

## **Aboriginal Objects Due Diligence Assessment**

### **Faheys Pit Quarry Extension**

**9720 Armidale Road, Tyringham, NSW**

**Clarence Valley Local Government Area**

**Prepared for Outline Planning Consultants Pty Ltd**

**Prepared by Niche Environment and Heritage Pty Ltd | 29 August 2022**



29 August 2022

Mr Gary Peacock  
Outline Planning Consultants Pty Ltd  
Suite 2301, Level 3, Quattro Building  
4 Daydream Street  
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Via email: gpeacock@outline.com.au

Dear Mr Peacock,

**Re: Faheys Pit Quarry Extension – Aboriginal Objects Due Diligence Assessment (DD) (Niche ref #7414)**

Based on this Aboriginal Objects Due Diligence Assessment (DD), it is unlikely that Aboriginal objects have survived within the Subject Area, largely due to ground disturbances associated with de-vegetation and agricultural use in the area. The location of the Subject Area is not within an archaeologically sensitive landscape, and the high level of past disturbance means that the potential for *in situ* archaeological deposits is considered low.

The Subject Area is associated with two (2) sensitive Aboriginal landforms, these being within 200 metres (m) from water and 200 m from ridgelines. Despite this it was determined by the Dorrigo Plateau Local Aboriginal Land Council (DPLALC) representatives, and the Heritage Consultant present, that due to the high levels of disturbance and landscape within the Subject Area, no further investigation or impact assessment is required.

Based on the completion of this DD It is recommended that:

Recommendations	
1.	Should earthworks be undertaken outside the Subject Area assessed in this document, further impact assessment should be undertaken prior to work in those areas in consultation with the DPLALC.
2.	In the event that previously unknown Aboriginal object(s) and/or sites are discovered during the proposed activity, work must stop, and an appropriately qualified archaeologist be contacted to access the nature, extent and significance of the identified sites.
General	
3.	All workers associated with any future work within the Subject Area should be inducted into the Subject Area, so they are made aware of their obligations under the <i>National Parks and Wildlife Act 1974</i> and any conditions of any future AHIP prior and during and after construction activities.
4.	In the unlikely event that human remains are discovered, all activities must stop, the affected area must be cordoned-off and NSW Police and the Heritage NSW (formerly the Department of Planning and Environment [DPE] which replaced the Office of Environment and Heritage [OEH]) Environment Line must be contacted on 13 15 55 or (02) 9995 5555.

Please do not hesitate to contact me on **0499 774 573** or via email: [cgraham@niche-eh.com](mailto:cgraham@niche-eh.com) if you would like to clarify any details of this assessment.

Yours sincerely,



Catriona Graham

FINAL

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## Introduction

### The Proponent

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Outline Planning Consultants Pty Ltd on behalf of Sheridans Hard Rock Quarry Pty Ltd ('the Proponent'), to conduct an Aboriginal Objects Due Diligence Assessment (DD) in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010; 'The Due Diligence Code') for the proposed extension of the Faheys Pit Quarry located at 9720 Armidale Road, at Tyringham, NSW (Figure 2; the 'Subject Area').

The Subject Area is legally defined as Lot 31 DP 1203488, covering an area of approximately 11.46 hectares (ha) situated approximately 37km of Dorrigo. The Proponent is still in the process of finalising the final quarry design, however, it is expected to be generally confined to the existing cleared land within the Subject Area. The Subject Area is situated within the Clarence Valley Local Government Area (LGA) and the boundaries of the Dorrigo Plateau Local Aboriginal Council (LALC).

### The proposed activity

The proposed activity would involve an extension of the pre-existing quarry. Outline Planning Consultants Pty Ltd are preparing an Environmental Impact Statement (EIS) for the proposed extension on behalf of the Proponent, with Niche being invited by Outline Planning Consultants Pty Ltd to prepare a DD to assess potential impacts to Aboriginal objects within the Subject Area and inform the EIS for the project.

### Statutory controls

Table 1 below provides a summary of additional statutory controls and guidelines applicable to this assessment that are used to guide the protection and management of Aboriginal cultural heritage in NSW.

**Table 1: Statutory Controls**

Control/ Guideline	Description
The <i>National Parks and Wildlife Act 1974</i> (NPW Act)	<p>The NPW Act, administered by Heritage NSW of the Department of Premier and Cabinet, is the primary legislation for the protection of some aspects of Aboriginal cultural heritage in NSW<sup>1</sup>. Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm.</p> <p>The Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an Aboriginal Heritage Impact Permit (AHIP).</p> <p>Anyone proposing to carry out an activity that may harm an Aboriginal object or a declared Aboriginal Place must investigate, assess and report on the harm that may be caused by the activity they propose.</p>
The <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> (DECCW, 2010) (The Due Diligence Code)	The Due Diligence Code sets out a process for individuals and organisations to follow to determine whether an Aboriginal object is likely to be harmed by an activity, whether further investigation is needed, and whether an AHIP is required.
<i>Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW</i> (OEH, 2011).	These guidelines provide further guidance for undertaking investigation and impact assessment for Aboriginal cultural heritage in NSW.

<sup>1</sup> For further information visit: <https://www.environment.nsw.gov.au/licences/achregulation.htm>

Control/ Guideline	Description
<p><i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW, 2010).</p> <p><i>The Code of Practice for Archaeological Investigation in NSW</i> (DECCW, 2010).</p> <p><i>Applying for an Aboriginal heritage impact permit: guide for applicants 2010</i> (OEH, 2011).</p>	

## Planning legislation

### The Environmental Planning & Assessment Act, 1979

The NSW Environmental Planning and Assessment Act 1979 (The EPA Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process and requires that environmental impacts are considered prior to land development; this includes impacts on heritage items. The EPA Act also requires that local governments prepare planning instruments (such as Local Environmental Plans) in accordance with the principles of the legislation to provide guidance on the level of environmental assessment required.

### Clarence Valley Local Environmental Plan (LEP) 2011

Clause 5.10 of the Clarence Valley LEP (2011) outlines the controls for heritage conservation including the conservation of Aboriginal objects and Aboriginal places of heritage significance.

### Objectives

The aim of the assessment is to assess whether Aboriginal objects and/or places are present and/or are likely to occur within or in close proximity to the Subject Area and, if present, whether they may be harmed by the proposed works and if further investigation is required.

### Assessment methodology

This DD follows the process outlined in Plate 1.

### Dorrigo Plateau Local Aboriginal Land Council Consultation (LALC)

In addition to the process set out in the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*, this DD also included consultation with the Dorriggo Plateau LALC, who were informed of the project and the Subject Area through a site inspection letter sent on 7 June 2022. Dorriggo Plateau LALC provided a response expressing interest in involvement in the site inspection of the Subject Area on 7 June 2022 via phone, with confirmation of site inspection involvement being provided on 15 June 2022. Two (2) representatives of the Dorriggo Plateau LALC were involved in the site inspection on 28 June 2022 (Section 3), and a copy of this report was sent to the Dorriggo Plateau LALC for comment on 21 July 2022 with the review period ending on Monday 29 August 2022. Feedback was provided and incorporated into this assessment.

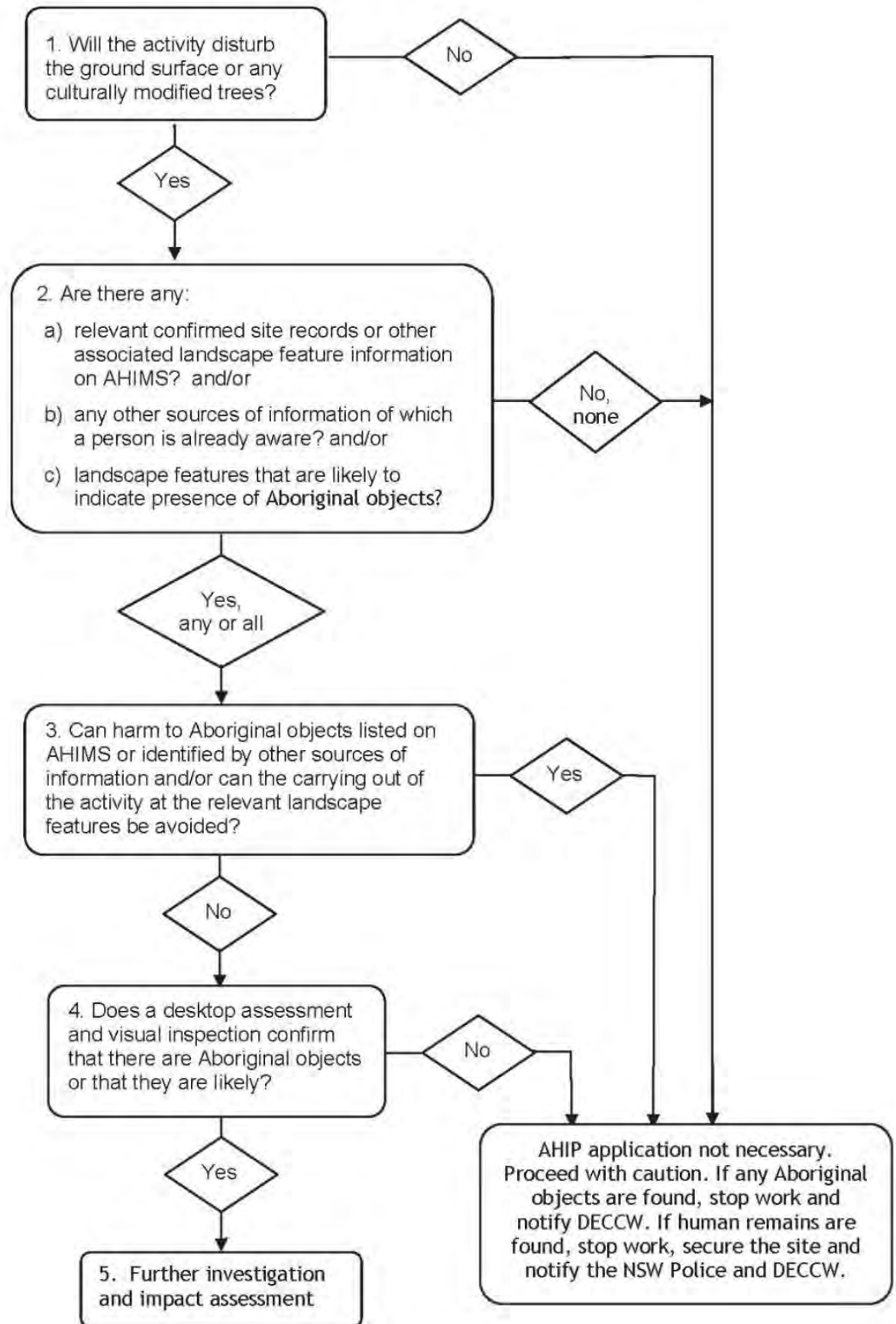
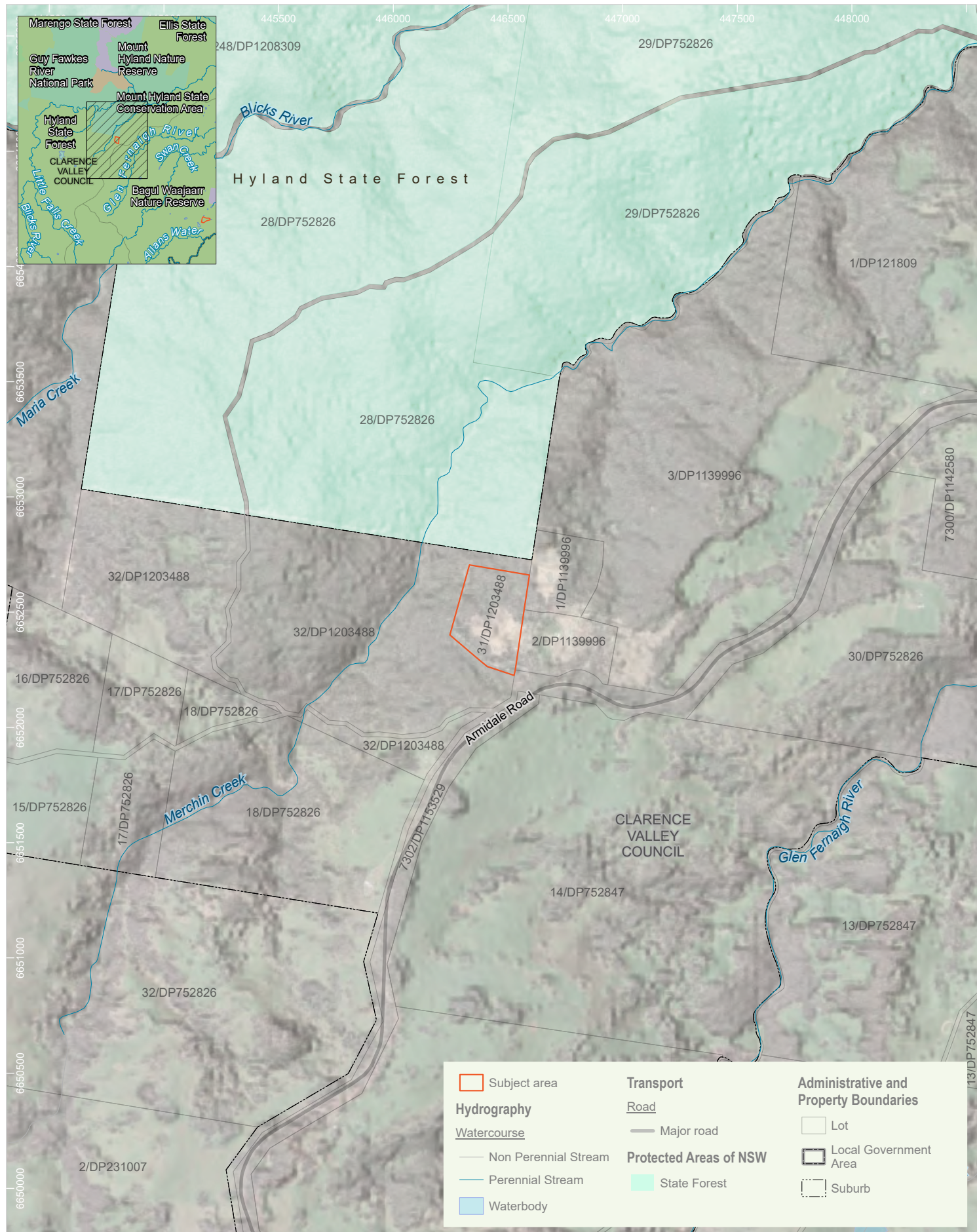
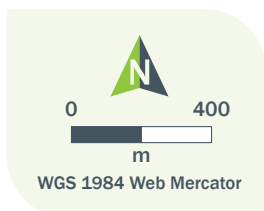


Plate 1: The due diligence assessment process.



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Niche Proj. #: 7414  
Client: Outline Planning Consultants Pty Ltd

## Location Map

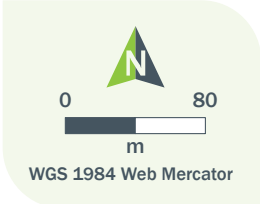
### Faheys Pit Quarry Extension Project

### Aboriginal Objects Due Diligence Assessment

**Figure 1**



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**Location of the Subject Area**

**Faheys Pit Quarry Extension Project**

**Aboriginal Objects Due Diligence Assessment**

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**Figure 2**

## Environmental Context

### Topography, Landforms and Hydrology

The Subject Area is located approximately 37 kilometres (km) west of Dorrigo and approximately 20 km north-east of Ebor. The Subject Area is located on the eastern slopes of the Great Dividing Range on the Dorrigo Plateau. The local topography is variable and has been defined as having rugged steep slopes and gorges. Mount Hyland State Conservation Area is located within two (2) km of the Subject Area and surrounds the peaks of Mount Hyland which is 1434 metres (m) above sea level.

The Subject Area itself is located within a broader surrounding area within two (2) major physiographic regions comprising the Nymboida gorges and Cascade Hills (Milford, 1999). The Cascade Hills cover an extensive part of the Dorrigo region and are characterised by landscape features that occur on a partially dissected plateau of Carboniferous metasediments with alluvial and colluvial veneers of varying thickness on valley floors and foot slopes (Milford, 1999). The Nymboida gorges have progressively dissected the Cascade Hills, with both features occurring on Carboniferous metasediments of the Coffs Harbour Association (Milford, 1999).

Hydrology within the broader landscape of the Subject Area is part of the Clarence River catchment, as well as the Blicks River sub-catchment (Milford, 1999). The Blicks River is within five (5) km of the Subject Area, and the Subject Area is within 200 metres (m) of tributaries of Merchin Creek (Figure 4).

### Geology and soils

The Subject Area is located within the mid-north coast, within the North Coast Bioregion of New South Wales (NSW) (NPWS, 2003:171). The geology within the surrounds of the subject area is associated with the New England Fold Belt, with both Carboniferous sedimentary rocks and Cenozoic mafic volcanic rocks being present within the Subject Area (NPWS, 2003:171; DPIE, 2020; SEED, 2022). Mafic volcanic rocks present tend to be basalt, while Carboniferous sedimentary rocks, typically comprise sandstone, siltstone, mudstone and conglomerates. The associated soil landscapes indicate that volcanics, chert and jasper may also be present in proximity to the Subject Area, however these are noted to be less prevalent, and only occur in small units (DPIE, 2020).

Soils within this bioregion can be very complex due to the different substrates, topographic variation and climatic differences found across the North coast bioregion (NPWS, 2003:172). On basalts, the soils are typically red, friable loams or clay loams with high fertility, good structure and water holding capacity (NPWS, 2003:172). Granites, and most of the quartz sedimentary rocks, shallow yellow earths are found on hillcrests, while yellow and brown texture contrast profiles are found on slopes, and organic or sandy loams are found on alluvial plains (NPWS, 2003:172).

Additionally, information provided by Espade indicates that the likely landscapes associated with the Dorrigo soil landscape and Suicide soil landscape. The Suicide soil landscape tends to be inclusive of steep hills, often as side slopes beneath rolling plateau tops, with narrow crests, long simple slopes and narrow V-shaped valleys (DPIE, 2020). Soils tend to be deep to moderately deep, yellow earths on crests and upper slopes, with deep Red Earths on mid-slopes and foot slopes and consist of late carboniferous sediments and rock (DPIE, 2020). In comparison, the Dorrigo soil landscape is inclusive of rolling low hills to hills with rounded crests and moderately inclined slopes, with very occasional benching due to basalt flow layering (DPIE, 2020). Rock outcrops of basalt are common on crests and upper slopes, particularly along the edge of basalt flows and in the more rugged western parts of the Dorrigo Plateau in which the Subject Area is located (DPIE, 2020). Soils tend to be well drained, deep to moderately deep Krasnozems, with slopes at 15-33% (DPIE, 2020).

## Vegetation

Vegetation within the Suicide soil landscape largely consists of uncleared tall closed-forest, grading to tall open-forest on more exposed crests and north-facing slopes (DPIE, 2020). Tall, closed forest (subtropical rainforest) within this soil landscape tends to be dominated by black booyong (*Argyrodendron actinophyllum*), coachwood (*Ceratopetalum apetalum*), and crab-apple (*Schizomera ovata*) (DPIE, 2020). Additional plant species that may be present in this vegetation type include hoop pine (*Aruacaria cunnughamii*) and brush box (*Lophostemon confertus*), with this tending to grow along the margins (DPIE, 2020). In tall closed-forest (depauperate subtropical rainforest), this is instead dominated by various figs (*Ficus* spp.), giant stinging tree (*Dendrocnide excelsa*) and myrtle (*Leptospermum laevigatum*) (DPIE, 2020). These vegetation types tend to be both located in the sheltered lower slopes of the Suicide landscape (DPIE, 2020). Within areas more upslope, the vegetation type tends to be tall open-forest (wet sclerophyll) which is inclusive of tallowwood (*Eucalyptus microcorys*) and Sydney blue gum (*E. saligna*), that grades into dry sclerophyll tall open forest on ridges and north-facing upper slopes, which tends to be dominated by blackbutt (*E. pilularis*) (DPIE, 2020). Much of this soil landscape has been identified to be uncleared (DPIE, 2020).

The Dorrigo soil landscape consists of extensively cleared tall, closed forest, grading sharply to tall open forest to the west above 900 m (DPIE, 2020). The lower, moister, warmer and more fertile eastern part of the Dorrigo Plateau, below 900m originally was covered by tall subtropical closed rainforest, previously dominated by black booyong (*Argyrodendron actinophylla*) and white booyong (*Argyrodendron trifoliolata*), but this forest type has been almost completely cleared with only small remnants surviving (DPIE, 2020). Introduced windbreak and hedge species have become more common, popular examples being poplar (*populus* spp.), radiata pine (*Pinus radiata*) and small-leaved privet (*Ligustrum sinense*), with the latter becoming a common weed alongside tobacco bush (*Solanum mauritanum*) and common bracken (*Pteridium esculantum*) (DPIE, 2020).

In areas within the Dorrigo soil landscape between 900-1,100 m in the western Plateau, natural vegetation grades sharply from tall closed-forest to a dry open-forest regime which tends to be dominated by Eucalypts (DPIE, 2020). Common species which have been identified include messmate (*Eucalyptus obliqua*), brown barrel (*E. fastigata*), as well as New England blackbutt (*E. campanulata*), silver top stringybark (*E. laevopinea*) and manna gum (*E. viminalis*) (DPIE, 2020). These species are more adapted to the colder, frostier and drier conditions which dominate the higher western Plateau (DPIE, 2020). Disturbance and land use in this landscape broadly have been inclusive of clearance for beef and dairy cattle and potato growing, as well as basalt quarrying on a minor scale (DPIE, 2020).

## Past land use and disturbance

Due to the high diversity and abundance of natural resources available to Aboriginal people, the North Coast Bioregion resulted in a high density of Aboriginal occupation within the broader region, particularly around the northern rivers close to the coast (Cotter, 2014). In terms of the surroundings of the Subject Area itself, the area is located within the boundaries of the Gumbaynggirr Aboriginal people and within the Dorrigo Plateau Local Aboriginal Council (DPLALC) area. While within the Subject Area itself there are no known sites of spiritual and ceremonial significance, it should be noted that such sites are known to be present within the area west of Dorrigo, with Nature Reserves located within proximity to the Subject Area being noted to likely have unrecorded Aboriginal cultural heritage sites present (NPWS, 2008).

During the early part of the 20<sup>th</sup> century, the Subject Area appears to have been mostly unimpacted by human activity apart from the establishment of the Armidale Road, with the surrounding area being partly cleared, potentially for agricultural and grazing activities (Figure 5.a). As indicated in Figure 5.a, the Subject Area itself in 1966 appears largely undisturbed due to a covering of dense vegetation. Outside of the Subject Area, there is some disturbance noted, with cleared forest to the north-east, as well as evidence of the Armidale Road to the south, south-east. No disturbance in the Subject Area is noted within aerial

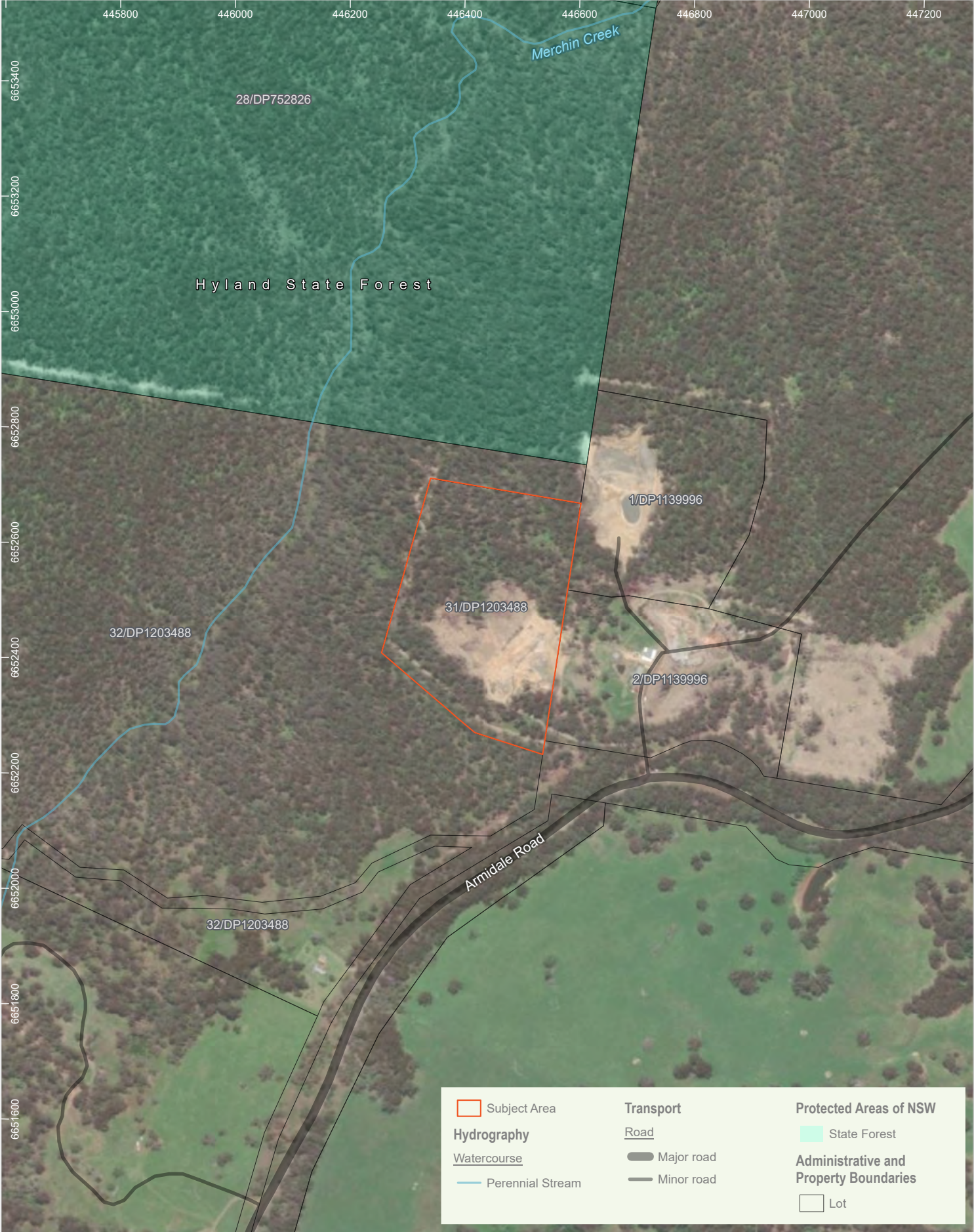
imagery from 1973 (Figure 5.b), with the Subject Area continuing to be unimpacted or cleared. By 1993, the western edge of the clearing works in the north-starting to impact on the boundary of the Subject Area (Figure 5.c). Additionally, clearer roads and tracks are present, with clearing and disturbance being present within the centre of the Subject Area (Figure 5.c). In the present (Figure 2), there is clear disturbance and subsurface impacts occurring within the south-eastern portion of the Subject Area, but the majority of the Subject Area remains undisturbed.

## **Environmental Context Synthesis**

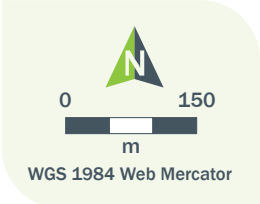
It is important to be aware of the environmental context and historic disturbance present within the Subject Area, as these aspects and past activities, will have impacted on the potential for the survival of surface and subsurface archaeological deposits or Aboriginal heritage site types, while also providing a better awareness of potential resources in proximity to the Subject Area. In this case, Basalt is known as a resource material to create Aboriginal objects and artefacts, while sandstone and softer rocks when associated with water sources could be associated with other cultural heritage site types. The Subject Area is also in proximity to water sources, being within 200 m of Merchin Creek and five (5) km from Blinks River, which is considered significant in the assessment of aboriginal cultural heritage potential.

In the assessment of historical aerial imagery and the historic sources available, it can be determined that there is a potential for surviving large native trees that may have evidence of cultural modification, particularly within sections of the Subject Area that have remained undisturbed by quarry activity. It can also be assessed that these undisturbed sections have the highest likelihood for the potential of aboriginal cultural heritage sites to be identified, with sections most closely associated with quarrying activity and associated infrastructure such as roads, being the lowest.

From the environmental context it can therefore be determined that the most likely aboriginal cultural heritage sites are scarred trees, open campsites and artefact scatters, on landscape features such as ridgelines, crests, spurs and in proximity to water sources, within undisturbed sections of the Subject Area.



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**Location of Heritage Items**

**Faheys Pit Quarry Extension Project**

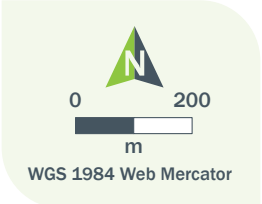
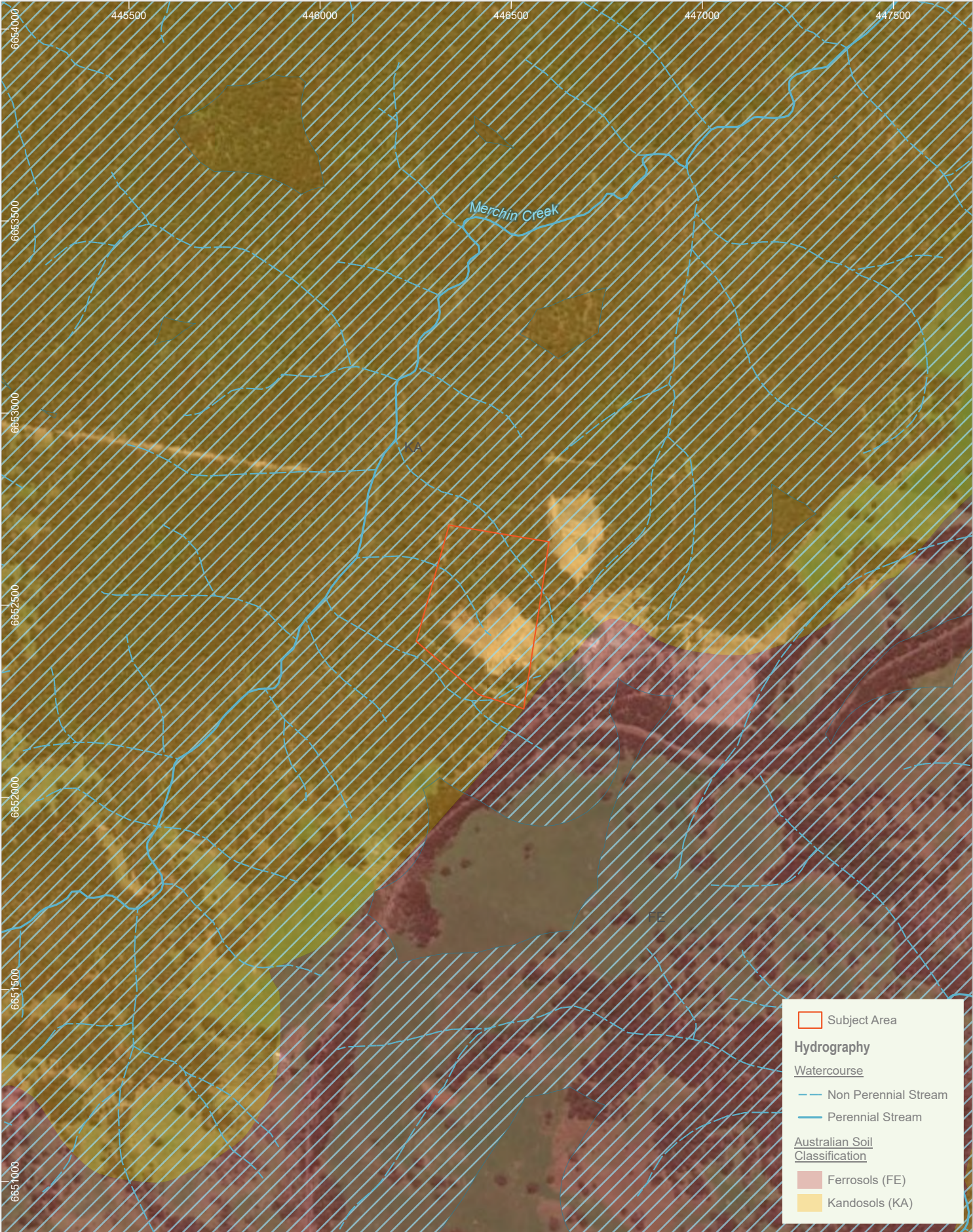
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**Figure 3**



### Soil landscapes and hydrography in the local area

Faheys Pit Quarry Extension Project  
Aboriginal Objects Due Diligence Assessment

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**Figure 4**

## Aboriginal Objects Due Diligence Assessment

### Is the proposed activity a low impact activity as defined by the Regulation?

No.

The proposed development is not classified as a low impact activity in accordance with 80B in the Regulation. The proposed works involving the extension of the stone quarry do not align with any of the exemptions listed in 80B of the Regulation.

### Step 1 – Will the activity disturb the ground surface or any culturally modified trees?

Yes.

The proposed activity will involve earthworks and ground disturbance associated with the extension of the current quarry. A number of trees were identified during the site inspection within the Subject Area boundary. All trees were visually assessed during the inspection; no cultural modification was identified. The proposed activity will therefore not disturb any culturally modified trees.

### Step 2a – Are there any relevant confirmed site records or other associated landscape feature information on AHIMS (or other heritage registers)?

No.

#### Heritage Registers

##### **AHIMS**

A basic Aboriginal Heritage Information Management System (AHIMS) search was conducted on 7 June 2022 (AHIMS Search ID 689163) covering Lot:31, DP:DP1203488, with a buffer of one (1) km and was conducted by Niche Heritage consultant Catriona Graham (Attachment 1). No previously recorded Aboriginal cultural heritage sites were identified within the search area; with none being identified within the Subject Area (Figure 3).

It must be noted that care should be taken when using the AHIMS database to reach conclusions about site prevalence or distribution. The distribution of registered sites does not reflect patterns of occupation, but rather is often indicative of survey coverage and conditions.

##### **Other heritage registers**

Searches of the Australian World Heritage Database, the Commonwealth Heritage List, National Heritage List, State Heritage Register, State Heritage Inventory, the Clarence Valley LEP (2011), were conducted on 7 June 2022. Clause 5.10 of the Clarence Valley LEP (2011) outlines the controls for heritage conservation including the conservation of Aboriginal objects and Aboriginal places of heritage significance. The searches concluded that there are no previously registered Aboriginal heritage items located within, or in proximity to the Subject Area. It was noted that parts of the Mount Hyland Conservation Area which is managed by National Parks and Wildlife Services (NPWS), are associated with the Gondwana Rainforests of Australia World Heritage Area. None of this listed area or the Mount Hyland Conservation Area will be impacted by the proposed works or is within the Subject Area.

One item of historic heritage significance was identified on the Clarence Valley LEP (2011) within the Tyringham and is outlined in Table 2. While the item is located within approximately ten (10) km of the Subject Area, this listed Historic Heritage item will not be affected by the proposed activity within the Subject Area. A full assessment of historical heritage items associated with the Subject Area is outside the scope of this DD.

**Table 2: Clarence Valley LEP Listed Items within proximity to the Subject Area**

Name	Number	Statement of Significance	Proximity to Subject Area
Tyringham Heritage Hut	I1056	The Tyringham Heritage Hut is of historical and social significance for the local area regarding local families and the historical development of the locality. The shed and its display provides valuable information about the former historical settlement of Tyringham. It demonstrates social significance being erected by the local community and former Pristine Waters Council as part of the Centenary of Federation celebrations.	Approximately 10km east

## Step 2b – Are there landscape features that are likely to indicate the presence of Aboriginal objects?

Yes

The following landscape features listed in the Due Diligence Code signify a high potential for the presence of Aboriginal objects:

- Within 200 m of waters, or
- Located within a sand dune system, or
- Located on a ridge top, ridge line or headland, or
- Located within 200 m below or above a cliff face, or
- Within 20 m of or in a cave, rock shelter, or a cave mouth.

The Subject Area is associated with two of the above-listed landscape features that are classified by the Code of Practice as being archaeologically sensitive:

- Within 200 m of waters
- Located within 200 m of ridgelines

The closest water source to the Subject Area are tributaries of Merchin Creek. This creek line is perennial, with four tributaries mapped within proximity to the Subject Area (Figure 4). Additionally, the Blinks River, is located to the north (Figure 1).

It was commented by the DPLALC during consultation that given the importance of ridgelines within the regional context and broader landscape, the prior disturbance to the land caused by previous quarrying operations was concerning, particularly due to the topography of the area. Although it is outside the scope of this DD it was commented by DPLALC that it should be noted that the disturbed ridgeline would likely have been connected to other known look out points in the area - making up a triangle from the high point overlooking Grafton in one direction and toward Chaelundi National Park in the other. Feedback assessed that the past disturbance impacted on the ability to document this position, with the DPLALC representatives noting the importance of due diligence assessments to the community prior to significant disturbance to the land.

## Step 2c - Are there any other sources of information of which a person is already aware?

The Tyringham area which includes the location of the Subject Area, forms part of the traditional areas of the Gumbayngirr people of the Dorrig Plateau Local Aboriginal Land Council. The area in which

encompassed the Gumbayngirr territories was very broad, extending from the Nambucca River to the South-west, across the range to Urunga, Coffs Harbour, Bellingen, northwards to South Grafton and Glenreagh and west to include the Dorrigo Plateau (Tindale, 1964; AMC, 2015).

Studies based in the sub-tropical east Australian coastline have indicated that Indigenous occupation has persisted in some form over the past 20,000 years (Neal and Stock, 1986; Ulm & Hall, 1996). Within Northern New South Wales there is ample evidence for extensive and dense late Holocene occupation of the coastal zone, with scientifically derived models of Aboriginal occupation and resource exploitation attributing this population density to resource richness within this sub-tropical coastline environment (McBryde, 1974; Godwin, 1990).

Within the Subject Area itself and the surroundings, there has been limited systematic regional-based archaeological studies within the broader region (See Table 3). Regardless, it is noted in the Mount Hyland Plan of Management that a number of Aboriginal cultural heritage sites are known to be located within the surrounding region, inclusive of artworks, artefacts, as well as ceremonial dreaming sites (NPWS, 2009).

**Table 3: Archaeological assessments relevant to the current Subject Area**

Author	Title	Relevance to Subject Area
Cotter, 2014	Aboriginal Objects Due Diligence Assessment Report: Lot 62 & 63 DP752807 242 Faheys and Bulgins Rd Hernani	The report was developed in 2014. No Aboriginal objects were identified during the assessment, it was recommended that during construction works the proponent should adopt a risk management strategy to ensure that, despite the low likelihood of Aboriginal objects occurring within the sub-surface of the quarry, an appropriate cessation of work protocol is established should any such objects be exposed during construction works.  Assessment occurred less than 10km, south-east of the Subject Area.
Niche, 2022	Aboriginal Objects Due Diligence Assessment: Hernani Quarry Extension, Faheys and Bulgins Rd, Hernani NSW	The report was developed in 2022 and is located approximately 10km south-east of the current Subject Area.  No Aboriginal objects were identified during the assessment, but it was recommended that if earthworks were to be undertaken outside the area assessed within the document, further impact assessment should be undertaken prior to work in these areas in consultation with the DPLALC, with DPLALC representatives being particularly concerned on potential activities occurring on a ridgeline south and east of the area assessed in the report.

Past assessments and the ethnographic record have indicated the Gumbayngirr peoples tended to use low gradient ridgelines as transit routes in order to travel between the coast and adjacent hinterland environments, with there being known defined pathways along the Bellingen and Clarence valleys linking

the Dorrigo Plateau with the coast plains (Morris, 1994; Cotter, 2014; Niche, 2022). It should be noted that the connection between areas along the coastal plains with the hinterland in terms of exchanges of resources or movement has little information available, despite the acknowledgement of known and defined pathways along the Bellinger and Clarence valleys, linking the Dorrigo Plateau with the coastal plains (Cotter, 2014). Information available however does suggest this movement was seasonal and a way in which to exploit different seasonal resource gathering and hunting grounds, in addition to social and ceremonial obligations (AMC, 2015).

As with many Aboriginal groups throughout Australia, the post-colonial history of the Gumbayngirr peoples is one of significant dislocation, marginalization, and dispossession from tribal lands (Morris, 1994; Cotter, 2014). Within the Dorrigo plateau traditional lands, aboriginal peoples were alienated with the freedom of movement becoming significantly restricted, with most of the local Aboriginal population ultimately residing on the coastal plains to the east. Despite this, it is recorded that within the Dorrigo Plateau and the wider Coffs Harbour region, the Gumbayngirr peoples continue to maintain a long historical attachment to the area (English, 2002; Smith & Beck, 2003; Cotter, 2014).

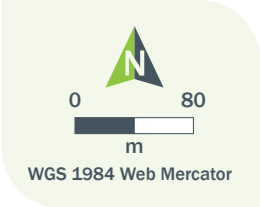
The environmental and archaeological contexts suggest that the location has some potential to yield Aboriginal cultural heritage sites and associated archaeological material within the outlined Subject Area, with archaeological potential increasing towards significant water sources such as the Blinks River, and to the boundaries in proximity to known nature reserves (Figure 4). Table 3 outlines the Aboriginal cultural heritage site types which are most likely to be found within/or adjacent to the Subject Area.

**Table 4: Potential Aboriginal cultural heritage site types within Subject Area**

Site Types	Definition
Stone artefact scatters	This type of site may range in size from a single artefact to an extensive scatter of a wide range of artefact types.
Scarred/ modified trees	Scarred trees are trees from which the bark has been removed for a variety of purposes. Provided mature trees are still extant, scarred trees may be found anywhere across the landscape.
Stone quarries	Raw material source for stone artefacts, quarries found where significant outcrops of suitable stone occur.



Drawn by: yhua\_NICHE Last updated: 18/07/2022 File: C:\OneDriveSync\Folder\Niche\GIS - APRX - APRX\A7400\A7414\_Fahey\PitQuarry\_NSW\_AODD.aprx



**Historical aerial photographs - 1966**

**Faheys Pit Quarry Extension Project**

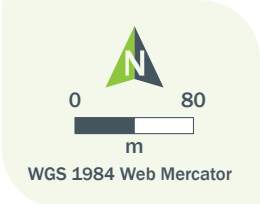
**Aboriginal Objects Due Diligence Assessment**

Niche PM: Catriona Graham  
Niche Proj. #: 7414  
Client: Outline Planning Consultants Pty Ltd

**Figure 5a**



Drawn by: yhua\_NICHE Last updated: 18/07/2022 File: C:\OneDriveSync\Folder\Niche\GIS - APRX - APRX - APRX\Xa7400\Xa7414\_Fahey\PitQuarry\_NSW\_AODD.aprx



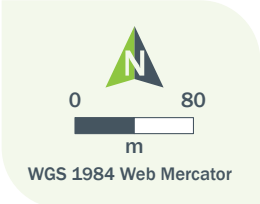
**Historical aerial photographs - 1973**  
**Faheys Pit Quarry Extension Project**  
**Aboriginal Objects Due Diligence Assessment**

Niche PM: Catriona Graham  
Niche Proj. #: 7414  
Client: Outline Planning Consultants Pty Ltd

**Figure 5b**



Drawn by: yhua\_NICHE Last updated: 18/07/2022 File: C:\OneDrive\Sync\Folder\Niche\GIS - APRX - APRX\A7400\A7414\_Fahey\PitQuarry\_NSW\_AODD.aprx



**Historical aerial photographs - 1993**  
**Faheys Pit Quarry Extension Project**  
**Aboriginal Objects Due Diligence Assessment**

Niche PM: Catriona Graham  
Niche Proj. #: 7414  
Client: Outline Planning Consultants Pty Ltd

**Figure 5c**

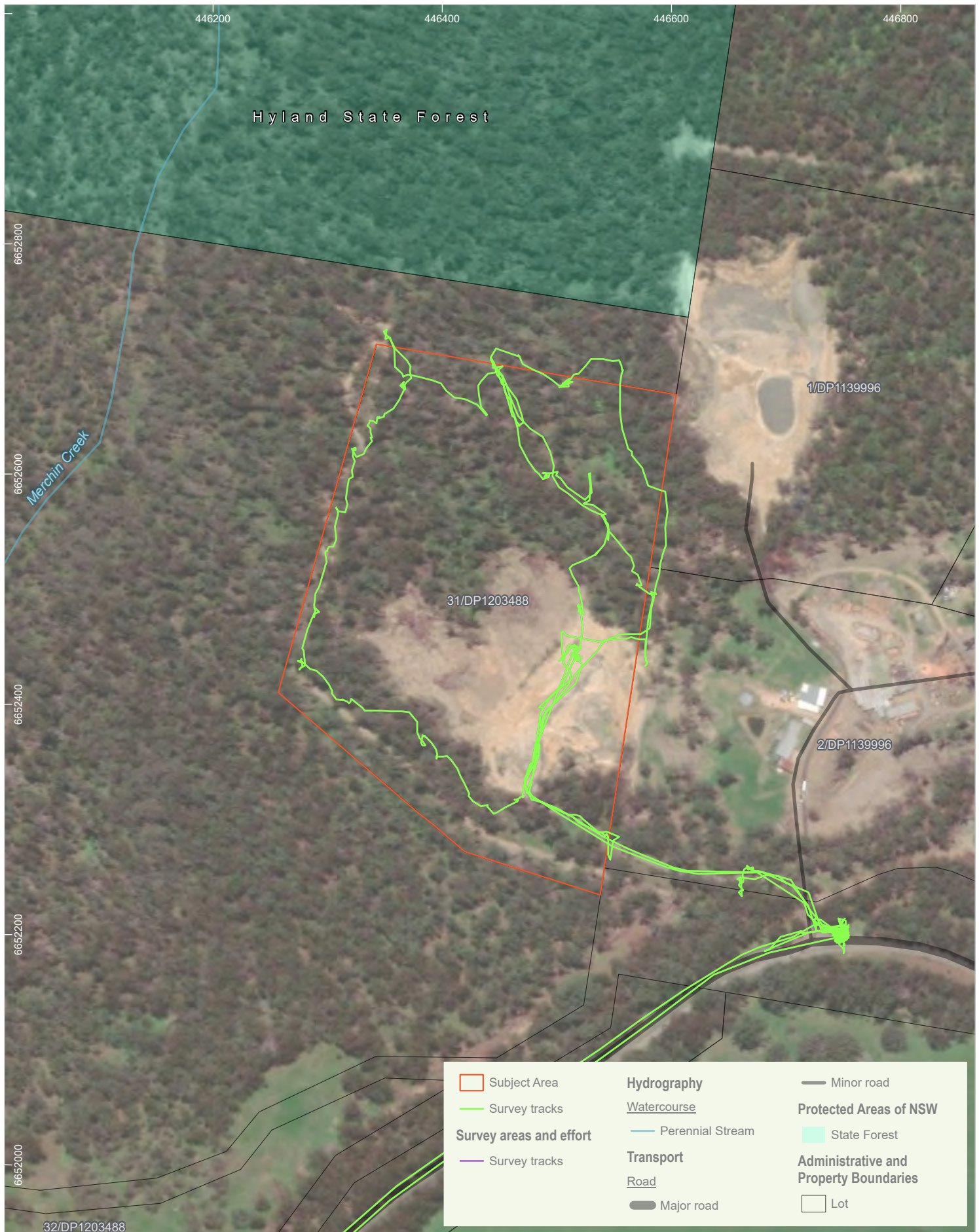
### Step 3 – Can the harm or the activity be avoided?

Not applicable.

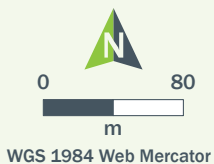
Although the proposed activity will involve earthworks, the potential to disturb Aboriginal objects is considered low. Although the Subject Area itself is associated with archaeologically sensitive landforms, previous archaeological assessments, and historical imagery indicates the Subject Area has been heavily disturbed through historical pastoral, grazing and past quarrying processes.

This assessment indicates that *in situ* subsurface or surface archaeological deposits have a low to nil possibility of occurring within the Subject Area due to the levels of disturbance, and landscape attributes within this area.

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Niche PM: Catriona Graham  
Niche Proj. #: 7414  
Client: Outline Planning Consultants Pty Ltd

**Surevy results**  
**Faheys Pit Quarry Extension Project**  
**Aboriginal Objects Due Diligence Assessment**

**Figure 6**

#### **Step 4 – Does a desktop assessment and site inspection confirm that there are Aboriginal Objects or that they are likely?**

No.

A pedestrian site survey and field assessment of the Subject Area was undertaken on the 28<sup>th</sup> of June 2022 by Niche Heritage Consultant, Catriona Graham, and Dorriggo Plateau Local Aboriginal Land Council (DPLALC) Cultural and Heritage Consultant Philip Marsden, and DPLALC representatives, Joshua Marsden, Rhys Brown and Ian Brown. The survey sampling strategy, methodology and a discussion of the results are provided below.

The survey coverage was recorded using a handheld GPS, with Geocentric Datum of Australia 94 (GDA94) coordinate system. Co-ordinates and recordings were taken of relevant items as mentioned above.

##### ***Ground Surface Visibility and Disturbances***

Archaeological surveys generally have several factors that limit and influence the effectiveness of the survey. The factor that contributed most to the effectiveness of the survey within the Subject Area was low ground surface visibility (GSV). Areas of least disturbance contained very limited visibility due to dense vegetation, with a majority of the GSV in the Subject Area being about 10% (Plate 8, Plate 12, Plate 15). Some exposures were observed which were associated with vehicle tracks, exposed rock outcrops on steeper slopes within the Subject Area, with the largest exposure being within the central area of the Subject Area where in which quarrying activity has occurred (Plate 2 to Plate 5).

Disturbances identified within the Subject Area were predominantly due to fences, vehicle tracks, quarrying activity, vegetation clearing, removal of soil and rock, and the movement of topsoil to other parts of the Subject Area (Plate 6, Plate 10, Plate 24 to Plate 27). The Subject Area has previously been used for pastoral and grazing activities in discussion with landholders, as well as being associated with quarry and vegetation clearing since 1993 (Figure 5a, 5b and 5c).

##### ***Survey Results and Discussion***

The survey was conducted on foot with the entirety of the Subject Area being assessed visually (Figure 6). As per comments from the representatives from the DPLALC, assessment focussed on areas of exposure, around the base of trees present, and at any identified landscape features, while additionally covering a 100% of the Subject Area in order to fully assess disturbances and the surrounding landscape (Figure 6).

The survey of the Subject Area was partially hindered due to low visibility in areas of limited disturbance. Visibility and exposures were present, a fire event had likely impacted the Subject Area in the past, with burnt trees and areas of exposure with charcoal present (Plate 13).

During the visual inspection it was identified that some areas of the Subject Area, topsoil has been significantly disturbed, particularly along vehicle tracks, within the current quarry boundary, and directly north of the quarry boundary by 20 m (Plate 24 to Plate 27). It was determined during discussion that the focus of the survey should be in areas which have been least likely disturbed by previous quarrying activities, with concentration being in the northern, eastern and western portions of the Subject Area. Within these areas, where exposures and vehicle tracks were not present, visibility tended to low (Plate 14 to Plate 15).

The soils present tended to be light yellow/dark grey composed of predominantly clay, with soil becoming loamy further north in less disturbed areas. Rock inclusions were present throughout, with soils in less disturbed sections having higher organic content due to deposition of vegetative litter and surface identified charcoal. It was determined in discussion with DPLALC representatives that the presence of charcoal and burnt trees were likely associated with a recent fire event. Rock typology was able to be identified due to the presence of some rock outcrops, with these tending to be in areas of high slope where

erosion had impacted visibility. Despite the disturbance present, it was assessed that it was still possible to assess the Subject Area using landform and noting areas of disturbance.

No notable landscape features were identified within the Subject Area itself during the survey, yet it was identified that significant landscape features are present within the broader surroundings of the Subject Area (Plate 16). Discussion with the DPLALC representatives present highlighted this, noting that there are likely sites within 5km, specifically along the Blinks River. The survey team also identified two ridgelines with moderate potential to the east and west of the Subject Area.

These discussions revealed a number of Aboriginal cultural heritage sites present within the broader region surrounding the Subject Area which have cultural significance to the Aboriginal community, landscape features such as ridgelines and rivers being acknowledged to have the highest potential for aboriginal cultural heritage sites. All of these identified landscape features are outside of the Subject Area and will not be impacted by the proposed works within the Subject Area.

During the field survey it was noted that within the current quarry boundary, and directly north of the quarry boundary by 20 m the Subject Area had been mostly cleared of vegetation, with evidence of subsurface and surface disturbance being present. Within less disturbed areas the Subject Area was covered in tall open forest which predominantly consisted of young native tree species dominated by eucalypts. Lower storey vegetation was quite dense and predominantly included grasses and introduced species such as common bracken which limited the ground surface visibility in sections which had not been previously cleared, or on steep slopes which had erosion exposure areas. Within gully's there tended to be ferns and bracken (Plate 21).

Scattered across the Subject Area were also a number of large, mature native trees. All of the trees within the Subject Area were assessed to ascertain if they had been culturally modified yet no trees showed signs of cultural modification. It was concluded in consultation with the representatives from the DPLALC that the area is of low to no archaeological potential, taking into consideration the Subject Area's topography, geology and hydrology within the landscape, and the high levels of subsurface disturbance that has occurred historically.



**Plate 2: Current quarry works and activity in south-eastern portion of Subject Area facing east.**



**Plate 3: Cleared and disturbed surface and subsurface soils within current quarry works within Subject Area. facing north-east.**



**Plate 4: Cleared and disturbed surface and subsurface soils within current quarry works within Subject Area facing north.**



**Plate 5: Cleared and disturbed surface and subsurface soils within current quarry works within Subject Area facing north.**



**Plate 6: Vehicle tracks, young trees in eastern section of Subject Area facing west.**



**Plate 7: Example of slope, dense undercover growth and vegetation present within northern section of Subject Area.**



**Plate 8: Example of dense grasses and vegetation present in undisturbed section of the eastern portion of Subject Area facing north-east.**



**Plate 9: Vegetation and low GSV facing north.**



**Plate 10: Vehicle tracks, clearing and disturbance through fencing coming into quarry from eastern entrance facing west.**



**Plate 11: Vehicle tracks, clearing and disturbance through fencing coming into quarry from eastern entrance facing north, with quarry on the right.**



**Plate 12: Example dense vegetation in western portion of Subject Area and slope present facing south.**



**Plate 13: Example tree affected by past burning event**



**Plate 14: Slope, present vegetation in western portion**



**Plate 15: Slope, present vegetation in western portion**



**Plate 16: Eastern boundary fence line looking towards ridgeline outside of Subject Area**



**Plate 17: Slope, disturbance from vehicle tracks, present vegetation in western portion**



**Plate 18: Slope, present vegetation in western portion**



**Plate 19: Disturbance and removal of trees indicated within proximity to Subject Area, North-east.**



**Plate 20: Vehicle tracks and slope in eastern portion of Subject Area**



**Plate 21: Indicator of terrain facing south in disturbed gully in eastern section of Subject Area.**



**Plate 22: Facing east towards entrance into Subject Area**



**Plate 23: Facing north from track into quarry, indicating subsurface disturbance, vegetation disturbance and movement of soil.**



**Plate 24:** Cleared area to the north of current quarry activity with subsurface disturbance and vegetation clearing facing north-east



**Plate 25:** Cleared area to the north of current quarry activity with subsurface disturbance and vegetation clearing facing west



**Plate 26:** Cleared area to the north of current quarry activity with subsurface disturbance and vegetation clearing facing south-west



**Plate 27:** Cleared area to the north of current quarry activity with subsurface disturbance and vegetation clearing facing south-west

## Step 5 – Further investigations and impact assessment

Not required

On the basis of this assessment, it is unlikely that any Aboriginal objects have survived within the Subject Area due to intensive ground disturbances associated with ground movement, quarrying activity, pastoral and grazing use in the past and continued use within the present.

Two landscape features which are associated with Aboriginal cultural heritage sites were identified within the Subject Area, these being:

- Within 200 m of water
- Within 200 m of ridgelines

Based on past historic disturbance, it was determined that while there are landscape features present within 200 m of the Subject Area which are associated with Aboriginal cultural heritage, there is low to no surface or subsurface archaeological potential within the Subject Area itself, and that for the proposed activity no further investigation or impact assessment is required. Regardless, caution is recommended during the proposed works due to these identified landscape features.

**Table 5: Recommendations**

Recommendations	
5.	Should earthworks be undertaken outside the Subject Area assessed in this document, further impact assessment should be undertaken prior to work in those areas in consultation with the DPLALC.
6.	In the event that previously unknown Aboriginal object(s) and/or sites are discovered during the proposed activity, work must stop, and an appropriately qualified archaeologist be contacted to access the nature, extent and significance of the identified sites.
<b>General</b>	
7.	All workers associated with any future work within the Subject Area should be inducted into the Subject Area, so they are made aware of their obligations under the <i>National Parks and Wildlife Act 1974</i> and any conditions of any future AHIP prior and during and after construction activities.
8.	In the unlikely event that human remains are discovered, all activities must stop, the affected area must be cordoned-off and NSW Police and the Heritage NSW (formerly the Department of Planning and Environment [DPE] which replaced the Office of Environment and Heritage [OEH]) Environment Line must be contacted on 13 15 55 or (02) 9995 5555.

ENVIRONMENTAL

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## Attachment 1 –AHIMS Search Results



### AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 7414

Client Service ID : 689163

Niche Environment and Heritage

Date: 07 June 2022

PO Box 3104

Umina Beach New South Wales 2257

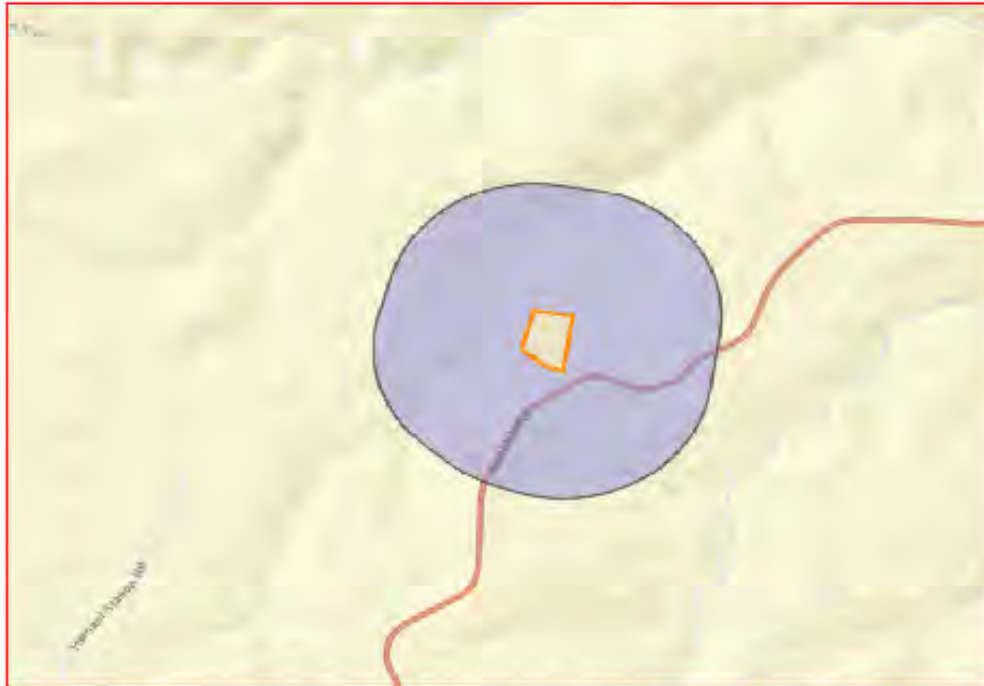
Attention: Catriona Graham

Email: cgraham@niche-eh.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 31, DP:DP1203488, Section : - with a Buffer of 1000 meters, conducted by Catriona Graham on 07 June 2022.**

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



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

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

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Date	Time	Individual Contacted	Organisation Contacted	Form of contact	Contacted by	Organisation represented	Nature of Consultation	Notes
07/06/2022	2:03:00 PM	Cathy Thomas	Dorrigo Plateau LALC	Phone	Carly Todhunter	Niche Environment and Heritage	Project Information and Survey Logistics	Spoke to Cathy with preliminary details of project and proposed site inspection. Informed her that it is an existing quarry in Tyringham NSW and the study is a due diligence assessment. I informed Cathy that we plan to undertake the site inspection in the week of the 23rd June and that any attendees must be double-vaxed. Cathy confirmed that the LALC would like to be involved, and will be able to confirm this once they are sent the formal request.
07/06/2022	4:43:00 PM	Carly Todhunter	Niche Environment and Heritage	email	Cathy Thomas	Dorrigo Plateau LALC	Project Information and Survey Logistics	Sent letter by email providing early project details and an invitation for two representatives to join us on the site inspection.
15/06/2022	9:58:00 PM	Cathy Thomas	Dorrigo Plateau LALC	Phone	Catriona Graham	Niche Environment and Heritage	Site Inspection	Called Cathy to check on DPLALC interest and involvement in the site inspection next week, couldn't get onto her, left a voice message
15/06/2022	2:20:00 PM	Cathy Thomas	Dorrigo Plateau LALC	Phone	Catriona Graham	Niche Environment and Heritage	Site Inspection	Called Cathy, DPLALC still interested in involvement, want another day to confirm members as individuals have been ill, will send through insurances today
15/06/2022	4:23:00 PM	Catriona Graham	Niche Environment and Heritage	phone	Cathy Thomas	Dorrigo Plateau LALC	Site Inspection	Missed Call from Cathy, advised LALC representatives would not be available for next week and that the following would be more appropriate. Asked to call back when possible

Date	Time	Individual Contacted	Organisation Contacted	Form of contact	Contacted by	Organisation represented	Nature of Consultation	Notes
16/06/2022	9:45:00 AM	Cathy Thomas	Dorrigo Plateau LALC	Phone	Catriona Graham	Niche Environment and Heritage	Site Inspection	Called Cathy, no answer, left message advising change of date would work and if she could call back to discuss
16/06/2022	3:16:00 PM	Catriona Graham	Niche Environment and Heritage	Phone	Cathy Thomas	Dorrigo Plateau LALC	Site Inspection	Called by Cathy, confirmed no representatives next week, confirmed likely on 28th June for two representatives. Expressed concerns that area may be too large for a day
16/06/2022	3:54:00 PM	Catriona Graham	Niche Environment and Heritage	email	Cathy Thomas	Dorrigo Plateau LALC	Vaccination Status and Insurances	Hi Catriona,  As discussed ... the insurance and vaccination certificates for your records.  Cheers  Cathy
22/06/2022	10:00:00 AM	Cathy Thomas	Dorrigo Plateau LALC	phone	Catriona Graham	Niche Environment and Heritage	Site Inspection	Called Cathy to confirm date and time for site inspection next week. No answer, left a voicemail
23/06/2022	9:14:00 AM	Catriona Graham	Niche Environment and Heritage	phone	Cathy Thomas	Dorrigo Plateau LALC	Site Inspection	Call from Cathy to confirm date and time has not changed. Currently on holiday, will notify office to confirm and send details.
28/06/2022	8:05:00 AM	Catriona Graham	Niche Environment and Heritage	phone	Cathy Thomas	Dorrigo Plateau LALC	Site Inspection	confirmation of attendees and confirmation of place
28/06/2022	9:08:00 AM	Catriona Graham	Niche Environment and Heritage	phone	Cathy Thomas	Dorrigo Plateau LALC	Site Inspection	notification that attendees will be arriving late due to traffic issues

Date	Time	Individual Contacted	Organisation Contacted	Form of contact	Contacted by	Organisation represented	Nature of Consultation	Notes
28/06/2022	10:27:00 AM	Catriona Graham	<a href="#">Niche Environment and Heritage</a>	phone	Cathy Thomas	Dorrigo Plateau LALC	Site Inspection	missed call from Cathy
28/06/2022	10:31:00 AM	Cathy Thomas	<a href="#">Dorrigo Plateau LALC</a>	phone	Catriona Graham	Niche Environment and Heritage	Site Inspection	notification that attendees should be on their way and arriving soon
21/07/2022	2:31:00 PM	Cathy Thomas	Dorrigo Plateau LALC	Email	Carly Todhunter	Niche Environment and Heritage	Draft report review	<p>Good morning Cathy,</p> <p>Many thanks for your assistance on this project thus far, I wanted to pass on a copy of our draft report for the Faheys Pit Quarry Extension.</p> <p>If you could please review this document at your earliest convenience and provide any comments that you would like to be added to the report it would be greatly appreciated.</p> <p>Warm regards,</p>
23/08/2022	12:02 pm	Cathy Thomas	<a href="#">Dorrigo Plateau LALC</a>	phone	Catriona Graham	Niche Environment and Heritage	Draft report review	Contacted Cathy as no comments had been provided, in order to determine feedback. Was asked to provide a more detailed map, and that the DPLALC would provide feedback as soon as possible.

Date	Time	Individual Contacted	Organisation Contacted	Form of contact	Contacted by	Organisation represented	Nature of Consultation	Notes
24/08/2022	8:54:00 AM	Cathy Thomas	<a href="#">Dorrigo Plateau LALC</a>	email	Catriona Graham	Niche Environment and Heritage	Draft report review	<p>Good morning Cathy,</p> <p>Apologies for the late response, attached is the more detailed map of the Subject Area, and our figure for the report for your use in providing any comments or feedback for the Faheys Pit Quarry Extension DD.</p> <p>We hope to incorporate DPLALC comments into our report for submission to the client by the latest Friday evening, and would really appreciate if you could provide feedback or comments by close of business Friday as we need to finalise the document this week.</p> <p>Kind regards,</p> <p>Catriona</p>
24/08/2022	8:55:00 AM	Cathy Thomas	<a href="#">Dorrigo Plateau LALC</a>	email	Catriona Graham	Niche Environment and Heritage	Draft report review	<p>Good morning Cathy,</p> <p>Seems to have been an issue going through,</p> <p>Kind regards,</p> <p>Catriona</p>
26/08/2022	9:15:00 AM	Cathy Thomas	<a href="#">Dorrigo Plateau LALC</a>	Phone	Catriona Graham	Niche Environment and Heritage	Draft report review	<p>Checked in to see if additional resources were needed. Left a message.</p>

Date	Time	Individual Contacted	Organisation Contacted	Form of contact	Contacted by	Organisation represented	Nature of Consultation	Notes
26/08/2022	10:03:00 AM	Catriona Graham	<a href="#">Niche Environment and Heritage</a>	Phone	Cathy Thomas	Dorrigo Plateau LALC	Draft report review	Chatted to Cathy on review. Would provide comments and feedback on Monday
29/08/2022	9:40:00 AM	Catriona Graham	<a href="#">Niche Environment and Heritage</a>	phone	Cathy Thomas	Dorrigo Plateau LALC	Draft report review	Phone call from Cathy. Will be reviewing today and would provide feedback before 5pm.
29/08/2022	2:16:00 PM	Catriona Graham	<a href="#">Niche Environment and Heritage</a>	phone	Cathy Thomas	Dorrigo Plateau LALC	Draft report review	Hi Catriona, Phil has been in and we have gone over the report. We would like to make an addition to page 17. I will email through in the next 30 minutes. Cheers, Cathy
29/08/2022	2:17:00 PM	Cathy Thomas	<a href="#">Dorrigo Plateau LALC</a>	Phone	Catriona Graham	Niche Environment and Heritage	Draft report review	Hi Cathy, thank you so much to you and Phil for going through, I really appreciate it! Cheers, Catriona

Date	Time	Individual Contacted	Organisation Contacted	Form of contact	Contacted by	Organisation represented	Nature of Consultation	Notes
29/08/2022	3:02:00 PM	Catriona Graham	<a href="#">Niche Environment and Heritage</a>	email	Cathy Thomas	Dorrigo Plateau LALC	Draft report review	<p>Hi Catriona,</p> <p>This is the addition as texted through to you for page 17.</p> <p>Given the importance of ridgelines generally the disturbance to the land caused by previous quarrying operations is concerning in this particular location due to the topography of the area.</p> <p>Although it is outside the scope of this DD it should be noted that the ridgeline here would likely to have been connected to other known look out points in the area - making up a triangle from the high point overlooking Grafton in one direction and toward Chilundi in the other.</p> <p>We will never now be able to document this position and this underscores the need to do thorough due diligence as part of all environmental assessments and prior to any significant disturbance to the land.</p> <p>Cheers</p> <p>Cathy</p>

Date	Time	Individual Contacted	Organisation Contacted	Form of contact	Contacted by	Organisation represented	Nature of Consultation	Notes
								PS You might need to check my spelling of Chilundi!!

Date	Time	Individual Contacted	Organisation Contacted	Form of contact	Contacted by	Organisation represented	Nature of Consultation	Notes
29/08/2022	3:02:00 PM	Cathy Thomas	<a href="#">Dorrigo Plateau LALC</a>	email	Catriona Graham	Niche Environment and Heritage	Draft report review	<p>Hi Cathy,</p> <p>Thank you for providing comments on this report, we really appreciate your input and feedback.</p> <p>I will incorporate your comments into the report as recommended and we shall finalise, and chase up on the second invoice.</p> <p>Kind regards,</p> <p>Catriona</p>

## Contact Us

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