



POINT PLOMER ROAD ILMENTITE STOCKPILE:  
ABORIGINAL CULTURAL HERITAGE ASSESSMENT



EVERICK HERITAGE CONSULTANTS  
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## EXECUTIVE SUMMARY

This report provides the results of an Aboriginal Cultural Heritage Assessment for the proposed removal of the ilmenite sand stockpile and subsequent remediation of the site on Point Plomer Road, Crescent Head, NSW (the 'Project'). The current proposal is to remove and remediate the low-grade ilmenite stockpile, which is remnant from historic sand mining activities that were understood to have ceased in the area in the 1980's. The stockpile is estimated to include 40,000 m<sup>3</sup> of sand, which is currently covered by regrowth trees and environmental weeds. The rehabilitation works will be completed by Civil contractors managed by Greencoast Environmental Rehabilitation, and will result in the area being returned to its original levels and rehabilitated with local native plants.

The land subject to assessment includes Lot 2281 DP1153793. The intent of the archaeological investigation is to identify Aboriginal and historical archaeological or cultural heritage constraints for the Project, and if found, establish ways in which any impacts could be mitigated or avoided, and to undertake consultation with Kempsey Local Aboriginal Land Council.

Everick Heritage Consultants (the 'Consultant') was commissioned by Greencoast Environmental Rehabilitation (the 'Proponent') to undertake this assessment. It is understood that this assessment will be used in support of an Environmental Impact Statement ('EIS') for the Proposed Works. The brief for this Project was to undertake an Aboriginal and European heritage assessment of suitable standard to accompany the EIS. In accordance with the relevant administrative and legislative standards for New South Wales (see Section 2 below), the methods employed in this assessment included:

- a) a search of relevant heritage registers including the Aboriginal Heritage Information Management System ('AHIMS');
- b) a site inspection undertaken by Everick senior archaeologist Tim Hill, and Wayne Sime from Kempsey Local Aboriginal Land Council ('KLALC') on 25 January 2018;
- c) consultation with the Board of KLALC regarding the project and its impact on Aboriginal Land Claims;
- d) notification and consultation of the Dhungutti Elders Aboriginal Corporation; and
- e) assessment of the potential for the Project Area to contain significant Aboriginal heritage and the impact on the Project may have on said heritage.

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



As a result of the desktop study, field inspection, Aboriginal community consultation, and archaeological investigation of the Project Area, the following was found:

- No artefacts were observed within the soil stockpile or surrounding sand plain.
- It is considered that the stockpile and sand plain have a low potential to contain Aboriginal sites based on the history of disturbance across the Project Area, and proximity to other natural features that would provide better access to resources. These include the headland and hills to the north and Goolawah Beach.
- Should shell midden material have occurred within the sand dune deposits subjected to sand mining, it is expected that the shell specimens would be highly fragmented because of the mining process. Like-wise it is expected that stone artefacts would be separated and either stockpiled or reused. It is not expected that organic material would survive in such a disturbed environment.
- In consideration of the potential of the sand plain to contain Aboriginal sites, it is noted that the hind dunes would provide better access to beach resources. It is not common to find midden sites within the back-plain environments and it is understood that these areas were typically utilised for hunting and gathering but rarely used for camping and tool production.
- No items or relics of European heritage were identified during the assessment. The old concrete loading facilities are intact; however, these are not listed as being of local heritage significance.

Based on the results and discussed above, the following management recommendations are provided:

### Recommendation 1: Cultural Heritage Induction

It is recommended that a cultural heritage induction is provided to all contractors who are engaged as site supervisors or act in senior operational roles. The purpose of the cultural heritage induction is to:

- make staff aware of the survey effort to date and potential for the Project Area to contain Aboriginal sites;
- provide sufficient training for staff to identify Aboriginal objects should they be impacted during construction works; and
- ensure that staff are aware of response procedures in the event of any harm to Aboriginal sites during construction works.

It is recommended that the cultural heritage induction is provided by a suitably experienced member of the Aboriginal community or a qualified archaeologist.



## Recommendation 2: Find Procedure.

The following 'Find Procedure' should be put in place as a minimum response in the event of the identification of artefacts within the Development Area:

- a) work in the surrounding area is to stop immediately;
- b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- c) in consultation with the RAPS for the project, an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- d) should the material be confirmed as an Aboriginal object or archaeological site a salvage program put in place (below).

## Recommendation 3: Aboriginal Human Remains

Although it is unlikely that Human Remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station (Port Macquarie), the Kempsey Local Aboriginal Land Council, and the OEH Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

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

## Recommendation 4: Conservation Principles

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



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## DEFINITIONS

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

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

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

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

**AHIP** means Aboriginal Heritage Impact Permit

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

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

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

**OEH** means the Office of Environment and Heritage.

**LALC** means Local Aboriginal Land Council.

**LEP** means the Local Environment Plan.

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

**NPW Regulations** means the *National Parks and Wildlife Regulations 2009* (NSW).

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

**Project** means the proposed removal of the Ilmenite stockpile and all restoration/ remediation works.

**Project Area** means the land subject to this assessment being Lot 2281 DP1153793, Point Plomer Road, Crescent Head NSW.

**Proposed Works** means all activities associated with the proposed stockpile removal and rehabilitation works.

**Proponent** means Greencoast Environmental Rehabilitation and all associated employees and contractors and subcontractors of the same.





## 1. INTRODUCTION

### 1.1 Purpose of the Cultural Heritage Assessment

This report provides the results of an Aboriginal Cultural Heritage Assessment for the proposed removal of the ilmenite sand stockpile and subsequent remediation of the site on Point Plomer Road, Crescent Head, NSW (the 'Project'). The sand stockpile is remnant from historic sand mining operations in the area. The land subject to assessment includes Lot 2281 DP1153793 (Figure 1).

The intent of the archaeological investigation is to identify Aboriginal and historical archaeological or cultural heritage constraints for the Project, and if found, establish ways in which any impacts could be mitigated or avoided, and to undertake consultation with Kempsey Local Aboriginal Land Council.

### 1.2 Proponent, Project Brief & Methodology

Everick Heritage Consultants (the 'Consultant') was commissioned by Greencoast Environmental Rehabilitation (the 'Proponent') to undertake this assessment. It is understood that this assessment will be used in support of an Environmental Impact Statement ('EIS') for the Proposed Works.

The brief for this Project was to undertake an Aboriginal and European heritage assessment of suitable standard to accompany the EIS. In accordance with the relevant administrative and legislative standards for New South Wales (see Section 2 below), the methods employed in this assessment included:

- a) a search of relevant heritage registers including the Aboriginal Heritage Information Management System ('AHIMS');
- b) a site inspection undertaken by Everick senior archaeologist Tim Hill, and Wayne Sime from Kempsey Local Aboriginal Land Council ('KLALC') on 25 January 2018;
- c) consultation with the Board of KLALC regarding the project and its impact on Aboriginal Land Claims;
- d) notification and consultation of the Dhungutti Elders Aboriginal Corporation; and
- e) assessment of the potential for the Project Area to contain significant Aboriginal heritage and the impact on the Project may have on said heritage.



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

### 1.3 Description of Proposal

The current proposal is to remove and remediate the low-grade ilmenite stockpile, which is remnant from historic sand mining activities that were understood to have ceased in the area in the 1980's. The stockpile is estimated to include 40,000 m<sup>3</sup> of sand, which is currently covered by regrowth trees and environmental weeds. The rehabilitation works will be completed by Civil contractors managed by Greencoast Environmental Rehabilitation and will result in the area being returned to its original levels and rehabilitated with local native plants.

### 1.4 Report Authorship

The desktop study was undertaken by Senior Archaeologist Tim Hill assisted by Archaeologist Pauline Fowler. The field inspection was conducted by Senior Archaeologist Tim Hill. This report was written by Tim Hill.



**Figure 1: Regional Locality of the Project Area.**

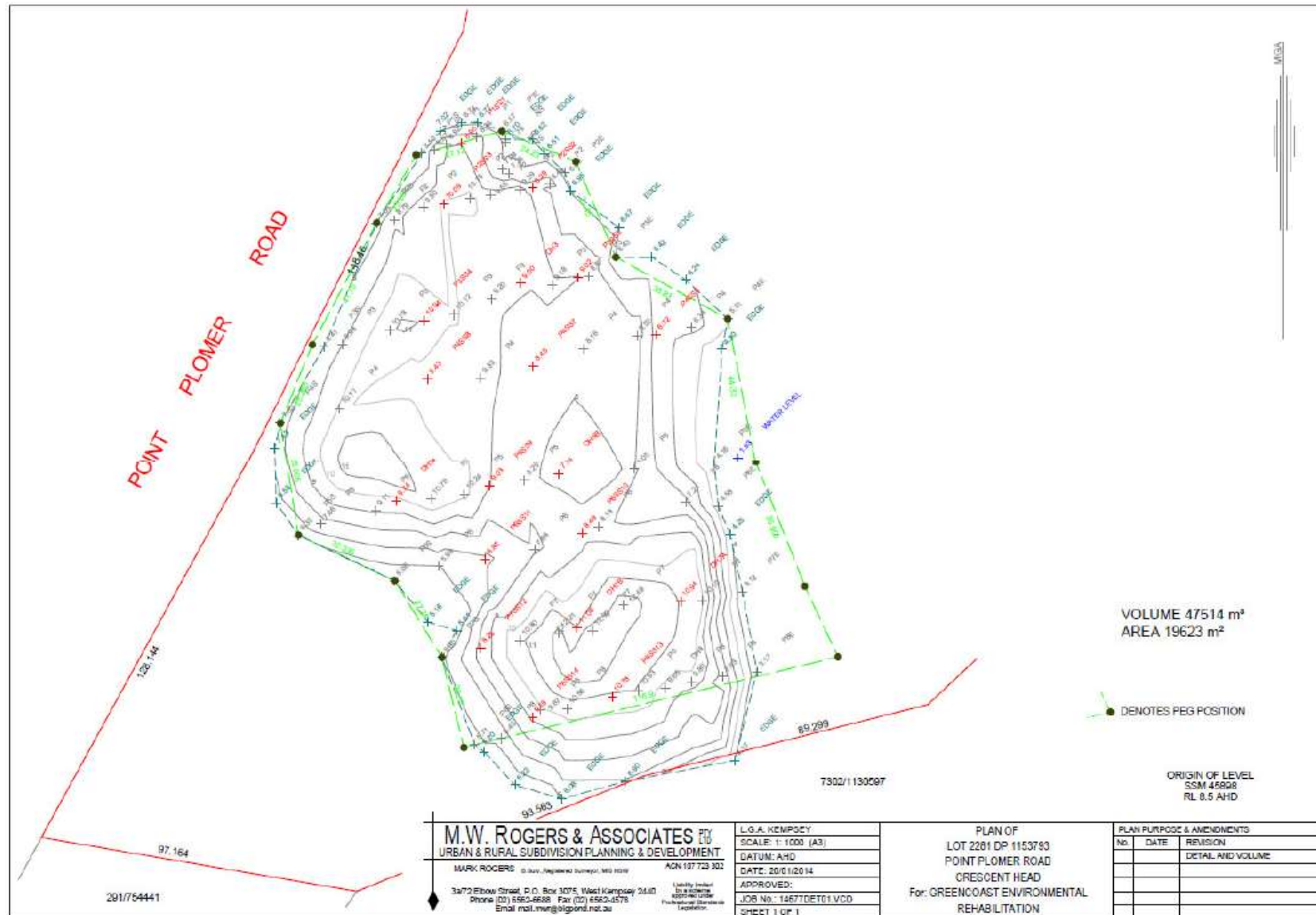
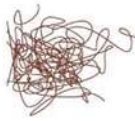


Figure 2: Stockpile Plan.



## 2. LEGISLATIVE AND PLANNING CONTEXT

The following legislation provides the context for cultural heritage in NSW: The *National Parks and Wildlife Act 1974* (NSW) ('NPW Act'), the *Environmental Planning and Assessment Act 1979* (NSW) ('EP&A Act') and the *Heritage Act 1977* (NSW). The Commonwealth also has a role in the protection of nationally significant cultural heritage through the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth), *The Protection of Movable Cultural Heritage Act 1986* (Cth) and the *Historic Shipwrecks Act 1976* (Cth).

For the purposes of this assessment it is the state and local legislation that is relevant. The consent authorities will be the CHCC and, where a referral agency is required to be reported to, the OEHL. Approval from the OEHL will be required should the Project propose to impact on identified Aboriginal Objects. The information below lists the legislative and policy framework within which this assessment is set.

### 2.1 The National Parks and Wildlife Act 1974 (NSW) and the National Parks and Wildlife Regulations 2009 (NSW)

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

An Aboriginal Place is an area of particular significance to Aboriginal people which has been *declared* an Aboriginal Place by the Minister. The drafting of this legislation reflects the traditional focus on Objects, rather than on areas of significance such as story places and ceremonial grounds. However, a gradual shift in cultural heritage management practices is occurring towards recognising the value of identifying the significance of areas to Indigenous peoples beyond their physical attributes.

With the introduction of the *NPW Amendment Act 2010* (NSW) the former offence provisions under Section 86 of 'disturbing', 'moving', 'removing' or 'taking possession' of Aboriginal Objects or Places have been replaced by the new offence of 'harming or desecrating'. The definition of 'harm' is 'destroying, defacing or damaging an Object'. Importantly in the context of the management recommendations in this assessment, harm to an Object that is 'trivial or negligible' will not constitute an offence.



The new amendments also significantly strengthen the penalty provisions. The issue of intent to harm Aboriginal cultural heritage has been formally addresses by separating it from inadvertent harm. The penalty for individuals who inadvertently harm Aboriginal Objects is up to \$55,000, while for corporations it is \$220,000. Also introduced is the concept of '*circumstances of aggravation*' which allows for harsher penalties (up to \$110,000) for individuals who inadvertently harm Aboriginal heritage in the course of undertaking a commercial activity or have a record for committing similar offences. For those who knowingly harm Aboriginal cultural heritage, the penalty will rise substantially. The maximum penalty is set at \$275,000 or one-year imprisonment for individuals, while for corporations it will rise to \$1,100,000.

Where a land user has or is likely to undertake activities that will harm Aboriginal Objects, the Director General (OEH) has a range of enforcement powers, including stop work orders, interim protection orders and remediation orders.

The NPW Act also includes a range of defence provisions for unintentionally harming Aboriginal Objects:

- a) Undertaking activities that are prescribed as 'Low Impact'.
- b) Acting in accordance with the new Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010) ('Due Diligence Code');
- c) Using a consulting archaeologist who correctly applies the OEH Code of Practice for Archaeological Conduct in New South Wales (2010); and
- d) Acting in accordance with an Aboriginal Heritage Impact Permit (AHIP).

### 2.1.1 '*Low Impact Activities*'

The NPW Regulations allow for a range of low impact activities to be undertaken without the need to consult the OEH or a consulting archaeologist. Generally, those who undertake activities of this nature will not be committing an offence, even if they inadvertently harm Aboriginal objects. These activities include:

- a) maintenance such as on existing roads and tracks, or on existing utilities such as underground power cables and sewage lines;
- b) farming and land Management for land previously disturbed, activities such as cropping, grazing, bores, fencing and erosion control;
- c) removal of dead or dying vegetation (only if there is minimal ground disturbance);
- d) environmental rehabilitation such as weed removal, bush regeneration;



- e) development in accordance with a Development Certificate issued under the EPA Act 1979 (provided the land is previously disturbed);
- f) downhole logging, sampling and coring using hand held equipment; and
- g) geochemical surveying, seismic surveying, costeaming or drilling. \*

\*This defence is only available where the land has been disturbed by previous activity. Disturbance is defined as a clear and observable change to the land's surface, including but not limited to land disturbed by the following: soil ploughing; urban development; rural infrastructure (such as dams and fences); roads, trails and walking tracks, pipelines, transmission lines; and storm water drainage and other similar infrastructure.

## 2.2 Due Diligence Code of Practice for the Protection of Aboriginal Objects

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

- a) will cause no additional ground disturbance;
- b) is in a developed area; or
- c) is in a significantly disturbed area.

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

## 2.3 The ACHCRP (2010)

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

It is recommended by the OEH that all cultural heritage assessments involve this level of consultation, although it is not strictly a requirement unless it meets the above criteria. The ACHCRP Guidelines typically take a minimum of 90 days to complete. However, in complicated Projects this period may need to be extended by several months. The Guidelines require public notice of the assessment, preparation of a proposed methodology, undertaking site



meetings and excavations where required, the production of a draft report, which is distributed to the registered Aboriginal groups and the production of a final report.

Given the low archaeological potential of the current Project Area, it has been concluded that following the ACHCRP Guidelines is not warranted for this assessment.

## 2.4 Kempsey Local Environmental Plan (2013)

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

Part 5 Section 5.10 of the Kempsey LEP 2013 deals with heritage conservation within the area covered by the LEP. The objectives of this section are as follows:

- a) to conserve the environmental heritage of Bellingen Shire;
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;
- c) to conserve archaeological sites, and
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Development consent is required for any of the following:

- a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - i. a heritage item,
  - ii. an Aboriginal object,
  - iii. a building, work, relic or tree within a heritage conservation area,
- b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,





- c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- d) disturbing or excavating an Aboriginal place of heritage significance,
- e) erecting a building on land:
  - i. on which a heritage item is located or that is within a heritage conservation area, or
  - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- f) subdividing land:
  - i. on which a heritage item is located or that is within a heritage conservation area, or
  - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

However, development consent under this clause is not required if:

- a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - i. is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
  - ii. would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- b) the development is in a cemetery or burial ground and the proposed development:
  - i. is the creation of a new grave or monument, or excavation or disturbance of land for conserving or repairing monuments or grave markers; and
  - ii. would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- d) the development is exempt development.



The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).



### 3. ABORIGINAL COMMUNITY CONSULTATION

#### 3.1 Traditional Owner Knowledge

The Aboriginal community are the primary determinants of the significance of their cultural heritage. Members of the Aboriginal community will be consulted, and will continue to be consulted, regarding their concerns not only about known archaeological sites in the region, but also about cultural values such as areas with historic and spiritual significance, and other values relating to flora and fauna of the area. Everick Heritage recognises that there is Traditional Owner knowledge associated with the region that may have to be treated in a confidential manner. Where there is potential for impacts upon Aboriginal heritage because of future development proposals, consultation under ACHCRP (2010) would apply.

#### 3.2 Consultation with the Kempsey LALC

Project information was provided to the Kempsey LALC on 19 January 2018 via a phone call and email to Board Chairman Mr Arthur (Fred) Kelly. Wendy Cowan (A/CEP KLLAC) confirmed the availability of an Aboriginal Sites Officer on 19 January 2018.

A site inspection was held with Mr Wayne Sims on 25 January 2018. This meeting outlined the scope of the rehabilitation proposal, identified known sites in the Crescent Head area and included physical inspection of parts of the sand stockpile for Aboriginal objects.



## 4. CULTURAL HERITAGE DESKTOP REVIEW

### 4.1 The OEH Aboriginal Heritage Information Management System (AHIMS)

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

An extensive OEH AHIMS search was conducted on 24 January 2018 for the Project Area with a 1000 metre buffer (ID: 324165). The search identified two Aboriginal site listings (Appendix A). The two sites include a fish trap and a natural mythological site (Table 1); however, the site coordinates are inaccurate as they were recorded on the old 1: 25,000k topographic maps. It is understood that neither site is located within the Project Area.

**Table 1: AHIMS search results.**

<i>Site ID</i>	<i>Site name</i>	<i>Site type</i>	<i>Easting</i>	<i>Northing</i>
<b>30-3-0102</b>	Crescent Head; Palmerston	Fish Trap	497900	6548450
<b>30-3-0088</b>	Crescent Head	Natural Mythological (Ritual)	496700	65490000

### 4.2 Other Heritage Registers

The following heritage registers were accessed on 24 January 2018

- **The National Heritage List** (Australian Heritage Council): Contains no heritage listings within or within close proximity to the Project Area.
- **Commonwealth Heritage List** (Australian Heritage Council): Contains no heritage listings within or within close proximity to the Project Area.
- **Register of the National Estate** (Australian Heritage Council): Contains no heritage listings within or within close proximity to the Project Area.
- **The State Heritage Register** (NSW Heritage Office): Contains no heritage listings under Section 1 (Aboriginal Places listed under the NPW Act) within or within close proximity to the Project Area.



- **The Register of the National Trust of Australia:** Contains no listings within or within close proximity to the Project Area.
- **Kempsey Local Environment Plan 2013 ('LEP'):** Contains no listings within or within close proximity to the Project Area.



## 5. LANDSCAPE CONTEXT

### 5.1 Environment Locality

#### 5.1.1 Topography

Topography of the Project Area can generally be described as flat with no area of natural ground above 10 m asl. The topography of the area is significantly affected by the sand stockpile; however, based on the relationship to the hill to the north and it is reasonable to conclude that the Project Area has a slight slope to the south. The aspect of the Project Area is south-east.

#### 5.1.2 Soil Landscape Mapping (eSpade v2.0/ OEH)

The area of the Proposed works is mapped as 'Disturbed Terrain' on the OEH soil classification mapping system (eSpade v2.0). The Project Area is located between the following soil landscapes:

- 'Crescent Head' / 'Crescent Head Variant L' to the north and west;
- 'Maguires Crossing' to the south comprising the low-lying swamp system; and
- 'North Shore' to the east comprising the back dune plain.

Detailed descriptions of these land systems were not available on the eSpade V2.0 system.

#### 5.1.3 Vegetation

The stockpile/dump is predominantly covered with invasive weed species, particularly *Lantana Camara* (Lantana) and *Pointeridium esculentum* (Bracken Fern). Lesser infestations of *Rubus fruticosus aggregate* (Blackberry) and *Chrysanthemoides monilifera* (Bitou Bush) are also present. It is estimated that weeds cover around 90% of the stockpile/dump. Heavy infestations of Lantana dominate the southern end of the stockpile in particular. Lantana is known to be toxic to native fauna, potentially resulting in liver and kidney failure if ingested. Bracken Fern is the more prevalent invasive species in the northern and central sections of the site.



#### 5.1.4 Disturbance history

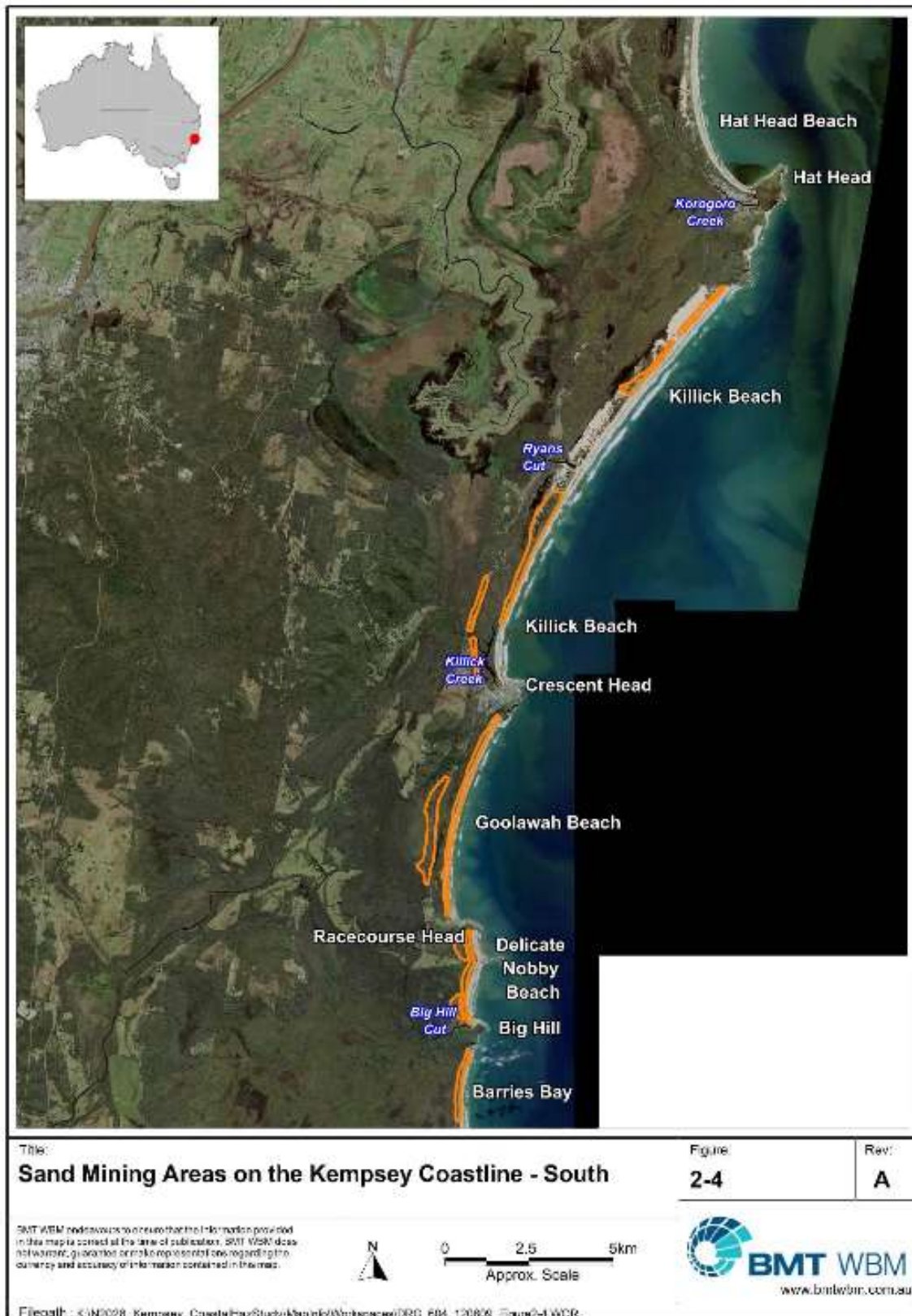
The Due Diligence Code of Practice (OEH 2010) provides the following definition of 'disturbed land';

*"Land is disturbed if it has been the subject of human activity that has changed the land surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water and sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks"* (OEH 2010:18)

The Project Area is located within land subject to the following types of disturbance:

- forest clearing;
- stockpile of sand mining material; and
- illegal dumping of rubbish including small burns.

The Project Area is mapped as 'Disturbed Terrain' on the eSpade v2.0 website. It is understood that the ilmenite was dumped over a period of nearly 30 years as an unwanted by-product from a mineral separation plant. The plant was operated on the site by Mineral Developments Limited between approximately 1957 and 1985. GER understands that the plant was decommissioned sometime in the 1980's following completion of mineral sand mining activities on beaches between Crescent Head and Hat Head. The ilmenite tailings remain onsite as a large stockpile/waste dump sitting 5-10 metres above natural ground level. The locations of sand mined areas is provided in Figure 3 (below).



**Figure 3: Indicative location of sand mining areas Hat Head to Barries Bay.**





## 6. ARCHAEOLOGICAL SYNTHESIS AND PREDICTIONS

### 6.1 European History of Crescent Head

The following historic timeline provides a historical context for the assessment of Aboriginal and non-Aboriginal settlement of the Crescent Head township.

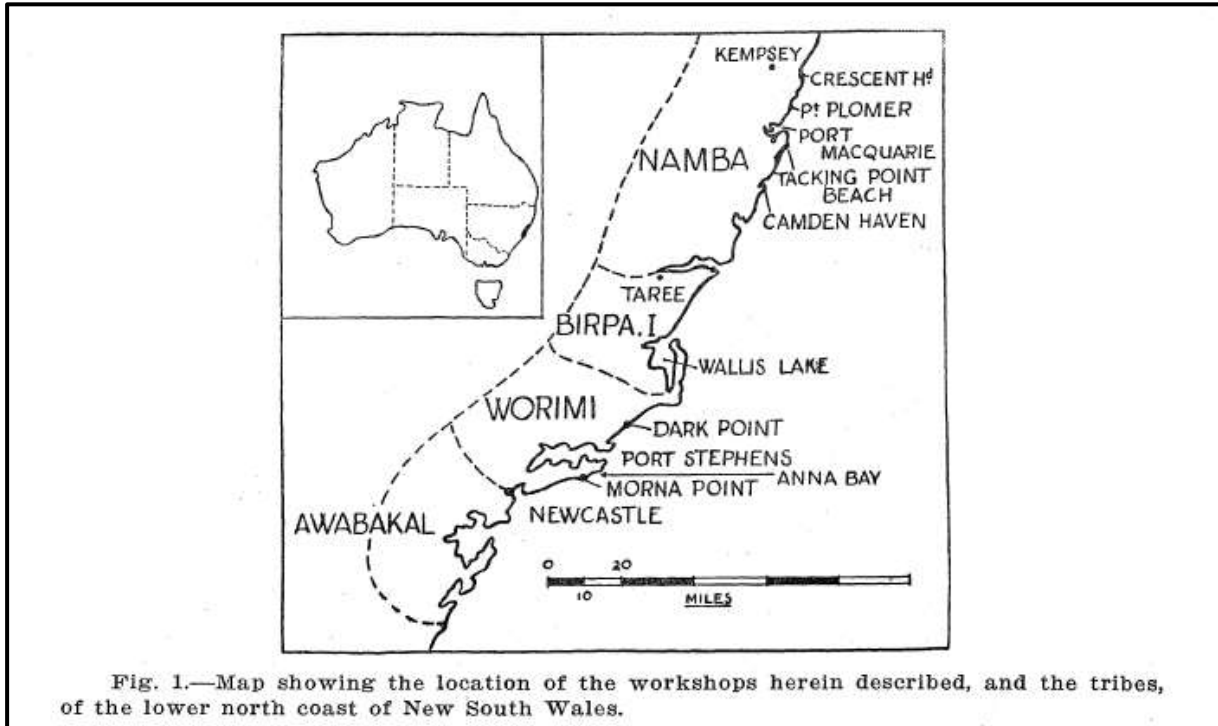
<i>Date</i>	<i>Location</i>	<i>Activity</i>
<b>1821</b>	Port Macquarie	Establishment of Penal Colony at Port Macquarie on the Hastings River.
<b>1830's</b>	Kempsey	Establishment of Kempsey primarily as a forestry settlement and centre of European settlement on the North Coast. Free Settlers moved into the area after the close of the Port Macquarie Penal Settlement.
<b>1833</b>	Crescent Head	The name of the village of Crescent Head appeared on the NSW General Post Office Directory as a description of the trail from Port Macquarie to Trial Bay: "From Port Macquarie northerly there is a beaten track and the country may present some obstructions to the formation of a road; travelling is not, however, difficult; the tracks follow the coast which is a succession of sandy beaches extending from Port Macquarie to Point Plomer, thence to Crescent Head and then to Trial Bay..."
<b>1894</b>	Crescent Head	The village of Crescent Head was officially gazetted.
<b>1950's-1970s</b>	Goolawah	It is understood that the Goolawah Mineral Sands operation operated along the entire stretch of Goolawah Beach.

### 6.2 Aboriginal History

The study area is located within the Dhungutti Nation/Language Area which is broadly known to include the lands north of Wilsons River, south of the Nambucca River, and west up to the Great Dividing Range. This area is also mapped as the Namba/Ngamba language area (McCarthy 1947 see Figure 4), which was predominately the coastal area south of the McLeay River. However, the AIATSIS Aboriginal Language map places Point Plomer as the



boundary of the Biripi and Dainggati language areas (<http://aiatsis.gov.au/explore/articles/aiatsis-map-indigenous-australia>).



**Figure 4: Indicative map of Tribal Groups (McCarthy 1947)**

Much of the Aboriginal history of the Port Macquarie area, and particularly Limeburners Creek and the Wilsons River, was recorded by local photographer, Thomas Dick, in the early 20th century and now mostly held by the National Museum of Australia (<http://www.nma.gov.au/av/portmacquarie/the-hastings-river/photographing-the-birpai/>). This series of images reconstructs traditional life on the Hastings River and includes food collection, tool production and general family portraits. Of note is the series of photographs immediately south of Point Plomer at Green Bluff, which provide the earliest evidence of the extent and nature of the midden and stone artefact scatter (<http://www.nma.gov.au/av/portmacquarie/the-hastings-river/photographing-the-birpai/manufacturing-stone-implements/>).

Campbell (1978) provides the most comprehensive review of ethnohistorical information on Aboriginal diet and economy in the Macleay Valley. Whilst much of this review describes an economy and material culture that was typically along the North Coast, this study did provide accounts of the environment, being 'brush' and swamp, and the extent to which the early forestry and agriculture industries changed the landscape. Campbell specifically discusses the use of coastal areas:

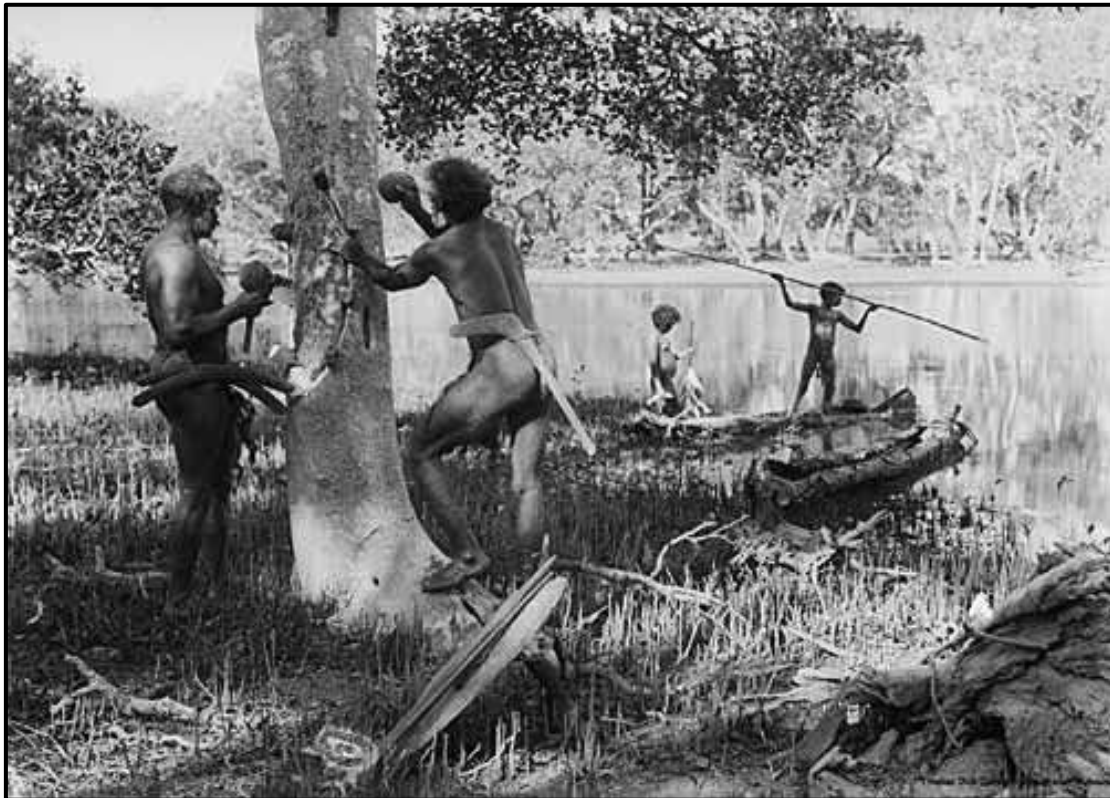


The beaches and dunes are yet another microenvironment providing other elements of the Aboriginal diet, varying from pipi (*Plebidonax deltoideus* Lamarck), found in the sands of the intertidal zone..., to sea mullet (*Mugil cephalus*), schnapper (*Chrysomphorys guttulatus*) and other sea fish that can be caught within the breaking surf. The dunes, many once covered with fine grasses (Beiley pers. comm.; Hodgkinson 1845:3), may have been grazed by kangaroos and wallabies, and in places may have also provided 'pig face' (*Mesembryanthemum aequilaterale*).

Contiguous with most of these areas were the marshes and swamps supporting; large flocks of aquatic birds, of wonderful variety (Hodgkinson 1845:10), and a large fish population. (Campbell 1978:85).



**Figure 5: Dinner time camp midden- North Beach (Thomas Dick Photo collection)**



**Figure 6: Making a shield and fishing, Hastings River Estuary (Thomas Dick Collection)**

Radcliffe Brown (in Lane 1970: V.8) concludes for the coastal areas of the north coast that population densities would be in the order of 'one person to every three-square miles'. Estimates of tribal groups in the order of 200 individuals are relatively common amongst ethno-historic and anthropological literature (i.e. see Lane (1970) for the Nambucca River district immediately south). An additional element to this discussion of population density is the differentiation between the coastal and the escarpment areas where, it is generally accepted, lower density and much more mobile Aboriginal populations lived. For the larger river systems (Nambucca, Clarence and Macleay) the concept of more intensive use of the coast as compared to the up-river and escarpment is generally accepted (i.e. McBryde 1974, Godwin 1990). Given the problematic nature of pre-European Aboriginal population estimates, the latter and more 'general' observations of Mathews (1898) for the broader Northern NSW coastline are more relevant:

In the well-watered coastal districts of New South Wales, where fish and game are abundant, their hunting grounds would be comparatively small (Mathews 1898:66).

### 6.3 Archaeological and Cultural Heritage Assessments

The absence of recent major land development has resulted in there being no systematic archaeological surveys completed in the Crescent Head area or along the immediate coastline. Several research studies have been



completed in the area; however, these have focused on known sites or have occurred in response to a National Park management requirement and have not been published or produced scientific reports.

The earliest archaeological recording of sites in the Point Plomer areas was by F.D McCarthy in the 1940's, which described the stone artefact assemblage south of Point Plomer (McCarthy 1947). McCarthy's account of the assemblage can be summarised as predominately very large flakes and cores derived from locally available sedimentary beach cobbles. Artefacts typically included high amounts of cobble cortex and were typically not heavily reduced. A key discussion point of this research was the description of a typical 'Worimi Cleaver' which was axe-like in morphology and function but not as refined or worked as stone axes known across the region. Of note is McCarthy's use of the Thomas Dick collection to understand the knapping techniques which might have been applied, which included heat fracturing and 'direct rest percussion' or use of an anvil. McCarthy supposed that direct hand percussion would have been utilised for shaping and tool refinement.

A series of site recordings relate to the work of Isabell McBryde and students in the late 1960's and 1970's. These include the first records of the Green Bluff midden and the Point Plomer fish trap. Much of this work was guided by naturalists from the Port Macquarie or the Macleay Historical Society and incorporated information from the Thomas Dick collection; however, did not comprise a systematic survey.

Hill (2013) completed an audit of the aboriginal site data for the Macleay NPWS management area to identify broad themes and management issues. This study identified that most recorded sites (total 535) were recorded as stone artefacts (72%). A finding of this study was that the number of sites with shell as a primary feature (0.7%) was not reflective of the prevalence of midden along the coast zone. The desktop audit also identified the inaccuracies of the AHIMS site data – particularly along the coastal zone and for sites recorded prior to the use of GPS.

Hill (2017a) completed an archaeological assessment of the Point Plomer cabins and campground site to the south of the Project Area. This study demonstrated the presence of the Point Plomer midden in isolated patches across the hind dune, which comprises the campground. This midden includes a stratified shell and stone artefact deposit within the topsoil layer of the dune; however, there was no extensive investigation of this deposit.

Hill (2017b) completed an archaeological survey for a rural residential rezoning proposal at Dulconghi Heights, located to the west of Crescent Head village. This survey did not identify any stone artefact sites, and consultation with the Kempsey LALC did not identify any sites of cultural or social significance in the area.



## 6.4 Potential Site Types: Aboriginal Archaeological Sites in the Coffs Harbour Region

Whilst not a predictive model per se, Campbells' (1978:94) review of ethnohistorical evidence did include several statements relating to land use, population and movement throughout the region which are relevant to the study:

From the ethnohistorical evidence it can be seen that the Dhan-gadi were well equipped to exploit the products of their fertile and hospitable land. Although the evidence is too sparse to draw far-reaching conclusions, it appears that the tribe was divided into hordes and hunted and gathered in small, familial groups, taking advantage of seasonable bounty in resources though seldom making them the occasion of tribal feasting. Perhaps the reason for this can be found in the nature of the land they inhabited with its extensive areas of swamp and rainforest that tended to divide the country into small segments of habitable terrain.

This model is consistent with the work of McBryde for north-eastern New South Wales which identified a pattern of movement of coastal people between the coastline proper and the coast foothills:

The nineteenth-century observers all stressed the richness of the environment of the north coast of New South Wales for its native population of hunter-fishers. They also suggest that in consequence tribal territories were relatively small. By contrast the tableland offered a harsher environment, supporting a smaller population. However, the ethnohistorical evidence also suggests that even in the rich coastal valleys some seasonal movement was usual, that the basic subsistence economy of hunting, fishing and gathering was neither static, nor completely migratory, but characterised by seasonal movement between the coast and foothills (McBryde 1974:337).

The most comprehensive 'regional' model for the area is provided by Godwin (1990) in a major review of the earlier archaeological research of Isabelle McBryde. Godwin's model specifically investigates patterns of movement between the coastal, sub-coastal and tableland (escarpment) areas and is focussed on the Macleay valley and so is directly relevant to this assessment.

For the purposes of the study, the Project Area is considered to fall into the 'coastal' area, for which Godwin makes the following statements:

Amongst coastal groups proper there was no movement from the coast back into the sub-coastal river valleys and foothills. These people were semi-sedentary and lived close to the coast the whole year round. Movement associated with the subsistence round involved travelling only short distances away from the littoral. There were instances of long distance travel associated with ceremonial gatherings. However, such movement was generally parallel to the coast (i.e. north-south along the coast rather than east-west from coast to hinterland) (Godwin 1990: 122,123).



#### 6.4.1 *Open Campsites/Artefact Scatters and Isolated Artefacts*

Open campsites/artefact scatters generally consist of scatters of stone artefacts and possibly bone and hearth features. Their exposure to the elements means that evidence of food resources used on the site (except for shellfish) is usually lacking. An open campsite containing a large component of shell refuse may be described as a midden. They invariably consist of low or high-density scatters of primary and secondary flakes in addition to the types of artefacts found as isolated finds. Open campsites may also contain burials when located on sand strata. Few open campsites are found on kraznozem and podzolic soils, possibly due to the destructive impacts of land clearing and the heavy vegetation cover. Detection is usually unlikely unless a high degree of surface visibility is present.

There is a low potential for artefacts scatters to be located within the Project Area. It is likely that larger open campsites will be located on ridge crests to the north of the Project Area and along the fore- and hind-dunes of Goolawah Beach.

#### 6.4.2 *Quarry Sites*

A stone quarry may occur where a source of opaline silica exists or other siliceous types of stone occur (e.g. chert, chalcedony, or silcrete). The area can be identified by a number of different types of stone tools in various stages of production as well as refuse flakes.

Given that lack of visible suitable bedded rock outcrops or known sources of siliceous material, it is reasonable to expect that no quarry sites will be located within the Project Area.

#### 6.4.3 *Scarred Trees*

Scarred trees result from the removal of bark for use as covering, shields, containers or canoes. No doubt, as an outcome of widespread intensive land clearing and natural causes very few have survived.

As the Project Area is understood to have been logged in the historic period and cleared for the sand mining operations. It is reasonable to assume that no scarred trees will be located. Scarred trees may exist within the riparian zone however would not be affected by the rezoning proposal.

#### 6.4.4 *Burials*

Human burials are typically individual or small group internments which can be found in sandy soil substrates, such as creek lines or within small rock crevices. Most of the known burials have been located by accidental means through mechanical disturbance or natural erosion.



Given that the underlying soil is heavily disturbed, there is a low potential to locate burials within the Project Area.

#### *6.4.5 Ceremonial Sites*

Ceremonial grounds are typically places identified by Aboriginal groups as places of importance which were visited by groups to mark or commemorate rites or other occasions. One such example is Bora grounds; earthen mounds crafted in a circular formation, which were used for the purposes of ceremonial practices.

No ceremonial sites are known to occur on within the Project Area.

#### *6.4.6 Mythological Sites*

These sites are natural features, which derive their significance from an association with stories of the creation and mythological heroes.

No mythological sites are known to occur within the Project Area.





## 7. FIELD SURVEY: ABORIGINAL CULTURAL HERITAGE

### 7.1 Survey Team

A pedestrian survey of the Project Area was undertaken by Everick Senior Archaeologist Tim Hill, and Kempsey LALC Aboriginal Sites Officer Wayne Sime on 25 January 2018.

### 7.2 Assessment Methods

The field methods aimed to inspect exposed ground surfaces as conditions would allow, to record any archaeological material found, and to undertake a preliminary assessment of its significance. The potential of the Project Area to contain sub-surface deposits (PADs) was also assessed through observation of soil profiles in any disturbed areas.

Photographs were taken as a record of general features and to document past disturbance. Notes were made of the degree of disturbance and the archaeological potential. A Garmin GPSMAP64 (GDA 94 datum) was used to record the extent of survey coverage. Mapping and plans used in this assessment were provided by Blueprint Planning and represent the level of information provided to the consultant.

In addition to assessing the cultural heritage potential of the Project Area, the survey aimed to confirm the interpretation of the nature and degree of ground disturbance observed in satellite imagery.

### 7.3 Constraints to Site Detection

An assessment of the constraints to site detection is made to assist in formulating a view as to the effectiveness of the field inspection to find Aboriginal sites and cultural heritage materials. It also assists in the forming of a view of the likelihood of concealed sites (PADs), keeping in mind a site-specific knowledge of the disturbance impacts that European land uses, and natural processes may have had on the 'survivability' of Aboriginal sites in a Project Area.

The constraints to site detection are almost always most influenced by post-European settlement land uses and seldom by natural erosion processes. The area of surface exposure and the degree of surface visibility within exposed surfaces are usually the product of 'recent' land uses e.g. land clearing, ploughing, road construction, natural erosion and accelerated (manmade) erosion (McDonald et.al. 1990:92).



In this case the major 'manmade' constraints to Aboriginal site survivability and detection are due to the introduction of the soil stockpile and the proliferation of invasive weeds in recently disturbed soils, which made detection of Aboriginal archaeological sites in the Project Area difficult. Based on the observations taken during the survey it is reasonable to conclude that it is unlikely that any soils in the upper 300mm contain original surfaces (Figure 7, Figure 8 and Figure 9; Table 2).



**Figure 7: Typical vegetation cover around the soil stockpile (east).**



**Figure 8: Example of surface visibility to sandy substrate around stockpile.**



**Figure 9: Example of thick weed growth.**



**Table 2: Summary of Environment and Ground Disturbance for Survey Unit.**

<i>Survey Unit</i>	<i>Environmental Description</i>	<i>Ground Disturbance Summary</i>
Sand plain	Open sparse grassland with some sparse native but mostly introduced trees and weeds. Vehicle tracks occur around the stockpile.	Vehicle tracks, illegal dumping.

## 7.4 Survey Coverage

To achieve as thorough and effective an archaeological assessment as possible a pedestrian ground survey of a sample of the Project Area was undertaken (Table 3 and Table 4). The following summarises the broad conditions for the survey of each identified unit within the Project Area:

- a) Sand plain. Open sparse grassland with some sparse natives but mostly introduced trees and weeds. Vehicle tracks occur around the stockpile.
- b) Stockpile. Open sparse grassland with some sparse natives but mostly introduced trees and weeds.

Table 3 and Table 4 present information on the extent to which survey data provides sufficient evidence for an evaluation of the distribution of archaeological materials across the Project Area. The evaluation of survey coverage provides a measure of the potential for the survey to identify archaeological evidence. The calculations in Table 3 and Table 4 do not provide exact percentages, but reasonable estimates.

**Table 3: Survey Coverage.**

<i>Survey Unit</i>	<i>Landform</i>	<i>Survey Area (m<sup>2</sup>)</i>	<i>Visibility (%)</i>	<i>Exposure (%)</i>	<i>Effective Coverage Area (m<sup>2</sup>)</i>	<i>Effective Coverage (%)</i>	<i>Sites Found</i>
Sand plain	Ridgecrest	2000	20	20	80	4	0
Stockpile	Ridgecrest	1000	20	10	20	2	0

**Table 4: Landform summary- sampled areas**

<i>Landform</i>	<i>Landform Area (m<sup>2</sup>)</i>	<i>Area Effectively surveyed (m<sup>2</sup>)</i>	<i>% of Landform effectively surveyed</i>	<i>Number of sites</i>	<i>Number of artefacts</i>
Sand plain	20000	80	0.40	0	0
Stockpile	30000	20	0.06	0	0



## 8. RESULTS

### 8.1 Results

As a result of the desktop study, field inspections, Aboriginal community consultation and archaeological investigation of the Project Area, the following was found:

- No artefacts were observed within the soil stockpile or surrounding sand plain.
- It is considered that the stockpile and sand plain have a low potential to contain Aboriginal sites based on the history of disturbance across the Project Area and proximity to other natural features which would provide better access to resources. These include the headland and hills to the north and Goolawah Beach.
- Should shell midden material have occurred within the sand dune deposits subject to sand mining it is expected that the shell specimens would be highly fragmented because of the mining process. Like-wise it is expected that stone artefacts would be separated and either stockpiled or reused. It is not expected that organic material would survive in such a disturbed environment.
- In consideration of the potential of the sand plain to contain Aboriginal sites, it is noted that the hind dunes would provide better access to beach resources. It is not common to find midden sites within the back-plain environments and it is understood that these areas were typically utilised for hunting and gathering but rarely used for camping and tool production.
- No items or relics of European heritage were identified during the assessment. The old concrete loading facilities are intact; however, these are not listed as being of local heritage significance.

### 8.2 Additional Research

It is not considered that additional archaeological research, in the form of test pit excavations, will significantly inform the management response for sites within the Project Area. This conclusion is based on the following considerations:

- the absence of Aboriginal sites identified during the archaeological survey;
- the absence of known ceremonial or intangible sites in the Project Area and surrounds; and
- the history of disturbance across the Project Area.

Having consideration for the history of disturbance of the site it is considered that the results from an archaeological assessment based on a sample excavation program could not be extrapolated across the site with any confidence. Given the low potential for the site to contain Aboriginal objects, the sample size required to



meaningfully understand the nature and extent of Aboriginal sites could not easily be achieved in a sandy environment.



## 9. CONCLUSIONS AND RECOMMENDATIONS

Based on the results and discussed above, the following management recommendations are provided:

### Recommendation 1: Cultural Heritage Induction

It is recommended that a cultural heritage induction is provided to all contractors who are engaged as site supervisors or act in senior operational roles. The purpose of the cultural heritage induction is to:

- make staff aware of the survey effort to date and potential for the Project Area to contain Aboriginal sites;
- provide sufficient training for staff to identify Aboriginal objects should they be impacted during construction works; and
- ensure that staff are aware of response procedures in the event of any harm to Aboriginal sites during construction works.

It is recommended that the cultural heritage induction is provided by a suitably experienced member of the Aboriginal community or a qualified archaeologist.

### Recommendation 2: Find Procedure.

The following 'Find Procedure' should be put in place as a minimum response in the event of the identification of artefacts within the Development Area:

- a) work in the surrounding area is to stop immediately;
- b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- c) in consultation with the RAPS for the project, an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- d) should the material be confirmed as an Aboriginal object or archaeological site a salvage program put in place (below).

### Recommendation 3: Aboriginal Human Remains

Although it is unlikely that Human Remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched.



The nearest police station (Port Macquarie), the Kempsey Local Aboriginal Land Council, and the OEH Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

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

#### Recommendation 4: Conservation Principles

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





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## APPENDIX A: AHIMS SEARCH RESULTS

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
30-3-0102	Crescent Head:Palmerston	AGD	56	497900	6548450	Open site	Valid	Fish Trap : -	Fish Trap	
	<b>Contact</b>	<b>Recorders</b>								
30-3-0088	Crescent Head	AGD	56	496700	6549000	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological [Ritual]	
	<b>Contact</b>	<b>Recorders</b>	Harry Creamer							
		<b>Permits</b>								

Your Ref/PO Number : EV637 Point Plomer Road

Client Service ID : 324165

Report generated by AHIMS Web Service on 24/01/2018 for Tim Hill for the following area at Lot : 2281, DP:DP1153793 with a Buffer of 1000 meters. Additional Info : Due Diligence assessment for land rehabilitation. Number of Aboriginal sites and Aboriginal objects found is 2.  
This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

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