Roads and Traffic Authority

Pacific Highway Upgrade - Oxley Highway to Kempsey

Aboriginal Heritage Working Paper

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5. Aboriginal archaeological context

5.1 Heritage register searches

5.1.1 DECCW Aboriginal Heritage Information Management System

A search was undertaken of the DECCW Aboriginal Heritage Information Management System of a 280 square kilometre zone encompassing the current study area in November 2004 (search #11490). Updated searches of the Aboriginal Heritage Information Management System (#17374 and 26617) were undertaken in November 2006 and August 2009.

Eighty-eight Aboriginal objects and places had been recorded within the initial search zone, predominantly comprising stone artefact scatters or isolated artefacts, but also including two scarred trees, a scarred tree / stone arrangement, a burial and two bora / ceremonial sites.

No Aboriginal sites had previously been recorded on the DECCW Aboriginal Heritage Information Management System directly within the study area, prior to the conduct of the present assessment.

The detailed investigations undertaken for this assessment (**Section 6**) has now resulted in the listing of eight Aboriginal sites within the study area on the Aboriginal Heritage Information Management System:

- #30-3-0391 (OHK 47/A).
- #30-3-0392 (OHK 46/A).
- #30-3-0393 (OHK 90) (also attributed duplicate DECCW #30-3-0400).
- #30-3-0394 (OHK 91) (also attributed duplicate DECCW #30-3-0399).
- #30-3-0395 (OHK 92) (also attributed duplicate DECCW #30-3-0398).
- #30-3-0396 (OHK 219).
- #30-3-0397 (OHK 104).
- #30-3-0401 (OHK 54).

5.1.2 Other registers

The study area does not contain any heritage items registered for Aboriginal values on the State Heritage Register, or under the *Environment Protection and Biodiversity Conservation Act 1999* on the Register of the National Estate, National Heritage List or Commonwealth Heritage List, or on the *Hastings Local Environmental Plan 2001*, *Kempsey Local Environmental Plan 1987* or *North Coast Regional Environmental Plan*, or under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984.*

5.1.3 Native Title

Searches were undertaken of the National Native Title Register, Register of Native Title Claims and Register of Aboriginal Land Use Agreements and for unregistered Claimant applications with the National Native Title Tribunal on 8 March 2005, 7 June 2007 and 5 November 2009 for the local government areas of Hastings and Kempsey. No claims, agreements or applications are listed within the study area.

5.2 Previous archaeological research

A number of archaeological surveys and excavations have been undertaken within the vicinity of the study area for commercial contracting and academic research purposes. Several archaeological investigations have been conducted within the immediate vicinity of the study area. These have included projects for research, small-scale developments (extraction pits, residential subdivisions), linear developments (optic fibre cables and roads) or broader regional studies (state forests environmental impact studies).

A comprehensive analysis of the most relevant investigations along with other relevant studies from the region, highlighting the range of site types and variety of site contexts in the study area and broader region, has assisted in the identification of typical site locations and with the construction of a predictive model. This analysis is included in **Appendix B**.

5.3 Local Aboriginal culture

Traditional Aboriginal culture in southeastern Australia was complex and varied. The present state of knowledge is based partially on studies of contemporary Aboriginal communities in northern and central Australia and on observations of the southeastern communities after the immense disruption caused by non-Aboriginal settlement (Thompson 1985).

Peterson (1976) describes Aboriginal society as being comprised of a hierarchy of organisational levels and groups, with fluid boundaries between them. The smallest group in the hierarchy is the family, comprising a man with one or more wives, their children and frequently some of their parents. On the second level are bands, small groups consisting of members of several nuclear families who perform the normal hunting and gathering tasks together for most of the year (Peterson 1976). At the next level are regional networks, consisting of a number of bands. Members of these regional networks usually share beliefs in a common ancestor and / or have a common language dialect. Network members assemble for specific ceremonies, when the subsistence resources of a locality are plentiful enough to support a large number of people over a period of time. The 'tribe' is at a higher level in the organisational hierarchy. 'Tribes' are generally recognised as a linguistic unit with flexible territorial boundaries. At the broadest level of social organisation, or the pinnacle of the hierarchy, is the 'cultural area'. All groups within a 'cultural area' share certain cultural characteristics, such as a common initiation ceremony and speak closely related languages (Peterson 1976).

The nature of organisation of Aboriginal groups along the mid-north coast is unclear, due to the limited ethnohistorical records, lack of anthropological expertise of the recorders and the immense disruption to traditional culture that had already occurred by the time many of these observations were made. Earlier observers used the term 'tribe' to refer to anything from several to hundreds of people. Aborigines themselves used a variety of names that might have referred to dialects, territories of other groups, local bands or regional networks (*cf.* Brayshaw 1986). Peterson's advice about the fluid nature of Aboriginal group boundaries is also pertinent.

Tindale (1974) compiled an assessment of Aboriginal clan territories in Australia. Tindale (1974) described the territory of the Birpai as extending from the Manning River at Taree inland to near Gloucester, but also on the Forbes, upper Hastings and Wilson Rivers (Tindale 1974). Tindale (1974) described the territory of the Ngamba people as extending from the Manning River north to Port Macquarie, an area that encompasses the southern portion of the present study area. The Ngaku people were described by Tindale (1974) as occupying land from north of Telegraph Point to Macksville, an area that encompasses the northern portion of the present study area.

However, other researchers and Aboriginal people dispute Tindale's (1974) conclusions. Godwin (1990) analysed the distribution of Aboriginal language groups in north-eastern NSW and concluded that the Macleay River valley (including Kempsey and the northern portion of the present study area) were occupied by Dhan-gadi speakers. This view is shared by the Dunghutti Elders who participated in the present investigation and who assert that their boundary with the Birpai was south around the Hastings River (Ruth Maruca, pers comm 2005).

Eades (1979) placed the Ngagu (Ngaku) and Ngamba on the southern and northern sides of Kempsey respectively. Ngaku was reported to be a dialect of Dhan-gadi (Djangadi), which Eades (1979) inferred was spoken over a wide area west of Kempsey. The Ngamba north of Kempsey was concluded to be similar to the more northerly Gumbaynggir (Eades 1979). Eades (1979) concluded that the Birpay (Birpai) language was spoken over a broad area south of Kempsey around Port Macquarie. Four Aboriginal people who spoke the Birpai language informed Enright (1932) that it was spoken north from the Manning River to near the Macleay River and inland from the coast to Rollands Plains (Collins 1995). This distribution pattern contrasts markedly to Tindale's.

There is considerable debate about the extent of movement of people on the NSW mid-north coast region. McBryde (1982:36) argues that the occupational pattern of the region was characterised by high seasonal mobility. People exploited coastal resources during the summer and resources of the hinterland during the winter. This hypothesis is supported by a number of ethnohistorical observations made by early settlers. There is also archaeological evidence for the movement of goods, if not people, between the coastal and riverine plains and the inland mountains.

Coleman (1982) however, argues that occupation along the coastal zone was largely sedentary, with people limiting their movements to small territories in which they could adequately meet their subsistence needs. Coleman (1982) claims movement of people was predominantly parallel to the coast, not from the coast to hinterland and was made in order to attend ceremonial gatherings, not to find a new location in which to reside.

Estimates of population density are difficult to determine. Coleman (1982) estimates between 1.5 and three persons occupied 1 square kilometre of land in the coastal zone. Brayshaw estimated population density for the coastal zone was 1.5 persons per square kilometre (Davies 1991a:15).

A number of relevant ethnohistorical observations were made by early non-Aboriginal explorers and settlers, for example:

- Burns (1844), a visitor to the Macleay Valley in the 1840s, describes a 'matted fence' on a tidal part of the Wilson River, which enabled fish to be speared as the tide receded.
- Parker King (1822) reported a camp of 25 people at Blackmans Point, on the northern side of the Hastings River immediately east of the present study area, in the late autumn of 1819.
- Port Macquarie Police Magistrate William Grey estimated there to be 370 Aboriginal people in the area in 1845, although this number is likely to have represented a substantial reduction of the previous population caused by the effects of a smallpox epidemic in the Hastings in 1831 (Butlin 1983).
- Oxley (1820) made numerous observations of the local people and their culture, including of fishing from canoes on the Hastings River and bark huts along river banks.

The coastal and riverine zones contained abundant food resources. A wide variety of flora and fauna were available for exploitation, from a number of different resource zones. Ethnohistorical observations along the lower Macleay and Clarence valleys, north of the study area (but similar in environment and applicable for comparison), record exploitation of the following food sources (Campbell 1969, 1978, McBryde 1982:32):

- In the rivers and estuaries – fish (including bream, whiting, flathead, tailor, mullet, cod and perch), prawns, shellfish (oysters) and birds (swan, geese, pelican and ducks).
- In the tidal creeks and swamps – quail, brolga, eels, crabs, crayfish, shellfish (freshwater mussels, cockles), tortoise and edible roots (rush, cunjevoi, orchard, fern, blue water lily).
- Along the beach and coast – fish (including blackfish, mullet, jewfish, kingfish, leatherjacket, groper, snapper and salmon), crabs, crayfish, shellfish (oysters, cockles, mussel) and plants (pandanus palm fruit).
- In the open forest and rainforest – a variety of mammals (including pademelons, possum, wallabies, flying fox, koalas, bandicoot and kangaroos), birds (including brush turkey, pheasant, pigeon, emu, owl, cockatoo and parrots) and food plants (including yams, fern roots, cunjevoi, palm hearts and tamarind).

The material culture of the local people would have included a variety of items made from bark, other components of plants, stone, shell, bone or other animal components (such as fur), including shields, clubs, spears, digging sticks, boomerangs, water containers, canoes, rafts, message sticks, clapping sticks, spear throwers, bark and vine cords, huts, netted and woven dilly bags, bone tools, shell knives, shell pendants, stone tools, fur belts and cloaks (McBryde quoted in Egloff and Oxley 1989a:9, Collins 1995). In the archaeological record few of these items survive. Stone, bone and shell are the materials most frequently represented in sites.

The region was frequented by non-Aboriginal people from the early 1800s. Campbell (1978) characterises the initial contact period as one of exploitation and hostility. This occurred in relation to the early timber-getting and occupation of Aboriginal land. Through disease and disintegration of the traditional social structure, the Aboriginal population was significantly affected. By the mid to late 1800s the Aboriginal population had been reduced to small remnant groups along the coast or subsisting around the fringes of the now permanent non-Aboriginal settlements.

In the latter part of the 19th century there was growing concern in NSW about the plight of the Aborigines. The Aborigines Protection Association was formed and in 1881 a Protector of Aboriginals appointed. In 1883 the Government established a Board for the Protection of Aborigines to achieve a ‘more systematic and enlightened treatment of Aborigines’. Rural stations were created so that Aborigines could remain on tribal territory. A 45 hectare reserve was gazetted at Port Macquarie in 1894 and a second 4 hectare reserve in 1906 (Collins 1995). However, amendments to the Aborigines Protection Act allowed the board to forcibly move Aboriginal people onto reserves, sometimes well away from their traditional tribal areas and control all aspects of their lives. Further amendments enabled the board to forcibly remove Aboriginal children from their parents, a practice that was conducted throughout the first half of the 20th century.

By the 1940s people moved to the major urban areas to escape the oppression of the Aboriginal Protection Board and to find employment. Despite the significant adverse impacts of non-Aboriginal occupation and government policy, the local Aboriginal people and many aspects of their traditional knowledge and culture survived (cf. Collins 1995). A large and vibrant Aboriginal population remains on the mid-north coast today and takes an active interest in the management of their heritage.

Consultation with the local Aboriginal community is an integral part of this assessment and is essential to identify many Aboriginal heritage site types and cultural values. For example, the Blackmans Point area immediately east of the Proposal on the northern side of the Hastings River is reputed to be the site of a massacre of Aboriginal people by soldiers during the initial years of non-Aboriginal settlement (Collins 1995:27). This account is not documented in historical sources (Collins 1995). Many traditional camp sites are also known to the local Aboriginal community, such as one on the bank of the Hastings River, between the Pacific Highway and Haydons Creek to the west (Collins 1995:28).

Following from the era of assimilation policies was a movement towards Aboriginal self-determination. This involves recognition of the rights and ability of Aboriginal people to determine their own future. Moves towards Aboriginal self-determination have culminated in the current process of reconciliation, which is based on the concept of equality between Aboriginal and non-Aboriginal people (Smith 1993:27).

5.4 Predictive model of site location

A predictive model of site location was constructed for the initial 2-kilometre wide corridor encompassing the Proposal, to identify areas of high archaeological potential (for example, locations where there is a high probability of an archaeological site occurring), for use as a basis for the planning and management of Aboriginal sites (Kuskie 2005a). Predictive modelling involves reviewing existing literature, including previous archaeological reports and culture (**Sections 5.2** and **5.3**) to determine basic patterns of site distribution. These patterns are then modified according to the specific environment of the study area to form a predictive model of site location. A sampling strategy is employed to test the predictive model and the results of the survey used to confirm, refute or modify aspects of the model (refer to **Sections 7.1.6** and **7.2.8**).

The use of land systems and environmental factors in predictive modelling is based upon the assumption they provided distinctive sets of constraints, which influenced Aboriginal land use patterns. Following from this is the expectation that land use patterns may differ between each zone, because of differing environmental constraints and that this may result in the physical manifestation of different spatial distributions and forms of archaeological remains (Hall and Lomax 1993:26).

The predictive model was based on information from the following sources:

- Identification of land systems and landform units.
- Previous archaeological surveys conducted within the region.
- Distribution of recorded sites and known site density.
- Traditional Aboriginal land use patterns.
- Known importance of any parts of the study area to the local Aboriginal community.

In certain circumstances, such as where low surface visibility or recent sediment deposition precludes effective assessment of the potential archaeological resource, sub-surface testing may be a viable alternative for further testing the predictive model and assessing the study area.

The findings of initial predictive model of site location, prior to completion of the field assessment and sub-surface investigations are summarised in **Table 5-1**.

Detailed descriptions of the site types listed in **Table 5-1** are provided in **Appendix C**.

Table 5-1 Initial predictive model of site location

Site type	Discussion
Artefact scatters	Within the study area, there is a high potential for heritage evidence to occur in the form of stone artefact deposits, in a widespread distribution of variable density across virtually all landform units (for example, ridge crests, spur crests, simple slopes, drainage depressions and flats). A number of artefact scatters and isolated artefacts have already been identified within the vicinity of the study area. A higher density of evidence is expected to occur where more focused and / or repeated Aboriginal occupation has occurred (for example, along higher order watercourses). Although recent human and natural post-depositional impacts may have affected to some extent a portion of the identified and potential Aboriginal heritage evidence, there exists potential for deposits of sufficient integrity to be of research value.
Bora / ceremonial sites	Field survey is required to clarify the potential for this type of evidence within the study area. Several bora / ceremonial sites have been reported within the general locality, although none directly within the study area.
Burials	Field survey is required to clarify the potential for this type of evidence within the study area. One burial site has been reported within the general locality, although not directly within the study area.
Carved trees	Both vegetation removal and the long passage of time since the practice of tree carving was prevalent have rendered this site type extremely rare. Consequently, the potential for carved trees within the study area is considered to be very low, although cannot be discounted without field survey.
Grinding groves	Grinding grooves are typically located in sedimentary bedrock along watercourses. As such, their potential to occur within the study area is dependent upon the presence of such bedrock. Field survey is required to clarify the potential for this type of evidence within the study area.
Lithic quarries	Sites will only be located where exposures of a stone type suitable for use in artefact manufacture occur. Field survey is required to clarify the potential for this type of evidence within the study area. The presence of tuff, a material favoured for artefact manufacture, within the Byabbara Beds between the Oxley Highway and Cooperabung Hill, indicates that there is some potential for lithic quarry sites if suitable outcrops occur.
Middens	Field survey is required to clarify the potential for this type of evidence within the study area. Considering the distance that most parts of the study area are from shellfish sources, the potential for this type of evidence is anticipated to be generally low.
Mythological / traditional sites	Consultation with the local Aboriginal community is essential to identify these site types within the study area.
Rock shelter with art and / or occupational deposit	Field survey is required to clarify the potential for this type of evidence within the study area, although on a preliminary basis this potential is assessed as low.

Site type	Discussion
Scarred trees	Mature trees, remnants of stands of the original vegetation, have the potential to contain scars. One scarred tree site has previously been reported within the vicinity of the study area. However, considering the long time period elapsed since this practice was prevalent and the extent of vegetation removal, the potential for scarred tree sites to occur directly within the study area may be relatively low.
Stone arrangements	Hill tops and ridge crests which contain stone outcrops or surface stone and have been subject to minimal impacts from recent land use practices, are potential locations for stone arrangements. Field survey is required to clarify the potential for this type of evidence within the study area. One stone arrangement has been reported within the general locality, although not directly within the study area.

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