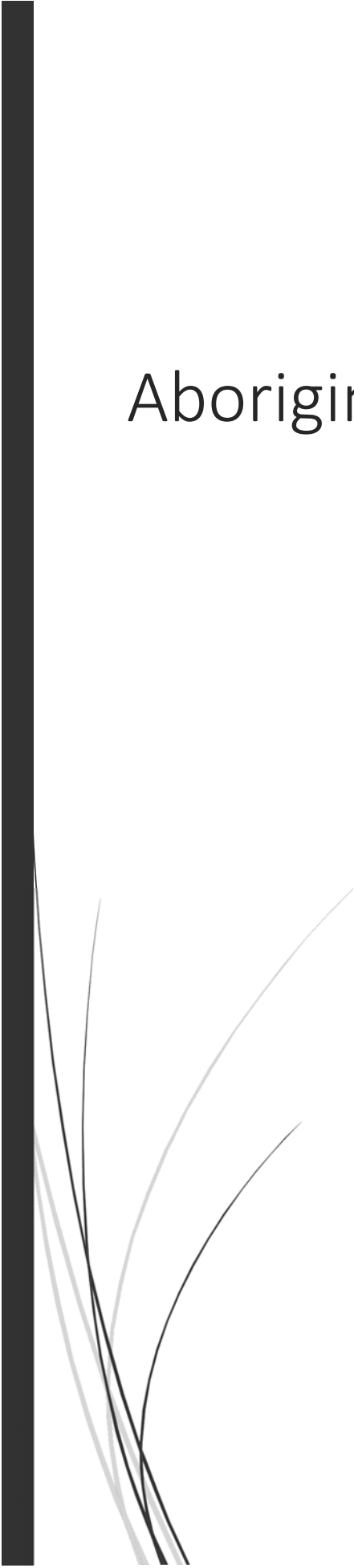




Appendix L

Aboriginal Cultural Heritage Assessment Report

New Grafton Correctional Centre SSDA 7413
INFRASTRUCTURE NSW



New Grafton Correctional Centre

Infrastructure New South Wales

Aboriginal Cultural Heritage Assessment Report

PUBLIC

Final| V05

8 August 2016



New Grafton Correctional Centre

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Document history and status

Revision	Date	Description	By	Review	Approved
V01	5 May 2016	Quality and compliance	Vanessa Edmonds	Technical	
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Terms and acronyms used in this document

Term	Definition
AAR	Aboriginal Archaeological Report
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCRP	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
ACT	Australian Capital Territory
AFG	Aboriginal focus group
AHIMS	Aboriginal heritage information management system
AHIP	Aboriginal heritage impact permits
ANU	Australian National University
APZ	Asset Protection Zone
ASIRF	Aboriginal site impact recording form
CR	Core
CSNSW	Correctional Services NSW
DA	Development application
DEC	NSW Department of Environment and Conservation (now the Office of Environment and Heritage)
DECC	NSW Department of Environment and Climate Change (now the Office of Environment and Heritage)
DECCW	NSW Department of Environment, Climate Change and Water (Now the Office of Environment and Heritage)
DP	Deposited Plan
DPI	NSW Department of Primary Industries
DPE	NSW Department of Planning and Environment
EIS	Environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPRG	Environment Protection and Regulation Group
GDA	Geocentric Datum of Australia
GIS	Geographic information system
GPS	Global positioning system
GSV	Ground surface visibility
Ha	Hectare/s
ICOMOS	International Council on Monuments and Sites
INSW	Infrastructure New South Wales
Jacobs	Jacobs Group (Australia) Pty Ltd
km	Kilometre/s
LALC	Local Aboriginal Land Council
LEP	Local environmental plans
LGA	Local Government Area

Term	Definition
NGCC	New Grafton Correctional Centre
M	Metre/s
mm	Millimetre/s
NGCC	New Grafton Correctional Centre
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPWS	NSW National Parks and Wildlife Service (part of the OEH)
NSW	New South Wales
OEH	Office of Environment and Heritage
PAD	Potential archaeological deposit
PBP	Planning for Bush Fire Protection
Project	Comprises the New Grafton Correctional Centre which will provide up to 1,700 new prison beds, within a maximum and minimum security correctional centre with relevant support services and facilities.
Project Site	Comprised of two properties Lot 26 DP 751376 and Lot 1 DP 1190399 and is located at 313 Avenue Road, Lavadia.
Proposal	Comprises the concept proposal and the Stage 1 works development application.
QZT	Quartzite
RAP	Registered Aboriginal party
RFS	Rural Fire Service
Roads and Maritime	NSW Roads and Maritime Services
RU2	Rural Landscape zone 2
SEARs	Secretary's Environmental Assessment Requirement
SEPP	State Environmental Planning Policy
SRC	State and Regional Development
SSD	State Significant Development
SST	Sub-surface test
UNESCO	United Nations educational, scientific and cultural organisation
W2B	Woolgoolga to Ballina

Executive Summary

Introduction

Infrastructure NSW (INSW) on behalf of Corrective Services NSW (CSNSW), a division of the Department of Justice, is seeking approval under Division 4.1, Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A) for the concept proposal and Stage 1 Development Application (DA) for the New Grafton Correctional Centre (NGCC) (the Project). The Project is located on a 195 hectare (ha) site (the Project Site), approximately 12.5 kilometres (km) southeast of Grafton in the Clarence Valley Local Government Area (LGA). The concept proposal and the Stage 1 works application comprise the Proposal.

The Project will provide up to 1,700 new prison beds, within a maximum and minimum security correctional centre with relevant support services and facilities. The first stage of the development would involve site clearance and preparatory works for the Project. Subsequent stages would involve the construction of the facility and would be subject to further planning approvals.

This report is the Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Project. The purpose of this ACHAR is to describe and assess potential Aboriginal cultural heritage impacts created by the Project, including recommendations for further investigation and management recommendations for any Aboriginal heritage identified to be potentially impacted by the Project.

The Project is classified as State Significant Development and an Environmental Impact Statement (EIS) has been prepared for the Proposal in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued by the Department of Planning and Environment (DPE) on 21 December 2015.

Consultation

Consultation for the Project was undertaken with relevant Aboriginal stakeholders who have been involved throughout the process. Consultation has been undertaken in accordance with the Office of Environment and Heritage's (OEH) *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (ACHCRP) 2010 (DECCW 2010a).

The consultation strategy that preceded this ACHAR was in accordance with Stage 1 of the DECCW guidelines - *Notification of project proposal and registration of interest* (DECCW 2010b) and included the identification, notification and registration of Aboriginal people who hold cultural knowledge relevant to the Project Site and responded to this process.

A copy of the draft ACHAR was sent to the relevant Aboriginal stakeholders who communicated their approval with the contents of the report, with no issues or amendments to be made.

Environmental context

The Project Site lies approximately 12 km southeast of the Clarence River, over-looking the Clarence River floodplain. The Clarence River floodplain is characterised by low rises, levees, terraces and depressed flood channels, and is made up of Quaternary gravel, silt, alluvium, sand and clay deposits. The Project Site is characterised by low rolling hills and valleys with narrow crests and moderately inclined slopes. To the east of the Project Site are the Coldstream River and Swamp and the north-south aligned Coast Range.

Aboriginal cultural heritage desktop assessment

A number of Aboriginal cultural heritage sites in the vicinity of the Project Site have been registered on the Aboriginal Heritage Information Management System (AHIMS). Six Aboriginal archaeological sites were found on AHIMS within a four km search radius. Based on the AHIMS data and a comprehensive review of previous literature and archaeological reports pertaining to the Project Site and surrounding region, it was predicted that:

- Elevated, flat areas of colluvial deposit adjacent to water sources will be of moderate to high archaeological sensitivity.

- Surface and sub-surface deposits of stone artefacts will be the most likely site type.
- Ceremonial sites (bora grounds) and burials may also be present.
- Scarred trees may be present where remnant mature native vegetation occurs.
- Stone artefacts are likely to comprise chert, quartz, chalcedony, basalt, and silcrete materials.

Field assessment

A field survey was undertaken on 1 and 2 February 2016 and was supervised by Andrew Costello (Senior Archaeologist, Jacobs) with site officers who were nominated by the registered Aboriginal parties (RAPs).

Sub-surface test excavation was undertaken between the 26 and 30 April 2016 and was supervised by Vanessa Edmonds (Technical Leader, Aboriginal Cultural Heritage Assessment, Jacobs) with RAP nominated site officers.

Aboriginal cultural assessment

No specific intangible Aboriginal cultural values or sites were identified during consultation or from the review of previous cultural heritage reports and the ethnographic literature, within the Project Site. However, during consultation it was expressed by the RAPs that the area was a meaningful place to the local Aboriginal communities and that there was a feeling of custodianship of the sites and objects within the Project Site.

Results

A total of four new areas of potential archaeological deposit (PAD), and one new Aboriginal archaeological site were identified during the field survey. Artefacts recovered from two of these PADs during sub-surface test excavation, and also from the new site, have led to the registration of three new sites. The other two new PADs were determined to be associated with a previously registered AHIMS ID: 09-4-0108 located within the Project Site. Artefacts recorded during field assessment associated with AHIMS ID: 09-4-0108 have led to an amendment to the site card, extending the site beyond its original bounds as previously mapped; and amending the boundary of the untested PAD that remains outside the Project Site.

The identification of sites on such landforms is consistent with the site prediction model detailed in **Section 4.2**.

Four Aboriginal archaeological sites, consisting of surface or subsurface artefacts, were identified during field assessment as being within the Project Site. All sites identified for the Project Site are listed in **Table 0-1**.

Table 0-1 Archaeological sites within the Project Site, including significance rating, potential impacts and management recommendations

AHIMS ID	Site name	Site type	Significance	Impact	Management recommendation
13-4-0193	NGCC 1	Sub-surface artefacts	Low	Direct	Artefacts to be collected and held by Aboriginal Stakeholders
13-4-0192	NGCC 2	Sub-surface artefacts	Low	Direct	Artefacts to be collected and held by Aboriginal Stakeholders
13-4-0191	NGCC 3	Open artefact scatter	Low	Direct	Artefacts to be collected and held by Aboriginal Stakeholders
09-4-0108	WX2I Site 8	Sub-surface artefacts	Moderate	Direct	Mechanical Salvage Artefacts to be collected and held by Aboriginal Stakeholders

Note: For confidentiality reasons, some detail regarding the location of Aboriginal sites, including maps, site coordinates and locational descriptions, have been removed from the public version of this report.

Conclusion

This ACHAR has identified the Aboriginal cultural heritage values potentially impacted by the Project and assessed the cultural significance through consultation with the RAPs. Further sub-surface testing is required to comprehensively determine the scientific significance of the archaeological sites within the Project Site, which the RAPs have determined to be important cultural evidence of their association with the landscape. During the Aboriginal cultural heritage assessment the RAPs communicated a strong expression of connection to the landscape and a desire to preserve and protect the remnant Aboriginal archaeological heritage. However, it was generally agreed that more significant Aboriginal cultural heritage values were present outside the Project Site boundary.

The desktop study, archaeological survey and sub-surface test excavation has confirmed the presence of four Aboriginal archaeological sites (NGCC 1, NGCC 2, NGCC 3, and WX2I Site 8), that will be directly impacted by the Project. One PAD (W2XI PAD 8) is outside the Project Site boundary, and is therefore unlikely to be impacted by the Project.

The Aboriginal Archaeological Report (AAR) (refer to **Appendix D**) presents the results of the sub-surface testing program and a complete set of management recommendations for all identified archaeological sites within the Project Site. Consultation with the RAPs has been undertaken, who have communicated support for the strategy to salvage through mechanical excavation and collection of stone artefacts found during the survey and sub-surface testing.

In closing, this ACHAR has considered the SEARs No 10 to undertake an Aboriginal heritage assessment in accordance with the OEH's *Aboriginal cultural heritage consultation requirements for proponents 2010*, the OEH's *Guidelines for preparing a cultural heritage assessment report*, and OEH's 2010 *Code of practice for archaeological investigation of Aboriginal objects*. Completion of the salvage activities are required to fulfil the SEARs No 10 for the Project.

1. Introduction

1.1 Overview

Infrastructure NSW (INSW) on behalf of Corrective Services NSW, a division of the Department of Justice, is seeking approval under Division 4.1, Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the concept proposal and Stage 1 Development Application (DA) for the New Grafton Correctional Centre (the Project). The concept proposal and the Stage 1 works application comprise the Proposal.

The Project satisfies the criteria of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* as the capital investment value of the correctional centre exceeds \$30 million. As such, the Project is declared to be a State Significant Development (SSD) under Division 4.1, Part 4 of the EP&A Act and the Minister for Planning is the consent authority for the application. The Secretary's Environmental Assessment Requirements (SEARs) for the Proposal were issued by the Department of Planning and Environment (DPE) on 21 December 2015.

The purpose of this ACHAR is to describe and assess Aboriginal cultural heritage impact that would occur as a result of the Project. This ACHAR has been prepared to inform the EIS, which accompanies the Project approval application. An archaeological assessment report (AAR) has been written to supplement this report (refer to **Appendix D**).

This ACHAR covers the Project Site comprising two properties; Lot 26 DP 751376 and Lot 1 DP 1190399 at 313 Avenue Road, Lavadia, which together cover approximately 195 ha. The Project Site is bounded by Avenue Road (also recognised as Golden Mile Road) to the east, and Old Six Mile Lane to the south (refer to **Figure 1-1** and **Figure 1-2**).

1.1.1 Objectives

The purpose of this study is to undertake a detailed assessment of Aboriginal cultural heritage values within the Project Site to determine the level of impacts from the Project.

The objectives of the ACHAR are to:

- Undertake an Aboriginal cultural heritage assessment, including an archaeological assessment, in accordance with relevant guidelines.
- Prepare a technical paper which addresses the DPE SEARs.
- Summarise and present the cultural heritage assessment to ensure that potential impacts have been addressed and issues finalised, to allow an informed decision to be made by all stakeholders.

1.1.2 Scope of assessment

Generally, the scope of the Aboriginal cultural heritage assessment was as follows:

- Meet the Office of Environment and Heritage (OEH) assessment requirements.
- Undertake comprehensive Aboriginal stakeholder consultation (both through meetings and field investigations).
- Undertake field investigations (survey and test excavation) with registered Aboriginal party site officers to investigate known sites and identify and test Potential Archaeological Deposits (PAD) to better define the Aboriginal cultural heritage values within the Project Site.
- Undertake a significance assessment of the sites and places identified. This includes both scientific (archaeological) and cultural (determined by Aboriginal stakeholders).
- Provide an assessment of the potential impact/harm to Aboriginal archaeological sites and cultural heritage places.
- Develop management recommendations in consultation with registered Aboriginal parties in order to ensure that prior to, during, and after construction Aboriginal archaeological sites and cultural heritage places are

effectively managed. The level of management required would be based on the identified impacts and the significance of the site or place.

- Provide a completed ACHAR for the Project.

1.1.3 Study requirements

The investigations and assessments were undertaken with regard to the Department of Environment, Climate Change and Water's (DECCW) *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010* (DECCW 2010b) and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* OEH (2011). This assessment was based upon the SEARs for the Proposal issued by the DPE on 21 December 2015.

Table 1-1 details the SEARs relating to Aboriginal heritage and where these are addressed within this report. These requirements require assessment of the impacts to sites and places 'within or near' the Project Site. However, it should be noted that areas near but outside the Project boundary have not been able to be comprehensively investigated or surveyed, and no sub-surface investigation was undertaken, as this is beyond the scope and authority of this assessment.

Table 1-1 SEARs for Aboriginal heritage

Requirements	Where addressed in the report
SEAR No 10 – Aboriginal heritage Address Aboriginal Heritage in accordance with the <i>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW</i> (OEH 2011) and <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> .	Chapters 4, 5, 6, 7 and 8

This ACHAR was undertaken by fully qualified and experienced archaeologists and heritage consultants, primarily Andrew Costello (Bachelor of Arts (Honours), Archaeology and Anthropology, 10 years' experience), and Vanessa Edmonds (Bachelor of Arts, Master of Letters, Australian Archaeology, 30 years' experience).

1.1.4 Definitions

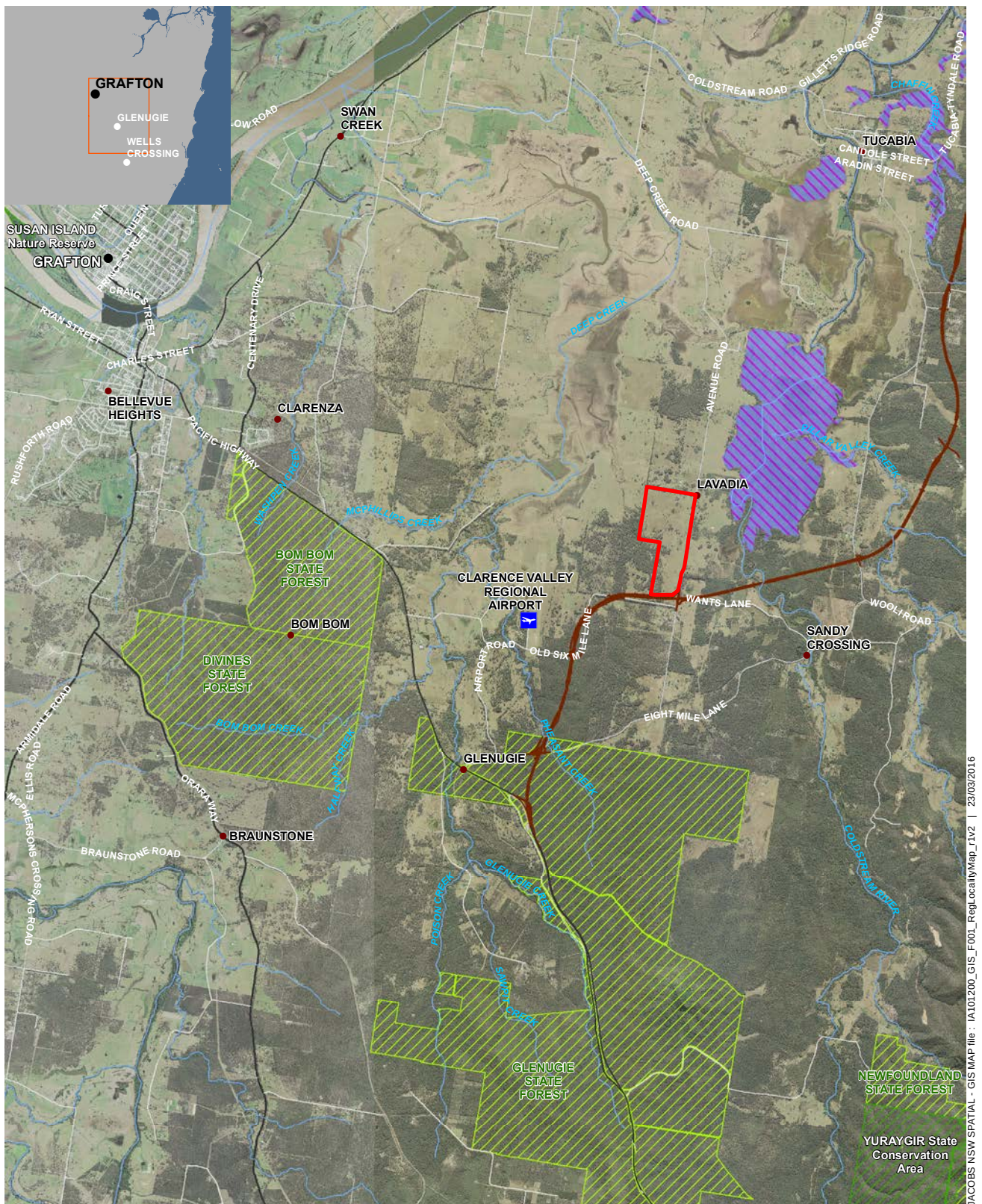
In this report, the term 'site' and 'place' are used to refer to Aboriginal archaeological sites (the same as *objects* in the *National Parks and Wildlife Act 1974*), and intangible or non-archaeological Aboriginal cultural places (not necessarily declared Aboriginal places as per *National Parks and Wildlife Act 1974*), respectively.

The term 'Project' is used to refer to, and includes, the construction and operational footprint of the New Grafton Correctional Centre.

1.1.5 Project Site

The Project is located approximately 12.5 kilometres (km) southeast of Grafton, within the Clarence Valley Local Government Area (LGA), at 313 Avenue Road, Lavadia. The Project Site includes two properties comprised of Lot 26 DP 751376 and Lot 1 DP 1190399 and is 195 hectares (ha) in size (refer to **Figure 1-1**). The site has historically been used for cattle grazing. In July 2015, development consent for a dwelling house in the southeast corner of Lot 1 DP 1190399 was granted by Clarence Valley Council and construction of the house and adjacent shed is complete.

The Project Site is bounded by Avenue Road to the east, and Old Six Mile Lane to the south (refer to **Figure 1-1** and **Figure 1-2**). Avenue Road connects to the Pacific Highway via Eight Mile Lane to the south and Old Six Mile Lane connects to the Pacific Highway to the west.



JACOBS NSW SPATIAL - GIS MAP file: I:\01200_GIS_F001_RegionalMap_r1v2 | 23/03/2016

Legend

- The Project
- Grafton Bypass (proposed)
- SEPP 14 Wetlands
- National Park Reserves
- State Forests

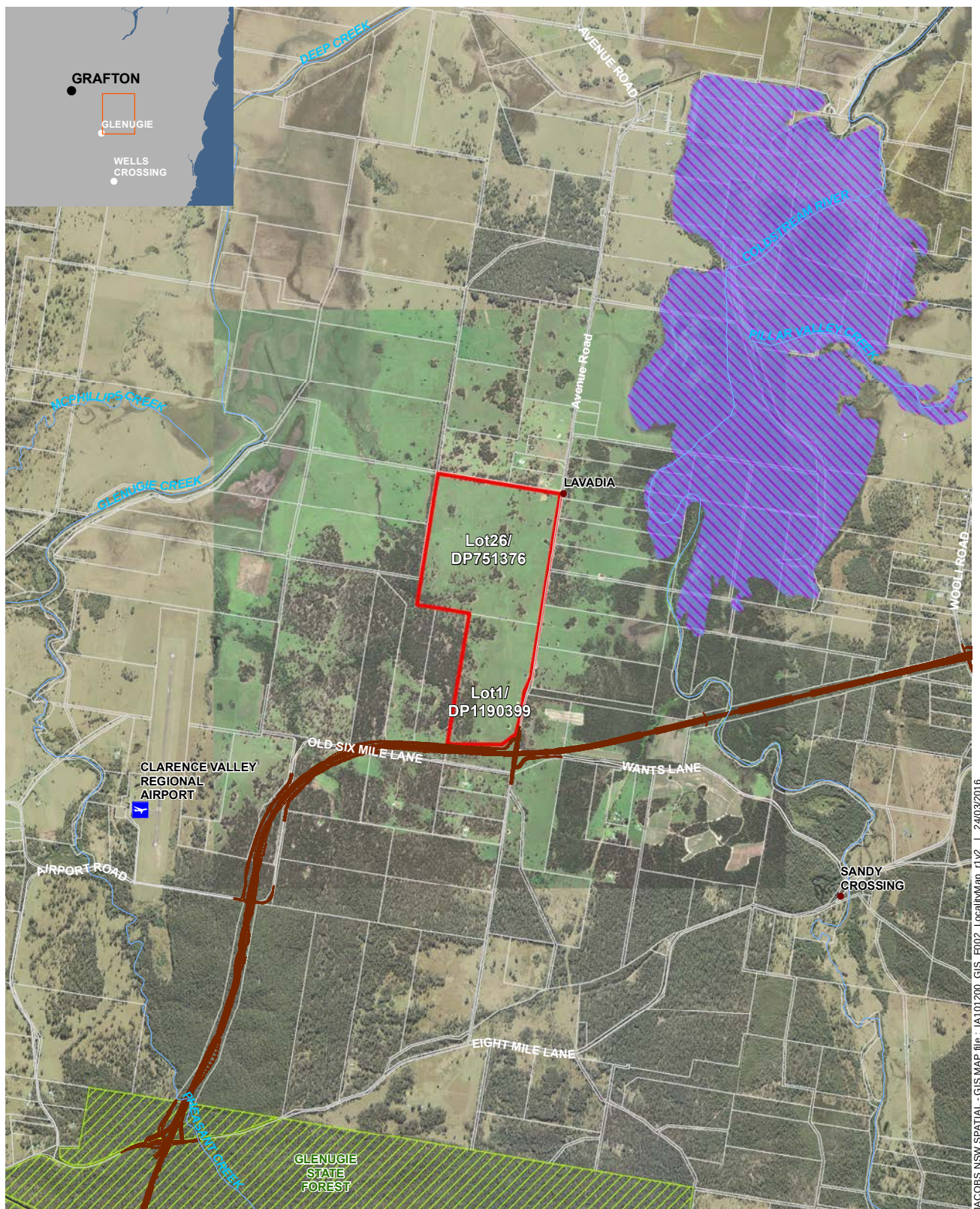
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Data sources

Jacobs 2015
LPI 2015
NSW DPE 2015
RMS 2013 (W2B Alliance)

Figure 1-1 | Regional Locality



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Legend

- The Project
- SEPP 14 Wetlands
- Grafton Bypass (proposed)
- State Forests

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Data sources

Jacobs 2015
LPI 2015
NSW DPE 2015
RMS 2013 (W2B Alliance)

Figure 1-2 | The Project

It is noted that the Grafton bypass portion of the upgraded Pacific Highway project (by Roads and Maritime Services) will, in addition to the reconfigured Old Six Mile Lane, form the southern boundary of the site once completed in approximately 2019. As part of that Project, Avenue Road will pass over the Pacific Highway and the intersection of Avenue Road and Old Six Mile Road will be upgraded to improve local access, without direct connection to the highway.

1.1.6 Authorship of report

This report has been prepared by Andrew Wilkinson (Project Archaeologist, Jacobs) and Andrew Costello (Senior Archaeologist, Jacobs). Mapping was prepared by Ajay Arcot (Senior Spatial Consultant, Jacobs). A technical review was undertaken by Vanessa Edmonds (Technical Leader, Aboriginal Cultural Heritage Assessments, Jacobs).

1.2 The Project

1.2.1 Project description

The New Grafton Correctional Centre (NGCC) requires a staged development application that sets out a concept proposal for a new correctional centre at Grafton that provides maximum and minimum security facilities and includes a total of 1,700 beds. The concept proposal includes a maximum built form height of 12 metres (approximately three storeys) and a gross floor area of approximately 100,000 square metres. The staged development application also seeks concurrent Stage 1 approval for site clearance and preparatory works. **Table 1-2** provides a summary of the proposal's key components and features.

Table 1-1 Key Project components

Stage	Description
Development summary	The staged SSD application seeks approval for: • A concept proposal for the New Grafton Correctional Centre. • First stage site clearance and preparatory works for the Project. • Together referred to as the Proposal.
Project Concept Proposal	The NGCC includes a maximum and minimum security correctional centre of 1,700 beds comprised of: • A maximum security section of 1,300 beds that will include: • 1000 beds for male inmates. • 300 beds for female inmates. • A minimum security section that will include: • 400 bed residential accommodation for male inmates. The building envelope including the configuration, location and number of building structures required for the Project would not be determined until the detailed design is completed as part of the Stage 2 works. Consequently, the Stage 2 construction works for the Project could occur anywhere within the development zone shown in Figure 1-3. The total footprint around both the maximum and minimum correctional centres, including the carpark, is around 45 hectares. Features of the Project include the following: • The concept proposal includes a maximum built form height of 12 metres (approximately three storeys). • A gross floor area of approximately 100,000 square metres. • A six-metre high fence or wall will be constructed around the perimeter of the facility, with light and security camera poles up to 10 metres in height. • Store buildings, small ancillary facilities and a central energy plant will be located outside the perimeter walls / fences.

Stage	Description
	- Internal access into and out of the correctional centre from Avenue Road will be provided. - Car parking for approximately 500 car spaces. - Other associated facilities include recreational oval, special accommodation units, health facilities, education and programs areas, administration, workshops, staff amenities, visitor facilities and utilities. - A 100-metre wide Asset Protection Zone (APZ) would be cleared around the correctional centre (refer to Figure 1-3) and associated facilities and car parking area in accordance with the Rural Fires Act 1997 and requirements of the Planning for Bush Fire Protection (PBP; NSW Rural Fire Service [RFS], 2006). - A vegetation buffer outside the APZ would be provided along the northern, eastern and southern boundaries of the Project Site. The buffer would be 50 metres wide along the northern property boundary, 15 metres wide to the east along Avenue Road and 30 metres wide along the southern property boundary. - Fire access roads on the inside and the outside of the perimeter fence of the facility will be constructed to ensure safe operational access for emergency services personnel responding to a bushfire event. - Water, wastewater, power and communication utilities within the Project Site. - Landscaping of ground cover and /or shrubbery in areas to be defined.
Stage 1 Site Clearance and Preparatory Works	Stage 1 (early works), includes preparatory work within the cadastral boundaries of Lot 26 DP 751376 and Lot 1 DP 1190399. This would involve: - Vegetation clearance and biodiversity management activities. - Construction of access roads including fire access roads to the extent required to conduct Stage 1 works. - Construction of auxiliary facilities such as construction compound, construction staff parking facilities and stockpiles sites. - Temporary provision of water, power and communication services within the site to the extent required to conduct Stage 1 works. - Demolition of the existing house and sheds. - Bulk excavation and site stabilisation works as required. - Landscaping.
Value	The capital investment value for the Project is in excess of \$30 million.
Project Site	- Located at 313 Avenue Road, Lavadia. - Lot 26 DP 751376. - Lot 1 DP 1190399. - Project Site is 195 hectares (ha) in size.

The construction activities associated with the Stage 1 site clearance and preparatory works is estimated to take six to 12 months and provide around 50 full time equivalent positions.



Legend

- | | |
|---|--|
| The Project | Asset Protection Zone |
| Landscaping zone | Development Zone |
| | Grafton Bypass (proposed) |

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1:15,000 @ A4



Data sources

Jacobs 2015
LPI 2015
NSW DPE 2015
RMS 2013 (W2B Alliance)

Figure 1-3 | The Project

1.3 Report structure

This report addresses Aboriginal heritage requirements for the EIS. This ACHAR aims to fulfil the requirements of the SEARs and adhere to the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010b) and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a).

The ACHAR will be used to support the preparation of the EIS required under part 4.1 of the EP&A Act. The structure of the report is summarised in **Table 1-2**.

Table 1-2 Report structure

Section reference	Section heading	Description
Executive summary	Executive summary	Concise summary of this technical paper and the key findings.
1	Introduction - Background - Locality - Proposal description - Proposal objectives - Report structure	Description of the Project relevant to potential impacts on Aboriginal cultural heritage. Provides an overview of the study objectives and structure of technical report.
2	Legislative context - Legislative requirements - Aboriginal cultural heritage legislation	Identifies and summarises the key legislation that this technical study must follow and lists the Aboriginal cultural heritage criterion that the Project must comply with.
3	Aboriginal community consultation - Consultation requirements - Consultation methodology - Participation in fieldwork - Registered Aboriginal Parties	Describes the Aboriginal consultation undertaken for the Project to date.
4	Environmental and ethnographic context - Specific environmental considerations - Ethnographic and cultural context - Post contact history - Database searches and results	Establishes the geomorphological, geological, hydrological, ecological and climactic conditions relevant to the Project Site. Describes ethnological information pertaining to Aboriginal occupation of the region the information accessed through database searches.
5	Aboriginal cultural assessment - Methodology - Cultural landscapes - Aboriginal Cultural heritage values - Aboriginal Cultural heritage Places	Describes the methodology for assessing Aboriginal cultural heritage, the cultural landscapes of the region and Aboriginal cultural places relevant to the Project.

Section reference	Section heading	Description
6	Summary of archaeological assessment · Methodology · Results	Describes the methodology, archaeological assessment and the results, which are detailed in full in the AAR (Volume 2, 2016).
7	Significance assessment · Methodology · Basis for assessment	Summary of significance methodology and statements of significance for individual sites pertinent to the Project Site.
8	Impact assessment	Summary of potential impacts related to the conduct of the Project.
9	Management recommendations · General conclusions and recommendations · Effectiveness of mitigation · Specific management recommendations · Unexpected discoveries protocols	Concise statement of key findings of the construction and operational impacts of the Project on Aboriginal cultural heritage, including effectiveness of mitigation summaries and specific management for individual sites. Describes unexpected finds protocol in detail.
10	References	Lists relevant resources consulted and referred to in assessing Aboriginal cultural heritage.

2. Legislative context

2.1 Legislative requirements

The Project concept proposal satisfies the criteria of Clause 16, Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*, as it is for the purposes of a new correctional centre that has a capital investment value of more than \$30 million. As such, the Project is declared to be State Significant Development (SSD) in accordance with Section 89C of the EP&A Act. The Minister for Planning, or his delegate, is the consent authority for the SSD under Section 89 D of the EP&A Act.

A staged development application is being made for the Project in accordance with Section 83B and Section 89D of the EP&A Act. The EIS, and this ACHAR, provides an assessment of the concept proposal and Stage 1 of the Project. Subsequent applications will be made for future stages of the Project.

Under Section 78(8A) of the EP&A Act, an EIS must accompany an application for SSD. The SEARs for the Proposal were issued by DPE on 21 December 2015 in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. This working paper has been prepared in accordance with the SEARs.

2.2 Aboriginal cultural heritage legislation

The following State and Commonwealth legislation is relevant to this investigation:

NSW legislation:

- *Environmental Planning and Assessment Act 1979* (EP&A Act).
- *National Parks and Wildlife Act 1974* (NPW Act).
- *National Parks and Wildlife Amendment Act 2010*.
- *Native Title Act (NSW) 1994*.
- *Aboriginal Land Rights Act (NSW) 1983*.

Commonwealth legislation:

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.
- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- *Native Title Act 1993*.

These Acts and their relevant sections and associated regulatory documents (e.g. codes of practice, guidelines, etc.) that govern the Project are described in **Table 2-1**.

Table 2-1 Legislative framework for Aboriginal cultural heritage

Reference	Requirements
EP&A Act	· Framework for environmental planning and assessment in NSW. Including the requirement for environmental impacts to be considered prior to development approval. · Includes requirements for Aboriginal cultural heritage items and places. · Local government areas prepare Local environment plans and development control plans in accordance with the EP&A Act to provide guidance on the level of environmental assessment required. · Part 5.1 of the Act applies to state significant infrastructure. Under Part 5.1 section 115ZG, a range of approvals are not required, including Section 90 Aboriginal Heritage Impact Permit (AHIP). Once environmental assessment requirements are issued by the Department of Planning and Environment for a Part 5.1 project, any investigative or other activities complying with the requirements are also taken to be part of the project approval.
NPW Act	The NPW Act provides for the protection of Aboriginal objects and Aboriginal places. Under the Act (Section (s) 5), an Aboriginal object is defined as: <i>'any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains'.</i> An Aboriginal place is defined under this Act as an area that has been declared by the Minister administering the NPW Act as a place of special significance for Aboriginal culture. It may or may not contain physical Aboriginal objects. Under Section 90 of the NPW Act it is an offence to knowingly destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of an Aboriginal object or Aboriginal place, without the prior written consent from the NSW OEH. Penalties apply to the offence of knowingly impacting on an Aboriginal object or Aboriginal place. The largest penalties apply when a person harms an object that they know to be an Aboriginal object (called a 'knowing offence'). However, a 'strict liability' offence still applies whether or not a person knows it is an Aboriginal object or place. In order to obtain written consent, known as an AHIP, an AHIP application must be submitted and approved by the OEH. In considering whether to issue an Section 90 AHIP, OEH will take into account: · The significance of the Aboriginal object(s) or place(s) subject to the proposed impacts. · The effect of the proposed impacts and the mitigation measures proposed. · The alternatives to the proposed impacts. · The conservation outcomes that will be achieved if impact is permitted. · The outcomes of the Aboriginal community consultation regarding the proposed impact and conservation outcomes. Under Section 89A of the NPW Act it is a requirement to notify the OEH of the location of an Aboriginal object. Identified Aboriginal items and sites are registered with NSW on the AHIMS. Procedures that accompany the <i>National Parks and Wildlife Amendment Act 2010</i> include the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010</i> (Department of Environment, Climate Change and Water (DECCW) 2010c), the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> (DECCW 2010a), and the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW 2010</i> (OEH 2010).
Due Diligence	This code of practice (DECCW 2010c) is to assist individuals and organisations to exercise

Reference	Requirements
<i>Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010 (DECCW 2010c)</i>	due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP. A <i>Due Diligence Code of Practice</i> has been developed to guide proponents on how to ensure a defence to the 'strict liability' offence of harm to an Aboriginal object or place. A proponent would be found not guilty of the offence if it can be proved that the proponent demonstrated due diligence in investigating the likelihood of impact to Aboriginal heritage by the proposed activity. This code sets out the reasonable and practicable steps which individuals and organisations need to take in order to: · Identify whether or not Aboriginal objects are, or are likely to be, present in an area. · Determine whether or not their activities are likely to harm Aboriginal objects (if present). · Determine whether an AHIP application is required. Consultation with the Aboriginal community is not a formal requirement of the due diligence process. However, proponents may wish to consider undertaking consultation if it will assist in informing decision-making. If at any point an application is made for an AHIP then the consultation must be undertaken in accordance with the requirements in clause 180C of the <i>National Parks and Wildlife Regulation 2009</i> (NPW Regulation). Due diligence amounts to taking reasonable and practicable steps to protect Aboriginal objects. The <i>Due Diligence Code of Practice</i> (DECCW 2010c) provides one process for satisfying the due diligence requirements of the NPW Act. It is not mandatory to follow this code. An individual or corporation can take other measures, provided that such measures are objectively reasonable and practicable and meet the ordinary meaning of exercising due diligence. Provisions relating to the due diligence system were effective from 1 October 2010.
<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010a)</i>	This document (DECCW 2010a) establishes the requirements for consultation (under part 6 of the NPW Act) with Aboriginal stakeholders as part of the heritage assessment process to determine potential impacts of proposed activities on Aboriginal objects and places and to inform decision making for any application for an AHIP. The <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> (ACHCRP) comprises four stages with associated timeframes which must be adhered to: Stage 1 — Notification of project / proposal and registration of interest (14 days from date letter sent to register as a registered Aboriginal stakeholders). Stage 2 — Presentation of information about the proposed project (set up Aboriginal Focus Group (AFG) meetings, prepare information etc.). Stage 3 — Gathering information about cultural significance (28 days for registered Aboriginal stakeholders to provide a review and feedback to consultants methodology). Stage 4 — Review of draft cultural heritage assessment report (registered Aboriginal stakeholders have 28 days from sending of the report to make a submissions).

Reference	Requirements
Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b)	The code of practice (DECCW 2010b) sets out the detailed requirements for archaeological investigations of Aboriginal objects in NSW for activities that require assessment under Part 4 or Part 5 of the EP&A Act. An AHIP to undertake sub-surface test excavation is not required if complying with this code, as sub-surface test excavations are excluded from the definition of harm to an Aboriginal object. The code sets out in detail: - Minimum qualifications for anyone undertaking archaeological investigation under the Code in NSW. - Assessment steps required to be undertaken for all archaeological investigation. - Assessment steps that may be required to be undertaken to adequately characterise the Aboriginal objects being investigated. This code of practice must be used for investigation that is likely to result in an AHIP application.
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	- Protects Aboriginal cultural property in a wider sense and includes any places, objects and folklore that <i>'are of particular significance to Aboriginals in accordance with Aboriginal tradition'</i>. - The Act may apply to contemporary Aboriginal cultural property as well as ancient sites. - The responsible Minister may make a declaration under Section 10 of the Act in situations where state or territory laws do not provide adequate protection of heritage places.
EPBC Act	The EPBC Act includes provisions to protect matters of national environmental significance and Commonwealth land. Lists and registers made under the Act include: - A National Heritage List of places of national heritage significance. - A Commonwealth Heritage List of heritage places owned or managed by the Commonwealth. - Management of the Register of the National Estate. An independent expert body, the Australian Heritage Council, advises the Minister on the listing and protection of heritage places.
Native Title Act 1993	- Recognises and protects native title, and provides that native title cannot be extinguished contrary to the <i>Native Title Act 1993</i>. - National Native Title Tribunal is a Commonwealth Government agency set up under this Act and mediates native title claims under the direction of the Federal Court of Australia. - National Native Title Tribunal maintains the following registers: - National Native Title Register. - Register of Native Title Claim. - Unregistered claimant applications. - Register of Aboriginal land use agreements.
Native Title Act (NSW) 1994	The <i>NSW Native Title Act 1994</i> was introduced to ensure that the laws of NSW are consistent with the Commonwealth <i>Native Title Act 1994</i>. It validates past and intermediate acts which may have been invalidated because of the existence of native title.

Reference	Requirements
<i>Aboriginal Land Rights Act (NSW) 1983</i>	The <i>Aboriginal Land Rights Act (NSW) 1983</i> recognises the rights of Aboriginal people in NSW and provides a vehicle for the expression of self-determination and self-governance. The purposes of the Act are: · To provide land rights for Aboriginal persons in NSW. · To provide for representative Local Aboriginal Land Councils (LALCs) in NSW. · To vest land in those LALCs. · To provide for the acquisition of land, and the management of land and other assets and investments, by or for those LALCs and the allocation of funds to and by those LALCs. · To provide for the provision of community benefit schemes by or on behalf of those LALCs.

3. Aboriginal community consultation

Aboriginal stakeholder engagement and involvement is considered important for the identification of Aboriginal cultural values. This chapter details the consultant process used for the Project. This includes the identification of registered Aboriginal parties and the nature of Aboriginal stakeholder consultation and involvement in the assessment process.

3.1.1 Consultation and assessment requirements

All consultation for the Project has been undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (ACHCRP) (DECCW 2010a), and *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011).

The consultation strategy that preceded this ACHAR was in accordance with Stage 1 of the DECCW guidelines - *Notification of project proposal and registration of interest* (DECCW 2010b) and included the identification, notification and registration of Aboriginal people who hold cultural knowledge relevant to the Project Site. Consultation for the Project has so far has included Aboriginal community involvement in reviewing and commenting on draft reports and undertaking fieldwork activities.

3.1.2 Current consultation activities and methodology

3.1.2.1 Strategy

The consultation strategy adopted for the Project includes:

- Notification (including advertisement) for stakeholder registration.
- Registration of RAPs.
- Undertaking archaeological survey and sub-surface test excavations with the RAP nominated site officers.
- Providing assessment methodologies and statements of findings to the RAPs and requesting comments.
- Providing RAPs with a draft ACHAR for comment (pending).
- Incorporating comments received on the ACHAR into the final report (pending).

3.1.2.2 Notification, identification and registration of stakeholders

To identify, notify and register Aboriginal people who hold cultural knowledge relevant to the Project Site the following sources were contacted in accordance with Stage 1 - Notification of project / proposal and registration of interest (DECCW 2010a):

- OEH – Coffs Harbour office.
- Catchment Management Authority - North Coast Local Land Services, South Grafton.
- Clarence Valley Council.
- Yaegl LALC.
- National Native Title Tribunal (NNTT).
- Native Title Services Corporation Limited (NTSCorp).
- The Office of the Registrar of the *Aboriginal Land Rights Act 1983*.

Responses from these organisations were addressed and, where requested, further correspondence was forwarded to relevant Aboriginal organisations (refer to **Appendix C**). No expressions of interest were received in response to this correspondence.

An advertisement appeared in Grafton Daily Examiner in January 2016 calling for registrations of interest. Michael Randall (Yaegl Traditional Owners Aboriginal Corporation) responded to the advertisement registering

his interest across the Project Site. The Yaegl LALC form part of Yaegl Traditional Owners Aboriginal Corporation (Yaegl TOAC) and also represent the Yaegl Traditional Owners therefore Yaegl LALC were also registered.

In respect to Stage 2 of the ACHCRP Guidelines - *Presentation of information about the proposed project* (DECCW 2010c) presentation of project information was initiated through advertisements, emails and mail outs.

Site officers were nominated by the Yaegl LALC and Yaegl TOAC to participate in the archaeological survey and the sub-surface test excavations.

As no further registrations were received, no Aboriginal Focus Group (AFG) meetings have been held, however, on-going consultation with both Yaegl LALC and Yaegl TOAC has been conducted by phone and email and in the field with the nominated site officers. To date this consultation has not revealed any issues with the Project although comments have been received regarding potential mitigation of impacts to Aboriginal cultural heritage located within the Project Site.

A copy of this draft ACHAR and the AAR (refer to **Appendix D**) was sent to the RAPs for review.

3.1.3 Participation in fieldwork

During fieldwork, RAP nominated Aboriginal site officers were engaged to assist with the identification and investigation of sites and PADs during survey and sub-surface test excavation, as well as to identify any cultural places. Site officers in attendance are detailed in **Table 3-1**.

Table 3-1 – RAP nominated site officers participating in field assessments

Organisation	RAP nominated site officers	Fieldwork component	Dates of participation
Yaegl TOAC	Deidre Randall	Survey	1-2 February 2016
Yaegl LALC	Michael Randall (Junior)	Survey	1-2 February 2016
Yaegl TOAC	Deidre Randall	Sub-surface test excavation	26 April – 29 April 2016
Yaegl LALC	Ferlin Laurie Shane McLeay	Sub-surface test excavation	26 April – 29 April 2016
Yaegl TOAC	Deidre Randall	Sub-surface test excavation	30 April 2016
Yaegl LALC	Ferlin Laurie Michael Randall (Junior)	Sub-surface test excavation	30 April 2016

The Aboriginal cultural heritage assessment was undertaken during archaeological survey and concurrently with the sub-surface test (SST) excavation program with the RAPs, in order to gather relevant cultural information about the Project Site. The assessment focussed on information about the cultural heritage values of the Project Site and the broader area.

Consultation therefore involved written submission; telephone communications and on-site consultation with RAP nominated site officers (refer to **Table 3-1**). Discussion and information gathering occurred during survey or at the PAD being tested. A draft of this ACHAR was forwarded to RAPs for comment however despite repeated attempts to contact the RAPs; no comments were received within the 28-day period.

A number of comments were received from RAPs during the SST excavation program. Notable comments from site officers during the fieldwork included:

- Acknowledgement of the Pillar Valley Corridors of Movement. All expressed that the Pillar Valley (to the east) was important for its swamps and other resources.
- Provided input into the mitigation measures proposed in this report.

3.1.4 Registered Aboriginal party comments on the cultural heritage assessment report

Comment on this ACHAR and associated AAR were received by telephone on 5 August 2016. Michael Randall Senior communicated on behalf of Michael Randall Junior and Deirdre Randall that there were no issues with the ACHAR or AAR and no changes to the documentation was required. Further details of consultation can be found in **Appendix B**.

4. Environmental context

This chapter provides an overview of the land use, cultural and geological conditions that characterise the region.

The information provided relates specifically to those factors which affect archaeological site composition, distribution and preservation. Interpretation relating to landforms, geology, soils, and vegetation are made from an archaeological perspective and may not necessarily accord to scientific reports on these subjects. For example, descriptions may be different than that standard to geology and geography.

Land systems are mutually exclusive complexes that contain similar environmental components such as climate, geology, landform, soil and indigenous vegetation (Rowan 1990). Land systems form useful discrete units for describing and analysing the landscape.

This review of the environment context is arranged into land systems in order to build a context for the archaeological assessment. Two land systems occur within the Project Site and are summarised in **Table 4-1**.

Table 4-1 Summary of land systems within the Project Site

Land system	Location	Specific landscape characteristics
Clarence River floodplain	East of Grafton	The Clarence River flows approximately 12 km northwest of the Project Site. The Clarence River floodplain is an undulating plain consisting of low rises, levees, terraces and depressed flood channels, and is made up of Quaternary gravel, silt, alluvium, sand and clay deposits. The Quaternary alluvium may retain archaeological deposits in aggrading landform contexts.
Coast Range	East of Grafton	To the east of the floodplain is the Coast Range, which is a north-south aligned range sitting on the Kangaroo Creek Sandstone and Grafton Formation geological features. Moderate slopes exist on the western face with steep escarpments found on the eastern face. Associated rock types here include sandstone, siltstone, claystone, and conglomerate (Navin Officer 2009b).

4.1.1 Geomorphology

The Project Site lies at the interface between the Clarence River Valley southeast floodplain and western slope of the Coast Range. The Clarence River valley is generally a flat to undulating landscape with swamps, lagoons and a number of tributaries feeding the Clarence River. The river itself divides a number of times to form islands as it flows in a northeast direction toward the river mouth at Yamba.

The Coast Range, east of the Project Site, is aligned north-south, following the Coast Range Fault parallel to coastline. It exhibits a steep escarpment on its east face, with the western face providing a moderate to gentle slope towards the floodplains. Kangaroo Creek Sandstone Beds outcrop around the Clarence and Richmond River valleys with extrusions found throughout the Clarence River floodplain, continuing southerly to the northeast of Woolgoolga. These formations contain siltstone, claystone and sandstone deposits.

The Pleistocene coastal plains in the Clarence River Valley consist of extensive low-lying colluvial, aeolian, and estuarine swamp deposits occurring between the dune landscapes of the beach, and the lowland range of spurs, ridges and hills of the Corumba Beds forming the Coast Range.

The Clarence River floodplains consist of Quaternary alluvium, gravel, sand, silt, and clay deposits formed on Cretaceous to Jurassic period Kangaroo Creek Sandstone and Grafton Formation geological features

(Geological Survey of NSW 1970). Land clearance and the forestry industry have contributed to erosion leading to relatively shallow top soil along these geographical units.

4.1.2 Geology

The sedimentary and metamorphic rocks found in the Coast Range include greywacke, slate, sandstone, quartzite, conglomerate and chert (Geological Survey of NSW 1970). Aboriginal people may have gathered the raw material through mining or quarrying and surface collection. Boulders, exposed veins or blocks, conglomerates and pebbles, cobbles or gravel provided a source of material and typically, Aboriginal people of NSW quarried silcrete, chert, quartz and quartzite (Department of Primary Industries 2007).

Silcrete is silicified material formed through secondary cementation with added silica. Silcrete is a hard and extremely brittle material that breaks across the cemented grains with a conchoidal fracture. The resulting sherds can be extremely sharp. Chert and chalcedony are sedimentary rock similar in composition with a fine-grained microcrystalline structure.

The geology of the area provides suitable material for stone tools and trade goods. Rock shelters found within the sandstones along the Coast Range nearby may have been used as campsites and/or for rock art by Aboriginal people (Kuskie 2008); however, these are not present within the Project Site.

4.1.3 Flora and fauna

Before European settlement the Clarence Valley region supported a riparian rainforest on the Clarence floodplain (Rose 2012). Cedar trees formed Early European observations stated that the river bank was unable to be seen as the vegetation was so dense (Lang 1847, p. 40). Bark shelters suitable for a few occupants were usually constructed in the thick scrub where protection from the elements was afforded. These camps were moved frequently in contrast to occupation sites along the coastal zones which were more sedentary in nature (Colman 1982). Rainforest vegetation would have also provided reliable plant resources for food, medicine, and raw materials for Aboriginal populations across the floodplains and throughout the nearby coastal regions.

The rainforest and sclerophyll forest surrounds would have supported a diffuse population of animals with wallaby, possums and birds recorded. The estuarine characteristics of the Clarence River near Grafton would have provided suitable conditions for a variety of aquatic life. Aboriginal populations would have hunted on a year-round or seasonal basis, depending on the species and migratory habits.

Much of the vegetation along the Clarence River has been cleared for pasture and agricultural activity, more so than in areas further north. Although some original vegetation exists in secluded pockets, settlement and the timber industry has contributed greatly to the clearing of natural vegetation along the Clarence River.

Vegetation communities that exist on the Project Site include:

- Coastal freshwater meadows and forblands of lagoons and wetlands.
- Spotted Gum - Grey Box - Grey Ironbark dry open forest of the Clarence Valley lowlands of the NSW North Coast Bioregion.
- Spotted Gum - Grey Ironbark - Pink Bloodwood open forest of the Clarence Valley lowlands of the NSW North Coast Bioregion.
- Modified grazing land – native and exotic.

There is around 31.6 hectares of native vegetation, the majority of which is generally confined to the western extent of the site with isolated patches scattered throughout. The Proposal would require clearing of 30.3 ha of the native vegetation found on the Project Site (refer to the Biodiversity Assessment Report, Appendix F of the EIS (Jacobs 2016)). Past and present land use activities such as land clearing, cattle grazing, exotic grass seeding, tree ringbarking and under-scrubbing have significantly reduced the extent and condition of native vegetation. As a result mid-storey and ground cover shrubs are absent reflecting the lower condition scores. The groundcover is dominated by a mix of both native and exotic plant species including native Barbed-wire Grass (*Cymbopogon refractus*) and Blady Grass (*Imperata cylindrica*) and exotic Broad-leaved Carpet Grass (*Axonopus compressus*) and Paspalum (*Paspalum dilatatum*).

Around 163.4 ha of the Project Site has been cleared and modified for stock grazing and comprises a mix of native and exotic grassland. Many areas are dominated with introduced pasture grasses including exotic Narrow-leaved Carpet Grass and Paspalum. These areas represent grasslands dominated by exotic species. There are lower diversity of native species comprising native grasses Blady Grass, Barbed-wire Grass, Wire-grasses (*Aristida* spp.) and native herbs Yellow buttons (*Chrysocephalum apiculatum*), Kidney Weed (*Dichondra repens*), Woodland Bindweed (*Polymeria calycina*). The noxious Fireweed (*Senecio madagascariensis*) also occurs in these areas in moderate abundance.

Paddock trees and dead standing trees are scattered across these grassland areas, some of which provide tree hollows and temporary shelter for a range of fauna species, including potential threatened species such as hollow-roosting bats. The landscape position of these open grasslands also provides a corridor for foraging Coastal Emu and both breeding and foraging habitat for Rufous Bettong (*Aepyprymnus rufescens*).

4.1.4 Hydrology

The Project Site lies in the Clarence Valley catchment and is approximately three km east of the Clarence Valley Regional Airport which is 25 metres (m) above sea level. A low 20 - 30 m high north-south aligned ridge runs through the centre of the Project Site with high points at the northern and south-western ends of the Project Site. The ridge slopes down to an elevation of around 12 metres on the eastern side of the Project Site and around 15 metres on the north-western end of the Project Site. There are no rivers or streams traversing the development site but there are some ephemeral drainage features that drain into the Coldstream River (to the east) and Deep-Glenugie Creek (to the west) which eventually drain north to the major Clarence River approximately 10 kilometres to the northwest. Upper Coldstream Wetland ((including Crowsnest Swamp) lies approximately one km to the northeast of the Project Site, and are listed in the Directory of Important Wetlands of Australia and as SEPP 14 Coastal wetlands. These wetlands are fed by the Coldstream River and a number of tributaries which would have provided Aboriginal people with access to water and localised resources with some seasonal variability. Additional creeks, such as Deep-Glenugie Creek, and streams can be found a few kilometres to the north and west of the Project Site. These creeks, streams and associated waterholes may have provided a focus for aboriginal occupation in the region. The more permanent source of water of the Clarence River is approximately 12 km to the northwest.

4.1.5 Climate

Grafton experiences a greater rainfall during the summer than in winter which is typical of a humid subtropical climate. The Australian Bureau of Meteorology (2016) Grafton Airport AWS - 058161 states the total mean average annual rainfall is 1174.5 millimetres (mm) with a mean precipitation of 165.8 mm in February to 33.8 mm at the lower end of the scale during July. Mean daily temperatures range between 29.7 degrees Celsius in January to 20.3 degrees Celsius in July.

Climate of this nature is unlikely to have required substantial movement across the landscape due to resource availability for the Aboriginal people. The landscape remained essentially occupied throughout the year according to early European records (Kijas 2009, p. 3; Willoughby 1999). Social activity, ceremonial events and trade would account for any significant movement over long distances.

4.1.6 Existing environment

The Clarence River Valley has undergone significant clearing of the original rainforest vegetation and is characterised by existing pastoral use, buildings, tracks, and dams. The Project Site exhibits the grassy sub-formation of the Wet Sclerophyll forest with vegetation associated with Dry Sclerophyll forest found in the lowlands to the east and south of the Project Site. A very small number of remnant native trees and bushes are located in increasing concentration in the southwest of the property. Small dams and a recently constructed dwelling are found in the Project Site.

4.1.7 Ethnography

The Project Site is located within the Yaegl (Yaygir) language group. Three additional Aboriginal language groups are found in the Clarence River valley region. North of the Yaegl (Yaygir) were the Bundjalung people,

separated by the Clarence River. The region south and southwest of the Yaegl (Yaygir) was occupied by the Kumbainggiri. The Nyangbal people lived along the coastal regions to the east of the Yaegl.

4.1.8 Cultural context

Tindale (1940) identifies two major language groups of the Kumbainggiri (Gumbainggarr) and the Yaygir in the Grafton region close to the Project Site. The Gumbainggarr people covered a large area from Urunga in the south to the west of Grafton. The boundaries between the Gumbainggarr and Yaygir are difficult to determine with Tindale (1974) indicating the Yaygir occupied the region east of the Clarence River from Cowper in the north to Woolli on the coast in the south. Subsequent study of Yaygir oral histories included Corindi Beach north to Black Rocks, and Ulmarra on the Clarence River (Heron 1991), and Yamba (Godwin and Creamer 1987). Other language groups found in the region are the Badjelong (Bandjalong) in the north and Dangaddi in the south. The Project Site falls within the region attributed to the Yaygir language group (DECCW 2009).

The Clarence River floodplains and adjacent coast support an abundance of resources suggesting the area could support a large population. Population density estimates of six people to two square km indicate a pre-European settlement of 800 people would have been sustainable (Byrne 1985).

4.1.9 Post contact history

Mathew Flinders anchored in the Clarence River estuary in 1799, making reference to Aboriginal huts along the riverbank (Flinders 1799).

Escaped convict Richard Craig reached the Clarence River in 1834-5. Cedar cutters and squatters were known to be operating in the area from 1838. Official exploration of the region occurred when Sydney merchant introduced cattle to the area in 1839. The Clarence River was officially named in 1839 when deputy Surveyor General, Captain SA Perry, navigated the river on the steamer King William (Jervis 1940). By 1845, much of the lower reaches of the river had been taken over by the cedar trade (Rich 1990). As only the more accessible cedar was taken, this industry had little disturbance impact on the forest and ceased around 1842.

Droughts further south of the region encouraged pastoralists to explore the area with station properties appearing around Grafton in the 1840s. Grafton township was established in 1851 with the first sale of town blocks, however was not officially named Grafton until 1885 when proclaimed a city by Governor Fitzroy.

Settlement occurred initially along the banks of the rivers and streams before extending further outwards. The banks were cleared of brush, which was largely burnt rather than sold, and by the late 1860s the brush had disappeared from the riverbanks (Rose 2012, p. 33). Grazing occupied the area beyond the settlement under lease arrangement (Stubbs 2007), and changes to land ownership in 1847 extended the area suitable for agricultural development to 10 miles (16 km) beyond the boundary of Grafton.

4.1.10 Database search

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken by Andrew Wilkinson (Project Archaeologist, Jacobs) on 8 January 2016, between Geocentric Datum of Australia (GDA) Zone 56, Eastings 500434 to 511080 and Northings 6703180 to 6715817; encompassing a four km radius around the Project Site. Three Aboriginal sites (13-4 0040; 13-4 0078 and 13-4 0079) are registered within this area and three areas of PAD (13-4 0186; 09-4 0108 and 13-4 0185) were also identified on AHIMS. The results of the search are listed at **Table 4-2**.

Table 4-2 Sites and PADs identified in the AHIMS database search

AHIMS ID	Description
13-4 0040	Identified as a burial ground. This natural flat area, on the northern bank of Glenugie Creek. The burial locations cannot be distinguished by depressions or mounds and have been verified through oral history.
13-4 0078 and 13-4 0079	Both sites comprise two stone artefacts each which were found on the unsealed No. 2 Fire Trail Road shoulder. Area is described as a broad, open, flat area devoid of dominant ridges or spurs in dry sclerophyll forest near riparian rainforest, alongside Pheasant Creek.
PAD 09-4 0108	Test excavation was performed in the southern section of the PAD in the area impacted by the Wells Road to Iluka Road section of the Woolgoolga to Ballina (W2B) Pacific Highway Upgrade project. No artefacts were recovered and the PAD boundary within the Pacific Highway Upgrade corridor was altered to reflect the lack of cultural material found. The existing PAD boundary still remains within the Project Site near to the intersection of Avenue Road and Wants Lane. At a later stage subsequent sub-surface testing and survey was conducted in PAD 09-4 0108. The survey resulted in two stone artefacts being located in the wall of the dam within the PAD boundary.
PAD 13-4 0185 and PAD 13-4-0186	On flat cleared grassy areas with a gentle slope rising to the northeast. Both PADs were subject to sub-surface testing and no artefacts found. Therefore, the PADs were declared not a site, but remain on AHIMS.

4.1.11 Previous Aboriginal heritage assessment

Previous archaeological investigation in the region of the Project Site has generally been limited to regional studies and locality-wide investigations for roads and forestry projects. The cultural heritage assessment methodology used the available information to develop a predictive model. Information related to the Project Site from previous investigations that have been undertaken in the region is detailed below.

Three previous Aboriginal cultural heritage assessments have been undertaken in the region. Two of these assessments were for the Wells Crossing to Iluka Road section of the Woolgoolga to Ballina (W2B) Pacific Highway Upgrade which traverses the southern part of the Project Site for a distance of approximately 600 metres (Brooke *et al.* 2012a; Navin Officer 2009b). The other study investigated the archaeological potential of the landforms in the region for the Ulmarra Shire Council (Byrne 1985).

Byrne (1985) identified four landforms in the Ulmarra Shire Council region comprising Floodplain, Riverine, Uplands, Coast and Coastal Wetlands. Floodplain landform is of most relevance to the current study as the Project Site is situated on a rise overlooking the surrounding flood prone areas to the east and west. For the Floodplain landform, Byrne (1985) predicted that Aboriginal sites would comprise open sites of stone artefacts located on the higher ground in and around the periphery of that landform. A previously recorded bora ground and burial site in the Ulmarra Shire indicated the likelihood of similar sites occurring in the region. Due to the depositional environment of the floodplain most Aboriginal sites would be covered by colluvial sediments.

Navin Officer (2009b) conducted a survey to identify all Aboriginal heritage between Wells Crossing and Iluka Road for the W2B Pacific Highway Upgrade concept design. No Aboriginal sites, places or objects were identified throughout the survey; however, WX2I PAD 8 (AHIMS ID 09-4-0108) was recorded and covers part of the colluvium deposits within the Project Site boundary. Navin Officer (2009a, p. 20) predicted that level raised ground, spurs, ridges and proximity to water sources relative to the landscape were of higher archaeological potential.

Further archaeological assessments to verify the presence of Aboriginal cultural material for the Wells Crossing to Iluka Road section of the W2B Pacific Highway Upgrade were conducted by Brooke *et al.* (2012a). Test excavation of WX2I PAD 8 (AHIMS ID 09-4-0108) was conducted as part of that assessment (Brooke *et al.* 2012b) with fourteen of the 27 shovel test pits located within the Project Site adjacent to the road reserve of Avenue Road. No artefacts were found as a result of the sub-surface test excavations of WX2I PAD 8 (AHIMS ID 09-4-0108) resulting in removal of the tested portion of the PAD from the AHIMS registry data (. Stone

artefacts were found on the raised slopes, spurs and tributaries near the Coldstream River (Brooke *et al.* 2012b, p. 38). The material of the artefacts recovered included: chert, quartz, chalcedony, basalt and silcrete.

In September 2012 as part of the W2B environmental assessment further test excavation and survey was conducted within the Project Site on WX2I PAD 8 (AHIMS ID 09-4-0108). This region comprises colluvium sediment deposits resulting from rain wash from the higher ground to the west of the Project Site.

No artefacts were recovered from the test excavations; however, a silcrete flake and a jasper core were found within the cadastral boundaries of Lot 1 DP 1190399. The Aboriginal site impact recording form (ASIRF) recommended the PAD be renamed WX2I Site 8 and that salvage be conducted. Currently WX2I PAD 8 (AHIMS ID 09-4-0108) remains a registered PAD on the AHIMS database. A summary of the one existing archaeological site and one existing PAD is included in **Table 4-3**. This study concluded that the artefact assemblage supported the premise that the Aboriginal people in the area preferred the locally sourced materials, predominantly silcrete and chert.

Table 4-3 : Summary of Aboriginal cultural heritage areas previously identified within the Project Site

Site name (AHIMS ID)	Site type	Material	Sensitivity
WX2I PAD 8 (AHIMS ID 09-4-0108)	PAD	Sub-surface	Moderate
WX2I Site 8	Two stone artefacts	One silcrete flake and a jasper core	Moderate

4.2 Predictive model for the Project Site

An assessment of the environmental characteristics can identify the more favourable conditions supporting the likelihood of an archaeological site. Examples from locations in similar landscapes can often be applied to the broader landscape in locating areas of archaeological interest.

The patterns of known site distribution within the Clarence Valley floodplains, Coast Range and the lowlands can be applied to a predictive model based on the archaeological landscape of the area. Using a risk based process the likelihood of site location and the sensitivity assigned to landforms can be used to predict the archaeological potential of a particular site.

The sensitivity rating indicates the likelihood of an archaeological site being present, but not necessarily the significance of the site.

The Project Site was assigned an archaeological sensitivity rating based upon:

- Ethnohistory and cultural knowledge.
- Previous impacts to the landform and potential effects of these impacts on the archaeological record.
- Previous models developed for archaeological assessment of the region.
- Previous survey and subsurface archaeological investigation in the region.

The following predictions can be made regarding the nature of Aboriginal occupation in the Project Site:

- Elevated, flat areas of colluvial deposit adjacent to water sources will be of moderate to high archaeological sensitivity.
- Surface and sub-surface deposits of stone artefacts will be the most likely site type.
- Ceremonial sites (bora grounds) and burials may also be present.
- Scarred trees may be present where remnant mature native vegetation occurs.
- Stone artefacts are likely to comprise chert, quartz, chalcedony, basalt, and silcrete materials; such as those found in WXI2 Site 8 (AHIMS ID 09-4-0108).

The undulating nature of the Project Site is consistent with the Clarence Valley floodplain. Raised areas of colluvial deposits may increase the sensitivity of the area. The low rises, the proximity to the swamp and creek region of the Coldstream River and the cultural significance of the Pillar Valley to the east support the likelihood of archaeological sites in the Project Site. Anthropogenic activity on the Project Site may contribute to the exposure and distribution of artefacts.

The gentle rise in landform of the Project Site, forming a flattened ridge, traverses Lot 26 DP 751376 (the northern property of the Project Site) in a north-south alignment. The resulting ridge overlooks the lower floodplains of Glenugie Creek west of the Project Site, the southern extent of Crowsnest Swamp towards the Coldstream River, and the Pillar Valley further east. In considering the landform across the region, and the vegetation and landform of the Project Site, Aboriginal archaeological evidence would most likely be found as artefact scatter and scarred trees. Scarred trees may be found in any mature and old growth trees that remain in the Project Site. The sensitivity rating is considered moderate.

5. Aboriginal cultural assessment

5.1 Methodology

The cultural assessment in this report includes information collected through the desktop assessment literature review and consultation during the survey and sub-surface test excavations. This information was collected by Andrew Costello (Senior Archaeologist, Jacobs), Vanessa Edmonds (Technical Leader, Aboriginal Cultural Heritage Assessments, Jacobs) and Andrew Wilkinson (Project Archaeologist, Jacobs).

5.2 Cultural landscape

The World Heritage Convention of United Nations Educational, Scientific and Cultural Organisation (UNESCO) define an associative cultural landscape as one which has 'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent' (UNESCO 1991). The relationship between Aboriginal Australians and the land is conceived in spiritual terms rather than primarily in material terms (Andrews et al 2006). Aboriginal cultural knowledge has been defined as:

Accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs and cultural laws and custom (Andrews et al 2006).

Aboriginal cultural knowledge was traditionally bequeathed through oral traditions from generation to generation. Within all Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of European settlers. This widespread disruption resulted in much of the detailed knowledge and understanding of many of the elements of the cultural landscape being lost from the Aboriginal community.

5.3 Identified Aboriginal cultural heritage values

Previous consultation with the RAPs during fieldwork for the Wells Crossing to Iluka Road section of the W2B Pacific Highway Upgrade along with on-site discussions with Aboriginal site officers for the current fieldwork program have identified the following cultural heritage values within the landscape (refer to **Table 5-1**).

Table 5-1 Cultural heritage values identified by registered Aboriginal parties

Cultural heritage value	Description
Resource gathering locations and techniques	Stakeholders identified that they still fish and collect wild food throughout the region (eg Milton Duroux pers comm August 2010). The techniques and primary resource gathering locations are known and passed on through generations.
Scarred trees	Stakeholders identified scarred trees as being of sacred and ceremonial significance (eg Rod Duroux pers comm August 2011). This was due in part to these being some of the only 'markers' remaining in the landscape as a result of European agricultural practices. In the area around the Project Site, scarred trees also mark ceremonial sites such as bora rings, and occasionally burial sites.
Pathways through the landscape	Across the entire Project Site registered Aboriginal parties identified numerous pathways that lead from the ranges to the coast. These pathways also link spiritual and ceremonial sites. During previous survey for the Wells Crossing to Iluka Road section of W2B, Aboriginal site officers identified the importance of spurs and ridgelines as a route for travel through the landscape (eg pers comm Ferlin Laurie August 2010). These pathways were generally a link between the coastline and the mountain ranges.
Water courses, water holes or springs	Permanent water bodies are culturally significant as central locations for gathering of people, resource collection and camping. Watercourses are often associated with spiritual beings (Ferlin Laurie pers comm August 2010).

Cultural heritage value	Description
Areas of spiritual significance	The strong attachment that traditional owners have to the Project Site and surrounding landscape is evident through their Dreaming stories and social connections. Stories relating to creation beings <i>Birrugan</i> , and <i>Mindi</i> and <i>Baiamie</i> link a number of places across the district including Yamba, Woodburn, Tyndale, and the Clarence and Richmond Rivers.
Post-contact sites	Post-contact sites are those which have gained significance to Aboriginal people after the arrival of European settlers.
Massacre sites	These are of great importance to the Traditional Owners, and are often difficult to discuss.

5.4 Aboriginal cultural places within the Project Site

A number of comments specific to the Project Site were received from Yaegl LALC representatives during the sub-surface test excavation program. These comments are detailed in **Table 5-2**.

Table 5-2 Comments made by the RAP nominated site officers during fieldwork

PAD (Site)	Comment
NGCC PAD 2 (NGCC 2)	Good views over the Coldstream River wetlands (including Crowsnest Swamp) to the coastal ranges and Pillar Valley. Good viewpoint for observing food resources of Kangaroo, Wallaby, Emu and bird life.
NGCC PAD 3 (NGCC 3)	Possible camp with views over the southern and western regions of the property and across the Coldstream River wetlands (including Crowsnest Swamp) to the coastal ranges and Pillar Valley.
NGCC PAD 4 (N/A)	East-west travel corridor to/from Pillar Valley runs past the southern boundary of the Project Site. Good area to camp.

5.5 Aboriginal cultural places adjacent to the Project Site

Navin Officer (2009b) listed a number of places that were identified as culturally significant to the local Aboriginal communities in consultation for the W2B Pacific Highway Upgrade project (Wells Crossing to Iluka Road section). These were detailed in documented stories (Gumbaynggir Language & Culture Group 1992) and by community consultation undertaken at the time. A brief outline of those sites associated with the Project Site is provided below:

- The creation of Glenugie Peak is told in a story involving two hero-ancestors, Birrugan and Mindi (his Elder), who has a fight over the collection of food. Birrugan became angry with Mindi and piled all of the yams he was collecting into a pile which became Glenugie peak (Gumbaynggir Language & Culture Group 1992).
- A place near Tyndale is the final place where Birrugan and Mindi fought. Here Birrugan speared and wounded Mindi who then fell into the water and drowned. There is a rock standing in the water in the South Arm of the Clarence River where Mindi fell in (Gumbaynggir Language & Culture Group 1992).
- The Yaegl LALC advised that there were pathways to ceremonial sites in the north eastern portion of the Project Site in the vicinity of Gulmarrad.
- An elder of the Burra:way Wa:jad Traditional Owners Group identified the following areas of cultural significance.
 - Glenugie Peak – A Dreamtime Place of which this Elder knew the creation story. This is an important place which should be avoided.
 - Ulmarra – A large historic Aboriginal encampment existed here.
 - Clarence Peak – A very significant mountain with associated significant sites.

- The Bom Bom Area – Ceremonial sites, burials and other significant sites associated with historic Aboriginal encampment ('The Four Mile') in South Grafton.
- Pillar Valley – Significant women's places occur in the Valley.
- Iluka – Important occupation area and sacred sites.
- The Garby Elders advised that the Pillar Valley (including the Pillar Rock and nearby waterholes) are a significant men's place. The Garby Elders also share stories with other groups relating to Glenugie Peak and Tyndale, and identified the Coldstream River as an important corridor linking significant areas at Glenugie, Pillar Valley and Tyndale.

Although some of these sites and places are at a distance from the Project Site, it remains central to these places of cultural significance. The Project Site lies in a region that would have afforded easy access for Aboriginal people travelling from the western regions of the Coast Range to the Pillar Valley and Pillar Peak, a few kilometres directly to east, as well as for those traversing the landscape in a north to south direction following the Coldstream river corridor. **Table 5-2** describes those cultural places more closely associated with the Project Site.

6. Summary of archaeological assessment

6.1 Assessment methodology

The methodology of the archaeological assessment, which is presented in detail in **Appendix D**, built on each of the stages listed below and broadly structured as follows:

1. Desktop assessment to develop a predictive model.
2. Survey.
3. Sub-surface test excavation program.

All stages of the archaeological assessment included consultation and involvement with the registered Aboriginal parties (refer to **Table 3-1**).

Key to the archaeological assessment was the following steps:

- Reviewing existing data (including any previous investigations specific to the area around the Project Site, AHIMS searches, etc), to identify any gaps in the assessments and to develop a predictive model to aid in identifying areas within the Project Site more sensitive to the discovery of archaeological sites. This specifically informed the survey program.
- Undertaking field investigations (survey and sub-surface test excavation) with Aboriginal site officers. Discussions regarding the methodology, PAD/site condition and initial management recommendations were also undertaken in the field.
- Recording and analysis of cultural material in the field, as material could not be removed off site.

6.2 Results of the archaeological assessment

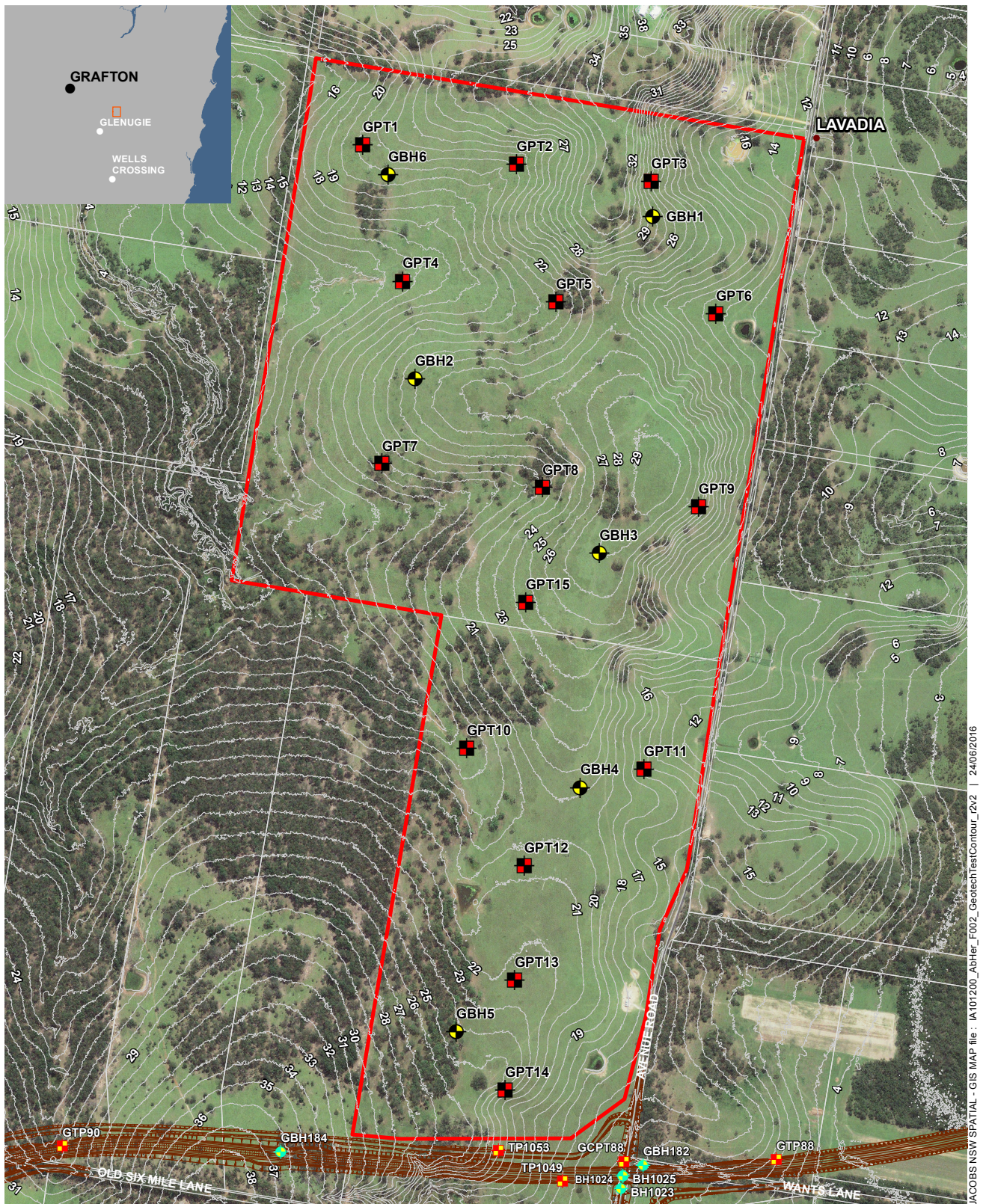
One hundred per cent of the Project Site was covered by foot, with the ground surface visibility (GSV) at 10 per cent. The effective coverage of the Project Site was 103,622 square metres or around two per cent. In addition to an existing registered Aboriginal site and associated PAD (refer to **Table 4-3**), four new areas of PAD and one new Aboriginal site were located and recorded.

As a result of the sub-surface testing, the status of PADs was either revised to 'site', or 'not a site' if no material was uncovered during sub-surface test excavation. Aboriginal deposits (stone artefacts) were discovered from 127 shovel test pit excavations (500 mm x 500 mm), refer to **Figure 6-1**. Three new Aboriginal sites were recorded, bringing the total of Aboriginal sites located within the Project Site to four. The details of these findings can be found in **Appendix D**, while the significance of these sites is presented in **Section 7**.

Table 6-1 Status of PADs and sites near or within the Project Site following survey and sub-surface test excavation

Name	Type(s)	Name (AHIMS ID)	New site type(s)
W2XI PAD 8	PAD	W2XI PAD 8 (09-4-0108)	No longer a PAD within the Project Site
W2XI Site 8	Site – Artefact scatter	W2XI Site 8 (09-4-0108)	Site – Artefact scatter. Further artefacts identified
NGCC PAD 1	PAD	W2XI Site 8 (09-4-0108)	Part of Site W2XI Site 8 – Artefact scatter
NGCC PAD 2	PAD	NGCC 2 (13-4-0192)	Site – Isolated artefact
NGCC PAD 3	PAD	NGCC 1 (13-04-0193)	Site – Artefact scatter

Name	Type(s)	Name (AHIMS ID)	New site type(s)
NGCC PAD 4	PAD	N/A	Not a PAD
NGCC 3	Site – Isolated Artefact	NGCC 3 (13-04-0191)	Site – Artefact scatter



JACOBS NSW SPATIAL - GIS MAP file : IA 01200_AbHev_F002_GeotechTestContour_r2v2 | 2406/2016

Legend

- The Project
- Grafton Bypass (proposed)
- Jacobs investigations**
 - GBH1 - GBH6 (Proposed Boreholes)
 - GPT1 - GPT15 (Completed Test Pit Feb 2016)
- Previous drilling for Pacific Highway upgrades**
 - Borehole
 - Test Pit

0 250 500 Metres
1:12,500 @ A4



Data sources

Jacobs 2015
LPI 2015
RMS 2013 (W2B Alliance)

Figure 6-1 | Previous and current geotechnical investigations - Local scale

7. Significance assessment

7.1 Methodology

7.1.1 Basis for assessment

A significance assessment is made up of several criteria that attempt to define why a site is important. Evidently, this can be challenging as sites are important for different reasons to different people, and even at different times. The assessment of Aboriginal cultural heritage in this assessment is based upon the four values of the Australia ICOMOS Burra Charter (Australian ICOMOS 2000).

- Social values.
- Historical values.
- Scientific values.
- Aesthetic values.

Each of these values is assessed below, and an overall significance is then given based on an average across the values. This is inherently a reductive process, and oversimplifies what is important to a range of different stakeholders, but is a necessary process in being able to create comparative values between sites. The significance of each site ultimately feeds the management of sites and places (refer to **Section 9**).

7.2 Significance criteria

7.2.1 Social significance

The significance of a site does not relate only to its scientific or research value. Aboriginal people's views on the significance of archaeological sites are usually related to traditional, cultural and educational values, although some Aboriginal people also value any scientific information a site may be able to provide.

Aboriginal community consultation is required in order to make a valid assessment of Aboriginal cultural values; especially those Aboriginal memories, stories and associations between the Aboriginal people and their traditional lands or Country. Aboriginal people frequently express an enduring connection to their Country, a connection that transcends generations, both past and present. That connection is often expressed as a sense of belonging, which may manifest through physical objects or place; alternatively, it may be presented as an intangible idea, where an appreciation of an unseen quality or non-materialistic value connects a place in the landscape, tradition, observance, custom, lore belief and/or history to the person or group describing the item, event or value. The notion of intangible, social, or community values is essential to Aboriginal people as *'the effective protection and conservation of this heritage is important in maintaining the identity, health and wellbeing of Aboriginal people'* (Australia ICOMOS 2000).

The Aboriginal community consultation for this Project has been undertaken in accordance with the ACHCRP (DECCW 2010c). Aboriginal cultural significance was assessed from consultation with the nominated Aboriginal site officers both during and following field assessments. It should be noted that Aboriginal significance assessed in this manner may not reflect the views of all members of the community. In conversations conducted on-site there was a strong expression of connection to the landscape and a desire to preserve and protect the remnant Aboriginal archaeological heritage.

7.2.2 Historic significance

The historic value of a site is determined through its association with historically important people, events or activities.

7.2.3 Scientific significance

Research potential or scientific significance of an Aboriginal archaeological site can be assessed by utilising the criteria set out below. Each criterion is rated as low, moderate or high.

- **Site integrity** – The integrity of a site refers to its state of preservation, or condition. A site can be disturbed through a number of factors including natural erosion processes, destructive land use practices or repeated use of a site in the past by both humans and animals.
- **Site structure** – Structure refers to a site's physical dimensions, that is, size and stratigraphy. A large site or a site with stratified deposits has more research potential than small sites and/or surface scatters. Sometimes however, specific research questions may be aimed at smaller sites in which case they would be rated at a higher significance than normal. Site structure cannot be assessed for scarred trees or isolated artefacts.
- **Site contents** – This category refers to the range and type of occupation debris found in a site. Generally, complex art sites, extensive quarries with associated debris and surface sites that contain a large and varied amount of organic and non-organic materials are considered to have greater research potential than those sites with small, uniform artefacts, single motif art sites and small quarries with little or no debris. For scarred trees, contents may refer to the size and type of scar and/or how many scars there are on the one tree.
- **Representativeness and rarity** – Representativeness refers to how much variability exists between the subject site and others inside or outside the subject area. It also considers the types of sites already conserved in the area and how much connectivity between sites exists. Rarity considers how often a particular site type occurs in an area. Assessment of representativeness and rarity requires some knowledge of the background archaeology of the area or region in which a study is being undertaken. Rarity also relates to whether the subject site or area is important in demonstrating a distinctive way of life, custom, process, land use, **function** or design which is no longer practiced.

7.2.4 Aesthetic significance

This refers to the 'sensory' value of a place, and can include aspects such as form, texture, and colour, and can also include the smell and sound elements associated with use or experience of a site (Australian ICOMOS 2000). Aesthetic significance can be closely linked to the social value of a site.

The following section attempts to synthesise the significance assessments from the findings of the relevant previous archaeological reports, as well as input from the Aboriginal community.

Each of these values is considered in the assessment below, and an overall significance is provided based on an average across the values. This is inherently a reductive process, and oversimplifies what is important to a range of different stakeholders, but is a necessary process in being able to create comparative values between sites.

7.3 Statements of significance

7.3.1 WX2I Site 8 – (AHIMS ID 09-4-0108)

Site Summary

The site is a surface and sub-surface scatter of ten stone artefacts comprising flakes and cores made from crystalline quartz, quartzite and chalcedony. This site was previously associated with WX2I PAD 8 (AHIMS ID 09-4-0108). Where excavation has occurred, the PAD is now a site; however a portion of the PAD is retained outside of the Project Site where it remains untested.

Social significance

- The artefact scatter at WX2I Site 8 has moderate social significance as it provides evidence of the use of the area by Aboriginal people in a limited way.

Historical significance

- The site does not meet this criterion. There is no historical evidence in the ethno-historic literature or within the Aboriginal community for use of this area.

Scientific significance

- The site has moderate scientific significance as it is ranked as having moderate integrity, moderate structure, moderate contents and moderate representativeness/rarity.
- The site has limited research potential and limited local educational potential for researching and teaching the way local Aboriginal populations used this type of landform.

Aesthetic significance

- § The site does not meet this criterion.

Summary statement of significance

- § Overall WX2I Site 8 has a moderate level significance at the local level. It has moderate social significance as it provides evidence of the use of the area by Aboriginal people in a limited way. It has moderate scientific significance due to its extent and range of raw materials. Although the artefacts are unlikely to be in situ they retain a moderate level of integrity within a modified landscape. The site has a moderate representativeness ranking as artefact scatters are common within the region but rare locally due to limited archaeological assessment. The site can provide limited research and educational potential about the way local Aboriginal populations used this type of landform particularly when assessed in conjunction with other sites in the Project Site.

7.3.2 NGCC 1 – (AHIMS ID 13-4-0193)

Site Summary

Comprising a sub-surface scatter of five stone artefacts, primarily flakes, made from silcrete and chert.

Social significance

- NGCC 1 has moderate social significance as it provides evidence of the use of the area by Aboriginal people in a limited way.

Historical significance

- The site does not meet this criterion. There is no historical evidence in the ethno-historic literature or within the Aboriginal community for use of this area.

Scientific significance

- The site has low scientific significance as it is ranked as having low integrity, low structure, low contents and moderate representativeness/rarity.
- The site has a low ranking for integrity as it is located on cleared agricultural land where there has been grubbing of tree roots and other unidentified excavation of sediments. The site has a low rating for structure as it consists of only five artefacts, and there is no stratification or structure of archaeological deposit evident. The site has a low contents ranking containing only two types of raw materials. The site has a moderate representativeness ranking as artefact scatters are common within the region but rare locally due to limited archaeological assessment.
- The site has limited research potential and limited local educational potential for researching and teaching the way local Aboriginal populations used this type of landform.

Aesthetic significance

- § The site has moderate to high aesthetic significance due to its elevation and subsequent views east across the Pillar Valley and coastal dunes and towards the Coldstream River and Swamps.

Summary statement of significance

- § Overall NGCC 1 has a moderate level of significance at the local level. It has moderate social significance as it provides evidence of the use of the area by Aboriginal people in a limited way. It has low scientific significance due to its low density, limited range of raw materials and lack of structure although the site can provide limited research and educational potential about the way local Aboriginal populations used this type of landform when assessed in conjunction with other sites in the Project Site.

7.3.3 NGCC 2 – (AHIMS ID 13-4-0192)

Site Summary

This site comprises one sub-surface quartz artefact, a flake.

Social significance

- The site has moderate social significance as it provides evidence of the use of the area by Aboriginal people in a limited way.

Historical significance

- The site does not meet this criterion. There is no historical evidence in the ethno-historic literature or within the Aboriginal community for use of this area

Scientific significance

- The site has low scientific significance as it is ranked as having low integrity, low structure, low contents and low representativeness/rarity.
- The site has a low ranking for integrity due to disturbance from agricultural activities. The site has a low rating for structure as it consists of a single artefact, and there is no stratification or structure of archaeological deposit evident. The site has a low contents ranking given that it is a single artefact. The site has a moderate representativeness ranking as artefact scatters are common within the region but rare locally due to limited archaeological assessment.
- The site has limited research potential and limited local educational potential for researching and teaching the way local Aboriginal populations used this type of landform.

Aesthetic significance

- The site has moderate to high aesthetic significance due to its elevation and subsequent views east across the Pillar Valley and coastal dunes and towards the Coldstream River and Swamps.

Summary statement of significance

- Overall NGCC 2 has a low level of significance at the local level. It has moderate social significance as it provides evidence of the use of the area by Aboriginal people in a limited way. It has low scientific significance due to its low density, limited range of raw materials and lack of structure. The site can provide limited research and educational potential about the way local Aboriginal populations used this type of landform particularly when assessed in conjunction with other sites in the Project Site.

7.3.4 NGCC 3 – (AHIMS ID 13-4-0191)

Site Summary

This site comprises surface scatter of two stone artefacts made from granite and quartzite located on disturbed ground.

Social significance

- The artefact scatter at NGCC 3 has moderate social significance as it provides evidence of the use of the area by Aboriginal people in a limited way.

Historical significance

- The site does not meet this criterion. There is no historical evidence in the ethno-historic literature or within the Aboriginal community for use of this area.

Scientific significance

- The site has low scientific significance as it is ranked as having low integrity, low structure, low contents and low representativeness/rarity.
- The site has a low ranking for integrity as it is located on a levee disturbed through excavation of sediments. The site has a low rating for structure as it consists of only two artefacts, and there is no stratification or structure of archaeological deposit evident. The site has a low contents ranking given the small number of artefacts and limited range of raw materials. The site has a moderate representativeness ranking as artefact scatters are common within the region but rare locally due to limited archaeological assessment.
- The site has limited research potential and limited local educational potential for researching and teaching the way local Aboriginal populations used this type of landform.

Aesthetic significance

- The site does not meet this criterion.

Summary statement of significance

- Overall NGCC 3 has a low level of significance at the local level. It has moderate social significance as it provides evidence of the use of the area by Aboriginal people in a limited way. It has low scientific significance due to its low density, limited range of raw materials and lack of structure. The site has limited research and educational potential about the way local Aboriginal populations used this type of landform.

8. Impact assessment

The broader region surrounding the Project Site has evidence of past Aboriginal behaviour in the form of scarred trees, artefact scatters and ceremonial sites such as bora grounds. Consultation on site confirmed that within a two kilometre radius of the Project Site, sites pertaining to past examples of hunting, fishing camping and seasonal migration are present in the landscape. Disturbance through relatively recent activities such as the house built on the property, several dams, electrical easement, road building and development have reduced some of the archaeological sensitivity of the landscape. In previous times, timber harvesting and early road construction activities would also have reduced the potential for these items to be present in the Project Site.

This following section describes the impact to Aboriginal cultural heritage through the conduct of the Project, detailing impacts to Project Site where:

- Avoidance will occur where a PAD or site may be partially or wholly outside the Project Site boundary.
- Partial impact to a site would occur, with avoidance to part of the site outside of the Project Site.
- A site not be directly impacted by construction of the Proposal and the Project, but may be at risk of indirect impacts, such as the exposure of artefacts from future activities that result in ground disturbance.
- Impact is unavoidable and the site will be totally impacted.

A total of four archaeological sites (NGCC 1, NGCC 2, NGCC 3 and WX2I Site 8) are likely to be impacted by the Project as currently proposed (refer to **Table 8-1**).

The boundary of one PAD (W2XI Pad 8) extends beyond the Project Site boundary. No impact to the PAD will occur outside of the Project boundary.

No Aboriginal cultural heritage places will be impacted by the Project.

Table 8-1 Impact assessment for archaeological sites within and near the Project Site

Site name or (AHIMS ID)	Updated name	Overall significance	Site type	Impact	Description
WX2I PAD 8 (09-4-0108)	-	Moderate	PAD	None	The site is located south east and outside the Project Site boundary. No direct or indirect impact is likely from the Project.
W2XI Site 8 (09-4-0108)	-	Moderate	Artefact scatter	Direct	WX21 Site 8 will be impacted by the Stage 1 site works
NGCC PAD 1 (09-4-0108)	W2XI Site 8	Moderate	Artefact scatter	Direct	WX21 Site 8 will be impacted by the Stage 1 site works.
NGCC PAD 2 (13-4-0192)	NGCC 2	Low	Artefact scatter	Direct	NGCC 2 will be impacted by the Stage 1 site works.
NGCC PAD 3 (13-4-0193)	NGCC 1	Low	Artefact scatter	Direct	NGCC 1 will be impacted by the Stage 1 site works.
- (13-4-0191)	NGCC 3	Low	Artefact scatter	Direct	NGCC 3 will be impacted by the Stage 1 site works.

The impacts may include:

- Physical removal or damage to sites as a direct result of construction activities.
- Indirect impacts to sites where access, visual amenity or significance is impacted through construction activities.

9. Management recommendations

The broad objectives to manage impacts to Aboriginal archaeological and cultural heritage for the Project are:

- Avoid or minimise impacts on significant cultural heritage.
- Preserve as much cultural heritage in its original environment as possible.
- Maintain cultural heritage through preservation, salvage and increased knowledge.

The first principle of cultural heritage management is impact avoidance and minimisation before mitigation. If it is not possible to partially or completely avoid sites, then mitigation is required. The Project will impact on all Aboriginal archaeological sites recorded within the Project Site. No Aboriginal cultural places will be impacted.

These recommendations have been developed to effectively mitigate the impact to all archaeological sites within the Project Site boundary. These management recommendations have been developed from in field discussions with the RAP nominated site officers and have yet to be presented to relevant registered Aboriginal parties. The detailed management recommendations for all archaeological sites in the Project Site are presented in **Table 9-1**. If unexpected discovery of Aboriginal objects within the Project Site, during construction of the Project for contingency actions that would be followed, refer to **Section 9.4**.

9.1 General project management requirements

The following requirements apply to the management of all Aboriginal heritage sites within the Project Site from pre-construction to construction activity:

- Try to minimise impacts on sites during detailed design for the Stage 2 work.
- All salvage excavations would be restricted to the site extent and should be undertaken with regard to the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010).
- All field-based mitigation (eg collection, salvage) must be undertaken with RAP nominated Aboriginal site officers.
- The results of the salvage excavations and the archaeological material analysis would be included within a detailed salvage report.
- Cultural heritage awareness training must be undertaken for all personnel prior to involvement in the construction of the Project. Where possible, this should be undertaken externally, and the possibility of the RAPs providing this service should be explored.

9.2 Effectiveness of mitigation

As total or partial avoidance of impact to all archaeological sites identified within the Project Site is not possible, the implementation of the management recommendations described below will be effective in mitigating the impact through salvage of all archaeological materials. The salvage will provide information through analysis of the stone artefacts that will assist the Yaegl community in furthering their knowledge of the past occupation of their cultural landscape. The care and control artefacts salvaged will provide a basis for future educational and comparative purposes by the Yaegl community.

Any impact proposed beyond the boundary of the Project Site as assessed in this report must be subject to assessment and consultation consistent with the process in this report.

9.3 Specific management requirements

Each site to be impacted by the construction works within the boundary of the Project has specific management requirements (refer to **Table 9-1**), and specific management requirements have been included for site protection and avoidance. Broadly these fit into two categories:

- Collection of cultural material located during the survey and sub-surface testing program – only excavation required to recover already discovered sub-surface material would be undertaken – no new excavation would be undertaken.

- Salvage excavation – mechanical and/or hand excavation to salvage the archaeology associated with these sites – this would be located in parts of the site not previously subject to sub-surface testing, but should generally be located in the vicinity of locations where features and/or higher concentrations have been recorded and outside areas of high disturbance.

For all salvaged material, suitable storage must be agreed upon with the RAPs prior to commencing salvage in those areas. If it is determined that the objects will be removed from the Project Site to be transferred to a separate safe storage location (temporarily or permanently), the curator of these objects will be required to ensure they comply with Section 85A of the NPW Act. This will involve the submission to OEH of a Care Agreement application which must also include an accurate catalogue of any objects collected/transferred

Where artefact concentrations per square metre (over all depths) encountered are 50 percent greater than previously encountered, additional hand-tool salvage excavation must be undertaken. If these artefact concentrations are encountered during machine excavation, then machine excavation must stop within 20 m, and hand-tool excavation must proceed to define the extent of the concentration. Other features that must trigger such additional salvage excavation include, encountering:

- *In situ* lithic flaking floors.
- Remains of a hearth in relatively *in situ* condition.
- *In situ* non-human bone relating to Aboriginal occupation.
- Midden deposit.

9.4 Unexpected discovery of archaeological finds

There is a low likelihood that as yet unrecorded Aboriginal sites exist within the Project Site, particularly along the elevated terraces and landforms adjacent to waterways. However, the potential for previously unrecorded Aboriginal sites to be directly and/or indirectly impacted by the Project must be considered during the construction phase.

Contingency measures can include procedures for managing the discovery of Aboriginal objects and human remains during construction as listed below and the provision of heritage induction training or cultural heritage awareness training for staff and contractors working on the construction of the Project.

All Aboriginal sites and relics in NSW are protected by provisions of the NPW Act. Should any Aboriginal sites or relics be disturbed during the conduct of the Project, work must cease immediately and the following notified:

Office of Environment and Heritage

Phone: 02 6659-8288

Mobile: 045 907 5354

Email: Roger.Mehr@environment.nsw.gov.au

Postal address: PO Box 494 Armidale NSW 2350

Should human remains be uncovered during works the following procedures must be followed:

- Immediately after remains are exposed, all work is to halt at that location immediately and the Environmental Manager on site is to be immediately notified to allow assessment and management.
- The Contractor's Environmental Manager (or similar) on site is to notify the INSW Representative.
- Contact the local NSW Police.
- Contact OEH Environment line on 131 555 and the Heritage Branch (Heritage Division, OEH) on (02) 9873 8500.

- e) A physical or forensic anthropologist should inspect the remains *in situ* (organised by the police, unless otherwise directed by the police), and make a determination of ancestry (Aboriginal or non-Aboriginal) and antiquity (pre-contact, historic or forensic).
- f) If the remains are identified as forensic, the area is deemed as a crime scene.
- g) If the remains are identified as Aboriginal, the site is to be secured and OEH and all Aboriginal stakeholders are to be notified in writing.
- h) If the remains are identified as non-Aboriginal (historical) remains, the site is to be secured and the Heritage Branch (Heritage Division, OEH) is to be contacted.

The above process functions only to appropriately identify the remains and secure the site. From this time, the management of the area and remains is to be determined through one of the following means:

- a) If the remains are identified as a forensic matter, liaise with the police.
- b) If the remains are identified as Aboriginal, liaise with INSW, the OEH and registered Aboriginal stakeholders.
- c) If the remains are identified as non-Aboriginal (historical) liaise with INSW, and the Heritage Branch (Heritage Division, OEH).
- d) If the remains are identified as not being human, then work can recommence once the appropriate clearances have been given.

All employees and/or contractors should undertake a cultural heritage induction program which explains the Aboriginal and archaeological sensitivity of the study area landscape and provides a brief description of likely site types within or adjacent to the study area as well as highlighting the importance of restricting all activities associated with the Project. An induction may be developed from information provided in this report or previous reports related to Project, or from information on the OEH website:

<http://www.environment.nsw.gov.au/licences/achregulation.htm>.

Table 9-1 Management recommendations for archaeological sites near or within the Project Site

Site name (AHIMS Site ID)	Site type	Overall significance	Void/Impact %	Mitigation strategy/ recommendations
W2XI Site 8 (09-4-0108)	Artefact scatter	Moderate	100% Impact	· All previously recorded artefacts must be recovered and removed off site to be held by the registered Aboriginal Stakeholders. · Salvage excavation must be undertaken of this site within the portion of the site extent to be impacted. · A total of 18,000 m² to be excavated by machine. This would be undertaken with a mechanical sieve and an excavator (approximately 900 mm bucket). · Each excavation must be undertaken in 50 mm spits to sterile base deposits. · The location of the excavations should be decided upon by in the field by a qualified archaeologist and RAP nominated site officers · All artefacts previously recorded and reburied during sub-surface test excavation must be recovered through sieving. · All cultural material recovered during salvage would be removed off site for detailed analysis to be undertaken. Once analysed the material would be returned to the registered Aboriginal Stakeholders for re-burial or storage at a chosen location. Details of the materials nature and context should also be provided. · All recovered cultural material would be subject to detailed analysis and inclusion in a technical report. · For areas avoided by the concept plan exclusion zones should be put in place to ensure damage does not occur to archaeological deposits. This should consist of cyclone or some other similar fencing such as that which would exclude entry by people or plant to avoid incidental impact to the site.

Site name (AHIMS Site ID)	Site type	Overall significance	Void/Impact %	Mitigation strategy/ recommendations
NGCC 1 (13-4-0193) NGCC 2 (13-4-0193) NGCC 3 (13-4-0192)	Artefact scatter	Low	100% Impact	· All artefacts previously recorded and reburied during sub-surface test excavation must be recovered. · All cultural material recovered would be removed off site for detailed analysis to be undertaken. Once analysed the material would be returned to the registered Aboriginal Stakeholders for re-burial or storage at a chosen location. Details of the materials nature and context should also be provided. · All recovered cultural material would be subject to detailed analysis and inclusion in a technical report. · All work must stop if any unexpected Aboriginal cultural materials are unearthed during construction and the Project Environmental Officer notified immediately. The Project Environmental Representative will inform OEH in accordance with Section 89A of the NP&W Act. Works would not recommence until the significance of the heritage item is determined and approval pathways are confirmed.

10. Conclusion

The desktop study, archaeological survey and sub-surface test excavation has confirmed the presence of four Aboriginal archaeological sites (NGCC 1, NGCC 2, NGCC 3, and WX2I Site 8), that will be directly impacted by the Project. One PAD (W2XI PAD 8) is outside the Project Site boundary, and is therefore unlikely to be impacted by the Project.

The AAR (refer to **Appendix D**) presents the results of the sub-surface testing program and a complete set of management recommendations for all identified archaeological sites within the Project Site. Consultation with the RAPs has been undertaken, who have communicated support for the strategy to salvage through mechanical excavation and collection of stone artefacts found during the survey and sub-surface testing.

This ACHAR has addressed the Aboriginal cultural heritage values potentially impacted by the Project. Further sub-surface testing is required to comprehensively determine the scientific significance of the archaeological sites within the Project Site, which the RAPs have determined to be important cultural evidence of their association with the landscape. During the Aboriginal cultural assessment the RAPs communicated a strong expression of connection to the landscape and a desire to preserve and protect the remnant Aboriginal archaeological heritage. However it was generally agreed that more significant Aboriginal cultural heritage values were present in outside the Project Site boundary. This ACHAR has considered and fulfilled the SEARs No 10 as detailed in **Table 1-2** to undertake an Aboriginal Heritage assessment in accordance with the OEH's *Aboriginal cultural heritage consultation requirements for proponents 2010*, the OEH's *Guidelines for preparing a cultural heritage assessment report*, and OEH's 2010 *Code of practice for archaeological investigation of Aboriginal objects*.

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Appendix A. Glossary

Aboriginal cultural heritage: The material (objects) and intangible (mythological places, dreaming stories etc.) traditions and practices associated with past and present day Aboriginal communities.

Aboriginal object: Any deposit, object or material evidence (not being a handicraft made for sale), including Aboriginal remains, relating to the Aboriginal habitation of NSW.

Aboriginal place: Any place declared to be an Aboriginal place under s.94 of the *National Parks and Wildlife Act 1974*.

Aboriginal stakeholders: Members of a local Aboriginal land council, Aboriginal groups or other Aboriginal people who have registered their interest with the Roads and Maritime Services to be consulted about a proposed Roads and Maritime project or activity.

AHIMS: Acronym for 'Aboriginal heritage information management system'. AHIMS is a register that contains information about NSW Aboriginal heritage, and it is maintained by OEH.

Archaeological site: A location that has evidence of past Aboriginal activity (both material and mythological/ritual).

Artefact: An item of cultural material created by humans.

Artefact scatter: Where two or more stone artefacts are found within an area of potential archaeological deposit or a site.

Baulk: A side wall of an excavated unit. It is often used to aid with stratigraphic analysis.

Burials: Burial sites may be composed of a single burial, isolated individuals in a general area, or cemeteries containing many individuals.

Chert: A fine grained rock composed of cryptocrystalline silica. It exhibits a range of textures and colours including red, green or black. Chert is easy to work and retains a sharp edge for an extensive period of time before re-sharpening is required. It has a low to medium fracture toughness.

Clay: A type of sediment with particles less than 4 microns in size and that is composed of clay minerals (Kearney 2001: 49).

Core: A stone piece from which a flake has been removed by percussion (striking it) or by pressure. It is identified by the presence of flake scars showing the negative attributes of flakes, from where flakes have been removed.

Cultural heritage assessment report: A report combining an Aboriginal archaeological assessment and Aboriginal cultural assessment, required to be submitted to OEH for any Part 6 *National Parks and Wildlife Act 1974* approval or prepared for projects under Part 3A of the *Environmental Planning and Assessment Act 1979* where Aboriginal cultural heritage is identified as a key issue.

Easting: This is a measurement used to determine location. The easting is the x-coordinate and relates to the vertical lines on a map, which divide east to west. It increases in size when moving further east.

Flake: A stone piece removed from a core by percussion (striking it) or by pressure. It is identified by the presence of a striking platform and bulb of percussion, not usually found on a naturally shattered stone.

Floodplain: The area covered by water during a major flood and/or the area of alluvium deposits laid down during past floods.

Footprint: The scale, extent or mark that a development makes on the land in relation to its surroundings.

In situ: A description of any cultural material that lies undisturbed in its original point of deposition.

Land system: Description for an area of land based on an assessment of a series of environmental characteristics including geology, geomorphology, climate, soils and vegetation.

Lithic: In an archaeological context, items of a hard, usually siliceous, stone of a type selected by Aborigines for tool making. These items are often nondescript fragments but some also finely shaped implements.

Midden: The term midden is a Danish word meaning a mound of kitchen refuse. In archaeological terms, a midden refers to an accumulation of shell deposited after people had collected and eaten shellfish. These could contain estuarine and fresh water shellfish species in addition to faunal remains, stone artefacts and charcoal from cooking fires. In northern NSW in many areas, burials have been recorded in direct association with midden deposits.

Northing: This is a measurement used to determine location. The northing is the y-coordinate and relates to the horizontal lines on a map, which divide north to south. It increases in size when moving further north.

Potential Archaeological Deposit (PAD): A PAD is a location that is considered to have a potential for subsurface cultural material. This is determined from a visual inspection of the site, background research of the area and the landform's cultural importance.

Pleistocene: The Pleistocene is an epoch within the early Quaternary period, extending from about 1.6 million years ago to about 11,700 years ago. The end of the Pleistocene is marked by the last of the great ice ages.

Quarry: In this report, 'quarry' can refer to a native source of stone that was mined by Aboriginal people in the past. Rock from these sites could be used to make artefacts.

Quartz: A mineral composed of silica with an irregular fracture pattern. The quartz used in artefact manufacture is generally semi-translucent, although it varies from milky white to glassy. Glassy quartz can be used for conchoidal flaking, but poorer quality material is more commonly used for block fracturing techniques. Quartz can be derived from water worn pebbles, crystalline or vein (terrestrial) sources.

Quartzite: A form of metamorphosed sandstone. It is often white or grey in colour, but can occur in other shades due to mineral impurities.

Quaternary: This is a geological time period spanning approximately 2 million years (to the present). It includes the two epochs, the Pleistocene and the Holocene.

Sand: A material composed of small grains (0.625-2.0 mm) (Keary 2001: 233). Sand is formed from a variety of minerals and rocks, but commonly contains silica, such as quartz.

Sandstone: Is a sedimentary rock formed from sand-sized grains.

Scarred trees: Trees that feature Aboriginal derived scars are distinct due to the scar's oval or symmetrical shape and the occasional use of steel, or more rarely, stone axe marks on the scar's surface. Scarred trees are identified by the purposeful removal of bark for use in the manufacture of artefacts such as containers, shields and canoes. The bark was also used for the construction of shelters. Other types of scarring include toeholds cut in the trunks or branches of trees for climbing purposes and the removal of bark to indicate the presence of burials in the area.

Sediment: Is a mineral that has undergone erosion or weathering and that is then deposited via aeolian, glacial or fluvial means.

Sedimentary: Sedimentary rock is formed through the accumulation of sediment deposits that are then consolidated. An example of this is mudstone.

Silcrete: Soil, clay or sand sediments that have silicified under basalt through groundwater percolation. It ranges in texture from very fine grained to coarse grained. At one extreme it is cryptocrystalline with very few clasts. It generally has characteristic yellow streaks of titanium oxide that occur within a grey and less commonly reddish background. Used for flaked stone artefacts.

Silt: A sediment with grains ranging from 4.0-62.5 microns in size (Keary 2001: 245). It can be found as a soil or in water.

Silcrete: Soil, clay or sand sediments that have silicified under basalt through groundwater percolation. It ranges in texture from very fine grained to coarse grained. At one extreme it is cryptocrystalline with very few clasts. It generally has characteristic yellow streaks of titanium oxide that occur within a grey and less commonly reddish background. Used for flaked stone artefacts.

Spit: Refers to an arbitrarily defined strata of soil removed during excavation (often 50 to 100 mm in depth).

Stone artefact: a piece or fragment of stone showing evidence of intentional human creation or modification

Stratification: The way in which soil forms in layers.

Stratigraphy: The study of soil stratification (layers) and deposition.

Sub-surface test (SST) excavation: An archaeological method used to determine the cultural sensitivity of an area by excavating small (0.5 m x 0.5 m) pits and recording the stratigraphy, material remains (such as stone tools) and disturbance.

Survey: In archaeological terms, this refers to walking over a surface while studying the location of artefacts and landmarks. These are then recorded and photographed.

Tool: A stone flake that has undergone secondary flaking or retouch.

TP: Acronym for 'test pit'. Generally, this refers to a 1 m x 1 m or 2 m x 1 m pit dug by shovel, trowel or mattock. Test pits were used to determine the extent of possible features (such as shell middens) in a controlled excavation of 50 mm spits.

Visibility: Refers to the degree to which the surface of the ground can be observed. This may be influenced by natural processes such as wind erosion or the character of the native vegetation, and by land use practices, such as ploughing or grading. It is generally expressed in terms of the percentage of the ground surface visible for an observer on foot.

Appendix B. Aboriginal community consultation

B.1 Consultation log

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
27 Jan 2016		Vanessa Edmonds	Phone		Newspaper	Advertisement for interest for consultation	
27 Jan 2016		Vanessa Edmonds	Phone	Brett Tibbett	Grafton-Ngerrie LALC	Response to newspaper advertisement	Requested location map - emailed through 27 Jan
27 Jan 2016		Andrew Wilkinson	Email	Brett Tibbett	Grafton-Ngerrie LALC	LALC request for map of area	
28 Jan 2016	10.01 am	Vanessa Edmonds	Phone	Noeline Kapeen	Yaegl LALC	Site Survey reps	They will have two people to meet AC on site around 8.30-9.00 am Monday morning
28 Jan 2016	1.31 pm	Andrew Wilkinson	Phone/E mail	Noeline Kapeen	Yaegl LALC	Change of time for site survey	Access to site unavailable until 1pm on Monday morning
28 Jan 2016	3.00 pm	Andrew Wilkinson	Letter	-	DECCW EPRG OEH – Coffs Harbour	Request for identification of Aboriginal Knowledge holders	
28 Jan 2016	3.00 pm	Andrew Wilkinson	Letter	Brett Tibbett	Grafton-Ngerrie LALC	Request for identification of Aboriginal Knowledge holders	
28 Jan 2016	3.00 pm	Andrew Wilkinson	Letter	Customer Services	Clarence Valley Council	Request for identification of Aboriginal Knowledge holders	
28 Jan 2016	3.00 pm	Andrew Wilkinson	Letter	Local Land Service office	North Coast Local Land Services South Grafton	Request for identification of Aboriginal Knowledge holders	
28 Jan 2016	3.00 pm	Andrew Wilkinson	Letter		NTSCORP	Request for identification of Aboriginal Knowledge holders	
28 Jan 2016	3.00 pm	Andrew Wilkinson	Letter		Office of the Registrar	Request for identification of Aboriginal Knowledge holders	

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
28 Jan 2016	3.00 pm	Andrew Wilkinson	Letter	NSW - Sydney Office	National Native Title Tribunal	Request for identification of Aboriginal Knowledge holders	
04 Feb 2016		Vanessa Edmonds	Letter	George Tonna	NTSCORP	Project falls within Yaegl LALC and Gumbaynggirr Traditional Country	Confirm Project Site falls within Yaegl LALC and also within Gumbaynggirr Traditional Country (contact details provided).
04 Feb 2016		Vanessa Edmonds	Phone	George Tonna (Notifications Officer)	NTSCORP - Gumbaynggirr NT claimants	Requested extension to 17th Feb to notify Gumbaynggirr NT claimants. Letter only received 4th Feb).	Ext approved with any other processes to proceed according to current program.
05 Feb 2016		Vanessa Edmonds	Letter	Kelly Bashford	Office of the Registrar	Registered Aboriginal Owners	Letter received from Kelly stating the Project Site does not appear to have registered Aboriginal Owners pursuant to Div 3 of Aboriginal Land Rights Act 1983 (NSW) Advised to contact Grafton [sic] Local Aboriginal Land Council for assistance in identifying other Aboriginal stakeholders for the Project.
10 Feb 2016		Vanessa Edmonds	Letter	Dianne Drake	NNTT	Search results from Tribunal databases	Nil relevant entries
16 Feb 2016		Vanessa Edmonds	Phone	Roger Mehr	OEH	Registered Aboriginal Owners	Roger Mehr says to only contact LALC area is within & OEH will accept us not using the Aboriginal Land Rights advice.
18 Feb 2016		Amanda Goldfarb	Phone	Rosalie Neave	OEH	OEH Project manager	Rosalie handling Project - currently ill. Amanda to follow up 23 Feb 2016
18 Feb 2016		Amanda Goldfarb	Phone	Roger Mehr	OEH	Yaegl LALC boundary confirmation	Roger confirmed area falls within Yaegl LALC boundary and not Grafton-Ngerrie - will follow up with email listing known stakeholders week of 22 Feb 2016
23 Feb 2016		Vanessa Edmonds	Phone	George Tonna	NTSCORP	Gumbaynggirr Traditional Country	Contacted George 23/Feb 2016 11:03 to query NT claim, explaining we had nil result from NNTT - Hard copy to be sent to Gumbaynggirr

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
24 Feb 2016		Andrew Wilkinson	Letter	C/ NTSCORP	Gumbaynggirr TO Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC	Gumbaynggirr Traditional Country	Letter sent express post 605 17812696 090 C/NTSCORP
24 Feb 2016		Andrew Wilkinson	Email	George Tonna	C/NTSCORP	Gumbaynggirr Traditional Country	Emailed letter to George Tonna, requesting register of interest by 9 Mar 2016
24 Feb 2016		Andrew Wilkinson	Letter	Natalene Mercy	Aaron Talbott & Natalene Mercy	Request for registration of interest	Letter sent express post 605 17812702 098
24 Feb 2016		Andrew Wilkinson	Letter	Simone Barker	Banjalang Aboriginal Corporation	Request for registration of interest	Letter sent express post 605 17812697 097
24 Feb 2016		Andrew Wilkinson	Letter	Scott Monaghan	Baryulgil Square Co-operative Society Ltd	Request for registration of interest	Letter sent express post 605 17812701 091
24 Feb 2016		Andrew Wilkinson	Letter	Bertha Kapeen	Bundjalung Elders Council Aboriginal Corporation	Request for registration of interest	Letter sent express post 605 17812721 099
24 Feb 2016		Andrew Wilkinson	Letter	Lewis and Lois Cook	Burabi Aboriginal Corporation	Request for registration of interest	Letter sent express post 605 17812699 091
24 Feb 2016		Andrew Wilkinson	Letter	Dave Walker	Burra:Waj:Ad	Request for registration of interest	Letter sent express post 605 17812700 094
24 Feb 2016		Andrew Wilkinson	Letter	Veronese Burgess	Canowindarra Tweed Byron Aged and Disabled Aboriginal Corporation	Request for registration of interest	Letter sent express post 605 17812698 094
09 Mar 2016		Andrew Costello	Email	Peter Saad/ Rosalie Neave	OEH North East Region contact	Test excavation methodology review	Peter advised North Grafton is in OEHS North East Regional Operations Group (ROG) boundary and Rosalie Neve (Coffs Harbour) will be able to help. Map of the OEH regional offices and their respective contact details attached.
09 Mar 2016		Andrew Costello	Email	Roger Mehr / Dimitri Young	OEH Hunter Central Coast Region contact	Test excavation methodology review	Further discussions identified Roger Mehr as an additional contact from OEH who could advise on the Project
09 Mar 2016		Andrew Costello	Email	Micheal Randall	Yaegl people Traditional Owner group	Test excavation methodology review	Test excavation methodology for review and comment

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
09 Mar 2016		Andrew Costello	Email	Noelene Kapeen	Yaegl LALC	Test excavation methodology review	Test excavation methodology for review and comment
16 Mar 2016		Andrew Costello	Phone	Micheal Randall Noelene Kapeen	Yaegl people Traditional Owner group	Test excavation methodology review	Test excavation methodology for review and seeking comment and to confirm fieldwork dates. Informed by secretary there is sorry business within Yaegl community at the moment and there is unlikely to be any response until next week.
29 Mar 2016		Andrew Wilkinson	Phone	Michael Randall	Yaegl LALC	Request for 3 RAPs for 04 - 08 Apr test excavation	
30 Mar 2016	10:09	Andrew Wilkinson	Phone	Michael Randall	Yaegl LALC	Follow up request for 3 RAPs for 04 - 08 Apr test excavation	Michael off sick, follow up with email
30 Mar 2016	10:19	Andrew Wilkinson	Email	Michael Randall	Yaegl LALC	Follow up request for 3 RAPs for 04 - 08 Apr test excavation	
31 Mar 2016	10:51	Andrew Wilkinson	Phone	Michael Randall	Yaegl LALC	Follow up request for 3 RAPs for 04 - 08 Apr test excavation	Message left on answering machine to call back.
31 Mar 2016	14:13	Andrew Wilkinson	Phone	Noeline Kapeen	Yaegl LALC	Follow up request for 3 RAPs for 04 - 08 Apr test excavation	Spoke to Noeline. She advised she may see Michael on the weekend but was unable to confirm reps for next week. I left my number for further contact. Advised Vanessa of issue.
31 Mar 2016	14:25	Andrew Wilkinson	Email/Phone	Noeline Kapeen	Yaegl LALC	Follow up request for 3 RAPs for 04 - 08 Apr test excavation	Missed call, Noeline advised by email that Michael is working with Roads and Maritime Services next week so site officers will not be available. Spoke to David Collard who rang Graham Purcell (RMS, Yaegl man) who advised only working with two reps next week and he should be able to source 2-3 reps for Monday to Thursday next week if we can advise LALC rates.
31 Mar 2016	15:02	Andrew Wilkinson	Email	Rachel Vazey	NGCC Project Manager	Advised on REP issue	CC's Vanessa and Andrew Costello

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
31 Mar 2016	15:04	Andrew Wilkinson	Email	Noeline Kapeen	Yaegl LALC	Follow up request for 3 RAPs for 04 - 08 Apr SS test excavation	Responded to email, thanking for reply. Representatives unavailable for 04-08 April.
01 Apr 2016		David Collard	Phone	Graham Purcell	RMS (Yaegl man)	Follow up on representatives	David Collard rang Graham Purcell to confirm availability of representatives, even if only two for four days, Graham confirmed that there was no-one available for next week.
04 Apr 2016	11:11	Andrew Wilkinson	Phone	Michael Randell	Yaegl LALC	Follow up request for 3 RAPs for 11 - 15 Apr SS test excavation	Rang Michael after confirming details with Rachel. No answer, left message on answering machine.
04 Apr 2016	11:32	Andrew Wilkinson	Email	Michael Randell	Yaegl LALC	Follow up request for 3 RAPs for 11 - 15 Apr SS test excavation	Followed up phone call to Michael with email requesting RAPs and workers comp and insurance details.
04 Apr 2016		Andrew Wilkinson	Email	Noeline Kapeen	Yaegl LALC	Follow up request for 3 RAPs for 11 - 15 Apr SS test excavation	Followed up emails with Noelene. She has responded and will organise the reps to come out.
04 Apr 2016	15.47	Andrew Wilkinson	Email	Noeline Kapeen	Yaegl LALC	Request for 3 RAPs for 11 - 15 Apr SS test excavation	Noelene emailed request for times for reps on Monday. Suggested 9 am. Access and security has been arranged.
05 Apr 2016	09:05	Andrew Wilkinson	Phone	Michael Randell	Yaegl LALC/NTC	Michael called back re reps.	Yaegl busy with Roads and Maritime Services for next month. He will liaise with Noeline for reps and will be out on Monday himself.
05 Apr 2016	09:33	Andrew Wilkinson	Email	Noeline Kapeen	Yaegl LALC	Reps insurance/work cover	Noelene provided reps WorkCover and insurance documents. Passed onto Rachel Vazey.
07 Apr 2016	10:40	Andrew Wilkinson	Email	Noeline Kapeen	Yaegl LALC	Confirm details for SST excavation program next week.	Email sent to Noelene requesting a confirmation of 8am start Mon-Thurs next week, meeting at main gate on corner of Old 6 mile lane and Wants lane. Access and security has been arranged.
07 Apr 2016	10:43	Andrew Wilkinson	Email	Noeline Kapeen	Yaegl LALC	Confirm details for SST excavation program next week.	Email from Noelene advising forwarding start time and meeting place to site workers for next week.

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
18 Apr 2016	11:30	Vanessa Edmonds	Phone	Graham Purcell	RMS	Yaegl reps	Graham advised Yaegl reps are available and may also be available for the Saturday. He also advised that Deidre is the registered interest contact for Yaegl LALC, and Michael is the registered interest contact for the Yaegl NT Claimants.
26 – 30 Apr 2016		Vanessa Edmonds	In person	Diedre Randall, Shame Mcleay, Ferlin Laurie, Michael Randall Jnr	Yaegl LALC/TOAC	Cultural values and what to do with artefacts	A number of sites and places are at a distance from the Project Site; however, it remains central to these places of cultural significance. The Project Site lies in a region that would have afforded easy access for Aboriginal people travelling from the western regions of the Coast Range to the Pillar Valley and Pillar Peak, a few kilometres directly to east, as well as for those traversing the landscape in a north to south direction following the Coldstream river corridor. NGCC PAD 1 (W2XI PAD 8/Site 8) - Good views over the Coldstream Swamp wetlands to the coastal ranges and Pillar Valley. East-west travel corridor to/from Pillar Valley runs past the southern boundary of the Project Site. Good area to camp. NGCC PAD 2 - Good views over the Coldstream Swamp wetlands to the coastal ranges and Pillar Valley. Good viewpoint for observing food resources of Kangaroo, Wallaby, Emu and bird life. NGCC PAD 3 - Possible camp with views over the southern and western regions of the property and across the Coldstream Swamp wetlands to the coastal ranges and Pillar Valley. NGCC PAD 4 - East-west travel corridor to/from Pillar Valley runs past the southern boundary of

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
							the Project Site. Good area to camp. RAPs would like artefacts recovered, and salvage to be conducted on NGCC PAD 1 (W2XI PAD 8/Site 8).
20 May 2016	12:43	Vanessa Edmonds	Email	Michael Randell and Noeline Kapeen	Yaegl LALC/TOAC	Advising on ACHAR reporting status	Working on the ACHAR reporting for the sub-surface testing we undertook at NGCC. Hope to have that finished and submitted to you for review in the not too distant future. Site cards submitted to OEH for the three new sites and an ASIRF to update the existing registered site n- so four sites in total on the NGCC property.
27 Jun 2016	10.01 am	Vanessa Edmonds	Email	Noeline Kapeen	Yaegl LALC	Draft ACHAR sent for review	Draft ACHAR sent via email for review and comment within 28 days
27 Jun 2016	10.01 am	Vanessa Edmonds	Email	Michael Randall	Yaegl LALC	Draft Copy of ACHAR sent for review	Draft ACHAR sent via email for review and comment within 28 days
27 Jun 2016		Vanessa Edmonds	Letter	Noeline Kapeen	Yaegl LALC	Draft Copy of ACHAR sent for review	Hard copy of draft ACHAR sent via postal service for review and comment within 28 days
27 Jun 2016		Vanessa Edmonds	Letter	Michael Randall	Yaegl LALC	Draft Copy of ACHAR sent for review	Hard copy of draft ACHAR sent via postal service for review and comment within 28 days
29 Jun 2016	2:00 pm	Vanessa Edmonds	Phone	Michael Randall	Yaegl LALC	Comments on Copy of ACHAR for review	Phoned Yaegl LALC and left message asking Noeline if she had received Draft ACHAR and to if she wanted me to explain details of ACHAR in person
29 Jun 2016	2:00 pm	Vanessa Edmonds	Phone	Michael Randall	Yaegl LALC	Comments on Copy of ACHAR for review	Phoned Michael Randall on his mobile leaving a message to ask if he had received the Draft ACHAR and if he wanted me to further explain any details of the ACHAR
30 Jun 2016	2:00 pm	Vanessa Edmonds	Phone (Text)	Graham Purcell	Yaegl LALC / Aboriginal Heritage Liaison Officer RMS Grafton	Comments on Copy of ACHAR for review	Texted Graham Purcell (Yaegl man, Aboriginal Heritage Liaison Officer RMS Grafton) saying I had sent through Draft ACHAR to Michael and Noeline but had not received any response and was wondering if there was something wrong. No response from Graham

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
4 July 2016		Vanessa Edmonds	Email	Michael Randall	Yaegl LALC	Request to resend draft Copy of ACHAR	Hard copy of draft ACHAR and email copy not received
4 July 2016	12.00 pm	Vanessa Edmonds	Phone	Michael Randall	Yaegl LALC	Draft copy of ACHAR not recieved	Vanessa had a conversation with Michael Randall this morning about the draft ACHAR. Micheal said he could not find the ACHAR on his email and stated he not received the hard copy. Jacobs had posted the hard copy to the LALC address and Michael was to speak to Noeline to see if it had arrived. Vanessa explained that there had been a change in impact to the area since we had discussed in the field with the site officers but that this didn't really impact on the recommendations discussed in the field and presented in the draft ACHAR. Jacobs offered to come up and talk through the ACHAR with both him and Noeline. Michael requested another email copy of report again which was sent on July 4 2016. Michael will discuss the report with Noeline and respond if there are issues which still need explaining. This was to occur on 5 July 2016.
4 July 2016		Vanessa Edmonds	Letter/ Email	Noeline Kapeen	Yaegl LALC	Draft Copy of ACHAR sent for review	Hard copy of draft ACHAR sent via postal service for review and comment within 28 days
4 July 2016		Vanessa Edmonds	Letter/ Email	Michael Randall	Yaegl LALC	Draft Copy of ACHAR sent for review	Hard copy of draft ACHAR sent via postal service for review and comment within 28 days
27 July 2016	2:00 pm	Andrew Costello	Phone/ Email	Noeline Kapeen	Yaegl LALC	Follow up on review comments for Draft ACHAR	Email and phone call to Noeline to follow up opn the status on the darft review – no answer and no email resonse. Left a message requesting comments or contact as 28 period was closing.
27 July 2016	2:10 pm	Andrew Costello	Phone/ Email	Michael Randall	Yaegl LALC	Follow up on review comments for Draft ACHAR	Email and phone call to Noeline to follow up opn the status on the darft review – no answer and no email resonse. Left a message requesting comments or contact as 28 period was closing.

Date	Time	Jacobs Contact	Method	Contact Person	Organisation	Subject	Comment
4 August 2016	4:45 pm	Rachel Vazey	Phone	Noeline Kapeen	Yaegl LALC	Follow up on review comments for Draft ACHAR	Email and phone call to Noeline to follow up on the status on the draft review – no answer and no email response. Left a message requesting comments or contact as 28 period was closing.
4 August 2016	4:55 pm	Rachel Vazey	Phone	Michael Randall	Yaegl LALC	Follow up on review comments for Draft ACHAR	Email and phone call to Noeline to follow up on the status on the draft review – no answer and no email response. Left a message requesting comments or contact as 28 period was closing.
5 August 2016	11:45 am	Rachel Vazey	Phone	Michael Randall	Yaegl LALC	Comments for Draft ACHAR	Conversation with Michael Randall Senior of the Yaegl native Title Claimants Group regarding the ACHAR that they were reviewing for the New Grafton Correctional Centre project. It was communicated that the report was now outside the 28 day consultation period and was due to be delivered to the client and Jacobs were seeking comments. Michael Senior indicated that Deidre Randall and Michael Junior (Mickey) had viewed the report and were happy with the detail included in the ACHAR and they had not further comments. It was stated that Jacobs would now finalise the report and issue it to the client.

Appendix C. Copies of letters received



4 February 2016 ref: OE&H : 4-2-2016/1

Jacobs
c/o Vaness Edmonds
PO BOX 312, flinders Lane
Melbourne Vic 8009

Dear Sir or Madam

Aboriginal Cultural Heritage Assessment

New Grafton Correctional Centre

I refer to your letter of 28 January 2016 regarding the above matter.

We acknowledge that section 4.1.2 of the Office of Environment & Heritage's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* require you to contact us in order to compile a list of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places.

Please be advised that, in response to your notification, 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. Recipients of our correspondence will be invited to register their interest in the project directly with you by the **17 February 2016**.

NTSCORP understands that the proposed project falls within the boundaries of the Yaegl Local Aboriginal Land Council, which has already been notified of this project.

The project falls within Gumbaynggirr Traditional Country. The current contacts for Gumbaynggirr Traditional Owners are the directors for the Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC and the applicant for the Gumbaynggirr People application. They may be able to advise of other Aboriginal people who may hold cultural knowledge for the project area. Please see attached extracts for contact details.

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.

Yours faithfully,

George Tonna
Land & Notifications Officer
NTSCORP Limited

File of name

*Called George 23/2/16
@ 11.03 to query NT
claim. Explained we
had nil result from NNT
Send him copy of
email.
Gtonna
ntscorp.com.au*



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NSD6104/1998
NNTT number: NC1998/015

Application Name: Gumbaynggirr People v Attorney General of New South Wales (Gumbaynggirr People)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 03/06/1998

Current stage(s): Notification complete

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Date claim entered on Register of Native Title Claims: 03/06/1998

Registration decision status: Accepted for registration

Registration history: Registered from 3/06/1998

Applicants: Barry Phyllis, Larry Kelly, Christine Witt, Marion Witt, Frances Witt, Richard Pacey

Address(es) for Service: Principal Legal Officer
NTSCORP Limited
PO Box 2105
STRAWBERRY HILLS NSW 2012
Phone: (02) 9310 3188

Additional Information

Not applicable

Persons claiming to hold native title:

1. Maggie Buchanan

2. Frank Whaddy and Vina Ducan;
3. Elsie Taylor and Jack Flanders;
4. Topsy Taylor and Sam Dotti;
5. Henry Duckett and Emily Walker;
6. David Ballengarry and Florence Randall;
7. Wabro Kelly;
8. Ben Bennelong and Dollie 'Tickie' Kelly

Native title rights and interests claimed:

1. Subject to paragraphs 3, 4 and 5 below, a right of possession, occupation, use and enjoyment of the area covered by the application as against the whole world.

2. Further and in the alternative to paragraph 1 and subject to paragraphs 3, 4 and 5 below, in relation to the area covered by the Application:

- a. A right to own the area.
- b. A right to possess the area.
- c. A right to occupy the area.
- d. A right to be present on the area.
- e. A right to use and enjoy the area.
- f. A right to travel through the area.
- g. A right to live on the area.
- h. A right to camp on the area.
- i. A right to speak for the area.
- j. A right to hunt animals on the area.
- k. A right to gather plants, fuel, firewood, freshwater, rainwater and minerals on the area.
- l. A right to manage animals, plants and minerals on the area.
- m. A right to make decisions about the way that the area may be used by non-native title holders.
- n. A right to carry out traditional ceremonies and activities on the area.
- o. A right of free access to the area for the purpose of satisfying the rights identified in the preceding sub-paragraphs.

3. The rights and interests claimed in paragraphs 1 and 2 above ("the native title rights and interests") are:

- a. Subject to the rights and interests of those lawfully exercising rights and interests which have been validly created or vested in them by the State of New South Wales; and
- b. Subject to the rights and interests of those lawfully exercising rights and interests which have been validly created or vested in them by the Commonwealth of Australia.

4. Further and in the alternative to paragraph 3 and subject to paragraphs 5, 6 and 7 below:

- a. If:
 - i. The area covered by the Application or a part of the area covered by the Applications or was the subject of a "Previous Non-exclusive Possession Act" as defined by Section 23F of the Native Title Act and;

ii. The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above, then,

The native title rights and interests claimed under paragraphs 1 and/or 2 are claimed subject to the rights and interests granted under the Previous Non-Exclusive Possession Act (as provided by Section 23G(1)(a) of the Native Title Act

b. If:

i. The area covered by the Application or a part of the area covered by the Application is or was the subject of a "Previous Non-exclusive Possession Act" as defined by Section 23F of the Native Title Act; and

ii. The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above but did not extinguish them; then,

The rights and interests claimed under paragraphs 1 and/or 2 are claimed subject to any suspension of them during the currency of the Previous Non-Exclusive Possession Act (as provided by Section 23G(1)(b)(ii) of the Native Title Act;

c. If:

i. The area covered by the Application or a part of the area covered by the Applications or was the subject of a "Category B Past Act" as defined by Section 230 of the Native Title Act or a "Category B Intermediate Period Act" as defined by Section 232C of the Native Title Act; and

ii. The Category B Past Act or Category B Intermediate Period Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above; and

iii. The Category B Past Act or Category B Intermediate Period Act was not a Previous Non-Exclusive Possession Act; then,

Those rights and interests referred to in paragraphs 1 and/or 2 which are not inconsistent with the rights and interests granted under the Category B Past Act or the Category B Intermediate Period Act are claimed;

d. If:

i. The area covered by the Application or a part of the area covered by the Application is or was the subject of:

(1) A "Category C Past Act" as defined by Section 231 of the Native Title Act; or

(2) a "Category C intermediate Period Act" as defined by 232D of the Native Title Act; or

(3) a "Category D Past Act" as defined by Section 232 of the Native Title Act; or,

(4) a "Category D Intermediate Period Act" as defined by Section 232E of the Native Title Act; and,

ii. The Category C Past Act, Category C Intermediate Period Act, Category D past Act and/or Category D Intermediate Period Act referred to in the preceding sub-paragraph was not a Previous Non-Exclusive Possession Act; then,

Subject to the operation to the "non-extinguishment principle" as defined by section 238 of the Native Title Act, those rights and interests claimed under paragraph 1 and/or 2 are claimed.

5. Subject to paragraph 7 below, native title rights and interests are not claimed in respect of any area to which Section 23B of the Native Title Act 1993 (C'th) applies.

6. Native title rights and interests are not claimed in respect of:

a. Any land excluded from the area within the boundaries of the area covered by the Application by Schedule B;

b. Any minerals, petroleum or gas which are wholly owned by the Crown.

7. The native title rights and interests referred to in paragraph 1 and/or 2 are claimed in respect of any areas covered by the Application in relation to which the extinguishment of native title is required by Section 47B of the Act to be disregarded. Those rights and interests are claimed subject to any interests which fall within subparagraph 47B(3)(a) of the Act.

Details of the activities in exercise of those rights and interests are provided in Schedule G.

Application Area: **State/Territory:** New South Wales
Brief Location: Bellinger River south to Oyster Creek
Primary RATSIB Area: New South Wales
Approximate size: 1.3292 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

Area covered by the claim (as detailed in the application):

All crown land and waters east of the North Coast Railway line, west of the mean high water mark of the Pacific Ocean, with the northern boundary at the southern border of Lot 102 in the Parish of Newry, County of Raleigh and the southern boundary at Nambucca Shire.

The Applicant excludes from the application those areas which were subject to :

- (a) Reserve 37514 for public recreation;
- (b) That part of Conditional purchase 1907/250 Bellingen which did not include DP 583777, Parish of Newry, County of Raleigh;
- (c) That part of Additional Conditional Purchase 1910/171 Bellingen which did not include DP 219743, Parish of Newry, County of Raleigh;
- (d) Part Additional Conditional purchase 1911/156 Bellingen; and
- (e) Part Conditional purchase 1941/25 Bellingen.

And subject to paragraph 4 below;

1. a. If:

- i. The area covered by the application or a part of the area covered by the application is or was the subject of a "Previous Non- Exclusive Possession Act" as defined by Section 23F of the Native Title Act; and
- ii. The Previous Non- Exclusive Possession Act involved the grant of rights and interests which were not inconsistent with the right and interests claimed in Schedule E, then,

The native title rights and interests claimed under Schedule E are claimed subject to the rights and interests granted under the Previous Non-Exclusive Possession Act (as provided by Section 23G(1) (a) of the Native Title Act.

b. If:

- i. The area covered by the application or a part of the area covered by the application is or was the subject of a " Previous Non-Exclusive Possession Act as defined by Section 23F of the Native Title Act; and
- ii. The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were inconsistent with the rights and interests claimed in Schedule E but did not extinguish them; then,

The rights and interests claimed under Schedule E are claimed subject to any suspension of them during the currency of the Previous Non-Exclusive Act (as provided by Section 23G(1)(b)(ii) of the Native Title Act;

c. If:

- i. The area covered by the application or a part of the area covered by the application is or was the subject of a "Category B Past Act: as defined by Section 230 of the Native title Act or a "Category B Intermediate Period Act" as defined by Section 232C of Native Title Act; and,
- ii. The Category B Past Act or Category B Intermediate Period Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in Schedule E; and
- iii. The Category B Past Act or Category B intermediate Period Act was not a Previous Non- Exclusive Possession Act; then,

Those rights and interests referred to in Schedule E which are not inconsistent with the rights and interests granted under the Category B Past Act or the Category B Intermediate Period Act are claimed;

d. If:

i. The area covered by the application or apart of the area covered by the application is or was the subject of:

(1) A "Category C Past Act" as defined by Section 231 of the Native Title Act; or

(2) a "Category C intermediate Period Act" as defined by 232D of the Native Title Act; or

(3) a "Category D Past Act" as defined by Section 232 of the Native Title Act; or,

(4) a "Category D Intermediate Period Act" as defined by Section 232E of the Native Title Act; and,

ii. The Category C Past Act, Category C Intermediate Period Act, Category D Past Act and/or Category D Intermediate Period Act referred to in the preceding sub-paragraph was not a Previous Non-Exclusive Possession Act; then,

Subject to the operation of the "non-extinguishment principle" as defined by Section 238 of the Native Title Act, those rights and interests claimed under Schedule E are claimed.

2. Subject to paragraph 4 below, native title rights and interests are not claimed in respect of any area to which Section 23B of the Native title Act (C'th) applies.

3. Native title rights and interests are not claimed in respect of:

a. Any land excluded from the area within the boundaries of the area covered by the application by Schedule B;

b. Any minerals, petroleum or gas which are wholly owned by the Crown.

Details of the activities in exercise of those rights and interests are provided in Schedule G.

4. Any areas within the external boundary of the Application in relation to which the extinguishment of native title is required by Section 47B of the Act to be disregarded are not excluded from the application. The native title rights and interests claimed in relation to such areas are subject to any interests which fall within subparagraph 47B(3)(a) of the Act.

Attachments: 1. Map of Application area, Attachment C of the Application, 1 page - A4, 19/06/2001

NNTT Contact Details	Address:	National Native Title Tribunal Sydney Office Level 16, Law Courts Building Queens Square SYDNEY NSW 2000 GPO Box 9973 SYDNEY NSW 2001
	Telephone:	(02) 9227 4000
	Freecall:	1800 640 501
	Fax:	(02) 9227 4030
	Web Page:	www.nntt.gov.au

End of Extract



This extract contains information derived from the ERICCA information system from information and documents lodged with the Registrar of Indigenous Corporations and processed as at the date the extract was produced.

Please notify ORIC of any inaccuracies in this extract.

· Freecall: 1800 622 431 (not free for mobiles) · Email: info@oric.gov.au · Website: www.oric.gov.au

Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC

Indigenous Corporation Number: 8095
Australian Business Number:
Registration date: 14/8/2014
Principal activity: Land Management;

Corporation Size: SMALL
Does the corporation own land?: Unknown

Current corporation details

Corporation name: Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC

Name start date: 27/10/2014
Registration status: REGISTERED
Regulation Action:

Main place of business: 27 Carbin Street, BOWRAVILLE NSW 2449
Contact numbers: Telephone 0427 089 508 Fax
Corporation's email address: patricia.walker@dpi.nsw.gov.au
Preferred method of communication: Email
Registered office address (ROA) / document access address: 27 Carbin Street, BOWRAVILLE NSW 2449
Postal address: 27 Carbin Street, BOWRAVILLE NSW 2449

Previous corporation name(s)*

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>
Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC	27/10/2014	27/10/2014
Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC	27/10/2014	27/10/2014
Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC	22/10/2014	27/10/2014
Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation	14/8/2014	22/10/2014

* This extract report only shows previous names from 1st July 2007

Directors

Edward Briggs

Previous name(s) (if any):

Residential address: 17 Galloway Street ARMIDALE NSW 2350

Born:

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Bruce Cohen

Previous name(s) (if any):

Residential address: 23 Watson Avenue ARMIDALE NSW 2350

Born: 26/5/1970 Macksville

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Lorraine Donovan

Previous name(s) (if any):

Residential address: 10 Bellwood Road NAMBUCCA HEADS NSW 2448

Born: 10/7/1977 Macksville

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Michael Donovan Jnr

Previous name(s) (if any):

Residential address: 5/1 Raleigh Street NAMBUCCA HEADS NSW 2448

Born: 4/12/1979 Macksville

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Colin Jarrett

Previous name(s) (if any):

Residential address: 18 Grevillea Close NAMBUCCA HEADS NSW 2448

Born: 8/9/1946 Bellingen

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Larry Kelly

Previous name(s) (if any):

Residential address: 23 Cockburn Street VALLA BEACH NSW 2448

Born: 11/8/1938

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Mr Richard John Pacey

Previous name(s) (if any):

Residential address: 62 Fernvally Parade KEMPSEY NSW 2440

Born: 19/12/1941 Kempsey

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Jennifer Mary Rosser

Previous name(s) (if any): Jennifer Mary Jarrett

Residential address: 5 Rowe Drive MACKSVILLE NSW 2447

Born: 7/6/1957 Macksville

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Miss Patricia Ann Walker

Previous name(s) (if any):

Residential address: 27 Carbin Street BOWRAVILLE NSW 2449

Born: 28/7/1965 Macksville

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Peter Williams

Previous name(s) (if any):

Residential address: 8 High Street NAMBUCCA HEADS NSW 2448

Born: 27/12/1945

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Beryl Wilson

Previous name(s) (if any):

Residential address: 20 Short Street NAMBUCCA HEADS NSW 2448

Born: 10/9/1963 Macksville

Date of Appointment: 14/8/2014

Appointment Term:

This person is a: Director

Contact person / secretary

Contact person for a small or medium corporation: Y Secretary for a large corporation: N

Miss Patricia Ann Walker

Previous name(s) (if any):

Residential address: 27 Carbin Street BOWRAVILLE NSW 2449

Date of Appointment: 14/8/2014

Members

Felecia Ballangarry

Residential address: 40 Carbin Street BOWRAVILLE NSW 2449

Irene Ballangarry
Residential address: 6 Carbin Street BOWRAVILLE NSW 2449

Kevin Ballangarry
Residential address: PO Box 528 MACKSVILLE NSW 2447

Margaret Ballangarry
Residential address: 1/43 Mann Street NAMBUCCA HEADS NSW 2448

Martin Ballangarry
Residential address: 6 Carbin Street BOWRAVILLE NSW 2449

Rita Ballangarry
Residential address: 40 Carbin Street BOWRAVILLE NSW 2449

Trevor Ballangarry
Residential address: 161 Barrett Street BRACKEN RIDGE QLD 4017

Cecil Briggs
Residential address: 203 Canambe Street ARMIDALE NSW 2350

Edward Briggs
Residential address: 17 Galloway Street ARMIDALE NSW 2350

Nicola Briggs
Residential address: 13 Gwynne Street ASHCROFT NSW 2168

Robin Bryant
Residential address: 26 Pacific Highway NAMBUCCA HEADS NSW 2448

Ellice Buchanan
Residential address: 91 Seaview Street NAMBUCCA HEADS NSW 2448

Lydia Buchanan
Residential address: 20 Herborn Drive BOWRAVILLE NSW 2449

Tamika Buchanan
Residential address: 5/36 Bonville Street COFFS HARBOUR NSW 2450

Victor Buchanan
Residential address: 23 Valla Beach Road VALLA BEACH NSW 2448

Yolanda Buchanan
Residential address: 20 Herborn Drive BOWRAVILLE NSW 2449

Catherine Bula
Residential address: 33 Station Street EUNGAI RAIL NSW 2441

Bruce Cohen
Residential address: 23 Watson Avenue ARMIDALE NSW 2350

Cameron Cohen
Residential address: 10 Meadow Crescent NAMBUCCA HEADS NSW 2448

Elizabeth Cohen
Residential address: 10 Meadow Crescent NAMBUCCA HEADS NSW 2448

Terence Cohen
Residential address: 23 Watson Avenue ARMIDALE NSW 2350

Valerie Cohen-Smith
Residential address: 10 Meadow Circuit NAMBUCCA HEADS NSW 2448

Alice Davis
Residential address: 49 Yarravel Street SOUTH KEMPSEY NSW 2440

Cyril Davis	
Residential address:	76 Middleton Street KEMPSEY NSW 2440
Glen Davis	
Residential address:	25 Fred Brain Avenue NAMBUCCA HEADS NSW 2448
Maureen Davis	
Residential address:	76 Middleton Street SOUTH KEMPSEY NSW 2440
Mavis Davis	
Residential address:	76 Middleton Street KEMPSEY NSW 2440
Sandy Davis	
Residential address:	76 Middleton Street SOUTH KEMPSEY NSW 2440
Belinda Donovan	
Residential address:	5/5 Woodbell Street NAMBUCCA HEADS NSW 2448
Cecilie Donovan	
Residential address:	10 Lennon Close MACKSVILLE NSW 2447
Cheryl Donovan	
Residential address:	38 Glenmore Crescent MACKSVILLE NSW 2447
Christopher Donovan	
Residential address:	10 Bellwood Road NAMBUCCA HEADS NSW 2448
Lorraine Donovan	
Residential address:	10 Bellwood Road NAMBUCCA HEADS NSW 2448
Lynnette Donovan	
Residential address:	2 Upper Warrell Creek Road MACKSVILLE NSW 2447
Michele Donovan	
Residential address:	5/5 Woodbell Street NAMBUCCA HEADS NSW 2448
Rosalind Donovan	
Residential address:	12 Nineteenth Avenue STUARTS POINT NSW 2441
Stacey Donovan	
Residential address:	1 Garden Avenue NAMBUCCA HEADS NSW 2448
Michael Donovan Jnr	
Residential address:	5/1 Raleigh Street NAMBUCCA HEADS NSW 2448
Reg Donovan Jnr	
Residential address:	40 Glenmore Crescent MACKSVILLE NSW 2447
Michael Donovan Snr	
Residential address:	5/5 Woodbell Street NAMBUCCA HEADS NSW 2448
Jasmin Drew	
Residential address:	5 Centenary Parade NAMBUCCA HEADS NSW 2448
Wiruungga Dunggiirr	
Residential address:	C/- Post Office MALENY QLD 4552
Donna Edwards	
Residential address:	1/1 Tiger Buchanan Close NAMBUCCA HEADS NSW 2448
Daryl Edwards Kay	
Residential address:	3/224 Mary Street GRAFTON NSW 2460
Alkira Fitzgerald	
Residential address:	21 Adam Lane BOWRAVILLE NSW 2449

Vincent Flanders
Residential address: 13/15 Toormina Place COFFS HARBOUR NSW 2450

Tony Hart
Residential address: 4 Bradley Street COFFS HARBOUR NSW 2450

Pauline Hooter
Residential address: 48 Palmer Street NAMBUCCA HEADS NSW 2448

Bridget Jarrett
Residential address: 23 Valla Beach Road VALLA BEACH NSW 2448

Caryl Jarrett
Residential address: 18 Grevillea Close NAMBUCCA HEADS NSW 2448

Cinnamon Jarrett
Residential address: C/- Post Office SOUTH GRAFTON NSW 2460

Colin Jarrett
Residential address: 18 Grevillea Close NAMBUCCA HEADS NSW 2448

Diana Jarrett
Residential address: 2 Gillett Close MACKSVILLE NSW 2447

Joby Jarrett
Residential address: 5 Herborn Drive BOWRAVILLE NSW 2449

Kelvin Jarrett
Residential address: 18 Grevillea Close NAMBUCCA HEADS NSW 2448

Maria Jarrett
Residential address: 18 Grevillea Close NAMBUCCA HEADS NSW 2448

Maxine Jarrett
Residential address: 40 Marshall Way NAMBUCCA HEADS NSW 2448

Michelle Jarrett
Residential address: 38 Carbin Street BOWRAVILLE NSW 2449

Robbie Jarrett
Residential address: 18 Grevillea Close NAMBUCCA HEADS NSW 2448

Valma Jarrett
Residential address: 1/3 Sussex Street NAMBUCCA HEADS NSW 2448

Virginia Jarrett
Residential address: 3A Bellwood Road NAMBUCCA HEADS NSW 2448

Esma Kelly
Residential address: 1/26 Leith Street KEMPSEY NSW 2440

Larry Kelly
Residential address: 23 Cockburn Street VALLA BEACH NSW 2448

Stanley Kelly
Residential address: 4/60 Hickory Street DORRIGO NSW 2453

Lorraine Kennedy
Residential address: 114 Dobie Street GRAFTON NSW 2460

Roslyn Kennedy
Residential address: 6/2 Jubilee Avenue SOUTH GRAFTON NSW 2460

Neville Kim
Residential address: 23 Fitzgerald Street STRATHFIELD NSW 2135

Patricia Ling	
Residential address:	24 Short Street NAMBUCCA HEADS NSW 2448
Dungirr Marshall	
Residential address:	107 Ryan Street GRAFTON NSW 2460
Richard Pacey	
Residential address:	62 Fern Valley Parade PORT MACQUARIE NSW 2444
Michelle Phillips	
Residential address:	353 Powell Street GRAFTON NSW 2460
Barry Phyball	
Residential address:	12/4 Chirstine Place BALLINA NSW 2478
Aden Ridgeway	
Residential address:	30A North Street LEICHHARDT NSW 2040
S Ridgeway	
Residential address:	1A Dillon Street SAWTELL NSW 2452
Loretta Riley	
Residential address:	25 Fred Brain Avenue NAMBUCCA HEADS NSW 2448
Jennifer Rosser	
Residential address:	5 Rowe Drive MACKSVILLE NSW 2447
Annika Rotumah	
Residential address:	23 Fitzgerald Crescent STRATHFIELD SOUTH NSW 2136
Roberta Skinner	
Residential address:	62 Margaret Crescent SOUTH GRAFTON NSW 2460
George Smith	
Residential address:	1/26 Leith Street KEMPSEY NSW 2440
Marcus Smith	
Residential address:	1/26 Leith Street KEMPSEY NSW 2440
Brett Tibbett	
Residential address:	PO Box 1103 GRAFTON NSW 2460
Terry Tibbett	
Residential address:	PO Box 1103 GRAFTON NSW 2460
Ivan Vale	
Residential address:	215 River Street KEMPSEY NSW 2440
Fred Walker	
Residential address:	11/25 Marshall Way NAMBUCCA HEADS NSW 2448
Mardi Walker	
Residential address:	49 Carbin Street BOWRAVILLE NSW 2449
Maxine Walker	
Residential address:	21 Tallowood Terrace VALLA BEACH NSW 2448
Nancy Walker	
Residential address:	2/3 Sussex Street NAMBUCCA HEADS NSW 2448
Miss Patricia Ann Walker	
Residential address:	27 Carbin Street BOWRAVILLE NSW 2449
Ruth Walker	
Residential address:	49 Carbin Street BOWRAVILLE NSW 2449

Teminda Walker
Residential address: 49 Carbin Street BOWRAVILLE NSW 2449

Peter Williams
Residential address: 8 High Street NAMBUCCA HEADS NSW 2448

Phillipa Williams
Residential address: 1 Bellwood Road NAMBUCCA HEADS NSW 2448

Albert Wilson
Residential address: 19/25 Marshall Way NAMBUCCA HEADS NSW 2448

Annalisa Wilson
Residential address: 11 Bellwood Road NAMBUCCA HEADS NSW 2448

Beryl Wilson
Residential address: 20 Short Street NAMBUCCA HEADS NSW 2448

Robert Wilson
Residential address: 45 Mann Street NAMBUCCA HEADS NSW 2448

Documents lodged (publicly available only)

<u>Date received</u>	<u>Title</u>
05/01/2016	Consolidated Rule Book
16/12/2015	Request to Change Corporation Rule Book (Published)
06/08/2015	General Report 2015 (Published)
25/11/2014	Request for Exemption Meetings Outcome Letter - Approval
27/10/2014	Certificate of Registration - Name Change
14/08/2014	Request for Directors Exemption Outcome Letter - Approval
14/08/2014	Application for Registration (General) (Published)

Annual returns / general report

CATSI Reporting

<u>Financial Year</u>	<u>General Report</u>	<u>Financial Report</u>	<u>Directors Report</u>	<u>Total Income</u>	<u>Total Assets</u>	<u>Number of Employees</u>
2014/15	Submitted	Not Required	Not Required	\$0.00	\$0.00	0

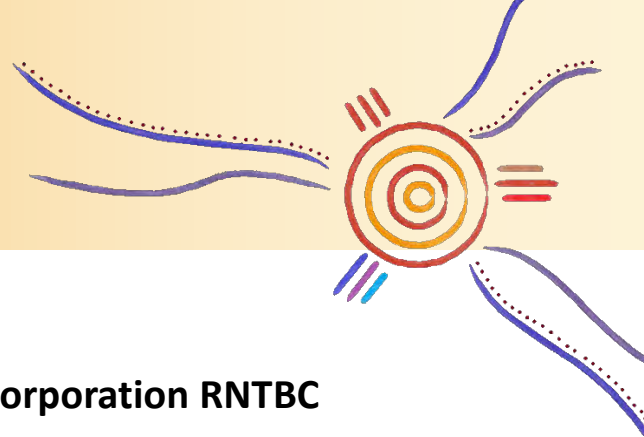
* Annual returns due 31st December each year

*** End of corporation extract ***

*** Registrar of Indigenous Corporations ***

Deceased people: This extract may contain the names of deceased people. The Registrar strives to treat Indigenous culture and beliefs with respect. We acknowledge that to some communities it is distressing and offensive to show images or say the names of people who have died.

Note: Where no information is reported it means that the corporation has not provided the information or it is not available.



Yaegl Traditional Owners Aboriginal Corporation RNTBC

OVERVIEW

Yaegl Traditional Owners Aboriginal Corporation RNTBC holds land in trust for the Yaegl people of North Coast NSW. The Yaegl people's native title rights and interests were recognised in the *Yaegl People #1* and *Yaegl People #2* determinations made in June 2015.

By the time *Yaegl People #1* was determined, it had become the longest ever native title case, running for nearly 19 years. It was concerned with a number of waterways and their banks at the estuary of the Clarence River. The related *Yaegl People #2* was filed in 2011, and established non-exclusive interests on land along the coast from Woombah south to Wooli, as well as further reaches of the Clarence River system and other areas in the Clarence Valley.

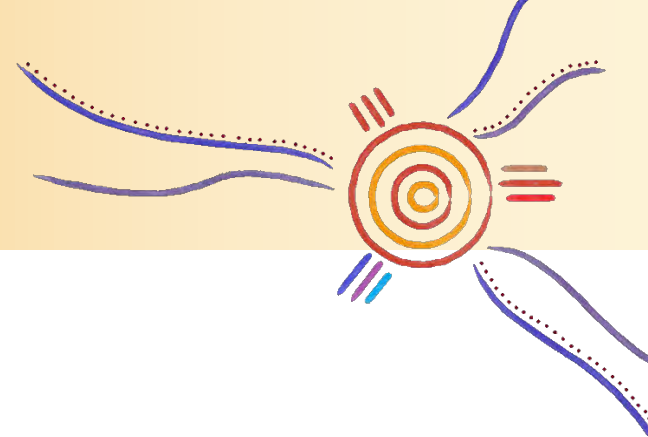
Justice Jagot, in her reasons for judgment, noted that the large difference in the time it took to conclude negotiations on both claims was evidence that unreasonable delays, and the suffering they cause traditional owners, were no longer tolerated in the community.

RNTBC PROFILE

NAME OF RNTBC ORIC	YAEGL TRADITIONAL OWNERS ABORIGINAL CORPORATION RNTBC
TYPE OF RNTBC ATNS	TRUSTEE
STATE/TERRITORY	NSW
MAP NNTT HYPERLINK	National Native Title Tribunal Produced Map
CONTACT DETAILS ORIC HYPERLINK	The following contact details are subject to change. Check ORIC for recent details: Contact Officer: Michael Randall Mail Address: 94 Wharf Street, MACLEAN NSW 2463 Phone Number: 0449 809 178 Email Address: yowieeh@outlook.com

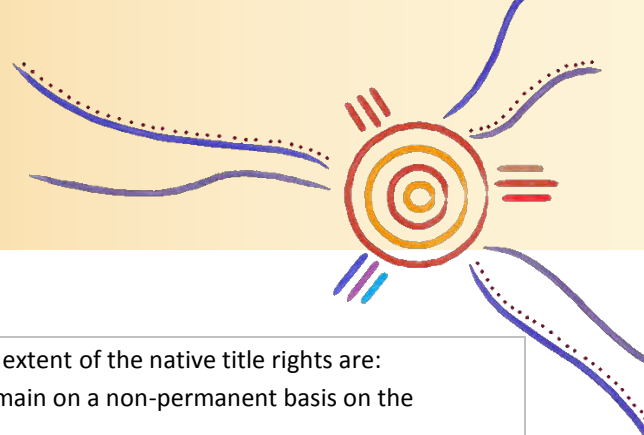
RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	8254
DATE OF INCORPORATION	24/06/2015
DOCUMENTATION ORIC HYPERLINK	Documentation, Rules, Member List, etc.



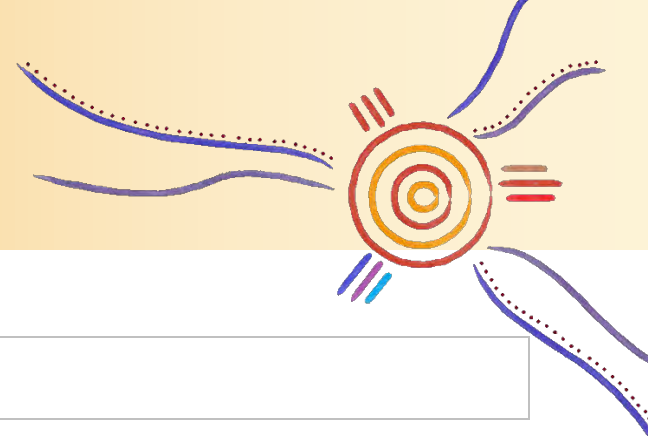
NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME NNTT HYPERLINK	YAEGL PEOPLE #1	YAEGL PEOPLE #2
CASE LAW AUSTLII HYPERLINK	Yaegl People #1 v Attorney-General of New South Wales [2015] FCA 647	
DATE OF DETERMINATION	25/06/2015	
TYPE OF DETERMINATION ATNS HYPERLINK	CONSENT DETERMINATION	
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN PARTS OF THE DETERMINATION AREA	
TRIBUNAL FILE NO	NCD2015/002	NCD2015/003
FEDERAL COURT FILE NO	NSD6052/1998	NSD168/2011



NATIVE TITLE RIGHTS AND INTERESTS ¹	Subject to paragraphs 6 to 8, the nature and extent of the native title rights are: (a) the right to enter, travel over and remain on a non-permanent basis on the Determination Area; (b) the right to live on the land, to camp, to erect shelters, and to move about the land in the Determination Area but not extending to a right to permanently occupy or possess the land; (c) the right to engage in cultural activities, to conduct ceremonies, to hold meetings, and to participate in cultural practices relating to birth and death in the Determination Area; (d) the right to hunt in the Determination Area; (e) the right to fish in the Determination Area; (f) the right to take and use the water of the Determination Area for personal, domestic and communal purposes (including cultural purposes) but not extending to a right to control the use and flow of the water in any rivers or lakes which flow through or past or are situated within the land of two or more occupiers; (g) the right to gather and use the natural resources in the Determination Area including food, medicinal plants, timber, stone, charcoal, ochre and resin as well as materials for fabricating tools and hunting implements and making artwork and musical instruments; (h) the right to light fires on the Determination Area for domestic purposes, but not for the clearance of vegetation; (i) the right to share, offer and exchange traditional resources derived from the Determination Area; (j) the right to have access to, maintain and protect from physical harm, sites and places of importance in the Determination Area which are of significance to Yaegl People under their traditional laws and customs; (k) the right to teach on the Determination Area the physical, cultural and spiritual attributes of places and areas of importance on or in the Determination Area; and (l) the right to be accompanied on the Determination Area by persons who, though not native title holders, are: (i) spouses, partners or parents of native title holders, together with their children and grandchildren; (ii) people whose presence is required under traditional laws and customs for the performance of cultural activities, practices or ceremonies; and (iii) people requested by the native title holders to assist in, observe or record cultural activities, practices or ceremonies. The native title rights and interests referred to in paragraphs 5(a) to (l) are not exclusive.
AREA OF LAND	APPROXIMATELY 1,400 SQUARE KILOMETRES
GENERAL LOCATION OF DETERMINATION AREA	LANDS AND INLAND BODIES OF WATER FROM SHARK BAY, SOUTH DOWN THE COAST TO PAST WOOLI, AND INLAND IN THE CLARENCE RIVER VALLEY FROM THE HEAD OF THE RIVER ALMOST TO ULMARRA

¹ These native title rights and interests are subject to the laws of the Commonwealth and the State of New South Wales. They may also be subject to particular interests specified in the determination.



NTRB REGION NTRB HYPERLINK	NTSCORP
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AGREEMENTS

AGREEMENT NAME ATNS HYPERLINK	NNTT FILE NO. NNTT HYPERLINK	TYPE OF AGREEMENT	SUBJECT MATTER (NNTT)	SUBJECT MATTER (ATNS)
N/A	N/A	N/A	N/A	N/A

ADDITIONAL ELECTRONIC RESOURCES

Media releases	Senator Nigel Scullion, Minister for Indigenous Affairs, Native title recognised in northern NSW , (25 June 2015)
News	ABC, Native title awarded to traditional land owners on NSW north coast after 18-year battle (25 June 2015)
	SBS, Yaegl people win native title to their lands after 19-year wait (25 June 2015)



22 February 2016

Ms Vanessa Edmonds
Jacobs Group (Australia)
PO Box 312, Flinders Lane
Melbourne VIC 8009

Dear Sir /Madam

**Re: Consultation process in accordance with
regulation 80C of the National Parks and Wildlife Regulation**

We refer to your letter dated 28 January 2016 seeking information in accordance with regulation 80C "Consultation process...." of the *National Parks and Wildlife Regulation 2009* for the proposed new Grafton Correctional Centre.

North Coast Local Land Services advises you to contact the Grafton-Ngerrie Local Aboriginal Land Council. Their number is 02 6642 6020.

Should you wish to discuss this matter further, please contact Barry Williams, Senior Land Services Officer - Aboriginal Communities on 02 6604 1109.

Yours sincerely,

Barry Williams
Senior Land Services Officer – Aboriginal Communities



Office of Environment & Heritage

Our Ref: DOC16/64789
Your Ref: 28 January 2016

Ms Vanessa Edmonds
Jacobs Group Australia
PO Box 312 Flinders Lane
Melbourne VIC 8009

Dear Ms Edmonds

Re: Proposed Aboriginal cultural heritage assessment New Grafton Correctional Centre, Lot 26 DP 751376 and Lot 1 DP 1190399, Lavadia, Clarence Valley, NSW

Thank you for your letter dated 28 January 2016 to the Office of Environment and Heritage (OEH) regarding Aboriginal cultural heritage consultation for the proposed assessment of the New Grafton Correctional Centre site which lies in the Clarence Valley local government area. I appreciate the opportunity to provide input and apologise for the delay in responding.

Please find enclosed a list of known Aboriginal parties for the Clarence Valley local government area (**Attachment A**) that the 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 the OEH '*Aboriginal cultural heritage consultation requirements for proponents 2010*' (the CRs).

We 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 to 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 the OEH does not demonstrate that the consultation process has been fair, equitable and transparent.
- Ensure the 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 the OEH will deem that the consultation process has not complied with the CRs. The 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.

- Note that Appendix A of the CRs contains a map illustrating which Regional Office of OEH should be contacted regarding the AHIP application based on the local government area in which the project is located. 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 the OEH any changes to the contact details of interested Aboriginal parties, or information regarding additional parties, so that we can update our records.
- Ensure that consultation is fair, equitable and transparent. If the Aboriginal parties express concern or are opposed to parts of or the entire project, the OEH expects that evidence will be provided to demonstrate the efforts made to find common ground between the opponents and the proponent.

If you have any further questions about this issue, Ms ROGER MEHR, Archaeologist, Regional Operations, OEH, can be contacted on (02) 6773 7005 or at roger.mehr@environment.nsw.gov.au

Yours sincerely

 23 February 2016

DIMITRI YOUNG
Senior Team Leader Planning, North East Region
Regional Operations

Contact officer: ROGER MEHR
(02) 6773 7005

Enclosure: Attachment A - OEH Known Aboriginal Parties (other than Local Aboriginal Land Councils) for the New Grafton Correctional Centre project area in the Clarence Valley Local Government Area

Attachment A: OEH Known Aboriginal Parties (other than Local Aboriginal Land Councils) for the New Grafton Correctional Centre project area in the Clarence Valley Local Government Area

1. Aaron Talbott & Natalene Mercy
Natalene Mercy
6 Bando street
GUNNEDAH NSW 2380
0457 617 117
atgomilaroi@hotmail.com
2. Banjalang Aboriginal Corporartion
Simone Barker
31 Belmore Street
CORAKI NSW 2471
(02) 66832041
3. Baryulgil Square Co-operative Society Ltd
Scott Monaghan
The Square
BARYULGIL NSW 2460
(02) 66472207
4. Bundjalung Elders Council Aboriginal Corporation
Bertha Kapeen
PO Box 1015
LISMORE NSW 2480
(02) 66868241
5. Burabi Aboriginal Corporation
Lewis and Lois Cook
PO Box 128
WARDELL NSW 2477
(02) 66834806
0405 654 280
6. Burra:Waj:Ad
Dave Walker
48 Spring Street
GRAFTON NSW 2460
7. Canowindrra Tweed Byron Aged and Disabled Aboriginal Corporation
Veronese Burgess
PO Box 6425
TWEED HEADS SOUTH NSW 2486
(07) 55362105
0414291259
ccdic@optusnet.com

Attachment A: OEH Known Aboriginal Parties (other than Local Aboriginal Land Councils) for the New Grafton
Correctional Centre project area in the Clarence Valley Local Government Area

8. Minjungbal Cultural Museum
PO Box 6231
TWEED HEADS SOUTH NSW
2486
(07) 55242109
9. Tweed Aboriginal Co-operative
Society Pty Ltd
Desrae Rotunah
PO Box 6218
TWEED HEADS SOUTH NSW
2486
(07) 55242275
tweedacs@aho.tel.com.au
10. Bundjalung Tribal Society
Maria Bolt
PO Box 557
LISMORE NSW 2480
(02) 66216992
11. Durahrwa Training and
Development Aboriginal Corporation
Andrew Hegedus
PO Box 1075
GRAFTON NSW 2460
(02) 66434866
Andrew.hegedus@durahrwa.com.au
12. Ulungundahi Art and Culture Gallery
Cultural Heritage Officer
PO Box 216
MACLEAN NSW 2464
(02) 6645 1099
13. Wdjri Myiral Elders Aboriginal
Corporation
Cultural Heritage Officer
PO Box 216
MACLEAN NSW 2464
(02) 6645 1099

5 February 2016



Vanessa Edmonds
Jacobs Group (Australia)
PO Box 312
MELBOURNE VIC 8009

11-13 Mansfield Street
Glebe NSW 2037
PO Box 112, Glebe NSW 2037
P. 02 9562 6327 F. 02 9562 6350

Dear Vanessa

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 28th January 2016 regarding Aboriginal Cultural Heritage Assessment within Royal National Park in NSW.

I have searched the Register of Aboriginal Owners and the project area described *does not appear* to have Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983 (NSW)*.

I suggest that you contact the Grafton Local Aboriginal Land Council on 02 6642 6020. They will be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely

A handwritten signature in blue ink, appearing to be "KB" with a large loop.

Kelly Bashford
Directorate Support Officer
Office of the Registrar, *Aboriginal Land Rights Act 1983*