



WEST CULBURRA
CULBURRA BEACH, NEW SOUTH WALES
ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

Prepared for SEALARK PTY LTD

23 July 2024

Final

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ACKNOWLEDGEMENT OF COUNTRY

We respect and acknowledge the First Nations Peoples of the lands and waterways on which we live and work, their rich cultural heritage, and their deep connection to Country, and we acknowledge their Elders past and present.

CULTURAL WARNING

Aboriginal and Torres Strait Islander readers are advised that this report may contain images or names of First Nations people who have passed away.

The logo for Austral Archaeology features a stylized white icon of a person with arms raised, positioned to the left of the company name. The word "AUSTRAL" is written in a large, bold, white sans-serif font, and the word "ARCHAEOLOGY" is written in a smaller, white sans-serif font directly beneath it.

AUSTRAL
ARCHAEOLOGY

EXECUTIVE SUMMARY

Austral Archaeology Pty Ltd (Austral) has been commissioned by Sealark Pty Ltd (the Proponent) to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the proposed mixed-use subdivision and development at lots 1 and 3, DP1279350, and lot 1, DP1305809, Culburra Road, Culburra Beach, New South Wales (NSW) [the study area].

The study area is within the Shoalhaven Local Government Area, and the parish of Numbaa in the county of St. Vincent; as well as the boundaries of the Jerrinja Local Aboriginal Land Council. It is approximately 600 metres west of the Culburra Beach Central Business District.

Over the course of archaeological investigations on the study area, a total of 16 sites located within the study area have been registered on the Aboriginal Heritage Information Management System (AHIMS), as well as a further 6 sites noted to be in the immediate vicinity of the study area, identified along the Curley's Bay foreshore. An overview of these is included below.

Site Name	Details
Culburra 13 (AHIMS #52-5-0182)	Multiple compact shell middens
Culburra 14 (AHIMS #52-5-0183)	Open shell midden
Culburra 12 (AHIMS #52-5-0186)	Shell midden
West Culburra 3/A (AHIMS #52-5-0649)	Isolated find
West Culburra 4/A (AHIMS #52-5-0650)	Low-density, open artefact scatter
West Culburra 4/B (AHIMS #52-5-0651)	Low-density, open artefact scatter
Halloran Isolated Find (AHIMS #52-5-0900)	Isolated find
WCB Isolated Find (AHIMS #52-5-1068)	Isolated find
WCB Midden Site (AHIMS #52-5-1077)	Shell midden
WCB Isolated Find 5 (AHIMS #52-5-1112)	Isolated find
WCB Isolated Find 4 (AHIMS #52-5-1113)	Isolated find
WCB Isolated Find 3 (AHIMS #52-5-1114)	Isolated find
WCB Isolated Find 2 (AHIMS #52-5-1115)	Isolated find
WCB Artefact Scatter 3 (AHIMS #52-5-1116)	Low-density, subsurface artefact scatter
WCB Artefact Scatter 2 (AHIMS #52-5-1117)	Low-density, subsurface artefact scatter
WCB Artefact Scatter 1 (AHIMS #52-5-1118)	Low-density, subsurface artefact scatter
SITES IDENTIFIED IN THE VICINITY OF THE STUDY AREA	
Curleys Bay (AHIMS #52-5-0057)	Shell midden; artefact scatter
Shelly Point Campsite (AHIMS #52-5-0114)	Shell midden; open camp site
Culburra 9 (AHIMS #52-5-0179)	Shell midden
Culburra 10 (AHIMS #52-5-0180)	Shell midden
Culburra 11 (AHIMS #52-5-0181)	Shell midden
Culburra 16 (AHIMS #52-5-0185)	Open shell midden

The purpose of this document is to mitigate the potential for impact or harm associated with the development and subsequent use of the study area. This ACHMP is intended to function as a guiding document for the ongoing management of Aboriginal cultural heritage items, and values associated with the known cultural heritage therein.

This report has been prepared in consultation with registered Aboriginal stakeholders to ensure that community voices are heard in the management of their culture, with regard to both heritage values and land management activities generally. Consultation undertaken to support the development of this ACHMP has been completed in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010) and *Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environmental Protection and Biodiversity Conservation Act 1999* (DCCEEW, 2023).

MANAGEMENT CONDITIONS

Austral, in consultation with the Proponent and registered stakeholder parties, has developed a series of management conditions for the study area and all Aboriginal sites within its immediate vicinity. For clarity, these have been allocated into sub-groups. These heritage management conditions, along with their required actions, are detailed below.

THE ADVISORY GROUP

1. Before the first Subdivision Works Certificate, Construction Certificate, or comparable approval being granted, Sealark Pty Ltd will establish an advisory group to oversee and assist with the implementation and oversight of this ACHMP.
 - a. This group will include representatives from the following entities, or individuals on their behalf:
 - i. Sealark Pty Ltd
 - ii. The Aboriginal Community (as defined in the Development Consent for the West Culburra Mixed Use Concept Plan [SSD3846]) [Appendix A].
 - The Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010) state that Aboriginal people should have the right to maintain their culture. To ensure this group is consistent with the relevant policies and guidelines as written by Heritage NSW, the Aboriginal Community should hold no fewer than 50% of the seats on the Advisory Group.
 - b. Sealark Pty Ltd should also offer seats on the Advisory Group to NSW Crown Lands and Shoalhaven City Council.
 - c. Sealark Pty Ltd will be responsible for preparing Terms of Reference for this Advisory Group, noting that these must be consistent with the conditions detailed in this ACHMP.
2. The Advisory Group is to meet on a regular basis, no less than once in a given 12-month period.
 - a. The Advisory Group may hold meetings in person or via a digital platform, whichever is the most practical for all involved parties.
 - b. While it is understood that correspondence between group members through email is likely, this will not be considered as a replacement for the required annual meeting.

3. The Advisory Group is to be responsible for:
 - a. Review, oversight, and implementation of the management conditions detailed in this ACHMP.
 - b. The establishment and tracking of timelines for the implementation of these conditions.
 - c. Identification and reporting of unforeseen impacts to Aboriginal cultural heritage in the vicinity of the proposed works.
 - d. Providing advice to all relevant entities regarding the development of appropriate management strategies for Aboriginal cultural heritage sites, within the scope of this ACHMP.
 - e. Authoring an annual status report, including an overview of the implementation of the ACHMP and the observed outcomes of the management conditions detailed herein.
 - i. This report is to be submitted by email to Heritage NSW and the Biodiversity Conservation Division within the NSW Department of Planning and Environment through community.compliance@environment.nsw.gov.au.
4. The Advisory Group will have the authority to replace its members, or to select additional members, so long as all modifications comply with Condition 1a.
 - a. Within 12 months of the conclusion of subdivision works associated with the West Culburra Concept Approval, Sealark Pty Ltd is to stand down from its role within the Advisory Group. This supersedes Condition 1ai.
 - b. Parties that resign from their role within the Advisory Group should give 28 days notice, so an appropriate replacement may be identified.
5. The Advisory Group may be subsumed by an existing group or committee at any stage of the development process, so long as that entity complies with Conditions 1a and 4a.
6. Sealark is to be the initial entity responsible for financing the management conditions and associated activities detailed in this ACHMP.
 - a. Following the establishment of the Advisory Group, and with the consent of all involved parties, a different entity may be declared responsible for financing some or all of these activities.
 - b. If the entity responsible for financing these activities chooses to abdicate their position within the Advisory Group under Condition 4b, they must give 90 days notice. They retain their financial obligation until a new entity assumes the role, or until the end of this period.
7. The Advisory Group will have the authority to suggest changes to this ACHMP and to its own Terms of Reference, if required.
8. The Advisory Group must notify Heritage NSW in writing as soon as practicable after becoming aware of:
 - a. Any perceived contravention of the *National Parks and Wildlife Act 1974*.
 - b. Any perceived contravention of the Management Conditions detailed in this ACHMP.

CONDITIONS IN ADVANCE OF THE PROPOSED DEVELOPMENT

9. The Advisory Group, or agents on their behalf, are to engage representatives from the *Aboriginal Community* for maintenance and monitoring works detailed within the scope of this ACHMP.
10. This ACHMP, and the associated Aboriginal Cultural Heritage Assessment (ACHA), are to be included in any relevant development applications for the West Culburra site undertaken in relation to the West Culburra Concept approval. This must include:
 - a. An up-to-date record of community consultation completed for this project.
 - b. An overview of modifications made to the proposed works in response to the aforementioned consultation, if any.
 - c. Should the concept proposal be altered to include impacts not currently assessed by the ACHA, additional Aboriginal heritage research will be required.
 - i. If the potential alterations detailed in Condition 10c are considered to be low impact, these can be completed as a letter addendum attached as an appendix to the associated ACHA.
 - d. Condition 10, and all associated sub-conditions, do not extend to Development Applications for buildings on any allotments registered under the West Culburra Concept approval where bulk earthworks have already been completed.
11. Prior to the start of vegetation clearance activities in any area associated with the West Culburra Concept approval, Sealark Pty Ltd shall engage representatives from the *Aboriginal Community* to undertake a program of seed collection and propagation from endemic or culturally significant flora that are located within the area proposed for disturbance.
 - a. Additional opportunities for collections in this manner may be organised between the Advisory Group and any respective landholders, should the community express further interest.
12. A reasonable attempt must be made to engage members of the *Aboriginal Community* for a smoking ceremony prior to the start of vegetation clearance activities in any area associated with the West Culburra Concept approval.
 - a. The details of this – including date, scope, and logistics – are to be determined between Sealark Pty Ltd, the Advisory Group, and *Aboriginal Community*.
 - b. All associated activities must be undertaken in compliance with local ordinance.
13. Before commencement of any works in its vicinity, AHIMS site #52-5-1077 shall be culturally excavated by the *Aboriginal Community*. It is noted that this is a cultural excavation, not archaeological, and therefore no analysis of the excavated material is required.
 - a. The excavation is to be completed exclusively by the *Aboriginal Community*, not by the developer.
 - i. This is to include a program of monitoring, to ensure any unexpected finds are treated accordingly.
 - b. Sealark Pty Ltd is responsible for providing access to AHIMS #52-5-1077 for the purposes of this excavation.

- i. Pursuant to this, Sealark Pty Ltd may request that all parties accessing the midden sign a waiver absolving Sealark of any liabilities relating to the excavation.
 - c. The representatives from the *Aboriginal Community* that complete the excavation will assume responsibility for the associated materials.
 - i. This must comply with Requirement 26 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2011), which requires the person or organisation to enter into a care agreement with Heritage NSW.
 - ii. Any long-term storage or reburial on private property may only be undertaken with the written consent of the landholder.
 - d. In accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010), Aboriginal people should have the right to maintain their culture. Therefore, the Aboriginal Community has the sole right to propose what comes of the excavated materials (i.e. interpretive use, relocation, etc.)
14. Prior to the commencement of any ground disturbing works or activities, an Aboriginal Heritage Impact Permit (AHIP) will be required for sites identified in the ACHA as being subject to impacts.
- a. Should the concept design be altered, additional impact permits may be required.
 - b. Temporary boundary fencing must be installed no less than:
 - i. 40 metres from any midden associated with the Crookhaven River Midden Complex.
 - ii. 10 metres from the listed boundary of any AHIMS registered artefact site.
 - c. Temporary boundary fencing is to be either steel construction fencing, or parawebbing.
 - i. The developer should also consider installing temporary fencing on the site boundary to prevent impacts outside the AHIP area. This must be completed in a manner that does not harm the cultural heritage values of the site.
 - d. For sites outside the study area, fencing is to be installed at the boundary of the proposed construction works.
15. Any site workers involved in subdivision construction activities shall complete cultural awareness training prior to starting works for the proposed activity.
- a. The content of this training should be determined through consultation with the Aboriginal Community, and is to be approved by the Advisory Group.

MONITORING AND REPORTING

16. Sealark Pty Ltd shall engage a Site Officer from the *Aboriginal Community* to undertake monitoring tasks during development. Sealark Pty Ltd may choose to engage multiple Site Officers, to ensure that a representative is readily available when works are being undertaken.
- a. Archaeological monitoring is a requirement of any ground disturbing works in areas identified as being of high or moderate archaeological potential.
 - b. A Site Officer should be present on site during the initial installation of utilities and infrastructure.

- c. The Advisory Group, in consultation with the *Aboriginal Community*, will have the authority to alter this condition so monitoring works are required during only a portion of the ground-disturbing works.
 - i. The altering of this condition will require the Advisory Group to prove that monitoring works have been ineffective for the site conditions.
 - ii. If this Condition is altered, the exact percentage of time on site should be determined through consultation with the *Aboriginal Community*. However, this is to be no less than 20% of the total time spent completing ground disturbing works for the West Culburra project.
 - d. The developer must provide reasonable access to the study area to staff from Heritage NSW or the NSW Department of Planning and Environment, for the purposes of administering this ACHMP or inspecting areas therein, as required.
17. An incidental finds policy is to be established, so as to preserve any cultural materials unearthed during the ground disturbance activities associated with the West Culburra project.
- a. Incidental finds are to be added to the West Culburra artefact assemblage, as identified during test excavations in 2023, and reburied with these.
 - i. Currently, consultation with the Aboriginal Community is ongoing, and the final location of this reburial is to be determined.
 - b. Artefact materials recovered in this capacity will be considered as having been subject to a cultural collection, and there will be no requirement to analyse any such collected materials.
18. All human remains in, on, or under the land must not be harmed. In the event of the discovery of human remains:
- a. All works in the vicinity are to cease. The remains should not be further moved or disturbed.
 - b. NSW Police must be contacted immediately, they will then notify the coroner's office.
 - c. If the remains are determined to be of Aboriginal origin, the *Aboriginal Community* and Heritage NSW must be notified. This is to include details of the remains, and of their location.
 - d. An appropriate "no-go" area must be established.
 - i. The extents of this area will be determined through consultation with NSW Police, Heritage NSW, the Aboriginal Community, and (if necessary) a suitably qualified archaeologist.
19. The Advisory Group must notify the NSW Department of Planning and Environment when works associated with the West Culburra Concept Development have been completed.

LONG TERM MANAGEMENT OF THE CROOKHAVEN RIVER MIDDEN COMPLEX

20. Representatives of the Aboriginal Community will be engaged to completed 'Condition Monitoring Surveys' of the Crookhaven River Midden Complex, adjacent to the site on a 12-monthly basis.
- a. The outcomes of these surveys will be provided to the working group, and will inform the annual report required under Condition 3e

21. The land associated with the Crookhaven River Midden Complex has been identified by the *Aboriginal Community* as a landscape that has significance for Aboriginal culture. As such, they have requested that this area be declared an Aboriginal Place under the *National Parks and Wildlife Act 1974*.
- a. This nomination is to be completed by members of the Aboriginal community, and must be done in accordance with Part 6, Section 84 of the given Act.
 - b. This ACHMP, and the associated ACHA and anthropological assessment, are noted to be sufficient documentation to support this declaration.
 - i. If required, Sealark Pty Ltd must provide the Aboriginal Community with copies of these reports to furnish this purpose, as required.
 - c. Sealark Pty Ltd must make efforts to ensure that the Aboriginal Community is able to access the Crookhaven River Midden Complex, both during the proposed works and following the completion of the concept development.

LONG TERM MANAGEMENT OF HERITAGE VALUES

22. The Advisory Group shall consider the use of locally-significant Aboriginal cultural concepts when naming the following items:
- a. Estates;
 - b. Streets;
 - c. Public Reserves; and
 - d. Additional infrastructure not listed here, where appropriate.
- Note: Whilst the Advisory Group can suggest names, these will need to be subject to approval by the Geographical Names Board of NSW.*
23. The Advisory Group shall provide advice to Sealark Pty Ltd on the installation of interpretive signage around the development where appropriate, to educate residents and visitors about the significance of the surrounding area to the Jerrinja Aboriginal community.
24. The Advisory Group shall provide advice to Sealark on the design of hard and soft landscaping features to be installed around the development, where appropriate, to introduce local Aboriginal cultural concepts into the development. This may include:
- a. Public art;
 - b. Footpath decoration; and
 - c. Additional unlisted landscape features, where appropriate.

Note: Whilst the Advisory Group can suggest particular landscaping features, these will need to be consistent with the approved Concept Approval and may be subject to the approval by Shoalhaven City Council.

25. This ACHMP is to be reviewed by the Compliance and Regulation department of the NSW Department of Planning and Environment, and by Heritage NSW, no less than once every 10 years to ensure that the management strategies and conditions listed are still appropriate.

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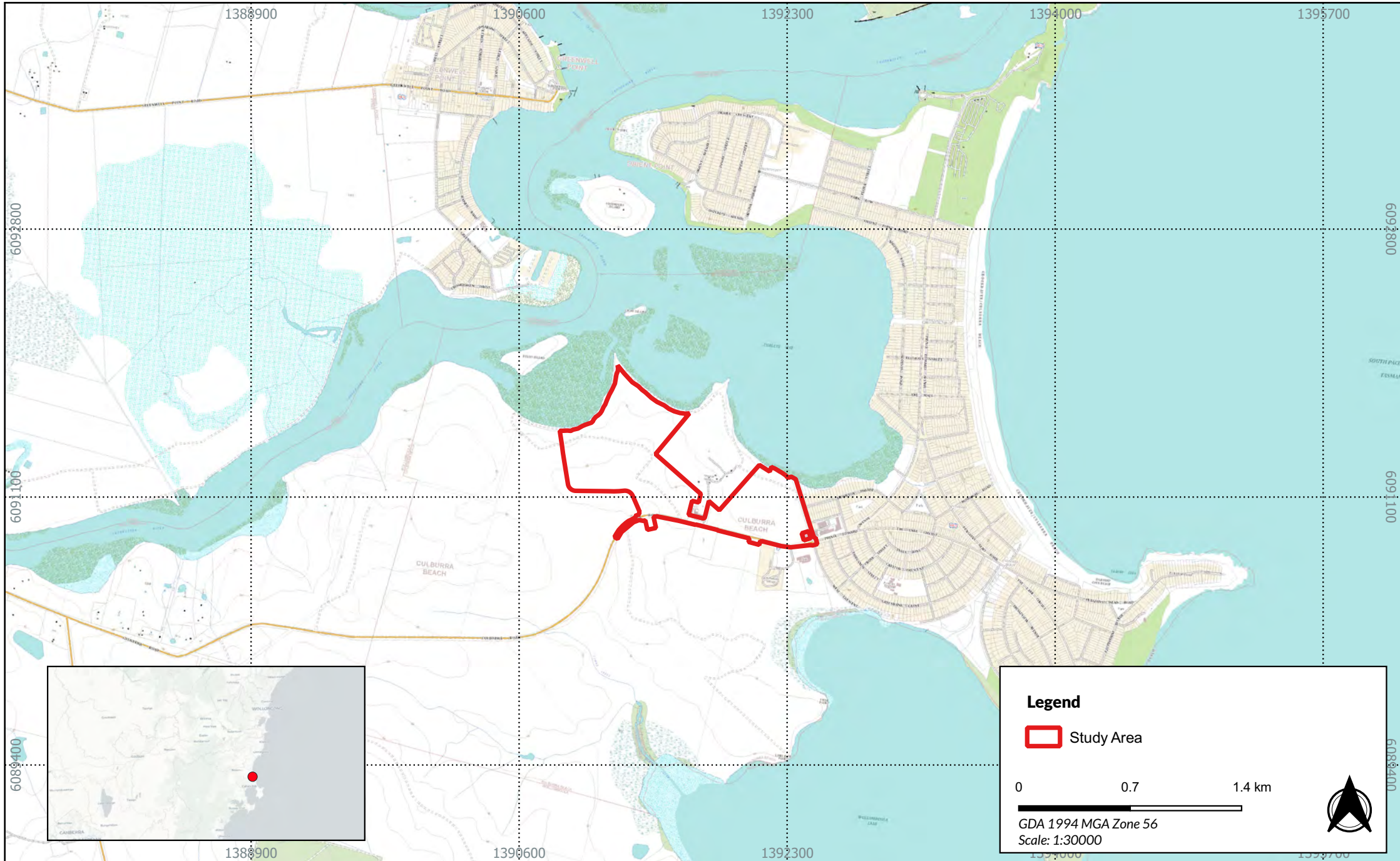
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ABBREVIATIONS

The following are common abbreviations that are used within this report:

ACHA	Aboriginal Cultural Heritage Assessment
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
Austral	Austral Archaeology Pty Ltd
CBD	Central Business District
Client, the	Sealark Pty Ltd
Code, the	<i>The Code of Practice for Investigation of Aboriginal Objects in NSW</i>
EPA Act	<i>The Environmental Planning and Assessment Act 1979</i>
LALC	Local Aboriginal Land Council
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019</i>
NSW	New South Wales
PAD	Potential Archaeological Deposit
RAP	Registered Aboriginal Party
SSD	State Significant Development
Study area, the	Lots 1, 2, and 3, DP1279350 Culburra Road, Culburra Beach, NSW



Map 1.1 - Location of study area

22054 - Culburra Road, Culburra Beach NSW - ACHMP

Source: NSW LPI Basemap, CartoDB Positron

Drawn by: ARH Date: 2024-05-30

1. INTRODUCTION

Austral Archaeology Pty Ltd (Austral) has been commissioned by Sealark Pty Ltd (the Client) to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the mixed-use subdivision and development at lots 1 and 3, DP1279350, and lot 1 DP1305809 Culburra Road, Culburra Beach, New South Wales (NSW) [the study area]; being the location of the study area as shown in Map 1.1.

This report has been completed in association with an Aboriginal Cultural Heritage Assessment (ACHA) [Austral, 2024].

1.1. REASON FOR PREPARING THE PLAN

The Proponent has been instructed to prepare an ACHMP following the NSW Land and Environment Court's determination via SSD3846. The directive, issued with reference to the *Environmental Planning and Assessment Act 1979* (EPA Act), included the conditions of development approval listed in Section 3.2.

The purpose of this ACHMP is to identify and assess the nature, extent and significance of Aboriginal Cultural Heritage Places within the study area. The ACHMP has provided compliance conditions including mitigation, protection and contingency plans, and procedures for the management of cultural heritage values.

1.2. STUDY AREA

The proposed works are to be carried out within portions of lots 1 and 3, DP 1279350, and lot 1 DP1305809, Culburra Road, Culburra Beach NSW (Table 1.1). This is within the Shoalhaven Local Government Area, and the parish of Numbaa in the county of St. Vincent; as well as the boundaries of the Jerrinja Local Aboriginal Land Council (LALC). It is approximately 600 metres west of the Culburra Beach Central Business District (CBD), being approximately 120.7 kilometres southwest of Sydney CBD, approximately 14 kilometres from the Nowra township, and totalling an area of approximately 62.3 hectares.

Table 1.1 Cadastral details of the study area.

Address	453 Culburra Road, Culburra Beach NSW 2540
Standard Parcel Identifier	1/-/DP1279350
	3/-/DP1279350
	1/-/DP1305809
Local Government Area	Shoalhaven
Parish	Numbaa
UTM Zone	56

1.3. PROJECT TEAM

This ACHMP has been prepared by Jake Allen (Archaeologist, Austral), who has managed Austral's engagement on this project and facilitated development of the management recommendation. The GIS mapping contained within the report has been conducted by Adam Hansford (GIS Operator, Austral) and Finn Otley (GIS Operator, Austral). Alexander Beben (Director, Austral) reviewed the draft report for quality assurance and technical adequacy.

2. ACTIVITY DESCRIPTION

2.1. EXPLANATION OF THE PROPOSED ACTIVITY

The proposed activity at this stage consists of development of the study area and adjacent road reserves to include a combination of residential, commercial, and industrial areas as well as services and infrastructure in the development area. Construction of these items will include vegetation clearance, ground leveling, large-scale excavation, and installation of structures and amenities. Details of the proposed activities in relation to archaeological potential and sites registered on the Aboriginal Heritage Information Management System (AHIMS) are provided in Map 2.1 and Map 2.2, respectively.

2.2. EXISTING CONDITIONS

Development conditions, as per state significant development (SSD) approval SSD3846 as approved by the NSW Land and Environment Court on 21 December 2021, are included in Section 3.2.

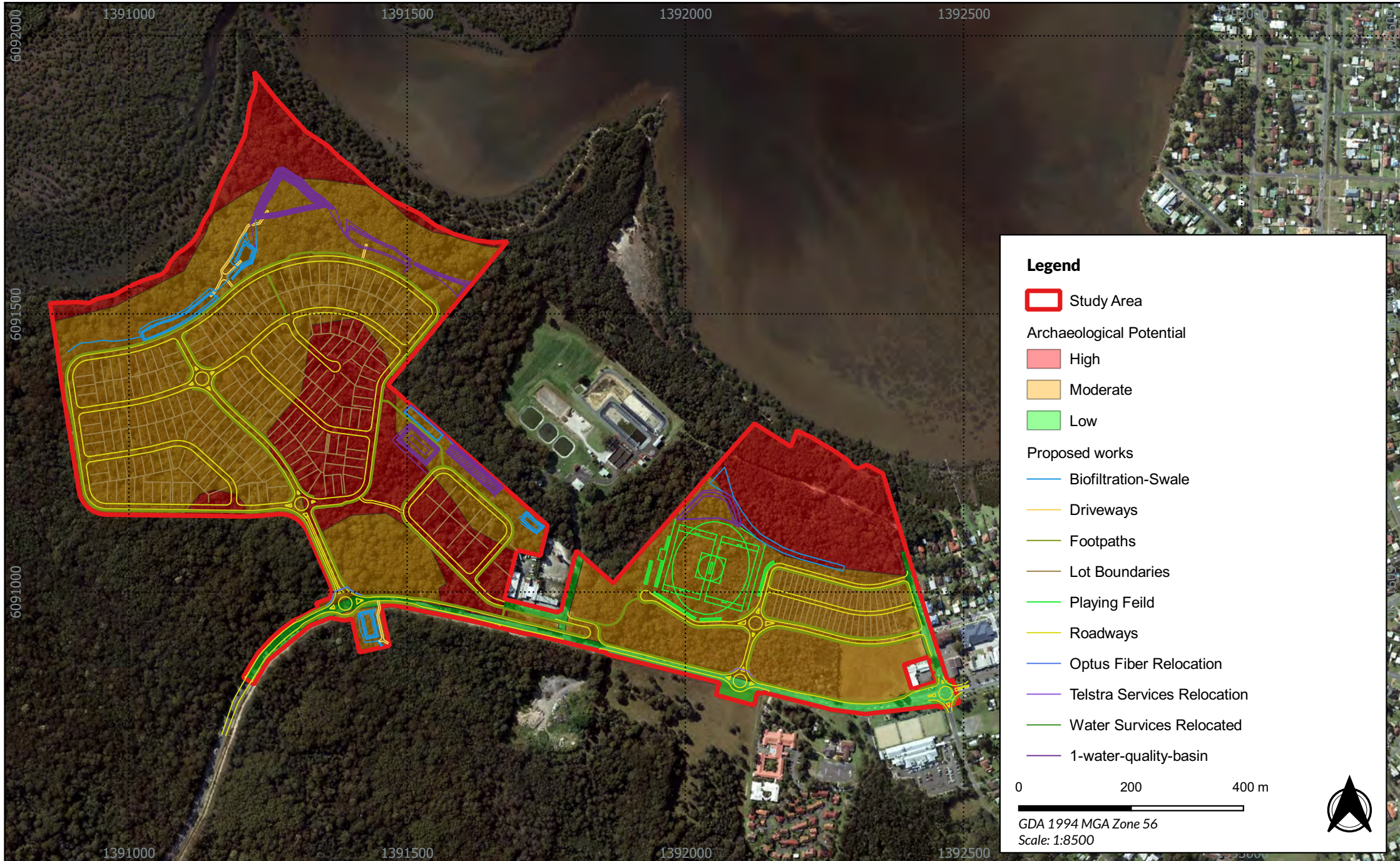
2.3. IMPACT OF THE PROPOSED ACTIVITY

The ACHA undertaken in association with this ACHMP has included a programme of investigations that have characterised the nature, extent, and significance of Aboriginal sites within the study area; as well as an assessment of impact under the current proposed works (Table 2.1).

Table 2.1 Assessment of harm to identified Aboriginal sites.

Site name	Type of harm	Degree of harm	Consequence
Culburra 13 (AHIMS #52-5-0182)	None	None	No loss of value
Culburra 14 (AHIMS #52-5-0183)	None	None	No loss of value
Culburra 12 (AHIMS #52-5-0186)	None	None	No loss of value
West Culburra 3/A (AHIMS #52-5-0649)	None	None	No loss of value
West Culburra 4/A (AHIMS #52-5-0650)	None	None	No loss of value
West Culburra 4/B (AHIMS #52-5-0651)	None	None	No loss of value
Halloran Isolated Find (AHIMS #52-5-0900)	None	None	No loss of value
WCB Isolated Find (AHIMS #52-5-1068)	None	None	No loss of value
WCB Midden Site (AHIMS #52-5-1077)	Direct	Total	Total loss of value
WCB Isolated Find 5 (AHIMS #52-5-1112)	Direct	Total	Total loss of value
WCB Isolated Find 4 (AHIMS #52-5-1113)	Direct	Total	Total loss of value
WCB Isolated Find 3 (AHIMS #52-5-1114)	Direct	Total	Total loss of value
WCB Isolated Find 2 (AHIMS #52-5-1115)	None	None	No loss of value
WCB Artefact Scatter 3 (AHIMS #52-5-1116)	Direct	Total	Total loss of value
WCB Artefact Scatter 2 (AHIMS #52-5-1117)	Direct	Total	Total loss of value
WCB Artefact Scatter 1 (AHIMS #52-5-1118)	Direct	Total	Total loss of value

It is noted that this does not include those sites identified outside the boundaries of the current study area, as no harm is forecast for these sites.

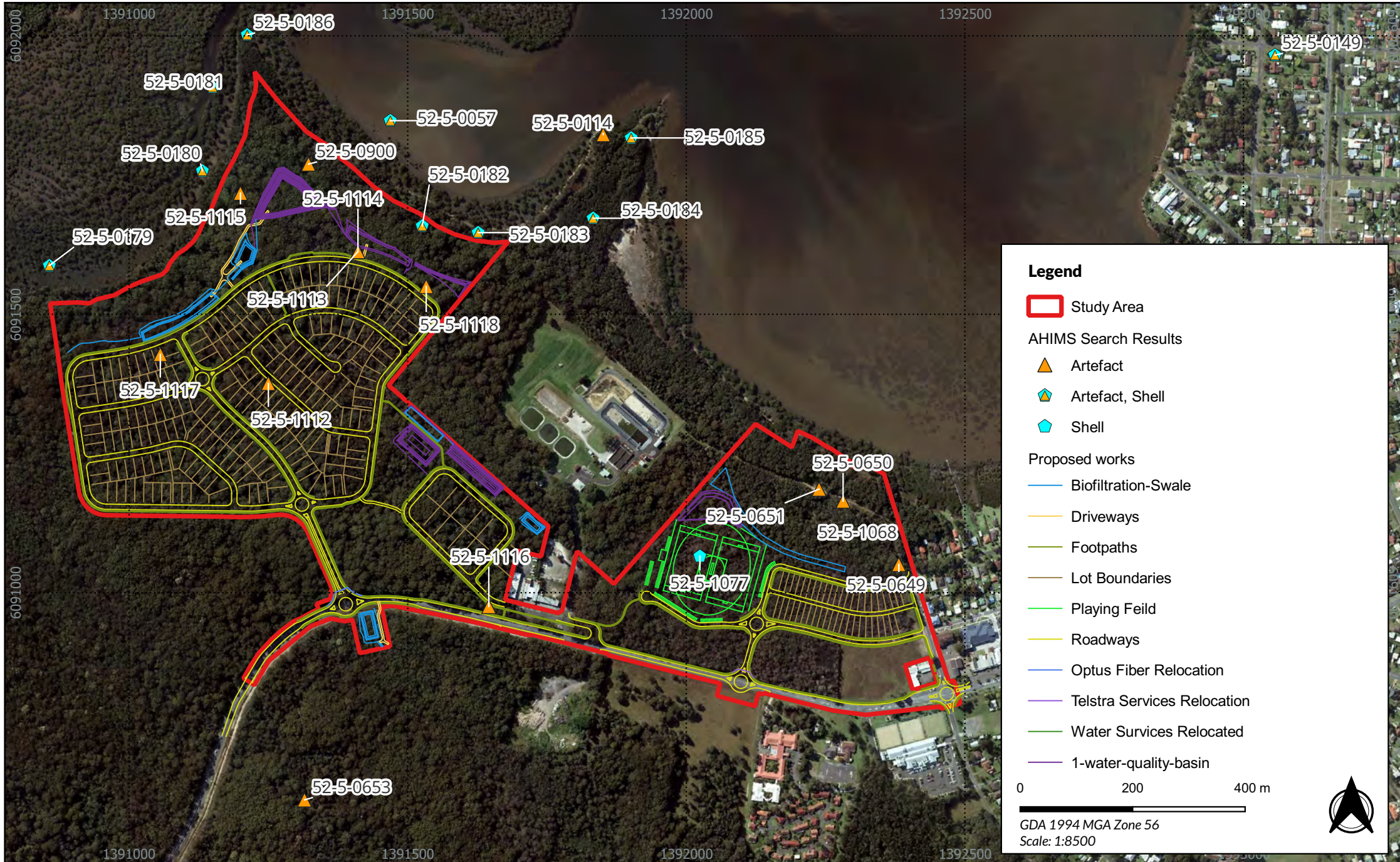


Map 2.1 - Proposed activity in relation to archaeological potential

22054 - Culburra Road, Culburra Beach NSW - ACHMP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-07



Map 2.2 - Proposed activity in relation to AHIMS registered sites

22054 - Culburra Road, Culburra Beach NSW - ACHMP

Source: NSW LPI Aerial

Drawn by: ARH Date: 2024-06-07

3. LEGISLATION AND GUIDELINES

The following legislation, guidelines, policies, and plans provide the statutory management framework for the management of Aboriginal sites and objects within the study area. Requirements, strategic direction, and guidance are referred to in each section of this ACHMP as relevant.

The relevant Australian acts and guidelines that are applicable, or have the potential to be triggered, with regards to the proposed development are outlined in Table 3.1 and Table 3.2.

3.1. LEGISLATION

Table 3.1 Federal Acts.

Act	Applicability and implications
<i>Environmental Protection and Biodiversity Conservation Act 1999</i>	This Act has not been triggered and so does not apply, on the basis that: - No sites listed on the National Heritage List are present or in close proximity to the study area. - No sites listed on the Commonwealth Heritage List are present or in close proximity to the study area.
<i>Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 1987</i>	Applies, due to: This Act provides blanket protection for Aboriginal heritage in circumstances where such protection is not available at the State level. This Act may also override State legislations.

Table 3.2 State Acts.

Act	Applicability and implications
<i>National Parks and Wildlife Act 1974</i> (NPW Act)	This Act is triggered by the presence of Aboriginal cultural material associated with those sites identified in Section 2. It offers the following protection: - Section 86: prohibits both knowingly and unknowingly causing harm or desecration to any Aboriginal object or place without either an Aboriginal Heritage Impact Permit (AHIP), or a suitable defence from the Act. - Section 87: Allows for activities to be carried out under an AHIP or following due diligence to be a defence against the harm of an Aboriginal object. - Section 89A: Requires that Heritage NSW must be notified of any Aboriginal objects discovered within a reasonable time. - Section 90: Required an application for an AHIP in the case of destruction of a site through development or relocation.
<i>National Parks and Wildlife Regulation 2019</i> (NPW Regulation)	Applies, due to: - Section 57A states minimum standards of due diligence which must be carried out - Section 60 requires an Aboriginal community consultation process to be undertaken before applying for an AHIP. - Section 61 requires production of a cultural heritage assessment report to accompany AHIP applications.

Act	Applicability and implications
<i>NSW Heritage Act 1977</i>	This Act has not been triggered and so does not apply, on the basis that: There are no sites listed on the State Heritage Inventory associated with the study area.

3.2. CONDITIONS OF DEVELOPMENT CONSENT

This ACHMP is informed by the approvals history associated with the proposed works, this includes the following:

- On 29 April 2010, a request for Director-General's environmental assessment requirements was lodged on behalf of the Client.
 - This was done alongside a supporting ACHA (South East Archaeology Pty Ltd, 2012) for determination under Part 3A of the EPA Act.
- In 2015, the development was transitioned to an SSD
- On 16 June 2018, the NSW Department of Planning and Environment recommended refusal of the original Concept application.
 - On 17 October 2018, the NSW Independent Planning Commission refused this concept.
- On 23 May 2019, the applicant lodged an appeal to this refusal with the Land and Environment Court.
 - In a conciliation conference on 14 November 2019, it was decided that the applicant would provide a revised concept plan with a reduced impact footprint.
- On 1 December 2021, the Client was granted consent for SSD3846.

Section B of the NSW Land and Environment Court's *Determination of Development Application by Grant of Consent* details the conditions required, with regard to Aboriginal Heritage, under SSD3846. The applicable triggers are detailed in Table 3.3 below.

Table 3.3 NSW Land and Environment Court determination conditions.

Condition	Details
B13	The applicant must conduct formal consultation with the Aboriginal Community in accordance with clause 60 of the NPW Regulation.
B14	The consultation activities described in Condition B13 must be undertaken prior to the commencement of Construction. The outcomes of consultation and any amendments made to the Concept Proposal to address Aboriginal cultural heritage values and heritage impacts must be detailed in an Aboriginal Cultural Heritage Assessment report, which is to be submitted to council.
B15	Prior to commencement of construction of any approved stage for the Concept Proposal, an Aboriginal Cultural Heritage Management Plan must be prepared for: - The Crookhaven River middens located in the Foreshore Reserve as identified in the Sealark Supplementary Report to the Aboriginal Cultural Heritage Assessment, prepared by Dr Johan Kamminga, dated 14 April 2020; - Other already identified places of cultural significance, and any identified in ongoing consultation with the Aboriginal community; to ensure the ongoing conservation, management, and protection of the area.

Condition	Details
B16	The ACHMP required by condition B15 must: - Be prepared in collaboration with representatives of the Aboriginal community by a suitably qualified and experienced person; - Be in accordance with conservation of cultural significance as identified by the Aboriginal Community; - Ensure an appropriate management buffer zone to conserve the significance of the Crookhaven middens being no less than 40 metres from the outside edge of the middens; - Detail the practical measures for the management and conservation of the middens (including who is responsible for the implementation of those measures) and outline the routine of ongoing protective care including periodic monitoring and maintenance; and - Include details of how the maintenance program would be funded over the long-term and support ongoing Aboriginal engagement.
B17	Inductions should be delivered to all contractors regarding the significance of Aboriginal cultural heritage, prior to any on site works. The induction should be provided by local Aboriginal people and cover all significant Aboriginal heritage values and procedures related to Aboriginal objects, known sites, and unexpected finds.
B18	Where disturbance is proposed in the immediate vicinity of known Aboriginal sites and objects, testing should be undertaken where practicable and feasible, such as D-probe or auger hole transects or other such archaeological subsurface testing methodology to determine the nature and extent of the site and objects, so as to minimise any direct and indirect impacts.
B19	All archaeological subsurface testing, or other such archaeological field investigations should be undertaken with engagement of the Aboriginal Community, supported as appropriate by suitably qualified and experienced archaeologists with expertise in Aboriginal cultural heritage.
B20	If impacts are anticipated outside of previously assessed and surveyed areas further Aboriginal heritage research and investigation will be required. This will involve archaeological survey with the Aboriginal Community and preparation of a supplementary Aboriginal heritage impact assessment report which is to be submitted to the Planning Secretary for approval.
B21	If unrecorded or unexpected Aboriginal sites or objects are identified prior to or during the course of development, all works in the immediate vicinity of the works shall cease and Heritage NSW should be notified. Further works should not be carried out in the area unless and until permitted to do so by Heritage NSW, subject to any conditions imposed by Heritage NSW. The Planning Secretary may also require a supplementary Aboriginal heritage impact assessment report to be submitted to the Planning Secretary for approval.
B22	Prior to construction of any approved stage of the Concept Proposal, the Applicant must provide a report to Council documenting consultation with the Aboriginal Community, in relation to the interpretation of Aboriginal heritage values within the Concept Proposal area or amendments to the concept design to ensure ongoing conservation of Aboriginal heritage.

Condition	Details
B23	Subsequent to detailed design of the Concept Proposal, and subject to any further consultation, heritage assessment or investigation, given the potential for Aboriginal Objects in the development area, an Aboriginal Heritage Impact Permit should be obtained, where required, with any subsequent development application for the Concept Proposal.
B24	During works, known areas of Aboriginal heritage significance, including objects, and sites, should be protected from harm with suitable protective fencing or other such measures.

4. ASSESSMENTS UNDERTAKEN TO DATE

The review of the study area has been prepared in accordance with Requirement 2 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2011, pp. 8–9) [Code of Practice]. A full outline of this assessment is provided in the associated ACHA (Austral, 2024).

4.1. SOUTH EAST ARCHAEOLOGY PTY LTD (2012)

This investigation resulted involved the assessment of some 100 hectares of land at West Culburra. At the time of this assessment, no sites were recorded within their study area; however, a total of 18 sites were noted to be present in the immediate vicinity.

The associated survey resulted in the identification of a further 3 sites in the immediate surroundings of the current study area. All of which were surface scatters comprised of miscellaneous igneous materials, quartz, and silcrete; with silcrete being the dominant material from these assemblages.

4.2. KAMMINGA (2020)

This assessment involved a review of the ACHA findings for the study area. It noted only 6 middens sites located within the foreshore; all of which were outside the study area and more than 100 metres from any impact zone, and therefore unlikely to be impacted by the proposed works.

The original ACHA also noted the potential for their assessment area to overlap with a significant women's Dreamtime route to the south of Culburra Beach. This was later determined to be outside the revised impact area, and therefore it is unlikely to be impacted by the proposed works (Kamminga, 2020, p. 6), as verified by Dale Donaldson (2023).

4.3. AUSTRAL PRE-TESTING ACHA (2023)

A search of the Heritage NSW Aboriginal Heritage Information Management System (AHIMS) database was conducted on 8 June 2022 (Client Service ID 689664), with an additional supplementary search conducted on 29 May 2023 (Client Service ID 786056) and 28 May 2024 (Client Service ID 896151). Of the 2023 sample, 7 sites were identified within or in the immediate vicinity of the study area. These are summarised in Table 4.2 below. It is noted that the only additional sites identified in the 2024 search, are the 6 sites recorded in the post-testing ACHA (Austral, 2024).

Table 4.1 Sites within the study area identified by the desktop assessment.

AHIMS Identifier	Feature
52-5-0182	Shell
52-5-0183	Shell
52-5-0186	Shell
52-5-0649	Artefact (Isolated find)
52-5-0650	Artefact (Low-density scatter)
52-5-0651	Artefact (Low-density scatter)
52-5-0900	Artefact (Isolated find)

As a part of this ACHA process, a visual inspection was undertaken with the assistance of a site officer from Jerrinja LALC. This resulted in the registration of 2 additional sites (Table 4.2).

Table 4.2 Sites within the study area identified by the visual inspection.

AHIMS Identifier	Feature
52-5-1068	Artefact (Isolated find)
52-5-1077	Shell

4.4. AUSTRAL POST-TESTING ACHA (2024)

The test excavation involved the sampling of 180 testing units, as well as 15 exploratory augers undertaken on potential midden sites in the vicinity of the study area and an additional 10 testing units around AHIMS #52-2-1077. This resulted in the identification of a further 7 sites within the study area; all originating within western site contexts, as identified in Table 4.3 below.

Table 4.3 Sites within the study area identified during testing.

AHIMS Identifier	Feature
52-5-1112	Artefact (Isolated find)
52-5-1113	Artefact (Isolated find)
52-5-1114	Artefact (Isolated find)
52-5-1115	Artefact (Isolated find)
52-5-1116	Artefact (Low-density scatter)
52-5-1117	Artefact (Low-density scatter)
52-5-1118	Artefact (Low-density scatter)

4.5. EXISTING HERITAGE SITES

4.5.1. CULBURRA 13 (AHIMS #52-5-0182)

Site Name	Culburra 13
AHIMS #	52-5-0182
Description	Two, potentially three, compact midden mounds. First two are 20m apart, recorded at 3m×3m. Potential third recorded at 3m×4m. Site card unclear if third listed is a reidentification of one of the first two, or an additional midden location.
Landform	Low slope; terrace.
Recorded by	P.J. Hughes (ANU Archaeological Consultancies); Lucy Irwin (RPS).
Condition Assessment	Disturbed by bike track at time of recording, otherwise in excellent condition.
Site Extent	100m × 20m.

AHIMS #52-5-0182 was successfully reidentified during the visual inspection of the study area. Auger testing in the vicinity of this site returned no shell materials.

4.5.2. CULBURRA 14 (AHIMS #52-5-0183)

Site Name	Culburra 14
AHIMS #	52-5-0183
Description	Single shell midden mound, up to 1m thick. Compact, well-grassed, noted to be beneath casuarina trees. Midden exhibited black sandy matrix, minimal shell material visible.
Landform	Low slope; terrace.
Recorded by	P.J. Hughes (ANU Archaeological Consultancies).
Condition Assessment	Disturbed by adjacent vegetation growth.
Site Extent	2m × 2m.

AHIMS #52-5-0183 was not reidentified during the visual inspection of the study area. Auger testing in the vicinity of this site returned no shell materials.

4.5.3. CULBURRA 12 (AHIMS #52-5-0186)

Site Name	Culburra 12
AHIMS #	52-5-0186
Description	Very large complex comprised of numerous mounds resting on stratified midden. 4 distinct mounds identified.
Landform	Tidal flat
Recorded by	P.J. Hughes (ANU Archaeological Consultancies).
Condition Assessment	Disturbed by bike track and faunal influence at time of recording, disturbance noted to be superficial.
Site Extent	100m × 50m.

AHIMS #52-5-0186 was not reidentified during the visual inspection of the study area. Auger testing in the vicinity of this site returned no shell materials.

4.5.4. WEST CULBURRA 3/A (AHIMS #52-5-0649)

Site Name	West Culburra 3/A
AHIMS #	52-5-0649
Description	Isolated artefact showing evidence of cultural retouch. Identified as a grey volcanic material. Lithic measured 27mm×25mm×9mm. Site was assessed as exhibiting low research significance.
Landform	Mid-slope (rolling hills).
Recorded by	Peter Kuskie (South East Archaeology)
Condition Assessment	Identified on vehicle access track, moderate associated disturbance.
Site Extent	1m × 1m.

AHIMS #52-5-0649 was reidentified during the visual inspection of the study area. Some potential noted for an associated subsurface deposit; however, research potential was determined to be low.

4.5.5. WEST CULBURRA 4/A (AHIMS #52-5-0650)

Site Name	West Culburra 4/A
AHIMS #	52-5-0650
Description	Low-density artefact scatter containing a brown volcanic hammerstone (112mm × 54mm × 25mm), a grey silcrete microblade core (24mm × 22mm × 22mm), and a white quartz flake (20mm × 13mm × 5mm).
Landform	Flat (rolling hills).
Recorded by	Peter Kuskie (South East Archaeology)
Condition Assessment	Identified on sewer main/ vehicle access track, moderate associated disturbance.
Site Extent	25m × 4m.

AHIMS #52-5-0649 was reidentified during the visual inspection of the study area.

4.5.6. WEST CULBURRA 4/B (AHIMS #52-5-0651)

Site Name	West Culburra 4/A
AHIMS #	52-5-0650
Description	Low-density artefact scatter containing: • Brown porphyritic rhyolite core [48mm × 40mm × 26mm] • Grey silcrete flake (medial portion) [20mm × 18mm × 5mm] • Grey silcrete flake (retouched) [34mm × 25mm × 6mm] • Grey silcrete fragment [12mm × 7mm × 4mm].
Landform	Flat (rolling hills).
Recorded by	Peter Kuskie (South East Archaeology)
Condition Assessment	Identified on sewer main/ vehicle access track, moderate associated disturbance.
Site Extent	10m × 3m.

AHIMS #52-5-0649 was reidentified during the visual inspection of the study area. There was noted to be high potential for an associated subsurface deposit.

4.5.7. HALLORAN ISOLATED FIND 03 (AHIMS #52-5-0900)

Site Name	Halloran Isolated Find 03
AHIMS #	52-5-0900
Description	Pink-brown proximal flake fragment, measuring 34mm × 6mm.
Landform	Slope.
Recorded by	Lucy Irwin (RPS)
Condition Assessment	Identified on informal bike track, moderate associated disturbance.
Site Extent	1m × 1m.

AHIMS #52-5-0900 was reidentified during the visual inspection of the study area. There was noted to be potential for an associated subsurface deposit.

4.5.8. WCB ISOLATED FIND (AHIMS #52-5-1068)

Site Name	WCB Isolated Find
AHIMS #	52-5-1068
Description	Red silcrete flake fragment.
Landform	Tidal flat.
Recorded by	Taylor Foster (Austral)
Condition Assessment	Identified on vehicle access track, moderate associated disturbance.
Site Extent	1m × 1m.

AHIMS #52-5-1068 was identified during the visual inspection of the study area.

4.5.9. WCB MIDDEN SITE (AHIMS #52-5-1077)

Site Name	WCB Midden Site
AHIMS #	52-5-1077
Description	Potential shell midden, exposed, comprised of oyster shell. Associated materials noted to range from 50mm–100mm.
Landform	Low slope.
Recorded by	Taylor Foster (Austral)
Condition Assessment	Identified on vehicle access track, moderate associated disturbance.
Site Extent	50m × 2m.

AHIMS #52-5-1068 was identified during the visual inspection of the study area. There was noted potential for the site to extend into the adjacent contexts; however, testing undertaken in the vicinity of the site returned no shell materials.

4.5.10. WCB ISOLATED FIND 5 (AHIMS #52-5-1112)

Site Name	WCB Isolated Find 5
AHIMS #	52-5-1112
Description	White quartz flake with rose-coloured vein, measuring 10mm × 13mm × 2.9mm.
Landform	Ridgeline.
Recorded by	Jake Allen (Austral)
Condition Assessment	Site removed from depositional context during test excavations.
Site Extent	1m × 1m.

AHIMS #52-5-1112 was recovered from a single unit during test excavations.

4.5.11. WCB ISOLATED FIND 4 (AHIMS #52-5-1113)

Site Name	WCB Isolated Find 4
AHIMS #	52-5-1113
Description	Cream-coloured chert debitage, measuring 9.5mm × 12mm × 5.5mm.
Landform	Mid-slope.
Recorded by	Jake Allen (Austral)
Condition Assessment	Site removed from depositional context during test excavations.
Site Extent	1m × 1m.

AHIMS #52-5-1113 was recovered from a single unit during test excavations.

4.5.12. WCB ISOLATED FIND 3 (AHIMS #52-5-1114)

Site Name	WCB Isolated Find 3
AHIMS #	52-5-1114
Description	Grey quartzite flake, measuring 7.5mm × 11mm × 2.3mm.
Landform	Low slope.
Recorded by	Jake Allen (Austral)
Condition Assessment	Site removed from depositional context during test excavations.
Site Extent	1m × 1m.

AHIMS #52-5-1114 was recovered from a single unit during test excavations.

4.5.13. WCB ISOLATED FIND 2 (AHIMS #52-5-1115)

Site Name	WCB Isolated Find 2
AHIMS #	52-5-1115
Description	Grey silcrete core, measuring 28.8mm × 25mm × 20mm. Analysis identified 7 distinct negative flake scars. There were also signs of minor wear on the distal edge, consistent with use as a tool.
Landform	Low slope.
Recorded by	Jake Allen (Austral)
Condition Assessment	Site removed from depositional context during test excavations.
Site Extent	1m × 1m.

AHIMS #52-5-1115 was recovered from an auger hole undertaken to assess the extent of AHIMS #52-5-0181; no associated shell material was recovered during this process. It was therefore concluded that this was an isolated find, not associated with the midden.

4.5.14. WCB ARTEFACT SCATTER 3 (AHIMS #52-5-1116)

Site Name	WCB Artefact Scatter 3
AHIMS #	52-5-1116
Description	Assemblage consisted of: 1 grey, red, and white quartzite flake (27.7mm × 18mm × 3.9mm). 1 grey and pink silcrete proximal flake (13.7mm × 16mm × 4.1mm).
Landform	Mid-slope.
Recorded by	Jake Allen (Austral)
Condition Assessment	Site removed from depositional context during test excavations.
Site Extent	1m × 1m.

AHIMS #52-5-1116 was recovered from a single unit during test excavations. No additional sites were identified in proximity to this scatter.

4.5.15. WCB ARTEFACT SCATTER 2 (AHIMS #52-5-1117)

Site Name	WCB Artefact Scatter 2
AHIMS #	52-5-1117
Description	The assemblage consists of 5 artefacts: four complete flakes and one proximal flake. Materials include three silcrete flakes, one chert flake, and one quartzite flake.
Landform	Ridgeline.
Recorded by	Jake Allen (Austral)
Condition Assessment	Site removed from depositional context during test excavations.
Site Extent	153.3m × 117.7m.

AHIMS #52-5-1117 consists of 5 artefacts recovered from four testing units during test excavations. No additional sites were identified in proximity to this scatter.

4.5.16. WCB ARTEFACT SCATTER 1 (AHIMS #52-5-1118)

Site Name	WCB Artefact Scatter 1
AHIMS #	52-5-1118
Description	The assemblage consists of 6 artefacts: five flakes and one medial fragment. Raw materials recorded for this assemblage include four silcrete, 1 quartzite, and 1 chert.
Landform	Mid-slope.
Recorded by	Jake Allen (Austral)
Condition Assessment	Site removed from depositional context during test excavations.
Site Extent	47.26m × 123.4m

AHIMS #52-5-1118 consists of 6 artefacts recovered from two sample units during test excavations. It was noted to be in proximity to AHIMS #52-5-1113 and AHIMS #52-5-1114.

5. HERITAGE MANAGEMENT PREPARATION

This section outlines the steps involved in the preparation of this ACHMP, and the information used to progress through these.

5.1. IDENTIFYING STAKEHOLDERS AND CONSULTATION

All consultation with Aboriginal peoples undertaken for the purposes of preparing this management plan have been undertaken in accordance with the the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010) [Consultation Requirements], and the *Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environmental Protection and Biodiversity Conservation Act 1999* (DCCEEW, 2023). Heritage NSW recognises that:

- Aboriginal people should have the right to maintain the culture.
- Aboriginal people should have the right to participate in matters that may affect their heritage directly.
- Aboriginal people are the primary determinants of the cultural significance of their heritage.

The Consultation Requirements outline a four-stage process for consulting with stakeholders, this includes:

- Stage 1: Notification of the project proposal and registration of interest.
- Stage 2: Presentation of information about the proposed project.
- Stage 3: Gathering information about cultural significance.
- Stage 4: Review of the draft cultural heritage assessment report.

A full outline of the consultation process, as enacted, is provided in Section 6.

5.2. IDENTIFYING HERITAGE VALUES

5.2.1. CULTURAL VALUES

A full overview of cultural values present within the study area is included in the ethnographic assessment completed in tandem with the ACHA process (Dale Donaldson, 2023).

5.2.2. ARCHAEOLOGICAL VALUES

Several AHIMS registered sites have been identified within and in the immediate vicinity of the study area. Site features identified consisted of artefact (isolated and in scatter) and shell sites, distributed across 22 sites. All shell-midden sites identified exhibited evidence of non-anthropological erosion to varying standards. Assemblages from the study area typically contained:

- Silcrete;
- Quartz and quartzite;
- Chert; and
- Volcanic rock.

The archaeological sites identified therein generally represent a diffuse scattering of lithic flakes throughout small portions of the study area; or an average density of 0.2 artefacts per square metre. Assessments of archaeological significance undertaken as a part of the associated ACHA found that the assemblages from the study area typically exhibited low scientific significance.

5.3. GENERAL STATEMENT OF MANAGEMENT

This ACHMP primarily aims to address the requirements of those conditions listed for approval SSD3846 as dictated by the NSW Land and Environment Court on 21 December 2021; as well as prescribe ongoing management measures for registered Aboriginal heritage sites within the study area. To meet these objectives, this document seeks to:

- Describe actions that must be undertaken to rehabilitate, conserve, and protect Aboriginal objects and sites with the study area; both during the proposed works and following development.
- Provide management guidelines to protect the registered Aboriginal heritage sites, with the intention that these will be refined and built upon by a management committee through a strategy of periodic review.
- Provide the local Aboriginal community with the opportunities to participate in ongoing management of site features and values.
- Ensure that all AHIMS registered sites are preserved in accordance with the relevant charters, guidelines, and standards.
- Establish principles and guidelines to ensure compliance with management strategies.

5.4. REVIEW OF MANAGEMENT ISSUES AND RISKS

The key factors identified with potential to harm or impact Aboriginal sites and objects have been identified as:

- Natural activities; including erosion and flooding.
- Human activities; including vandalism.

This section details how current and potential future activities, as well as incorrect or lack of management, could harm cultural heritage values associated with those sites in and around the study area. Table 5.1 provides a summary of those potential impacts identified.

Table 5.1 Identified activities with the potential to harm heritage values.

Activity or Use	Potential harm to cultural values	Potential harm to archaeology
Access management	Low potential for harm. Protects cultural values by limiting/ excluding vehicle access. Relies on functionality of management technique.	Low potential for harm. Protects archaeological values by limiting/ excluding vehicle access. Minor excavation for fencing (if required) to be managed in consultation with stakeholders.
Biodegradation	Moderate potential to harm through natural insect and animal activity, given proximity to intertidal zone. This is in keeping with the natural state of the land, which is an important part of cultural significance.	Low to moderate potential for harm through ground surface disturbance, resulting in impact to sites and objects.
Bushfire	Severe impact on remnant vegetation, and may impact on weed species.	Disturbance of ground surface during emergency management. Potential to burn artefacts on or close to the surface.
Bushfire hazard reduction	Low potential for harm, weed management activities will contribute to bushfire hazard reduction.	Low potential for harm. Cultural vegetation management techniques should be employed wherever possible.
Natural erosion or flooding	Moderate potential for harm, through loss of tangible evidence of cultural values through erosion and surface wash from flooding.	Moderate potential for harm through loss of objects and stratigraphic integrity through natural erosion and surface wash.
Pedestrian traffic	Moderate potential for harm if access is uncontrolled, increases risk of other harmful activities.	Low to moderate potential for harm, depending on usage.
Vandalism	Impacts on the visual character of the site and on vegetation. May impact spiritual significance.	May cause disturbance of ground surface and loss of <i>in situ</i> contexts.
Vegetation clearance and weed management	No risk of harm to Aboriginal cultural heritage values if low impact weed management techniques are implemented	If limited to spray herbicides and cuttings, rather than ground disturbing excavation, low risk of harm. Cultural vegetation management techniques should be employed wherever possible.

6. CONSULTATION

Stakeholder consultation associated with this project was undertaken in accordance with the Consultation Requirements (DECCW, 2010). Records of consultation are included as appendices to the associated ACHA.

6.1. STAGE 1: NOTIFICATION AND REGISTRATION

6.1.1. IDENTIFICATION OF RELEVANT ABORIGINAL STAKEHOLDERS

In accordance with the Consultation Requirements, on 17 May 2022 Austral notified the bodies listed in Section 4.1.2 of that document (DECCW, 2010, p. 10). An overview of these communications is included in Table 6.1.

Table 6.1 Stage 1.1 Notification responses.

Organisation	Response
Heritage NSW	Provided a list of potential stakeholders
Jerrinja LALC	Registered as a stakeholder
National Native Title Tribunal	Provided contact details for Jerrinja LALC
NTSCORP	Registered 'South Coast People' as a stakeholder
Office of the Registrar	Geospatial search returned no results, provided details for Jerrinja LALC
Shoalhaven City Council	Provided a list of potential stakeholders
South-east Local Land Service	Responded that they had no record of potential stakeholders

6.1.2. INVITATION TO REGISTER

From 1 – 2 June 2022, letters were written to potential stakeholders identified by those organisations listed in Section 5.1.1. These stakeholders were provided with a 14-day period to register an interest in the project. As a result of this process, the following organisations registered as stakeholders:

- Gary Caines, Individual.
- Guntawang Aboriginal Resources Incorporated.
- Jerrinja LALC.
- Jerrinja Tribe.
- Kamilaroi-Yankuntjatjara Working Group.
- Murrabidgee Mullangari Aboriginal Corporation.
- South Coast People.
- Thoorga Nura.
- Three Ducks Dreaming Surveying and Consulting.
- Warra Bingi Nunda Gurri.

6.1.3. PUBLIC NOTICE

An advert was placed in the *Shoalhaven and Nowra News* to run on 3 June 2022 requesting the registration of individuals or organisations who hold cultural knowledge relevant to the project area.

6.1.4. SUBMISSION OF RECORDED STAKEHOLDERS

In accordance with Section 1.4.6 of the Consultation Requirements (DECCW, 2010, p. 11), Austral provided details of all registered Aboriginal stakeholders to Heritage NSW and JLALC on 20 June 2022.

6.2. STAGE 2: PRESENTATION OF INFORMATION

All registered Aboriginal stakeholders were provided with an outline of the proposed works, including information relating to proposed impacts on 23 June 2023.

6.3. STAGE 3: GATHERING DATA ON CULTURAL SIGNIFICANCE

6.3.1. REVIEW OF PROJECT METHODOLOGY

Austral provided each registered Aboriginal stakeholder with a copy of the project methodology, outlining the proposed assessment process, on 23 June 2023. Stakeholders were provided with a 28-day review period to provide feedback.

Austral received the following comments:

- Guntawang Aboriginal Resources Incorporated reiterated their interest in the project, and in any associated meetings, fieldworks, or general feedbacks.
- Murra Bidgee Mullangari Aboriginal Corporation endorsed the documents provided and supported the recommendations.
- Thoorga Nura stated that they supported the methodology and had no additional comments at this stage of the project.

6.3.2. INFORMATION GATHERED DURING FIELDWORK

Austral liaised with a representative from Jerrinja LALC that attended the site survey, who agreed that a testing program should be developed to determine the extent of the midden site (AHIMS #52-5-1077), as well as any other sites within the study area.

6.4. RECORD OF CONTINUOUS CONSULTATION

The Consultation Requirements state that for consultation to be considered continuous and sufficient to support an ACHA or AHIP, if required, that registered stakeholders must be contacted regularly, i.e. with no gaps greater than 6-months.

Table 6.2 provides an overview of consultation associated with the ACHMP and ACHA to date.

Table 6.2 Overview of consultation associated with the proposed activity.

Consultation	Date
Stage 1.2	June 2022
Stage 1.3	June 2022
Stage 2	June 2022
Stage 3	June 2022
Stage 4 (initial ACHA)	December 2022
Post-review stakeholder meeting	January 2023
Updated ACHA to RAPs for review (Stage 4b)	June 2023
AHIP application to stakeholders	July 2023
Heritage management stakeholder meeting	January 2024
Stage 4 (post-testing ACHA)	June 2024
Stage 4 (ACHMP)	June 2024

6.5. PREPARATION OF THE ACHMP

In order to inform the management conditions as listed, and develop this ACHMP, registered stakeholders were invited to attend a workshop on 31 January 2024. Representatives from the following groups were in attendance:

- Guntawang Aboriginal Resources Incorporated
- Individual, Gary Caines
- Jerrinja Tribe
- Thoorga Nura

The matters raised during this workshop, as well as the potential management outcomes, have been integrated into the condition of this ACHMP. A summary of meeting minutes is provided in Appendix A.

6.6. STAGE 4: STAKEHOLDER REVIEW OF DRAFT ACHMP

The draft ACHA and ACHMP was sent to all registered stakeholder groups on 17 June 2024 for their review and comment. Stakeholders were given 28-days to review the ACHMP. In total, 4 responses were received from 3 registered stakeholder groups.

- Darleen Johnson (Murra Bidgee Mullangari Aboriginal Corporation) responded on 20 June 2024 stating that they had read the reports and endorsed the recommendations.
- Ronald Carberry (Jerrinja Tribe) responded on 14 July 2024 stating that they believed Austral and Sealark Pty Ltd had exercised due diligence. They also requested 3 additional recommendations. An overview of these and how they have been integrated into these reports is provided in CREF below.
 - An additional correspondence received 14 July 2024, Ronald Carberry also requested that an update be made to his registration in the ACHA. This has been actioned.
- A late response was received from Phil Khan (Kamilaroi-Yankuntjatjara Working Group) on 17 July 2024. In this he stated his agreement and support for the recommendations.

Table 6.3 Overview of Stage 4 consultation review outcomes.

Requested recommendation	ACHA/ACHMP Integration
Jerrinja Tribe to do a smoking ceremony over the subdivision. The associated fires are to be maintained throughout the day to encourage animals to move on – culturally and spiritually – by themselves.	ACHA Recommendation C1; ACHMP Condition 12
Jerrinja Tribe and JLALC site officers to be present for installation of all utilities and infrastructure, as these will penetrate deeper into Country than the test pitting.	ACHMP Condition 16b.
A fence is to be erected separating the subdivision site from the conservation area. Interpretive signage is to be installed facing the subdivision to inform new residents understand the significance and sensitivity of the area/Country.	ACHMP Condition 14b-d; Condition 23.

7. MANAGEMENT PLAN

The following section presents the actions which from this ACHMP. The management policies and recommended actions have been formulated in consultation with the Aboriginal community, and in consideration of identified risks, issues, opportunities, and management goals. Section 60 of the NPW Regulation requires proponents to consult with registered stakeholder groups. Stakeholders should continue to be consulted throughout the implementation of this management plan, and throughout any associated further assessment.

7.1. ROLES AND RESPONSIBILITIES

Sealark Pty Ltd (the Proponent) is responsible for ensuring that all conditions set out in this management plan are carried out. This includes the reporting of any incidents to Heritage NSW, if required (Table 7.1).

Table 7.1 Roles and responsibilities.

Name	Role/ Responsibility	Contact
Sealark Pty Ltd	Developer	(02) 9283 3399 office@sealark.com.au
	Financier	
NSW Department of Planning and Environment	Compliance and Regulation	community.compliance@environment.nsw.gov.au
Heritage NSW	Approving Authority, Permits and Approvals	heritagemailbox@environment.nsw.gov.au
Shoalhaven City Council	Approving Authority, Development Consent	1300 293 111

It is noted that Sealark Pty Ltd is being listed as the initial financier; however, this responsibility is subject to reallocation through the Advisory Group.

7.2. LIST OF CONDITIONS

As per the findings of the NSW Land and Environment Court, outlined in Section 3.2, this ACHMP must meet the conditions listed in Table 3.3. An overview of these applications is provided in Table 7.2 below.

Table 7.2 Responses to conditions of development consent.

Condition	Details
B13	Details of compliance are outlined in Section 6 above.
B14	Details of compliance are outlined in Section 6 above, and Strategy 6 below.
B15	This ACHMP has been completed in compliance with condition of consent B15.

Condition	Details
B16	The ACHMP has been completed: - In collaboration with representatives of the Aboriginal Community (Section 6) by a suitably qualified and experienced person (Section 1.3). - In accordance with the identification of cultural significance as identified by the Aboriginal community (Section 6.5). As such, this plan includes: - An appropriate management buffer zone to conserve the significance of the Crookhaven middens (Strategy 7b) - Details of the practical measures for the management and conservation of the middens (Strategies 1 and 7b) - Details of how the maintenance program would be funded over the long-term (Strategy 1c) and support ongoing Aboriginal engagement (Strategy 5)
B17	Details of compliance are included in Strategy 8.
B18	Archaeological test excavations detailed in Section 4.4 involved an auger and testing program in compliance with condition B18.
B19	Archaeological test excavations detailed in Section 4.4 involved representatives from Jerrinja LALC and Jerrinja Tribe; as supported by suitably credited and experienced Austral archaeologists and subcontractors.
B20	Details of compliance are included in Strategy 6bi.
B21	Details of compliance are included in Strategies 10 and 11.
B22	Details of compliance are included in Strategy 6a.
B23	Details of compliance are included in Strategy 7.
B24	Details of compliance are included in Strategy 7b.

7.3. PROHIBITED ACTIVITIES

The conditions of consent listed in the determination of development application issued by the NSW Land and Environment court include limitations to certain activities within the study area (Table 7.3).

Table 7.3 Limitations listed in the determination of development application.

Condition	Details
A10	The development must not exceed: 9,743m² of mixed use lots in the Town Centre Area, containing 2,500m² commercial premise floor space. 45 integrated housing dwellings in the Town Centre Area. 33,991m² of medium-density residential lots in the Town Centre Area. 32,901m² of industrial lots. 224 low density residential lots.

Condition	Details
A11	The following limits apply: - A minimum 100 metre wide corridor from mean high water mark along the foreshore of the Concept Proposal must not be developed. This zone must be maintained and preserved as a vegetated foreshore zone. - The originally proposed elevated boardwalk/ footpath/ cycleway is not approved. - Nor is the 'Entry Feature in road reserve' shown on the landscape concept plan dated 15 October 2020 [Condition A11(e)]. - Development is limited to the study area. - The vehicular roundabout and water retention basin at Culburra Basin must be constructed and maintained in a manner that ensures no gross pollutants, chemical pollutants, or sediment are transferred (by intent or accident) into the catchment of Lake Wollumboola [as per the Integrated Water Cycle Management Strategy]. - Residential lots fronting Culburra Road must have vehicular access from internal road networks, not Culburra Road. - Lots 601 – 606 and 607 – 612 are to remain as 'super lots', with the final subdivision layout subject to future development applications.

It is noted that the development has been prepared in accordance with those limitations listed in Conditions A10 and A11.

7.4. MANAGEMENT STRATEGIES

This section details those strategies developed to satisfy the Conditions detailed in Sections 3.2, 7.2, and 7.3. Austral, in consultation with the Proponent and registered stakeholder parties, has developed a series of management conditions for the study area and all Aboriginal sites within its immediate vicinity. For clarity, these have been allocated into sub-groups. These heritage management conditions, along with their required actions, are detailed below.

THE ADVISORY GROUP

- Before the first Subdivision Works Certificate, Construction Certificate, or comparable approval being granted, Sealark Pty Ltd will establish an advisory group to oversee and assist with the implementation and oversight of this ACHMP.
 - This group will include representatives from the following entities, or individuals on their behalf:
 - Sealark Pty Ltd
 - The Aboriginal Community (as defined in the Development Consent for the West Culburra Mixed Use Concept Plan [SSD3846]) [Appendix A].

The Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010) state that Aboriginal people should have the right to maintain their culture. To ensure this group is consistent with the relevant policies and guidelines as written by Heritage NSW, the Aboriginal Community should hold no fewer than 50% of the seats on the Advisory Group.

- b. Sealark Pty Ltd should also offer seats on the Advisory Group to NSW Crown Lands and Shoalhaven City Council.
 - c. Sealark Pty Ltd will be responsible for preparing Terms of Reference for this Advisory Group, noting that these must be consistent with the conditions detailed in this ACHMP.
 2. The Advisory Group is to meet on a regular basis, no less than once in a given 12-month period.
 - a. The Advisory Group may hold meetings in person or via a digital platform, whichever is the most practical for all involved parties.
 - b. While it is understood that correspondence between group members through email is likely, this will not be considered as a replacement for the required annual meeting.
 3. The Advisory Group is to be responsible for:
 - a. Review, oversight, and implementation of the management conditions detailed in this ACHMP.
 - b. The establishment and tracking of timelines for the implementation of these conditions.
 - c. Identification and reporting of unforeseen impacts to Aboriginal cultural heritage in the vicinity of the proposed works.
 - d. Providing advice to all relevant entities regarding the development of appropriate management strategies for Aboriginal cultural heritage sites, within the scope of this ACHMP.
 - e. Authoring an annual status report, including an overview of the implementation of the ACHMP and the observed outcomes of the management conditions detailed herein.
 - i. This report is to be submitted by email to Heritage NSW and the Biodiversity Conservation Division within the NSW Department of Planning and Environment through community.compliance@environment.nsw.gov.au.
 4. The Advisory Group will have the authority to replace its members, or to select additional members, so long as all modifications comply with Condition 1a.
 - a. Within 12 months of the conclusion of subdivision works associated with the West Culburra Concept Approval, Sealark Pty Ltd is to stand down from its role within the Advisory Group. This supersedes Condition 1ai.
 - b. Parties that resign from their role within the Advisory Group should give 28 days notice, so an appropriate replacement may be identified.
 5. The Advisory Group may be subsumed by an existing group or committee at any stage of the development process, so long as that entity complies with Conditions 1a and 4a.

6. Sealark is to be the initial entity responsible for financing the management conditions and associated activities detailed in this ACHMP.
 - a. Following the establishment of the Advisory Group, and with the consent of all involved parties, a different entity may be declared responsible for financing some or all of these activities.
 - b. If the entity responsible for financing these activities chooses to abdicate their position within the Advisory Group under Condition 4b, they must give 90 days notice. They retain their financial obligation until a new entity assumes the role, or until the end of this period.
7. The Advisory Group will have the authority to suggest changes to this ACHMP and to its own Terms of Reference, if required.
8. The Advisory Group must notify Heritage NSW in writing as soon as practicable after becoming aware of:
 - a. Any perceived contravention of the *National Parks and Wildlife Act 1974*.
 - b. Any perceived contravention of the Management Conditions detailed in this ACHMP.

CONDITIONS IN ADVANCE OF THE PROPOSED DEVELOPMENT

9. The Advisory Group, or agents on their behalf, are to engage representatives from the *Aboriginal Community* for maintenance and monitoring works detailed within the scope of this ACHMP.
10. This ACHMP, and the associated Aboriginal Cultural Heritage Assessment (ACHA), are to be included in any relevant development applications for the West Culburra site undertaken in relation to the West Culburra Concept approval. This must include:
 - a. An up-to-date record of community consultation completed for this project.
 - b. An overview of modifications made to the proposed works in response to the aforementioned consultation, if any.
 - c. Should the concept proposal be altered to include impacts not currently assessed by the ACHA, additional Aboriginal heritage research will be required.
 - i. If the potential alterations detailed in Condition 10c are considered to be low impact, these can be completed as a letter addendum attached as an appendix to the associated ACHA.
 - d. Condition 10, and all associated sub-conditions, do not extend to Development Applications for buildings on any allotments registered under the West Culburra Concept approval where bulk earthworks have already been completed.
11. Prior to the start of vegetation clearance activities in any area associated with the West Culburra Concept approval, Sealark Pty Ltd shall engage representatives from the *Aboriginal Community* to undertake a program of seed collection and propagation from endemic or culturally significant flora that are located within the area proposed for disturbance.
 - a. Additional opportunities for collections in this manner may be organised between the Advisory Group and any respective landholders, should the community express further interest.

12. A reasonable attempt must be made to engage members of the *Aboriginal Community* for a smoking ceremony prior to the start of vegetation clearance activities in any area associated with the West Culburra Concept approval.
 - a. The details of this – including date, scope, and logistics – are to be determined between Sealark Pty Ltd, the Advisory Group, and *Aboriginal Community*.
 - b. All associated activities must be undertaken in compliance with local ordinance.
13. Before commencement of any works in its vicinity, AHIMS site #52-5-1077 shall be culturally excavated by the *Aboriginal Community*. It is noted that this is a cultural excavation, not archaeological, and therefore no analysis of the excavated material is required.
 - a. The excavation is to be completed exclusively by the *Aboriginal Community*, not by the developer.
 - i. This is to include a program of monitoring, to ensure any unexpected finds are treated accordingly.
 - b. Sealark Pty Ltd is responsible for providing access to AHIMS #52-5-1077 for the purposes of this excavation.
 - i. Pursuant to this, Sealark Pty Ltd may request that all parties accessing the midden sign a waiver absolving Sealark of any liabilities relating to the excavation.
 - c. The representatives from the *Aboriginal Community* that complete the excavation will assume responsibility for the associated materials.
 - i. This must comply with Requirement 26 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2011), which requires the person or organisation to enter into a care agreement with Heritage NSW.
 - ii. Any long-term storage or reburial on private property may only be undertaken with the written consent of the landholder.
 - d. In accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010), Aboriginal people should have the right to maintain their culture. Therefore, the *Aboriginal Community* has the sole right to propose what comes of the excavated materials (i.e. interpretive use, relocation, etc.)

14. Prior to the commencement of any ground disturbing works or activities, an Aboriginal Heritage Impact Permit (AHIP) will be required for sites identified in the ACHA as being subject to impacts.
 - a. Should the concept design be altered, additional impact permits may be required.
 - b. Temporary boundary fencing must be installed no less than:
 - i. 40 metres from any midden associated with the Crookhaven River Midden Complex.
 - ii. 10 metres from the listed boundary of any AHIMS registered artefact site.
 - c. Temporary boundary fencing is to be either steel construction fencing, or parawebbing.
 - i. The developer should also consider installing temporary fencing on the site boundary to prevent impacts outside the AHIP area. This must be completed in a manner that does not harm the cultural heritage values of the site.
 - d. For sites outside the study area, fencing is to be installed at the boundary of the proposed construction works.
15. Any site workers involved in subdivision construction activities shall complete cultural awareness training prior to starting works for the proposed activity.
 - a. The content of this training should be determined through consultation with the Aboriginal Community, and is to be approved by the Advisory Group.

MONITORING AND REPORTING

16. Sealark Pty Ltd shall engage a Site Officer from the *Aboriginal Community* to undertake monitoring tasks during development. Sealark Pty Ltd may choose to engage multiple Site Officers, to ensure that a representative is readily available when works are being undertaken.
 - a. Archaeological monitoring is a requirement of any ground disturbing works in areas identified as being of high or moderate archaeological potential.
 - b. The Advisory Group, in consultation with the *Aboriginal Community*, will have the authority to alter this condition so monitoring works are required during only a portion of the ground-disturbing works.
 - i. The altering of this condition will require the Advisory Group to prove that monitoring works have been ineffective for the site conditions.
 - ii. If this Condition is altered, the exact percentage of time on site should be determined through consultation with the *Aboriginal Community*. However, this is to be no less than 20% of the total time spent completing ground disturbing works for the West Culburra project.
 - c. The developer must provide reasonable access to the study area to staff from Heritage NSW or the NSW Department of Planning and Environment, for the purposes of administering this ACHMP or inspecting areas therein, as required.

17. An incidental finds policy is to be established, so as to preserve any cultural materials unearthed during the ground disturbance activities associated with the West Culburra project.
 - a. Incidental finds are to be added to the West Culburra artefact assemblage, as identified during test excavations in 2023, and reburied with these.
 - i. Currently, consultation with the Aboriginal Community is ongoing, and the final location of this reburial is to be determined.
 - b. Artefact materials recovered in this capacity will be considered as having been subject to a cultural collection, and there will be no requirement to analyse any such collected materials.
18. All human remains in, on, or under the land must not be harmed. In the event of the discovery of human remains:
 - a. All works in the vicinity are to cease. The remains should not be further moved or disturbed.
 - b. NSW Police must be contacted immediately, they will then notify the coroner's office.
 - c. If the remains are determined to be of Aboriginal origin, the *Aboriginal Community* and Heritage NSW must be notified. This is to include details of the remains, and of their location.
 - d. An appropriate "no-go" area must be established.
 - i. The extents of this area will be determined through consultation with NSW Police, Heritage NSW, the Aboriginal Community, and (if necessary) a suitably qualified archaeologist.
19. The Advisory Group must notify the NSW Department of Planning and Environment when works associated with the West Culburra Concept Development have been completed.

LONG TERM MANAGEMENT OF THE CROOKHAVEN RIVER MIDDEN COMPLEX

20. Representatives of the Aboriginal Community will be engaged to completed 'Condition Monitoring Surveys' of the Crookhaven River Midden Complex, adjacent to the site on a 12-monthly basis.
 - a. The outcomes of these surveys will be provided to the working group, and will inform the annual report required under Condition 3e

21. The land associated with the Crookhaven River Midden Complex has been identified by the *Aboriginal Community* as a landscape that has significance for Aboriginal culture. As such, they have requested that this area be declared an Aboriginal Place under the *National Parks and Wildlife Act 1974*.
- a. This nomination is to be completed by members of the Aboriginal community, and must be done in accordance with Part 6, Section 84 of the given Act.
 - b. This ACHMP, and the associated ACHA and anthropological assessment, are noted to be sufficient documentation to support this declaration.
 - i. If required, Sealark Pty Ltd must provide the Aboriginal Community with copies of these reports to furnish this purpose, as required.
 - c. Sealark Pty Ltd must make efforts to ensure that the Aboriginal Community is able to access the Crookhaven River Midden Complex, both during the proposed works and following the completion of the concept development.

LONG TERM MANAGEMENT OF HERITAGE VALUES

22. The Advisory Group shall consider the use of locally-significant Aboriginal cultural concepts when naming the following items:
- a. Estates;
 - b. Streets;
 - c. Public Reserves; and
 - d. Additional infrastructure not listed here, where appropriate.

Note: Whilst the Advisory Group can suggest names, these will need to be subject to approval by the Geographical Names Board of NSW.

23. The Advisory Group shall provide advice to Sealark Pty Ltd on the installation of interpretive signage around the development where appropriate, to educate residents and visitors about the significance of the surrounding area to the Jerrinja Aboriginal community.
24. The Advisory Group shall provide advice to Sealark on the design of hard and soft landscaping features to be installed around the development, where appropriate, to introduce local Aboriginal cultural concepts into the development. This may include:
- a. Public art;
 - b. Footpath decoration; and
 - c. Additional unlisted landscape features, where appropriate.

Note: Whilst the Advisory Group can suggest particular landscaping features, these will need to be consistent with the approved Concept Approval and may be subject to the approval by Shoalhaven City Council.

25. This ACHMP is to be reviewed by the Compliance and Regulation department of the NSW Department of Planning and Environment, and by Heritage NSW, no less than once every 10 years to ensure that the management strategies and conditions listed are still appropriate.

8. REFERENCES

Austral (2024) *West Culburra, Culburra Beach, New South Wales*. Aboriginal Cultural Heritage Assessment 22054, p. 107.

Austral Archaeology Pty Ltd (2023) *West Culburra, Culburra Beach, NSW: Aboriginal Cultural Heritage Assessment. Prepared for Sealark Pty Ltd.*

Dale Donaldson, S. (2023) *Anthropological Assessment for West Culburra, Lots 2 and 3 DP 1279350 (previously Lots 5 and 6 DP 1065111), Culburra Beach, NSW.*

DCCEEW (2023) 'Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999'. Commonwealth of Australia. Available at: <https://www.dcceew.gov.au/sites/default/files/documents/interim-engaging-with-first-nations-people-and-communities-assessments-and-approvals-under-epbc-act.pdf>.

DECCW (2010) 'Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010'.

DECCW (2011) 'Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales'.

Kamminga, J. (2020) *Sealark Supplementary Report to Aboriginal Cultural Heritage Assessment.*

South East Archaeology Pty Ltd (2012) 'Proposed Mixed Use Subdivision at West Culburra, Shoalhaven City, South Coast of New South Wales: Aboriginal Cultural Heritage Assessment. A report to Realty Realizations Pty Limited.'

APPENDIX A: WEST CULBURRA MIXED USE CONCEPT PLAN (SSD3846)

APPENDIX B: ACHMP WORKSHOP MEETING MINUTES

APPENDIX C: INCIDENTAL FINDS FLOWCHART
