

APPENDIX J

Archaeological Assessment





Cultural Heritage Impact Assessment

Proposed Kempsey District Hospital Redevelopment
Kempsey Local Government Area

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Executive Summary

RPS has been engaged by Johnstaff Projects Pty Limited on behalf of Health Infrastructure to prepare a Cultural Heritage Assessment (CHA) for the proposed redevelopment of the Kempsey District Hospital on River Road, Kempsey. This report has considered the environmental and archaeological context of the project area and developed a predictive model of archaeological sites. It also reports on the results of an archaeological survey of the project area, providing an assessment of archaeological significance for Aboriginal heritage, as well as management recommendations which address potential impacts of the proposed works.

The project area comprises that parcel of land described as 119 River Road, Kempsey in the Kempsey Local Government Area (LGA). The project area comprises an area of approximately 4 hectares.

A search was undertaken of the Office of Environment & Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) on 29 October 2012 for a 10 km radius centred on the project area. A total of 78 sites were identified within that search radius. None of the sites are recorded inside the project area.

An archaeological survey was conducted on 17 January 2013 in conjunction with representatives of Kempsey Local Aboriginal Land Council and DFTV Enterprises. No Aboriginal sites were identified during the archaeological survey.

This investigation is undertaken in compliance with the Director General's Requirements (DGRs) for Aboriginal Heritage relevant to this project (SSD 5363), which directed that it addressed:

"...Aboriginal Heritage in accordance with the draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005 and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (ACHCRs), if relevant."

This investigation has been carried out in accordance with both the draft Guidelines and the ACHCRs. Details of the consultation procedures undertaken can be found at Section 2 of this report.

As a result of this archaeological investigation, on-site discussions with the participating Aboriginal community stakeholders and consultation with all registered Aboriginal groups, it is considered that there are no constraints to the project on the basis of Aboriginal heritage. The following general recommendations are made for the project:

Recommendation 1

All relevant staff, i.e. contractors and subcontractors, should be made aware of their statutory obligations for heritage under NSW *National Parks and Wildlife Act (1974)* and the NSW *Heritage Act (1977)*.

Recommendation 2

If Aboriginal object/s are identified in the Project Area during works, then all works in the immediate area must cease and the area cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.

Recommendation 3

In the unlikely event that skeletal remains are identified work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

Contents

EXECUTIVE SUMMARY	3
1. INTRODUCTION	8
1.2 The Project Area	8
1.3 Background	8
1.4 Legislative Context	10
1.5 National Parks and Wildlife Act 1974	10
1.5.1 Heritage Act 1977	10
1.5.2 <i>Environmental Planning & Assessment Act 1979</i> (EP&A Act)	11
1.5.3 <i>Aboriginal Land Rights Act 1983</i>	11
1.5.4 <i>Native Title Act 1993</i>	11
1.6 Authorship and Acknowledgements	12
2 ABORIGINAL CONSULTATION	13
3 ENVIRONMENTAL CONTEXT	16
3.1 Geology and Soils	16
3.2 Topography and Hydrology	16
3.3 Climate	16
3.4 Flora and Fauna	17
3.5 Synthesis	17
4 ABORIGINAL HERITAGE CONTEXT	18
4.1 Historic Records of Aboriginal Occupation	18
4.2 Ethnohistory	18
4.2.1 Pre European contact	18
4.2.2 Post European contact	19
4.4 Local Archaeological Heritage Context	20
4.4.1 Aboriginal Heritage Information Management System (AHIMS)	20
4.4.2 Local Archaeological Studies	22
4.5 Predictive Model for Archaeology in the Project Area	23
4.6 Site Predictions	24
4.6.1 Site Type	24
4.6.2 Site Locations	24
4.6.3 Site Contents	24
5 HISTORIC HERITAGE CONTEXT	25
5.1 Regional History	25
5.2 Local history	25
5.3 Analysis of physical and documentary research	26
5.3.1 World Heritage	26
5.3.2 National Heritage	27

5.3.3	NSW Heritage	28
5.3.4	Kempsey Local Environmental Plan 1987	28
5.4	Discussion	29
5.5	Conclusion	29
6	ARCHAEOLOGICAL FIELD SURVEY	30
6.1	Survey Methodology	30
6.1.1	Survey Aim	30
6.1.2	Sampling Strategy	30
6.1.3	Field Methods	30
6.2	Survey Units	30
6.2.1	Current condition of the Project Area	31
6.2.2	Survey Unit 1	31
6.2.3	Survey Unit 2	31
6.3	Survey Coverage	34
6.4	Survey Results	34
6.5	Discussion of Survey Results	34
7	CONCLUSIONS AND RECOMMENDATIONS	36
8	REFERENCES	37
9	PLATES	39

Figures

Figure 1: Project Area	9
Figure 2: Project Area with AHIMS	21
Figure 3: Survey Units	32

Tables

Table 1: Acknowledgements	12
Table 2: Expressions of interest letters sent	13
Table 3: Registered Aboriginal Community Stakeholders	14
Table 4: Aboriginal Community Stakeholders who commented on methodology	14
Table 5: Fieldwork participants	14
Table 7: Items within the Kempsey LGA on the National Heritage List (NHL)	27
Table 8: Items within the Kempsey LGA on the Commonwealth Heritage List (CHL)	27
Table 9: State listed sites within the vicinity of the project area	28
Table 10: Ground surface visibility rating	33
Table 11: Survey coverage data	34

Plates

Plate 1: Kempsey District Hospital eastern portion, example of exposure, looking north.....	39
Plate 2: Eastern boundary of hospital grounds, showing adjacent Kempsey cemetery, looking east. Drainage line is located approximately at the line of trees in the left of frame.	39
Plate 3: Hospital grounds looking north. Note the built up landform of the hospital location.	40
Plate 4: Hospital grounds looking south, towards River Street and Macleay River.	40
Plate 5: Hospital grounds, looking south west.	41
Plate 6: Northern boundary of hospital grounds, looking west.....	41
Plate 7: Western boundary of hospital grounds, looking south.	42
Plate 8: Entrance to Kempsey District Hospital, looking north.....	42
Plate 9: Northern portion of additional area opposite hospital, looking east along River Street.	43
Plate 10: Example of exposure on road verge.....	43
Plate 11: Southern portion of additional area, looking south toward Macleay River. Land drops steeply beyond this tree line.	44
Plate 12: Centre of additional area, looking east toward property owned by Hospital.....	44
Plate 13: Residence in additional area owned/operated by hospital.	45
Plate 14: Eastern portion of additional area, looking east.....	45

Appendices

APPENDIX 1

Legislative Requirements

APPENDIX 2

Aboriginal Consultation – Published Advertisement

APPENDIX 3

Aboriginal Consultation Log

APPENDIX 4

AHIMS Search

APPENDIX 5

Glossary of Site Types

I. Introduction

RPS has been engaged by Johnstaff Projects Pty Limited on behalf of Health Infrastructure to prepare an Aboriginal Cultural Heritage Impact Assessment (ACHIA) for the proposed redevelopment of Kempsey District Hospital at 119 River Road, Kempsey ("the project area").

This report has considered the environmental and archaeological context of the project area and developed a predictive model of archaeological sites. It also reports on the results of an archaeological survey of the project area, provided an assessment of archaeological significance for Aboriginal heritage, as well as providing management recommendations which address potential impacts of the proposed works.

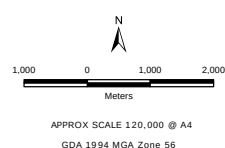
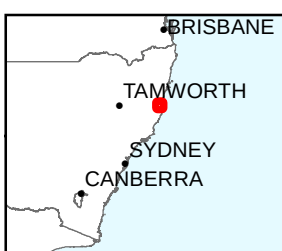
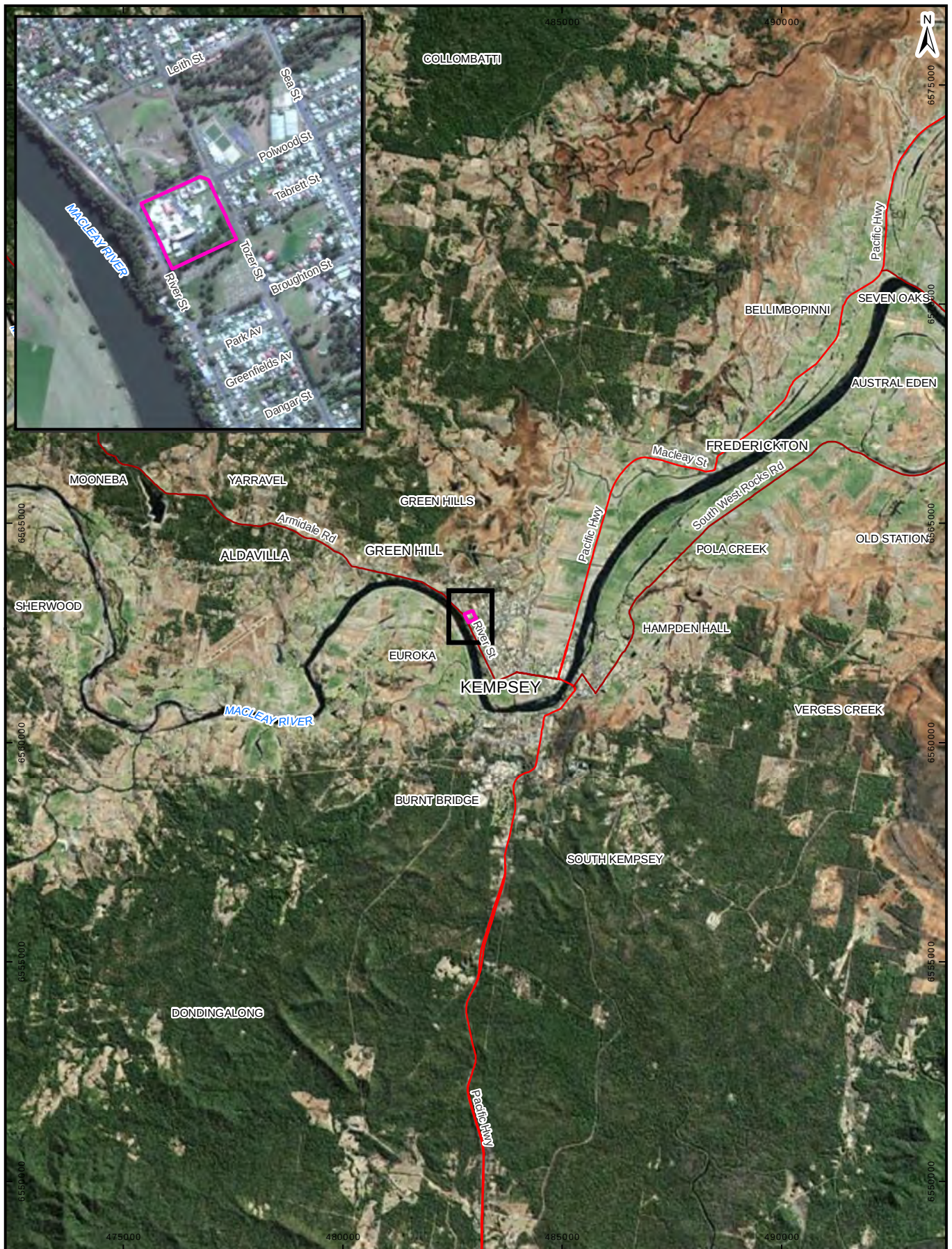
This report has been prepared in accordance with the relevant legislation and regulations, including the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* ("Code of Practice") (DECCW 2010).

1.2 The Project Area

The project area is located approximately 2 km north west of the township of Kempsey, which is located approximately 340 km north of the Sydney, in north east New South Wales. The subject land is located in a bend of the Macleay River, approximately 100 metres to the east of the river banks and is wholly within the Kempsey Local Government Area (LGA). The project area measures approximately 4 hectares.

1.3 Background

This ACHIA has been prepared to address potential impacts on Aboriginal cultural heritage as a result of the proposed redevelopment of Kempsey District Hospital. It will form part of a Development Application under Part 4, Division 4.1 of the *Environmental Planning & Assessment Act 1979*.



Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no guarantee is given that the information portrayed is free from error or omission. Please verify the accuracy of all information prior to use.

DATA SOURCES

Point features and proposed Lease area located by GPS

LEGEND

- Highway
- Main Road
- Project Area



FIGURE 1
Project Area

1.4 Legislative Context

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

Aboriginal heritage (places, sites and objects) in NSW are protected by the *National Parks and Wildlife Act 1974* which is overseen by the Office of Environment and Heritage (OEH) (formerly Department of Environment, Climate Change and Water (DECCW)), now a part of the Department of Premier and Cabinet. In some cases, Aboriginal heritage may also be protected under the *Heritage Act 1977*, which is also overseen by OEH (formerly the Heritage Branch of the Department of Planning). The *Environmental Planning and Assessment Act (1979)*, overseen by the Department of Planning and Infrastructure, along with other environmental planning instruments, trigger the requirement for the investigation and assessment of Aboriginal heritage as part of the development approval process. For crown land, provisions under the *Aboriginal Land Rights Act (1983)* and the *Native Title Act (1993)* (overseen by the Office of the Registrar of the Aboriginal Land Rights Act 1983) may also apply.

1.5 National Parks and Wildlife Act 1974

The NSW Government is working toward standalone legislation to protect Aboriginal cultural heritage which will be a significant reform for NSW. The first stage of this work has been completed and includes significant changes to the primary state legislation relating to Aboriginal cultural heritage in NSW (*National Parks and Wildlife Act 1974*) (NPW Act).

Changes to the NPW Act made effective on 1 October 2010 include:

- increased penalties for Aboriginal heritage offences, in some cases from \$22,000 to up to \$1.1 million in the case of companies who do not comply with the legislation;
- provisions so that companies or individuals cannot claim 'no knowledge' in cases of serious harm to Aboriginal heritage places and objects by creating new strict liability offences under the Act;
- remediation provisions to ensure people who illegally harm significant Aboriginal sites are forced to repair the damage, without need for a court order;
- unified Aboriginal heritage permits into a single, more flexible permit; and
- strengthened offences around breaches of Aboriginal heritage permit conditions.

1.5.1 Heritage Act 1977

Historical archaeological relics, buildings, structures, archaeological deposits and features are protected under the *Heritage Act 1977* and may be identified on the State Heritage Register (SHR) or by an active Interim Heritage Order. Certain types of historic Aboriginal sites may be listed on the SHR or subject to an active Interim Heritage Order; in such cases they would be protected under the *Heritage Act 1977* and may require approvals or excavation permits from the NSW Heritage Branch.

1.5.2 Environmental Planning & Assessment Act 1979 (EP&A Act)

This Act regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Assessment documents prepared to meet the requirements of the *EP&A Act 1979* including Reviews of Environmental Factors (REF), Environmental Impact Statements (EIS) and Environmental Impact Assessments (EIA) should address Aboriginal heritage, and planning documents such as Local Environment Plans (LEP) and Regional Environmental Plans (REP) typically contain provisions for Aboriginal heritage where relevant.

1.5.3 Aboriginal Land Rights Act 1983

The purpose of this legislation is to provide land rights for Aboriginal people within New South Wales and to establish Local Aboriginal Land Councils. The land able to be claimed by Aboriginal Land Councils on behalf of Aboriginal people is certain Crown land that (s36):

- (a) Is able to be lawfully sold, leased, reserved or dedicated;
- (b) Is not lawfully used or occupied;
- (c) Will not, or not likely, in the opinion of the Crown Lands minister, be needed for residential purposes;
- (d) Will not, or not likely, be needed for public purposes;
- (e) Does not comprise land under determination by a claim for native title;
- (f) Is not the subject of an approved determination under native title.

Claims for land are by application to the Office of the Registrar, Aboriginal Land Rights Act 1983. No claims on the project area were notified by the Registrar.

1.5.4 Native Title Act 1993

The Commonwealth Government enacted the *Native Title Act 1993* to formally recognise and protect native title rights in Australia following the decision of the High Court of Australia in *Mabo & Ors v Queensland (No. 2) (1992) 175 CLR 1* ("Mabo").

Although there is a presumption of native title in any area where an Aboriginal community or group can establish a traditional or customary connection with that area, there are a number of ways that native title is taken to have been extinguished. For example, land that was designated as having freehold title prior to 1 January 1994 extinguishes native title, as does any commercial, agricultural, pastoral or residential lease. Land that has been utilised for the construction or establishment of public works also extinguishes any native title rights and interests for as long as they are used for that purpose. Other land tenure, such as mining leases, may be subject to native title, depending on when the lease was granted. A search of the Native Title Register on 29 October 2012 showed no active applications or determinations within or in the vicinity of the project area. However, in 1997 the Federal Court determined that the Dunghutti people held native title over a parcel of land in Crescent Head, approximately 17 km south east of Kempsey. This is the closest native title land to the project area.

Further details on the relevant legislative Acts are provided in Appendix 1.

1.6 Authorship and Acknowledgements

This report was prepared by Deborah Farina, Project Archaeologist, with assistance from Jeremy Hill, Graduate Archaeologist, Natalie Wood, GIS/Draftsperson and reviewed by Darrell Rigby, National Technical Director for Archaeology. The fieldwork was conducted by RPS Archaeologist, Erin Williams.

The project team acknowledges the assistance in preparing this report of various organisations and individuals, including but not limited to:

Table 1: Acknowledgements

Name	Organisation
Brody Atterby	Project Manager, Johnstaff Projects Pty Ltd
Nick Brooker	Project Director, NSW Health Infrastructure
Robyn Martin	Director, Aboriginal Health & Primary Partnerships, North Coast Area Health Service
Amanda Ryan	Manager, Aboriginal Health Strategy & Policy, North Coast Area Health Service
Susan Ramke	Project Officer, Kempsey District Hospital
Derrick Vale, Josh Moran	DFTV Enterprises
Joanne Kelly, Craig Smith	Kempsey Local Aboriginal Land Council
Edward Moran	South West Rocks Aboriginal Corporation
Abie Wright	Ngarramang-Kuri Aboriginal Culture and Heritage Group
Ngaire Matthews	Dunghutti Elders Council Aboriginal Corporation

2 Aboriginal Consultation

The purpose of Aboriginal community consultation is to provide an opportunity for the relevant Aboriginal stakeholders to have input into the heritage management process. OEH encourages consultation with Aboriginal people for matters relating to Aboriginal heritage. If an Aboriginal Heritage Impact Permit (AHIP) is required, then specific OEH requirements are triggered in respect to Aboriginal consultation. In some circumstances OEH consultation requirements are also used as a framework for Aboriginal consultation, even if not specifically triggered by the preparation of an AHIP application.

In the case of this project, the *Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) for Proponents* (DECCW, 2010a) have been followed. The ACHCRs include a four stage Aboriginal consultation process and stipulates specific timeframes for each stage. Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. This identification process should draw on reasonable sources of information including: the relevant OEH regional office, the relevant Local Aboriginal Land Council(s), the Register of Aboriginal Owners, the Native Title Tribunal, Native Title Services Corporation Limited, the relevant local council(s) and the relevant Catchment Management Authority, as well as placing an advertisement in a local newspaper circulating in the general location of the project area. Aboriginal organisations and/or individuals identified should be notified of the project and invited to register an expression of interest for Aboriginal consultation. Once a list of Aboriginal stakeholders has been compiled from the expression of interest process they need to be consulted in accordance with stage 2, 3 and 4 of the ACHCRs.

An advertisement was placed in the Macleay Argus on 9 November 2012 calling for registration of interest for Aboriginal Cultural Knowledge Holders in the area. Letters were also sent to Kempsey LALC, Kempsey Local Council, Native Title Tribunal, Native Title Services Corporation Ltd, OEH Northern Region, the Registrar of Aboriginal Owners and the Northern Rivers Catchment Management Authority. As a result of the responses from both the letters and advertisement, letters inviting expressions of interest were sent to organisations identified as potentially holding cultural information (Table 2).

Table 2: Expressions of interest letters sent

Organisation	Name of representative	Date contacted
Benelongs Haven Ltd	Val Carroll	20 November 2012
Mirrinni Gardens Aboriginal Academy	Fay Oliver	20 November 2012
Ngarramang-Kuri Aboriginal Culture and Heritage Group	Abie Wright	20 November 2012
Nulla Nulla Boonghutti Aboriginal Corporation	Mervyn & Elizabeth Cohen	20 November 2012
Pandanus People Inc.	Shirley Doyle	20 November 2012
South Kempsey Aboriginal Men's Group Aboriginal Corporation	Raymond Donovan	20 November 2012
Booroongen Djugun Aboriginal Corporation	Garry Morris	20 November 2012
DFTV Enterprises	Derrick Vale Snr.	20 November 2012
Dunghutti Elders Council Aboriginal Corporation	(Board of Directors)	20 November 2012
Goori Galbans Aboriginal	Madeline Donovan	20 November 2012

Corporation		
Guri Wa Nghundagar	Noel Lockwood	20 November 2012

As a result of the invitation for expression of interest letters and the advertisement one Aboriginal Community Stakeholder registered their interest in the project (see below table).

Table 3: Registered Aboriginal Community Stakeholders

Organisation	Name of representative	Date of registration
South West Rocks Aboriginal Corporation	Edward Moran	11 November 2012

In addition, on 17 January 2013 Ngaire Matthews, General Manager of Dhungutti Elders Council asked for late inclusion as a registered Aboriginal community stakeholder. Ms Matthews was informed that fieldwork had already taken place but that they could be included to receive a draft report, which they accepted.

Information regarding the proposed heritage assessment methodology and strategy for collecting information on cultural heritage significance was provided in writing to the Aboriginal stakeholders on the on 20 December 2012. The following groups returned their comments on the methodology by the closing date for comments.

Table 4: Aboriginal Community Stakeholders who commented on methodology

Organisation	Name of Representative	Date of reply
South West Rocks Aboriginal Corporation	Edward Moran	6 January 2013
DFTV Enterprises	Derrick Vale Snr	8 January 2013

According to the ACHCR process a site survey should be undertaken with reference to the nature, scale and complexity of the project. The following representatives were invited to take part in the survey, which took place on 17 January 2013:

Organisation	Name of representative	Date of Invitation
South West Rocks Aboriginal Corporation	Edward Moran	20 December 2012
Kempsey LALC	Joanne Kelly	20 December 2012
DFTV Enterprises	Derrick Vale Snr	20 December 2012
Ngarramang-Kuri Aboriginal Culture and Heritage Group	Abie Wright	20 December 2012

Acceptances were received from South West Rocks Aboriginal Corporation, Kempsey LALC and DFTV Enterprises. A further request was made of these groups on 11 January 2013 to provide insurance details and to confirm that they would be available for the survey on 17 January. Replies were received from the following:

Table 5: Fieldwork participants

Organisation	Name of representative
Kempsey Local Aboriginal Land Council	Michael Edwards
DFTV Enterprises	Josh Munro

On 30 January 2013, a draft report was submitted to the registered Aboriginal parties for their review. Comments were sought with regard to the content and recommendations contained in the

report. It was requested that these comments be provided to RPS by 28 February 2013. No comments were received from any of the registered Aboriginal parties by 28 February 2013. Further contact was made on 28 February 2013 reminding the registered Aboriginal parties of the closure of the date for comment and inviting them to forward any comments they wished to make, however no comments were subsequently received.

3 Environmental Context

An understanding of environmental context is important for the predictive modelling and interpretation of Aboriginal sites. The local environment provided natural resources for Aboriginal people, such as stone (for manufacturing stone tools), food and medicines, wood and bark (for implements such as shields, spears, canoes, bowls, shelters, amongst others), as well as areas for camping and other activities. The nature of Aboriginal occupation and resource procurement is related to the local environment and it therefore needs to be considered as part of the Cultural Heritage Assessment process. The reporting of environmental context is required under the Code of Practice.

3.1 Geology and Soils

Aboriginal people often made stone tools using siliceous, metamorphic or igneous rocks and therefore understanding the local geology can provide important information regarding resources in a project area. The nature of stone exploitation by Aboriginal people depends on the characteristics of the source, for example whether it outcrops on the surface (a primary source), or whether it occurs as gravels (a secondary source) (Doelman, Torrence et al. 2008).

3.2 Topography and Hydrology

Kempsey is located approximately 18 km inland on the NSW north coast. It is located in a bend in the Macleay River in the Macleay Valley.

The project area comprises the crest of a gentle rise 100 m to the east of the Macleay River. The project area is approximately 20-25 m above sea level and has been previously developed by the Kempsey District Hospital. A small first order stream is located approximately 200 m to the north, but is outside the project area. Several small ponds and a drainage channel also lead from the first order stream.

From 1838 to 1999, the Macleay River has flooded 35 times at Kempsey (road bridge) in excess of 5 m. The floods have occurred irregularly, with 1863-1875, 1890-93 and 1949-50 all seeing periods of serious flooding (in excess of 5 m), but with long periods of few, if any, serious floods, such as between 1921 and 1949, and from 1967 to 2001. Nonetheless, these serious floods affect much of Kempsey. The worst flood recorded was in 1949, which reached 7.92 m and was described as a 1 in 90 year flood event (Kempsey Shire Council, online (a)).

The topography and hydrology suggest that the local environment would have been favourable to past Aboriginal occupation. The availability of fresh water in the project area locality would have contributed to a diverse local habitat providing a variety of food and other exploitable resources.

3.3 Climate

Approximately 18,000 years ago, climatic conditions began to alter which affected the movement and behaviour of past populations within their environs. During this time, notably at the start of the

Holocene (more than 11,000 years ago), the melting of the ice sheets in the Northern Hemisphere and Antarctica caused the sea levels to rise, with a corresponding increase in rainfall and temperature. The change in climatic conditions reached its peak about 6,000 years ago (Short, 2000:19-21). Between 6,000 and 1,500 years ago there was a slight decrease in average temperature, which then stabilised about 1,000 years ago and has remained, since then, similar to the temperatures currently experienced. Consequently, the climate of the project area for the past 1,000 years would probably have been much the same as present day, providing a year round habitable environment.

The weather in the Kempsey area can be described as warm marine temperate. It is characterised by warm to hot summers and mild winters. The mean maximum temperature in January is 29°C with the mean minimum temperatures in July at 5.7°C. The highest rainfall is recorded in February with the mean at 156.2 mm, with the lowest rainfall recorded in September at 56.0 mm (Bureau of Meteorology 2012).

3.4 Flora and Fauna

The native flora in the vicinity of the project area is chiefly that of the Hunter Macleay Dry Sclerophyll Forests (Keith, 2006:maps). Hunter Macleay Dry Sclerophyll Forests are principally found in the middle reaches of the Macleay Valley and in the rain shadow areas of the Manning and Hunter Valleys. The dominant species of this community are various types of eucalypts, the understorey has sparse shrubs with semi-continuous grass cover (ibid:124-125).

The full extent of native fauna in the Kempsey area is unknown, however one of the dominant species of grey gum found in the Hunter Macleay Dry Sclerophyll Forest, the Grey Gum, is a favoured food of the Koala (Keith, 2006:124). Other fauna recorded in the Kempsey local government area include fish, ducks, swans, bandicoot, Platypus, Echidna, wombat, bats, gliders, possum, kangaroo, wallaby, snakes, lizards, turtle, and frogs (Office of the Commissioner for Sustainability and the Environment, ud).

The diversity of flora and fauna species may have provided seasonal food resources for small Aboriginal groups or communities moving throughout the region.

3.5 Synthesis

A review of the environmental context indicates that there are rich food and raw material sources available in the vicinity of the project area and thus would have been a favourable area for Aboriginal occupation. However, due to previous development and frequent flooding of the Macleay River, it is not certain that any *in situ* cultural material would still be present.

4 Aboriginal Heritage Context

It is important that Aboriginal sites are contextualised within the local and regional landscape in order to inform the assessment of significance. The Aboriginal heritage context is also needed in order to develop a predictive model of Aboriginal sites in the project area. Historical information also provides additional information for the interpretation of archaeological sites. A glossary of Aboriginal site types is provided in Appendix 6.

4.1 Historic Records of Aboriginal Occupation

It is important to acknowledge that early historical documents were produced for a number of reasons and thus may contain inaccuracies and/or bias in their reporting of events or other aspects of Aboriginal culture (L'Oste Brown 1998). Nonetheless, some historical documents provide important information and insights into local Aboriginal customs and material culture at the time of non-Indigenous settlement and occupation of region.

4.2 Ethnohistory

4.2.1 Pre European contact

The project area is located in the North Coast of NSW. This was the country of the Dunghutti (also variously known as “Thungutti”, “Dhan-gadi”, “Djangadi” and “Daingatti”) people, who inhabited the Macleay Valley and the Birpai people, who occupied much of the Hastings River area. The Dunghutti people are one of the few Australian Aboriginal people who have been awarded native title, with a parcel of land at Crescent Head, approximately 17 km south east of the project area, being awarded in 1997.

A number of dialects are known to have been spoken by the Dunghutti, however the locations of where each dialect was spoken is a subject of debate (Austral Archaeology, 2004:1). Dunghutti has been described as “the language of the Macleay Valley.... it may have extended inland as far as the Great Dividing Range and have included the area around Walcha” (Hoddinnot, 1978:55 in Australian Archaeology, 2004:1-2). It has been reported that at the time of contact, three distinct languages were spoken in the Macleay Valley; Dunghutti was spoken on the tablelands, while Ngaku (a Dunghutti dialect) and Ngamba were spoken on the coast (Anutech 1989: 6).

Estimating the pre-contact Aboriginal population of any given area is problematic. However, an estimate by the Commissioner of Crown Lands puts the Aboriginal population in the Macleay Valley in the 1850s at approximately 500 (Austral Archaeology, 2004:2). It should be borne in mind that this estimate occurred some many years after the first European settlers arrived in the area. Death from diseases such as smallpox and relocation following displacement from traditional camping and hunting grounds would suggest that the pre-contact figure is likely to be much higher.

Seven inhabiting groups were recorded by Hodgkinson (1845) in the lower Macleay Valley in the early 1800s; Yarra-Hapinni, Clybucca, Calliteeni, Yarra Bandini, Munga, Wobra and Conderang. According to Hodgkinson, each of these groups inhabited a specific area, with coastal groups occupying comparatively smaller areas and exploiting smaller territories for resources than inland

groups associated with the Macleay River. Movement around the landscape and settlement patterns are likely to have been influenced by seasonality (McBryde 1976), established territories (Coleman 1980) and the location of resources and landforms (Sullivan 1987).

Subsistence practices in the Macleay Valley are postulated to be similar to those documented for other coastal regions of New South Wales; men hunted and fished, while women gathered vegetables. Both men and women are likely to have exploited coastal resources, particularly shellfish (ANUTECH 1989: 6). Hunting equipment would have included nets, fishing and hunting spears, axes, canoes and boomerangs, and a number of recorded Aboriginal camp sites have been located in close proximity to flying fox camps, large yam beds and known fishing places (Anutech 1989: 6). It has also been recorded that possums were a primary food source, along with pademelon, scrub wallabies, kangaroos and bandicoots (Campbell 1978: 87).

4.2.2 Post European contact

Following initial sightings of the Aboriginal inhabitants of the Macleay Valley in 1770, European settlers gradually made their way into the Valley, with initial settlement dated to 1836. By 1841, 15 pastoral stations had been established in the area (Navin Officer 2007: 16). The area was primarily targeted by cedar cutters and sawyers, who encroached on the natural resources that the local Aboriginal population relied upon, including rainforests and wetlands. Consequently, Aboriginal attacks on European settlers occurred in the early 1800s, and these were met with violent reprisals. By the 1850s the local Aboriginal population had moved into less hospitable areas away from the European settlements.

Eleven sites associated with conflict between Aborigines and European settlers have been recorded in the area. Among these is Yarrahapinni, where a European police party is reported to have launched an attack on an Aboriginal camp, and Yessabah Caves, a reported hiding place for Aboriginal raiding parties (Rich 1990).

One of the first reserves to be established in the region, the Belgrave Falls Aboriginal Reserve, may have been established in the 1850s following the general cessation of Aboriginal resistance to European settlement. Subsequently, 16 Aboriginal reserves were established in the region between 1883 and 1908. Prior to European contact, the territory of the Dunghutti people is estimated to have covered an area of approximately 2,800 square kilometres (Navin Officer 2007: 17). By 1885, Dunghutti territory was limited to 40 hectares of land located on the Bellbrook reserve.

In 1923 the Aborigines Protection Board built Kinchela Aboriginal Boys Home at Kinchela, approximately 17 km north east of Kempsey. Around 600 boys taken from their families were housed here. Conditions at Kinchela have been variously described as “barbaric and cruel” (ABC, 2012 online) and “notorious” (Kempsey Shire Council, online (b)). The facility operated until 1970. In February, 2012 it was listed as a State significant item under the *Heritage Act 1970*.

The Census of 2011 reported that Aboriginal and Torres Strait Islander people made up 11.1% of the population of the Kempsey LGA, more than four times the national average (Australian Bureau of Statistics, online). It has been estimated that the pre-contact Aboriginal population of the area had declined from 500-600 people to just 200 by 1842 (Navin Officer 2007: 16).

4.4 Local Archaeological Heritage Context

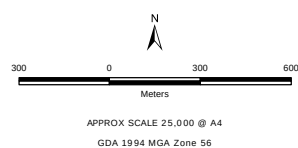
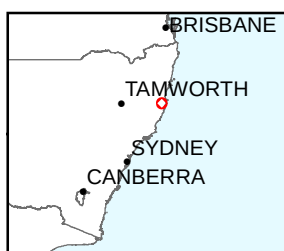
The local Aboriginal heritage context provides a review of previous archaeological work conducted in the local landscape, determines whether Aboriginal sites have been previously identified (AHIMS search) and informs the predictive model of Aboriginal sites. The review of previous archaeological work includes relevant local research publications and archaeological consultancy reports. Two types of archaeological investigations are generally undertaken: excavations and surveys. Archaeological excavations can provide high resolution data regarding specific sites, such as the dates or chronology of Aboriginal occupation and information on stone tool technology (reduction sequences, raw material use, tool production, usewear and similar). Archaeological surveys generally cover wider areas than excavations and can provide important information on the spatial distribution of sites. The detection of sites during survey can be influenced by the amount of disturbance or erosion and therefore sensitivity mapping is sometimes also required to interpret survey results. The local Aboriginal heritage context also provides a context for assessing archaeological significance of sites.

4.4.1 Aboriginal Heritage Information Management System (AHIMS)

A search was undertaken of the OEH Aboriginal Heritage Information Management System (AHIMS) on 29 October 2012 for a ten kilometre radius centred on the project area. A total of 78 sites were identified within that search radius. (Table 5-1).

Item	Number	Percentage
Non specified artefact sites	22	28%
Artefact scatters (> 2 artefacts)	16	21%
Isolated finds (single artefacts)	10	12%
Burials	6	8%
Scarred trees	5	6%
Bora/ceremonial grounds	4	5%
Artefact scatter/potential archaeological deposit	3	4%
Aboriginal ceremonial/dreaming site	2	3%
Stone arrangement	2	3%
Natural mythological site (ritual)	2	3%
Midden	2	3%
Quarry	1	1%
Bora/ceremonial, carved/scarred tree	1	1%
Aboriginal ceremonial/dreaming site, burial	1	1%
Earth mound	1	1%
TOTALS	78	100%

As can be seen from the above table, artefact sites make up the largest proportion of sites in the vicinity of the project area. Other sites, such as burials, are well represented, as are ceremonial sites and natural mythological (ritual) sites. This suggests the area was utilised for religious/spiritual purposes, whilst other sites, such as the middens and quarry, indicate that the area was also exploited for more practical uses.



Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no guarantee is given that the information portrayed is free from error or omission. Please verify the accuracy of all information prior to use.

DATA SOURCES

RPS 2012.

LEGEND

- Highway
- Main Road
- Project Area

AHIMS

- Artefact(s) Unspecified
- Burial
- ★ Ceremonial
- ★ Earth Mound
- ★ Open Camp Site
- ▼ Scarred Tree



FIGURE 2
AHIMS

4.4.2 Local Archaeological Studies

Heritage Resource Services, 1989. Aboriginal Heritage in the Kempsey Shire: A report for the Aboriginal People – Kempsey Shire Heritage Study

This investigation was commissioned by Kempsey Shire Council to identify and consider the Aboriginal cultural heritage resources within its boundaries. It was conducted in association with local Aboriginal community groups and is presented as three separate reports. The first report provides an overview of the Aboriginal and colonial history of Kempsey Shire. This includes a description of local Aboriginal communities and their relationship to the landscape and particular landscape features, as well as details of known Aboriginal sites and places. The second report provides ethnographic information pertaining to Aboriginal social practices, population distribution, languages and land use. Summaries of archaeological research and excavations that have been undertaken in the area are also included. The third and final report considers the heritage concerns specific to Kempsey Shire as well as potential conservation policies and cultural heritage planning procedures.

At the time of publication, a total of 257 sites had been recorded in Kempsey Shire. Middens were by far the most common site type (n=139), though open camp sites (n=27), natural/myth places (n=22), burials (n=21) and bora/ceremonial sites (n=16) have also been investigated. The report notes that the majority of sites have been found in association with the Macleay River valley, while mythological and ceremonial sites were found in close proximity to former reserves. Midden sites found in the area have been dated from approximately 5,000 to 1,000 years ago.

The study also identified a total of 11 sites that were considered by the local Aboriginal communities to be culturally significant. The report recommended that these sites be nominated to the Register of the National Estate for the purposes of recording, protection and monitoring. Identified sites included etchings, a sacred tool site, bora/ceremonial sites, a burial site and sites of natural/mythological significance.

Packard, 1992. Archaeological Assessment of State Forests in Kempsey & Wauchope Forestry Management Areas

This investigation was commissioned by the Forestry Commission of NSW ahead of proposed works within the Wauchope and Kempsey forestry areas. It was conducted in conjunction with local Aboriginal communities. The Kempsey portion of the investigation covered 169,000 ha. Due to time and budget constraints, it was noted that access was not available to parts of the project area, in particular, unlogged areas of old growth forests.

Nonetheless, a total of 55 sites were identified within the State Forest areas. All but one of the sites were artefact sites, comprising 21 isolated finds and 33 artefact scatters of varying densities. The remaining site was a small shelter with a single artefact in a shallow deposit. The study found that there was an association between the density of sites and landscape features; sites in the study area were most commonly found on saddles, crests, and flats, ridges and spurs and least commonly found on simple and upper slopes. Sites found on saddles, crests and ridges also had higher levels of intra-site variability and a higher number of diagnostic and formal artefacts. Based on these findings, these landscape features were considered to have the highest overall archaeological sensitivity. An association was also found between vegetation and site density, with dry sclerophyll forests found to have higher site and artefact densities than wet sclerophyll forests.

Based on the above research, management recommendations were made for eight of the sites identified in the study area. These sites, which included several site complexes, an open artefact scatter and a rockshelter, were considered to be scientifically significant.

Appleton, 1993. Archaeological investigation of the site of a proposed clay extraction plant at Belmore Swamp

This investigation was commissioned by R W Corkery & Co Pty Ltd on behalf of the owners of a proposed clay quarry at Belmore Swamp near Kempsey. The investigation was conducted in conjunction with the Aboriginal community. The swamps are located approximately 8 km to the south east of Kempsey.

Based on the available environmental, historical and archaeological data, Appleton devised a predictive model which stated that middens or low density artefact scatters may be found on low banks projecting into swamps; that discrete scatters of artefacts may be present on low ridges and spurs overlooking fresh or brackish waters and that isolated finds may be observed in random situations on erosion features. He further predicted that any scarred trees are likely to have already been recorded and that it is unlikely that any art sites, burials, grinding grooves, bora rings, shelters or stone arrangements would be identified.

During the survey, Appleton identified three artefact scatters as a result of this investigation. Two of the sites were assessed as being of high significance as they contained evidence of stone tool manufacture. The third site comprised only two artefacts and was therefore assessed as being of low scientific significance. Appleton assessed further that the impact to all three sites would be high. It was recommended that the two sites of significance be protected by a 25 m buffer surrounding each site.

4.5 Predictive Model for Archaeology in the Project Area

A predictive model is created to provide an indication of Aboriginal sites likely to occur within the project area. It draws on the review of the existing information from the regional and local archaeological context and from the environmental context. The predictive model is necessary for the formulation of appropriate field methodologies and to provide information for the assessment of archaeological significance.

There are a number of factors which influence Aboriginal occupation of an area. These include essential subsistence resources such as food (flora and fauna) and fresh water. However, other resources such as raw stone materials, wood and bark, animal skins and reeds for basket weaving, string, clothing and similar, were also used. Landscape features such as ridges, flat elevated areas, rockshelters and similar, may have also influenced Aboriginal occupation of an area. In addition, cultural activities may have also taken place at certain locations in the landscape; for example corroborees, mythological and initiation sites. Section 4.6 below takes into account the above mentioned characteristics allowing the propensity for sites to occur to be devised.

4.6 Site Predictions

The following site predictions for the project area have been made on the basis of the environmental context, available historic observations of Aboriginal people in the region, archaeological studies, as well as, analysis of the AHIMS data.

4.6.1 Site Type

Based on previous archaeological investigations and Aboriginal sites recorded on the AHIMS database, the most likely site type to be encountered within the project area are stone artefact sites either as scatters (>1) or isolated finds (single artefact). Other site types have been identified in the wider Kempsey area, however, given the amount of previous development within the project area, it is unlikely that any other site types will be present.

4.6.2 Site Locations

Artefact scatters and isolated finds may be found in any landscape, but more often within 100m of a watercourse. As the project area is on relatively level, elevated ground overlooking the Macleay River, it is possible for subsurface artefacts to be present in undisturbed soils within the project area.

4.6.3 Site Contents

A review of previous archaeological investigations indicates that artefact scatters and isolated finds generally comprise flaked stone artefacts. It is therefore predicted that sites with artefacts within the project area will comprise flaked stone tools, cores and debitage.

5 Historic Heritage Context

5.1 Regional History

In 1820, John Oxley was commissioned to make a survey of Port Macquarie and report back on its suitability as a penal colony. He entered the Macleay River in the *Prince Regent*, but did not travel far up and only went as far as the inlets, swamps and marshes near the coast, therefore failing to recognise the river's potential further into the valley. However, he found Trial Bay as an area worth developing, stating that:

"...vessels prevented by unfavourable winds and tides from entering Port Macquarie will find shelter, and I think it an eligible station from whence to take advantage of a change in wind and weather." (Kempsey Shire Council, 2002:2)

In 1827, the first European settlers arrived in the Macleay Valley when Captain A. C. Innes established a cedar party north of Euroka Creek on the Macleay River. This attracted other timber getters to the area, making the cedar trade the dominant industry of the Macleay Valley in the early 18th century. Rosewood was also harvested from the area.

The timber industry sparked the growth of European settlement in the Macleay Valley. Land grants followed in 1835, initially to timber getters, establishing a number of residents across the valley, particularly along the eastern banks of the Macleay River. The Macleay River, initially called the "New River", was crucial in transporting timber from a wharf at Kempsey to its mouth at Grassy Head. Following the clearance of timber, the land was predominantly used for grazing and dairying.

5.2 Local history

The first European settler in the Kempsey area was Enoch William Rudder, a merchant from Birmingham, who surveyed the land for a private town he named Kempsey, after the valley of Kempsey in Worcestershire. The site of Rudder's home, "Rudder Park", is located in East Kempsey, just south of the railway bridge, and is marked by a plaque erected by the local historical society.

The location of Kempsey on the Macleay River positioned it as a centre for transport, and is therefore largely responsible for its growth. Transport to Sydney from the area was undertaken by ship from Kempsey, down the Macleay River and out to sea, however a shifting sand bar at the mouth of the river often prompted travellers from Sydney to disembark at Port Macquarie and travel overland from there (Kempsey Shire Council, 2002:9). Cargo shipped from Kempsey included maize, timber, tallow, hides, wheat and livestock. As a centre for trade, shipbuilding also became another prominent industry in Kempsey from the 1840s (Kempsey Shire Council, 2002:9, 16).

As a consequence of the difficult entrance, only shallow draft vessels could enter the river. However, this was alleviated somewhat after the establishment of a pilot station at Grassy Head in

1862 (Kempsey Shire Council, 2002:10). In the late 19th century, a new entrance to the river was constructed near South West Rocks and the pilot station relocated. This allowed a better class of vessel to operate on the Macleay River, improving shipping services to and from Sydney. These services continued to operate for cargo until 1959 (Kempsey Shire Council, 2002:11).

The first river crossing over the Macleay River was by punt close to Rudder's village at East Kempsey, commencing in c. 1842. This allowed development to commence on the western side of the river, where central Kempsey is today. The town thereafter grew on both sides of the river. The punt was replaced in 1900 with a bridge, which was again replaced in 1959. Postal services commenced through Port Macquarie in 1848 and direct by sea from 1856 (Kempsey Shire Council, 12). The railway reached Kempsey in 1917, and an aerodrome built at Aldavilla for both cargo and passengers following World War II (Kempsey Shire Council, 2002:13).

However, although the Macleay River served to provide Kempsey with a number of industries thus aiding its development, its position on a floodplain also means frequent flooding. From 1838 to 1999, the Macleay River has flooded 35 times at Kempsey (road bridge) in excess of 5 m. The floods have occurred irregularly, with 1863-1875, 1890-93 and 1949-50 all seeing periods of serious flooding (in excess of 5 m), but with long periods of few, if any, serious floods, such as between 1921 and 1949, and from 1967 to 2001. Nonetheless, these serious floods affect much of Kempsey. The worst flood recorded was in 1949, which reached 7.92 m and was described as a 1 in 90 year flood event (Kempsey Shire Council, online).

In 1880, a public meeting moved to build a public hospital in Kempsey. Voluntary subscriptions were sought and a foundation stone laid by the end of that year. The hospital opened in 1881, and served the community until replaced with the current hospital in 1914. An obelisk is located in the grounds of the current hospital, dedicated to Dr Brabazon Casement, an Irish doctor who provided medical services when the hospital was first established. He was also well known for "forgetting" to submit a bill to people he felt were unable to afford it (Council of Heads of Australian Herbaria, online).

5.3 Analysis of physical and documentary research

The Australian Heritage Database is an online database of items listed under the Commonwealth Heritage List, National Heritage List and the Register of the National Estate. The Commonwealth Heritage List relates to Commonwealth owned property and is not applicable for this assessment.

The National Heritage List is now the lead statutory document for the protection of places considered to have national importance. Previous to this the Register of the National Estate was the primary document, however it has not had statutory status since 19 February 2012.

The State Heritage Inventory database is maintained by the NSW Heritage Office and lists all items that have been identified as of heritage value throughout NSW. Items listed on the Heritage Inventory include those which have been listed by local councils (local significance) and also those which are listed on the State Heritage Register (items of state significance).

5.3.1 World Heritage

The World Heritage List includes 936 properties forming part of the cultural and natural heritage which the United Nations Education, Scientific and Cultural Organisation (UNESCO) World Heritage Committee considers as having outstanding universal value (UNESCO 2012: Online).

There is **one** World Heritage Sites ('WHS') located within the Kempsey LGA, being the Gondwana Rainforests of Australia at Lismore. However, the location of the proposed works at Kempsey will have no impact on the universal heritage significance of the World Heritage Site.

5.3.2 National Heritage

The National Heritage List is now the lead statutory document for the protection of heritage places considered to have national importance. This list comprises Indigenous, natural and historic places that are of outstanding national heritage significance to Australia. Listed places are protected under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. A search of the Australian Heritage Database on 29 October 2012 showed that there are **three items** within the Kempsey LGA on the National Heritage List. All three are of national natural significance and none will be impacted by the proposed works:

Table 6: Items within the Kempsey LGA on the National Heritage List (NHL)

Item	Address	Significance/Class
Fish Rock Grey Nurse Shark Habitat	South West Rocks	National – natural
Gondwana Rainforests of Australia	Lismore	National – natural
Green Island Grey Nurse Shark Habitat	South West Rocks	National - natural

Prior to this the Register of the National Estate was the primary document, however it has not had statutory status since 19 February 2012. The Register of the National Estate includes 37 sites within the Kempsey LGA.

The Commonwealth Heritage List comprises natural, Indigenous and historic heritage places owned or controlled by the Commonwealth. These include places connected to defence, communications, customs and other government activities that also reflect Australia's development as a nation. Places on this list are also protected under the *EPBC Act*. There are **two items** within the Kempsey LGA on the Commonwealth Heritage List.

Table 7: Items within the Kempsey LGA on the Commonwealth Heritage List (CHL)

Item	Address	Significance/Class
Kempsey Post Office	3-5 Smith Street, Kempsey	Commonwealth – historic
Smoky Cape Lighthouse	Lighthouse Road, South West Rocks	Commonwealth - historic

The closest of these two items to the project area is the Kempsey Post Office, located approximately 2.5 km south east of the current project area. Therefore, neither of these two items will be affected in any way by the proposed works.

A search of the Australian Heritage Database which incorporates all the above lists shows no items registered on these lists.

5.3.3 NSW Heritage

Heritage items in NSW may be registered as important at the State level and/or at the local level. The Heritage Council has developed criteria to help establish whether an item is State significant. Items of State significance are registered by the NSW Heritage Council under the NSW Heritage Act. Those items are listed on the State Heritage Register as being under an Interim Heritage Order or protected under section 136 of the NSW Heritage Act.

Some heritage places and items that do not reach the threshold for listing on the State Heritage Register may be of heritage significance within a local government area. These places are listed by local council under their Local Environment Plans (LEP) and additionally may be included on the NSW Heritage Inventory database.

The NSW Heritage Inventory database is maintained by the NSW Heritage Office and lists items that have been identified as of State and local heritage value throughout NSW.

A search of the NSW Heritage Inventory shows four heritage items listed in Kempsey under the *Heritage Act 1977*:

Table 8: State listed sites within the vicinity of the project area

Item	Address	Significance
Bridge over Five Day Creek	Main Road 75, Kempsey	State
Kempsey Post Office	Belgrave Street, Kempsey	State
Kempsey rail bridge over Macleay River	North Coast Railway	State
St Andrews Presbyterian Church and Hall	67 Smith Street, Kempsey	State

As the closest of these items is 2.2 km from the project area (Kempsey railway bridge), none of these items will be affected by the proposed works.

5.3.4 Kempsey Local Environmental Plan 1987

The Local Environment Plan (LEP) for Kempsey Shire Council contains a number of provisions protecting heritage. Sections 26-30 provide legislative protection for any listed or potential heritage items. Schedule 1 lists the heritage items within the Shire. A total of 33 items are listed within the township of Kempsey, including the Kempsey District Hospital.

Item	Address	Significance
East Kempsey Public School	Cnr Innes & Gill Streets and Barnetts Lane, East Kempsey	Local
War Memorial and Triangle	Lord Street, East Kempsey	Local
East Kempsey Cemetery	Naiooka and East Streets, East Kempsey	Local
Chaddies' Store	Cnr Rudder Street and Herborn Lane, East Kempsey	Local
National Bank (former AJS Bank)	3-5 Belgrave Street, Kempsey	Local
Knauer's Building	7-13 Belgrave Street,	Local

	Kempsey	
Shopfront	58 Belgrave Street, Kempsey	Local
Shopfront	60-62 Belgrave Street, Kempsey	Local
Railway Hotel	91 Belgrave Street, Kempsey	Local
Kempsey Station group	Belgrave, Kemp and Gladstone Streets, Kempsey	Local
Kempsey Rail bridge over Macleay River	North Coast Railway	Local
AJS Buggy Shed	Savages Lane, Kempsey	Local
Post office	3-5 Smith Street, Kempsey	Local
Shopfront (Barsby's)	10-12 Smith Street, Kempsey	Local
Shopfront (Harvey's)	21-25 Smith Street, Kempsey	Local
Shopfront	30 Smith Street, Kempsey	Local
Shopfront (displaying "1934")	36-38 Smith Street, Kempsey	Local
St Andrew's Presbyterian Church & Hall	67 Smith Street, Kempsey	Local
Kempsey High School	13 Broughton Street, West Kempsey	Local
West Kempsey Cemetery	Broughton, River and Tozer Streets, West Kempsey	Local
Police residence	3 Elbow Street, Kempsey	Local
West Kempsey Post Office	21-23 Elbow Street, West Kempsey	Local
Forestry Commission office	27 Elbow Street, West Kempsey	Local
Former Commercial Banking Company of Sydney	35 Elbow Street, West Kempsey	Local
Great Northern Hotel	38 Elbow Street, West Kempsey	Local
West Kempsey Hotel	43 Elbow Street, West Kempsey	Local
Grand United Order of Oddfellows Hall	22 Kemp Street, West Kempsey	Local
All Saints Anglican Church and grounds	28-30 Kemp Street and 25 Marsh Street, West Kempsey	Local
All Saints Catholic Hall	52-58 Marsh Street, West Kempsey	Local
Kempsey District Hospital	River Street, West Kempsey	Local
Kempsey Court House	2 Sea Street, West Kempsey	Local
Showground buildings	19 Sea Street, West Kempsey	Local
Bandbox Theatre	26 Sea Street, West Kempsey	Local

5.4 Discussion

Research of listed Heritage Items has shown that there are no heritage items in the vicinity of the proposed project area, with the exception of the Hospital itself and the adjacent West Kempsey Cemetery.

5.5 Conclusion

Other than the hospital itself, there are no registered heritage items within the vicinity of the project area, it is considered that there are no European heritage constraints associated with the project. A non Indigenous heritage study carried out by Graham Brooks and Associates on the hospital site concluded that the redevelopment would not detract from the heritage value of the hospital site (pers. comm. Brody Atterby, 30/1/2013).

6 Archaeological Field Survey

6.1 Survey Methodology

The project area was surveyed in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010). On the day of the survey (17 January 2013) Susan Ramke of Kempsey District Hospital requested that the survey team also inspect a separate parcel of land opposite the hospital between River Street and the Macleay River. It was stated that this area may also be utilised for future development (See Figure 3).

6.1.1 Survey Aim

The purpose of the survey was to inspect visible ground surfaces, observe exposed soil profiles or other visible features such as scarred trees and rock art, in addition to assessing whether potential archaeological deposits were present in the study area. The survey also aimed to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

6.1.2 Sampling Strategy

The purpose of a sampling strategy is to provide a framework for conducting archaeological surveys in a manner which can be quantified and thus can be compared to other survey reports in the local landscape and for regional comparison (Burke and Smith 2004). Due to the extensive modification of the land comprising the project area, the surveying strategy used for this assessment was opportunistic, covering all visible land surfaces and focussing on inspection of areas of exposure.

6.1.3 Field Methods

The survey was conducted on foot (pedestrian) and targeted all visible land surfaces as identified in the survey strategy above. The area surveyed was recorded in survey units. On return to the office, each survey unit was mapped and recorded in accordance with landforms, project area boundaries, impact area boundaries, changes in survey conditions (such as visibility or ground surface exposure) and/or other relevant considerations. The mapping of survey units was undertaken on the basis of GPS recorded data and with reference to aerial and topographic information. The recording of survey units was done by using representative digital photographs and field notes which included observations of soils, ground surface exposure and visibility, vegetation cover, rock outcrops, levels of ground surface disturbance, erosion and similar observations. The field notes provide a basis for the reporting of survey coverage and calculating survey effectiveness as presented in the survey results section. It is required that any Aboriginal sites identified are recorded and submitted to the AHIMS database.

6.2 Survey Units

A pedestrian survey of the project area was undertaken in fine and sunny conditions on 17 January 2013 by RPS archaeologist Erin Williams in conjunction with Josh Moran of DFTV Enterprises and

Craig Smith of Kempsey LALC. Opinions regarding the landscape, cultural values and potential for archaeological sites were sought at various stages throughout the survey.

The project area was surveyed in two separate survey units. Exposure and visibility for each survey unit was assessed in the field according to the criteria listed in Table 9, giving the effective survey coverage as listed in Table 10.

6.2.1 Current condition of the Project Area

The surrounding landscape is well watered both in terms of permanent water sources such as rivers, streams and dams and ephemeral sources nearby. The Macleay River is approximately 100 m west of the proposed hospital site. A drainage channel bisects the adjacent cemetery in a roughly south west to north east direction, approximately 85 m to the south of the hospital boundary, however it is uncertain whether this drainage channel is natural or constructed to facilitate drainage from the cemetery.

The hospital is constructed on an entirely modified landform. The hospital buildings are positioned on a crest above the river, with the land falling away to the south east towards the cemetery.

6.2.2 Survey Unit 1

Situated on a crest to the east of the Macleay River and River Street, this survey unit comprised the grounds of Kempsey Hospital. It measures approximately 4.9 hectares in total, however most of the area (approximately 2.9 ha) is covered by either roads or buildings. The remaining grassed areas (2 ha) contain sporadic exposures due to sheet wash erosion (Plate 1). Overall, extensive disturbances of the land surface render visibility as low.

Vegetation consisted of tall, exotic trees and grasses. Grass covered much of the natural land surfaces within the project area. In the few areas of exposure it was noted that topsoils were skeletal with some areas exposed to the B horizon. No Aboriginal objects were noted.

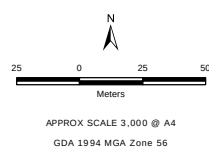
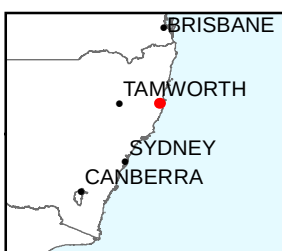
No previously recorded Aboriginal sites were located in this survey unit, nor new sites identified.

6.2.3 Survey Unit 2

This survey unit comprised the additional area to the west of River Road and the east of Macleay River (Plate 11). It measured approximately 1.4 ha and was for the most part heavily covered by grass with immature eucalypts along the river. The land dropped steeply away close to the river and was not surveyed. A small residence, owned by the hospital, was located amongst this bushland with its frontage on River Street.

Much of the vegetation within this survey unit comprised tall exotics in the eastern portion and regenerated bushland in the west. Grass covered most of the survey unit reducing visibility to 5% with few exposures. As with survey unit 1, topsoils were skeletal with some exposed due to sheet wash and weathered to the B horizon. No rock outcrops were noted.

No Aboriginal sites were located in this survey unit.



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DATA SOURCES

RPS 2012.

LEGEND

- Project Area
- Survey Unit 1
- Survey Unit 2



FIGURE 3
Survey Units

Table 9: Ground surface visibility rating

GSV Rating	Overall rating	Description
0 – 9%	Low	Heavy vegetation with scrub foliage, debris cover and/or dense tree cover. Ground surface not clearly visible.
10 – 29%	Low	Moderate level of vegetation, scrub or tree cover. Small patches of soil surface visible resulting from animal tracks, erosion or blowouts. Patches of ground surface visible.
10 – 29%	Low	Moderate level of vegetation, scrub or tree cover. Small patches of soil surface visible resulting from animal tracks, erosion or blowouts. Patches of ground surface visible.
10 – 29%	Low	Moderate level of vegetation, scrub or tree cover. Small patches of soil surface visible resulting from animal tracks, erosion or blowouts. Patches of ground surface visible.
50 – 59%	Moderate	Moderate to low level of vegetation, tree and/or scrub. Greater amounts of areas of ground surface visible in the form of erosion scalds, recent ploughing, grading or clearing.
60 – 79%	High	Low levels of vegetation and scrub cover. High incidence of ground surface visible due to recent or past land–use practices such as ploughing, grading and mining. Moderate level of ground surface visibility due to sheet wash erosion, erosion scalds and erosion scours.
80 – 100%	High	Very low to nonexistent levels of vegetation and scrub cover. High incidence of ground surface visible due to past or recent land use practices, such as ploughing, grading and mining. Extensive erosion such as rill erosion, gilgai, sheet wash, erosion scours and scalds.

Table 10: Survey coverage data

Survey Unit	Landform	Survey unit area (m ²)	Exposure (%)	Visibility (%)	Effective coverage area (m ²)	Effective coverage (%)
1	Modified	20,000	10	5	100	1%
2	Terrace	14,000	5	5	35	0.25%

6.3 Survey Coverage

The *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010) defines the “effective coverage area” as “The survey unit area multiplied by the visibility percentage and exposure percentage” (DECCW, 2010:39). Although all available ground surfaces were inspected at the time of the survey, once visibility and exposure figures are calculated, owing to the presence of roads, car parks, buildings and grass cover, the effective coverage translates to low (See Figure 11).

6.4 Survey Results

No new Aboriginal archaeological sites were identified during the survey. Although the project area is close to the Macleay River and would therefore normally be considered as an archaeologically sensitive area, the disturbances through construction of the existing hospital and associated infrastructure have modified the area to such an extent that it would be unlikely that any *in situ* Aboriginal objects or places would be identified.

In addition, the Macleay River has flooded numerous times since European settlement. It is therefore uncertain that any subsurface Aboriginal material located in the area is in its primary context due to the flood waters modifying the landscape and re-depositing cultural material.

6.5 Discussion of Survey Results

Based on previous archaeological investigations and the AHIMS search results, it was predicted that the most likely site type to be encountered within the project area would be artefact sites, either as scatters (>2 artefacts) or isolated finds. However, although the project area is situated atop a crest within 100 m of a major river and therefore presents as an archaeologically sensitive area, as a major regional hospital it is now necessarily on an entirely modified landscape. Although it may have presented as a reasonable location to pass through or camp at for past Aboriginal populations in pre-contact times, the subsequent disturbance through the hospital's construction and continued use since 1880 would have obliterated any archaeological evidence of this.

With regard to the additional area inspected by request adjacent to the Macleay River, it is far less disturbed than the main hospital grounds. However, its proximity to the Macleay River would indicate that it has suffered more alteration through fluvial processes and flooding than the hospital grounds, which rests on higher ground. Whilst there is a greater possibility of subsurface artefacts

to be present due to the lack of disturbance by construction, as noted above the significance of any subsurface Aboriginal objects identified in any future development would need to be weighed against the probability of their being in primary or secondary context.

Aside from the visual inspection of the project area, the absence of any sites identified is consistent with both the AHIMS results and previous archaeological investigations in the Kempsey township area. Most of the previously identified sites are outside of the Kempsey township in areas with little to no development. However, despite recent development and redevelopment projects being undertaken in the Kempsey township, no previously recorded sites have been recorded within 1.2 km of the hospital. However, this paucity of Aboriginal objects and places is unsurprising given the level of disturbance.

In addition, the Aboriginal representatives were asked during the survey whether they were aware of any landscape or cultural values associated with the surveyed areas. Craig Smith of Kempsey LALC replied that although there were coastal Dhungutti and river Dhungutti living all around the Kempsey area, most of the land had been disturbed by the development of the Kempsey township. In any case, Craig believed that the main culturally significant sites were located further inland at Bellbrook, approximately 42 km to the north west of Kempsey.

As a result of the investigation, site inspection and consultation with Aboriginal groups, it is considered that there are no constraints to the project on the basis of Aboriginal heritage.

7 Conclusions and Recommendations

This report has considered the environmental and archaeological context of the project area, developed a predictive model and reported on the results of an archaeological survey of the project area.

As a result of this archaeological investigation and on-site discussions with the participating Aboriginal community stakeholders, it is considered that there are no constraints to the project on the basis of Aboriginal heritage. The following general recommendations were made for the project:

Recommendation 1

All relevant staff, i.e. contractors and subcontractors, should be made aware of their statutory obligations for heritage under NSW *National Parks and Wildlife Act (1974)* and the NSW *Heritage Act (1977)*.

Recommendation 2

If Aboriginal object/s are identified in the Project Area during works, then all works in the immediate area must cease and the area cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.

Recommendation 3

In the unlikely event that skeletal remains are identified work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

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9 Plates



Plate 1: Kempsey District Hospital eastern portion, example of exposure, looking north.



Plate 2: Eastern boundary of hospital grounds, showing adjacent Kempsey cemetery, looking east. Drainage line is located approximately at the line of trees in the left of frame.



Plate 3: Hospital grounds looking north. Note the built up landform of the hospital location.



Plate 4: Hospital grounds looking south, towards River Street and Macleay River.



Plate 5: Hospital grounds, looking south west.



Plate 6: Northern boundary of hospital grounds, looking west.



Plate 7: Western boundary of hospital grounds, looking south.



Plate 8: Entrance to Kempsey District Hospital, looking north.



Plate 9: Northern portion of additional area opposite hospital, looking east along River Street.



Plate 10: Example of exposure on road verge.



Plate 11: Southern portion of additional area, looking south toward Macleay River. Land drops steeply beyond this tree line.



Plate 12: Centre of additional area, looking east toward property owned by Hospital.



Plate 13: Residence in additional area owned/operated by hospital.



Plate 14: Eastern portion of additional area, looking east.

Appendix I

Legislative Requirements

SUMMARY OF STATUTORY CONTROLS

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview and recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

COMMONWEALTH

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSHP Act)

The purpose of this Act is to preserve and protect all heritage places of particular significance to Aboriginal and Torres Strait Islander people. This Act applies to all sites and objects across Australia and in Australian waters (s4).

It would appear that the intention of this Act is to provide national baseline protection for Aboriginal places and objects where State legislation is absent. It is not to exclude or limit State laws (s7(1)). Should State legislation cover a matter already covered in the Commonwealth legislation and a person contravenes that matter, that person may be prosecuted under either Act, but not both (s7(3)).

The Act provides for the preservation and protection of all Aboriginal objects and places from injury and/or desecration. A place is construed to be injured or desecrated if it is not treated consistently with the manner of Aboriginal tradition or is or likely to be adversely affected (s3).

Australian Heritage Commission Act 1975

The *Australian Heritage Commission Act 1975* established the Australian Heritage Commission which assesses places to be included in the National Estate and maintains a register of those places. Places maintained in the register are those which are significant in terms of their association with particular community or social groups and they may be included for social, cultural or spiritual reasons. The Act does not include specific protective clauses.

The *Australian Heritage Council Act 2003* together with the *Environment Protection and Biodiversity Conservation Act 1999* includes a National Heritage List of places of National heritage significance, maintains a Commonwealth Heritage List of heritage places owned or managed by the Commonwealth and ongoing management of the Register of the National Estate.

STATE

It is incumbent on any land manager to adhere to state legislative requirements that protect Aboriginal Cultural heritage. The relevant legislation in NSW includes but is not limited to:

National Parks & Wildlife Act 1974 (NPW Act)

This Act provides statutory protection for all Aboriginal heritage, places and objects (not being a handicraft made for sale), with penalties levied for breaches of the Act. This legislation is overseen by the Office of Environment & Heritage (OEH). Part 6 of this Act is the relevant part concerned Aboriginal objects and places, with ss 86, 87 and 90 being the most pertinent. In 2010, this Act was substantially amended, particularly with respect to Aboriginal cultural heritage requirements. Relevant sections include:

Section 86

This section now lists four major offences:

- (2) A person must not harm an object that the person knows is an Aboriginal object;
- (3) A person must not harm an Aboriginal object;
- (4) For the purposes of s86, "circumstances of aggravation" include (a) the offence being committed during the course of a commercial activity; or (b) that the offence was the second or subsequent offence committed by the person;
- (5) A person must not harm or desecrate an Aboriginal place.

Offences under s86 (2) and (4) are now strict liability offences, i.e., knowledge that the object or place harmed was an Aboriginal object or place does not need to be proven. Penalties for all offences under Part 6 of this Act have also been substantially increased, depending on the nature and severity of the offence.

Section 87

This section now provides defences to the offences contained in s86. These offences chiefly consist of having an appropriate Aboriginal Heritage Impact Permit (AHIP), not contravening the conditions of the AHIP or demonstrating that due diligence was exercised prior to the alleged offence.

Section 87A & 87B

These sections provide exemptions from the operation of s86: Section 87A for authorities such as the Rural Fire Service, State Emergency Services and offices of the National Parks & Wildlife Service in the performance of their duties and s87B for Aboriginal people performing traditional activities.

Section 89A

This section states that a person who knows of an Aboriginal object or place and does not advise the Director-General of that object or place within a reasonable period of time, is guilty of an offence.

Section 90

This section authorises the Director-General to issue an AHIP.

Section 90A-90R

These sections govern the requirements relating to an application for an AHIP. In addition to the amendments to the Act, OEH have issued three new policy documents clarifying OEH's requirements with regards to Aboriginal archaeological investigations: *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* and *Code of Practice for Archaeological Investigations in NSW*. The Consultation Requirements formalise the consultation with Aboriginal community groups into four main stages and include details regarding the parties required to be consulted and the methods of establishing the necessary stakeholders to be consulted, advertisements inviting Aboriginal community groups to participate in the consultation process, requirements regarding the provision of methodologies, draft and final reports to the Aboriginal stakeholders and timetables for the four stages. The Due Diligence Code of Practice sets out the minimum requirements for investigation, with particular regard as to whether an AHIP is required. The Code of Practice for Archaeological Investigation sets out the minimum requirements for archaeological investigation of Aboriginal sites.

Aboriginal Heritage Impact Permits (AHIP)

OEH encourages consultation with relevant Aboriginal stakeholders for all Aboriginal Heritage assessments. However, if an Aboriginal Heritage Impact Permit (AHIP) is required for an Aboriginal site, then specific OEH guidelines are triggered for Aboriginal consultation.

Aboriginal Cultural Heritage Consultation Requirements for Proponents

In 2010, the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (ACHCRs) were issued by OEH. These consultation requirements replace the previously issued *Interim Community Consultation Requirements* (ICCR) for Applicants (DEC 2004). These guidelines apply to all AHIP applications prepared after 12 April, 2010; for projects commenced prior to 12 April, 2010 transitional arrangements have been stipulated in a supporting document, Questions and Answers 2: Transitional Arrangements.

The ACH Consultation Requirements 2010, include a four stage Aboriginal consultation process and stipulates specific timeframes for each stage. Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. Stage 1 includes the identification of Aboriginal people who may have an interest in the project area and hold information relevant to determining the cultural significance of Aboriginal objects or places. This identification process should draw on reasonable sources of information including: the relevant OEH EPRG regional office, the relevant Local Aboriginal Land Council(s), the registrar, Aboriginal Land Rights Act 1983, the Native Title Tribunal, Native Title Services Corporation Limited, the relevant local council(s) and the relevant catchment management authority. The identification process should also include an advertisement placed in a local newspaper circulating in the general location of the project area. Aboriginal organisations and/or individuals identified should be notified of the project and invited to register an expression of interest (EoI) for Aboriginal consultation. Once a list of Aboriginal stakeholders has been compiled

from the Eols, they need to be consulted in accordance with ACH Consultation Requirements Stages 2, 3 and 4.

For projects commenced before the 12 April, 2010, Section 1 (Q1) of the transitional arrangements indicates that if Aboriginal consultation was commenced prior to the 12 April 2010 (including advertising and notification of stakeholders) then consultation is to be continued under the previous ICCR guidelines.

Interim Community Consultation Requirements (ICCR) for Applicants (DEC 2004) required a three stage process of which timeframes were stipulated for specific components. Stage 1 required the notification and registration of interests. Notification included an advertisement in a local print media, as well as, as contacting the Local Aboriginal Land Council(s), the registrar of Aboriginal Owners, Native Title Services, local council(s) and the Department of Environment and Conservation. Stage 1 also required the invitation for expressions of interest (Eol) to be sent to interested Aboriginal parties and an Aboriginal stakeholder list compiled. Stage 2 required the preparation of an assessment design to be sent to the Aboriginal stakeholders for comment and review. Stage 3 required that the assessment report be provided to registered Aboriginal stakeholders for review and comment.

Environmental Planning & Assessment Act 1979 (EP&A ACT)

This Act regulates a system of environmental planning and assessment for New South Wales. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Within the *EP&A Act 1979*, Parts 3, 4 and 5 relate to Aboriginal heritage.

Part 3 regulates the preparation of planning policies and plans. Part 4 governs the manner in which consent authorities determine development applications and outlines those that require an environmental impact statement. Part 5 regulates government agencies that act as determining authorities for activities conducted by that agency or by authority from the agency. The National Parks & Wildlife Service is a Part 5 authority under the *EP&A Act 1979*.

In brief, the *NPW Act 1974* provides protection for Aboriginal objects or places, while the *EP&A Act 1979* ensures that Aboriginal cultural heritage is properly assessed in land use planning and development.

Heritage Act 1977

This Act protects the natural and cultural history of NSW with emphasis on non-indigenous cultural heritage through protection provisions and the establishment of a Heritage Council. Although Aboriginal heritage sites and objects are primarily protected by the *National Parks & Wildlife Act 1974*, if an Aboriginal site, object or place is of great significance, it may be protected by a heritage order issued by the Minister subject to advice by the Heritage Council.

Other legislation of relevance to Aboriginal cultural heritage in NSW includes the *NSW Local Government Act 1993*. Local planning instruments also contain provisions relating to indigenous heritage and development conditions of consent.

Appendix 2

Aboriginal Consultation – Published Advertisement

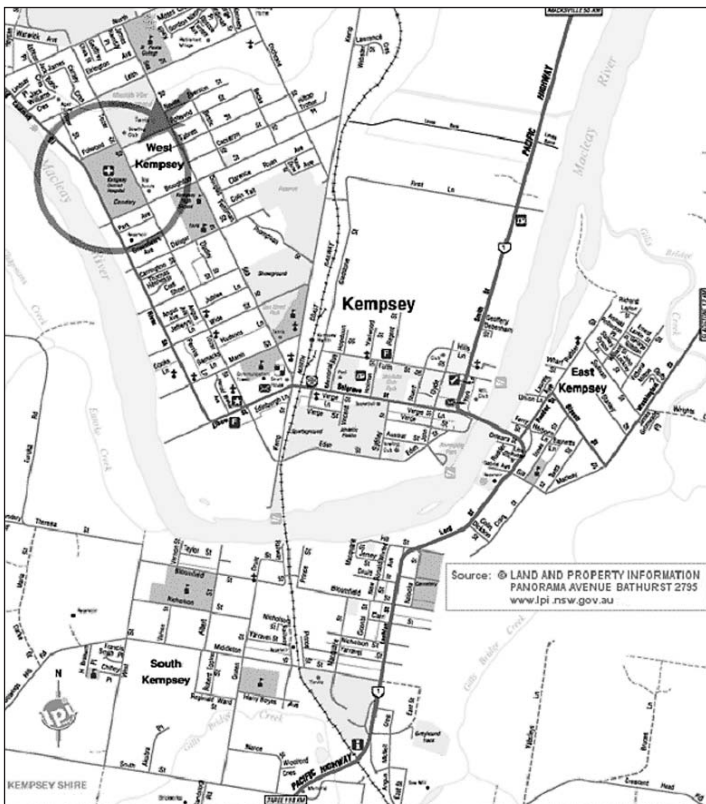
CALL FOR REGISTRATIONS

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

KEMPSEY DISTRICT HOSPITAL REDEVELOPMENT STAGE 1

RPS Australia East Pty Ltd (RPS), on behalf of Health Infrastructure, is calling for Aboriginal stakeholders to register an interest in a process of community consultation for the Aboriginal Cultural Heritage Assessment for the Kempsey District Hospital Redevelopment Stage 1.

RPS is seeking registrations from any Aboriginal persons or groups who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the "Areas of Interest" shown below.



The Aboriginal community consultation process will assist RPS prepare an Aboriginal Cultural Heritage Assessment for the Kempsey District Hospital Redevelopment Stage 1, and will be carried out in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, April 2010).

Interested persons and organisations are invited to register until 23/11/2012. Registrations should be sent to Deb Farina, RPS Australia East Pty Ltd, GPO Box 4401 Sydney NSW 2001. Email: deborah.farina@rpsgroup.com.au. If you have special needs and require assistance to register, please call 02 9248 9870.

Further information regarding the Project will be provided upon registration.

The details of any Aboriginal person or group who registers an interest will be forwarded to the Office of Environment and Heritage and the Kempsey Local Aboriginal Land Council, unless requested otherwise at the time of registration.

Appendix 3

Aboriginal Consultation Log

DATE	TO/FROM	METHOD OF CONTACT	OUTCOME
11/11/2012	South West Aboriginal Corporation to DF	Email	Registering interest
15/11/2012	Kempsey LALC to DF	Email	Registering interest
19/11/2012	DF to Robyn Martin of Aboriginal Health	Email	Advising of consultation to date; requesting input regarding further consultation
20/11/2012	DF to Benelongs Haven Ltd	Letter	Inviting an EOI for consultation
20/11/2012	DF to Booroongen Djugun Aboriginal Corporation	Email/Letter	Email bounced; Inviting an EOI for consultation
20/11/2012	DF to DFTV Enterprises	Email/Letter	Inviting an EOI for consultation
20/11/2012	DF to Dunghutti Elders Council Aboriginal Corporation	Email/Letter	Email bounced; Inviting an EOI for consultation
20/11/2012	DF to Goori Galbans Aboriginal Corporation	Email/Letter	Email bounced; Inviting an EOI for consultation
20/11/2012	DF to Guri Wa Ngundagar Aboriginal Corporation	Email/Letter	Email bounced; Inviting an EOI for consultation
20/11/2012	DF to Murriwinni Gardens Aboriginal Corporation	Letter	Inviting an EOI for consultation
20/11/2012	DF to Ngarramang-Kuri Aboriginal Cultural and Heritage Group	Letter	Inviting an EOI for consultation
20/11/2012	DF to Nulla Nulla Boongutti Aboriginal Corporation	Letter	Inviting an EOI for consultation
20/11/2012	DF to Pandanus People Inc	Letter	Inviting an EOI for consultation
20/11/2012	DF to South Kempsey Aboriginal Men's Group Aboriginal Corporation	Letter	Inviting an EOI for consultation
20/11/2012	DF to South West Rocks Aboriginal Corporation	Letter	Inviting an EOI for consultation
20/11/2012	DFTV to DF	Email	Registering interest
28/11/2012	Robyn Martin to DF	Email	Advising of three groups and requesting I contact Amanda Ryan of

			Aboriginal health Port Macquarie for her advice
28/11/2012	DF to Robyn Martin of Aboriginal Health	Email	Requesting contact details for further groups
18/12/2012	DF to KLALC	Email	Providing letter of methodology
18/12/2012	DF to SWRAC	Email	Providing letter of methodology
18/12/2012	DF to DFTV Enterprises	Email	Providing letter of methodology
18/12/2012	DF to Ngarramang- Kuri Aboriginal Cultural and Heritage Group	Email	Providing letter of methodology
19/12/2012	Bounceback of Ngarramang-Kuri email - resend	Email	Providing letter of methodology
19/12/2012	DF to OEH	Mail	Providing information regarding registered groups
19/12/2012	DF to KLALC	Email	Providing information regarding registered groups
7/01/2013	Edward Moran from SWRAC to DF	Email	Agreeing to methodology; expressing interest to participate in fieldwork
8/01/2013	DF to Kempsey LALC	Phone	Joanne Kelly not available, left message for her to call
8/01/2013	DF to DFTV Enterprises	Phone	Left message on voicemail for Derek to call
8/01/2013	Derek from DFTV	Phone	Agreeing to methodology; expressing interest to participate in fieldwork
11/01/2013	DF to all stakeholders	Email	Notifying of date for fieldwork; requesting confirmation in writing and copies of certificates of currency
11/01/2013	Derek from DFTV	Email	Confirming attendance for fieldwork; attaching copies of certs of currency
17/01/2013	Ngaire Matthews of Dunghutti Elders	Email	Asking if it was too late to register as a

	Council		stakeholder
17/01/2013	DF to Ngaire Matthews of Dunghutti Elders Council	Email	Saying that it was too late for the fieldwork, but that I can include them on the distribution list for the draft report if they wish
17/01/2013	Ngaire Matthews of Dunghutti Elders Council to DF	Email	Confirming they would like to be included in the consultation list to receive the draft report for comment.
30/01/2013	DF to Ngaire of Dunghutti Elders Council	Email	Attaching copy of draft report; requesting comments by 28 February 2013
30/01/2013	DF to Derrick Vale of DFTV	Email	Attaching copy of draft report; requesting comments by 28 February 2013
30/01/2013	DF to Edward Moran of SWRAC	Email	Attaching copy of draft report; requesting comments by 28 February 2013
30/01/2013	DF to Kempsey LALC	Email	Attaching copy of draft report; requesting comments by 28 February 2013
30/01/2013	DF to Ngarramang-Kuri Aboriginal Cultural and Heritage Group	Email	Attaching copy of draft report; requesting comments by 28 February 2013
28/02/2013	DF to Ngaire of Dunghutti Elders Council	Email	Reminder re closing date for comments
28/02/2013	DF to Edward Moran of SWRAC	Email	Reminder re closing date for comments
28/02/2013	DF to Kempsey LALC	Email	Reminder re closing date for comments
28/02/2013	DF to Ngarramang-Kuri Aboriginal Cultural and Heritage Group	Email	Reminder re closing date for comments
28/02/2013	DF to Derrick Vale of DFTV	Email	Reminder re closing date for comments

Appendix 4

AHIMS Search

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : PR115384

Client Service ID : 84101

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
30-3-0246	Sherwood 1	AGD	56	473340	6559280	Open site	Valid	Artefact : -	Open Camp Site	
	Contact	Recorders	Permits							
30-3-0247	Fattorini Dam 1	AGD	56	476160	6564930	Open site	Valid	Artefact : -	Isolated Find	
	Contact	Recorders	Permits							
30-3-0248	Fattorini dam 2	AGD	56	476200	6564990	Open site	Valid	Artefact : -	Isolated Find	
	Contact	Recorders	Permits							
30-3-0249	Fattorini Dam 3	AGD	56	476140	6564990	Open site	Valid	Artefact : -	Isolated Find	
	Contact	Recorders	Permits							
30-3-0250	Fattorini Dam 4	AGD	56	476180	6564950	Open site	Valid	Artefact : -	Isolated Find	
	Contact	Recorders	Permits							
21-6-0031	Collombatti;Kapara Point;	AGD	56	486100	6571200	Open site	Valid	Ceremonial Ring (Stone or Earth) : -	Bora/Ceremonial	1626
	Contact	Recorders	Permits							
21-6-0034	Clybucca Creek;Bellimboppini;	AGD	56	488000	6571900	Open site	Valid	Shell : -, Artefact : -	Midden	1626
	Contact	Recorders	Permits							
21-6-0037	Clybucca;Bellimbopinni;	AGD	56	492500	6572300	Open site	Valid	Shell : -, Artefact : -	Midden	1626
	Contact	Recorders	Permits							
30-3-0139	Skillion 2-1;	AGD	56	475310	6568200	Open site	Valid	Artefact : -	Isolated Find	2598
	Contact	Recorders	Permits							
30-3-0152	Maria 1-1;	AGD	56	484170	6553720	Open site	Valid	Artefact : -	Open Camp Site	2598
	Contact	Recorders	Permits							
30-3-0153	Maria 2-1;	AGD	56	484570	6553080	Open site	Valid	Artefact : -	Open Camp Site	2598
	Contact	Recorders	Permits							
30-3-0154	Belmore JA2;	AGD	56	492490	6559010	Open site	Valid	Artefact : -	Open Camp Site	2625
	Contact	Recorders	Permits							
30-3-0155	Belmore JA1;	AGD	56	492570	6559070	Open site	Valid	Artefact : -	Open Camp Site	2625
	Contact	Recorders	Permits							
30-3-0082	Dungy Twins Burial	AGD	56	482100	6558900	Open site	Valid	Burial : -	Burial/s	
	Contact	Recorders	Permits							
30-3-0098	Belgrave Falls;Aldaville;	AGD	56	475200	6560500	Open site	Valid	Aboriginal Ceremony and Dreaming : -		
	Contact	Recorders	Permits							
30-3-0107	SR/88/1	AGD	56	492450	6558400	Open site	Valid	Stone Arrangement : -	Stone Arrangement	1386

Report generated by AHIMS Web Service on 05/12/2012 for Deborah Farina for the following area at Datum :GDA, Zone : 56, Eastings : 472890 - 492890, Northings : 6552892 - 6572892 with a Buffer of 50 meters.Additional Info : As part of a cultural heritage assessment. Number of Aboriginal sites and Aboriginal objects found is 78

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : PR115384

Client Service ID : 84101

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>	Bonhomme Craib & Associates					<u>Permits</u>		
30-3-0108	Maineys	AGD	56	488900	6567400	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Helen Clemens,Rex Silcox					<u>Permits</u>		
30-3-0109	Seale Road1	AGD	56	492500	6558400	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Helen Clemens,Rex Silcox					<u>Permits</u>		
30-3-0111	Stumpy Creek,;	AGD	56	483880	6556630	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Brian Egloff					<u>Permits</u>		
30-3-0112	Minoru,;	AGD	56	481570	6560000	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Brian Egloff					<u>Permits</u>		
30-3-0113	Herdegen,;	AGD	56	480890	6560600	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Brian Egloff					<u>Permits</u>		
30-3-0114	Belgrave 1,;	AGD	56	475100	6560970	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Brian Egloff					<u>Permits</u>		
30-3-0115	Belgrave 2,;	AGD	56	475090	6561120	Open site	Valid	Artefact : -	Isolated Find	
	<u>Contact</u>	<u>Recorders</u>	Brian Egloff					<u>Permits</u>		
21-6-0112	Collombatti	AGD	56	484500	6571570	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Helen Clemens,Rex Silcox					<u>Permits</u>		
21-6-0113	Sutherlands.	AGD	56	488950	6571240	Open site	Valid	Artefact : -	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Helen Clemens,Rex Silcox					<u>Permits</u>		
30-3-0018	Yessabah Cave,;	AGD	56	473000	6559900	Open site	Valid	Ceremonial Ring (Stone or Earth) : -	Bora/Ceremonial	
	<u>Contact</u>	<u>Recorders</u>	Isabel McBryde					<u>Permits</u>		
30-3-0019	Sherwood,;	AGD	56	473300	6563700	Open site	Valid	Burial : -	Burial/s	
	<u>Contact</u>	<u>Recorders</u>	Ms.Lisa Campbell					<u>Permits</u>		
30-3-0020	Skillion Flat;Sherwood,;	AGD	56	474700	6567400	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	
	<u>Contact</u>	<u>Recorders</u>	Ray Kelly					<u>Permits</u>		
30-3-0021	Donlingalong;Alda Villa,;	AGD	56	477500	6560300	Open site	Valid	Stone Quarry : -, Artefact : -	Quarry	
	<u>Contact</u>	<u>Recorders</u>	Ms.Lisa Campbell					<u>Permits</u>		
30-3-0022	Dondingalong, Belgrave Falls	AGD	56	475000	6560000	Open site	Valid	Modified Tree (Carved or Scarred) : -, Ceremonial Ring (Stone or Earth) : -	Bora/Ceremonial,C arved Tree	

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : PR115384

Client Service ID : 84101

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders	Ms.Lisa Campbell					Permits		
30-3-0024	Burnt Bridge;Sandy Creek;	AGD	56	479500	6557400	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	
	Contact	Recorders	Ray Kelly					Permits		
30-3-0025	Burnt Bridge;Campbell's Mountain;	AGD	56	481500	6557700	Open site	Valid	Stone Arrangement : -	Stone Arrangement	
	Contact	Recorders	Ms.Lisa Campbell					Permits		
30-3-0026	Burnt Bridge;	AGD	56	481800	6557500	Open site	Valid	Artefact : -	Open Camp Site	
	Contact	Recorders	Ms.Lisa Campbell					Permits		
30-3-0281	THOMSON TOWER ROAD #1	AGD	56	482430	6555121	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0282	THOMSON TOWER ROAD #3	AGD	56	481880	6555102	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0283	THOMSON TOWER ROAD #5	AGD	56	481555	6555016	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0284	THOMSON TOWER ROAD #6	AGD	56	481485	6554930	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0285	UNNAMED ROAD#1	AGD	56	475177	6555198	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0270	Goal site #6	AGD	56	476436	6562724	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0271	Goal site #7	AGD	56	476449	6562734	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0272	Goal site#8	AGD	56	476526	6562457	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0273	Goal site #9	AGD	56	476137	6562595	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0275	MARIA RIVER 31-1-#3	AGD	56	474816	6554564	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0314	Thomson Tower road #4	AGD	56	481822	6555055	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		
30-3-0315	Thomson Tower road #2	AGD	56	481922	6555107	Open site	Valid	Artefact : -		
	Contact	Recorders	Kevin Smith					Permits		

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
30-3-0312	Gaol Site #10	AGD	56	475690	6562672	Open site	Valid	Artefact : 2		
	<u>Contact</u>	<u>Recorders</u>	Kevin Smith					<u>Permits</u>		
30-3-0313	Gaol site #11	AGD	56	475579	6562779	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Kevin Smith					<u>Permits</u>		
30-3-0301	Maria river 31-1#2	AGD	56	474898	6554559	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Kevin Smith					<u>Permits</u>		
30-3-0083	Frenchman's Creek, Sherwood	AGD	56	477300	6564000	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	
	<u>Contact</u>	<u>Recorders</u>	Ray Kelly					<u>Permits</u>		
30-3-0093	Burnt Bridge Aboriginal Cemetery	AGD	56	481000	6558600	Open site	Valid	Aboriginal Ceremony and Dreaming : -, Burial : -		
	<u>Contact</u>	<u>Recorders</u>	Mr:T Donnelly,Bob Campbell					<u>Permits</u>		
30-3-0339	CC-IF-1, Kempsey	AGD	56	483820	6565420	Open site	Valid	Artefact : 1		
	<u>Contact</u> T Russell	<u>Recorders</u>	Jim Kelton					<u>Permits</u>		
30-3-0340	F-IF-1	AGD	56	487220	6566890	Open site	Valid	Artefact : 1		
	<u>Contact</u> T Russell	<u>Recorders</u>	Jim Kelton					<u>Permits</u>		
30-3-0356	KE4	AGD	56	482456	6568492	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<u>Contact</u>	<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd					<u>Permits</u>		
30-3-0357	KE5	AGD	56	482276	6556812	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd					<u>Permits</u>		
30-3-0358	KE6	AGD	56	484694	6560209	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd					<u>Permits</u>		
30-3-0359	KE7	AGD	56	484686	6560032	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<u>Contact</u>	<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd					<u>Permits</u>		
30-3-0360	KE8	AGD	56	485321	6559848	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd					<u>Permits</u>		
30-3-0361	KE9	AGD	56	486797	6561046	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd					<u>Permits</u>		
30-3-0362	KE10	AGD	56	487294	6561064	Open site	Valid	Artefact : -		

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0363	KE11	AGD	56	487378	6560744	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0364	KE12	AGD	56	486582	6566229	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0365	KE13	AGD	56	482027	6565651	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0366	KE25	AGD	56	482296	6555411	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0367	KE33	AGD	56	482886	6558832	Open site	Valid	Burial : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0368	KE34	AGD	56	482816	6559012	Open site	Valid	Burial : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0369	KE35	AGD	56	481436	6563652	Open site	Valid	Burial : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0370	KE36	AGD	56	481900	6563652	Open site	Valid	Earth Mound : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0371	KE38	AGD	56	478920	6565200	Open site	Valid	Ceremonial Ring (Stone or Earth) : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0372	KE39	AGD	56	484880	6560320	Open site	Valid	Ceremonial Ring (Stone or Earth) : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0373	KE40	AGD	56	479850	6564840	Open site	Valid	Aboriginal Ceremony and Dreaming : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0374	KE41	AGD	56	483400	6559650	Open site	Valid	Burial : -		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0027	Burnt Ridge;Kalateenee State Forest;	AGD	56	482300	6556400	Open site	Valid	Ceremonial Ring (Stone or Earth) : -	Bora/Ceremonial	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
30-3-0387	KPM-IF1	AGD	56	482379	6558342	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
30-3-0411	Booroongen Shield tree	GDA	56	480139	6564592	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<u>Contact</u>							<u>Permits</u>		
		<u>Recorders</u>	Mr.Emmanuel Fewquandie							
30-3-0414	KE42	AGD	56	484682	6558304	Open site	Destroyed	Artefact : 8		
	<u>Contact</u>							<u>Permits</u>	3406	
		<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd,Navin Officer Heritage Consultants Pty I							
30-3-0417	KE PAD1	GDA	56	487560	6560808	Open site	Valid	Artefact : -, Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>	3406	
		<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd,Doctor.Rebecca Parkes							
30-3-0418	KE PAD2	GDA	56	489015	6562730	Open site	Valid	Artefact : -, Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>	3406	
		<u>Recorders</u>	Navin Officer Heritage Consultants Pty Ltd,Doctor.Rebecca Parkes							
30-3-0419	KE PAD5	GDA	56	488747	6567097	Open site	Valid	Artefact : -, Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>	3406	
		<u>Recorders</u>	Kerry Navin,Navin Officer Heritage Consultants Pty Ltd							

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Appendix 5

Glossary of Site Types

Aboriginal site types

The following is a brief description of most Aboriginal site types.

Artefact Scatters

Artefact scatters are defined by the presence of two or more stone artefacts in close association (i.e. within fifty metres of each other). An artefact scatter may consist solely of surface material exposed by erosion, or may contain sub-surface deposit of varying depth. Associated features may include hearths or stone-lined fireplaces and heat treatment pits.

Artefact scatters may represent:

- Camp sites: involving short or long-term habitation, manufacture and maintenance of stone or wooden tools, raw material management, tool storage and food preparation and consumption;
- Hunting or gathering activities;
- Activities spatially separated from camp sites (e.g. tool manufacture or maintenance); or
- Transient movement through the landscape.

The detection of artefact scatters depends upon conditions of surface visibility, including vegetation cover, ground disturbance and recent sediment deposition. Factors such as poor light, vegetation or leaf litter may obscure artefact scatters and prevent their detection during surface surveys.

Bora Grounds

Bora grounds are a ceremonial site associated with initiations. They usually comprise two circular depressions in the earth and may be edged with stone. Bora grounds generally occur on soft sediments in river valleys, although they may also be located on high, rocky ground in association with stone arrangements.

Burials

Human remains were often placed in hollow trees, caves or sand deposits and may have been marked by carved or scarred trees. Burials have been identified eroding out of sand deposits or creek banks, or when disturbed by development. The probability of detecting burials during archaeological fieldwork is extremely low.

Culturally Modified Trees

Culturally modified trees include scarred and carved trees. Scarred trees are caused by the removal of bark for use in manufacturing canoes, containers, shields or shelters. Notches were also carved in trees to permit easier climbing. Scarred trees are only likely to be present on mature trees remaining from original vegetation. Carved trees, the easiest to identify, are caused by the removal of bark to create a working surface on which engravings are incised. Carved trees were used as markers for ceremonial and symbolic purposes, including burials. Although, carved trees were relatively common in NSW in the early 20th century, vegetation removal has rendered this site type extremely rare. Modified trees, where bark was removed for often domestic use are less easily identified. Criteria for identifying modified trees include: the age of the tree; type of tree (the bark of many trees is not suitable, also introduced species would be unlikely subjects); axe marks (with the need to determine the type of axe - stone or steel – though Aborigines after settlement did use steel); shape of the scar (natural or culturally scarred); height of the scar above the ground (reasonable working height with consideration given to subsequent growth).

Fish Traps

Fish traps comprised arrangements of stone, branches and/or wickerwork placed in watercourses, estuaries and along coasts to trap or permit the easier capture of aquatic fauna.

Grinding Grooves

Grinding grooves are elongated narrow depressions in soft rocks (particularly sedimentary), generally associated with watercourses, that are created by the shaping and sharpening of ground-edge implements. To produce a sharp edge the axe blank (or re-worked axe) was honed on a natural stone surface near a source of water. The water was required for lubricating the grinding process. Axe grinding grooves can be identified by features such as a narrow short groove, with greatest depth near the groove centre. The grooves also display a patina developed through friction between stone surfaces. Generally a series of grooves are found as a result of the repetitive process.

Isolated Finds

An isolated find describes a site where only one artefact is visible. These finds are not found in apparent association with other evidence for prehistoric activity or occupation. Isolated finds occur anywhere and may represent loss, deliberate discard or abandonment of an artefact, or may be the remains of a dispersed artefact scatter. Numerous isolated finds have been recorded within the project area. An isolated find may flag the occurrence of other less visible artefacts in the vicinity or may indicate disturbance or relocation after the original discard.

Middens

Shell middens comprise deposits of shell remaining from consumption and are common in coastal regions and along watercourses. Middens vary in size, preservation and content, although they often contain artefacts made from stone, bone or shell, charcoal and the remains of terrestrial or aquatic fauna that formed an additional component of Aboriginal diet. Middens can provide significant information on land-use patterns, diet, chronology of occupation and environmental conditions.

Mounds

Aboriginal mounds are places where people lived and reflect a record of that living space. Mounds may be places where Aboriginal people lived over long periods of time. Mounds often contain charcoal, burnt clay or stone heat retainers from cooking ovens, animal bones, shells, stone tools and occasionally Aboriginal burials.

Mythological / Traditional Sites

Mythological and traditional sites of significance to Aboriginal people may occur in any location, although they are often associated with natural landscape features. They include sites associated with dreaming stories, massacre sites, traditional camp sites and contact sites. Consultation with the local Aboriginal community is essential for identifying these sites.

Ochre quarries

Ochre, iron oxide may be found in colours through brown, yellow to red. Ochre was used dry for colouring hair or skin or ground to a fine powder and mixed with mediums such as water, blood, fat, etc as a fixative. Ochre was used for decorating the body, artefacts and rock shelters. Quality deposits provided a valuable resource with evidence of wide spread trade of the substance.

Rock Shelters may contain Art and / or Occupation Deposit

Rock shelters occur where geological formations suitable for habitation or use are present, such as rock overhangs, shelters or caves. Rock shelter sites generally contain artefacts, food remains and/or rock art and may include sites with areas of potential archaeological deposit, where evidence of rock-art or human occupation is expected but not visible. The geological composition of a project area will indicate the likelihood for rock shelters to occur.

Stone Arrangements

Stone arrangements include lines, circles, mounds, or other patterns of stone arranged by Aboriginal people. These may be associated with bora grounds, ceremonial sites, mythological or sacred sites. Stone arrangements are more likely to occur on hill tops and ridge crests that contain stone outcrops or surface stone. Preservation of those sites is dependent on minimal impact from recent land use practices.

Stone Quarries

A stone quarry is a place at which stone resource exploitation has occurred. Quarry sites are only located where the exposed stone material is suitable for use either for ceremonial purposes (e.g. ochre) or for artefact manufacture.

