

Appendix 4

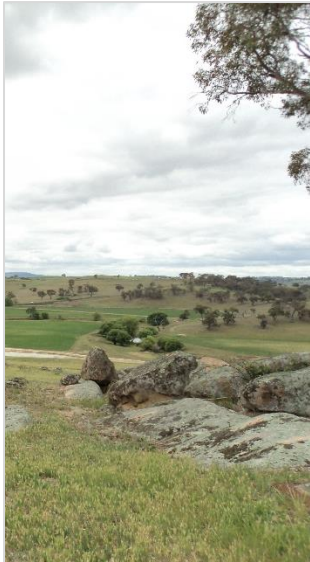
Heritage Assessment

Prepared by Navin Officer Heritage
Consultants Pty Ltd

(Total No. of pages including blank pages = 92)

Note: A colour version of this Appendix is available on the digital version of this document

This page has intentionally been left blank

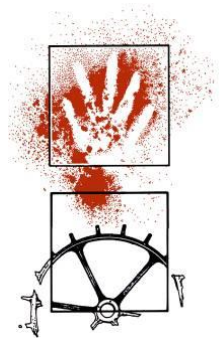


Swan Ponds Quarry Extension

Heritage Assessment

NON-RESTRICTED VERSION

March 2018



**Navin
Officer**

*heritage
consultants Pty Ltd*

acn: 092 901 605

Number 4
Kingston Warehouse
71 Leichhardt St.
Kingston ACT 2604

Authors

Nicola Hayes

LGA: Bathurst

Client: RW Corkery & Co. Pty Limited

Proponent: Yarragrove Family Trust

www.nohc.com.au

ph 02 6282 9415

fx 02 6282 9416

Document control

Project no.:

Project client: The Yarragrove Family Trust

Client Representative: RW Corkery & Co Pty Limited

Project proponent: The Yarragrove Family Trust

Document description: Heritage Assessment

Project Manager: Nicola Hayes

Authors: Nicola Hayes

Internal review: Julia Maskell

Document status: Version 3.2

Local Government Area: Bathurst

Document revision status

Author	Revision number	Internal review	Date issued
Nicola Hayes	v1.2	Julia Maskell	7/11/17
Nicola Hayes	v2.1	Following client review	20/11/17
Nicola Hayes	v2.3	Following client review	20/11/17
Nicola Hayes	v3.1	Following RAP consultation	18/12/17
Nicola Hayes	v3.2	Final	16/3/18

Copyright to this report rests with The Yarragrove Family Trust except for the following:

- The Navin Officer Heritage Consultants logo and business name (copyright to this rests with Navin Officer Heritage Consultants Pty Ltd);
- Generic content and formatting which is not specific to this Project or its results (copyright to this material rests with Navin Officer Heritage Consultants Pty Ltd);
- Descriptive text and data relating to Aboriginal objects which must, by law, be provided to OEH for its purposes and use;
- Information which, under Australian law, can be identified as belonging to Indigenous intellectual property; and
- Content which was sourced from and remains part of the public domain.

Cover photographs: Photos taken during field assessment 27th October 2017

EXECUTIVE SUMMARY

The Yarragrove Family Trust (The Applicant) operates a quarry (the Quarry) at Evans Plains, to the southwest of Bathurst. The Quarry is referred to as the Swan Ponds Quarry and currently comprises separate Extraction and Processing and Stockpile Areas, with a number of sediment dams for the settling of fines washed from the extracted sand.

RW Corkery & Co. Pty Limited (RWC) has been commissioned by the Applicant to prepare an *Environmental Impact Statement* (EIS).

This report documents the results of a cultural heritage assessment of the Swan Ponds Quarry.

Results:

- Two Aboriginal sites were recorded in the Project Site (SPQ1 and SPQ2). These sites comprise an artefact scatter with associated potential archaeological deposit (PAD) and a PAD with no recorded surface artefacts.
- No historical sites or features are located in the Project Site.

Recommendations:

1. Where possible, sites should be avoided.
2. Where sites cannot be avoided, the following preliminary mitigation methods are suggested as a guide.
 - a. The collection of all surface artefacts at Aboriginal site SPQ1. Collection of surface artefacts can only occur with an approved AHIP.
 - b. A program of archaeological monitoring should be undertaken in the area of PAD during all initial ground disturbing works. The monitoring should include:
 - i. Inspection of all areas of ground disturbance by an archaeologist and Aboriginal representative, both before and after initial ground disturbance.
 - ii. Cultural material identified as a result of ground disturbance will be collected and placed in bags with appropriate identification on the bag.
 - iii. Photographs and drawings will be made of areas where appropriate.
 - iv. Short reports will be compiled detailing the result of the above.
3. No harm should come to any of the sites listed in this report, until approvals for impacts have been sought and gained;
4. Information in this report relating to the exact location of Aboriginal sites should not be published or promoted in the public domain;
5. The protocols for the unanticipated discovery of archaeological material and suspected human remains (presented in Appendix 3) be implemented as necessary during activities involving ground surface disturbance and excavation;
6. A copy of this report should be provided to each of the Registered Aboriginal Parties (RAPs) for their comment.
7. This report should be provided to the OEH for its information and records.

~ oOo ~

TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1 PROJECT DESCRIPTION	1
1.2 STUDY AIMS	1
1.3 THIS REPORT	1
1.3.1 <i>Outline</i>	1
1.3.2 <i>Restricted Information</i>	2
1.3.3 <i>Confidentiality</i>	2
2 STUDY METHODOLOGY.....	5
2.1 CONTRIBUTORS	5
2.2 LITERATURE AND DATABASE REVIEW	5
2.3 FIELD METHODOLOGY	6
2.4 RECORDING PARAMETERS	6
2.4.1 <i>Aboriginal Sites and PADs</i>	6
2.4.2 <i>Historical Sites and Features</i>	8
3 LANDSCAPE CONTEXT	10
4 ABORIGINAL CULTURAL CONTEXT.....	13
4.1 TRIBAL BOUNDARIES	13
4.2 ABORIGINAL CONSULTATION	13
4.2.1 <i>Stage 1</i>	13
4.2.2 <i>Stage 2 and 3</i>	14
4.2.3 <i>Stage 4</i>	14
4.3 FIELD PARTICIPATION	17
5 ABORIGINAL ARCHAEOLOGICAL CONTEXT	18
5.1 PREVIOUS ARCHAEOLOGICAL RESEARCH	18
5.2 AHIMS SEARCH RESULTS	19
5.3 PREDICTIVE MODEL	19
6 HISTORICAL CONTEXT	22
6.1 HISTORICAL OVERVIEW	22
6.1.1 <i>Exploration</i>	22
6.1.2 <i>Land tenure</i>	22
6.1.3 <i>Bathurst</i>	23
6.1.4 <i>Swan Ponds</i>	23
6.2 HERITAGE LISTED ITEMS.....	25
6.3 PREDICTIVE HISTORICAL ARCHAEOLOGY STATEMENT	25
7 RESULTS.....	28
7.1 SUMMARY	28
7.2 ABORIGINAL SITES	28
7.3 HISTORICAL SITES	30
7.4 SURVEY COVERAGE AND VISIBILITY VARIABLES.....	30
8 SIGNIFICANCE ASSESSMENT	34
8.1 ABORIGINAL HERITAGE ASSESSMENT CRITERIA	34
8.2 CULTURAL HERITAGE VALUES IDENTIFIED.....	35
8.2.1 <i>Social or cultural value</i>	35
8.2.2 <i>Historical value</i>	35
8.2.3 <i>Scientific (archaeological) value</i>	35
8.2.4 <i>Aesthetic value</i>	36
9 STATUTORY AND POLICY CONTEXT	37
9.1 NATIONAL PARKS AND WILDLIFE AMENDMENT BILL 2010	37
9.2 NSW HERITAGE ACT 1977 AND HERITAGE AMENDMENT ACTS 1998 & 2009	37

9.3	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	38
9.4	IMPLICATIONS FOR THE SWAN PONDS QUARRY EXTENSION PROJECT.....	39
10	IMPACT ASSESSMENT AND RECOMMENDATIONS.....	40
10.1	IMPACT ASSESSMENT	40
10.2	RECOMMENDATIONS	40
11	REFERENCES.....	42
APPENDIX 1 RECORD OF ABORIGINAL CULTURAL HERITYAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010.....		44
APPENDIX 2 AHIMS HERITAGE REGISTER SEARCH RESULTS.....		79
APPENDIX 3 UNANTICIPATED DISCOVERY PROTOCOLS.....		81

Tables

Table 2.1 Matrix showing the basis for assessing the archaeological potential.....	8
Table 4.2 Responses to Submissions - Report	15
Table 6.1 Locally Listed Items	25
Table 7.2 Survey Coverage Data	32
Table 7.3 Landform Summary – Sampled areas.....	32

Figures

Figure 1.1 Location of the Swan Ponds Quarry Project Site.....	3
Figure 1.2 Proposed Project Site Layout	4
Figure 3.1 South-west of current Quarry facing east upslope showing granite outcrop and boulders	10
Figure 3.2 South-west of current Quarry facing north downslope showing slopes and terrace	11
Figure 3.3 Bank of Evans Plains creek looking north from southern side.....	11
Figure 3.4 Landscape Mapping of Project Site.....	12
Figure 5.1 Location of AHIMS Site.....	21
Figure 6.1 William Stewart, n.d. State Library of Victoria, 54219094	24
Figure 6.2 Extract of Mount Pleasant 1926 Parish Map (approximate location of Project Site in red)	25
Figure 6.3 Heritage Listed Site	27
Figure 7.1 SPQ1 looking north	29
Figure 7.2 Artefact no's 2 and 3 AL2	29
Figure 7.3 SPQ2 looking north-west	30
Figure 7.4 Location of Recorded Sites at the Project Site	33
Figure 7.5 Survey Units within the Project Site	33



1. INTRODUCTION

1.1 Project Description

The Yarragrove Family Trust (The Applicant) operates a quarry (the Quarry) at Evans Plains, to the southwest of Bathurst (Figure 1.1). The Quarry is referred to as the Swan Ponds Quarry and currently comprises Extraction and Processing and Stockpile Areas, with a number of sediment dams for the settling of fines washed from the extracted sand.

The Applicant proposes to expand the existing Quarry, including the following (the Proposal) (Figure 1.2):

- Extraction of weathered granite from an enlarged Extraction Area at an average rate of 35 000tpa, with a maximum extraction rate of 50 000tpa, using a bulldozer, excavator, scraper or similar for a period of approximately 18 years.
- Processing of extracted weathered granite, including screening and washing.
- Campaign based crushing of weathered granite using a small mobile cone crusher.
- Loading and transportation of extracted and stockpiled material from the Project Site via the Mid Western Highway.
- Progressive rehabilitation of the Project Site to achieve a final land use of nature conservation and/or agriculture.

RW Corkery & Co. Pty Limited (RWC) has been commissioned by the Applicant to prepare an *Environmental Impact Statement* (EIS).

This report documents the results of a cultural heritage assessment of the Swan Ponds Quarry.

The report was commissioned by RWC on behalf of The Yarragrove Family Trust.

1.2 Study Aims

This study aims to identify the existing environment and constraints to the Project by undertaking a desktop review, field assessment and by initiating Aboriginal consultation for the Project.

1.3 This Report

1.3.1 Outline

This report:

- Describes the proposed Project (Section 1);
- Describes the methodology employed in the Project Site (Section 2);
- Describes the environmental setting of the Project Site (Section 3);
- Provides information relevant to the Aboriginal cultural context of the Project Site (Section 4);
- Provides a heritage context for the Project Site (Sections 5 and 6);
- Describes the results of the data review, field survey and Aboriginal consultation program conducted in the context of the assessment (Section 7);



- Provides a significance assessment of sites located at the Project Site (Section 8);
- Outlines the statutory and policy context (Section 9); and
- Provides management recommendations based on the results of the investigation (Section 10).

1.3.2 Restricted Information

Information in this report relating to the exact location of Aboriginal sites should not be published or promoted in the public domain. The following images and report sections should be restricted in a public version of this document:

- Figures 5.1, 7.4 and 7.5;
- Section 7 (grid references and site location information); and
- Appendix 2 (AHIMS Search)

No information provided by Aboriginal stakeholders in this report has been specifically identified as requiring access restrictions due to its cultural sensitivity.

1.3.3 Confidentiality

No information in this report has been classified as confidential.

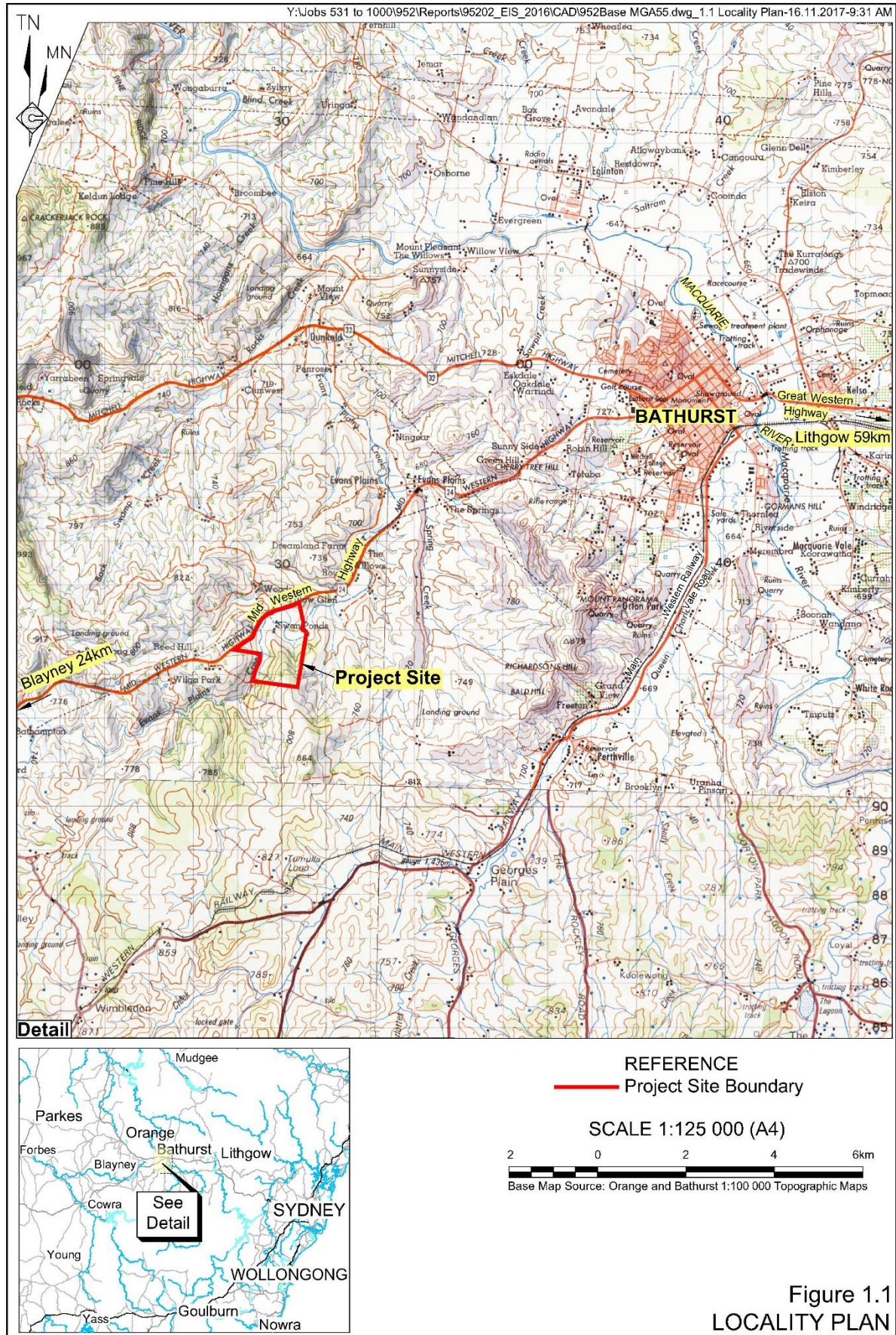


Figure 1.1 Location of the Swan Ponds Quarry Project Site

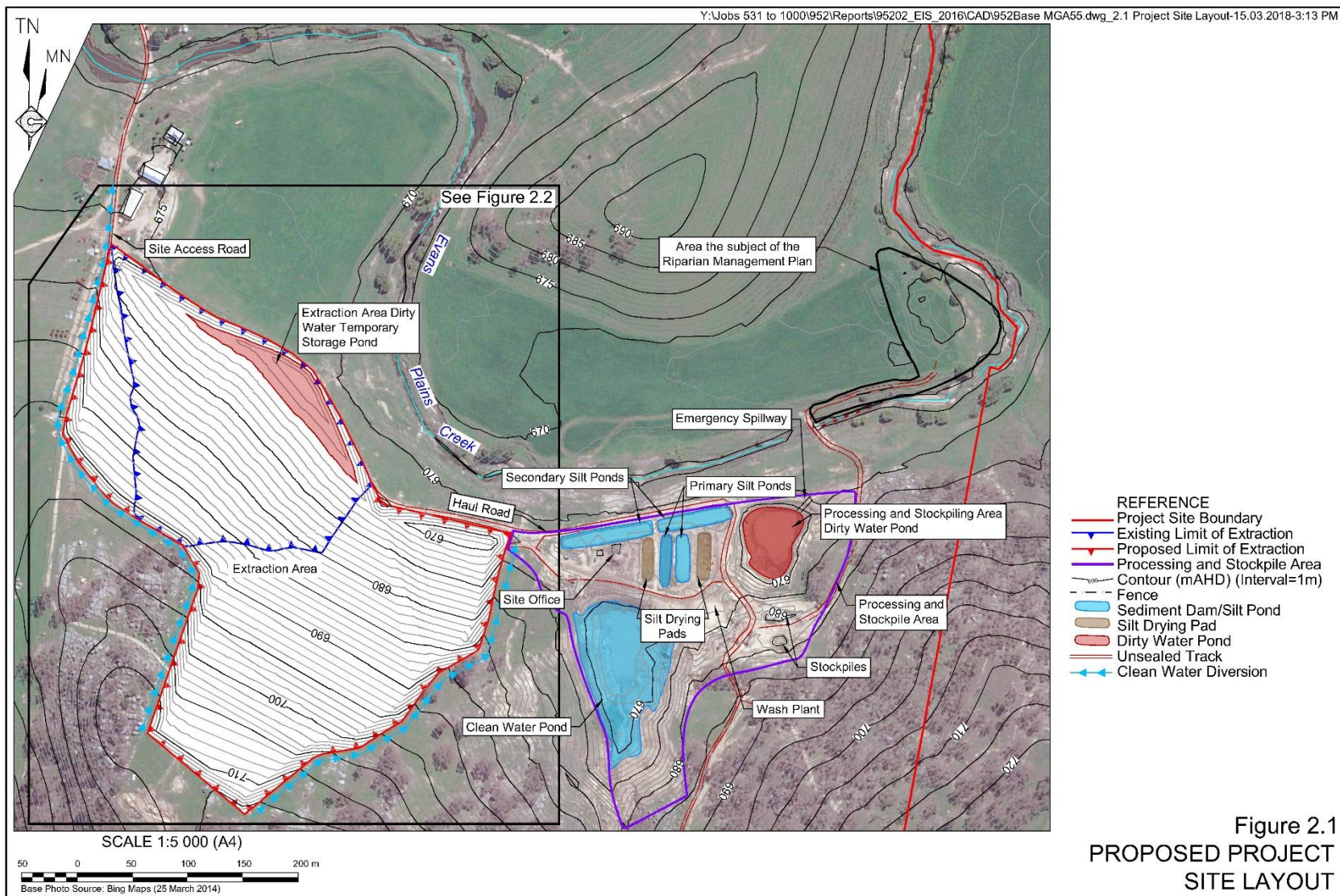


Figure 1.2 Proposed Project Site Layout



2 STUDY METHODOLOGY

2.1 Contributors

Field survey was carried out by archaeologists Nicola Hayes and Elle Lillis (NOHC) and Tina Scott (Bathurst Local Aboriginal Land Council).

This report was prepared by Nicola Hayes.

Nicola has a Bachelor of Arts, a Bachelor of Science and a Graduate Diploma from ANU. Internal review was completed by Julia Maskell, archaeologist. Elle completed a Masters of Archaeological Science from the ANU.

2.2 Literature and Database Review

A range of archaeological and historical data was reviewed for the Swan Ponds Quarry Project Site and its surrounds. This literature and data review was used to determine if known Aboriginal and historical sites were located within the area under investigation, to facilitate site prediction on the basis of known regional and local site patterns, and to place the area within an archaeological and heritage management context. The review of documentary sources included heritage registers and schedules, local histories, and archaeological reports.

Aboriginal literature sources included the Aboriginal Heritage Information Management System (AHIMS) maintained by the NSW Office of Environment and Heritage (OEH) and associated files and catalogue of archaeological reports. Sources of historical information included regional and local histories, heritage studies and theses; parish maps; and where available, other maps, such as portion plans.

Searches were undertaken of the following statutory and non-statutory heritage registers and schedules:

- Statutory Listings:
 - : Aboriginal Heritage Information Management System (AHIMS) (NSW OEH);
 - : Atlas of Aboriginal Places (NSW OEH);
 - : World Heritage List;
 - : The National Heritage List (Australian Heritage Council);
 - : The Commonwealth Heritage List (Australian Heritage Council);
 - : The State Heritage Register (NSW Heritage Branch, Office of Environment and Heritage); and
 - : Heritage Schedule(s) from the Bathurst Local Environmental Plan.
- Non-Statutory Listings:
 - : The State Heritage Inventory (NSW Heritage Branch, Office of Environment and Heritage);
 - : The Register of the National Estate (Australian Heritage Council); and
 - : Register of the National Trust of Australia (NSW).



2.3 Field Methodology

Field survey of the Project Site was undertaken on the 27th October 2017 by Nicola Hayes and Elle Lillis (NOHC), and Tina Scott a representative of the Bathurst Local Aboriginal Land Council.

The archaeological field survey was completed on foot by at least two individuals walking systematic transects and/or selected traverses, spaced a regular distance apart such as between approximately 5-50 meters apart.

Survey also included opportunistic inspection of any existing ground exposures at the Project Site. The project originally included a topsoil extraction area on the creek flats in the norther half of the project. This area was surveyed as part of this assessment. It has subsequently been decided not to go ahead with this extraction area.

Where feasible, all old-growth native trees at the Project Site were inspected for the presence of culturally derived scars.

2.4 Recording Parameters

2.4.1 Aboriginal Sites and PADs

The archaeological survey aimed at identifying material evidence of Aboriginal occupation as revealed by surface artefacts and areas of archaeological potential un-associated with surface artefacts. Potential recordings fall into two broad categories: sites and potential archaeological deposits.

Sites

A site is defined as any material evidence of past Aboriginal activity that remains within a context or place which can be reliably related to that activity.

Most Aboriginal sites are identified by the presence of three main categories of artefacts: stone or shell artefacts situated on or in a sedimentary matrix, marks located on or in rock surfaces, and scars on trees.

Frequently encountered site types within south-eastern Australia include stone artefact occurrences - including isolated finds and open artefact scatters, coastal and freshwater middens, rock shelter sites - including occupation deposit and/or rock art, grinding groove sites and scarred trees. For the purposes of this section, only the methodologies used in basic site identification are outlined, together with those for the recording types encountered by this investigation.

Stone Artefact Occurrences

Stone artefact occurrences are the most commonly recorded site type in Australia. They may consist of single artefacts - described as isolated finds; or as a distribution of more than one artefact – often described as an artefact scatter or 'open camp site' when recording surface artefacts, or as a subsurface artefact distribution when dealing with an archaeological deposit.

Where artefact incidence is very low, either in terms of areal distribution (artefacts per square metre) or density (artefacts per cubic metre), then the differentiation of the recording from background artefacts counts or *background scatter* may be an issue.

Isolated finds

An isolated find is a single stone artefact, not located within a rock shelter, and which occurs without any associated evidence of Aboriginal occupation within a radius of 60 metres. Isolated finds may be indicative of:

- Random loss or deliberate discard of a single artefact;
- The remnant of a now dispersed and disturbed artefact scatter; and



- An otherwise obscured or sub-surface artefact scatter.

Except in the case of the latter, isolated finds may be considered to be constituent components of the *background scatter* present within any particular landform.

The distance used to define an isolated artefact varies according to the survey objectives, the incidence of ground surface exposure, the extent of ground surface disturbance, and estimates of *background scatter* or *background discard* densities. In the absence of baseline information relating to background scatter densities, the defining distance for an isolated find must be based on methodological and visibility considerations. Given the varied incidence of ground surface exposure and deposit disturbance within the Project Site, and the lack of background baseline data, the specification of 60 metres is considered to be an effective parameter for surface survey methodologies. This distance provides a balance between detecting fine scale patterns of Aboriginal occupation and avoiding environmental biases caused by ground disturbance or high ground surface exposure rates. The 60 metre parameter has provided an effective separation of low density artefact occurrences in similar southeast Australian topographies outside of semi-arid landscapes.

Background scatter

Background scatter is a term used generally by archaeologists to refer to artefacts which cannot be usefully related to a place or focus of past activity (except for the net accumulation of single artefact losses).

There is no single concept for background discard or 'scatter', and therefore no agreed definition. The definitions in current use are based on the postulated nature of prehistoric activity, and often they are phrased in general terms and do not include quantitative criteria. Commonly agreed is that background discard occurs in the absence of 'focused' activity involving the production or discard of stone artefacts in a particular location. An example of unfocused activity is occasional isolated discard of artefacts during travel along a route or pathway. Examples of 'focused activity' are camping, knapping and heat-treating stone, cooking in a hearth, and processing food with stone tools. In practical terms, over a period of thousands of years an accumulation of 'unfocused' discard may result in an archaeological concentration that may be identified as a 'site'. Definitions of background discard comprising only qualitative criteria do not specify the numbers (numerical flux) or 'density' of artefacts required to discriminate site areas from background discard.

Artefact scatters

Artefacts situated within an open context are classed as an open artefact scatter (or 'open camp site') when two or more occur no more than 60 metres away from any other constituent artefact. The 60 metre specification relates back to the definition of an isolated find (*refer above*). The use of the term *scatter* is intended only to be descriptive of the current archaeological evidence and does not infer the original human behaviour which formed the site. The term *open camp site* has been used extensively in the past to describe open artefact scatters. This was based on ethnographic modelling suggesting that most artefact occurrences resulted from activities at camp sites. However, in order to separate the description from the interpretation of field evidence, the terms *artefact scatter*, *artefact distribution* or *artefact occurrence* are now more extensively used. The latter two options can also be used to categorise artefacts occurring in sub-surface contexts.

Potential Archaeological Deposits

A potential archaeological deposit, or PAD, is defined as any location where the potential for subsurface archaeological material is considered to be moderate or high, relative to the surrounding Project Site landscape. The potential for subsurface material to be present is assessed using criteria developed from the results of previous surveys and excavations relevant to the region. Where necessary, PADs can be given an indicative rating of their 'archaeological potential' based on a combined assessment of their potential to contain artefacts, and the potential archaeological value of the deposit. Table 3.1 illustrates the matrix on which this assessment is based. Locations with low potential for artefacts fall below the threshold of classification. In such cases the potential incidence of artefactual material is considered to be the same as, or close to that for background scatter. Where there is moderate potential for artefacts, the predicted archaeological potential parallels the potential



significance of the deposit. For deposits with high potential for artefacts, the assessed archaeological potential is weighted positively.

The boundaries of PADs are generally defined by the extent of particular micro-landforms known to have high correlations with archaeological material. A PAD may or may not be associated with surface artefacts. In the absence of artefacts, a location with potential will be recorded as a PAD. Where one or more surface artefacts occur on a sedimentary deposit, a PAD may also be identified where there is insufficient evidence to assess the nature and content of the underlying deposit. This situation is due mostly to poor ground surface visibility.

Table 2.1 Matrix showing the basis for assessing the archaeological potential

		Potential to contain Aboriginal objects		
		<i>Low</i>	<i>Moderate</i>	<i>High</i>
Potential archaeological significance	<i>Low</i>	---	low	moderate
	<i>Moderate</i>	---	moderate	high
	<i>High</i>	---	high	high

2.4.2 Historical Sites and Features

Historical archaeology refers to the 'post-contact' period and includes: domestic, commercial and industrial sites as well as most maritime sites. It is the study of the past using physical evidence in conjunction with historical sources. The three primary types of places or items that may form part of the historical archaeology context include:

1. Below ground evidence, including building foundations, occupation deposits, features and artefacts; and above ground evidence, including buildings, works, industrial structures and relics that are intact or ruined;
2. Areas of land that display evidence of human activity or occupation; and
3. Shipwrecks, deposits and structures associated with maritime activities.

Within these broad parameters, an historical archaeological site may include:

- Topographical features and evidence of past environments (that is, resident in pollens and diatoms);
- Evidence of site formation, evolution, redundancy and abandonment (that is, features and materials associated with land reclamation, sequences of structural development, demolition/deconstruction, and renewal);
- Evidence of function and activities according to historical theme/s represented (for example, an industrial site may contain diagnostic evidence of process, products and by-products);
- Evidence associated with domestic occupation including household items and consumables, ornaments, personal effects and toys;
- Evidence of diet including animal and fish bones, and plant residues;
- Evidence of pastimes and occupations including tools of trade and the often fragmentary signatures of these activities and processes;



- Methods of waste disposal and sanitation, including the waste itself which may contain discarded elements from all classes of artefact as well as indicators of diet and pathology; and
- Any surviving physical evidence of the interplay between site environment and people.

The information found in historical archaeological sites is often part of a bigger picture which offers opportunities to compare and contrast results between sites. The most common comparisons are made at the local level, however, due to advances in research and the increasing sophistication and standardisation of methods of data collection, the capacity for wider reference (nationally and, occasionally, internationally) exists and places added emphasis on identification and conservation of historical archaeological resources.



3 LANDSCAPE CONTEXT

The Project Site is located approximately 9km southwest of Bathurst, in New South Wales. The Project Site falls within the South-Eastern Highlands Biogeographic region, which encompasses the ranges and plateau of the Great Dividing Range and Monaro Tablelands. The Project Site is located within the Macquarie River catchment in the Central Tablelands in Central West NSW and is located adjacent to Evans Plains Creek.

The Bathurst region comprises two physical components being the Bathurst Basin and the Tablelands areas. They are drained by the Macquarie, Turon, Fish and Campbell Rivers to the north and Abercrombie and Isabella Rivers to the south.

Topography of the region ranges from slightly undulating to rough and very steep country. Approximately 30 km to the east of Bathurst is the folded and faulted sedimentary and metamorphosed formations of the Great Dividing Range, which runs roughly north-south. The project area is located on a granite deposit which is being utilised by the quarry as decomposing granite gravel and sands (Figure 3.1).

The Project Site is situated within an undulating landscape of low hills within the Evans Plains Valley Floor and encompasses the mid to basal slopes as well as a terrace of the creek (Figures 3.2 and 3.4). The depositional history of the creek can clearly be seen in the creek cutting on its northern side, adjacent to the project area (Figure 3.3).



Figure 3.1 South-west of current Quarry facing east upslope showing granite outcrop and boulders



Figure 3.2 South-west of current Quarry facing north downslope showing slopes and terrace



Figure 3.3 Bank of Evans Plains creek looking north from southern side

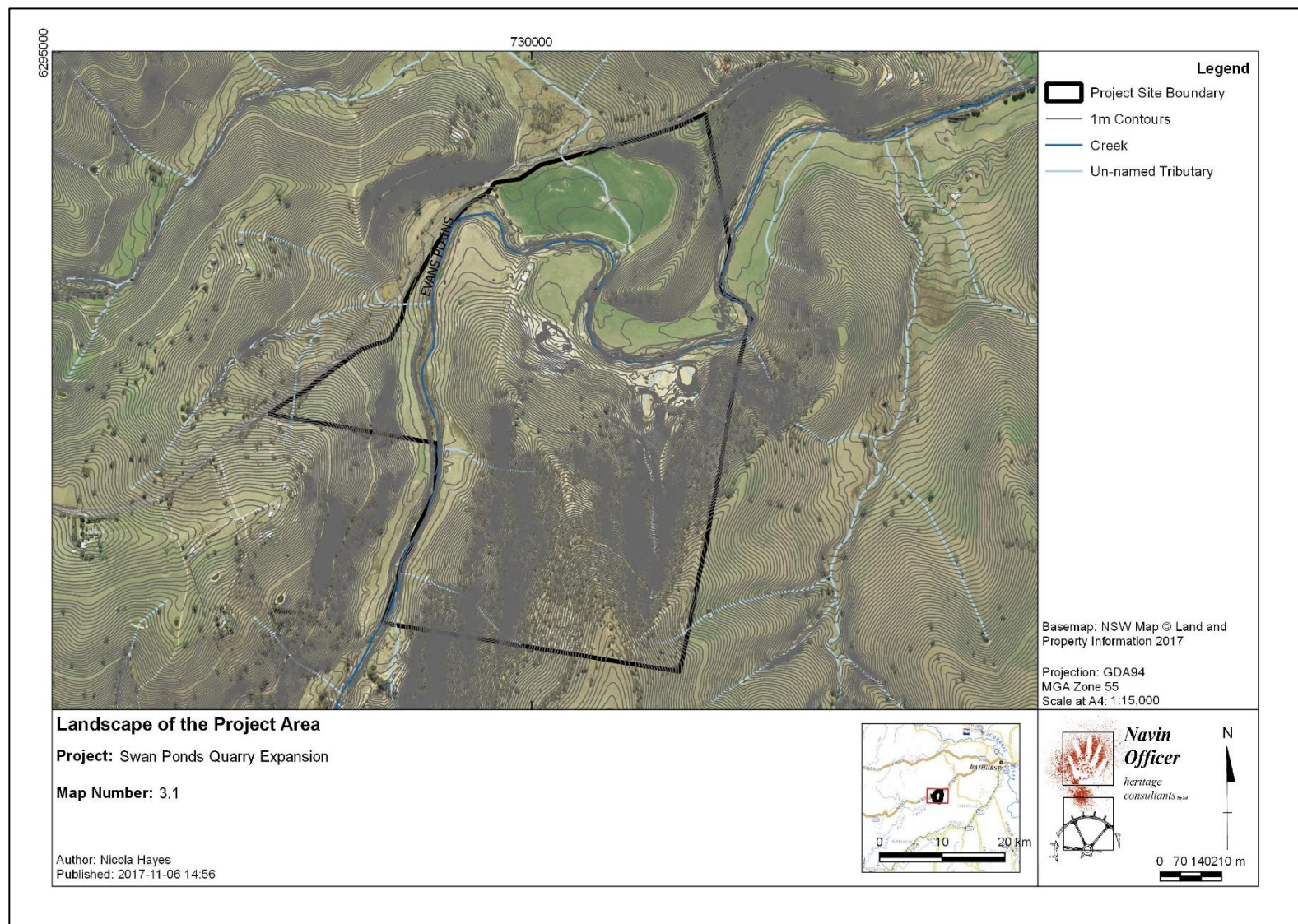


Figure 3.4 Landscape Mapping of Project Site



4 ABORIGINAL CULTURAL CONTEXT

4.1 Tribal Boundaries

Tribal boundaries within Australia are based largely on linguistic evidence and it is probable that boundaries, clan estates and band ranges were fluid and varied over time. Consequently 'tribal boundaries' as delineated today must be regarded as approximations only, and relative to the period of, or immediately before, European contact. A reconstruction of clan boundaries based on Tindale (1974) indicates that the Project Site falls within the tribal boundaries of the Wiradjuri people.

Wiradjuri country is located within the Murray Darling Basin and extends from Dubbo and Bylong in the north to Tallangatta in the south and west from Lithgow to the Hay Plain and Ivanhoe. Wiradjuri country is bounded by the three rivers: Macquarie (Wambool), Lachlan (Kalari), and Murrumbidgee (retaining its original name). It was a land described by early European explorers as fertile, abundant in fish and game. Wiradjuri people had their own language and a rich culture of stories and songs.

Clashes between European settlers and Aborigines were very violent and have been termed the 'Wiradjuri Wars'. The loss of fishing grounds and significant sites, as well as the killing of Aboriginal people was retaliated through attacks with spears on cattle and stockmen. In the 1850s there were still corroborees around Mudgee but there were fewer clashes. European settlement had taken hold and the Aboriginal population was in decline.

Occupation of the land by the Wiradjuri can be seen by carved trees and campsite remainders. Carved trees are more commonly found around the Macquarie and Lachlan rivers in the north rather than the Murrumbidgee in the south. Campsites, which indicate regular seasonal occupation by small groups, have been found on river flats, open land and by rivers.

Information about the lifestyle of the Wiradjuri at the time of European contact and in the years that followed may be found within the writings and observations of explorers and settlers. These records may give some insight into the traditional activities of the Aboriginal people.

4.2 Aboriginal Consultation

The NSW OEH has produced a document *Aboriginal cultural heritage consultation requirements for proponents 2010* (NSW OEH 2010) that sets out the requirements for 'consulting with those Aboriginal people who can provide information about the significance of Aboriginal cultural heritage as part of the heritage assessment process that informs any AHIP application' (ibid:1).

The requirements apply to all activities throughout NSW that have the potential to harm Aboriginal *objects* or places and that also require an AHIP. The requirements specify four stages of consultation

Stage 1 - notification of project proposal and registration of interest

Stage 2 - presentation of information about the proposed project

Stage 3 – gathering information about cultural significance

Stage 4 – review of draft cultural heritage assessment report

See Appendix 1 for a consultation log and copies of correspondence.

4.2.1 Stage 1

An advertisement was placed in the Western Advocate on 6th September 2017.

Letters were sent to the:

- Bathurst Local Aboriginal Land Council;



- Bathurst Regional Council;
- Central Tablelands Local Land Services;
- NSW OEH;
- Native Title Services Corporation Ltd; and
- Office of the Registrar Aboriginal Land Rights Act 1983.

A search was made of the National Native Title Tribunal registers on 18th September 2017.

Following advice received from OEH, letters were sent to identified groups on 14th September 2017 and to groups identified by Bathurst Council on 11th October 2017.

Registrations of interest were received from:

- Bathurst Local Aboriginal Land Council;
- Gundungarra Aboriginal Heritage Association Inc;
- Dhuulu-Yala Aboriginal Corporation;
- Esther and Stuart Cutmore, Justin Hardy;
- Gundungurra Tribal Council Aboriginal Corporation;
- Warrabinga NTCAC;
- Wiradyuri Traditional Owners Central West Aboriginal Corporation;
- Murra Bidge Mullangari Aboriginal Corporation Cultural Heritage;
- Gunjeewong Cultural Heritage Aboriginal Corporation; and
- Muragadi Heritage Indigenous Corporation.

4.2.2 Stage 2 and 3

Methodology and cultural information request was sent to registered groups on 28th September 2017.

One submission was received from Gunjeewong Cultural Heritage Aboriginal Corporation in support of the methodology presented (Appendix 1).

4.2.3 Stage 4

A draft copy of this report, accompanied by an invitation to provide comments, was provided to each of the registered stakeholders on 20th November 2017 with an invitation to comment by 18th December 2017.



Table 4.2 Responses to Submissions - Report

Date	Type of Contact (email, phone etc)	Group/Individual	Comment	Proponent Response
21/11/17	email	Murra Bidge Mullangari Aboriginal Corporation Cultural Heritage	Endorse the proposed approach	noted
25/11/17	post	Gunjeewong Cultural Heritage Aboriginal Corporation	Supports and endorses the assessment. Important that younger generations have the opportunity to see and learn from our Aboriginal history and culture.	noted
28/11/17	phone	Wiradyuri Traditional Owners Central West Aboriginal Corporation	Not happy that only the Bathurst Local Aboriginal Land Council was involved in the field survey, no genuine consultation undertaken with the traditional owners.	OEH guidelines state that fieldwork is not consultation and that a proponent can decide who is to be involved with fieldwork, all materials have been sent to the organisation with an invitation to provide comment or further information. All provisions of the consultation guidelines have been met for the project.
18/12/17	Email letter	Warrabinga NTCAC	All relevant staff and contractors should be made aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974, which may be implemented as a heritage induction;	Agreed. This will be done through the Company's induction procedure
			Fencing of the identified Aboriginal sites;	Agreed, sites will be fenced prior to disturbance
			Visible signage stating "No Entry" should be erected outside the buffer zone preferably facing the access track(s) so that	Access to the fenced site will be limited to authorised personnel



Date	Type of Contact (email, phone etc)	Group/Individual	Comment	Proponent Response
			contractors and subcontractors are made aware not to trespass beyond the high visibility buffer zone delineated around the Aboriginal sites. As a suggestion steel star pickets (or a comparable durable material) should be pegged around the perimeter of the buffer zone. High visibility flagging tape and wire fencing should be used to prevent trespass beyond that point;	
			If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment & Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed;	Agreed
			Subsurface testing of the identified PADs, should be undertaken prior to any impacts occurring within the immediate vicinity of the sites, in order to determine the extent and nature of the PADs	All areas of disturbance within Site SPQ1 will be the subject of pre-disturbance archaeological monitoring following granting of development consent and an AHIP
			An Aboriginal Site Impact Recording (ASIR) form must be prepared for all Aboriginal sites which	The conditional requirements of the AHIP, including reporting requirements, will be complied with



Date	Type of Contact (email, phone etc)	Group/Individual	Comment	Proponent Response
			have been subject to harm and/or impact	
			A process to ensure the Applicant's compliance with their obligations and the recommendations in the DRAFT Stage 1 Constraints Assessment must be prepared. This compliance process must include feedback from the Registered Aboriginal Parties	The Applicant notes its obligations under Section 86 of the National Parkes and Wildlife Act 1974 and will ensure that extraction activities within Site SPQ1 are not commenced until an AHIP has been prepared
			A process for handling any non-compliance must be established. This process for handling non-compliance must include feedback from the Registered Aboriginal Parties	This is a matter for OEH

4.3 Field Participation

A representative from the Bathurst Local Aboriginal Land Council, Tina Scott, participated in the field survey for the project.



5 ABORIGINAL ARCHAEOLOGICAL CONTEXT

5.1 Previous Archaeological Research

Only a handful of research based archaeological studies have been undertaken in the Bathurst region beginning in the 1960s when many Aboriginal sites began to be recorded by archaeological enthusiast Gresser (1961-64), including site 44-2-0012 – Evans Plains Dicks Creek, located 1.5 kilometres south-west of the Project Site.

Research based studies undertaken in the region include that of Pearson (1981); Haglund (1985), Koettig (1985); Lance (1985); and Balme (1986).

Early development based archaeological studies have been undertaken in the region with many Aboriginal sites being recorded around the current Project Site. These include: Pickering (1980); Bell (1980); Barber and Williams (1993) and Kelton (1997).

Kelton's 1997 assessment of an area at Evans Plains, approximately 1.7 kilometres north east of the Project Site, resulted in the recording of one site (EP-IF-1 – AHIMS #44-2-0118), an Aboriginal artefact scatter. No report was prepared outlining the results of this assessment; however, information regarding the site is provided on the AHIMS site card (AHIMS # 44-2-0118).

In 2000, Kelton submitted a report for an Aboriginal and non-indigenous heritage assessment of the proposed Mid Western Highway realignment near Kings Plains, between Bathurst and Blayney, NSW (Kelton 2000a). No previously recorded artefacts were noted; however, two new Aboriginal sites (KO-OS-land & KP-OS-2), both artefact scatters, were recorded in close proximity to the survey area. One existing PAD was noted and two new PADs were identified. Kelton's assessment recommended that artefact and PAD locations be avoided where possible. Where sites were to be impacted, consent to destroy would need to be sought prior to any development works.

In another study for the Foreshores of Ben Chifley Dam, near Bathurst, Kelton completed a supplementary archaeological report that was primarily undertaken to determine the archaeological potential of areas of the dam foreshore not previously inspected by Williams and Barber (1994) (Kelton 2000b). Earlier studies resulted in the recording of a total of five artefact scatters and one area of potential archaeological deposit along the Ben Chifley Foreshores. An additional artefact scatter was recorded during a survey of the area in 1998. During Kelton's survey, nine new Aboriginal sites (all artefact scatters) were recorded (Kelton 2000b). Recommendations for these sites included a monitoring program for the identified potential archaeological deposits as well as the submission of consent to destroy application for sites BCD-8 to BCD-15.

In 2009 OzArk Environmental and Heritage Management completed a cultural heritage assessment for Area 51 Recreation Park, 33 km northwest of Bathurst, NSW (OzArk, 2009). During field assessment, seven Aboriginal sites were recorded including five artefact scatters; one scarred tree; and one isolated find. One site was located in Options 1 & 3 and the remaining sites were located in Option 2. Option 1 was selected as the preferred option for the development. Recommendations of this report are based around the sites to be impacted by Option 1 (BRP-OS1 and associated PAD). Because BRP-OS1 and associated PAD was not to be directly impacted, it was recommended that the site be fenced off during construction and use of the park.

NOHC (2014) completed an Aboriginal Heritage Assessment for the Dreamland Quarry located north east of the Project Site. One previously recorded Aboriginal site (EP-IF-1 – AHIMS #44-2-0118) was located within the Bathurst Dreamland Quarry study area. The AHIMS site card for the site describes it as comprising one quartz core and one chert core. These two artefacts could not be re-found in the course of the field survey conducted for present study. One previously unrecorded artefact, (a basalt flake) was identified within the area of the previously recorded site. No areas of archaeological sensitivity or potential were identified within the Project Site.



5.2 AHIMS Search Results

Two Aboriginal recordings (44-2-0012 – Evans Plains Dicks Creek and 44-2-0118 – EP-IF-1) are listed on the OEH AHIMS for the area around the Swan Ponds Quarry within the following (MGA/GDA) map grid references:

Lat, Long From : -33.4917, 149.4434 - Lat, Long To : -33.4453, 149.517 with a Buffer of 50 meters.

These sites are recorded as open camps sites. Site 44-2-0012 is located 1.5 kilometres south-west and 44-2-0118 is located 1.7 kilometres north-east of the project area (Figure 5.1).

A copy of the AHIMS search is provided in Appendix 2.

5.3 Predictive Model

The most common Aboriginal site type present in the Central Tablelands is the open artefact scatter, which may occur almost anywhere that Aboriginal people have travelled and may be associated with hunting or gathering activities, domestic camps, or the manufacture and maintenance of stone tools. The density of artefacts represented in these scatters can vary dramatically and can be dependent on factors such as stream ordering and the permanence of water sources.

Previous survey results suggest that artefact scatters are most likely to be located on well-drained and locally elevated ground adjacent to permanent water sources. High site densities and relatively dense artefact concentrations can be expected in close proximity to permanent watercourses. Elevated sand bodies within valley floor contexts are a landscape element with high potential.

Isolated finds, generally defined as a single stone artefact which occurs without any associated evidence of Aboriginal occupation within a radius of 60 metres, are recorded in small numbers in the region. Isolated finds may be indicative of: random loss or deliberate discard of a single artefact, the remnant of a now dispersed and disturbed artefact scatter, or an otherwise obscured or subsurface artefact scatter. Except in the case of the latter, isolated finds are considered to be constituent components of the *background scatter* of Aboriginal artefacts present within any particular landform.

Lithic quarry and procurement sites, together with associated flaking floors, may occur wherever rock types, suitable for stone tool manufacture, are exposed. Typically, these sites involve the extraction of siliceous rock types for the manufacture of artefacts. Several quarry sites have been recorded in the broader region.

Previous archaeological surveys around across the broader region suggest the following archaeological attributes and site location parameters for the project area:

- Artefact scatters are the most common site type and generally contain low numbers of artefacts and are found in low densities.
- The most important site location determinants appear to be the following (both singly and in combination): level or near level ground, well drained and locally elevated ground, proximity to permanent water, and location on a major watershed.
- Crest topographies on major watersheds which offer an effective through-access route across rugged and incised terrain do appear to have a higher site incidence than lesser order crest-line topographies.
- Site location trends toward mid-valley slope contexts may be indicative of avoidance of cold air drainage.
- Wetland/swampy meadow margins are a focus for Aboriginal occupation.



The current Project Site is located adjacent to Evans Plains Creek, and almost 11 km from Macquarie River. According to the location of the current Project Site, the following could be expected:

- Small sporadic artefact scatters or isolated finds in the vicinity of Evans Plains Creek; and
- Sites located on various landscape profiles such as hills, ridges and wetland/swampy meadow margins.



Figure 5.1 Location of AHIMS Site



6 HISTORICAL CONTEXT

6.1 Historical Overview

6.1.1 Exploration

In 1813, surveyor George Evans, was instructed to find a passage into the interior of NSW, and consequently became the first European to explore west of the Blue Mountains. In 1815, and based on his previous explorations and knowledge of the region, Evans was assigned to act as a guide through country to Bathurst. In May and June of that same year, Evans led an expedition from Bathurst to the south, exploring the middle reaches of the Belubula River (Weatherburn 1966). It was this last expedition which saw Evans cover that territory known as Kings Plains and within this particular study area, around the Belubula River and east of what would become the future town of Blayney (David Scobie Architects 2010).

6.1.2 Land tenure

Governor Macquarie tried to slow the inevitable settlement of this area west of the Macquarie River, establishing lands defined as Church and School Estates.

Private occupation was restricted to the east of the Macquarie and Campbell Rivers by Governor Macquarie (1810-1821) and his successor, Governor Brisbane (1821-1825) (Heritage Office and DUAP 1996:90). However, in 1826 Governor Darling removed the west bank settlement restrictions opening up a much larger area to pastoral settlement and from this period on, several settlements began to emerge up to the newly established Limits of Location boundary. Later developments within this region of road communications, location of towns and other services were greatly influenced by the emerging pastoral settlement pattern (Higginbotham 2012:56).

In 1832, with the discovery of Victoria Pass by Surveyor General Thomas Mitchell, access from Sydney to the first settlement west of the Blue Mountains, Bathurst, was made easier.

Pastoral settlement flourished during the 1820s to the 1840s fuelled by cheap convict labour, however, the cessation of convict transportation to NSW in 1840 coinciding with the 1841 Depression caused pastoral settlement within the region to slow dramatically (Higginbotham 2012:55,56). It was not until the 1850s before the region's economic growth began to recover through the development of local industrial enterprises associated with pastoral settlement and mining attracted a larger population into the area (Higginbotham 2012:158).

The earliest pastoralists secured large runs on the best quality grasslands on river flats and valley slopes. In many cases the runs were simply occupied rather than officially leased or purchased. Squatters rarely formalised their occupation unless forced to do so by the threat that someone else would register a lease.

Around 1834, the colony's buoyant economy led to increasing interest in investment in the expanding wool industry resulting in a boom in pastoral development in the central west of NSW. Unclaimed areas of Crown Land attracted interest from new settlers forcing squatters who had once freely occupied Crown Land to quickly formalise by lease or purchase their claim on landholdings on which their stock was grazing (Jansen 1991:3).

Following the Robertson Land Acts of 1861 unoccupied, parcels of land from 40 to 320 acres (16.19 to 129.5 ha) could be selected on any remaining Crown Land. Often the only remaining portions were smaller holdings in timbered and comparatively marginal areas that were poorly watered.

Selectors were often people of limited financial resources seeking opportunities on the land. It was not uncommon for them to work on the large well-established properties in the district in order to finance the acquisition of their farms under the Conditional Purchase system and the necessary improvements (Jansen 1991:3).



A Conditional Purchase required owners to reside on their allotment and carry out improvements, such as building a house and clearing and fencing the land. Only then could the grant be formalised and a title issued. In many cases 20 to 30 years elapsed before a title was issued.

During that period land might have been transferred a number of times due to the difficulties that selectors had in making regular payments or meeting conditions (Ferry 1988:118). Requirements were that a 25% deposit was needed to secure the purchase with the balance due in three years; improvements be made to the value of £1 per acre; and the land had to be occupied by the selector for at least three years. Interest was charged if the balance was not made by the due date (Jansen 1991:4).

When smaller, less viable farms were offered for sale they were frequently absorbed into larger neighbouring estates which had access to reliable sources of water and owners with sufficient capital to increase their holdings. In some instances, successful neighbouring selectors purchased the blocks, therefore increasing the viability and profitability of their own holding.

6.1.3 Bathurst

Bathurst was initially founded as a penal settlement and a government agriculture station in 1815 and recognised as the first inland settlement in NSW (Higginbotham 2012 vol. 2:189). In the same year, Governor Macquarie reserved the west bank of the Macquarie River for government purposes only and restricted all other forms of settlement to the east bank of the river assigning Bathurst with ten small allotments for small settlers (Higginbotham 2012:21,78).

In 1818, the nearby town of Kelso was established as a private settlement servicing the pastoral settlers and penal settlement and is unusual as the town developed out of land grants rather than the customary planned town allotments (Higginbotham 2012 vol. 2:44). By the 1820s the flow of settlers into the region had soon turned into a flood as the race quickened to select and secure valuable pastoral land on offer. In 1823 the Wellington Valley was settled as a remote convict-run stock station and by the mid-1820s it was recognised that another settlement was needed between Wellington and Bathurst due to the distance between the two. Subsequently, a station was created on Fredericks Valley Creek to the east of where Orange is located today (Hughes Trueman Ludlow 1986:20). Generally, these settlements supported cattle grazing and a to lesser degree sheep grazing, along with a small amount of wheat and maize agriculture (Heritage Office and DUAP 1996:90; Hughes Trueman Ludlow 1986:19).

Under the direction of the Surveyor General, Major Thomas Mitchell, construction of the new Western Road to Bathurst began in 1830. The new alignment followed a similar alignment to the modern highway, although it had deviations at Rydal, Meadow Flat, Kirkconnell, Yetholme, Walang, Glanmire, Raglan and Kelso. The new Western Road was constructed using convict labour; however the locations of the Convict Stockades along this section of road are unclear. Research undertaken by Dr. Robin McLachlan (2007 in Higginbotham 2012: 45) suggests that there were at least one or two stockades between Bathurst and Meadow Flat and that there was probably one located between Glanmire and Kirkconnell.

In 1826, Governor Darling re-defined the Limits of Location and opened this entire region to private settlement. Sheep grazing then became the dominant pastoral activity. This change in the pastoral industry was linked with the movement of ex-convict and free migrant settlers into this region during the later 1820s and 1830s. Pastoral settlers were the largest employer of convict labour and from the 1820s to the 1840s; this cheap labour force sustained an expansion in pastoral settlement in the region with some of these settlers amassing large pastoral runs with significant homesteads (Heritage Office and DUAP 1996: 90-91; Higginbotham 2012: 55). Although pastoral settlement in the area had escalated, it was some time before Bathurst developed into the main administrative and service centre of the region occurring only when the penal settlement was handed over to civil administration in 1833 (Higginbotham 2012: 79).

6.1.4 Swan Ponds

The location of the Project Site was once a part of an estate of 3200 acres (1295 ha) granted by Governor Darling in 1826 to William Stewart (1769-1854), soldier and lieutenant-governor. Stewart



was promoted major-general in July 1830 and returned to New South Wales in 1832 to live in retirement near Bathurst on Mount Pleasant. After retirement, Stewart took little part in public life, although he chaired a meeting at Bathurst in 1850 to protest against the proposed revival of transportation. He died on 8 April 1854 and was buried on his property (Australian Dictionary of Biography).



Figure 6.1 William Stewart, n.d. State Library of Victoria, 54219094

Stewart was an active contributor to the life and settlement of Bathurst and was a founder of its Presbyterian Church laying its foundation stone on 30th April 1834 and also served as a Magistrate. His compassion for the welfare of convicts was widely known and he was often approached by them when they needed help. Stewart died in April 1854.

James Horne Stewart inherited the property and immediately set out to develop and intensify its farming activities resulting in the establishment of up to 120 tenant farms on 12,000 acres of the estate and the creation of the villages of Dunkeld and Evans Plains (for the Village of Mount Pleasant) by the mid 1850's, right in the centre of the estate.

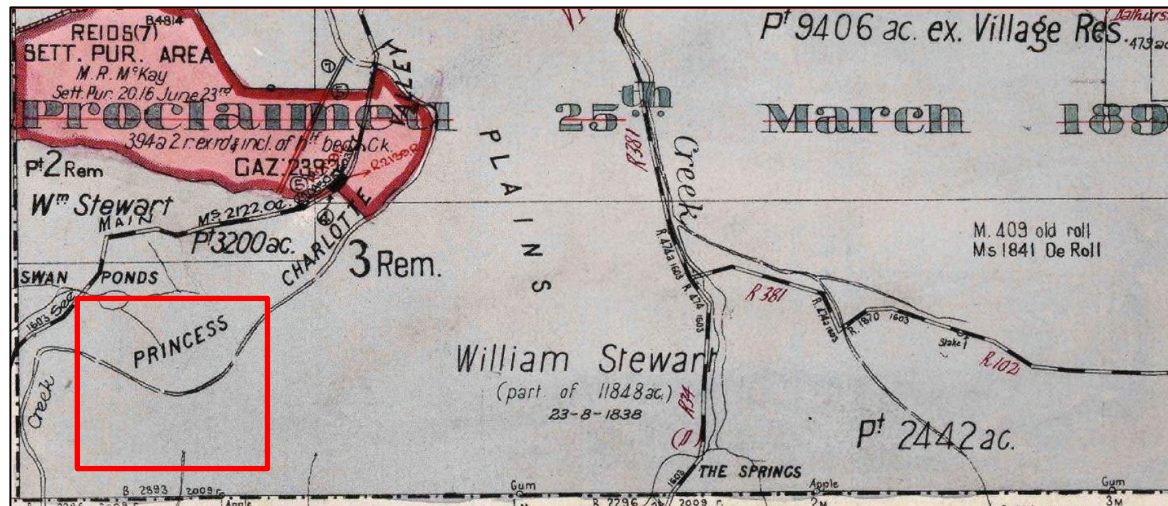
James Stewart demolished two thirds of 'Strath' in 1969 on the death of his mother, General Stewart's widow, and commenced building 'The Mount' (Abercrombie House listed on the Bathurst Local Environmental Plan) in 1870 using granite rock quarried on the site of the house, supplementing its construction with materials salvaged from the partial demolition of his father's house nearby. 'The Mount' (Abercrombie House) was completed in 1878.

James Stewart was a highly successful pastoralist and strongly philanthropic in the Bathurst community with particularly long service as a deacon of the Presbyterian church, having substantially paid for the construction of the new Saint Stephens Church in the 1872 and the adjoining church hall in the early 1900s. He also paid substantially for the building of the Baptist Church in Bathurst in 1870 and constructed nearly all the public buildings in Evans Plains.

Stewart was one of the wealthiest citizens of Bathurst up until the depression of the 1890s. By 1906 he had sold about 12,000 acres of the estate (the entire southern portion to which he had applied tenant farming since the 1850s) to the developer A.C. Reid who subdivided it into 82 small farms ranging from 12 to 386 acres. Many of these farms were purchased by the former tenant farmers. Stewart died in 1920 and his wife Harriet died in 1922. Both were in their nineties. The house was vacated by the Stewart family in November 1927. The 1926 Parish map still indicates William Stewart



as the land owner (Figure 6.2) however this is after James Stewart sold off the land (Abercrombie House Heritage Listing).



**Figure 6.2 Extract of Mount Pleasant 1926 Parish Map
(approximate location of Project Site in red)**

James Rivers Barrington Stewart (1913-1962), archaeologist, numismatist and gentleman farmer, was born on 3 July 1913, Stewart was descended from Major General William Stewart of Mount Pleasant, Bathurst. He read archaeology and anthropology at Trinity Hall, Cambridge. In 1947 he was appointed a teaching fellow in the department of history at the University of Sydney. He became senior lecturer (under Professor A. D. Trendall) in the new department of archaeology in 1949, acting head of the department in 1954 and Edwin Cuthbert Hall professor of Middle Eastern archaeology in 1960. Meanwhile, he also worked as curator of the Nicholson Museum. From 1951 he lived at Mount Pleasant, which he farmed and treated as an extension of the department of archaeology. He became a substantial property owner and a man of independent means. His students, stimulated by his enthusiasm for the archaeology of the Levant, were expected to spend time at 'the Mount' which housed his exceptional research library (ultimately bought by the Fisher Library), rooms full of Bronze Age pottery and other antiquities, and 'upwards of twenty indoor and outdoor cats'. Suffering from hypertension, he died of cardiac failure on 6 February 1962 at Bathurst and was buried in the vegetable garden at Mount Pleasant. He was survived by his wife and by the son of his first marriage. His estate was sworn for probate at £262,066 (Australian Dictionary of Biography).

6.2 Heritage Listed Items

There are no heritage listed sites within the Project Site.

There is one listed site 200 metres to the northeast of the Project Site, this site is locally listed on the Bathurst Local Environmental Plan and detailed in Table 6.1 and Figure 6.3 below.

Table 6.1 Locally Listed Items

ID	Town	Item Name	Address	Lot/DP	Listing
I129	Evans Plains	Binalong (former university building)	1216 Mid Western Highway	Lot 1, DP 856795	Local

6.3 Predictive Historical Archaeology Statement

Unrecorded historic sites and features of heritage significance that may occur within the Project Site include:



- Old fence lines, such as post and rail fencing; these may occur along road easement boundaries and farmlands.
- Indications of field systems, such as drainage channels and ridge and furrow ploughlands; these are likely to survive in low lying agricultural ground, especially in areas that are now used for grazing, rather than cropping.
- Traces of agricultural and industrial processing or extractive sites, such as dairies, factories, and quarries; these may be found throughout agricultural lands on valley floors and adjacent low ranges;
- Archaeological sites, such as the occupation remains of former dwellings including homesteads, houses and huts; these will be distributed in close association with land settlement patterns, and correlated with favourable agricultural lands, trading nodes and transport corridors;
- Nineteenth-century structures, such as farm dwellings, outbuildings, selector's and timber-getters huts; these may survive as standing buildings, ruins or archaeological deposits and are most likely to survive on less developed rural properties, on early portion numbers, and in or near established farm building complexes;
- Standing buildings and structures; these will be focused in the town and along the early centres and corridors of occupation, industry, travel and transport;
- Sites associated with early roads; these will be closely associated with early cadastral road reserves, watershed ridgelines, and related to early river and creek crossing points;
- Transport and access routes, such as bridle paths, stock routes, roads, and highway alignments of varying forms and ages; these may survive as abandoned remnants adjacent to modern transport routes, or as alignments now followed by more modern or upgraded road and track infrastructure; and
- Railway sites, features and infrastructure; these will be focused along rail corridors;
- Former timber mills and associated infrastructure, such as timber pole structures, remains of machinery, tracks and tramways; these may survive within State forests, and in valley clearings adjacent to forest areas;

Structures of historical interest and heritage significance may be standing, ruined, buried, abandoned or still in use.

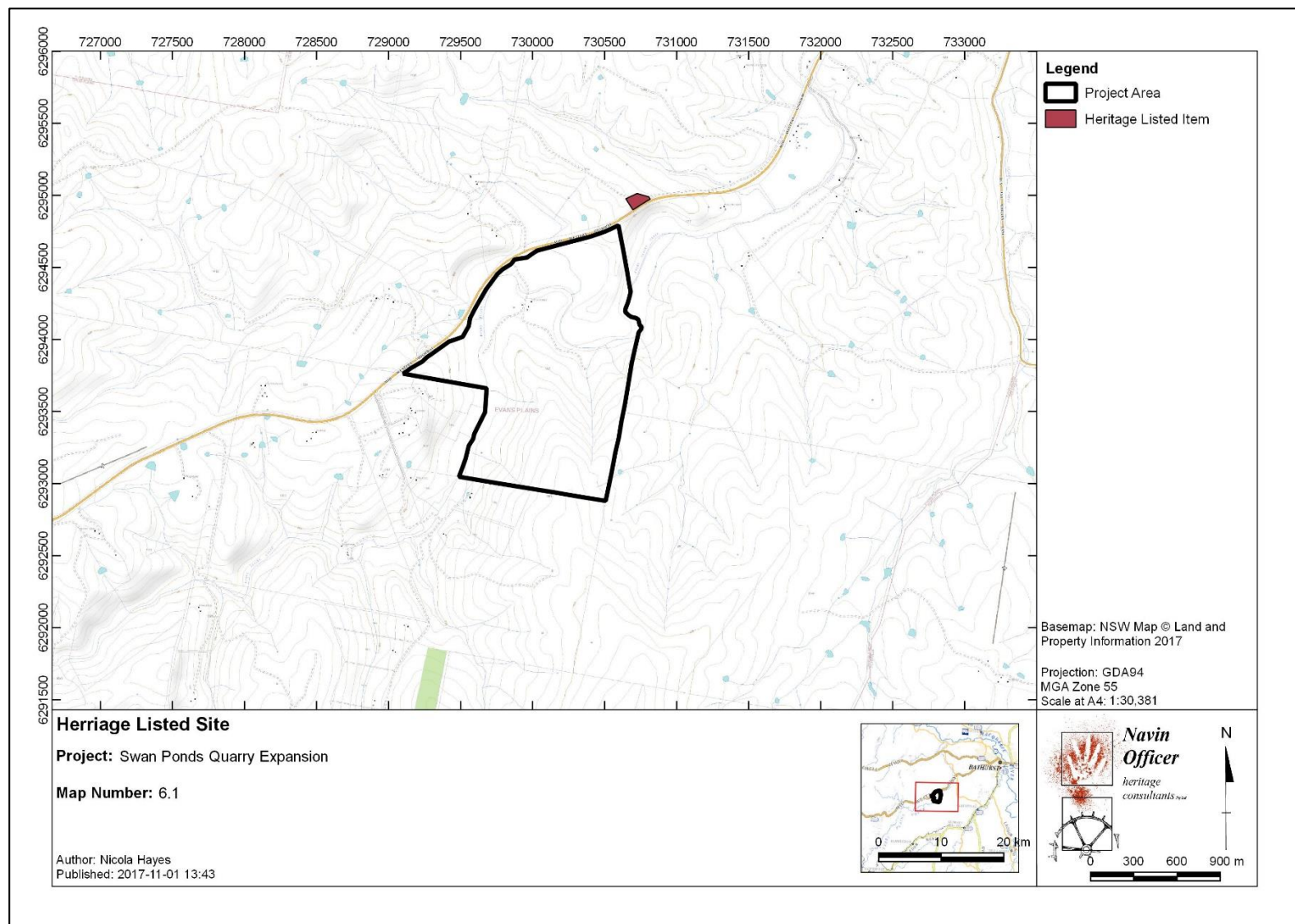


Figure 6.3 Heritage Listed Site



7 RESULTS

7.1 Summary

- Two Aboriginal sites were recorded in the project area (SPQ1 and SPQ2). The sites comprise an artefact scatter with associated PAD and a PAD with no recorded surface artefacts.
- No historical sites or features were located at the Project Site.

7.2 Aboriginal Sites

Two Aboriginal sites were recorded in the project area (SPQ1 and SPQ2). The sites comprise an artefact scatter with associated PAD and a PAD with no recorded surface artefacts, see Figure 7.4 for the location of all sites.

Swan Ponds Quarry 1 (SPQ1)

This site is a scatter of at least twelve artefacts recorded at eight locations (AL1-8), located mid-slope over an area of 170 x 280 metres (Figure 7.1).

The artefacts were located in areas disturbed by track construction and sheet wash. The area has been cleared and ploughed in the past. The soil consists of a shallow deposit of native decomposing granite sands.

The exposure within the site was 20% with 70% visibility within the exposures.

There is a moderate to high likelihood for there to be additional artefacts and a low to moderate potential for archaeological deposits, it is likely these deposits have been disturbed and are very shallow (ie <20 centimetres). The area of archaeological potential extends over an area of 450 x 190 metres encompassing the mid to basal slopes above Evans Plains Creek. The area of potential excludes those areas already impacted by quarrying.

Artefacts:

1. White quartz proximal flake, broken into 2 fragments, conjoin 33 x 15 x 4 mm (AL1)
2. Tuff flake broken into 2 fragments, conjoins 44 x 35 x 13 mm (AL2) (Figure 7.2)
3. Crystal quartz flake medial fragment 26 x 28 x 11 mm (AL2) (Figure 7.2)
4. Fine grained volcanic complete flake 50 x 30 x 7 mm (AL3)
5. Quartz flake 20 x 16 x 4 mm (AL3)
6. Tuff complete flake 25 x 23 x 4 mm (AL4)
7. Quartz broken flake, distal fragment 30 x 20 x 8 mm (AL4)
8. Quartz flake (AL5)
9. Quartz flake broken in 2 fragments, conjoin 29 x 24 x 4 mm (AL6)
10. Quartz flake complete 15 x 8 x 4 mm (AL6)
11. Tuff core 40 x 33 x 17 mm (AL7)
12. Tuff broken flake proximal fragment 20 x 19 x 5 mm (AL8)



Figure 7.1 SPQ1 looking north



Figure 7.2 Artefact no's 2 and 3 AL2



Swan Ponds Quarry 2 (SPQ2)

This site is an area of potential archaeological deposit located on a terrace above Evans Plains Creek (Figure 7.3). At the time of the survey the area was covered in crop and therefore had no ground visibility. There is a moderate potential for archaeological deposits, it is likely these deposits have been disturbed by ploughing. There is potential for undisturbed deposits to remain below the plough zone. The area of archaeological potential extends over an area of 300 x 195 metres.



Figure 7.3 SPQ2 looking north-west

7.3 Historical Sites

No historical sites or features were located at the Project Site.

7.4 Survey Coverage and Visibility Variables

The effectiveness of archaeological field survey is to a large degree related to the obtrusiveness of the sites being looked for and the incidence and quality of ground surface visibility. Visibility variables were estimated for all areas of comprehensive survey within the Project Site. These estimates provide a measure with which to gauge the effectiveness of the survey and level of sampling conducted. They can also be used to gauge the number and type of sites that may not have been detected by the survey.

Ground surface visibility is a measure of the bare ground visible to the archaeologist during the survey. There are two main variables used to assess ground surface visibility, the frequency of exposure encountered by the surveyor and the quality of visibility within those exposures. The predominant factors affecting the quality of ground surface visibility within an exposure are the extent of vegetation and ground litter, the depth and origin of exposure, the extent of recent sedimentary deposition, and



the level of visual interference from surface gravels. Two variables of ground surface visibility were estimated during the survey:

- A percentage estimate of the total area of ground inspected which contained useable exposures of bare ground; and
- A percentage estimate of the average levels of ground surface visibility within those exposures. This is a net estimate and accounts for all impacting visual and physical variables including the archaeological potential of the sediment or rock exposed.

The obtrusiveness of different site types is also an important factor in assessing the impact of visibility levels. For example, artefacts made from locally occurring rock such as quartz may be more difficult to detect under usual field survey conditions than rock types that are foreign to the area. The impact of natural gravels on artefact detection was taken into account in the visibility variables estimates outlined above.

The natural incidence of sandstone platforms suitable for grinding grooves or engraving, together with the incidence of old growth trees, are important considerations in identifying both survey effectiveness and site location patterns outside of environmentally determined factors.

Tables 7.2 and 7.3 and Figure 7.5 summarises estimates for the degree to which separate landforms within the Project Site were examined and also indicates the exposure incidence and average ground visibility present in each case. A total of 21.66% of the ground area inspected at the Project Site provided useable archaeological exposures.

Taking into account survey coverage, archaeologically useable exposures, and visibility variables, the effective survey coverage (ESC) was 13.1% of the total survey area. The ESC attempts to provide an estimate of the proportion of the total study area that provided a net 100% level of ground surface visibility to archaeological surveyors.



Table 7.1 Survey Coverage Data

Survey Unit	Landform	Survey unit area (m ²)	Visibility %	Exposure %	Effective coverage area (sq m) survey unit area x visibility % x exposure %	Effective Coverage % (effective coverage area / survey unit area x 100)
1	Slopes	8806	70	30	1849.26	21
2	Slopes	55488	70	30	11652.48	21
3	Terrace	40070	10	5	200.35	0.5
total		104364			13702.9	13.1

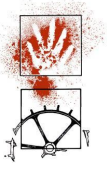
Table 7.2 Landform Summary – Sampled areas

Landform	Landform area (sq m)	Area effectively surveyed (m ²) (effective coverage area)	% Landform effectively surveyed (area effectively surveyed / landform area x 100)	Number of sites	Number of Artefacts or Features
Slopes	64294	13501.74	21	1 site and PAD	12
Terrace	40070	200.35	0.5	1 PAD	
total	104364	13702.9	13.1		



Figure 7.4 Location of Recorded Sites at the Project Site

Figure 7.5 Survey Units within the Project Site



8 SIGNIFICANCE ASSESSMENT

8.1 Aboriginal Heritage Assessment Criteria

The Burra Charter of Australia defines cultural significance as 'aesthetic, historical, scientific or social value for past, present and future generations' (Aust. ICOMOS 1987). The assessment of the cultural significance of a place is based on this definition but often varies in the precise criteria used according to the analytical discipline and the nature of the site, object or place.

In general, Aboriginal archaeological sites are assessed using five potential categories of significance:

- significance to contemporary aboriginal people;
- scientific or archaeological significance;
- aesthetic value;
- representativeness; and
- value as an educational and/or recreational resource.

Many sites will be significant according to several categories and the exact criteria used will vary according to the nature and purpose of the evaluation. Cultural significance is a relative value based on variable references within social and scientific practice. The cultural significance of a place is therefore not a fixed assessment and may vary with changes in knowledge and social perceptions.

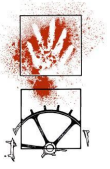
Cultural significance can be defined as the cultural values of a place held by and manifest within the local and wider contemporary Aboriginal community. Places of significance may be landscape features as well as archaeologically definable traces of past human activity. The significance of a place can be the result of several factors including: continuity of tradition, occupation or action; historical association; custodianship or concern for the protection and maintenance of places; and the value of sites as tangible and meaningful links with the lifestyle and values of community ancestors. Aboriginal cultural significance may or may not parallel the archaeological significance of a site.

Scientific significance can be defined as the present and future research potential of the artefactual material occurring within a place or site. This is also known as archaeological significance.

There are two major criteria used in assessing scientific significance:

1. The potential of a place to provide information which is of value in scientific analysis and the resolution of potential research questions. Sites may fall into this category because they: contain undisturbed artefactual material, occur within a context which enables the testing of certain propositions, are very old or contain significant time depth, contain large artefactual assemblages or material diversity, have unusual characteristics, are of good preservation, or are a constituent of a larger significant structure such as a site complex.
2. The representativeness of a place. Representativeness is a measure of the degree to which a place is characteristic of other places of its type, content, context or location. Under this criteria a place may be significant because it is very rare or because it provides a characteristic example or reference.

The value of an Aboriginal place as an educational resource is dependent on: the potential for interpretation to a general visitor audience, compatible Aboriginal values, a resistant site fabric, and feasible site access and management resources.



The principal aim of cultural resource management is the conservation of a representative sample of site types and variation from differing social and environmental contexts. Sites with inherently unique features, or which are poorly represented elsewhere in similar environment types, are considered to have relatively high cultural significance.

The cultural significance of a place can be usefully classified according to a comparative scale which combines a relative value with a geographic context. In this way a site can be of low, moderate or high significance within a local, regional or national context. This system provides a means of comparison, between and across places. However it does not necessarily imply that a place with a limited sphere of significance is of lesser value than one of greater reference.

The following assessments are made with full reference to the scientific, aesthetic, representative and educational criteria outlined above. Reference to Aboriginal cultural values has also been made where these values have been communicated to the consultants. It should be noted that Aboriginal cultural significance can only be determined by the Aboriginal community, and that confirmation of this significance component is dependent on written submissions by the appropriate representative organisations.

8.2 Cultural heritage values identified

8.2.1 Social or cultural value

The cultural significance of the Aboriginal sites can only be determined by Aboriginal people. All archaeological objects and sites have cultural value for present-day Aboriginal people, as they were created by prehistoric, ancestral Aboriginal people and provide tangible evidence of past occupation of the landscape.

All sites have cultural significance to present-day Aboriginal groups as manifestations of their ancestors' past occupation of the landscape. However, none of the sites has any additional social or cultural value through being connected with myths and stories, events of oral history or any intangible cultural values.

It should be noted that some objects and places might have cultural value that was not communicated to NOHC. This could be the case for objects or places that are associated with information that is culturally restricted.

8.2.2 Historical value

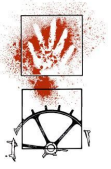
No information has been provided by Aboriginal stakeholders to suggest the Project Site is historically important in terms of persons, events, phases or activities in the Aboriginal community. This is not to say that they do not have such significance, simply that no evidence has been forthcoming.

8.2.3 Scientific (archaeological) value

Archaeological site in the project area have been placed into the following assessment categories.

- Cannot assess the scientific significance prior to excavation.
- Moderate to Low (local) scientific significance.

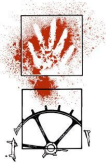
The site that cannot be assessed is SPQ2 an area of Potential Archaeological Deposits (PAD) that are not associated with surface artefacts. The PAD can only be assessed for archaeological significance through subsurface archaeological testing. Any portions of the PAD that yield artefacts will then be able to be assessed from a scientific perspective, and areas that are not found to yield artefacts during excavation will be assessed as 'not a site'.



Moderate to low (local) scientific significance has been attributed to site SPQ1, this site is a surface artefact scatter associated with an area of low to moderate likelihood for subsurface archaeological deposits, any deposit however is likely to have been disturbed and are very shallow. The site has some potential to provide a large enough sample of artefacts to enable analyses of assemblage compositions that could be used to derive statements on the technological systems being employed by Aboriginal groups living in this region.

8.2.4 Aesthetic value

As noted in the OEH *Guide to investigating, assessing and reporting on Aboriginal cultural heritage* (DECCW 2011), aesthetic value is often closely associated with social values. To date no information has been forthcoming from Aboriginal stakeholders regarding this value.



9 STATUTORY AND POLICY CONTEXT¹

9.1 National Parks and Wildlife Amendment Bill 2010

The National Parks and Wildlife Amendment Bill 2010 (also known as the Omnibus Bill), was implemented on 1 October 2010 to amend the *National Parks and Wildlife Act 1974* (NPW Act). Existing offences relating to Aboriginal objects and places were replaced with new offences, including a strict liability offence, along with offence exemptions and defences.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Harm is defined to mean destroying, defacing, damaging or moving an object from the land. There are a number of defences and exemptions to the offence of harming an Aboriginal object or place. One of the defences is that the harm was carried out under an Aboriginal Heritage Impact Permit (AHIP).

In practice, archaeologists use a methodology that groups 'Aboriginal objects' into various site classifications according to the nature, occurrence and exposure of archaeological material evidence. The archaeological definition of a site may vary according to survey objectives; however a site is not recognised or defined as a legal entity in the Act.

It should be noted that even single and isolated artefacts are protected as Aboriginal objects under the Act.

In 2010 the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* was adopted by clause 3A of the National Parks and Wildlife Regulation 2009 (NPW Regulation). The code allows for the subsurface test excavation of Aboriginal objects without the need for an AHIP. The code establishes the requirements for undertaking test excavation without an AHIP and establishes the requirements that must be followed when carrying out archaeological investigation in NSW where an application for an AHIP is likely to be made.

Additional amendments that commenced on 1 October 2010 include the introduction of new processes for Aboriginal Heritage Impact Permit (AHIP) applications, consultation guidelines to support the Aboriginal Heritage Impact Permits (AHIP) application process, and mechanical provisions such as the transfer and variations of conditions of AHIPs.

9.2 NSW Heritage Act 1977 and Heritage Amendment Acts 1998 & 2009

The purpose of these Acts is to ensure that the heritage of New South Wales is adequately identified and conserved. In practice, the Acts have focused on items and places of non-indigenous heritage to avoid overlap with the NP&W Act, which has primary responsibilities for nature conservation and the protection of Aboriginal relics and places in NSW.

The *Heritage Amendment Act 1998* came into effect in April 1999. The Act instigated changes to the NSW heritage system, which were the result of a substantial review begun in 1992. A central feature of the amendments was the clarification and strengthening of shared responsibility for heritage management between local government authorities, responsible for items of local significance, and the NSW Heritage Council. The Council retained its consent powers for alterations to heritage items of State significance.

¹ The following information is provided as a guide only. Readers are advised to seek qualified legal advice relative to legislative matters.



The *Heritage Amendment Act 2009* came into effect in October 2009. The Act includes greater fairness and rigour in the heritage listing process while retaining key elements of the current system, including local and State listings, and the Heritage Council.

One of the changes to the former Heritage Act has been the move from the arbitrary 50 year age-based definition for archaeology, to one based on significance where relics have to demonstrate local or State significance.

Under the *Heritage Act 1977* a 'relic' had been defined as any deposit which related to the European settlement of NSW and was 50 years old or more. This broad definition captured too many items – many of which would not generally be considered part of the State's archaeological heritage. This approach brings archaeological heritage management more consistently within the management of other heritage items, which is based on an assessment of significance. The previous definition of archaeological relic encompassed a significant number of items over 50 years of age that had no heritage value.

The Heritage Act is concerned with all aspects of conservation ranging from the most basic protection against damage and demolition, to restoration and enhancement. It recognises two levels of heritage significance – State and Local significance across a broad range of values.

Some key provisions of the Act are:

- The establishment and functions of the Heritage Council (Part 2);
- Interim heritage orders (Part 3), the State Heritage Register (Part 3A);
- Heritage Agreements (Part 3B);
- Environmental planning instruments (Part 5);
- The protection of archaeological deposits and relics (Part 6); and
- The establishment of Heritage and Conservation Registers for state government owned and managed items (Part 7).

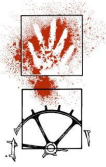
Generally this Act provides protection to items that have been identified, assessed and listed on various registers including State government section 170 registers, local government Local Environmental Plans and the State Heritage Register. The Interim Heritage Order provisions allow the minister or his delegates (local government may have delegated authority) to provide emergency protection to threatened places which have not been previously identified.

In addition, the Act includes provisions which relate to the definition and protection of relics.

9.3 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) and its regulations, schedules and associated guidelines require that environmental impacts are considered in land use planning and decision making. Environmental impacts include cultural heritage assessment. The Act was reformed by the *Environmental Planning and Assessment Amendment (Infrastructure and other Planning Reform) Act 2005*.

The Part 5 assessment system was created as part of the EP&A Act. The purpose of the Part 5 system is to ensure public authorities fully consider environmental issues before they undertake or approve activities that don't require development consent. As such, it has commonly been used to assess activities such as roads, railways, dredging and forestry works which don't require consent. If these activities are judged by the relevant public authority to significantly affect the



environment, then an environmental impact statement will need to be prepared and considered by this authority.

Changes to the EP&A Act which commenced on 1 October 2011 means that some activities under the Part 5 assessment system will be determined by the Minister for Planning and Infrastructure, following an assessment by the Department.

State Significant Development/Infrastructure

A specific assessment system has been created in the Environmental Planning and Assessment Act to consider projects classed as State significant development (SSD) and State significant infrastructure (SSI).

A range of development types such as mines and manufacturing plants as well as warehousing, waste, energy, tourist, education and hospital facilities are considered to be SSD if they are over a certain size or located in a sensitive environmental area.

Major infrastructure proposals, in particular linear infrastructure such as roads, railway lines or pipes which often cross a number of council boundaries, will generally be considered as SSI.

Development which doesn't require consent but which could have a significant environmental impact, such as a port facility or major water supply system, is also likely to be considered as SSI.

The assessment system for State significant development and infrastructure introduced on 1 October 2011 provides for a consolidated assessment of these proposals in one application. The NSW Department of Planning and Infrastructure carries out a single, coordinated assessment of all issues with a proposal, rather than a wide range of State agencies making separate assessments.

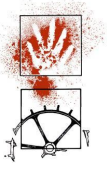
Proposals assessed as State significant generally only require approval from the Minister for Planning and Infrastructure (or his delegate), following a comprehensive assessment by the Department of Planning and Infrastructure conducted in consultation with other government agencies and councils.

As a result the following authorisations are not required from other government agencies for State Significant Development (SSD) and State Significant Infrastructure (SSI):

- State heritage item impacts under the *Heritage Act 1977*; and
- Aboriginal heritage permits under the *National Parks and Wildlife Act 1974*.

9.4 Implications for the Swan Ponds Quarry Extension Project

Aboriginal objects and areas of potential archaeological deposit have been located in the project area, these items are protected under the NPW Act. If impacts are to occur, then an AHIP (or other relevant approval dependent on the planning context) is required. Subsurface test excavation can occur to sites using the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* without the need for an AHIP.



10 IMPACT ASSESSMENT AND RECOMMENDATIONS

10.1 Impact Assessment

The consequences of impact to archaeological sites, in terms of degrading these sites as sources of information about the past, is dependent on both the severity of impact - how badly it disturbs the site, and damages or destroys artefacts - and on the scientific significance of the site in its undisturbed state.

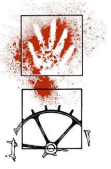
This is a simple consequence of the fact that scientific significance refers to the amount of information a site can potentially yield about human activity in the past. Impact to a site of high significance would have more severe consequences than impact to a low significance site, as degradation of a high significance site represents a greater loss to the archaeological resource of the region.

At this stage, the highest level of scientific significance for Aboriginal sites within the Project Site is moderate to low local significance.

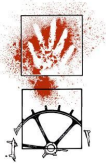
The project will directly impact one site identified in the assessment SPQ1. To mitigate the likely damage to this site and associated PADs, it is proposed that prior to the commencement of the proposed works that mitigations measures be undertaken. Collection of all directly impacted surface artefacts should be carried out before impact. A program of archaeological monitoring should be undertaken in the area of PAD during all initial ground disturbing works.

10.2 Recommendations

1. Where possible sites should be avoided.
2. Where sites cannot be avoided, the following preliminary mitigation methods are suggested as a guide.
 - a. The collection of all surface artefacts at Aboriginal site SPQ1. Collection of surface artefacts can only occur with an approved AHIP.
 - b. A program of archaeological monitoring should be undertaken in the area of PAD during all initial ground disturbing works. The monitoring should include:
 - i. Inspection of all areas of ground disturbance by an archaeologist and Aboriginal representative, both before and after initial ground disturbance.
 - ii. Cultural material identified as a result of ground disturbance will be collected and placed in bags with appropriate identification on the bag.
 - iii. Photographs and drawings will be made of areas where appropriate.
 - iv. Short reports will be compiled detailing the result of the above.
3. No harm should come to any of the sites listed in this report, until approvals for impacts have been sought and gained;
4. All sites should be fenced prior to disturbance to ensure that unauthorised personnel do not inadvertently impact the recorded sites. The sites should be identified to staff as no-go zones;
5. Information in this report relating to the exact location of Aboriginal sites should not be published or promoted in the public domain;

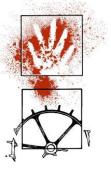


6. The protocols for the unanticipated discovery of archaeological material and suspected human remains (presented in Appendix 3) be implemented as necessary during activities involving ground surface disturbance and excavation;
7. A copy of this report should be provided to each of the RAPs for their comment.
8. This report should be provided to the OEH for its information and records.



11 REFERENCES

- Abercrombie House Heritage Listing
<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1080302>
- Australian Dictionary of Biography <http://adb.anu.edu.au/>
- Australia ICOMOS 1987 *The Australia Icomos Charter for the Conservation of Places of Cultural Significance (The Burra Charter), Guidelines to the Burra Charter: Cultural Significance and Conservation Policy*. Pamphlet, Australia Icomos (Inc).
- Balme, J. 1986. *The North Central Rivers Archaeological Research Project*. Technical report prepared for NSW NPWS.
- Barber, M. & D. Williams, 1993 Archaeological Survey of 'Greenhills' Property, near Bathurst NSW
- Bell, D. 1980. *Aboriginal Carved Trees in NSW: A Survey Report*. Unpublished report to NPWS.
- David Scobie Architects, 2010, "Blayney Shire Council, Community Heritage Study"
- Ferry, J. 1988 'New South Wales Land Records and Family History', in *International Congress on Family History (1st)*, Sydney, 115-124.
- Gresser, P.J. 1961-1965 *Typed Articles Relating to the Aborigine's, Principally Archaeological Sites of the Bathurst District*. DEC Library Manuscript C-353.
- Haglund, L. 1985 Assessment of the Prehistoric Heritage in the Evans Shire.
- Higginbotham E. 2012 Bathurst Regional Council Archaeological Management Plan – Volume 2. Site Survey, Significance, Conservation and Management. Report to Bathurst Regional Council.
- Higginbotham, E. 2012 Bathurst Regional Council Archaeological Management Plan – Volume 1. Archaeological Themes. Report to Bathurst Regional Council.
- Hughes Trueman Ludlow 1986 Orange Heritage Study – Volume 1. Report to Orange City Council.
- Jansen, A. 1991 *Conditional Purchase in New South Wales*, Genial Enterprises, Emu Plains, NSW.
- Kelton J. 1997 A Report on an Archaeological Survey for Proposed Roadworks and an Extension to an Existing RTA Gravel Quarry, Brown's Hill, Great Western Highway, Between 11 and 17km East of Bathurst, NSW. Central West Archaeological & Heritage Services Pty Ltd.
- Kelton, J. 2000a. *An Archaeological Study and Heritage Assessment Of The Proposed Mid Western Highway Realignment, near Kings Plains, Between Bathurst and Blayney*. Report to PPK Environmental and Infrastructure Pty Ltd.
- Kelton, J. 2000b *An Archaeological Survey of the Foreshores of Ben Chifley Dam, Near Bathurst, NSW: A Supplementary Archaeological Report*. Report to Bathurst City Council and The Bathurst Office of NSW Department of Public Works and Services.



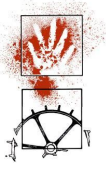
- Koettig, M. 1985 *Assessment of Aboriginal sites in the Dubbo City area*. Report to Dubbo City Council.
- Lance, A. 1985 *An Archaeological Survey of the Proposed Wellington to Forbes Transmission Line*. Report to the NSW NPWS and the Electricity Commission of NSW.
- Navin Officer Heritage Consultants 2014 *Proposed Dreamland Quarry, Bathurst, NSW*. Report to RW Corkery & Co Pty Ltd on behalf of Alchemy Pastoral Project Pty Ltd.
- NSW Heritage Office and Department of Urban Affairs and Planning (DUAP) 1996 *NSW Heritage Manual*. NSW Heritage Office and Department of Urban Affairs and Planning, Sydney.
- OzArk 2009. *Area 51 Recreation Park, 33 km northwest of Bathurst, NSW*. Report for Ben Anderson.
- Pearson, M. 1981 *Seen Through Different Eyes: Changing Land Use and Settlement Patterns in the Upper Macquarie River Region of NSW from Prehistoric Times to 1860*. PhD thesis, Australian National University, Canberra.
- Pickering, M. 1980 *An archaeological survey of the proposed electricity commission transmission line between Bathurst-Raglan-Mount Panorama*.
- Tindale, N. B. 1974 *The Aboriginal Tribes of Australia* ANU Press, Canberra.

~ oOo ~



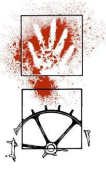
APPENDIX 1

RECORD OF ABORIGINAL CULTURAL HERITYAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010

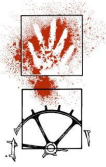


Consultation Log

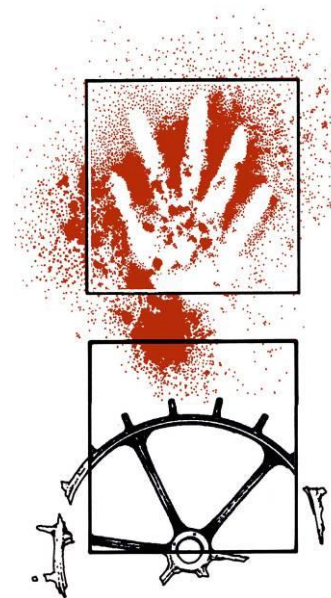
Date	Type of Contact (email, phone etc)	Group/Individual	Comment/Action
4/9/17	post	Identified organisations	Stage 1 a consultation letters
6/9/17			Advertisement in Western Advocate
11/9/17	post	Office of the registrar NSW aboriginal Land Rights Act	Identified Bathurst LALC
14/9/17	post	OEH	Identified groups to be contacted
14/9/17	post	OEH identified groups	Stage 1b Asking in groups wants to be registered
18/9/17			Native Title Search
18/9/17	post	Native Title search identified groups	Stage 1b Asking in groups wants to be registered
19/9/17	post	Bathurst Council	Identified groups to be contacted
19/9/17	Email	Bathurst LALC	Registered an interest in the project
26/9/17	Phone	Gundungarra Aboriginal Heritage Association Inc	Registered an interest in the project
27/9/17	email	Dhuulu-Yala Aboriginal Corporation	Registered an interest in the project
27/9/17	email	Esther and Stuart Cutmore, Justin Hardy	Registered an interest in the project
27/9/17	email	Gundungarra Tribal Council Aboriginal Corporation	Registered an interest in the project
27/9/17	email	Warrabinga NTCAC	Registered an interest in the project
28/9/17	email	Wiradyuri Traditional Owners Central West	Registered an interest in the project



Date	Type of Contact (email, phone etc)	Group/Individual	Comment/Action
		Aboriginal Corporation	
28/9/17	email	Gunjeewong Cultural Heritage Aboriginal Corporation	Registered an interest in the project
28/9/17	email	Muragadi Heritage Indigenous Corporation	Registered an interest in the project
28/9/17	email	Murra Bidge Mullangari Aboriginal	Registered an interest in the project
28/9/17	Post/email	All registered groups	Sent draft project methodology
9/10/17	post	Gunjeewong Cultural Heritage Aboriginal Corporation	Comment of draft methodology
11/10/17	post	Bathurst council identified groups	Stage 1b Asking in groups wants to be registered



Example Stage 1a Letter



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sir/Madam,

Re: Implementation of the OEH Aboriginal cultural heritage consultation requirements for proponents 2010 for the Swan Ponds Quarry project

Navin Officer Heritage Consultants Pty Ltd has been commissioned by RW Corkery & Co. Pty Limited on behalf of the Yarragrove Family Trust to conduct a cultural heritage assessment of the Swan Ponds Quarry project (please see attached map).

We are required to implement the Office of Environment and Heritage's *Aboriginal cultural heritage consultation requirements for proponents 2010* for this project.

This requires us to *ascertain, from reasonable sources, the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects or places relative to the project area.*

I am therefore writing to inform you of this development proposal and associated cultural heritage assessment and request that you provide us with the names of Aboriginal people who you know that may hold cultural knowledge relevant to determining the significance of Aboriginal objects or places for the Swan Ponds Quarry project.

Please respond in writing within 14 days to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

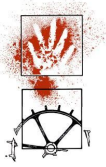
Or by email to: nhayes@nohc.com.au

Or by fax to: (02) 6282 9416

Yours faithfully,

Nicola Hayes

Nicola Hayes
Principal Archaeologist



Notice in Western Advocate 6 September 2017

ABORIGINAL HERITAGE ASSESSMENT

Navin Officer Heritage Consultants Pty Ltd has been commissioned by RW Corkery & Co. Pty Limited on behalf of the Yarragrove Family Trust to conduct a cultural heritage assessment of the Swan Ponds Quarry project.

The investigation is required to assess the potential impact of the proposed development of these lands on Aboriginal cultural heritage values.

The Applicant proposes to continue and expand operations at the existing Quarry.

We are implementing the NSW Office of Environment and Heritage *Aboriginal cultural heritage consultation requirements for proponents 2010* for this project.

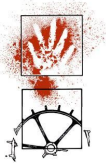
We invite Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of objects and places in the investigation area, to register an interest in a process of community consultation.

The purpose of this consultation is to assist the proponent and government authorities in the preparation and assessment of legislative requirements, permits and approvals.

Please forward expressions of interest to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
Kingston ACT 2604

The closing date for this registration of interest is 20th September 2017



Stage 1a Responses

11 September 2017

Nicola Hayes
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2037



11-13 Mansfield Street
Glebe NSW 2037
PO Box 112, Glebe NSW 2037
P. 02 9562 6327 F. 02 9562 6350

Dear Nicola

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 4 September 2017 regarding an Aboriginal Cultural Heritage Assessment within the Swan Ponds Quarry Project in the Bathurst area, NSW.

I have searched the Register of Aboriginal Owners and the project area described does not have Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (ALRA).

I suggest that you contact the Bathurst Local Aboriginal Land Council on 02 6332 6835. They may also be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely

Jodie Rikiti
Administration Officer
Office of the Registrar, ALRA



DOC17/468930

Ms Nicola Hayes
Principal Archaeologist
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

Dear Ms Hayes

WRITTEN NOTIFICATION AS REQUIRED UNDER OFFICE OF ENVIRONMENT AND HERITAGE (OEH) ABORIGINAL CULTURAL HERITAGE REQUIREMENT FOR PROPONENTS 2010 – Swan Ponds Quarry Project

I refer to your letter dated 4 September 2017 to the Office of Environment and Heritage (OEH) regarding the above matter.

A list of known Aboriginal parties that OEH considers is likely to have an interest in this development is attached as Attachment 1 (overleaf). Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties and receipt of this list does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the requirements of Section 80C of the National Parks and Wildlife Regulation 2009.

Should you require further information regarding issues that are the responsibility of the OEH please contact Michelle Howarth, Conservation Planning Officer on (02) 6883 5339.

Yours sincerely

DAVID GEERING
A/Senior Team Leader Planning North West
Regional Operations Division

14 September 2017

Contact officer: MICHELLE HOWARTH
02 6883 5339

PO Box 2111 Dubbo NSW 2830
Level 1, 48-52 Wingewarra Street Dubbo NSW 2830
Tel: (02) 6883 5330 Fax: (02) 6884 8675
ABN 30 841 387 271
www.environment.nsw.gov.au



ATTACHMENT 1

Table 1: List of aboriginal stakeholder groups within the Bathurst Local Government Area - that may have an interest in the project; provided as per the "OEH Aboriginal cultural heritage requirement for proponents 2010".

Organisation/Affiliation	Name/Title	Address
Bathurst LALC	Chairperson	149 Russell Street, Bathurst NSW 2795
	Bill Allen	1/1a Miriyan Drive, Kelso NSW 2795
Dhuuluu-Yala Aboriginal Corporation	Chairperson	63 Stanley Street, Bathurst NSW 2795
Gundungurra Aboriginal Heritage Association inc	Chairperson	PO Box 31, Lawson NSW 2783
Gundungurra Tribal Council Aboriginal Corporation	Chairperson	14 Oak St, Katoomba NSW 2780
	Jodie Mckinnon	100 Stock Road, Gunnedah NSW 2380
	Lyn Syme	PO Box 29, Kandos NSW 2848
Mingaan Aboriginal Corporation	Helen Riley	38 Tweed Road, Lithgow NSW 2790
Mooka	Neville Williams	PO Box 70, Cowra NSW 2794
Murra Bidgee Aboriginal Corporation, Cultural Heritage		PO Box 246, Seven Hills NSW 2147
North- Eastern Wiradjuri		PO Box 29, Kandos NSW 2848
	Trevor Robinson	PO Box 73, Peak Hill NSW 2869
Warrabinga Native Title Claimants Aboriginal Corporation	The Board of Directors	PO Box 282, Mudgee NSW 2850
Windradyne	Chairperson	PO Box 1500, Bathurst NSW 2795
Wiradjuri Council of Elders	Robert Clegg	28 Hodges Street, Parkes NSW 2870
Wiradjuri Interim Working Party		PO Box 73, Peak Hill NSW 2869
Wiradjuri traditional Owners Central West Aboriginal Corporation	Chairperson	14 Duramana Road, Eglington NSW 2795



19 September 2017

Ms N Hayes
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

Dear Ms Hayes

Bathurst Regional Aboriginal Stakeholders

I refer to your letter dated 4 September 2017.

Council has considered your request and believes that the following individuals and groups should be consulted as part of the Aboriginal Heritage Study process.

Group or individual	eMail address	Phone number
Bathurst Wiradyuri Aboriginal Community Elders	bathurst@wiradyuri.com	
Elder Bill Allen Jnr		
Bathurst Local Area Land Council	bathlalc2@bigpond.com	6332 6835
Bathurst Buunji Korri Interagency Group	Elizabeth.tobin@facs.nsw.gov.au jhull@csu.edu.au Shona.Kennedy2@facs.nsw.gov.au	
Towri MACS (Child Care Service)	admin@towrimacs.org.au	6332 1467
Wambigi (Community Support Service)	62 George Street BATHURST NSW 2795	6332 3763
Lonie Edwards	10 McMenamin Place KELSO NSW 2795	
Jill Bower	10 Alcheringa Road KELSO NSW 2795	
Gloria Rogers	4 Frome Street RAGLAN NSW 2795	6337 3478
Joylene Simpson	joylenesimpson@hotmail.com 2 Greville Place KELSO NSW 2795	0450 297 346
Shirley Scott	shirley.scott@dcsc.nsw.gov.au 11 Bryant Street BATHURST NSW 2795	0411 403 091

Reference: LC:JM:22.01809/040
Enquiries: Ms L Clifton 02 6333 6215
llc - hayes.docx

BATHURST REGION... FULL OF LIFE

Proud to be an **evocity**



2

Ms Hayes
19 September 2017

Mr Brian Grant	14 Duramana Road EGLINTON NSW 2795	6337 1685 0401 747 523
Mr C J Beale	14 Payne Close KELSO NSW 2795	0424 737 595
Bathurst Young Mob Shona Kennedy	shona@kenney@psc.nsw.gov.au	
Aboriginal Education Consultancy Group (AECG) Des Crawford - Bathurst High	Hope Street BATHURST NSW 2795 bathurst-h.school@det.nsw.edu.au	6331 3755

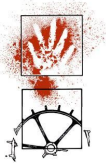
Additionally, Navin Officer should make contact with Mr Jade Flynn, Charles Sturt University's Indigenous Resources Officer on jflynn@csu.edu.au to determine whether he is aware of any other Aboriginal Stakeholders within the Bathurst Region.

If you have any queries please contact Ms Lucie Clifton of Council's Environmental Planning & Building Services Department on 02 6333 6215.

Yours faithfully

R Denyer
ACTING DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

Reference: LC:JM:22.01809/040
Enquiries: Ms L Clifton 02 6333 6215
llc - hayes.docx



Stage 1b Letter Example

14 September 2017



**Navin
Officer**

heritage
consultants
pty ltd

abn: 28 092 901 605

Dear Sir/Madam,

Re: Implementation of the OEH Aboriginal cultural heritage consultation requirements for proponents 2010 for the Swan Ponds Quarry project

Navin Officer Heritage Consultants Pty Ltd has been commissioned by RW Corkery & Co. Pty Limited on behalf of Yarragrove Family Trust to conduct a cultural heritage assessment of the Swan Ponds Quarry project (please see attached map).

We are required to implement the Office of Environment and Heritage's *Aboriginal cultural heritage consultation requirements for proponents 2010* for this project. I am therefore writing to inform you of this development proposal and associated cultural heritage assessment and invite registration as an interested group.

The closing date for this registration of interest is 28 September 2017.

Please respond in writing to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9416

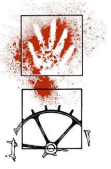
or by email to: nhayes@nohc.com.au

Please note it is a requirement of the *Aboriginal cultural heritage consultation requirements for proponents 2010* that we provide your name to the NSW Office of Environment and Heritage and to the Local Aboriginal Land council unless you specify otherwise.

Yours faithfully,

Nicola Hayes

(Ms) Nicola Hayes
Principal Archaeologist



Registrations of Interest

From: Bathurst LALC [mailto:bathlalc2@bigpond.com]
Sent: Tuesday, 19 September 2017 9:31 AM
To: Nicola Hayes <nhayes@nohc.com.au>
Subject: Swan Ponds and McPhillamys Water Pipe Line

Hi Nicola,

We would like to register an interest for the following

Centennial to McPhillamy Water Pipeline

Swan Ponds Quarry Project

Kind regards

Tonilee Scott

Bathurst Local Aboriginal Land Council

149 Russell Street

Bathurst NSW 2795

P: 026332 6835

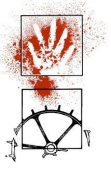
F: 026332 3623

E: bathlalc2@bigpond.com

We acknowledge and respect the Wiradjuri people, the traditional owners and custodians of this region.

We honour their cultural, spiritual, and emotional connection to this land.

We also acknowledge the other Indigenous nations and people whose traditional home this land is.



From: brian [mailto:bringail@westnet.com.au]
Sent: Wednesday, 27 September 2017 4:00 PM
To: Julia Maskell <jmaskell@nohc.com.au>
Subject: FW: Registration on interest for Swan Ponds Quarry project & Centennial to McPhillamys Water Pipeline
Importance: High

Hi

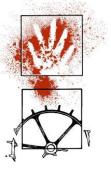
The expression of interest for both of the above projects close tomorrow Nicole has an out of office email stating she is on leave.

SHE PROVIDES YOUR EMAIL AS HER SUBSTITUTE CONTACT PERSON.

I HAVE FORWARDED THIS EMAIL TO YOU SO AS NOT TO MISS THE DEADLINE FOR EXPRESSIONS OF INTEREST.

REGARDS

Brian Grant



From: Kiara Cutmore [mailto:Kiara.Cutmore@cw.org.au]
Sent: Monday, 19 December 2016 11:35 AM
To: Nicola Hayes <nhayes@nohc.com.au>
Subject: implementation of the OEH Aboriginal Cultural Heritage Consultation

Good Morning Nicola Hayes

I was just writing on behalf of Esther Cutmore, Stuart Cutmore and Justin Hardy. In regards to the Implementation of the OEH Aboriginal cultural heritage consultation requirements for proponents 2010 for the swan ponds Quarry Project.

To let you know that we are interested in working on that.

If you could send more information regarding this to the 3 people.

Their home addresses are

Esther & Stuart Cutmore – 8 nelson Street, Cowra NSW 2794

Justin Hardy – 25 Logan Street, Cowra NSW 2794

Thank you.

Regards,

Kiara Cutmore

Co-Ordinator, Cowra Community Transport

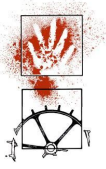


T: 02 6340 1100

F: 02 6341 2557

E: Kiara.Cutmore@cw.org.au

15 Vaux Street, Cowra NSW 2794



From: Shaun Brown [mailto:shaun@gundungurra.org.au]
Sent: Wednesday, 27 September 2017 9:24 AM
To: Julia Maskell <jmaskell@nohc.com.au>
Subject: Registration of interest - 'Re: Swan Ponds Quarry project'

Good morning,

Our office received correspondence yesterday from Navin Officer Heritage Consultants inviting our organisation to register interest for the Swan Ponds Quarry project.

Gundungurra Tribal Council would like to register interest to be involved in the processes for the implementation of the OEH requirements for Aboriginal Heritage Consultation of the above mentioned projects.

If there is any further information required to register interest for this project, please do not hesitate in contacting our office directly.

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

Thank you,

Shaun Brown,

Project Coordinator

Gundungurra Tribal Council

0402 594 246

shaun@gundungurra.org.au

<http://gundungurra.org.au/>

"I acknowledge the traditional owners of the country that we meet and work upon, I pay my respects to the Elders of both past and the present, I acknowledge the children and youth as they are the next generation."



WARRABINGA

Native Title Claimants Aboriginal Corporation

DN: 2972 Incorporated in the Corporations (Aboriginal and Torres Strait Islander) Act 2006

PO Box 282

WUDGEE NSW 2850

AX: 02 4627 8633

MAIL: info@warrabinga.com.au



19 December 2016

The Secretary
Navin Office Heritage Consultants Pty Ltd
4/71 Leichhardt Street
Kingston ACT 2604

Dear The Secretary

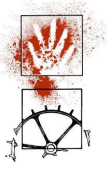
Re: Swan Ponds Quarry project

Please be advised Warrabinga NTCAC we like to register an interest in the Cultural Heritage assessment for Swan Ponds Quarry project and be involved in all consultation, meetings and fieldwork.

All correspondence should be emailed to:
info@warrabinga.com or posted to the details above.

Kind regards,

Kristen Kerr



From: Flynn, Yanhadarrambal [<mailto:jflynn@csu.edu.au>]

Sent: Wednesday, 27 September 2017 12:44 PM

To: Nicola Hayes <nhayes@nohc.com.au>

Cc: Uncle Brian Grant <bringail@westnet.com.au>; Aunty Jill Bower <jilleanbower14@gmail.com>; Lee Carr-Smith <mummad_21@hotmail.com>

Subject: Registration on interest for Swan ponds quarry project and centennial to McPhillamys Water Pipeline

Dear Nicola, I am writing on behalf of the Wiradyuri Traditional Owners Central West Aboriginal Corporation, I am a co director of that corporation.

We wish to register an interest in both of the above mentioned projects, regarding cultural heritage assessment.

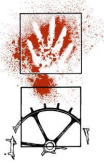
We are Traditional Knowledge holders for that area.

Regards

Yanhadarrambal Jade

[Charles Sturt University]<<http://www.csu.edu.au/>>

| ALBURY-WODONGA | BATHURST | CANBERRA | DUBBO | GOULBURN |
MELBOURNE | ORANGE | PORT MACQUARIE | SYDNEY | WAGGA WAGGA |



GUNJEEWONG CULTURAL HERITAGE ABORIGINAL CORPORATION

ICN: 7233

28/09/2017

Attention: Nicola Hayes

Navin Officer Heritage

71 Leichardt Street,

Kingston ACT 2604

Dear Nicola,

Our Corporation would like to register an interest in the Swan Ponds Quarry Project and Centennial to McPhillamys Water Pipeline Project. My family and members are from Yass and Canberra, my corporation has done many projects in the Lithgow area, I have been doing site officer projects for over 30 years. My great grandmother was Lucy Carroll, my grandfather James Carroll was a black tracker for the Yass police and done a lot travelling by horse riding through many parts of these areas. I live in Portland and have lived here for over 10 years. Our members have the cultural knowledge for this project, as an Elder of the Ngunnawal I have been handed down stories and the cultural knowledge that is needed to be a site officer on this project.

Kind regards

Cherie Turrise (Carroll)
Elder

1 Bellevue Place, Portland NSW, 2847
Cherie - 0458491539 | Bruce - 0438428805 | Email: cheriecarroll68@yahoo.com
ABN: 22434231161



**MURAGADI HERITAGE INDIGENOUS
CORPORATION**

ICN NO: 8284

28/09/2017

Attention: Nicola Hayes

Navin Officer Heritage
71 Leichardt Street,
Kingston ACT 2604

Dear Nicola,

Re: Registration – Swans Ponds Quarry and Centennial to McPhillamys Water Pipeline

Please register our corporation's interest in the above project. Our family holds the cultural knowledge relevant to determining the significance of Aboriginal objects(s) and or places(s) in the area of the proposed project. My great grandfather (James Carroll) and grandfather (Phillip Carroll) lived in Yass, Canberra and Lithgow area for many years, and I have been blessed with many stories of when our family lived in humpies with dirt floors and no electricity. Our family have a long history of cultural knowledge in the Lithgow area. My aunty who is an elder still resides in Portland. Our family and members have worked with the RMS Wollongong on the Nelligen Bridge Project, RMS Wagga Wagga – MR56 Lachlan Valley Way, RMS Batemans Bay Bridge, RMS Jane Street Penrith – Bringelly - Leppington, Dominic Steele Consulting Archaeology – Riverstone Cemetery, Umwelt, Extent Heritage, DSCA, RPS, Navin Officer Heritage, EMM, Niche, Apex Archaeology, Kelleher Nightingale, Niche and many other archaeology company's. My preferred contact is by email or mobile.

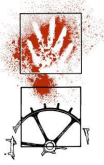
If you require further details please do not hesitate in contacting me, I look forward to hearing from you.

Kind regards

Jesse Carroll
Rebecca Lodden

5 Hession Road,
Nelson NSW 2765
Email: muragadi@yahoo.com.au

Page 1



Murra Bidgee Mullangari

Aboriginal Corporation Cultural Heritage
ICN: 8112

Date: 28/09/2017

Attention: Nicola Hayes

Navin Officer Heritage Consultants
4/71 Leichardt Street
Kingston ACT 2604

Dear Nicola,

Re: Registration – Centennial to McPhillamys Water Pipeline & Swan Ponds Quarry Project

Murra Bidgee Mullangari Aboriginal Corporation would like to register an interest in the above project. Our family and members hold a strong connection to the Queanbeyan, Canberra, Yass and surrounding areas, we have lived and some of our family still reside in the area and surrounding areas. My Grandfather Phillip Carroll and Great Grandfather was a resident in Yass. Our corporation's members and family holds cultural knowledge relevant to determining the significance of Aboriginal objects(s) and/or places(s) in the area of the proposed project. We have been involved in projects with the RMS Parramatta (Mark Lester 0448731510), RMS Wollongong (Joanne Damcevski), RMS Wagga Wagga (Andrew Whitton 0418486685), RMS Wollongong (Lee Davison), Aecom Australia (Geordie Oakes 0410513509), Dominic Steele Consulting Services (Dom 0411884232), Apex Archaeology (Leigh Bate 0401443218), Artefact Heritage (Veronica Norman 0415660490), Navin Officer Heritage (Nicola Hayes 0421274470), EMM Consulting (Ryan Desic 0411329712), Niche Environment and Heritage (Balazs), Kelleher Nightingale (Mark Rawson) and Extent Heritage (Alistair Hobbs 0437241221).

If you require further details please feel free to contact me either by mobile or email. I look forward to hearing from you.

Kind regards

Ryan Johnson (Carroll) | Site Officer
0467255733

Murra Bidgee Mullangari

Aboriginal Corporation Cultural Heritage

A: PO Box 246, Seven Hills, NSW, 2147

E: murrabidgeemullangari@yahoo.com.au



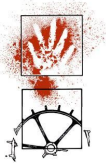
Department
of Industry

Murra Bidgee Mullangari Support their community in financial hardship with Energy Assistance packages. We are a NSW Government approved EAPA voucher distributor. We are a not for profit organisation.

Page 1 of 1

PO Box 246, Seven Hills, NSW, 2147

Ryan – 0467255733 | Email: murrabidgeemullangari@yahoo.com.au



Methodology Sent to Registered Groups

Methodology for Aboriginal Archaeological Field Survey Swan Ponds Quarry Expansion Cultural Heritage Assessment

Navin Officer Heritage Consultants

September 2017

1. THE PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide to registered Aboriginal parties (RAPs), for review and comment, a proposed methodology for the conduct of an archaeological field survey and for the Swan Ponds Quarry Expansion, Cultural Heritage Assessment project.

This document is provided to registered Aboriginal parties (RAPs), for review and comment.

The methodology outlined below has been developed in accordance with the *NSW OEH Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

Registered Aboriginal parties are invited to provide comments and suggestions back to NOHC by **26th October 2017**.

NOHC contact information is as follows:

The Secretary
Navin Officer Heritage
Consultants Pty Ltd
4/71 Leichhardt Street
Kingston ACT 2604
email: navinofficer@nohc.com.au
phone: 02 62829415
fax: 02 62829416

2. THE STUDY AREA

The site of the Swan Ponds Quarry Expansion project (referred to here as the study area) is located in an area that incorporates Lot 241 DP1185616 and adjoining lands as considered relevant. The study area is located on the southern side of the Mid-Western Highway, approximately 10 km southwest of Bathurst. The study area is shown in Figure 1.

Navin Officer Heritage Consultants Pty Ltd has been commissioned by RW Corkery & Co. Pty Limited on behalf of the Yarragrove Family Trust to conduct a cultural heritage assessment of the Swan Ponds Quarry project.

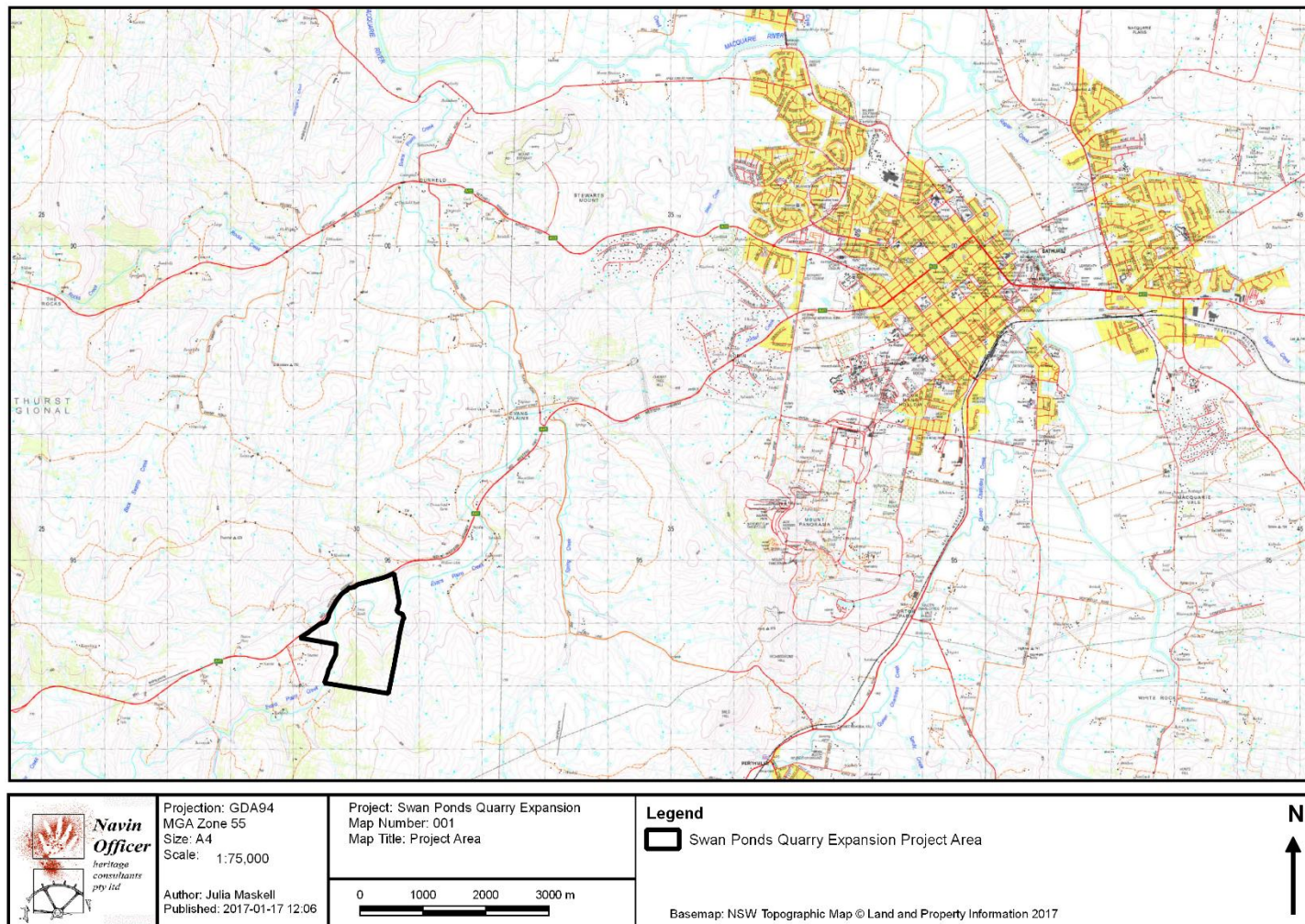


Figure 1 Location of Swan Ponds Quarry Expansion Project Area



3. PROJECT DESCRIPTION

Yarragrove Family Trust (The Applicant) operates a quarry at Evans Plains, to the southwest of Bathurst (the Quarry). The Quarry currently comprises separate sand extraction and sand processing areas, with a number of sediment dams for the settling of fines washed from the extracted sand.

The Applicant proposes to expand the existing Quarry, including the following (the Proposal).

- Extraction operations in the Southern Extraction Area to produce sand at a rate of approximately 50 000tpa for approximately 10 years.
- Continued processing of extracted material within the existing processing area.
- Installation of water management infrastructure, including a level spreader, clean water diversions, sediment fencing and an exit shaker.
- A topsoil extraction area

This would also require construction and use of a haul road across Evan Plains Creek to permit access to the Northern Extraction Area.

The proposed development is outlined in Figure 2.

4. METHODOLOGY

Field Equipment:

The field team will carry the required field recording equipment: such as compass, GPS, site forms, maps, camera and notebook; and required safety equipment such as first aid kits, mobile phones and two way radios.

Field survey Aim:

A full archaeological survey will be undertaken of all proposed areas of impact. The aim of this survey will be to identify any archaeological sites and areas of potential archaeological deposit (PAD) and also to assess all areas of identified as archaeologically sensitivity.

The Field Survey Will Involve:

1. Foot survey of the project area

The archaeological field survey will be completed on foot by at least two individuals walking systematic transects and/or selected traverses, spaced a regular distance apart such as between approximately 5-50 m apart. The exact nature and arrangement of the transects/traverses conducted will depend on an in-field assessment of visibility constraints and cultural and archaeological sensitivity.

Survey will also include opportunistic inspection of any existing ground exposures in the study area.

Where feasible, all old-growth native trees in the study area will be inspected for the presence of culturally derived scars.

2. Field Consultation with the Bathurst LALC

The Bathurst LALC will be invited to participate in the field survey. Aboriginal field participants will be invited to communicate any knowledge that they may have regarding



the cultural heritage values of the study area, archaeological and cultural sites, and the overall landscape.

The project team will conduct the cultural assessment program in a culturally sensitive manner and treat the information provided with respect (and in confidence, where requested and required). Other RAPs not involved in the fieldwork can communicate any knowledge they hold as outlined in 8. *Cultural Input from Registered Stakeholders*.

3 Site recording

For new sites the following methodology will be implemented:

- A sketch map will be drafted for the site, showing:
 - Local features, including vehicle tracks and north direction;
 - A graphic approximation of artefact densities;
 - The spatial extent of the surface distribution; and
 - The location of any separate collection areas.
- GPS positions will be logged for the site.
- One or more digital photographs will be taken and logged, showing the general context of the site.

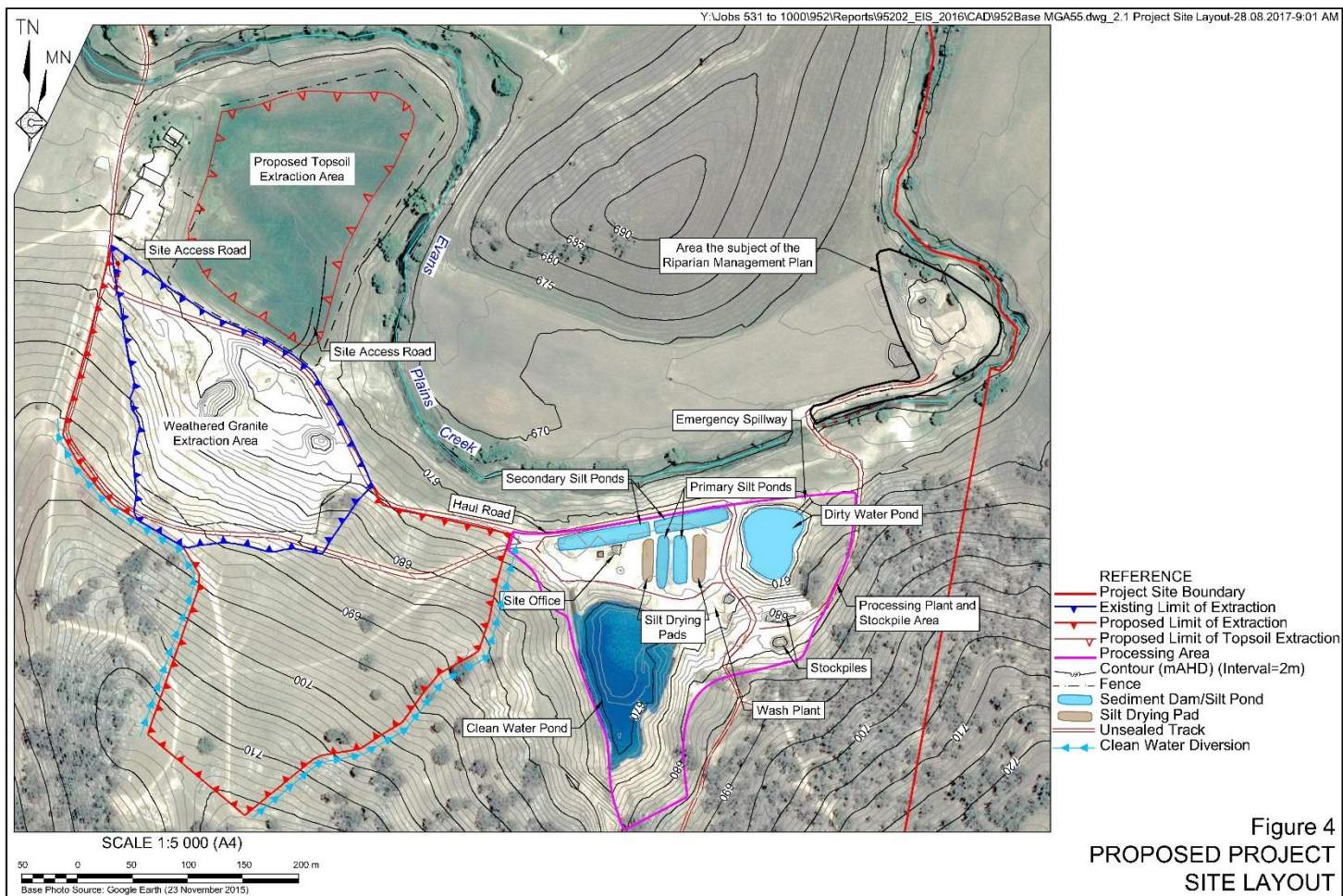


Figure 2 Swan Ponds Quarry Expansion Development Information



5. REPORT

The results of the investigation would be documented in a report, consistent with Office of Environment and Heritage *NSW OEH Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Management recommendations based on the results of the field program would be provided for any sites or Aboriginal Objects identified during the subsurface investigations.

6. PROTOCOL TO BE FOLLOWED IF SUSPECTED HUMAN REMAINS ARE ENCOUNTERED

In the event that suspected human remains are encountered during any of the proposed test, the Procedure for Unexpected Archaeological Finds in Appendix 1 will be followed.

7. PERSONNEL REQUIREMENTS

Due to the small size of the project area the Proponent proposes to engage the Bathurst Local Aboriginal Land Council (only) to participate in the field program. It is proposed that the following personnel are involved in the field program:

- One primary archaeologist (from Navin Officer Heritage Consultants (NOHC));
- One assisting archaeologist/field assistant (from NOHC); and
- One representative from Bathurst LALC.

8. CULTURAL INPUT FROM REGISTERED STAKEHOLDERS

Cultural input will be invited from registered stakeholders in the following form:

In order to assess the possible impacts of this proposed development, it is important to assess any potential effects on Aboriginal cultural values.

You (or your organisation or group) are asked to identify whether there are any Aboriginal objects or places of cultural value to Aboriginal people in the area of the proposed project. We also seek your views of the potential management options for any sites/objects that may be found in the project area during the investigation.

To do this, you (or your organisation or group) are invited to provide a written submission on its views. Your report will be provided to government authorities responsible for making decisions about the development proposal.

Your report will be most effective if it is provided on the letterhead of your organisation and signed by an executive office holder.

Your report will be included in the cultural heritage assessment report. The draft cultural heritage assessment report will be provided to registered stakeholders for comment. Comments and the assessment of potential development impacts on cultural sensitivity conducted by the participants will then be incorporated into the survey report where appropriate.



ATTACHMENT 1: PROTOCOL TO BE FOLLOWED IN THE EVENT THAT SUSPECTED HUMAN REMAINS ARE ENCOUNTERED

1. All ground surface disturbance in the area of the finds should cease immediately after the finds are uncovered.
 - a. The discoverer of the find(s) will notify all field workers and machinery operators in the immediate vicinity of the find(s) so that work can be halted; and
 - b. The excavation director, site supervisor and representatives of the proponent will be informed of the find(s).
2. If there is substantial doubt regarding a human origin for the remains, then consider if it is possible to gain a qualified opinion within a short period of time. If feasible, gain a qualified opinion (this can circumvent proceeding further along the protocol for remains which turn out to be non-human). If conducted, this opinion must be gained without further disturbance to any remaining skeletal material and its context (Be aware that the site may be considered a crime scene containing forensic). If a quick opinion cannot be gained, or the identification is positive, then proceed to the next step.
3. Immediately notify the following people of the discovery:
 - a) The local Police (this is required by law);
 - b) Department of Planning and Infrastructure;
 - c) An archaeologist or Aboriginal Heritage Officer (as appropriate) from the Office of the Environment and Heritage (OEH) (Environment hotline: 131 555);
 - e) Representative(s) from the registered Aboriginal parties (as appropriate); and
 - f) The project archaeologist (if not already present).
4. Facilitate the evaluation of the find(s) by the statutory authorities and comply with any stated requirements. Depending on the evaluation of the find(s), the management of the find(s) and their location may become a matter for the Police and/or Coroner.
5. Excavation works in the area of the find(s) may not resume until the proponent receives written approval from the relevant statutory authority: from the Police or Coroner in the event of an investigation, or from OEH in the case of Aboriginal or Non-Aboriginal remains outside of the jurisdiction of the Police or Coroner.

In the event that the proponent continues an active role in the evaluation and/or management of the find(s), via a direction or advice from the Police, Coroner and/or the OEH or Heritage Council, then all or some of the following steps *may* be conducted:

6. Facilitate, in co-operation with the appropriate authorities, the definitive identification of the skeletal material by a specialist (if not already completed). This must be done with as little further disturbance to any remaining skeletal material and its context as possible.
7. If the specialist identifies the remains as non-human then, where appropriate, the protocol for the discovery of Non-Aboriginal or Aboriginal artefacts should be followed.
8. If the specialist determines that the remains are human, then the proceeding course of action may be of three types:
 - a. The remains are of an Aboriginal or non-Aboriginal person who died less than 100 years ago. All further decisions and responsibilities regarding the remains and find location rest with the Police and/or the State Coroner.



- b. The remains are of a non-Aboriginal person who died more than 100 years ago. In this case, and where the Police have indicated that they have no interest in the find(s), the following steps may be followed:
 - i. Ascertain the requirements of the Heritage Branch (OEH), the proponent, the project archaeologist, and the views of any relevant community stakeholders;
 - ii. Based on the above, determine and conduct an appropriate course of action. Possible strategies could include one or more of the following:
 - 1. Avoiding further disturbance to the find and conserving the remains in situ (this option may require relocating the development and this may not be possible in some contexts);
 - 2. Conducting (or continuing) archaeological salvage of the finds following receipt of any required statutory approvals;
 - 3. Scientific description (including excavation where necessary), and possibly also analysis of the remains prior to reburial;
 - 4. Recovering samples for dating and other analyses; and/or
 - 5. Subsequent reburial at another place and in an appropriate manner determined by the Heritage Council and in consultation with other relevant stakeholders.
- c. The remains are of an Aboriginal person who died more than 100 years ago. In this case the following steps may be followed:
 - i. Ascertain the requirements of the relevant registered Aboriginal parties, the OEH, the proponent, and the project archaeologist;
 - ii. Based on the above, determine and conduct an appropriate course of action. Possible strategies could include one or more of the following:
 - 1. Avoiding further disturbance to the find and conserving the remains in situ, (this option may require relocating the development and this may not be possible in some contexts);
 - 2. Conducting (or continuing) archaeological salvage of the finds following receipt of any required statutory approvals (e.g. AHIP issued);
 - 3. Scientific description (including excavation where necessary and where an AHIP has been issued), and possibly also analysis of the remains prior to reburial;
 - 4. Recovering samples for dating and other analyses; and/or
 - 5. Subsequent reburial at another place and in an appropriate manner determined by the registered Aboriginal parties and the OEH.
 - iii. No removal of human remains will take place unless an AHIP has been issued.

Reference/Sources:

Donlan, D., McIntyre-Tamwoy, S. and A. Thorne 2002 *Aboriginal Skeletal Remains Manual*. NSW National Parks and Wildlife Service, Hurstville.

Heritage Office, NSW 1998 *Skeletal Remains Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977*.



Methodology Response

9/10/2017

Dear Nicola, received your letter today I agree with all your recommendation methodology of Swan Ponds Quarry Project Bathurst NSW I look forward to working with you again as you probably are aware I live at Portland which is about 35 minutes from Bathurst I shop there regularly I also know and have spent time with the chairman of the Bathurst Land Council IF you mention my name he will know me I give him a lift home a couple of times, so as you can see I have a bit of knowledge of the Bathurst area I hope to be able to work with you on this project Nicola as I am no spring chicken anymore my health is a bit on the old age side but I'm sure I can work at Bathurst, I hope you choose me to do fieldwork with you I assure you I will be the one to attend the job with you I look forward to it.

Sincerely Glenbarnall, Turris

1 Bellvue Place Bathurst NSW 2847

Mobile 0438428805

Gungeewong Cultural Heritage Aboriginal Corp



Murra Bidgee Mullangari

Aboriginal Corporation Cultural Heritage
ICN: 8112

Date: 21/11/2017

Attention: Nicola Hayes

Navin Officer Heritage
71 Leichardt Street,
Kingston ACT 2604

Dear Nicola,

Re: Stage 1 Report Swans Pond Quarry Bathurst

I have read the report and the approach to the Aboriginal Cultural Heritage assessment including the archaeological survey and protocols for the management of sensitive cultural information for the Swans Pond Quarry Bathurst. I endorse the proposed approach and methods recommended by Navin Officer Heritage.

If you require further details please feel free to contact me either by mobile or email. I look forward to hearing from you.

Kind regards,

Darleen Carroll – Johnson | **Administration – Site Officer**
M: 0490 051 102

Ryan Carroll - Johnson | **Site Officer**
M: 0467 255 733

Murra Bidgee Mullangari
Aboriginal Corporation Cultural Heritage
A: PO Box 246, Seven Hills, NSW, 2147
E: murrabidgeemullangari@yahoo.com.au



Department
of Industry



Murra Bidgee Mullangari Aboriginal Corporation support their community in financial hardship with Energy Assistance packages. We are a NSW Government approved EAPA voucher distributor

Page 1 of 1

PO Box 246, Seven Hills, NSW, 2147
Ryan – 0497 983 332 | Darleen – 0490 051 102 | Email: murrabidgeemullangari@yahoo.com.au



25/11/2017

Dear Nicholas, Received your letter and Draft Reswan Ponds quarry Project, I agree with Archaeological assessments, I have worked with you Nicholas and as an elder Gurrnaual I have always found you to be very caring and just as excited as we are when any artefact is found no matter how small our ancestors Aboriginal may not of had a lot to work with, but it is very important to our younger generations Black and White to have the opportunity to see learn from our Aboriginal history and culture I do not I and my wife fully endorse all recommendations made by you Nicholas. I think you a lovely lady, I think my dad would have thought so he was a very proud old Black fellow

Sincerely Cheri Carroll, Turner

Gungeewong Cultural Heritage Aboriginal Corporation
1 BELLVAE PLACE PORTLAND NSW 2847

PS excuse my spelling, I look forward to working with you again Nicholas before my time runs out I only have 40 mins from Bathurst





WARRABINGA

Native Title Claimants Aboriginal Corporation

ICN:2972 Incorporated in the Corporations (Aboriginal and Torres Strait Islander) Act 2006
PO Box 282
MUDGEES NSW 2850
FAX: 02 4605 0815
EMAIL: info@warrabinga.com.au



The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

18th December 2017

Dear Sir/Madam,

**RE: Comments on DRAFT Swan Ponds Quarry Extension – Stage 1 Constraints
Assessment**

Below you will find our comments in regards to the draft Stage 1 Constraints Assessment prepared by Navin Officer Heritage Consultants Pty Ltd for RW Corkery & Co Pty Limited on behalf of Yarragrove Family Trust.

In Section 1.1, it is stated that the applicant proposes to expand the existing quarry; Warrabinga was unable to identify a map that shows the location of the existing quarry and the proposed expansion. Can you please provide a copy of map that clearly details this.

In Section 2.4, it is stated that "an isolated find...occurs without any associated evidence of Aboriginal occupation within a radius of 60 metres"; OEH and industry says that there needs to be 50m between Aboriginal objects for them to be considered separate sites. Please explain.

In Section 2.4.2, Navin Officer states that historical archaeology refers to the 'post-contact' period; however, no statement is made in relation to contact archaeology. Please clarify whether there is potential for contact archaeology to be present.

Upon review of the DRAFT Stage 1 Constraints Assessment, it does not appear that Navin Officer presents any summaries about previous investigations in the surrounding area, and of the Project Site. Can you please include this information in the report in order to assist Warrabinga in determining the significance of the Aboriginal sites within the wider cultural landscape? Please include a map that details the location of each of the previous investigation areas in relation to the Project Site.

Can Navin Officer please confirm whether the scale of the AHIMS search undertaken was sufficient in order to "enough to allow adequate landscape interpretation, and – if available – sites in large enough numbers to allow adequate understanding of the distribution of the sites within the landscape" as stated in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010). Warrabinga questions whether the results of 2 Aboriginal sites in an AHIMS search is sufficient to allow for adequate landscape interpretation; can Navin Officer please provide their professional opinion as to whether the identification of 2 Aboriginal sites in an AHIMS search is sufficient to allow for adequate landscape interpretation.



WARRABINGA

Native Title Claimants Aboriginal Corporation

ICN-2872 incorporated in the Corporations (Aboriginal and Torres Strait Islander) Act 2006

PO Box 282

MUDGEES NSW 2850

FAX: 02 4605 0815

EMAIL: info@warrabinga.com.au



Upon review of the DRAFT Stage 1 Constraints Assessment, it appears that Navin Officer provides limited information in relation to the environmental context of the Project Site, which has a significant factor in relation to the identification and survivability of an Aboriginal site. Please provide details in relation to:

- Geology;
- Soils;
- Topography;
- Landforms;
- Resource exploitation; and,
- Water sources (permanent/seasonal) including stream order.

In Section 7, it is stated that two Aboriginal sites were recorded in the project area; however, no advice is provided as to whether previously recorded but unregistered Aboriginal sites are present within the Project Area. Can you please confirm.

Upon review of the DRAFT Stage 1 Constraints Assessment, Navin Officer does not provide a description and/or photographs for each of the survey units. Can you please include.

In relation to Figure 7.4, no label for each of the Aboriginal sites is included, neither is a extent of the Aboriginal sites delineated. Please amend Figure 7.4.

In relation to Figure 7.5, It is unclear whether Navin Officer surveyed the entire proposed expansion area, nor the relation of the proposed expansion area to the existing quarry. Please amend.

In relation to Figure 7.5, Warrabinga questions Navin Officer's choice of purple shading over purple point data, this is a poor colour choice, and obscures the different layers of information that Navin Officer is trying to present. Please amend.

In relation to Survey Unit 3, a review of Figure 1.2 It is difficult to determine whether this areas is included in the Project Site.

Upon review of the location of the artefacts in relation to the Survey Units identified in Figure 7.5 It appears that artefacts were identified in areas not subject to survey. Can you please explain, Warrabinga is sure this is an oversight; however clarity is needed.

Please note that the cultural significance of Aboriginal sites can only be determined by the Aboriginal community.

Upon review of Section 8, Navin Officer has not provided a statement about the archaeological significance and potential of the Aboriginal sites. Can Navin Officer please include this statement? Warrabinga would like to remind Navin Officer that the archaeological and Aboriginal community significance of a site do not need to



WARRABINGA

Native Title Claimants Aboriginal Corporation

ICN:2972 Incorporated in the Corporations (Aboriginal and Torres Strait Islander) Act 2006

PO Box 282

MUDGEES NSW 2850

FAX: 02 4605 0815

EMAIL: info@warrabinga.com.au



be consistent; a site can have high Aboriginal significance, and low archaeological significance and potential.

Can Navin Officer please clarify whether all Aboriginal sites within the Project Area have been registered with AHIMS. Can Navin Officer also please include copies of the site cards provided to AHIMS for the registration.

Upon review of the DRAFT Stage 1 Constraints Assessment, Navin Officer does not provide any management and mitigation strategies besides monitoring. Warrabinga requires some form of management strategy to be established in order to prevent any unauthorised impacts occurring to the identified Aboriginal sites. The management strategies should include (but not limited to):

- All relevant staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974*, which may be implemented as a heritage induction;
- Fencing of the identified Aboriginal sites;
- Visible signage stating "No Entry" should be erected outside the buffer zone preferably facing the access track(s) so that contractors and subcontractors are made aware not to trespass beyond the high visibility buffer zone delineated around the Aboriginal sites. As a suggestion steel star pickets (or a comparable durable material) should be pegged around the perimeter of the buffer zone. High visibility flagging tape and wire fencing should be used to prevent trespass beyond that point;
- If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment & Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed;
- Subsurface testing of the identified PADs, should be undertaken prior to any impacts occurring within the immediate vicinity of the sites, in order to determine the extent and nature of the PADs;
- An Aboriginal Site Impact Recording (ASIR) form must be prepared for all Aboriginal sites which have been subject to harm and/or impact;
- A process to ensure the Applicant's compliance with their obligations and the recommendations in the DRAFT Stage 1 Constraints Assessment must be prepared. This compliance process must include feedback from the Registered Aboriginal Parties
- A process for handling any non-compliance must be established. This process for handling non-compliance must include feedback from the Registered Aboriginal Parties



WARRABINGA

Native Title Claimants Aboriginal Corporation

ICN:2972 Incorporated in the Corporations (Aboriginal and Torres Strait Islander) Act 2006

PO Box 282

MUDGEES NSW 2850

FAX: 02 4605 0815

EMAIL: info@warrabinga.com.au



If Navin Officer is not proposing any management and mitigation strategies in order to prevent unauthorised impacts, please clarify why this is the case.

Warrabinga requires a response in writing from Navin Officer addressing all concerns raised by Warrabinga before the project continues.

It should be noted that this may not be Warrabinga's last response in regards to the documentation provided to-date by Navin Officer; Warrabinga will provide additional responses until such time as we feel that our concerns have been satisfactorily addressed.

Should you wish to have a meeting to discuss the issues we have raised please coordinate this with our office via email (info@warrabinga.com.au).

Regards,

Virginia Dolg

Director



APPENDIX 2

AHIMS HERITAGE REGISTER SEARCH RESULTS





APPENDIX 3

UNANTICIPATED DISCOVERY PROTOCOLS



Protocol to follow in the event that Aboriginal object(s) or historical relics (other than human remains) are encountered and no AHIP has been approved

In the event that object(s) which are suspected of being Aboriginal object(s) or relic(s) are encountered during development works, then the following protocol will be followed:

1. Cease any further excavation or ground disturbance, in the area of the find(s);
 - a. The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be temporarily halted; and
 - b. The site supervisor and the Principal will be informed of the find(s).
2. Do not remove any find(s) or unnecessarily disturb the area of the find(s);
3. Ensure that the area of the find(s) is adequately marked as a no-go area for machinery or further disturbance, and that the potential for accidental impact is avoided;
4. Note the location and nature of the finds, and report the find to:
 - a. Relevant project personnel responsible for project and construction direction and management, and
 - b. Report the find to the Office of Environment and Heritage (OEH).
5. Where feasible, ensure that any excavation remains open so that the finds can be recorded and verified. An excavation may be backfilled if this is necessary to comply with work safety requirements, and where this action has been approved by the OEH. An excavation that remains open should only be left unattended if it is safe and adequate protective fencing is installed around it.
6. Following consultation with the relevant statutory authority (OEH), and, where advised, any other relevant stakeholder groups, the significance of the finds should be assessed and an appropriate management strategy followed. Depending on project resources and the nature of the find(s), this process may require input from a consulting heritage specialist.
7. Development works in the area of the find(s) may re-commence, if and when outlined by the management strategy, developed in consultation with, and approved by the relevant statutory authority.
8. If human skeletal material is encountered, the protocol for the discovery of human remains should be followed (refer attached).



Protocol to follow in the event of the discovery of suspected human remains

The following protocol will be actioned if suspected human material is revealed during development activities or excavations:

1. All works must halt in the immediate area of the find(s) and any further disturbance to the area of the find(s) prevented.
 - c. The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted; and
 - d. The site supervisor and the Principal/Project manager will be informed of the find(s).
2. If there is substantial doubt regarding a human origin for the remains, then consider if it is possible to gain a qualified opinion within a short period of time. If feasible, gain a qualified opinion (this can circumvent proceeding further along the protocol for remains which are not human). If conducted, this opinion must be gained without further disturbance to the find(s) or the immediate area of the find(s). (Be aware that the site may be considered a crime scene that retains forensic evidence). If a quick opinion cannot be gained, or the identification is positive, then proceed to the next step.
3. Immediately notify the following of the discovery:
 - a. The local Police (this is required by law);
 - b. OEH via Enviroline: 131 555;
 - c. Representative(s) from the Local Aboriginal Land Council; and
 - d. The project archaeologist (if not already notified).
4. Co-operate and be advised by the Police and/or coroner with regard to further actions and requirements concerning the find area. If required, facilitate the definitive identification of the material by a qualified person (if not already completed).
5. In the event that the Police or coroner instigate an investigation, construction works are not to resume in the designated area until approval in writing is gained from the NSW Police.
6. In the event that the Police and/or Coroner advise that they do not have a continuing or statutory role in the management of the finds then proceed with the following steps:
7. If the finds are not human in origin but are considered to be archaeological material relating to Aboriginal occupation then proceed with Protocol for the discovery of Aboriginal objects (other than human remains).
8. If the finds are Aboriginal or probably Aboriginal in origin:
 - a. Ascertain the requirements of OEH, the Heritage Branch, the Project Manager, and the views of the LALC, and the project archaeologist.
 - b. Based on the above, determine and conduct an appropriate course of action. Possible strategies could include one or more of the following:
 - i. Avoiding further disturbance to the find and conserving the remains *in situ*;
 - ii. Conducting archaeological salvage of the finds following receipt of any required statutory approvals;



- iii. Scientific description (including excavation where necessary), and possibly also analysis of the remains prior to reburial;
 - iv. Recovering samples for dating and other analyses; and/or
 - v. Subsequent reburial at another place and in an appropriate manner determined by the AFG.
9. If the finds are non-Aboriginal in origin:
- c. Ascertain the requirements of the Heritage Branch, Project Manager, and the views of any relevant community stakeholders and the project archaeologist.
 - a. Based on the above, determine and conduct an appropriate course of action. Possible strategies could include one or more of the following:
 - a. Avoiding further disturbance to the find and conserving the remains *in situ*;
 - b. Conducting archaeological salvage of the finds following receipt of any required statutory approvals;
 - c. Scientific description (including excavation where necessary), and possibly also analysis of the remains prior to reburial;
 - d. Recovering samples for dating and other analyses; and/or
 - e. Subsequent reburial at another place and in an appropriate manner determined in consultation with the Heritage Office and other relevant stakeholders.
10. Construction related works in the area of the remains (designated area) may not resume until the proponent receives written approval in writing from the relevant statutory authority: from the Police or Coroner in the event of an investigation, from OEH in the case of Aboriginal remains outside of the jurisdiction of the Police or Coroner, and from the Heritage Branch in the case of non-Aboriginal remains outside of the jurisdiction of the Police or Coroner.

This page has intentionally been left blank