IRON GATES RESIDENTIAL SUBDIVISION
EVANS HEAD NSW
REVISED ABORIGINAL CULTURAL HERITAGE ASSESSMENT

PREPARED FOR GOLDCORAL PTY LTD

EVERICK HERITAGE CONSULTANTS

JULY 2019

Report Reference:

Robins, T., A. Piper and J. Towers 2019 *Cultural Heritage Assessment for Iron Gates Residential Subdivision, Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore Reserve and Iron Gates Drive, Evans Head NSW (July 2019)*. Everick Heritage Pty Ltd, unpublished report prepared for Gold Coral Pty Ltd.

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Everick would like to acknowledge the following people for their assistance in the production of this report:

Doug Wilson	William Drew (Senior)	Victor Williams
Warren Williams	William Drew (Junior)	Murray (John) Roberts
Victor Williams	Daniel Wilson	Lewis Williams

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EXECUTIVE SUMMARY

Everick Heritage (the 'Consultant') were commissioned by Gold Coral Pty Ltd (the 'Proponent') to undertake a Revised Cultural Heritage Assessment in support of a development application submitted to the Richmond Valley Council ('RVC') (DA 2015 / 96). The Project Area is identified as parts of Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore Reserve and Iron Gates Drive, Evans Head NSW.

The Proponent was required to undertake a Community Consultation process in accordance with the Office of Environment and Heritage ('OEH') *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) (the 'ACHCRP'). This assessment is designed to meet the Director Generals Requirements for the proposed project, and will cover both historic (non-Indigenous) and Aboriginal cultural heritage.

The proposed works allow for a One Hundred and Eighty-Four (184) Lot Subdivision (Figure 3) including:

- One Hundred and Seventy-Five (175) Residential Lots;
- Three (3) Residue Lots
- Four (4) Public Reserves
- One (1) Drainage Reserve
- One (1) Sewer Pump Station
- Upgrading of Iron Gates Drive
- Demolition of Existing Structures Onsite
- Subdivision Work including road works, drainage, water supply, sewerage, landscaping and embellishment work and street tree planting

As part of a desktop study, Everick undertook searches of the relevant heritage registers. A search of applicable historic heritage registers identified no of cultural heritage significance within the Project Area. An Aboriginal Heritage search was conducted on 3 April 2014, of the Office of Environment and Heritage ('OEH') Aboriginal Heritage Information Management System ('AHIMS') (Service ID 130639). Twenty-One (21) sites were recorded within the search zone, with twelve (12) records returned with access restrictions. Only one (1) site record was returned which was immediately relevant to the study area; being #13-1-0084 (IG 1); Iron Gates. The Register of the National Estate, a non-statutory archive, lists two further Indigenous Places in the Evans Head LGA, though as per the AHIMS records, the location of these places is restricted. No further Indigenous places within the Project Area were listed in other heritage registers.

The Project Area is within the Bandjalang People (the 'Bandjalang') Native Title claim area. A field survey of the proposed development footprint for Aboriginal and historic cultural heritage was carried out by Traditional

Owners: William Drew (Senior), William Drew (Junior), Daniel Wilson and Lewis Williams. Everick Heritage was represented by Tim Robins (Director) and Adrian Piper (Archaeologist). The field inspection was conducted on July 18, 2014.

Results:

- Three (3) Aboriginal cultural heritage sites were identified within the Project Area comprising a shell midden and two lithic artefacts.
- The Project Area has seen significant ground disturbance. There is evidence that the entire proposed development footprint of the Project Area is highly disturbed (Sections 9 and 10).
- The adjoining E2 Environment Zone surrounded by the development footprint contains old growth forest of sufficient age for Aboriginal Modified Trees, although none were found. There is the potential for undisturbed sub surface archaeological sites within the Environment Zone due to its apparent relatively undisturbed state.
- There are no historic (non-Indigenous) listed cultural heritage sites or relics within the Project Area.
- One historic place of local heritage significance (Thomas Paddon's Grave) was identified within the Project Area but outside of the area to be impacted by the proposed subdivision works.

STATEMENT OF HERITAGE SIGNIFICANCE

Through the course of community consultation, a picture has developed of the significance of the Project Area and surrounds to the Bandjalang and Aboriginal people of the wider Richmond Valley region. The following statement on cultural significance has been developed through telephone communications, community meetings and field surveys involving the Richmond Valley Aboriginal community. Their involvement provided the socio-cultural context of the area, encompassing past and present activities and sets the archaeological research into a broader cultural landscape (Ross et al. 2003:80).

The Iron Gates Project Area is situated within a greater, significant cultural landscape of the Bandjalang and the Aboriginal people of the Bundjalung region. The region was intensively occupied, and contained important mythological, ceremonial and spiritual places. In addition, there may be what Dallas (1990) and other cultural heritage consultants call secular sites such as middens, scarred trees, quarry sites, and artefact scatters. Historic sites of the Evans Head massacre of Bandjalang people are close by, as is the Iron Gates crossing point, presumed to be a traditional route to either bank of the Evans River. The three archaeological sites are in highly disturbed contexts with little potential to add to the archaeological or scientific aspects of cultural heritage information. However, the midden IG01 has been identified as being of high cultural significance due to its connection to the Gumigudah campsite.

STATEMENT OF HERITAGE IMPACT

There have been conflicting views put forward by members of the Aboriginal community over the suitability of the development plans. Members of the Wilson family have generally raised substantial concerns over the development plans to date. Other Directors and knowledge holders of the Bandjalang have also acknowledged the impact of the Project on the cultural landscape, but are of the preliminary opinion that these impacts can be appropriately mitigated. Discussions with the Proponent over appropriate mitigation are ongoing; however, it is of note that there have been no suggestions that any negotiated outcomes would require an amendment of the proposed Lot layout.

Based on the research undertaken to date and the preliminary results of the consultation with the Aboriginal community, it is the Consultants opinion that there are no places of *particular* intangible heritage significance that will be impacted by the Project. The consultation process confirmed that there was a nearby known intangible cultural heritage within the surrounding cultural landscape but not within the immediate Project Area. The proposed environmental buffer along the Evans River bank appears to provide sufficient mitigation to heritage impacts associated with development in relatively close proximity to the Gumigudah campsite complex.

Traditional Owner representatives and Everick Archaeologists Tim Robins and Adrian Piper undertook a detailed inspection of the Project Area. This inspection identified three archaeological sites in highly disturbed contexts. Physical evidence was located within the Project Area in the form of a midden and two sites of isolated artefacts, in addition to midden sites and a scarred tree identified during the Dallas 1990 report. None of the sites recorded during the Dallas 1990 fieldwork are within the current proposed development footprint.

RECOMMENDATIONS: ABORIGINAL CULTURAL HERITAGE

The Consultant has identified no cultural heritage constraints to the proposed subdivision. However, the Project Area is situated within an important cultural landscape to the Bandjalang and the Aboriginal people of the Bundjalung region. The following impact mitigation strategies are recommended to mitigate any impacts to the cultural significance of the region.

Recommendation 1: Aboriginal Heritage Impact Permit

The shell scatter component of the IG01 Midden consists of isolated pieces of shell that have been previously distributed over a large area of the river bank by machinery. Subject to the successful determination of the existing AHIP application, submitted 06 July 2015, by OEH, it is recommended that this surface expression of shell material is collected and placed in a safe area to be nominated by the Traditional Owners.

Recent changes to Lot numbers and layout as outlined in Section 1.4 of this report will not necessitate any variation to the existing AHIP application as the amended development application will not result in any ground disturbance to the known subsurface midden.

Recommendation 2: Cultural Interpretation

The Project Area is situated within a significant cultural landscape to the Traditional Owners. The Project presents several opportunities to acknowledge this significance through cultural interpretation. It is recommended that the Proponent continue to engage with the Traditional Owners over how to incorporate Aboriginal knowledge, story and history (as appropriate) into the landscaping plans for the Project open space. This should include:

a) Cultural signage of the midden and reference to the significance of the nearby Gumigadah site.

b) Discussions over a cultural walk through the central environmental protection zones, including use of traditional knowledge and plant names in signage and design.

c) Use of appropriate plant species in any revegetation works.

Recommendation 3: Cultural Inductions

It is recommended that the Proponent engage representatives of the Traditional Owners to provide a cultural heritage induction to all machine operators undertaking initial ground disturbance within the Project Area.

The induction should, as a minimum, cover:

a) basic legislative requirements, including fines for the destruction of Aboriginal cultural heritage;

b) a discussion on traditional Aboriginal culture, and why the management of Aboriginal cultural heritage is important to Aboriginal peoples;

c) an introduction on how to identify Aboriginal objects,

d) a description of portions of the Project Area considered likely to contain Aboriginal Objects; and

e) a review of the Find Procedures for the Project (See Recommendation 2).

Recommendation 4: Aboriginal Cultural Material – Find Procedure

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

a) work in the surrounding area is to stop immediately;

b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;

c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and

d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010).

Recommendation 5: Notifying the OEH

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

Recommendation 6: Aboriginal Human Remains

No evidence indicating the likely existence of human remains within the Project Area could be identified. As a cautionary recommendation, it is recommended that if human remains are located at any stage during earthworks within the Project Area, all works must halt in the immediate area to prevent any further impacts to the remains. The location where they were found should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Traditional Owners and the OEH Regional Office (Coffs Harbour) are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police release the scene, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

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

Recommendation 7: Conservation Principles

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

Recommendations - Historic Heritage

No historic cultural heritage constraints have been identified within the proposed residential Lots or associated infrastructure areas, though a cautious approach would see the implementation of the following:

Recommendation 1: Monitoring Strategy

It is recommended that the Proponent implement a monitoring strategy to monitor the condition of Thomas Paddon's Grave as part of the overall Environmental Management Plan for the Project. Inspections should occur at a minimum annual basis. Inspections should make notes and take a photographic record of the condition of the grave, so as to develop a better understanding of whether there have been any changes to the grave and, if so, the rate of such changes. In the event that changes to the physical appearance of the grave are observed (eg. further subsidence, invasion from plant roots, cracking of the tombstone) then a Conservation Management Plan should be developed by an appropriately qualified heritage consultant.

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FIGURES AND TABLES

DEFINITIONS

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

Aboriginal Object means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

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

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

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

DECC means Department of Environment and Climate Change

Project Area means the proposed residential subdivision footprint as shown in Figure 3.

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

EPA Act means the *Environmental Planning and Assessment Act 1979 (NSW).*

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999 (NSW).*

In situ an archaeological technical term for features remaining undisturbed in their original context.

LALC means Local Aboriginal Land Council.

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

NPWS means the National Parks and Wildlife Service

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

Project Area means Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore Reserve and Iron Gates Drive, Evans Head NSW.

RVC means Richmond Valley Council

RTA means NSW Road Traffic Authority.

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

TSC 1997 means the N.S.W *Threatened Species Conservation Act* 1997.

PART A: PROJECT DESCRIPTION

1. INTRODUCTION

1.1 Scope of this Assessment

Everick Heritage (the 'Consultant') were commissioned by Gold Coral Pty Ltd (the 'Proponent') to undertake a Revised Cultural Heritage Impact Assessment for Aboriginal and historic (non-Aboriginal) heritage of the Iron Gates Residential Subdivision, Evans Head, NSW.

The Proponent has commissioned Aboriginal community consultation in accordance with the Office or Environment and Heritage ('OEH') *Aboriginal Community Consultation Requirements for Proponents* (2010) ('ACHCRP') for this assessment which will be submitted in support of a development application to the Richmond Valley Council (DA 2015 / 96).

The Project Area for this assessment is identified as Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore Reserve and Iron Gates Drive, as illustrated in Figure 1 - Figure 3. This assessment has been designed to meet the requirements of the Richmond Valley Council for the proposed project, and will assess Aboriginal and historic (non-Aboriginal) cultural heritage values within and surrounding the proposed Project Area.

1.2 Methodology used during this assessment

The methods used for this assessment are in compliance with the OEH *'Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales' 2010* and all relevant legislation as described in Section 2 of this Report. The following are the broad requirements for compliance with the Code of Practice.

1) Consultation with the registered Aboriginal stakeholders for the Project.
2) Searches of applicable heritage registers.
3) A review of ethnographic and historic resources relevant to the region.
4) Review previous archaeological work and the landscape context.
5) Summarise the local and regional character of Aboriginal land use and its material traces.
6) Formulate a predictive model.
7) Conduct an archaeological survey.
8) Report on findings and recommended management strategies.

Figure 1: Project Area General Location

Figure 2: Project Area

Figure 3: Residential Subdivision Concept Plan – Provided by DAC Planning Pty Ltd July 2019

1.3 Report Authorship

The desktop study was undertaken by consultants T. Robins, and A. Piper. This report was written by T. Robins, A. Piper and J. Towers with technical review provided by Dr R. Robins. Community consultation was undertaken by T. Robins, R. Robins and J. Towers. Subsequent updates were undertaken by R. Mazlin.

1.4 Project Description

The Proponent has submitted a development application (DA 2015 / 96) seeking consent to develop a residential subdivision across parts of Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore Reserve and Iron Gates Drive.

The proposed works allow for a One Hundred and Eighty-Four (184) Lot Subdivision (Figure 3) including:

- One Hundred and Seventy-Five (175) Residential Lots;
- Three (3) Residue Lots
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Generally, this type of development may involve stripping of topsoil, levelling, cut and/ or fill for footings and services, all of which have the potential to harm Aboriginal heritage should it be located within the Project Area. It must be noted that the roads, and services for the major part of the development have been constructed under a previous Development Application in 1996. As such the current development application- and therefore this assessment- relate to the remaining residential areas.

Amendments to the proposed subdivision layout have occurred in 2018 and 2019, with the current concept design provided in Figure 3. The amendments have at no stage altered Everick's conclusions, and the recommendations outlined in Section 13 of this report have remained unchanged.

1.5 Document Revisions

Malcolm Scott was engaged by Richmond Valley Council (RVC) to prepare a peer review of RVC's processing of Development Application 2015/96. This review included comments pertaining to the management of cultural heritage. The table below outlines Everick's responses and where changes have been made, if required.

Malcom Scott Comment	Everick Response	Amended Section
The amended Aboriginal Cultural Heritage Assessment by Everick Heritage Consultants, November 2018, does not clearly identify the amendments made to the previous version and has appeared to have only referred to (but does not include) the amended plans of the proposed subdivision.	Amendments made by Everick in November 2018 were specifically in response to revised subdivision layout plans, with the details of changes explicitly defined in Section 1.4 of the report. As outlined, the proposed amendments did not alter Everick's conclusions, and the recommendations outlined in Section 13 of this report remained unchanged. It must also be noted that the revised subdivision plans were in fact included as Figure 3 at the time of re-issue. Subsequent changes to the subdivision layout have been explained through a revision of Section 1.4 to cover the final scope of works, as reflected in an updated Figure 3.	Executive Summary and Section 1.4
A revised assessment of the impact of the DA on Aboriginal cultural heritage has been prepared by Everick Heritage Consultants Pty Ltd (report Rev. 4 (31/8/15) provided with the 1st amendment of the DA. The revised assessment does not inform the reader what has changed in the report from the 1st version.	In response to a letter from the OEH requesting further information on the consultation process for the Iron Gates AHIP, the Proponent undertook additional consultation with the Registered Stakeholders. As is standard practice, the Aboriginal Community Consultation section of this report (Section 4) was updated with the outcomes.	N/A
Another revised assessment of the impact of the DA on Aboriginal cultural heritage has been prepared by Everick Heritage Consultants Pty Ltd (report Rev. 5 (7/11/18) provided with the 2nd / 2nd amendment of the DA. The revised assessment does not inform the reader what has changed in the report	This comment has been previously addressed in response to the first comment made by Malcolm Scott. Please see response to comment 1 above.	Executive Summary and Section 1.4

from the previous version (report Rev. 4 (31/8/15), other than mention of a change in subdivision layout in the 'statement of heritage impact' - pg 4) and that an AHIP application had been prepared.		
The GTA applies to Lot 163 DP 831052, Lot 276 DP 755624 & Lot 277 DP 755624. Figure 9 of the reports by Everick Heritage Consultants Pty Ltd shows the AHIP area partially in the Crown reserves.	The land description has been updated accordingly. Please see revisions to Executive Summary, Section 1.1 and Section 1.4. The OEH have indicated this is not an issue and are currently in possession of an appropriate AHIP application. Given the project will be assessed as an Integrated Development, the application will be given consideration once the Development Application has been lodged.	N/A
The Bandjalang Custodians; Mr A Wilson, Mr D Wilson, Mr D Wilson & Ms S Barker has made an objection to the DA as did many of the other submitters for various reasons relating to Aboriginal cultural heritage.	Everick note these concerns, however we are confident that this Cultural Heritage Assessment has adequately addressed the management of Aboriginal cultural heritage within the Project Area.	N/A
The land description of the GTA needs to be modified to include the part of the AHIP area in the Crown reserves and the landowner's consent (Crown) to be provided"	The land description has been updated accordingly. Please see revisions to Executive Summary, Section 1.1 and Section 1.4	Executive Summary, Section 1.1 and Section 1.4
The reports by Everick Heritage Consultants Pty Ltd identify a higher likelihood for relics to occur on higher slopes and for burials to occur on hilltops. Whilst that part of the site is highly disturbed, given the extent of proposed earthworks and removal of the ridgeline/ hill to the north of the midden it would be appropriate that some ground radar investigations be undertaken to investigate for potential burial sites	Ground Penetrating Radar (GPR) cannot be easily applied on disturbed sandy soils to identify skeletal material. This is because of the way sandy soils retain water, which affects the GPR reading. Furthermore, the incursion of roots in disturbed environments have a signature not dissimilar to burials. This issue has been encountered in recent GPR works at Coolangatta, NSW. GPR applied at this scale picks up soil anomalies not individual bones. As such it is not felt that GPR would be useful technique for predicting the location of potential burials. It must also be noted that the	Section 6.3

	Project Area contains only one ridgeline comprising shale-dominated substrate. As such burials considered to be highly unlikely.	
The Aboriginal Cultural Heritage Assessment should be revised to demonstrate adequate levels of consultation and that preliminary archaeological investigation has occurred, and provided with the DA	Everick has conducted consultation for this assessment according to the Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRP) (DECCW 2010a). A comprehensive breakdown of the process and results of community consultation is outlined in Section 4. All legislative requirements for community consultation have been met, and indeed exceeded, throughout the Project.	N/A
The GTA needs to be modified to include the part of the AHIP area in the Crown reserve/s and the landowner's consent (Crown) provided with the DA	As discussed above, the land description has been updated accordingly and the AHIP is considered appropriate by the OEH. Please see revisions to Executive Summary, Section 1.1 and Section 1.4.	Executive Summary, Section 1.1 and Section 1.4
The stormwater bio-retention area for the SW catchment is in close proximity to the midden site and the potential for impact on Aboriginal cultural heritage needs to be considered in the DA assessment	Earthworks associated with the proposed stormwater bio-retention area will be covered under the AHIP application. The retention basin has been designed so as to offer the midden protection against potential erosion from overland flow, as well as mitigating the impacts of ground water fluctuations.	Executive Summary, Section 1.1 and Section 1.4
The clearing of the Iron Gates Dr road reserve for 20m for fire safety and the potential for impact on Aboriginal cultural heritage needs to be considered in the DA assessment together with evidence of consultation and outcomes of meetings with Bandjalang Aboriginal Prescribed Body Corporate Board of Directors, Jali LALC & conference with the Evans·Head Aboriginal cultural heritage management stakeholders provided.	The proposed clearing of the Iron Gates Drive road reserves will take place within lands defined as being disturbed under the Due Diligence code. Clearing will not impact any remnant vegetation or original ground surfaces. A stand-alone desktop assessment will be undertaken in response to the proposed clearing.	N/A
The expert report by Inge Riebe, Anthropologist to the draft masterplan raises	The assessment involved extensive consultation with Traditional knowledge holders, several of	N/A

substantive issues in regard the assessment of what is acknowledged to be a site with asserted intangible, landscape-based cultural heritage values.	whom provided information on the intangible values of both the Project Area and the surrounding cultural landscape. It has been identified in this assessment that there are significant cultural values in the region, particularly on the opposite side of the river to the Project Area. The Project has been assessed as having minimal impact on the intangible values expressed by the RAPs.	
The report prepared by Everick Heritage Consultants Pty ltd (report Rev. 4 (31/8/15) recommends the implementation of a monitoring strategy for the Paddon Grave site on the ridgeline immediately west of the Stage 4 of the subdivision. A draft of the monitoring strategy for the Paddon Grave site should be documented in the DA.	Section 17, Recommendation 1 outlines the proposed monitoring strategy for the Paddon Grave site. A formal Conservation Management Plan document is provided in Appendix F.	Appendix F
The majority of the bio-retention area servicing SW catchment is within the land to be dedicated to RVC adjoining and in part in the Crown reserves. The bio-retention area is in close proximity to the midden site.	The appropriateness of the proposed retention area in relation to the recorded midden has already been addressed in a previous response provided above. The inclusion of Crown reserves in the bio-retention area is of no relevance from a heritage perspective.	N/A
The Aboriginal Cultural Heritage Assessment should demonstrate that there is no potential for adverse impact on the midden site as a consequence of works to provide the stormwater infrastructure.	The appropriateness of the proposed retention area in relation to the recorded midden has already been addressed in a previous response provided above.	N/A
Land description incorrect, DA plans to be up-dated.	The land description has been updated accordingly. Please see revisions to Executive Summary, Section 1.1 and Section 1.4	Executive Summary, Section 1.1 and Section 1.4

As outlined above, the Executive Summary, Section 1.1 and Section 1.4 of this report have been updated to reflect the revised subdivision layout. Additionally, an updated search of the OEH AHIMS Database was undertaken on 18 April 2019, with the results provided in Section 5.1. Updated plans were again received in July 2019, and

subsequently included in this report as Figure 3. Please note these plans did not include any change to layout or disturbance footprint, only an amendment of text referring to the project client.

2. LEGISLATIVE AND PLANNING CONTEXT

In relation to cultural heritage, the proposed works primarily fall within the ambit of the *National Parks and Wildlife Act 1974* (NSW) and the *Heritage Act 1977* (NSW). The consent authorities will be the Richmond Valley Council and, where a referral agency is required to be reported to, the OEH. The OEH will also be involved where the Project will impact on identified cultural heritage. The information below lists the legislative and policy framework within which this assessment is set.

2.1 The National Parks and Wildlife Act 1974 (NSW)

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

An Aboriginal Place is an area of particular significance to Aboriginal people which has been declared an Aboriginal Place by the Minister. The drafting of this legislation reflects the traditional focus on Objects, rather than on areas of significance such as story places and ceremonial grounds. However, a gradual shift in cultural heritage management practices, towards recognising the value of identifying the significance of areas to Indigenous peoples beyond their physical attributes, can be seen in local and State government policies (such as the ACHCRP Guidelines discussed below).

Under Section 86 of the NPW Act, it is an offence to disturb, move, remove or destroy an Aboriginal Object without the consent of the Chief Executive of the OEH. This consent can be either to Investigate (Section 87) or Destroy (Section 90). If a land user is seeking a Consent to Destroy, best practice is to generally seek a Section 87 permit first, and then demonstrate to the OEH the minimal significance of the site before applying for a Section 90 Consent. Before applying for Consent under Section 87 or 90, the applicant must undertake broad-based Aboriginal community consultation in accordance with the ACHCRP guidelines discussed below.

2.2 The ACHCRP (2010)

The *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) (ACHCRP) provide an acceptable framework for conducting Aboriginal community consultation in preparation for impacts to Aboriginal cultural heritage. Proponents are required to follow them where a Project is likely to impact on cultural heritage

and where required by Council. It is recommended by the OEH that all cultural heritage assessments involve this level of consultation, although it is not strictly a requirement unless it meets the above criteria.

Completion of the ACHCRP Guidelines consultation process typically take a minimum of 90 days to complete. However, in complicated Projects this period may need to be extended by several months. The Guidelines require public notice of the assessment; preparation of a proposed methodology; undertaking site meetings and excavations where required; and the production of a draft report which is distributed to the registered Aboriginal stakeholders and the production of a final report. Although not strictly required, a thorough consultation process will treat the ACHCRP Guidelines as a minimum standard of community consultation. Generally, consultants must go to further effort to identify the significance of a given site to the Aboriginal community. This will likely include undertaking additional site inspections if requested by Aboriginal stakeholders; fully resourcing the community by providing copies of past archaeological and environmental assessments in the region; and meeting with community members to ascertain their opinions of the site.

2.3 Due Diligence Code of Practice for the Protection of Aboriginal Objects

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

a) will cause no additional ground disturbance; or

b) is in a developed area; or

c) is in a significantly disturbed area.

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

2.4 The Heritage Act 1977 (NSW)

The *Heritage Act 1977* (NSW) ('Heritage Act') is aimed at identifying and protecting significant items of historic (as opposed to Aboriginal) cultural heritage. The focus of the legislation is on identifying places of either local or state heritage significance, and protecting them by registration on heritage registers. Significant historic heritage items are afforded little protection (other than at the discretion of councils) where they are not on a heritage register.

Of note are the provisions allowing for interim heritage orders (Part 3), which grants the Minister or the Minister's delegates, (which importantly may include a local government agent) the power to enter a property and provide emergency protection for places that have not yet been put on a heritage register but that may be of local or State significance.

The *Heritage Act 1977* (NSW) also makes allowances for the protection of archaeological deposits and relics (Part 6). An archaeological "relic" means any deposit, object or material evidence which relates to the non-Aboriginal settlement of the area. Importantly, a former requirement for an archaeological relic to be 50 years or older has recently been repealed. The focus is now on the item's potential heritage significance, not its age. As will be discussed below, it is highly unlikely that archaeological relics of significant historic sites are located within the Project Area.

2.5 Richmond Valley Local Environmental Plan 2012

The Richmond Valley LEP 2012 provides statutory protection for items already listed as being of heritage significance (Schedule 5), items that fall under the ambit of the *Heritage Act 1977* (NSW) and Aboriginal Objects under the *National Parks and Wildlife Act 1974* (NSW). It aims to ensure best practice components of the heritage decision making process are followed. For listed heritage items, the following action can only be carried out with the consent of the Richmond Valley Council:

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

ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

f) subdividing land:

i. on which a heritage item is located or that is within a heritage conservation area, or

ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

In addition, Council may not grant development consent without considering the effect the proposed development will have on the heritage significance of heritage item or heritage conservation area concerned.

Furthermore, in regards to Aboriginal heritage significance (Part 5.10.8) the consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

Paddons Grave is identified as an item of Environmental Heritage on the Richmond LEP (i127 see **Error! Reference source not found.**) and is located approximately 70m to the west of the Proposed Works.

3. ENVIRONMENT

The proposed development footprint encompasses mainly disturbed landscape, small areas of swamp landscape (bj-Bundjulung) and erosional landscape (goa-Gilmarrad). The disturbed area comprises the footprint within Lot 277 that consists of a formed subdivision site now overgrown with low regrowth. The sand flat on the Evans River is cleared Bundjalung landscape, level Pleistocene sand plain. The elevated (approx: 18m) Gilmarrad landscape forms the southern section of the footprint, a low hill and slopes on Ripley Road and Gatton Sandstones containing sandstone-quartz, quartz-lithic, feldspathic; siltstone, claystone and conglomerate. (Woodburn Soil Landscape Series Sheet 9539).

All areas of the proposed development footprint have been subject to complete clearing of original vegetation. The development footprint is bordered by zones E2 and E3 coastal swamp forest habitats. Beyond the southern boundaries of Lots 163, 276 and 277, the foreshores of the Evans River support eucalypt, mangrove and littoral rainforest species. Cattle grazing is the only apparent European land use over the sand flats.

PART B: ABORIGINAL CULTURAL HERITAGE ASSESSMENT

4. ABORIGINAL COMMUNITY CONSULTATION

4.1 Traditional Owner Knowledge

The Aboriginal community are the primary determinants of the significance of their cultural heritage. Members of the Aboriginal community have been consulted, and will continue to be consulted, with regard to their concerns not only about known archaeological sites in the region, but also about cultural values such as areas with historic and spiritual significance, and other values relating to flora and fauna of the area.

Everick recognise that there is Traditional Owner knowledge associated with the region that will have to be treated in a confidential manner. Everick has sought advice from Aboriginal stakeholders as to the appropriate protocols to be adopted in regard to such knowledge.

Everick has made a commitment to the Aboriginal community to document the consultation process as fully as possible. This report includes **all** written comments received from the Aboriginal stakeholders, enabling Everick to make an informed and accurate assessment of the significance of any cultural heritage within the Project Area. Initial consultation with the Aboriginal Community commenced as part of a due diligence assessment.

4.2 Preliminary Consultation

The Bandjalang Aboriginal Corporation Prescribed Body Corporate were identified as the Aboriginal representative body for the proposed project. A letter was addressed to the Bandjalang Directors and distributed through the NSW Native Title Services Corporation (NTS Corp), on the 25 July 2014.

NTS Corp subsequently nominated William (Bill) Drew Snr to coordinate a cultural heritage survey. The survey was completed on 18 July 2014.

4.2.1 Project Information Session

A meeting was held with the Bandjalang Directors at 10.00am on 4 August 2014 to provide information on the development proposal and discuss consultation protocols. A project information booklet was distributed at the meeting. General project plans were provided, and Tim Robins gave an overview of the Project. He also reviewed the results of the cultural heritage survey undertaken on 18 July 2014. This included a discussion on the recent disturbance evident of a small midden on the bank of the Evans River (Site IG1).

The Bandjalang Directors raised concerns about the impact of the project on their cultural heritage. Members of the Wilson family discussed the history of development in the immediate area and the fact that their family had been involved in court cases objecting to the development. They did not want to see any development at the site. It was noted that the Project Area was immediately opposite the significant site to the Bandjalang being Gumigadah/ Gumma Garra.

Tim Robins requested names of knowledge holders that Everick could consult with to better understand the cultural significance of the Project Area and surrounds. He advised that Everick would attend site of persons homes as and when requested by the Bandjalang. Kellie and Erica Wilson nominated Doug Wilson as an appropriate knowledge holder, noting that he had been taken there by his father when he was younger. William Drew (Snr) and Warren Williams advised that they would like to speak to their Elders before nominating appropriate knowledge holders. It was agreed that the Bandjalang would provide Everick with a list of knowledge holders, whom Everick would consult with prior to preparing a draft cultural heritage assessment.

4.2.2 Meeting of Knowledge Holders

A meeting was held with nominated Knowledge Holders at 12.00pm, 23 September 2014. The meeting was held at the Project Area, with participants inspecting the identified midden IG3. In attendance were:

a) Doug Wilson

b) Warren Williams

c) Victor Williams

d) William Drew (Snr)

e) Murray (John) Roberts

f) Tim Robins (Everick)

g) Richard Robins (Everick)

The participants spoke about the significance of the Gumigadah Campsite, which is situated immediately opposite the south western corner of the Project Area. Gumigadah was known to be a major winter camp in the region (Wilson pers. comm.). There are numerous middens within the Gumigadah complex, as well as a wedding tree (Drew pers. comm). It was also one of a number of places linked to a massacre, as described in the book 'Rivers of Blood'.

The knowledge holders spoke about how the Gumigadah campsite was situated within the broader cultural landscape. An important ceremonial area and 'rain cave' was discussed and is located approximately 1.5 km to the

south. Other important places mentioned in the region were at Chinamans Beach and Goanna Headland. The knowledge holders all agreed that it was important not to look at the Project Area in isolation and that the cultural values of the entire region need to be included in the assessment.

When questioned on the relationship between the Project Area and the Gumigadah complex, Doug Wilson advised that "not everyone camped in the main campsite." The knowledge holders all agreed that the midden IG3 located on the northern bank of the Evans River was related to activities on the opposite bank at Gumigadah. It was described as being of high significance because of its association with Gumigadah, regardless of the fact that is was relatively small and highly disturbed. Murray John Roberts stated that the 'old tribes' would use the old Iron Gates formation as a crossing point across the Evans River. They would come from the north from places such as Broadwater. Tribes would come through Iron Gates to have seasonal access to the coast and the ceremonial areas to the south (Roberts pers. comm.). Tim Robins asked whether there were any areas of particular significance within the Iron Gates Project Area. The knowledge holders agreed that the midden and surrounding area was an area of particular significance, however, it was important to view the cultural landscape as a whole.

Tim Robins discussed the heritage assessment process with the knowledge holders. He advised that Everick would be preparing a draft heritage assessment for consideration by the Traditional Owners. He went through the information that he would be presenting in the report, and discussed potential outcomes and management options. He asked the opinion of the knowledge holders on whether the midden should be buried for protection, as was common for middens in residential areas. Doug Wilson stated that a preferable solution would be to revegetate the area. Tim Robins advised that the Proponent would be consulting with the Traditional Owners over a proposed Aboriginal Heritage Impact Permit (AHIP) in the near future, and the issues of protection, landscaping etc. would be dealt with at that juncture. The results of this preliminary due diligence assessment and community consultation provided the basis for completing further consultation as per the ACHCRP.

4.3 OEH Aboriginal Cultural Heritage Consultation Requirements

The OEH ACHCRP sets out a guide for conducting the community consultation process. It requires that the Proponents must notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal Objects and places in the area of the proposed Project. Aboriginal parties who registered to participate in the cultural heritage assessment process were provided with further information about the proposed Project. The ACHCRP process was commenced after it was determined that an Aboriginal Heritage Impact Permit (AHIP) would be required to collect the disturbed shell associated with Site IG01.

4.4 The Register of Interested Persons/Organisation

A public notice was published in the Northern Star on Saturday, 4 October 2014 (Appendix A) inviting Aboriginal persons/organisations with cultural heritage interests in the proposed Iron Gates development to contact Everick heritage.

Letters of invitation were written to the following organisations seeking nominations of potential stakeholder groups:

a) NSW Local Aboriginal Land Council;

b) Richmond Valley Council;

c) National Native Title Tribunal;

d) NSW Office of Environment and Heritage;

e) NTSCORP Ltd; and

f) The Office of the Registrar, Aboriginal Land Rights Act 1983.

At the request of the OEH, the following regional groups in northern NSW have also been notified in writing of this assessment (and follow in alphabetical order):

a) Aaron Talbott and Natalene Mercy

b) Banjalang Aboriginal Corporation

c) Baryulgil Square Co-operative Society Ltd

d) Bundjalung Elders Council Aboriginal Corporation

e) Bundjalung Tribal Society

f) Burabi Aboriginal Corporation

g) Burra:Waj:Ad

h) Canowindrra Tweed Byron Aged and Disabled

i) Durahrwa Training and Development Aboriginal Corporation

j) Minjungbal Cultural Museum

k) Tweed Aboriginal Co-operative Society Pty Ltd

In accordance with the OEH ACHCRP Aboriginal parties were given 15 days to register their interest. A Stakeholders Register was finalised on 21 October 2015 included the following stakeholding parties (in alphabetical order):

a) The Bandjalang Directors;

b) Anthony Wilson;

c) Doug Wilson;

d) Daniel Wilson;

e) Simone Barker;

f) Jali LALC; and

g) Cook Family.

With the exclusion of Jali LALC and the Cook Family, correspondence with the remaining Aboriginal Stakeholders was managed and negotiated through NTSCORP Limited.

4.5 Aboriginal Community Meetings

Initial consultation with the Bandjalang determined that it was the preference of the Directors to meet independently of the other Stakeholders.

A meeting was arranged with Jali LALC on 28 May 2015 to review the results of this heritage assessment, development plans and the proposed AHIP application. CEO David Brown and Sites Office Marcus Ferguson attended. Plans of the proposed development and the identified heritage items were tabled. Everick confirmed that, as Native Title holders for the region, initial consultation and site walkovers were conducted with the Bandjalang PBC. However, Jali were welcome to provide further cultural information and provide an opinion as to both the appropriateness of the development and the proposed AHIP. Marcus Ferguson advised that Jali LALC and its members had a long association with the current project and the surrounding area. It was their understanding that the midden site subject to the AHIP (IGO1) was associated with the cultural activities at Gumigadah. In this manner it was a site of high significance. They also confirmed their understanding that the western ride line of the Project Area was a traditional pathway, used by people moving north to south. Both Mr Brown and Mr Ferguson supported the strategy in the AHIP to collect the shell and re-deposit it within the origin midden boundaries. They did not support general development of the area for residential purposes, based on its proximity to the Gumigadah campsite and massacre location. However, it was noted that the physical boundaries of both places would not be impacted by the Project.

A further community meeting was arranged via NTSCORP with the Bandjalang Directors on 4 June 2015. A quorum was not reached at the meeting, but general discussions were had regarding the assessment and more specifically the proposed heritage impact mitigation strategy. The general consensus was to collect the shell and redeposit it within the original midden confines. However, one alternative view was raised that the shell should now be left where it lies. The collection strategy (Appendix D) was revised based on the minutes of the meeting (Appendix C).

A meeting with the Cook Family was arranged, but cancelled on two (2) occasions by Ms Lois Cook, owing to her availability.

4.6 Aboriginal Community Response to Cultural Heritage Assessment

A draft of this heritage assessment was provided to the Aboriginal Stakeholders for comment on 20 April 2015 with a request for feedback and comments on the report to be submitted by 22 May 2015 (Appendix C). No written comments or feedback were provided at the close of the review period. No explicit comments were made on the report at the meeting held on 4 June 2015 (Appendix C).

In response to a letter from the OEH requesting further information on the consultation process for the Iron Gates AHIP, the Proponent undertook additional consultation with the Registered Stakeholders. The topic was placed on the agenda for a meeting of the Bandjalang Aboriginal Body Prescribed Corporate Board of Directors on 18-19 August 2015. A quorum was not reached and no formal decisions were passed at the meeting. Everick was advised by NTSCorp that a further meeting was scheduled for mid-October (Appendix C).

In response to the request for additional information, Jali LALC CEO David Brown contacted Everick to advise that Jali LALC could make no further comment until they had met with Ngulingah LALC, Bogal LALC and the Bandjalang Aboriginal Body Prescribed Corporate Board of Directors (Appendix C).

5. DESKTOP REVIEW: ABORIGINAL CULTURAL HERITAGE

5.1 Search of AHIMS Database

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

A search was conducted on 3 April 2014 for the Project Area (AHIMS service number 130639, Appendix A). The search of the AHIMS Register returned the following result which is relevant to the study area; being #13-1-0084 IG 1; Iron Gates. An additional series of site records were returned with access restrictions. These sites include the following- which may or may not be within the study area; Email correspondence from OEH has indicated that access to Aboriginal site information within the Bandjalang #2 Native Title Claim areas has been restricted. These restrictions affect the following sites; being #13-1-0130; #13-1-0131; #13-1-0167; #13-1-0168; #13-1-147; #13-1-0148; #13-1-0132; #13-1-0133; #13-1-0134; #13-1-0135; 13-1-0138; and #13-1-0162. The sites were all recorded by Claude McDermot and identify Mr. Laurie Wlison (sic) as the Primary Contact. It is understood that the informant has passed away. These sites may or may not be located within the Project Area.

An updated search was undertaken on 19 April 2019 (AHIMS service number 416239, Appendix A) of the same search area. An additional seven (7) sites were returned, consisting of the three (3) sites recorded as part of this assessment, as well as one (1) Shell and three (3) Modified (Carved or Scarred) Trees. All of the new recordings not associated with this assessment are listed as being south of Evans River, the nearest being approximately 280 m south of the Project Area.

5.2 Other Heritage Registers

The following heritage registers were accessed for Indigenous places within the Richmond Valley Shire LGA.

- **The World Heritage List**: Contains no places within close proximity to the Project Area.
- **Register of the National Estate:** Contains no places within close proximity to the Project Area.
- **Commonwealth Heritage List (Australian Heritage Council):** Contains no places within close proximity to the Project Area.

- **The National Heritage List (Australian Heritage Council):** Contains no places within close proximity to the Project Area.
- **The State Heritage Register (NSW Heritage Office):** Contains no places within close proximity to the Project Area.
- **The NSW Heritage Atlas (NSW Heritage Office):** Contains no places within close proximity to the Project Area.

5.3 Literature Review and Previous Indigenous Cultural Heritage / Archaeological Assessments

The purpose of a review of previous archaeological and broader Aboriginal cultural heritage assessments is to provide insights into the potential types and locations of sites to be found in the wider locality. However the information must be used bearing in mind topography, access to food and material resources and the past and potential impacts of European land uses. It is seldom that the assessment purpose, environmental, historical and social contexts between one area of assessment and another allow the simple extrapolation of previous results to a current project assessment.

Aboriginal cultural heritage assessments in relation to the Pacific Highway Upgrade Woolgoolga to Ballina (PHU) have been the most comprehensive studies is this region, be it by necessity, in a narrow corridor of search and subsequent archaeological investigations. Preliminary Aboriginal heritage assessments were undertaken between Woodburn and Ballina during the route selection phase (Collins 2005). Collins' (2005) assessment commenced in 2004 and considered a number of route options, including the current route (NSW RMS EIS 2013). Following the survey, fifty (50) potential archaeological deposits and fifty-four (54) Aboriginal heritage sites were identified and recorded within or near the Pacific Highway Upgrade (PHU) project boundary. Subsequently, forty-eight (48) potential archaeological deposits were excavated, and thirty (30) of these were found to contain subsurface Aboriginal deposits. Those potential archaeological deposits with Aboriginal archaeological deposits were then confirmed as being a site. Others were reassessed as not having archaeological potential.

Eleven Aboriginal cultural places were identified between Woodburn and Ballina. These locations are mythological sites, scarred trees, historic massacres, burials and habitation sites. The names of the Aboriginal cultural places were changed due to cultural sensitivity (NSW RMS EIS 2013:58).

For archaeological sites the EIS summarises: After completion of subsurface testing and cultural assessment between Woodburn and Ballina five PADs (all standalone) were assessed as no longer being sites. Resulting in 14 Aboriginal heritage sites and 15 PADs (five associated with existing sites and 10 standalone) (NSW RMS EIS 2012:59).

> The Woodburn to Broadwater cultural heritage assessment section found the main concentration of Aboriginal sites to be on higher ground features surrounded by the Richmond River floodplain. The Gittoes Jali site contained artefact scatters, paint wells and ground stone. Test pits at the Gittoes Jali site returned 386 stone artefacts. The Cooks Hill feature at Broadwater contains a Bora/ceremonial ground and a scarred tree. Test excavations at artefact scatters and a midden in the vicinity of both features found 1003 artefacts and 13 stone artefacts (EIS 2012:61-62). The Aboriginal cultural heritage significance of these site areas was assessed as moderate to high on a judgement between scientific and social significance. (NSW RMS EIS 2012:71).

A large number of archaeological and cultural heritage assessments have assessed the dunal and adjoining floodplain landscapes between South Ballina, the Evans River and north to Lennox Head. A review of previous reports between the Evans Head area and Lennox Head would indicate that Aboriginal sites may commonly be found in raised sand masses of Pleistocene or Holocene age adjacent to wetlands and or adjacent to high ground forest and wetlands. It would appear that groups occupying such locations maximised their food- gathering opportunities and access to raw materials. Sites in these raised sand masses adjacent to wetlands have been assessed in studies by, Bonhomme (1988), Sullivan (1978, 1979), Dallas (1990) and Rich (1994) and Collins & Piper (2000). The sites have ranged between sites of consolidated *in situ* shell and stone artefacts to sites of widely scattered stone artefacts. The Bonhomme (1988) and Rich (1994) studies each suggested that where sites in raised sand masses contained worked stone in addition to only shell material they were more likely to indicate 'base camps' representing a range of activities rather than a single meal deposit.

A quantitative analysis of the ecological contexts of fifty-three (53) sites in the Ballina area north of the Richmond River found that sand dune environments were second to creek banks in terms of numbers of Aboriginal sites. Of the fifty-three (53) sampled sites, twenty-three (23) were located in dune contexts. These 53 sites consist predominately of midden sites followed by artefact scatters and burials. The environmental context containing the least number of Aboriginal sites was the Richmond River flood plain and bedrock hills to the west (Collins 1996:19), although Robins and Piper, (2005) recorded an extensive artefact scatter in a cultivated floodplain in the vicinity of Fishery Creek west Ballina.

The review of previous studies in the Ballina area and known distribution of Aboriginal sites in the South Ballina Empire Vale area would indicate that a moderate to high potential exists for Aboriginal sites to occur within the *in situ* sand dunes, or within deflated and eroded dunes. These dunes are mainly Holocene transgressive dunes. These sites could include midden sites, artefact scatters and burial sites. Midden sites in dune contexts tend to be thin, low density bands of pipi and other shell species with little associated artefactual or faunal material. Artefact scatters will typically contain a predominance of stone artefactual

materials and scattered shell fragments. Both midden sites and artefact scatters are commonly found in sand strata above beds of indurated sand stone or sandy podzols indicative of previously stabilised dunes, since covered by more recent sand movements. There is no method of predicting where burials may occur. They may occur individually or in groups. The greatest numbers of burials in coastal locations have been exposed in Holocene dunes.

The Evans Head area has been a focus of anthropological and archaeological studies. The Evans Headland (Goanna Headland) is well known for its importance in the mythological mosaic of beliefs among Bundjalung dialect groups. The Evans River and Goanna Headland are also the focus points of a documented massacre in 1842 or 1843 (Medcalf 1989: 5-7).

Archaeological studies by Sullivan (1979) recorded sites in inner and outer barrier dune formations 2-3km to the south west of the Project Area, the site of the former Evans Head Bombing Range. The study investigated an area of Pleistocene inner barrier dunes to the west of a more recent Holocene outer barrier forming the present fore dunes. Sixteen sites were recorded. Twelve were almost or totally undisturbed and all were pipi shell deposits. Four sites were found in fore dunes four metres above the high tide mark. Two of the four midden sites were composed of pipi and gastropod shell mixed with pumice and rounded gravel. It was concluded that these sites were of Aboriginal origin that had been reworked by storm waves thus significantly diminishing their potential for research (Sullivan 1980: 6). While all sites were located in sand dune contexts four sites were recorded adjacent to fresh water lagoons west of the inner barrier dunes. Worked stone was also noted at these sites (Sullivan 1980:6-8).

This assessment has been informed by the Dallas et.al. 1990 study that assessed archaeological significance (Section 11.1) and cultural significance (Section 11.2) as expressed by the Bundjalang. The Dallas study included Lots 166, 164, 163, 276 and 277. Lots 163, 276 and 277 include the current development footprint.

The archaeological aspect of the Dallas assessment recorded six (6) shell deposits (middens), two (2) of which were confirmed as Aboriginal shell middens and a scarred tree. The confirmed Aboriginal middens were Iron Gates 1 and 6. The origin of the remaining four (Iron Gates 2-5) was considered uncertain, being possibly European in origin (Dallas 1990: 35-36). The midden sites Iron Gates 2-6 were located on the Evans River foreshores of Lot 163 to the west of the current Project Area. The scarred tree, “the interpretation of which is uncertain…” was located in the south western corner of Lot 165 (Dallas 1990: 35).

The midden deposit Iron Gates 1 was considered a disturbed scatter of cockle and whelk adjacent to a tidal creek and the access road from Evans Head, approximately 790m east of the Project Area partly described as; “A thin surface scatter of crushed oyster with a few fragmented whelk are located along a 30m stretch of the access

road…The shell is not in situ and the original dimensions of the scatter Is unknown..” (Dallas 1990: 34). It was considered that preservation of the site was not warranted (Dallas 1990: 39).

The midden Iron Gates 6, approximately 350m upstream of the Project Area, is described as: “Fragments of oyster, mud whelk, and a few pipi are dispersed along the bulldozed grey black sandy deposits of a road between the locked gates to the Iron Gates farm and the river foreshore. The original context of these materials is destroyed. No other cultural material is present. There is little likelihood of undisturbed subsurface midden deposit remaining at this location…” (Dallas 1990: 35). It was assessed that further archaeological consideration was not warranted (Dallas 1990: 39). The following is the summary of the archaeological findings from the Dallas (1990) report.

- Two (2) definite Aboriginal midden sites are located within the study area. IG 1 is located on the access road route and has been dispersed by the use or a previous dry weather road which coincides with the present (i.e. 1990) proposed road route. IG 6 was a shell midden of unknown dimension and character which has been destroyed by a bulldozer.
- IG 2, 3, 4 and 5 are shell deposits along the foreshore of the development site which could have either an Aboriginal or a European origin. The visible evidence does not point definitively to either source.
- IG 7 is a scarred tree, the interpretation of which is similarly in doubt
- The management of these sites can be achieved within the context of the proposed development and current zoning provisions with the exception of IG 1. This site will require Consent to Destroy from the Director of the NSW NPWS (Dallas 1990: 36).

In addition to the significance of the archaeological sites found within or in close vicinity to the proposed 1990 Iron Gates development, the Dallas study team assessed the significance of the broader Iron Gates cultural landscape through wide ranging consultation with Traditional Owners and knowledge holders of the region. Of particular concern to was the impact the proposed residential development may have had on the cultural landscape beyond the immediate boundaries of the development.

A site on the south bank of the Evans River, Site 13-1-2 within the Bundajulung National Park is directly opposite the Project Area. The preservation of the integrity of the site in its natural setting was of great concern to the Aboriginal informants in 1990. Dallas states;

> … this site appears or is perceived to have been a focus for a number of activities which took place in its vicinity - i.e., male initiations, "wedding" ceremonies, and domestic activities such as fishing and net making. While the proposed development will have no direct impact on site 13 - 1- 2 or on the south side of the river consideration must be given to the integrity of the site's environment it Is clear from discussions with

> Local Land Council representatives that they wish to preserve the site in its natural setting. They have expressed concern that the site might be spoiled in some way by the presence of a large housing development on the opposite side of the river and have sought assurance that the natural vegetation adjacent to the river on that side of the river should not be removed… (Dallas 1990: 19).

In reference to the Evans Head locality in general Dallas states that "…apart from the 13 - 1 - 2 site there is considerable evidence to support the idea that the general Evans Head area is a focal point in the Aboriginal historical landscape and has continued to be vested with significance by Aborigines living at least as far away as Coraki. This significance appears to derive from a combination of the presence of mythological, ceremonial, and secular sites…" (ibid: 20).

The following is a paraphrased summary of the recommendations of the Dallas report that would have pertained to the current Project Area and to the Aboriginal attitudes to the development proposal at the time.

- An exclusion zone from development and recreational activities (e.g. boat ramps) of 50 metres be emplaced along the foreshore to include midden sites Iron Gates 1-6.
- The Goanna/Snake mythology "… *does not directly impinge on the Project Area. It may be noted, however that a buffer zone along the river margin would help to retain the original setting of the narrative in a natural state…"*
- Archaeological monitoring of any sub-surface works (e.g. drainage) within the foreshore exclusion zone.
- The Proponent undertake a visual catchment analysis of appropriate scale to ameliorate the loss of the larger environmental setting of the sites on the south side of the river.
- In regard *…to the general 'background' significance given by Aborigines to the landscape. Aboriginal people are not opposed to development per se, given the value they place on the Evans Head area they would prefer to see as much of it as possible remain In a natural state and that developments which do occur in the area minimise their Impact on the natural environment…* (Dallas 1990: 41).

6. PREDICTIVE MODEL

6.1 Predictive Models – Land Use Strategies

Models to describe possible patterns of settlement and movement in the North Coast region vary considerably. One suggests that clan groups ranged between the seacoast and foothills of the coastal ranges on a seasonal basis (McBryde 1974). Early sources support this view to some extent as there are records describing the movement of inland groups of the Clarence River to the coast during winter (McFarlane 1934; Dawson 1935:25).

A second model suggests that movement of coastal people was not frequent and that semi-sedentary groups moved north and south within the coastal plain rather than to the upper rivers (Coleman 1982). The model is based upon reports of numbers of small villages composed of dome-shaped weatherproof huts between the mid NSW coast and Moreton Bay. Flinders described a small group of huts in the vicinity of Yamba in 1799, and Perry described two villages on the banks of the lower Clarence in 1839.

Similar sightings were reported by Rous on the Richmond (McBryde 1974:9), Oxley on the Tweed (Piper 1976) and in Moreton Bay (Hall 1982). The construction methods described for these huts seem to suggest occupation for a period of months at a base camp rather than a constant wide-ranging pattern of low-level land use. Godwin (1999:211-217) argues that neither of the above 'models' is supported by the archaeological record, and that local conditions dictated exploitation strategies on the North Coast of NSW.

6.2 Predictive Models - Environmental & Landscape Context

Previous archaeological and cultural heritage assessments have been limited in terms of the range of landscapes that they have assessed. In addition, there is insubstantial data about the propensity of different landform types to contain a greater or lesser ‘body’ of archaeological evidence. Previous archaeological assessments in this region have been invariably hindered by the lack of accessible land, and the limited range and area of landforms available to archaeologists. For this reason, researchers are not able to make confident comparisons as to the likelihood or otherwise of Aboriginal sites.

From previous assessments we can say that to date, Aboriginal campsites in this locality have been identified on dune fields, low hills and spurs that adjoin the Richmond River. They are also identified on some ridgelines, and within rock shelters at higher elevations. These sites statistically tend to be artefact scatters and isolated artefacts. Scarred trees, which would have been in far greater numbers in the region, mainly around regularly used campsites, have almost entirely disappeared due to clearing, cropping, urbanisation and natural processes.

One prevailing model in Aboriginal archaeology is the use of ridge lines as transit corridors between river valleys and major tributaries within those systems, as advanced by Fox (2003) and others. In the ridge line landform context of the North Coast archaeological evidence consists of artefact scatters, scarred trees and isolated artefacts in 'open' situations, as opposed to rock shelters and caves. Associations between known ridge line sites, in terms of their contemporaneousness and contents, have not been adequately tested by archaeological investigation.

6.3 Aboriginal Sites and Features

There are many features of the Project Area that could be assumed to have been particularly lucrative in terms of food and material resources that would warrant a moderate to high rating of potential for Aboriginal archaeological sites.

The Project Area in its original setting contained low areas of swamp forest, higher areas of eucalypt woodland, level to undulating sand rises and estuarine foreshores and river channels. Prior to the destruction of a natural stone 'causeway' across the Evans River this natural feature would have provided a crossing point to campsites and ceremonial sites south of the river and a traditional fishing 'spot'. The Project Area is understood to be the route of a traditional pathway for Aboriginal groups between Evans Head, the Coraki area and beyond.

The following types of sites have a moderate to high potential to occur in the Project Area.

6.3.1 Isolated artefacts

These consist of single stone artefacts, which may have been randomly discarded or lost. They may occur in almost any environmental context exploited by Aboriginal people. They are commonly stone axes, single cores, hammer stones, bevelled pounders, pebbles and flakes. Their presence may indicate that more extensive scatters of stone artefacts exist or existed nearby, perhaps obscured by vegetation or dispersed by mechanical means.

It is predicted that this site type is the most likely type of site to occur within the Project Area, and would be more likely found in potential transit/camp areas on low sand rises possibly of Pleistocene age. With exception of the higher landscape in the south the remainder is sand based grounds and therefore highly likely to contain a 'background scatter' of stone artefacts at least. The detection of such randomly scattered cultural objects within the Project Area is usually fortuitous.

6.3.2 *Artefact Scatters*

The majority of known sites in the Richmond coast area are artefact scatters. Artefact scatters may be found in almost any elevated position adjacent to wetlands or creeks. They will also be found on low grades or the level sections of ridge crests and spur lines, particularly where higher ground tapers toward the coastal plain. Materials at these sites are generally stone artefact material only.

It is accepted that this this type of site may be present within the Project Area landscape, however the ground disturbances through clearing, subdivision earthworks and subsequent vegetation clearance practices over time, indicate that the potential for this site type to remain *in situ* and intact in sand conditions is extremely low. The slopes have a higher potential for more visible artefact scatters and isolated artefacts due to the compacted nature of the topsoils.

6.3.3 *Middens*

Middens are campsites which are dominated by shellfish remains. Approximately 39% of known sites in the Ballina-Lennox Head area for example, are middens. Middens are usually situated near a source of shellfish and comprise predominantly mature oyster, pipi, whelk, cockle and cartrut species in addition to terrestrial animal and fish bone, stone artefacts, charcoal and ash from fireplaces. Human burials have been associated with a number of middens between the Tweed and Richmond Rivers (Barz 1980a & 1980b; Bailey 1975; Lourandos 1979).

Middens may be composed of deep compacted debris reflecting consistent use over long periods of time, or thin scatters of shell which reflect use on a single occasion by a small group, perhaps in transit or gathering food away from a large campsite. All recorded middens have been located in elevated positions beside estuarine waterways or on elevated sand substrates close to wetlands. The dominant species found in estuarine middens is oyster, while locations away from the waterways contain pipi or combinations of estuarine, open beach and rock platform species.

Middens are considered likely in the subject land due to the sand rise and estuarine conditions. A large midden is recorded on the opposite bank to the Project Area. The Dallas report for the 1990 Iron Gates development proposal, records six (6) midden sites although two (2) are confirmed as being of Aboriginal origin while the remaining four (4) were considered to be more likely of European origin.

6.3.4 *Burial Sites*

Burial sites cannot be excluded entirely, as there are records of burial locations in the coastal northern New South Wales region, however the Project Area does not contain landscape features which are commonly associated with

burials. There is anecdotal and field evidence of burials on hilltops, rock shelters and rock faces within the Richmond and Tweed Valley regions. Numbers of Aboriginal burials are registered with the OEH AHIMS in the dune fields between the Richmond River and Evans Head. There is a particular concentration of burials in the South Ballina Empire Vale dune fields.

Non-intrusive geophysical investigations such as GPR can detect burials in certain environments, however are not considered reliable in disturbed sandy soils and are therefore not appropriate in this instance. The potential for this site type to occur within the Project Area is considered to be low to moderate due to the known Aboriginal use of the area.

6.3.5 Scarred Trees

The majority of scarred trees on the North Coast of NSW result from the removal of bark for use as covering, shields, containers or canoes. There may also be carved trees where the bark has been removed and geometric patterns incised on the tap wood. Generally scarred tree sites are rare due to the extent of forest clearing and the natural aging and collapse of such trees that may have survived. There appear to be no old growth trees within the proposed development footprint, however trees of sufficient age do remain within the adjoining E2 environment zone.

6.3.6 Quarry Sites

A stone quarry in this general locality may occur where a source of opaline silica exists, as reported at Tintenbar (Collins 1996:31) or other siliceous types of stone occur (e.g. chert, chalcedony and silcrete). To date the only confirmed quarry sites recorded in the broad coastal zone between Ballina and the Qld border are on the Tweed Coast where greywacke outcrops have been excavated at several locations (Piper 1976:94). As there are no suitable rock outcrops or known sources of siliceous material in the Project Area the potential for quarry sites to be found is very low.

There are no obvious naturally occurring outcrops of stone materials known to have been used by Aboriginal people within the Project Area. However the geology of the Gilmarrad soil landscape does contain feldspathic sandstones known to have been a common source material for stone tools on the North Coast.

6.3.7 Ceremonial grounds

There is a low potential for the Project Area to contain physical evidence of ceremonial sites in the order of Bora grounds, which contain raised features in the form of earth mounds or stone mounds. Bora grounds in this coastal plain are without exception found on elevated sand based ground. It is reasonable to assume that the previous

European land uses would have destroyed earth or stone structures had they existed. The Aboriginal community may retain traditions of ceremonial sites. Even though physical remains are lost, they will still retain cultural links to those locations and surrounding areas.

6.4 'Intangible' heritage values.

These sites are natural features, which derive their significance from an association with stories of the creation and mythological heroes. Mythological sites may not have physical characteristics which can be identified by archaeological surface surveys, and knowledge of their existence is frequently restricted within the Aboriginal community itself, due to the intergroup and intra-group information distribution rules.

Evans Head is a mythological/spiritual focal point for the Bandjalang and Bundjulung in distant Aboriginal communities. A creation story featuring the goanna and the snake has its origins here. The goanna is partly embodied in Goanna Headland and the snake in the Evans River and Snake Island. A variant of the story of the Bundjalung arrival on the east coast- 'The Three Brother's'- has its origins at Evans Head. The landing at Evans Head and the subsequent journeys of the three brothers defined the Bundjalung tribal boundaries (Sharpe 1985: 106-109). Steele (1984:3) also provides a brief description of traditional stories relating to Goanna Headland and particularly its function as a place for making rain. Dallas (1990) reviewed the anthropological literature and conducted interviews with knowledge holders for the region and summarised. "The dominant mythology of the Evans Head area is that of the Goanna/Snake…" By reference to the work of the NPWS Sites of Significance team (Creamer 1984) and subsequent anthropological work by Johnson and Walters (1986) Dallas concluded that the Goanna Headland mythology and the river and snake mythology did not impinge on the Iron Gates Project Area at that time (Dallas 1990: 16).

6.5 Ethnohistorical Evidence

The Bandjalang people of the Evans Head area were part of a wider linguistic group, the Bundjalung, which included about twenty dialects, spoken between the Clarence and Logan Rivers extending west to Tenterfield (Crowley 1978:1). The concentration of Bundjalung dialects to the north, compared to the fewer dialect groups of the adjoining southern Kumbainggiri, led Crowley to suggest that the Bundjalung areas may have been colonised earlier than the Kumbainggiri, thus allowing a greater number of dialects to develop. Crowley (1978) also suggested that coastal Bundjalung dialects varied significantly from inland Bundjalung dialects. Joshua Bray, a settler on the Tweed River, travelled from the coast to the inland Bundjalung dialect country of the Upper Richmond and found that 'The language of the Aborigines is sometimes completely different thirty miles away' (Bray 1901:193).

Land belonged to clan groups whose boundaries had been established in mythology (Creamer 1984). A group of families might make up a clan or 'horde'. This was a land holding group occupying a distinct territory. These clan territories have been described on the coastal plain by Ainsworth (1922) on the lower Richmond, and Bray (1901) for the coastal and upper Tweed Valley. A loose confederation of clan groups recognised a wider social and linguistic association. Tindale (1974) places Evans Head within the territory of the 'Badjalang', which included the greater part of the Clarence and Richmond River floodplains.

The few sources available suggest that clan groups would remain within a defined territory, scattered in smaller family groups, which may combine at times of seasonal abundance, or for specific purposes such as ceremonial occasions or for the resolution of disputes. Contact between coastal groups may have been more frequent than for inland groups. Bray wrote that 'The Coodjinburra tribe inhabiting the Tweed coast used to mix very much with the Ballina Richmond River blacks' (Bray 1901:9). However, one writer suggests contact between inland groups may have been as frequent. 'Often the Lismore tribe would send messages over to the Clarence or the Tweed tribes … should the invitation be accepted the whole tribe from the Tweed or Clarence would journey to the Richmond … for perhaps a month' (Flick 1934:2).

Populations are difficult to estimate with any confidence. It is clear that large groups did assemble for specific occasions, perhaps frequently. Sullivan collated the following instances. 'In 1853, 200 to 300 gathered at Ballina for the oyster season (Anon n.d.:18), 600 gathered at Lismore for a tribal fight (Anon n.d.:18), 300 at Woodburn (Gollan n.d.:5), and at Tintenbar' (Sullivan 1978:105). Bray saw 600 camped on Wollumbin Plain (Murwillumbah) (Bray 1901:9). It has been assumed that populations of 400 for the coastal groups and 200 for the riverine groups… would give a population of around 2,500 between the Evans River and the border, a density of less than two square miles per person (Belshaw 1978:72). It has been suggested that, "…areas of rainforest may have been uninhabited, or inhabited irregularly" (Belshaw 1978:73).

The extent to which the rainforests of northern NSW were actually occupied, traversed or selectively exploited for food and raw materials, remains a question for further research.

A number of models have been proposed to account for the systematic use of the hunter gatherer environment of northern N.S.W. and southern QLD. Movement took place within territories in response to the availability of food supplies, and across group territories for purposes of ceremonial occasions and tribal conflicts, in addition to the seasonal abundance of food sources. However it has been suggested that movement in the coastal river valleys does not seem to have been caused by food shortages as such, but rather to take advantage of different food types (Belshaw 1978:75). A review of sightings of Aboriginal coastal groups led Coleman (1982) to suggest that movement took place in a north-south manner for social purposes (ceremonial, tribal fights etc.) rather than to procure foods or raw materials. McBryde (1974 and 1978) argues for a seasonal movement of people between

the coast in summer exploiting marine foods, and hunting inland in winter. On the ethno-historical evidence McBryde suggested that some seasonal movement was usual and that the basic subsistence economy of hunting, fishing and gathering was neither static, nor completely migratory, but characterised by movement between the coast and the foothills (McBryde 1974:337). A number of early references note seasonal movement on a limited scale. Bray (1923) states that the Lismore "tribe" used to go to Ballina at the mouth of the river and recorded that inland groups were allowed to come to the Tweed coast for a time. The archaeological evidence for movement in the coastal river valleys is less conclusive (McBryde 1974:338).

Movement within a clan territory in response to local conditions or availability of different food sources also occurred. At Ballina, Ainsworth describes movement over the short distance between the beaches and the 'big scrub', a distance of only a few kilometres. He suggests that Aborigines of east and west Ballina were scattered in small groups combining at times of abundant food resources: '…the tribe usually camped in divisions at different places except during the oyster season when they assembled unitedly at Chickiba, on North Creek…' (Ainsworth 1922:30). 'The blacks in the month of September each year, flocked to the beaches for salmon fishing' (Ainsworth 1922:30). To which or both of these events the Aborigines of the Casino area attended, we cannot say with any certainty.

An exception to normal movement practices across tribal boundaries was documented by Byrne (1904) and Bundock (1898). Bundock recorded the movement of the Richmond River Aborigines to the Bunya Mountains, '… every third year or so under a sort of "Truce of God"…for the blacks went through each other's territories unharmed' (Bundock 1898). In this case Bundock was referring to the Aborigines of the Wyangarie area on the upper Richmond, approximately 37 kilometres north of Casino.

The most detailed analysis of material culture has been that undertaken by McBryde (1978). The region of the Tweed, Richmond and Clarence Rivers would seem to form a distinct unit. This is particularly so in the case of fishing technology. The multi-pronged fishing spear and the shellfish hook are both absent from this region, and fish were caught in nets or speared in the shallows (McBryde 1978:187). Spears were single pointed fire hardened weapons (Dawson 1935:22), of both a lighter and heavier variety (Byrne 1946:3). The woomera or the spear throwing stick were not used in this region (Dawson ibid). The range of materials is considered wider than central Australian tribes, with fewer all-purpose items, few composite tools and a number of specialised ones. This may reflect a more sedentary life style in a rich environment requiring fewer specialised tools (McBryde 1978:187).

The stone tool element in the material culture was small and unspecialised. The archaeological evidence suggests changes to a simpler stone technology took place only centuries before European settlement. The stone tools in use immediately prior to European settlement, '… show little typological sophistication and did not demand highly skilled craftsmanship' (McBryde 1978:198). The most balanced and comprehensive descriptions of material

culture in the Lismore and Casino districts are those by Bundock. Only Miss Bundock approached the ideal of maintaining detailed records of economic activities and the manufacture of string, woven bags and leaf / wood containers (McBryde 1978:187).

The resources of sub-tropical rainforests were used extensively in the technology of the Richmond Valley region, which is heavily dependent on wood and bark fibre (McBryde 1978:197). Rainforest timbers were used to manufacture spears, a variety of clubs, shields, boomerangs and digging sticks. Bark was used for containers and shelter.

Stone axes are referred to by Dawson (1935:22), and Byrne (1946:2). Fishing nets and rope were made from twine spun from the flame tree (Byrne 1946). Fishing nets were made a couple of yards long with a stick at each end. They were used individually or in combination with many of the same type. Bundock (1898) and Ainsworth (1922) describe the same type of nets used for game drives in rainforests and for cod fishing in summer. Descriptions of diet for inland groups emphasise terrestrial animal foods, with little emphasis on vegetable foods.

6.6 Ethnohistoric Information Relating to Iron Gates.

There is a body of ethnohistoric information relating directly to a significance 'massacre' event which occurred in the 1840's (likely 1842 or 43) which have been compiled by Medcalfe as part of a major study of massacres in northern New South Wales in the historic period (Medcalfe 1989:5-7). This summary of the events which comprised the massacre include reference to an Aboriginal camp on the Evans River at Morgans Gully- within Bundjalung National Park. Medcalfe (1989:5) indicates that the attacking party first saw the Aboriginal camp about three kilometres away from 'Olive Gap'.

A review of sites of cultural significance was undertaken in Bundjalung National Park by Hawkins (1993) as part of a University research project. The report provides a compilation of historic evidence relating to the 'Gumma Garra' midden and campsite complex. The place name is linked to the story of the ancestral landing at Evans Head and it is likely relates to a specific part- being the leaving behind of one of the sisters- Gummi- who had travelled up-river some distance after the landing. Hawkins indicates that the site complex includes midden, open campsites, scarred trees and a culturally significant tree- a Kurrajong (*Brachychiton populneum*). Apparently much of the midden was destroyed when the Iron Gates were destroyed (Hawkins 1993:40-41). Hawkins (1993:41) identifies that the Kurrajong tree was introduced to the site- "approximately 360 years ago" and that the tree is;

> …the Bundjalung peoples tree of life, a source of strength. A spirit, Biriwan, lives within this particular tree, the trunk and branches form a stairway or path up which spirits pass to the Dreamtime (Johnson and Walters 1986). It is said that Biriwan also protects everyone who walks here from harm

(Gee undated).

Hawkins also indicates that the Gumma Garra site is an important meeting point for the Biriwan and western Bundjalung people. The account of the spiritual significance of the Kurrajong is supported by a related study undertaken by Pines (1993)- who provides an description of a visit to the Gumma Garra site by Mr Tein McDonald who had spent time at Evans Head in the 1970's with Mrs Marjorie Henderson (a resident of Evans Head and local historian) who recalled:

> I remember a particular occasion- probably the most impressive- when I went with Mrs Ethel Wilson (who died about 1980) and perhaps Frank Gomes and his mother…I remember being surprise when Mrs Henderson nudged me to look while Mrs Wilson passionately "sang out" to the sacred tree. That was the first time but not the last that I have heard elders "singing out" at this site but this was the only time I knew it was directed to the actual spirit of the tree and not just the spirits around the site…

Pines (1993:28) also provides a description from the account relating to the site as a place for traditional weddings. Dallas provides a variation on this story- which in many ways appears to also include some of the key elements of the original "Three Brothers" story for Evans Head. Based on a conversation between Doug Cook and Marjorie Henderson at Evans Head in the 1970's- in this account the Gumma Garra site was a camp at which a traditional wedding was arranged.

> The story relates how three Bundjalung elders were travelling from Broadwater down the coast to the Clarence. They were accompanying two girls of their tribe who to be married to men from the Clarence. "When they reached the Iron Gates area they made camp at the foot of a kurrajong tree". That night two of the men went off to fish and left the third man and his pet emu to guard the girls. However, the man and his emu fell asleep and some young men from the Clarence who happened to be nearby crept up and stole the girls. When the two men returned from fishing to discover the girls gone they put to death the elder who had slept…

Nayutah and Findlay (1988) describe a 'canoe tree' at Gumma Garra. This tree is a "Tallowood" and has a large canoe shaped scar low on its trunk. The interpretation for the scar was that it was not used for river travel- but for learning. The authors make a link to the Three Brothers Story and their travels by canoe.

Walters (Johnson and 1986:52-51) provides a detailed anthropological description of the Goanna story and its relationship to a Snake ancestor- whose physical form is now represented by the Evans River. The account is as follows:

> The Snake began tormenting a bird when Nimbin, a Bundjalung man with extraordinary powers (Ngarlungirr), called out to the Goanna to come and protect the bird. Nimbin called "Dirong congar gelanee" ("Chase The Snake!"). The chase began from a hill near Bungawalbin down towards Newesly across to Woodburn. The Goanna failed to find The Snake at Woodburn but caught up with it at Evans Head, biting it on the tail. This slowed The Goanna, who crossed the Evans River four or five kilometres upstream to seek special grass which would counteract The Snake's venom.
>
> Meanwhile, The Snake continued to Evans Head. Pausing near the place where the bridge now crosses the river, The Snake saw The Goanna once more in pursuit. The Snake at first headed seawards, but then doubled back, creating Snake Island on the river, then escaped to the sea….

Snake Island is located downriver from the Study Area (Dallas 1990:16)- and should the reference to the 'crossing point' being four or five kilometres upstream in the version provided by Walters- the study area is also unlikely to be the same as that in the Goanna/Snake mythology.

Dallas (1990:17) provides a final account from Marjorie Henderson- dated 1975- provided by Ethel Wilson in which a man left his son at camp with instructions to light a fire for his return.

> …when the day was almost over, the old man searched the whole area. As he looked along the beach he saw footprints, which were his son's running along the beach. Behind them were the footprints of four more people. As he peered into the water he saw a large fish lying in a big hole, and he knew he had [sic] eaten his son"

Dallas notes that on the original document there is an annotation "This story relates to Iron Gates area"- however the accuracy of this annotation cannot be confirmed. However- given the nature of the Iron Gates- being a geological feature in the river itself- it is possible that the camp was on either side of the Evans River.

7. REVIEW OF HISTORIC AERIAL PHOTOGRAPHY

Historic aerial photographs from 1953, 1979, 1988 and 1998 were reviewed in order to assist in the identification of original environmental/topographic features and the degree of site disturbance post European settlement.

Clearing of the Project Area has occurred by 1953 (Figure 4) but is significant in area by 1979 (Figure 5). Of note is that the E2 zone in the centre of the proposed development has been largely intact since the 1953 image- with some clearing and regrowth having occurred on the western and south-western margin of this zone. It is possible that this area had been cleared previously.

Figure 4: 1953 Aerial Photograph, Project Area outline in Red is indicative only (E2 Zone outlined in Green).

Figure 5: 1979 Aerial Photograph, Project Area outline in Red is indicative only (E2 Zone outlined in Green).

Figure 6: 1988 Aerial Photograph, Project Area outline in Red is indicative only (E2 Zone outlined in Green).

Figure 7:1998 Aerial Photograph, Project Area outline in Red is indicative only (E2 Zone outlined in Green).

8. FIELD SURVEY: INDIGENOUS CULTURAL HERITAGE

8.1 Aboriginal Participation

A field survey for Aboriginal and historic cultural heritage was carried out by Traditional Owners: William Drew (Senior), William Drew (Junior), Daniel Wilson and Lewis Williams. Everick Heritage was represented by Tim Robins (Director) and Adrian Piper (Archaeologist). The field inspection was conducted on July 18, 2014. The survey included an inspection of the proposed development footprint within Lots 163, 276 and 277.

8.2 Survey Methods

The field inspection included the proposed development footprint, the 'enclosed' environmental zone (E2) surrounded by the footprint and the foreshores of the Evans River. The survey methods aimed to inspect exposed ground surfaces as conditions would allow; to record any archaeological material found and assess its significance; and assess the potential for concealed Aboriginal archaeological sites.

The archaeological survey was targeted at inspecting the areas which were considered to have increased archaeological potential based on a predictive model from the Dallas (1990) Iron Gates study and the review of studies from the coastal plain. The desktop predictive modelling (Section 6) suggests that the greatest potential for Aboriginal archaeological sites is within the 'bj Bundjalang' landscape- that is sand exposures on the Evans River flats. The low hill and slope unit also contains potential for archaeological sites.

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

In addition to assessing the cultural heritage potential of the Project Area, the survey aimed to confirm the interpretation of the nature and degree of ground disturbance observed in historical aerial photographs and satellite imagery. A system of pedestrian transects was maintained in these areas of interest.

Photographs were taken to record general features and conditions, and the content/ context of any Aboriginal sites found. In addition to cultural materials notes were made on:

a) ground surface visibility;

b) the area or amount of visibility;

c) amount of ground cover;

d) visible evidence of current land uses; and

e) other relevant features.

For ease of ground coverage and for purposes of description the Project Area is divided into Areas A, B, C, and D. The divisions are somewhat arbitrary but reflect discernible changes in vegetation and topographic features. A summary of Survey / Lot units, landscape and broad disturbance types is listed in Table 1.

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

Survey Unit/Lot	Environmental Description	Ground Disturbance Description
Area A Lot 277	Area Approximately 8ha. Sand plain, constructed sub division site	Land clearing and construction works, possibly sand mining at the northern end.
Area B Lot 277	Area approximately 3.5. Environmental Zone E2. Coastal swamp landscape	Selective logging.
Area C Lot 276/277	Area approximately 4 ha. Sand plain and estuarine foreshores	Land clearing/ regrowth vegetation clearing by mechanical means, cattle pads and trampling, bioturbation.
Area D Lot 163/276	Area approximately 3.8ha. Low hill and slope	Land clearing/regrowth vegetation clearing by mechanical means.

8.3 Constraints to Site Detection

An assessment of the constraints to site detection is made to assist in formulating a view as to the effectiveness of the field inspection to find Aboriginal sites and cultural materials. It also assists in the forming of a view of the likelihood of concealed sites keeping in mind a site specific knowledge of the impacts that European land uses and

natural processes may have had on the 'survivability' of Aboriginal sites in a Project Area. The constraints to site detection in regions such as northern NSW are almost always most influenced by post European settlement land uses and seldom by natural erosion processes. The area of surface exposure and the degree of surface visibility within exposed surfaces are usually the product of 'recent' land uses e.g. ploughing, road construction, natural erosion and accelerated (manmade) erosion (McDonald et al 1990:92).

The Project Areas have undergone extensive ground disturbance in terms of the Due Diligence Code, in the form of earthworks for a residential sub division and the almost complete clearing of vegetation from the remainder of the footprint as provided to Everick Heritage. Area B was also inspected for evidence of archaeological sites although not part of the proposed development footprint. The following broadly describes the conditions for site detection in the Project Area.

Area A: Existing Subdivision site. Level sand plain of closed regrowth wattle and casuarina, roads and service infrastructure in place. A deep open drain forms the eastern boundary. The original soil has been removed, greatly disturbed or buried (Morand 1996:162). Whether fill has been introduced was not evident. Aboriginal archaeological features or *in situ* contexts are highly unlikely. The area was 'walked over' never the less. Approximately 90% of area was surveyed. Surface area possible to inspect: 10%. Surface visibility estimated between 0-20%.

Area B: Environmental Zone 2. Swamp landscape vegetated with coastal swamp forest. Contains old growth wet sclerophyll and possibly littoral rainforest. Sawn stumps indicated previous selective logging. Closed canopy and closed ground cover of shrubs, ferns, creepers and heavy dead fall. Approximately 90% of area was surveyed. Surface exposure: <5%. Surface visibility: approximately 10%. Scarred trees were the focus of search.

Area C: River flats to the Evans River**.** Open, mechanically cleared sand plain. Exposed grey to black sands; weed infested. Estuarine foreshore screened by mangrove and littoral rainforest remnants. Approximately 90% of area was surveyed. Surface exposure: approximately 60%. Surface visibility estimated to be 80-100 %.

Area D: Low hills and slopes that fall to the Evans River and to the river flats of Area C. Elevation is approx. 18-20m with gentle slopes of 0-6%. Cleared woodland contains the Iron Gates farm residence and buildings. A low hill to the west is completely devoid of vegetation due to clearing that extends to the lower slope margins of the Environmental Zone 2. Approximately 90% of area was surveyed. Surface exposure: approximately 60-100%. Surface visibility ranged between 80-100 %.

8.4 Survey Coverage

To achieve as thorough and effective an archaeological assessment as possible a systematic ground survey of all surfaces was the best method to achieve reliable results. This was varied in Area B where three blocks of 300 by 100 m and one block of 300 by 50 m were systematically inspected with 50 m intervals between.

To best organise the survey coverage in a co-ordinated and systematic manner traverses were made by sweeps of four to five persons (Traditional Owner representatives and the Everick consultants) in approximately 20 m widths over Areas A, B, C and D, on the 18 July 2014. Only Area B retained any form of original surface though the closed ground cover restricted the search to Aboriginal scarred trees. Area A has similarly poor/nil visibility with exception of drainage spoil on the eastern boundary. Areas C and D are cleared of vegetation with high proportions of exposed surfaces and high levels of visibility. Figure 8 illustrates the survey coverage obtained by the traverses in each area.

Table 2 presents information on the extent to which survey data provides sufficient evidence for an evaluation of the distribution of archaeological materials across the study area. The evaluation of survey coverage provides a measure of the potential for each of the landform elements to reveal archaeological evidence. This procedure is in accordance with the OEH Guidelines for Aboriginal Survey Reporting (1977:44 - 48) and the Archaeological Code of Practice. The calculations in Table 2 do not provide an exact percentage of area, but a reasonable estimate.

Table 2 Survey Coverage:

Survey Unit	***Area A Sand rises Former Sub division***	***Area B Swamp (Environment Zone 2)***	***Area C River flats***	***Area D Cleared hills/slopes***
Landform	Sand plain	Sand plain	Sand plain/estuarine foreshore	Low hill
Landform Element	Disturbed terrain	Swamp	Flats	Crest/slope
Area (ha)	8	3.5	4	3.8
Exposure %	10	<5	60	90
Area of Exposure (ha)	0.8	0.17	2.4	3.4
Visibility %	20	10	90	90
Area for Site Detection (ha)	0.16	0.01	2.16	3
% of LF for Site Detection	2	0.2	54	81
Approximate Area for Site Detection Development Footprint. Areas A,C,D: 33%				

9. RESULTS OF ABORIGINAL CULTURAL HERITAGE ASSESSMENT

Three (3) Indigenous cultural heritage sites were identified within the Project Area and were comprised of a shell midden and two isolated lithic artefacts. These are shown as IG01 – IG03 in Figure 8 below. A summary of their details follows.

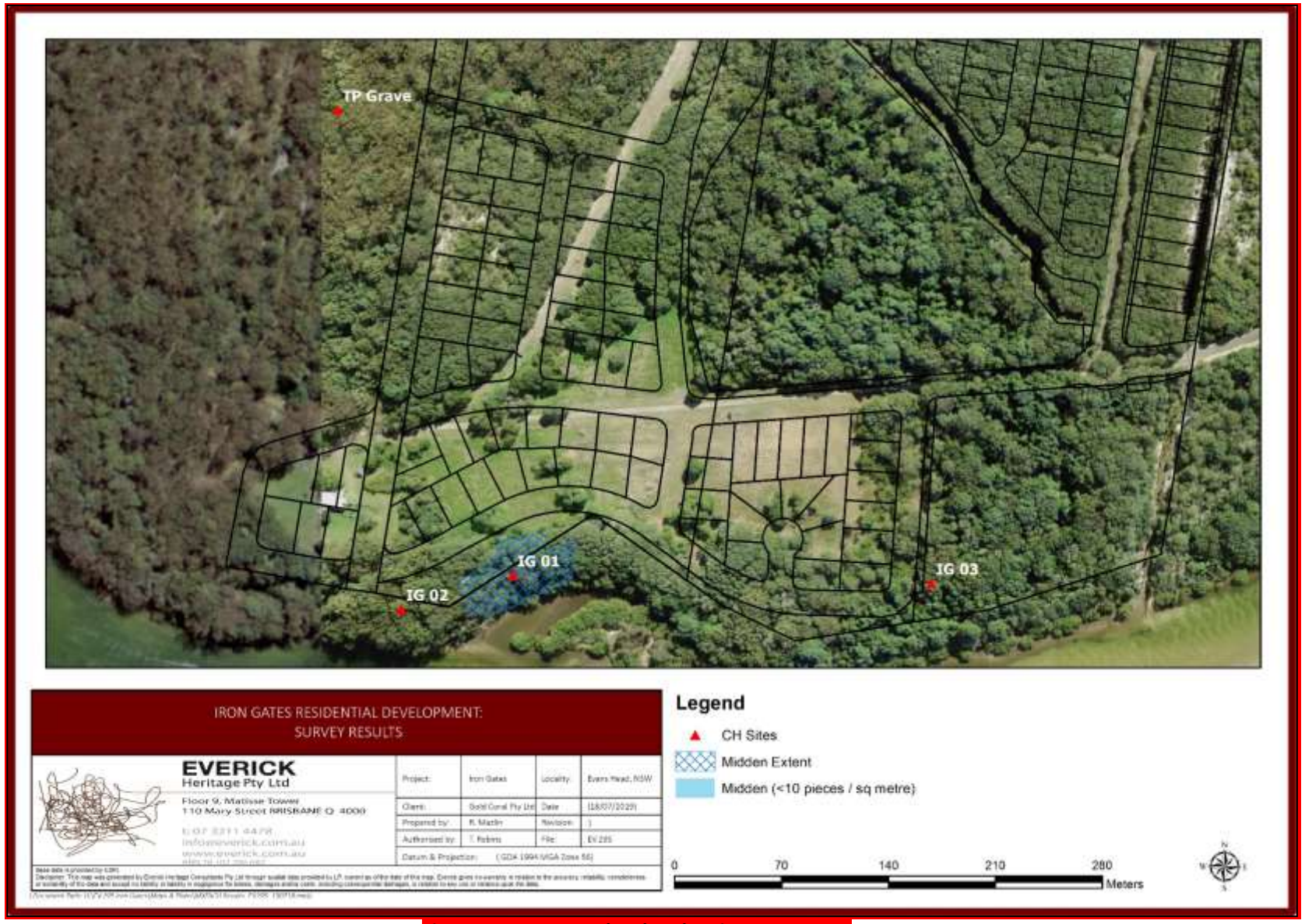

Figure 8: Survey Results Plan showing IG01 - IG03.

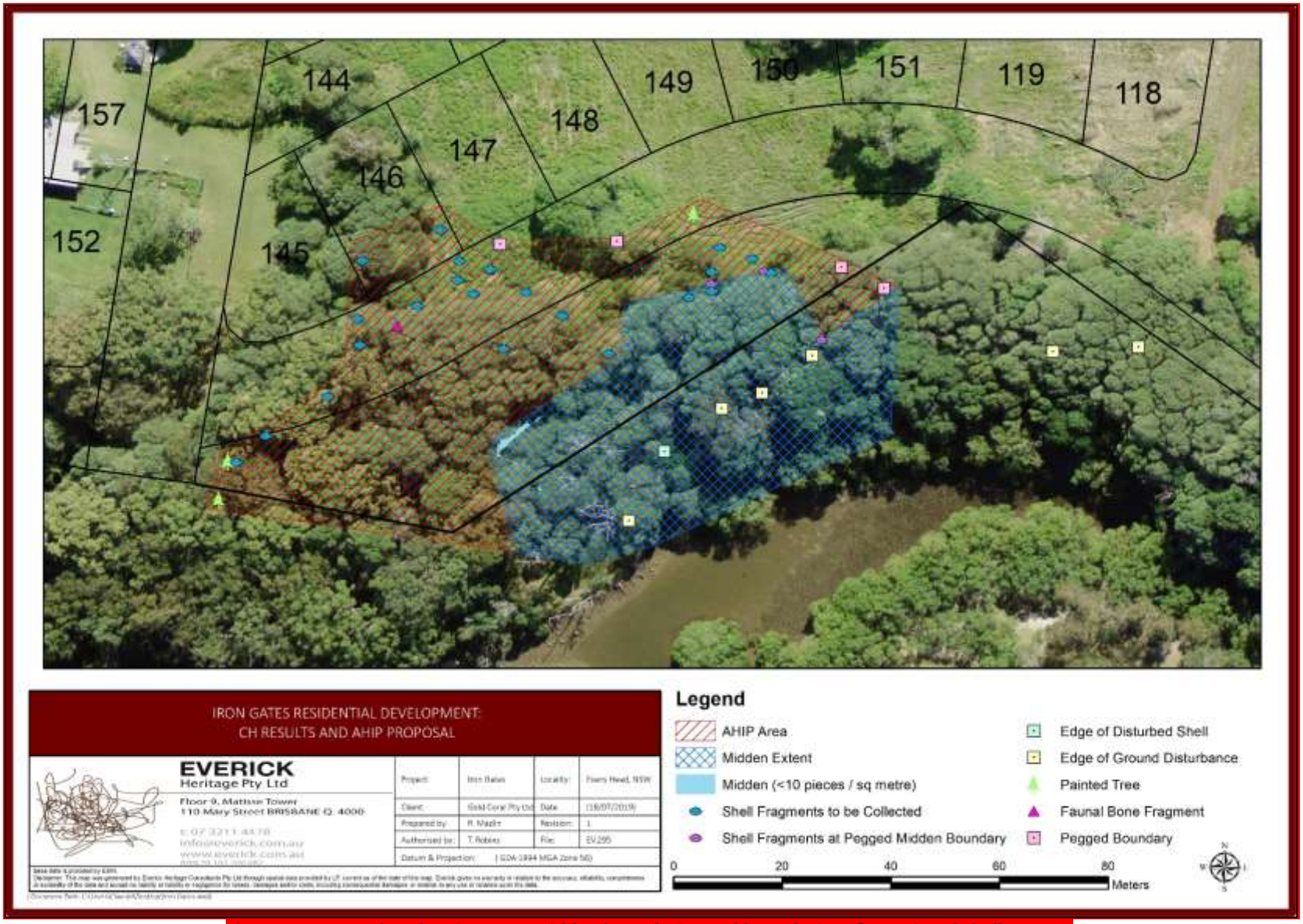

Figure 9: Survey Plan showing IG01 Midden boundaries and boundaries of associated shell scatter.

9.1 Midden IG01

Location: GPS (WPS 84) 56J 0540117 6778089 (Figure 10 - Figure 12).

Contents: Estuarine and beach shell – Whelk, Cockle and Oyster.

Area: Approximately 40m East/west by 20m North/south.

Context: Flat above Evans River bank. Grey/white sands mixed with iron stone pieces, no visible stratigraphy (depth).

Condition: Highly disturbed, mechanically spread, shell highly fragmented.

Comment: Traditional Owner representatives say it was a crossing place to important site areas on the south bank.

Figure 10: View south west over midden site.

Figure 11: View south over midden site.

Figure 12: View of shell Scatter.

9.2 Isolated Artefact IG02

Location: GPS (WPS 84) 56J 0540044 6778039 (Figure 13 - Figure 15).

Type: Core.

Description: 120mm x 70mm x 35mm, single platform, coarse grained grey beach cobble, exhibits single striking platform and with more than 10 flakes removed resulting in multiple step fractures. Largest negative scar was 70 mm x 50mm.

Context: On low ridge line approximately 30 m north of the Evans River bank. Shallow podsolic soils with ironstone rock substrate. Former open woodland.

Condition: Minimal past ground disturbance as evidenced by mature trees.

Figure 13: Isolated Aboriginal Object (Core) IG02.

Figure 14: Isolated Aboriginal Object (Core) IG02.

Figure 15: Isolated Aboriginal Object (Core) IG02.

9.3 Isolated Artefact IG03

Location: GPS (WPS 84) 56J 0540391 6778056 (Figure 16 - Figure 17).

Type: Primary flake

Description: 100mm x74mmx20mm, 100% cortex, coarse greywacke material, exhibits a striking platform.

Context: Flat above Evans River bank. Grey/white sands

Condition: Highly disturbed, mechanically spread sands

Figure 16: Stone core at IG 03.

Figure 17: Stone Core at IG 03.

10. DUE DILIGENCE ASSESSMENT

As discussed in Section 2 above, the Due Diligence Code recommends a staged analysis of cultural and archaeological factors. The information below documents the analysis of the Project Area when compared against these guidelines.

10.1 Step 1: Will the activity disturb the ground surface?

Yes. Refer to Section 1.4 for a description of the project activities.

10.2 Step 2a: Search of AHIMS Database

A search was conducted on 3 April 2014 for the Project Area (AHIMS service number 130639). The search of the AHIMS Register returned the following result which is relevant to the study area; being #13-1-0084 IG 1; Iron Gates. An additional series of site records were returned with access restrictions. These sites include the following- which may or may not be within the study area; Email correspondence from OEH has indicated that access to Aboriginal site information within the Bandjalang #2 Native Title Claim areas has been restricted. These restrictions affect the following sites; being #13-1-0130; #13-1-0131; #13-1-0167; #13-1-0168; #13-1-147; #13-1-0148; #13-1-0132; #13-1-0133; #13-1-0134; #13-1-0135; 13-1-0138; and #13-1-0162. The sites were all recorded by Claude McDermott and identify Mr. Laurie Wlison (sic) as the Primary Contact. It is understood that the informant has passed away. These sites may or may not be located within the Project Area.

10.3 Step 2b: Landscape features with Cultural Heritage Potential

Having regard to:

a) the nature of Aboriginal occupation in the region;

b) the Project Area's proximity to resources; and

c) the Project Area's original vegetation, soils and topography,

In terms of archaeological potential, the river banks and foreshores of the Evans River estuary and the nearby coast and dune fields are most sensitive in terms of the numbers and variety of Aboriginal sites the landforms contain (Section 6 and 7). Therefore it follows that these areas are of high significance to the Aboriginal community for their connection with the traditional past and for fishing and gathering practices that continue to the present time. The traditional occupants and visitors to this area no doubt mainly relied on the resources of the river and

nearby beaches and used the river banks as transit corridors to the inland. That large numbers on occasions gathered and camped throughout this locality is evidenced by the reports of a bora/ceremonial ground to the south of the opposite bank. Bundjalung residing at Coraki still speak of the traditional pathway to Evans Head using the upper tributaries and main course of the Evans River.

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

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

10.4 Step 2c: Is there evidence of past ground disturbance?

Yes. The Project Area contains areas of demonstrably high disturbance where earthworks of a residential subdivision have been carried out and underground services installed. There would seem to be no possibility that, in the prevailing sand conditions, cultural heritage / archaeological sites will be found in undisturbed contexts. The remainder of the proposed development footprint, under the current development application, is moderately to highly disturbed, due to the complete clearing of the original forest and or coastal heath and subsequent occasions when regrowth has been removed. At the time of the field inspection it was clear that the sand flats adjoining the Evans River with exception of a river frontage strip, had been recently machine scraped. This area or Area B as it is termed in this assessment was described in 1990 as "…totally cleared and well grassed paddocks …" (Dallas 1990: 5). A moderate assessment of disturbance instead of high is made for the sand flats, as there are no additional

impacts such as road and services (sewage) construction and possibly the importing of fill as has occurred at the sub divided area. The remainder of the proposed development in the hill and slope areas had been recently mechanically cleared by dozer to bare earth for the most part, with the exception of land surrounding the existing farmhouse. Under the definitions of the Due Diligence Code, all of the Project Area has been 'disturbed'.

In the surface and subsurface sand conditions of the Project Area it is highly unlikely that archaeological sites in the form of *in situ* cultural deposits of shell middens and artefact scatters could survive in the upper metre. However disturbed remains of middens and artefact scatters would be highly likely given the 'favourable' hunter gatherer environment. The compact nature of the Gulmarrad soils in the elevated western sector of the footprint being in an undisturbed state make it unlikely that cultural materials will be found sub surface. Rather surface scatters or isolated stone artefacts are more likely at the hard setting surfaces than the sub soil.

10.5 Additional Steps

The shell scatter identified at Midden IG01 will require an Aboriginal Heritage Impact Permit should any residential Lot owners wish to impact on the shell. A permitting consultation process has been commenced for this area.

Applying the reasoning in the Due Diligence Code, as the Project Area is 'disturbed', it is reasonable that the Project proceed without further archaeological assessment.

11. CULTURAL SIGNIFICANCE OF PROJECT AREA

11.1 Archaeological Significance of the Project Area

11.1.1 Principles of This Significance Assessment

The assessment of archaeological (scientific) significance is a key aspect of developing future management strategies for the proposed development. There are many considerations that contribute to the evaluation of a site or landscape's potential archaeological significance. Two important criteria, listed in the New South Wales *Aboriginal Heritage Standards and Guidelines Kit* (1997:88), are research potential (defined as the potential to elucidate past human behaviours) and educational potential. The primary considerations when evaluating a site's research potential are discussed below.

Rarity*:* This is related to how prevalent a particular site type is in a given region. Sites that are particularly scarce have the potential to contribute more to our knowledge of past behaviours relative to sites which are common place. For example, in the north coast of New South Wales, coastal (beach) middens would have been common prior to European settlement. However, the impacts of sand mining and development have resulted in coastal middens becoming relatively rare, thus increasing their archaeological significance.

Antiquity*:* The value in a site's antiquity is closely linked to its rarity. As a general rule, the numbers of particularly old sites will reduce as time progresses. When sites of great antiquity are identified, they are of high archaeological significance.

Representativeness*:* A site's representativeness indicates whether a site is considered to represent a particular pattern of past human behaviour. It is important to identify sites that have high representative value and conserve them for future generations (Pearson and Sullivan 1995:148). Representativeness is assessed based on current research questions and technologies, and may change through time. It should be noted that a site's representativeness is also related to its cultural value, as distinct from its purely scientific value.

Complexity: A site may demonstrate a range of human behaviours and/or past climate and environmental changes (Pearson and Sullivan 1995:148).

Integrity: The stratigraphic integrity of a site relates to the subsequent disturbance of a site once it has entered the archaeological record. Disturbance may have been the result of impacts by humans (such as land clearing) or natural causes (such as erosion or bioturbation from ants). It is generally the case that the greater a site's integrity, the greater its archaeological significance.

Connectedness: A site should not be viewed in isolation, as the human behaviours that were responsible for the creation of the site were invariably connected to other sites reflecting different behaviours nearby.

11.1.2 Limitations

With all scientific research, including the assessment of 'scientific significance', it is important to acknowledge the limitations of any conclusions that have been drawn in relation to the assessment of the Project Area.

The assessment of archaeological significance is a highly subjective activity, and depends much on the values of the researcher(s) involved. In this assessment, we have categorised the Project Area into areas of 'High', 'Moderate – High', 'Moderate', 'Low – Moderate', 'Low' and 'No/Nil' archaeological significance. The values we have used are not precise. They exemplify arbitrary distinctions that are necessary for ease of demonstrating the scientific value of the Project Area as a whole. These categories represent a relative continuum of significance, which is demonstrated by the diagram in Figure 18. The intention of Figure 18 is to show examples of the values used in this assessment. Of course, it is quite possible that even a single artefact may be of high archaeological significance, where it can be demonstrated that the artefact exhibits one or more of the criteria above.

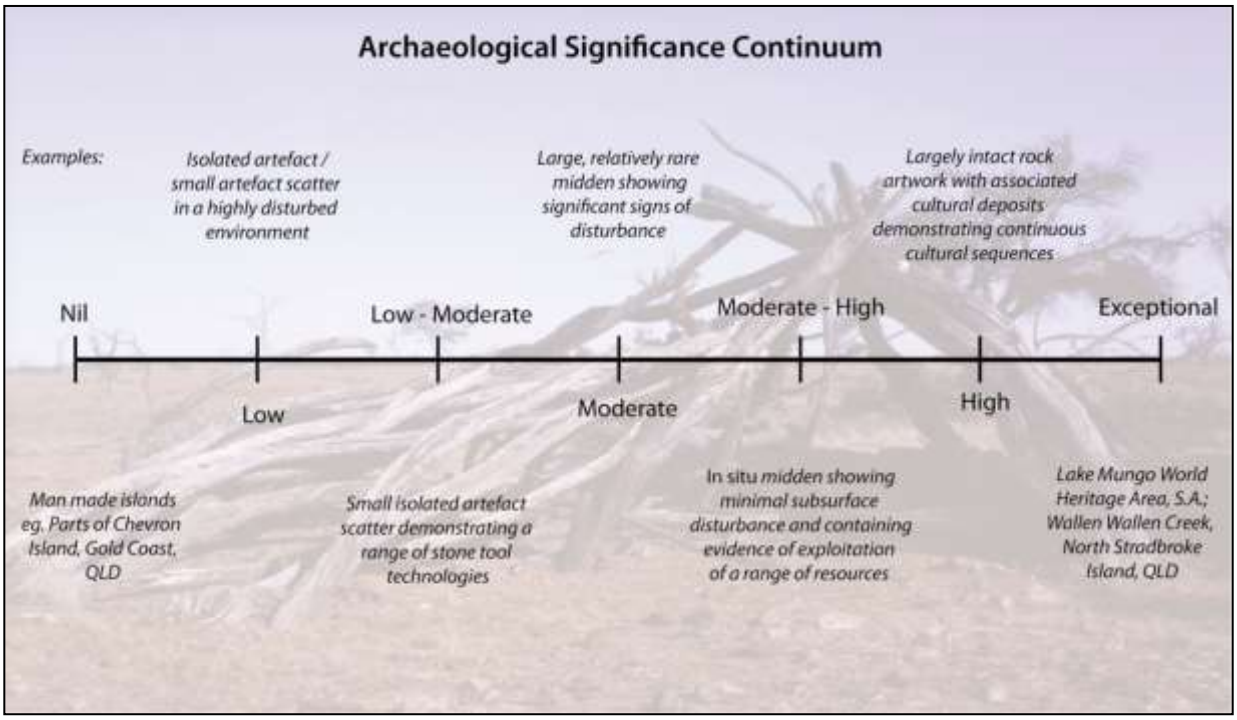

Figure 18: Archaeological Significance Continuum applied in this assessment.

11.1.3 Archaeological Significance of the Project Area

The archaeological significance of the Project Area has been assessed as being nil to low. All parts of the Project Area that will be subject to residential development and associated infrastructure have seen significant surface and subsurface ground disturbance. This has occurred primarily through multiple tree clearing events. Substantial amount of introduced rock material were also evident throughout the Project Area. Whilst the environmental protection area (swamp mahogany forest) in the central portion of the Project Area has not seen such disturbance, this area is believed to hold little archaeological potential.

The archaeological significance of IG01 has been assessed as being low (however, note the statement on cultural significance below). It is a relatively small midden concentration, and in a highly disturbed context. The range of shell species is of interest, primarily the coastal species that have evidently been carried some distance to the midden. However, the disturbed nature of the deposit means the midden offers little potential to add to the archaeological knowledge of the region. No faunal bones or artefacts were identified with the deposit.

The archaeological significance of IG02 and IG03 has also been assessed as low. It is of interest that, like the midden nearby, the beach pebble has been carried at least 3 km. From the Consultants experience and the opinions of the Aboriginal knowledge holders (Wilson and Roberts pers. comm.), a likely source is from a large concentration of such pebbles at Goanna Headland. However, neither artefact exhibits technological attributes that would make them rare or of particular sophistication.

11.2 Cultural Significance of the Project Area

11.2.1 Theoretical Framework

A cultural landscape approach recognises the continuity between past and present by acknowledging the connection between the remembered past and contemporary communities (Brown 2007:38). An integral part of contextualising a cultural landscape is to facilitate the incorporation of the knowledge of Traditional Owners. This can enable a comprehensive understanding of the socio-cultural context and a true recognition of significance and meaning (Ross *et al*. 2003:80). For some Aboriginal people sites have a particular significance which has little or no relationship to the archaeological significance (Greer 1999:117).

To assess Aboriginal cultural heritage sites appropriately, they must be seen in the context of the people to whom the sites are significant (Godwin and Weiner 2006:127; Greer 1999:116). For Aboriginal people, places are situated within a complex web of memories, beliefs, stories, practices, family members, local environments and cultural places that together constitute a cultural landscape that represents both ancient, traditional life and dynamic living traditions (Bradley *et al*. 2002:9; Ross 1996:4; Smith and Burke 2005:389). This view embraces Aboriginal people's

conception of space and time, where "places always exist in relation to other … places" and "the past impacts actively on the present" (Smith and Burke 2005:382).

The lived experience of past and present traditions illuminates connections that are both tangible and intangible, and are visible in the dynamic, on-going cultural interaction that Aboriginal groups have with their country (Godwin and Weiner 2006:127; Sullivan 1993:60). It is important to remember that places do not have inherent cultural significance. It is through memories, stories, visiting, teaching and other activities with places that the significance is ascribed by the people who interact with them (Brown 2007:137; Smith 1996:67). Collaborative research, community consultation and the collection of oral histories can be used to inform an understanding of the nature of intangible experiences and values that are associated with the tangible aspects of sites and landscapes. This understanding underpins the identification and assessment of the cultural significance of a site or landscape.

11.2.2 Cultural Heritage & Conflict

As a concept, heritage has often been perceived to be 'conveniently ambiguous' (Harrison 2013:14 citing Lowenthal 1998; see also Davidson [2000] 2006), being put to use for many different social and political purposes. An understanding of the role of politics and conflict in heritage management is essential to developing effective management strategies. The very act of significance assessment is subjective, with political and social influences of shaping how Aboriginal communities might express a place's significance (Griffiths 1996; Sullivan 1996).

In her book *Uses of Heritage*, Smith (2006:277) discusses what she describes as 'the dissonant nature of heritage' (see also Ainsworth *et al* 1980; Tunbridge & Ashworth 1996). Central to this concept is the politics of identity that is inherent in cultural heritage (Smith 2006:277). Who should control how heritage is defined, and therefore how it should be managed? Smith argues that this is a political contest. And given the different political positions in which land users, governments and Indigenous groups will often find themselves, it is inevitable that conflict can on occasions manifest itself in a power struggle.

11.2.3 Defining and Verifying Intangible Cultural Heritage

The aim of cultural heritage management is to establish the values particular groups of persons may associate with places or objects (Byrne 2003). There are several objects within the Project Area that have been identified as having cultural value. These need to be assessed not just for their physical values. Importantly, the value of intangible connections to landscapes and objects by Aboriginal people has been well documented by Australian anthropologists since the late 19th Century (Weiner 2011:189). The value of the intangible often far outweighs values placed on the physical (Turnpenny 2007).

It is relevant at this juncture to review the accepted definitions of intangible heritage. Intangible heritage is defined in the UNESCO International Convention for the safeguarding of the Intangible Heritage (2003) as being (Article 1):

> …practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. The "intangible cultural heritage"… is manifested inter alia in the following domains:
>
> (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
> (b) performing Arts;
> (c) social practices, rituals and festive events;
> (d) knowledge and practices concerning nature and the universe; and
> (e) traditional craftsmanship.

Whilst Australia does not rank amongst the 137 States that have ratified the UNESCO treaty, it does make for a relevant starting point.

Despite an extensive literature review, there are no ethnographic accounts on the public record that relate to the Project Area as being a place of particular cultural significance. It is of note that the Courts require a standard of evidence in verifying these claims that has been almost entirely absent in this instance.

11.2.4 New South Wales Legislation and Intangible Heritage

Researchers have for some time criticised the disconnect between theoretical heritage 'best practise' and the legislation of Australia (English 2003; Godwin and Weiner 2006: 127; Turnpenny 2007; Andrews and Buggey 2008). This is particularly so for the assessment and management of intangible heritage. When legislation along the eastern seaboard of Australia is compared, a common thread is that their main focus is undeniably on physical Aboriginal heritage (MacLaren 2006; Ross *et. al* 2010; Schnierer 2011).

Never-the-less, this assessment has been commissioned in a development context, and there are strong public policy and administrative reasons for the legislation being structured the way it is. Chief among these reasons is most likely a desire to find equitable outcomes amongst all members of society, including those of affected

landholders and Aboriginal persons. This assessment must, therefore, be firmly grounded in the relevant state legislation.

As reviewed in Section 2 above, the primary legislation in New South Wales for the protection of Aboriginal cultural heritage is the NPW Act. The Act protects both Aboriginal Objects and Aboriginal Places. Aboriginal Places must be declared places, and registered on the AHIMS Register. Section 84 of the NPW Act defines Aboriginal Places as "in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture." As to what constitutes 'special significance', guidance can be sought from both the AHIMS listing of Aboriginal Places and the OEH *Aboriginal Places Policy* (2011) ('APP').

The closest places to the Project Area are:

a) **Casino Bora Ground:** One of the largest Bora Grounds in the region and extensively documented. Unfortunately now destroyed.

b) **Cubawee**: the historic self-managed Aboriginal settlement of Cubawee, with considerable material remains.

c) **Parrots Nest:** a sacred place including: Sacred hoop pine trees, rock engravings, stone arrangements, rock paintings, axe grooves and fallen carved trees.

d) **Capeen Mountain:** a natural mythological site and dominant physical feature of the area, with no Aboriginal Objects associated on the site record.

e) **Yabbra Spring:** a natural mythological site with no Aboriginal Objects associated.

f) **Tooloom Falls:** a natural mythological site relating to the story of the creation of the Clarence River.

g) **Ti Tree Lake:** a sacred women's site and mythological place.

h) **Cocked Hat Rocks:** a natural mythological site.

A common feature of all of these places is that their significance has been well documented in the ethnographic record.

The review of OEH policy and previous declarations for Aboriginal Places in the region demonstrate that, on the evidence available, there is a reasonable potential that the Gumigudah campsite opposite the Project Area may reach the threshold for being considered an Aboriginal Place. The question then arises what connections lie between the Project Area and the Gumigudah campsite.

11.2.5 Statement of Cultural Significance

Consultation with the Aboriginal community is ongoing. The following represents a preliminary statement of significance, to be confirmed with the Traditional Owners in the near future.

Through the course of community consultation, a picture has developed of the significance of the Project Area and surrounds to the Bandjalang and Aboriginal people of the wider Richmond Valley region. The following statement on cultural significance has been developed through telephone communications, community meetings and field surveys involving the Richmond Valley Aboriginal community. Their involvement provided the socio-cultural context of the area, encompassing past and present activities and sets the archaeological research into a broader cultural landscape (Ross et al. 2003:80).

The Iron Gates Project Area is situated within a greater, significant cultural landscape of the Bandjalang and the Aboriginal people of the Bundjalung region. The region was intensively occupied, and contained a number of important occupations, ceremonial and spiritual places. Historic sites of the Evans Head massacre of Bandjalang people are close by, as is the Iron Gates crossing point, stated to be a traditional route between either bank of the Evans River.

The Project Area contained or abutted a number of important resource areas, including wetlands, open woodland, closed rainforest and the marine resources of the Evans River. Sites IG01, IG02 and IG03 have been identified as being of moderate to high cultural significance. Site IG01 is a midden that is considered to be part of the Gumigudah campsite complex. Although relatively small and disturbed, the Traditional Owners have stated that this does not diminish the significance of the midden. Likewise, sites IG02 and IG03 have been identified as being of moderate to heritage significance due to their association with past lifeways of their people and the broader significance of the cultural landscape.

12. STATEMENT OF HERITAGE IMPACT

Consultation with the Aboriginal community is ongoing. The following represents a preliminary statement of impact, to be confirmed with the Traditional Owners in the near future.

There have been conflicting views put forward by members of the Aboriginal community over the suitability of the development plans. Members of the Wilson family have generally raised substantial concerns over the development plans to date. Other Directors and knowledge holders of the Bandjalang have also acknowledged the impact of the Project on the cultural landscape, but are of the preliminary opinion that these impacts can be appropriately mitigated. Discussions with the Proponent over appropriate mitigation are ongoing; however, it is of note that there have been no suggestions that any negotiated outcomes would require an amendment of the proposed Lot layout.

Based on the research undertaken to date and the preliminary results of the consultation with the Aboriginal community, it is the Consultants opinion that there are no places of particular intangible heritage significance that will be impacted by the Project. The consultation process confirmed that there was a nearby known intangible cultural heritage within the surrounding cultural landscape but not within the immediate Project Area. The proposed environmental buffer along the Evans River bank appears to provide sufficient mitigation to heritage impacts associated with development in relatively close proximity to the Gumigudah campsite complex.

Traditional Owner representatives and Everick Archaeologists Tim Robins and Adrian Piper undertook a detailed inspection of the Project Area. This inspection identified three archaeological sites in highly disturbed contexts. Sites IG02 and IG03 will not be impacted by any activities associated with the Project. Likewise, the subsurface midden concentration in Site IG01 will be left undisturbed, while the surface expression will be subject to negotiated management practises as part of the proposed Aboriginal Heritage Impact Permit Application (AHIP). The shell scatter created by mechanical clearing around IG01 will be partially impacted under the current Development Application (Figure 8 Figure 9). This too will be managed through an AHIP.

13. RECOMMENDATIONS: ABORIGINAL CULTURAL HERITAGE

The Consultant has identified no cultural heritage constraints to the proposed subdivision. However, the Project Area is situated within an important cultural landscape to the Bandjalang and the Aboriginal people of the Bundjalung region. The following impact mitigation strategies are recommended to mitigate any impacts to the cultural significance of the region.

Recommendation 1: Aboriginal Heritage Impact Permit

The shell scatter component of the IG01 Midden consists of isolated pieces of shell that have been previously distributed over a large area of the river bank by machinery. Subject to the successful determination of the existing AHIP application, submitted 06 July 2015, by OEH, it is recommended that this surface expression of shell material is collected and placed in a safe area to be nominated by the Traditional Owners.

Recent changes to Lot numbers and layout as outlined in Section 1.4 of this report will not necessitate any variation to the existing AHIP application as the amended development application will not result in any ground disturbance to the known subsurface midden.

Recommendation 2: Cultural Interpretation

The Project Area is situated within a significant cultural landscape to the Traditional Owners. The Project presents several opportunities to acknowledge this significance through cultural interpretation. It is recommended that the Proponent continue to engage with the Traditional Owners over how to incorporate Aboriginal knowledge, story and history (as appropriate) into the landscaping plans for the Project open space. This should include:

a) Cultural signage of the midden and reference to the significance of the nearby Gumigadah site.

b) Discussions over a cultural walk through the central environmental protection zones, including use of traditional knowledge and plant names in signage and design.

c) Use of appropriate plant species in any revegetation works.

Recommendation 3: Cultural Inductions

It is recommended that the Proponent engage representatives of the Traditional Owners to provide a cultural heritage induction to all plant operators undertaking initial ground disturbance within the Project Area.

The induction should, as a minimum, cover:

a) basic legislative requirements, including fines for the destruction of Aboriginal cultural heritage;

b) a discussion on traditional Aboriginal culture, and why the management of Aboriginal cultural heritage is important to Aboriginal peoples;

c) an introduction on how to identify Aboriginal objects,

d) a description of portions of the Project Area considered likely to contain Aboriginal Objects; and

e) a review of the Find Procedures for the Project (See Recommendation 2).

Recommendation 4: Aboriginal Cultural Material – Find Procedure

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

a) work in the surrounding area is to stop immediately;

b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;

c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and

d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010).

Recommendation 5: Notifying the OEH

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

Recommendation 6: Aboriginal Human Remains

No evidence indicating the likely existence of human remains within the Project Area could be identified. As a cautionary recommendation, it is recommended that if human remains are located at any stage during earthworks within the Project Area, all works must halt in the immediate area to prevent any further impacts to the remains. The location where they were found should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Traditional Owners and the OEH Regional Office (Coffs Harbour) are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police release the scene, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

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

Recommendation 7: Conservation Principles

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

PART C: HISTORIC CULTURAL HERITAGE ASSESSMENT

14. DESKTOP REVIEW: HISTORIC CULTURAL HERITAGE

14.1 Project Area History

Brief town histories are available for the Woodburn Evans Head township are available from the Evans Head Returned Service League website (http://www.woodburnevansheadrsl.com.au/history.htm 27 September 2014). This resource provides an overall history of the town ship and its settlement- however also provides specific information about the settler, publican, sandminer and oyster lease operator Captain Thomas Paddon- who took up residence at Iron Gates in the late 1800's. It is understood that Paddon died in 1914 aged 73 and was buried at Iron Gates (Figure 22 - Figure 24). At this time the area was used for grazing and it was not until 1924 that the township of Evans Head was proclaimed and developed into a tourist destination.

Additional information for the Paddon Family- including his five sons is available from on Ancestroy.com (http://freepages.genealogy.rootsweb.ancestry.com/~hcastle/transcripts/kathy_pearson/transcripts/evanshead.html):

> Captain Tom Paddon, born in England in 1841, was the founder of Evans Head settlement. He led an adventurous life, sailing to Australia in a windjammer, joining in the gold rushes in the South Island of New Zealand, then back to Australia to become one of the shipping pioneers who provided the only means of transport and communication between the North Coast outposts of settlement and the metropolis. Incidentally, the Evans River is named after a Lieutenant Evans who was on a ship making a coastal survey, and which was commanded by Captain Paddon.

It is understood that the Iron Gates - a geological feature of Ironstone which stretched across the Evans River south of the Project Area - had the effect of altering the tidal flow of fresh and sea water to the point where the two were at times at different levels. The Iron Gates were destroyed by the Army in 1914. (https://www.greenleft.org.au/node/15623 27 September 2014).

14.2 Heritage Register Searches

The desktop review concluded that no historically significant cultural heritage sites would be impacted by the Project. The following heritage databases were reviewed August 27 2014 to assess the potential for non-Indigenous heritage attributes within the Richmond Valley LGA.

- **The World Heritage List**: Contains no places within close proximity to the Project Area.
- **Register of the National Estate:** Contains no places within close proximity to the Project Area.
- **Commonwealth Heritage List (Australian Heritage Council):** Contains no places within close proximity to the Project Area.
- **The National Heritage List (Australian Heritage Council):** Contains no places within close proximity to the Project Area.
- **The State Heritage Register (NSW Heritage Office):** Contains no places within close proximity to the Project Area.
- **The RTA Heritage and Conservation Register:** contains no non-Indigenous heritage items for the Casino area.
- **Richmond Valley Local Environment Plan 2012:** Paddons Grave is identified as an item of Environmental Heritage on the Richmond LEP and is located approximately 70m to the west of the Proposed Works. Section 17 and Appendix F cover the recommended management strategy for this item.

15. LAND-USE HISTORY AND PREDICTIVE MODELLING

15.1 Review of Historic Aerial Photography

As discussed previously, aerial photographs of the Project Area from 1953, 1978, 1988, and 1998 were analysed for evidence of ground disturbance within the Project Area. As evidenced by these photos there has been some clearing by 1953 and more significant land clearing by 1978. A pocket of land- which will form an E2 protection zone in the proposed subdivision has remained intact throughout the recent history of the study area.

The earliest available Parish map is from 1904 (Figure 19) and shows the ownership of the Development by James Paddon. By 1939 the Project Area is mapped as owned by the Bank of NSW (Figure 20) - with the adjacent block still owned by Thomas Paddon (Figure 21). The 'Iron Gates' feature are also features as part of all three maps.

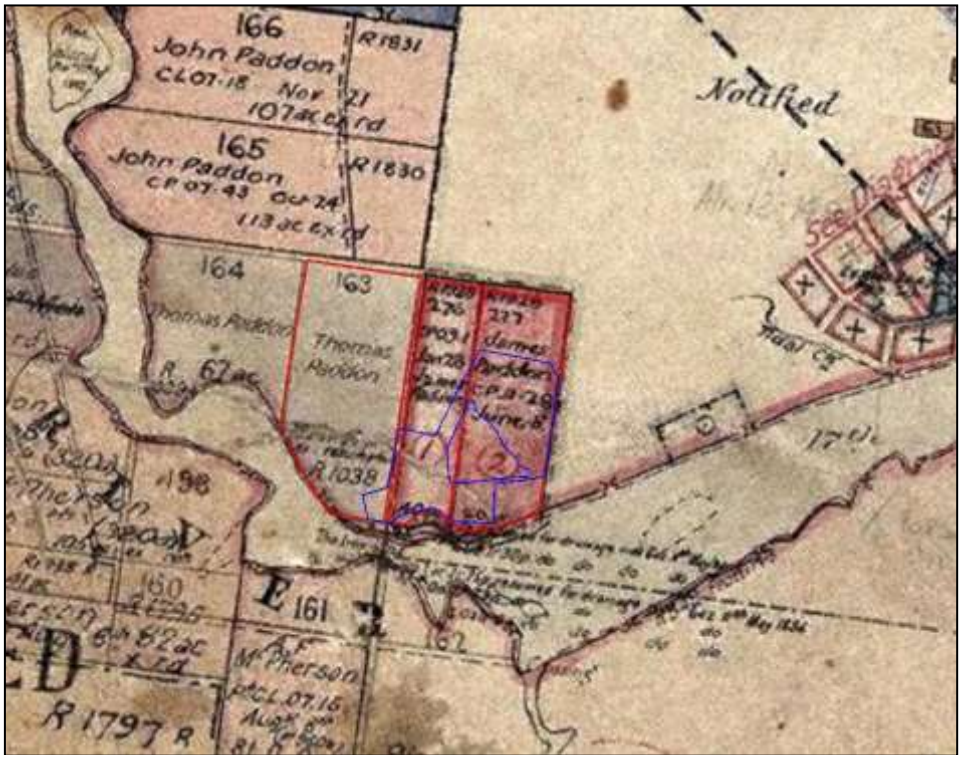

Figure 19: 1904 Parish Map.

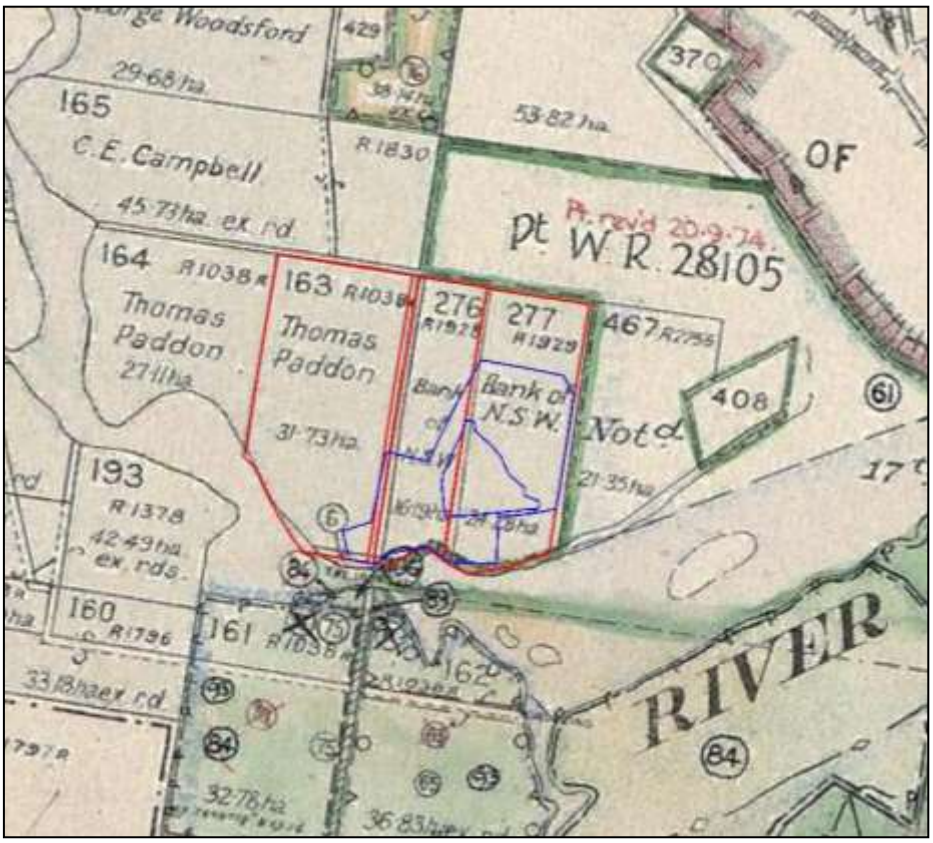

Figure 20: 1939 Parish of Richmond Map

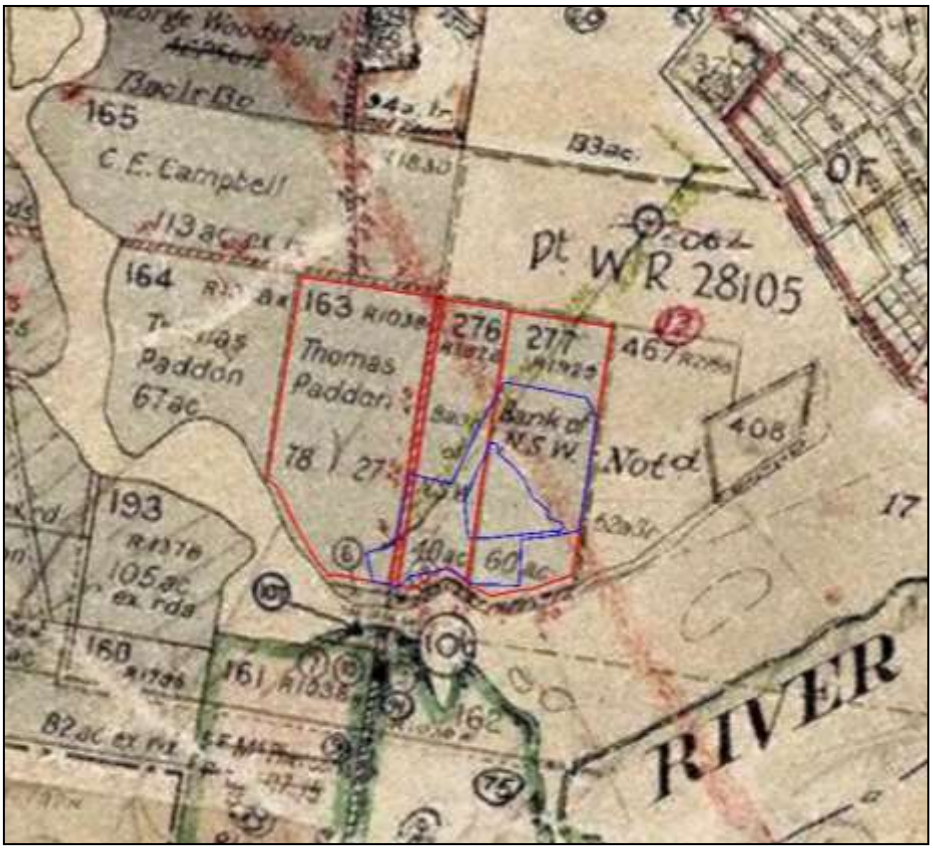

Figure 21: Parish of Riley 1963.

16. FIELD SURVEY: NON-INDIGENOUS CULTURAL HERITAGE

No non-Indigenous (historic) cultural heritage sites or relics were identified within the proposed residential allotments.

One place, the grave site of Thomas Paddon, was identified with Lot 163, approximately 70m to the west of the nearest proposed residential Lot (Figure 8). The grave was in fair condition, considering its age and relative isolation. The headstone engraving was in good condition, although the headstone showed evidence of discolouration in parts (Figure 22 - Figure 24). The headstone surround had a crack running through the centre as a result of subsidence. The low iron fence marking the grave surround showed evidence of corrosion, however appeared structurally sound. No substantial vegetation was growing from within the grave surround or in the immediate vicinity that might be considered likely to disturb or damage the grave.

Figure 22: Grave and headstone of Thomas Paddon.

Figure 23: View north showing grave of Thomas Paddon.

Figure 24: View west showing headstone of Thomas Paddon's grave.

17. RECOMMENDATIONS: HISTORIC HERITAGE

No historic cultural heritage constraints have been identified within the proposed residential Lots or associated infrastructure areas.

Recommendation 1: Monitoring Strategy

It is recommended that the Proponent implement a monitoring strategy to monitor the condition of the Thomas Paddon's Grave as part of the overall Environmental Management Plan for the Project. Inspections should occur at a minimum annual basis. Inspections should make notes and take a photographic record of the condition of the grave, so as to develop a better understanding of whether there have been any changes to the grave and, if so, the rate of such changes. In the event that changes to the physical appearance of the grave are observed (eg. further subsidence, invasion from plant roots, cracking of the tombstone) then a Conservation Management Plan should be developed by an appropriately qualified heritage consultant.

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APPENDIX A: PUBLIC NOTICE

Aboriginal Cultural Heritage Study
Registration of Interest

Everick Heritage Consultants Pty Ltd (ABN 78 102 206 682) is seeking to consult with interested Aboriginal persons over the proposed residential subdivision at Iron Gates, Evans Head, NSW. The assessment area is parts of Lot 163 DP831052, and Lots 276 and 277 DP755624. An Aboriginal Heritage Impact Permit may be applied for following consultation.

What do you need to do?

Aboriginal persons who hold cultural knowledge of the region are invited to register their interest in writing with:

Everick Heritage Consultants
PO Box 146
RED HILL QLD 4059
or t.robins@everick.com.au

When must registration be received?

Registration must be received by Monday, 20 October 2014.

APPENDIX B: AHIMS SEARCH RESULTS

April 2014

Office of Environment & Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : EV295
Client Service ID : 130639

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
13-1-0002	Three Brothers Landing Place Quinamers Beach	AGD	56	543500	6777600	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	
	Contact	Recorders	D Lantree					Permits		
13-1-0004	10 Lilron Gates	AGD	56	541092	6778450	Open site	Valid	Shell : -, Artefact : -	Midden	
	Contact	Recorders	Denis Byrne,Mary Dallas Consulting Archaeologists					Permits	265,307	
13-1-0036	Clever Cave, Evans Head	AGD	56	538500	6775700	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	
	Contact	Recorders	Barry Creamer					Permits		
13-1-0003	Schnapper Point	AGD	56	543100	6775900	Open site	Valid	Ceremonial Ring (Stone or Earth) : -	Burial/Ceremonial	
	Contact	Recorders	Isabel McBryde					Permits		
13-1-0006	Schnapper Point	AGD	56	544040	6776300	Open site	Valid	Stone Quarry : -, Artefact : -	Quarry	
	Contact	Recorders	Isabel McBryde					Permits		
13-1-0001	Evans Head Ramaing Tree	AGD	56	539800	6777000	Open site	Valid	Artefact : -, Aboriginal Ceremony and Dreaming : -, Modified Tree (Carved or Scarred) : -, Shell : -	Carved Tree,Midden,Natural Mythological (Ritual),Open Camp Site	307
	Contact	Recorders	David Bell,Bobbie Oakley,Ms Lisa Campbell,Mr.Richard Kelly					Permits		
13-1-0033	Rain Cave, Evans Head	AGD	56	543600	6778500	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	307,1462
	Contact	Recorders	Bobbie Oakley					Permits		
13-1-0061	Evans Head Red Hill	AGD	56	543650	6778220	Open site	Valid	Artefact : -	Open Camp Site	
	Contact	Recorders	J Goode					Permits		
13-1-0130	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Lantre Wilson	Recorders	Claude McDermott,Damien Hofmeyer					Permits		
13-1-0131	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Lantre Wilson	Recorders	Claude McDermott,Damien Hofmeyer					Permits		
13-1-0163	Schapper Rocks Initiation Site	AGD	56	543500	6776183	Open site	Valid	Aboriginal Resource and Gathering : -, Aboriginal Ceremony and Dreaming : -		
	Contact Mr Lantre Wilson	Recorders	Claude McDermott,Damien Hofmeyer					Permits		

Report generated by AHIMS Web Service on 03/04/2014 for Jordan Towers for the following area at Lat, Long From : -29.1386, 153.3927 - Lat, Long To : -29.1046, 153.4467 with a Buffer of 1000 meters. Additional Info : full arch assessment. Number of Aboriginal sites and Aboriginal objects found is 21

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Extensive search - Site list report

Your Ref/Number : EV295
Client Service ID : 130639

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
13-1-0167	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0168	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0147	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0148	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0132	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0133	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0134	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0135	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0130	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		
13-1-0162	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact: Mr Laura Wilson	Recorders: Claude McDermott, Damien Hofmeyer						Permits:		

Report generated by AHIMS Web Service on 03/04/2014 for Jordan Towers for the following area at Lat, Long From : -29.1386, 153.3927 - Lat, Long To : -29.1046, 153.4467 with a Buffer of 1000 meters. Additional Info : full arch assessment. Number of Aboriginal sites and Aboriginal objects found is 21

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April 2019

Office of Environment & Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : EV.295
Client Service ID : 416239

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
13-1-0082	Three Brothers Landing Place Chinamens Beach	AGD	56	543500	6777600	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	
	Contact	Recorders	D Lautrec					Permits		
13-1-0084	IG 1;Iron Gates;	AGD	56	541090	6778450	Open site	Valid	Shell : -, Artefact : -	Midden	
	Contact	Recorders	Dean Byrne,Mary Dallas Consulting Archaeologists					Permits	265,307	
13-1-0036	Clever Cave, Evans Head	AGD	56	538500	6775700	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	
	Contact	Recorders	Harry Creamer					Permits		
13-1-0003	Schnapper Point;	AGD	56	543100	6775900	Open site	Valid	Ceremonial Ring (Stone or Earth) : -	Bora/Ceremonial	
	Contact	Recorders	Isabel McBryde					Permits		
13-1-0006	Schnapper Point;	AGD	56	544040	6776300	Open site	Valid	Stone Quarry : -, Artefact : -	Quarry	
	Contact	Recorders	Isabel McBryde					Permits		
13-1-0001	Evans Head Kurrajong Tree	AGD	56	539800	6777000	Open site	Valid	Artefact : -, Aboriginal Ceremony and Dreaming : -, Modified Tree (Carved or Scarred) : -, Shell : -	Carved Tree,Midden,Natural Mythological (Ritual),Open Camp Site	587
	Contact	Recorders	David Bell,Bobbie Oakley,Ms Lisa Campbell,Mr Richard Kelly					Permits		
13-1-0033	Rats Cave, Evans Head	AGD	56	543600	6778500	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	587,1462
	Contact	Recorders	Bobbie Oakley					Permits		
13-1-0061	Evans Head Red Hill	AGD	56	543650	6778220	Open site	Valid	Artefact : -	Open Camp Site	
	Contact	Recorders	J Gondo					Permits		
13-1-0130	Restriction applied. Please contact ahims@environment.nsw.gov.au					Open site	Valid			
	Contact Mr Laurie Wixon	Recorders	Claude McDermott,Damien Holmeyer					Permits		
13-1-0131	Restriction applied. Please contact ahims@environment.nsw.gov.au					Open site	Valid			
	Contact Mr Laurie Wixon	Recorders	Claude McDermott,Damien Holmeyer					Permits		
13-1-0163	Schapper Rocks Initiation Site	AGD	56	543500	6776183	Open site	Valid	Aboriginal Resource and Gathering : -, Aboriginal Ceremony and Dreaming : -		
	Contact Mr Laurie Wixon	Recorders	Claude McDermott,Damien Holmeyer					Permits		

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Extensive search - Site list report

Your Ref/PO Number : EV.295
Client Service ID : 416239

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
13-1-0167	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0168	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0147	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0148	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0132	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0133	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0134	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0135	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0138	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0162	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	Contact Mr Laurie Wilson	Recorders	Claude McDermott,Damien Hofmeyer						Permits	
13-1-0200	K Line Site.1	GDA	56	540457	6775767	Open site	Valid	Shell : -		
	Contact	Recorders	Mr Ashley Muran						Permits	
13-1-0204	Iron Gates IG01	GDA	56	540117	6778061	Open site	Valid	Shell : -		
	Contact	Recorders	Mr Tim Robins						Permits	
13-1-0205	Iron Gates IG02	GDA	56	540044	6778039	Open site	Valid	Artefact : -		
	Contact	Recorders	Mr Tim Robins						Permits	
13-1-0206	Iron Gates IG03	GDA	56	540390	6778055	Open site	Valid	Artefact : -		
	Contact	Recorders	Mr Tim Robins						Permits	

Report generated by AHIMS Web Service on 18/04/2019 for Robbie Mazlin for the following area at Lat, Long From : -29.1386, 153.3927 - Lat, Long To : -29.1046, 153.4467 with a Buffer of 1000 meters. Additional Info : site context. Number of Aboriginal sites and Aboriginal objects found is 28

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Office of Environment & Heritage NSW

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : EV.295
Client Service ID : 416239

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
13-1-0218	BNP-2	GDA	56	541113	6777723	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Ms.Jacqueline Collins					Permits		
13-1-0219	BNP-1	GDA	56	540793	6777607	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Ms.Jacqueline Collins					Permits		
13-1-0217	BNP-3	GDA	56	540261	6777759	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Ms.Jacqueline Collins					Permits		

Report generated by AHIMS Web Service on 18/04/2019 for Robbie Mazlin for the following area at Lat, Long From : -29.1386, 153.3927 - Lat, Long To : -29.1046, 153.4467 with a Buffer of 1000 meters. Additional Info : site context. Number of Aboriginal sites and Aboriginal objects found is 28

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Page 1 of 3

APPENDIX C: IRON GATES COMMUNITY CONSULTATION FILE

The Iron Gates Consultation File contains a record of the confidential correspondence with the Aboriginal community throughout the course of the Cultural Heritage Assessment consultation completed by Everick. This consultation file will be submitted to the OEH as a record of correspondence with the Aboriginal community as per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010). For these reasons, the Consultation File has not been provided with this document.

APPENDIX D: IRON GATES PROPOSED IMPACT MITIGATION STRATEGY

HERITAGE IMPACT MITIGATION STRATEGY

IRON GATES RESIDENTIAL SUBDIVISION

Background:

This strategy has been prepared following discussions with field crew and knowledge holders, and has been presented to the members of the Bandjalang Proscribed Body Corporate. This strategy is prepared in conjunction with a cultural heritage assessment for the project.

Mitigation:

COLLECTION STRATEGY:

Prior to development works, all shell materials will be collected from the Aboriginal Heritage Impact Permit (AHIP) Area, as illustrated on Figure 1. The collection strategy will be undertaken under the supervision of members of the Bandjalang Native Title Aboriginal Corporation, with the assistance of a qualified archaeologist, as follows:

- removal of grass using light machines (line-trimmer and brush-cutters) over the AHIP area;
- poison of grass to increase ground surface visibility;
- visual/ pedestrian inspection and salvage of shell material at surface by representatives of the Bandjalang Native Title Aboriginal Corporation as determined appropriate by Directors with DGPS recording of location as appropriate;
- 'stick rake' of remaining vegetation to increase ground surface visibility;
- secondary visual/ pedestrian inspection and salvage of shell material at surface by representatives of the Bandjalang Native Title Aboriginal Corporation with DGPS recording of location as appropriate;
- possible salvage by shovel and sieve where density of shell is greater than 5 per m^2 by representatives of the Bandjalang Native Title Aboriginal Corporation; and
- repatriation and documentation (including site card) of shell material with the IG1 midden, as directed by representatives of the Bandjalang Native Title Aboriginal Corporation.

CULTURAL INTERPRETATION:

It is proposed to incorporate a cultural trails into the proposed open space areas of the development, either in the centre of the development or along the banks of the Evans River. The cultural trail would be an acknowledgement and celebration of the significance of the broader cultural landscape to the Traditional Owners. It would also be important in keeping people to designated walking areas, out of the surrounding sensitive environment. At the discretion of the Traditional Owners, the cultural trail could include signage that would share their traditional knowledge, helping to provide a sense of place to the new residents of Iron Gates. A permit to collect the shell scatter at IG01 would also be proposed, to allow a trail to wind around the midden.

REVEGETATION OF IG01

It is proposed to revegetate the immediate area around IG01 back to its natural state. Shallow rooted vegetation would be selected. At the request of the Aboriginal Stakeholders the midden would not be buried in any topsoil for preservation purposes.

CULTURAL HERITAGE INDUCTIONS

It is proposed that the Proponent would engage representatives of the Traditional Owners to provide a cultural heritage induction to machinery operators working within the Project Area.

COMMITMENT TO OTHER ECONOMIC DEVELOPMENT ACTIVITIES

The Proponent will look to offer contributions towards economic development activities, to assist in the employment of the local Traditional Owners people. Such commitments may include commitments to training and other economic development activities nominated by the Bandjalang PBC.

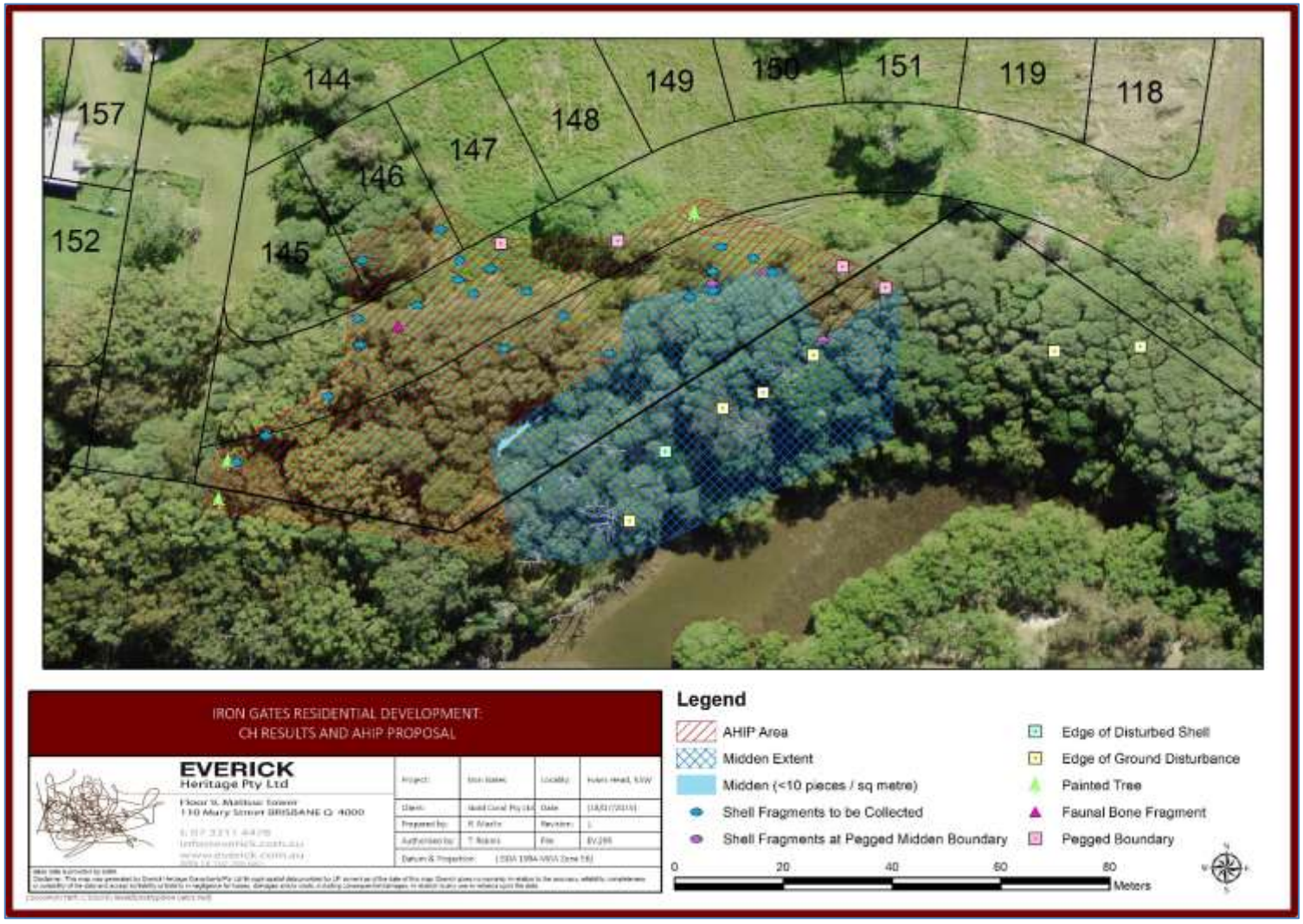


Figure 1: AHIP Proposal Plan

APPENDIX E: IRON GATES AHIP APPLICATION

AHIP application

This form must be filled out if you want to apply for an **Aboriginal Heritage Impact Permit (AHIP)** prescribed under section 90A of the *National Parks and Wildlife Act 1974* (NPW Act). This form must be used for all applications in relation to causing harm to Aboriginal objects and Aboriginal places. It can be issued in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons.

If you need any help filling out the form, please contact the relevant section within the Office of Environment and Heritage (OEH) (contact details are listed at the end of this form). You can also refer to *Applying for an Aboriginal Heritage Impact Permit, Guide to Applicants 2010* (www.environment.nsw.gov.au/licences/applyforahip.htm) and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (www.environment.nsw.gov.au/licences/investassessreport.htm) for guidance. Once completed and signed, send the form, together with the applicable fee (cheque only) and all supporting information, to your nearest OEH office. Please note that if your application is incomplete you may be requested to provide further information. If the information in your application is so insufficient that an assessment cannot be made, OEH may decide to refuse the application. You will be given notice of this proposed refusal.

This form is divided into 5 parts:

I. Information about you – the applicant and other contact details
II. Proposed actions and the impacts on Aboriginal cultural heritage
III. Accompany ing/ supporting documentation
IV. Fees and signatures
V. Checklist and additional information

Part I – Information about you, the applicant

Note: All information in red and marked with an asterisk (*) will appear on the public register.

1.1 AHIP applicant

1.1.1 Name of proposed AHIP holder(s)

An AHIP can be issued to individual(s), a company, body corporate or public authority, but ***not*** a partnership or joint-venture. It is OEH's policy that where appropriate, an AHIP will be issued to the company responsible for the proposed works and not to individual archaeologists or consultants employed or contracted by the company.

Applicant 1* Full name				
Trading as (if applicable)	Goldcoral Pty Ltd			
ACN/ABN (if applicable)	ACN: 104155839		ABN:	
Registered business# address	No: PO Box 3441	Street name: Australia Fair Shopping Centre		
	Suburb: Southport		State: QLD	Postcode: 4215

Applicant 2* Full name				
Trading as (if applicable)				
ACN/ABN (if applicable)	ACN:		ABN:	
Registered business# address	No:	Street name:		
	Suburb:		State:	Postcode:

Please attach extra page(s) if more space is needed, or if there are more than 2 applicants.

Must be the registered business address as it appears in the ASIC register, for companies or those individuals with an ABN.

1.1.2 Contact details for project manager

The project manager will be responsible for overseeing, for and on behalf of the AHIP holder, the actions relating to the AHIP. The project manager may be the AHIP holder, an archaeologist or another suitably qualified and experienced individual depending on the nature of the proposed activities.

Name	Title: Mr	Given name: Timothy
	Surname: Robins	
Organisation	Everick Heritage Consultants Pty Ltd	
Position	Director / Archaeologist	
Phone numbers	Business: 0733682660	Mobile: 0432816460
Fax		
Email	t.robins@everick.com.au	

1.1.3 Contact details for archaeologist (if different to project manager)

Name	Title	Given name:
	Surname:	
Organisation		
Phone numbers	Business:	Mobile:
Fax		
Email		

Part II – Proposed actions and the impacts on Aboriginal cultural heritage

Note: All information in red and marked with an asterisk (*) will appear on the public register

2.1 General description of the actions that the AHIP will cover

2.1.1 Development/project name*

Insert the name of the overall development/project or a very brief description. Include reference to a stage if it is a staged project.

Iron Gates Residential Subdivision

2.1.2 Location*

Please provide the following details of the location of the land to which this application applies. A brief description followed by specific details.

Land description or Property name*	Iron Gates Residential Subdivision - Part Lot 163 DP831052, Lots 276 and 277 DP755624 - located off Iron Gates Road, Evans Head NSW			
Street address	No:	Street name: Iron Gates Road		
	Town/Suburb: Evans Head		State: NSW	Postcode: 2473
Title details	Portion/s:		Parish:	
	County:		Lot & DP No: Part Lot 163 DP831052, Lots 27	

2.1.3 Local government area

Please provide the name of the local government area to which this application applies. If the project covers multiple local government areas, please list them all.

Local government area/s	Richmond Valley

2.1.4 Description of 'harm' to Aboriginal objects or places*

Please indicate in the following table the type/s of actions that you wish the AHIP to cover. Please note that these are specific actions that will 'harm' Aboriginal objects or places. Harm, in relation to an Aboriginal object, includes movement, damage, destruction or defacement. In relation to an Aboriginal Place, harm includes damage, defacement or destruction. See the definition of harm under section 5(1) of the NPW Act.

I would like my AHIP to cover the following actions (tick (✓) **all** that apply):

a. Harm including movement of Aboriginal objects (including any movement, damage, defacement or destruction of Aboriginal objects)	
• Movement only of certain Aboriginal objects	✔
• Test excavations [1]	
• Salvage excavations	
• Community collection	✔
• Harm to certain Aboriginal objects through the proposed works	
• Other action(s) causing harm	
b. Areas where Aboriginal objects will not be harmed (i.e. certain Aboriginal objects and/or areas within the area of the AHIP application that will not be harmed)	
c. Harm to an Aboriginal place (including any damage, defacement or destruction of the Aboriginal place)	
• *Specify the harm*:	

2.1.5 AHIP duration and term*

Please indicate the period for which you seek an AHIP (e.g. 2 years).

Period of the AHIP*	5 Years

Please indicate the proposed term of the AHIP; start and end dates. The proposed term of an AHIP should closely mirror the period within which harm on Aboriginal objects and/or Aboriginal.

Proposed start date:	1 August 2015
Proposed end date:	1 August 2020

Part III – Accompanying/supporting documentation

3.1 Necessary consents

Please tick (✓) 'Yes' or 'No'	Yes		No
Is development consent under Part 4 of the *Environmental Planning and Assessment Act 1974* (EP&A Act) or is another approval required (e.g. an approval under Part 5 of the EP&A Act – review of environmental factors, or a licence under the *Protection of the Environment Operations Act 1997*)	✔		
Has consent or approval under the EP&A Act or other necessary approval been granted[2]? If '**Yes**' you must attach a copy of the consent or other approval.			✔

3.2. Works on OEH national parks and reserves

Please tick (✓) 'Yes' or 'No'	Yes		No
Does the application relate to land reserved, managed or acquired under the *National Parks and Wildlife Act 1974 or* aquatic reserve *under* Division 2 of Part 7 of the *Fisheries Management Act 1994?*			✔
Is the application supported by the relevant National Parks and Wildlife Service Regional Manager or Manager Aquatic Protected Areas? If **Yes**' attach a evidence of the relevant Manager's support			✔

[1] Include only test excavations that cannot be carried out in accordance with the requirements of the *Code of Practice for Archaeological Investigation in New South Wales* (www.environment.nsw.gov.au/licences/archinvestigations.htm).
[2] If a consent or approval is required but has not yet been granted, OEH will not issue an AHIP in most circumstances.

3.3 Aboriginal cultural heritage assessment report

Your application must be accompanied by an **Aboriginal Cultural Heritage Assessment Report**. The report must be provided in two formats:

i. Hard copy
ii. Electronic copy as an unprotected PDF file.

The Guide for investigating, assessing, and reporting on Aboriginal cultural heritage in NSW (the Guide) explains what an Aboriginal Cultural Heritage Assessment Report should cover (see www.environment.nsw.gov.au/licences/investassessreport.htm).

Use the checklist below to ensure that all the necessary information is included in your report. Page numbers from the Guide have been provided for easy reference.

Within my **Aboriginal Cultural Heritage Assessment Report the following key pieces of information** have been included:		**Yes**
1	**Restricted information** (Guide section 3.1, page 16) • Have you clearly identified any information that is restricted because it is culturally sensitive? Note that you, the applicant, are responsible for ensuring the AHIMS (Aboriginal Heritage Information Management System) site card reflects that the information is restricted.	✔
2	**Confidentiality information** (Guide Appendix D, page 26) • Have you identified any information that is confidential for any reason (excluding restricted information under 1 above)?	✔
3	**Copyright** (Guide Appendix D, page 26) • Have you identified who owns the copyright to the Report? You should set out who prepared the Report and the circumstances under which the Report was prepared (e.g. is the author the copyright owner? Was the author retained by a commissioning party and if so did the agreement contain a clause about copyright ownership?).	✔
	• Have you signed the indemnity on the AHIMS Heritage Report Cover Sheet when submitting your report to AHIMS?	✔
4	**Description of the proposed activity** (Guide, section 3.2, page 18) • Have you described the nature, scope and objectives of the proposed activity (including research activities, if appropriate)?	✔
5	**Indicate the proposed term of the AHIP** (Guide, section 3.2, page 18) • Have you provided a time period for how long you need the AHIP for (include start and end dates)? (see also question 2.1.5 in this form)	✔
6	**Description of the area where the proposed activities are to be undertaken, the subject of this AHIP application including exclusion areas, and maps** (Guide, sections 2.2.1, 3.1.2, 3.2 pages 5, 16-17)	✔
	• Have you included the property name, street address, cadastre information such as lot and DP, local government area, parish and zone, subject of this AHIP application and also any exclusion areas?	✔
	• Have you described the environment/landscape relevant to the proposed activity including typography and geology?	✔
	• Have you included a topographic map clearly showing the location of the land that is the subject of this AHIP application and any exclusion areas, and development boundary (aerial photographs, detailed site maps and title plans may also be provided)? The map should provide clear cadastre information including a lot and DP number, the local government area, parish and zone (as applicable).	✔
7	**Description and identification of the Aboriginal objects and AHIMS sites** (Guide, sections 2, 2.2.2, 2.2.3, 3.1, 3.2. pages 3, 6, 15-17, 19, Appendix C, page 25)	✔
	• Have you included a map of the heritage values present and the elements in the landscape associated with those values?	✔
	• Have you described Aboriginal peoples past and/or current use of the land, relevant to the activity and the surrounding areas?	✔
	• Have you included AHIMS site numbers?	✔
8	**Details of other applications for AHIPs within the area which is the subject of this AHIP application** (Guide section 3.2, page 17)	
	• Have you indicated whether any other AHIPs have been issued or refused relating to the area subject of this AHIP application?	
	• Have you included the AHIP number and status (e.g. current/expired/refused)?	

Within my **Aboriginal Cultural Heritage Assessment Report the following key pieces of information** have been included:		**Yes**
9	**Details of the consultation process** (Guide sections 1.4, 2.3, and 3.2, pages 2, 6-7, 17)	✔
	• Have you provided a description of the consultation process you conducted and how it meets requirements set out in clause 80C of the National Parks and Wildlife Regulation 2009? This is further explained in OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents.* Identify where you haven't been able to comply with the requirements in the regulation and provide any associated documented evidence such as letters, advertisements.	✔
	• Have you provided a list of the registered Aboriginal parties?	✔
	• Have you included copies of submissions received, issues raised and your responses? (It is recommended that this be presented in table format – name of person who made the submission, raised the issue(s) and your responses to them).	✔
10	**Statement of significance of the cultural heritage values** (Guide sections 2.4 and 3.2, pages 7–11, 18)	✔
11	**Description of the actual or likely harm** (Guide sections 2.5 and 3.2, pages 12–13, 18)	✔
12	**Description of the measures to avoid harm** (Guide sections 2.6 and 3.2, pages 13, 18)	✔
13	**Description of the measures to minimise harm** including: (Guide sections 2.5, 2.7, 3.2 pages 12–14, 18)	✔
	• Have you justified the measures chosen to minimise harm, including an explanation of all alternatives considered and why they were or were not included in the final proposal?	✔
	• Have you shown how ecological sustainable development principles have been considered?	✔
	• Have you described how cumulative harm has been considered?	✔
14	**Information about** what you, the applicant, intends to do with **salvaged** and/or **collected objects**, for example, if objects will be transferred to an Aboriginal owner, or whether a care and control agreement will be sought under section 85A(1)(c) NPW Act.	✔

Note: Any additional information that you may have that is not included in the checklist above should also be included in your Aboriginal Cultural Heritage Assessment Report.

3.4 Management of salvaged Aboriginal objects

Please provide information about what you, the applicant, intend to do with **salvaged** and/or **collected objects**, if applicable.

3.4.1 Temporary storage of certain Aboriginal objects

If the Aboriginal objects are proposed to be moved from the land, provide details of the temporary storage location in the table below.

Location name:	
Address:	
Storage particulars:	

3.4.2 Long-term management of certain Aboriginal objects

Long-term management of Aboriginal objects should be negotiated between the applicant, the registered Aboriginal parties and any other relevant party. Provide information of any long-term management plans that have been agreed upon, including any written authority from registered Aboriginal parties or the Aboriginal owner.

Please tick (✓) 'Yes' if applicable	**Yes**
Have you applied to the Australian Museum Trust, for it to hold the Aboriginal Objects collected under the terms of this AHIP? If 'yes' provide evidence of your contact with the Australian Museum. (Refer to the Australian Museum's *Archaeological Collection Lodgement Policy* and *Protocols for the Deposition of Archaeological Materials* (when available)).	
Will objects be transferred to an Aboriginal owner[3]?	
OR	
Will objects will be transferred under a Care and Control Agreement to an Aboriginal person or organisation representing Aboriginal people in accordance with section 85A(1)(c) of the NPW Act? If 'yes' you must apply for the transfer of Aboriginal objects for safekeeping under section 85A(1)(c) of the NPW Act (see www.environment.nsw.gov.au/licences/CareAgreements.htm for the form and more information).	

[3] Aboriginal owner as defined under section 4(1) of the *Aboriginal Land Rights Act 1983*

3.5 Aboriginal Heritage Information Management System (AHIMS) site information and proposed harm

Aboriginal Heritage Information Management System (AHIMS) contains details of Aboriginal objects, places and other heritage values across NSW. AHIMS also contains archaeological reports and site records. In the table below, provide the information of the sites in the area that your AHIP application covers as they are recorded in AHIMS. This will include the sites that you propose to harm as well as those sites where there will be no harm.

Note: This information must reflect the discussions you have had with the registered Aboriginal parties. You must also ensure that all AHIMS Site Recording Forms (site cards) are updated (if necessary) prior to completing the table below and submitting your application for an AHIP. This will include making sure that any information access restrictions are correct and that the details of any 'knowledge holder' or 'nominated trustee' are still current. For a **new site** that is not in AHIMS, heritage professionals will be required to complete an **AHIMS site recording form** when recording a site, in conjunction with the local Aboriginal community and relevant OEH officer.

For further information regarding AHIMS generally, call the AHIMS Administrator on (02) 9585 6513 or (02) 9585 6345 or refer to the website: www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm.

For information on who can record sites and how to record sites, call the AHIMS registrar on 02 9585 6471 or 02 9585 6345 or 02 9585 6157 or email ahims@environment.nsw.gov.au.

AHIMS site information									**Proposed harm**		
Portion of site (whole or part – include **map reference if part**)	**AHIMS site ID**	**Site feature** (there may be more than one site feature per site ID)	**Site name**	**Information access restriction and map reference?** (Yes + map ref. or No)	**Easting**	**Northing**	**Datum** (AGD or GDA)	**Zone**	**Type of harm[1]**	**Degree of harm[2]**	**Consequence of harm[3]**
Part	13-01-0204	Midden	IG01	No	540117	6778089	GDA	56j	Movement (collection only)	None	No loss of value

[1] 'Will not be harmed' / 'Movement (collection) only' / 'Excavation' / 'Community collection' / 'Directly harmed'
[2] 'Whole' / 'Partial' / 'None'
[3] 'Total loss of value' / 'Partial loss of value' / 'No loss of value'
Attach an additional sheet if required.

Part IV – Fees and signatures

4.1 Determining the fee for AHIP processing

Please indicate the estimated **total cost** of the development works to determine the relevant administrative fee. Payment of the fee (cheque only) must be submitted with your application. Make cheque payable to 'Office of Environment and Heritage'.

Please tick (✓) applicable fee.

Section 90A AHIP	**Fee** [4]		
Work to an owner-occupied dwelling costing up to $100,000	$80		
Other work costing up to $100,000	$133		
Work between $100,000 and $250,000	$200		
Work between $250,000 and $500,000	$332		
Work between $500,000 and $1million	$532		
Work between $1million and $2million	$997		
Work between $2million and $5million	$1,330		
Work over $5million	$2,660		✔

[4] Processing fees are exempt from GST by the Commonwealth Treasurer's Division 81 determination under *A New Tax System (Goods and Services Tax) Act 1999.*

4.2 Signature of proposed AHIP (holders)

This application may only be signed by a person(s) with legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in categories below.

Please tick (✓) the box next to the category that describes how this application is being signed

If the proposed AHIP holder is:		**The application must be signed and certified by one of the following:**
an individual	☑	the individual.
a company	☐	the common seal being affixed in accordance with the *Corporations Act 2001, or*
	☐	two directors, or
	☐	a director and a company secretary, or
	☐	if a proprietary company has a sole director who is also the sole company secretary – by that director.
a public authority other than a council	☐	the chief executive officer of the public authority, or their authorised delegate.
a local council	☐	the general manager in accordance with s.377 of the *Local Government Act 1993* (LG Act), or
	☐	the seal of the council being affixed in a manner authorised under the LG Act.

I/We (the proposed AHIP holder):

- ***would like to apply for an AHIP***
- ***declare that the information in this application form (including all the attachments) is not false or misleading, and***
- ***declare that all the information listed in the Checklist is attached.***

Applicant 1

Signature	[signature]	Signature	
Name (printed)	GRAEME ANGUS INGLIS	Name (printed)	
Position (in company or authority)	DIRECTOR	Position (in company or authority)	
Date	25.6.15	Date	

Seal (if signing under seal):

Applicant 2

Signature		Signature	
Name (printed)		Name (printed)	
Position (in company or authority)		Position (in company or authority)	
Date		Date	

Seal (if signing under seal):

Please complete the checklist (5.1) and read the additional information (5.2) before submitting this application.

Part V – Checklist and additional information

5.1 Checklist

This application must be accompanied by the documents and information listed in the checklist below. If the listed documents are not provided, OEH will notify you in writing and you may be required to provide further information.

	Yes
If applicable, have you attached a **copy of any relevant Development Consent or other approval** (question 3.1 above)	✔
If applicable, have you attached the **evidence of support from the relevant Parks and Wildlife Group Manager or Aquatic Protected Area Manager**, where works will be on the OEH estate (question 3.2 above)	
Have you attached the **Aboriginal Cultural Heritage Assessment Report?** (question 5 above) Have you provided your report to OEH in two formats: 1. Hard copy 2. Electronic copy as an unprotected PDF file	✔
Have you filled in the **Aboriginal Heritage Information Management System table template** and also attached the **AHIMS site recording form** (for new sites, not recorded on AHIMS – Aboriginal Heritage Information Management System)? (question 3.3 above)	✔
Have you paid the correct application **fee**, payable by cheque only (see question 4.1 above)	✔
Has this application been **signed and dated** by the appropriate person (see question 4.2 above)	✔

5.2 Additional information

1. It is an offence under s169 (3) of the NPW Act to knowingly give any information in this form that is false or misleading in a material particular.
2. Details of the AHIP application will appear on OEH's Public Register.
3. OEH may make copies of any report provided in relation to this AHIP application and will include a copy of the report on the AHIMS register, which can be made available to members of the public on request. For information about how to access and use AHIMS refer to: www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm.
4. If OEH does not make a determination of the AHIP application within 60 days it is 'deemed to be refused'. 'Deemed to be refused' means that the applicant has the right to challenge OEH's decision to refuse the application, in the Land and Environment Court. Note, OEH can still continue to process the application after 60 days and grant or refuse the AHIP application. You should always contact OEH in the first instance if you have any queries regarding your application.
5. Send completed form, fee and attachments to your nearest OEH office identified below.

Office of Environment and Heritage

Metropolitan

Parramatta
Office of Environment and Heritage
Planning & Aboriginal Heritage Section
PO Box 668
PARRAMATTA NSW 2124

Phone: (02) 9995 5000
Fax: (02) 9995 6900

North West

Dubbo
Office of Environment and Heritage
Environment & Conservation Programs
PO Box 2111
DUBBO NSW 2830

Phone: (02) 6883 5330
Fax: (02) 6884 9382

North East

Coffs Harbour
Office of Environment and Heritage
Planning & Aboriginal Heritage Section
Locked Bag 914
COFFS HARBOUR NSW 2450

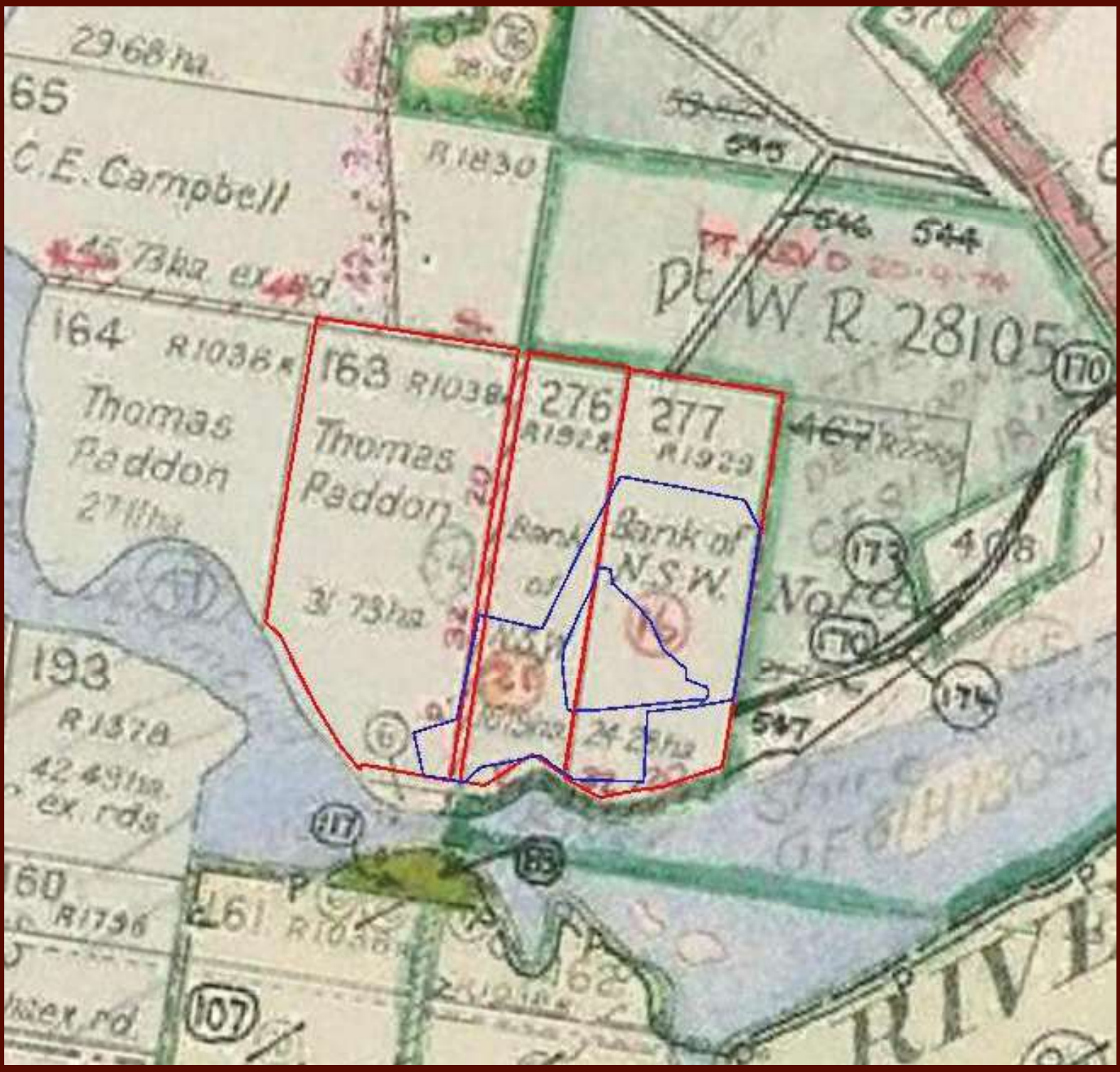
Phone: (02) 6651 5946
Fax: (02) 6651 6187

South

Queanbeyan
Office of Environment and Heritage
Landscape and Aboriginal Heritage Protection Section
PO Box 733
QUEANBEYAN NSW 2620

Phone: (02) 6229 7188
Fax: (02) 6229 7001

APPENDIX F: PADDON GRAVE CONSERVATION MANAGEMENT PLAN



IRON GATES RESIDENTIAL SUBDIVISION
EVANS HEAD NSW
CONSERVATION MANAGEMENT PLAN

PREPARED FOR GOLDCORAL PTY LTD

EVERICK HERITAGE CONSULTANTS

MAY 2019

Report Reference: T. Robins and R. Mazlin. 2019 Paddon Grave, Iron Gates: Heritage Conservation Management Plan *(July 2019)*. Everick Heritage Consultants Pty Ltd. Unpublished report prepared for Gold Coral Pty Ltd.

EVERICK HERITAGE CONSULTANTS PTY LTD

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Document Status:

Rev No.	Version	Author(s)	Amended Sections	Date	Authorised
1	Draft	T. Robins & R. Mazlin	All	09.05.2019	T. Robins
2	Draft	T. Hill	All	09.05.2019	T. Robins
3	Revisions	R. Mazlin	All	29.05.2019	T. Robins
4	Final	R. Mazlin	Figure 2	18.07.2019	T.Robins

Contents

Figures and Tables

1. INTRODUCTION

1.1 The Project

Everick Heritage Pty Ltd (the 'Consultant') was commissioned by Gold Coral Pty Ltd (the 'Proponent') to undertake a Cultural Heritage Assessment in support of a development application submitted to the Richmond Valley Council ('RVC') (DA 2015 / 96) (the 'Proposed works'). The Project Area is identified as parts of Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore Reserve and Iron Gates Drive, Evans Head NSW.

During the cultural heritage survey the grave site of Thomas Paddon was identified with Lot 163, approximately 70m to the west of the nearest proposed residential Lot. This document outlines the Conservation Management Plan ('CMP') of the Paddon Grave in support of development application DA 2015 / 96.

1.2 Aims and Methodology

The methodology used for this CMP is consistent with the Australia International Council on Monuments and Sites ('ICOMOS') Burra Charter and the NSW Department of Planning (Heritage Division) publication, *Assessing Heritage Significance*, *Statements of Heritage Impact* (NSW Heritage Office, 2002). The significance assessment, together with an outline of statutory requirements, informed the impact assessment and recommendations. In accordance with the brief, the assessment methodology included:

- primary and secondary research on the Project Area to provide a succinct historical summary of the Project Area, including historical chronological mapping;
- desktop searches of relevant heritage registers and databases to identify listings within the Project Area;
- detailed mapping of the location of the heritage listings and determination of the obligations of for the identified listings;
- a site inspection of the subject site to evaluate all registered heritage items and identify any further unregistered heritage items;
- assessment of the significance of any identified heritage items (if any) through the application of the NSW Heritage Council seven (7) heritage criterion and the NSW Heritage Branch A*ssessing significance for historical archaeological sites and relics*' (2009); and
- preparation of a CMP for identified heritage items.

1.3 Description of Project Area and Development Proposal

The Proponent has submitted a development application (DA 2015 / 96) seeking consent to develop a residential subdivision across parts of Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore Reserve and Iron Gates Drive.

The proposed works allow for a One Hundred and Eighty-Three (183) Lot Subdivision (Figure 1) including:

- One Hundred and Seventy-Five (175) Residential Lots;
- Three (3) Residue Lots
- Four (4) Public Reserves
- One (1) Drainage Reserve
- Upgrading of Iron Gates Drive
- Demolition of Existing Structures Onsite
- Subdivision Work including road works, drainage, water supply, sewerage, landscaping and embellishment work and street tree planting

Generally, this type of development may involve stripping of topsoil, levelling, cut and/ or fill for footings and services, all of which have the potential to harm Aboriginal heritage should it be located within the Project Area. It must be noted that the roads, and services for the major part of the development have been constructed under a previous Development Application in 2009. As such the current development application- and therefore this assessment- relate to the remaining residential areas.

The Paddon Grave is not within the Project Area and will not be directly impacted by the proposed residential subdivision.

1.4 Report Authorship

This Conservation Management Plan was prepared by Everick Director Tim Robins and Archaeologist Robert Mazlin.

Figure 1: Project Area and Regional Locality.

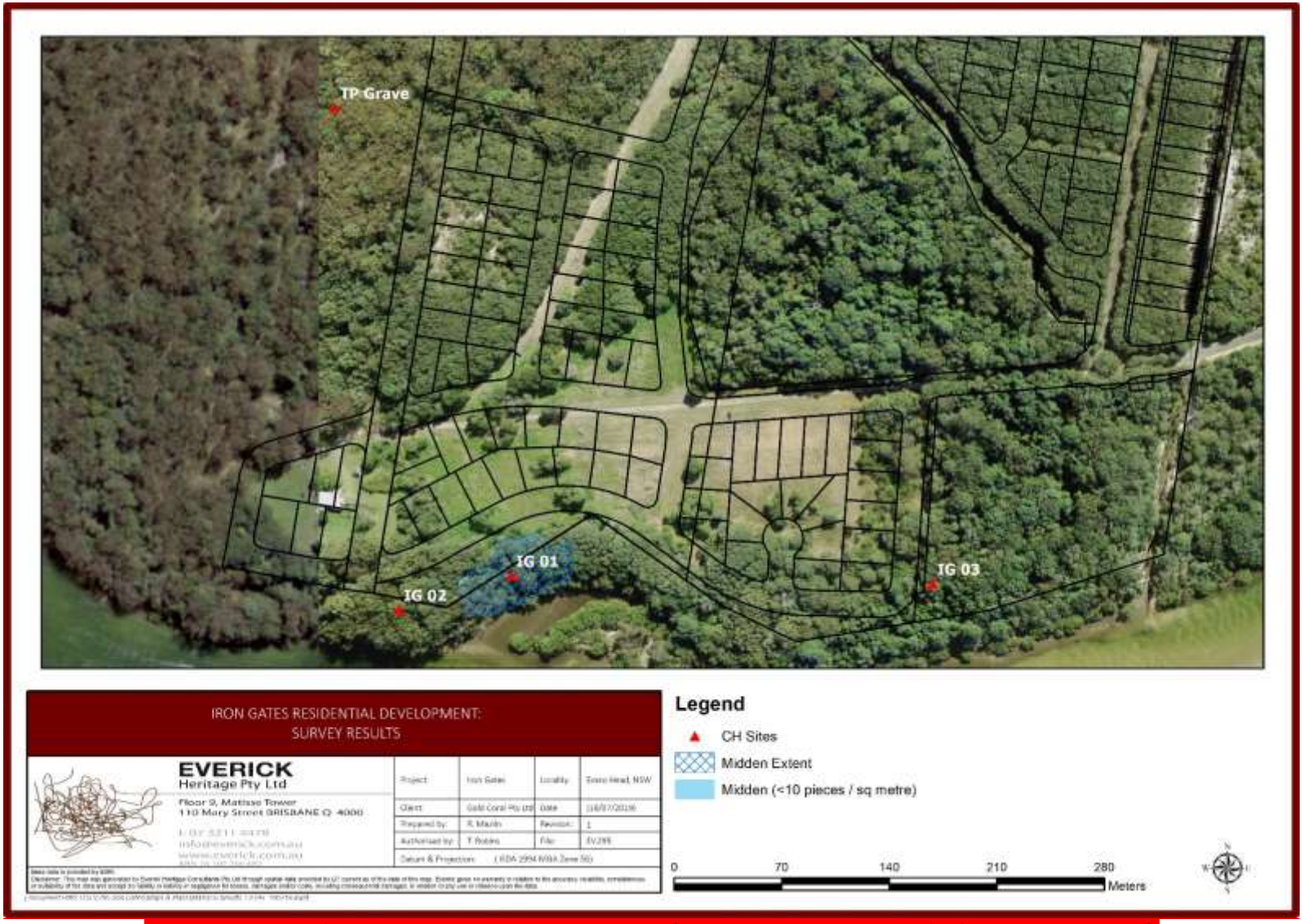

Figure 2: Location of Grave in Relation to Proposed Works (Thoma Paddon grave top left of map mark TP Grave).

2. LEGISLATIVE AND PLANNING CONTEXT

A number of planning and legislative documents govern how historic heritage is managed in NSW and Australia. The following section provides an overview of the requirements under each as they apply to the Proposal.

2.1 State Legislation

2.1.1 Environmental Planning and Assessment Act 1979

The NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and its associated regulations provide the framework for determining planning approvals for developments and activities in NSW. Environmental impacts are interpreted as including impacts to cultural heritage.

2.1.2 The Heritage Act 1977 (NSW)

The Heritage Act 1977 (NSW) ('Heritage Act') provides protection of the environmental heritage of the State which includes places, buildings, works, relics, movable objects or precincts that are of State or local heritage significance. Significance criteria provided by the Heritage Act as discussed in further detail in Section 5.1 below. The focus of the legislation is on identifying places of either local or state heritage significance and protecting them by registration on heritage registers. Significant historic heritage items are afforded little protection (other than at the discretion of councils) where they are not on a heritage register.

Of note are the provisions allowing for interim heritage orders (Part 3), which grants the Minister or the Minister's delegates, (which importantly may include a local government agent) the power to enter a property and provide emergency protection for places that have not yet been put on a heritage register but that may be of local or State significance.

The Heritage Act also makes allowances for the protection of archaeological deposits and relics (Part 6). An archaeological "relic" means any deposit, object or material evidence which relates to the non-Aboriginal settlement of the area. Importantly, a former requirement for an archaeological relic to be 50 years or older has been repealed. The focus is now on the item's potential heritage significance, not its age.

2.1.3 The NSW Heritage Manual

The NSW Heritage Manual lists an 8-step process that is generally considered a best practice guide to assessing significant items. The process steps are:

a) summarise what is known about the item;

b) describe the previous and current uses of the item and the associations it may have to individuals or groups and its meaning for those people;

c) assess the significance using the NSW heritage criteria;

d) check if a sound analysis of the item's heritage significance can be made;

e) determine the item's level of significance;

f) prepare a succinct statement of heritage significance;

g) get feedback; and,

h) write up the information.

Contrary to common belief, a significant heritage item need not be particularly 'old' (the exception to the rule being the definition of an Archaeological Relic discussed above). Rather, the focus is on identifying what aspects of a particular item may be significant. The NSW Heritage Manual contains a set of 7 assessment criteria that act as a guide to assessing significance. They are:

- **Criterion (a):** An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);
- **Criterion (b):** An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);
- **Criterion (c):** An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
- **Criterion (d):** An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;
- **Criterion (e):** An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);
- **Criterion (f):** An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area); and
- **Criterion (g):** An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural Places; or cultural or natural Environments.

2.1.4 State Heritage Register

The Heritage Branch Division of Office of Environment and Heritage ('OEH') maintains registers of heritage places and items that are of State or local significance to NSW. The NSW State Heritage Register ('SHR') is the statutory register under Part 3A of the NSW Heritage Act whereas the State Heritage Inventory ('SHI') is an amalgamated register of items listed on Local Environment Plans ('LEPs') and/or on a State Government Agency's Section 170 register and may include items that have been identified as having state or local level significance.

2.1.5 Richmond Valley Local Environmental Plan (2012)

LEPs are made under the *Environmental Planning and Assessment Act 1979* (NSW) to guide planning decisions by local councils, such as development applications. In relation to heritage, the LEPs general objectives are to conserve the heritage of the respective Local Government Areas ('LGAs') through the protection of the significance of heritage items, conservation areas, archaeological sites and Aboriginal objects and Aboriginal places of heritage significance.

Part 5 Section 5.10 of the Richmond Valley LEP 2012 deals with heritage conservation within the area covered by the LEP. The objectives of this section are as follows:

a) to conserve the environmental heritage of Richmond Valley;

b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;

c) to conserve archaeological sites, and

d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Paddons Grave is identified as an item of Environmental Heritage on the Richmond LEP (i127 see Figure 3) and is located approximately 70m to the west of the Proposed Works.

2.2 ICOMOS Burra Charter

The ICOMOS is the peak body of professionals working in heritage conservation. ICOMOS has adopted the *Burra Charter* which describes acceptable standards for the assessment and management of items of cultural heritage significance in Australia. Although not a legal requirement, the *Burra Charter* has been adopted by Australian heritage professionals as a guide to assessing and managing heritage Places and artefacts.

The central principle of the *Burra Charter* is that assessment of the significance of any potential heritage Places or artefacts must be made independently of any management decisions. Under the *Burra Charter*, *'cultural significance'* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. An assessment of a Place or artefact's significance, requires not just an assessment of the artefact itself, but its setting, location and an understanding of how it may be linked to any related other Place or artefact (Article 11). This should all be documented in a written statement on the item's significance. Once significance has been established, the *Burra Charter* process provides for acceptable standards on the conservation, preservation, maintenance, change, restoration, reconstruction and/or alteration of a Place or artefact based on this significance. Importantly, those to whom the Place or artefact is significant should be involved in any decision-making process regarding its management.

3. ENVIRONMENTAL AND LANDSCAPE CONTEXT

The proposed development footprint encompasses mainly disturbed landscape, small areas of swamp landscape (bj-Bundjulung) and erosional landscape (goa-Gilmarrad). The disturbed area comprises the footprint within Lot 277 that consists of a formed subdivision site now overgrown with low regrowth. The sand flat on the Evans River is cleared Bundjalung landscape, level Pleistocene sand plain. The elevated (approx: 18m) Gilmarrad landscape forms the southern section of the footprint, a low hill and slopes on Ripley Road and Gatton Sandstones containing sandstone-quartz, quartz-lithic, feldspathic; siltstone, claystone and conglomerate. (Woodburn Soil Landscape Series Sheet 9539).

All areas of the Proposed Works have been subject to complete clearing of original vegetation. The Proposed Works are bordered by zones E2 and E3 coastal swamp forest habitats. Beyond the southern boundaries of Lots 163, 276 and 277, the foreshores of the Evans River support eucalypt, mangrove and littoral rainforest species. Cattle grazing is the only apparent European land use over the sand flats.

4. DESKTOP REVIEW – HISTORIC CULTURAL HERITAGE

4.1 Project Area History

Brief town histories are available for the Woodburn Evans Head township are available from the Evans Head Returned Service League website (http://www.woodburnevansheadrsl.com.au/history.htm 27 September 2014). This resource provides an overall history of the town ship and its settlement- however also provides specific information about the settler, publican, sandminer and oyster lease operator Captain Thomas Paddon- who took up residence at Iron Gates in the late 1800's. It is understood that Paddon died in 1914 aged 73 and was buried at Iron Gates (Figure 7 - Figure 9). At this time the area was used for grazing and it was not until 1924 that the township of Evans Head was proclaimed and developed into a tourist destination.

Additional information for the Paddon Family- including his five sons is available from on Ancestroy.com (http://freepages.genealogy.rootsweb.ancestry.com/~hcastle/transcripts/kathy_pearson/transcripts/evanshead.html). The below is an extract from the family history

> Captain Tom Paddon, born in England in 1841, was the founder of Evans Head settlement. He led an adventurous life, sailing to Australia in a windjammer, joining in the gold rushes in the South Island of New Zealand, then back to Australia to become one of the shipping pioneers who provided the only means of transport and communication between the North Coast outposts of settlement and the metropolis. Incidentally, the Evans River is named after a Lieutenant Evans who was on a ship making a coastal survey, and which was commanded by Captain Paddon.

It is understood that the Iron Gates - a geological feature of Ironstone which stretched across the Evans River south of the Project Area - had the effect of altering the tidal flow of fresh and sea water to the point where the two were at times at different levels. The Iron Gates were allegedly destroyed by the Army in 1914. (https://www.greenleft.org.au/node/15623 27 September 2014).

4.2 Heritage Register Searches

The desktop review concluded that no historically significant cultural heritage sites would be impacted by the Project. The following heritage databases were reviewed August 27 2014 to assess the potential for non-Indigenous heritage attributes within the Richmond Valley LGA.

- **The World Heritage List**: Contains no places within close proximity to the Project Area.

- **Register of the National Estate:** Contains no places within close proximity to the Project Area.
- **Commonwealth Heritage List (Australian Heritage Council):** Contains no places within close proximity to the Project Area.
- **The National Heritage List (Australian Heritage Council):** Contains no places within close proximity to the Project Area.
- **The State Heritage Register (NSW Heritage Office):** Contains no places within close proximity to the Project Area.
- **The RTA Heritage and Conservation Register:** contains no non-Indigenous heritage items for the Casino area.
- **Richmond Valley Local Environment Plan 2012:** Paddons Grave is identified as an item of Environmental Heritage on the Richmond LEP (i127 see Figure 3 below) and is located approximately 70m to the west of the Proposed Works

Figure 3: Richmond LEP 2013 Environmental Heritage Map (source Richmond Valley Council)

4.3 Land-Use History

The earliest available Parish map is from 1904 (Figure 4) and shows the ownership of the Development by James Paddon. By 1939 the Project Area is mapped as owned by the Bank of NSW (Figure 5) - with the adjacent block still owned by Thomas Paddon (Figure 6). The 'Iron Gates' are also featured as part of all three maps.

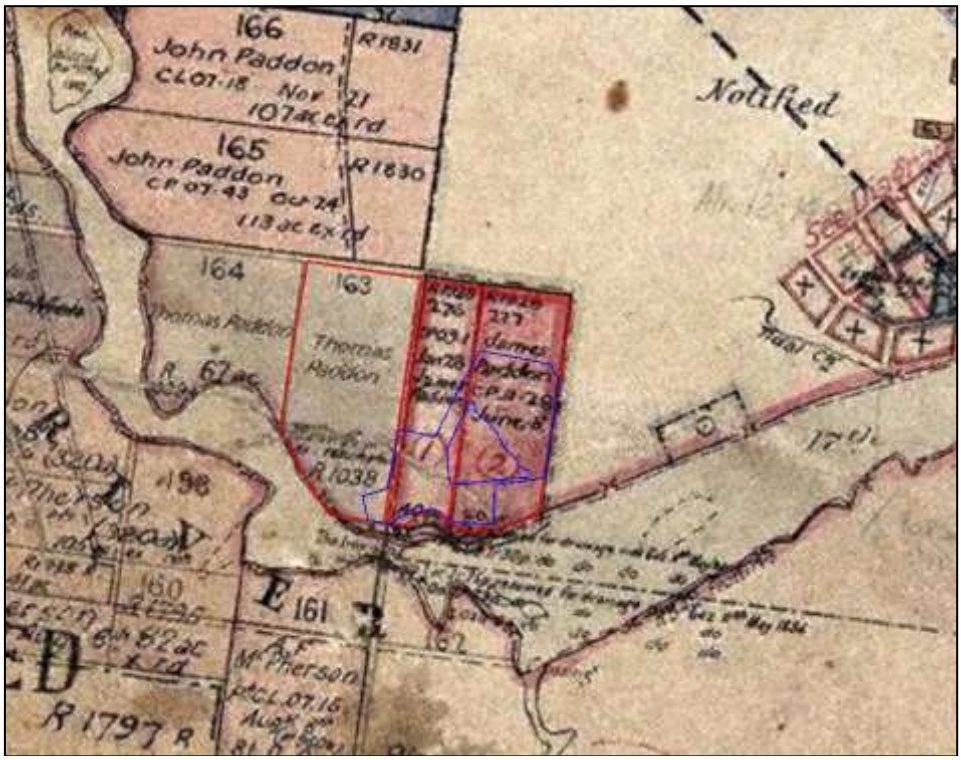

Figure 4: 1904 Parish Map.

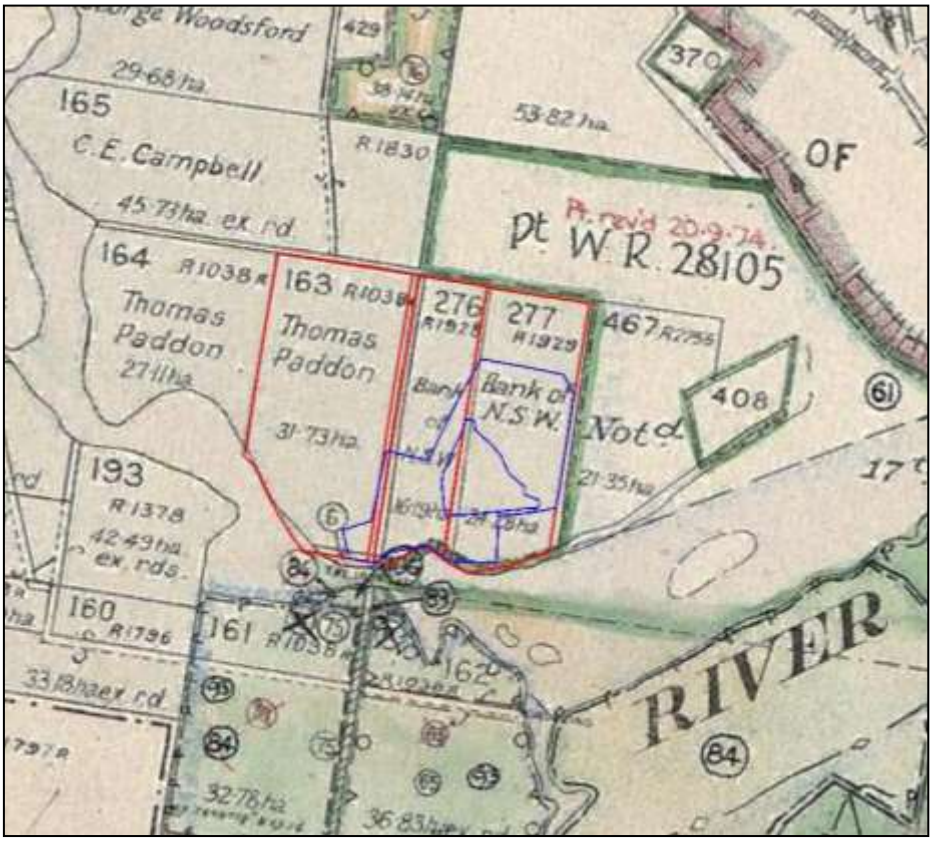

Figure 5: 1939 Parish of Richmond Map

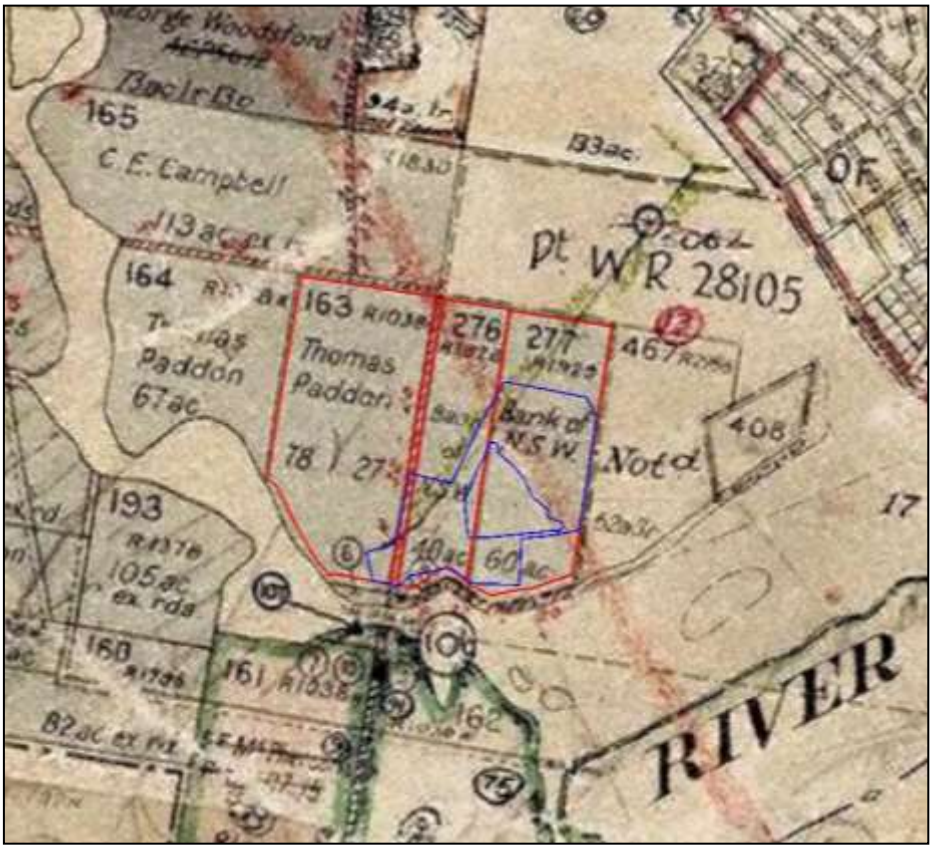

Figure 6: Parish of Riley 1963.

5. FIELD INSPECTION

No non-Indigenous (historic) cultural heritage sites or relics were identified within the proposed residential allotments.

One place, the grave site of Thomas Paddon, was identified with Lot 163, approximately 70m to the west of the nearest proposed residential Lot (Figure 7). The grave was in fair condition, considering its age and relative isolation. The headstone engraving was in good condition, although the headstone showed evidence of discolouration in parts (Figure 7 - Figure 9). The headstone surround had a crack running through the centre as a result of subsidence. The low iron fence marking the grave surround showed evidence of corrosion, however appeared structurally sound. No substantial vegetation was growing from within the grave surround or in the immediate vicinity that might be considered likely to disturb or damage the grave.

Figure 7: Grave and headstone of Thomas Paddon.

Figure 8: View north showing grave of Thomas Paddon.

Figure 9: View west showing headstone of Thomas Paddon's grave.

6. SIGNIFICANCE ASSESSMENT

6.1 Statement of Significance

The following statement is provided from the NSW Heritage Inventory listing for Thomas Paddons Grave (source

Thomas Paddon's grave is of great historical significance because of the prominence of the Paddon family in the development of Evans Head. The family is associated with the development of several fishing industries namely oyster farming and prawn trawling. The Paddon family name is also associated with sculling with son James and grandson Evans both winning World Championship Sculling competitions. One the basis of this of the Paddon family is likely to be of significance to the State. The grave is representative of isolated graves found in rural communities.

6.2 Significance Criteria Assessment

The following assessment of significance is sourced from the NSW Heritage Inventory (

Table 1: SHR Significance Criteria Assessment.

SHR Criteria	*Significance assessment*
SHR Criteria a) ***[Historical significance]***	This grave is of historical significance because of the prominence of the Paddon family in the development of Evans Head. The family is associated with the development of several fishing industries namely oyster farming and prawn trawling.
SHR Criteria b) ***[Associative significance]***	The Paddon family name is associated with Evans Head, particulary Thomas, son James and grandson Evans.
SHR Criteria g) ***[Representativeness significance]***	It is representative of small family graves found in rural communities.

6.3 Summary Statement of Heritage Impact

The Proponent is seeking development consent for a residential subdivision of the Project Area which is located 70 metres east of the locally significant heritage item, being Thomas Paddons Grave. The gravesite does not form

part of the Project Area and will not be subject to any ground disturbing works, inclusive of landscaping or environmental restoration. The Proposed Works include no works, such as tracks or trails, that will provide direct visitor access to the gravesite. Having consideration of the nature and scale of the gravesite is it not considered that the additional residential dwellings will impact on the visual amenity of the gravesite, which will retain its bushland setting and aspect over the Richmond River.

7. CONSERVATION MANAGEMENT PLAN

7.1 Conservation Approach

The general approach to conservation of the heritage values of Thomas Paddons Grave includes;

- Retention of the gravesite within its existing bushland setting; and
- Complying with regulatory requirements of the Richmond Valley LEP and the NSW Heritage Act.

7.2 Owner's or steward's requirements

The requirements of the owners and stewards of the future landowners;

- Monitoring of the condition of the gravesite;
- Monitoring the bushland surrounding the gravesite particularly with respect to risks from bushfires.

7.3 What are the items/fabric that must be conserved?

The heritage items which must be conserved primarily include;

- The Thomas Patton Gravesite.
- The surrounding bushland identified as comprising part of the heritage items

7.4 What are the items/fabric that can be altered?

The Proposed Works will not impact on the identified heritage item, being the Thomas Paddon Gravesite.

7.5 What are the exemptions from the Heritage Act?

There are no exemptions from the Heritage Act required. It is noted that Proposed Works are not in close proximity to the Gravesite.

7.6 What to do with archaeological material?

There are no known archaeological relics within the Project Area and it is not expected that any additional burials will be located in the vicinity to the gravesite.

7.7 What are the gaps in existing knowledge about the item?

It is not considered that there are any significant gaps in knowledge that would change our understanding of the heritage values of the the gravesite.

7.8 Who should receive copies of this document?

Copies of this document should be provided to all future landowners.

7.9 If the item is to be open to the public, what are the risks to public safety and how can they be mitigated?

The Gravesite forms part of the Project Area and will be retained as rural land, however, there will be no formal access tracks or trails created as a part of the Proposed Works.

7.10 What are the item's conservation needs and interpretation requirements?

There are no additional conservation needs arising from the proposed redevelopment, beyond monitoring of the condition of the gravesite.

7.11 Are there any confidential matters to be included in an appendix?

There are no confidential matters which require consideration or attachment to this plan.

7.12 Review

This strategy should be reviewed with any subsequent development applications.