

# Arcadia East Subdivision

Archaeological Survey Report and Aboriginal Cultural Heritage Assessment

Tamworth Regional LGA NSW

Report to CSO

February 2023



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**AREA Environmental & Heritage Consultants**

"The Old Macquarie Brewery" c1876, 72 Brisbane Street Dubbo NSW 2830

Ph 0409 852 098

[phil@areaenv.com.au](mailto:phil@areaenv.com.au)

**AREA Environmental & Heritage Consultants ABN:29 616 529 867**

- Environmental impact assessment, auditing, and approvals
- High level preliminary environmental assessment (PEA)
- Review of environmental factors (REF)
- Peer review
- Community engagement
- Biobanking and biodiversity offsetting assessments
- Aboriginal heritage assessments and community walkovers
- Landscape architecture and design

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Prepared For	Chris Taylor, Manager CSO ENGINEERS Pty Ltd Taminda Business & Lifestyle Park Level 2, 10/1a Wirraway Street Tamworth NSW 2340 E: <a href="mailto:chris@csoengineers.com">chris@csoengineers.com</a>		
Prepared By	Anna Darby, Environmental Consultant (Archaeologist) <b>AREA Environmental &amp; Heritage Consultants Pty Ltd</b> 6 Belmore Street Dubbo NSW 2830 E: <a href="mailto:anna@areaenv.com.au">anna@areaenv.com.au</a> ABN: 29 616 529 867		
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# Executive summary

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## Background

The Arcadia Estate is located on the southern extent of Tamworth City. The Arcadia Estate is an Urban Release Area under the *Tamworth Regional Local Environmental Plan 2010*. The site is approximately 290ha in area and is currently zoned R1 – General Residential, R2 – Low Density Residential and B1 – Neighbourhood Centre. Extensive strategic planning was undertaken in 2019 and 2020 leading to the development of Council's guiding strategic document *Blueprint 100*, which was also included as part of the *Tamworth Regional Local Strategic Planning Statement 2020*. This planning identified the potential to increase the potential density of the residential development on the subject lands.

CSO Engineers Pty Limited (SCO Engineers) intends to lodge a Development Application (DA) with Tamworth Regional Council for the subdivision of land for future residential development of the eastern side of the Arcadia Estate (the proposal, Figure 1-1). The DA would seek consent under Part 4, Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) from Council.

SCO Engineers (the proponent) engaged AREA Environmental & Heritage Consultants (AREA) to complete an Archaeological survey the proposal and to prepare this Aboriginal cultural heritage assessment report (ACHAR) and Archaeological survey report (ASR).

## Previous archaeological assessment

Everick Heritage Consultants Pty Ltd (Everick) were engaged by Tamworth Regional Council in 2014 to conduct an Aboriginal Due Diligence assessment for the South Tamworth Rural Lands Master Plan Development (Robins and Towers 2014). AREAs study area is within the eastern portion of the master plan development (Figure 5-2).

The survey was undertaken in conjunction with Tamworth Local Aboriginal Land Council. The survey targeted areas with archaeological potential. Sample survey occurred in the riparian corridor of Burkes Gully and the rocky crests in the west of the study area.

Fifteen Aboriginal sites were recorded during Everick's survey, 12 artefact scatters and three culturally modified trees (scarred) with artefacts. One of the culturally modified trees (scarred) contained a stone cache containing at least three stone artefacts including a potential axe blank. This tree has grown around the Aboriginal objects making them impossible to remove. The placing of stones in tree hollows has been recorded in Aboriginal ethnography, with the purpose being for hunting and trapping small animals or for storage. Everick (Robins and Towers 2014) noted the possibility of the stones being placed in the tree following non-Aboriginal settlement. Height of the stones in the tree combined with the substantial overgrown bark around the hollow indicated the Aboriginal objects have been in place for more than 100 years. Everick (Robins and Towers 2014) also recorded a volcanic stone resource area in the northwest portion of Lot 1 DP795331, containing high quality (fine grained) volcanic cobbles suitable for stone tool making.

Maas Group Properties Arcadia Pty Limited (MAAS) is proposing to develop Lot 6 DP 1211122 and has started consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010). An archaeological survey and ACHAR has been completed. The archaeological survey was undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2011a) and conducted over two days from 31 May to 1 June 2022 by Anna Darby of AREA, together with Michelle Fermor and Michael Fermor from Tamworth LALC



and Sharon Porter and Neville Sampson from the Gomeroi People's Registered Native Title Applicants (Tamworth Culture and Heritage Committee). Nine Aboriginal sites were recorded during the survey, and included six artefact scatters and three isolated stone artefacts. The majority of the sites were recorded within Burkes Gully.

### **AREA's Fieldwork**

Two archaeological surveys were conducted for the proposal. The first survey was conducted over two days from 7 to 8 September 2022 by Anna Darby of AREA, together with Edward Fermor and Michael Fermor from Tamworth LALC. A secondary survey was conducted on 23 November 2022 by Anna Darby of AREA together with Sharon Porter and Peter White from the Gomeroi People's Registered Native Title Applicants (Tamworth Culture and Heritage Committee). One artefact scatter and three isolated stone artefacts were recorded during the first survey.

### **Recommendations**

Based on the assessment, the following recommendations are made:

- An Aboriginal Heritage Impact Permit (AHIP) would be required to impact any Aboriginal sites which cannot be avoided and further consultation to support an AHIP application is needed.
- A condition of consent for the AHIP is likely to express a desire by the Registered Aboriginal Parties that Aboriginal sites which cannot be avoided are collected and reburied in consultation with the Aboriginal community expressing a formal interest in this proposal.
- Should an AHIP be issued, surface collection of the stone artefact scatters and isolated finds should be undertaken in accordance with OEH's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2011a)*.
- The locations of the cultural heritage sites shown on Figure 6-74 and detailed in Section 6.4 should be provided to the supervisors responsible for the construction and operation of the proposal. They should be informed cultural heritage sites are protected under the NPW Act and no harm is to come to them. The presence of the cultural heritage sites will be made clear to the workforce as part of an induction.
- Shared pathways within Burkes Gully should be built above the surface to avoid damage to any subsurface archaeological deposits.
- The following is not an archaeological recommendation as it is inconsistent with OEH's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2011a)*.
  - The Aboriginal community recommend monitoring be undertaken to mitigate possible impacts to unrecorded sub-surface remains within Burkes Gully.
  - The decision to allow cultural monitoring lays entirely with the Proponent and once a decision is made, they should consult with Tamworth LALC and the Gomeroi People's Native Title Applicants.
- Archaeologically, where impacts to Burkes Gully are proposed Aboriginal test excavations are recommended in accordance with OEH's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2011a)*.

- The salvaged artefacts to be reburied within a protected area of Burkes Gully in a location agreed to by the RAPS. Reburial should occur shortly after surface collection and test excavation.
- RAPs to be given the opportunity to provide feedback and input on interpretation signage within the study area.
- If any objects of suspected Aboriginal heritage origin be encountered during the proposal, activity in the area of the find should cease and the unexpected finds protocols (Appendix C) should be implemented.
- If changes are made to the proposal which could impact locations outside of the current study area, further archaeological investigation may be required.
- If suspected human remains are located during any stage of the proposal, work must stop immediately, and the NSW police must be notified.

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### Terms and acronyms used in this document.

Acronym	Definition
BOM	Bureau of Meteorology
DECCW	Department of Environment, Climate Change and Water
DPE	Department of Planning and Environment
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
GPS	Global positioning system
GSV	Ground Surface Visibility
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
NP&W Act	National Parks and Wildlife Act 1974
NPWS	National Parks and Wildlife Service
NSW	New South Wales
OEH	Office of Environment and Heritage
Study area	Cumulatively all components disturbance areas affected by the proposal

# 1 Introduction

## 1.1 Background

The Arcadia Estate is located on the southern extent of Tamworth City. The Arcadia Estate is an Urban Release Area under the *Tamworth Regional Local Environmental Plan 2010*. The site is approximately 290ha in area and is currently zoned R1 – General Residential, R2 – Low Density Residential and B1 – Neighbourhood Centre. Extensive strategic planning was undertaken in 2019 and 2020 leading to the development of Council's guiding strategic document *Blueprint 100*, which was also included as part of the *Tamworth Regional Local Strategic Planning Statement 2020*. This planning identified the potential to increase the potential density of the residential development on the subject lands.

CSO Engineers Pty Limited (SCO Engineers) intends to lodge a Development Application (DA) with Tamworth Regional Council for the subdivision of land for future residential development of the eastern side of the Arcadia Estate (the proposal, Figure 1-1). The DA would seek consent under Part 4, Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) from Council.

SCO Engineers (the proponent) engaged AREA Environmental & Heritage Consultants (AREA) to complete an Archaeological survey of the proposal and to prepare this Aboriginal cultural heritage assessment report (ACHAR) and Archaeological survey report (ASR).

## 1.2 Locality

The proposal is located within the eastern portion of the Arcadia Precinct, southwest of the Tamworth CBD. The study area is bounded by Burgmanns Lane to the south. The regional geographical context of the study area is provided in Table 1-1.

**Table 1-1: Regional geographical context of the study area**

Criteria	Study area
Central coordinates (GDA94 z56)	299758mE 6553791mN
Interim Biogeographic Regionalisation for Australia (IBRA Region)	Nandewar region and Peel subregion
State	NSW
Topographical map sheet	Tamworth 1:250 000
Local Government Area	Tamworth Regional LGA
Local Aboriginal Land Council area (LALC)	Tamworth LALC
Parish	Calala
County	Parry
Schedule of Native Title Determination Applications (Claims, ILUA Future Acts etc.)	Gomeri People's native title application (NC2011/006)
Nearest town / locality	Tamworth
Accessed from nearest town by	Burgmanns Lane Road
Land use / disturbance	Farming
Nearest waterway (Name, Strahler Order)	Burkes Gully intersects the study area (1 <sup>st</sup> order)
Spot point Australian Height Datum (AHD)	266 – 281 m
Surrounding land use	Residential, farming, transmission line corridor

## 1.3 Project description

The proposal consists of the following lots:

- Lot 1 DP233288

- Lot 1 DP1213875
- Lot 2 DP1213875

The proposal will subdivide land, undertake major earthwork, construct roads, install utilities and services, landscape, and construct drainage basins. The design detail outside the study area is outside the scope of the DA and is not included in this report. Tamworth Regional Council intends to develop the land on the eastern side of the Burkes Gully.

Burkes Gully is identified by Council to offer long-term recreational opportunities, which may involve walking/cycling tracks, shared pathways, low-vegetated open space areas. The minimal infrastructure work required to support the urban release area includes roads, infrastructure such as water and sewer mains, stormwater retention basins (and associated spillways (for significant rainfall events)), and a concrete piped network to convey stormwater from each retention basin to Burkes Gully, following low-rainfall events. In order to provide the required infrastructure, excavation will be in a number of areas, namely adjacent Burkes Gully.

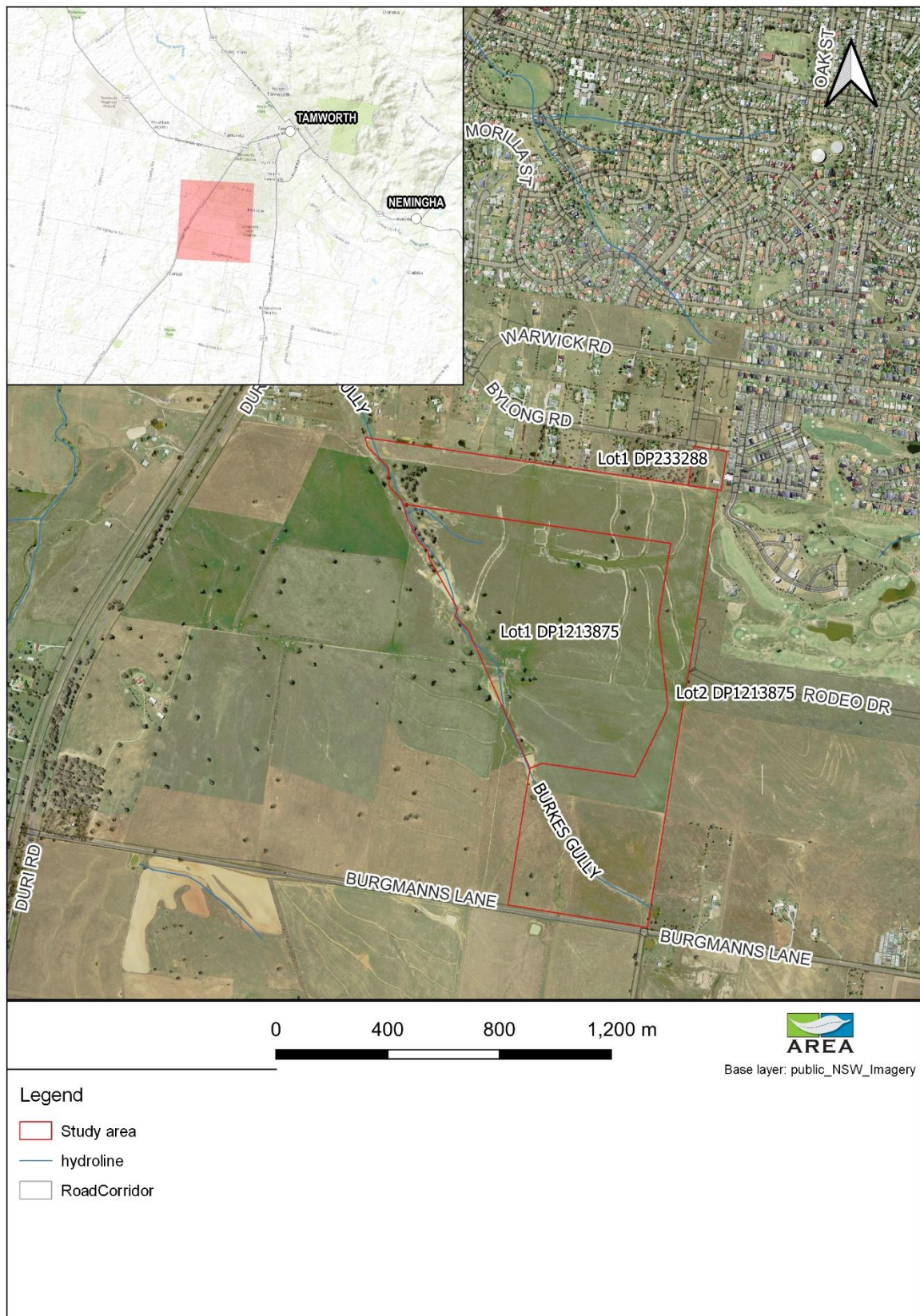
For the purpose of this assessment:

- Land surveyed by AREA's heritage team is the '**study area**'
- Land effected by the proposal is the '**development footprint**'.

The conceptual layout of the development footprint is shown in Figure 1-2, this is subject to design changes post DA approval. The entire study area has the potential to be impacted by the proposal.

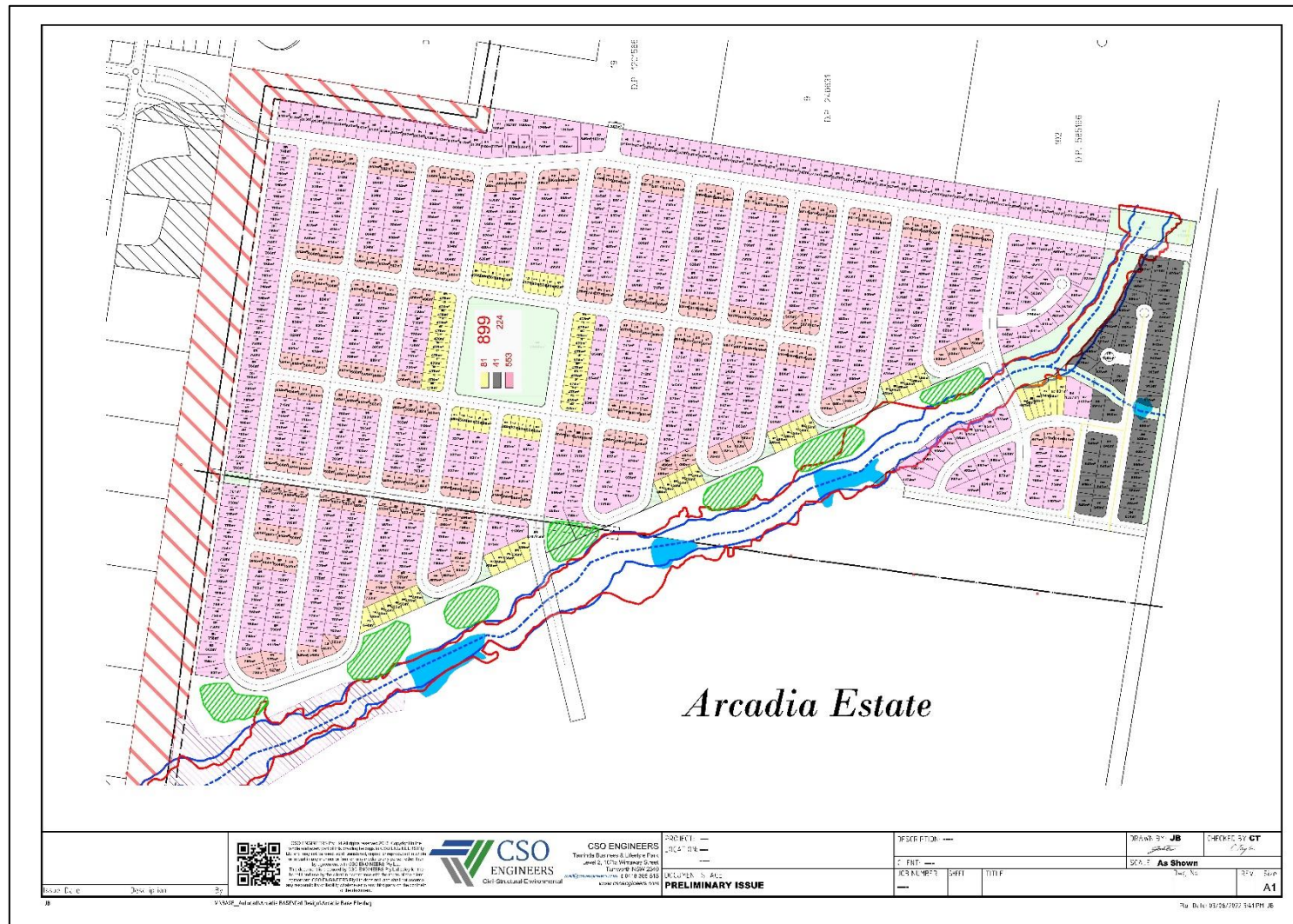


Figure 1-1: Location of the study area





**Figure 1-2: Preliminary design for the proposal**



## 1.4 Project personnel

This assessment was carried out by appropriately experienced or qualified staff (Table 1-2). Anna Darby conducted the field surveys and prepared this report. Phillip Cameron provided project management and Kim Newman reviewed this report.

**Table 1-2: Summary the project team's qualifications**

Name	Position	CV Details	Suitability for the task
Phillip Cameron	Principal consultant.	BSc. Macquarie University Ass Dip App Sci. University of Queensland Certified Environmental Practitioner (EIANZ) Practicing member of the Environment Institute of Australia and New Zealand (EIANZ)	Phillip Cameron is an appropriately skilled and experienced person (degree or relevant experience) in the field of Aboriginal cultural heritage management. He has the equivalent of two years full-time experience in Aboriginal archaeological investigation, including involvement in a project of similar scope, a demonstrated ability to conduct a project of the scope required through inclusion as an attributed author on a report of similar scope under the <i>NSW OEH Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> . Phillip has been undertaking heritage assessments as an environmental consultant since 2004.
Anna Darby	Archaeologist. Authored the report. Undertook site recording and the survey.	Bachelor of Arts and Bachelor of Science (Archaeology, Paleoanthropology and Forensic Science). University of New England Bachelor of Science (Honours). University of New England RIW Card WHS White Card	Anna has worked in Australian archaeology since 2014 and has been involved in many Aboriginal and historical archaeology projects.
Kim Newman	Archaeologist: reviewed the report.	Bachelor of Archaeology (Honours) University of New England Master of Science (Archaeology). University of New England	Kim has worked in Australian archaeology since 2009. She has been involved in all levels of assessment in Aboriginal archaeology, including survey and excavation. She has also worked to varying degrees in historical archaeology.

## 1.5 Assessment objectives

The objectives of the cultural heritage assessment are as follows:

- Identify any recorded Aboriginal archaeological sites using database searches and assess the likelihood for such sites using background information.
- Consult with the Aboriginal community regarding the proposal and seek out any relevant information about the study area they may have.

- Undertake a physical inspection of the study area to identify any unrecorded sites of Aboriginal heritage and assess the possible need for further investigation.
- Evaluate the significance of any sites of cultural heritage within the study area with the advice of the Aboriginal community, as well as the potential impact that the proposal will have on them.
- Provide recommendations for the treatment of any cultural heritage remains within the study area.

## 1.6 Report structure

This report corresponds with the reporting requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (NSW OEH 2011a), and the *Guide to Investigating, Assessing and Reporting on Aboriginal Heritage in NSW* (NSW OEH 2011b). The structure of this report is summarised in Table 1-3.

**Table 1-3: Report structure**

Section reference	Section heading	Description
1	Introduction	Background to the project and purpose of the report
2	Legislative Context	Overview of relevant legislation regarding Aboriginal cultural heritage
3	Aboriginal Community Consultation	Details of consultation with the Aboriginal community regarding the project
4	Landscape Features	Environmental information that is relevant to the presence and survival of heritage items in the study area
5	Archaeological Context	Local and regional archaeological information that is relevant to assessing the potential for archaeological remains and their significance
6	Archaeological Survey	Description of the methodology used for the physical assessment of the study area and summary of the results
7	Significance	Assessment of the Aboriginal cultural heritage
8	Impact and Management	Impacts that the proposal will have on any identified heritage items and proposed management
9	Recommendations	Suggested steps for the Proponent to take with regards to Aboriginal cultural heritage
10	References	List of reports, books, websites, and other resources used to produce this report

## 2 Legislative context

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### 2.1 The Burra Charter (Australia ICOMOS 2013)

Australia ICOMOS (International Council on Monuments and Sites) has developed a set of principles and practices for the management of cultural heritage in Australia. Local government authorities including the NSW DPE have used the Burra Charter to guide their own heritage management documents. The charter promotes the conservation of places of cultural significance (Australia ICOMOS, 2013: 3). It placed an emphasis on understanding significance as the basis for managing the heritage values for a place, as well as the importance of consulting with community groups to achieve this understanding (Australia ICOMOS, 2013: 4, 8).

### 2.2 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the primary framework of legislation for the protection of nationally significant ecological communities and heritage places. Heritage items are protected through their inscription on the World Heritage List, Commonwealth Heritage List or the National Heritage List. There are no items listed on the above registers within the study area.

The Act also has jurisdiction over environmental impacts other than those of national significance where they occur on commonwealth-owned land. The EPBC Act becomes the primary piece of legislation for the approval of a project when a proposal may significantly impact a matter of national environmental significance. In this case, the assessment is referred to the Department of Agriculture, Water and Environment.

### 2.3 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act consists of three main parts of direct relevance to Aboriginal cultural heritage:

- Part 3 which governs the preparation of planning instruments
- Part 4 which relates to development assessment processes for local government (consent) authorities
- Part 5 which relates to activity approvals by governing (determining) authorities.

This Aboriginal cultural heritage assessment report (ACHAR) will form part of the development application being prepared by CSO Engineers in accordance with the requirements of Part 4.

### 2.4 National Parks and Wildlife Act 1974

Under the *National Parks and Wildlife Act 1974* (NPW Act), the Director-General of the NPW is responsible for the care and protection of Aboriginal objects and places in NSW. An *Aboriginal object* means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. An *Aboriginal place* means any place of special significance with respect to Aboriginal culture as declared by the Minister.



Under Section 86 of the Act, a person must not harm an Aboriginal object or place. However, the Chief Executive may issue an Aboriginal Heritage Impact Permit (AHIP) subject to conditions. Penalties are in place for anyone who breaches these conditions or knowingly defaces or destroys an Aboriginal object or place without a permit.

## 3 Aboriginal Community Consultation

### 3.1 Overview

Consultation has been carried out with the local Aboriginal community according to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010). For details of the consultation process, see Appendix A.

### 3.2 Identification of stakeholders and registrations of interest

AREA corresponded with the following organisations by email on the 22 September 2022 requesting the details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the Tamworth area:

- Heritage NSW
- Tamworth Local Aboriginal Land Council
- Native Title Services
- Local Land Services
- Tamworth Regional Council
- The National Native Title Tribunal
- The Native Title Services Corporation (NTS Corp)

An advertisement was also placed in the Tamworth Leader on 24 September 2022, inviting the participation of people who might hold cultural knowledge relevant to the Tamworth region.

The Aboriginal persons or organisations identified by the agencies above were contacted by AREA on 20 October 2022 and were provided with details about the location and nature of the proposal, as well as an invitation to register as an Aboriginal stakeholder and participate in community consultation for the project. Table 3-1 lists the organisations and individuals who registered their interest in the project.

**Table 3-1: Registered Aboriginal Parties**

Contact	Organisation
Conor Wakefield	NTS Corp on behalf of Gomeroi People's Registered Native Title Applicants (Tamworth Culture and Heritage Committee)
David Horton	Gomery Cultural Consultants
Aaron Talbott	AT Gomilaroi Cultural Consultancy
Fiona Snape	Tamworth Local Aboriginal Land Council
Lilly Carroll & Paul Boyd	DNC
Keyelene Terry	Bariyan Cultural Connections
Thomas Dahlstrom	Thomas Dahlstrom
Vicky Slater	Wurrumay Pty Ltd
Kaarina Slater	Ngambaa Cultural Connections
Derrick Vale	D F T V Enterprises
Steve Talbott	
Dean Bell and Merekai Bell.	Yurwang Gundana Consultancy Cultural Heritage Services
Pamela Young and Robert Young	Konanggo Aboriginal Cultural Heritage Services

### 3.3 Review of the assessment methodology

A copy of the proposed survey and assessment methodology was sent to the Registered Aboriginal Parties (RAPs) on 10 November 2022 requesting feedback by the 1 December 2022. Responses received are outlined in Table 3-2.

**Table 3-2: Summary of proposed methodology comments**

Organisation	Contact	Comments
Didge Ngunawal Clan	Lillie Carroll and Paul Boyd	Agreed with the proposed methodology
Bariyan Cultural Connections	Keyelene Terry	Agreed with the proposed methodology
Yurwang Gundana Consultancy Cultural Heritage Services	Dean Bell and Merekai Bell	Agreed with the proposed methodology and would like to be involved in the survey

### 3.4 Archaeological surveys

Two archaeological surveys were conducted for the proposal. The first survey was conducted over two days from 7 to 8 September 2022 by Anna Darby of AREA, together with Edward Fermor and Michael Fermor from Tamworth LALC. A secondary survey was conducted on 23 November 2022 by Anna Darby of AREA together with Sharon Porter and Peter White from the Gomeri People's Registered Native Title Applicants (Tamworth Culture and Heritage Committee).

During the surveys preliminary management and mitigation measures were discussed with the site officers:

- Archaeological test excavations away from Burke's Gully were deemed not necessary.
- Monitoring of works within Burkes Gully be undertaken to mitigate possible impacts to unrecorded sub-surface remains within Burkes Gully.
- During the second survey the grass and ground cover had grown exponentially, inhibiting the relocation of previous Aboriginal artefact scatters and isolated stone artefacts. A cultural burn is recommended before the surface collection in particular around Burke's Gully to ensure higher ground surface visibility to see the artefacts.

Monitoring is not recommended by the archaeologist as if there is a belief that there are any potential subsurface deposits then test excavation should be conducted as an alternative.

### 3.5 Results from RAP review of the ACHAR

A draft copy of this report was sent to the RAPs for review on 10 January 2023, requesting responses by 7 February 2023. Table 3-3 outlines the comments received.

**Table 3-3: Summary of proposed methodology comments**

Organisation	Contact	Comments
Yurwang Gundana Consultancy Cultural Heritage Services	Dean Bell and Merekai Bell	Yurwang Gundana is in the mind of doing test excavations so every protentional Artifact is found and preserved and also in the mind set of reburying them all somewhere they will not be impacted but still on country in the same area if possible. If test excavations do happen Yurwang Gundana would like to be apart of the fieldwork
Konanggo Aboriginal Cultural Heritage	Robert Young	I have read the draft and I and my Mother are pleased that it has accommodated all processes and protocols as

Organisation	Contact	Comments
Services		<p>determined through legislative and policies from various organisations and am exceptionably pleased at the acknowledgement of the processes of any Aboriginal remains if required, are detailed in the draft as a lot of other drafts in which we have read do not enclose that information.</p> <p>The AHIMS sites that had previously recorded then due to weather impacts of the area described in your Draft report, have unfortunately transported too elsewhere. Has this been notified to Heritage NSW AHIMS the recent results so it can be added to the sites card. My Mother worked at NPWS, and Heritage NSW for over 20yrs. Working with artefacts and ancestor remains keeping place, sites.</p>
Gomery cultural consultants	David Horton	Test excavation should occur to determine the extent of the Aboriginal sites.
	Steve Talbott	<p>Steve's would have preferred to have been present during the assessment to provide his insights for the assessment. He highlighted limitations documented in the report noting the grass cover was extensive. His concern was while sites are recorded in association with the creek they could be up to 300m either side if the assessment focussed on the cultural landscape as opposed to site based assessment.</p> <p>AREA's Phil Cameron responded to Mr Talbott and acknowledged the GSV limitation noted in the report and stated STs response would be provided in the document submitted to the Regulator for consideration.</p> <p>In second a conversation with Anna Darby and Phil Cameron, Mr Talbot expressed that he thought the people involved in the surveys did not have enough experience and/or did not have local experience to read the cultural landscape. He would also like to know exactly what works are happening in the vicinity of Burkes Gully. Mr Talbott also stated he didn't agree with the way that anyone can register as a RAP.</p>

## 4 Landscape features

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A review of the landscape of the development footprint and surrounds allows for comparison with other archaeologically investigated areas. It also assists in assessing existing and previous disturbances which may have affected the integrity of archaeological remains. Environmental features such as landforms, topography, water sources, geology, soils, and vegetation are also relevant for an archaeological assessment.

The proposal is in the lower middle portion of the Nandewar Bioregion, Peel subregion. The Nandewar Bioregion lies in northern NSW and across the Qld border. The bioregion is bounded by the North Coast, New England Tablelands and Brigalow Belt South bioregions in the south, east and west respectively.

### 4.1 Landforms and topography

The topography of the Nandewar Peel Bioregion has low peaked hills with north-westerly alignment, basalt caps of dissected flows, moderate slopes, and flat river valleys with alluvium. The study area is in the Tamworth - Keepit Slopes and Plains Mitchell Landscape. These are described by Mitchell (2002) as extensive areas of undulating to rolling slopes and plains with low hills and low ranges forming the western fall of the New England plateau. The study area is relatively flat with the elevation sloping downwards towards Burkes Gully between approximately 430m to 396m AHD (Figure 4-1).

### 4.2 Waterways

Several major rivers flow through the Nandewar Bioregion including the Peel, Macdonald, McIntyre, Namoi, Severn and Gwydir Rivers. The Peel River is located five kilometres northeast of the study area. Burkes Gully (a first order Strahler) creates the western boundary of the study area. Burkes Gully connects to Timbumburi Creek one kilometre north of the study area. These creeks would have provided water sources for Aboriginal people after inundating rain.

### 4.3 Geology and soils

The soils of the Nandewar Peel Bioregion are comprised of fine-grained Silurian to Devonian sedimentary rocks which are strongly folded and faulted with marked northwest alignment. Areas of sub-horizontal Carboniferous shales and sandstones occur in the north. Limited areas of basalt cap from the Nandewar and Liverpool Ranges. Linear outcrops of serpentinite and scattered bodies of limestone also locally occur (NSW Office of Environment and Heritage (OEH) 2013).

Soils in the study area are typically stony soils on ridges grading into plains soil types. Texture contrast soils on almost all slopes shifts in colour from red brown on upper slopes, earths also occur on basalt areas. The lower areas (plains) have alluvial loams and clays with moderate to high fertility in alluvium with harsh subsoils prone to gully development on lower slopes.

The geology of the study area is complex, with folded and faulted sedimentary and metamorphic rocks with minor interbedded volcanic. Rock types include quartzite, basalt, chert, shale, hornfels, red silcrete, greywacke. A mixture of fine-grained basalt and shale, materials were the most common materials observed.



Figure 4-1: Overview of the landscape context of the study area



## 4.4 Vegetation

Remnant native vegetation in the study area is typical of a historically cleared Western Slopes Grassy Woodland. The remnant mid and upper stratum native species in the study area are consistent with PCT599 – Blakely’s Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion. The ground stratum consists mostly of dominating exotic species.

## 4.5 Climate

The Nandewar Bioregion is subject to summer rainfall (Benson 1999 as cited in OEH 2013), with the rainfall pattern described as being slightly summer dominant. It is characterised by frequent rain of high intensity and high run-off caused by the steep slopes and shallow soils that feature prominently in the bioregion (Morgan and Terrey 1992 as cited in OEH 2013).

The bioregion is considered mostly warm and dry, although average annual temperatures and rainfall vary markedly across the bioregion in relation to elevation (NSW NPWS 2000 as cited in OEH 2013). The central areas, such as the Nandewar Range and the northern slopes of the Liverpool Range, are generally cooler as they tend to have a higher elevation, whereas the warmer areas correspond to the lowlands around the main river catchment areas.

Average annual rainfall also varies distinctly across the bioregion. Rainfall generally decreases from east to west, but the differing topography across the bioregion alters this trend somewhat, with areas at higher altitudes, such as Mt Kaputar, receiving significantly more rain annually than lower lying areas in the west (NSW NPWS 2000 as cited in OEH 2013).

Tamworth has a sub-humid to temperate climate. It experiences a maximum mean temperature of 31.9°C in January and a minimum mean temperature of 2.9°C in July (BoM 2020). Tamworth has a mean rainfall of 673.6 mm annually with the summer months being the wettest (Table 4-1).

**Table 4-1: Summary climate data (red maximum, blue minimum values)**

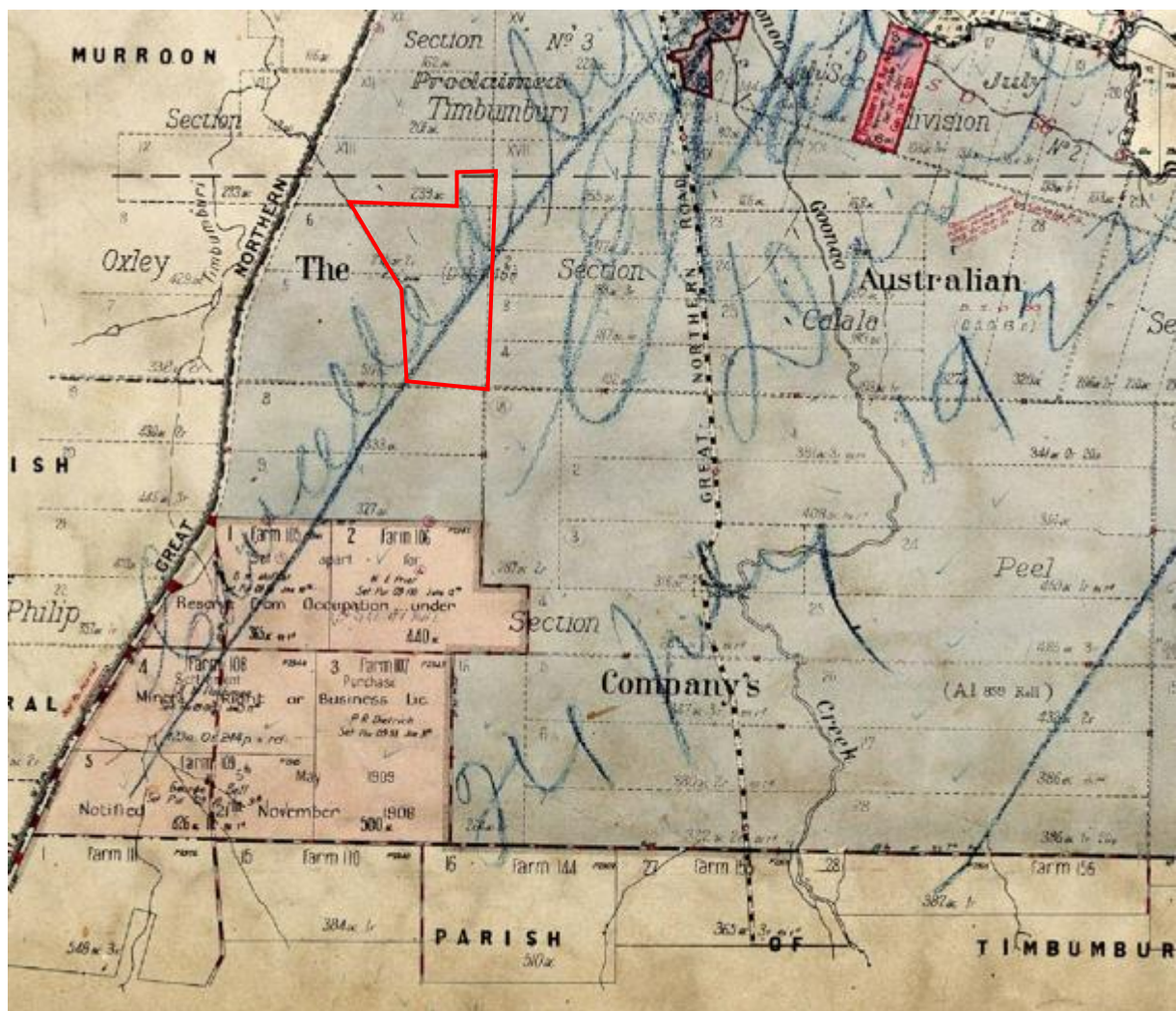
Statistics	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	Years
Temperature														
<a href="#">Mean maximum temperature (°C)</a>	31.9	31.1	29.0	24.8	20.0	16.4	15.5	17.4	21.1	25.0	28.5	31.0	24.3	85 1907 1992
<a href="#">Mean minimum temperature (°C)</a>	17.4	17.1	14.8	10.6	6.7	4.1	2.9	3.7	6.1	9.9	13.1	16.0	10.2	85 1907 1992
Rainfall														
<a href="#">Mean rainfall (mm)</a>	85.4	66.7	49.0	42.2	44.2	49.3	46.1	45.6	47.6	58.4	66.4	72.3	673.6	111 1876 1992
<a href="#">Decile 5 (median) rainfall (mm)</a>	72.8	54.9	40.4	37.4	33.6	41.9	38.9	42.5	42.3	55.5	62.4	68.0	681.8	114 1876 1992
<a href="#">Mean number of days of rain ≥ 1 mm</a>	6.2	5.1	4.3	3.9	4.7	5.6	5.5	5.5	5.2	6.0	5.9	6.3	64.2	113 1876 1992



## 4.6 Land Use history

The region now known as Tamworth was first visited by non-Aboriginal people in 1818 when the explorer John Oxley travelled through. He noted the valuable resources that were abundant in the region. In 1824 the Australian Agricultural Company was formed by an Act of the British Parliament and incorporated by Royal Charter (Figure 4-2). With the aim to produce fine merino wool for export to Great Britain, the Australia Agricultural Company was provided unoccupied lands by the crown for the purposes of “cultivation and improvement of wastelands in the colony of New South Wales and other purposes amongst which was the production of fine merino wool as an article of export to Great Britain” (Carey 2006). The southern bank of the Peel River was selected in 1833 with the business centre located in the township of West Tamworth.

Figure 4-2: 1909 Parish map, study area outlined in red (source HLV)



## 5 Archaeological Context

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### 5.1 Regional Aboriginal context

Tamworth is near the transition between arid and temperate climates. The boundaries of these climates have changed substantially throughout the Aboriginal occupation of Australia. Hiscock argues use of the landscape, specifically the exploitation of resources was significantly variable from region to region and throughout time (Hiscock 2008). The implication of this is, the late Holocene landscape, which is relatively well represented in the archaeological record, may have been used substantially differently in Tamworth by Aboriginal people to other regions in a similar climate, and to the Tamworth area in previous times. In understanding the archaeological and ethnographic context of the Tamworth region, it is important to acknowledge that existing knowledge is likely to be heavily weighted toward the late Holocene (i.e. the last 1,000 years) and may also be influenced by parallels drawn in similar regions.

Aboriginal people typically moved from place to place depending on the availability of resources and weather patterns (Clarke 2007: 56). Far from this being an unplanned migration dictated by changes in seasons and weather, regular patterns of movement would have been established within a range of possible options. Within the Holocene period, which saw an increase in rainfall, the Tamworth region offered a variety of resources. The reliability of the Peel River and associated waterways, as well as the variability offered by the Nandewar Range presented the local population with a range of food and other resources.

Tamworth is within the traditional country of the Kamilaroi<sup>1</sup> language group or 'nation'. The Kamilaroi typically spent their summer months traveling along rivers and plains gathering a variety of resources. In the winter months, movement was generally more restricted in temperate climates (Clarke 2007: 57). Semi-permanent encampments of wood and bark huts have been observed on the Liverpool plains and were possibly associated with summer life.

A variety of foods were available to the Kamilaroi, due in part to the variety of landscapes and environmental conditions that could be exploited in the region and their semi-nomadic way of life. Fish, yabbies, mussels, grubs, possums, wallabies, kangaroos, emus, turkeys, lizards, snakes, and more were some of the meats available to the Kamilaroi (Insite Heritage: 24). Grass seeds, yams, wild potatoes, and a variety of fruits were also part of the diet.

A variety of tools were needed for the extraction and manipulation of these resources. Many of these tools were made of stone. Scrapers, blades, axes, choppers, burins, adzes and more stone tool types were used by Aboriginal people in hunting, food preparation, wood working, carving and much more. However, many tools and other objects were made from wood, bone and shell which do not survive into the archaeological record as well as stone (Clarke 2007: 111). It is also important to approach the interpretation of stone tools carefully as different tribal groups may have used similar tools in different ways (Holdaway and Stern 2004: 68–69). The implications of these two points are, when analysing the archaeological record it is important to be mindful that it is only representative of some of the behaviors of previous inhabitants, and the function of similar remains can be different from region to region.

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<sup>1</sup> Alternate spellings are: Kamilarai, Kamilari, Kamilroi, Kamilarai, Kamularoi, Kaamee'larrai, Kamileroi, Koomilroi, Komleroy, Gamilaroi, Gamilroi, Kahmilaharoy, Kamilary, Gumilroi, Gummilroi, Gummilray, Ghummlarai, Kimilari, Karmil, Kamil, Kahml, Comleroy, Ghummlarai, Cammealroy, Kahmilari, Cumilri, Camelleri, Cummilroy, Comleroy, Cumeroy, Gunnilaroi, Cammealroy, Duhai, Yauan, Tjake, Tyake [Tindale 1974, p. 194.]

By the 1830s European settlement had spread to the Liverpool Plains south east of Tamworth for the purposes of sheep and cattle grazing. (OEH 2013). As the nineteenth century progressed, land use shifted toward more intensive agriculture. This resulted in widespread land clearing and erosion. This process of intensive agriculture by European settlers, along with aggression by the settlers towards Aboriginal people and the introduction of diseases resulted in a decline in the traditional Aboriginal use of the area from this time onward.

## 5.2 Local Archaeological Context

### 5.2.1 Database searches

Databases were searched to locate previous archaeological studies and Aboriginal sites in the study area. The results of these searches are summarised in Table 5-1 and presented in Appendix B.

**Table 5-1: Summary of database searches for Aboriginal Heritage**

Database	Date of Search	Parameters	Results
Aboriginal Heritage Information Management System (AHIMS) Client ID: 665997	9/03/2022	GDA 56 297145 – 300755 mE 6551885 – 6555615 mN	16 Aboriginal sites were recorded within the search area. Eight Aboriginal sites are recorded within the study area
Tamworth LEP 2010	27/05/2022	Schedule 5: Environmental Heritage	No items relating to Aboriginal heritage are recorded on the local heritage register within the study area
Native Title Vision <a href="https://nntt.maps.arcgis.com/">https://nntt.maps.arcgis.com/</a>	27/05/2022	NSW	The study area is within the Gomeroi People's native title application (NC2011/006).
State Heritage Register <a href="http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx">http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx</a>	27/05/2022	Tamworth Regional LGA	No items relating to Aboriginal heritage are recorded on the State heritage register within the study area

The location of Aboriginal sites is considered culturally sensitive information. This information, including the Aboriginal Heritage Information Management System (AHIMS) data appearing on the heritage map for the proposal needs to be removed from this report if it enters a public domain.

An Extensive search of the Aboriginal heritage information management system (AHIMS) database was conducted on 9 March 2022 (Client ID 665997) and revealed 16 Aboriginal sites. The majority of the Aboriginal sites were recorded as 'Artefact' (n=13), with 'Artefact, Modified Tree (carved or scarred)' (n=2) the next highest recorded feature. The distribution of recorded Aboriginal sites is shown in Figure 5-1. Eight Aboriginal sites are recorded in the study area and are summarised in Table 5-2.

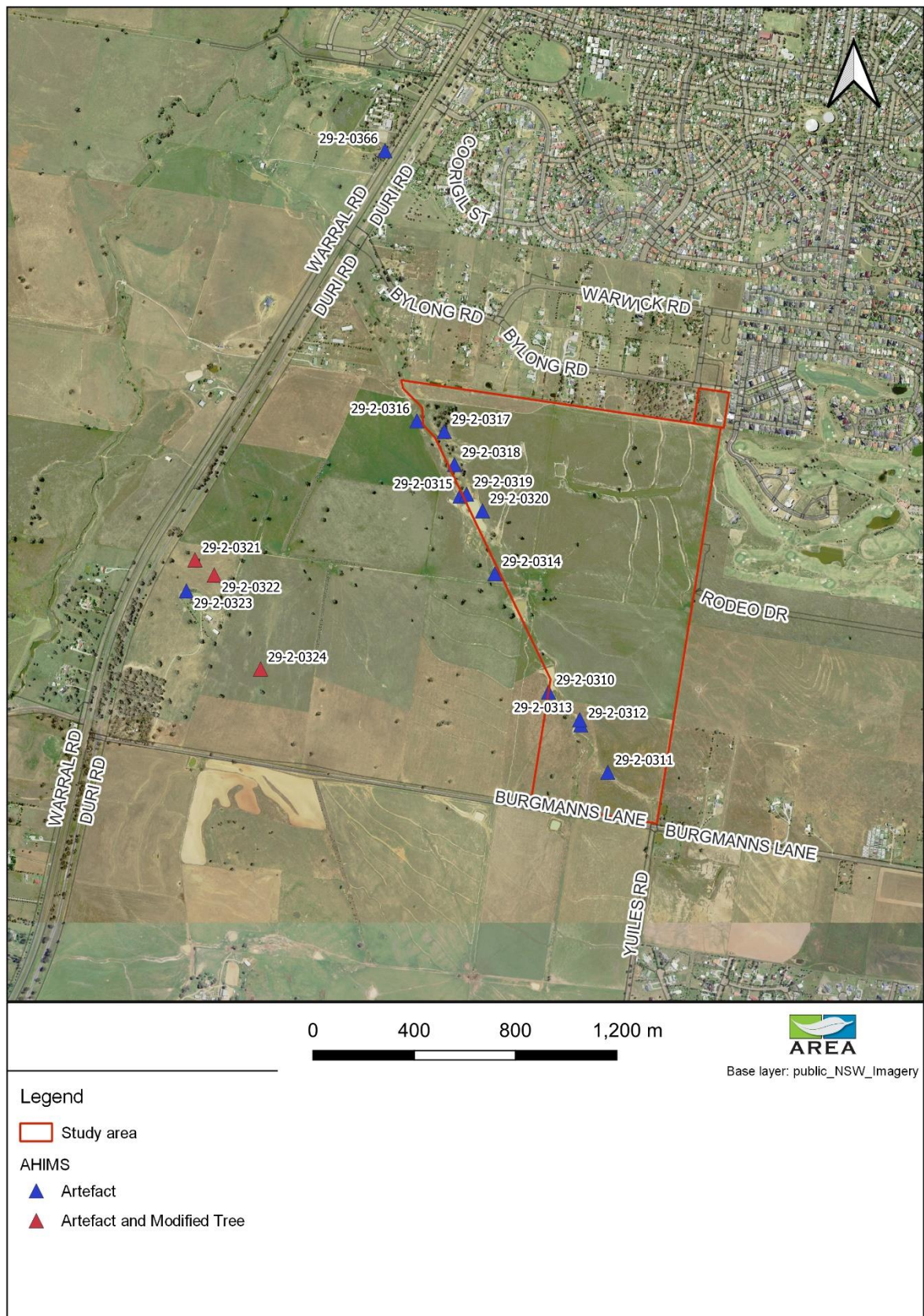
**Table 5-2: Summary of Aboriginal sites recorded by Everick in 2014 (Robins and Towers 2014)**

Site name	Site ID	Site Type	Description
DR02	29-2-0311	Artefact scatter	The Aboriginal site is located on the north-eastern bank of Burkes Gully. The site is described as comprising of two isolated basalt flakes located at a point of convergence between two small drainage channels of the gully. The area is highly disturbed and eroding along bank edges. The artefacts were left in situ and will likely wash away with next heavy rain.
DR03	29-2-0312	Artefact scatter	The Aboriginal site is describes as located on the north bank of Burkes Gully. The site is comprised of an isolated grey-green fine grained silcrete flake with transverse snap.

			The stone artefact was left in situ and will likely wash away with next heavy rain.
DR04	29-2-0314	Artefact scatter	DR04 is located on the north bank of Burkes Gully, approximately 20m north-west of DR03 and is comprised of an isolated grey fine grained silcrete flake. It was noted that the stone artefact was left in situ and will likely wash away with next heavy rain.
DR06	29-2-0315	Artefact scatter	While the Aboriginal site is described as located on the southeast bank of Burkes Gully, the GPS coordinates place it on the western side of the Gully. DR06 is comprised of at least 10 stone artefacts. The artefact scatter contained flakes made from red and grey chert, and basalt. At the time of the survey the artefacts were moved to the base of a yellow box tree by Tamworth LALC (TLALC).
DR08	29-2-0316	Artefact scatter	The Aboriginal site is described as located west of an intersection of Burkes Gully and north of the main drainage channel. The stone artefact scatter is situated on a floodplain and extends 100m west to transmission line under stringybark trees, where very little disturbance was noted. The stone artefact scatter included a coarse grained, hard volcanic, edge ground axe and two grey basalt retouched flakes, one of which displayed a fine linear banding. The sample was moved to base of an adjacent old growth eucalypt by the TLALC in 2014.
DR09	29-2-0317	Artefact scatter	The site is described as a stone artefact scatter similar to DR08 and located on the floodplain to the southeast, north of the main drainage channel of Burkes Gully. The Aboriginal site included retouched flakes and flaked pieces of fine-grained grey basalt. The sample of artefacts were moved to the base of an adjacent old growth eucalypt by the TLALC in 2014.
DR10	29-2-0319	Artefact scatter	The stone artefact site is described as located immediately west of existing dam, however GPS coordinates place DR10 northeast of the dam wall. The artefact scatter is described as containing two isolated artefacts, likely related to DR08 and DR09 artefact scatters. The stone artefacts were moved to the base of an adjacent old growth box apple by the TLALC during the 2014 survey.
DR11	29-2-0320	Artefact scatter	The site is described as an artefact scatter with the stone artefacts eroding out of the clay soils. The exposed artefacts were predominantly flaked pieces, protruding from the surface.



Figure 5-1: Results of the extensive AHIMS search



### 5.2.2 Previous studies

#### **Arcadia Subdivision - Lot 6 DP1211122 Aboriginal cultural heritage assessment (AREA 2022a)**

AREA was engaged by Maas Group Properties Arcadia Pty Limited (MAAS) to complete an archaeological survey and Aboriginal cultural heritage assessment report for Lot 6 DP1211122 on the western side of Burkes Gully. Due to ambiguity with several of the AHIMS data, both sides of the Gully were assessed. The survey was conducted together with Michelle Fermor and Michael Fermor from Tamworth LALC and Sharon Porter and Neville Sampson from the Gomeroi People's Registered Native Title Applicants (Tamworth Culture and Heritage Committee). The ten Aboriginal sites recorded by Everick were revisited, and nine new Aboriginal sites were recorded during the survey. The Aboriginal sites recorded by AREA included six artefact scatters and three isolated stone artefacts. The majority of the sites were recorded within Burkes Gully.

#### **Proposed Culvert Replacement: Wallamore Road, Aboriginal Cultural Heritage Due Diligence Assessment (AREA 2020a)**

AREA was engaged by Lindsay Dynan Consulting Engineers on behalf of Tamworth Regional Council to undertake an Aboriginal cultural heritage Due Diligence assessment for the proposed replacement of culverts within the Tamworth Global Gateway Park (TGGP) located approximately 1.2 kilometres north of the current study area. A field survey was attended by four representatives of the Aboriginal community (Tamworth LALC and two Registered Gomeroi Native Title Claimants) and two staff members from AREA. The survey was conducted in conjunction with that of the Global Gateway Drainage proposal.

No sites of Aboriginal heritage were recorded during the survey or were identified on any of the databases searched. There were no further requirements arising from the assessment beyond general recommendations in the case of unexpected finds.

#### **Global Gateway Drainage Aboriginal Cultural Heritage Assessment (AREA 2020b)**

AREA was commissioned by Lindsay Dynan Consulting Engineers Pty Ltd on behalf of Tamworth Regional Council to complete an Aboriginal cultural heritage assessment the Global Gateway Drainage network, located one kilometre north of the current study area. The proposal was complemented by a proposed culverts upgrade (AREA 2020b) to enable future development on land associated with the Tamworth Global Gateway Park. A survey by an archaeologist and four representatives of the Aboriginal community (Tamworth LALC and two Registered Gomeroi Native Title Claimants) accompanied the assessment. One previously recorded culturally modified tree (scarred) was revisited, one culturally modified tree (scarred) and four artefact scatters were recorded during the survey. Two sites were recorded within the Assessment Area.

#### **Cultural Heritage Due Diligence Assessment of the Tamworth Council's South Tamworth Rural Lands Master Plan for the Duri Road Site, Tamworth, NSW (Robins and Towers 2014)**

Everick Heritage Consultants Pty Ltd (Everick) were engaged by Tamworth Regional Council to conduct an Aboriginal Due Diligence assessment for the South Tamworth Rural Lands Master Plan Development in 2014 (Robins and Towers 2014). The current study area is within the eastern portion of the master plan development.

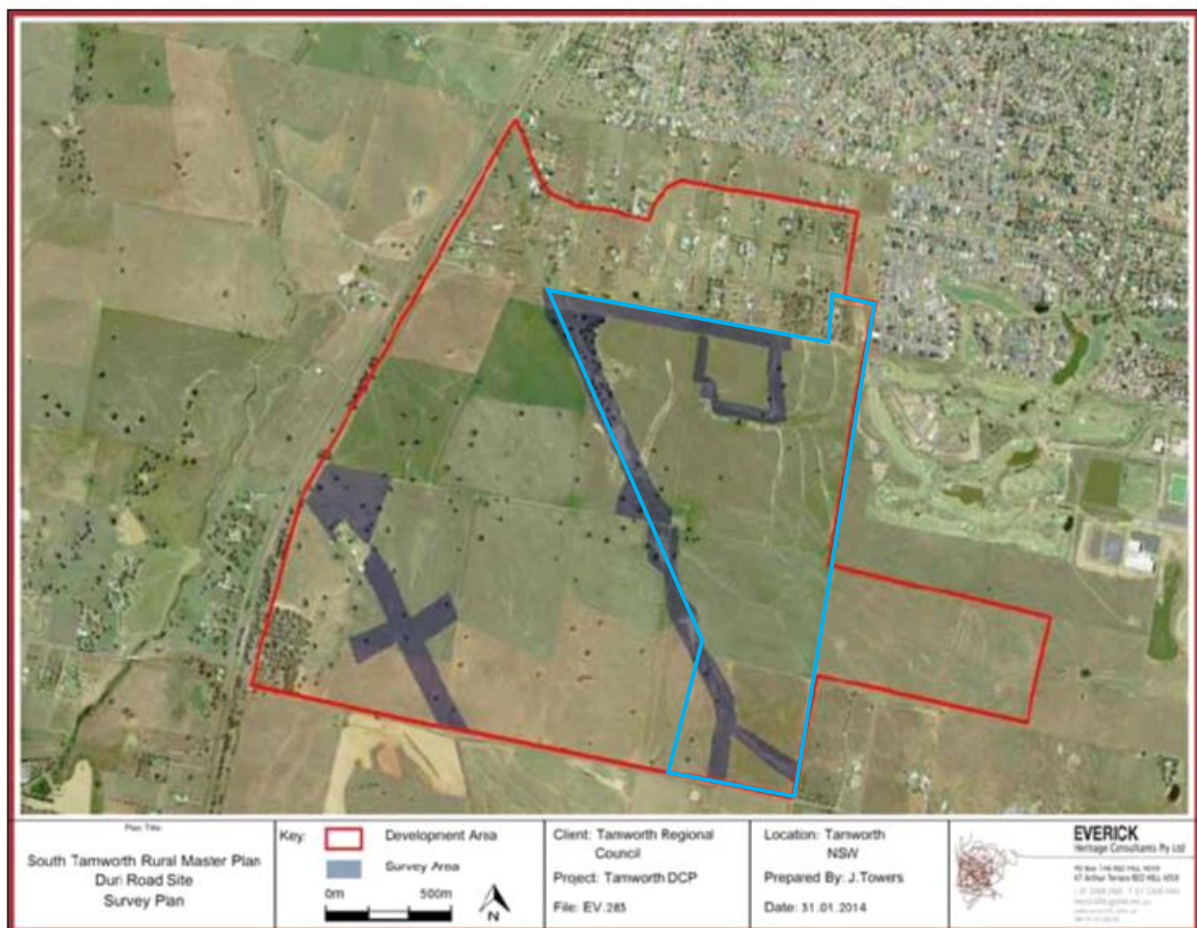
The survey was undertaken in conjunction with Tamworth Local Aboriginal Land Council and adopted a sampling strategy for the survey. The survey was targeted at inspecting the areas which were considered to have increased archaeological potential based on a review of



studies from the region. The area sample surveyed with the current study area was the riparian corridor of Burkes Gully and the rocky crests in the west of the study area. Fifteen Aboriginal sites were recorded during the survey, this included 12 artefact scatters and three culturally modified trees (scarred) with artefacts. One of the culturally modified trees (scarred) contained a stone cache containing at least three stones, with one a potential axe blank, the tree has grown around the stones making them impossible to remove. The placing of stones in tree hollows has been recorded in Aboriginal ethnography, with the purpose being for hunting and trapping small animals or for storage purposes. Everick (Robins and Towers 2014) noted the possibility of the stones being placed in the tree following non-Aboriginal settlement. However, the height of the stones combined with the substantial amount of overgrowth of bark around the hollow indicated that the stones have been in the tree for over a hundred years. Everick (2014) also recorded a volcanic stone resource area in the northwest portion of Lot 1 DP795331, containing high quality (fine grained) volcanic cobbles suitable for stone tool making.

Eight of these Aboriginal sites are recorded within the current study area and are described in Section 4.5.

**Figure 5-2: AREA's study area (blue) within Everick's survey (red) (Robins and Towers 2014)**



### **Brigalow Belt South, Stage 2 (Purcell 2002)**

Purcell in conjunction with the New South Wales National Parks and Wildlife Service (NPWS) undertook an Aboriginal cultural heritage assessment project for the Resource and Conservation Assessment Council (RACAC). The assessment was conducted in two stages, with Stage 1 focusing on the Pilliga and Goonoo State Forests and Stage 2 assessing the

remainder of the Brigalow Belt South Bioregion (BBSB). Part of the project was to undertake a cultural heritage field survey. The survey team in conjunction with the local Aboriginal community, used registered sites and landform assessment of the bioregion to determine areas which would be most useful to investigate for the purpose of locating and recording Aboriginal sites and other features of cultural significance. 1,110 Aboriginal sites were recorded during Stage 1 and Stage 2 assessments. Surveys were conducted within a variety of land tenures. For example, Travelling stock routes and reserves, state forests, private properties, nature reserves, and national parks. The study also determined that the distance of Aboriginal sites from water is an important factor, with the number of Aboriginal sites decreasing as the distance from water increases. This survey reinforced the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Due Diligence code of practice) (DECCW 2010) predictive model (See Section 5.3)

### 5.3 Predictive Model

Areas of Aboriginal archaeological potential are regarded as any sensitive landform with a reasonable level of intactness (i.e. little to no disturbance or minor ground surface disturbance only and in areas not on self-mulching soils). The definition of disturbance used here follows that of the NPW Regulation 2009 (Clause 80B, Subclause 4). Sensitive landforms follow the definitions supplied in the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010):

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

Areas nearby to waterways are typically more likely to contain Aboriginal archaeological remains. Any sections within 200 metres of waterways exposed to little or no previous impacts are more likely to contain intact sites. Burkes Gully a tributary of the Peel River, bounds the north eastern boundary of the study area. Four Aboriginal sites, all site type 'Artefact', have been previously recorded within the study area. The results of the AHIMS search and previous studies indicate a high potential for 'Artefact' sites to occur within the study area. Grinding grooves are also possible in areas where suitable outcropping of bedrock is exposed in close proximity to water. Culturally modified trees are likely to occur on old growth trees that are native species.

## 6 Archaeological survey

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### 6.1 Background to fieldwork

Two archaeological surveys were conducted for the proposal. The first survey was conducted over two days from 7 to 8 September 2022 by Anna Darby of AREA, together with Edward Fermor and Michael Fermor from Tamworth LALC. This survey was also conducted as part of the Arcadia Estate addendum Aboriginal due diligence assessment on behalf of Tamworth Regional Council (AREA 2022b). A secondary survey was conducted on 23 November 2022 by Anna Darby of AREA together with Sharon Porter and Peter White from the Gomeroi People's Registered Native Title Applicants (Tamworth Culture and Heritage Committee). The Aboriginal sites identified during the survey are summarized in section 4.6.

### 6.2 Methodology

The purpose of the archaeological survey was to reinspect any previously registered sites, identify any previously undetected Aboriginal sites, and evaluate the possible need for further investigation (i.e. test-excavation). All ground exposures were examined for Aboriginal objects (stone artefacts, imported shell, or other traces of Aboriginal occupation). Old growth trees were examined for signs of cultural scarring and marking.

A GPS was used to ensure the survey covered the study area. The positions of the tracks and location of sites were recorded. It is important to note the GPS tracks recorded represent only one person from the survey team or 33.3% of the survey effort (Figure 6-17). This person maintained the middle position with a person on either side. Photographic and written records were made of the landscape features relevant to archaeological potential. These features include disturbance levels, Ground Surface Visibility (GSV) and landforms of higher archaeological potential (see Section 3.3). Aboriginal sites were recorded using AREA's criteria that conforms with the Code of Practice (OEH 2011a). The study area was assessed by pedestrian survey. Due to the tall grass and boggy ground the survey focused on areas where exposures were present.

For the first survey the study area was divided into three survey units (SU) based on the number of paddocks, and transects were walked across each SU, extensively. The second survey utilised a sample survey strategy by surveying the perimeter, areas of exposure, and along Burkes Gully.

### 6.3 Constraints

Significant rainfall before each of the surveys affected ground surface visibility (GSV). Between the first and second surveys Burkes Gully and Tamworth experienced major flooding. GSV is significant in detecting the presence of surface sites such as stone artefact scatters and isolated finds. GSV was generally low within the study area due to tall and thick grasses and the saturated ground (Figure 6-1 and Figure 6-2).

**Figure 6-1: Example of Low GSV in Lot 6 DP 121112**



**Figure 6-2: Example of Low GSV in the northern section of the study area**



## 6.4 Results

### 6.4.1 First survey

#### Survey unit 1

Survey unit 1 (SU1) is comprised of two paddocks and the northern end of Burkes Gully. The landform of SU1 is generally flat with elevation sloping gently downwards towards Burkes Gully (Figure 6-3 and Figure 6-4). A dam and several contour banks (Figure 6-5) have been constructed within the central portion of the survey unit, Burkes Gully has also been dammed. Powerlines extend along the northern fence line and the eastern fence line (Figure 6-6 and Figure 6-7).

Vegetation within the survey unit has been historically cleared with remnant vegetation along Burkes Gully mostly in fenced off areas, and a dozen native trees scattered throughout the paddocks. GSV during the first survey was generally less than 5% with some exposures present on the contour banks and the track under the powerline.

Previously recorded Aboriginal sites DR08, DR09, DR10, DR11, and Arcadia AS04 were revisited and three new Aboriginal sites, Arcadia AS07, Arcadia IF07, and Arcadia IF05 were recorded during the survey and are outlined in Section 6.6.



**Figure 6-3: View northeast across SU1 from under the power lines**



**Figure 6-4: View south across SU1 towards Burkes Gully**



**Figure 6-5: View west showing contour bank and dam in the background**



**Figure 6-6: View north across the top of a contour bank towards the powerlines**



**Figure 6-7: View northwest along Burkes Gully showing vegetation**



**Figure 6-8: View north showing vegetation with SU1**



## **Survey unit 2**

Survey unit 2 (SU2) is comprised of the southern portion of the study area and bounded by Burgmanns lane to the south (Figure 6-9). The landform of SU2 slopes gently towards Burkes Gully which dissects the southern portion of the survey unit (Figure 6-10 and Figure 6-11). Within SU2 Burkes Gully has been dammed twice, with a third dam located in the southern



section of the survey unit, away from Burkes Gully. Vegetation comprised of dense and thick grass ground cover with a scattering of trees along Burkes Gully and sporadic mature yellow box trees in the paddocks (Figure 6-13 and Figure 6-14). In the northern portion of the survey unit, a contour bank has been constructed extending from the eastern boundary towards Burkes Gully (Figure 6-12). Soils within the survey unit are comprised of a light brown silty clay overlaying darker clayey soils on top of shale bedrock. Adjacent to a fence line along the northern boundary of SU1 a contour bank has been constructed aligning east-west. On the southern side of the bank a drain has been cut into the soils showing the soil profile. At the time of the survey the southern section had been ploughed.

Previously recorded Aboriginal sites DR01, DR02, DR03, DR04 were revisited during the survey and outlined in section 6.5. No new Aboriginal sites were recorded during the survey.

**Figure 6-9: View west across SU2 showing Burgmanns Lane**



**Figure 6-10: View north across SU2**



**Figure 6-11: View south from the top of SU2 towards Burgmanns lane**



**Figure 6-12: View east showing drain**



**Figure 6-13: View northwest along Burkes Gully**



**Figure 6-14: View north showing vegetation**



### **Survey unit 3**

Survey unit 3 (SU3) is comprised of Lot 1 DP233288 and is currently being utilised as a construction compound and has been heavily disturbed (Figure 6-15). A large green shed is situated on the southeast corner of the lot and is surrounded by stockpiles of sheets of metal, and other building supplies (Figure 6-16). A single unsealed track connects the shed to the road. Vegetation consists of juvenile eucalyptus and box trees and the ground cover has been slashed. Imported gravels were observed within the lot.

No Aboriginal sites or areas of archaeological potential were observed within SU3 during the survey.

**Figure 6-15: View south across Lot 1 DP233288**

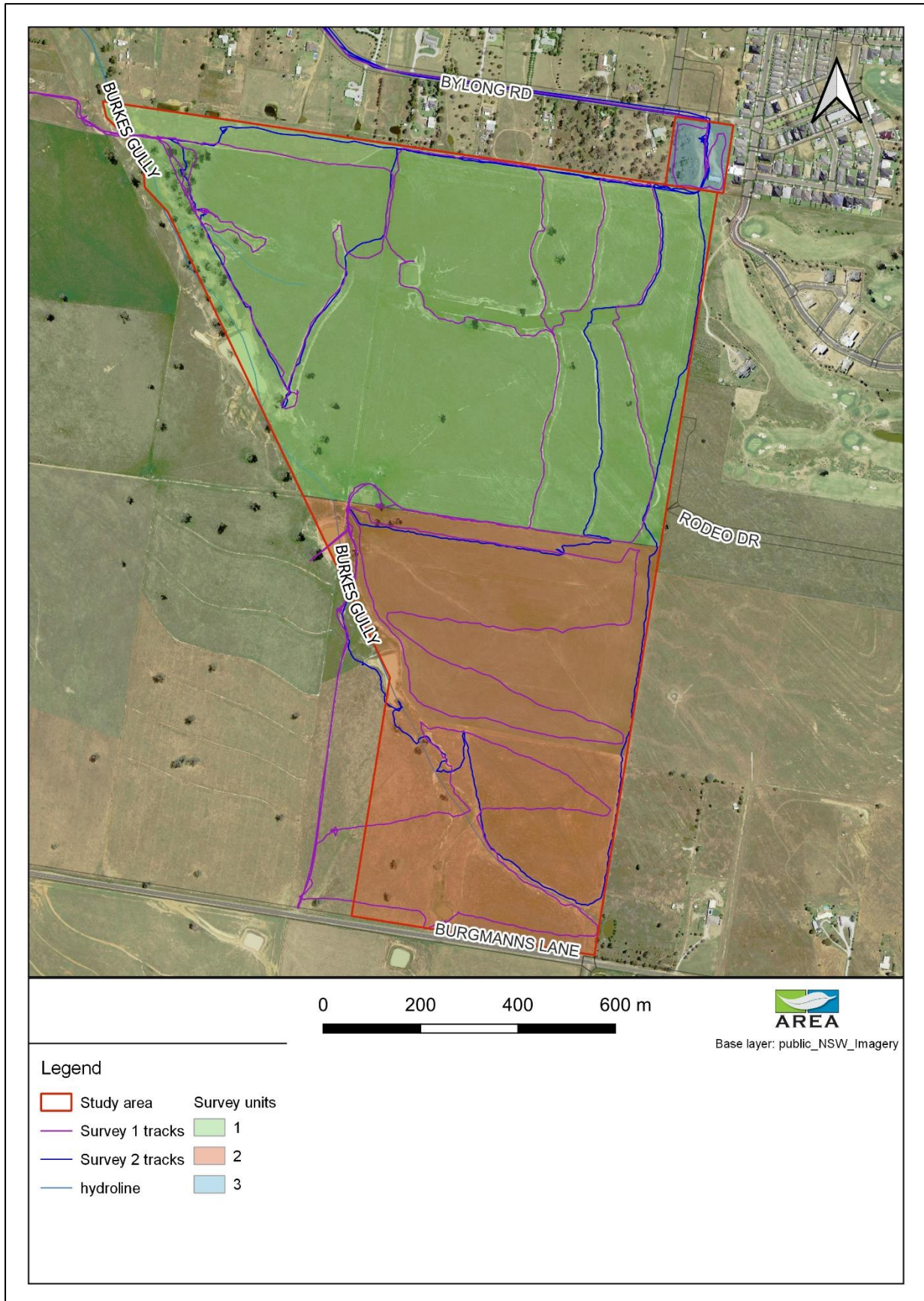


**Figure 6-16: View northwest across Lot 1 DP233288 showing vegetation and stockpiles**





Figure 6-17: Survey units and transects





## 6.4.2 Second survey

The second survey provided the opportunity for the Gomeroi People's Registered Native Title Applicants (Tamworth Culture and Heritage Committee) to survey the study area. In the two months between the first and second survey (September and November), significant rainfall and flooding had occurred, as well as the weather warming up. This saw an increase in the ground cover making the GSV almost zero.

The second survey focused on revisiting several of the AHIMS sites and Aboriginal sites recorded in September. Unfortunately, due to the low GSV the previously recorded Aboriginal sites were unable to be re-located.

**Figure 6-18: View east of recorded located of DR04 in September 2022**



**Figure 6-19: View east of recorded located of DR04 in November 2022**



**Figure 6-20: View west across Arcadia IF06 in September 2022**



**Figure 6-21: View west across Arcadia IF06 in November 2022**



## 6.5 Survey coverage

A summary of survey coverage is provided in Table 6-1 and Table 6-2. Effective survey coverage was moderate to low.

**Table 6-1: Survey coverage summary – survey units**

Survey unit	Landform	Survey unit area (m <sup>2</sup> )	Visibility %	Exposure %	Effective survey coverage (m <sup>2</sup> )	Effective Survey Coverage (%)
-------------	----------	------------------------------------	--------------	------------	---	-------------------------------

1	Slope	738,421	30	60	132,916	18
2	Slope	466,863	20	50	46,686	10
3	Flat	16,875	20	50	1,688	10

**Table 6-2: Survey coverage summary – landforms**

Landform	Landform area (m <sup>2</sup> )	Area effectively surveyed (m <sup>2</sup> )	% of landform surveyed	Number of Aboriginal sites
Slope	1,205,284	216,952	18	14
Flat	16,875	1,688	10	0

## 6.6 AHIMS sites

The previously registered Aboriginal sites recorded by Everick were revisited during the surveys.

### 6.6.1 DR01 (AHIMS ID 29-2-0310)

Duri Road 1 (AHIMS ID 29-2-0310) was recorded in 2014 by Everick and described as a low-density stone artefact scatter containing five basalt flakes, three of which are retouched. The site was revisited during the survey, the artefacts associated with the scatter could not be located (Figure 6-22 and Figure 6-23).

**Figure 6-22: Recorded location of DR01, view east**



**Figure 6-23: Recorded location of DR01, view west**



### 6.6.2 DR02 (AHIMS ID 29-2-0311)

Duri Road 2 (AHIMS ID 29-2-0311) was recorded in 2014 by Everick and described as a low-density stone artefact scatter containing two basalt flakes. The site was revisited however, the artefacts associated with the scatter could not be located (Figure 6-24 and Figure 6-25). It is possible that the artefacts could have been washed away by recent flooding.



**Figure 6-24: Recorded location of DR02, view northwest**



**Figure 6-25: Recorded location of DR01, view southeast**



### **6.6.3 DR03 (AHIMS ID 29-2-0312)**

Duri Road 3 (AHIMS ID 29-2-0312) was recorded in 2014 by Everick and described as comprising of an isolated grey-green fine grained silcrete flake with transverse snap. The Aboriginal site was revisited however, the artefact associated with the site could not be located (**Figure 6-26** and **Figure 6-27**).

**Figure 6-26: View southeast across recorded location of DR03**



**Figure 6-27: View south across recorded location of DR03**





#### 6.6.4 DR04 (AHIMS ID 29-2-0313)

Duri Road 4 (AHIMS ID 29-2-0313) was recorded in 2014 by Everick and described as comprising of an isolated grey fine grained silcrete flake. The Aboriginal site was revisited however, the artefact associated with the Aboriginal site could not be located (Figure 6-28 and Figure 6-29).

**Figure 6-28: Recorded location of DR04, view northwest**



**Figure 6-29: Recorded location of DR04, view southeast**



#### 6.6.5 DR08 (AHIMS ID 29-2-0317)

DR08 is described as extending from the GPS point 100m west to the transmission line. The riparian corridor along this section of Burkes Gully has been fenced off (Figure 6-30 and Figure 6-31). The area surrounding the GPS location of DR08 until the fence line was inspected. This area was flat, with vegetation comprising of native and non-native grasses, small shrubs, and several stringy bark trees. GSV was very low (5%) due to the dense grasses (Figure 6-33).

During the survey the drainage line was inspected, and several flakes and a core were observed. The precautionary principle has been applied where it is assumed the stone flake is part of the Aboriginal site (Figure 6-34 and Figure 6-35).

**Figure 6-30: View north across the GPS location of DR08**



**Figure 6-31: View southeast across the GPS location of DR08**



**Figure 6-32: View east across the GPS location of DR08**



**Figure 6-33: View west across the GPS location of DR08**



**Figure 6-34: Stone artefacts recorded in the drainage line**



**Figure 6-35: View west across drainage line towards recorded location of DR08**





### 6.6.6 DR09 (AHIMS ID 29-2-0318)

The recorded location DR09 was revisited during the survey. Vegetation within DR09 is comprised of several mature eucalypt and box trees, small shrubs and dense grasses (Figure 6-36 and Figure 6-37). GSV was low (less than 5%) across most of the Aboriginal stone artefact site with some exposures present on the southern side of a drainage line, east of Burkes Gully (Figure 6-38). The base of the 'old growth eucalypt' tree was inspected for the artefacts moved by Tamworth LALC in 2014 but could not be re-located. Four stone artefact flakes and a possible core of grey basalt were recorded (Figure 6-39), these stone artefacts are likely associated with DR09.

**Figure 6-36: View southeast across GPS location of DR09**



**Figure 6-37: View west across GPS location of DR09**



**Figure 6-38: View east from the exposure containing the stone artefacts towards the GPS location of DR09**



**Figure 6-39: Stone artefacts associated with DR09**



### 6.6.7 DR10 (AHIMS ID 29-2-0319)

DR10 was recorded in 2014 by Everick and is described as containing two isolated artefacts, likely related to DR08 and DR09 artefact scatters. The stone artefacts were moved to the base of an adjacent old growth Apple box by the TLALC during the 2014 survey. The Aboriginal site is described as located immediately west of existing dam (Figure 6-39), however GPS coordinates place DR10 northeast of the dam wall (Figure 6-40). Both located were assessed however the site could not be ground-truthed.

**Figure 6-40: View southeast across the described location of DR10**



**Figure 6-41: View south across the GPS coordinates of DR10**



### 6.6.8 DR11 (AHIMS ID 29-2-0320)

DR11 was recorded in 2014 by Everick and is a stone artefact scatter observed protruding out of the soil on the eastern side of the dam. At the GPS coordinates of DR11 the GSV was zero due to the grass being very tall and dense (Figure 6-42 to Figure 6-45). Several exposures approximately 20m north of the GPS location of DR11 contained two stone flakes. Both stone artefacts are made of basalt and contained retouch (Figure 6-46 and Figure 6-47). The original recording did not specify the site extent of DR11, the precautionary principle has been applied where it is assumed these stone flakes are part of the Aboriginal site.

**Figure 6-42: View northwest across the GPS coordinates of DR11**



**Figure 6-43: View northeast across the GPS coordinates of DR11**





**Figure 6-44: Exposure 20m north of DR11 containing two basalt flakes, view southeast**



**Figure 6-45: Exposure 20m north of DR11 containing two basalt flakes, view northwest**



**Figure 6-46: Basalt flake within DR11**



**Figure 6-47: Second basalt flake within DR11**



## 6.7 Aboriginal sites recorded by AREA (2022a)

The following Aboriginal sites were recorded within the study area, during the survey conducted by AREA (2022a) on behalf of MAAS.

### 6.7.1 Arcadia artefact scatter 03 (Arcadia AS03)

**Site type:** Stone artefact Scatter

**Centroid:** GDA 94 Zone 56 299430 mE, 6553857 mN

**Site length:** 5m

**Site width:** 5m

Arcadia AS03 (AHIMS ID Pending) is a stone artefact scatter comprising of at least eight basalt and chert flakes (Figure 6-74). One grey basalt flake had been retouched on both sides (Figure 6-48 and Figure 6-49). The stone artefacts were observed on the sides and base of an active ant hill. It is likely the artefacts were brought to the surface by ants and deposited on the sides and base, and as a result are not *in situ*.

The ant hill is approximately 30m northeast of Burkes Gully on a mid-slope. The site extends across the ant hill measuring 5m by 5m. GSV within the site was high (90%) and decreases significantly outside the site extent, due to the vegetation being comprised of dense tall grasses and thistles (Figure 6-50 and Figure 6-51).

**Figure 6-48: Example of flakes observed within Arcadia AS03**



**Figure 6-49: Flake with retouch on both sides**



**Figure 6-50: View southwest across Arcadia AS03 towards Burkes Gully**



**Figure 6-51: View northeast (uphill) across Arcadia AS03**





### 6.7.2 Arcadia artefact scatter 04 (Arcadia AS04)

**Site type:** Stone artefact Scatter

**Centroid:** GDA 94 Zone 56 299378 mE, 6554018 mN

**Site length:** 75m

**Site width:** 25m

Arcadia AS04 (AHIMS ID Pending) is a stone artefact scatter extending from a contour bank towards the dam, approximately 30m north of Burkes Gully (Figure 6-75). The site measures 75m north-south and 25m east-west (Figure 6-52). The artefacts observed along the contour bank (Figure 6-53) where GSV was high (95%), were comprised of light grey chert flake, dark grey basalt flake with approximately 20% cortex, greyish purple complete flake, two pale brown complete flakes made of chert, a core, and a dark green chert complete flake with retouch on the ventral side (Figure 6-53 and Figure 6-54). Three complete flakes of red chert and grey basalt were observed on an exposure 15m west of the contour bank and approximately 20m east of the dam (Figure 6-55 and Figure 6-56). A dark grey basalt complete stone flake with retouch was observed on the western side of the fence and approximately five metres from the contour bank (Figure 6-57 to Figure 6-59). The GSV was high (95%) within the exposures and along crest of the contour bank due to the absence of vegetation. Outside these areas the GSV was low due to grass and ground cover.

**Figure 6-52: View southwest across the contour bank and Arcadia AS04**



**Figure 6-53: Example of artefacts observed along the contour bank**



**Figure 6-54: Dark Green chert flake with backing**



**Figure 6-55: View northeast across exposure towards the contour bank**



**Figure 6-56: Three flakes observed on the exposure near the dam**



**Figure 6-57: Stone artefact observed next to fence**



**Figure 6-58: View northeast across exposure towards the contour bank from the fence**



**Figure 6-59: View northeast across exposure towards the contour bank from the fence**





## 6.8 Newly recorded Aboriginal sites

### 6.8.1 Arcadia artefact scatter 07 (Arcadia AS07)

**Site type:** Stone artefact Scatter

**Centroid:** GDA 94 Zone 56 299113 mE, 6554515 mN

**Site length:** 20m

**Site width:** 10m

Arcadia AS07 (AHIMS ID Pending) is located on a gentle slope along the vehicle access track under the powerlines on the eastern side of Burkes Gully (Figure 6-60). The Aboriginal site extends from the gate just east of Burkes Gully 20m east (Figure 6-61). GSV was high (90%) along the track but decreased either side due to the long grass. The artefact scatter is comprised of four stone flakes and a possible purple glass flake (Figure 6-62 and Figure 6-63).

**Figure 6-60: View east across Arcadia AS07**



**Figure 6-61: View west across AS07**



**Figure 6-62: Stone artefacts and possible glass artefact**



**Figure 6-63: Stone flake**



### 6.8.2 Arcadia Isolated find 05 (Arcadia IF05)

**Site type:** Isolated stone artefact

**Centroid:** GDA 94 Zone 56 299848 mE, 6554458 mN

**Site length:** 1m

**Site width:** 1m

Arcadia IF05 (AHIMS ID Pending) is located on an animal track under the powerlines along the northern boundary of the study area (Figure 6-64). The Aboriginal site is located

approximately 300m from the eastern edge of the study area 800m east of Burkes Gully. The isolated stone artefact is a pale brown flake (Figure 6-65).

**Figure 6-64: View east across Arcadia IF05**



**Figure 6-65: Stone flake within Arcadia IF05**



### 6.8.3 Arcadia Isolated find 06 (Arcadia IF06)

**Site type:** Isolated stone artefact

**Centroid:** GDA 94 Zone 56 299198 mE, 6554500 mN

**Site length:** 1m

**Site width:** 1m

Arcadia IF06 (AHIMS ID Pending) is located 65m east of Arcadia AS07 and is comprised of a single grey quartzite flake with evidence of backing (Figure 6-66 and Figure 6-67). The Aboriginal site is located on the southern edge of the vehicle access track for the power transmission line (Figure 6-68 and Figure 6-69).

**Figure 6-66: Dorsal side of the stone flake in Arcadia IF06**



**Figure 6-67: Ventral side of the stone flake in Arcadia IF06**





**Figure 6-68: View west across IF06**



**Figure 6-69: View south across IF06**



#### **6.8.4 Arcadia Isolated find 07 (Arcadia IF07)**

**Site type:** Isolated stone artefact

**Centroid:** GDA 94 Zone 56 299485 mE, 6554213 mN

**Site length:** 1m

**Site width:** 1m

Arcadia IF07 (AHIMS ID Pending) is located on top of a contour bank which runs north south towards Burkes Gully (Figure 6-75, Figure 6-72 and Figure 6-73). The Aboriginal site is located approximately 220m northeast of Arcadia AS04 and is comprised of a single quartzite flake (Figure 6-70 and Figure 6-71). GSV was high (95%) along the contour bank.

**Figure 6-70: Dorsal side of the stone flake in Arcadia IF07**



**Figure 6-71: Ventral side of the stone flake in Arcadia IF07**





**Figure 6-72: View west across IF07 towards  
Burkes Gully**



**Figure 6-73: View north across IF07**



Figure 6-74: Aboriginal sites within the study area





Figure 6-75: Location of Aboriginal sites along the northern section of Burkes Gully

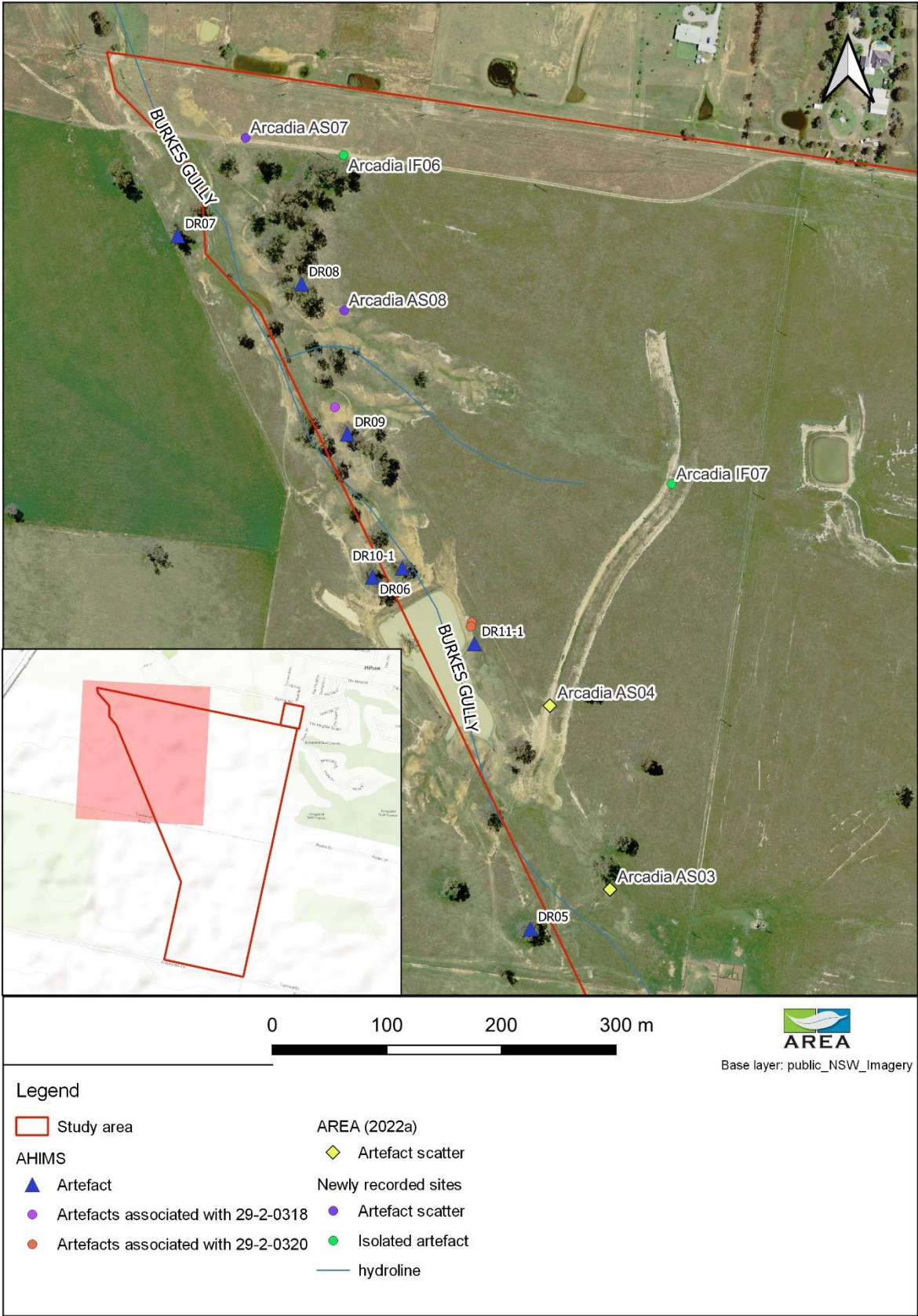
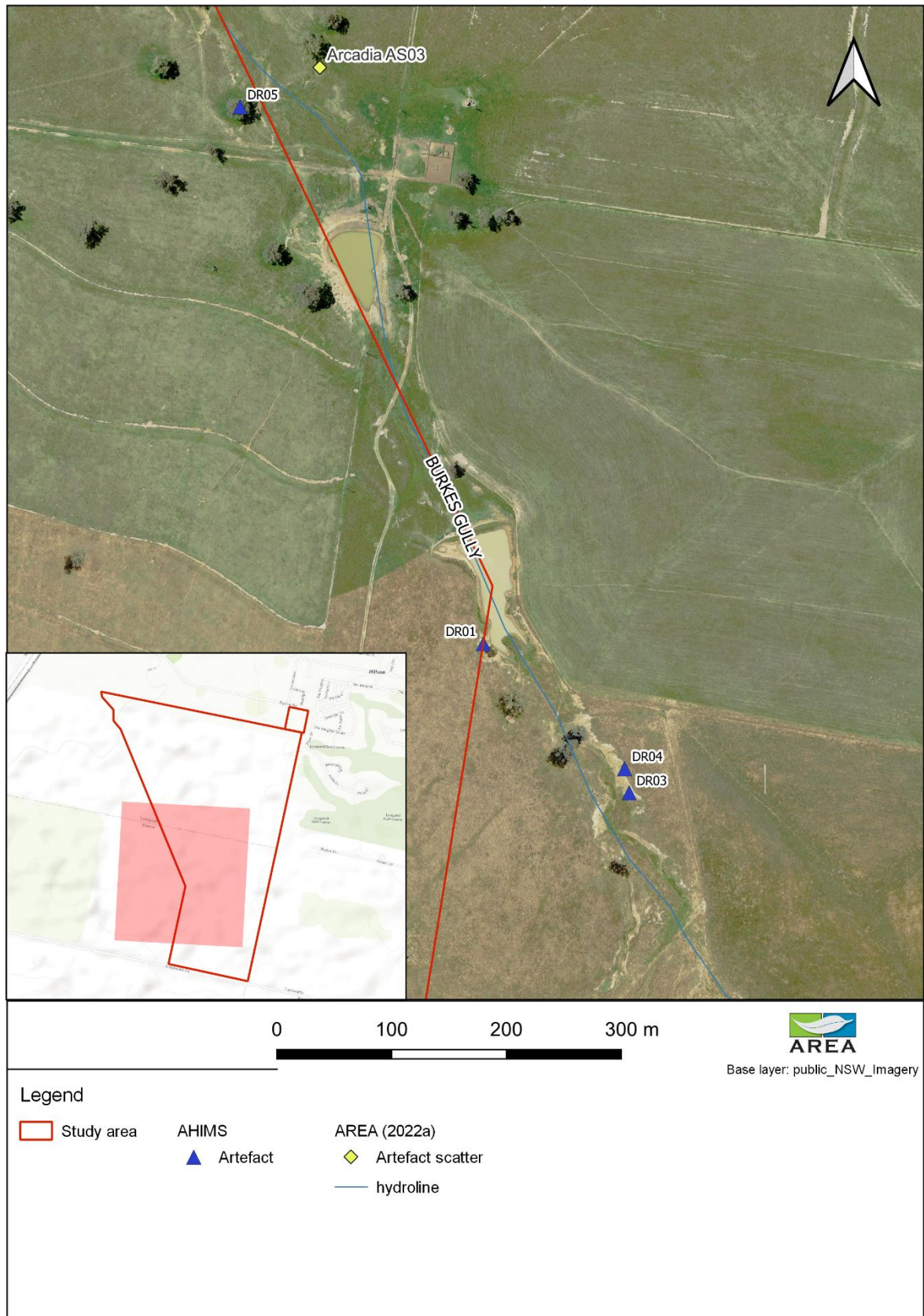




Figure 6-76: Location of Aboriginal sites within the southern portion of the study area





## 6.9 Discussion

The results of the archaeological survey are consistent with the predictive model formulated in Section 5.3. A large number of Aboriginal sites have been recorded within the study area. Small and isolated stone artefact scatters are common in the local archaeological context. No culturally modified (scarred) trees were recorded during the survey.

The background research, archaeological survey, and site inspection identified 10 previously recorded and four newly recorded Aboriginal sites. Most of the isolated stone artefact sites and artefact scatters were recorded within the riparian corridor of Burkes Gully. The gully would have likely retained water for long periods of time prior to settlement by non-Aboriginal people making it favourable for habitation and resource gathering. As noted by Everick (Robins and Towers 2014) and during the current assessments, the presence of stone artefacts both on the surface and eroding out of the bank suggests the potential for archaeological subsurface deposits within Burkes Gully.

GSV was low across a majority of the study area and there is an ever-present possibility of stone artefacts remaining undetected where GSV is not total. Between the first and second survey the ground cover had grown exponentially and as a result the previously recorded Aboriginal sites could not be located. However, the study area is low to moderately disturbed due to long term agricultural practices, historic vegetation clearing, and construction of dams, roads, a residence, and compounds.

The original recording of the Aboriginal sites, DR05, DR06, DR07, DR08, DR09, DR10, and DR14 by Everick (Robins and Towers 2014) notes the movement of the artefacts by Tamworth LALC. Under Section 86 of the NPW Act 'harm' means any act or omission that *"moves the object from the land on which it had been situated"*. This retroactively should be addressed by the developers when applying for an Aboriginal Heritage Impact Permit (AHIP).

## 7 Significance

Significance forms the basis for the management of Aboriginal cultural heritage. There are four main criteria for assessing the significance of Aboriginal cultural heritage sites listed in the OEH document *Guide to investigating, assessing, and reporting on Aboriginal cultural heritage in NSW* (OEH 2011b). They are outlined below:

- **Social or cultural values:** does the area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- **Historic values:** is the area important to the cultural or natural history of the local area and/or region and/or state
- **Scientific values:** does the area have the potential to yield information that will contribute to an understanding of the cultural and natural history of the local area and/or region and/or state
- **Aesthetic values:** is the area important in demonstrating aesthetic characteristics in the local area and/or region and/or state.

Each criteria of significance are rated low, moderate, or high. The following questions can be asked to help guide this rating (OEH 2011b; 10):

- **Research potential:** does the evidence suggest any potential to contribute to an understanding of the local area and/or region and/or state's natural and cultural history?
- **Representativeness:** how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?
- **Rarity:** is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?
- **Education potential:** does the subject area contain teaching sites or sites that might have teaching potential?
- The level of significance of each site is summarised in Table 7-1.

The Aboriginal sites outside the study area are not assessed in this report.

**Table 7-1: Summary of significance for sites recorded**

Site ID	Social Significance	Aesthetic Significance	Historic Significance	Scientific Significance	Overall archaeological significance
DR01 (AHIMS ID 29-2-0310)	Low	Moderate	Nil	Low	Low
DR02 AHIMS ID 29-2-0311)	Low	Moderate	Nil	Low	Low
DR03 (AHIMS ID 29-2-0314)	Low	Moderate	Nil	Low	Low
DR04 (AHIMS ID 29-2-0313)	Low	Moderate	Nil	Low	Low
DR08 (AHIMS ID 29-2-0317)	Low	Moderate	Nil	Low	Low
DR09 (AHIMS ID 29-2-0318)	Low	Moderate	Nil	Low	Low
DR10 (AHIMS ID 29-2-0319)	Low	Moderate	Nil	Low	Low
DR11 (AHIMS ID 29-2-0320)	Low	Moderate	Nil	Low	Low
Arcadia AS03 (AHIM ID Pending)	Low	Moderate	Nil	Low	Low
Arcadia AS04 (AHIMS ID	Low	Moderate	Nil	Low	Low

Site ID	Social Significance	Aesthetic Significance	Historic Significance	Scientific Significance	Overall archaeological significance
Pending)					
Arcadia AS03 (AHIMS ID Pending)	Low	Moderate	Nil	Low	Low
Arcadia AS05 (AHIMS ID Pending)	Low	Moderate	Nil	Low	Low
Arcadia AS07 (AHIMS ID Pending)	Low	Moderate	Nil	Low	Low
Arcadia IF05 (AHIM ID Pending)	Low	Moderate	Nil	Low	Low
Arcadia IF06 (AHIM ID Pending)	Low	Moderate	Nil	Low	Low
Arcadia IF07 (AHIM ID Pending)	Low	Moderate	Nil	Low	Low

### Social or cultural significance

Social or cultural value refers to the spiritual, traditional, historical, or contemporary associations and attachments the place or area has for Aboriginal people (OEH 2011b). It relates to a contemporary connection that Aboriginal people have with events that have taken place in that location or general area. In general, presence of Aboriginal sites provides evidence of connection to country and therefore is likely to be considered as important and significant regardless of its condition or representativeness.

All Aboriginal sites are located near waterways that are significant to Aboriginal people which has an elevated potential.

### Aesthetic significance

This refers to the sensory, scenic, architectural, and creative aspects of the place. It is often closely linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use (Australian ICOMOS 1988, as cited in OEH 2011b).

The stone artefact scatters contain a variety of artefact types including flakes and cores, with the raw materials including chert and basalt. These sites have **moderate** aesthetic significance.

### Historic significance

Historic value refers to the associations of a place with a historically important person, event, phase, or activity in an Aboriginal community. Historic places do not always have physical evidence of their historical importance (OEH 2011b; 9).

There are no known historical associations between the development footprint and the local Aboriginal community. Therefore, there is **nil** historic significance of the development footprint and sites within them.

### Scientific significance

This refers to the importance of a landscape, area, place or object because of its rarity, representativeness, and the extent to which it may contribute to further understanding and information (Australian ICOMOS 1988, as cited in OEH 2011b; 9).



The distribution of the sites conformed to the predictive model set out in Section 5.3. On this level, the recorded sites are considered to be representative of these site types but are not rare. Based on the factors discussed above, the scientific significance of the remaining sites within the study area is rated as **low**.

## 8 Impact and management

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### 8.1 Assessing harm to Aboriginal Cultural Heritage

Assessing harm to Aboriginal cultural heritage requires a clear understanding of the proposed activities and consideration of what the changes may mean to the significance or importance of the Aboriginal cultural heritage. When assessing harm, it is necessary to consider the potential effects on “*Aboriginal objects and declared Aboriginal places, as well as their associated heritage values. This includes the extent to which the development activity will change the surrounding landscape setting*” (OEH 2011b).

The *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011b) details that a project must quantify the type of harm, explained as direct and indirect harm, to Aboriginal objects and Aboriginal places. Generally, direct harm is defined as any activity that may physically impact an Aboriginal site or objects. Indirect harm is usually taken to mean harm stemming from secondary consequences of the activity and may affect sites or objects as an indirect consequence of the activity.

In considering harm to Aboriginal cultural values, CSO has considered the advice of the Traditional owners and Registered Aboriginal Parties as they are the appropriate community representatives to advise on such matters. Section 3 of this document outlines the consultation that has been conducted for the proposal.

In addition to assessing harm, there is a need to consider the principles of ecologically sustainable development (ESD), as set out under the *National Parks and Wildlife Act 1974* and discussed in the *Guidelines to investigating, assessing and reporting on Aboriginal cultural heritage* (OEH 2011b). ESD considers the following:

- Cumulative impact (the nature and extent of the Aboriginal objects/Aboriginal Places) proposed to be harmed relative to other sites in the region
- Determining how, where practicable, harm to significant Aboriginal objects/Aboriginal Places can be avoided
- Consideration of options
- Assessing the costs and benefits of options for future generations
- Actions proposed to promote intergenerational equity.

OEH Guidelines (2011b) discusses conservation outcomes which relate to avoidance of harm. This is relevant to discussion under Section 8.2 of this report.

### 8.2 Proposed project impacts

It is likely that the proposal will impact Aboriginal objects. The potential harm from construction activities from the proposal across the study area will include:

- Topsoil removal
- Major earthworks
- Construction of roads and access points
- Construction of housing and stormwater basins
- Landscaping
- Fences
- Construction and installation of pedestrian infrastructure

Post construction, Burkes Gully will become a passive recreation area with several shared pathways. While the Aboriginal sites within Burkes Gully will not be directly impacted by the construction of the subdivision, there is potential for the Aboriginal stone artefacts within the

sites to be moved from the land by the general public post construction. As a result, all 15 Aboriginal sites recorded will be impacted in some form by the proposal.

### 8.3 Potential Impacts to Aboriginal Heritage

All 14 Aboriginal sites are recorded within the study area will be impacted by the proposal (Figure 8-1 to Figure 8-3). The impacts to Aboriginal cultural heritage are summarised in Table 8-1.

**Table 8-1: Summary of impacts to Aboriginal heritage under the current form of the proposal**

Site ID	Type of harm	Degree of harm	Consequence of harm
DR01 (AHIMS ID 29-2-0310)	Direct	Total	Total loss of value
DR02 (AHIMS ID 29-2-0311)	Direct	Total	Total loss of value
DR03 (AHIMS ID 29-2-0312)	Direct	Total	Total loss of value
DR04 (AHIMS ID 29-2-0313)	Direct	Total	Total loss of value
DR08 (AHIMS ID 29-2-0318)	Direct	Total	Total loss of value
DR09 (AHIMS ID 29-2-0318)	Direct	Total	Total loss of value
DR11 (AHIMS ID 29-2-0320)	Direct	Total	Total loss of value
DR012 (AHIMS ID 29-2-0321)	Direct	Total	Total loss of value
Arcadia AS03 (AHIMS ID Pending)	Direct	Total	Total loss of value
Arcadia AS04 (AHIMS ID Pending)	Direct	Total	Total loss of value
Arcadia AS07 (AHIMS ID Pending)	Direct	Total	Total loss of value
Arcadia IF05 (AHIM ID Pending)	Direct	Total	Total loss of value
Arcadia IF06 (AHIM ID Pending)	Direct	Total	Total loss of value
Arcadia IF07 (AHIM ID Pending)	Direct	Total	Total loss of value

### 8.4 Management and mitigation options

As a general principal, avoidance of impact to sites of Aboriginal cultural heritage is the preferred method of management. This is advocated in the Burra Charter as well as various other guidelines and codes of practice (Section 2.2). Total avoidance of all sites of heritage value is not always feasible. In the case avoidance presents a proponent with considerable difficulties, they may apply to damage or destroy a site. As the impact of Aboriginal sites and objects would be required as part of the proposal, the following mitigation measures are recommended (pending approval):

- The Registered Aboriginal Parties identified during the consultation process should be consulted in determining the management of Aboriginal objects.
- An Aboriginal Heritage Impact Permit (AHIP) is required before any impact to Aboriginal sites.
- Removal includes surface collection and relocation of Aboriginal objects to a suitable location in accordance with the *Code of Practice of archaeological Investigation of Aboriginal Objects in NSW* (OEH 2011a)
- Any conditions of consent for the removal of Aboriginal objects must be followed.



- The locations of the cultural heritage sites will be provided to the supervisors responsible for the construction and operation of the proposal. They should be informed cultural heritage sites are protected under the NPW Act and no harm is to come to them. The presence of the cultural heritage sites should be made clear to the workforce as part of an induction.

Figure 8-1: Aboriginal sites and development footprint

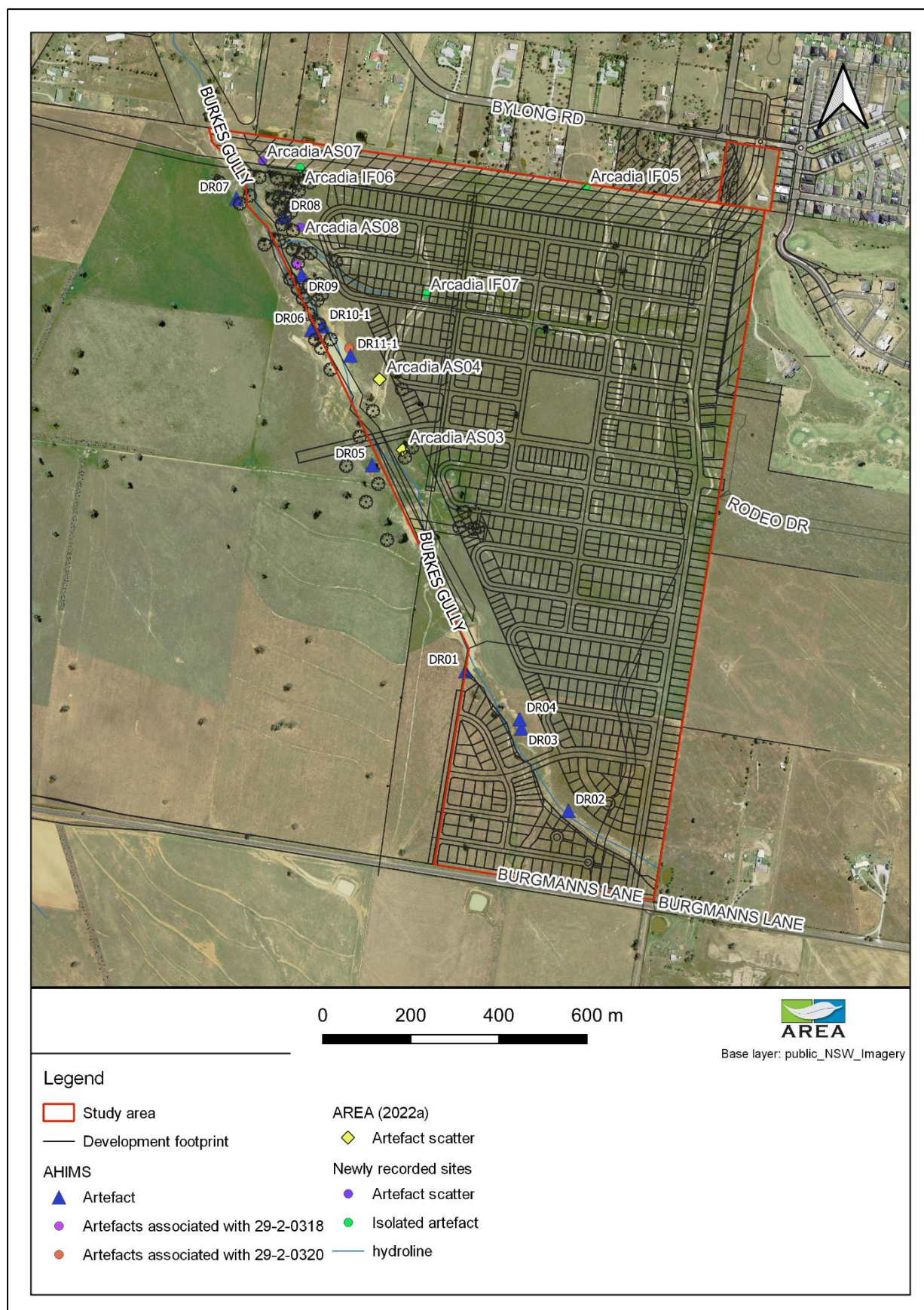




Figure 8-2: Aboriginal sites and the development footprint – northern end

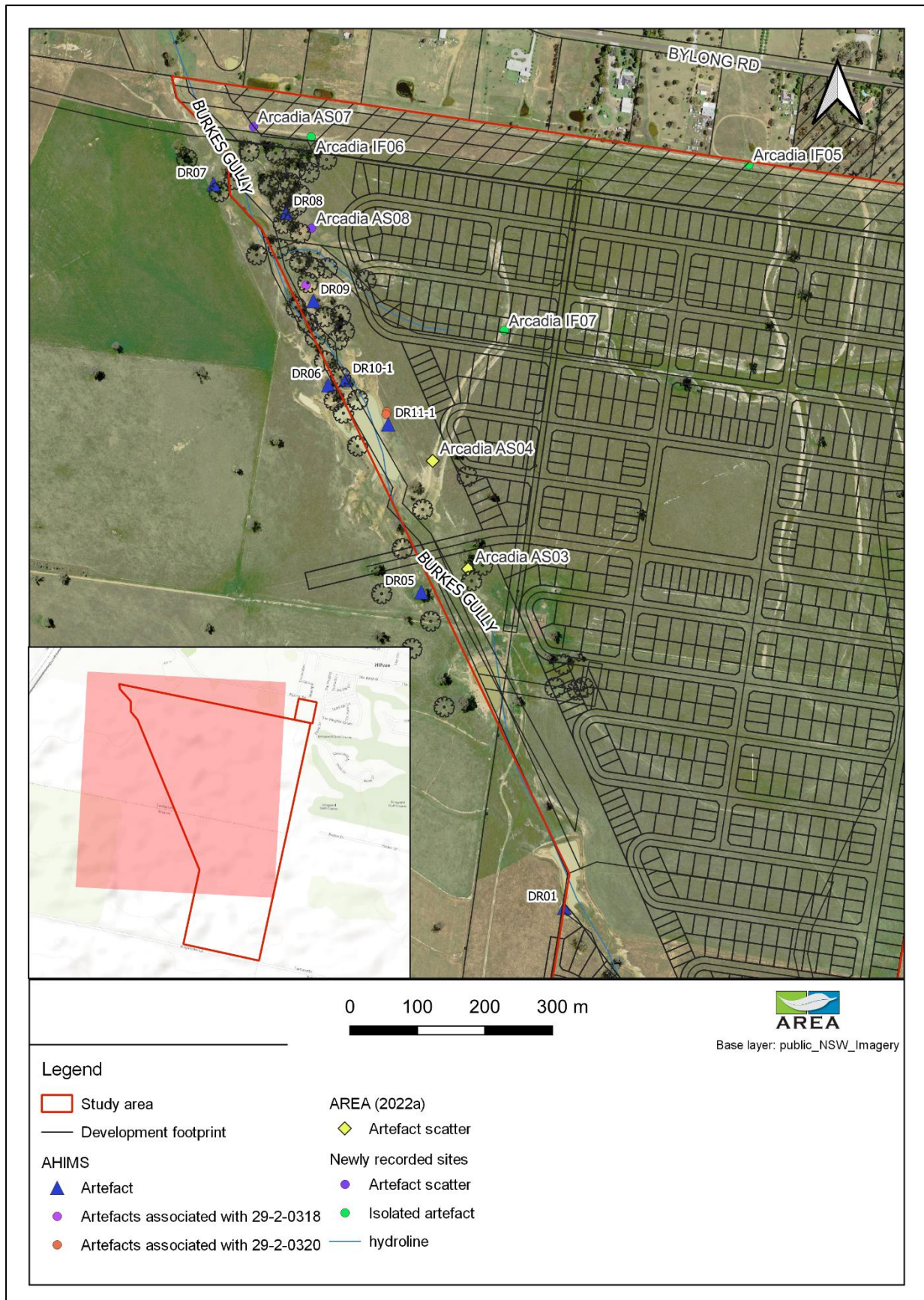
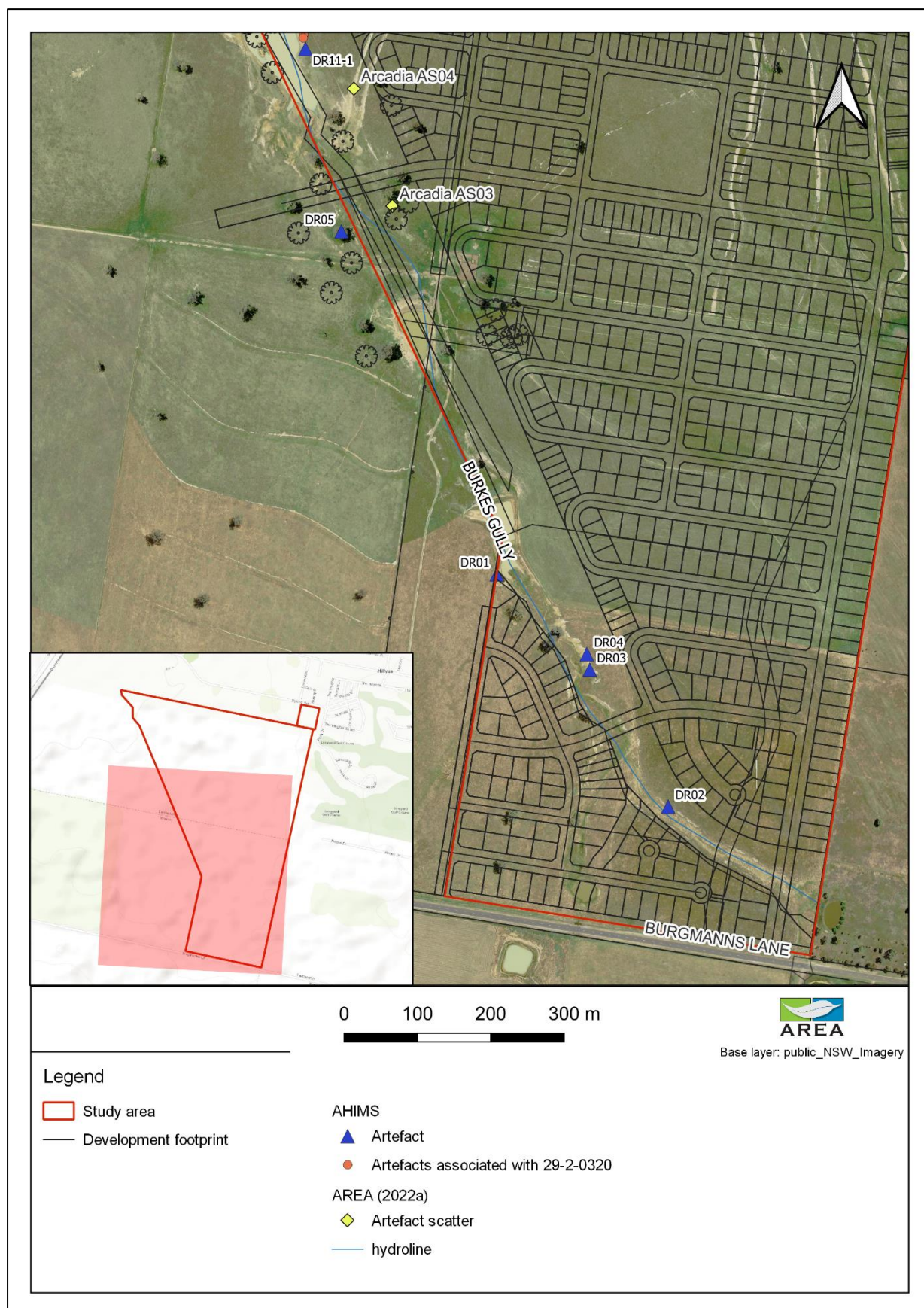




Figure 8-3: Aboriginal sites and development footprint – southern end



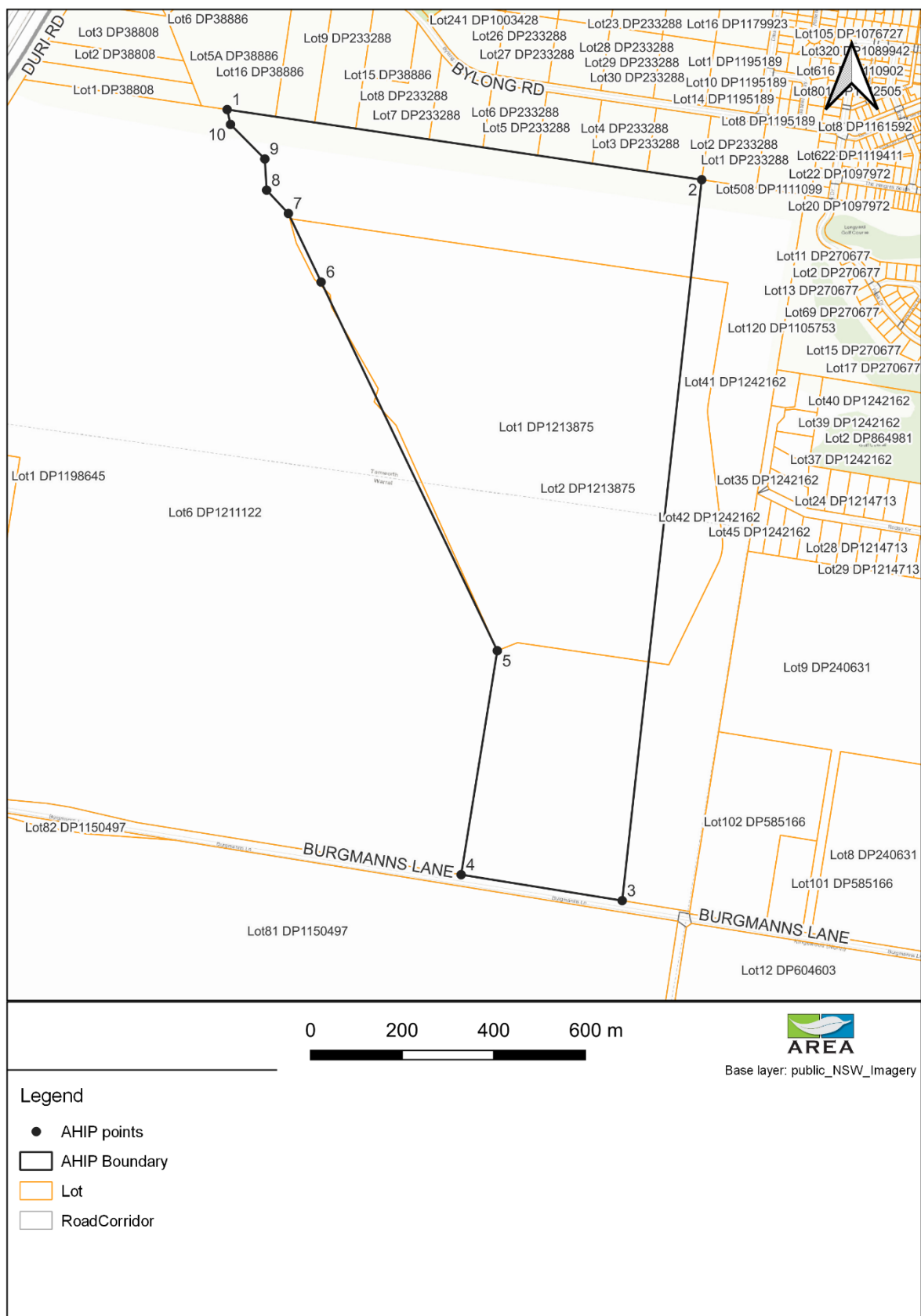
## 8.5 AHIP application

To undertake the proposed works an area based Aboriginal heritage impact permit (AHIP) will be necessary. An AHIP must be obtained to manage harm prior to harm occurring to any Aboriginal objects within the project area. The AHIP boundary is shown in Figure 8-4 with corresponding AHIP points in Table 8-2.

**Table 8-2: list of AHIP points**

Point	Easting	Northing
1	298991	6554588
2	300027	6554435
3	299854	6552859
4	299502	6552916
5	299581	6553405
6	299196	6554211
7	299125	6554361
8	299077	6554412
9	299073	6554480
10	298998	6554556

Figure 8-4: AHIP application area





## 9 Recommendations

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Cultural heritage values require management for any proposal where they have been identified. Whether an impact is direct, indirect, or possible, Aboriginal sites will require some level of intervention to avoid harm where possible.

The following recommendations are based on the consideration of:

- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2011a)
- The results of the background research and fieldwork
- The likely impacts of the proposed study area.

All 14 Aboriginal sites will be impacted by the proposal. Based on the assessment, the following recommendations are made:

- An Aboriginal Heritage Impact Permit (AHIP) would be required to impact any Aboriginal sites which cannot be avoided and further consultation to support an AHIP application is needed.
- A condition of consent for the AHIP is likely to express a desire by the Registered Aboriginal Parties that Aboriginal sites which cannot be avoided are collected and reburied in consultation with the Aboriginal community expressing a formal interest in this proposal.
- Should an AHIP be issued, surface collection of the stone artefact scatters and isolated finds should be undertaken in accordance with OEH's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2011a)*.
- The locations of the cultural heritage sites shown on Figure 6-74 and detailed in Section 6.6 to Section 6.8 should be provided to the supervisors responsible for the construction and operation of the proposal. They should be informed cultural heritage sites are protected under the NPW Act and no harm is to come to them. The presence of the cultural heritage sites will be made clear to the workforce as part of an induction.
- Shared pathways within Burkes Gully should be built above the surface to avoid damage to any subsurface archaeological deposits.
- The following is not an archaeological recommendation as it is inconsistent with OEH's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2011a)*.
  - The Aboriginal community recommend monitoring be undertaken to mitigate possible impacts to unrecorded sub-surface remains within Burkes Gully.
  - The decision to allow cultural monitoring lays entirely with the Proponent and once a decision is made, they should consult with Tamworth LALC and the Gomeroi People's Native Title Applicants.
- Archaeologically, where impacts to Burkes Gully are proposed Aboriginal test excavations are recommended in accordance with OEH's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2011a)*.
- The salvaged artefacts to be reburied within a protected area of Burkes Gully in a location agreed to by the RAPS. Reburial should occur shortly after surface collection and test excavation.
- RAPs to be given the opportunity to provide feedback and input on interpretation signage within the study area.

- If any objects of suspected Aboriginal heritage origin be encountered during the proposal, activity in the area of the find should cease and the unexpected finds protocols (Appendix C) should be implemented.
- If changes are made to the proposal which could impact locations outside of the current study area, further archaeological investigation may be required.
- If suspected human remains are located during any stage of the proposal, work must stop immediately, and the NSW police must be notified.

## 10 References

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- AREA Environmental & Heritage Consultants (AREA). (2022b). *Arcadia Estate addendum due diligence report*. Report to Tamworth Regional Council.
- AREA Environmental Consultants & Communication (AREA). (2020a). *Proposed Culvert Replacement: Wallamore Road, Aboriginal Cultural Heritage Due Diligence Assessment*. Unpublished report to Lindsay Dynan Consulting Engineers.
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- NSW Office of Environment & Heritage (OEH). (2011b). *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*. NSW Office of Environment & Heritage.
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- Robins, T and J. Towers. (2014). *Cultural Heritage Due Diligence Assessment of the Tamworth Council's South Tamworth Rural Lands Master Plan for the Duri Road Site, Tamworth, NSW (February 2014)*. Everick Heritage Consultants Pty Ltd unpublished report prepared for the Tamworth Regional Council.
- Tindale, Norman B. (1974). *Aboriginal tribes of Australia: their terrain, environmental controls, distribution, limits and proper names*. Australian National University Press, Canberra
- Office of Environment and Heritage (2011). *Guide to Investigating, assessing and reporting on*



*Aboriginal cultural heritage in NSW: Part 6 National Parks and Wildlife Act 1974*

Carey, J. (2006). *Tamworth and Districts: Early History*. Tamworth Regional Council: Tamworth.

Clarke, P. (2007). *Aboriginal People and Their Plants*.

NSW Department of Environment, Climate Change & Water (DECCW). (2010). *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* NSW DECCW.

## **Appendix A: Aboriginal community consultation**

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## Consultation log

Date	Stage of ACHC Rs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
<b>Stage 1 (step 4.1.2)</b>								
22.9.2022	4.1.2	NSW Heritage	To whom it may concern	Mel Hancock	AREA EHC	As above	Email	Autoreply & list of parties
22.9.2022	4.1.2	Tamworth Local Aboriginal Land Council	To whom it may concern	Mel Hancock	AREA EHC	As above	Email	
22.9.2022	4.1.2	Tamworth Regional Council	To whom it may concern	Mel Hancock	AREA EHC	As above	Email	
22.9.2022	4.1.2	NTS Corp	To whom it may concern	Mel Hancock	AREA EHC	As above	Email	registered on behalf of NT
22.9.2022	4.1.2	Local Land Services - Northwest	To whom it may concern	Mel Hancock	AREA EHC	As above	Email	
24.9.2022	4.1.2	Ad in the Northern Daily Leader						
<b>Stage 1 (step 4.1.3)</b>								
20.10.2022	4.1.3	Thoorga Nura	John Carriage (Chief Executive Officer)	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Barraby Cultural Services	Lee Field (Manager)	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Yurrandaali Cultural Services	Bo Field (Manager)	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	AT Gomilaroi Cultural Consultancy	Aaron Talbott	Mel Hancock	AREA EHC	Invitation to Register	Email	AT Gomilaroi Cultural Consultancy is confirming registration for the Proposed Arcadia East Subdivision, Tamworth.
20.10.2022	4.1.3	Corroboree Aboriginal Corporation	Marilyn Carroll-Johnson, Director	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Nunawanna Aboriginal Corporation	Colin Ahoy	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Tamworth LALC	Chairperson	Mel Hancock	AREA EHC	Invitation to Register	Email	Tamworth Local Aboriginal Land Council would like to register as an interested party
20.10.2022	4.1.3	Gilay Consultants	Carol Slater	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Didge Ngunawal Clan	Lillie Carroll & Paul Boyd	Mel Hancock	AREA EHC	Invitation to Register	Email	DNC would like to register an interest into



Date	Stage of ACHC Rs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
								proposed Arcadia East subdivision at Tamworth
20.10.2022	4.1.3	Wurrumay Pty Ltd	Kerrie Slater and Vicky Slater	Mel Hancock	AREA EHC	Invitation to Register	Email	Wurrumay Pty Ltd would like to register an interest for the above project.
20.10.2022	4.1.3	Konanggo Aboriginal Cultural Heritage Services	Robert Young	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Glen Morris		Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Gomery Cultural Consultants	David Horton	Mel Hancock	AREA EHC	Invitation to Register	Email	Hi mel,,it's Dave horton like to register for project, if any questions, ring me 0458532707 company name gomeryconsultants thanks
20.10.2022	4.1.3	Edgerton kwiembal AC	Liza Talbot	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Vicky Hannah Gomeroi Duncan		Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Thomas Dahlstrom	Thomas Dahlstrom	Mel Hancock	AREA EHC	Invitation to Register	Email	I would like to accept your in and register as an Interested Party (RAP).
20.10.2022	4.1.3	Bariyan Cultural Connections	Kayelene Terry	Mel Hancock	AREA EHC	Invitation to Register	Email	Bariyan Cultural Connections would like to register our interest in the Aboriginal community consultation process
20.10.2022	4.1.3	Ngambaa Cultural Connections	Kaarina Slater	Mel Hancock	AREA EHC	Invitation to Register	Email	
20.10.2022	4.1.3	Alison Sampson	Alison Sampson	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	BJC Cultural Management	Ben Cameron	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Brent Mathews	Brent Mathews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Brian Draper	Brian Draper	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Cacatua General Service (Cacatua Culture Consultants)	Donna	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Cacatua General Service (Cacatua Culture Consultants)	George	Mel Hancock	AREA EHC	Invitation to Register	Mail	

Date	Stage of ACHC Rs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
20.10.2022	4.1.3	Christine Archbold	Christine Archbold	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Clifford Matthews	Clifford Matthews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Coonabarabran LALC	Chairperson	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	D F T V Enterprises	Derrick Vale	Mel Hancock	AREA EHC	Invitation to Register	Mail	Registered - deckavale@hotmail.com
20.10.2022	4.1.3	Darrell Mathews	Darrell Mathews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Galamaay Cultural Consultants	Robert Slater	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Gomerioi Murri Ganuurr Yuuray Wadi Palinka	Greg Griffith	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Hazel Collins	Hazel Collins	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Jeff Matthews	Jeff Matthews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	John Matthews	John Matthews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Joshua Matthews	Joshua Matthews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Justin Matthews	Justin Matthews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Kevin Sampson	Kevin Sampson	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Len Waters	Len Waters	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Lloyd Matthews	Lloyd Matthews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Lorraine Towney	Lorraine Towney	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Luke Cameron Cultural Management	Luke Cameron	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Mavonia Welsh	Mavonia Welsh	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	ME Griffiths Cultural Management	Marie- Ellen Griffiths	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Michelle Saunders	Michelle Saunders	Mel Hancock	AREA EHC	Invitation to Register	Mail	

Date	Stage of ACHC Rs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
20.10.2022	4.1.3	Mooki Plains Management		Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Mooki River Consultants	Wayne Mathews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Muswellbrook Cultural Consultants	Brian Horton	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Natasha Rodgers	Natasha Rodgers	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Nyakka Aboriginal Corporation	Rhonda Kitckener	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Paul Moodie	Paul Moodie	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Talcon Pty Ltd	Ricky Talbott	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Richard Slater	Richard Slater	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Rick Slater	Rick Slater	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Rodney Mathews	Rodney Mathews	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Ron Smith	Ron Smith	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Rona Slater	Rona Slater	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Roslyn Smith	Roslyn Smith	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Scott Smith	Scott Smith	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	T&G Culture Consultants	Tony Griffiths	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Tania Mathews	Tania Mathews	Mel Hancock	AREA EHC	Invitation to Register	Mail	Return to Sender
20.10.2022	4.1.3	Tracy Woltley	Tracy Woltley	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Nammoypathways Aboriginal Corporation	Vicki Devine	Mel Hancock	AREA EHC	Invitation to Register	Mail	Return to Sender
20.10.2022	4.1.3	Warragil Cultural Services	Aaron Slater	Mel Hancock	AREA EHC	Invitation to Register	Mail	
20.10.2022	4.1.3	Wattaka Cultural Consultancy Service	Des Hickey	Mel Hancock	AREA EHC	Invitation to Register	Mail	Return to Sender



Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
20.10.2022	4.1.3	Wiradjuri Interim Working Party		Mel Hancock	AREA EHC	Invitation to Register	Mail	
<b>Stage 1 (step 4.1.6)</b>								
30.11.2022	4.1.6	Heritage NSW		Mel Hancock	AREA EHC		Email	
30.11.2022	4.1.6	Tamworth Local Aboriginal Land Council	Fiona Snape	Mel Hancock	AREA EHC	As above	Email	Email bounced. Sent to update address
30.11.2022	4.1.6	Tamworth Local Aboriginal Land Council	Fiona Snape	Mel Hancock	AREA EHC	as above	Email	
<b>Stage 2 (step 4.3.1)</b>								
10.11.2022	4.3.1	NTS Corp	Conor Wakefield	Mel Hancock	AREA EHC	Proposed methodology	Email	
10.11.2022	4.3.1	Gomery Cultural Consultants	David Horton	Mel Hancock	AREA EHC	Proposed methodology	Email	
10.11.2022	4.3.1	AT Gomilaroi Cultural Consultancy	Aaron Talbott	Mel Hancock	AREA EHC	Proposed methodology	Email	
10.11.2022	4.3.1	Tamworth Local Aboriginal Land Council	Fiona Snape	Mel Hancock	AREA EHC	Proposed methodology	Email	
10.11.2022	4.3.1	DNC	Lilly Carroll & Paul Boyd	Mel Hancock	AREA EHC	Proposed methodology	Email	DNC is happy with the methodology @ Tamworth project
10.11.2022	4.3.1	Bariyan Cultural Connections	Keyelene Terry	Mel Hancock	AREA EHC	Proposed methodology	Email	Bariyan Cultural Connections has read and agrees to the methodology for the project.
10.11.2022	4.3.1	Thomas Dahlstrom		Mel Hancock	AREA EHC	Proposed methodology	Email	
10.11.2022	4.3.1	Vicky Slater	Wurrumay Pty Ltd	Mel Hancock	AREA EHC	Proposed methodology	Email	Will do. Thanks. Vicky
10.11.2022	4.3.1	Kaarina Slater	Ngambaa Cultural Connections	Mel Hancock	AREA EHC	Proposed methodology	Email	
10.11.2022	4.3.1	Derrick Vale	D F T V Enterprises	Mel Hancock	AREA EHC	Proposed methodology	Email	
10.11.2022	4.3.1		Steve Talbott	Mel Hancock	AREA EHC	Proposed methodology	Email	
10.11.2022	4.3.1	Dean Bell and Merekai Bell	Yurwang Gundana Consultancy Cultural Heritage Services	Mel Hancock	AREA EHC	Proposed methodology	Email	Yurwang Gundana agrees with the methodology and wishes to be apart of the two-day survey that will be happening
10.11.2022	4.3.1	Robert Young	Konanggo Aboriginal Cultural Heritage Services	Mel Hancock	AREA EHC	Proposed methodology	Email	

Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
10.11.2022	4.3.1	Pamela Young	Konanggo Aboriginal Cultural Heritage Services	Mel Hancock	AREA EHC	Proposed methodology	Email	
Stage 2 (step 4.3.3)								
	4.3.3					As part of this consultation, the proponent must also seek cultural information from registered Aboriginal parties to identify: (a) whether there are any Aboriginal objects of cultural value to Aboriginal people in the area of the proposed project (b) whether there are any places of cultural value to Aboriginal people in the area of the proposed project (whether they are Aboriginal places declared under s.84 of the NPW Act or not). This will include places of social, spiritual and cultural		

Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
						value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance.		
	4.3.3.					As above		
Stage 3 (fieldwork)								
10.11.2022	4.3.3.	Conor Wakefield	NTS Corp	Mel Hancock	AREA EHC	Fieldwork invitation	Email	I'll speak with the Gomeroi Applicant as to who their nomination for this field work is and will aim to get back to you by next week.
Stage 4 (step 4.4.2)								
10.01.2023	4.4.2	NTS Corp	Conor Wakefield	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by	Email	



Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
						Tuesday 7th February 2023.		
10.01.2023	4.4.2	Gomery Cultural Consultants	David Horton	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	Hi mel,although I haven't been on any survey of study area,,with the aboriginal tools and atifacts I've seen there should be test excavation done following this project to determine extent of site,sites thanks David horton gomery cultural consultants any questions ring number provided. 0458532707 I would like to be involved next time.
10.01.2023	4.4.2	AT Gomilaroi Cultural Consultancy	Aaron Talbott	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	
10.01.2023	4.4.2	Tamworth Local Aboriginal Land Council	Fiona Snape	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by	Email	

Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
						Tuesday 7th February 2023.		
10.01.2023	4.4.2	DNC	Lilly Carroll & Paul Boyd	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	
10.01.2023	4.4.2	Bariyan Cultural Connections	Keyelene Terry	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	
10.01.2023	4.4.2		Thomas Dahlstrom	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by	Email	

Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
						Tuesday 7th February 2023.		
10.01.2023	4.4.2	Wurrumay Pty Ltd	Vicky Slater	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	
10.01.2023	4.4.2	Ngambaa Cultural Connections	Kaarina Slater	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	
10.01.2023	4.4.2	DFTV Enterprises	Derrick Vale	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by	Email	



Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
						Tuesday 7th February 2023.		
10.01.2023	4.4.2		Steve Talbott	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	
10.01.2023	4.4.2	Yurwang Gundana Consultancy Cultural Heritage Services.	Dean Bell and Merekai Bell	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	Yurwang Gundana is in the mind of doing test excavations so every protentional Artifact is found and preserved and also in the mind set of reburying them all somewhere they will not be impacted but still on country in the same area if possible if test excavations do happen Yurwang Gundana would like to be apart of the fieldwork

Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
10.01.2023	4.4.2	Konanggo Aboriginal Cultural Heritage Services	Robert Young	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	I have read the draft and I and my Mother are pleased that it has accommodated all processes and protocols as determined through legislative and policies from various organisations and am exceptionally pleased at the acknowledgement of the processes of any Aboriginal remains if required, are detailed in the draft as a lot of other drafts in which we have read do not enclose that information. The AHIMS sites that had previously recorded then due to weather impacts of the area described in your Draft report, have unfortunately transported too elsewhere. Has this been notified to Heritage NSW AHIMS the recent results so it can be added to the sites card. My Mother worked at NPWS, and Heritage NSW for over 20yrs. Working with artefacts and ancestor remains keeping place, sites.

Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
10.01.2023	4.4.2	Konanggo Aboriginal Cultural Heritage Services	Pamela Young	Mel Hancock	AREA EHC	Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by Tuesday 7th February 2023.	Email	I have read the draft and I and my Mother are pleased that it has accommodated all processes and protocols as determined through legislative and policies from various organisations and am exceptionally pleased at the acknowledgement of the processes of any Aboriginal remains if required, are detailed in the draft as a lot of other drafts in which we have read do not enclose that information. The AHIMS sites that had previously recorded then due to weather impacts of the area described in your Draft report, have unfortunately transported too elsewhere. Has this been notified to Heritage NSW AHIMS the recent results so it can be added to the sites card. My Mother worked at NPWS, and Heritage NSW for over 20yrs. Working with artefacts and ancestor remains keeping place, sites.
10.01.2023	4.4.2	AREA EHC	Mel Hancock	Leanne Kirkman		Hi mel, although I haven't been on any survey of study area,, with the aboriginal tools and artifacts I've seen there should be test excavation done following this project to determine extent of	Email	



Date	Stage of ACHCRs	Organisation contacted	Organisation representative	Contacted by	Organisation	Summary of message sent	Method (s)	Summary of response received (date)
						site/sites thanks David horton gomery cultural consultants any questions ring number provided. 0458532707 I would like to be involved next time.		
10.01.2023	4.4.2	AREA EHC	Phillip Cameron (Director)	Steve Talbott	Native Title Claimant but not nominated as a representative for the Porposal. Response provided as an individual.	Steve's would have preferred to have been present during the assessment to provide his insights for the assessment. He highlighted limitations documented in the report noting the grass cover was extensive. His concern was while sites are recorded in association with the Creek they could be up to 300m either side if the assessment focussed on the cultural landscape as opposed to site based assessment.	Phone	Phil Cameron acknowledged the GSV limitation noted in the report and stated STs response would be provided in the document submitted to the Regulator for consideration.
Stage 4 (step 4.4.5)								

## **EXPRESSION OF INTEREST**

### **Cultural Heritage Management**

AREA Environmental & Heritage Consultants (AREA) is seeking expressions of interest from Aboriginal groups or individuals holding cultural knowledge of the Tamworth area, in Tamworth Regional LGA, who wish to be consulted over a proposed subdivision of land for future residential development at Lot 2 DP 1213875, Lot 1 DP 1213875, Part Lot 1 DP 1198645 and Lot 1 DP 233288, Hillvue, NSW. AREA has been commissioned by CSO Engineers PTY LTD to facilitate an Aboriginal cultural heritage assessment for the proposal. The contact details for the proponent are Chris Taylor ✉ [chris@csoengineers.com](mailto:chris@csoengineers.com)

The DA would seek consent under Part 4, Section 4.12 of the *Environmental Planning and Assessment Act 1979* from Tamworth Regional Council. The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP and to assist the Director General in his or her consideration and determination of the application.

Stakeholders are asked to register their interest in consultation over the proposed project by contacting AREA:

Mel Hancock

Email: ✉ [mel@areaenv.com.au](mailto:mel@areaenv.com.au)

Post: 📮 6 Belmore Street, Dubbo, 2830 or

Phone: ☎ 0408 433 493

The closing date for all submissions will be  
**8<sup>TH</sup> October 2022**

Please be advised that, in accordance with the consultation requirements, if you are registering an interest in the project your contact details will be forwarded to NSW Heritage and Tamworth Local Aboriginal Land Council, unless you specify that you do not wish your contact details to be released.

## Example of section 4.1.2 Request for List of Potential Aboriginal Parties letter

## Anna Darby

---

**From:** Mel Hancock  
**Sent:** Thursday, 22 September 2022 5:21 PM  
**To:** admin@tamworthlalc.com.au  
**Subject:** Proposed Arcadia East Subdivision, Tamworth – Section 4.1.2 Request for List of Potential Aboriginal Parties  
**Attachments:** Tamworth LALC 4.1.2\_agency\_Arcadia East Tamworth\_Aug22.pdf

Good afternoon

Attached is a letter requesting a list of potential Aboriginal parties relating to the development application for Arcadia East Subdivision in Tamworth NSW.

Please let me know if there are any questions.

Regards

Mel

AREA Environmental & Heritage  
Consultants Pty Ltd  
ABN: 29 616 529 867

AREA Landscape Design Consultants  
Pty Ltd  
ABN: 56 646 194 176



Mel Hancock  
Administrator

JP NSW 18807

a: "The Old Macquarie Brewery" c1876 72 Brisbane Street, Dubbo  
NSW 2830

e: [mel@areaenv.com.au](mailto:mel@areaenv.com.au)

w: [www.areaenvironmental.com.au](http://www.areaenvironmental.com.au)

m: 0408 433 493

We acknowledge Traditional Owners and Custodians and their ancestors.



AREA Landscape Design Consultants Pty Ltd ABN: 56 646 194 176

- ✓ Commercial external landscape designs for built or natural environments
- ✓ Vegetation Management Plans
- ✓ Stakeholder and community engagement
- ✓ Peer review / project briefs / budgeting assistance

AREA Environmental & Heritage Consultants Pty Ltd. Trading as

'AREA Environmental & Heritage Consultants' ABN: 29 616 529 867

- ✓ Environmental impact assessments and approvals : REFs, MW REFs, PEAs
- ✓ Ecology, Aboriginal and historic heritage assessments
- ✓ Biodiversity assessment method (BAM) assessments (BDAR) and offsetting (BSAR)
- ✓ Plans of Management Aboriginal community engagement
- ✓ Stakeholder and community engagement
- ✓ Peer review / project briefs / budgeting assistance / expert witness



22<sup>nd</sup> September 2022

Tamworth LALC  
123 Marius Street  
Tamworth NSW 2340

Sent via email: [admin@tamworthlalc.com.au](mailto:admin@tamworthlalc.com.au)

To Whom It May Concern

**Re: Proposed Arcadia East Subdivision, Tamworth – Section 4.1.2 Request for List of Potential Aboriginal Parties**

CSO Engineers Pty Ltd (CSO) intends to lodge a Development Application (DA) with Tamworth Regional Council for the subdivision of land for future residential development at Lot 2 DP 1213875, Lot 1 DP 1213875, Part Lot 1 DP 1198645 and Lot 1 DP 233288, Hillvue, NSW. The DA would seek consent under Part 4, Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) from Tamworth Regional Council. The proposal is located within Tamworth Regional LGA.

CSO has engaged AREA Environmental and Heritage Consultants (AREA) to conduct an Aboriginal heritage assessment and consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010) for the proposal. It is anticipated the assessment will require cultural heritage input from the traditional custodians of the land and other knowledge holders.

The contact details for CSO are:

Chris Taylor  
Level 2, 10/1a Wirraway Street  
Tamworth NSW 2340  
[chris@csoengineers.com](mailto:chris@csoengineers.com)

If your organisation can provide contact details for Aboriginal people who hold knowledge relevant to determining the cultural significance of Aboriginal heritage in the area of the proposal, we would be grateful. AREA will use these contact details to provide an opportunity for relevant Aboriginal people to register an interest in a process of community consultation for the proposal. Please forward any information you have before **8<sup>th</sup> October 2022** to:

Mel Hancock  
AREA Environmental and Heritage Consultants  
6 Belmore Street  
Dubbo, 2830  
[mel@areaenv.com.au](mailto:mel@areaenv.com.au)  
0408 433 493



If you have any additional information, please don't hesitate to contact me.

Kind regards

A handwritten signature in blue ink that reads "A Darby".

**Anna Darby**  
**Environmental Consultant | Heritage**  
**AREA Environmental & Heritage Consultants**

P 0413 281 439  
E [anna@areaenv.com.au](mailto:anna@areaenv.com.au)

We acknowledge Traditional Owners and Custodians and their ancestors

Figure 1: Location of the proposal



### Example of Section 4.1.3 Invitation to Register letters



AREA Landscape Design Consultants Pty Ltd ABN: 56 646 194 176

- ✓ Commercial external landscape designs for built or natural environments
- ✓ Vegetation Management Plans
- ✓ Stakeholder and community engagement
- ✓ Peer review / project briefs / budgeting assistance

AREA Environmental & Heritage Consultants Pty Ltd. Trading as

'AREA Environmental & Heritage Consultants' ABN: 29 616 529 867

- ✓ Environmental impact assessments and approvals : REFs, MW REFs, PEAs
- ✓ Ecology, Aboriginal and historic heritage assessments
- ✓ Biodiversity assessment method (BAM) assessments (BDAR) and offsetting (BSAR)
- ✓ Plans of Management Aboriginal community engagement
- ✓ Stakeholder and community engagement
- ✓ Peer review / project briefs / budgeting assistance / expert witness



20<sup>th</sup> October 2022

Sent via email

To Whom It May Concern,

**Re: Proposed Arcadia East Subdivision, Tamworth – Section 4.1.3 Invitation to Register**

CSO Engineers Pty Ltd (CSO) intends to lodge a Development Application (DA) with Tamworth Regional Council for the subdivision of land for future residential development at Lot 2 DP 1213875, Lot 1 DP 1213875, Part Lot 1 DP 1198645 and Lot 1 DP 233288, Hillvue, NSW. The DA would seek consent under Part 4, Section 4.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act) from Tamworth Regional Council. The proposal is located within Tamworth Regional LGA (Figure 1).

CSO has engaged AREA Environmental and Heritage Consultants (AREA) to conduct an Aboriginal heritage assessment and consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010) for the proposal. It is anticipated the assessment will require cultural heritage input from the traditional custodians of the land and other knowledge holders.

The contact details for CSO are:

Chris Taylor  
Level 2, 10/1a Wirraway Street  
Tamworth NSW 2340  
[chris@csoengineers.com](mailto:chris@csoengineers.com)

In accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010) the proponent would like to consult with any Aboriginal persons or organisations that hold cultural knowledge relevant to determining the significance of Aboriginal objects and places in the area of the proposal. The purpose of community consultation is to assist the proponent in identifying and describing the Aboriginal cultural heritage values within the proposal area and aid in the documentation of these values in the environmental assessment.

If you hold knowledge relevant to determining the cultural significance of Aboriginal heritage in the Hillvue /Tamworth area, we invite you to register interest to be consulted throughout the project. Should you wish to register, please forward any information you have before **4<sup>th</sup> November 2022** to:

Mel Hancock  
AREA Environmental and Heritage Consultants  
6 Belmore Street  
Dubbo, 2830  
[mel@areaenv.com.au](mailto:mel@areaenv.com.au)  
0408 433 493

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1 | Page

Proposed Arcadia East Subdivision – Section 4.1.3 Invitation to register



Please be advised that, in accordance with the consultation requirements, if you are registering an interest in the project your contact details will be forwarded to NSW Heritage and the Local Aboriginal Land Council, unless you specify that you do not wish your contact details to be released. Please also note that consultation will not necessarily involve paid engagement, as this is not a requirement of the consultation guidelines issued by Heritage NSW.

If you have any additional information, please don't hesitate to contact me.

Kind regards

A handwritten signature in blue ink that reads "A Darby".

**Anna Darby**  
**Environmental Consultant | Heritage**  
**AREA Environmental & Heritage Consultants**

P 0413 281 439

E [anna@areaenv.com.au](mailto:anna@areaenv.com.au)

We acknowledge Traditional Owners and Custodians and their ancestors

Figure 1: Location of the proposal



## Example of section 4.1.6



## Anna Darby

---

**From:** Mel Hancock  
**Sent:** Wednesday, 30 November 2022 4:52 PM  
**To:** Heritagemailbox@environment.nsw.gov.au  
**Subject:** 4.1.6 Proposed Arcadia East Subdivision, Tamworth  
**Attachments:** Arcadia East, Tamworth Ad.jpg

To whom it may concern

AREA Environmental and Heritage Consultants has been engaged by CSO Engineers, to complete an Aboriginal Cultural Heritage Assessment Report (ACHAR) for an area identified as Lot 2 DP 1213875, Lot 1 DP 1213875, Part Lot 1 DP 1198645 and Lot 1 DP 233288, Hillvue, NSW.

CSO Engineers Pty Ltd wishes to consult with any Aboriginal persons or organisations that hold cultural knowledge relevant to determining the significance of Aboriginal objects and places in the Hillvue area. The purpose of the community consultation is to assist the proponent in the preparation of an Aboriginal Cultural Heritage Assessment Report to satisfy the requirements of SEARs SSD\_18\_9504.

In accordance with section 4.1.6 of the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010), please find below a list of registered stakeholders for the development/project.

- Conor Wakefield – NTS Corp
- David Horton – Gomery Cultural Consultants
- Aaron Talbott – AT Gomilaroi Cultural Consultancy
- Fiona Snape – Tamworth LALC
- Lilly Carroll & Paul Boyd – DNC
- Kayelene Terry
- Thomas Dahlstrom
- Vicky Slater – Wrrumay Pty Ltd
- Derrick Vale – DFTV Enterprises
- Steve Talbott
- Dean & Merekaie Bell – Yurwang Gundana Consultancy
- Robert & Pamela Young – Konanggo Aboriginal Cultural Heritage Services

Also included is a copy of the published step 4.1.3 advertisement providing an invitation to register interest in the project. The advertisement was published in the Northern Daily Leader on the 23<sup>rd</sup> September 2022.

If you would like to discuss any of these details, or have any comments, please don't hesitate to contact me.

Regards

Mel

AREA Environmental & Heritage  
Consultants Pty Ltd  
ABN: 29 616 529 867

AREA Landscape Design Consultants  
Pty Ltd  
ABN: 56 646 194 176



Mel Hancock  
Administrator

JP NSW 18807

**AREA will be closed from 16 December until 9 January. We look forward to working with you in 2023. Have a merry festive season!**

a: "The Old Macquarie Brewery" c1876 72 Brisbane Street, Dubbo  
NSW 2830

e: [mel@areaenv.com.au](mailto:mel@areaenv.com.au)

w: [www.areaenvironmental.com.au](http://www.areaenvironmental.com.au)

m: 0408 433 493

We acknowledge the Traditional Custodians of this land and pay our respects to the Elders,  
both past and present.

## Proposed ACHAR methodology letter

**Anna Darby**

---

**From:** Mel Hancock  
**Sent:** Thursday, 10 November 2022 3:33 PM  
**To:** Mel Hancock  
**Subject:** Proposed Arcadia East Subdivision, Tamworth – Proposed ACHAR Methodology  
**Attachments:** V1.0\_stage 3\_ACHAR Methodology\_Arcadia EAST\_CSO.pdf

Good afternoon

Attached is a letter regarding the proposed Arcadia East Subdivision in Tamworth. If you would like to comment on the Aboriginal heritage of the assessment area or the proposed methodology, please provide your response by the **8<sup>th</sup> December 2022**.

Please let me know if you have any questions.

Regards

Mel

AREA Environmental & Heritage  
Consultants Pty Ltd  
ABN: 29 616 529 867

AREA Landscape Design Consultants  
Pty Ltd  
ABN: 56 646 194 176



Mel Hancock  
Administrator

JP NSW 18807

a: "The Old Macquarie Brewery" c1876 72 Brisbane Street, Dubbo  
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m: 0408 433 493

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AREA Landscape Design Consultants Pty Ltd ABN: 56 646 194 176

- ✓ Commercial external landscape designs for built or natural environments
- ✓ Vegetation Management Plans
- ✓ Stakeholder and community engagement
- ✓ Peer review / project briefs / budgeting assistance

AREA Environmental Consultants & Communication Pty Ltd. Trading as  
'AREA Environmental & Heritage Consultants' ABN: 29 616 529 867

- ✓ Environmental impact assessments and approvals : REFs, MW REFs, PEAs
- ✓ Ecology, Aboriginal and historic heritage assessments
- ✓ Biodiversity assessment method (BAM) assessments (BDAR) and offsetting (BSAR)
- ✓ Plans of Management Aboriginal community engagement
- ✓ Stakeholder and community engagement
- ✓ Peer review / project briefs / budgeting assistance / expert witness



10<sup>th</sup> November 2022

Dear Member

Sent via email

**Re: Proposed Arcadia East Subdivision, Tamworth – Proposed ACHAR Methodology**

Thank you for registering as an Aboriginal stakeholder for the Aboriginal Cultural Heritage Assessment of the proposed Arcadia East Subdivision. I am looking forward to working with you on this project. Included below are details of the project, and the proposed assessment methodology for your review.

If you would like to comment on the Aboriginal cultural heritage of the assessment area or the proposed methodology, please provide your response by **8<sup>th</sup> December 2022**. Please address your response to me at:

Mel Hancock  
AREA Environmental and Heritage Consultants  
6 Belmore Street  
Dubbo, 2830  
[mel@areaenv.com.au](mailto:mel@areaenv.com.au)

0408 433 493

In your response, please consider the following points:

- Do you know of any objects or places of value to Aboriginal people in the assessment area or locality?
- Are there any protocols that you would like incorporated into the assessment methodology?
- Are there any access requirements or restrictions that should be applied to the information you are providing?

Please also note that consultation will not necessarily involve paid engagement, as this is not a requirement of the consultation guidelines issued by Heritage NSW.

CSO Engineers Pty Ltd (CSO) intends to lodge a Development Application (DA) with Tamworth Regional Council for the subdivision of land for future residential development at Lot 2 DP 1213875, Lot 1 DP 1213875, Part Lot 1 DP 1198645 and Lot 1 DP 233288, Hillvue, NSW. The DA would seek consent under Part 4, Section 4.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act) from Tamworth Regional Council. The proposal is located within Tamworth Regional LGA.

CSO has engaged AREA Environmental and Heritage Consultants (AREA) to conduct an Aboriginal heritage assessment and consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010) for the proposal. It is



anticipated the assessment will require cultural heritage input from the traditional custodians of the land and other knowledge holders.

### Previous surveys

In 2014 Everick Heritage Consultants Pty Ltd. (Everick) conducted an Aboriginal due diligence cultural heritage assessment of the Tamworth Regional Council's South Tamworth Rural Lands Master Plan Development of the Duri Road Site, Tamworth, N.S.W. The due diligence report submitted as a standalone report in support of the rezoning of the Duri Road Site properties by the Tamworth Regional Council as part of the South Tamworth Rural Lands Master Plan. 15 Aboriginal sites were identified within the development area. The current study area (Lot 6 DP 1211122) is within a smaller portion of the South Tamworth Rural Lands Master Plan Development area.

In 2022 MAAS (the proponent) engaged AREA to complete an Archaeological survey Lot 6 DP 1211122 on the western side of Burkes Gully. The survey was conducted together with representatives from Tamworth LALC and representatives from the Gomeroi People's Registered Native Title Applicants (Tamworth Culture and Heritage Committee). Nine new Aboriginal sites were recorded during the survey and included six artefact scatters and three isolated stone artefacts.

In 2022 as part of the Planning Proposal public exhibition, Tamworth Regional Council (Council) received a submission from Heritage NSW and Tamworth LALC raising a number of items, namely the suitability of the submitted Due Diligence Cultural Heritage Assessment which is dated having been completed by Everick in 2014. AREA were engaged by Tamworth Regional Council (Council) to conduct an addendum Aboriginal Due Diligence assessment for the proposed Arcadia Estate. The current study area is within the eastern portion of the Arcadia Estate. The site inspection was undertaken in conjunction with Tamworth Local Aboriginal Land Council. The survey team recorded 13 Aboriginal sites, mostly isolated stone artefacts and stone artefact scatters along Burkes Gully

### Proposed Assessment Methodology

An archaeological survey report and an Aboriginal cultural heritage assessment report (ACHAR) will be completed in accordance with the relevant Heritage NSW guidelines:

- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents*
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*

The initial stages of this process have been completed, and a list of Registered Aboriginal Parties (RAPs) has been compiled. The present letter provides the RAPs with project information and the proposed assessment methodology for review.

A two-day archaeological survey has been scheduled for the middle of November 2022. The objectives of the survey are to:

- Assess the Aboriginal cultural heritage values of the study area in accordance with the Code of Practice.
- Identify Aboriginal archaeological and cultural heritage values that may be impacted by the proposed work.
- Identify any further investigations, and mitigation and management measures that may be required, should the project proceed.



Reporting relating to the archaeological survey will include:

- The project background and the extent of the assessment area
- A description of the statutory requirements for the protection of Aboriginal heritage
- A predictive model based on the environmental and archaeological context of the assessment area
- Details of the survey methodology
- A description of archaeological sites recorded and discussion
- An impact assessment for recorded Aboriginal sites and areas of archaeological potential
- Proposed measures to avoid, minimise, and if necessary, offset the predicted impacts on Aboriginal heritage values.

An ACHAR would be completed which assesses Aboriginal heritage significance of the assessment area, based on comments received from the RAPs and the results of the survey report. The potential impact of the proposed development on this significance would be assessed, and management recommendations would be developed accordingly. A draft copy would be sent out for your review, prior to finalisation of the document.

I would like to ask you to review the above information and let me know if you have any comments to make. Thank you for your involvement in the project.  
If you have any additional information, please don't hesitate to contact me.

Kind regards,

A handwritten signature in blue ink that reads "A Darby".

**Anna Darby**  
**Environmental Consultant | Heritage**  
**AREA Environmental & Heritage Consultants**

P 0413 281 439

E [anna@areaenv.com.au](mailto:anna@areaenv.com.au)

We acknowledge Traditional Owners and Custodians and their ancestors



Figure 1: Study area





## Example of section 4.4.2 letter

**Anna Darby**

---

**From:** Mel Hancock  
**Sent:** Tuesday, 10 January 2023 9:38 AM  
**To:** Mel Hancock  
**Subject:** Aboriginal Cultural Heritage Assessment Report for Arcadia East  
**Attachments:** V3.0\_AREAnv\_Arcadia East\_ACHAR\_Nov22.pdf

Good morning

Thank you for your continued involvement as a registered Aboriginal party (RAP) in the proposed Arcadia East development.

Please see attached the draft Aboriginal Cultural Heritage Assessment Report for your review and feedback. Please provide any comments by **Tuesday 7<sup>th</sup> February 2023**.

Regards

Mel

AREA Environmental & Heritage  
Consultants Pty Ltd  
ABN: 29 616 529 867

AREA Landscape Design Consultants  
Pty Ltd  
ABN: 56 646 194 176



Mel Hancock  
**Administrator**  
**JP NSW 18807**

**AREA will be closed from 16 December until 9 January. We look forward to working with you in 2023. Have a merry festive season!**

a: "The Old Macquarie Brewery" c1876 72 Brisbane Street, Dubbo NSW 2830  
e: [mel@areaenv.com.au](mailto:mel@areaenv.com.au)  
w: [www.areaenvironmental.com.au](http://www.areaenvironmental.com.au)  
m: **0408 433 493**

We acknowledge the Traditional Custodians of this land and pay our respects to the Elders, both past and present.

## Appendix B: Database search results

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## AHIMS extensive Search Result



### AHIMS Web Services (AWS)

Note: This Excel report shows the sites found in AHIMS on the 09/03/2022. If this date is not the same as the original date of the Search Results letter obtained during the Basic Search, then the search results might be different. The PDF version of this report will always coincide with the Basic Search Results letter.

Site ID	Site name	Datum	Zone	Easting	Northing	Context	Site status	Primary contact	Site features	Site types	Recorders	Reports	Permits	Longitude GDA94	Latitude GDA94
29-2-0312	DR03	GDA	56	299700	6553225	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.90	-31.14
29-2-0315	DR06	GDA	56	299223	6554130	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.89	-31.13
29-2-0322	DR13-1	GDA	56	298252	6553818	Open sitr Valid			Artefact : 1, Modified Tree (Carved or Scarred)		Mr.Tim Robins			150.88	-31.13
29-2-0320	DR11-1	GDA	56	299312	6554072	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.90	-31.13
29-2-0324	DR15-1	GDA	56	298435	6553446	Open sitr Valid			Modified Tree (Carved or Scarred) : 1		Mr.Tim Robins			150.89	-31.14
29-2-0323	DR14-1	GDA	56	298142	6553755	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.88	-31.13
29-2-0366	Global Gateway Drain	GDA	56	298927	6555496	Open sitr Valid			Artefact : -		AREA Environmental & Heritage - Dubbo,Mrs.Anna Darby			150.89	-31.12
29-2-0317	DR08	GDA	56	299161	6554386	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.89	-31.13
29-2-0310	DR01	GDA	56	299573	6553355	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.90	-31.14
29-2-0319	DR10-1	GDA	56	299249	6554138	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.89	-31.13
29-2-0311	DR02	GDA	56	299807	6553038	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.90	-31.14
29-2-0318	DR09	GDA	56	299201	6554255	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.89	-31.13
29-2-0313	DR04	GDA	56	299696	6553246	Open sitr Valid			Artefact : 1		Mr.Richard Robins			150.90	-31.14
29-2-0316	DR07	GDA	56	299053	6554428	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.89	-31.13
29-2-0321	DR12-1	GDA	56	298176	6553878	Open sitr Valid			Artefact : 1, Modified Tree (Carved or Scarred)		Mr.Tim Robins			150.88	-31.13
29-2-0314	DR05	GDA	56	299361	6553823	Open sitr Valid			Artefact : 1		Mr.Tim Robins			150.90	-31.13

Report generated by AHIMS Web Service on 09/03/2022 for Nicholas James Harrop for the following area at Datum :GDA, Zone : 56, Eastings : 297145.0 - 300755.0, Northings : 6551865.0 - 6559615.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 18

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SiteID	SiteName	Datum	Zone	Eastings	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>	Central West Archaeological and Heritage Services Pty Ltd					<u>Permits</u>		
36-1-0182	K-ST-2	AGD	55	654220	6428870	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	3350
	<u>Contact</u>	<u>Recorders</u>	Central West Archaeological and Heritage Services Pty Ltd					<u>Permits</u>		
36-1-0186	K-IF-2;	AGD	55	654830	6426680	Open site	Valid	Artefact : -	Isolated Find	3348,103709
	<u>Contact</u>	<u>Recorders</u>	Jim Kelton					<u>Permits</u>		
36-1-0187	K-OS-2;	AGD	55	654770	6426650	Open site	Valid	Artefact : -	Open Camp Site	3348,103709
	<u>Contact</u>	<u>Recorders</u>	Jim Kelton					<u>Permits</u>		
36-1-0188	K-OS-3;	AGD	55	654840	6426873	Open site	Valid	Artefact : -	Open Camp Site	3348,102800,1 03709
	<u>Contact</u>	<u>Recorders</u>	Jim Kelton					<u>Permits</u>		
36-1-0189	K-OS-4	GDA	55	653901	6427013	Open site	Destroyed	Artefact : -	Open Camp Site	3348,104317
	<u>Contact</u>	<u>Recorders</u>	Jim Kelton,OzArk Environmental and Heritage Management, Miss.Stephanie Rusder					<u>Permits</u>	4471	
36-1-0714	HD-OS1 with PAD	GDA	55	652699	6426886	Open site	Valid	Artefact : -, Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>	<u>Recorders</u>	OzArk Environmental and Heritage Management, Miss.Philippa Sokol					<u>Permits</u>		
36-1-0109	M16 Dubbo	AGD	55	652500	6425940	Open site	Valid	Modified Tree (Carved or Scarred) : 1	Scarred Tree	1065
	<u>Contact</u>	<u>Recorders</u>	N Franklin, Margrit Koettig, Rex Silcox					<u>Permits</u>		
36-1-0707	Hillview-IF1	GDA	55	655038	6427478	Open site	Valid	Artefact : -		103709
	<u>Contact</u>	<u>Recorders</u>	OzArk Environmental and Heritage Management, Doctor.Chris Lovell					<u>Permits</u>		
36-1-0776	Eulomogo Creek-IF-1	GDA	55	656002	6427947	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	OzArk Environmental and Heritage Management, Miss.Taylor Foster					<u>Permits</u>		
36-1-0777	Eulomogo Creek-IF-2	GDA	55	656450	6427062	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	OzArk Environmental and Heritage Management, Miss.Taylor Foster					<u>Permits</u>		
36-1-0778	Eulomogo Creek-OS-7	GDA	55	656193	6427921	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	OzArk Environmental and Heritage Management, Miss.Taylor Foster					<u>Permits</u>		
36-1-0773	DQ-OS1	GDA	55	656469	6427311	Open site	Valid	Artefact : 1, Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>	Ms.Morgan Wilcox, EMM Consulting Pty Ltd - Newcastle					<u>Permits</u>		

Report generated by AHIMS Web Service on 10/03/2021 for Anna Darby for the following area at Datum :GDA, Zone : 55, Eastings : 652595 - 656595, Northings : 6425540 - 6429540 with a Buffer of 0 meters. Additional Info : subdivision. Number of Aboriginal sites and Aboriginal objects found is 25  
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## **Appendix C: Unanticipated Finds Protocol**

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### **Unanticipated Finds Protocol**

The protocol to be followed in the event previously unrecorded or unanticipated Aboriginal object(s) are encountered during the proposal is as follows:

- All ground surface disturbance in the area of the finds should cease immediately the finds are uncovered.
- If the finds are of human remains, contact the police.
- Seek verification of the finds from a suitably qualified person, such as a heritage consultant.
- If the finds are verified or very likely to be Aboriginal in origin notify the Heritage NSW and the relevant local Aboriginal community representatives (Tamworth LALC).
- All finds should be professionally recorded and registered on appropriate databases.
- A management strategy will be required according to best practice and consultation with the local Aboriginal community. All management will require approval from the relevant determining authority.