact: Carolyn Hickey
Mobile: 0411650057
Email: Cazadirect@live.com
Address: 10 Marie Pitt Place, Glenmore Park, NSW 2745
ABN: : 20 616 970 327

Hi,
Thank you for your email, I would like to register in being involved in all levels of consultation for this project.
Including, Meetings, Reports, Sharing Cultural Information, and available Field Work.
Please feel free to contact me on details supplied

Kind Regards,
Carolyn Hickey

When Selecting Groups for Engagement:

Please consider that **A1 INDIGENOUS SERVICES** is a member of the **NSW INDIGENOUS CHAMBER OF COMMERCE**.

We carry the NSWICC Assured logo showing that **A1 Indigenous Services** has met National Policy requirements as upheld by the First Australians Chamber of Commerce and Industry (FACCI) for being identified as a **100% First Nations Owned Indigenous Business** That has demonstrate compliance with Government and Industry Regulators.

A1 INDIGENOUS SERVICES is now a member of the NSW INDIGENOUS CHAMBER OF COMMERCE

A business or enterprise carrying the NSWICC Assured logo has met National Policy requirements as upheld by the First Australians Chamber of Commerce and Industry (FACCI) for being identified as a First Nations Business Owner or Entrepreneur and the business must demonstrate compliance with Government and Industry Regulators.

(Certificate attached) A certificate confirms that the Enterprise listed above has met all requirements of the NSWICC's Assured Program , operating as a100% Aboriginal Owned, Operated and Controlled Business. The NSW Indigenous Chamber of Commerce (NSWICC) is the Peak body for Aboriginal Business in New South Wales and a member of the First Australians Chamber of Commerce and Industry (FACCI)

From: Amanda De Zwart <amandahickey@live.com.au>
Sent: Sunday, 21 January 2024 1:33 PM
To: penny@mheritage.com.au
Subject: Fwd: Cedar Creek Estate ACHA
Attachments: Letter to all RAPs.pdf

Hi Penny

I would like to register for consultation for this project

Thank you

Amanda Hickey

From: penny@mheritage.com.au <penny@mheritage.com.au>
Sent: Monday, 15 January 2024 11:55 AM
To: cazadirect@live.com <cazadirect@live.com>; birpailalc@midcoast.com.au <birpailalc@midcoast.com.au>; maz_lolli@yahoo.com.au <maz_lolli@yahoo.com.au>; deckavale@hotmail.com <deckavale@hotmail.com>; didgengunawalclan@yahoo.com.au <didgengunawalclan@yahoo.com.au>; ceo@forsterlalc.org.au <ceo@forsterlalc.org.au>; leannekirkman1964@gmail.com <leannekirkman1964@gmail.com>; Tamatthews10@hotmail.com <Tamatthews10@hotmail.com>; philipkhan.acn@live.com.au <philipkhan.acn@live.com.au>; indigenousskaruah@outlook.com <indigenousskaruah@outlook.com>; office@karuahaboriginal.com.au <office@karuahaboriginal.com.au>; Wonn1sites@gmail.com <Wonn1sites@gmail.com>; kevin.duncan@bigpond.com <kevin.duncan@bigpond.com>; doowakee@gmail.com <doowakee@gmail.com>; leedavison114@yahoo.com.au <leedavison114@yahoo.com.au>; lowerhunterai@gmail.com <lowerhunterai@gmail.com>; murrabidgeemullangari@yahoo.com.au <murrabidgeemullangari@yahoo.com.au>; murroomainc1@gmail.com <murroomainc1@gmail.com>; warren@yarnteen.com.au <warren@yarnteen.com.au>; cahoy7@myune.edu.au <cahoy7@myune.edu.au>; lennie.anderson011@bigpond.com <lennie.anderson011@bigpond.com>; admin@ptlalc.com.au <admin@ptlalc.com.au>; bobsam1@bigpond.net.au <bobsam1@bigpond.net.au>; deshickey@bigpond.com <deshickey@bigpond.com>; Widescope.group@live.com <Widescope.group@live.com>; yinarculturalservices@bigpond.com <yinarculturalservices@bigpond.com>; girragirramurun@yahoo.com <girragirramurun@yahoo.com>; wingarrawilay@yahoo.com <wingarrawilay@yahoo.com>
Subject: Cedar Creek Estate ACHA

Hi all,

Please see the attached

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist

Forensic Anthropologist



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

30 January 2024

Heritage NSW, Department of Premier & Cabinet
heritagemailbox@environment.nsw.gov.au

Dear Sir/madam,

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (s4.1.6): provision of Registered Aboriginal Parties (RAPs): Proposed Proposed rezoning and developoent at Wingham

In compliance with the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1; s 4.1.6), please find attached records of Registered Aboriginal Parties (RAPs) for the above-named project.

Also, in compliance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1: s 4.1.3 and 4.1.6), please also find attached a copy of the public notification placed in the Manning River Times Newspaper.

If you have any questions or would like any additional information please don't hesitate to contact me on 0412 702 396 or via e-mail at penny@mcheritage.com.au.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Registered Aboriginal Parties

Company	Contact
Purfleet/Taree Local Aboriginal Land Council	Kelly King
	Lee Davison
A1 Indigenous Services	Carolyn Hickey
	Amanda Hickey



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

30 January 2024

Purfleet/Taree Local Aboriginal Land Council
admin@ptlalc.com.au

Dear Sir/madam,

RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (s4.1.6): provision of Registered Aboriginal Parties (RAPs): Proposed rezoning and development at Wingham

In compliance with the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1; s 4.1.6), please find attached records of Registered Aboriginal Parties (RAPs) for the above-named project.

Also, in compliance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1: s 4.1.3 and 4.1.6), please also find attached a copy of the public notification placed in the Manning River Times Newspaper.

If you have any questions or would like any additional information please don't hesitate to contact me on 0412 702 396 or via e-mail at penny@mcheritage.com.au.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Registered Aboriginal Parties

Company	Contact
Purfleet/Taree Local Aboriginal Land Council	Kelly King
	Lee Davison
A1 Indigenous Services	Carolyn Hickey
	Amanda Hickey

From: penny@mcheritage.com.au
Sent: Tuesday, 30 January 2024 8:00 AM
To: 'cazadirect@live.com'; 'leedavison114@yahoo.com.au'; 'admin@ptlalc.com.au'; 'Amanda De Zwart'
Subject: Cedar Creek Estate, Wingham Info Pack
Attachments: ACHAR Info Pack.pdf

Dear all,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2 & 3) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation – proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) 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 MCH did not receive your preferred option, we are posting/emailing the information packet.

In order for the proponent to fulfil its cultural heritage consultation requirements per the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2; s 4.2.1 to 4.2.4; Stage 3, s 4.3.1 to 4.3.7) please find enclosed an Aboriginal Cultural Heritage Assessment Information Packet that outlines the proposed project including, but not limited to, details of the proposed the project including maps, an outline of the impact assessment process, summary of the cultural, environmental and archaeological contexts, a site specific predictive model, details of the proposed methodology, the roles and responsibilities of all parties, and provide an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have.

MCH would appreciate your input on;

- The proposed methodology
- Any Aboriginal objects and/or place(s) of cultural value within the investigation area and/or any issues of cultural significance you are aware of
- Any protocols and/or restrictions you may wish to implement in relation to any information you may like to provide, and
- Any other factors you consider relevant to the heritage assessment;

Please make your written submission to MCH by close of business 27th February 2024. The absence of a response by the requested timeline will be taken as your indication that your organisation has no comments regarding the above.

The proponent intends to engage a number of RAPs (relative to the scale and nature of the investigations) to participate in the field work. If you wish to be considered for paid participation in the field investigations please review and complete the Aboriginal stakeholder site officer application form attached to the information packet provided. Aboriginal representatives will be selected by the proponent based upon merits of the applications received with respect to the selection criteria. Late application will not be accepted by the proponent.

Please note that the number of people engaged and the duration of any engagement will be at the sole discretion of the proponent who will notify MCH of the successful applicants. MCH will notify the successful applicants and all RAPs will be invited to participate in the field investigations regardless of remuneration and subject to Occupational Health and Safety requirements and operational requirements.

Please note that regardless of participation in the field investigations, RAPs will be consulted in accordance with the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 for the remainder of the assessment.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

M

Cedar Creek Estate

LGA: Midcoast Council

Aboriginal Cultural Heritage Assessment Information Packet

29 January 2024

McCARDLE CULTURAL HERITAGE PTY LTD

ACN 104 590 141 • ABN 89 104 590 141

PO Box 166, Adamstown, NSW 2289

Mobile: 0412 702 396 • Email: penny@mcheritage.com.au



Report No: J202423 Info Pack

Approved by: Penny McCardle

Position: Director

Signed: 

Date: 29 January 2024

This report has been prepared in accordance with the scope of services described in the contract or agreement between McCardle Cultural Heritage Pty Ltd (MCH), ACN: 104 590 141, ABN: 89 104 590 141, and the proponent. The report relies upon data, surveys, measurements and specific times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the proponent. Furthermore, the report has been prepared solely for use by the proponent and MCH accepts no responsibility for its use by other parties.

CONTENTS

GLOSSARY	I
1 INTRODUCTION.....	1
1.1 CONSULTATION	1
1.2 PROJECT AREA	1
1.3 PROJECT OUTLINE AND IMPACTS	2
1.4 CRITICAL DEVELOPMENT TIME LINES.....	3
1.5 CRITICAL ARCHAEOLOGICAL TIMELINE	3
2 ENVIRONMENTAL CONTEXT.....	4
3 ARCHAEOLOGICAL CONTEXT.....	5
3.1.1 PREDICTIVE MODEL.....	6
4 METHODS OF INVESTIGATION	7
4.1 GATHERING OF INFORMATION OF CULTURAL SIGNIFICANCE	7
4.1.1 PROPOSED METHODS: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE ...	7
4.1.2 IDENTIFYING KNOWLEDGE HOLDERS	7
4.1.3 IDENTIFYING CULTURAL SIGNIFICANCE	8
4.1.4 VALUES AND QUESTIONS TO CONSIDER.....	8
4.1.5 PROVIDING YOUR KKNOWLEDGE AND CULTURAL SIGNIFICANCE INFORMATION	10
4.2 ARCHAEOLOGICAL INVESTIGATION METHODS	11
4.2.1 OBJECTIVES	11
4.2.2 ABORIGINAL CULTURAL HERITAGE ASSESSMENT METHODOLOGY & REPORT.....	11
4.2.3 PROPOSED SURVEY METHODOLOGY	11
4.3 FORMS	12
5 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES	13
5.1 HERITAGE NSW, DEPARTMENT OF PREMIER AND CABINET	13
5.2 PROPONENT.....	13
5.3 REGISTERED ABORIGINAL STAKEHOLDERS	14
5.4 LOCAL ABORIGINAL LAND COUNCILS	14
5.5 EMPLOYMENT.....	14
5.6 FORMS	15

APPENDICES

APPENDIX A FORMS

LIST OF TABLES

1.1 ARCHAEOLOGICAL TIMELINE	3
-----------------------------------	---

LIST OF FIGURES

FIGURE 1.1 LOCATION OF THE PROJECT AREA2

FIGURE 1.2 AERIAL PHOTOGRAPH OF THE PROJECT AREA2

FIGURE 3.1 APPROXIMATE LOCATION OF AHIMS SITES5

GLOSSARY

Aboriginal Cultural Heritage Values: traditional values of Aboriginal people, handed down in spiritual beliefs, stories and community practices and may include local plant and animal species, places that are important and ways of showing respect for other people.

Aboriginal Place: are locations that have been recognised by the Minister for Climate Change and the Environment (and gazetted under the *National Parks and Wildlife Act 1974*) as having special cultural significance to the Aboriginal community. An Aboriginal Place may or may not include archaeological materials.

Aboriginal Site: an Aboriginal site is the location of one or more Aboriginal archaeological objects, including flaked stone artefacts, midden shell, grinding grooves, archaeological deposits, scarred trees etc.

Harm: is defined as an act that may destroy, deface or damage an Aboriginal object or place. In relation to an object, this means the movement or removal of an object from the land in which it has been situated

Traditional Aboriginal Owners: Aboriginal people who are listed in the Register of Aboriginal owners pursuant to Division 3 of the *Aboriginal Land Register Act (1983)*. The Registrar must give priority to registering Aboriginal people for lands listed in Schedule 14 of the *National Parks and Wildlife Act 1974* or land subject to a claim under 36A of the *Aboriginal Land Rights Act 1983*.

Traditional Knowledge: Information about the roles, responsibilities and practices set out in the cultural beliefs of the Aboriginal community. Only certain individuals have traditional knowledge and different aspects of traditional knowledge may be known by different people, e.g., information about men's initiation sites and practices, women's sites, special pathways, proper responsibilities of people fishing or gathering food for the community, ways of sharing and looking after others, etc.

1 INTRODUCTION

McCardle Cultural Heritage Pty Ltd (MCH) has been engaged by Hampstead Property on behalf of MPT Farms Pty Limited to prepare an Aboriginal Cultural Heritage Assessment (ACHA), and an Aboriginal Heritage Impact Permit (AHIP), if required, for the proposed rezoning and development of a portion of the property (Rezoning Area) from RU1 Primary Production to R1 General Residential.

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 and archaeological values will be identified and appropriate management recommendations will be established through consultation with the Registered Aboriginal Parties (RAPs).

In compliance with the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2, s4.21 to 4.2.4 and Stage 3 s4.3.1 to 4.3.7), this Aboriginal Cultural Heritage Information Packet provides information about the proposed project including, but not limited to, details of the proposed the project including maps, an outline of the assessment process, summary of the environmental, cultural and archaeological contexts, a predictive model, the proposed methodology, the roles and responsibilities of all parties, and provides an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have.

The assessment has been undertaken to meet the Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010a, the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW 2011, the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010b, and the brief.

1.1 CONSULTATION

Consultation will be undertaken as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 and will be detailed in the ACHA.

1.2 PROJECT AREA

The 63.5-hectare Property zoned RU1 Primary Production is largely cleared of vegetation and the topography slopes gently downward towards Cedar Party Creek to the north and east. Cedar Creek Estate is in close proximity to the Wingham town centre just 300 metres away at the closest point offering high accessibility and connectivity with the established town and its amenities including primary and secondary schools, main street shops and cafes, Wingham Pool, and the Wingham Central Park. Located along Wingham Road (Lot 92 DP1285477), the location and extent of the project area is illustrated in Figures 1.1 and 1.2.

Figure 1.1 Location of the project area

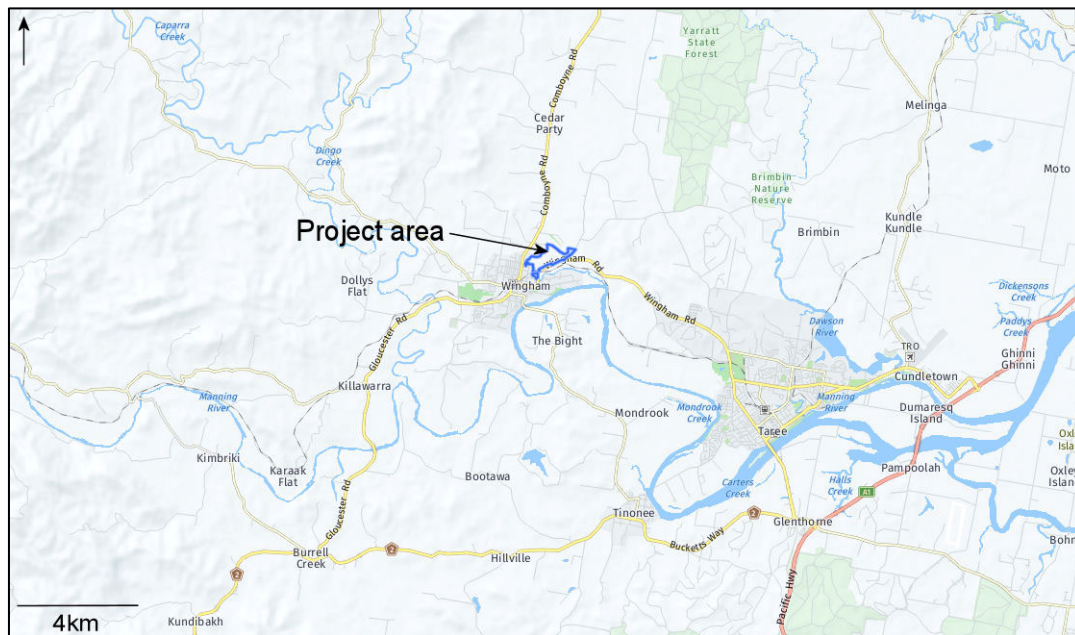
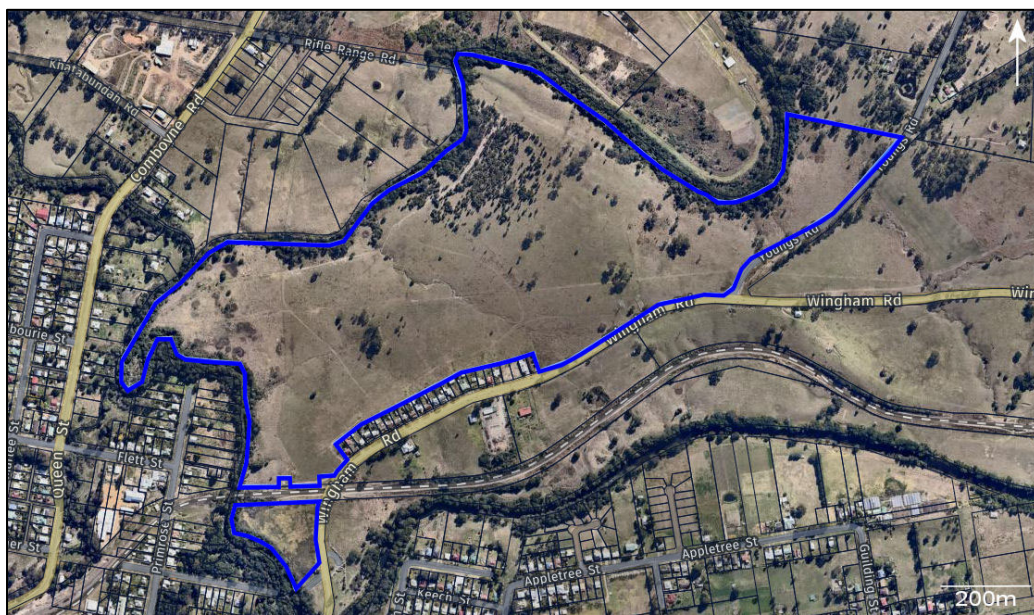


Figure 1.2 Aerial photograph of the project area



1.3 PROJECT OUTLINE AND IMPACTS

The Proposal seeks amendment to the Greater Taree Local Environmental Plan 2010 (GTLEP) to rezone part of the Property at Wingham Road, Wingham to enable residential development. The Proposal also seeks appropriate built form controls including changes to the Minimum Lot Size and the introduction of a limit for the Height of Buildings. Zoning(s) and controls are to be consistent with the Standard Instrument and will be finalised following consultation with MidCoast Council.

The Property has been identified for urban growth within local and state strategic planning documents since 2006 and most recently within the MidCoast Urban Release Areas Report in July 2021 and the Hunter Regional Plan 2041 adopted by the Minister for Planning in December 2022. MPT's vision for Cedar Creek Estate is a high quality rural residential community that is cohesive with the village of Wingham.

1.4 CRITICAL DEVELOPMENT TIME LINES

The proponent wishes to commence works as soon as possible but also acknowledges the need to undertake cultural heritage and archaeological investigations on the site. Ideally these would be undertaken prior to any works commencing on the site, however, it would be possible to stage the development to exclude areas identified for investigation until the investigations are complete.

1.5 CRITICAL ARCHAEOLOGICAL TIMELINE

The following Table indicates the timelines critical for the archaeological assessment. However, please note that consultation may be increased or decreased depending on response times and knowledge sharing.

1.1 Archaeological timeline

Stages	Week														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Stage 1: consultation	Gov. letters		RAP letters		Information pack				2 weeks' notice for survey & survey			Draft report review			
Stage 2: gathering of knowledge															
Stage 2: contextual research															
Stage 3: survey															
Stage 4: reporting															
Stage 5: finalisation															

2 ENVIRONMENTAL CONTEXT

The environmental context provides an understanding of the landscape and environmental factors as well as potential resources that may have been available in the past. The land uses also assists in an understanding of potential impacts they would have had on the landscape and associated cultural materials. This information is utilised with the archaeological context in order to ascertain a reliable predictive model of not only sit location and site type, but also the likelihood of survivability within that landscape.

The underlying geology of the majority of the project area is mainly Palaeozoic Giro Beds that consist of pebbly mudstone, mudstone conglomerate, siltstone, shale, sandstone, Unnamed limestone and Cedar Party limestone. The areas along the creek consist of Quaternary sand, silt, mud and gravel. The presence of mudstone within the geology of the project area indicates that stone materials suitable for manufacturing stone artefacts may occur in various locations throughout the project area. Unfortunately, there is no soils information available for the project area.

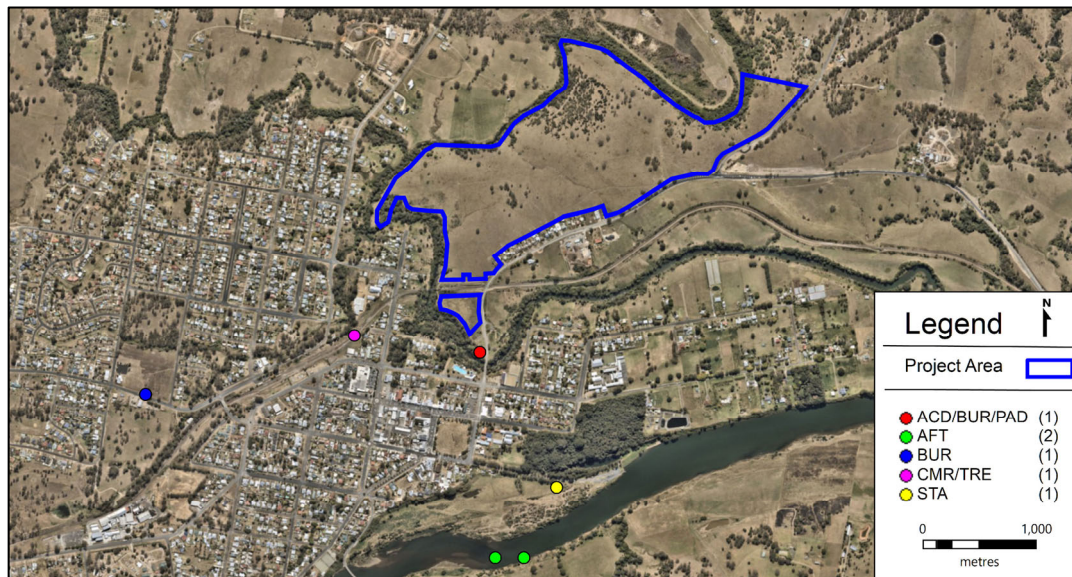
The project area is bordered by Cedar Party Creek, a 6th order creek, on its northern and western sides. Additionally, two 1st order drainage lines extend southward from the creek into the project area. This water feature is of significant importance when considering past Aboriginal land uses and survival, as water is essential for human survival. Therefore, it can be inferred that the project area was well-resourced in terms of water availability and likely served as a focal point for camping and other activities. The presence of a 6th order creek suggests a substantial and consistent flow of water throughout the project area. This would have provided a reliable source of water for drinking, cooking, and other daily activities. In terms of past land uses and the associate impact to the landscape and archaeological record, the project area has been subject to large scale clearing, at least one ploughing event for grazing as well as tracks throughout.

3 ARCHAEOLOGICAL CONTEXT

The archaeological background provides context to the project area and wider cultural landscape in which the project area is situated. It identifies known sites, their landform location and proximity to subsistence resources. It also provides the nature and extent of known sites as well as their distribution across the landscape, thereby enabling a site-specific predictive model to be developed.

A search of the AHIMS register has shown that 6 known Aboriginal sites are currently recorded within two kilometres of the project area and include two artefact sites (AFT), one burial (BUR), one stone arrangement (STA), one ceremonial ring (CMR/TRE) and one Aboriginal ceremony and dreaming/burial/ PAD (ACD/BUR/PAD). The location of sites is shown in Figure 3.1. Examination of the site cards for the site in close proximity to the project area, indicates that this site is not in the project area. There are no sites or Aboriginal Places in the project area.

Figure 3.1 Approximate location of AHIMS sites



Researching both the regional and local archaeological contexts, the following archaeological patterning is evident:

- the majority of high-density sites are located on elevated landforms within 50 metres of a reliable fresh water source with a drop of site number and densities with a decrease in stream order;
- the likelihood of finding sites of any size increases with proximity to fresh water sources and the likelihood of finding large artefact scatters also increases markedly with proximity to reliable high order water sources;
- the main site types are artefact scatters and isolated finds;
- mudstone, silcrete, chert and tuff are by far the most common raw material types represented at sites in the region. Quartz is the next most frequently in artefact assemblages followed by volcanic materials, porphyry and petrified wood. Siltstone, rhyolite and porcellanite are relatively rare;
- flakes, broken flakes and flaked pieces are the most common artefact types recorded
- the vast majority of artefactual material in the region was observed on exposures with good to excellent ground surface visibility. The likelihood of finding artefacts surrounding these exposures is reduced due to poor visibility. The site area is often given as the area of exposure. Hence, it is

inappropriate to attempt to draw any conclusions regarding site extent based on current information; and

- the majority of sites have been impacted by past land uses, some with significant impacts to the archaeological record (i.e. excavation works), others minimal impact (tracks).

3.1.1 PREDICTIVE MODEL

Based on the AHIMS search and both the regional and local archaeological contexts, it was predicted that within the specific project area, it is possible that artefact scatters (possibly with hearths, grinding stones – evidence of food preparation) will be found along Cedar Party Creek with the highest concentration being within 50 metres of the creek. It is also likely that the remainder of the project area would have been used for hunting and gathering which manifests in the archaeological record as a background scatter of discarded artefacts. The refinement of this predictive model will be dependent upon an investigation of the range of landforms and the occurrence of modern disturbances within the project area.

Just as the environmental context and the results of the regional and local archaeological contexts have assisted in formulating a predictive model, the predictive modeling has assisted in formulating the field investigation methodology (Sections 4 and 5).

4 METHODS OF INVESTIGATION

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

4.1 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, at times these organisations may 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).

All responses to the information packet will be considered in the final methods which will adapt accordingly. Any other changes to the methods may occur on site in order adapt to unforeseen field conditions.

4.1.1 PROPOSED METHODS: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE

The aim of gathering of cultural knowledge and understanding any cultural significance in relation to the project area and its surrounds is to facilitate a process whereby RAPs can;

- a) Contribute culturally appropriate information
- b) Contribute to the proposed methodology
- c) Provide information that will enable the cultural significance of Aboriginal objects and/or places within the project area to be determined.

4.1.2 IDENTIFYING KNOWLEDGE HOLDERS

The aim is to identify Traditional Owners/traditional knowledge holders who have knowledge that is relevant to the project area so that any potential effects of the project or activity on the Indigenous cultural heritage values of objects and/or places can be identified.

It also aims to identify Indigenous people who may not necessarily be Traditional Owners/traditional knowledge holders but who do have interests in the area so that any effects of the project or activity on the Indigenous heritage values of objects and/or places, such as mission stations and historic buildings, will be identified.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who nominate who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010) which provides guidelines to identify traditional knowledge holders. Knowledge holders are defined as follows:

- a) Traditional knowledge holder of specific, detailed knowledge passed directly by a traditional knowledge holder in a traditional manner
- b) Traditional knowledge holder of general knowledge passed directly by a traditional knowledge holder in a traditional manner

- c) Knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc).

Knowledge holders have been initially identified through the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 1 (S. 4.1.1 to 4.1.2) that seeks to identify, notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Additionally, knowledge holders were sought to be identified through the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 1 (S. 4.1.3 to 4.1.8) that sought to identify, notify and register Aboriginal people who identify as knowledge holders (using the above defined knowledge holder criteria) who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Native Title Claimant Groups/individuals are acknowledged as knowledge holders due to the requirements through the Native Title Registration process. Native Title Claimant groups/individuals are also asked to further define the knowledge holder using the above defined knowledge holder criteria.

This process ensures consistent consultation for all RAPs and adheres to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010).

4.1.3 IDENTIFYING CULTURAL SIGNIFICANCE

Cultural significance is embodied in the place—in its fabric, setting, use, associations and meanings. It may exist in: objects at the place or associated with it; in other places that have some relationship to the place; and in the activities and traditional and customary practices that may occur at the place or that are dependent on the place. A place may be of cultural significance if it satisfies one or more of these criteria. Satisfying more criteria does not mean a place is necessarily more significant.

Only Aboriginal people who are descendants of the people from the traditional lands in which the project is situated can identify the cultural significance of their own cultural heritage.

The cultural significance of a place is assessed by analysing evidence gathered through the physical investigation of the place, research and consultation for this project in line with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010) and the ICOMS Burra Charter (2013). Part of the process is to evaluate its qualities against a set of criteria that are established for this purpose. The criteria used include those set out by the Burra Charter (see below).

4.1.4 VALUES AND QUESTIONS TO CONSIDER

The following values and questions are derived from the Burra Charter (2013) to facilitate your consideration when providing information on the cultural significance of any Aboriginal objects(s) and/or place(s). The criteria discussed below are a means to assess cultural significance in order to meet the Government Departmental requirements. MCH understands that the method of assessing cultural significance presented may not be culturally appropriate and considered offensive to some; it is not intended to be so.

There are five terms or values, which are listed alphabetically in the Burra Charter, and are often included in Australian heritage legislation. Criteria are also used to help define cultural and natural significance, and there is now a nationally agreed set of heritage assessment criteria and each of these criteria may have tangible and intangible aspects and it is essential that both are acknowledged.

The five criteria include Aesthetic value, Historic value, Scientific value, Social value and Spiritual value. These are discussed below along with some questions for consideration when you consider reporting on the cultural significance.

AESTHETIC SIGNIFICANCE

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. It is how we respond to visual and non-visual aspects such as sounds, smells and other factors that can have a strong impact on your thoughts, feelings and attitudes. It may also include consideration of the form, scale, colour, texture and material and its beauty (Australia ICOMOS 2013). When considering the aesthetic value and significance of a site and/or PAD, some questions to consider may include:

- Does the object or place have special compositional or uncommonly attractive qualities involving combinations of colour, textures, spaces, massing, detail, movement, unity, sounds, scents?
- Is the object or place distinctive within the setting or a prominent visual landmark?
- Does the object or place have qualities which are inspirational or which evoke strong feelings or special meanings?
- Is the object or place symbolic for its aesthetic qualities: for example, does it inspire artistic or cultural response, is it represented in art, photography, literature, folk art, folk lore, mythology or other imagery or cultural arts?
- Does the object or place display particular aesthetic characteristics of an identified style or fashion?
- Does the object or place show a high degree of creative or technical achievement?

HISTORIC SIGNIFICANCE

The historic value encompasses all aspects of history. For example, it may include the history of aesthetics, art, science, society and spirituality. A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment (Australia ICOMOS 2013). When considering the historic value and significance of a site and/or PAD, some questions to consider may include:

- Is the object or place associated with an important event or theme in your history?
- Is the object or place important in showing patterns in the development of your history locally, in a region, or on a state-wide, or national or global basis?
- Does the object or place show a high degree of creative or technical achievement for a particular period?
- Is the object or place associated with a particular person or cultural group important in the history of the local area, state, nationally or globally?

SCIENTIFIC SIGNIFICANCE

The scientific value refers to the information content of a place and its ability to reveal more about an aspect of the past through examination or investigation of the place, including the use of archaeological techniques. The relative scientific value of a place is likely to depend on the importance of the information or data involved, on its rarity, quality or representativeness, and its potential to contribute further important information about the place itself or a type or class of place or to address important research questions (Australia ICOMOS 2013). Whilst the scientific value and significance will be discussed in detail in the Archaeological Heritage Impact Assessment report, it is important to consider this value when

assessing the cultural values and significance of an object and/or place. When considering the scientific value and significance of a site and/or PAD, you may consider:

- Would further investigation of the place have the potential to reveal substantial new information and new understandings about people, places, processes or practices which are not available from other sources?

SOCIAL VALUE

Social value refers to the associations a place has for a particular community or cultural group and the cultural or social meaning it has for that community or cultural group (Australia ICOMOS 2013). When considering the social value and significance of a site and/or PAD, some questions to consider may include:

- Is the object or place important as a local marker or symbol?
- Is the object or place important as part of your community identity or the identity of another particular cultural group?
- Is the object or place important to you, your community or other cultural group because of associations and meanings developed from long use and association?

SPIRITUAL VALUE

Spiritual value embraces the intangible values and meanings embodied in or evoked by a place which gives importance to the spiritual identity, or traditional knowledge, art and practices of a cultural group. Spiritual value may also be reflected in the intensity of aesthetic and emotional responses or community associations, and be expressed through cultural practices and related places (Australia ICOMOS 2013). The qualities of the place may inspire a strong and/or spontaneous emotional or metaphysical response in people, expanding their understanding of their place, purpose and obligations in the world, particularly in relation to the spiritual realm (Australia ICOMOS 2013). When considering the spiritual value and significance of a site and/or PAD, some questions to consider may include:

- Does the object or place contribute to the spiritual identity or belief system of you, your community or another cultural group?
- Is the place a repository of knowledge, traditional art or lore related to spiritual practice for you, your community or another a cultural group?
- Is the object or place important in maintaining the spiritual health and wellbeing of you, your community people or another culture or group?
- Do the physical attributes of the object or place play a role in recalling or awakening an understanding of an individual or a group's relationship with the spiritual realm?
- Do the spiritual values of the object or place find expression in Awabakal cultural practices or human-made structures, or inspire creative works?

4.1.5 PROVIDING YOUR KKNOWLEDGE AND CULTURAL SIGNIFICANCE INFORMATION

It is difficult to provide options that will ensure every individual's needs are met. In light of this, the following proposed options are provided are in no way the only options available. If you have alternative ways of providing your knowledge and cultural significance information, please notify MCH to ensure we can facilitate your requirements where appropriate.

It is acknowledged and understood that the methods and options discussed are not traditional customs and some may take offence. MCH sincerely apologise for any offence taken as none is intended.

- 1) Discussion in the field during the field work
- 2) Written documentation (letter, e-mail)
- 3) Meeting to discuss and/or provide written documentation
- 4) Formal interview with specific questions/answers and/or discussions
- 5) Phone conversation
- 6) Internet video conversation
- 7) Using the attached form/questioner

4.2 ARCHAEOLOGICAL INVESTIGATION METHODS

4.2.1 OBJECTIVES

The objective of the investigation is to determine whether surface and, or, subsurface cultural material exists in the areas identified as having archaeological potential. The detection of surface material will drive the management recommendations and mitigation measures to ensure that any significant cultural resources are identified and protected where possible or is subject to minimal impact by the proposed development.

4.2.2 ABORIGINAL CULTURAL HERITAGE ASSESSMENT METHODOLOGY & REPORT

Overall, the ACHA will include, but not limited to, the following;

- Project background, including project description, detailed maps, legislative context, qualifications of the investigator
- Consultation outlining the process as per the Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
- Landscape context including, landforms, soils, geology, geomorphology, water sources, fauna and flora, history of land use and impacts and, natural impacts
- Archaeological context including review of previous regional and local work in the area, AHIMS search, summary and discussion of the local and regional character of Aboriginal land use and its material traces, occupation model and site-specific predictive model
- Results that will include the field work results (see below for proposed methodology), detailed descriptions of landforms (survey units), vegetation cover, exposures, land uses and disturbances, site(s) and PAD(s). It will also include any analysis and discussion
- An assessment of scientific values and significance assessment
- An impact assessment
- Management and mitigation measures
- Recommendations
- References
- Appendices will include the AHIMS results and community consultation log and communications

4.2.3 PROPOSED SURVEY METHODOLOGY

The survey methodology is in accordance with the Heritage NSW policy - Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales 2010, Section 2.2. This proposed methodology is subject to variation due to unforeseen field conditions/constraints.

- Survey units identified based on landforms

- Transects will be via foot with the survey team spaced at 5-10 metres apart across the investigation area
- Ground surface visibility recorded for each survey unit and given a % rating of vegetation cover
- Exposures recorded for each survey unit given a % rating of exposure and exposure type
- Using the effective coverage and exposure information, calculate the effective survey coverage for each survey unit and the entire investigation area
- Disturbances recorded for each survey unit
- Take representative photographs of survey units
- All sites and/or PADs recorded in each survey unit and accurately mapped

Sites and their boundaries will be defined as;

- The spatial extent of the visible objects or direct evidence of their location
- Obvious physical boundaries where present such as, but not limited to, mound sites, middens, ceremonial grounds, disturbances (i.e., road, building)
- Identification by the Aboriginal community on the basis of cultural information

All sites and PADs will include, but not limited to, the following:

- Site type and content
- Survey unit (landform)
- Distance from water sources
- Vegetation cover (if any)
- Exposure (if any)
- Disturbances (if any)
- GPS co-ordinates
- Identified site boundaries
- Potential for in situ deposits
- Photographs (with a metric scale)

4.3 FORMS

You will find 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 the questions and return to MCH no later than 27th February 2024.

5 ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES

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

5.1 HERITAGE NSW, DEPARTMENT OF PREMIER AND CABINET

Heritage NSW 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 Heritage NSW is responsible for ensuring the AHIP holder complies with those conditions. When considering an application under Part 6 of the NPW Act, Heritage NSW 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 Heritage NSW, is responsible for administering the regulatory functions under Part 6 of the NPW Act. Heritage NSW expects that proponents and Aboriginal people should:

- be aware that Part 6 of the NPW Act establishes a delegate of Heritage NSW, as the decision-maker; and
- recognise that the decisions may not be consistent with the views of the Aboriginal community and/or the proponent. However, Heritage NSW will consider all relevant information it receives as part of its decision-making process.

5.2 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; and
- the need for culturally appropriate assessment findings relevant to their project.

Under these requirements, proponents should undertake the following:

- bring the RAPs 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 RAPs 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 Heritage NSW of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the registered Aboriginal parties; and
- accurately record and clearly articulate all consultation findings in the final ACHA report.

5.3 REGISTERED ABORIGINAL STAKEHOLDERS

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 Heritage NSW, 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; and
- 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); and
- need to work efficiently within the project's time and provide feedback in a timely manner.

5.4 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.

5.5 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. Renumeration for any fieldwork is not part of the consultation process and MCH do not get involved in any such issues. However, please note that any renumeration offered by the proponent for any field work component of the assessment may be based on a number of factors, including but not limited to, the overall

project budget, job description, receipt of CVs and insurance certificate of currencies, and will be above the industry standard rate of pay for the specific work.

If you would like to be considered for paid 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 regardless of remuneration. Paid participation is determined by the proponent not MCH.

5.6 FORMS

You will find 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 the questions and return to MCH no later than 27th February 2024.

Appendix A

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, sign and return to MCH using one of the following;

E-mail: penny@mcheritage.com.au

Postal address: MCH

PO Box 166

Adamstown, NSW 2289

ABORIGINAL STAKEHOLDER SITE OFFICER APPLICATION

Position description (site officers are selected by the proponent and based on the information provided by you (CV, experience, reference check, insurances, rates)).

A site officer must demonstrate that they have satisfactorily participated in previous archaeological fieldwork with an archaeologist. A trainee site officer does not need to demonstrate previous archaeological experience. Site officers must be able to:

- undertake direction from the project archaeologist
- work in a range of climates wearing the required PPE
- work in teams with a wide range of people
- identify a broad range of Aboriginal objects across the landscape

To qualify as a site officer, appropriate training in identifying Aboriginal objects must have been undertaken (such as the NPWS sites awareness training course, or other relevant secondary or tertiary studies) or equivalent knowledge or experience must be demonstrated. The duties of the site officer under the direction of the project archaeologist may include, but not limited to:

- walking the project area
- meeting general and site-specific Occupational Health and Safety requirements

Selection criteria

The proponent will offer positions based on the following key selection criteria:

- an individual's ability to undertake the tasks specified above
- an individual's availability to undertake the activity (physically able to undertake field work)
- an individual's experience in undertaking similar activities. Applications may be subject to a reference check
- individuals with demonstrated cultural knowledge relevant to the local area
- individuals who can demonstrate they can communicate the results of the field work back to their managers and RAPs
- in addition to a consideration of the key selection criteria, the Proponent may give preference to applicants who live locally

The proponent is under no obligation to offer site officer positions based on an individual's association with a cultural group or area. The proponent makes no guarantee that registered parties will be engaged to undertake archaeological field activities. The number of site officer positions available will be based on need as described in the archaeological methodology. However, MCH will ensure all registered stakeholders are invited to participate in the fieldwork regardless of engagement arrangements between the stakeholder(s) and the proponent. Applicants will be notified whether they have been successful or unsuccessful in their application for remuneration for fieldwork.

Engagement & Payment

The Proponent selects and has final approval on who will be engaged as a site officer. Successful applicants will be engaged to provide the services through a written contract that will be provided at a later date. The proponent will only engage Service Providers with NSW workers compensation insurance, public liability insurance, and comprehensive motor vehicle insurance or third-party property damage insurance. Engagement of the Service Provider will be a rate that may be based on a number of factors, including but not limited to, the overall project budget, job description, receipt of CVs and insurance certificate of currencies, offered rates of the RAPs and will be above the industry standard rate of pay for the specific work.

The quoted rate is the rate to be paid by the Proponent to the Service Provider - not to the individual site officer/trainee site officer. Payment will only be made for the provision of the services (actual hours worked), not for the time spent travelling to and from site, and there is no daily or half daily rate. Payment will be made upon the receipt of a cultural heritage report and receipt of your response to the draft report.

ABORIGINAL SITE OFFICER APPLICATION FORM

Cedar Creek Estate, Wingham

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	
Name	
Contact number	
Mailing address	
Email address	
Position applied for	Site officer ☐ Trainee Site Officer ☐
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets)	
Please provide the contact details of at least one archaeologist who can be contacted as a referee	

INSURANCES

Public Liability	Expiry date:	(attach certificate of currency)
Worker Compensation	Expiry date:	(attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date:	(attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

FINANCIAL (do not fill out GST column if you are not registered for GST)

Hourly rate	Excluding GST	Including GST	Other Information
\$	\$	\$	

OCCUPATIONAL HEALTH & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements, including PPE requirements (long pants, long sleeved shirt, high visibility clothing, hat, sunscreen and steel capped boots). You will be advised of any additional requirements. All fieldworkers will arrive on time at the meeting location and stay for the duration of the fieldwork. All fieldworkers will need to bring lunch, snacks and drinking water.

This also includes appropriate and acceptable behaviour at all times and be fit and ready for work (including being alcohol, drug and fatigue free).

Failure to comply will prevent you from participating in the field work.

COMMENTS ON PROPOSED METHODOLOGY

Cedar Creek Estate, Wingham

I, _____ (please insert your name) of _____ (please insert the name of your group), **agree to the methodology** outlined by MCH in the information packet for the above-named project.

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 the information packet for the above-named 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: _____

PROVIDING KNOWLEDGE ABOUT CULTURAL SIGNIFICANCE**Cedar Creek Estate, Wingham**

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

I would like to provide knowledge about cultural significance using the following method(s). Please tick your preferred method(s):

- 1) Discussion in the field during field work
- 2) Written documentation (letter, e-mail)
- 3) Meeting to discuss and/or provide written documentation
- 4) Formal interview with specific questions/answers and/or discussions
- 5) Phone conversation
- 6) Internet video conversation
- 7) Using the attached form/questioner

Other: Please provide details:

From: Lee Davison <leedavison114@yahoo.com.au>
Sent: Tuesday, 30 January 2024 11:32 AM
To: penny@mheritage.com.au
Subject: Re: Cedar Creek Estate, Wingham Info Pack

Hi Penny

Thanks for your email. I'll review the information packet and get back to you with any comments or recommendations.

We would like to have a member of our family participate in the field work associated with the assessment, and would like to raise your awareness to a high number of registered parties that are not Biripi. It is our preference that the proponent considers Biripi people to be involved in paid field work, as it is our obligation to care for our Country and cultural heritage.

I'll consult with my family and complete the form accordingly.

Talk soon
Lee
0450 180 680
Sent from my iPhone

On 30 Jan 2024, at 8:00 am, penny@mheritage.com.au wrote:

Dear all,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2 & 3) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation – proposed rezoning and development at Wingham

McCardle Cultural Heritage (MCH) 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 MCH did not receive your preferred option, we are posting/emailing the information packet.

In order for the proponent to fulfil its cultural heritage consultation requirements per the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2; s 4.2.1 to 4.2.4; Stage 3, s 4.3.1 to 4.3.7) please find enclosed an Aboriginal Cultural Heritage Assessment Information Packet that outlines the proposed project including, but not limited to, details of the proposed project including maps, an outline of the impact assessment process, summary of the cultural, environmental and archaeological contexts, a site specific predictive model, details of the proposed methodology, the roles and responsibilities of all parties, and provide an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have.

MCH would appreciate your input on;

1. The proposed methodology
2. Any Aboriginal objects and/or place(s) of cultural value within the investigation area and/or any issues of cultural significance you are aware of

ABORIGINAL SITE OFFICER APPLICATION FORM

Cedar Creek Estate, Wingham

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	A1 INDIGENOUS SERVICES		
Name	CAROLYN HICKEY		
Contact number	0411650057		
Mailing address	10 MARIE PITT PL, GLENMORE PARK, NSW 2745		
Email address	cazadirect@live.com		
Position applied for	Site officer ☒ Trainee Site Officer ☐		
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	ATTACHED		
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets)	ATTACHED		
Please provide the contact details of at least one archaeologist who can be contacted as a referee	Sarah Mane Archaeologist 0415293874 DOMINIC STEELE 0411884232 YOLANDA PAVINCICH Senior Heritage Consultant 0488774337		

INSURANCES

Public Liability	Expiry date: 9 February 2025 (attach certificate of currency)
Worker Compensation	Expiry date: 31/1/2025 (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: 1 May 2024 (attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

FINANCIAL (do not fill out GST column if you are not registered for GST)

Hourly rate	Excluding GST	Including GST	Other Information
\$ 125.00	\$ 113.64	\$ 125.00	

OCCUPATIONAL HEALTH & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements, including PPE requirements (long pants, long sleeved shirt, high visibility clothing, hat, sunscreen and steel capped boots). You will be advised of any additional requirements. All fieldworkers will arrive on time at the meeting location and stay for the duration of the fieldwork. All fieldworkers will need to bring lunch, snacks and drinking water.

This also includes appropriate and acceptable behaviour at all times and be fit and ready for work (including being alcohol, drug and fatigue free).

Failure to comply will prevent you from participating in the field work.

COMMENTS ON PROPOSED METHODOLOGY

Cedar Creek Estate, Wingham

I, CAROLYN HICKEY (please insert your name) of A1 INDIGENOUS SERVICES (please insert the name of your group), **agree to the methodology** outlined by MCH in the information packet for the above-named project.

Signed: _____



Date: 25/2/24

Position within organisation: OWNER

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in the information packet for the above-named 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: _____

PROVIDING KNOWLEDGE ABOUT CULTURAL SIGNIFICANCE

Cedar Creek Estate, Wingham

Company Name): A1 INDIGENOUS SERVICESContact: 0411650057Postal address: 10 MARIE PITT PL, GLENMORE PARK, NSW 2745Mobile No: 0411650057E-Mail: cazadirect@live.comDate: 25/02/2024

I would like to provide knowledge about cultural significance using the following method(s). Please tick your preferred method(s):

- 1) Discussion in the field during field work ✓
- 2) Written documentation (letter, e-mail) ✓
- 3) Meeting to discuss and/or provide written documentation ✓
- 4) Formal interview with specific questions/answers and/or discussions ✓
- 5) Phone conversation ✓
- 6) Internet video conversation ✓
- 7) Using the attached form/questioner ✓

Other: Please provide details:



INDIGENOUS SERVICES

A1 INDIGENOUS SERVICES

Contact: Carolyn Hickey

M: 0411650057

E: Cazadirect@live.com

A: 10 Marie Pitt Place,
Glenmore Park, NSW 2745

ABN: : 20 616 970 327

25 February 2024

Hi my name is Carolyn Hickey,

**I am a Traditional Owner with over 20 years experience in helping preserve
Aboriginal cultural heritage on projects.**

**I hold cultural knowledge relevant to determining the cultural significance of
Aboriginal objects and values that exist in the project area.**

Most recent site's

- M1 ROAD UPGRADE
- KURRI KURRI PIPELINE PROJECT
- Northern Road Stage 5 & 6/ TFNSW
- Warragamba Dam Project
- Western Sydney Airport
- Badgerys Creek
- Elizabeth Drive/ Artefact
- Bridge Street/ Artefact
- Central Station/ Artefact
- Parramatta River
- Tenth Avenue Austral
- M12/ TFNSW
- Box Hill/ Extent
- Trinity Grammar School
- Elizabeth Drive/Artefact
- Transport M12
- Muswellbrook Bypass
- Singleton Bypass
- Muswellbrook Solar farm
- Muswellbrook mine
- Heatherbrae Hunter River School
- Cessnock / Gillieston Heights
- M1/Raymond Terrence
- Hunter High school
- TFNSW Mulgoa Road Upgrade
- Singleton Solar Farm
- APA New England Hwy
- MANY MORE



INDIGENOUS SERVICES

ABORIGINAL SITE OFFICER APPLICATION FORM

Cedar Creek Estate, Wingham

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	AHCS Amanda Hickey Cultural Services
Name	Amanda De Zwart
Contact number	0434480558
Mailing address	57 Gough st Emu plains
Email address	Amandahickey@live.com.au
Position applied for	Site officer ☒ Trainee Site Officer ☐
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	COMPLETE TRAINING IN (FIRST NATIONS, LAND MAPPING AND STONE ARTEFACT IDENTIFICATION) - (CO-CREATED A CULTURAL HERITAGE AWARENESS INDUCTION FOR THE WONNARUA COUNTRY) Training for on-ground construction crews and sub-contractors, to ensure that there is
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets)	SITES -M1 ROAD UPGRADE -KURRI KURRI PIPELINE PROJECT Northern Road Stage 5 & 6/ TFNSW -Warragamba Dam Project -Western Sydney Airport -Badgerys Creek -Elizabeth Drive/ Artefact -Bridge Street/ Artefact -Central Station/ Artefact -Parramatta River -Tenth Avenue Austral -M12/ TFNSW -Box Hill/ Extent -Trinity Grammar School -Elizabeth Drive . 25 YEARS EXPERIENCE. MANY MORE
Please provide the contact details of at least one archaeologist who can be contacted as a referee	YOLANDA PAVINCICH Senior Heritage Consultant 0488774337 DOMINIC STEELE 0411884232 TRISTAN MILLER / K & N Consulting 0432 925 680 Sarah Mane Archaeologist 0415293874

INSURANCES

Public Liability	Expiry date: 14/10/2024 (attach certificate of currency)
Worker Compensation	Expiry date: 31/08/2024 (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: 10/11/2024 (attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

FINANCIAL (do not fill out GST column if you are not registered for GST)

Hourly rate	Excluding GST	Including GST	Other Information
\$ \$125	\$ \$125	\$	

OCCUPATIONAL HEALTH & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements, including PPE requirements (long pants, long sleeved shirt, high visibility clothing, hat, sunscreen and steel capped boots). You will be advised of any additional requirements. All fieldworkers will arrive on time at the meeting location and stay for the duration of the fieldwork. All fieldworkers will need to bring lunch, snacks and drinking water.

This also includes appropriate and acceptable behaviour at all times and be fit and ready for work (including being alcohol, drug and fatigue free).

Failure to comply will prevent you from participating in the field work.

COMMENTS ON PROPOSED METHODOLOGY

Cedar Creek Estate, Wingham

Amanda Dezwart _____ AHCS

I, _____ (please insert your name) of _____ (please insert the name of your group), **agree to the methodology** outlined by MCH in the information packet for the above-named project.

Amanda Hickey Cultural Services AHCS Support the Cedar Creek Estate, MCH methodology

Signed:  _____ Date: 26/02/2024

Owner

Position within organisation: _____

Amanda De Zwart _____

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in the information packet for the above-named 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 SITE OFFICER APPLICATION FORM

Cedar Creek Estate, Wingham

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	AHCS Amanda Hickey Cultural Services
Name	Amanda De Zwart
Contact number	0434480558
Mailing address	57 Gough st Emu plains
Email address	Amandahickey@live.com.au
Position applied for	Site officer ☒ Trainee Site Officer ☐
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	COMPLETE TRAINING IN (FIRST NATIONS, LAND MAPPING AND STONE ARTEFACT IDENTIFICATION) - (CO-CREATED A CULTURAL HERITAGE AWARENESS INDUCTION FOR THE WONNARUA COUNTRY) Training for on-ground construction crews and sub-contractors, to ensure that there is
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets)	SITES -M1 ROAD UPGRADE -KURRI KURRI PIPELINE PROJECT Northern Road Stage 5 & 6/ TFNSW -Warragamba Dam Project -Western Sydney Airport -Badgerys Creek -Elizabeth Drive/ Artefact -Bridge Street/ Artefact -Central Station/ Artefact -Parramatta River -Tenth Avenue Austral -M12/ TFNSW -Box Hill/ Extent -Trinity Grammar School -Elizabeth Drive . 25 YEARS EXPERIENCE. MANY MORE
Please provide the contact details of at least one archaeologist who can be contacted as a referee	YOLANDA PAVINCICH Senior Heritage Consultant 0488774337 DOMINIC STEELE 0411884232 TRISTAN MILLER / K & N Consulting 0432 925 680 Sarah Mane Archaeologist 0415293874

INSURANCES

Public Liability	Expiry date: 14/10/2024 (attach certificate of currency)
Worker Compensation	Expiry date: 31/08/2024 (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: 10/11/2024 (attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

FINANCIAL (do not fill out GST column if you are not registered for GST)

Hourly rate	Excluding GST	Including GST	Other Information
\$ \$125	\$ \$125	\$	

OCCUPATIONAL HEALTH & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements, including PPE requirements (long pants, long sleeved shirt, high visibility clothing, hat, sunscreen and steel capped boots). You will be advised of any additional requirements. All fieldworkers will arrive on time at the meeting location and stay for the duration of the fieldwork. All fieldworkers will need to bring lunch, snacks and drinking water.

This also includes appropriate and acceptable behaviour at all times and be fit and ready for work (including being alcohol, drug and fatigue free).

Failure to comply will prevent you from participating in the field work.



MCCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

28 February 2024

Via email

Dear A1 Indigenous Services & Amanda Hickey Cultural Services,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) –Survey invitation and letter of engagement- Proposed rezoning and developoent at Cedar Creek Estate

The proponent (MPT Farms Pty Limited) has received a number of applications and after careful consideration has selected whom they wish to engage in a paid capacity. The proponent and MCH would like to advise that your application for paid participation has been successful. MCH would like to organise the survey for the above-named project for the 19th March 2024 starting at 10am near 1080 Wingham Road, Wingham. We anticipate work will be complete within half a day, however, please be advised this time may change.

As part of the assessment process the proponent require an appropriate person from your organisation to participate in the survey of the study area to identify known or potential cultural heritage features. A cultural heritage report must be prepared following the survey and receipt of the draft archaeological report within the required 28 days review period. The cultural heritage report will identify known or potential Aboriginal objects or places and/or any other cultural heritage matters that may be affected by the project.

MPT Farms Pty Limited and MCH wishes to reiterate our intent to positively engaging with the local Aboriginal community. In this spirit an invitation has been extended to all registered applicants to attend the survey. If you accept the terms outlined in the Letter of Engagement (attached) please sign the Letter of Engagement and return to MCH. Participation in the program is dependent on the receipt of the Letter of Engagement and insurance certificate of currencies (Workers Comp, Public Liability and Comprehensive Motor vehicle).

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.



McCARDLE
CULTURAL HERITAGE

Should you have any questions regarding these terms and conditions or the project please contact myself on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Aboriginal Site Officer/Trainee Site Officer

Letter of Engagement

MPT Farms Pty Limited wishes to engage «Company» (Service Provider) to provide one Site Officer to undertake an archaeological survey of the proposed development at Cedar Creek Estate.

The proponent and Service Provider agree to the terms and conditions of the engagement as follows:

Services

The Service Provider will engage one Site Officer to undertake the following:

- Survey (walking) of the project area
- a cultural heritage report and invoice within 28 days of receiving the draft report from MCH

Fees

After considering the wide range of rates of pay supplied to the proponent by the RAPs, the proponent has determined the rate of pay based on the overall project budget and the job description being offered. The proponent will pay the following Fees to the Service Provider for Services:

- \$100.00 + GST per person per hour for work undertaken by a Site Officer (inclusive of travel)

Payment will be within 28 days of receipt of a correct invoice and cultural heritage report. Invoices are to be provided at the end of the month.

Invoices are to be addressed to:

MPT Farms Pty Limited C/o- MCH
penny@mcheritage.com.au

Time sheets

The Service provider must ensure that the Site Officers sign a time sheet at the start and finish of each day the Services are provided. Fees will not be paid unless time sheets for each Site Officer has been completed. The archaeologist will have a time sheet that may be used.

Work performance

The Service Provider must ensure that the Site Officers are fit for work, undertake the Services in a timely manner, with reasonable care, skill and professionalism and in accordance with all applicable laws and any reasonable directions or requirements made by the proponent and/or MCH.

Absences

All field staff must call MCH the evening before work to notify their absence for the following day and organise for a replacement. If no notice is provided, that staff members place in the field team will be suspended until MCH are notified they will be back at work. It is the responsibility of the Service Provider to organise a replacement site officer from the list of persons provided to MCH at the start of the project.

Proponent and MCH property

All materials and equipment provided by MCH or the proponent during the term of engagement remain the property of MCH or the proponent and must be returned upon completion of the Services or termination of the agreement.

Confidentially

All information provided by MCH or the proponent to the Service Provider and/or Site Officer in relation to the services or the business or operations of the proponent and MCH are confidential. The Service Provider will ensure the Site Officer keep such information confidential at all times (including after the completion of the Services) and must not disclose it to any other person without the prior written consent from the proponent and/or MCH.

OH&S Requirements

Before commencement of work, you must provide MCH with certificate of currencies for Workers Comp, Public Liability and Comprehensive Motor Vehicle insurances. Field representatives participating in the field work will be required to wear PPE including steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day. If field staff attend the site without the required PPE, they will not be permitted on site or to participate in the field work. It is the responsibility of the Service Provider to ensure all field staff are made aware of this.

COVID-19 requirements

All field staff will be required to be double vaccinated and adhere to the required NSW Health orders at time of all field work. Proof of vaccination will be required at the start of field work. In order to ensure the safety of all staff, any field staff who do not provide the required information will not be permitted on site or to participate in the field work.

Bullying, harassment and unacceptable behaviour

All field staff are required to treat others with dignity, courtesy and respect at all times. Behaviours that are unacceptable and may be against the law, include (but not limited to) discrimination, bullying, sexual harassment, racial and religious vilification are unacceptable and are covered by federal and state legislation, abusive language and threats in any form. Field staff found to have engaged in such conduct will be asked to leave the site immediately and their manager contacted. Failure to leave the site may result in the local Police being contacted. It is the responsibility of the Service Provider to ensure all field staff are made aware of this.

Early termination

The proponent reserves the right to terminate this agreement at any time by giving 1-week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

No subcontracting

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

Insurances

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor Vehicle insurances prior to the Services being provided.

Indemnity and release

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided. The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

Variations

No changes to these terms can be made without the prior written agreement with the proponent.

Exclusion of other terms

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign two copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Cedar Creek Estate)

Signed by «Company»

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.

I/we declare that I/we are authorised to sign this letter on behalf of «Company».

Please provide your ABN:

Signature of Witness

Signature of authorised person

Print name of Witness

Print name of authorised person

Print title and position of authorised person

Date:

Date:

From: penny@mheritage.com.au
Sent: Wednesday, 28 February 2024 7:02 PM
To: 'cazadirect@live.com'; 'leedavison114@yahoo.com.au'; 'admin@ptlalc.com.au'
Subject: Cedar Creek Estate

Dear all,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) –Survey invitation - Proposed rezoning and developoent at Cedar Creek Estate

The proponent received a number of applications and after careful consideration, in the absence of your response and information requested, we regret to advise that your application for paid participation has been unsuccessful. We 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 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, Public Liability and Comprehensive Motor Vehicle insurances. MCH will also provide you with our OH&S requirements for field staff and request that you ensure all field staff participating in the project have read and understood the document fully prior to going out on site; 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.

COVID requirements

All field staff will be required to be double vaccinated and adhere to the required NSW Health orders at time of all field work (e.g. face masks, social distancing, quarantining if required). Proof of vaccination will be required at the start of field work. In order to ensure the safety of all staff, any field staff who do not provide the required information will not be permitted on site or to participate in the field work.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Following the completion of the field work, 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.

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

Insurances

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor Vehicle insurances prior to the Services being provided.

Indemnity and release

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided. The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

Variations

No changes to these terms can be made without the prior written agreement with the proponent.

Exclusion of other terms

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign two copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Cedar Creek Estate)

Signed by «Company» **AHCS Amanda Hickey Cultural Services**

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.

I/we declare that I/we are authorised to sign this letter on behalf of «Company».

Please provide your ABN:

Signature of Witness	Signature of authorised person
	
Print name of Witness	Print name of authorised person
Donna Hickey	Amanda Dezwart
	Print title and position of authorised person
	Aboriginal Rap Amanda Dezwart
Date: 1/2/2024	Date: 1/2/2024

From: penny@mchheritage.com.au
Sent: Wednesday, 20 March 2024 4:32 PM
To: 'cazadirect@live.com'; 'leedavison114@yahoo.com.au'; 'admin@ptlalc.com.au';
'amandahickey@live.com.au'
Subject: Wingham Draft report
Attachments: Lot 92 Wingham Road, Wingham DRAFT 20 3 2024.pdf

Dear All,

RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3 & 4 – Review of Draft Cultural Heritage Assessment - Proposed rezoning and developoent at Wingham

Please find enclosed a copy of the draft Aboriginal Cultural Heritage Assessment (ACHA) for the above-named project for your review.

The ACHA includes information provided by the knowledge holders and is included with their permission. As required by the Heritage NSW - Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 3 (S. 4.3.5; 4.3.6; 4.3.7) and Stage 4 (S. 4.4.1; 4.4.2; 4.4.3) and based on the information provided by knowledge holders throughout the project, the cultural significance will be included in the final report.

MCH would like to provide further opportunity to provide your further input and request your comments on the draft ACHA. Additionally, any concerns you may have, are also important, and we would like to provide another opportunity to address any concerns you may have.

As outlined in the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 4 (S. 4.4.3) MCH would appreciate your input and your comments on the draft report, no later than C.O.B. 20th April 2024.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW requirements, please ensure that if any response to the draft report is deemed confidential that this is either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that in order to adhere to time constraints, the absence of a response by the requested timeline, will be taken by the proponent as your indication that your organisation has no comments

Kind regards,

Dr. Penny McCardle

Principal & Forensic Archaeologist
Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mchheritage.com.au

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
penny@mcheritage.com.au
P: 0412 702 396

mcheritage.com.au

22 April 2024

Via Email

Dear All,

**RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
(Stage 4 –Final Cultural Heritage Assessment - Proposed rezoning and developoent at Wingham**

MCH and MPT Farms Pty Limited (Proponent) would like to take this opportunity to thank you for your involvement in the above-named project. Your time and input have been instrumental throughout the project

As outlined in the Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 4 (S. 4.4.5), please find a copy of the final report attached.

We look forward to continue working with you in the future.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle
Principal Archaeologist
Forensic Anthropologist

APPENDIX B

AHIMS search results

Penny Mccardle

Date: 15 January 2024

Po Box 166

Adamstown New South Wales 2289

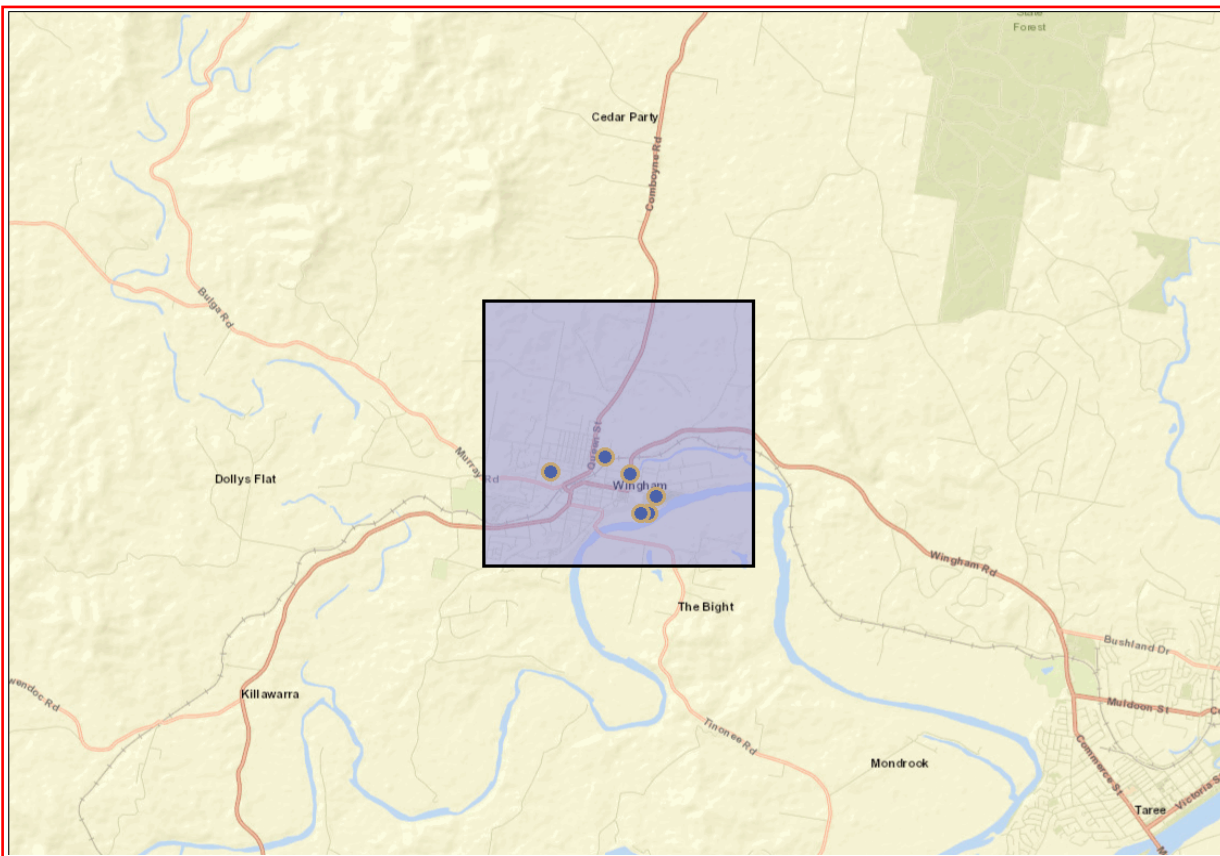
Attention: Penny Mccardle

Email: penny@mcheritage.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 438800.0 - 442800.0, Northings : 6472760.0 - 6476760.0 with a Buffer of 0 meters, conducted by Penny Mccardle on 15 January 2024.

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



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

6	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 \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW 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.



Client Service ID : 854712

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Page 1 of 1

APPENDIX C

Unexpected finds procedure

Unexpected finds procedures

Unexpected find protocols have been developed to provide procedures for unexpected finds including Aboriginal objects and the discovery of human remains. These protocols must be followed throughout all stages of the development.

Unexpected Aboriginal objects

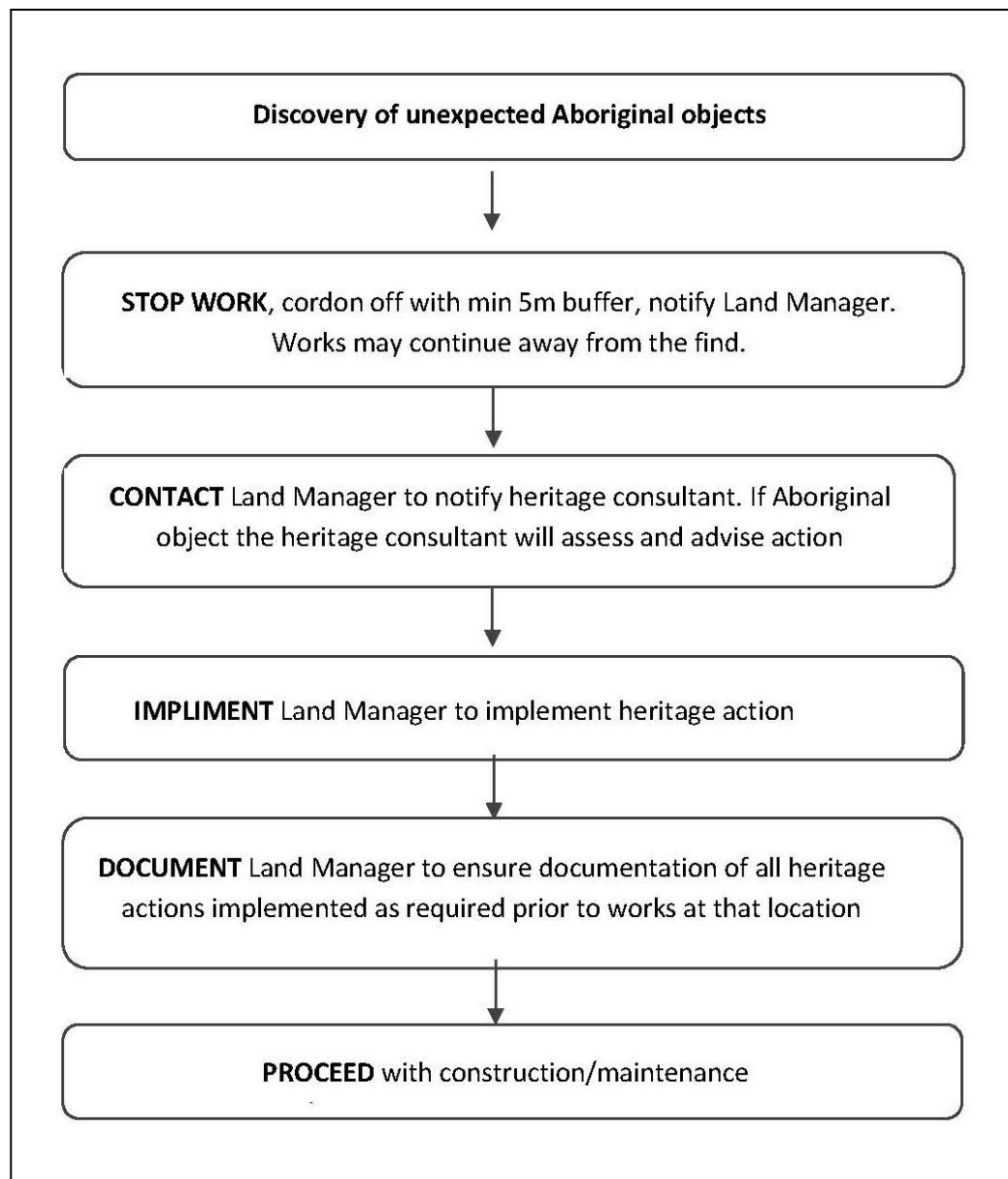
Should unexpected Aboriginal objects be uncovered during any stage of the development, Figure 1 illustrates the protocols. Unexpected Aboriginal objects may include, but not limited to, isolated artefacts, artefact scatters, scarred trees, hearths and shell middens (descriptions of such objects are provided).

Work must stop immediately in that location, the objects cordoned off with at least a 5m perimeter surrounding the object(s) with high visibility fencing/barrier and the Land Manager notified immediately. The Land Manager will then contact the heritage consultant who will assess the object(s) and recommend appropriate mitigation measures, including contacting the Environmental Line if required. The Land Manager is to implement all reasonable mitigation measures recommended by the heritage consultant and in accordance with Heritage NSW regulations and the NSW NPW Act.

If additional works are required, such as an Aboriginal Cultural Heritage Assessment (ACHA) with or without test excavations) or an Aboriginal Heritage Impact Permit (AHIP) (with collection or salvage excavations), the Land Manager is to arrange for the heritage consultant to undertake those works in accordance with all Heritage NSW requirements, procedures and Code of Practice. The methodology for undertaking additional works will be dependant on a number of factors including, but not limited to, site/object type and disturbances. Due to the unknown nature of unexpected objects, methodologies for further investigations (if required) of unexpected Aboriginal objects will be determined during consultation with Heritage NSW.

Provided these heritage unexpected finds protocols have been followed, construction/maintenance works in that location may proceed.

Figure 1. Unexpected finds protocol flow chart



Discovery of human remains

Human skeletal remains are of the highest significance and importance to Aboriginal people, and all care, respect and dignity will be extended by all parties should human remains be uncovered.

If human remains or unidentified bone are uncovered during any stage of the development and maintenance activities, the appropriate State legislation will be followed. All human remains fall under the *Coroners Act 2009* in the first instance. If they are identified as Aboriginal and older than 100 years old, they will fall under the *NSW NPWS Act 1974* (as amended). If they are identified as Aboriginal and 100 years or less, they will remain under Police derestriction under the *Coroners Act 2009*. Figure 2 outlines the required protocols should human remains be uncovered.

Should any human remains or unidentifiable bone be found, work is to stop in that area immediately and an area of 15m cordoned off surrounding the remains/bone in high visibility fencing. The Land Manager is to be notified immediately.

The Land Manager will contact the heritage consultant and local NSW Police immediately, who will then contact the NSW Forensic Services who will determine if they are:

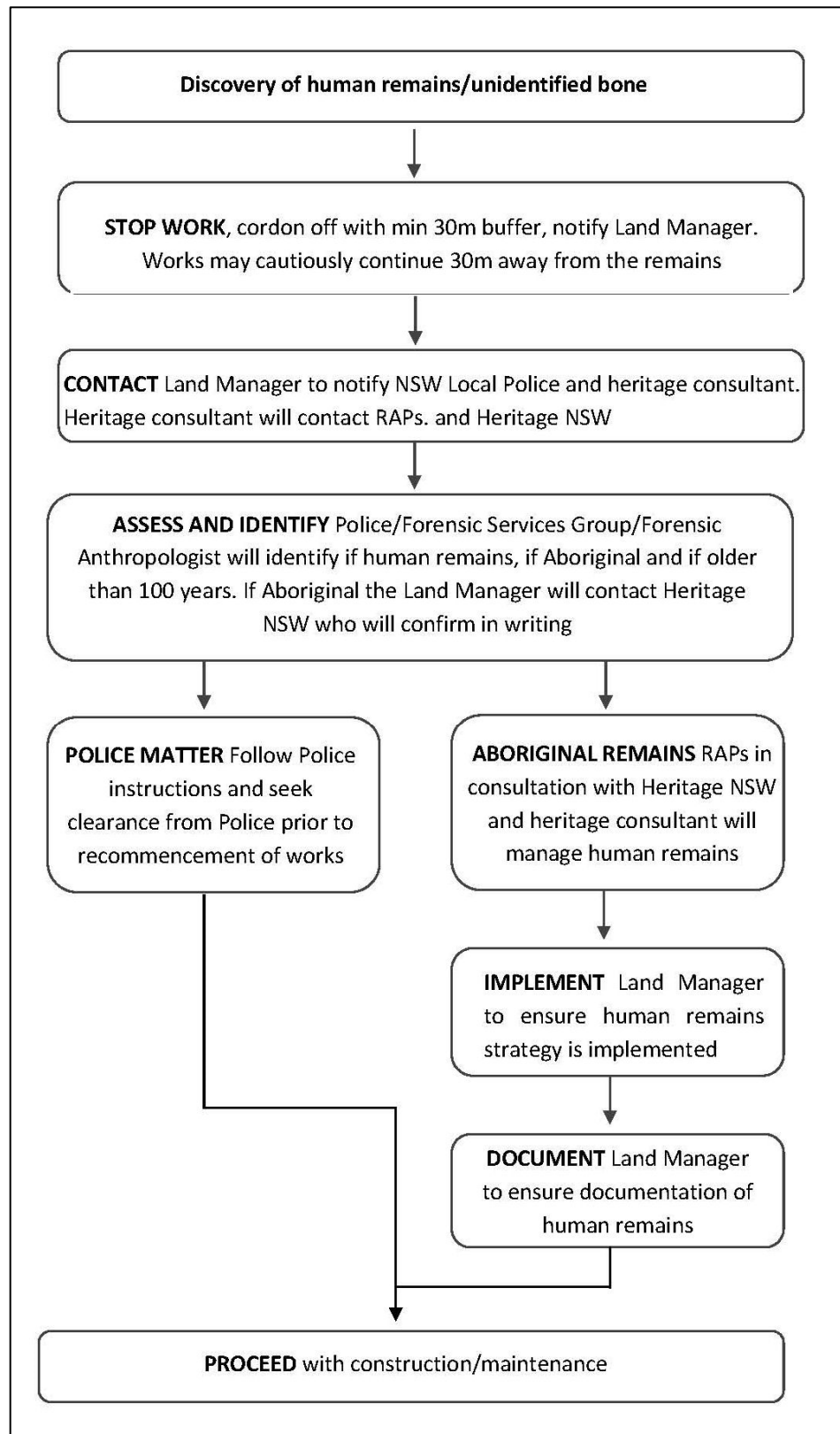
- 1) Human;
- 2) Aboriginal or non-Aboriginal;
- 3) If Aboriginal, determine antiquity (older or younger than 100 years)

If it is determined the remains are Aboriginal and older than 100 years old, the Police will notify the Land Manager who must contact the Environmental Line and Heritage NSW immediately. Heritage NSW, in consultation with the relevant Aboriginal community and the heritage consultant will develop a human remains management strategy and the Land Manager is to ensure this strategy is implemented. The Land Manager must also document the human remains management strategy and the heritage consultant will provide a letter of clearance prior to any works recommencing at that location.

If the remains are determined to be a Police matter, Police instructions will be followed and clearance to recommence works should be sought from the Police.

Provided the human skeletal protocols have been followed and documented, and a clearance letter from the heritage consultant has been obtained, construction/maintenance works may proceed in that location.

Figure 2 Human remains protocol flow chart



Verification of all Aboriginal objects (sites)

All potential Aboriginal sites will be verified by the heritage consultant in the first instance, and Heritage NSW if required.

The purpose of the verification process is to determine whether or not the objects in question are in fact Aboriginal objects to ensure appropriate management measures be implemented.

The verification process will include the following provisions:

1. A heritage consultant may assess the scientific status of the Aboriginal object (site) and provide evidence and justification for significance;
2. If it is an Aboriginal object the Environmental Line will be contacted and the site reported;
3. An AHIMS site card will be completed for each Aboriginal object (site); and
4. Management recommendations specific to each Aboriginal object (site), will be determined by Heritage NSW.

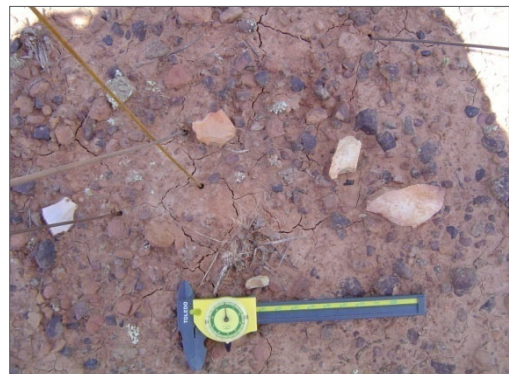
Surface Artefact scatters

Also described as open campsites, artefact scatters and open sites, these deposits have been defined at two or more stone artefacts within 50 or 200 metres of each other and may include archaeological remains such as stone artefacts, shell, and sometimes hearths, stone lined fire places and heat treatment pits. These sites are usually identified as surface scatters of artefacts in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing) and access ways can also expose surface campsites. Artefact scatters may represent evidence of;

- Camp sites, where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of such tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;
- Hunting and/or gathering events;
- Other events spatially separated from a camp site, or
- Transitory movement through the landscape.

If a potential artefact scatter has been identified, the Unexpected Finds Protocol must be followed immediately.

Examples of artefact scatters (MCH)



Surface Isolated finds

Isolated artefacts are usually identified in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing) and access ways can also expose surface artefacts. Isolated finds may represent evidence of;

- Hunting and/or gathering events; or
- Transitory movement through the landscape.

If a potential isolated find has been identified, the Unexpected Finds Protocol must be followed immediately.

Examples of isolated artefacts (MCH)



