



Appendix K

Indigenous Archaeological Assessment

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ARCHAEOLOGICAL REPORT
ON SOUTH WEST ROCKS (RIVERSIDE CABINS)
FOR GEOLINK, COFFS HARBOUR
AND STEPHEN McENVOY (DEVELOPER)



Wetland along edge of development area

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EXECUTIVE SUMMARY

On Tuesday 17th November 2009, an on-site assessment was made at the development site Lot 4, DP 1022342 an area of 22 ha for Aboriginal objects, sites or places of significance. The brief required the identification whether the site has significance to Aboriginal cultural Heritage and to identify appropriate measures to preserve significance.

The area is bounded by three streets, Marlin Drive to the south, New Entrance Road running beside the Macleay River (west) and Government Road to the north with a small creek and wetlands to the east.

The location has 12 listed Aboriginal sites on or near the development area but these was not able to be found due the long grass. The survey area contained a small wetland that had water in it at the time of the investigation. This area is important to the local Aboriginal community, who use the area for gathering crustaceans, worms and yabbies. The wetland was draining into the small creek at the time of the survey, which then drains into the Macleay River. Aboriginal people use this water resource for gathering mussels, oysters and pipi's for human consumption and Ms Holden told me that the river opposite the Tavern is the breeding ground for Flathead fish and is considered to be important to the local community for that reason.

The Aboriginal community are generally in favour of development, as it brings revenue to the area. There have been 12 sites registered with DECC for sites in the area but only 2 of these sites are relevant to this development, they are the midden site and an artefact scatter that could not be located because of the grass cover.

The community feel that the development can go ahead provided that the wetland, trees associated with the wetland and the run-off into the creek and into the river should not contain sediments that might contaminate the flathead breeding grounds opposite the Riverview Tavern.

None of the artefacts/sites listed above could be found for clarification. This is probably due to the amount of grass coverage in the location of each find and the bare ground has since been grassed over since they were recorded.

It is recommended that the study area is able to be rezoned for development from an archaeological perspective as no sites of significance were found during the survey. However, if any Aboriginal sites are found after ground breaking has taken place, it is essential that all works cease until the area has been inspected by members of the local Aboriginal community and an archaeologist.

The local community have expressed their concerns regarding the wetlands and the midden sites that are located either on or downstream of the site regarding the pollution that may occur during construction and the on-going care of the flathead breeding ground in the middle of the Macleay River.

Due care should be taken that this does not occur. It is recommended that a member of the local community be contacted for their input into the development during ground breaking work.

SECTION 1

INTRODUCTION

1.1 The Brief

On Tuesday 17th November 2009, an on-site assessment was made at the development site Lot 4, DP 1022342 an area of 22 ha for Aboriginal objects, sites or places of significance.

The brief required the identification whether the site has significance to Aboriginal cultural Heritage and to identify appropriate measures to preserve significance.

1.2 The Survey Area

The survey area contained a small wetland (see Plate 1 below) that had water in it at the time of the investigation. This area is important to the local Aboriginal community, who use the area for gathering crustaceans, worms and yabbies. The wetland was draining into a small creek which then drains into the Macleay River. Aboriginal people use this water resource for gathering mussels, oysters and pipi's for human consumption and Ms Holden told me that the river opposite the Tavern is the breeding ground for Flathead fish and is considered to be important to the local community for that reason.

Trees (*Casuarina glauca*) surrounding the wetlands ensure that there is shade for colonies of moving crustaceans and the shallow water is used for breeding of these species.

According to Ms Holden, there is a midden site located beside the wetland that has been recorded on the AHIMS DECC database but this cannot be substantiated because there was no sign of the midden during transects.

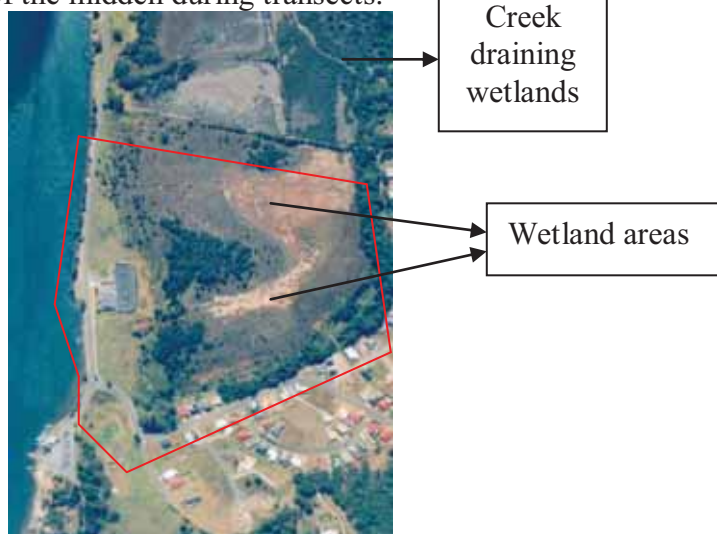


PLATE 1. THE SURVEY AREA

1.3 Report Objectives and Structure

- A review of the archaeological literature and National Parks and Wildlife Service site records for the area.
- assess the cultural significance of the land situated in the assessment area
- liaison with local Indigenous communities to determine their interest in the survey area and for their assessment of the Indigenous significance of any sites identified in the study area
- assessment of the Indigenous, historic, scientific, aesthetic, and public significance of any sites identified in the survey area
- advice on preferred management options for any sites and associated artefacts found during the survey through the community people working on-site
- investigate the site to ascertain if there are any relics, sites or cultural remains present on the land
- prepare a report for Geolink describing relics that were located
- make recommendations for the management of any artefactual material and/or sites that maybe located within individual areas

1.4 Limitations to the Survey

This report has been prepared using evidence collected from a range of sources: libraries, special collections, and primary sources. However, this form of investigation is time consuming. The focus has been concentrated on collections relating to agricultural, forestry and oral history from Indigenous Elders and the local community.

Other limitations include:

1. Local rainfall in the study area has made it nearly impossible to find artefactual material on the surface of the soil (see Plate 2 below).



PLATE 2. TYPICAL GROUND COVER IN THE SURVEY AREA

2. No excavation was undertaken during the survey. It should be noted that the result of any archaeological surface survey can only be representative of the *visual* rather than the *existing* archaeological record.
3. The survey conducted within the boundaries of the study area did not have artefactual material visually present on the surface due to heavy grass coverage, tree cover and “wet” areas. There was no excavation undertaken to determine the amount of artefactual material subsurface.

1.5 Liaison and Contact With Local Communities

First point of contact is usually the local Aboriginal Land Council. In this case, the Land Council at Kempsey was not able to be contacted either by phone (disconnected) or my mail (unanswered). Secondly contact was made with Northern Rivers Catchment Management Authority Aboriginal Community Liaison Officer, Kempsey who informed me that the Land Council was not operational and suggested I contact Victor Buchanan, Aboriginal Site Officer with National Parks at Port Macquarie.

Victor informed me that he was unable to accompany me on the site visit (ill health) but gave me the name of Carl Morris, who was an Elder at South West Rocks. Contact was made with Carl and arrangements were made with him to accompany me to the site and would undertake the necessary steps for the inspection to go ahead.

Original contact was made with Carl Morris from South West Rocks to undertake the assessment with me but this was cancelled because the road down Dorrigo Mountain was closed due to flooding of the Bellinger River and landslides along the Waterfall Way. Subsequent phone calls to Mr Morris prior to and on the morning of the survey were made, informing him of the date and time of inspection were carried out but on arrival at South West Rocks, Mr Morris could not be contacted (his phone was not answering). Several phone calls were made to other people who live in the area and I was given the contact details of Ms Elizabeth Holden, who I was informed, knew the area well and was an active member of the local community. Alternate arrangements were then made with Ms Holden to accompany me on the site inspection.

Those present included:

Sue Hudson – Consulting Archaeologist, Armidale

Elizabeth Holden – Aboriginal Community Member, South West Rocks

Alternative contact arrangements were then made by placing an advertisement in the local paper and letters advising of the Archaeological Assessment were sent to the following groups requesting input:

- Nulla Nulla Boongutti Aboriginal Corporation;
- South Kempsey Aboriginal Men's Group;
- Benelong Haven Limited;
- Booroongen Djungan Aboriginal Corporation;
- Djigay Student Association;
- Goori Galbans Aboriginal Corporation;
- Guri Wa Ngundagar Aboriginal Corporation;
- Kempsey Local Aboriginal Land Council;
- Kempsey Shire Council;
- National Native Title Tribunal;
- The Office Registrar of *Aboriginal Land Right Act 1983*;
- Department of Environment, Climate Change and Water

Letters were received from the following organisations with advice on which organisations to consult with:

- National Native Title Tribunal;
- The Office Registrar of *Aboriginal Land Right Act 1983*;
- Department of Environment, Climate Change and Water

There was no response from aboriginal groups to the correspondence sent or the advertisement placed in the local paper.

Copies of the advertisement and all correspondence are attached as Appendix A.

Elizabeth Holden (registered stakeholder) undertook a site inspection with Suzanne Hudson (as mentioned above) and subsequently reviewed the Archaeological assessment report. Elizabeth Holden provided correspondence indicating that upon review of the assessment report she had no further comment to make in regard to the proposal. This correspondence is attached in Appendix A.

1.6 Indigenous Occupation in Coastal Areas

All Aboriginal people were semi-nomadic hunters and gatherers, with each clan having its own territory from which they 'made their living'. These territories or 'traditional lands' were defined by geographic boundaries such as rivers, lakes and mountains. They all shared an intimate understanding of, and relationship with, the land. It was the basis of their spiritual life. While their tools varied by group and location, Aboriginal people all had knives, scrapers, axe-heads, spears, various vessels for eating and drinking, and digging sticks. Not all groups had didgeridoos and, contrary to popular belief, many did not have boomerangs. Some groups developed more tools than others.

There were between 200 and 250 Aboriginal languages spoken, with many different dialects, producing up to 700 varieties. This makes Aboriginal groups one of the most linguistically diverse areas on the planet. Within the space of 80 kilometres you can still pass through the territories of three languages 'less closely related than English, Russian and Hindu.' (The Oxford Companion to Australian History, 1998). Language is vitally important in understanding Aboriginal heritage as much of their history is an oral history.

Aboriginal people were supremely expert in adapting to their environments. There were coastal and inland tribes. Their 'territories' ranged from lush woodland areas to harsh desert surroundings. Different groups needed to develop different skills and build a unique body of knowledge about their particular territories.

Their tools and implements reflected the geographical location of these different groups. For example, it is known that coastal tribes used fishbone to tip their weapons, whereas desert tribes used stone tips.

Land is fundamental to the well-being of Aboriginal people. The 'dreamtime' stories explain how the land was created by the journeys of the spirit ancestors. For Aboriginal people all that is sacred is localised in the landscape:

The relationship between a clan and its 'territory' involves certain rights, such as the right to use the land and its products. With these rights comes a duty to tend the land through the performance of ceremonies.

Individuals within the clan also have special relationships with places in their territory. Where a person's mother first became pregnant may mean an ongoing responsibility, in terms of right and duties, towards that place.

The creation stories, which describe the marks the spiritual ancestors left on the land, are integral to Aboriginal spirituality. Particular places hold special meaning. These are the sacred sites. Knowledge of a clan's law and the dreamtime is accumulated through life. Ceremonies, such as initiation ceremonies, are avenues for passing on this knowledge.

The system of kinship puts everybody in a specific kinship relationship, each of which has roles and responsibilities attached to it. It can influence marriage decisions and governs much of everyday behaviour. By adulthood people know exactly how to behave, and in what manner, to all other people around them. Kinship is therefore about meeting the obligations of one's clan, and forms part of Aboriginal Law.

Poiner (1976:14) states that most studies on the coast have focused on shell middens (refuse dumps) which have given an overview of their diet (fish, birds and animals) along with what tools they used. They were able to exploit both a marine and riverine environment and used the hinterland for hunting and gathering foods that were not available along the coastal belt. These hinterland environments include wetlands, rainforests, river plains and wooded country – which could be both steep and rugged.

SECTION 2

ABORIGINAL PEOPLE OF AUSTRALIA

2.1 General Overview of Coastal Groups

Despite the generally favourable conditions of the coastal plains and the numbers of options open to the Aboriginal people in their economic lives, the impression is certainly one of greater abundance than inland. The richness of the protein diet reflects the material culture and the reduced need for frequent movement meant that more objects were accumulated.

Some kinds of shellfish are represented in fossil form in Palaeozoic rocks and given the relative stability of molluscs in the geological record, it is reasonable to assume that shellfish communities are similar to those of today. Meehan (1982:7) states that studies relevant to the total diet of coastal people relates in some part to the amount of food offering across their collecting area – if red meat is not readily available, then fish and shell fish are good alternatives.

Based on the gaps, inconsistencies and lack of detail within surviving records, it is now difficult to be certain about the location and nature of linguistic and tribal boundaries. Tindale conducted a comprehensive review of boundary information across Australia (Tindale 1940, 1974) and places a Gumbaingirr tribe in the area from the headwaters of the Nymboida River across the range to Urunga, Coffs Harbour, Bellingen, Glenreagh and Grafton. These areas are bounded to the north by the Bundjalung and to the south by the Daingutti tribal groups.

Early historical references to the Aborigines of north eastern NSW can be found in a number of historical and ethno-historical documentary sources, however most written references tend to be incidental in nature and vary in accuracy or perceived bias, both in quality and quantity, from area to area. Complementing (and sometimes also contradicting) the written record is an often rich body of oral history. Aboriginal oral histories relate to both distant and near past events and include references to places in the context of Aboriginal tradition as well as from archaeological perspectives (ibid:9).

As yet there has been no systematic study of historical observations of Aborigines in the Coffs Harbour district. References to Aborigines from the Macleay River Valley, to the south of Coffs Harbour, indicated that they ‘... continue to traverse the Coast during the season favourable for fishing, and the interior during the hunting season’ (Navin & Officer 2007:9) implies that the Macleay River Aborigines had little contact with groups to the north in the Nambucca Valley, but there existed a widespread and persuasive tradition of contact with the tablelands.

In the early 1800's the number of European people visiting northeast NSW was generally limited to escaped convicts and wood-cutters seeking the pine and cedar forests. However within a few years the area was soon settled by pastoralists. Perry's 1839 report on the Clarence River provides a description of Aboriginal cultural items, Aboriginal huts and the contemporary landscape (Navin & Officer 2007:9).

From the evidence available from historical sources, the material equipment of the Aborigines of north eastern NSW in the mid-1800s comprised:

‘a wide range of wooden artefacts, nets and bags of plant and animal fibres, as well as tools made of stone, bone, and shell. For the coastal areas we have records of spears, clubs, paddy-melon sticks, boomerangs, and shields made in wood. Stone implements included axes, and ‘flint knives’. There were also scrapers and knives of shell and of glass where available. Bones were used to make needles for sewing the possum skin rugs...’ (McBryde 1974:10).

2.2 Why Conduct a Survey for Indigenous Sites?

It is important to develop an understanding of the nature, distribution, condition and significance of pre-contact Indigenous sites in the survey area. In addition to developing management recommendations for Indigenous sites, Coffs Harbour Council is also interested in gaining an understanding about Indigenous cultural significance associated with the area as a possible source of future research. Management recommendations for recorded sites can be assessed by them to develop management strategies for the heritage value associated with other sites that may be located in the area.

Movement of Indigenous People in the Landscape include tribes or totemic groups who are a unit, which include a number of families and kinship units who can speak a mutually understandable language but have a degree of independence between themselves as well as access to shared resources (Godwin 1990). Tindale (1974:115) gives a definition of the Australian Indigenous tribes, which have five markers:

1. They inhabit and claim a definite area of country
2. Use a dialect or language peculiar to themselves
3. Possess a distinctive name
4. Have customs and laws differing from those of their neighbours, and
5. Possess beliefs and ceremonies differing from those held or performed by others.

Long distance movement was undertaken mainly for ceremonial and social gatherings and in Indigenous society, rituals associated with men’s or women’s business, initiations, funerals and corroborees were held from time to time, sometimes taking several months in duration (Beck, Somerville, Duley & Kippen 2003:37). Use of rivers by Indigenous people was dependant upon water being present for drinking water and food hunting, gathering and fishing opportunities, which in turn provided breeding grounds for birds, fish and animals.

2.3 The Arrival of People to Australia

Australia became an island continent when it separated from Gondwanaland some 80 million years ago. The first Australians must have arrived by sea and almost certainly came from Pleistocene (Ice Age) Southeast Asia, via the islands between the land masses. The dating of sites accelerated with the oldest site dated 20,000 years ago in 1962, and then 30,000 in 1969 and in 1973 it had stretched to 40,000 years ago.

Today, the oldest site recorded in Australia comes from Malakunanja shelter in Arnhem Land with a date of 53,000 years (Mulvaney & Kamminga 1999:139).

Non-Indigenous recording of Indigenous history left much to be desired as far as recording their lifestyle and hunting techniques. McBryde (1978:247-261) includes in her work the writings of Mrs. McPherson who once lived at Keera Station, Bingara. Although much of her recollections are based more on her Eurocentric background, she does give an insight into the skills that Indigenous people had for hunting. She writes:

“Not that they are without relish for beef and mutton, especially when taken or killed by themselves, but still they retain a partiality for their native delicacies for the flesh of kangaroo, opossum, emu, native turkey and wild duck. The kangaroo they generally catch in nets, into which the animal is hunted, by the aid of mongrel curs, which swarm at every bush encampment. These nets ... are generally made of the fibres of the corryjong (sic) tree. The netting needle they use is a piece of hard, smooth wood, and the string is wound around it. They work without a mesh, yet the regularity of the loops is quite astonishing”.

2.4 Predictive Model for Indigenous Sites in the Area

Indigenous sites that may be found on the river shores could include:

- Habitation or living sites (camp sites)
- Middens
- Scarred or carved trees (bark removed for tools/utensils or ceremonial markings)
- Artefact scatters associated with living sites or hunting places
- Manufacturing places (quarries, grinding grooves)
- Sacred/ceremonial places including burial sites
- Dreamtime, story telling and oral history places
- Men's/women's sites
- Burial sites

2.4.1 Stone artefacts

Stone artefacts (called lithics) are found almost everywhere because stone is a very durable material. This is the most common type of pre-European site in areas where there are no habitable rockshelters or caves. These scatters signify different human activities and are often found in conjunction with organic refuse and hearths.

Most sites located on or adjacent to the coast were habitation sites that contained stone and sometimes bone material in middens. Scatters consisted of flakes (silcrete, chert and quartzite) spear points, blades and grindstones.

Hearths are the remains of fireplaces where Indigenous people cooked their meals. These can be located on the surface of the ground and may contain charcoal remains, sometimes recognisable as a black stained area or more commonly by hearth stones that have been manufactured out of termite antbeds, rolled into balls, heated in the coals and used to cook food.

2.4.2 Scarred trees

Why do we look for scarred trees? The main reason is to ensure their future wellbeing and this can only be achieved if they can be identified, protected and managed. This can only be achieved by recognition so that they are left unharmed by on-ground works or other form of human land use, such as logging, firewood removal or taking steps against natural or incidental processes such as bushfire, stock damage, vandalism, timber rotting or tree collapse (Long nd:7). The presence or lack thereof of scarred trees at sites is an indicator of the degree of use of Indigenous people made of the resource.

2.4.3 Middens

Middens are refuse areas that are located along the banks of rivers and major tributary creeks and are generally made up of the discarded shells of crustaceans, shells of molluscs, fish and animal bones and sometimes burials.

2.4.4 Ceremonial/sacred sites

These sites can only be assessed by Aboriginal people from the area, as these sites can be intangible, natural formations or places of spiritual significance. These sites are generally found along ridgelines in close proximity to major streamlines (the need for close drinking water for participants).



**PLATE 3. MS ELIZABETH HOLDEN INSPECTING
THE DEVELOPMENT AREA FOR ABORIGINAL SITES**

2.5 Levels of Archaeological Sensitivity

On the basis of only pre-European sites being recorded at Inverell, it is possible to divide the area into three classes of archaeological sensitivity.

Class 1. High potential

These areas include the soil, low incline and proximity to water sources, as being ideal living areas with the added “bonus” of erosion that reveals bare ground and little disturbance, so that recording artefacts is relatively easy.

Class 2. Medium potential

Relatively undisturbed areas that have high grass/vegetation cover with some erosion present. They will be found in areas similar to Class 1 but will have different soil composition.

Class 3. Low potential

These are areas that have been subjected to high disturbance due to development or areas of construction or agricultural pursuits. Other unlikely areas include steep sloping ground, gravelly (infertile, eroded) soils and land that has been used for public vehicle and bike tracks, rubbish dumping areas and areas that have become overgrown with thorny trees and shrubs.

The survey area falls into Class 1 – high potential as there have been sites registered in the area in previous studies. The area has been highly developed in the past and as such there may no longer sites that are visible.

SECTION 3

RESULTS OF THE SURVEY

3.1 Results

A global position system was used to record the area using a Magellan Triton 400 hand-held device. Transects within the development site were examined for evidence of Aboriginal occupation, this was undertaken on foot and each bare area along sides of the road and around trees were examined.

3.2 Aboriginal Archaeological Assessment

The Aboriginal community are generally in favour of development, as it brings revenue to the area. There have been 12 sites registered with DECC for sites in the area but only 2 of these sites are relevant to this development, they are the midden site and an artefact scatter that could not be located because of the grass cover.

The community feel that the development can go ahead provided that the wetland, trees associated with the wetland and the run-off into the creek and into the river should not contain sediments that might contaminate the flathead breeding grounds opposite the Riverview Tavern.

Previous sites listed on the DECC AHIMS database:

Site Number	Site Type
22-3-0058	Midden/Open site
22-4-0080	Midden
22-4-0081	"
22-4-0082	"
22-4-0084	"
22-4-0065	"
22-4-0066	"
22-4-0067	"
<i>* 22-4-0068</i>	<i>Open site</i>
<i>* 22-4-0069</i>	<i>Midden</i>
22-4-0070	Midden
22-4-0071	Midden

* Denotes midden site recorded that lies within the development area.

3.3 Recommendations

None of the artefacts/sites listed above could be found for clarification. This is probably due to the amount of grass coverage in the location of each find and the bare ground has since been grassed over since they were recorded.

It is recommended that the study area is able to be developed for the proposed use from an archaeological perspective as no sites of significance were found during the survey. However, if any Aboriginal sites are found after ground breaking has taken place, it is essential that all works cease until the area has been inspected by members of the local Aboriginal community and an archaeologist.

The local community have expressed their concerns regarding the wetlands and the midden sites that are located either on or downstream of the site regarding the pollution that may occur during construction and the on-going care of the flathead breeding ground in the middle of the Macleay River (pers. comm. Elizabeth Holden).

Due care should be taken that this does not occur. It is recommended that a member of the local community be contacted for their input into the development during ground breaking work.

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APPENDIX A - CONSULTATION

ABORIGINAL PEOPLE
interested in completed
archaeological survey on
land between Marlin Dr &
New Entrance Rd SWR
Contact Sue Hudson
within 10 working days
0412649580

13 September 2010
Ref No: 1291010

South Kempsey Aboriginal Men's Group
75 Middleton Street
SOUTH KEMPSEY NSW 2440

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
Riverside Tavern)

An application under Part 3A of the Environmental Planning Assessment Act for 9 tourist
cabins is currently being prepared for the abovementioned site.

As part of this application an archaeological assessment is being prepared by Suzanne R
Hudson Consulting.

You are invited to register interest in the project and can register your interest by writing to
the undersigned either via written correspondence or email simonw@geolink.net.au. It
would be appreciated if you could respond within 10 working days of receipt of this letter.

Should you require any further clarification or information in regard to the project please
contact the undersigned.

Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal

ABN 79 896 839 729
ACN 101 084 557

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LENNOX HEAD
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F 02 6687 7782

www.geolink.net.au



13 September 2010
Ref No: 1291011

Benelong Haven Limited
Kinchela Creek
Via KEMPSEY NSW 2440

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13 September 2010
Ref No: 1291012

Booroongen Djugan Aboriginal Corporation
Locked Mail Bag 2
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Simon Waterworth
Senior Planner / Principal

ABN 79 896 839 729
ACN 101 084 557

Return address:
PO Box 1446
COFFS HARBOUR
NSW 2450

COFFS HARBOUR
T 02 6651 7666
F 02 6651 7733

LENNOX HEAD
T 02 6687 7666
F 02 6687 7782

www.geolink.net.au



13 September 2010
Ref No: 1291013

Djigay Student Association
PO Box W349
KEMPSEY NSW 2440

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
Riverside Tavern)

An application under Part 3A of the Environmental Planning Assessment Act for 9 tourist
cabins is currently being prepared for the abovementioned site.

As part of this application an archaeological assessment is being prepared by Suzanne R
Hudson Consulting.

You are invited to register interest in the project and can register your interest by writing to
the undersigned either via written correspondence or email simonw@geolink.net.au. It
would be appreciated if you could respond within 10 working days of receipt of this letter.

Should you require any further clarification or information in regard to the project please
contact the undersigned.

Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal

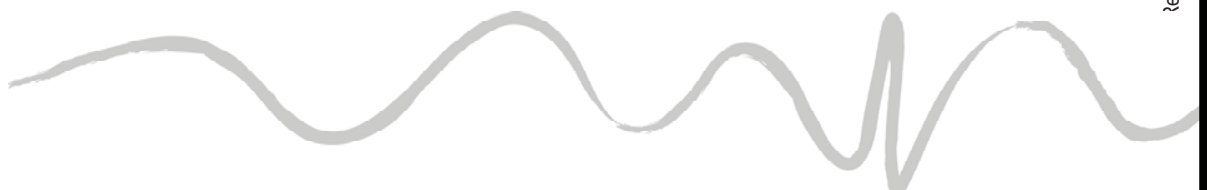
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13 September 2010
Ref No: 1291014

Goori Galbans Aboriginal Corporation
¾ John Street
KEMPSEY NSW 2440

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
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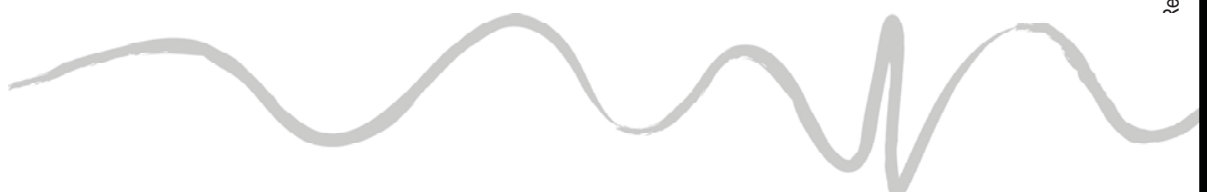
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F 02 6687 7782

www.geolink.net.au

13 September 2010
Ref No: 1291015

Guri Wa Ngundagar Aboriginal Corporation
PO Box 115
KEMPSEY NSW 2440

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
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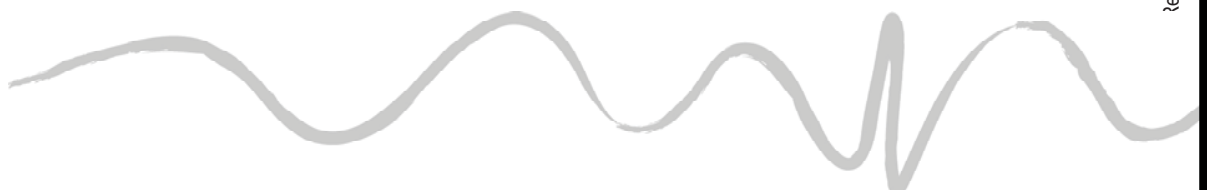
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Should you require any further clarification or information in regard to the project please
contact the undersigned.

Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal



quality solutions sustainable future

18 August 2010
Ref No: 1291793

Local Aboriginal Land Council - Kempsey
PO Box 540
KEMPSEY NSW 2440

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
Riverside Tavern)

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the undersigned either via written correspondence or email simonw@geolink.net.au. It
would be appreciated if you could respond within 10 working days of receipt of this letter.

Should you require any further clarification or information in regard to the project please
contact the undersigned.

Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal

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quality solutions sustainable future

18 August 2010
Ref No: 1291795

General Manager
Kempsey Shire Council
PO Box 78
WEST KEMPSEY NSW 2440

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
Riverside Tavern)

ABN 79 896 839 729
ACN 101 084 557

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An application under Part 3A of the Environmental Planning Assessment Act for 9 tourist
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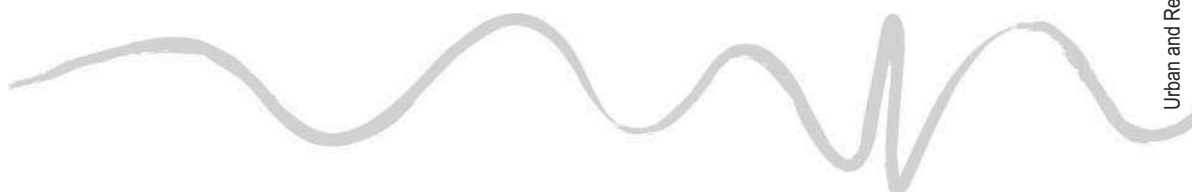
Could you please provide contacts details of any Aboriginal people that Council is aware of
that may have an interest in the project. Please provide details by writing to the
undersigned either via written correspondence or email simonw@geolink.net.au. It would
be appreciated if you could respond within 10 working days of receipt of this letter.

Should you require any further clarification or information in regard to the project please
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Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal



quality solutions sustainable future

18 August 2010
Ref No: 1291796

National Native Title Tribunal
GPO Box 9973
SYDNEY NSW 2001

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
Riverside Tavern)

ABN 79 896 839 729
ACN 101 084 557

Return address:
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An application under Part 3A of the Environmental Planning Assessment Act for 9 tourist
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undersigned either via written correspondence or email simonw@geolink.net.au. It would
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Should you require any further clarification or information in regard to the project please
contact the undersigned.

Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal



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18 August 2010
Ref No: 1291797

The Office Registrar of *Aboriginal Land Right Act 19 3*
PO Box 112
GLEBE NSW 2037

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
Riverside Tavern)

ABN 79 896 839 729
ACN 101 084 557

Return address:
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An application under Part 3A of the Environmental Planning Assessment Act for 9 tourist
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Hudson Consulting.

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Should you require any further clarification or information in regard to the project please
contact the undersigned.

Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal



quality solutions sustainable future

7 September 2010
Ref No: 1291953

Executive Director of Operations
Department of Environment, Climate Change and Water
Locked Bag 914
COFFS HARBOUR NSW 2450

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
Riverside Tavern)

ABN 79 896 839 729
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www.geolink.net.au

An application under Part 3A of the Environmental Planning Assessment Act for 9 tourist
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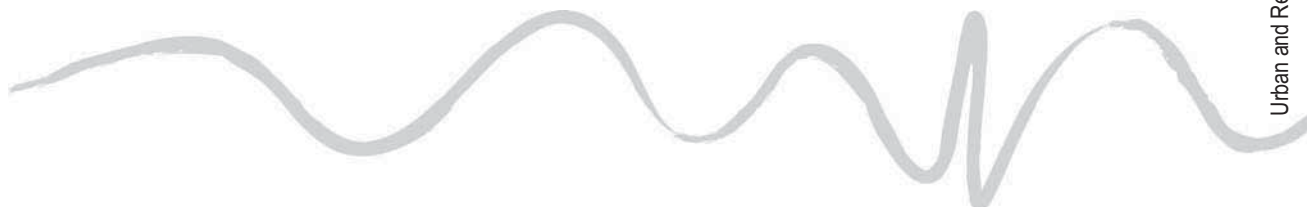
Could you please provide contacts details of any Aboriginal people that the Department is
aware of that may have an interest in the project. Please provide details by writing to the
undersigned either via written correspondence or email simonw@geolink.net.au. It would
be appreciated if you could respond within 10 working days of receipt of this letter.

Should you require any further clarification or information in regard to the project please
contact the undersigned.

Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal



13 September 2010
Ref No: 1291009

Nulla Nulla Boongutti Aboriginal Corporation
Willawarren Post Office
Via KEMPSEY NSW 2440

To whom it may concern:

Re: Archaeological Survey and Assessment of land described as Lot 4 DP 1022342,
cnr New Entrance Road and Marlon Drive, South West Rocks (Adjacent to the
Riverside Tavern)

An application under Part 3A of the Environmental Planning Assessment Act for 9 tourist
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the undersigned either via written correspondence or email simonw@geolink.net.au. It
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Yours sincerely
GeoLINK



Simon Waterworth
Senior Planner / Principal

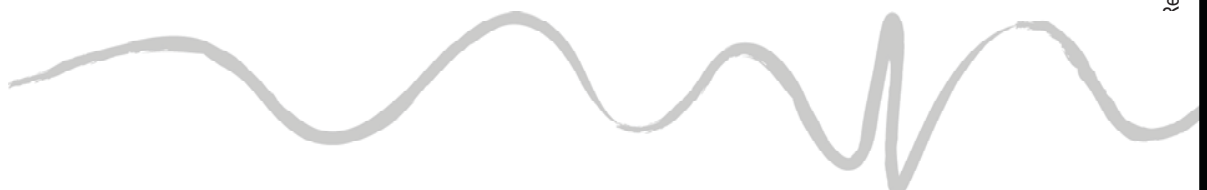
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COFFS HARBOUR
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www.geolink.net.au



Kim Casson

From: Cohen-McMeekin, Kashana [Kashana.Cohen-McMeekin@nntt.gov.au]
Sent: Monday, 23 August 2010 9:53 AM
To: Simon Waterworth
Subject: National Native Title Tribunal - Search Results
Attachments: Search results.pdf; NC94_5.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Simon,

Thank you for your native title search request over the Kempsey Local Government Area.

Attached are the:

- search results including a fact sheet to help you understand the search result; and
- a map of the application area.

If you need more information, please call me on 1800 640 501.

Regards,

Kashana Cohen-McMeekin | Acting Case Management Assistant/Search Coordinator

National Native Title Tribunal | New South Wales and Australian Capital Territory Registry

Level 25, 25 Bligh Street, Sydney, New South Wales 2000

Telephone (02) 9235 6300 | Facsimile (02) 9233 5613 | Email Kashana.Cohen-McMeekin@nntt.gov.au

Freecall 1800 640 501 | www.nntt.gov.au

Facilitating timely and effective outcomes.



23 August 2010

Simon Waterworth
Senior Planner/Principal
GeoLink
Po Box 1446
COFFS HARBOUR NSW 2450

**New South Wales and
Australian Capital Territory
Registry**

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000

Telephone (02) 9235 6300
Facsimile (02) 9233 5613

Our Reference: 3707/10kc

Your Reference: 1291796

Dear Simon

Native Title Search Results of Kempsey Local Government Area

Thank you for your letter of 18 August 2010.

My search on 23 August 2010 found:

Register Type	NNTT Reference Numbers
National Native Title Register	NC94/5
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included an extract from the National Native Title Register, mapping of the application area and a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

We will invoice you for \$21.45.

If you need more information please call me on 1800 640 501.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'K. Cohen-McMeekin', is written over a light blue rectangular background.

Kashana Cohen-McMeekin

Receptionist/Search Coordinator

Telephone (02) 9235 6300

Facsimile (02) 9235 5613

Email Kashana.Cohen-McMeekin@nntt.gov.au

Encl



**NATIONAL NATIVE
TITLE TRIBUNAL**

Extract from the National Native Title Register

Federal Court Number: NSD6002/96

Federal Court Name: Mary-Lou Buck v State of New South Wales & Ors

Determining Body: Federal Court of Australia

Determination Date: 07/04/1997

Additional Information:

Not Applicable

Prescribed Body Corporate:

Dunghutti Elders Council (Aboriginal Corporation)
Trustee Prescribed Body Corporate
c/- Native Title Unit
NSW Aboriginal Land Council
PARRAMATTA NSW 2150

Common Law Holders of Native Title:

The Dunghutti people

Matters Determined:

1. Native title exists in relation to land at Crescent Head being the land described in Schedules 2 and 3 hereto and lot 44 in Deposited Plan 822650, which lot is part of the land described in Schedule 1 hereto.
2. The native title in the said land comprises the communal rights and interests held by the Dunghutti people, conferring on them possession, occupation and enjoyment of the land to the exclusion of all others, such that the Dunghutti people may exercise whatever rights and interests (whether communal, group or personal) are recognised by their traditional laws and customs as in force at any relevant time, subject to any laws of the State of New South Wales or the Commonwealth of Australia which are not inconsistent with the Racial Discrimination Act 1975 or the Native Title Act 1993.
3. The rights and interests from time to time comprising the native title is to be held in trust for the common law holders by Dunghutti Elders Council (Aboriginal Corporation), a prescribed body corporate for the purposes of s.56 of the Native Title Act 1993.

The Court further notes:

1. That pursuant to subclauses (c) and (d) of clause 1 of the deed of agreement the applicant acknowledges that the native title rights and interests in that part of the land described in Schedule 1, other than the land described in Schedule 3 and lot 44 in Deposited Plan 822650, have been extinguished.

2. That the applicant has agreed pursuant to clause 9(a) of the deed of agreement on the amount of compensation of the extinguishment of those native title rights and interests.
3. That pursuant to clause 2 of the deed of agreement the applicant consents to the doing by the State of New South Wales of a future act in respect of the land described in Schedule 3 hereto, namely, the acquisition of the native title rights and interests in that land by compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 (NSW).
4. That pursuant to clauses 4 and 7 of the deed of agreement the native title rights and interests in lot 44 in Deposited Plan 822650 and in the land described in Schedule 2 hereto are to pass to the State of New South Wales at 5 pm today with the intention that the provisions of section 21(1)(a) of the Native Title Act 1993 shall have effect.

Attachments:

Attachment A1: Plan of lands described in the determination of 7/4/97, 1 Page, A4, Attached
7/4/97

Attachment B: Deed of Agreement 9/10/97; (Registered Number 685 Book 4156), 9 pages, A4,
7/4/97

(If not attached, these are available from the National Native Title Tribunal by phoning freecall 1800 640 501)

End of Entry



Searching the NNTT Registers in New South Wales

Search service

On request the National Native Title Tribunal will search its public registers for you. A search may assist you in finding out whether any native title applications (claims), determinations or agreements exist over a particular area of land or water.

In New South Wales native title cannot exist on privately owned land including family homes or farms.

What information can a search provide?

A search can confirm whether any applications, agreements or determinations are registered in a local government area. Relevant information, including register extracts and application summaries, will be provided.

In NSW because we cannot search the registers in relation to individual parcels of land we search by local government area.

Most native title applications do not identify each parcel of land claimed. They have an external boundary and then identify the areas not claimed within the boundary by reference to types of land tenure e.g., freehold, agricultural leasehold, public works.

What if the search shows no current applications?

If there is no application covering the local government area this only indicates that at the time of the search either the Federal Court had not received any claims in relation to the local government area or the Tribunal had not yet been notified of any new native title claims.

It does not mean that native title does not exist in the area.

Native title may exist over an area of land or waters whether or not a claim for native title has been made.

Where the information is found

The information you are seeking is held in three registers and on an applications database.

National Native Title Register

The National Native Title Register contains determinations of native title by the High Court, Federal Court and other courts.

Register of Native Title Claims

The Register of Native Title Claims contains applications for native title that have passed a registration test.

Registered claims attract rights, including the right to negotiate about some types of proposed developments.

Register of Indigenous Land Use Agreements

The Register of Indigenous Land Use Agreements contains agreements made with people who hold or assert native title in an area.

The register identifies development activities that have been agreed by the parties.

Application summaries

An application summary contains a description of the location, content and status of a native title claim.

This information may be different to the information on the Register of Native Title Claims, e.g., because an amendment has not yet been tested.

How do you request a search?

A search request form is available on the Tribunal's web site at:
<http://www.nntt.gov.au/registers/search.html>
This form says how much searches cost.
Mail, fax or email your request to the Tribunal's Sydney registry, identifying the local government area/s you want searched.

Email: SydneySearch@nntt.gov.au

Fax: (02) 9233 5613

Address: GPO Box 9973, Sydney NSW 2001

Phone: (02) 9235 6300

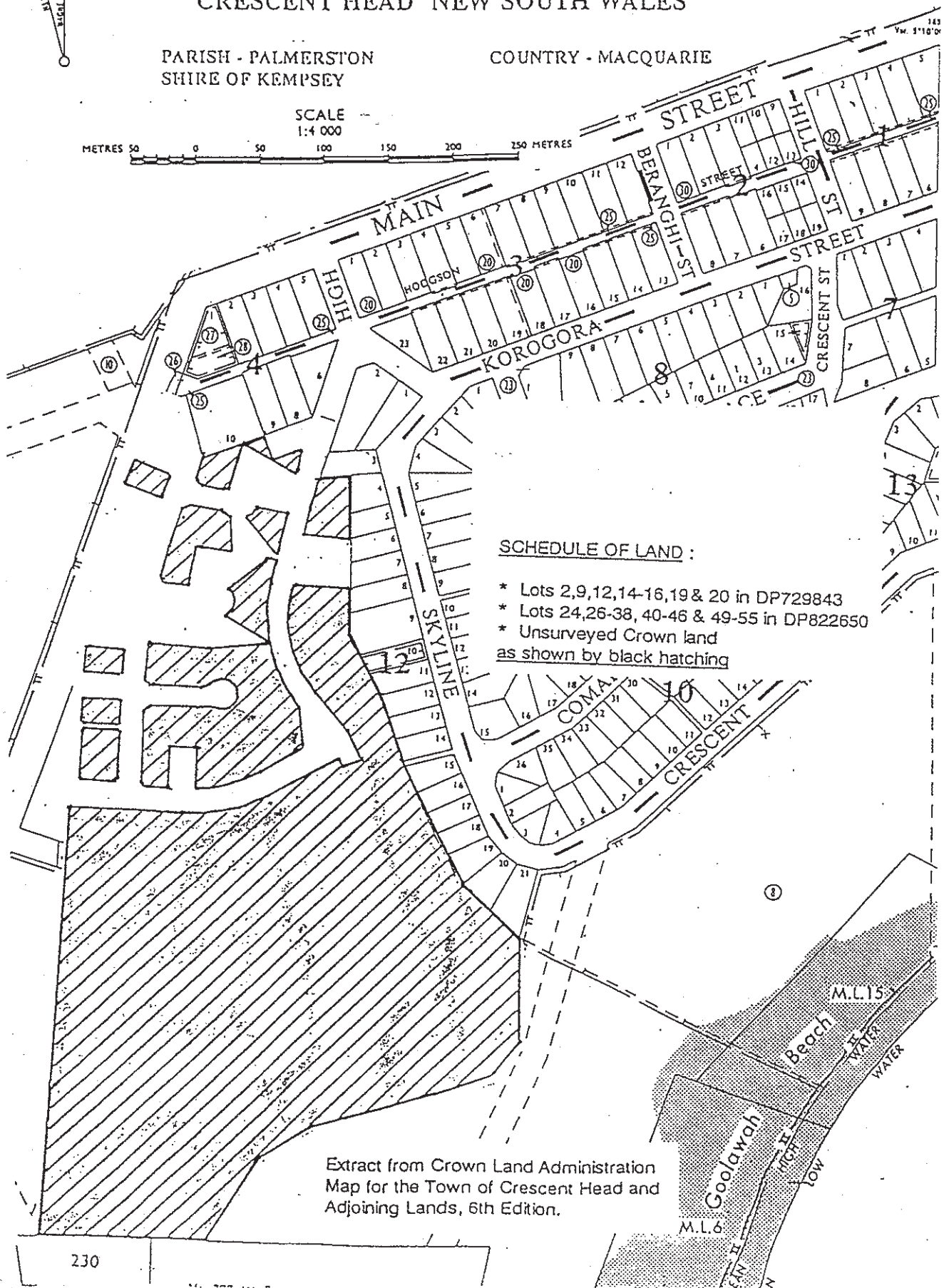
NATIVE TITLE DETERMINATION APPLICATION CRESCENT HEAD NEW SOUTH WALES

PARISH - PALMERSTON
 SHIRE OF KEMPSEY

COUNTRY - MACQUARIE

SCALE
 1:4 000

METRES 50 0 50 100 150 200 250 METRES





Environment, Climate Change & Water

Your reference 1291794
Date: 7 September 2010
Our reference: DOC10/39571
Contact: Rosalie Neve
(02) 66598221

Simon Waterworth
GeoLINK
PO Box 1446
COFFS HARBOUR NSW 2450

Dear Mr Waterworth

***RE: PROPOSED ARCHAEOLOGICAL SURVEY AND ASSESSMENT OF LOT 4
DP1022342 CNR NEW ENTRANCE ROAD AND MARION DRIVE, SOUTH WEST
ROCKS***

I refer to your correspondence, dated 18 August 2010, to the Department of Environment, Climate Change and Water (DECCW) for your project located within Kempsey LGA and described as proposed archaeological survey and assessment of Lot 4 DP1022342 Corner of New Entrance Road and Marion Drive, South West Rocks.

Please find attached a list of known Aboriginal parties that DECCW considers is likely to have an interest in your development. I note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with DECCW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Please also note that you can find a map at the back page of the 2010 consultation requirements which illustrate which regions of DECCW you need to contact according to which local government area your project falls within. Full details of the consultation requirements and the relevant fact Sheets can be located on our website at: <http://www.environment.nsw.gov.au/licences/consultation.htm>

If you encounter any changes to the contact details of interested Aboriginal parties, or become aware of additional parties, we encourage you to forward this information to the DECCW so we can update our records.

If you have any further questions regarding this matter, please contact Rosalie Neve, Aboriginal Heritage Planning Officer on (02) 6659 8221.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Paddington', written in a cursive style.

SARAH PADDINGTON
A/Manager Planning and Aboriginal Heritage
Environment Protection & Regulation Group

Enclosure

1. Nulla Nulla Boongutti Aboriginal Corporation
Willawarren Post Office
Via KEMPSEY 2440
2. South Kempsey Aboriginal Men's Group
75 Middleton Street
SOUTH KEMPSEY 2440
3. Benelong Haven Limited
Kinchela Creek
Via KEMPSEY 2440
4. Booroongen Djungan Aboriginal Corporation
Locked Mail Bag 2
KEMPSEY 2440
5. Djigay Student Association
PO Box W349
KEMPSEY 2440
6. Goori Galbans Aboriginal Corporation
¾ John Street
KEMPSEY 2440
7. Guri Wa Ngundagar Aboriginal Corporation
PO Box 115
KEMPSEY 2440
8. Kempsey Local Aboriginal Land Council
PO Box 540
KEMPSEY 2440

ATT: Mr Simon Waterworth
GeoLINK
PO Box 1446
COFFS HARBOUR NSW 2450

Re: Comments on Archaeological Report for Riverside Tourist Cabins

I Elizabeth Holden undertook a site inspection with Suzanne Hudson in regard to the abovementioned project. I have reviewed the report prepared by Miss Hudson and have no further comment to make in regard to the proposal.

Yours Sincerely,



Elizabeth Holden