

Our ref: PR144033-9

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Date: 09 December 2019

Raphael Shin Enterprises Pty Ltd
101 Bowden Street
RYDE NSW 2112

Dear Raphael,

Raphael Shin Enterprises Pty Ltd has engaged RPS to update the Environmental Impact Statement (EIS) for The Bay Resort at Anna Bay under State Significant Development (SSD13_5916).

Project Area

The Project Area is located directly north of Nelson Bay Road, being land within Lot 2 DP747399 and land within an un-named Council road to the immediate east of Lot 2 DP 747399. The Project Area is within the Port Stephens Council Local Government Area (LGA) (**Figure1**).

Background

A Cultural Heritage Impact Assessment (CHIA) was prepared in November 2014 for “The Bay Resort”, for land within Lot 2 DP747399. The purpose of this report was to inform the Environmental Impact Statement (EIS) which was prepared in April 2015.

Scope

This letter report has been produced as an addendum to the EIS and provides:

- An updated Aboriginal Heritage Impact Management System (AHIMS) search to ensure no newly identified sites have been registered within the Project Area;
- Updated historic heritage database searches; and
- An Aboriginal Archaeological Due Diligence Assessment for the proposed upgrading of the un-named Council road. Field survey for the due diligence assessment was undertaken December 2019, refer to **Appendix A**.

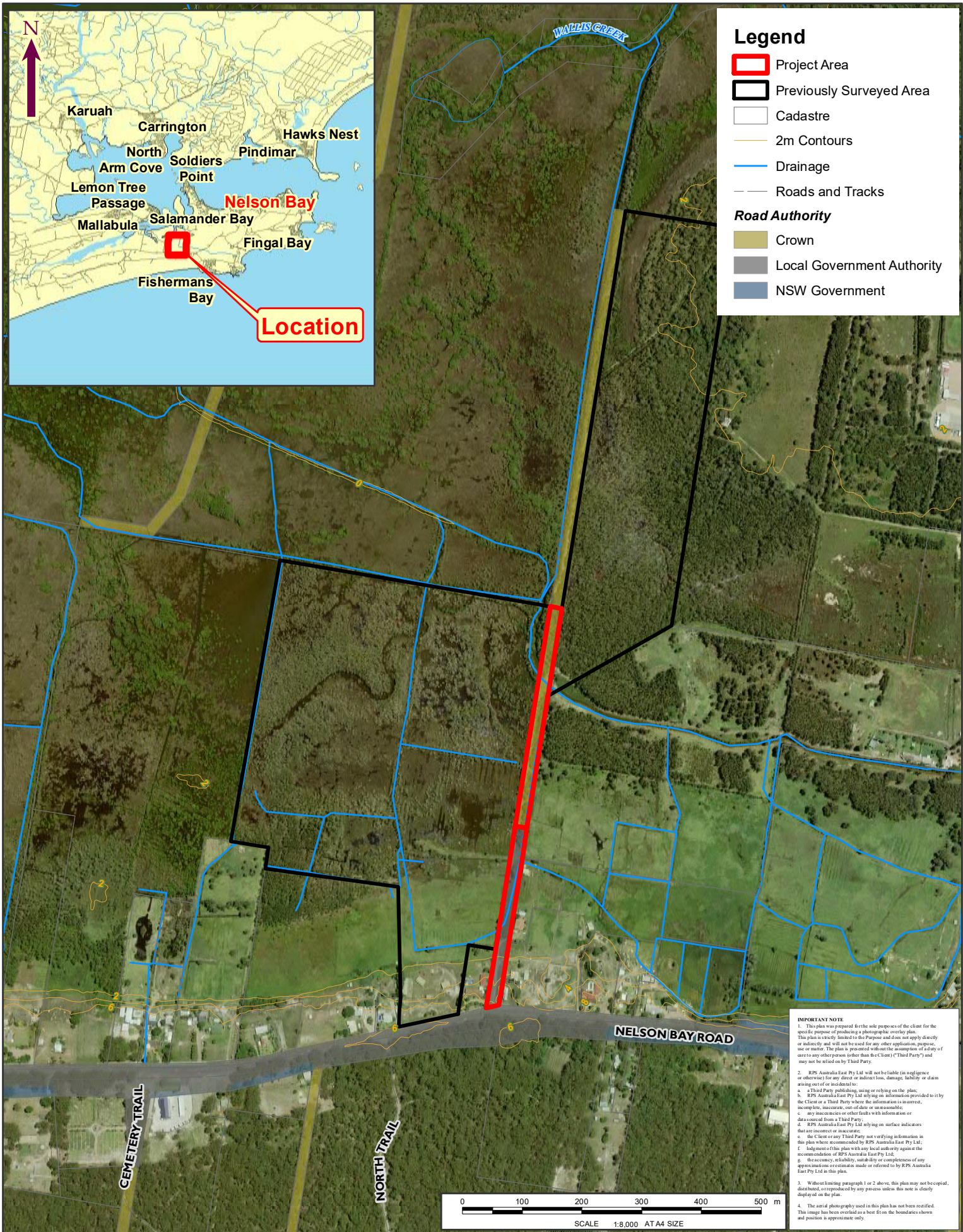


FIGURE 1: PROJECT LOCATION

LOCATION: ANNA BAY	DATUM: GDA94
JOB NO.: PR144033-9	PROJECTION: MGA Zone 56
PURPOSE: HERITAGE	Data Sources: RPS, Client Land and Property 2017
Technician: Natalie Wood	Date: 9/12/2019

CLIENT: RAPHAEL SHIN ENTERPRISES PTY LTD

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



1 ABORIGINAL ARCHAEOLOGICAL CONTEXT

AHIMS site 38-5-0250 is located on Lot 2 DP 747399. The modified concept design for the Project (as well as the previous concept design which was the subject of the original EIS in April 2015) avoids development upon and in the vicinity of AHIMS site 38-5-0250. Importantly, one of the key recommendations of the The CHIA for Lot 2 DP 747399 states the following:

“A Cultural Heritage Management Plan (CHMP) should be prepared prior to construction works commencing to avoid future harm to AHIMS site #38-5-0250. The CHMP should also address potential impacts due to surface and subsurface disturbance during construction. Prior to a CHMP being prepared site 38-5-0250 should be protected by a high visibility, protective barrier to demarcate the site as a “No Go Zone” during construction works.”

1.1 Aboriginal Database Search

An updated AHIMS search was undertaken on 27 November 2019 (**Appendix B**), which identified 96 Aboriginal sites within the searched coordinates (**Table 1**). Previously a search was conducted for the CHIA (2014) under the same coordinates, this search identified 91 AHIMS sites within the searched coordinates. **Figure 2** provides a sample of the searched area and shows the registered AHIMS sites closest to the current Project Area.

The search parameters were as follows:

GDA Zone 56
Eastings: 408987 – 413987
Northings: 6371811 – 6376881
Buffer: No buffer

Table 1: Summary of AHIMS within the searched coordinates

Site Type	Frequency	Percentage
Shell Midden	53	55.21%
Aboriginal Resource and Gathering	15	16.63%
Shell Midden, Artefact	8	8.33%
Artefact Scatter	6	6.25%
Artefact Site (Number Unspecified)	5	5.20%
Burial/s	2	2.08%
Isolated Find	1	1.05%
PAD	1	1.05%
PAD (not a site)	1	1.05%
PAD, Artefact	1	1.05%
Shell Midden, Artefact, Hearth	1	1.05%
Shell Midden Quarry	1	1.05%
Total	96	100%

Data from AHIMS database

AHIMS site 38-5-0250 is located in the south western end of the Project Area, this site is described in more details below.

38-5-0250

AHIMS 38-5-0250 is located approximately 75 metres west of the Project Area. The site was recorded in a reasonably disturbed context due to vegetation removal and earthworks. The site is a midden comprising of whole and fragment pipi, cockle, mud whelk and mud oyster shell over an area of 10 metres x 5 metres. The midden includes two lithic indurated rhyolitic tuff flakes. One, small white flake with a maximum dimension of 1-2 centimetres and one small red and white flake with a maximum dimension of 2-3 centimetres. This AHIMS site will not be impacted during the proposed road upgrade.

1.2 Native Title Register Search

A search of the National Native Title Tribunal Native Title Register (NTR) for the Port Stephens region was undertaken on 27 September 2019. The NTR identified one registered claim close to the Project Area (NND2012/002). However, the Federal Court ruled that Native Title does not exist in this area. As such there are no Native Title Determinations areas in or near the Project Area. The NTR search did not identify any ILUAs in effect over the Project Area.

1.3 Summary

Although five more sites are now registered within the searched coordinates, no new sites have been located in the Project Area. The AHIMS site 38-5-0250 is located in the south western end of the Project Area which has been fenced off as recommended in the CHIA (2014). No other AHIMS sites will be impacted during the proposed development of the Project Area.

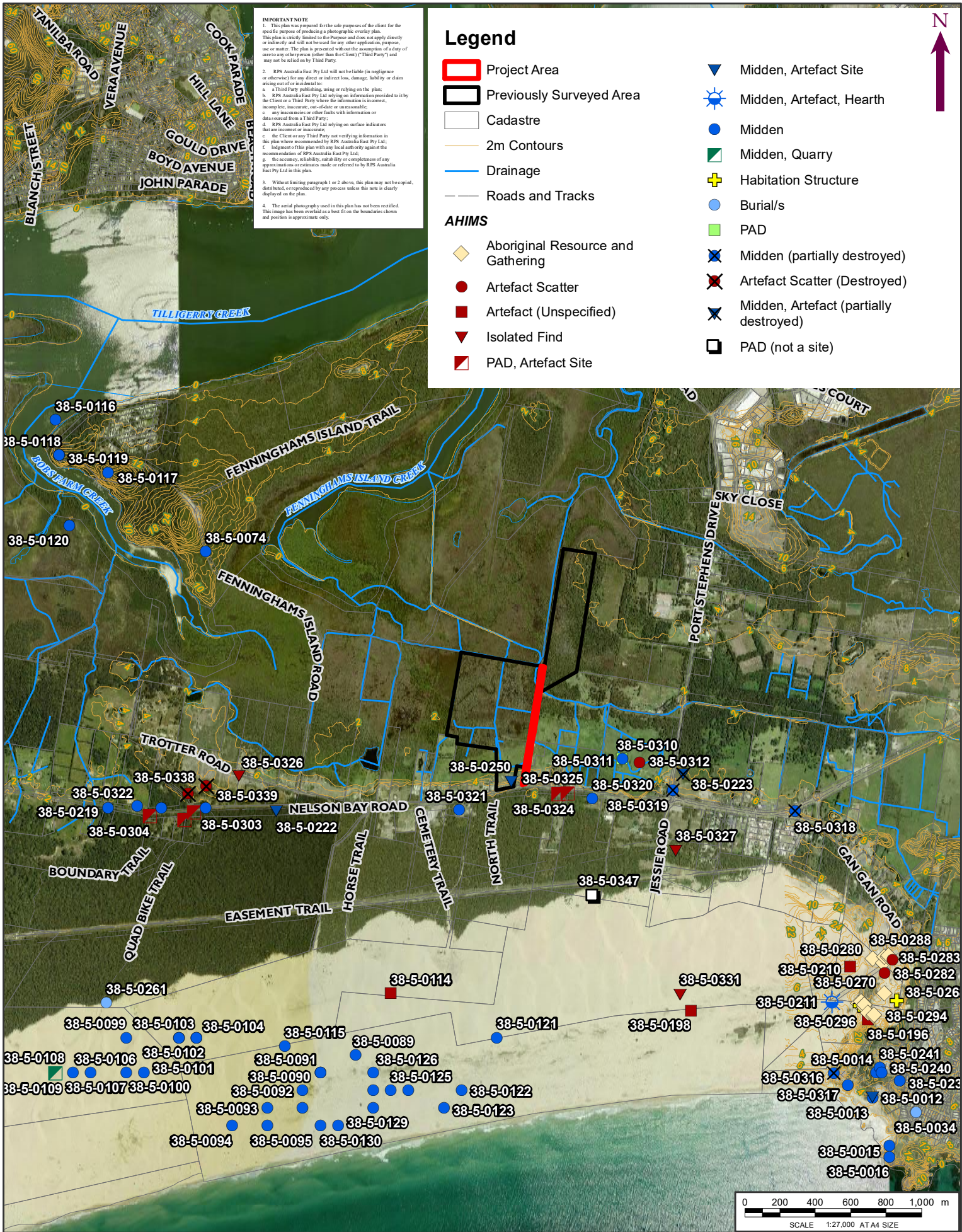


FIGURE 2: PROJECT AREA WITH AHIMS

LOCATION: ANNA BAY

DATUM: GDA94

JOB NO.: PR144033-9

PROJECTION: MGA Zone 56

PURPOSE: HERITAGE

Data Sources:
RPS, Client
PortStephens2012

Technician: Natalie Wood

Date: 9/12/2019

CLIENT: RAPHAEL SHIN ENTERPRISES PTY LTD

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



2 HISTORIC HERITAGE REGISTERS

2.1 Australian Heritage Database Search

A search of the Australian Heritage Database (AHD) was undertaken on 27 November 2019, which includes the Register of the National Estate, National and Commonwealth Heritage List and the World Heritage List. Two items of heritage were identified under the Anna Bay search criteria (**Table 2**). Both of these items were listed under the Register of the National Estate (RNE).

A registered place is a heritage item that was registered on the RNE by the Australian Heritage Council; however, after the closing of the RNE, sites no longer have statutory protection.

Previous search under the CHIA (2014) listed the same items, none of these RNE heritage items are within the Project Area.

Table 2: Register of National Estate listed items

Name#	List	Place ID	Place File
Newcastle Bight Coastal Area	RNE	19510	1/09/064/0023
Tomaree National Park	RNE	16582	1/09/064/0018

Data from SHR database, 27 November 2019

2.2 State Heritage Register Search

A search of the NSW State Heritage Register (SHR) was undertaken on 27 November 2019, seven State Heritage Listed (SHL) items are listed in the Port Stephens LGA (**Table 3**). No SHL items were found in the Project Area (**Figure 3**).

Table 3: State Heritage listed items

Name#	Address	SHR#
Dunmore Bridge over the Paterson River	Paterson Road, Woodville	01467
Point Stephens Lighthouse Group	Shark Island, Port Stephens	01005
Seaham Quarry	Torrence Street, Seaham	00023
Tanilba House & The Temple	32 Caswell Crescent, Tanilba Bay	00029
Tomago House & Tomago Chapel	Tomago Road, Tomago	00207
Tomaree Head Fortifications	2 Shoal Bay Road, Shoal Bay	01821
Tomaree Holiday Lodge	Shoalhaven Road, Shoal Bay	00835

Data from SHR database, 27 November 2019

The SHR search also search for Aboriginal Places under the *NPW Act*. The search of the Port Stephen LGA shows two gazetted Aboriginal Places in the Port Stephens LGA (**Table 4**), none of which are located in the Project Area. None of these gazetted sites are located within the Project Area.

Table 4: Gazetted Aboriginal Places

Name#	LALC	Latitude	Longitude	Address
Birubi Point	Worimi	-32.786833	152.080159	04/20/2007 p. 2425
Soliders Point Aboriginal Place	Worimi	-32.700180	152.063778	06/30/2016 p. 1848

Data from SHR database, 27 November 2019

2.3 Section 170 Registers

Section 170 of the *Heritage Act 1977* requires State Government Agencies to keep records of heritage items owned or operated by it. These registers can be found on the NSW Heritage Inventory. A search of this inventory was carried out on 27 November 2019 and no items were identified in the Project Area.

The Section 170 heritage search did not identify any items of heritage significance in or near the Project Area.

2.4 Local Heritage

A search of the Port Stephens LEP identified four items of local heritage significance. Schedule 5 of the Port Stephens LEP 2013 provides a list of items which have been recorded by council as having local heritage value.

Schedule 5 of the Port Stephens LEP did not identify any item of local heritage in the Project Area. However, four heritage items of local significance were located outside of the Project Area.

A search of the SHR and the Anna Bay Council LEP (**Table 5**) identified two items of local significance in the Port Stephens area, however no items of local significance are located in or near the Project Area. The closest item to the Project Area is the underground water tank (Footrot Flat) which is located approximately 2.5 kilometres to the north east of the Project Area (**Figure 3**).

Table 5: Locally listed heritage items

Location	Description	Address	Lot/DP	Significance	Item #
Anna Bay	Underground water tank (Footrot Flat)	4408 Nelson Bay Road	Lot 884, DP737049	Local	I1
Anna Bay	Birubi Point Cemetery	31A & 33A, 31B Ocean Avenue	DP 753204; Lot 7035, DP 1057295	Local	I2

Data from SHR database and the Port Stephens LEP, 27 November 2019

2.5 Summary

Searches of the historic registers were undertaken on 27 November 2019 to update the searches previous undertaken in the CHIA (2014). No Historic items are registered in the Project Area and therefore will not likely be impacted during the proposed development of the Project Area.

State Heritage Register

HOITEMID

ITEMNAME

ADDRESS

5045303	Point Stephens Lighthouse Group	Shark Island, Port Stephens
5012303	Tomaree Holiday Lodge	Shoalhaven Road, Shoal Bay
5060961	Tomaree Head Fortifications	2 Shoal Bay Road Shoal Bay

Port Stephens Local Environmental Plan 2013

H_ID

H_NAME

I1	Underground water tank (Footrot Flat)
I102	Port Jackson Fig tree (Ficus rubiginosa)
I2	Birubi Point Cemetery
I28	'Johnson's Cottage'
I29	Apex Park Group, including cenotaph, well and remains of memorial steps
I30	Native Flora Reserve
I31	Nelson Head Lighthouse Group, Nelson Head Lighthouse, cottages and reserve, including Apex Park
I32	Gan Gan Army Camp
I33	Nelson Bay Cemetery
I34	Stockton Beach Dune System
I7	Port Stephens Light House Group
I89	Remains of WWII fortifications, Fort Tomaree
I90	Tomaree Holiday Lodge Precinct

Legend

- Project Area
- Previously Surveyed Area
- Gazetted Aboriginal Places
- State Heritage Register Curtilage
- Item - General
- Drainage
- Roads and Tracks

Port Stephens Local Environmental Plan 2013

- Item - General
- Drainage
- Roads and Tracks



IMPORTANT NOTE

1. This plan was prepared for the sole purposes of the client for the specific purpose of producing a photographic overlay plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) (Third Party) and may not be relied on by Third Party.

2. RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or in connection with:

- a. a Third Party publishing, using or relying on the plan;
- b. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or inconsistent;
- c. any inaccuracies or other faults with information or data received from a Third Party;
- d. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
- e. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
- f. judgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
- g. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.

3. Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.

4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

0 0.5 1 1.5 2 2.5 3 km
SCALE 1:85,000 AT A4 SIZE

FIGURE 3: PROJECT AREA WITH SHR AND LEP HERITAGE

LOCATION: ANNA BAY	DATUM: GDA94
JOB NO.: PR144033-9	PROJECTION: MGA Zone 56
PURPOSE: HERITAGE	Data Sources: RPS, Client PortStephens2012
Technician: Natalie Wood	Date: 9/12/2019

CLIENT: RAPHAEL SHIN ENTERPRISES PTY LTD

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



3 CONCLUSION AND RECOMMENDATIONS

This report has considered the environmental and archaeological information available for the Project Area, previous disturbances and the condition of the land and the nature of the proposed activities in order to assess potential impacts to Aboriginal objects.

Both the AHIMS and Heritage Register searches were updated on 27 November 2019. The search of the AHIMS database revealed 96 previously recorded Aboriginal sites within the searched coordinates. The Project Area was inspected on foot on the 29 November 2019. A search of AHD revealed two RNE sites, the SHR has seven sights within the Port Stephens area, the Section 170 Registers has no sites registered in Anna Bay and local heritage from the SHR and Port Stephens LEP identified two sites in Anna Bay.

However, none of these heritage sites are located in the Project Area and will not be impacted during proposed works.

In relation to the Aboriginal Archaeological Due Diligence Assessment prepared for the proposed upgrading of the un-named Council road, refer to Appendix A, the following recommendations are made in relation to proposed activities:

Recommendation 1

All relevant Raphael Shin Enterprises Pty Ltd staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as an Aboriginal heritage induction.

Recommendation 2

This due diligence assessment must be kept by Raphael Shin Enterprises Pty Ltd so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act 1974*.

Recommendation 3

If unrecorded Aboriginal object/s are identified in the Project Area, then all works in the immediate area must cease and the area cordoned off. Department of Planning, Industry and Environment (DPIE) must be notified immediately via Enviroline 131 555 so that the site can be adequately assessed and works only recommence when an approved management strategy has been developed.

Recommendation 4

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, DPIE must be contacted via Enviroline 131 555. A DPIE 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.

Recommendation 5

If additional ground surface disturbance works fall outside of the Project Area, Raphael Shin Enterprises Pty Ltd are advised to have those areas investigated by a qualified archaeologist with additional due diligence inspection undertaken.

In relation to proposed development within Lot 2 DP747399, the recommendations suggested in the CHIA (2014) report, refer to **Appendix C**, remain relevant and should remain.

Yours sincerely,
for RPS Australia East Pty Ltd

A handwritten signature in black ink, appearing to be 'Amanda Crick', with a large loop at the start and a trailing flourish.

Amanda Crick
Heritage Consultant
Amanda.crick@rpsgroup.com.au
4940 4200

Appendix A

Road Upgrade Due Diligence Assessment

Our ref: 1440833-9

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Raphael Shin Enterprises Pty Ltd
101 Bowden Street
RYDE NSW 2112

Dear Raphael,

Re: Re: Archaeological Due Diligence Assessment for proposed upgrading of an un-named Council road , off Nelson Bay Road, Anna Bay

Raphael Shin Enterprises Pty Ltd has engaged RPS to prepare an Aboriginal heritage due diligence assessment for the proposed upgrade of an un-named Council road associated with The Bay Resort off Nelson Bay Road, Anna Bay, located in the Port Stephens Local Government Area (LGA), hereafter known as the Project Area (**Figure 1**). This due diligence assessment has been undertaken as part of the specialist studies required to revise the Environmental Impact Statement (EIS) associated with The Bay Resort which is a State Significant Development (SSD13_5916).

This due diligence assessment has been undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010)*. Its purpose is to demonstrate that reasonable and practicable measures have been taken to avoid harm to an Aboriginal object and/or place.

1.1 Project Area

The Project Area is located directly north of Nelson Bay Road, approximately 630 metres west of Port Stephens Road, in the township of Anna Bay. The Project Area covers an ungraded road located on an unnamed road that runs through the centre of Lot 2 Deposited Plan (DP) 747399 in the Port Stephens LGA (**Figure 1**). Wallis Creek is located to approximately 1.5 kilometres north of the Project Area.

1.2 Proposed Activity

The proposed works within the Project Area will involve upgrading and formalisation of the un-named Council road extending northwards for a distance of approximately 500 metres from its intersection with Nelson Bay road. The road upgrade and associated drainage has been designed to minimise nuisance flooding and drainage impacts on properties to the immediate east.

Specifically, the proposed works will include:

- Filling of much of the Project Area with imported clean fill;
- Construction of small retaining walls and road reserve drainage infrastructure;
- Construction of formalised driveway access points and a formalised site access point to the Bay Resort; and
- Construction of a public road to Council standard including kerb and gutter and cul-de-sac.

It is noted that this due diligence assessment specifically relates to the Project Area shown in **Figure 1** and does not consider the archaeological potential outside of this area.

1.3 Authorship

This report was prepared by RPS Heritage Consultant, Amanda Crick and reviewed by RPS Newcastle Senior Heritage Consultant, Ben Slack and Heritage Manager, Minouschka Lush.

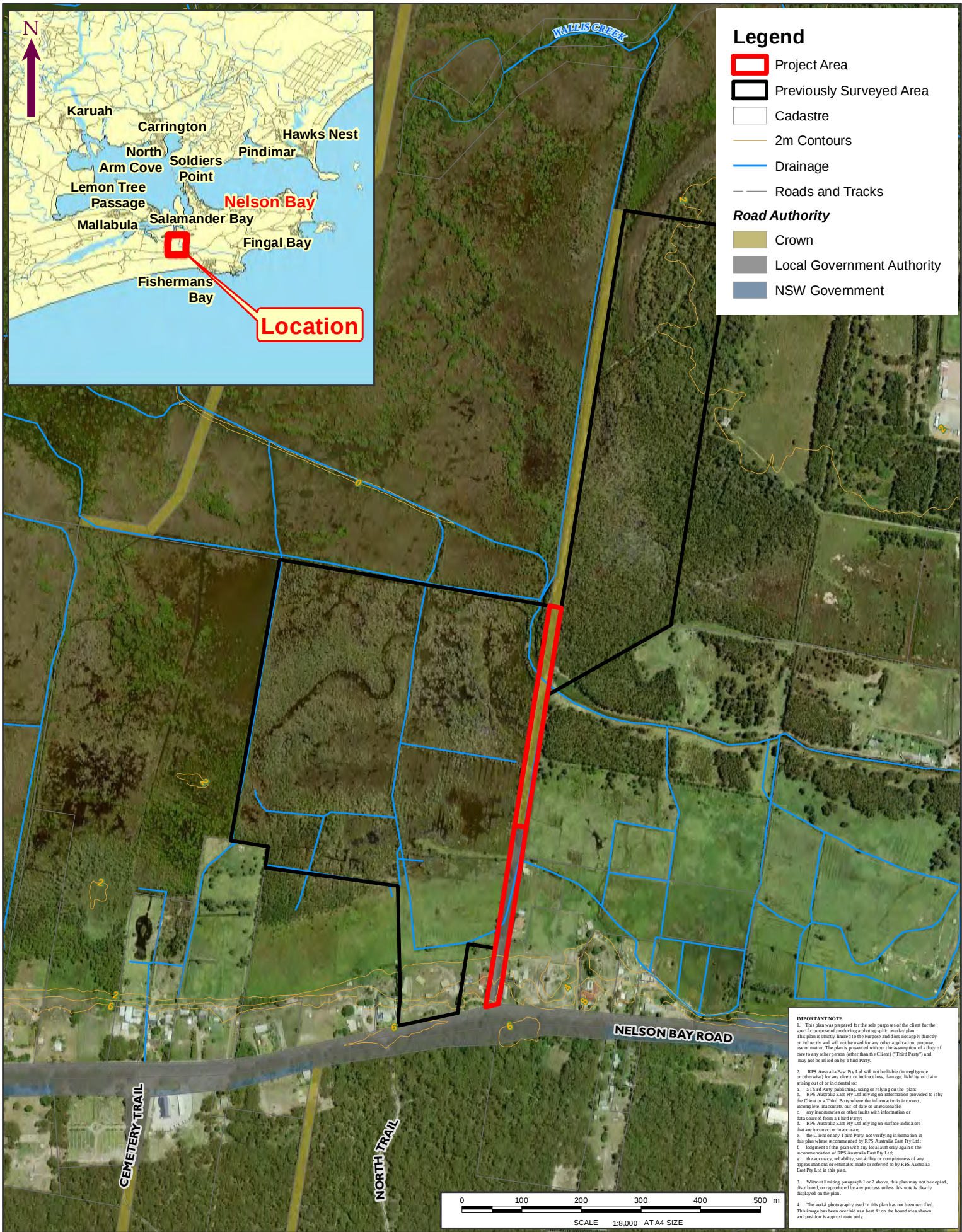


FIGURE 1: PROJECT LOCATION

LOCATION: ANNA BAY

DATUM: GDA94

PROJECTION: MGA Zone 56

JOB NO.: PR144033-9

Data Sources:

PURPOSE: HERITAGE

RPS, Client

Technician: Natalie Wood

Date: 9/12/2019

CLIENT: RAPHAEL SHIN ENTERPRISES PTY LTD

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



ABBREVIATION GLOSSARY

Table 1: Abbreviation Definitions

Definitions	
Abbreviation/Term	Meaning
Aboriginal Object	“any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains” (DECCW 2010:18).
Aboriginal Place	“a place declared under s.84 of the <i>NPW Act</i> that, in the opinion of the Minister, is or was of special significance to Aboriginal culture” (DECCW 2010:18). Aboriginal places have been gazetted by the minister.
Activity	A project, development, or work (this term is used in its ordinary meaning and is not restricted to an activity as defined by Part 5 <i>EP&A Act</i>).
AHIMS	Aboriginal Heritage Information Management System
CHL	Commonwealth Heritage List
DEC	Department of Environment and Conservation (restructured to become DECC)
DECC	Department of Environment, Conservation and Climate (restructured to become DECCW)
DECCW	Department of Environment, Climate Change and Water (restructured to become the Office of Environment and Heritage – OEH)
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
LALC	Local Aboriginal Land Council
LEP	Local Environment Plan
LGA	Local Government Area
NHL	National Heritage List
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks & Wildlife Regulation 2009</i>
PADs	Potential Archaeological Deposit
Project Area	RPS agreed scope of works as per Section 1.1 and Figure 1
RPS	RPS Australia East Pty Ltd
SHR	State Heritage Register

2 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.

Although there are several Acts protecting and managing cultural heritage in New South Wales (**Appendix A**); the primary ones which apply to this report include:

- *National Parks & Wildlife Act 1974 (NPW Act)*
- *National Parks & Wildlife Regulation 2009 (NPW Regulation)*
- *Environmental Planning and Assessment Act 1979 (EP&A Act)*

In brief, the *NPW Act* protects Aboriginal heritage (places, sites and objects) within NSW; the *NPW Regulation* provides a framework for undertaking activities and exercising due diligence.

2.1 National Parks and Wildlife Act 1974

The *NPW Act* protects Aboriginal heritage (places, sites and objects) within NSW. Protection of Aboriginal heritage is outlined in s86 of the Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1);
- “A person must not harm an Aboriginal object” s86(2);
- “A person must not harm or desecrate an Aboriginal place” s86(4).

Under the *NPW Act*, it is an offence to harm an Aboriginal object or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the *NPW Act* is defined as any act that: destroys defaces or damages the object; moves the object from the land on which it has been situated; and/or causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed); or 2) that the proponent exercised due diligence in respect to Aboriginal heritage. The ‘due diligence’ defence (s87(2)), states that if a person or company has exercised due diligence to ascertain that no Aboriginal object was likely to be harmed as a result of the activities proposed for the Project Area (subject area of the proposed activity), then liability from prosecution under the *NPW Act* will be removed or mitigated if it later transpires that an Aboriginal object was harmed.

2.1.1 Notification of Aboriginal Objects

Under section 89A of the *NPW Act* Aboriginal objects (and sites) must be reported to the Director-General (now Chief Executive) of Department of Planning, Industry and Environment within a reasonable time (unless it has previously been recorded and submitted to AHIMS). Penalties of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

2.1.2 Investigating and Assessing Aboriginal Cultural Heritage

There are several procedural publications governing archaeological practice in NSW. The publications relevant to the investigation and assessment of Aboriginal cultural heritage include the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011), the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) (DECCW 2010b) and the *Aboriginal cultural heritage requirements for proponents 2010* (DECCW 2010a).

The *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a) codifies a process for consultation with Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal cultural heritage. The requirements are consistent with the NPW Act and seek, inter alia, to conserve Aboriginal objects and places of significance to Aboriginal people. Consultation is therefore a fundamental part of the Aboriginal cultural heritage assessment process.

2.2 National Parks and Wildlife Regulation 2009

The *NPW Regulation* provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The *NPW Regulation* outlines the recognised due diligence codes of practice which are relevant to this report, but it also outlines procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

2.3 Environmental Planning and Assessment Act 1979

The *EPA Act* regulates a system of environmental planning and assessment for NSW. Land use planning requires the consideration of environmental impact, including the potential impact on Aboriginal cultural heritage. The *NPW Act* therefore provides protection for Aboriginal objects or places, and the *EPA Act* ensures an assessment of Aboriginal cultural heritage as part of the planning and approvals process.

2.3.1 Port Stephens Local Environment Plan 2013

The Port Stephens Local Environmental Plan 2013 requires Heritage Conservation impacts to be considered under Section 5.10 for residential development projects. Item 1 (c) and (d) respectively are designed to:

- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

2.4 Due Diligence

This report has complied with the requirements listed above. Other requirements under the Due Diligence Code are outlined below.

2.4.1 Due diligence assessment

The aims of a due diligence assessment are to:

- assist in avoiding unintended harm to Aboriginal objects;
- provide certainty to land managers and developers about appropriate measures for them to take;
- encourages a precautionary approach;
- provides a defence against prosecution if the process is followed; and
- results in more effective conservation outcomes for Aboriginal cultural heritage.

One of the benefits of the due diligence provisions are that they provide a simplified process of investigating the Aboriginal archaeological context of an area to determine if an AHIP is required. Under the s80A *NPW Regulation* a number of due diligence codes are recognised. This report has been written to meet the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010:95-97; 119-122) (Due Diligence Code).

2.4.2 Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010)

The Due Diligence Code sets out a minimum benchmark for acceptable due diligence investigations to be followed, including reasonable and practical steps in order to:

1. identify whether or not Aboriginal objects (and places) are, or are likely to be, present in an area
2. determine whether or not their activities are likely to harm Aboriginal objects (if present)
3. determine whether an AHIP application is required (DECCW 2010)

Investigations under the Due Diligence Code include the following:

- A search of the Aboriginal Heritage Information Management System (AHIMS) database to identify if there are previously recorded Aboriginal objects or places in the Project Area;
- Identification of landscape features including, land within 200 metres of water, dune systems, ridgetops, headlands, land immediately above or below cliff faces and/or rock shelters/caves;
- Desktop assessment including a review of previous archaeological and heritage studies and any other relevant material;
- Visual inspection of the Project Area to identify if there are Aboriginal objects present; and
- Assessment as to whether an AHIP is required.

2.4.3 Aboriginal Community Consultation

As part of the Due Diligence Code Aboriginal community consultation is not a formal requirement of the due diligence process (DECCW 2010:3). The proponent is not obliged to undertake Aboriginal community consultation; however, consultation with relevant Aboriginal parties is a key component in identifying and assessing the significance of Aboriginal objects and /or places as well as determining and carrying out appropriate strategies to mitigate impacts to Aboriginal heritage. Aboriginal community consultation was not undertaken to inform this due diligence assessment. The Port Stephens Council acknowledges that the Port Stephens Council is located on part of the traditional country of the Worimi peoples (Port Stephens Council 2019).

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 landforms suitable for camping and other activities. The nature of Aboriginal occupation and resource procurement is inextricably linked to the local environment and, therefore, needs to be considered as part of the cultural heritage assessment process. The environmental context is provided in this section as required under the Due Diligence Code (DECCW 2010).

3.1 Typography and Hydrology

The Project Area is partly situated in a wetland and in part is inundated regularly by high tides. It is partly situated in a flood area (Port Stephens Council 2013) and modified drainage lines have been created in order to reduce the effect of regular inundation. Access to fresh water is a major determinate of where Aboriginal people would have been able to camp. Permanent sources of fresh water could have been obtained from wetlands. The Project Area is approximately 10 metres in elevation Australian Height Datum (AHD) and is relatively flat.

3.2 Geology

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 study 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).

Located on the Quaternary coastal dune deposits (0 to 2.5 million years old), these sands are deposited through both aeolian (wind) action and ocean currents. The dune are vegetated and stable Pleistocene aeolian sand sheets with low dunes of quartz sand (Murphy 1995: 95-97; 119-122, Mapbox 2018).

The presence of sandstone in the surrounding geological landscape is important for Aboriginal occupation as sandstone was commonly used for grinding stone artefacts. Rock engravings and grinding grooves may be found in areas of exposed sandstone and sandstone outcrops. Previous studies (**Section 5.5**) have shown the dominant raw material in the local area is tuff which was commonly used by Aboriginal people for manufacturing flaked stone tools.

3.3 Soils

The Project Area is located predominately on the Bobs Farm soil landscape, with the Shoal Bay soil landscape located in the southern end of the Project Area.

Bobs Farm Soil Landscape (bf)

This soil landscape is subject to flooding, waterlogging and saline subsoils. The soils are deep with depths of up to >300cm, however the horizon is shallow with depths of up to 30cm. The Bobs Farm soil landscape is characterised by an A horizon (topsoil) of black and orange mottled strongly pedal organic-rich loam (bf1) with a depth range of 0-30cm and B horizon (subsoils) of saturated grey plastic estuarine clay (bf2) with a depth range of 20-60cm and greyish yellow brown saturated massive sandy clay loam (bf3) with a depth range of greater than 60cm. This soil landscape is underlain by the Holocene estuarine clay and shells. If potential Aboriginal objects are present in this soil landscape, it is predicted that they would be restricted to the topsoil layer (Murphy 1995: 95-97).

Shoal Bay Soil Landscape(sb)

This soil landscape is subject to aeolian erosion and waterlogging. Topsoil in the Shoal Bay soil landscape is typically between 30 and 40 cm deep, depending on associated landforms. Such as, rises with an A horizon of depths between 10 to >260cm and poorly drained flats and depressions with an A horizon of depths between 30 to >100cm. The Shoal Bay soil landscape is characterised by an A horizon (topsoil) of brownish grey loose sand (sb1), loose bleached light grey sand (sb2) subsoil and organic and iron-stained sand B horizon subsoil (Matthei 1995: 208-209).. It is anticipated that archaeological deposits, if present, are likely to be limited to the topsoil layers of this soil landscape (Murphy 1995: 119-122).

3.4 Flora and Fauna

The Project Area is situated in the Coastal Dry Sclerophyll Forest floral unit, which are the most diverse of the three classes of dry sclerophyll forests and are unique to the Sydney Basin. This class encompasses a wide range of related forest and woodland communities, whose species composition and structure vary with topography and soil moisture. The open eucalypt canopy varies in height from approximately 10 to 25 metres, in correlation with the quality of the soil drainage. Typical tree species which populate this vegetation community include Sydney Red Gum, Red Bloodwood, Sydney Peppermint, Brown Stringybark, Broad-leaved and Narrow-leaved Scribbly Gum, Silvertop Ash, Old Man Banksia and Christmas Bush. The sclerophyll shrub understorey is diverse and includes several species of Wattle, Banksia, Heath, flowering shrubs and Teatree (Keith 2006:146-147).

This vegetation community provides habitat for a variety of animals and would have also provided potential food and raw material sources for Aboriginal people. Typical animals which may have been harvested by Aboriginal people include kangaroos, wallabies, sugar gliders, possums, echidnas, a variety of lizards and snakes, birds, as well as rats and mice. The bones of such animals have been recovered from excavations of Aboriginal sites suggesting that they were sources of food (Attenbrow 2003:70-76), although the hides, bones and teeth of some of the larger mammals may have been used for Aboriginal clothing, ornamentation, or other implements.

3.5 Disturbance

The larger area has been previously cleared for market horse grazing, residential development, installation of infrastructure and services (Murphy 1995: 95-97; 119-122). Due to the area being prone to flooding, artificial drainage lines have also been constructed further modifying the landscape.

4 ARCHAEOLOGICAL CONTEXT

4.1 Aboriginal Database Search

A search was undertaken of the Aboriginal Heritage Information Management System (AHIMS) on 27 November 2019 (**Appendix A**), which identified 96 Aboriginal sites within the searched coordinates (**Table 2**). **Figure 2** provides a sample of the searched area and shows the registered AHIMS sites closest to the current Project Area.

The search parameters were as follows:

GDA Zone 56
Eastings: 408987 – 413987
Northings: 6371811 – 6376881
Buffer: No buffer

Table 2: Summary of AHIMS within the searched coordinates

Site Type	Frequency	Percentage
Shell Midden	53	55.21%
Aboriginal Resource and Gathering	15	16.63%
Shell Midden, Artefact	8	8.33%
Artefact Scatter	6	6.25%
Artefact Site (Number Unspecified)	5	5.20%
Burial/s	2	2.08%
Isolated Find	1	1.05%
PAD	1	1.05%
PAD (not a site)	1	1.05%
PAD, Artefact	1	1.05%
Shell Midden, Artefact, Hearth	1	1.05%
Shell Midden Quarry	1	1.05%
Total	96	100%

Data from AHIMS database

None of the registered sites are located within the Project Area. The closest site identified in AHIMS search is AHIMS 38-5-0250, this site is located within Lot 2, DP 747399 approximately 75 metres to the west of the Project Area.

38-5-0250

AHIMS 38-5-0250 is located approximately 75 metres west of the Project Area. The site was recorded in a reasonably disturbed context due to vegetation removal and earthworks. The site is a midden comprising of whole and fragment pipi, cockle, mud whelk and mud oyster shell over an area of 10 metres x 5 metres. The midden includes two lithic indurated rhyolitic tuff flakes. One, small white flake with a maximum dimension of 1-2 centimetres and one small red and white flake with a maximum dimension of 2-3 centimetres. This AHIMS site will not be impacted during the proposed road upgrade.

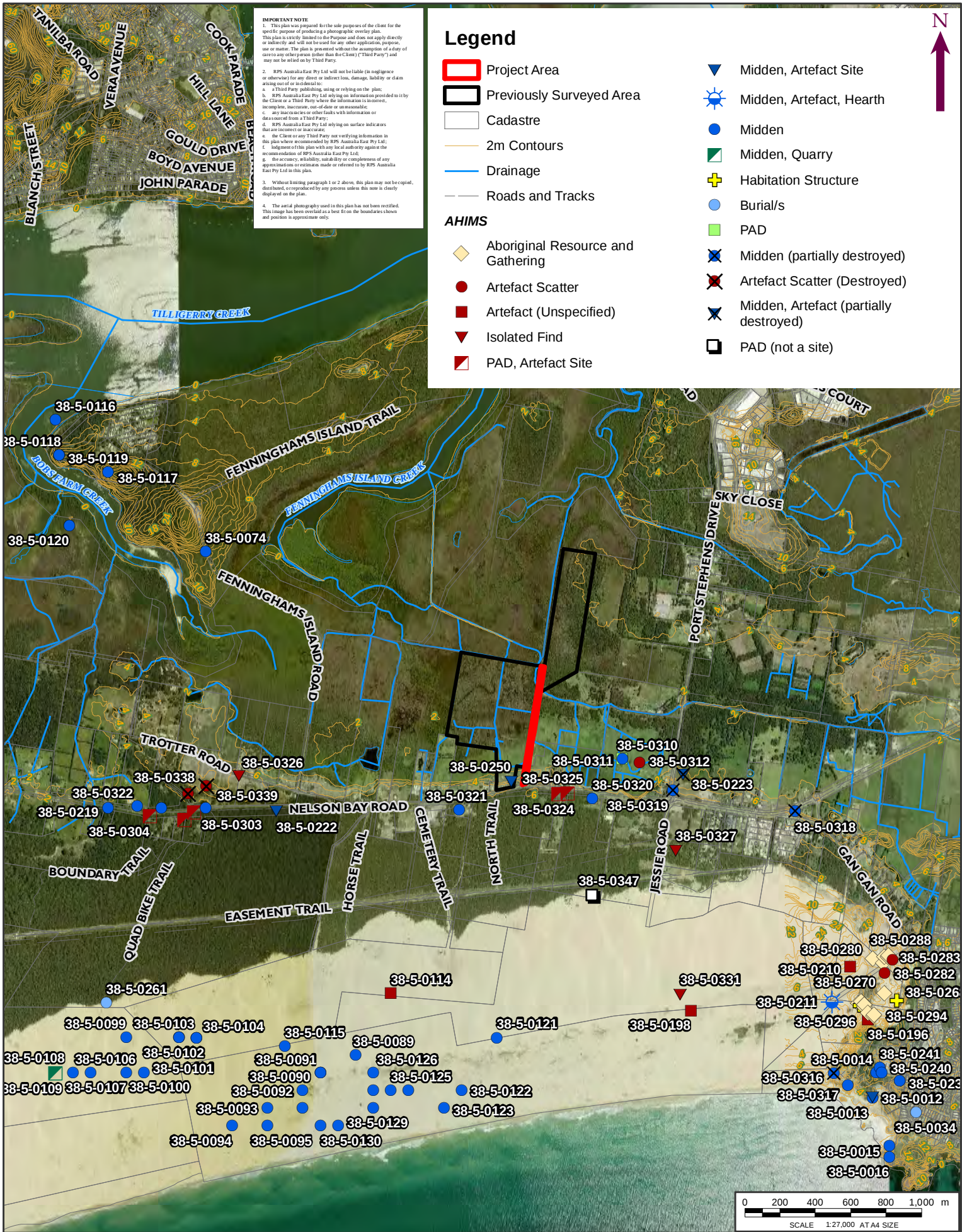


FIGURE 2: PROJECT AREA WITH AHIMS

LOCATION: ANNA BAY

DATUM: GDA94

PROJECTION: MGA Zone 56

JOB NO.: PR144033-9

Data Sources:

PURPOSE: HERITAGE

RPS, Client

PortStephens2012

Technician: Natalie Wood

Date: 9/12/2019

CLIENT: RAPHAEL SHIN ENTERPRISES PTY LTD

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294
T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au



4.2 Previous Archaeological Assessments

Comber, J. (1990), Archaeological survey of proposed sand extraction site at Anna Bay NSW

Comber was engaged by ACI Industrial Minerals to conduct an archaeological survey for proposed sand extraction at Anna Bay. The area was located three kilometres from the village of Anna Bay at the northern end of the Newcastle Bight. The survey yielded two Aboriginal sites, one artefact scatter and one shell midden. The artefact scatter included one backed blade, focal platform of a flake and one proximal end of backed blade, all made from tuff. Both sites were identified outside the area proposed for sand extraction, and as such there were no further constraints to that project.

Dean-Jones, P. (1992), Proposed bicycle track at cemetery point, Anna Bay. Assessment and Management of Archaeological Sites

Dean-Jones was commissioned by Port Stephens Shire Council to assess archaeological sites at Anna Bay for a proposed bicycle track. The assessment suggested that there was evidence of Aboriginal occupation at the northern end of the proposed bicycle track, and both sides at the southern end. It was also suggested that the entire headland and the nearby dunes were all part of an extensive and complex midden site over a period of 1,000 years. Since the area had been previously impacted upon by wind erosion and dune reworking it was concluded that Aboriginal sites would not be significantly damaged by the construction of the bicycle track.

South East Archaeology Pty Ltd. (2004), An Aboriginal Heritage Assessment of the Proposed Anna Bay Nature Resort

South East Archaeology was engaged by GHD to undertake an Aboriginal heritage impact assessment for the Anna Bay Nature Resort. The study area was the focus of the current Project Area. The field survey resulted in the identification of AHIMS site #38-5-0250, which was in the southern portion. The site was a shell midden with two tuff flakes. At the time of the original recording it was considered that this site had been highly disturbed previously due to housing construction. The field survey identified other shell deposits; however, they had been excavated from drainage channels and were not of Aboriginal origin. Only one Aboriginal site was located during the survey, AHIMS site #38-5-0250.

RPS (2014), The Bay Report Cultural Heritage Impact Assessment at Anna Bay NSW

RPS was engaged by Raphael Shin Enterprises Pty Ltd to conduct an archaeological heritage impact assessment to support the EIS for the proposed The Bay Resort SSD (SSD_5916). The Project Area is located within Anna bay in the Port Stephens LGA. The field survey revealed AHIMS #38-5-0250 (Shell midden) was located within the Project Area and recommendation 1 of the report suggests a no-go zone fence should be erected to avoid harm to the site during construction of the works.

4.3 Synthesis of Heritage Context

A review of the AHIMS data, survey reports and previous archaeological work in the region suggests dominant site types likely to be present are shell middens, artefact scatters and subsurface archaeological deposits.

5 VISUAL INSPECTION

The due diligence visual inspection was undertaken on 29 November 2019 by RPS Heritage Consultant, Amanda Crick. The site inspection was undertaken on foot and included all the Project Area. The purpose of this visual inspection was to assess whether Aboriginal objects and/or places and historical heritage items were present within the Project Area and/or have potential to occur.

5.1 Visual Inspection Results

During the visual inspection it was noted that only a small portion (approximately 73 metres) of the road in the south is currently paved. The rest of the road is an unpaved well-worn compacted dirt road.

The southern end of the project area has houses on the eastern and western side of the road, the ground surrounding the road is highly disturbed due to installation of infrastructure, drainage and residential services. The western side of the road has small ground exposures (>10%) revealing light brown/grey sand soils (topsoils) with charcoal mixed within the soils and general waste debris (**Plate 1**). The eastern side of the road has a well-worn service track that runs adjacent to Nelson Bay Road, the ground surface area is moderately exposed (>30%) revealing light/brown grey sandy soils (topsoil) mixed with sporadic shell and general waste debris (**Plate 2**). Ground surface visibility was good, no Heritage items and no Aboriginal objects and/or places were identified in the southern end of the Project Area during the survey.



Plate 1: Western side of the Road



Plate 2: Eastern Side of the Road

The western side of the road heading north (approximately 100 metres up the road) was waterlogged during the visual inspection, due to tidal inundation (**Plate 3**). This side of the road had no ground surface visibility due to water and dense grasses. The eastern side of the road was lined by young trees, the understory thick with grasses and vegetation litter (**Plate 4**). Surface visibility in this area was very low (<10%), the only ground exposures were in the road itself (**Plate 5**). Ground visibility through the northern roadside was low, no heritage items and no Aboriginal objects and/or places were identified in the southern end of the Project Area during the survey.



Plate 3: Western side of the road inundated by water



Plate 4: Eastern side of the Road lined with trees



Plate 5: Exposure through the existing road

Overall, the Project Area was observed to have been disturbed by the following factors:

- Removal of vegetation;
- Installation of the Council road in the southern end of the Project Area;
- Dirt road grading; and,
- Water erosion.

The entire road and the immediate surrounds are demonstrably disturbed, the disturbance is such that it is likely to have resulted in the removal of any archaeological material that may have been present. As a result of this, the area has been assessed as having low archaeological potential and the likelihood for further sub-surface archaeological deposits is low.

6 CONSIDERATION OF THE PROPOSED WORKS AGAINST THE DUE DILIGENCE CODE OF PRACTICE

The purpose of a due diligence assessment is to identify whether Aboriginal objects are present, or likely to be present, in the Project Area; to determine whether proposed activities are likely to harm Aboriginal objects (if present).

In response to Section 8 of the due diligence code outlines the process to guide due diligence assessments, summarised below in relation to the proposed works.

1. *Will the activity disturb the ground surface or any culturally modified trees?*

The proposed activity will involve subsurface disturbance to upgrade the existing road. No culturally modified trees have been previously registered within the project area, and none were identified as part of the visual inspection undertaken to inform this assessment.

2. *Are there any:*

- a. *relevant confirmed site records or other associated landscape feature information on AHIMS?*
- b. *Any other sources of information of which a person is already aware?*
- c. *Landscape features that are likely to indicate the presence of Aboriginal objects.*

As discussed in **Section 5**, no Aboriginal sites have been previously recorded in the Project Area.

Based on the environmental context, as well as the results of previous archaeological investigations undertaken, it is considered the most likely type of site to occur in the area would be shell midden and artefact scatters. Based on the environmental and Aboriginal heritage context of the Project Area, other site types including Aboriginal resource and gathering, scarred trees and potential archaeological deposits, do not have potential to be present.

The due diligence code identifies features that indicate the likely existence of Aboriginal objects as including areas within 200 metres of waters. The Project Area is partly situated in a wetland, these wetlands are likely to have been utilised by Aboriginal people.

3. *Desktop Assessment and Visual Inspection:*

Section 4 to 6 of this report provide the details of the desktop assessment and visual inspection of the Project Area. The desktop assessment found that while there were no previously recorded Aboriginal objects within the Project Area, its environmental context would have been conducive to Aboriginal occupation.

The visual inspection identified the area is previously disturbed from residential development, installation of infrastructure and services. Visibility in the southern end of the Project Area was reasonably good (70%), and low (<10%) in the northern end of the Project Area. No Aboriginal objects and/or places were identified during the visual inspection.

The results of the AHIMS search and the visual inspection indicate that there are no identified Aboriginal objects in the Project Area, and therefore, no identified risk of harm to Aboriginal objects. Due to previous disturbance in the existing road, the Aboriginal archaeological potential of the Project Area is likely to be low.

7 CONCLUSION AND RECOMMENDATIONS

This report has considered the environmental and archaeological information available for the Project Area, previous disturbances and the condition of the land and the nature of the proposed activities in order to assess potential impacts to Aboriginal objects.

The search of the AHIMS database revealed 96 previously recorded Aboriginal sites within the searched coordinates. The Project Area was inspected on foot on the 29 November 2019. No previously recorded AHIMS sites are located on the Project Area, and Aboriginal Objects and/or places were identified during the site inspection. The disturbance is such that there is a low likelihood for potential subsurface archaeological deposits.

The following recommendations are made in relation to the proposed activity:

Recommendation 1

All relevant Raphael Shin Enterprises Pty Ltd staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as an Aboriginal heritage induction.

Recommendation 2

This due diligence assessment must be kept by Raphael Shin Enterprises Pty Ltd so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act 1974*.

Recommendation 3

If unrecorded Aboriginal object/s are identified in the Project Area, then all works in the immediate area must cease and the area cordoned off. Department of Planning, Industry and Environment (DPIE) must be notified immediately via Enviroline 131 555 so that the site can be adequately assessed and works only recommence when an approved management strategy has been developed.

Recommendation 4

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, DPIE must be contacted via Enviroline 131 555. A DPIE 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.

Recommendation 5

If additional ground surface disturbance works fall outside of the Project Area, Raphael Shin Enterprises Pty Ltd are advised to have those areas investigated by a qualified archaeologist with additional due diligence inspection undertaken.

Yours sincerely,
for RPS AAP Consulting Pty Ltd

Amanda Crick
Heritage Consultant
amanda.crick@rpsgroup.com.au
+61 2 4940 4211

8 REFERENCES

Attenbrow, V. (2003). Sydney's Aboriginal Past: Investigating the archaeological and historical records, UNSW Press.

DECCW (2010). Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. C. C. a. W. Department of Environment.

Doelman, T., R. Torrence, V. Popov, M. Ionescu, N. Kluyev, I. Pantyukhina, P. White and M. Clements (2008). "Source selectivity: An assessment of Volcanic Glass Sources in the Southern Primorye Region, Far East Russia." Geoarchaeology: An International Journal **23**: 243-273.

Keith, D. (2006). Ocean Shores to Desert Dunes: The Native Vegetation of New South Wales and the ACT. Sydney, Department of Environment and Conservation NSW.

Mapbox. (2018). "Geological Survey of NSW, METI & NASA." Retrieved 18/11/2019, 2019.

Matthei, L. E. (1995). Soil Landscapes of Newcastle 1:100 000 Sheet. Sydney, Department of Land and Water Conservation.

Murphy, C. L. (1995). Soil Landscapes of the Port Stephens 1:100 000 Sheet. Sydney, Department of Land and Water Conservation.

Port Stephens Council (2013). Port Stephens Local Environmental Plan: Flood Planning Maps.

Port Stephens Council. (2019). "History in Port Stephens: Aboriginal history." Retrieved 5/12/2019, 2019, from <https://www.portstephens.nsw.gov.au/play/culture-and-history/aboriginal-history>.

Appendix A

AHIMS Search

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0322	NBRd 6	GDA	56	409468	6373900	Open site	Valid	Shell : 1		103447
	Contact	Recorders		Ms.Penny Mccardle				Permits		
38-5-0304	NBR PAD 01	GDA	56	409538	6373846	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders		Doctor.Tim Owen				Permits		
38-5-0338	4011 Nelson Bay Road A1	GDA	56	409756	6373969	Open site	Destroyed	Artefact : -		
	Contact	Recorders		RPS Australia East Pty Ltd -Hamilton,Mrs.Tessa Boer-Mah				Permits		
38-5-0303	NBR PAD 02	GDA	56	409790	6373866	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders		Doctor.Tim Owen				Permits		
38-5-0339	4011 Nelson Bay Road A2	GDA	56	409859	6374015	Open site	Destroyed	Artefact : -		
	Contact	Recorders		RPS Australia East Pty Ltd -Hamilton,Mrs.Tessa Boer-Mah				Permits		
38-5-0326	RPS NBR AS1	GDA	56	410044	6374068	Open site	Valid	Artefact : 1		
	Contact	Recorders		Mr.Jeremy Hill				Permits	4226	
38-5-0321	NBRd 5	GDA	56	411292	6373875	Open site	Valid	Shell : 1		103447
	Contact	Recorders		Ms.Penny Mccardle				Permits		
38-5-0347	Anna Bay PAD 1	GDA	56	412042	6373398	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -		
	Contact	Recorders		Niche Environment and Heritage,Niche Environment and Heritage,Doctor.Morgan				Permits	4466	
38-5-0320	NBRd 4	GDA	56	412046	6373942	Open site	Valid	Shell : 1		103447
	Contact	Recorders		Ms.Penny Mccardle				Permits		
38-5-0319	OFOC5	GDA	56	412500	6373988	Open site	Partially Destroyed	Shell : 1		
	Contact	Recorders		Umwelt (Australia) Pty Limited,Miss.Nicola Roche,Miss.Nicola Roche				Permits	3621,3758	
38-5-0327	Ausgrid Anna Bay IF1	GDA	56	412517	6373648	Open site	Valid	Artefact : -		
	Contact	Recorders		Miss.Stephanie Howden				Permits		
38-5-0331	WCL1403	GDA	56	412543	6372831	Open site	Valid	Artefact : 1		
	Contact	Recorders		Ms.Nadine Russell				Permits		
38-5-0318	OFOC4	GDA	56	413195	6373870	Open site	Partially Destroyed	Shell : 1		
	Contact	Recorders		Umwelt (Australia) Pty Limited,Miss.Nicola Roche,Miss.Nicola Roche				Permits	3621,3758	
38-5-0316	Surf Club Midden - Birubi Pt	GDA	56	413415	6372385	Open site	Partially Destroyed	Shell : 1		103888
	Contact	Recorders		Miss.Philippa Sokol,RPS East Australia Pty Ltd - Echuca Victoria				Permits	3607	

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0317	RPS Birubi Pt Midden 1	GDA	56	413492	6372316	Open site	Valid	Shell : -		
	Contact	Recorders				RPS Australia East Pty Ltd -Hamilton, Miss. Philippa Sokol		Permits	4418	
38-5-0108	B F 20;	AGD	56	408900	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0109	B F 21;	AGD	56	408900	6372200	Open site	Valid	Shell : -, Artefact : -, Stone Quarry : -	Midden, Quarry	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0116	Fenninghams Island 1;	AGD	56	408900	6375900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0118	Fenninghams Island 3;	AGD	56	408920	6375700	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0119	Fenninghams Island 4;	AGD	56	408920	6375700	Open site	Valid	Shell : -, Artefact : -	Midden	1845, 102218
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0120	Fenninghams Island 5;	AGD	56	408980	6375300	Open site	Valid	Shell : -, Artefact : -	Midden	1845, 102218
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0107	B F 19;	AGD	56	409000	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0106	B F 18;	AGD	56	409100	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0261	Worimi Ancestral Remains Repatriation Site. Worimi Conservation Lands	AGD	56	409188	6372597	Open site	Valid	Burial : -		
	Contact	Recorders				Mr.Steve Brereton		Permits		
38-5-0219	Tomaree 3	AGD	56	409200	6373700	Open site	Valid	Shell : 1		102218
	Contact	Recorders				Mrs.Angela Besant		Permits		
38-5-0117	Fenninghams Island 2;	AGD	56	409200	6375600	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0100	B F 12;	AGD	56	409300	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0099	B F 11;	AGD	56	409300	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0101	B F 13;	AGD	56	409400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0220	Tomaree 4	AGD	56	409500	6373700	Open site	Valid	Shell : 1		
	Contact	Recorders				Mrs.Angela Besant		Permits		
38-5-0102	B F 14;	AGD	56	409600	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders						Permits		
38-5-0103	B F 15;	AGD	56	409600	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0323	NBR3/PAD2	AGD	56	409632	6373635	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders						Permits		
38-5-0104	B F 16;	AGD	56	409700	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0105	B F 17;	AGD	56	409700	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0221	Tomaree 5	AGD	56	409750	6373700	Open site	Valid	Shell : 1		102218
	Contact	Recorders						Permits		
38-5-0074	Lemon Tree Passage;	AGD	56	409750	6375150	Open site	Valid	Shell : -, Artefact : -	Midden	233,102218
	Contact	Recorders						Permits		
38-5-0094	B F 7;	AGD	56	409900	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0095	B F 6;	AGD	56	410100	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0093	B F 5;	AGD	56	410100	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0222	Tomaree 6	AGD	56	410150	6373680	Open site	Valid	Artefact : 2, Shell : 2		
	Contact	Recorders						Permits		
38-5-0115	NB2;	AGD	56	410200	6372350	Open site	Valid	Shell : -, Artefact : -	Midden	2078,2978
	Contact	Recorders						Permits		
38-5-0131	Anna Bay 11;	AGD	56	410300	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0092	B F 4;	AGD	56	410300	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0130	Anna Bay 10;	AGD	56	410400	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0090	B F 2;	AGD	56	410400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		
38-5-0091	B F 3;	AGD	56	410400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders						Permits		

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0129	Anna Bay 9;	AGD	56	410500	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0089	B F 1;	AGD	56	410600	6372300	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Bonhomme Craib & Associates					<u>Permits</u>		
38-5-0127	Anna Bay 7;	AGD	56	410700	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0128	Anna Bay 8;	AGD	56	410700	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0126	Anna Bay 6;	AGD	56	410700	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0125	Anna Bay 5;	AGD	56	410800	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0114	NB1	AGD	56	410800	6372650	Open site	Valid	Artefact : -	Open Camp Site	2078,4645
	<u>Contact</u>	<u>Recorders</u>	Ms.Jillian Comber					<u>Permits</u>		
38-5-0124	Anna Bay 4;	AGD	56	410900	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0123	Anna Bay 3;	AGD	56	411100	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0122	Anna Bay 2;	AGD	56	411200	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0121	Anna Bay 1;	AGD	56	411400	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones,Mr.Luke Godwin					<u>Permits</u>		
38-5-0250	Anna Bay 1, NBR	AGD	56	411480	6373850	Open site	Valid	Artefact : 2, Shell : 1		102128
	<u>Contact</u>	<u>Recorders</u>	Mr.Peter Kuskie					<u>Permits</u>		
38-5-0324	NRB3/PAD3	AGD	56	411750	6373780	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>	Ms.Penny Mccardle					<u>Permits</u>		
38-5-0325	NBR3/PAD4	AGD	56	411800	6373784	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>	Ms.Penny Mccardle					<u>Permits</u>		
38-5-0311	NBR3/ PAD1	AGD	56	412110	6373980	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>	<u>Recorders</u>	MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny Mccardle					<u>Permits</u>		

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0310	NBR3/3 shell midden	AGD	56	412111	6373980	Open site	Valid	Artefact : -, Shell : -		103447
	Contact	Recorders		Ms.Penny Mccardle				Permits	3528,3564	
38-5-0312	NBR3/2 artefact scatter	AGD	56	412210	6373957	Open site	Valid	Artefact : -		
	Contact	Recorders		MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny Mccardle				Permits		
38-5-0223	Tomaree 7	AGD	56	412454	6373889	Open site	Partially Destroyed	Artefact : 2, Shell : 2		102128,102218
	Contact	Recorders		Mrs.Angela Besant, Miss.Nicola Roche				Permits	3621	
38-5-0198	ANNA BAY	AGD	56	412500	6372550	Open site	Valid	Artefact : -		1845,102128
	Contact	Recorders		Margrit Koettig				Permits		
38-5-0211	A1 - Stockton Bight	AGD	56	413300	6372600	Open site	Valid	Shell : -, Artefact : -, Hearth : -		102128
	Contact	Recorders		Mr.Warren Mayers				Permits		
38-5-0210	Stockton Bight Anna Bay 4wd access	AGD	56	413400	6372800	Open site	Valid	Artefact : -		102128
	Contact	Recorders		Laurence Penman				Permits	3575	
38-5-0286	Buruibi Track	AGD	56	413451	6372590	Open site	Valid	Aboriginal Resource and Gathering : 15		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0285	Birubi swail entrance	AGD	56	413457	6372580	Open site	Valid	Habitation Structure : 8		
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0284	Birubi access open campsite	AGD	56	413468	6372600	Open site	Valid	Aboriginal Resource and Gathering : 6		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0291	Birubi open campsite	AGD	56	413479	6372580	Open site	Valid	Aboriginal Resource and Gathering : 100		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0296	Gan Gan Road Site	AGD	56	413482	6372570	Open site	Valid	Aboriginal Resource and Gathering : 37		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0292	Birubi open campsite transport corridor	AGD	56	413485	6372585	Open site	Valid	Aboriginal Resource and Gathering : 50		
	Contact Mr.Peter Anderson	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0196	STOCKTON BIGHT	AGD	56	413500	6372500	Open site	Valid	Artefact : -		102128
	Contact	Recorders		Mr.Warren Mayers				Permits		
38-5-0295	Gan Gan road beach access	AGD	56	413505	6372540	Open site	Valid	Aboriginal Resource and Gathering : 71		
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0012	Morna Point;Birubi Point;	AGD	56	413527	6372058	Open site	Valid	Shell : -, Artefact : -	Midden	102128,102382
	Contact	Recorders	Len Dyall					Permits	747,4418,4524	
38-5-0013	Birubi point;Morna Point;	AGD	56	413527	6372058	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	102128
	Contact	Recorders	Len Dyall					Permits	4418,4524	
38-5-0280	Robinson's Quarry open campsite 5	AGD	56	413531	6372845	Open site	Valid	Aboriginal Resource and Gathering : 5		102128
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits	3437,3575	
38-5-0293	Birubi transport corridor campsite	AGD	56	413536	6372520	Open site	Valid	Aboriginal Resource and Gathering : 50		
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits		
38-5-0294	Birubi access campsite	AGD	56	413540	6372530	Open site	Valid	Aboriginal Resource and Gathering : 60		
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits		
38-5-0014	Birubi Point/Annabay;Morna Point;Birubi point;	AGD	56	413550	6372200	Open site	Valid	Shell : -, Artefact : -	Midden,Open Camp Site	1845,102128,102382
	Contact	Recorders	Pam Dean-Jones,R.H Moffatt,Umwelt (Australia) Pty Limited					Permits	1026,1054,1058,4524	
38-5-0241	AB3	AGD	56	413570	6372230	Open site	Valid	Artefact : -, Shell : -		98595,102128
	Contact	Recorders	MCH - McCardle Cultural Heritage Pty Ltd					Permits		
38-5-0240	AB2	AGD	56	413580	6372200	Open site	Valid	Artefact : -, Shell : -		98595,102128
	Contact	Recorders	MCH - McCardle Cultural Heritage Pty Ltd					Permits		
38-5-0282	Robinsons quarry open campsite 3	AGD	56	413590	6372820	Open site	Valid	Aboriginal Resource and Gathering : 5		102128
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits	3437	
38-5-0281	Robinsons Quarry open campsite 4	AGD	56	413596	6372853	Open site	Valid	Aboriginal Resource and Gathering : 7		
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits	3437	
38-5-0269	Cec Dee open campsite 3	AGD	56	413598	6372647	Open site	Valid	Aboriginal Resource and Gathering : 6		102128
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits		
38-5-0270	Cec Dee open campsite 4	AGD	56	413598	6372765	Open site	Valid	Artefact : 3		102128
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits	4413	
38-5-0283	Robinson Quarry open campsite 2	AGD	56	413616	6372854	Open site	Valid	Aboriginal Resource and Gathering : 7		102128
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits	3437	
38-5-0288	Robinsons Sand Quarry campsite 1	AGD	56	413620	6372860	Open site	Valid	Aboriginal Resource and Gathering : 20		102128
	Contact	Recorders	Mr.Leonard (Lennie) Andersor					Permits	3437	

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0016	Morna Point;Birubi Point; Headland Midden	AGD	56	413624	6371724	Open site	Valid	Shell : -, Artefact : -	Midden	309,315,1457,102128,102218,102382
	<u>Contact</u>	<u>Recorders</u>	Len Dyll					<u>Permits</u>		
38-5-0015	Morna Point;Birubi Point;	AGD	56	413624	6371786	Open site	Valid	Shell : -, Artefact : -	Midden	102128
	<u>Contact</u>	<u>Recorders</u>	Unknown Author					<u>Permits</u>		
38-5-0272	Anna Bay access track open campsite	AGD	56	413640	6372841	Open site	Valid	Artefact : 50		102128
	<u>Contact</u> Mr.Leonard (Lennie) Andersor	<u>Recorders</u>	Mr.Leonard (Lennie) Anderson					<u>Permits</u>	3437,4413	
38-5-0268	Cec Dee open campsite2	AGD	56	413664	6372608	Open site	Valid	Habitation Structure : 15		102128
	<u>Contact</u> Mr.Leonard (Lennie) Andersor	<u>Recorders</u>	Mr.Leonard (Lennie) Anderson					<u>Permits</u>		
38-5-0239	AB1	AGD	56	413682	6372154	Open site	Valid	Artefact : -, Shell : -		98595,102128
	<u>Contact</u>	<u>Recorders</u>	MCH - McCardle Cultural Heritage Pty Ltd					<u>Permits</u>		
38-5-0034	Morna Point;Cemetery Point;	AGD	56	413775	6371975	Open site	Valid	Burial : -	Burial/s	102128
	<u>Contact</u>	<u>Recorders</u>	Bill Lord					<u>Permits</u>		

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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.

Appendix B

Extensive AHIMS

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0322	NBRd 6	GDA	56	409468	6373900	Open site	Valid	Shell : 1		103447
	Contact	Recorders		Ms.Penny Mccardle				Permits		
38-5-0304	NBR PAD 01	GDA	56	409538	6373846	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders		Doctor.Tim Owen				Permits		
38-5-0338	4011 Nelson Bay Road A1	GDA	56	409756	6373969	Open site	Destroyed	Artefact : -		
	Contact	Recorders		RPS Australia East Pty Ltd -Hamilton,Mrs.Tessa Boer-Mah				Permits		
38-5-0303	NBR PAD 02	GDA	56	409790	6373866	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders		Doctor.Tim Owen				Permits		
38-5-0339	4011 Nelson Bay Road A2	GDA	56	409859	6374015	Open site	Destroyed	Artefact : -		
	Contact	Recorders		RPS Australia East Pty Ltd -Hamilton,Mrs.Tessa Boer-Mah				Permits		
38-5-0326	RPS NBR AS1	GDA	56	410044	6374068	Open site	Valid	Artefact : 1		
	Contact	Recorders		Mr.Jeremy Hill				Permits	4226	
38-5-0321	NBRd 5	GDA	56	411292	6373875	Open site	Valid	Shell : 1		103447
	Contact	Recorders		Ms.Penny Mccardle				Permits		
38-5-0347	Anna Bay PAD 1	GDA	56	412042	6373398	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -		
	Contact	Recorders		Niche Environment and Heritage,Niche Environment and Heritage,Doctor.Morgan				Permits	4466	
38-5-0320	NBRd 4	GDA	56	412046	6373942	Open site	Valid	Shell : 1		103447
	Contact	Recorders		Ms.Penny Mccardle				Permits		
38-5-0319	OFOC5	GDA	56	412500	6373988	Open site	Partially Destroyed	Shell : 1		
	Contact	Recorders		Umwelt (Australia) Pty Limited,Miss.Nicola Roche,Miss.Nicola Roche				Permits	3621,3758	
38-5-0327	Ausgrid Anna Bay IF1	GDA	56	412517	6373648	Open site	Valid	Artefact : -		
	Contact	Recorders		Miss.Stephanie Howden				Permits		
38-5-0331	WCL1403	GDA	56	412543	6372831	Open site	Valid	Artefact : 1		
	Contact	Recorders		Ms.Nadine Russell				Permits		
38-5-0318	OFOC4	GDA	56	413195	6373870	Open site	Partially Destroyed	Shell : 1		
	Contact	Recorders		Umwelt (Australia) Pty Limited,Miss.Nicola Roche,Miss.Nicola Roche				Permits	3621,3758	
38-5-0316	Surf Club Midden - Birubi Pt	GDA	56	413415	6372385	Open site	Partially Destroyed	Shell : 1		103888
	Contact	Recorders		Miss.Philippa Sokol,RPS East Australia Pty Ltd - Echuca Victoria				Permits	3607	

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0317	RPS Birubi Pt Midden 1	GDA	56	413492	6372316	Open site	Valid	Shell : -		
	Contact	Recorders				RPS Australia East Pty Ltd -Hamilton, Miss. Philippa Sokol		Permits	4418	
38-5-0108	B F 20;	AGD	56	408900	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0109	B F 21;	AGD	56	408900	6372200	Open site	Valid	Shell : -, Artefact : -, Stone Quarry : -	Midden, Quarry	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0116	Fenninghams Island 1;	AGD	56	408900	6375900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0118	Fenninghams Island 3;	AGD	56	408920	6375700	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0119	Fenninghams Island 4;	AGD	56	408920	6375700	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102218
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0120	Fenninghams Island 5;	AGD	56	408980	6375300	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102218
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0107	B F 19;	AGD	56	409000	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0106	B F 18;	AGD	56	409100	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0261	Worimi Ancestral Remains Repatriation Site. Worimi Conservation Lands	AGD	56	409188	6372597	Open site	Valid	Burial : -		
	Contact	Recorders				Mr.Steve Brereton		Permits		
38-5-0219	Tomaree 3	AGD	56	409200	6373700	Open site	Valid	Shell : 1		102218
	Contact	Recorders				Mrs.Angela Besant		Permits		
38-5-0117	Fenninghams Island 2;	AGD	56	409200	6375600	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Pam Dean-Jones		Permits		
38-5-0100	B F 12;	AGD	56	409300	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0099	B F 11;	AGD	56	409300	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0101	B F 13;	AGD	56	409400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders				Mr.Luke Godwin		Permits		
38-5-0220	Tomaree 4	AGD	56	409500	6373700	Open site	Valid	Shell : 1		
	Contact	Recorders				Mrs.Angela Besant		Permits		
38-5-0102	B F 14;	AGD	56	409600	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0103	B F 15;	AGD	56	409600	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0323	NBR3/PAD2	AGD	56	409632	6373635	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0104	B F 16;	AGD	56	409700	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0105	B F 17;	AGD	56	409700	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0221	Tomaree 5	AGD	56	409750	6373700	Open site	Valid	Shell : 1		102218
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0074	Lemon Tree Passage;	AGD	56	409750	6375150	Open site	Valid	Shell : -, Artefact : -	Midden	233,102218
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0094	B F 7;	AGD	56	409900	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0095	B F 6;	AGD	56	410100	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0093	B F 5;	AGD	56	410100	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0222	Tomaree 6	AGD	56	410150	6373680	Open site	Valid	Artefact : 2, Shell : 2		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0115	NB2;	AGD	56	410200	6372350	Open site	Valid	Shell : -, Artefact : -	Midden	2078,2978
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0131	Anna Bay 11;	AGD	56	410300	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0092	B F 4;	AGD	56	410300	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0130	Anna Bay 10;	AGD	56	410400	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0090	B F 2;	AGD	56	410400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
38-5-0091	B F 3;	AGD	56	410400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0129	Anna Bay 9;	AGD	56	410500	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0089	B F 1;	AGD	56	410600	6372300	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Bonhomme Craib & Associates				<u>Permits</u>		
38-5-0127	Anna Bay 7;	AGD	56	410700	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0128	Anna Bay 8;	AGD	56	410700	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0126	Anna Bay 6;	AGD	56	410700	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0125	Anna Bay 5;	AGD	56	410800	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0114	NB1	AGD	56	410800	6372650	Open site	Valid	Artefact : -	Open Camp Site	2078,4645
	<u>Contact</u>	<u>Recorders</u>		Ms.Jillian Comber				<u>Permits</u>		
38-5-0124	Anna Bay 4;	AGD	56	410900	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0123	Anna Bay 3;	AGD	56	411100	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0122	Anna Bay 2;	AGD	56	411200	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0121	Anna Bay 1;	AGD	56	411400	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones,Mr.Luke Godwin				<u>Permits</u>		
38-5-0250	Anna Bay 1, NBR	AGD	56	411480	6373850	Open site	Valid	Artefact : 2, Shell : 1		102128
	<u>Contact</u>	<u>Recorders</u>		Mr.Peter Kuskie				<u>Permits</u>		
38-5-0324	NRB3/PAD3	AGD	56	411750	6373780	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>		Ms.Penny Mccardle				<u>Permits</u>		
38-5-0325	NBR3/PAD4	AGD	56	411800	6373784	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>		Ms.Penny Mccardle				<u>Permits</u>		
38-5-0311	NBR3/ PAD1	AGD	56	412110	6373980	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>	<u>Recorders</u>		MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny Mccardle				<u>Permits</u>		

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0310	NBR3/3 shell midden	AGD	56	412111	6373980	Open site	Valid	Artefact : -, Shell : -		103447
	Contact	Recorders		Ms.Penny Mccardle				Permits	3528,3564	
38-5-0312	NBR3/2 artefact scatter	AGD	56	412210	6373957	Open site	Valid	Artefact : -		
	Contact	Recorders		MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny Mccardle				Permits		
38-5-0223	Tomaree 7	AGD	56	412454	6373889	Open site	Partially Destroyed	Artefact : 2, Shell : 2		102128,10221 8
	Contact	Recorders		Mrs.Angela Besant, Miss.Nicola Roche				Permits	3621	
38-5-0198	ANNA BAY	AGD	56	412500	6372550	Open site	Valid	Artefact : -		1845,102128
	Contact	Recorders		Margrit Koettig				Permits		
38-5-0211	A1 - Stockton Bight	AGD	56	413300	6372600	Open site	Valid	Shell : -, Artefact : -, Hearth : -		102128
	Contact	Recorders		Mr.Warren Mayers				Permits		
38-5-0210	Stockton Bight Anna Bay 4wd access	AGD	56	413400	6372800	Open site	Valid	Artefact : -		102128
	Contact	Recorders		Laurence Penman				Permits	3575	
38-5-0286	Buruibi Track	AGD	56	413451	6372590	Open site	Valid	Aboriginal Resource and Gathering : 15		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0285	Birubi swail entrance	AGD	56	413457	6372580	Open site	Valid	Habitation Structure : 8		
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0284	Birubi access open campsite	AGD	56	413468	6372600	Open site	Valid	Aboriginal Resource and Gathering : 6		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0291	Birubi open campsite	AGD	56	413479	6372580	Open site	Valid	Aboriginal Resource and Gathering : 100		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0296	Gan Gan Road Site	AGD	56	413482	6372570	Open site	Valid	Aboriginal Resource and Gathering : 37		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0292	Birubi open campsite transport corridor	AGD	56	413485	6372585	Open site	Valid	Aboriginal Resource and Gathering : 50		
	Contact Mr.Peter Anderson	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0196	STOCKTON BIGHT	AGD	56	413500	6372500	Open site	Valid	Artefact : -		102128
	Contact	Recorders		Mr.Warren Mayers				Permits		
38-5-0295	Gan Gan road beach access	AGD	56	413505	6372540	Open site	Valid	Aboriginal Resource and Gathering : 71		
	Contact Mr.Leonard (Lennie) Andersor	Recorders		Mr.Leonard (Lennie) Anderson				Permits		

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0012	Morna Point;Birubi Point;	AGD	56	413527	6372058	Open site	Valid	Shell : -, Artefact : -	Midden	102128,102382
	Contact	Recorders	Len Dyall					Permits	747,4418,4524	
38-5-0013	Birubi point;Morna Point;	AGD	56	413527	6372058	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	102128
	Contact	Recorders	Len Dyall					Permits	4418,4524	
38-5-0280	Robinson's Quarry open campsite 5	AGD	56	413531	6372845	Open site	Valid	Aboriginal Resource and Gathering : 5		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437,3575	
38-5-0293	Birubi transport corridor campsite	AGD	56	413536	6372520	Open site	Valid	Aboriginal Resource and Gathering : 50		
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0294	Birubi access campsite	AGD	56	413540	6372530	Open site	Valid	Aboriginal Resource and Gathering : 60		
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0014	Birubi Point/Annabay;Morna Point;Birubi point;	AGD	56	413550	6372200	Open site	Valid	Shell : -, Artefact : -	Midden,Open Camp Site	1845,102128,102382
	Contact	Recorders	Pam Dean-Jones,R.H Moffatt,Umwelt (Australia) Pty Limited					Permits	1026,1054,1058,4524	
38-5-0241	AB3	AGD	56	413570	6372230	Open site	Valid	Artefact : -, Shell : -		98595,102128
	Contact	Recorders	MCH - McCardle Cultural Heritage Pty Ltd					Permits		
38-5-0240	AB2	AGD	56	413580	6372200	Open site	Valid	Artefact : -, Shell : -		98595,102128
	Contact	Recorders	MCH - McCardle Cultural Heritage Pty Ltd					Permits		
38-5-0282	Robinsons quarry open campsite 3	AGD	56	413590	6372820	Open site	Valid	Aboriginal Resource and Gathering : 5		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437	
38-5-0281	Robinsons Quarry open campsite 4	AGD	56	413596	6372853	Open site	Valid	Aboriginal Resource and Gathering : 7		
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437	
38-5-0269	Cec Dee open campsite 3	AGD	56	413598	6372647	Open site	Valid	Aboriginal Resource and Gathering : 6		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0270	Cec Dee open campsite 4	AGD	56	413598	6372765	Open site	Valid	Artefact : 3		102128
	Contact	Recorders	Mr.Leonard (Lennie) Anderson					Permits	4413	
38-5-0283	Robinson Quarry open campsite 2	AGD	56	413616	6372854	Open site	Valid	Aboriginal Resource and Gathering : 7		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437	
38-5-0288	Robinsons Sand Quarry campsite 1	AGD	56	413620	6372860	Open site	Valid	Aboriginal Resource and Gathering : 20		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437	

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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/PO Number : 119462 Anna Bay

Client Service ID : 468019

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0016	Morna Point;Birubi Point; Headland Midden	AGD	56	413624	6371724	Open site	Valid	Shell : -, Artefact : -	Midden	309,315,1457,102128,102218,102382
	<u>Contact</u>	<u>Recorders</u>	Len Dyll					<u>Permits</u>		
38-5-0015	Morna Point;Birubi Point;	AGD	56	413624	6371786	Open site	Valid	Shell : -, Artefact : -	Midden	102128
	<u>Contact</u>	<u>Recorders</u>	Unknown Author					<u>Permits</u>		
38-5-0272	Anna Bay access track open campsite	AGD	56	413640	6372841	Open site	Valid	Artefact : 50		102128
	<u>Contact</u> Mr.Leonard (Lennie) Andersor	<u>Recorders</u>	Mr.Leonard (Lennie) Anderson					<u>Permits</u>	3437,4413	
38-5-0268	Cec Dee open campsite2	AGD	56	413664	6372608	Open site	Valid	Habitation Structure : 15		102128
	<u>Contact</u> Mr.Leonard (Lennie) Andersor	<u>Recorders</u>	Mr.Leonard (Lennie) Anderson					<u>Permits</u>		
38-5-0239	AB1	AGD	56	413682	6372154	Open site	Valid	Artefact : -, Shell : -		98595,102128
	<u>Contact</u>	<u>Recorders</u>	MCH - McCardle Cultural Heritage Pty Ltd					<u>Permits</u>		
38-5-0034	Morna Point;Cemetery Point;	AGD	56	413775	6371975	Open site	Valid	Burial : -	Burial/s	102128
	<u>Contact</u>	<u>Recorders</u>	Bill Lord					<u>Permits</u>		

Report generated by AHIMS Web Service on 27/11/2019 for Rps Australia East Pty Ltd Carrington Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : report. Number of Aboriginal sites and Aboriginal objects found is 96

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.

Appendix C

Cultural Heritage Impact Assessment



The Bay Resort

Cultural Heritage Impact Assessment

Anna Bay, New South Wales

Prepared by:

RPS AUSTRALIA EAST PTY LTD

241 Denison Street
Broadmeadow NSW 2292
PO Box 428 Hamilton NSW 2303

T: +61 2 4940 4200
F: +61 2 4961 6794
E: newcastle@rpsgroup.com.au

Client Manager: Tessa Boer-Mah
Report Number: PR119462-11
Version / Date: Final / November 2014

Prepared for:

RAPHAEL SHIN ENTERPRISES PTY LTD

Suite 2, Level 1
Attn: Bob Young

570 Blaxland Road
Eastwood NSW 2122

T: +61 2 8876 1861
F: +61 2 8876 1899
E: shinrse@gmail.com
E: bob@byarchitect.com.au

IMPORTANT NOTE

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this report, its attachments or appendices may be reproduced by any process without the written consent of RPS Australia East Pty Ltd. All enquiries should be directed to RPS Australia East Pty Ltd.

We have prepared this report for the sole purposes of Raphael Shin Enterprises PTY LTD ("**Client**") for the specific purpose of only for which it is supplied ("**Purpose**"). This report is strictly limited to the purpose and the facts and matters stated in it and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter.

In preparing this report we have made certain assumptions. We have assumed that all information and documents provided to us by the Client or as a result of a specific request or enquiry were complete, accurate and up-to-date. Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. We are not aware of any reason why any of the assumptions are incorrect.

This report is presented without the assumption of a duty of care to any other person (other than the Client) ("**Third Party**"). The report may not contain sufficient information for the purposes of a Third Party or for other uses. Without the prior written consent of RPS Australia East Pty Ltd:

- (a) this report may not be relied on by a Third Party; and
- (b) RPS Australia East Pty Ltd will not be liable to a Third Party for any loss, damage, liability or claim arising out of or incidental to a Third Party publishing, using or relying on the facts, content, opinions or subject matter contained in this report.

If a Third Party uses or relies on the facts, content, opinions or subject matter contained in this report with or without the consent of RPS Australia East Pty Ltd, RPS Australia East Pty Ltd disclaims all risk and the Third Party assumes all risk and releases and indemnifies and agrees to keep indemnified RPS Australia East Pty Ltd from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

In this note, a reference to loss and damage includes past and prospective economic loss, loss of profits, damage to property, injury to any person (including death) costs and expenses incurred in taking measures to prevent, mitigate or rectify any harm, loss of opportunity, legal costs, compensation, interest and any other direct, indirect, consequential or financial or other loss.

Document Status

Version	Purpose of Document	Orig	Review	Review Date	Approval for Issue	Date Issued
Draft 1	Technical Review	J. Hill	Darrell Rigby	11.6.14	T. Boer-Mah	18.6.2014
Draft 2	Internal Review	J. Hill	Rob Dwyer	19.06.2014	Rob Dwyer	19.06.2014
Final	Final	J. Hill	Rob Dwyer	18.11.2014	T. Boer-Mah	18.11.2014

Executive Summary

RPS has been engaged by Raphael Shin Enterprises Pty Ltd (the Proponent) to prepare a Cultural Heritage Impact Assessment (CHIA) which will inform an Environmental Impact Statement (EIS) for the 'The Bay Resort' in Anna Bay (**Figure 1**). 'The Bay Resort' will be assessed under Part 4 of the New South Wales (NSW) *Environmental Planning & Assessment Act 1979*.

This report has considered the environmental and archaeological context of the landscape, results from the Aboriginal Heritage Information Management System (AHIMS) search, the provision of a predictive model, comments from the Registered Aboriginal Parties (RAPs) regarding cultural significance, results of the historic cultural heritage searches and results of the field survey undertaken on 26 May 2014. The objective of this report is to identify all archaeological (Aboriginal and historic) sites (potential and actual) within 'The Bay Resort' development and to provide mitigation and management strategies where necessary for inclusion in the EIS.

'The Bay Resort' will include the construction of a five star Eco-Tourist resort consisting of 384 rooms and associated facilities.

The results of the AHIMS search showed that one previously recorded site was located in the Project Area. The historic searches showed that there were no heritage items of significance in the Project Area. The field survey did not identify any further Aboriginal objects/ places or heritage items of significance. The previously recorded AHIMS site, #38-5-0250, was re-identified during the survey and it revealed that the site had been previously modified. This site is at risk from potential harm during the construction of 'The Bay Resort'. In order to adequately mitigate this potential harm a Cultural Heritage Management Plan (CHMP) should be implemented and Recommendation 1 implemented.

The Project Area contains no heritage items of significance and therefore does not attract any provisions of the *Heritage Act 1977*. It is considered that there is no potential for further historic items of significance to be identified and as such no further assessment is required.

The following recommendations have been made in relation to Aboriginal heritage

Recommendation 1

A CHMP should be prepared prior to construction works beginning to mitigate future harm to AHIMS site #38-5-0250. The CHMP should also address potential impacts from surface and subsurface disturbance during construction activities. Prior to a CHMP being prepared site #38-5-0250 should be protected by a high visibility protective barrier that should act as a **NO GO ZONE** during construction works.

The following recommendations have been provided as a contingency should unexpected Aboriginal objects, skeletal remains or heritage items of significance be identified during construction

Recommendation 2

If unrecorded 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. The office of Environment and Heritage (OEH) must be notified by ringing 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 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 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 RAPs before works recommence.

Recommendation 4

If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, OEH (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed.

Terms, Definitions and Abbreviations

Abbreviation/Term	Meaning
Aboriginal Object	"Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains" (DECCW 2010:18).
Aboriginal Place	"A place declared under s.84 of the NPW Act that, in the opinion of the Minister, is or was of special significance to Aboriginal culture" (DECCW 2010:18). Aboriginal places are gazetted by the minister.
ACHCR	Aboriginal Cultural Heritage Consultation Requirements for Proponents.
AHIMS	Aboriginal Heritage Information Management System.
AHIP	Aboriginal Heritage Impact Permit.
BP	Years before present as determined by radiocarbon dating. Sometimes these dates are calibrated (cal. years BP) this indicates a radiocarbon date has been calibrated using the dendrochronology curves, making the date more accurate than an uncalibrated date.
CHIA	Cultural Heritage Impact Assessment
CHMP	Cultural Heritage Management Plan.
DECCW	Department of Environment, Climate Change and Water (is now the Office of Environment and Heritage – OEH).
Development Area	"Area proposed to be impacted as part of a specified activity or development proposal" (OEH 2011:ii). This report has used proposed development to mean the same as development area.
DGRs	Director-General's Requirements issued by DoPI.
DoPI	Department of Planning and Infrastructure (from April 2011) previously known as Department of Planning (DoP).
Due Diligence	"Taking reasonable and practical steps to determine whether a person's actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm" (DECCW 2010:18).
EIS	Environmental Impact Statement.
EoI	Expression of Interest
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i> .
EPRG	Environment Protection Regulation Group
GDA	Geodetic Datum Australia.
GSE	Ground Surface Exposure.
GSV	Ground Surface Visibility.
Harm	"Destroy, deface, damage an object, move an object from the land on which it is situated, cause or permit an object to be harmed." (DECCW 2010:18).
ICOMOS	International Council on Monuments and Sites
ILUA	Indigenous Land Use Agreement
LALC	Local Aboriginal Land Council
LEP	Local Environment Plan
LGA	Local Government Area.
NNTT	National Native Title Tribunal
NPW Act	NSW <i>National Parks and Wildlife Act 1974</i> (administered by OEH).
NPW Regulation	NSW <i>National Parks and Wildlife Regulation 2009</i> (administered by OEH).
NPWS	National Parks and Wildlife Service.
NSW	New South Wales

Abbreviation/Term	Meaning
NTR	Native Title Register
OEH	Office of Environment and Heritage (formerly DECCW).
PAD	Potential Archaeological Deposit.
Project Area	"The area that is the subject of archaeological investigation. Ordinarily this would include the area that is being considered for development consent, inclusive of the proposed development footprint and all associated land parcels" (OEH 2011:ii).
RAPs	Registered Aboriginal Parties
RNE	Register of the National Estate
RSE	Raphael Shin Enterprises Pty Ltd, the Proponent
SHR	State Heritage Register
SSD	State Significant Development

Contents

EXECUTIVE SUMMARY	III
TERMS, DEFINITIONS AND ABBREVIATIONS.....	V
1.0 INTRODUCTION	1
1.1 The Proposed Development.....	1
1.2 The Project Area.....	1
1.3 Authorship and Acknowledgements.....	2
1.3.1 Authorship.....	2
1.3.2 Acknowledgments.....	2
1.4 Structure of this Report.....	2
2.0 LEGISLATIVE CONTEXT.....	4
2.1 Environmental Planning and Assessment Act 1979	4
2.1.1 Compliance with the Heritage Components of the Director General's Requirements ...	4
2.2 Aboriginal Cultural Heritage	5
2.2.1 National Parks & Wildlife Act 1974 (as amended).....	5
2.2.2 Aboriginal Land Rights Act 1983	6
2.2.3 Native Title Act 1993.....	6
2.2.4 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHIP Act Amendment 2006)	7
2.2.5 Guidelines for Managing Aboriginal Cultural Heritage	8
2.3 Historic Cultural Heritage.....	8
2.3.1 Heritage Act 1977	8
2.4 Guidelines for Managing both Aboriginal and Historic Heritage	9
2.4.1 ICOMOS Burra Charter	9
3.0 ABORIGINAL COMMUNITY CONSULTATION.....	10
3.1 Aboriginal Cultural Heritage Consultation Requirements	10
4.0 ABORIGINAL ENVIRONMENTAL CONTEXT.....	13
4.1 Local Environment.....	13
4.1.1 Geology and Soils.....	13
4.1.2 Topography and Hydrology	14
4.1.3 Flora and Fauna	14
4.1.4 Climate.....	14
4.1.5 Synthesis	15
5.0 ABORIGINAL HERITAGE CONTEXT.....	16
5.1 Historic Records of Aboriginal Occupation	16
5.1.1 Implements of Gathering Food and Weapons.....	16
5.1.2 Food and Useful Plants	16
5.1.3 Clothing.....	17
5.1.4 Camp Sites and Shelters	17

5.1.5	Burial Practices	17
5.2	Regional Archaeological Heritage Context	17
5.3	Local Archaeological Heritage Context	17
5.3.1	Aboriginal Heritage Information Management System	18
5.3.2	Native Title Tribunal Register	19
5.3.3	Local Archaeological and Heritage Studies	21
5.4	Summary of the Aboriginal Heritage Context	25
5.5	Predictive Model.....	25
5.5.1	Site Type and Locations Predictions	26
5.5.2	Site Content Predictions	26
6.0	ABORIGINAL HERITAGE SURVEY AND FIELD RESULTS	27
6.1	Survey Methodology.....	27
6.1.1	Survey Aims.....	27
6.2	Field Survey	27
6.3	Description of Survey Units	28
6.4	Description of Aboriginal Cultural Heritage in the Project Area	31
6.5	Interpretation of Survey Results.....	31
6.5.1	Landform, Site Type and Site Contents Analysis	31
6.6	Summary of Evidence of Aboriginal Occupation	33
7.0	ABORIGINAL HERITAGE SIGNIFICANCE ASSESSMENT	34
7.1	Scientific (Archaeological) Significance Criteria	34
7.1.2	Assessment of Archaeological Significance	34
7.2	Cultural (Aboriginal) Significance Criteria	35
8.0	ABORIGINAL CULTURAL HERITAGE IMPACT ASSESSMENT	36
8.1	Surface Disturbance	36
8.1.1	Impact Assessment of Surface Disturbance Areas	36
9.0	HISTORICAL HERITAGE CONTEXT.....	38
9.1	Port Stephens General history	38
9.1.1	The Australian Agricultural Company	38
10.0	HISTORICAL HERITAGE RESOURCES	39
10.1	Heritage Registers Search	39
10.2	Heritage Registers	39
10.2.1	World Heritage and Australian Heritage	39
10.2.2	State Heritage	40
10.2.3	Section 170 Registers.....	40
10.2.4	Local Heritage.....	40
11.0	HISTORICAL HERITAGE SURVEY AND FIELD RESULTS.....	42
11.1	Visual Impact Assessment.....	42
12.0	HISTORICAL HERITAGE SIGNIFICANCE ASSESSMENT	43
13.0	HISTORICAL STATEMENT OF SIGNIFICANCE AND IMPACT ASSESSMENT.....	44

13.1	Statement of Significance	44
13.2	Impact Assessment	44
14.0	CONCLUSIONS AND RECOMMENDATIONS	45
15.0	REFERENCES	46
16.0	ABORIGINAL CULTURAL HERITAGE PLATES	49

Tables

Table 1 Compliance with Heritage Components of the DGRs	5
Table 2 RAPs who registered their interest	11
Table 3 RAPs who responded to the methodology	11
Table 4 RAPs who participated in the site visit to the Project Area	11
Table 5 RAPs who received the draft report.....	12
Table 6 RAPs who responded with comments to the draft report	12
Table 7 RAPs who received the final report	12
Table 8 Summary of AHIMS Sites within the searched co-ordinates.....	18
Table 9 Summary of AHIMS Sites within the Project Area.....	18
Table 10 Summary of GSV and GSE	28
Table 11 Survey Coverage Data	29
Table 12 Landforms and Aboriginal sites (including data from survey and AHIMS)	31
Table 13 Archaeological Significance Criteria	34
Table 14 Assessed Levels of Significance (Scientific) for Aboriginal Sites.....	35
Table 15 AHIMS Sites in the Project Area which may be Impacted by activities in the Surface Disturbance areas	36
Table 16 Heritage Items listed on the Register of the National Estate	39
Table 17 Heritage Items listed on the Port Stephens LEP	40

Figures

Figure 1 Project Area.....	3
Figure 2 Project Area with AHIMS	20
Figure 3 Project Area with Survey Units	30
Figure 4 Project Area with Sensitivity	32
Figure 5 AHIMS site at Risk of Impact by Surface Disturbance and NO GO ZONES	37
Figure 6 Project Area and items of Heritage Significance	41

Plates

Plate 1 Landscape photo of SU1	49
Plate 2 Landscape photo of SU2	49
Plate 3 Landscape photo of SU3	50
Plate 4 Example GSE and GSV in SU1	50
Plate 5 Exposed area in SU1	51
Plate 6 Example of GSE and GSV in SU1	51
Plate 7 Site location photo of AHIMS site #38-5-0250	52

Plate 8 Shell reidentified at AHIMS site #38-5-0250	52
---	----

Appendices

Appendix 1	Legislative Requirements
Appendix 2	Consultation Log
Appendix 3	Aboriginal Consultation Advertisement and Documentation
Appendix 4	AHIMS Searches
Appendix 5	Aboriginal Glossary of Site Types

1.0 Introduction

RPS has been engaged by Raphael Shin Enterprises Pty Ltd (RSE) to prepare a CHIA which will inform an EIS for 'The Bay Resort'. 'The Bay Resort' is a State Significant Development (SSD13_5916) and it will be assessed under Part 4 of the *Environmental Planning & Assessment Act 1979*.

The CHIA comprises Aboriginal cultural heritage and historic cultural heritage components. The Aboriginal component has been prepared in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b). The historic component of this report has been assessed under the current best practice guidance published by the Heritage Office and Department of Urban Affairs and Planning (now the Heritage Branch, Office of Environment and Heritage, Department of Premier & Cabinet). In particular, the following best practice documents have informed this report: *Assessing Heritage Significance 2001*, *Levels of Heritage Significance 2008*, *New South Wales Historical Themes 2001* and *The Burra Charter: The Australian International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance 2013*.

The aims of this report are:

- Effectively report on Aboriginal and historic cultural heritage in accordance with requirements 17 and 18 of the Director General Requirements (DGRs) (**Table 1**);
- To identify recorded and unrecorded Aboriginal objects/ places and heritage items of significance;
- To identify if Aboriginal objects/ places and heritage items of significance are at risk of harm from the development of 'The Bay Resort';
- To assess the significance of Aboriginal objects/ places and heritage items; and,
- To provide an impact assessment based on those findings.

1.1 The Proposed Development

The proposed development is the construction of a five star international eco-tourist resort, known as 'The Bay Resort' (the proposed development). The proposed development will consist of 384 rooms and suites, a restaurant, meeting rooms, gymnasiums, tennis court and business facilities and integrate with the natural surroundings.

The proposed development is expected to cost \$230 million, employ 150 full time employees and be developed to a standard to ensure a high Green Star Rating.

1.2 The Project Area

This CHIA has been prepared for the subject area of the proposed project and herein is referred to as the "Project Area." The Project Area is situated in Anna Bay which is located in the Port Stephens Council Local Government Area (LGA). The closest township is Anna Bay located approximately 3.5km south-east of the Project Area (**Figure 1**). The Project Area is legally described as Lot 2 DP747399, 4177 Nelson Bay Road.

The Project Area has been divided into two sections. A northern offset section which will not be developed, and a southern section. The southern section will be subject to the proposed development.

1.3 Authorship and Acknowledgements

1.3.1 Authorship

This report has been written by suitably qualified heritage professionals. The Aboriginal component of this report was prepared in accordance with s1.6 and r1 of the Code of Practice for Archaeological Investigation (DECCW 2010b:4,20). The historic component of this report has been prepared in best practice and in accordance with *Assessing Heritage Significance 2001*, *Levels of Heritage Significance 2008*, *New South Wales Historical Themes 2001* and *The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance 2013*.

This report was prepared by RPS Cultural Heritage Consultant Jeremy Hill (Bachelor of Arts [Archaeology (Hons) & Anthropology]). The report was reviewed by RPS Cultural Heritage Technical Director, Darrell Rigby (Bachelor of Arts, GDURP).

1.3.2 Acknowledgments

The RPS Project Team would like to thank the following RAPs for contributing their cultural knowledge for inclusion in this CHIA:

- Jackie Henderson and Jamie Merrick (Worimi Local Aboriginal Land Council);
- Leanne and Lennie Anderson (Nur-Run-Gee Pty Ltd);
- Anthony Anderson and Chris Collison (Mur-Roo-Ma Inc); and,
- Carol Ridgeway-Bisset (Maaiangal Aboriginal Heritage).

1.4 Structure of this Report

This report has been divided into two sections. The first section addresses Aboriginal cultural heritage (Chapters 3.0 to 8.0). Chapter 3.0 provides an overview of the ongoing consultation for this CHIA. Chapter 4.0 provides a background to the environmental context and suitability for Aboriginal occupation of the local area. Chapter 5.0 details the Aboriginal heritage context, supplying ethnographic resources, AHIMS searches, previous archaeological works and a predictive model based on those results. Chapter 6.0 provides the results of the field survey and interpretation of the landscape and Aboriginal Occupation. Chapter 7.0 assesses the significance of the Aboriginal objects/ places of the field survey. Chapter 8.0 assesses the impact of Aboriginal cultural heritage from the proposed project.

The second section, the historic heritage section, begins with a general European history of Port Stephens (Chapter 9.0). Chapter 10.0 provides a summary of the heritage searches in or in the vicinity of the Project Area, and Chapter 11.0 describes the results of the historical survey. Chapter 12.0 and 13.0 provides an assessment of the heritage significance, statement of significance and provides an impact assessment for heritage items of significance in relation to the proposed development.

The CHIA addresses all of the DGRs and the DGRs can be found in Section 2.1.1 and **Table 1**.

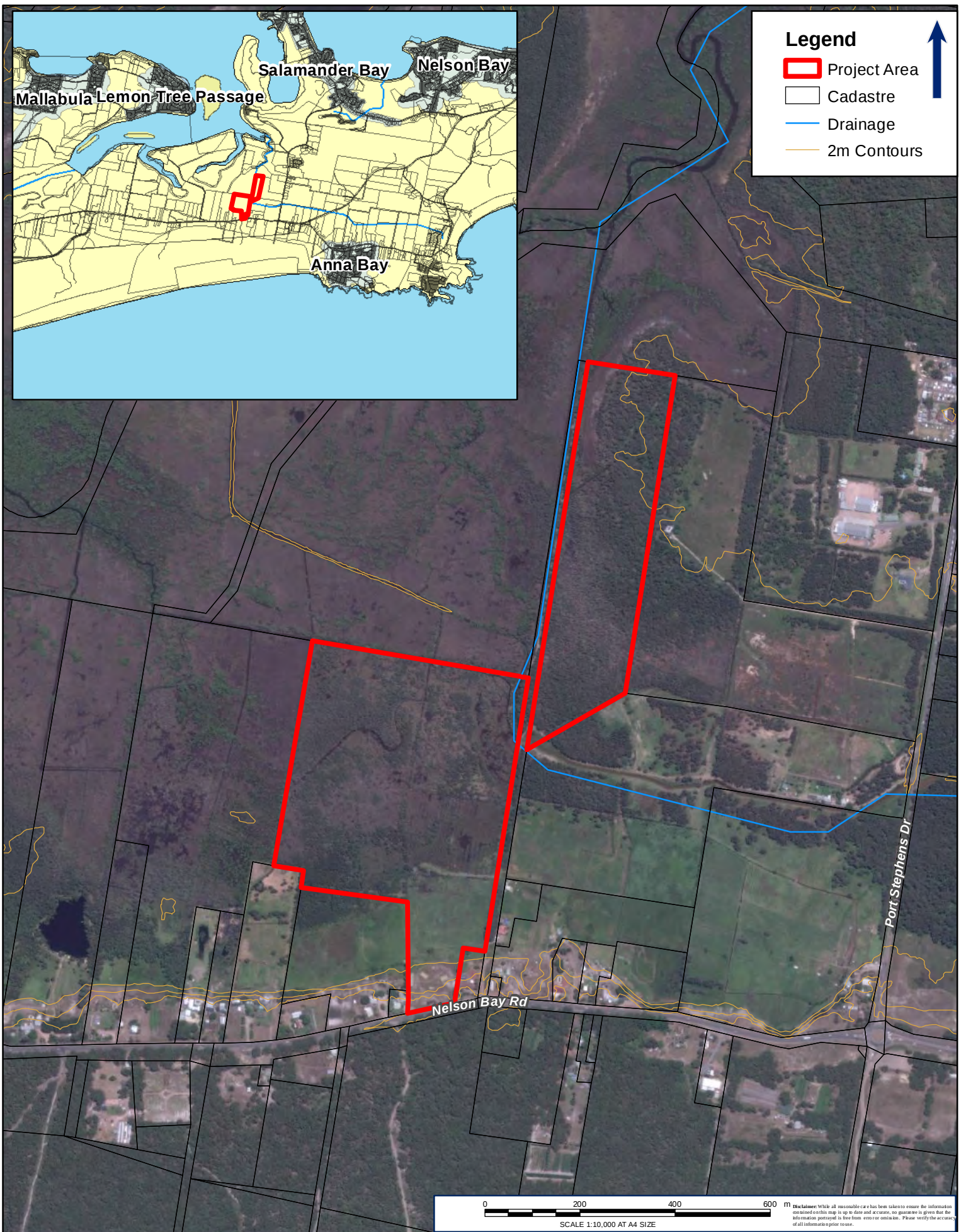


Figure 1: Project Location

LOCATION: Anna Bay	DATUM: GDA94
JOB NO.: 119462-11	PROJECTION: MGA Zone 56
PURPOSE: HERITAGE	Data Sources: Bing Maps 2011
Technician: Natalie Wood	Date: 4/03/2014

CLIENT: Raphael Shin Enterprises Pty Ltd

Copyright: This document and the information shown shall remain the property of RPS Australia East Pty Ltd. The document may only be used for the purpose for which it was supplied and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited.

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

RPS

2.0 Legislative Context

This project is being assessed primarily in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and it is under this process that the DGRs have been issued and addressed in this report. The legislation and regulations that protect Aboriginal heritage and historic heritage have also been outlined.

2.1 Environmental Planning and Assessment Act 1979

The EP&A 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. Within the EP&A Act, 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.

Under 4.1 of EP&A Act, a development may be declared a State Significant Development (SSD) if it meets specific criteria. The consent authority for a state significant development is the Minister, although under Section 23 the minister may delegate consent authority function to the Planning Assessment Commission, the Director-General or to any other public authority. An Aboriginal Heritage Impact Permit (AHIP) under section 90 of the National Parks and Wildlife Act 1974 (as amended) (NPW Act) is not required for developments which have been declared a SSD in accordance with 89J (1)(d) of the EP&A Act. However, an EIS is still required for an SSD and DGRs typically issued will include provisions for the assessment and management of Aboriginal heritage, as well as Aboriginal consultation.

The EP&A Act ensures that Aboriginal and historic heritage is properly assessed in land use planning and development.

2.1.1 Compliance with the Heritage Components of the Director General's Requirements

The DGRs were issued on the 30/04/2013 under application number SSD 13_5916. Compliance with each aspect of the DGRs in relation to this report is set out in Table 1 below. The following guidelines have also been adhered to in the production of this report, as per the DGRs:

- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b);
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011);
- *The Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010a);
- The Burra Charter (The Australia ICOMOS charter for places of cultural significance);
- *Environment Protection and Biodiversity Conservation Act 1999*; and,
- NSW Heritage Manual (NSW Heritage Office 1996).

Table 1 Compliance with Heritage Components of the DGRs

DGR Requirement	Addressed in this Report
DGR 17 – European Heritage	
A Statement of Significance and assessment of the impact on the heritage significance of any heritage items and/or conservation areas should be undertaken in accordance with the guidelines in the NSW Heritage Manual.	Chapters 12.0 & 13.0
The assessment should include a consideration of wider heritage impacts in the area surrounding the site	Chapter 13.0
Consult any relative heritage lists maintained by the Office of Environment and Heritage, the National Trust of Australia, The Australian Government under the <i>Environment Protection and Biodiversity Act 1999</i>, and Port Stephens Council in order to identify and items of heritage significance that may be affected by the proposal	Chapter 10.0
DGR 18 – Aboriginal Cultural Heritage	
Address Aboriginal Cultural Heritage in accordance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (2005) and Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010).	Chapters 3.0 & 7.0
Any impacts to Aboriginal Cultural heritage as a result of the proposal must be adequately mitigated	Chapter 8.0
Where it is likely the project will impact on Aboriginal heritage, adequate community consultation should take place regarding the assessment of significance, likely impacts, and management/mitigation measures	Chapter 3.0

2.2 Aboriginal Cultural Heritage

Although there are a number Acts and regulations protecting and managing cultural heritage in NSW (see **Appendix 1**); the primary ones which apply to this report include:

- *National Parks and Wildlife Act 1974* (as amended)
- *National Parks and Wildlife Regulation 2009*
- *Environmental Planning and Assessment Act 1979*

In brief, the *National Parks and Wildlife Act 1974* (as amended) protects Aboriginal heritage (places, sites and objects) within NSW; the *National Parks and Wildlife Regulation 2009* provides a framework for undertaking activities and exercising due diligence.

2.2.1 National Parks & Wildlife Act 1974 (as amended)

The NPW Act protects Aboriginal heritage (places, sites and objects) within NSW. Protection of Aboriginal heritage is outlined in s86 of the NPW Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1);
- “A person must not harm an Aboriginal object” s86(2); and,
- “A person must not harm or desecrate an Aboriginal place” s86(4).

Penalties apply for harming an Aboriginal object or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the NPW Act is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under an AHIP (and the permit was properly followed), or 2) that the proponent exercised due diligence in respect to Aboriginal heritage. The '**due diligence**' defence (s87(2)), states that if a person or company has exercised due diligence to ascertain that no Aboriginal object was likely to be harmed as a result of the activities proposed for the Project Area; then liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and OEH notified (DECCW 2010c:13). The due diligence defence does not authorise continuing harm.

Notification of Aboriginal Objects

Under section 89A of the NPW Act Aboriginal objects (and sites) must be reported to the Director-General of OEH within a reasonable time (unless it has previously been recorded and submitted to AHIMS). Penalties of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

2.2.1.1 National Parks and Wildlife Regulation 2009

The *National Parks and Wildlife Regulation 2009* (NPW Regulation) provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The NPW Regulation outlines the recognised due diligence codes of practice which are relevant to this report, but it also outlines procedures for AHIP applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) (DECCW 2010a); amongst other regulatory processes.

2.2.2 Aboriginal Land Rights Act 1983

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

- Is able to be lawfully sold, leased, reserved or dedicated;
- Is not lawfully used or occupied;
- Does not comprise lands which, in the opinion of the Crown Lands Minister, are needed or are likely to be needed for residential purposes;
- Are not needed, nor likely to be needed for an essential public purpose;
- Does not comprise land under determination by a claim for native title; and
- 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).

2.2.3 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.

2.2.3.1 Overview of Native Title Claims, Agreements and Determinations

Native Title Claim

When a native title claim is lodged with the National Native Title Tribunal (NNTT) it undergoes a registration test as stipulated in the Native Title Act 1993. If a claim passes the registration test then it becomes a 'registered claim' which means it is eligible to be heard in Court. This is not the same as a native title determination, although it does give registered claimants the right to negotiate with others about the grant of some mining tenements in relation to the area covered by the application and certain other procedural rights while their claim is pending.

Indigenous Land Use Agreement

An Indigenous Land Use Agreement (ILUA) is an agreement between a native title group about the use and management of land and waters (National Native Title Tribunal 2011). The ILUA process is overseen by the NNTT. An ILUA can be used in an area with or without a native title determination. Agreements can incorporate how future development will proceed (under the Future Acts in the Native Title Act 1993), how land be accessed and can include negotiations for compensation. An 'In Notification' ILUA or an 'Accepted for notification' ILUA does not apply to an area until it has been registered. An ILUA of this type is in consultation with the broader community.

Native Title Determination

A native title determination is a decision by the Federal Court of Australia or the High Court of Australia native title does, or does not; exist in relation to a particular area of land or waters. In order to seek a native title determination, an applicant must file the relevant application in a registry of the Federal Court of Australia. If native title is determined to exist on a particular area of land or water, this may include rights to: live on the area, access the area for traditional purposes, like camping or for ceremonies, to protect important places and sites, to wood, ochre and stone. In some cases, native title includes the right to possess and occupy an area to the exclusion of all others (often called 'exclusive possession'). This includes the right to control access to, and use of, the area concerned. However, this right can only be recognised over certain parts of Australia, such as unallocated or vacant Crown land and some areas already held by, or for, Indigenous Australians.

2.2.4 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHIP Act Amendment 2006)

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).

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).

2.2.5 Guidelines for Managing Aboriginal Cultural Heritage

2.2.5.1 Ask First: A guide to respecting Indigenous heritage places and values

Ask First (2002) was commissioned by the Australian Heritage Commission to help Australians protect different aspects of their natural and cultural heritage places, and is intended to be complementary to the Australia ICOMOS Burra Charter and the Australian Natural Heritage Charter. Ask First is a practical guide for land developers, land users and managers, cultural heritage professionals and others who may have an impact on Indigenous heritage. The main focus of the guidelines is to emphasise that consultation and negotiation with Indigenous stakeholders is the best means of addressing Indigenous heritage issues. The guidelines also emphasise the need to comply with relevant Territory and Commonwealth Indigenous cultural heritage legislation and statutory authorities.

Ask First states that in recognising the rights and interests of Indigenous peoples in their heritage, all parties concerned with identifying, conserving and managing this heritage should acknowledge, accept and act on the principles that Indigenous people:

- Are the primary source of information on the value of their heritage and how it is best conserved;
- Must have an active role in any Indigenous heritage planning process;
- Must have input into primary decision-making in relation to Indigenous heritage so that they can continue to fulfil their obligations towards this heritage; and
- Must control intellectual property and other information relating specifically to their heritage, as this may be an integral aspect of its heritage value.

2.3 Historic Cultural Heritage

Historic items of significance in NSW are protected under the *Heritage Act 1977* and are guided by the ICOMOS Burra Charter.

2.3.1 **Heritage Act 1977**

Historical archaeological relics, buildings, structures, archaeological deposits and features are protected under the *Heritage Act 1977* (and subsequent amendments) and may be identified on the State Heritage Register (SHR) or by an active Interim Heritage Order.

The Heritage Council of NSW, constituted under the *Heritage Act 1977*, is appointed by the Minister and is responsible for heritage in NSW. The Council reflects a cross-section of community, government and conservation expertise with the NSW Heritage Branch being the operational arm of the Council. The work of the NSW Heritage Branch includes:

- Working with communities to help them identify their important places and objects;
- Providing guidance on how to look after heritage items;
- Supporting community heritage projects through funding and advice; and,
- Maintaining the NSW Heritage Database, an online list of all statutory heritage items in NSW.

The 1996 NSW Heritage Manual, published by the NSW Heritage Branch and the then Department of Urban Affairs and Planning, provides guidelines for conducting assessments of heritage significance. The Manual includes specific criteria for addressing the significance of an item and this assessment has been completed in accordance with those guidelines. These criteria are addressed more fully in Chapter 12.0 of this report.

2.4 Guidelines for Managing both Aboriginal and Historic Heritage

2.4.1 ICOMOS Burra Charter

The ICOMOS Burra Charter defines the basic principles and procedures to be followed in the conservation of cultural heritage in Australia.

Article 2 declares:

“The aim of conservation is to retain the cultural significance of a place’ and must include provision for its security, its maintenance and its future.”

The principles that are set out in the Burra Charter guide and inform the assessment of significance of a place. As noted above, Cultural Significance means aesthetic, historic, scientific, or social value for past, present or future generations. Significance assessments are a helpful tool in the management of cultural heritage resources through allowing managers to make informed decisions especially in land use issues. Definitions of these concepts of significance are (Australia ICOMOS 2013):

- Aesthetic value (visual aspects of site);
- Scientific value or research potential (rarity, quality and representativeness of site);
- Social value (spiritual, political and cultural aspects of site); and
- Historic value (aesthetic, scientific and social values combined).

Aesthetic value encompasses aspects of sensory perception including form, scale, colour, texture and material of the fabric. Scientific value is the importance of the item in relation into its rarity, quality or representativeness. Social value encompasses the spiritual, political, national or other associations to a majority or minority group. Historic value is the history of the place, its association with historic figure and/or its role in a historical event.

3.0 Aboriginal Community Consultation

The OEH acknowledges that Aboriginal people are the primary determinants of the significance of their heritage and that Aboriginal people should be involved in the Aboriginal cultural heritage planning process. Aboriginal people are the primary source of information regarding the value of their heritage and how this is best protected and conserved, and must be afforded control in the way cultural information (particularly sensitive information) is used. Aboriginal consultation is regarded as an integral part of the process of investigating and assessing Aboriginal cultural heritage (OEH 2011:2).

Aboriginal consultation is mandatory for the preparation of an Aboriginal Heritage Impact Permit application (clause 80C of the NP&W Regulation), for undertaking a test excavation (DECCW 2010b) and is usually required as part of the DGRs issued by the Department of Planning and Infrastructure (DoPI). In cases when Aboriginal consultation is mandatory, the consultation process is stipulated in clause 80C of the NPW Regulation and is further specified in the ACHCRs (DECCW 2010a). As a general principal, OEH encourages consultation with Aboriginal people whenever there is uncertainty that a proposed activity could potentially harm Aboriginal objects or places.

Aboriginal consultation was undertaken as part of heritage best practice and is documented in **Appendix 2**.

3.1 Aboriginal Cultural Heritage Consultation Requirements

The ACHCRs include a four stage Aboriginal consultation process that stipulates specific timeframes for components of 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 Registrar (*Aboriginal Land Rights Act*, 1983), the relevant OEH Environment Protection Regulation Group (EPRG) Regional Office, the Local Aboriginal Land Council(s), the National Native Title Tribunal, the Native Title Services Corporation Limited, the relevant Catchment Management Authority and the relevant local council(s). 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 RAPs has been compiled from the expression of interest process, they need to be consulted in accordance with stages 2, 3 and 4 of the ACHCRs.

Stage 2 requires that project information is provided to RAPs by the proponent. Relevant project information may include an outline of the project activities, proposed impact areas and environmental assessment process. The presentation of the project information should be documented and include any agreed outcomes with the RAPs. In some instances, depending on the nature, scale and complexity of the project, the proponent may create the opportunity for RAPs to visit the project site and/or may conduct additional project information sessions.

Stage 3 is concerned with the gathering of information regarding cultural significance. The aim is to facilitate a process by which RAPs can have input into the heritage assessment methodology and management options, and provide information on the cultural significance of Aboriginal objects or places. The proponent must provide a proposed methodology for the cultural heritage assessment and allow a minimum of 28 days to respond. If needed, protocols for the appropriate handling of culturally sensitive information may need to be developed with the RAPs. The proponent must also seek the views of the RAPs on potential management options for Aboriginal objects or places.

Stage 4 requires that the proponent prepare a draft cultural heritage assessment report and provide a copy to the RAPs for comment. A minimum of 28 days must be provided for the RAPs to comment on the draft report. To finalise the report the proponent must consider the submissions made by the RAPs and include the proponent's response to each submission. The finalised report must be provided to the RAPs and the relevant Local Aboriginal Land Council. The log of Aboriginal consultation is documented in **Appendix 2**.

In accordance with Stage 1 of the ACHCRs, letters were sent (04/03/2014) to the Newcastle OEH office, the Worimi LALC, the Registrar of Aboriginal Owners, the NNTT, Native Title Services Corporation Limited, the Port Stephens Council and the Hunter Catchment Management Authority requesting the identification of interested Aboriginal groups. As a result of those letters nine Aboriginal groups were identified.

Letters were sent out inviting expressions of interest (20/03/2014) and as a result of conducting Stage 1 of the ACHCR process the following organisations were identified as RAPs (**Table 2**).

Table 2 RAPs who registered their interest

Organisation	Name of Representative	Date of Registration
Maaingal Elders	Carol Ridgeway-Bissett	07/04/2014
Mur-roo-ma Inc	Anthony Anderson	17/03/2014
Nu-Run-Gee Pty Ltd	Lennie and Leanne Anderson	17/03/2014
Worimi LALC	Andrew Smith	18/03/2014

Information regarding the proposed heritage assessment methodology, and strategy for collecting information on cultural heritage significance, was provided in writing to the RAPs on 7 April 2014. Four groups returned their comments on the methodology by the closing date (**Table 3**).

Table 3 RAPs who responded to the methodology

Organisation	Name of Representative	Date of Reply for Methodology due 05/05/2014
Maaingal Elders	Carol Ridgeway-Bissett	05/05/2014
Mur-Roo-Ma Inc	Anthony Anderson	07/04/2014
Nur-Run-Gee P/L	Leanne Anderson	08/04/2014
Worimi Local Aboriginal Land Council	Andrew Smith	05/05/2014

A field survey was undertaken on 26 May 2014. The RAPs that responded to the methodology were invited to site on 20 May 2014, and those who attended are listed in the table below.

Table 4 RAPs who participated in the site visit to the Project Area

Organisation	Name of Representative	Dates of survey
Mur-Roo-Ma Inc	Chris Collison	26/05/2014
Nur-Rune-Gee Pty P/L	Leanne Anderson	26/05/2014
Worimi Local Aboriginal Land Council	Jamie Merrick	26/05/2014

As part of the CHIA, a copy of the draft report was sent to the RAPs and an opportunity will be provided to comment on the significance of the Aboriginal sites identified (**Table 5**). RAPs who responded to the draft report are listed in Table 6 and more a more detailed commentary provided in **Appendix 2** and **Appendix 3**. The RAPs who responded to the draft agreed with the assessment and mitigation measures (Section 8.0).

Table 5 RAPs who received the draft report

Organisation	Name of Representative	Date Report was sent
Maaiangal Elders	Carol Ridgeway-Bissett	23/06/2014
Mur-roo-ma Inc	Anthony Anderson	23/06/2014
Nu-Run-Gee Pty Ltd	Lennie and Leanne Anderson	23/06/2014
Worimi LALC	Jackie Henderson	23/06/2014

Table 6 RAPs who responded with comments to the draft report

Organisation	Name of Representative	Date Comment was Received
Mur-roo-ma Inc	Anthony Anderson	17/06/2014
Nu-Run-Gee Pty Ltd	Lennie and Leanne Anderson	17/06/2014
Worimi LALC	Jackie Henderson	18/06/2014

A copy of the final report was sent to all RAPs identified in Table 7.

Table 7 RAPs who received the final report

Organisation	Name of Representative	Date Report was Received
Maaiangal Elders	Carol Ridgeway-Bissett	
Mur-roo-ma Inc	Anthony Anderson	
Nu-Run-Gee Pty Ltd	Lennie and Leanne Anderson	
Worimi LALC	Jackie Henderson	

4.0 Aboriginal 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 inextricably linked to the local environment and, therefore, needs to be considered as part of the cultural heritage assessment process. A summary of the environmental context needs to be undertaken as per the guidelines (DECCW 2010b:8&9; OEH 2011:5).

4.1 Local Environment

4.1.1 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 study 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 et al. 2008).

The Project area is situated entirely on Quaternary alluvial deposits. This deposit consists of sand, silt, clay and gravel. Some residual colluvial, channel, levee, lacustrine and swamp deposits may be present. To the north and south east of the Project Area an undifferentiated red to buff rhyodiyatic ignimbrite, minor dacite and rhyolite pitchstone occur. This geological landscape is also characterised by some interbedded tuff, sandstone and conglomerate.

The presence of sandstone in the surrounding geological landscape is important for Aboriginal occupation as sandstone was commonly used for grinding stone artefacts. Rock engravings and grinding grooves may be found in areas of exposed sandstone and sandstone outcrops. Previous studies (Section 5.3.3) have shown the dominant raw material in the local area is tuff which was commonly used by Aboriginal people for manufacturing flaked stone tools.

The Project Area is located predominantly on the Bobs Farm soil landscape. The Fullerton Cove soil landscape is located in the north west of the Project Area and the Shoal Bay soil landscape is located in the south of the Project Area.

Topsoils in the Bobs Farm soil landscape include a black strongly pedal organic-rich loam (bf1) which has a depth range of 0-20cm (Murphy 1995:95-96). Subsoils in this soil landscape include saturated grey plastic estuarine clay (bf2) which has a depth range of 20-60cm and greyish yellow brown saturated massive sandy clay loam (bf3) that has a depth range of greater than 60cm (Murphy 1995:96). If potential Aboriginal objects are present in this soil landscape, it is predicted that they would be restricted to the topsoil layer and not the clay layers.

The Fullerton Cove soil landscape is characterised by a saturated saline organic mud (fc1) which is peaty on the ground surface. It has a depth of 0-205cm (Murphy 1995:99). The topsoil layer is characterised by an organic rich loam (fc2) that ranges from 0-20cm in depth and saturated coarse sand (fc3) that has a depth greater than 20cm (Murphy 1995:99). If potential Aboriginal objects are present in this soil landscape, it is predicted that they would be restricted to the topsoil layers.

The Shoal Bay soil landscape is characterised by brownish grey loose sand (sb1), loose bleached light grey sand (sb2) subsoil and organic and iron-stained sand B horizon subsoil (Matthei 1995: 208-209). Topsoil in

the Shoal Bay soil landscape is typically between 30 and 40 cm deep, depending on associated landforms. It is anticipated that archaeological deposits, if present, are likely to be limited to the topsoil layers (upper 40 cm) of this soil landscape.

4.1.2 Topography and Hydrology

The purpose of the following summary is to provide an indication of the hydrology which may have been available to Aboriginal people in the past. It does not replace more detailed surface water and groundwater studies.

The Project Area is partly situated in a wetland and in part is inundated regularly by high tides. It is partly situated in a flood area (Port Stephens Council 2013) and modified drainage lines have been created in order to reduce the effect of regular inundation. Permanent sources of fresh water could have been obtained from wetlands. The Project Area is approximately 10 metres in elevation Australian Height Datum (AHD) and is relatively flat.

4.1.3 Flora and Fauna

The purpose of the following summary is to provide an indication of the types of flora and fauna which may have been available to Aboriginal people in the past for sustenance and raw material resources; it does not replace more detailed ecological studies. The Project Area is situated in the Coastal Dry Sclerophyll Forest floral unit.

The Coastal Dry Sclerophyll Forests are the most diverse of the three classes of dry sclerophyll forests, and are unique to the Sydney Basin. This class encompasses a wide range of related forest and woodland communities, whose species composition and structure vary with topography and soil moisture. The open eucalypt canopy varies in height from approximately 10 to 25 metres, in correlation with the quality of the soil drainage. Typical tree species which populate this vegetation community include Sydney Red Gum, Red Bloodwood, Sydney Peppermint, Brown Stringybark, Broad-leaved and Narrow-leaved Scribbly Gum, Silvertop Ash, Old Man Banksia and Christmas Bush. The sclerophyll shrub understorey is diverse and includes several species of Wattle, Banksia, Heath, flowering shrubs and Teatree (Keith 2006:146-147).

This vegetation community provides habitat for a variety of animals and would have also provided potential food and raw material sources for Aboriginal people. Typical animals which may have been harvested by Aboriginal people include kangaroos, wallabies, sugar gliders, possums, echidnas, a variety of lizards and snakes, birds, as well as rats and mice. The bones of such animals have been recovered from excavations of Aboriginal sites suggesting that they were sources of food (Attenbrow 2003:70-76), although the hides, bones and teeth of some of the larger mammals may have been used for Aboriginal clothing, ornamentation, or other implements.

4.1.4 Climate

Approximately 18,000 years ago climatic conditions began to change, affecting the movement and behaviour of past human populations in their environments. During this time, notably at the start of the Holocene (11,477 years ago), the melting of the ice sheets in the Northern Hemisphere and Antarctica caused 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 (Lambeck, Yokoyama and Purcell 2002; Short 2000:19-21). Up until 1,500 years ago, temperatures decreased slightly before stabilising, about 1,000 years ago, at a point similar to the temperature currently experienced. Consequently, the climate in the locality of the Project Area for the past 1,000 years would have been much the same as the present day, providing a year round habitable environment.

The hottest month of the year in the Nelson Bay Area is January with a mean maximum temperature of 27.3 degrees Celsius and the coldest month is July with a mean minimum temperature of 8.8 degrees Celsius. The wettest month is June with 154.6mm of rain and the driest month is October with 78.8mm of rain.

4.1.5 Synthesis

A review of the environmental context indicates the local area would have been suitable for Aboriginal occupation. The local geology indicates that raw material for stone tool manufacture would have been available in the local area. The presence of sandstone would also indicate that stone tools were able to be maintained. It is also likely that subsurface Aboriginal objects are present in the soil landscape providing that they remain deep and undisturbed. The area is located on a coastal plain and would have been easy to traverse. Swampy areas would have provided a source of fresh water and floral and faunal resources. Overall the local area would have been suitable for Aboriginal occupation.

5.0 Aboriginal Heritage Context

The Aboriginal heritage assessment process requires review of previous archaeological and heritage reports. It is also 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 provides further information for the interpretation of archaeological sites.

5.1 Historic Records of Aboriginal Occupation

There are a number of historical records from the late nineteenth century of various Aboriginal groups who populated the region surrounding the study area. A major problem delineating boundaries is that during the Post Contact period, European settlers caused rapid changes in Aboriginal territorial organisation. What is known of the original tribal distribution comes from the observations of early settlers who often had little understanding of group structures and language dialects. Therefore early records and maps should be taken as a general approximation of band and group distribution.

Early historical records indicate that the Worimi people were the traditional owners of the land north of the Hunter River, including the Tomago area. Worimi territory stretched south as far as Stockton, north to Cape Hawke and inland to Dungog and Maitland (Tindale 1974). The Worimi lived between the Awabakal to the south and the Birpai (also known as Biripi) to the north (Sokoloff 1980:3-4). The various Aboriginal communities of the region demonstrated some level of interconnectedness. Lancelot Threlkeld, a missionary who established an Aboriginal mission at Belmont in 1825 noted that:

"The [Aboriginal people] here are connected in kind of a circle extending to the Hawkesbury and Port Stephens" (Threlkeld in Gunson 1974:45)

Language groups such as the Worimi comprised a number of sub groups often referred to as 'clans', based upon religious and or totemic associations to country.

5.1.1 Implements of Gathering Food and Weapons

Tree bark was widely used for canoes, string, baskets, drinking containers and in burial practices (Brayshaw 1987). Vegetable and bark fibres were also used for fishing lines, nets and sewing. Clubs, yam sticks, boomerangs, spears, spear throwers and hatchets were made from wood and shields were made of both wood and bark. (Bluff 1989; Erye 1959; Paterson 1801).

Shells were used as scrapers to sharpen spears and ground down on sandstone to produce fishhooks (Brayshaw 1987:67). Kangaroo bones were made into awls, which could be used to repair canoes, as well as, sewing possum or kangaroo skin clothing (Fawcett 1898). Dawson (1830:115-116) also noted that kangaroo bone was also utilised as a comb.

5.1.2 Food and Useful Plants

The diet of the Worimi people included plant foods, shellfish and other estuarine species. (Grant 1803:161). Collins noted that for the coastal people "fish is their chief support" (Collins 1975 (1798):553), although is likely that kangaroos, wallabies, echidna, emus, possums, birds, goannas, snakes and honey from native trees was also exploited. Nearby swamps would have provided a rich source of animal and plant species for example, eels, fish and a variety of shellfish including mussels, water rats, frogs and ducks, as well as other water birds. Various nets and pit traps were likely used to capture such animals. Important staple food plants like Bungwall Fern were gathered from swamps and processed with special stone tools call the

'Worimi Cleaver' and was used to crush fern roots into an edible paste. Dawson (1830) and Fawcett (1898) suggest that fire was used by Aboriginal people for hunting, as well as, for signalling others during hunting and ceremonial activities.

5.1.3 Clothing

Summer weather and the milder days of autumn and spring required little in the way of protective clothing; winter however, saw the use of animal skins for both clothing and as blankets. Tench (1996:52) describes Aboriginal people using opossum skin cloaks with a 'girdle of spun opossum hair next to the skin' with their principal ornament a nautilus shell suspended around the neck on a string.

5.1.4 Camp Sites and Shelters

The Worimi people lived in huts or "Gunyah's" which were prepared from bark. Tench described how native huts were constructed by laying pieces of bark together in the form of an 'oven'. The end result consisted of a low shelter, which was opened at one end and sufficient to accommodate one person lying down (Tench 1996:53), although larger structures were observed by Collins 'often large enough to hold six to eight people' (Collins 1975 (1798):555).

5.1.5 Burial Practices

Informants for Howitt (Howitt 1996:456) state that in the Port Stephens area, the body of the deceased was neatly folded in bark and placed in the grave at flood – tide. It was never placed at ebb, as it was believed that the retiring water would bear the spirit of the deceased to some distant country.

5.2 Regional Archaeological Heritage Context

The majority of Aboriginal sites in the Port Stephens area are dated to the more recent Holocene (<10,000 years before present (BP)). This may reflect Aboriginal occupation patterns, but may also be influenced by the inaccessibility of potential coastal Pleistocene sites which were inundated when sea levels rose and reached present levels approximately 6000 years ago (Mulvaney and Kamminga 1999:223). Evidence for Aboriginal occupation has been recovered from Williamtown with a date of 579 to 969 years BP $\pm$ 36 years (RPS 2010); older occupation from 17,500 years ago was recovered from Moffats Swamp (Baker 1994).

5.3 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) in the Project Area and informs the predictive model of Aboriginal sites for the area. 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 degree of disturbance or erosion present. As such, sensitivity mapping is sometimes required to interpret survey results. The local Aboriginal heritage context also provides a context for assessing archaeological significance of sites.

5.3.1 Aboriginal Heritage Information Management System

A search was undertaken of the AHIMS database and the co-ordinates searched were Geodetic Datum Australia (GDA) Zone 56 Eastings 408987 to 413987 and Northings 6371881 to 6376881. The search revealed that there are 91 previously recorded Aboriginal sites and one Aboriginal place within these co-ordinates (**Table 8, Figure 2 and Appendix 4**). No Aboriginal Places were identified inside the Project Area.

Of the 91 previously recorded Aboriginal sites identified in the searched coordinates (**Table 8**), only one Aboriginal site was in the Project Area (**Table 9**). A glossary of site types is provided in **Appendix 5**.

Table 8 Summary of AHIMS Sites within the searched co-ordinates

Site Type	Frequency	Percent
Shell Midden and Artefact (unspecified)	44	48.35%
Aboriginal Resource and Gathering	14	15.38%
Shell Midden	10	10.99%
Potential Archaeological Deposits (PADs)	6	6.59%
Artefact (unspecified)	5	5.49%
Shell Midden and Artefact Scatter	3	3.30%
Artefact Scatter	2	2.20%
Burial	2	2.20%
Habitation Area	2	2.20%
Isolated Find	1	1.10%
Shell Midden, Artefact (unspecified) and Quarry	1	1.10%
Shell Midden, Artefact (unspecified), Hearth	1	1.10%
TOTAL	91	100%

Shell middens, and associated variants, are the most common site type identified in the AHIMS search (64.84%). Aboriginal resource and gathering is the next common site type (15.38%), but, is still less than four times as common than the shell midden. PADs and artefact scatter are the next common and isolated finds, burials and habitation areas are the least common. A full glossary of site types can be found in **Appendix 5**.

One site was recorded in the Project Area, a shell midden and artefact scatter and is registered on AHIMS as site number #38-5-0250.

Table 9 Summary of AHIMS Sites within the Project Area

AHIMS Number	AHIMS Name	Site Type	Easting	Northing
38-5-0250	Anna Bay 1, NBR	Shell Midden and Artefact Scatter	411584.617	6374039.195

This site was identified by South East Archaeology in 2004 along a coastal sand dune that bordered Nelson Bay Road. It is a sparse shell scatter with two artefacts. The shell species included cockle, pipi, mud welk and mud oyster. AHIMS #38-5-0250 extended approximately 15 metres along an east west axis and was 10 metres long and is located in the southern portion of the Project Area (**Figure 2**).

5.3.2 Native Title Tribunal Register

A search of the NNTT Native Title Register (NTR) was undertaken on 10 March 2014. The NTR identified three registered claim close to the Project Area (ND2012/002, ND2008/002 and ND2006/002). However, the Federal Court ruled that Native Title does not exist in those three claim areas. As such there are no Native Title Determinations areas in or near the Project Area. The NTR search did not identify any ILUAs in effect over the Project Area.

Legend

Project Area

— Drainage

— 2m Contours

AHIMS

◆ Aboriginal Resource and Gathering

■ Artefact (unspecified)

● Artefact Scatter

● Burial

◆ Habitation Area

▼ Isolated Find

■ PAD

● Shell Midden

◆ Shell Midden and Artefact (unspecified)

○ Shell Midden and Artefact Scatter

▼ Quarry

■ Shell Midden, Artefact (unspecified), Hearth

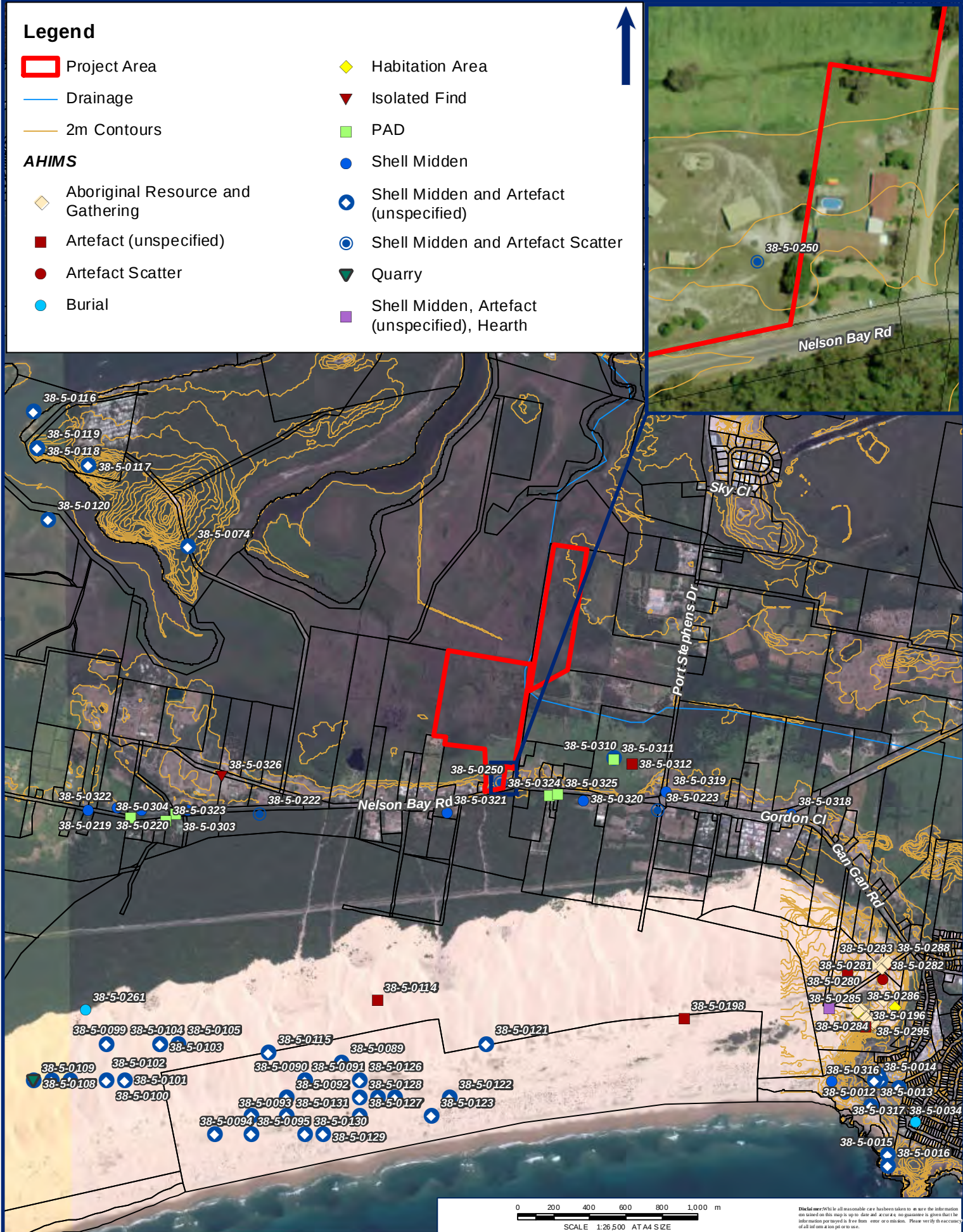


Figure 2: Project Area with AHIMS

LOCATION: Anna Bay

JOB NO.: 119462-11

PURPOSE: HERITAGE

Technician: Natalie Wood

DATUM: GDA94

PROJECTION: MGA Zone 56

Data Sources:
Bing Maps 2011

Date: 19/06/2014

CLIENT: Raphael Shin Enterprises Pty Ltd

Copyright: "This document and the information shown shall remain the property of RPS Australia East Pty. Ltd. The document may only be used for the purpose for which it was supplied and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited."

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

RPS

5.3.3 Local Archaeological and Heritage Studies

Haglund, H (1982), Archaeological survey of area near Bagnalls Beach, Port Stephens, NSW.

Haglund was commissioned by the Land Board Office, Maitland Branch to undertake an archaeological survey for a proposed housing development between Salamander Bay and Nelson Bay.

The survey identified two shell scatters with stone artefacts. The first shell scatter was interpreted to be a result of human activity, whereas the second shell scatter was construed to be remains of an archaeological site of a recent date. It was recommended that there were no further archaeological constraints to the development.

Comber, J. (1990), Archaeological survey of proposed sand extraction site at Anna Bay, NSW.

Comber was engaged by ACI Industrial Minerals to conduct an archaeological survey for proposed sand extraction at Anna Bay. The area was located three kilometres from the village of Anna Bay at the northern end of the Newcastle Bight. The survey yielded two Aboriginal sites, one artefact scatter and one shell midden. The artefact scatter included one backed blade, focal platform of a flake and one proximal end of backed blade, all made from tuff. Both sites were identified outside the area proposed for sand extraction, and as such there were no further constraints to that project.

Dean-Jones, P (1992), Proposed bicycle track at cemetery point, Anna Bay. Assessment and Management of Archaeological Sites.

Dean-Jones was commissioned by Port Stephens Shire Council to conduct an assessment of archaeological sites at Anna Bay for a proposed bicycle track. The assessment suggested that there was evidence of Aboriginal occupation at the northern end of the proposed bicycle track, and both sides at the southern end. It was also suggested that the entire headland and the nearby dunes were all part of an extensive and complex midden site over a period of 1,000 years. Since the area had been previously impacted upon by wind erosion and dune reworking it was concluded that Aboriginal sites would not be significantly damaged by the construction of the bicycle track.

Baker (1994), Archaeological salvage at Moffat's Swamp.

Moffat's Swamp is located within the Newcastle Bight with the inner barrier Pleistocene dune system. Archaeological excavations indicate that the site was occupied by Aboriginal people between 6000-17,500 years BP. The stone assemblage comprised primarily indurated mudstone/tuff and silcrete stone raw materials; although quartz, volcanic porphyry, petrified wood and fine grained siliceous materials were also present. Tools in the assemblage were characterised by large utilised flakes. Usewear and residue analysis undertaken indicated that tools had been used for wood, bone, plant, skin/hide working (Baker 1994:70). Worimi cleavers (retouched flake tools) were identified in the assemblage and were up to 150mm in length. These tools had previously been associated with Holocene technology, but their presence at Moffat's Swamp suggests that they may have been present during the Pleistocene (over 10,000 years old). The site was classified as important in providing evidence for Aboriginal occupation of the region from 17,500 years ago.

Dallas, M. and Cowlshaw, G (1994), Archaeological and Anthropological study of two development areas at Salamander Bay, Port Stephens.

Dallas and Cowlshaw were engaged by the Port Stephens Shire Council to conduct an archaeological and anthropological study of two areas proposed for residential development. The two areas were surveyed on

foot and in the first area yielded one Scarred Tree and a Potential Artefact Deposit. In the second area the survey identified redeposited remains of Aboriginal midden destroyed by the mining operations.

Umwelt (2003), Birubi Point: Aboriginal Place nomination assessment.

The main objective of the assessment was to provide sufficient information about Birubi Point to assess the area as an Aboriginal Place. In order to achieve this objective Umwelt (2003) needed to meet objectives such as obtain available cultural material for the Birubi Point area, accurately describe the location and extent condition of the area and formulate recommendations. Members of the local Aboriginal community initiated the nomination of Birubi Point. Umwelt (2003) assessed Birubi Point as a place of special significance to the local Aboriginal community as some members believed there was a men's ceremonial site in the area and a story involving an old warrior was associated with it. Birubi Point was also used for Aboriginal burial ceremonial practices which made the area culturally important to the local Aboriginal community.

ERM (2003), Indigenous Cultural Heritage Assessment for electricity supply upgrade from Tomago to Tomaree.

ERM was commissioned by Energy Australia to prepare an EIS for the proposed upgrading of electricity powerlines from Tomago to Tomaree and the associated access road from Salt Ash to Tomaree. The study area was approximately 40kms long and ranged from 15m to 50m wide and was located in the Newcastle Bight sand barrier system and incorporated both the Pleistocene and outer Holocene dune barriers. Sediments included marine, estuarine and Aeolian deposits, with Tillegerry Creek a prominent drainage line. The northern portion of the survey was conducted by vehicle with the remainder of the survey conducted on foot, with a total of fifteen sites found.

Three sites were identified or re-identified during the survey, one site was a new recording and two sites were already registered on the AHIMS database (38-4-0313 and 38-4-0485). The size and depth of the artefacts indicated the area was extensively used over time, with raw materials transported in and possibly traded. In terms of the proposal, the majority of sites were avoided, however those that were close to the construction were recommended to be buffered or Consent to Destroy applications applied for.

Dyall (2004), Results of Surface Collections and subsequent Excavations of the Aboriginal Middens at Birubi.

Dyall, over a period of time had undertaken programs of collecting Aboriginal stone artefacts along the Newcastle coastline. The collections at Birubi were made between 1965 and 1977 and were lodged with the Australian Museum. The collapse of the Birubi middens dictated an urgent 'rescue dig'. The purpose of the excavation was to collect fish bone species and establish methods of capture, faunal remains and shell to interpret the diet of the Aborigines, to use the samples for chronological dating, obtain samples of worked stone to interpret stone industries and materials and to compare surface collections with the excavated material. Two distinct midden areas were excavated called the AB area and D area. Area AB was very rich in fish bone but not stone artefacts with the fish bone being in good condition. Area D did not contain much fishbone but contained compacted pipi shells and significant levels of flaked stone. During the excavation area C was identified for extended excavation works when it became apparent that square AB contained little information about flaked stone tools. Area C was a shell midden located on the headland. It contained less fishbone than AB but more stone flakes, with the most striking finds being large cobbles, slabs and small boulders. Area D excavations contained lower counts of fish, bird and mammal bone, but with higher levels of flaked stone tools with easily recognisable traits. Flaked stone tools from the excavations were predominantly comprised of tuff (chert) and silcrete, with the underlying bedrock of the Birubi headland containing dykes of dolerite from lava flows (Dyall 2004).

South East Archaeology Pty Ltd (2004), An Aboriginal Heritage Assessment of the Proposed Anna Bay Nature Resort

South East Archaeology was engaged by GHD to undertake an Aboriginal Heritage Impact Assessment for the Anna Bay Nature Resort. The study area was the focus of the current Project Area. The field survey resulted in the identification of AHIMS site #38-5-0250, which was in the southern portion. The site was a shell midden with two tuff flakes. At the time of the original recording it was considered that this site had been highly disturbed previously due to housing construction. The field survey identified other shell deposits; however, they had been excavated from drainage channels and were not of Aboriginal origin. Only one Aboriginal site was located during the survey, AHIMS site #38-5-0250.

The report concluded that if harm was to occur to AHIMS site #38-5-0250 then an AHIP must be sought and that archaeological testing should be undertaken in the dune system in the south of the Project Area.

RPS (2011), Aboriginal Heritage Assessment of Birubi Point Surf Club

This investigation was conducted on behalf of Birubi Surf Club which proposed to extend its facilities, and part of the impact area included a small portion of the Birubi Point Aboriginal Place. As such, an Aboriginal Heritage Impact Assessment was required.

As a result of a desktop assessment and a field survey, three previously recorded shell midden sites were relocated. No new sites were identified. However, as it was possible that subsurface middens may have been disturbed during construction of the surf club, it was recommended that an Aboriginal Heritage Impact Permit be obtained and that works avoid the three known midden sites (RPS 2011b).

RPS (2011), Aboriginal Heritage Due Diligence Report, Taylors Beach in Port Stephens

RPS was commissioned by Walker Cromarty Sands Development Pty Ltd to undertake a due diligence assessment for a subdivision of six lots at Taylors Beach, Port Stephens.

During the visual inspection of the six lots, no unrecorded Aboriginal sites were identified. A shell midden site that had been recorded in 2005 (AHIMS #35-5-0300) was groundtruthed during the visual inspection. Due to poor visibility caused by dense vegetation, this site could not be inspected in detail and the area to which it extended into subdivision lot 4 could not be ascertained. It was therefore recommended that a buffer zone of 20 metres be observed around AHIMS #35-5-0300, from the shoreline into lot 4, to avoid any potential impact to the site (RPS 2011a).

McCardle Cultural Heritage (2012a), Indigenous Archaeological Due Diligence Assessment

McCardle Cultural Heritage was commissioned by Roads and Maritime Services to conduct an Indigenous Archaeological Assessment for the Nelson Bay Road upgrade between Cromarty Lane and Port Stephens Drive. The study area was surveyed on foot along with representatives from the Registered Aboriginal Parties. The study area was located on Holocene sand dunes and had been subject to pastoral activities. The survey identified four previously unrecorded sites. The report concluded that test excavations would need to be carried out for NBR3/PAD1, if proposed works were to impact this location. All identified sites were given a low scientific significance, but the PAD was given an unknown rating as it required further testing.

McCardle Cultural Heritage (2012b), MRI08 Nelson Bay Road Stage Three Indigenous Archaeological Test Excavation

McCardle Cultural Heritage was commissioned by Roads and Maritime Services to conduct an archaeological test excavation at Nelsons Bay Road and Port Stephens Road intersection for site NBR3/PAD1. The test excavation was conducted on a previously identified PAD that was considered a Holocene dunal crest. The excavation was triggered for the upgrade of Nelsons Bay road between Cromarty Lane and Port Stephens Drive, and this activity would harm the PAD.

The excavation was undertaken in accordance with an AHIP and test pits were conducted in 50 x 50 centimetre trenches. Forty-six trenches were excavated as part of the assessment. A total of 67 artefacts were recovered from the 46 trenches. Ten of the excavated trenches had shown evidence of previous impact from road construction (road base was identified in those 10 pits). Nine test pits showed evidence of erosion and bioturbation. Artefacts recovered from five test pits were considered to be *in situ* and eleven test pits did not reveal any artefacts or shell. Thirty test pits revealed one or more shells. Shells recovered from these test pits were sourced locally and no foreign shell species were identified. *Purazus* shell was the most common shell identified.

McCardle Cultural Heritage concluded that the artefact assemblage was comparable to other assemblages locally and regionally, and that no raw material sources were identified in the PAD. It was concluded that there was once high density cultural activity in a small area of the excavated trenches. The report also concluded that the area was occupied at roughly 5,000 to 6,000 years ago. The excavated site was given a low to moderate scientific significance.

RPS (2013b), Heritage Due Diligence Assessment Report for Birubi Lane, Anna Bay

RPS was engaged by Michael O'Sullivan to prepare a Heritage Due Diligence for the proposed installation of an underground power line in the Tomaree National Park. A visual inspection was undertaken of the study area and found that it had been highly disturbed by housing development, previous vegetation clearing, drainage line construction, public facilities, roads and pumping stations. The survey did not identify further Aboriginal objects and Places.

The report recommended that the proposed project not disturb the Birubi Aboriginal Place to the east, south and west. The report also recommended that the proposed project could proceed.

RPS (2013a), Heritage Due Diligence Assessment Report for 4011 Nelson Bay Road, Bobs Farm

RPS was engaged by EPS to prepare a Heritage Due Diligence Assessment for a proposed caravan park located along Nelson Bay Road. The visual inspection identified one Aboriginal site, RPS NBR AS1. This site extended approximately 70 metres and included one tuff and silcrete flake, located along a dune ridge. Despite identifying one site, the study area had been subject to high amounts of landform modification. This included rural industrial practices, housing and vineyard construction, dumping rubbish and track construction.

The Report recommended that a no go zone should be erected around RPS NBR 1 during construction as it was outside of the construction footprint. However post-construction landscaping activities were planned and therefore an AHIP should be sought.

5.4 Summary of the Aboriginal Heritage Context

The various studies and excavations in the Port Stephens area indicate extensive occupation. There are also highly varied site types in the area, indicating that some areas were activity specific. The lack of flaked stone artefacts in the headlands suggests that the manufacturing of stone implements was probably not a major activity at this location but may increase further inland.

Salvage excavations at Birubi Point midden, to the south east of the Project Area began in late 1978 (Dyall 1982). The initial surface study defined three types of middens which included sandy shell middens along the headland that were predominantly comprised of rock platform species, and a great deal of fish bone with minimal numbers of stone flakes. Continued research into the Birubi site midden and its contents led to the discovery that many of the Aboriginal people who camped along the headland lived primarily on fish and that other marine resources as well as lizards and mammals were less important.

Dyall's (1971) earlier assessment, examined Newcastle area coastal sites at Swansea Heads, Redhead dunes, Murdering Gully, Birubi Point and Williamtown. These sites from Port Stephens in the north to Swansea in the south provide an overview of ocean, estuarine and freshwater wetland archaeological site types. Overall, Dyall (1971) delineated that the Aboriginal populations of the Port Stephens region had a preference for establishing camp sites with access to abundant food resources and freshwater. Dyall further identified that a greater concentration of campsites were to be found on sand dune ridges, although acknowledging that it may have been a result of differential site preservation of the locality.

Analysis of marine shell fishing in the Birubi locality found the middens to be abundant in pipi and rock platform shellfish including fish bone, but estuarine species were very rare. Dyall's excavation analysis of the Birubi Point midden complex included 22 species of fish with the most common species being kelpfish, snapper and wrasse. Fish hooks were also noted associated with the fish bones at the site. The fish hooks manufactured at Birubi all comprised rock platform species (*Ninella torquata*) with an uncorrected shell date (on *Plebidonax*) of 1240 ± 80 BP (Dean-Jones 1990: 121).

Dean-Jones (1990) undertook a regional archaeological assessment encompassing the Newcastle Bight region which incorporated the coastal embayment of the Hunter River and Port Stephens. The National Parks and Wildlife Service (NPWS) commissioned the project in order to identify important sites and site complexes in the Newcastle Bight area. This regional study also included the Birubi Point area containing an extensive midden site excavated by Dyall in 1978 and 1979. Dean-Jones (1990: 116) examined the Birubi bedrock as a coarse acid igneous rock that was confirmed as an obvious source for the manufacture of igneous manuports, hearthstones, and pounders which had been observed in midden sites along Newcastle Bight.

5.5 Predictive Model

The following predictive model aims to provide testable statements about the nature and distribution of evidence of Aboriginal occupation on the basis of environmental information, as well as the review of relevant archaeological and heritage reports. 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 that 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 stone raw materials, wood and bark, animal skins, reeds, string, and similar, were also utilised. Landscape features such as ridges, flat elevated areas, rock shelters and similar, may have also influenced Aboriginal occupation. In addition, cultural activities may have taken place at certain locations in the landscape for example corroborees, mythological places and initiation sites.

5.5.1 Site Type and Locations Predictions

On the basis of the AHIMS and previous archaeological work shell middens would be located at Stockton Beach or along major water courses such as Fennighams Island Creek and Farms Creek and headlands. There is some weaker site patterning for shell middens to occur along inland sand dunes with an east to west axis. One AHIMS site #38-5-0250 (shell midden and artefact scatter) has been previously identified on this landform in the southern portion of the Project Area. It is predicted that additional shell middens (and their variants) will be located in the Project Area along the sand dune landform.

Resource gathering sites and Habitation areas are generally located at the interface between Stockton Beach and the Anna Bay headland. This is where rocky outcrops are likely to occur and as such are used for the procurement of raw stone material and protection from the elements. It is not predicted that this site type will be identified in the Project Area as it is not situated at the interface of a beach and headland.

PADs and artefact sites are likely to be located in previously cleared paddocks. There is a weaker site patterning for artefact sites to be located in the Stockton Beach Area. It is considered that artefact sites will be located in the Project Area.

5.5.2 Site Content Predictions

A review of AHIMS results and previous archaeological works indicate that shell middens would consist of cockle, pipi, mud welk, mud oyster and contain artefacts. Artefact sites generally consist of flaked stone artefacts made from cores of the following raw materials: tuff and silcrete. It is predicted that the artefact scatters will have on average 10 artefacts. On the basis of the AHIMS results, scarred trees could be located anywhere in the Project Area providing that vegetation clearing has not cleared of older growth trees.

6.0 Aboriginal Heritage Survey and Field Results

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) and the *Guide for Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

6.1.1 Survey Aims

The purpose of the survey was to inspect visible ground surfaces, observe exposed soil profiles, sample all landform types in the Project Area and record any material evidence for Aboriginal occupation. The survey also aimed to record any cultural sites or Aboriginal landscapes, if identified by the RAPs.

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). The sampling strategy used for this assessment targeted all landforms which may be impacted by the proposed development and where possible, targeted landforms which had been identified as having archaeological potential on the basis of background research. The landforms in the Project Area are: swamps, creek lines, coastal flat areas and dunes; and thus were included in the survey sampling strategy. Where possible these landforms were subject to pedestrian survey. In addition, the following landforms were identified as having a moderate to high potential for Aboriginal sites: dunes; and thus will also targeted during the survey.

Field Methods

The survey was conducted on foot (pedestrian) and targeted the landforms identified in the sampling strategy above. The area surveyed was recorded in specific survey units. Each survey unit was mapped and recorded in accordance with landforms, study 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 to be undertaken on the basis of GPS recorded data and with reference to aerial and topographic information. The recording of survey units was undertaken using representative digital photographs and field notes which included observations of soils, ground surface exposure and visibility, vegetation cover, rocky outcrops, levels of ground surface disturbance, erosion and similar observations. The field notes provided 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. Such recording involves the documentation of the material traces of past Aboriginal land use, including the spatial extent of sites and any other obvious physical boundaries. Aboriginal cultural sites identified by RAPs may not always involve material traces and boundaries of such sites, if identified, will be mapped on the basis of information provided by the RAPs. The position of such sites need to be recorded by GPS receivers and mapped accordingly.

6.2 Field Survey

A pedestrian survey of the Project Area was undertaken on 26 May 2014 by RPS Cultural Heritage Consultant Jeremy Hill and involved representatives from Mur-Roo-Ma Inc, Nur-Rune-Gee Pty Ltd and the Worimi LALC. The exposure and visibility was recorded for each survey unit, summarised in **Table 10** and **0**. Physical locations of the survey units can be found in **Figure 3**, and plates for each survey unit can be found

from Plate 1 to Plate 3. Each Survey unit is described below. Examples of Ground Surface Visibility (GSV) and Ground Surface Exposure (GSE) can be found from Plate 4 to Plate 6.

6.3 Description of Survey Units

Survey Unit 1 (SU1) – Flat Paddock and Dune System

This survey unit was located in the southern portion of the Project Area and is defined in Figure 3. The area was populated with grasses and had been previously cleared of trees for farming practices. SU1 had been previously modified by housing construction and vegetation clearing, installation of underground services and drainage channels, fence and track construction. This survey unit had a northerly sloping aspect and was situated partly on a flood plain. Muddy soils were identified in this survey unit. The GSV and GSE were very low, due to the grass cover.

One Aboriginal site was revisited during the field survey, AHIMS site #38-5-0250 (Plate 7 and Plate 8), and is described in Section 6.4.

Survey Unit 2 (SU2) – Vegetated Swamp Area

This survey unit, as defined in **Figure 3**, was located along the south western border of the southern portion of the Project Area and a track and southern portion in the northern offset area. This area was thickly vegetated with Casuarina trees and shrubs. SU2 floods when the tide is high. At the time of the visual inspection leaf litter was very dense which reduced GSE and GSV in vegetated areas. Tracks afforded higher GSE and GSV. This area had been previously modified by track, fence and drainage channel construction.

No Aboriginal objects/ places were identified in SU2.

Survey Unit 3 (SU3) – Inundated Areas

This survey unit constituted a large portion of the Project Area. This area is regularly inundated and at the time of the field survey it was inundated. Due to safety and access concerns SU2 was not surveyed. In consultation with the RAPs it is considered that this area would not have been occupied and as such it is highly unlikely that any Aboriginal objects/ places would be identified.

No Aboriginal objects/ places were identified in SU3.

Table 10 Summary of GSV and GSE

GSE and GSV average percentage	Ranking
0-29%	Low
30-69%	Moderate
70-100%	High

Table 11 Survey Coverage Data

Survey Unit (SU)	Landform	Survey Unit Area (Square metres)	Exposure (%)	Visibility (%)	Effective Coverage Area (square metres)	Sample Fraction of Survey Unit (square metres)
SU1	Flat Paddock and Dune System	45,000.8	10	10	80	36001
SU2	Vegetated Swamp	36,394	10	10	20	63694
SU3	Inundated Areas	318,468	N/A	N/A	N/A	0

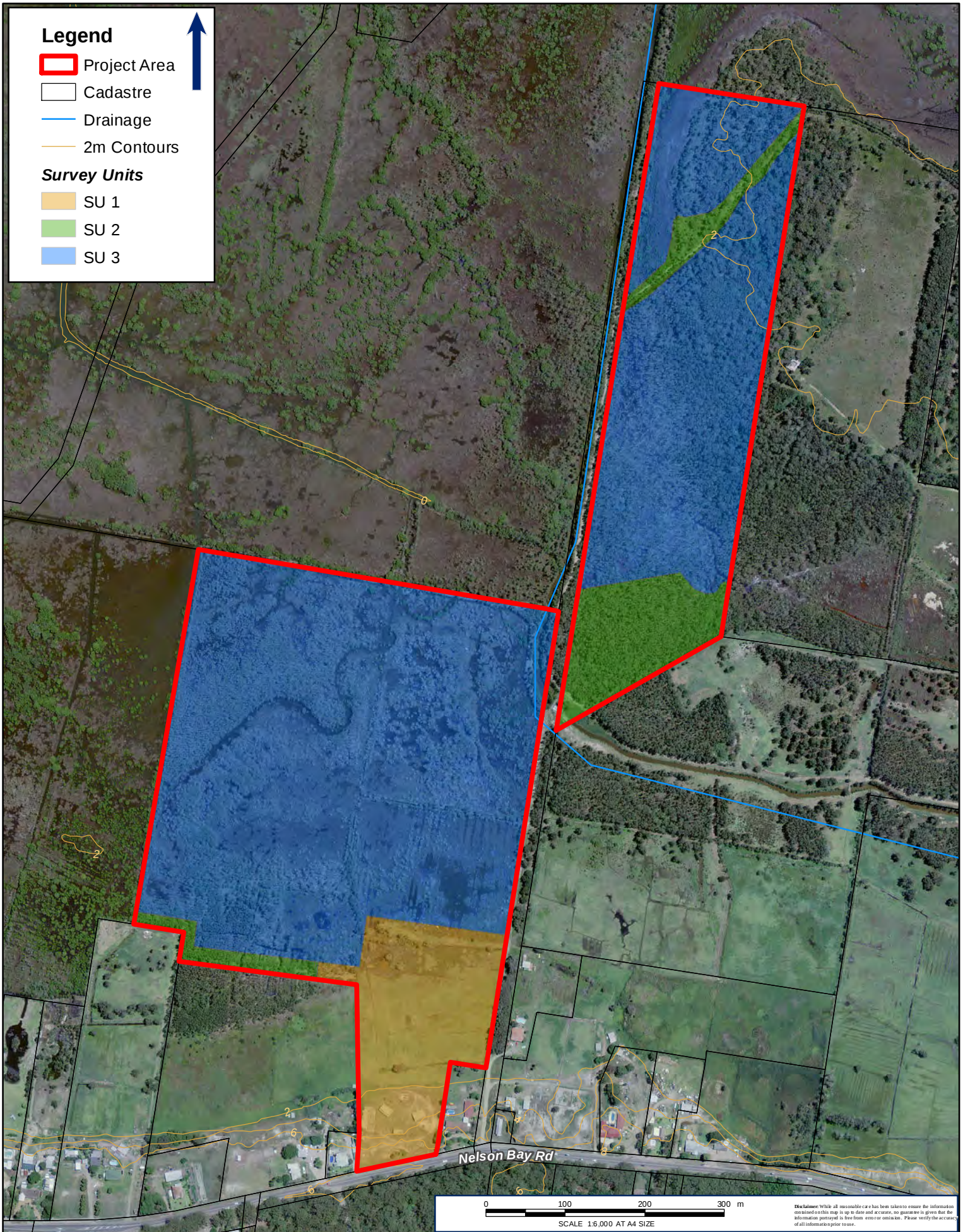


Figure 3: Project Area with Survey Units

LOCATION: Anna Bay

DATUM: GDA94

PROJECTION: MGA Zone 56

JOB NO.: 119462-11

Data Sources:

PURPOSE: HERITAGE

RPS

Technician: Natalie Wood

Date: 29/05/2014

CLIENT: Raphael Shin Enterprises Pty Ltd

Copyright: This document and the information shown shall remain the property of RPS Australia East Pty Ltd. The document may only be used for the purpose for which it was supplied and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited.

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

RPS

6.4 Description of Aboriginal Cultural Heritage in the Project Area

One Aboriginal site, AHIMS site #38-5-0250, was revisited during the field survey (Plate 7 and Plate 8).

38-5-0250 (Shell Midden and Artefact Scatter)

AHIMS site #38-5-0250 presents a highly disturbed and modified site from housing construction, fencing and driveway installation. The site extends 28 metres on a north to south axis and is 27 metres wide. The scatter is more expansive in its current state than originally recorded (10 x 15 metres wide). It is likely that previous disturbances have redistributed the site over time. Various rubbish deposits (e.g. ceramic shards, pipes, iron and buried tyre) were mixed into the shell midden and artefact scatter. No whole shells or artefacts were identified according to the original site description recorded by South East Archaeology (2004).

6.5 Interpretation of Survey Results

This section analyses Aboriginal site data (from the survey results and AHIMS search) with reference to elements of the predictive model: landform, site type and site contents.

6.5.1 Landform, Site Type and Site Contents Analysis

No new Aboriginal sites were identified during the survey. It is unlikely that this area would have been occupied by past Aboriginal people due to the swampy and regularly inundated nature of the Project Area. In consultation with the RAPs it is considered that there would have been little to no occupation in the flood prone area, and occupation would have been restricted to the dune area in the south of the Project Area, as evident by AHIMS site #38-5-0250. The results of the landform mapping revealed two areas of cultural sensitivity. It is considered that the flood prone area has nil to low archaeological sensitivity while it is considered that the dune area has low to moderate archaeological sensitivity. This is represented in **Figure 4**.

Table 12 Landforms and Aboriginal sites (including data from survey and AHIMS)

Landform	Landform Area (Square metres)	Number of Sites	Site Types
Flat Cleared Paddocks	45,000.8	1	Shell Midden and Artefact Scatter
Vegetated Swampy Areas	318,468	0	Not Applicable
Inundated Areas	36,394	0	Not Applicable

It was predicted that additional shell middens with artefacts would be identified in the Project Area along the dune system in the south or along creek lines. The field survey did not identify any further shell middens (or any variants) in the Project Area, and as such has not supported the predictive model. It was also predicted that habitation areas and resource gathering areas would not be in the Project Area as these site types usually occur at the interface between Stockton Beach and Anna Bay. The field survey confirmed this prediction as no resource gathering or habitation areas were identified. The predictive model also predicted that PADs and artefacts sites would be present in the Project Area. However, due to the extensive modification in the area and the low GSE and GSV no further artefact sites and PADs were identified, which also does not support the predictive model.

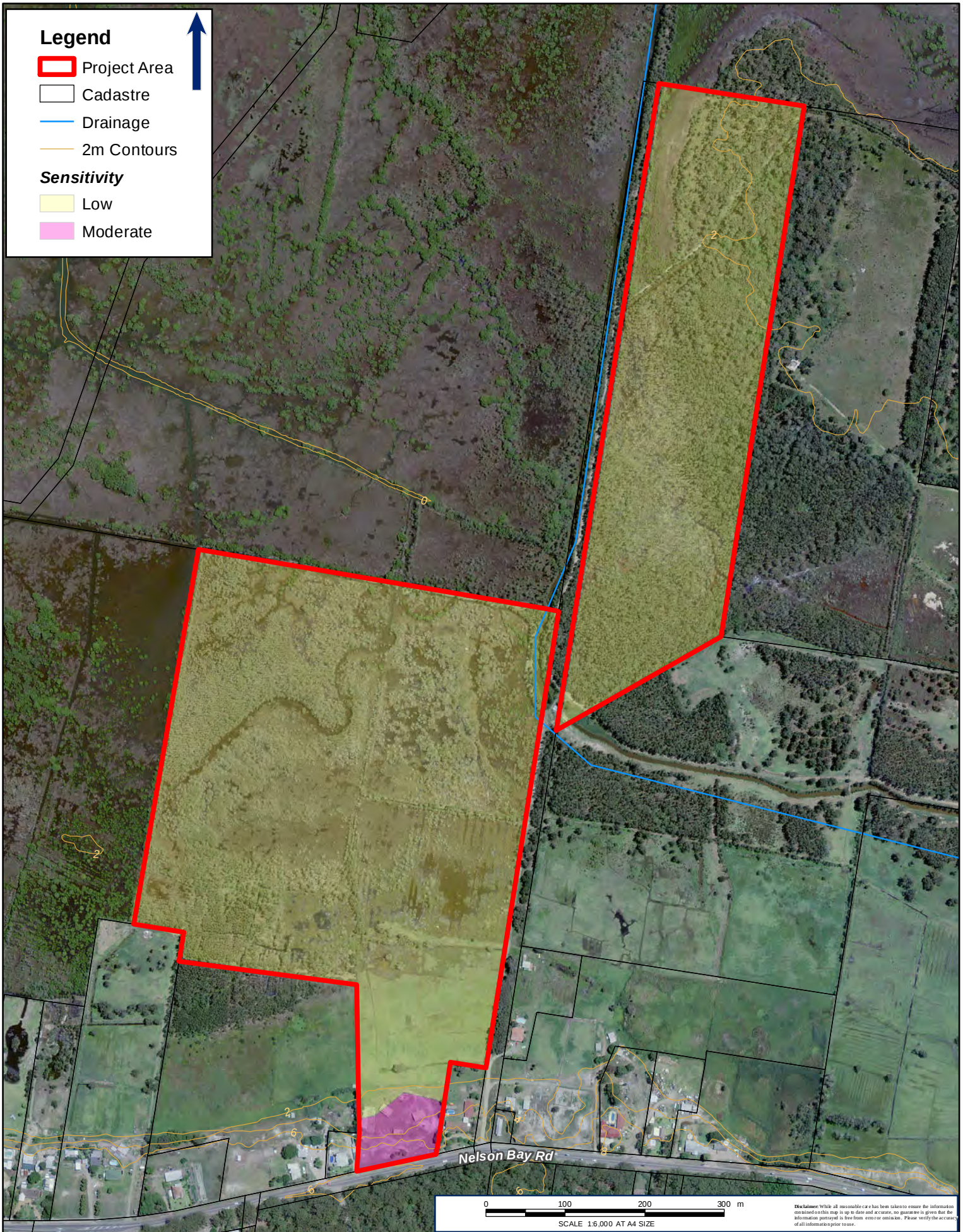


Figure 4: Project Area with Sensitivity

LOCATION: Anna Bay	DATUM: GDA94
JOB NO.: 119462-11	PROJECTION: MGA Zone 56
PURPOSE: HERITAGE	Data Sources: RPS
Technician: Natalie Wood	Client received
Date: 29/05/2014	

CLIENT: Raphael Shin Enterprises Pty Ltd

Copyright: This document and the information shown shall remain the property of RPS Australia East Pty Ltd. The document may only be used for the purpose for which it was supplied and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited.

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

RPS

6.6 Summary of Evidence of Aboriginal Occupation

The evidence of Aboriginal occupation in the area appears to be influenced by landforms as well as the individual characteristics of particular locations.

The field survey did not identify any further Aboriginal objects/ places to the one previously recorded AHIMS site #38-5-0250. The AHIMS site is located along the dune system in the south of the Project Area and it is considered that occupation would occur along this system and further to the south outside of the Project Area. In consultation with the RAPs it is considered that occupation would more likely occur along the dune system. Also it was concluded that due to the inundated nature of the Project Area that occupation would not occur in areas that regularly flooded.

The results of the AHIMS search has shown that occupation occurred along dune systems like the one present in the Project Area and close to headlands, creeks and beaches. Middens were not identified close to any creeks due to the high amount of modifications like drainage channel construction. It is considered that, post field survey, the Project Area was not suitable for Aboriginal occupation due to its inundated nature. Other more elevated localities in the region would have been occupied, like Anna Bay and Stockton Beach in preference.

7.0 Aboriginal Heritage Significance Assessment

In order to develop appropriate heritage management outcomes, it is necessary for the significance of Aboriginal sites or areas of archaeological sensitivity to be assessed. Aboriginal heritage sites can have a number of values that make them significant. Four values for identification and assessment of significance have been outlined in the Burra charter (Australia ICOMOS 2013) and have been used for this assessment according to the guidelines (OEH 2011). The four values outlined in the Burra charter are: scientific, social, historical and aesthetic. Scientific value, also referred to as archaeological value, has been assessed by RPS Cultural Heritage Consultants (**Table 13**).

7.1 Scientific (Archaeological) Significance Criteria

Scientific significance, also referred to as archaeological significance, is determined by assessing an Aboriginal heritage site or area according to archaeological criteria. The assessment of archaeological significance is used to develop appropriate heritage management and impact mitigation strategies. Criteria for archaeological significance have been developed in accordance OEH guidelines (OEH 2011).

Table 13 Archaeological Significance Criteria.

Criteria	Description
Research Potential	This criterion is used to identify whether a site has the potential to contribute new information to the interpretation of Aboriginal occupation.
Rarity	This criterion examines the frequency of the identified site types with others previously recorded in the local or regional landscape.
Representativeness	All sites are representative of a site type, however, some sites may be in better condition, or demonstrate more clearly a particular site type. Representativeness is based on the understanding of extant sites in the local or regional landscape and the purpose of this criterion is to ensure a representative sample of sites is conserved for future generations.
Education Potential	This refers to whether the site has the potential to contribute to the public understanding of Aboriginal cultural heritage. These sites are often well preserved and have recognisable features which would assist in teaching.

The archaeological significance criteria are usually assessed on two scales: local and regional; in exceptional circumstances, however, state significance may also be identified. Archaeological significance criteria is assessed in three levels to which scores are assigned; low (score=1), moderate (score=2) and high (score=3).

A combination of these scores then enables an overall significance ranking of the site to be determined.

- Low significance 3-6
- Moderate significance 7-9
- High significance 10-12

7.1.2 Assessment of Archaeological Significance

The archaeological significance of the identified Aboriginal site(s) has been assessed and is summarised in **Table 14**.

Table 14 Assessed Levels of Significance (Scientific) for Aboriginal Sites.

Site	Site Type	Significance scale	Research Potential	Representativeness	Rarity	Education Potential	Rank (Total Score)	Overall Archaeological Significance
38-5-0250	Shell Midden & Artefact Scatter	Local	1	1	1	1	4	Low
		Regional	1	1	1	1	4	Low

7.2 Cultural (Aboriginal) Significance Criteria

The *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011:3) recognises that Aboriginal cultural heritage significance is equal in importance to the context in which the object or place was found. The registered Aboriginal parties for this project were given the opportunity to consider the sites in terms of the following values:

- Social Values (spiritual, political and cultural aspects of the site);
- Aesthetic Values (visual aspect of the site); and
- Historic Values (aesthetic and social value combined).

Social value encompasses the spiritual, political, national or other associations to a majority or minority group. Aesthetic value encompasses aspects of sensory perception including form, scale, colour, texture and material of the fabric. Historic value is the history of the place, its association with historic figure and/or its role in a historical event.

No cultural feedback was supplied after RAP review of the draft report.

8.0 Aboriginal Cultural Heritage Impact Assessment

The potential impacts to Aboriginal heritage from the proposed Project include surface and subsurface disturbances. One Aboriginal site, AHIMS site #38-5-0250 is at potential risk from disturbances during the construction of the proposed development.

8.1 Surface Disturbance

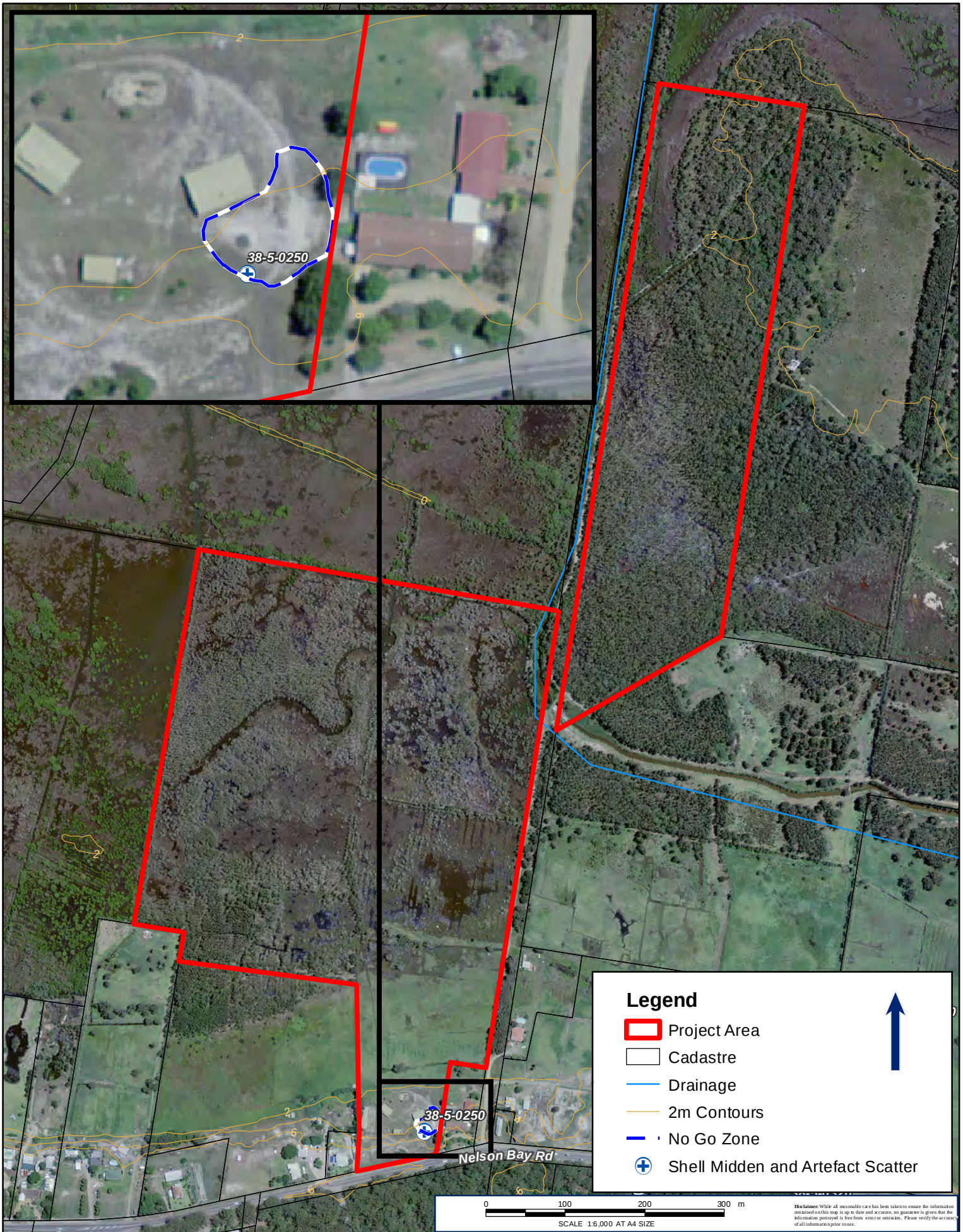
As part of the proposed development, surface disturbance will be undertaken in order to complete the proposed development. While AHIMS site #38-5-0250 remains outside of the development footprint, it remains at risk from moving vehicles and the installation of subsurface services.

8.1.1 Impact Assessment of Surface Disturbance Areas

There is one Aboriginal site which lies within a potential disturbance area. AHIMS site #38-5-0250 (shell midden and artefact scatter) (**Table 15**) has been assessed to be of low significance (Section 7.1.2 and Table 14). However, as the site is still listed as Valid on the AHIMS database, if surface disturbance is to occur near the site, it should be subject to salvage under a CHMP. Prior to a CHMP being completed it is required that a high visibility **NO GO ZONE** be placed around the site in order to temporarily mitigate any future harm to the site.

Table 15 AHIMS Sites in the Project Area which may be Impacted by activities in the Surface Disturbance areas

AHIMS Site	Site Type	Impact	Mitigation
38-5-0250	Shell Midden and Artefact Scatter	Surface Disturbance from construction activities and installation of subsurface services	1. Place NO GO ZONE barrier around the site 2. Avoid during construction works 3. Collect and salvage under a CHMP



CLIENT: Raphael Shin Enterprises Pty Ltd

Copyright: This document and the information shown shall remain the property of RPS Australia East Pty Ltd. The document may only be used for the purpose for which it was supplied and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited.

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

RPS

9.0 Historical Heritage Context

9.1 Port Stephens General history

Port Stephens was named by Captain Cook when he passed on 11 May 1770, honouring Sir Phillip Stephens, who was Secretary of the Admiralty (Bartlett 1980). The first ship to enter the port in 1791 was the “Salamander”, a ship of the Third Fleet that later gave the suburb of Salamander Bay its name (Bartlett 1980). In that same year, escaped convicts, then known as ‘bolters’, discovered coal in the area. In 1795 the crew of the HMS Providence discovered a group of escaped convicts living with Worimi People. Port Stephens became a popular haven for escaped convicts and so in 1820 a garrison of soldiers was established at what is now known as Soldiers Point (Bartlett 1980).

The Port Stephens area was established by seafaring people who could use their ships to earn a living. One of the earliest land grants at Bob’s Farm and Anna Bay was taken by Magnus Cromarty, son of William Cromarty. He used the land to grow wheat, arrowroot and farm pigs, sheep and poultry. A provisional school was opened in 1918, which then became a public school in 1932 owing to the larger population at that time.

A number of small towns developed around the port as fishing, holiday and retirement communities (Bartlett 1980). Since the 1970s, with improved road access from Sydney, and the increasing popularity of coastal retirement lifestyles, there has been major expansion of these towns.

9.1.1 The Australian Agricultural Company

The Australian Agricultural Company (AACoy) is one of the oldest companies in Australia. It was founded in April 1824 by an act of British parliament, granting one million acres to the company at Port Stephens. The one million acres were set aside for merino sheep and cattle grazing as well as flax and tobacco farming. By 1825 the AACoy Commissioner arrived with 75 settlers and surveyed lands at Newcastle and Maitland, before settling at Karuah. Five months later additional settlers and stock arrived from Sydney, including 1000 cattle and 2000 sheep. The construction of the Tahlee homestead was also under construction at this time (The State Library of New South Wales 2013).

In 1828 the population of Port Stephens had risen to 600 and the farms and stations were connected by road. Lumber camps, wharves and gardens were planted to service the population. In addition to the granted one million acres, the AACoy established 2000 acres in Newcastle to mine coal. The government also relinquished control of the Newcastle Coal Works to the AACoy in order to improve its efficiency, using convict labour. In 1831 the AACoy had monopolised coal mining in Newcastle. Other mining industry that the AACoy were involved with was the gold mining industry, which flourished with the discovery of gold at Peel River. To mine the gold, the AACoy established the Peel River Land and Mineral Company (The State Library of New South Wales 2013).

From 1833 – 1839 the AACoy realised that sheep grazing in Port Stephens was unsustainable and traded the one million acres in Port Stephens for approximately 250 000 acres at Warrah Estate and 310 000 acres at Goonoo Goonoo Estate, both at the Liverpool Plains. In 1849 the original one million acres was sold to create ‘The Port Stephens Colony’ (The State Library of New South Wales 2013).

10.0 Historical Heritage Resources

10.1 Heritage Registers Search

Items and places of heritage significance in Australia and NSW are included on registers or databases at the national, state or local government level depending on their level of significance. For instance, heritage items of national significance are included on the National and Commonwealth Heritage Lists, heritage items of significance to NSW are included on the NSW SHR, including the Section 170 register and heritage items of local significance are recorded on schedules within Local Environmental Plans (LEPs).

The following heritage registers have been searched and it has been established that there are no items of historical heritage in the Project Area. Listed below are the results of the searches and the distances from the Project Area, and Figure 6 shows the location of the heritage items of significance.

10.2 Heritage Registers

- **The Australian Heritage Database** – this Federal database is maintained by the Department of Sustainability, Environment, Water, Populations and Communities and contains places of international and national level of heritage significance. These heritage items are listed on the World Heritage List, National Heritage List and Commonwealth Heritage List.
- **Heritage Databases maintained by the NSW Heritage Branch** – although managed by the State Heritage Authority, this database contains international, Federal, state and local heritage listings. It is; however, the principal source of information on places included on the NSW SHR, which includes the Section 170 Register.
- **Schedule 5 ‘Environmental Heritage’ of Port Stephens LEP 2013** - The Port Stephens LEP (2013) provides a list of items which have been recorded by council as having local heritage value.

10.2.1 World Heritage and Australian Heritage

The Australian Heritage Database was searched on 12 March 2014 which includes the Register of the National Estate, National and Commonwealth Heritage List and the World Heritage List.

It identified two items of heritage under the search criteria of Anna Bay. These were: the Newcastle Bight Coastal Area and the Tomaree National Park. Both these items were listed under the Register of the National Estate (RNE). This register is now defunct and thus carries no statutory weight or protection. Indicative places are items where data had been obtained by the Australian Heritage Council, but a decision to register the item was not reached prior to the RNE closing. A registered place is a heritage item that was registered on the RNE by the Australian Heritage Council; however, after the closing of the RNE, sites no longer have statutory protection.

Table 16 Heritage Items listed on the Register of the National Estate

Heritage Item	List	Status	Place ID	Place File No.	Distance from Project Area
Newcastle Bight Coastal Area	RNE	Indicative Place	19510	1/09/064/0023	Opposite Project Area
Tomaree National Park	RNE	Registered	16582	1/09/064/0018	6km east of Project Area

10.2.2 State Heritage

The State Heritage Inventory database is maintained by the NSW Heritage Office and contains heritage items that have been included in statutory lists in NSW. Items listed on the Heritage Inventory include those which have been listed by local councils and also those which are listed on the SHR (heritage items of state significance).

The search of the State Heritage Inventory did not identify heritage items of state significance in or near the Project Area.

10.2.3 Section 170 Registers

Section 170 of the *Heritage Act 1977* requires State Government Agencies to keep records of heritage items owned or operated by it. These registers can be found on the NSW Heritage Inventory. A search of this inventory was carried out on 18 March 2014 and no items were identified in the Project Area.

The Section 170 heritage search did not identify any items of heritage significance in or near the Project Area.

10.2.4 Local Heritage

A search of the Port Stephens LEP identified four items of local heritage significance. Schedule 5 of the Port Stephens LEP 2013 provides a list of items which have been recorded by council as having local heritage value.

Schedule 5 of the Port Stephens LEP did not identify any item of local heritage in the Project Area. However, four heritage items of local significance were located outside of the Project Area and are described in **Table 177**.

Table 17 Heritage Items listed on the Port Stephens LEP

Item	Lot and DP	Distance from Project Area
Birubi Point Cemetery	DP 753204; Lot 7035 DP1057295	3.5 km south east of the Project Area
Gan Gan Army Camp	Lot 11 DP841401	6.3 km east of the Project Area
Stockton Beach Dune System	Lots 224–227 and 230 DP1097995; Lots 216 and 218 DP1044608; Lot 592 DP1097992; Lot 7033 DP1053720	4 km south of the Project Area
Underground Water Tank	Lot 884 DP737049	3.2 km east of the Project Area

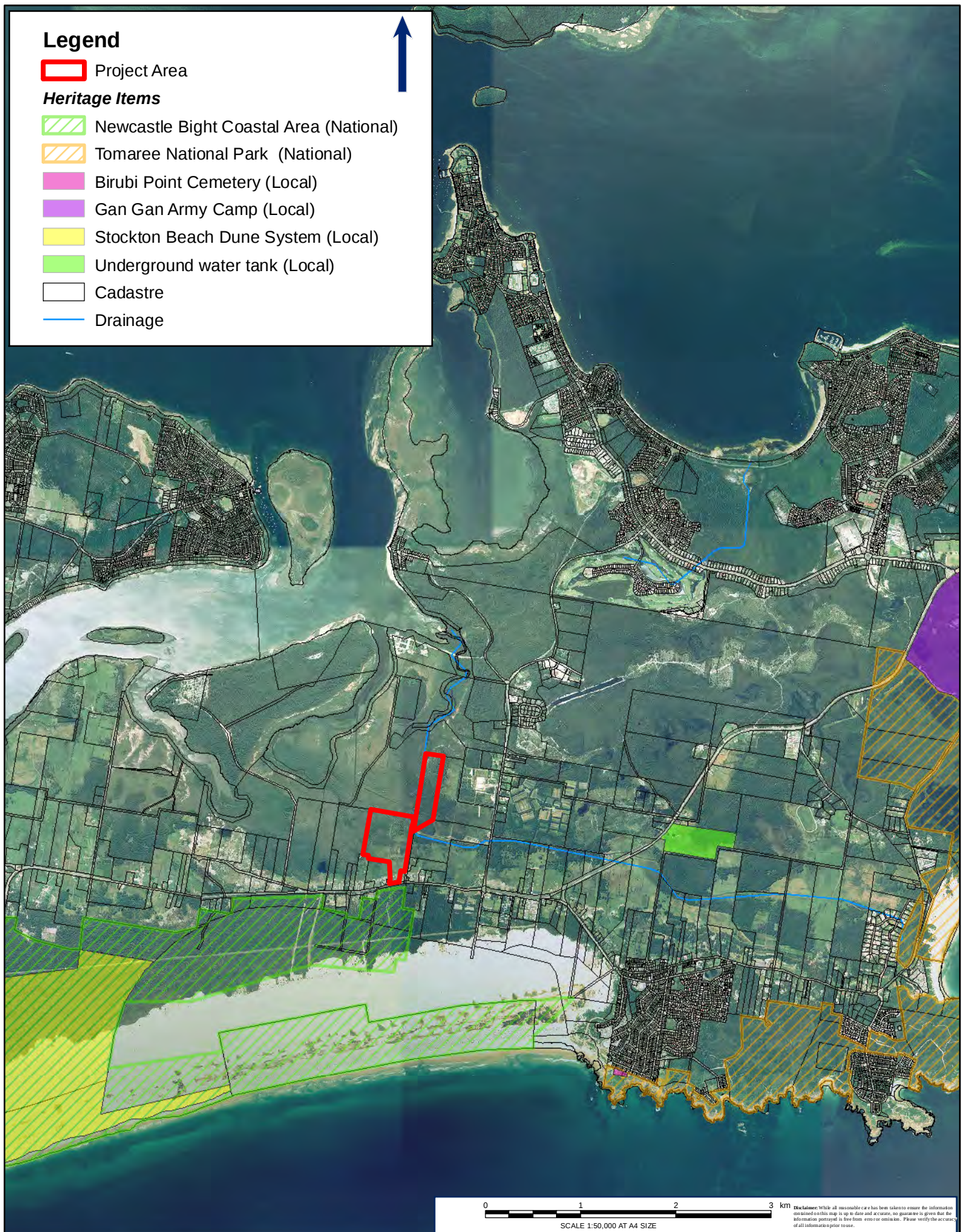


Figure 6: Project Area with Heritage Items

LOCATION: Anna Bay

DATUM: GDA94

PROJECTION: MGA Zone 56

JOB NO.: 119462-11

Data Sources:

Bing Maps 2011

PURPOSE: HERITAGE

Technician: Natalie Wood

Date: 2/06/2014

CLIENT: Raphael Shin Enterprises Pty Ltd

Copyright: This document and the information shown shall remain the property of RPS Australia East Pty Ltd. The document may only be used for the purpose for which it was supplied and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited.

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

RPS

11.0 Historical Heritage Survey and Field Results

A historic heritage field survey was conducted by RPS Cultural Heritage Consultant Jeremy Hill on 26 May 2014, concurrent with the Aboriginal field survey. The field survey was conducted on foot (pedestrian). During the field survey the Project Area was shown to be highly modified from previous vegetation clearing, fencing, housing construction and installation of subsurface services. No items of heritage significance were identified during the survey and it is considered unlikely that further items of heritage significance will be identified. No items of state heritage have been listed near the Project Area. One item, the Newcastle Bight Coastal Area was listed on the RNE (now defunct) adjacent to the Project Area. As there was no evidence of this heritage item of significance being located in the Project Area, it will not be impacted on by the proposed development. Local items of heritage significance are located beyond the Project Area and will not be impacted on by the proposed activity. There are no heritage items of significance in or near the Project Area.

11.1 Visual Impact Assessment

A visual impact assessment was also undertaken during the field survey. It was concluded, due to the isolated nature and lack of surrounding heritage items of significance, there is no physical impact or visual impact to surrounding heritage.

As there are no heritage items of significance, the Project Area does not attract the provisions of the *Heritage Act 1977*. There are no heritage constraints to the proposed development proceeding.

12.0 Historical Heritage Significance Assessment

There are no identified items of historical significance in the Project Area and as such it is considered that a significance assessment is not required and is not relevant.

Should further heritage items of significance be identified a significance assessment will be required, and should be prepared as a Statement of Heritage Impact. Recommendation 4, Chapter 14.0, should also be implemented after the Statement of Heritage Impact is completed.

13.0 Historical Statement of Significance and Impact Assessment

13.1 Statement of Significance

There are no identified items of historical significance in the Project Area and as such it is considered that the Project Area has a low historic significance. No further assessment is required. As there are no heritage items of significance, the proposed development will not attract the provisions of the *Heritage Act 1977*.

13.2 Impact Assessment

The proposed development will include the construction of a five star Eco-Tourist resort which will include 384 rooms and associated facilities.

It is concluded that the proposed development will have no impact on any surrounding heritage items of significance, including the visual amenity. Impact to unrecorded heritage items of significance should be managed in accordance with Recommendation 4 in Chapter 14.0.

14.0 Conclusions and Recommendations

A field survey was undertaken on 26 May 2014 by RPS Cultural Heritage Consultant Jeremy Hill and representatives from Mur-Roo-Ma Inc, Nur-Run-Gee Pty Ltd and the Worimi LALC. A historic heritage survey was undertaken at the same time. The field survey was limited to areas that were not inundated. The areas that were inspected had very low visibility or exposure owing to dense vegetation cover. While Section 4.1.5 demonstrated that the local area was potentially suitable for Aboriginal occupation, the field survey demonstrated that occupation was limited to elevated areas and dune systems in the south of the Project Area. This is supported via a lack of physical archaeological evidence and cultural concern in the flood prone areas as contrasted against AHIMS midden site #38-5-0250 indicating habitation at this location.

No historic heritage items of significance were identified in the Project Area, and as such the proposed development does not attract the provision of the *Heritage Act 1979*. There are no historic heritage constraints for the proposed development to proceed. However, Recommendation 4 should be followed in the event unsuspected heritage items of significance are uncovered during construction works.

The following recommendations have been made in relation to Aboriginal heritage

Recommendation 1

A CHMP should be prepared prior to construction works beginning to mitigate future harm to AHIMS site #38-5-0250. The CHMP should also address potential impacts from surface and subsurface disturbance during construction activities. Prior to a CHMP being prepared site #38-5-0250 should be protected by a high visibility protective barrier that should act as a **NO GO ZONE** during construction works.

The following recommendations have been provided as a contingency should unexpected Aboriginal objects, skeletal remains or heritage items of significance be identified during construction

Recommendation 2

If unrecorded 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 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 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 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 RAPs before works recommence.

Recommendation 4

If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment & Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed.

15.0 References

- Attenbrow, V. 2003. *Sydney's Aboriginal Past: Investigating the archaeological and historical records*: UNSW Press.
- Australia ICOMOS. 2013. "The Burra Charter, The Australia ICOMOS Charter for Places of Cultural Significance."
- Australian Heritage Commission. 2002. "Ask First: A Guide to Respecting Indigenous Heritage Places and Values."
- Baker, N. 1994. "Moffats Swamp Dune: Final Report on Archaeological Site Salvage, Testing and Artefact Analysis."
- Bluff, W. 1989. "NPWS File #1333. No Reports or Site Cards Compiled." edited by Nation Parks and Wildlife Service NSW.
- Brayshaw, H. 1987. *Aborigines of the Hunter Valley*: Scone and Upper Hunter Historical Society.
- Collins, D. 1975 (1798). *An Account of the English Colony in New South Wales. Volume 1*. Sydney.
- Comber, J. 1990. "Archaeological Survey of Proposed Sand Extraction Site at Anna Bay." Report prepared for ACI Industrial Minerals.
- Dallas, M., and G Cowlshaw. 1994. " Archaeological and anthropological study of two development areas at Salamander Bay, Port Stephens NSW. ." Port Stephens Shire Council.
- Dawson, R. 1830. *The Present State of Australis*.
- Dean-Jones, P. 1990. "Newcastle Bight Aboriginal Sites Study."
- Dean-Jones, P. 1992. "Proposed Bicycle Track at Cemetery Point, Anna Bay. Assessment and Management of Archaeological Sites." Report prepared for the Port Stephens Shire Council.
- DECCW. 2010a. "Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 Part 6 National Parks and Wildlife Act." Sydney: Department of Environment Climate Change and Water NSW,.
- . 2010b. "Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales." in *Part 6 National Parks and Wildlife Act 1974*, edited by Godwin S.
- . 2010c. "Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales." edited by Department of Environment Climate Change and Water.
- Doelman, T., R. Torrence, V. Popov, M Ionescu, N. Kluyev, I. Pantyukhina, P. White, and M. Clements. 2008. "Source selectivity: An assessment of Volcanic Glass Sources in the Southern Primorye Region, Far East Russia." *Geoarchaeology: An International Journal* 23:243-73.
- Dyall, L. 2004. "Results of Surface Collections and Subsequent Excavations of the Aboriginal Middens at Birubi."
- Dyall, L.K. 1971. "Aboriginal Occupation in the Newcastle Coastline." *Hunter Natural History* 3(3):154-68.
- Dyall, L.K. 1982. " "Aboriginal Fishing Stations on the Newcastle Coastline, New South Wales"." Pp. 52-62 in *Coastal Archaeology in Eastern Australia: Proceedings of the 1980 Valla Conference on Australian Prehistory*, edited by S. Bowdler. Canberra: Australian National University

-
- ERM. 2003. "Electricity Supply Upgrade from Tomago to Tomaree: Indigenous Cultural Heritage Assessment." Energy Australia.
- Erye, E.J. 1959. *A Biographical Narrative of Residence and Explorations in Australia (1832 - 1839)*. London.
- Fawcett, J. 1898. "Notes on the Customs and Dialect of the Wonah - ruah Tribe." *Science of Man* 7(152):180 - 81.
- Grant, J (Ed.). 1803. *The Narrative of a Voyage of Discovery, Performed in his Vessel the Lady Nelson. 1800, 1801 and 1802, to New South Wales*. London.
- Haglund, L. 1982. "Archaeological Survey of Area Near Bagnalls Beach, Port Stephens, N.S.W." Land Board Office, Maitland Home Site Branch.
- Howitt, A.W. 1996. *The Native Tribes of South - East Australia*. Canberra: Aboriginal Studies Press.
- Keith, D. 2006. *Ocean Shores to Desert Dunes: The Native Vegetation of New South Wales and the ACT*. Sydney: Department of Environment and Conservation NSW.
- Lambeck, K., Y. Yokoyama, and T. Purcell. 2002. "Into and Out of the Last Glacial Maximum: Sea-Level Change During Oxygen Isotope Stages 3 and 2." *Quaternary Science* 21:243-360.
- Matthei, L.E. 1995. *Soil Landscapes of Newcastle 1:100 000 Sheet*. Sydney: Department of Land and Water Conservation.
- McCardle Cultural Heritage. 2012a. "MR108 Nelson Bay Rd Stage 3 Indigenous Archaeological Due Diligence Assessment."
- McCardle Cultural Heritage. 2012b. "MR108 Nelson Bay Rd Stage 3 Indigenous Archaeological Test Excavation: Stage 1."
- Mulvaney, K., and J. Kamminga. 1999. *Prehistory of Australia*. Sydney: Allen and Unwin.
- Murphy, C.L. 1995. *Soil Landscapes of the Port Stephens 1:100 000 Sheet*. Sydney: Department of Land and Water Conservation.
- National Native Title Tribunal. 2011. "About Indigenous land use agreements." in *Native Title Act 1998*.
- NSW Heritage Office. 1996. "NSW Heritage Manual: NSW Heritage Office." Sydney.
- OEH. 2011. "Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW." State of NSW and the Office of Environment and Heritage, Department of Premier and Cabinet.
- Paterson, W. . 1801. "Journal of Hunter River Expedition." *Historical Records of Australia* 3:174 - 80.
- Port Stephens Council. 2013. "Port Stephens Local Environmental Plan: Flood Planning Maps."
- RPS. 2010. "Aboriginal Archaeological Excavation Works: Stage 2 AHIP #3751-1101504 Williamtown Aerospace Park." Williamtown Aerospace Park.
- . 2011a. "Aboriginal Heritage Due Diligence Report: Lot 1-6, DP 1115507-20 Albert Street, Taylors Beach in Port Stephens." Walker Cromarty Sands Development Pty Ltd.
- . 2011b. "Birubi Point Surf Club Aboriginal Heritage Impact Assessment." Port Stephens Council.
- . 2013a. "Heritage Due Diligence Assessment 4011 Nelson Bay Road, Bobs Farm." Report prepared for EPS.
-

-
- . 2013b. "Heritage Due Diligence Assessment Birubi Lane, Anna Bay NSW." Prepared for Michael O'Sullivan.
- Short. 2000. *'Sydney's Dynamic Landscape' in Sydney - Emergence of a World City*. Melbourne: Oxford University Press.
- Sokoloff, B. 1980. *The Worimi: The Hunter Gatherers of Port Stephens*. Raymond Terrace Historical Society.
- South East Archaeology Pty Ltd. 2004. "An Aboriginal Heritage Assessment of the Proposed Anna Bay Nature Resort." Report prepared for GHD.
- Tench, W. 1996. "Watkin Tench 1788." edited by Tim Flannery. Melbourne: The Text Publishing Company.
- The State Library of New South Wales. 2013. "Australian Agricultural Company."
- Threlkeld in Gunson, N. 1974. *Australian Reminiscences and Papers of L.E. Threlkeld Missionary to the Aborigines, 1824 - 1859*. Sydney.
- Tindale, N. 1974. *Aboriginal Tribes of Australia. Their Terrain, Environmental Controls, Distribution, Limits and Proper Names*. Canberra: ANU Press.
- Umwelt. 2003. "Birubi Point: Aboriginal Place Nomination Assessment." National Parks and Wildlife Service.

16.0 Aboriginal Cultural Heritage Plates



Plate 1 Landscape photo of SU1



Plate 2 Landscape photo of SU2



Plate 3 Landscape photo of SU3



Plate 4 Example GSE and GSV in SU1



Plate 5 Exposed area in SU1



Plate 6 Example of GSE and GSV in SU1



Plate 7 Site location photo of AHIMS site #38-5-0250



Plate 8 Shell reidentified at AHIMS site #38-5-0250

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 (ATSIHIP Act Amendment 2006)

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).

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 the summary below.

National Parks and Wildlife Act 1974

The NPW 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 OEH, and specifically the Director-General of OEH. Part 6 of this Act is the relevant part concerned with Aboriginal objects and places, with Section 86 and Section 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:

- (1) A person must not harm an object that the person knows is an Aboriginal object;
- (2) A person must not harm an Aboriginal object;
- (3) 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;
- (4) A person must not harm or desecrate an Aboriginal place.

Offences under s86 (2) and (4) are now strict liability offences, ie, knowledge that the object or place harmed was an Aboriginal object or place needs 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 of s86. These offences chiefly consist of having an appropriate 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 officers of the National Parks & Wildlife Service in the performance of their duties, and s87B for Aboriginal people performing traditional activities.

Section 89A

If a person knows of the location of an Aboriginal object or place that has not been previously registered and does not advise the Director-General of that object or place within a reasonable period of time, then that person is guilty of an offence under this Section of the Act.

Section 90

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

Section 90A-90R

These sections govern the requirements relating to applying for an AHIP. In addition to the amendments to the Act, OEHL have issued three new policy documents clarifying OEHL'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 includes details regarding the parties required 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 RAPs 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

OEHL encourages consultation with relevant RAPs for all Aboriginal Heritage Assessments. However, if an AHIP is required for an Aboriginal site, then specific OEHL guidelines are triggered for Aboriginal consultation.

Aboriginal Cultural Heritage Consultation Requirements for Proponents

In 2010, the ACHCR's were issued by OEHL (12th April 2010). 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 12th April 2010; for projects commenced prior to 12th April 2010, transitional arrangements have been stipulated in a supporting document, Questions and Answers 2: Transitional Arrangements.

The ACHCR's 2010 include a four stage Aboriginal consultation process and stipulate 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 of Aboriginal Owners, 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 Eol for Aboriginal consultation. Once a list of RAPs has been compiled from the Eol's, they need to be consulted in accordance with ACHCR's Stages 2, 3 and 4.

Environmental Planning & Assessment Act 1979

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. Within the *EP&A Act*, 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*.

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

The 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, as amended), 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

Consultation Log

Date	Consultation Description	Received By	Method of Contact	Details
4/03/2014	Jeremy Hill (RPS) sent an Information Letter Regarding Aboriginal Parties who may hold cultural knowledge	OEH, NNTT, NTS Corp, Registrar of Aboriginal Owners, Port Stephens Council, Hunter Catchment Management Authority, Worimi LALC	Mail	Expect response by 18/03/2014
10/03/2014	OEH sent response via email (and mail) and identified 8 RAPs who may have an interest in the area	Jeremy Hill	Email	OEH identified Maaingal Aboriginal Heritage, Mur-Roo-Ma Inc., Nur-Run-Gee Pty Ltd, Worimi Aboriginal Community Co-operative, Garrigal Aboriginal Community Inc., Doo-Wa-Kee, Lakkari NTCG, Lower Hunter Aboriginal Incorporated
10/03/2014	Jeremy Hill (RPS) sent a letter requesting that the National Native Title Register be searched	NNTT	Email	
12/03/2014	Office of the Registrar of Aboriginal Land Rights Act 193 sent a letter advising Regarding Aboriginal Parties who may have an interest in the area	Jeremy Hill	Mail	OotRALRAct advised that the Worimi Conservation Lands Board of Management and the Worimi Local Aboriginal Lands Council should be consulted
12/03/2014	NTS Corp sent a letter advising Regarding Aboriginal Parties who may have an interest in the area	Jeremy Hill	Mail	NTS Corp advised that due to privacy guidelines they could not supply the requested information to the proponent. However they could forward to any Traditional owners to inform them of the Project.
13/03/2014	Job Advert Published in paper		Newspaper	Expect response by 26/03/2014
15/03/2014	Leanne Anderson, on behalf of Nur-Run-Gee expressed interest in The Bay Resort Project	Jeremy Hill	Email	Will send out an Information package soon.
17/03/2014	Anthony Anderson, on behalf of Mur-roo-man Inc expressed interest in the Bay Resort Project	Jeremy Hill	Email	Will send out an Information package soon.
18/03/2014	Jeremy Hill, RPS, rang the Worimi LALC to see if they received the Big 7 Letter and to ask if they would like to register interest in the Project	Jo at Worimi	Phone	Left a message asking for Jackie to call back

Date	Consultation Description	Received By	Method of Contact	Details
18/03/2014	Jackie Henderson, Worimi LALC, returned Jeremy's Call	Jackie Henderson	Phone	Jeremy spoke to Jackie regarding the Project and asked if the LALC had received the Big 7 letter. They had not. Jeremy said he would email the letter to Jackie after the conversation. She expressed interest in the Project on behalf of the LALC. She also indicated that Mur-roo-ma Inc and Nur-Run-Gee should also be contacted. RPS has received Eol from those groups.
18/03/2014	Jeremy Hill, RPS, emailed the Big 7 letter to Jackie at Worimi LALC	Jackie Henderson	Email	Jeremy Hill, emailed the Big 7 letter to Jackie
18/03/2014	Andrew Smith, CEO Worimi LALC emailed Jeremy Hill, RPS	Jeremy Hill	Email	Jeremy received the Worimi LALC response, and asked to be consulted for the Project
20/03/2014	Eol Letters sent out	Letters sent to Maaialangal Aboriginal Heritage, Worimi Aboriginal Community Co-operative, Garrigal Aboriginal Community Inc., Doo-Wa-Kee, Lakkari NTCG, Lower Hunter Aboriginal Incorporated	Mail	Expect response by 04/04/2014
1/04/2014	Worimi Conservation Lands Contacted RPS	Tessa Boer-Mah	Phone	Worimi Conservation Lands will NOT register their interest in the Project.
3/04/2014	RPS Rang Maaialangal Elders	Carol Ridgeway-Bissett	Phone	Maaialangal Elders wish to register interest. They cannot participate in the field work as they have no insurances. They also wish for any artefacts to be buried onsite and wildlife considerations to be incorporated into the report.
7/04/2014	RPS sent out the Methodology letters	Mur-roo-ma Inc, Nur-run-gee Pty Ltd, Worimi LALC & Maaialangal Elders	Mail and Email	Expect responses by 05/05/2014
7/04/2014	RPS sent advertisement to LALC and OEH	RPS advised the Mur-roo-ma, Nur-Run-Gee, Worimi LALC & Maaialangal Elders	Mail and Email	-

Date	Consultation Description	Received By	Method of Contact	Details
		had expressed their interest in the project		
8/04/2014	Nur-run-gee contacted RPS	Nur-run-gee agrees with the Methodology	Email	Will send out information when appropriate. JH emailed Leanne and thanked her for the prompt reply
8/04/2014	Mur-roo-ma contacted RPS	Mur-roo-ma Inc sent email with attached methodology	Email	Will send out information when appropriate. JH noticed that the methodology was not attached. JH emailed Anthony and asked for the attachment. Thanked Anthony for the prompt reply.
10/04/2014	Mur-roo-ma contacted RPS	Mur-roo-ma Inc sent the methodology	Email	Methodology Response noted
5/05/2014	RPS rang the WLALC	JH asked for a response for methodology	Phone	WLALC will supply a response today and send through an updated RAP list
5/05/2014	RPS rang MRM Inc	Checked availability of 12/13 May to do field survey	Phone	Can do 12/13 of May but no others that week
5/05/2014	RPS rang NRC P/L	Checked availability of 12/13 May to do field survey	Phone	Can do whole week
5/05/2014	RPS emailed WLALC	Checked availability of 12/13 May to do field survey	Email	No response received, JH will follow up on 06/05/2014
5/05/2014	JH Carol Ridgeway-Bisset	JH asked for a response for methodology	Phone	Carol will supply a response as soon as possible
6/05/2014	JH called WLALC	JH asked for a response for methodology	Phone	Jackie was temporarily away, JH will call back later today
6/05/2014	JH called WLALC	JH asked for a response for methodology	Phone	WLALC do not have a problem with the methodology, but would like to put the agreement in writing before proceeding.
20/05/2014	Philippa Sokol (PS) sent field survey information letter	Anthony Anderson of Mur-Roo-Ma	Email and Mail	Anthony replied via email advising that Chris Collison will be Mur-Roo-Ma's Sites Officer for the works
20/05/2014	PS sent field survey information letter	Lennie and Leanne Anderson of Nur-Run-Gee	Email and Mail	Awaiting reply
20/05/2014	PS sent field survey information letter	Jackie Henderson of Worimi Local Aboriginal Land Council	Email and Mail	Awaiting reply
21/05/2014	PS sent field survey information letter	Carol Ridgeway-Bissett of Maaiangal Aboriginal	Mail	Carol expressed her concern for not being able to attend the field survey due to not having a valid Workers Compensation and

Date	Consultation Description	Received By	Method of Contact	Details
		Heritage		Public Liability insurance
26/05/2014	Field Survey undertaken	Chris Collison, Jamie Merrick and Leanne Anderson were the RAPs present	Person	
17/06/2014	JH rang Nur-Run-Gee P/L for comments on the draft report	Leanne Anderson	Phone	Leanne will have the comments sent in later this evening. JH asked to have table 15 filled out
17/06/2014	JH rang Mur-Roo-Ma for comments on the draft report	Anthony Anderson	Phone	Anthony will have the comments sent in later this evening. JH asked to have table 15 filled out
17/06/2014	JH rang WLALC for comments on the draft report	Jackie Henderson	Phone	Jackie will send through Jamie's comments on Friday
17/06/2014	RPS Rang Maaialangal Elders	Carol Ridgeway-Bissett	Phone	Carol could not make comment as she had not been out onsite
17/06/2014	JH received Mur-Roo-Ma's comments on the draft report	Jeremy Hill	Email	Comments appended to final report
17/06/2014	JH received Nur-Run-Gee P/L comments on the draft report	Jeremy Hill	Email	Comments appended to final report
18/06/2014	JH received Worimi LALCs responses to the report	Jeremy Hill	Email	Comments appended to final report
18/11/2014	RPS sent out final report to RAPs	RPS	Post	N/A

Appendix 3

Aboriginal Consultation Advertisement and Documentation

Job Advert

Classifieds

p. 131 696 f. 4979 5088 e. classifieds@newcastle.fairfax.com.au

Place and see your classified at www.portstephensexaminer.com.au

Index

Domestic

29

Celebrants	29
Engagements	29
Funeral Notices	29
Funeral Services	29
In Memory	29
Return Thanks	29

General

Adult Phone Talk	31
Adult Services	31
Carriers and Removals	29
Finance and Shares	29
Holiday and Travel	29
Lost and Found	29
Personals	29
Public Notices	29

For Sale General

31

Antiques and Collectables	31
Arts and Crafts	31
Bargains Under \$200	31
Beauty, Health & Fitness	31
Boats & Accessories	32
Building Materials and Supplies	31
Caravans, Trailers & Accessories	32
Computer Software and Equipment	31
Food Wine and Catering	31
Freebies	32
Furniture & Furnishings	31
Garage Sales	32
General For Sale	31
Livestock	31
Pets and Pet Care	31
Sheds & Workshops	32
Wanted to Buy	32

Domain

30

Businesses For Sale	30
Business Franchise Opportunities	30
Commercial and Industrial Properties	30
Flats Townhouses Units to Let	30
Homes 600K to 800K	30
Houses and Land Wanted	30
Manufactured Homes Villages	30
Shared Accommodation	30
To Let & Wanted	30

Motoring

32

Accessories and Spare Parts	32
Cars For Sale	32

My Career

28

Domestic Services	30
General Positions	29
Health Positions	30
Hospitality Positions	28
Musical Tuition	28
Positions Wanted	28
Business Opportunities	28
Trades and Services	28
Trades and Services Positions	28
Training and Career Services	30
Work Wanted	30

Deadlines

Classified Linage Ads..... 12 Noon Tuesday

Classified Display Ads..... 10.00am Tuesday

Call Centre Business Hours

Monday to Friday 8.30am - 5.30pm

Saturday Closed

Sunday 1.30pm - 5.00pm

Credit Cards

Visa, MasterCard, Amex, Diners

Private party advertisers may be

required to prepay by credit card or cash

Funeral Notices

NUNN
CHRISTINA
Passed away
6th March 2014
at John Hunter Hospital
Late of Salamander Bay
Aged 59 Years

Loved Mother of
WARRICK (dec'd),
JEREMY, ADAM, and
JAMES and Loving
Grandmother to their
Families.

Relatives and Friends of
CHRISTINA are invited to
attend her Funeral Service
this **THURSDAY**
13/3/2014 at 11:30am in
the East Chapel of
Newcastle Memorial Park,
Anderson Drive,
Beresfield.

DAVID LLOYD FUNERALS
Beresfield 4966 5277
Australian Owned

SMITH
MARGARET ELLEN
9th March 2014
Aged 83 Years
Of Anna Bay

Loved wife of DES, loving
mother and mother-in-law
of CHRIS and SALLY and
LINDA and KEVIN.
Cherished Gran of
KRISTY, KHOBY,
JARROD, TIA, LUKE,
STELLA, JENNA and
HOLLIE and a much loved
Great Gran.

According to
MARGARET's wishes,
a private cremation has
taken place.

France
FAMILY FUNERALS
Nelson Bay 4981 4488

www.fff.com.au
Australian Family
Owned & Operated
FDA of NSW

Funeral Services

EDSTEIN
Creative Stone
Monumental Masons
Restoration/ Cleaning
Headstones
Monuments

Servicing your local area
1800 621 599

PROBATE
FOLLOWING THE
PASSING OF A LOVED
ONE, CALL HARVEY
LAW FIRM FOR FREE
COMPASSIONATE
ADVICE
(02)4958 8889

Return Thanks

Ken Stevens

Stevens' Family would like to
extend their thanks to all of
our friends and associates of
Ken during his illness and
passing. Your kind thoughts,
cards, flowers and prayer
were a great comfort to us,
please accept this as our
thanks during our time of
sorrow.

In Memory

*Always
in our
Thoughts*

BILL RICHARDSON
Of Boat Harbour
Aged 81 Years
Passed away
04/03/2014
At home

Loved Husband of Mavis.
Loving father and father-in-law
of Tom and Narelle, Reg
and Teresa, Vicki and Andy
and a much loved Grandad
to his eight grandchildren.

A celebration of Bill's life
was held on 8th March 2014
at his home in Boat Harbour

Rest In Peace

BILL JOHNSON
Passed away 12.03.12
The world is a sadder place
without you. Loved and
adored by so many. You
should never have been left
alone that day, you were let
down and because of that
paid the ultimate price.
Love you. Miss you.

In Memory

**ELFRIEDE
LEHMBECKER
"FRIEDA"**
10.7.1915 - 14.3.2013
One year has gone so
fast, and we always
love you and miss you.
Karin, Horst and
Rainer

**PALMARINO (Reno)
MERCURI**
16/12/48 - 15/3/06
The wind of time blows
gently on a quiet and
peaceful place, the one we
love is sleeping and can
never be replaced.
Forever In Our Hearts
Your loving wife,
Glenda and Family

Shirley Miller
12/03/28 - 07/03/13
Sadly missed.
Always loved and
never forgotten.
Jan and Noel Gibson

RONALD O'CONNOR
"Rocky"
14/02/1940 - 16/03/2013
God look around his garden
and found an empty place.
He then looked down upon
this earth and saw your tired
face. He put his arms around
you and lifted you to rest.
God's garden must be
beautiful.
He always takes the best.
From your loving Family.

Elaine Mary Rudd
16.10.33 - 8.3.11
3 years have passed
Sadly missed
Remembered everyday
Always in our hearts forever
From your loving Family

Engagements

GILL-ISAAC
Congratulations to
Kylie and Brad
on their
engagement and
wish you all the
best for the future.
Love Mum, Dad and
family.

I ♥ U
**YOUR CELEBRATION
WILL STAND OUT
WITH OUR COLOUR
CLASSIFIEDS
AVAILABLE NOW**

Celebrants

HELEN SCOTT CMC, JP
4982 1978 0414 424 167
PETER COWLING CMC, JP
4984 7022 0417 020 798

Public Notices

BOAT LICENCE
Marine radio, coxswain and
deckhand training.
Courses weekly.
www.allhandsondeck.com.au
Phone 0434 803 687

Club Tomago
FREE Entertainment Friday
14th and 28th March
Fridays RAFFLES 5.30pm
DINING ROOM Open every
Fri Night. Mon - Fri Lunch
DINNER DANCE w Bobby G
SAT 29th March 6pm
\$20 - 2 course meal
MARKETS on 17th May
Ph 4964 8007

DYSON Kirby & all vacuum
cleaner repairs while you
wait Vac Shop. 199 Maitland
Rd. Mayfield. 4960 1155

**FOUND
SOMETHING?**
Advertise it FREE
in our
Lost and Found section
That's right -
maximum 4 lines FREE!
PHONE 131 696

GRESFORD Community
Markets, Sunday 16 March,
9am - 1pm, great stalls and
food. Ph: 4938 9505

**Hunter Valley
Family and Couples
Nude Swim Group**
Next Event is on 15 March
and also 18 - 19 April. New
Families and Couples
Welcome. No texts.
0455 930 204 for more info.

**Legacy Markets
Rotary Neil
Carroll Park
Nelson Bay**
This Sunday
16th March
Stallholders must
have own Insurance
Bookings Essential
0419 492 009
New stalls and
buskers welcome

Registration of Interest
for Aboriginal cultural
knowledge holders for the
proposed
"The Bay Resort"

On behalf of Raphael Shin
Enterprises, RPS is
requesting registration of
interest from Aboriginal
Stakeholders for
archaeological investigations
related to a proposed resort
development in the Anna
Bay locality, Port Stephens
LGA.

As per the Aboriginal
Cultural Heritage
Consultation Requirements
for Proponents responses
are to be received before
Wednesday 26 March 2014.
Written applications should
be forwarded to:

Jeremy Hill
RPS Australia East Pty Ltd
PO Box 428
Hamilton NSW 2303
Tel: 02 4940 4200
jeremy.hill@rpsgroup.com.au
Following registration, each
party will be consulted and
will receive an information
pack outlining the project in
detail.

TANILBA BAY Lions
Markets Saturday 15/3 8am
- 12 noon. Koondah Car
Park. Stalls wanted.
4982 3059 or 0407 279 844

Est. 1987
BODYWORK
VELCRESSION THERAPY™ REMEDIAL MASSAGE
*Specialising in the re-alignment of shoulders
and arms to address spinal, neck, joint and
muscular problems.*

Amanda Squires Dip. Rem. Mass. ATMS
Tel. (02) 4982 1033
43 Campbell Ave. Anna Bay • www.bodywork.com.au

Quit Cigarettes in 60 Minutes
With Inner Solutions

**Monday—Thursday
10:00am—4:00pm**
**No Pain
No Major Life Changes
No Chemicals
No Dangerous Drugs
No Patches
No Pills
No Needles**

Tel: 0419 218 506
Suit 8 / 138 Magnus Street Nelson Bay
Entrance via Stockton Street
Next to Raine & Horne

Holiday and Travel

AIRPORT TRANSFERS
PRIVATE DIRECT SERVICE
Ph. 4984 5329

Newy Airport Shuttle
Newcastle 2 Sydney
Cruise Terminals / Charters
4359 3084 or 0419 408 878

Explore Myall Lakes
• 6 and 10 Berth Boats
• Weekend Escapes
• Extended Holidays
NO LICENCE REQUIRED
NO TIDES OR CURRENTS
CLEAR FRESH WATER
Phone 0410 437 225
www.luxuryhouseboat.com.au

**BURLEIGH SURF
APARTMENTS**
1 and 2 bdrm apts and 3
bdrm sub penthouses, fully
self contained with spa
baths. Expansive sea views
opposite patrolled beach.
Full resort facilities, indoor
heated pool, spa, tennis
court, gym, games room and
outdoor pool. Walk to Surf
Club, Coles, and restaurants.

Stay 7 and Pay 5
1st May to 26th June
applies to 2 bedroom
standard apartments
only.
Ph: (07) 5535 8866
mail@burleighsurf.com.au
www.burleighsurf.com.au

DUNGOG
Affordable Group Getaways
AT WANGAT LODGE
on the Chichester River.
Mud-brick Lodge for 9
families / 46 ppl or Budget
s/c Cottages Rainforest,
wildlife, waterfalls, bushwalks.
www.wangat.com.au
Call Ken 4995 9265

FINGAL BAY VIEWS
W/END SPECIAL (2 NTS)
1 bdrm granny flat with dble
spa, overlooking Fingal Bay.
\$230 p/cpl. Ph 4981 3676

**HARRINGTON
Colonial Holiday Park**
Pet Friendly, spacious and
quiet. Recently refurbished
s/c family and studio cabins
with a/c. Pwrd/unpwrd sites.
Amenities, camp kitchen and
pool. Fishing, hiking,
beaches and golf close by.
Great savings on offer.
Ph 6556 3312 or book online
www.colonialhp.com.au

TAYLORS BEACH
4 bd holiday house, absolute
waterfront....**Ph 4954 6499**

Holiday and Travel

**HARRINGTON
CROWDY HEAD**
For a **FREE** brochure contact
LJ Hooker
HARRINGTON
Ph. 6556 1000
View and Book Online at:
harringtonaccommodation.com.au
Email: harrington@ljh.com.au

NOVA CRUISES
Lunch and Dinner Cruises
Aboard "The Princess"
ON NEWCASTLE HARBOUR
Dinner Cruises depart every
Sat at 7pm Adult \$79, Conc.
\$74. Child up to 17yrs \$45.
Incls: appetisers on arrival,
Hot buffet featuring Hunter
Meats and Local Seafood,
Desserts with tea and coffee,
and live entertainment.

Lunch Cruises depart every
Sunday at 12 noon. Adult
\$54, Conc. \$49, Child up to
17yrs \$35. Incls: smoked and
roasted meats, local prawns,
a variety of salads, petits
fours desserts, tea and coffee.
Ph: 0400 381 787
FOR BOOKINGS OR VISIT:
www.novacruises.com.au

Chiltern Lodge Retreat
Small Resort with big
facilities. Ideal for group
getaways
Reunions, families, friends,
celebrations.
Sleeps up to 24, your own
private & secluded resort.
On the beautiful mid north
coast, minutes to the beach.
Ph: 6553 3190
www.chilternlodge.com.au

OLD BAR
Pet Friendly 2bdrm Cottages
Fab location! Walk to shops,
cafes, club, beach, bush trails.
2 hours North of Newcastle.
www.seachangeholiday.com
**Ph 6553 2929 for your
FREE INFO PACK**

Charter Yachts Australia
WHITSUNDAY ISLANDS
Skipper yourself Yachts,
Sailing, Power Catamarans
www.charteryachtsaustralia.com.au
Phone: 1800 639 520

SCOTTS HEAD
OceanScape-2 ultra modern
villas-sleep 2-4 in abs luxury
Stunning beach & oceanviews
Ph. 0416 293 256
www.oceanscape.com.au

SURFERS PARADISE
ABSOLUTE BEACHFRONT
2 bdrm, fully s/c unit, heated
pool, security park, patrolled
beach. **Ph. (07) 5538 1623**
www.angleseacourt.com.au

**SURFERS PARADISE
CROWN TOWERS**
1 to 2 bdrm luxury apt., ocean
views, high floor.
Ph. owner on **(07) 5533 7020**
or mobile **0417 625 926**
www.ctowersapt.com

SURFERS PARADISE
Super Spring Specials
From \$90 p/nt until 31/8
1 and 2 bdrm, s/c, air cond,
luxury apts. Spectacular
views. Deal direct with owner
Phone: 0410 347 227

Lost and Found
LOST Children's hearing aid
(pink). Shaoi Bay or Nelson
Bay Area. Ph 49814847 or
0405 203 144.

Finance and Shares
QUICK FIX LOANS
"CASH TODAY NO DELAY"
No Credit/EMP. Checks
Approval by Ph, security required
Ph. 0434 971 010
quickfixloans.com.au

PERSONALS
MAKE LOVE HAPPEN
There is no need to be alone
when there is someone
wonderful out there looking
for you too. Call today and
get in touch with your special
someone as soon as tonight.
Ph 1300 856 640 or txt
'meetns' to 0431 109 481
www.bridgesintros.com.au
Lic Agent 3159502

PERSONALS
Christian Singles
Established 14 years.
Any nice singles can join!
FREE colour brochure!
Ph 4955 5445

**Love is a
Blending of two!!**

At CCN we help lonely **COUNTRY**
gentlemen in finding their soul mates &
romantic partners. We specialize in
introducing couples the old fashioned
way, the only way that assures a high
rate in success.
To find your special partner please call
1800 261 848
www.countrycompanionship.com.au

**Carriers and
Removals**
A GOOD MOVE
SMALL to MEDIUM job
SPECIALIST.
Phone 0477 004 646

BACKLOADING
Large or small removals,
all areas 02 6586 1368 or
0411 054 816

AAAA Transport PANTEC
for hire. Anytime. Anywhere.
Anything. Anyhow. Small to
Medium Job. 0406 721 091

W Dennis Removal
Local/interstate. Free quote.
0408 339 206
4933 9206.

Personals

Christian Singles
Established 14 years.
Any nice singles can join!
FREE colour brochure!
Ph 4955 5445

**Love is a
Blending of two!!**

**Carriers and
Removals**
A GOOD MOVE
SMALL to MEDIUM job
SPECIALIST.
Phone 0477 004 646

BACKLOADING
Large or small removals,
all areas 02 6586 1368 or
0411 054 816

AAAA Transport PANTEC
for hire. Anytime. Anywhere.
Anything. Anyhow. Small to
Medium Job. 0406 721 091

W Dennis Removal
Local/interstate. Free quote.
0408 339 206
4933 9206.

General Positions

ADMIN ASSISTANT
Required for accounting
office in Nelson Bay.
Email Resume to:
info@smcaccountants.com.au

**Casey College
Nursing Group**

**Aged Care
Casual
Trainer / Assessor**
To deliver Cert III Aged
Care in Newcastle and
Greater Area.

Essential:
• A minimum of 12
months experience
aged care.
• Good organisation
and time management.
Highly Regarded:
• TAE40110 qual
• Previous training
experience.
Send resume and cover
letter to:
jennie@caseycentre.com.au
www.caseycentre.com.au

**APPRENTICE COACH
BUILDER**

Port Stephens Coaches is
looking for an energetic and
enthusiastic person to join
our team as an apprentice
Coach Builder. The
successful applicant will
learn all facets of Coach
Building and repair including
panel beating and spray
painting. Please send
resumes in writing, including
your last two school reports
to:

Human Resources
Port Stephens Coaches
15 Port Stephens Drive
Anna Bay NSW 2316
Or Email:
employment@pscoaches.com.au

**ASIAN STAR STUDIO
AND ESCORT
AGENCY**
Requires experienced
receptionist/ Suit mature
lady. Good rates and
bonuses. Call
0450 518 928 after 1pm.

BOOK KEEPER
Part time required for long
established small business in
Raymond Terrace. At least 1
day per week. Some
familiarity with MYOB
accounting and HR3 payroll
systems an advantage.
Applications to:
3-16 Kangaroo St.
Raymond Terrace 2324.

Butcher Required
Permanent position.
Ring Brad on 4990 6428

Example Letter Sent to Government Authorities



Newcastle Office

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303

Our Ref: 119462-11
Date: 04/03/2014

Dear Sir/Madam,

RE: REGISTRATION OF ABORIGINAL INTEREST GROUPS FOR AN ABORIGINAL CULTURAL HERITAGE IMPACT ASSESSMENT

RPS Australia East Pty Ltd (RPS) will be conducting a Cultural Heritage Impact Assessment for The Bay Resort Environmental Impact Statement (the Project) on behalf of Raphael Shin Enterprises Pty Ltd. The Project is located at Anna Bay in the Port Stephens Local Government Area (see attached figure).

The Project requires an Aboriginal Cultural Heritage Impact Assessment to support the development and submission to the Department of Planning and Infrastructure under the NSW *Environmental Planning and Assessment Act* (as amended) 1979 and *Regulation*. The Project is a proposed five star international eco-tourist resort that will consist of 384 rooms and suites, restaurants, meeting rooms and other associated infrastructure.

This letter is to notify that Raphael Shin Enterprises Pty Ltd is seeking to consult with Aboriginal persons or groups who may hold cultural knowledge of, or who have a right of interest in Aboriginal objects, places and/or Aboriginal Cultural Heritage in the area shown on the attached figure.

Should you know of any Aboriginal person or group who may wish to be consulted in relation to the Project described above, please contact Jeremy Hill on the details below. Specifically we require a list of known Aboriginal Stakeholder and communities that you consider may be concerned with the location provided on the attached figure.

RPS advises that the details of any Aboriginal person or group who registers an interest in accordance with this notice will be forwarded to the Office of Environment and Heritage and the Worimi Local Aboriginal Land Council, unless they specify at registration that they do not want their details released (DECCW 2010:11).

Contact Details

Method	Detail
Phone	(02) 4940 4200
Email	jeremy.hill@rpsgroup.com.au
Post	PO Box 428, Hamilton NSW, 2303

Yours sincerely

RPS



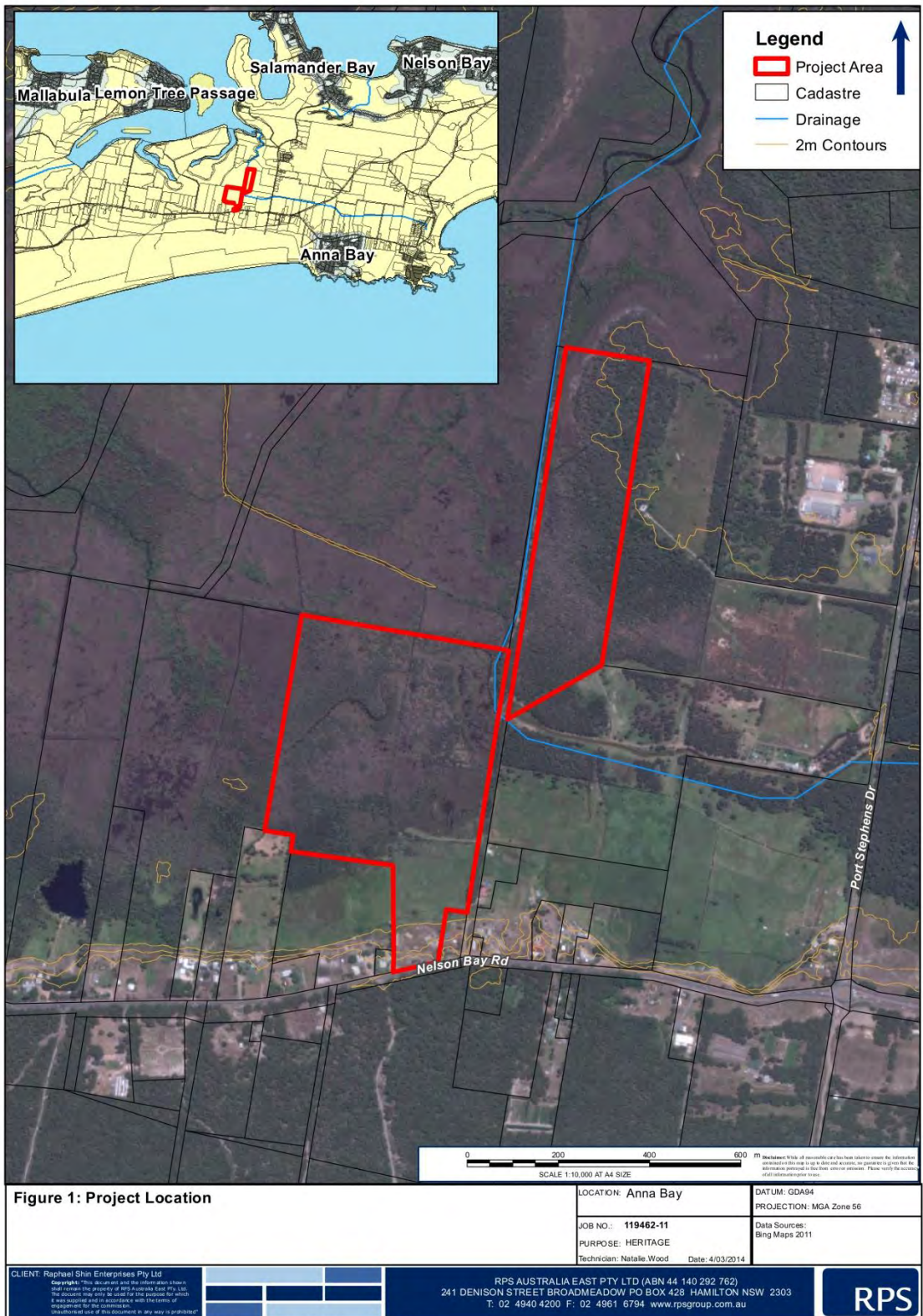
Jeremy Hill

Cultural Heritage Consultant – Barts (Archaeology [Hons] & Anthropology)

cc: Tessa Boer-Mah, RPS Newcastle Cultural Heritage Manager

Example letter sent to government agencies

Attachment One: Project Location



References

DECCW. 2010. "Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 Part 6 National Parks and Wildlife Act." Sydney: Department of Environment Climate Change and Water NSW,

Example letter sent to government agencies

Government Authority Responses



Office of
Environment
& Heritage

Our reference: DOC14/27538
Contact: Nicole Davis (02) 4908 6825

Jeremy Hill
RPS
PO Box 428
HAMILTON NSW 2303

Dear Jeremy,

Re: PREPARATION OF ABORIGINAL CULTURAL HERITAGE IMPACT ASSESSMENT
Nelson Bay Road, Port Stephens

Thank you for your correspondence to the Office of Environment and Heritage (OEH) dated 4 March 2014, regarding Aboriginal cultural heritage consultation for the proposed Bay Resort, Nelson Bay Road, Anna Bay, Port Stephens NSW.

Please find enclosed a list of known Aboriginal parties for the Port Stephens local government area (Attachment A) that OEH considers likely to have an interest in the proposal. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with the OEH '*Aboriginal cultural heritage consultation requirements for proponents 2010*' (the CRs).

OEH would also like to take this opportunity to remind the proponent and consultant to:

- Ensure the project documents the full consultation process in the Aboriginal Cultural Heritage Assessment Report and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2 of the CRs). Omission of these records in the final report may cause delays in the assessment of the Aboriginal Heritage Impact Permit application or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.
- Ensure OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs. If this is not provided then OEH will deem that the consultation process has not complied with the CRs. OEH considers evidence of reasonable efforts to contact relevant parties would include, but not be limited to, multiple forms of communication; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log
- Full details of the consultation requirements and the relevant Fact Sheets can be located on the OEH website at: www.environment.nsw.gov.au/licences/consultation.htm.
- Forward to OEH any changes to the contact details of interested Aboriginal parties, or information regarding additional parties, so that OEH can update its records.

PO Box 488G, Newcastle NSW 2300
Level 2, Bull Street, Newcastle West NSW 2302
Tel: (02) 49086825 Fax: (02) 04086801
ABN 30 841 387 271
www.environment.nsw.gov.au

- Ensure that consultation is fair, equitable and transparent. If the Aboriginal parties express concern or are opposed to parts of or the entire project, OEH expects that evidence will be provided to demonstrate the efforts made to find common ground between the opponents and the proponent.

If you require further information or clarification please do not hesitate to contact me on (02) 4908 6825.

Yours sincerely

NyDai 10/3/2014

Nicole Davis
Archaeologist- Hunter Central Coast
Regional Operations

ATTACHMENT A: ABORIGINAL PARTIES (OTHER THAN LOCAL ABORIGINAL LAND COUNCILS) IN THE AREA OF INTEREST

1. Maaiangal Aboriginal Heritage
Carol Ridgeway-Bissett
5 Ondine Close
NELSONS BAY NSW 2315
(02) 4984 3113
2. Mur-Roo-Ma Inc.
Anthony Anderson
7 Vardon Road
FERN BAY NSW 2295
(02) 4928 1910
murroomainc1@gmail.com
3. Nur-Run-Gee Pty Ltd
Lea Anderson
22 Popplewell Road
FERN BAY NSW 2295
goodman@kooee.com.au
4. Worimi Aboriginal Community Co-operative
Cheryl Hendry
17a Wahgunyah Road
NELSON BAY NSW 2315
(02) 4981 4559

5. Garrigal Aboriginal Community Inc.
Del Arnold
PO Box 182
GLOUCESTER NSW 2422
6. Doo-Wa-Kee
Mick Leon
PO Box 22
TAREE NSW 2430
(02) 6552 7856
(02) 6552 7543
0449 213 802
m.leon@tide.org.au
7. Lakkari NTCG
Mick Leon
C/- Doo-wa-kee CHS
82 Victoria Street
TAREE NSW 2430
(02) 6552 7835
0402 751 584
doowakee@virginbroadband.com.au
8. Lower Hunter Aboriginal Incorporated
Les Ahoy
74 Hayden Brook Road
BOORAGUL NSW 2284
0411 095 249
lowerhunterai@gmail.com

Jeremy Hill
RPS
PO Box 428
HAMILTON NSW 2303

6 March 2014

Dear Jeremy

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 4 March 2014 regarding Aboriginal Stakeholders within the area of Anna Bay NSW.

I have searched the Register of Aboriginal Owners and the subject land is close to the Worimi Conservation Lands (WCL) which has Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983*.

I suggest you contact the Board of Management for the WCL through:

Mr Steve Larkin
Chairperson
Worimi Conservation Lands Board of Management
Locked Mail Bag 99
Nelson Bay NSW 2315

I trust you are also in contact with the Worimi Local Aboriginal Land Council. The land council may be able to assist you with information and contact details for other interested groups.

Yours sincerely



Tabatha Dantoine
Administration Officer
Office of the Registrar, *Aboriginal Land Rights Act (1983)*

10 March 2014 ref: OE&H :10-3-14/1

RPS
PO BOX 428
Hamilton NSW 2303.

Dear Sir/ Madam

**Registration of Aboriginal interest groups for an Aboriginal cultural heritage
impact assessment. (Anna Bay)**

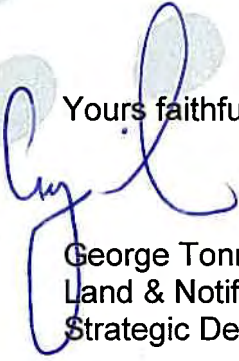
I refer to your letter on the 4 March 2014 concerning the above.

I advise that NTSCORP's privacy guidelines restrict us from providing proponents with contact details of traditional owners. However, we will forward your correspondence to any individuals, groups and organisations, whom NTSCORP is aware assert traditional interests within, or hold cultural knowledge about the relevant area.

Please be aware that NTSCORP cannot make a guarantee or undertaking that the recipients of our correspondence represent the entirety of traditional owners for the relevant area.

To assist proponents in following the Aboriginal Cultural Heritage Consultation Requirements, recipients of our correspondence will be invited to register their interest in the project directly with you ASAP.

Yours faithfully



George Tonna
Land & Notifications Officer
Strategic Development Team

Head Office

Level 1, 44-70 Rosehill Street, Redfern NSW 2016
PO Box 2105 Strawberry Hills NSW 2012

p: + 61 2 9310 3188
f: + 61 2 9310 4177
freecall: 1800 111 844

Regional Office (Coffs Harbour)

Suite 2, 133 West High Street, Coffs Harbour NSW 2450
PO Box 156 Coffs Harbour NSW 2450

p: + 61 2 6651 4588
f: + 61 2 6651 7954



National
Native Title
Tribunal



11 March 2014

Jeremy Hill
RPS
PO Box 428
HAMILTON NSW 2303

Operations East, Sydney Office

Level 16, Law Courts Building,
Queens Square
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Ref: 6070/14SJ

Your Ref: 119462-11

Dear Mr Hill

**Native Title Search Results for Anna Bay
within the Port Stephens Council Local Government Area**

Thank you for your search request of 6 March 2014 in relation to the above area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

Register Type	NNTT Reference Numbers
Schedule of Applications (unregistered claimant applications)	Nil.
Register of Native Title Claims	Nil.
National Native Title Register	NND2012/002; NND2008/002; NND2006/002;
Register of Indigenous Land Use Agreements	Nil.

I have included relevant Register Extracts and an NNTT Registers fact sheet to help guide your understanding of the search result.

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

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you

need to refer to “Area covered by claim” section of the relevant Register Extract or Schedule Extract and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representative, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please feel free to contact me via the details listed below.

Yours sincerely



Sylvia Jagtman | SENIOR CASE MANAGEMENT ASSISTANT

National Native Title Tribunal | Sydney Office, Operations East

Telephone (02) 9227 4013 | Facsimile (02) 9227 4030 | Email sylvia.jagtman@nntt.gov.au

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

Shared country, shared future.



Searching the NNTT Registers in New South Wales

Search service

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

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

What information can a search provide?

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

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

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

What if the search shows no current applications?

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

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

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

Where the information is found

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

National Native Title Register

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

Register of Native Title Claims

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

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

Register of Indigenous Land Use Agreements

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

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

Schedule of Native Title Applications

The Schedule of Native Title Applications contains a description of the location, content and status of a native title claim.

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

How do I request a native title search?

Download the Search Request Form from the Tribunal's website at -

<http://www.nntt.gov.au/Applications-And-Determinations/Registers/Pages/Search-The-Tribunal-Registers.aspx>

Email to: NSWEnquiries@nntt.gov.au

Post to: GPO Box 9973 Sydney NSW 2001

For additional enquiries: 02 9227 4000

Extract from the National Native Title Register

Determination Information:

Determination Reference:	Federal Court Number(s): NSD34/2006 NNTT Number: NND2006/002
Determination Name:	Hillig as Administrator of Worimi Local Aboriginal Land Council v NSW Native Title Services Ltd
Date(s) of Effect:	01/09/2006
Determination Outcome:	Native title does not exist

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date:	01/09/2006
Determining Body:	Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. No native title exists in relation to the property referred to as NSW Department of Lands Certificate of Title folio identifier 473 of Deposited Plan 728126 and located in the Local Government Area of Port Stephens, Parish of Tomaree, County of Gloucester, State of New South Wales.

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the National Native Title Register

Determination Information:

Determination Reference:	Federal Court Number(s): NSD1989/2004 NNTT Number: NND2008/002
Determination Name:	Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales (No 2)
Date(s) of Effect:	18/12/2008
Determination Outcome:	Native title does not exist

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date:	18/12/2008
Determining Body:	Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. No native title exists in relation to NSW Department of Lands Certificate of Title folio identifier 576 in Deposited Plan 48823 and located in the Local Government Area of Port Stephens, Parish of Tomaree, County of Gloucester, State of New South Wales.

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NSD1732/2010
NNTT Number: NND2012/002

Determination Name: Worimi Local Aboriginal Land Council v Attorney-General of New South Wales

Date(s) of Effect: 29/02/2012

Determination Outcome: Native title does not exist

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 29/02/2012

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. The name of the State Minister who is the First Respondent to these proceedings pursuant to s 84(4) of the Native Title Act 1993 (Cth) be changed from the Premier of New South Wales to the Attorney-General of New South Wales.
2. There be a determination that no native title exists in Lot 491 in Deposited Plan 727810 being the land contained in Folio Identifier 491/727810 being land known as 74 Port Stephens Drive, Taylors Beach NSW 2316.

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.



WORIMI LOCAL ABORIGINAL LAND COUNCIL

ABN: 51 352 201 603

PO Box 56
Tanilba Bay NSW 2318

2163 Nelson Bay Road
Williamstown NSW 2318

Phone: 02 4033 8800
Fax: 02 4033 8899

info@worimi.org.au

www.worimi.org.au

Our Ref: 119462-11/WLALC180314

Tuesday 18th March 2014

RPS Australia East Pty Ltd
Mr Jeremy Hill
PO Box 428
HAMILTON NSW 2303

Dear Jeremy,

RE: Community Consultation / Aboriginal Culture & Heritage Assessment

This letter is to explain to you the role of Worimi Local Aboriginal Land Council (WLALC) in relation to matters of Aboriginal culture and heritage. We believe this explanation is necessary because of the confusion and uncertainty we perceive is the general community's knowledge of such matters and because unfortunately we find ourselves from time to time in conflict about matters of consultation surrounding Aboriginal culture and heritage.

Firstly, Worimi LALC is a body corporate constituted under the Aboriginal Land Rights Act 1983 (NSW) ("ALRA"). The preamble to the ALRA states:

WHEREAS:

- 1) *Land in the State of New South Wales was traditionally owned and occupied by Aborigines;*
- 2) *Land is of spiritual, social, cultural and economic importance to Aborigines;*
- 3) *It is fitting to acknowledge the importance which land has for Aborigines and the need of Aborigines for land;*
- 4) *It is accepted that as a result of past Government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation.*

In acknowledgement of these facts the purpose of the ALRA states:

3 Purpose of Act

The purposes of this Act are as follows:

- a) to provide land rights for Aboriginal persons in New South Wales,*
- b) to provide for representative Aboriginal Land Councils in New South Wales,*
- c) to vest land in those Councils,*
- d) to provide for the acquisition of land, and the management of land and other assets and investments, by or for those Councils and the allocation of funds to and by those Councils,*
- e) To provide for the provision of community benefit schemes by or on behalf of those Councils.*

The 'representative Aboriginal Land Councils in New South Wales' mentioned in the ALRA's purposes are the New South Wales Aboriginal Land Council ("NSWALC") and 121 Local Aboriginal Land Councils (LALCs). The functions of NSWALC and LALCs are set out in the ALRA. More importantly, in relation to Aboriginal culture & heritage section 52 (4) of the ALRA states the following about a LALCs functions:

52 (4) Aboriginal culture and heritage

A Local Aboriginal Land Council has the following functions in relation to Aboriginal culture and heritage:

- a) To take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law;*
- b) To promote awareness in the community of the culture and heritage of Aboriginal persons in the Councils area.*

Similarly, in accordance with the Office of Environment & Heritage *Interim Community Consultation Requirements for Applicants* (for persons seeking an approval under Part 6 of the *National Parks and Wildlife Act 1974*), Part B of the requirements state that Local Aboriginal Land Councils are one of five key bodies to be notified of projects where Aboriginal culture and heritage matters need to be addressed.

This means that Worimi LALC has a direct role in the protection and promotion of Aboriginal culture and heritage within its area. The concept of area is important; WLALC is body corporate with a jurisdictional area (like Local Government). It is within our gazetted area that we carry out our functions.

An issue that has become increasingly difficult for Worimi LALC is our role in caring for Aboriginal culture and heritage within our area and in providing advice to third parties (government and private) about Aboriginal culture and heritage.

There are three main reasons for this difficulty:

- i. The operation of the National Parks and Wildlife Act 1974 ("NPWA"), in particular Part 6 (including section 87 and 90) and the associated *Interim Community Consultation Requirements for Applicants*;
- ii. The recognition of Native Title in Australia; and
- iii. The New South Wales planning laws increasing demand for Aboriginal archaeological assessment of proposed land developments

More individuals are increasingly asserting that they are genuine descendants of the original Aboriginal inhabitants of the area. While some individuals may have had elements of their Native Title rights recognized (some may be registered Native Title claimants) others may be registered "Aboriginal Owners" (under section 172 of the ALRA). The reality is that certain individuals have been regrettably misinformed while others may unfortunately be charlatans.

The critical question is the degree of legitimacy of any person holding out that they can speak for Aboriginal culture and heritage. Conflict arises between people competing to be viewed as the exclusive individual or group that speaks about Aboriginal culture and heritage in an area and conflict also arises with LALCs. The basis for this conflict is often competition for paid employment assisting third parties with Aboriginal archaeological inquiries and reports.

An example of this conflict is a land developer who is required to provide an Aboriginal archaeological assessment as part of a development application for which they are the proponent. The developer will commission an Aboriginal archaeological consultant to provide a report. The archaeological consultant will in turn provide casual employment for Aboriginal people to provide advice about Aboriginal culture and heritage. (This is an appropriate course of action)

The conflict that arises is that when the archeological consultant makes enquiries about the relevant Aboriginal people to employ within a particular area, they are too often confronted with a number of Aboriginal people all asserting that they are the relevant people to speak with, and in most circumstances, to the exclusion of others.

The Worimi LALC is very conscious of the difficulties this conflict causes land developers, archaeologists, consent authorities, governments etc. Worimi LALC is also very conscious of and directly affected by the conflict this causes within the Aboriginal community.

It is not the case that Worimi LALC has the exclusive rights to speak for Aboriginal culture and heritage in the area, nor do we seek exclusive rights. However, the Worimi LALC is a very legitimate source of advice about such matters and has legal power to protect and promote Aboriginal culture and heritage.

The legitimacy of other Aboriginal people to speak for Aboriginal culture and heritage may range from legitimate primary rights to no legitimacy whatsoever; regardless of how loud they seek to make their voice heard.

The challenge for the general community is how to decide who they should engage with, in the Aboriginal community, to ensure the best possible advice about Aboriginal culture and heritage issues.

It is beyond doubt that engagement with Worimi LALC is critical; not to do so courts uncertainty and dispute. Careful judgment must be exercised by the proponent and/or the archaeologist in deciding who else to engage with.

We take our responsibility to care for Aboriginal culture and heritage in our area very seriously, we also strive to offer a professional and thoughtful link between the Aboriginal and non-Aboriginal community about these issues.

We strongly urge you to engage with Worimi LALC about Aboriginal culture and heritage issues in the first instance and look forward to working with your organisation in future projects.

Please feel free to contact our office for further information on the numbers listed above.

Yours sincerely,

Worimi Local Aboriginal Land Council

A handwritten signature in black ink, appearing to read 'Andrew Smith', is written over the printed name and title.

Andrew Smith
Chief Executive Officer

Example Expression of Interest Letter

**Newcastle Office**

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292

PO Box 428, Hamilton, NSW Australia 2303

T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 119462-11

Date: 20/03/2014

**RE: THE BAY RESORT ABORIGINAL CULTURAL HERITAGE IMPACT ASSESSMENT
EXPRESSION OF INTEREST**

RPS Australia East Pty Ltd will be conducting an Aboriginal Cultural Heritage Impact Assessment for Raphael Shin Enterprises Pty Ltd for The Bay Resort (the Project). The Project is located at Anna Bay in the Port Stephens Local Government Area (Figure 1).

The Project requires an Aboriginal Cultural Heritage Impact Assessment to support the development and submission to the Department of Planning and Infrastructure under the NSW *Environmental Planning and Assessment Act* (as amended) 1979 and *Regulation*. The project is a proposed five star international eco-tourist resort that will consist of 384 rooms and suites, restaurants, meeting rooms and other associated infrastructure. The Aboriginal Cultural Heritage Impact Assessment will inform an Environmental Impact Statement.

In accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010) (ACHCRs), Raphael Shin Enterprises Pty Ltd is required to conduct community consultation with the relevant Aboriginal people. The purpose of which is to assist Raphael Shin Enterprises Pty Ltd in the preparation of its development and to assist the Director General of the NSW Department of Planning and Infrastructure in his or her consideration and determination of the development.

Also in accordance with the ACHCRs, Aboriginal persons or groups who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and or place(s) in the Project are invited to express interest in a process of community consultation with Raphael Shin Enterprises regarding the Project.

Should your organisation wish to become a registered Aboriginal Party (RAP) for this project, please reply by Friday 04 April 2014 in writing via the following contact details:

Jeremy Hill
RPS Cultural Heritage Consultant
PO Box 428, Hamilton NSW 2303
Telephone: (02) 4940 4200
Fax: (02) 4961 6794
Email: jeremy.hill@rpsgroup.com.au

Raphael Shin Enterprises Pty Ltd advises that the details of the Aboriginal people who are registering as Aboriginal Parties will be forwarded to the NSW Office of Environment and Heritage and the Worimi Local Aboriginal Land Council. If your organisation would like to become a RAP, but does not want their details released to the above authorities, please specify accordingly at registration.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

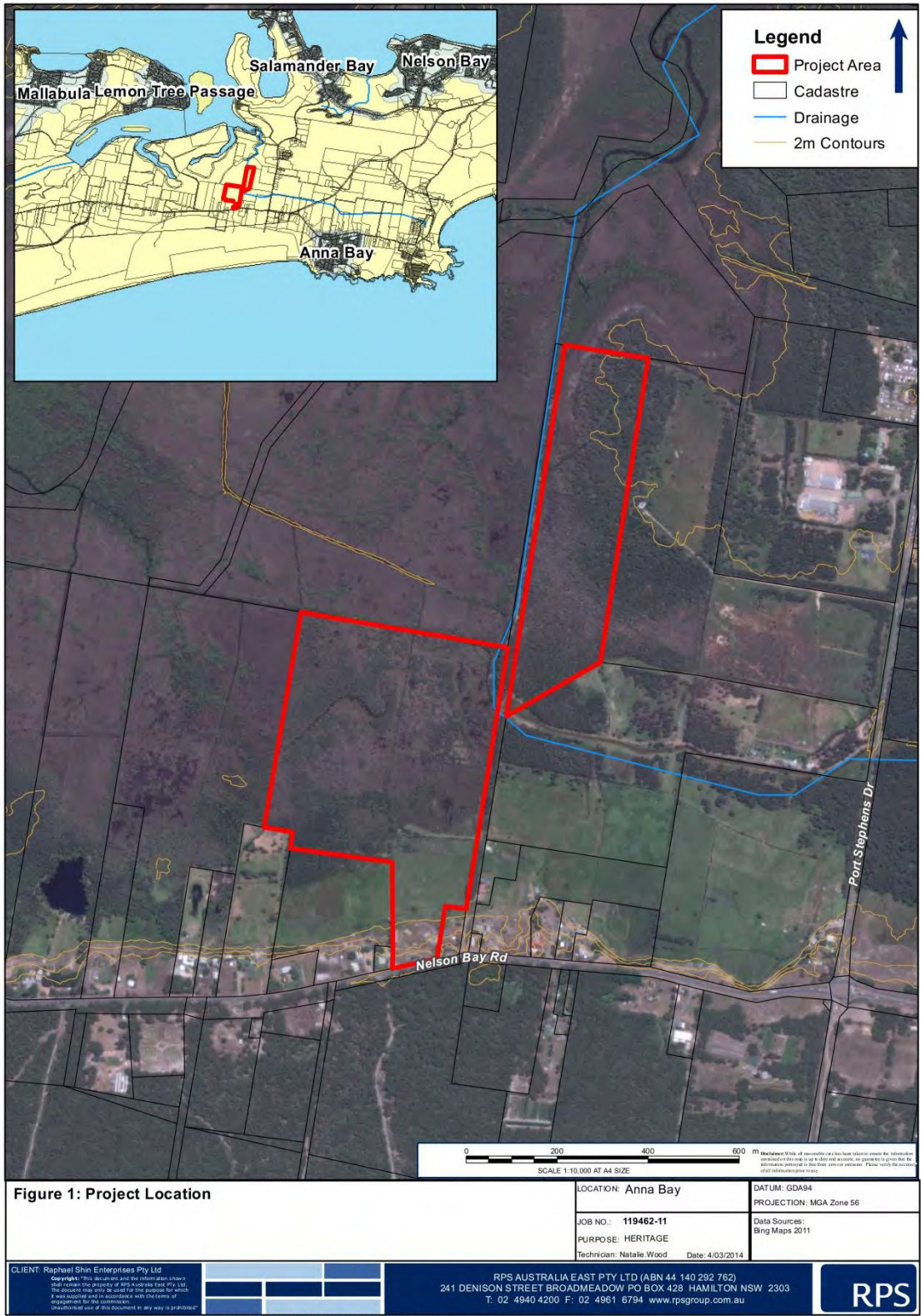
Yours sincerely
RPS



Jeremy Hill
Cultural Heritage Consultant (Barts Archaeology [Hons] & Anthropology)

cc: Tessa Boer-Mah, Newcastle Cultural Heritage Manager

Figure 1: Project Location



References

DECCW. 2010. "Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 Part 6 National Parks and Wildlife Act." Sydney: Department of Environment Climate Change and Water NSW,.

Example EoI sent to RAPS

Expression of Interest from RAPs



Mur-roo-ma Inc

9 Vardon Road Fern Bay
2295 N.S.W Australia

ABN : 978 077 194 84

Phone / Fax : 02 49281910

Mobile : 0402 82 74 82

E-mail : murroomainc1@gmail.com

To RPS

17/3/2014

Attn Jeremy Hill

Re **Aboriginal Registration of interest for**

The Bay Resort Anna Bay

Thank you for the opportunity to have an input into this project.

Mur-roo-ma Inc has read the expression of interest for the above project

We are local Worimi traditional owners with extensive Cultural

Knowledge and 25 years experience in sites investigations of our local area

I have lived in area for 50 years and consulted on previous projects

and would like to formally offer our services through our knowledge

holders Mr Anthony Anderson and Mrs Rebecca Young and to share our

knowledge to create the best outcome for all concerned. Mur-roo-ma Inc

has relevant insurances which can be forward if requested

Please don't hesitate to contact me if you need any further information.

Contact Person

Anthony Anderson Mo 0402827482

E-mail murroomainc1@gmail.com

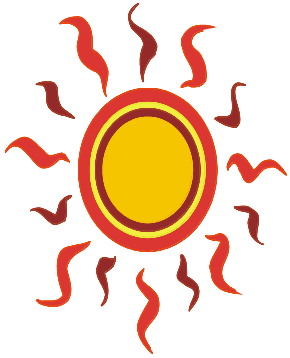
Kind regards

Anthony Anderson JP

Worimi Traditional Custodian

CEO of Mur-roo-ma Inc

Nur-Run-Gee Pty Ltd
ABN 37 096 307 701



**CULTURAL AND HERITAGE
CONSULTANT
LICENCED BUILDER**

22 Popplewell Road
Fern Bay 2295

Phone: 02 49 201578
Mobile: 0408 618 874 Leanne
Mobile: 0431 334 365 Lennie
Email:
goodman@kooee.com.au

RPS Australia East Pty Ltd
Attention Jeremy Hill
PO Box 428
Hamilton NSW 2303

Dear Jeremy

**Re: Registration of Interest – The Bay Resort Raphael Shin
Enterprises, Anna Bay, Port Stephens LGA NSW**

Nur-Run-Gee Pty Ltd wishes to register their Expression of Interest in regard to the proposed project at The Bay Resort Raphael Shin Enterprises, Anna Bay, Port Stephens LGA NSW

We are an Indigenous company that can offer the services of Cultural and Heritage Consultants and qualified Indigenous sites/field officers with over 20 years experience. All staff have their Green/White card qualifications and are fit and able to carry out field work.

Nur-Run-Gee Pty Ltd has relevant insurances which can be forwarded if requested along with staff qualifications.

Looking forward to hearing from you.

If you have any further enquiries please do not hesitate to contact us.

Yours Sincerely
Lennie and Leanne Anderson
Directors
Nur-Run-Gee Pty Ltd

RECORD OF TELEPHONE CONVERSATION/PERSONAL INTERVIEWS

NAME	Jeremy Hill	DATE	07/04/2014
------	-------------	------	------------

SPEAKING TO:

NAME:	Carol Ridgeway-Bissett	TIME:	1600
OF:	Maaiangal Elders	JOB #:	119462-11
PROJECT	The Bay Resort	PHONE:	(02) 4984 3113

- JH Rang Maaiangal Elders to ask if they were interested in registering their interest for 'The Bay Resort'
 - » Carol had not received the letter as the OEH supplied address had not been updated
 - Address is now 17 Parkes Street, Nelsons Bay, NSW 2315
 - » The Maaiangal Elders cannot participate in the survey as they do not have current insurances
 - » Carol would also like the flora and fauna aspect be taken into consideration for the report, as cultural heritage is much more than just artefacts – it is wildlife and plants.
- They have registered their interest and would like to be consulted for the project

Example Methodology Letter

**Newcastle Office**

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292

PO Box 428, Hamilton, NSW Australia 2303

Our Ref: 119462-11

Date: 07/05/2014

**RE: ABORIGINAL CULTURAL HERITAGE IMPACT ASSESSMENT FOR THE BAY RESORT,
PORT STEPHENS**

Thank you for your registration of interest in this project. Attached is information about the proposed project and the heritage assessment methodology including the methodology for information regarding cultural significance.

We are seeking your input into the heritage assessment methodology as per the Aboriginal Cultural Heritage Consultation Requirements (ACHCRs). We have attached a feedback form which you may wish to use in response to the methodology.

If you could provide feedback on the methodology to RPS by 5pm on 5 May 2014, either by email or return mail that would be greatly appreciated. Please address methodology feedback to Jeremy Hill:

jeremy.hill@rpsgroup.com.au

RPS

PO Box 428

Hamilton NSW 2292

Phone: 02 4940 4200

Fax: 02 4961 6794

If you have any further enquiries regarding the above please do not hesitate to contact me.

Yours faithfully

RPS

Jeremy Hill
Cultural Heritage Consultant

The Bay Resort Aboriginal Cultural Heritage Impact Assessment Methodology, Project Information and Protocols for Sensitive Cultural Information

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements 2010* (ACHCRs). Information has been provided on the proposed project (as required by Stage 2 ACHCRs) as well as on gathering information regarding cultural significance (as required by ACHCRs) assessment. The project will be assessed under Part 5 of the *Environmental Planning and Assessment Act 1979*.

Project Information

RPS has been engaged by Raphael Shin Enterprises Pty Ltd to prepare an Aboriginal Cultural Heritage Impact Assessment (ACHIA) to be included in an Environmental Impact Statement (EIS) for The Bay Resort, Port Stephens. As a part of the ACHIA, potential impacts on Aboriginal cultural heritage will be assessed, and appropriate recommendations made. The study area consists of two land parcels as denoted in Figure 1, the northern portion being approximately 13 hectares and the southern portion approximately 26 hectares. Raphael Shin Enterprises are preparing the EIS to assist in the development of the proposed The Bay Resort.

As part of the ACHCR process Aboriginal stakeholders are expected to respond to information sent, as well as provide cultural heritage information as appropriate in accordance with the role specified in the ACHCR 2010, pages 15-16. RPS, on behalf of Raphael Shin Enterprises Pty Ltd, in accordance with their role under the ACHCRs will consult with the Aboriginal community, supply suitable project information and provide the opportunity for Aboriginal stakeholder input into the heritage management process as specified in the ACHCRs 2010, pages 16-17.

Aboriginal Cultural Heritage Assessment Methodology

The methodology for the Aboriginal cultural heritage impact assessment comprises:

- a review of background environmental and archaeological information,
- an AHIMS search;
- formulation of a predictive model;
- a visual inspection;
- assessment of significance; and
- formulation of recommendations for heritage management.

The above components of the Aboriginal heritage assessment methodology will be completed in consultation with Aboriginal stakeholders.

RPS invites Aboriginal stakeholders to provide culturally appropriate information verbally or in writing with regards to this project (a feedback form is attached and may be used as necessary). This includes any places of cultural value which may, or may not contain archaeological material.

Cultural information provided by Aboriginal stakeholders will be recorded in the Aboriginal consultation log and discussed in the report, unless the information is too sensitive to be made public. If this is the case, the attached protocol will be adopted (Figure 2), or another protocol adopted as agreed by the Aboriginal stakeholder/s.

As part of this methodology Aboriginal stakeholders will be provided with the draft report for comment and allowed 28 days for review, as per page 14 of the ACHCRs 2010.

Methodology for Fieldwork

Fieldwork will be conducted in accordance with the requirements set out in the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010).

Survey Aims

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

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). The sampling strategy used for this assessment will target all landforms which may be impacted by the proposed development and where possible, targeted landforms which had been identified as having archaeological potential on the basis of background research. The landforms in the study area are: swamps, creek lines and coastal flat areas; and thus were included in the survey sampling strategy. Where possible these landforms were subject to pedestrian survey. In addition, the following landforms were identified as having a moderate to high potential for Aboriginal sites: swamps and creek lines; and thus will also be targeted during the survey.

Field Methods

The survey will be conducted on foot (pedestrian) and targeted the landforms identified in the sampling strategy above. The area surveyed will be recorded in survey units. Each survey unit will be mapped and recorded in accordance with landforms, study 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 will be undertaken on the basis of GPS recorded data and with reference to aerial and topographic information. The recording of survey units will be undertaken 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 will 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. Such recording involves the documentation of the material traces of past Aboriginal land use, including the spatial extent of sites and any other obvious physical boundaries. Aboriginal cultural sites identified by Aboriginal stakeholders may not always involve material traces and boundaries of such sites, if identified, will be mapped on the basis of information provided by the stakeholders. The position of such sites need to be recorded by GPS receivers and mapped accordingly.

Process for Gathering Information about Cultural Significance

In order to gather information about cultural significance will provide a number of opportunities for Aboriginal stakeholders have input into heritage assessment and management process. These opportunities are summarised on the following page and will be briefly outlined here.

This letter has outlined the nature of the project including mapping, heritage assessment methodology and protocols for handling culturally sensitive information. A feedback form is attached to this letter which can be used to provide input into the assessment methodology.

A pre-fieldwork meeting (usually on the morning of the first day of survey) will provide an opportunity to meet the RPS survey team and opportunity to review the maps of the study area, the previously recorded Aboriginal sites from AHIMS, as well as discuss field survey methods and any cultural information relevant to the project. The pre-fieldwork meeting will involve two steps: the first will be a group discussion, the second will allow the opportunity for individual discussions with each stakeholder group. This second step is to identify if there is any confidential cultural information which should not be made public. The steps/levels of consultation will be made available throughout the process. Minutes of the meetings will be kept and agreed upon by all parties.

A toolbox talk will be conducted each morning before field work commences and the opportunity will be given to raise any issues or comment on the fieldwork progress.

A post field work meeting will be conducted on the last day of field work. This meeting will outline the areas which have been surveyed, a summary of Aboriginal sites observed (if applicable) and the discussion of cultural significance. In particular there will be an opportunity to discuss the criteria for the assessment of significance outlined in the OEH guidelines (2011:7-11):

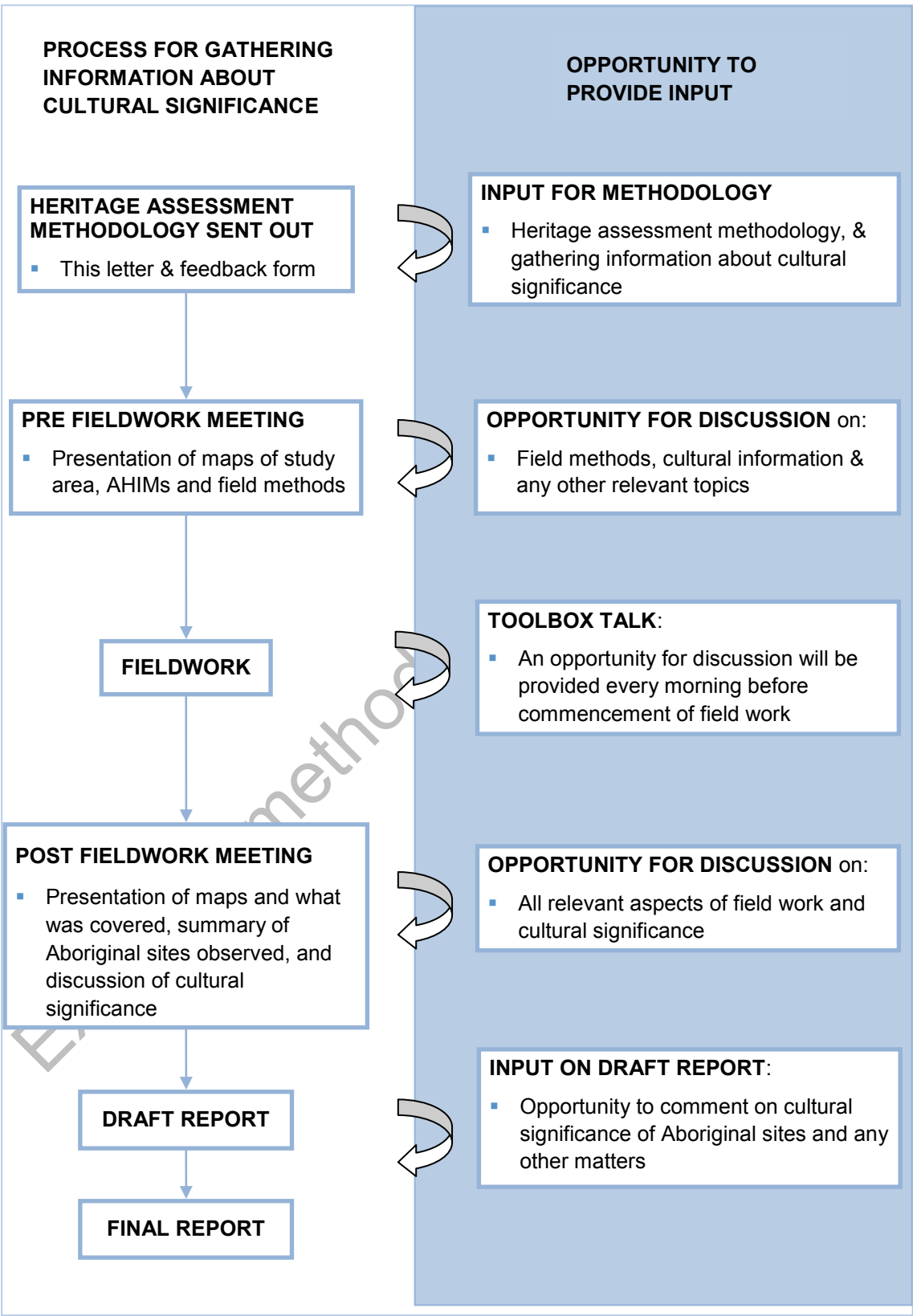
- Social
- Historic
- aesthetic

Another opportunity for the assessment of significance will be provided during the review of the draft report.

The draft report will be sent to Aboriginal stakeholders and the opportunity assess the significance of Aboriginal sites identified in the study area will be provided. An opportunity for feedback on any aspects of the assessment will also be provided at this stage. Aboriginal stakeholders will be allowed 28 days for the review of the report, as per page 14 of the ACHCRs 2010.

Cultural information provided by Aboriginal stakeholders will be recorded in the Aboriginal consultation log and discussed in the report, unless the information is too sensitive to be made public. If this is the case, the attached protocol will be adopted (Figure 2), or another protocol adopted as agreed by the Aboriginal stakeholder/s.

Summary of process for Gathering Information about Cultural significance and opportunities for registered Aboriginal parties' input



Aboriginal Feedback Form for The Bay Resort Methodology

I have been sent information regarding the proposed heritage assessment methodology, including protocols for the management of sensitive cultural information, for The Bay Resort EIS. I seek to endorse the proposed methodology, unless otherwise stated below, or with the following amendments:

Name.....

Registered Organisation.....

Signature.....

Date.....

Please send this document within 28 days signed back to **Jeremy Hill** via:

- Fax : 02 4961 6794
- Post: PO Box 428, Hamilton NSW 2303
- E-mail: jeremy.hill@rpsgroup.com.au

Figure 1 Study Area

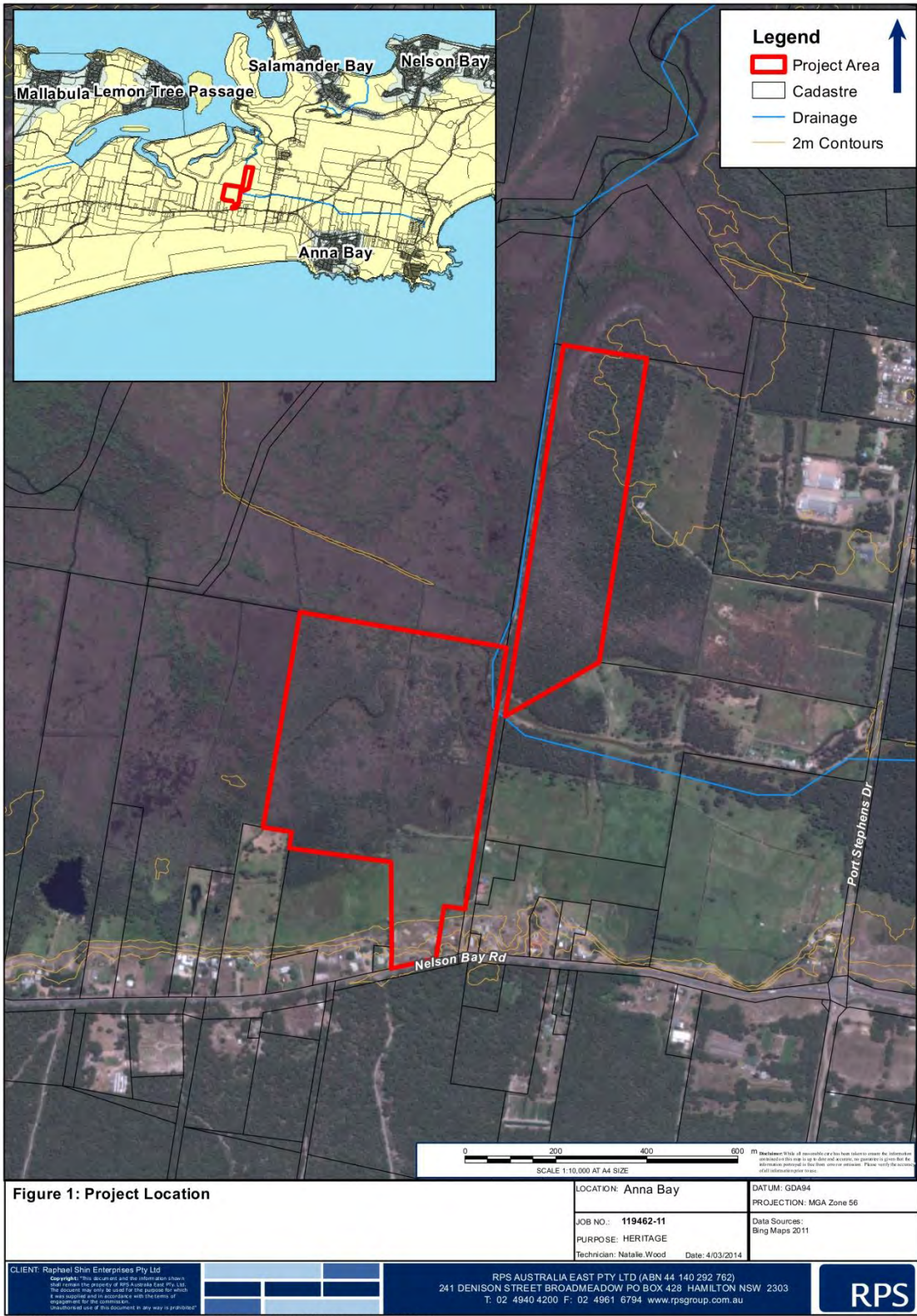
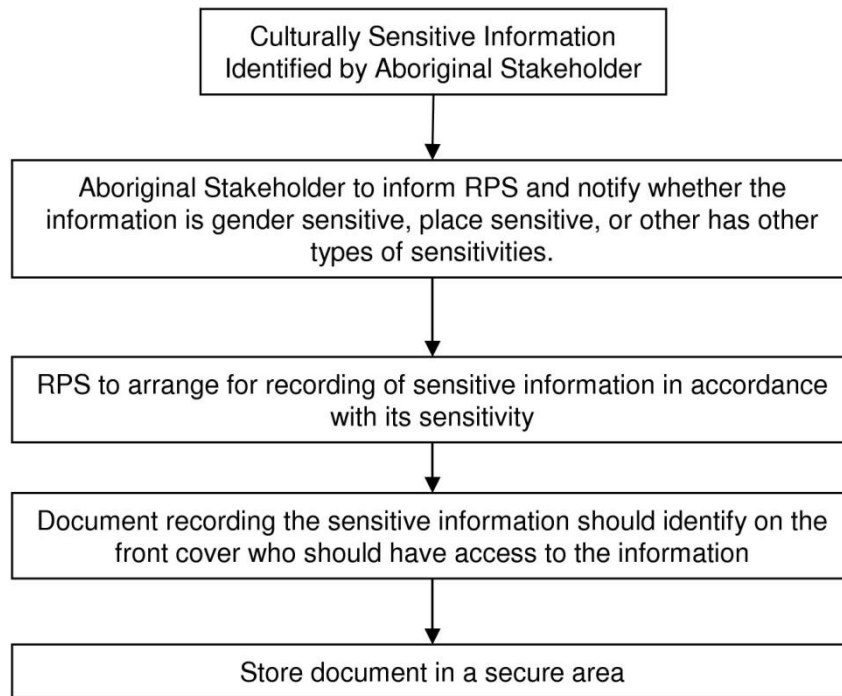


Figure 2 Culturally Sensitive Information Protocol



RAP Responses to Methodology

Aboriginal Feedback Form for The Bay Resort Methodology

I have been sent information regarding the proposed heritage assessment methodology, including protocols for the management of sensitive cultural information, for The Bay Resort EIS. I seek to endorse the proposed methodology, unless otherwise stated below, or with the following amendments:

Name..... heanne Anderson

Registered Organisation..... Nyir-Run-Ciee P/L

Signature..... Wheeler

Date..... 8th March 2014

Please send this document within 28 days signed back to **Jeremy Hill** via:

- Fax : 02 4961 6794
- Post: PO Box 428, Hamilton NSW 2303
- E-mail: jeremy.hill@rpsgroup.com.au

Aboriginal Feedback Form for The Bay Resort Methodology

I have been sent information regarding the proposed heritage assessment methodology, including protocols for the management of sensitive cultural information, for The Bay Resort EIS. I seek to endorse the proposed methodology, unless otherwise stated below, or with the following amendments:

*We Strongly recommend the use of
Local Knowledge holders for field
work*

Name..... *Anthony Anderson*
Registered Organisation..... *Mur-Roo-ma Inc*
Signature..... *AJ Anderson*
Date..... *7-4-14*

Please send this document within 28 days signed back to **Jeremy Hill** via:

Fax : 02 4961 6794

Post: PO Box 428, Hamilton NSW 2303

E-mail: jeremy.hill@rpsgroup.com.au

Example Invitation for Field Survey

Newcastle Office

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303

RE: ABORIGINAL CULTURAL HERITAGE FIELD SURVEY FOR THE BAY RESORT, ANNA BAY

Thank you for registering your interest in the Bay Resort Aboriginal Cultural Heritage Impact Assessment, Anna Bay. The current works will commence on Monday 26th May 2014 and is expected to last a maximum of **two** days. The programme will be conducted by RPS Cultural Heritage Consultants in consultation with attending representatives from the Registered Aboriginal Parties (RAPs). The field work will be undertaken in accordance with the methodology provided previously.

The table below lists the dates that your group has been identified for. Please supply **one (1)** representative from your group for each day listed below.

Company Name	Date Rostered
Mur-Roo-Ma Inc	26 & 27 May 2014
Nur-Run-Gee P/L	26 & 27 May 2014
Worimi Local Aboriginal Land Council	26 & 27 May 2014
Maaiangal Aboriginal Heritage	26 & 27 May 2014

For each day of work, please ensure that your Sites Officer/ nominated representative is onsite at 7.45am.

Address: 4177 Nelson Bay Road, Anna Bay

PPE: PPE is to be worn by the Sites Officer/ representative and must include a high visibility vest, long sleeve shirt, long pants, steel cap boots, hard hat, gloves, protective glasses and sunscreen etc.

Food and water: Please ensure that the Sites Officer brings food and adequate water supply, as the scheduled work will last all day (until 4pm).

Payment rates: RPS understands that your payment rates are \$550 per day. Please supply an invoice on completion of the field survey to Jeremy Hill, on the details below.

Site Officer Contact Details: Can you please provide RPS with the name and contact phone number of the Sites Officer attending the survey (see attachment). The Sites Officer may be required to sign a fitness for work agreement.

Registration of Participation: To indicate that a representative of your group is available to participate on these dates, please send the attachment to:

RPS

Jeremy Hill
PO Box 428
Hamilton NSW 2303
Fax: (02)4961 6794
Email: jeremy.hill@rpsgroup.com.au

Invoicing & Billing details

RPS will be the primary contact for the processing and payment of invoices. Please supply an invoice on the completion of the field survey to Jeremy Hill using the contact details above.

Further information on the fieldwork will be provided following confirmation of attendance. If you are unable to participate on these dates, please let RPS know ASAP and we may be able to find an alternate day. If you have any further enquiries regarding the above please do not hesitate to contact Jeremy Hill on (02) 4940 4200.

Yours sincerely,

RPS on behalf of Raphael Shin Enterprises Pty Ltd



Attachment One: Registration of Participation

Please return this form to Jeremy Hill on the details above

Organisation Details	
Name of Organisation	
Address	
Phone	
Nominated Sites Officer	
Name of Nominated Sites Officer	
Phone	
Email	

Example Cover Letter Sent to RAPs with Draft Report



Newcastle Office

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292

PO Box 428, Hamilton, NSW Australia 2303

T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 119462-11

Date: 23/06/2014

RE: 'THE BAY RESORT' DRAFT CULTURAL HERITAGE IMPACT ASSESSMENT

Thank you for your ongoing participation in 'The Bay Resort' Cultural Heritage Impact Assessment, Anna Bay. Please find the enclosed draft report for your review and comment. If you would like your comments to be included in the final version of the report please reply in writing by the 21/07/2014. Your organisation can forward your written responses to Jeremy Hill, contact details below.

Jeremy Hill

jeremy.hill@rpsgroup.com.au

PO Box 428, Hamilton, NSW, 2303

Ph: 4940 4200

Fax: 4961 6794

Please **complete page 35** of the Cultural Heritage Impact Assessment in order to provide RPS with the Cultural Significance of AHIMS site 38-5-0250. Further details are provided in Sections 5.3.1, 6.4 and 7.2 of the Cultural Heritage Impact Assessment. We are happy to discuss the results of the assessment and welcome your comments.

Yours sincerely

RPS

Jeremy Hill

Cultural Heritage Consultant

enc: Draft Cultural Heritage Impact Assessment Report for 'The Bay Resort'

RAP responses to Draft Report



Mur-Roo-Ma Inc

9 Vardon Road Fern Bay
2295 N.S.W Australia

ABN : 978 077 194 84

Phone / Fax : 02 49281910

To RPS

Attn Jeremy Hill

17/7/2014

Bay Resort Anna Bay Aboriginal Cultural Heritage and Archaeological Assessment Report

We confirm the following:

1. Mur-roo-ma Inc fully understand and the contents of this report
2. Chris Colinson a representative of our organisation did attend the site for the assessment
3. We agree with the appropriate Management Strategies to be used on this project
4. We do endorse the recommendations and conclusions in this report
5. That to the best of our knowledge all reasonable care and action was taken to identify any Aboriginal Objects or potential on the land.
6. We found the consultation to be respectful of the local Aboriginal community

Comments

With registered sites in close proximity and the belief that our people

Transacted this area makes it highly significant to the local Aboriginal people

It is our belief as an Aboriginal organization our requests and beliefs have been acknowledged

In this report

Mur-roo-ma Inc fully understands and agree with the recommendations and the conclusions in the Report

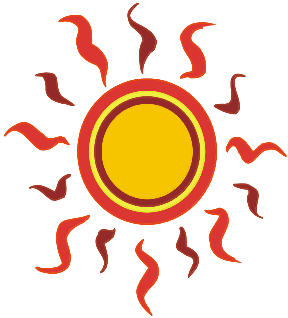
All possible Aboriginal objects and places within the project area are of great value to our people as they Are in all our lands

Anthony Anderson

CEO

Mur-roo-ma Inc

Nur-Run-Gee Pty Ltd
ABN 37 096 307 701



**INDIGENOUS ARCHAEOLOGIST
CULTURAL AND HERITAGE
CONSULTANT
LICENCED BUILDER**

22 Popplewell Road
Fern Bay 2295

Phone: 02 49 201578
Mobile: 0408 618 874 Leanne
Mobile: 0431 334 365 Lennie
Email:
goodman@kooe.com.au

16th July 2014

RPS
Attention Jeremy Hill
PO Box 428
Hamilton NSW 2303

Dear Jeremy

**Re: Draft Report Comment – Aboriginal Cultural Heritage
Assessment, ‘The Bay Resort’, Anna Bay, NSW**

Thank you for the opportunity to comment on the Aboriginal Cultural Heritage Assessment, ‘The Bay Resort’, Anna Bay, NSW

After reading the draft report of the Aboriginal Cultural Heritage Assessment of The Bay Resort, Nur-Run-Gee P/L, agrees with and understands the draft report, especially sections

- 7.2 Aboriginal Cultural (Social) Significance – This site follows our dreaming line and is part of the Cultural Landscape
- 8.1.1 Impact Assessment of Surface Disturbance Areas

Nur-Run-Gee P/L has nothing further to add in regards to Cultural recommendations.

If you have any further enquiries please do not hesitate to contact us.

Yours Sincerely

Lennie Anderson
Worimi Traditional Custodian
Indigenous Archaeologist
Director
Nur-Run-Gee Pty Ltd

Jeremy Hill

From: Jaqualine Henderson [jackie@worimi.org.au]
Sent: Friday, 18 July 2014 12:13 PM
To: Jeremy Hill
Subject: RE: Anna Bay CHIA Comments

Good afternoon Jeremy,

I have spoken with Jamie Merrick – Worimi LALC Snr Sites Officer.

Jamie informs me that there is no further comment in regards to the Anna Bay Cultural Heritage Impact Assessment submitted by RPS. Jamie advises that Worimi LALC supports the recommendations given in the HIA.

Kind regards

Jackie Henderson
Administration Officer
Worimi Local Aboriginal Land Council
2163 Nelson Bay Road
WILLIAMTOWN NSW 2318

Ph: 02 40338802
Fax: 02 40338899
Email: jackie@worimi.org.au

From: Jeremy Hill [<mailto:Jeremy.Hill@rpsgroup.com.au>]
Sent: Friday, 18 July 2014 11:48 AM
To: Jaqualine Henderson
Subject: Anna Bay CHIA Comments

Hi Jackie,

As discussed yesterday, can you please email me with any comments regarding the Anna Bay Cultural Heritage Impact Assessment?

Cheers,



Jeremy Hill
Cultural Heritage Consultant
RPS Australia Asia Pacific
PO Box 428, Hamilton, NSW, Australia, 2303
241 Denison St, Broadmeadow, NSW, 2292
Tel: +61 2 4940 4200
Fax: +61 2 4961 6794
Email: Jeremy.Hill@rpsgroup.com.au
www: <http://rpsgroup.com.au>

confidence to the addressee only.

Internet communications are not secure and RPS is not responsible for their abuse by third parties, any alteration or corruption in transmission or for any loss or damage caused by a virus or by any other means.

Appendix 4

AHIMS Searches

RPS Australia East Pty Ltd -Hamilton

Date: 12 March 2014

Accounts Payable Fortitude Valley PO Box 237

Brisbane Queensland 4006

Attention: Jeremy Hill

Email: jeremy.hill@rpsgroup.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters, conducted by Jeremy Hill on 12 March 2014.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

91	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : PR119462-11 EIS

Client Service ID : 128032

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0210	Stockton Bight Anna Bay 4wd access	AGD	56	413400	6372800	Open site	Valid	Artefact : -		102128
	Contact	Recorders		Laurence Penman				Permits	3575	
38-5-0219	Tomaree 3	AGD	56	409200	6373700	Open site	Valid	Shell : 1		102218
	Contact	Recorders		Mrs.Angela Besant				Permits		
38-5-0220	Tomaree 4	AGD	56	409500	6373700	Open site	Valid	Shell : 1		
	Contact	Recorders		Mrs.Angela Besant				Permits		
38-5-0211	A1 - Stockton Bight	AGD	56	413300	6372600	Open site	Valid	Shell : -, Artefact : -, Hearth : -		102128
	Contact	Recorders		Mr.Warren Mayers				Permits		
38-5-0221	Tomaree 5	AGD	56	409750	6373700	Open site	Valid	Shell : 1		102218
	Contact	Recorders		Mrs.Angela Besant,Doctor.Tim Owen				Permits		
38-5-0222	Tomaree 6	AGD	56	410150	6373680	Open site	Valid	Artefact : 2, Shell : 2		
	Contact	Recorders		Mrs.Angela Besant				Permits		
38-5-0223	Tomaree 7	AGD	56	412350	6373700	Open site	Valid	Artefact : 2, Shell : 2		102128,102218
	Contact	Recorders		Mrs.Angela Besant				Permits	3621	
38-5-0239	AB1	AGD	56	413682	6372154	Open site	Valid	Artefact : -, Shell : -		98595,102128
	Contact	Recorders		MCH - McCardle Cultural Heritage Pty Ltd				Permits		
38-5-0240	AB2	AGD	56	413580	6372200	Open site	Valid	Artefact : -, Shell : -		98595,102128
	Contact	Recorders		MCH - McCardle Cultural Heritage Pty Ltd				Permits		
38-5-0241	AB3	AGD	56	413570	6372230	Open site	Valid	Artefact : -, Shell : -		98595,102128
	Contact	Recorders		MCH - McCardle Cultural Heritage Pty Ltd				Permits		
38-5-0261	Worimi Ancesral Remains Repatriation Site. Worimi Conservation Lands	AGD	56	409188	6372597	Open site	Valid	Burial : -		
	Contact	Recorders		Mr.Steve Brereton				Permits		
38-5-0268	Cec Dee open campsite2	AGD	56	413664	6372608	Open site	Valid	Habitation Structure : 15		102128
	Contact	Recorders		Mr.Leonard (Lennie) Andersor				Permits		
38-5-0272	Anna Bay access track open campsite	AGD	56	413640	6372841	Open site	Valid	Artefact : 50		102128
	Contact	Recorders		Mr.Leonard (Lennie) Anderson				Permits	3437	
38-5-0269	Cec Dee open campsite 3	AGD	56	413598	6372647	Open site	Valid	Aboriginal Resource and Gathering : 6		102128
	Contact	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0270	Cec Dee open campsite 4	AGD	56	413598	6372765	Open site	Valid	Artefact : 3		102128
	Contact	Recorders		Mr.Leonard (Lennie) Anderson				Permits		
38-5-0291	Birubi open campsite	AGD	56	413479	6372580	Open site	Valid	Aboriginal Resource and Gathering : 100		102128

Report generated by AHIMS Web Service on 12/03/2014 for Jeremy Hill for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : EIS. Number of Aboriginal sites and Aboriginal objects found is 91

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 : PR119462-11 EIS

Client Service ID : 128032

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0292	Birubi open campsite transport corridor	AGD	56	413485	6372585	Open site	Valid	Aboriginal Resource and Gathering : 50		
	Contact Mr.Peter Anderson	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0293	Birubi transport corridor campsite	AGD	56	413536	6372520	Open site	Valid	Aboriginal Resource and Gathering : 50		
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0294	Birubi access campsite	AGD	56	413540	6372530	Open site	Valid	Aboriginal Resource and Gathering : 60		
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0295	Gan Gan road beach access	AGD	56	413505	6372540	Open site	Valid	Aboriginal Resource and Gathering : 71		
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0296	Gan Gan Road Site	AGD	56	413482	6372570	Open site	Valid	Aboriginal Resource and Gathering : 37		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0280	Robinson's Quarry open campsite 5	AGD	56	413531	6372845	Open site	Valid	Aboriginal Resource and Gathering : 5		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437,3575	
38-5-0089	B F 1;	AGD	56	410600	6372300	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders	Pam Dean-Jones,Bonhomme Craib & Associates					Permits		
38-5-0281	Robinsons Quarry open campsite 4	AGD	56	413596	6372853	Open site	Valid	Aboriginal Resource and Gathering : 7		
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437	
38-5-0282	Robinsons quarry open campsite 3	AGD	56	413590	6372820	Open site	Valid	Aboriginal Resource and Gathering : 5		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437	
38-5-0283	Robinson Quarry open campsite 2	AGD	56	413616	6372854	Open site	Valid	Aboriginal Resource and Gathering : 7		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits	3437	
38-5-0284	Birubi access open campsite	AGD	56	413468	6372600	Open site	Valid	Aboriginal Resource and Gathering : 6		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0285	Birubi swail entrance	AGD	56	413457	6372580	Open site	Valid	Habitation Structure : 8		
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		
38-5-0286	Buruibi Track	AGD	56	413451	6372590	Open site	Valid	Aboriginal Resource and Gathering : 15		102128
	Contact Mr.Leonard (Lennie) Andersor	Recorders	Mr.Leonard (Lennie) Anderson					Permits		

Report generated by AHIMS Web Service on 12/03/2014 for Jeremy Hill for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : EIS. Number of Aboriginal sites and Aboriginal objects found is 91

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 : PR119462-11 EIS

Client Service ID : 128032

SiteID	SiteName	Datum	Zone	Easting	Northings	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0288	Robinsons Sand Quarry campsite 1	AGD	56	413620	6372860	Open site	Valid	Aboriginal Resource and Gathering : 20		102128
	<u>Contact</u> Mr.Leonard (Lennie) Andersor	<u>Recorders</u>		Mr.Leonard (Lennie) Anderson				<u>Permits</u>	3437	
38-5-0320	NBRd 4	GDA	56	412046	6373942	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>		Ms.Penny Mccardle				<u>Permits</u>		
38-5-0321	NBRd 5	GDA	56	411292	6373875	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>		Ms.Penny Mccardle				<u>Permits</u>		
38-5-0322	NBRd 6	GDA	56	409468	6373900	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>		Ms.Penny Mccardle				<u>Permits</u>		
38-5-0317	RPS Birubi Pt Midden 1	GDA	56	413492	6372316	Open site	Valid	Shell : -		
	<u>Contact</u>	<u>Recorders</u>		RPS Australia East Pty Ltd -Hamilton, Miss.Philippa Sokol				<u>Permits</u>		
38-5-0318	OFOC4	GDA	56	413195	6373870	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>		Umwelt (Australia) Pty Limited, Miss.Nicola Roche				<u>Permits</u>	3621	
38-5-0319	OFOC5	GDA	56	412500	6373988	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>		Umwelt (Australia) Pty Limited, Miss.Nicola Roche				<u>Permits</u>	3621	
38-5-0310	NBR3/3 shell midden	AGD	56	412111	6373980	Open site	Valid	Artefact : -, Shell : -		
	<u>Contact</u>	<u>Recorders</u>		Ms.Penny Mccardle				<u>Permits</u>	3528,3564	
38-5-0316	Surf Club Midden - Birubi Pt	GDA	56	413415	6372385	Open site	Partially Destroyed	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>		Miss.Philippa Sokol, RPS				<u>Permits</u>	3607	
38-5-0312	NBR3/2 artefact scatter	AGD	56	412210	6373957	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>		MCH - McCardle Cultural Heritage Pty Ltd, Ms.Penny Mccardle				<u>Permits</u>		
38-5-0311	NBR3/ PAD1	AGD	56	412110	6373980	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>	<u>Recorders</u>		MCH - McCardle Cultural Heritage Pty Ltd, Ms.Penny Mccardle				<u>Permits</u>		
38-5-0074	Lemon Tree Passage;	AGD	56	409750	6375150	Open site	Valid	Shell : -, Artefact : -	Midden	233,102218
	<u>Contact</u>	<u>Recorders</u>		Sue Effenberger				<u>Permits</u>		
38-5-0090	B F 2;	AGD	56	410400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones, Bonhomme Craib & Associates				<u>Permits</u>		
38-5-0091	B F 3;	AGD	56	410400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones, Bonhomme Craib & Associates				<u>Permits</u>		
38-5-0092	B F 4;	AGD	56	410300	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones, Bonhomme Craib & Associates				<u>Permits</u>		
38-5-0093	B F 5;	AGD	56	410100	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>		Pam Dean-Jones, Bonhomme Craib & Associates				<u>Permits</u>		

Report generated by AHIMS Web Service on 12/03/2014 for Jeremy Hill for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : EIS. Number of Aboriginal sites and Aboriginal objects found is 91

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 : PR119462-11 EIS

Client Service ID : 128032

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0094	B F 7; Contact	AGD	56	409900	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0095	B F 6; Contact	AGD	56	410100	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0099	B F 11; Contact	AGD	56	409300	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0100	B F 12; Contact	AGD	56	409300	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0101	B F 13; Contact	AGD	56	409400	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0102	B F 14; Contact	AGD	56	409600	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0103	B F 15; Contact	AGD	56	409600	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0104	B F 16; Contact	AGD	56	409700	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0105	B F 17; Contact	AGD	56	409700	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0106	B F 18; Contact	AGD	56	409100	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0107	B F 19; Contact	AGD	56	409000	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0122	Anna Bay 2; Contact	AGD	56	411200	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
38-5-0123	Anna Bay 3; Contact	AGD	56	411100	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
38-5-0124	Anna Bay 4; Contact	AGD	56	410900	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0125	Anna Bay 5; Contact	AGD	56	410800	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0126	Anna Bay 6; Contact	AGD	56	410700	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
38-5-0127	Anna Bay 7; Contact	AGD	56	410700	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845

Report generated by AHIMS Web Service on 12/03/2014 for Jeremy Hill for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : EIS. Number of Aboriginal sites and Aboriginal objects found is 91

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 : PR119462-11 EIS

Client Service ID : 128032

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-5-0128	Anna Bay 8;	AGD	56	410700	6372100	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders		Pam Dean-Jones,Mr.Luke Godwin				Permits		
38-5-0129	Anna Bay 9;	AGD	56	410500	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders		Pam Dean-Jones,Mr.Luke Godwin				Permits		
38-5-0130	Anna Bay 10;	AGD	56	410400	6371900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders		Pam Dean-Jones				Permits		
38-5-0131	Anna Bay 11;	AGD	56	410300	6372000	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders		Pam Dean-Jones				Permits		
38-5-0108	B F 20;	AGD	56	408900	6372200	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders		Mr.Luke Godwin				Permits		
38-5-0109	B F 21;	AGD	56	408900	6372200	Open site	Valid	Shell : -, Artefact : -, Stone Quarry : -	Midden,Quarry	1845
	Contact	Recorders		Mr.Luke Godwin				Permits		
38-5-0114	NB1	AGD	56	410800	6372650	Open site	Valid	Artefact : -	Open Camp Site	2078,4645
	Contact	Recorders		Ms.Jillian Comber				Permits		
38-5-0115	NB2;	AGD	56	410200	6372350	Open site	Valid	Shell : -, Artefact : -	Midden	2078,2978
	Contact	Recorders		Ms.Jillian Comber				Permits		
38-5-0116	Fenninghams Island 1;	AGD	56	408900	6375900	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders		Pam Dean-Jones				Permits		
38-5-0117	Fenninghams Island 2;	AGD	56	409200	6375600	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	Contact	Recorders		Pam Dean-Jones				Permits		
38-5-0012	Morna Point;Birubi Point;	AGD	56	413527	6372058	Open site	Valid	Shell : -, Artefact : -	Midden	102128,102382
	Contact	Recorders		Len Dyll				Permits	747	
38-5-0013	Birubi point;Morna Point;	AGD	56	413527	6372058	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	102128
	Contact	Recorders		Len Dyll				Permits		
38-5-0014	Birubi Point/Annabay;Morna Point;Birubi point;	AGD	56	413550	6372200	Open site	Valid	Shell : -, Artefact : -	Midden,Open Camp Site	1845,102128,102382
	Contact	Recorders		Pam Dean-Jones,R.H Moffatt,Umwelt (Australia) Pty Limited				Permits	1026,1054,1058	
38-5-0015	Morna Point;Birubi Point;	AGD	56	413624	6371786	Open site	Valid	Shell : -, Artefact : -	Midden	102128
	Contact	Recorders		Unknown Author				Permits		
38-5-0016	Morna Point;Birubi Point; Headland Midden	AGD	56	413624	6371724	Open site	Valid	Shell : -, Artefact : -	Midden	309,315,1457,102128,102218,102382
	Contact	Recorders		Len Dyll				Permits		
38-5-0034	Morna Point;Cemetery Point;	AGD	56	413775	6371975	Open site	Valid	Burial : -	Burial/s	102128

Report generated by AHIMS Web Service on 12/03/2014 for Jeremy Hill for the following area at Datum :GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : EIS. Number of Aboriginal sites and Aboriginal objects found is 91

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 : PR119462-11 EIS

Client Service ID : 128032

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>	Bill Lord					<u>Permits</u>		
38-5-0118	Fenninghams Island 3;	AGD	56	408920	6375700	Open site	Valid	Shell : -, Artefact : -	Midden	1845
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones					<u>Permits</u>		
38-5-0119	Fenninghams Island 4;	AGD	56	408920	6375700	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102218
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones					<u>Permits</u>		
38-5-0120	Fenninghams Island 5;	AGD	56	408980	6375300	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102218
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones					<u>Permits</u>		
38-5-0121	Anna Bay 1;	AGD	56	411400	6372400	Open site	Valid	Shell : -, Artefact : -	Midden	1845,102128
	<u>Contact</u>	<u>Recorders</u>	Pam Dean-Jones, Mr. Luke Godwin					<u>Permits</u>		
38-5-0196	STOCKTON BIGHT	AGD	56	413500	6372500	Open site	Valid	Artefact : -		102128
	<u>Contact</u>	<u>Recorders</u>	Mr. Warren Mayers					<u>Permits</u>		
38-5-0198	ANNA BAY	AGD	56	412500	6372550	Open site	Valid	Artefact : -		1845,102128
	<u>Contact</u>	<u>Recorders</u>	Margrit Koettig					<u>Permits</u>		
38-5-0250	Anna Bay 1, NBR	AGD	56	411480	6373850	Open site	Valid	Artefact : 2, Shell : 1		102128
	<u>Contact</u>	<u>Recorders</u>	Mr. Peter Kuskie					<u>Permits</u>		
38-5-0303	NBR PAD 02	GDA	56	409790	6373866	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>	Doctor. Tim Owen					<u>Permits</u>		
38-5-0304	NBR PAD 01	GDA	56	409538	6373846	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>	Doctor. Tim Owen					<u>Permits</u>		
38-5-0326	RPS NBR AS1	GDA	56	410044	6374068	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr. Jeremy Hill					<u>Permits</u>		
38-5-0323	NBR3/PAD2	AGD	56	409632	6373635	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>	Ms. Penny Mccardle					<u>Permits</u>		
38-5-0324	NRB3/PAD3	AGD	56	411750	6373780	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>	Ms. Penny Mccardle					<u>Permits</u>		
38-5-0325	NBR3/PAD4	AGD	56	411800	6373784	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u>	Ms. Penny Mccardle					<u>Permits</u>		

Report generated by AHIMS Web Service on 12/03/2014 for Jeremy Hill for the following area at Datum : GDA, Zone : 56, Eastings : 408987 - 413987, Northings : 6371881 - 6376881 with a Buffer of 0 meters. Additional Info : EIS. Number of Aboriginal sites and Aboriginal objects found is 91

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.

Appendix 5

Aboriginal 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, 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 are 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 rocks (generally sedimentary), usually 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. 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 in colours through brown, yellow to red. Ochre may have been 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 rockshelters. Quality deposits provided a valuable resource with evidence of wide spread trade of the substance.

Rockshelters may contain Art and / or Occupation Deposit

Rockshelters occur where geological formations suitable for habitation or use are present, such as rock overhangs, shelters or caves. Rockshelter 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 rockshelters 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.