

Eagleton Rock Syndicate Pty Ltd

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Eagleton Quarry

LGA: Port Stephens

Aboriginal Cultural Heritage Impact Assessment

13 September 2017

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Report No: J17027

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Date: 13 September 2017

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CONTENTS

EXECUTIVE SUMMARY.....	1
GLOSSARY	3
ACRONYMS	5
OEH AHIMS SITE ACRONYMS	5
 1 INTRODUCTION.....	 6
1.1 INTRODUCTION	6
1.2 PROPONENT DETAILS.....	6
1.3 THE PROJECT AREA	6
1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT	8
1.5 PURPOSE OF THE ARCAHEOLOGICAL ASSESSMENT	9
1.6 OBJECTIVE OF THE ASSESSMENT	9
1.7 PROJECT BRIEF/SCOPE OF WORK	9
1.8 LEGISLATIVE CONTEXT	10
1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED).....	10
1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2009).....	11
1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)	11
1.9 QUALIFICATIONS OF THE INVESTIGATOR	12
1.10 REPORT STRUCTURE	12
 2 CONSULTATION.....	 13
2.1 STAGE 1: NOTIFICATION & REGISTRATION OF INTEREST	13
2.2 STAGE 2: PRESENTATION OF INFORMATION	14
2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE	15
2.4 SURVEY	15
2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT	16
 3 LANDSCAPE AND ENVIROMNEMATL CONTEXT	 17
3.1 INTRODUCTION	17
3.2 TOPOGRAPHY	17
3.3 GEOLOGY.....	18
3.4 GEOMORPHOLOGY.....	19
3.5 SOILS.....	21
3.6 CLIMATE.....	21
3.7 WATERWAYS	21
3.8 FLORA AND FAUNA	22
3.9 LAND USES AND DISTURBANCES	22

3.10	NATURAL DISTURBANCES	23
3.11	DISCUSSION	24
4	ETHNO-HISTORIC BACKGROUND.....	25
4.1	USING ETHNO-HISTORIC DATA.....	25
4.2	WORIMI ETHNO-HISTORIC ACCOUNTS	25
4.3	WORIMI ORAL TESTIMONY	26
5	ARCHAEOLOGICAL CONTEXT.....	27
5.1	REGIONAL ARCHAEOLOGICAL CONTEXT	27
5.1.1	SUMMARY OF REGIONAL ARCHAEOLOGICAL PATTERNING	28
5.2	OEI ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM	29
5.3	LOCAL ARCHAEOLOGICAL CONTEXT.....	30
5.4	LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES.....	32
5.5	PREDICTIVE MODEL FOR THE PROJECT AREA	33
5.6	ARCHAEOLOGICAL POTENTIAL IN THE PROJECT AREA	34
5.7	HERITAGE REGISTER LISTINGS.....	35
5.8	MODELS OF PAST ABORIGINAL LAND USE	35
5.8.1	MODEL OF OCCUPATION FOR THE HUNTER VALLEY	36
6	RESULTS	38
6.1	METHODOLOGY	38
6.2	LANDFORMS	38
6.3	SURVEY UNITS	38
6.4	EFFECTIVE COVERAGE	39
6.5	ARCHAEOLOGICAL SITES	41
6.5.1	DEFINITION OF A SITE.....	41
6.5.2	DEFINITION OF SITE COMPLEX.....	41
6.5.3	SITES IDENTIFIED	41
6.6	POTENTIAL ARCHAEOLOGICAL DEPOSIT (PAD)	42
6.6.1	38-4-1586; 38-4-1630	42
6.6.2	38-4-1584; 38-4-1629	43
6.7	DISCUSSION	43
6.7.1	INTEGRITY	43
6.7.2	ARTEFACT ASSEMBLAGE.....	44
6.7.3	SPATIAL DISTRIBUTION	44
6.7.4	CHRONOLOGY.....	44
6.8	INTERPRETATION & OCCUPATION MODEL	45
6.9	REGIONAL & LOCAL CONTEXT	46
6.10	REASSESSMENT OF THE PREDICTIVE MODEL.....	46
6.11	CONCLUSION	47

7	ASSESSMENT OF ARCHAEOLOGICAL SIGNIFICANCE	48
7.1	BASIS FOR EVALUATION	48
7.2	ARCHAEOLOGICAL (SCIENTIFIC) SIGNIFICANCE	48
7.2.1	RESEARCH POTENTIAL	48
7.2.2	REPRESENTATIVENESS AND RARITY	49
7.2.3	NATURE OF THE EVIDENCE	50
7.2.4	INTEGRITY	50
7.2.5	SCIENTIFIC EVALUATION	51
7.3	CULTURAL SIGNIFICANCE	51
7.3.1	AESTHETIC SIGNIFICANCE	51
7.3.2	HISTORIC SIGNIFICANCE	52
7.3.3	SCIENTIFIC SIGNIFICANCE	52
7.3.4	SOCIAL/SPIRITUAL SIGNIFICANCE	53
8	ASSESSMENT OF IMPACTS	54
8.1	IMPACTS	54
8.2	CUMULATIVE IMPACTS	54
9	MITIGATION AND MANAGEMENT STRATEGIES	56
9.1	CONSERVATION/PROTECTION	56
9.2	FURTHER INVESTIGATION	56
9.3	AHIP	56
9.4	CULTURAL AWARENESS INDUCTION	57
10	RECOMMENDATIONS.....	58

APPENDICES

APPENDIX A CONSULTATION

APPENDIX B AHIMS SEARCH RESULTS

LIST OF TABLES

TABLE 2.1 SOURCES CONTACTED	13
TABLE 2.2 REGISTERED ABORIGINAL PARTIES.....	14
TABLE 5.1 SITE DESCRIPTIONS (KUSKIE & KAMMINGA 2000).	37
TABLE 6.1 GROUND SURFACE VISIBILITY RATING	40
TABLE 6.2 EFFECTIVE COVERAGE FOR THE INVESTIGATION AREA	40
TABLE 6.3 PAD SUMMARY.....	43
TABLE 7.1 SIGNIFICANCE ASSESSMENT	51
TABLE 7.2 RAPs: AESTHETIC VALUES	51
TABLE 7.3 RAPs: HISTORIC VALUES	52
TABLE 7.4 RAPs: SCIENTIFIC VALUES	52
TABLE 7.5 RAPs: SOCIAL/SPIRITUAL VALUES.....	53

TABLE 8.1 IMPACT SUMMARY	54
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LIST OF FIGURES

FIGURE 1.1 REGIONAL LOCATION OF THE PROJECT AREA	6
FIGURE 1.2 LOCAL LOCATION OF THE PROJECT AREA.....	7
FIGURE 1.3 AERIAL LOCATION OF THE PROJECT AREA.....	7
FIGURE 1.4 SITE LAYOUT.....	8
FIGURE 3.1 LANDFORMS AND STREAM ORDERS OF THE PROJECT AREA	18
FIGURE 5.1 KNOWN SITES	30
FIGURE 5.2 PREVIOUSLY IDENTIFIED SITE AND PADS	31
FIGURE 5.3 ARCHAEOLOGICAL POTENTIAL.....	34
FIGURE 5.4 FOLEY'S MODEL (L) AND ITS MANIFESTATION IN THE ARCHAEOLOGICAL RECORD (R), (FOLEY 1981).....	36
FIGURE 6.1 SEVEN MILE CREEK FACING NORTH EAST	38
FIGURE 6.2 SEVEN MILE CREEK FACING NORTH	38
FIGURE 6.3 NORTHERN SLOP FACING EAST	39
FIGURE 6.4 SOUTH WESTERN SLOP FACING NORTH EAST	39
FIGURE 6.5 PADS	42

EXECUTIVE SUMMARY

McCardle Cultural Heritage Pty Ltd (MCH) was commissioned by Eagleton Rock Syndicate Pty Ltd to prepare an Indigenous Heritage Impact Assessment for the proposed hard rock quarry at Lot 2 DP 1108702 located off Italia Road at Balickera. The proponent seeks to extract 10,000 – 15,000 kilo tonnes (kt) of quarry resources from the site over a period of approximately 30 years.

Extraction of the resource from the site will require the removal of vegetation followed by the extraction of the resource. The extraction activities will be located to the west of existing composting facilities and to the west of Seven Mile Creek. A new bridge crossing of Seven Mile Creek will be constructed in the northern part of the site, and all of the operational and extraction areas will be located adjacent to quarrying extraction areas in order to minimise the extent of impacts on other parts of the site.

The study area is located within the Central Lowlands and consists of slopes and drainage lines. The study area has five 1st order streams, one 2nd order and one 3rd order (Seven Mile Creek). Seven Mile Creek runs north south through the study area and the remaining drainage drains into this creek. The study area is considered moderately resourced in terms of water availability and associated resources during wet seasons or after continuous heavy rain when water was available.

The study area has been cleared, extensively logged and primarily used for grazing, involving the wholesale clearance of native vegetation, the introduction of pasture grass, the construction of dams, fencing, numerous tracks and the existing quarry to the north east, and associated infrastructure (water, electricity, telephone).

MCH (2012) undertook an assessment of the project area and identified one isolated find within a creek bed (AHIMS# 38-4-1586). The mudstone flake exhibited weathering (smooth edges that were once sharp) and was located in the creek bed which may have been washed from upstream. Two PADs were also identified and have been registered twice by AHIMS. BQ PAD1 (AHIMS#38-4-1586; 38-4-1630) included the 3rd order creek (Seven Mile Creek) situated to the east and drained north to south and flows along a simple slope. The PAD was defined as including the creek and extended in width to 50m both sides of the creek bank. The PAD had been subject to minimal disturbances, was heavily vegetated and had been subject to creek bank erosion.

BQ PAD2 (AHIMS# 38-4-1584; 38-4-1629) included the 2nd order creek that was situated to the south and drained west east down a simple slope and into Seven Mile Creek. The PAD was defined as including the creek and extended in width to 50m both sides of the creek bank. This was the creek that contained the isolated artefact and another area that typically contains the highest density and number of sites throughout the Hunter Valley. The PAD had been subject to minimal disturbances, was heavily vegetated and was been subject to creek bank erosion.

A search of the OEH AHIMS register has shown that 12 known Aboriginal sites are currently recorded within five kilometres of the project area and include five (5) AFT, six (6) PADs and one stone quarry. However, upon closer examination the two previously identified PAD in the project area have been registered twice by AHIMS. The predictive model suggests that there is a high potential for isolated finds and/or artefact scatters to be located along Seven Mile Creek (3rd order). There is moderate potential along the 2nd order to the south and low potential for sites found throughout the remainder of the study area due to the distance from reliable water and landforms that are steep slopes.

The overall effective coverage the effective coverage for project area illustrates that overall effective coverage being 15% with grass being the limiting factor and erosion was very high. The disturbances included clearing, extensive logging, fences, tracks, the quarry/current compost

facility to the north east and motor bike tracks to the south east and erosion all of which have impacted upon the landscape and associated cultural materials. These disturbances result in the lateral and horizontal movement of materials. In particular, the north east and south east has been significantly disturbed and the remainder disturbed through tracks and erosion only with minimal disturbances along the creeks (bank erosion).

The site and PADs are considered typical of the Hunter valley region in both their content and location. The isolated find was of low scientific significance and the significance of the PADs remains unknown at this time and may be determined following test excavations if required. The RAPs assigned general social/cultural significance to the project area, isolated find and PADs. The RAPs also support the project, the investigations and recommendations.

The following recommendations were made:

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974;
- 2) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted;
- 3) A cultural awareness program should be included as part of the site induction program and developed with the registered Aboriginal stakeholders and form part of the Environmental Management Plan;
- 4) If BQ PAD1 (AHIMS# 38-4-1586; 38-4-1630) will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW;
- 5) If BQ PAD2 (AHIMS# 38-4-1584; 38-4-1629) will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW, and
- 6) If BQ/1 isolated artefact (AHIMS# 38-4-1586) will be harmed by any future development a community collection will be undertaken prior to works in the location.

GLOSSARY

Aboriginal Cultural Heritage Values: traditional values of Aboriginal people, handed down in spiritual beliefs, stories and community practices and may include local plant and animal species, places that are important and ways of showing respect for other people.

Aboriginal Place: are locations that have been recognised by the Minister for Climate Change and the Environment (and gazetted under the *National Parks and Wildlife Act 1974*) as having special cultural significance to the Aboriginal community. An Aboriginal Place may or may not include archaeological materials.

Aboriginal Site: an Aboriginal site is the location of one or more Aboriginal archaeological objects, including flaked stone artefacts, midden shell, grinding grooves, archaeological deposits, scarred trees etc.

Artefact: any object that is physically modified by humans.

Assemblage: a collection of artefacts associated by a particular place or time, assumed generated by a single group of people, and can comprise different artefact types.

Axe: a stone-headed axe usually having two ground surfaces that meet at a bevel.

Backed artefact: a stone tool where the margin of a flake is retouched at a steep angle and that margin is opposite a sharp edge.

Background scatter: a term used to describe low density scatter of isolated finds that are distributed across the landscape without any obvious focal point.

Blade: a flake that is at least twice as long as it is wide.

Bondi point: a small asymmetrical backed artefact with a point at one end and backing retouch.

Core: a chunk of stone from which flakes are removed and will have one or more negative flake scars but no positive flake scars. The core itself can be shaped into a tool or used as a source of flakes to be formed into tools.

Debitage: small pieces of stone debris that break off during the manufacturing of stone tools. These are usually considered waste and are the by product of production (also referred to as flake piece).

Flake: any piece of stone struck off a core and has a number of characteristics including ring cracks showing where the hammer hit the core and a bulb of percussion. May be used as a tool with no further working, may be retouched or serve as a platform for further reduction.

Flaked piece/waste flake: an unmodified and unused flake, usually the by product of tool manufacture or core preparation (also referred to asdebitage).

Formation processes: human caused (land uses etc) or natural processes (geological, animal, plant growth etc) by which an archaeological site is modified during or after occupation and abandonment. These processes have a large effect on the provenience of artefacts or features.

Grinding stone: an abrasive stone used to abrade another artefact or to process food.

Hammer stone: a stone that has been used to strike a core to remove a flake, often causing pitting or other wear on the stone's surface.

Harm: is defined as an act that may destroy, deface or damage an Aboriginal object or place. In relation to an object, this means the movement or removal of an object from the land in which it has been situated

Holocene: the post-glacial period, beginning about 10,000 B.P.

In situ: archaeological items are said to be "in situ" when they are found in the location where they were last deposited.

Pleistocene: the latest major geological epoch, colloquially known as the "Ice Age" due to the multiple expansion and retreat of glaciers. Ca. 3,000, 000-10,000 years B.P.

Retouched flake: a flake that has been flaked again in a manner that modified the edge for the purpose of resharpening that edge.

Stratified Archaeological Deposits: Aboriginal archaeological objects may be observed in soil deposits and within rock shelters or caves. Where layers can be detected within the soil or sediments, which are attributable to separate depositional events in the past, the deposit is said to be stratified. The integrity of sediments and soils are usually affected by 200 years of European settlement and activities such as land clearing, cultivation and construction of industrial, commercial and residential developments.

Taphonomy: the study of processes which have affected organic materials such as bone after death; it also involves the microscopic analysis of tooth-marks or cut marks to assess the effects of butchery or scavenging activities.

Traditional Aboriginal Owners: Aboriginal people who are listed in the Register of Aboriginal owners pursuant to Division 3 of the *Aboriginal Land Register Act (1983)*. The Registrar must give priority to registering Aboriginal people for lands listed in Schedule 14 of the *National Parks and Wildlife Act 1974* or land subject to a claim under 36A of the *Aboriginal Land Rights Act 1983*.

Traditional Knowledge: Information about the roles, responsibilities and practices set out in the cultural beliefs of the Aboriginal community. Only certain individuals have traditional knowledge and different aspects of traditional knowledge may be known by different people, e.g. information about men's initiation sites and practices, women's sites, special pathways, proper responsibilities of people fishing or gathering food for the community, ways of sharing and looking after others, etc.

Typology: the systematic organization of artefacts into types on the basis of shared attributes.

Use wear: the wear displayed on an artefact as a result of use.

ACRONYMS

ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System. Data base of recorded sites across NSW managed by OEH
OEH	Office of Environment and Heritage

OEH AHIMS SITE ACRONYMS

ACD	Aboriginal ceremonial and dreaming
AFT	Artefact (stone, bone, shell, glass, ceramic and metal)
ARG	Aboriginal resource and gathering
ART	Art (pigment or engraving)
BOM	Non-human bone and organic material
BUR	Burial
CFT	Conflict site
CMR	Ceremonial ring (stone or earth)
ETM	Earth mound
FSH	Fish trap
GDG	Grinding groove
HAB	Habitation structure
HTH	Hearth
OCQ	Ochre quarry
PAD	Potential archaeological Deposit. Used to define an area of the landscape that is believed to contain subsurface archaeological deposits.
SHL	Shell
STA	Stone arrangement
STQ	Stone quarry
TRE	Modified tree (carved or scarred)
WTR	Water hole

1 INTRODUCTION

1.1 INTRODUCTION

McCardle Cultural Heritage Pty Ltd (MCH) has been commissioned by Eagleton Rock Syndicate Pty Ltd prepare an Aboriginal Cultural Heritage Impact Assessment for the proposed Eagleton Quarry, a hard rock quarry located at Lot 2 DP 1108702 Balickera, within Port Stephens Local Government Area (LGA). The project is submitted to the Department of Planning and Environment pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in support of an application for the project being a State Significant Development (SSD).

The assessment has been undertaken to meet the NSW Office of Environment and Heritage (OEH), Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b and the brief.

1.2 PROPONENT DETAILS

Eagleton Rock Syndicate Pty Ltd.

1.3 THE PROJECT AREA

The project area is defined by the proponent and includes Lot 2 DP1108702 which is located along Italia Road, Balickera, NSW. The location and extent of the project area is illustrated in Figures 1.1 to 1.3.

Figure 1.1 Regional location of the project area



Figure 1.2 Local location of the project area

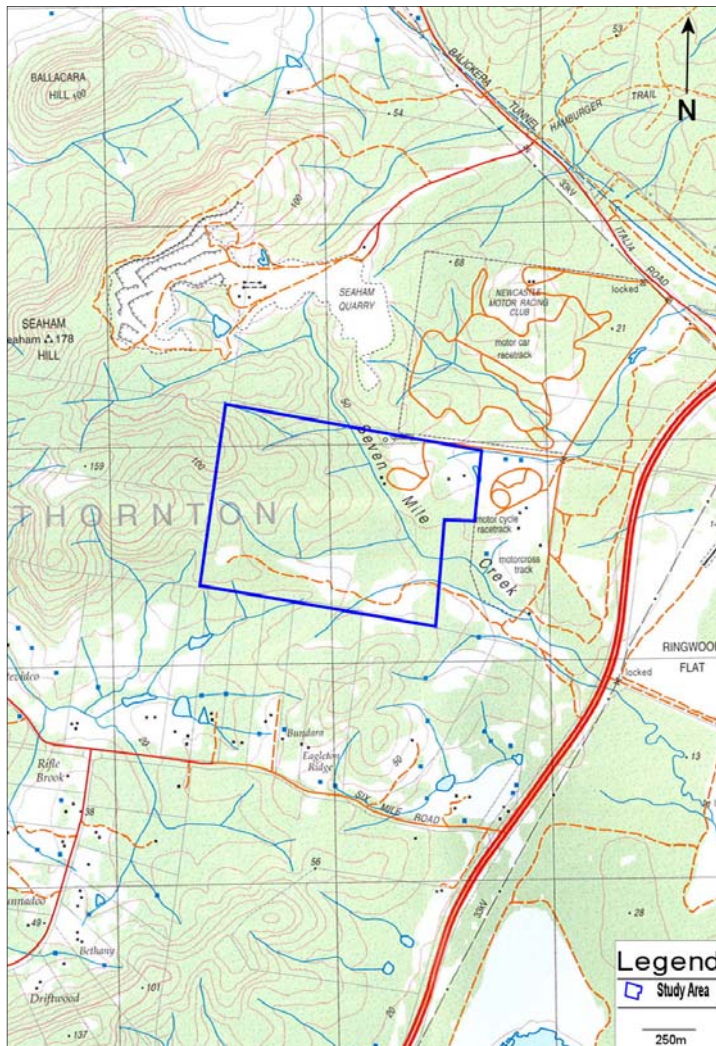


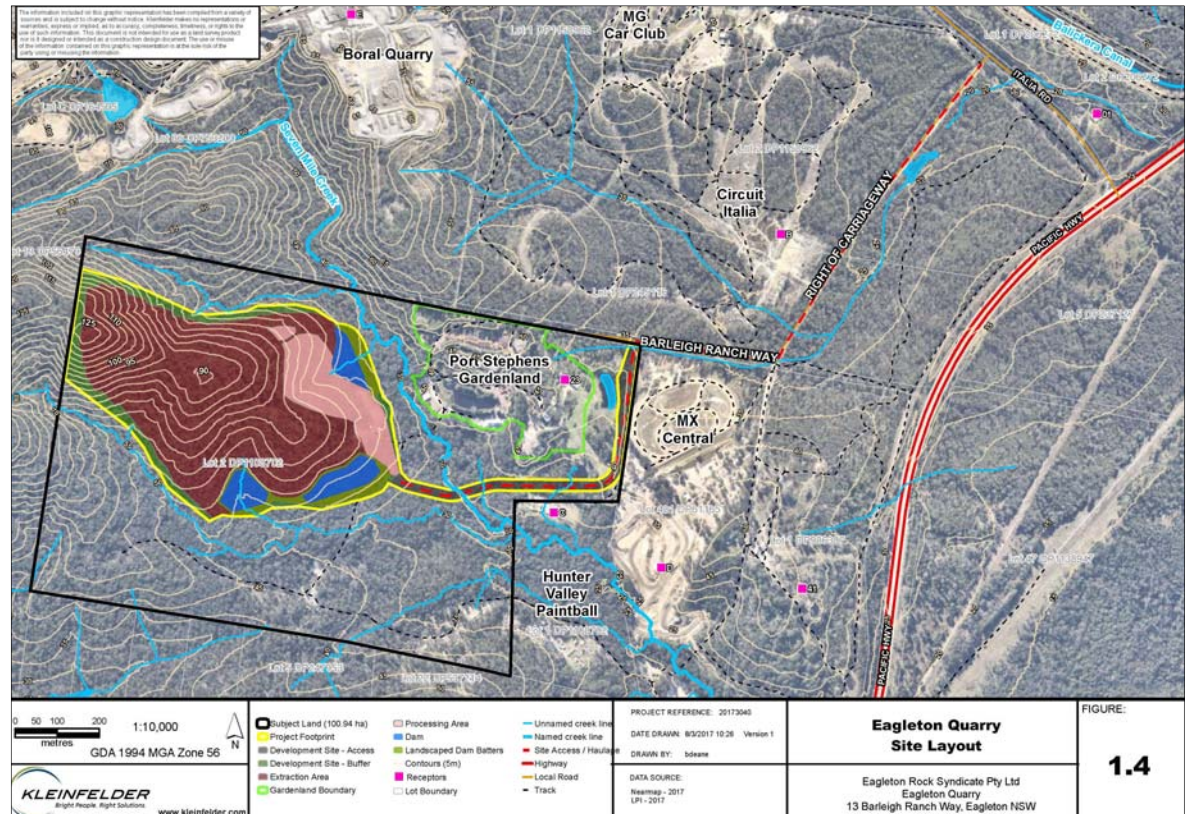
Figure 1.3 Aerial location of the project area



1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed project is a hard rock quarry and the proponent seeks to extract 10,000 – 15,000 kilo tonnes (kt) of quarry resources from the site over a period of approximately 30 years. The proposed mine plan is shown in Figure 1.4.

Figure 1.4 Site layout



Quarry extraction activities will be located to the west of existing composting facilities and to the west of Seven Mile Creek, generally quarrying through the ridge located in the north-western part of the site. The operations area, as well as the sales, administration, and maintenance area will be located at the entrance to the main quarry on the south-western side of Seven Mile Creek. The operations are will include:

- Stockpiling of extracted material;
- Mobile crusher circuit consisting of primary, secondary and tertiary crushers;
- Screening plants and a fine aggregate wash plant; and
- A pug mill, for road base applications.

The sales, administration and maintenance area will include:

- Administration buildings to provide for office, lunchroom, lab-maintenance, first aid and toilet facilities;
- Weighbridge;
- Fuel storage;

- Maintenance Shed; and
- Parking area for mobile machinery (e.g. loaders and dump trucks).

During the first two years of quarrying the existing crossing of Seven Mile Creek will be utilised, until a new bridge crossing is constructed within a previously disturbed area across the creek. Extraction of the resource from the site will require the removal of vegetation followed by the extraction of the resource.

1.5 PURPOSE OF THE ARCAHEOLOGICAL ASSESSMENT

The purpose of the assessment is to assess any archaeological constraints to support the proposed hard rock quarry and to provide opportunities and options to ensure any cultural materials present are protected and managed appropriately.

1.6 OBJECTIVE OF THE ASSESSMENT

The objective of the assessment is to identify areas of indigenous cultural heritage value, to determine possible impacts on any indigenous cultural heritage identified (including potential subsurface evidence) and to develop management recommendations where appropriate. The assessment employs a regional approach, taking into consideration both the landscape of the project area (landforms, water resources, soils, geology etc) and the regional archaeological patterning identified by past studies.

1.7 PROJECT BRIEF/SCOPE OF WORK

The following tasks were carried out:

- a review of relevant statutory registers and inventories for indigenous cultural heritage including the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) for known archaeological sites, the State Heritage Register, the Australian Heritage Database (includes data from the World Heritage List UNESCO, National Heritage List, Commonwealth Heritage List, Register of the National Estate) and the Port Stephens Local Environmental Plan;
- a review of local environmental information (topographic, geological, soil, geomorphological and vegetation descriptions) to determine the likelihood of archaeological sites and specific site types, prior and existing land uses and site disturbance that may affect site integrity;
- a review of previous cultural heritage investigations to determine the extent of archaeological investigations in the area and any archaeological patterns;
- the development of a predictive archaeological statement based on the data searches and literature review;
- identification of human and natural impacts in relation to the known and any new archaeological sites archaeological potential of the project area;
- consultation with the Aboriginal stakeholders as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010);
- undertake a site inspection with the participation of the registered Aboriginal stakeholders, and

- the development of mitigation and conservation measures in consultation with the registered Aboriginal stakeholders.

1.8 LEGISLATIVE CONTEXT

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

Land managers are required to consider the affects of their activities or proposed development on the environment under several pieces of legislation. Although there are a number of Acts and regulations protecting Aboriginal heritage, including places, sites and objects, within NSW, the three main ones include:

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

1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED)

The National Parks and Wildlife Act (1974), Amended 2010, is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. The NPW Act protects Aboriginal heritage (places, sites and objects) within NSW and the Protection of Aboriginal heritage is outlined in s86 of the Act, as follows:

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

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

Harm under the National Parks and Wildlife Act (1974, as amended) is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate that;

- 1) harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or
- 2) the proponent exercised due diligence in respect to Aboriginal heritage.

The ‘due diligence’ defence (s87[2]), states that if a person or company has applied due diligence to determine that no Aboriginal object, site or place was likely to be harmed as a result of the activities proposed for the Project Area, then liability from prosecution under the NPW Act 1974

will be removed or mitigated if it later transpires that an Aboriginal object, site or place was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and OEH notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

The archaeological due diligence assessment and report has been carried out in compliance with the NSW DECCW 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2009)

The National Parks and Wildlife Regulation 2009 provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The Regulation (2009) recognises various due diligence codes of practice, including the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW which is pertinent to this report, but it also outlines procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)

EP&A Act establishes the statutory framework for planning and environmental assessment in NSW and the implementation of the EP&A Act is the responsibility of the Minister for Planning, statutory authorities and local councils. The EP&A Act contains three parts which impose requirements for planning approval:

- Part 3 of the EP&A Act relates to the preparation and making of Environmental Planning Instruments (EPIs), State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).
- Part 4 of the EP&A Act establishes the framework for assessing development under an EPI. The consent authority for Part 4 development is generally the local council, however the consent authority may be the Minister, the Planning Assessment Commission or a joint regional planning panel depending upon the nature of the development.
- Part 4, Division 4.1 of the EP&A Act establishes the assessment pathway for State significant development (SSD) declared by the State Environmental Planning Policy (State and Regional Development) 2011 (NSW). Once a development is declared as SSD, the Director-General will issue Director-General Requirements (DGRs) outlining what issues must be considered in the EIS.
- Part 5 of the EP&A Act provides for the control of 'activities' that do not require development consent and are undertaken or approved by a determining authority. Development under Part 5 that are likely to significantly affect the environment is required to have an EIS prepared for the proposed activity.
- Part 5.1 of the EP&A Act establishes the assessment pathways for State significant infrastructure (SSI). Development applications made for SSI can only be approved by the Minister. Once a development is declared as SSI, the Director-General will issue DGRs outlining what issues must be addressed in the EIS.

The applicable approval process is determined by reference to the relevant environmental planning instruments and other controls, LEPs and State Environmental Planning Policies (SEPPs).

This project falls under Part 4.

1.9 QUALIFICATIONS OF THE INVESTIGATOR

Penny McCardle: Principal Archaeologist & Forensic Anthropologist has 10 years experience in Indigenous archaeological assessments, excavation, research, reporting, analysis and consultation. Six years in skeletal identification, biological profiling and skeletal trauma identification.

- BA (Archaeology and Palaeoanthropology, University of New England 1999
- Hons (Archaeology and Palaeoanthropology): Physical Anthropology), University of New England 2001
- Forensic Anthropology Course, University of New England 2003
- Armed Forces Institute of Pathology Forensic Anthropology Course, Ashburn, VA 2008
- Analysis of Bone trauma and Pseudo-Trauma in Suspected Violent Death Course, Erie College, Pennsylvania, 2009
- Currently undertaking a PhD, University of Newcastle, 2017

1.10 REPORT STRUCTURE

The report includes Section 1 which outlines the project, Section 2 provides the consultation, Section 3 presents the environmental context, Section 4 presents ethno historic context, Section 5 provides the archaeological background, Section 6 provides the results of the fieldwork, analysis and discussion; Section 7 presents the development impact assessment, Section 8 presents the mitigation strategies and Section 9 presents the management recommendations.

2 CONSULTATION

As per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010), MCH followed the four stages of consultation as set out below. All correspondences for each stage are provided in Annex A.

In relation to cultural significance, MCH recognises and supports the indigenous system of knowledge. That is, that knowledge is not 'open' in the sense that everyone has access and an equal right to it. Knowledge is not always definitive (in the sense that there is only one right answer) and knowledge is often restricted. As access to this knowledge is power, it must be controlled by people with the appropriate qualifications (usually based on age seniority, but may be based on other factors). Thus, it is important to obtain information from the correct people: those that hold the appropriate knowledge of those sites and/or areas relevant to the project. It is noted that only the Aboriginal community can identify and determine the accepted knowledge holder(s) may be not archaeologists or proponents. If knowledge is shared, that information must be used correctly and per the wishes of the knowledge holder. Whilst an archaeologist may view this information as data, a custodian may view this information as highly sensitive, secret/sacred information and may place restrictions on its use. Thus it is important for MCH to engage in affective and long term consultation to ensure knowledge is shared and managed in a suitable manner that will allow for the appropriate management of that site/area. MCH also know that archaeologists do not have the capability nor the right to adjudicate on the spirituality of a particular location or site as this is the exclusive right of the traditional owners who have the cultural and hereditary association with the land of their own ancestors. For these reasons, consultation forms an integral component of all projects and this information is sought from the registered stakeholders to be included in the report in the appropriate manner that is stipulated by those with the information.

2.1 STAGE 1: NOTIFICATION & REGISTRATION OF INTEREST

The aim of this stage is to identify, notify and register Aboriginal people and/or groups who hold cultural knowledge that is relevant to the project area, and who can determine the cultural significance of any Aboriginal objects and/or places within the proposed project area. In order to do this, the sources identified by OEH (2010:10) and listed in Table 2.1, to provide the names of people who may hold cultural knowledge that is relevant to determining the significance of Aboriginal objects and/or places were contacted by letter on 24 March 2017. A reply was requested by the 7 April 2017 and it was stipulated that if no response was received, the project and consultation will proceed. Information included in the correspondence to the sources listed in Table 2.1 included the name and contact details of the proponent, an overview of the proposed project including the location and a map showing the location.

Table 2.1 Sources contacted

Organisations contacted	Response
Office of Environment and Heritage	17 groups
Worimi LALC	No response
Port Stephens Local Council	WLALC
Registrar Aboriginal Land Rights Act 1983	no response
National Native Title Tribunal	Refer to Annex A
Native Title Services Corporation Limited	no response
Hunter local Land services	no response

Following this, MCH compiled a list of people/groups to contact (Refer to Annex A). As per the Aboriginal cultural heritage consultation requirements for proponents (April 2010), archaeologists and proponents must write to all those groups provided asking if they would like to register their interest in the project. Unfortunately some Government departments written to requesting a list of groups to consult with do not differentiate groups from different traditional boundaries and provide an exhaustive list of groups from across the region including those outside their traditional boundaries.

MCH wrote to all parties identified on 7 April 2017, and an advertisement was placed in the Newcastle Herald on 12 April 2017. The correspondence and advertisement included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and requested to nominate the preferred option for the presentation of information about the proposed project: an information packet or a meeting and information packet (Refer to Stage 2). The Registered Aboriginal Parties (RAPs) are listed in Table 2.2.

Table 2.2 Registered Aboriginal Parties

RAP	Contact
Mu-roo-ma Inc	Anthony Anderson
Nur-Run-Gee Pty Ltd	Lennie Anderson
WLALC	Jackie Henderson
Karuah Indigenous Corporation	Dave Feeney
Wonnarua Elder LHWCS	Tommy Miller

2.2 STAGE 2: PRESENTATION OF INFORMATION

The aim of this stage is to provide the RAPs with information regarding the scope of the proposed project and the cultural heritage assessment process.

As the RAPs provided no preferred option to obtain project information, an information packet was sent to all RAPs and included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010). The pack included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010). A written response to the survey methods and the preferred method of sharing traditional knowledge was due no later than 26 May 2017. Early responses were provided and received by 3 May 2017.

The information pack also stipulated that consultation was not employment, and requested that in order to assist the proponent in the engagement of field workers, that the groups provide information that will assist in the selection of field staff who may be paid on a contractual basis). This included, but was not limited to, experience in field work and in providing cultural heritage advice (asked to nominate at least two individuals who will be available and fit for work) and their relevant experience; and to provide a CV and insurance details.

The information pack also noted that failure to provide the required information by the date provided will result in a missed opportunity for the RAPs to contribute to their cultural heritage and the project will proceed.

2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE

The aim of this stage is to facilitate a process whereby the RAPs can contribute to culturally appropriate information gathering and the research methodology, provide information that will enable the cultural significance of any Aboriginal objects and or/places within the proposed project area to be determined and have input into the development of any cultural heritage management options and mitigation measures. In order to do this, included in the information pack sent for Stage 2, was information pertaining to the gathering of cultural knowledge. This included the following information;

- MCH noted that information provided by RAPs may be sensitive and MCH and the proponent will not share that information with all RAPs or others without the express permission of the individual. MCH and the proponent extended an invitation to develop and implement appropriate protocols for sourcing and holding cultural information including any restrictions to place on information, as well as the preferred method of providing information;
- request for traditional/cultural knowledge or information associated with ceremonial, spiritual, mythological beliefs, traditions and known sites from the pre-contact period;
- request for traditional/cultural knowledge or information regarding sites or places with historical associations and/or cultural significance which date from the post-contact period and that are remembered by people today (e.g. plant and animal resource use areas, known camp sites); and
- request for traditional/cultural knowledge or information in relation to any sites or places of contemporary cultural significance (apart from the above) which has acquired significance recently.

During this process, the RAPs did not disclose any specific traditional/cultural knowledge or information of sites or places associated with spiritual, mythological, ceremonies or beliefs from the pre contact period within the project area or surrounding area. The stakeholders did not disclose any information pertaining to sites or places of cultural significance associated with the historic or contemporary periods within the project area or surrounding area. However, it must be noted that traditional/cultural knowledge and/or information regarding sites and/or places of cultural significance may exist that were not divulged to MCH by those consulted.

It is also noted that the Worimi RAPs were disinclined to provide cultural information as a non Worimi RAP had registered for the project despite being made aware the project area was in Worimi country. The registration of a non Worimi person was found to be insulting and goes against all Aboriginal beliefs. Worimi can only speak about and make decisions about Worimi country.

2.4 SURVEY

All RAPs were invited to participate in the survey on 11 May 2017. The project area was surveyed by representatives from the registered Aboriginal stakeholders (Rebecca Young from Mu-roo,ma Inc., Lennie Anderson from Nur-run-gee Pty Ltd, Stephen Brereton from Worimi LALC and David Feeney from Karuah Indigenous Corporation) and the archaeologist in accordance with the proposed methodology provided to the stakeholders for review and approved.

During the survey, the RAPs were also asked of their traditional knowledge and of any areas of cultural significance within the project area and if they felt comfortable in sharing that information. Discussions centred on places associated with ceremonial, spiritual, mythological beliefs, traditions

and known sites that date from the pre-contact period. Sites or places with historical associations and/or significance which date from the post-contact period and that are remembered by people today (e.g. plant and animal resource use areas, known camp sites) were discussed as well as sites or places of contemporary significance (apart from the above) which has acquired significance recently.

2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT

A copy of the DRAFT report was forwarded to all RAPs for their review and were asked to provide a written or verbal response no later than 12 June 2017. The cultural values identified in the written responses to the draft report are presented. Comments received by MCH are provided in alphabetical order.

- Karuah Indigenous Corporation (KIC) has assigned general social/cultural significance to the project area, isolated find and PADs. KIC also support the project, the investigations and recommendations.
- Mu-roo-ma (MRM) has assigned general social/cultural significance to the project area, isolated find and PADs. MRM also support the project, the investigations and recommendations.
- Nur-Run-Gee(NRG) has assigned general social/cultural significance to the project area, isolated find and PADs. NRG also support the project, the investigations and recommendations.
- WLALC has assigned general social/cultural significance to the project area, isolated find and PADs. WLALC also support the project, the investigations and recommendations.
- Wonnarua Elder LHWCS provided no response to the draft report

All comments received from the RAPs were considered in the final report, all submissions responded to and the draft report altered to include their comments. All RAPs were provided a copy of the final report. All documentation regarding the consultation process is provided in *Annex A*.

3 LANDSCAPE AND ENVIRONMENTAL CONTEXT

3.1 INTRODUCTION

The nature and distribution of Aboriginal cultural materials in a landscape are strongly influenced by environmental factors such as topography, geology, landforms, climate, geomorphology, hydrology and the associated soils and vegetation (Hughes and Sullivan 1984). These factors influence the availability of plants, animals, water, raw materials, the location of suitable camping places, ceremonial grounds, burials, and suitable surfaces for the application of rock art. As site locations may differ between landforms due to differing environmental constraints that result in the physical manifestation of different spatial distributions and forms of archaeological evidence, these environmental factors are used in constructing predictive models of Aboriginal site locations.

Environmental factors also affect the degree to which cultural materials have survived in the face of both natural and human influences and affect the likelihood of sites being detected during ground surface survey. Site detection is dependent on a number of environmental factors including surface visibility (which is determined by the nature and extent of ground cover including grass and leaf litter etc) and the survival of the original land surface and associated cultural materials (by flood alluvium and slope wash materials). It is also dependant on the exposure of the original landscape and associated cultural materials (by water, sheet and gully erosion, ploughing, vehicle tracks etc), (Hughes and Sullivan 1984). Combined, these processes and activities are used in determining the likelihood of both surface and subsurface cultural materials surviving and being detected.

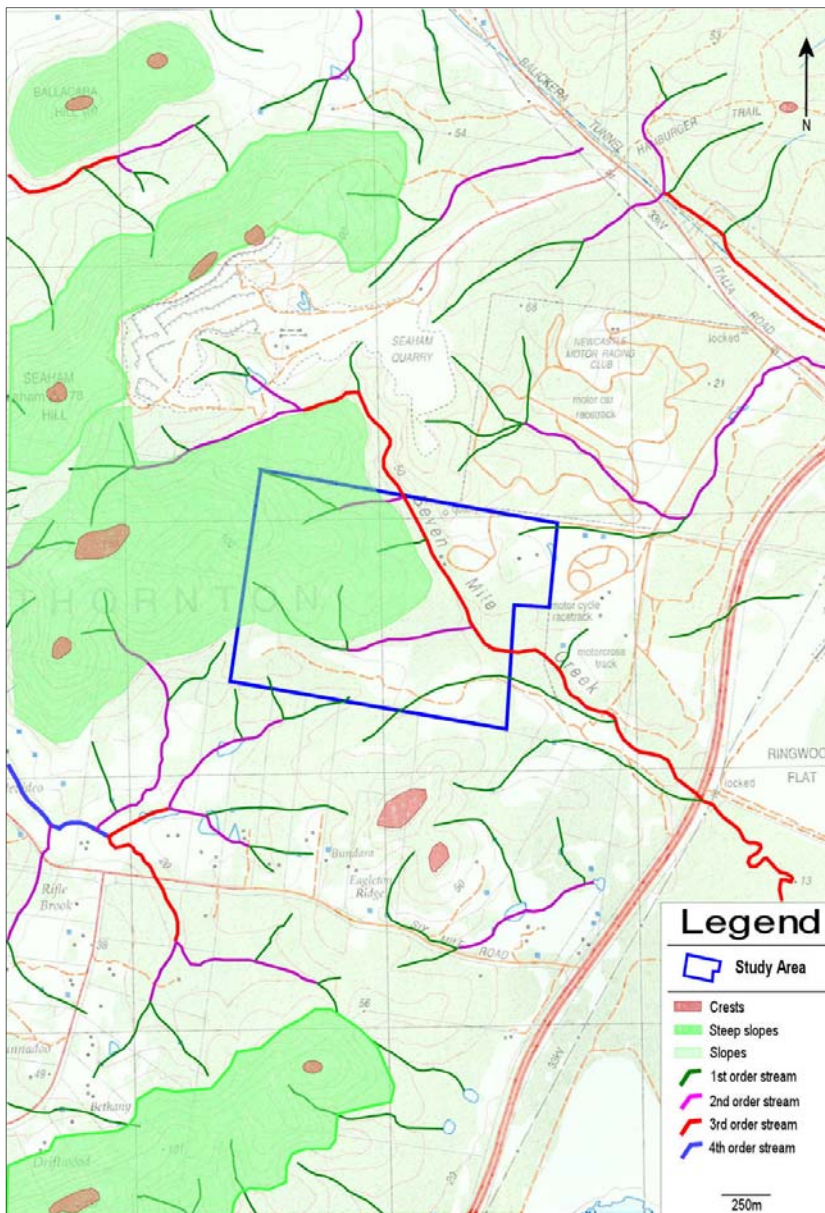
It is therefore necessary to have an understanding of the environmental factors, processes and activities, all of which affect site location, preservation, detection during surface survey and the likelihood of in situ subsurface cultural materials being present. The environmental factors, processes and disturbances of the surrounding environment and specific project area are discussed below.

3.2 TOPOGRAPHY

The topographical context is important to identify potential factors relating to past Aboriginal land use patterns. Story *et al* (1963) divided the Hunter Valley into eight main sub-regions including the Southern Mountains, Central Goulburn Valley, Merriwa Plateau, Liverpool and Mt Royal Ranges, Barrington tops, North-Eastern Mountains, Central lowlands and the Coastal Zone.

The project area is located within the Central Lowlands, (a broad lowland belt of lowlands approximately 15 kilometres wide) which lies at the centre of the region extending from Murrurundi to Newcastle. It is bounded on all sides by steep rugged country except in the far west where the Cassilis Gate provides access to the interior. To the south is dissected plateau country; to the north and west are the Liverpool Range and Barrington Uplands. This area contains much alluvial land consisting of open undulating grassland and level alluvial plains. Formerly rural, open cut mining has developed throughout on a large scale, especially around Singleton and Muswellbrook. The specific project area includes undulating hills/slopes, steep slopes, Seven Mile Creek (3rd order) located towards the eastern section of the project area and a number of 1st and 2nd order drainage lines draining east into the creek (Refer to Figure 3.1).

Figure 3.1 Landforms and stream orders of the project area



3.3 GEOLOGY

The underlying regional geology plays a major role in the structure of the surrounding environment (landforms, topography, geomorphology, vegetation, climate etc), and also influences patterns of past occupation and their manifestation in the archaeological record. This is primarily relevant to past Aboriginal land use in regard to the location of stone resources or raw materials and their procurement for the manufacturing and modification of stone tools.

The Hunter Valley consists of four major geological provinces: the New England Geosyncline in the northeast, the Sydney Basin in the centre and south, the Great Artesian Basin in the northwest, and the eastern Australian Tertiary Volcanic Province in the north and west (Hughes 1984). The Central Lowlands are situated on the Sydney Basin, on Permian rocks that are folded and consist of shales, tuffs, sandstone, mudstones, and conglomerate, with some lava beds in the basal portion,

and contain the extensive coal measures that are mined throughout the region. Generally, the Permian rocks are only moderately resistant, consequently forming the lowlands.

The project area is situated on Carboniferous Crawford Formation that includes sandstone, conglomerate, mudstone, chert and tuff (Newcastle Geological Map 1966). The processes of sedimentation, uplift, ongoing physical and chemical weathering, re-deposition and volcanic activity have resulted in the formation of a complex landscape in the regional area that incorporates diversity in topography, vegetation and wildlife. For its Aboriginal inhabitants, these processes have resulted in landforms suitable for camping and deposits of raw materials essential to the manufacture of stone tools. Materials most dominant in stone tool manufacture throughout the Central Lowlands are indurated mudstone/tuff and silcrete (Kuskie 2000) and are commonly found in creek line deposits, such as those observed at Black Hill and Woods Gully (Kuskie and Kamminga 2000:183). Others include quartz, chert, porcellanite, quartzite and basalt.

3.4 GEOMORPHOLOGY

Geomorphology is the study of landscapes, their evolution and the processes operating within earth systems. Cultural remains are part of these systems, having being deposited on, and in part, resulting from interactions within landscapes of the past. An understanding of geomorphological patterning and alterations is therefore essential in assess and interpreting the archaeological record.

The geomorphology of the Hunter Valley is complex and is summarised below based upon studies undertaken by Galloway (1963) and Hughes (1984). The Hunter Valley contains a variety of landforms ranging from rugged mountains to plains and varying in elevation from sea level to over 1500 metres (AHD). It is surrounded on all sides by mountainous terrain with the exception of the western portion where a low rise divides it from the Darling River drainage area and the south eastern zone where it is bounded by the Pacific Ocean.

Four major elements are distinguished in the drainage pattern. The western half of the valley is drained by the Goulburn River and its tributaries that flow east to Denman. The north-eastern part is drained by the upper Hunter River, which flows southwest to unite with the Goulburn River at Denman. The combined rivers then flow east-south-east as the lower Hunter River, opening to the ocean at Newcastle. The Williams and Paterson Rivers drain the high country of the Barrington Tops in the east and join the Hunter River near its mouth. The watershed of the Goulburn River coincides with the Great Dividing Range, where it swings west in a vast loop.

The CSIRO (Story *et al* 1963) conducted a study of the Hunter Region and classified the landforms into nine sub-regions (Mt Royal Range, Liverpool Ranges, Northeast Mountains, Barrington Tops, Merriwa Plateau, Central Goulburn Valley, Southern Mountains, Central Lowlands and the Coastal Zone). The project area lies within the Central Lowlands, which is a belt of lowlands developed on the weak sedimentary rocks that extend from Murrurundi to Newcastle.

The soils throughout the region reflect the influence of a range of factors including the parent geological material, topography, climate, organisms and length of formation time. Differences between these elements are reflected in variation in soil types across the Hunter Valley. Texture contrast soils mantle the undulating to hilly landscapes on Permian and Carboniferous rocks and the older alluvial terraces and valley fills. The two major groups of texture contrast soils include solonetzic and podzolic soils. These soils consist of an upper soil Horizon A and underlying B (referred to as duplex soils). The upper A unit consists of grey to buff silts and sand with gravels, is usually no greater than one metre in depth (usually shallower), has a weakly developed soil profile and is typically discontinuous, especially along hill slopes. The underlying B unit consists of brown-red gravel rich clays with evidence of deep weathering and strongly contrasting horizons.

Unit A and Unit B are interpreted as being Holocene and Pleistocene in age respectively. Within the region, sites tend to occur on or within soil Horizon A or are often present at the interface of the A and B horizons. Within the A horizon the lowermost (in terms of vertical positioning) artefact assemblages tend to contain artefacts that are typically attributed to the mid-Holocene, as characterised by an increase in the number of backed artefacts. Given the lack of detailed information regarding artefact sequences and chronologies in the Hunter Valley, this assumption should not be accepted without question. However, on geomorphological grounds, A horizon soils in this context are generally considered as dating to the mid-late Holocene (Dean-Jones and Mitchell 1993:76).

In contrast, the underlying weathered nature of the clayey B-horizon indicates that its parent material is much older. Evidence of earlier occupation of the region was identified at Warkworth West (AMBS 2002) where a limited artefact assemblage is present within deposit older than 14,000 years. It is also suggested that materials from Fal Brook and Carrington date to the Pleistocene period (Koettig 1987). The B-horizon parent material in hill slope formations is typically composed of weathered, in-situ bedrock whereas soils along the valley floors are generally alluvial or colluvial in origin.

The archaeological importance of foot slopes and valley floors with soils of this type is enhanced by the fact that the interaction between alluvial and colluvial deposition can result in the formation of sealed deposits. However, landforms of this type are also prone to erosion which may broadly reveal previously buried archaeological evidence. Extensive sheet and gully erosion occurs throughout the area, potentially resulting in artefacts that were originally deposited on or within the A-horizon being exposed as highly visible lag. Thus, although erosion greatly increases the visibility of artefacts, it also disturbs and damages them.

Similarly, the impacts of bioturbation upon the archaeological record must also be addressed. Focussed studies regarding bioturbation have primarily been conducted outside Australia (e.g. Armour-Chelu and Andrews 1994; Fowler *et al* 2004; Peacock and Fant 2002). Therefore, whilst the subsequent findings are broadly applicable within the Australian context, further research is certainly warranted. In general, it appears that, within duplex soils, the burrowing activities of fauna including earthworms can often cause the lateral and horizontal movement of artefacts through the soil profile, eventually resulting in the formation of a stone layer at the interface of the A and B horizons. The other important element to address is the differential movement of artefacts according to size/weight. In this respect, bioturbation has the potential to artificially conflate and separate artefacts according to size grouping as opposed to depositional context (Fowler *et al* 2004; Armour-Chelu and Andrews 1994).

As duplex soils are the dominant soil type within the Hunter Valley, the inherent properties of these soils must be taken into consideration in regard to the likelihood of site detection (through exposure by erosion), the stratigraphic context and age of sites, potential site location in relation to past use of the landscape and landscape instability. Certain land systems and types of deposit are however, considered to have greater potential to contain stratified and/or older archaeological sites. This does not imply that older sites are intrinsically more significant than more recent sites, rather, the more important issue in scientific terms is the level of integrity within the site. In broad terms, windblown sand sheets/dunes (such as those at Warkworth), alluvial fan deposits and foot slopes with the potential to have colluvial deposits should be considered as archaeologically sensitive landforms (refer to Dean-Jones and Mitchell 1993; Hughes 1984).

3.5 SOILS

The nature of the surrounding soil landscape also has implications for Aboriginal land use and site preservation, mainly relating to supporting vegetation and the preservation of organic materials and burials. The deposit of alluvial and aeolian sediments and colluvium movement of fine sediments (including artefacts) results in the movement and burying of archaeological materials. The increased movement in soils by this erosion is likely to impact upon cultural materials through the post-depositional movement of materials, specifically small portable materials such as stone tools, contained within the soil profiles.

The project area is situated on the Ten Mile Road soils landscape which is characterised by undulating low hills with elevations ranging from 70-150 metres. Local relief is 40-80 metres and drainage lines are common throughout the area (Mattehi 1995:151). The main soils include an A₁ horizon of brown sandy loam (pH of 6.0) up to 15 centimetres in depth which overlays the A₂ horizon of bleached sandy loam (pH 5.6-6.0) up to 25 centimetres deep. The B horizon consists of brown dense medium clay (pH 5.0 – 6.0), (Mattehi 1995:151-153). Moderate gully erosion occurs in drainage lines and moderate sheet and gully erosion occurs on poorly maintained unsealed roads (Mattehi 1995:151). Severe erosion occurs across the majority of the project area revealing an exposed rocky landscape.

3.6 CLIMATE

Climatic conditions would also have played a part in past occupation of an area as well as impacted upon the soils and vegetation and associated cultural materials. The climatic character of the local area characterised by temperatures ranging from an average minimum of below 5°C to an average maximum of 28°C. Winter rainfall levels are somewhat variable and generally average 30 millimetres per month. Summer rainfalls are more stable at approximately 55-60 millimetres per month, giving a mean annual rainfall of 740 millimetres (Mattehi 1995:5). During summer, the increased rainfall rate and reduced ground cover is reflected in a proportionately higher risk of erosion.

3.7 WATERWAYS

One of the major environmental factors influencing human behaviour is water as it is essential for survival and as such people will not travel far from reliable water sources. In those situations where people did travel far from reliable water, this indicates a different behaviour such as travelling to obtain rare or prized resources and/or trade. Proximity to water not only influences the number of sites likely to be found but also artefact densities. The highest number of sites and the highest density are usually found in close proximity to water and usually on an elevated landform. This assertion is undisputedly supported by the regional archaeological investigations carried out in the region where by such patterns are typically within 50 metres of a reliable water source.

The main types of water sources include permanent (rivers and soaks), semi-permanent (large streams, swamps and billabongs), ephemeral (small stream and creeks) and underground (artesian). Stream order assessment is one way of determining the reliability of streams as a water source. Stream order is determined by applying the Strahler method to 1:25 000 topographic maps. Based on the climatic analysis, the project area will typically experience comparatively reliable rainfalls under normal conditions and thus it is assumed that any streams above a third order classification will constitute a relatively permanent water source.

The Strahler method dictates that upper tributaries do not exhibit flow permanence and are defined as first order streams. When two first order streams meet they form a second order stream. Where two-second order streams converge, a third order stream is formed and so on. When a stream of lower order joins a stream of higher order, the downstream section of the stream will retain the order of the higher order upstream section (Anon 2003; Wheeling Jesuit University 2002).

The project area has six 1st orders streams, one 2nd order and one 3rd order (Seven Mile Creek). Seven Mile Creek runs north south through the eastern section of the project area and the remaining drainage drain east into the creek (Figure 3.1). Therefore, the project area may be considered moderately resourced in terms of water availability and associated resources, specifically along Seven Mile Creek, during wet seasons or after continuous heavy rain when water was available.

When assessing the relationship between sites and water sources it must be noted that the Australian continent has undergone significant environmental changes during the past 60,000 years that people have lived here and that Pleistocene sites (older than 10,000 years) would have been located in relation to Pleistocene water sources that may not exist today. Stone tool type will assist with the age of sites (Pleistocene or Holocene).

3.8 FLORA AND FAUNA

The availability of flora and associated water sources affect fauna resources, all of which are primary factors influencing patterns of past Aboriginal land use and occupation. The assessment of flora have two factors that assist in an assessment including a guide to the range of plant resources used for food and medicine and to manufacture objects including nets, string bags, shields and canoes which would have been available to Indigenous people in the past. The second is what it may imply about current and past land uses and to affect survey conditions such as visibility, access and disturbances.

European settlers extensively cleared the original native vegetation in the 1800's that would have included open forest consisting of spotted gum, white mahogany, white stringybark, grey ironbark, forest red gum, grey gum with tea tree (Matthei 1995:151) and the present includes spotted gum and grey ironbark open forest. The drainage throughout the project area would have supported a limited range of faunal populations including kangaroo, wallaby, goanna, snakes and a variety of birds. A wider variety of resources would have been available along the 3rd order and in areas outside the project area with higher order creeks.

Typically, due to vegetation cover, most artefacts identified through surface inspection are identified when they are visible on exposures created by erosion or ground surface disturbances (Dean-Jones and Mitchell 1993; Kuskie and Kamminga 2000). The grass ground cover throughout the project area expected to result in limited visibility, hence reducing the detection of surface cultural materials.

3.9 LAND USES AND DISTURBANCES

Based upon archaeological evidence, the occupation of Australia extends back some 40,000 years (Mulvaney and Kamminga 1999) whilst Aboriginal people have been present within the Hunter Valley for at least 20,000 years (Koettig 1987). Although the impact of past Aboriginal occupation on the natural landscape is thought to have been relatively minimal, it cannot simply be assumed that 20,000 years of land use have passed without affecting various environmental variables. The practice of 'firestick farming' whereby the cautious setting of fires served to drive game from

cover, provide protection and alter vegetation communities significantly influenced seed germination, thus increasing diversity within the floral community.

Following European settlement of the area in the 1820s, the landscape has been subjected to a range of different modifactory activities including extensive logging and clearing, agricultural cultivation (ploughing), pastoral grazing, residential developments and mining (Turner 1985). The associated high degree of landscape disturbance has resulted in the alteration of large tracts of land and the cultural materials contained within these areas. The specific project area has been previously cleared and primarily used for pastoral purposes (grazing), involving clearance of native vegetation, the introduction of pasture grass, the construction of dams, fencing, numerous tracks and the existing quarry to the north east, and associated infrastructure (water, electricity, telephone).

Although pastoralism is a comparatively low impact activity, it does result in disturbances due to vegetation clearance and the trampling and compaction of grazed areas. These factors accelerate the natural processes of sheet and gully erosion, which in turn can cause the horizontal and lateral displacement of artefacts. Furthermore, grazing by hoofed animals can affect the archaeological record due to the displacement and breakage of artefacts resulting from trampling (Yorston *et al* 1990). Pastoral land uses are also closely linked to alterations in the landscape due to the construction of dams, fence lines and associated structures.

Excavation works required for quarrying requires the removal of soils and rock effectively destroying any cultural materials that may be present. Excavation works required for dam construction and the laying of infrastructure (water, telephone) would require the removal of soils thus displacing and destroying any cultural materials that may have been present. As fence construction and the erection of telegraph poles require the removal of soils for the holes, this would also have resulted in the disturbance and possible destruction of any cultural materials.

Whilst the impacts of vehicular movements on sites have not been well documented, based on general observations it is expected that the creation of dirt tracks for vehicle access would result in the loss of vegetation and therefore will enhance erosion and the associated relocation of cultural materials. Dumping of rubbish would have impacted on site through vehicular access (tracks) and movement of surface artefacts through the actual 'dumping' of rubbish.

Excavation works required for dam construction and the laying of infrastructure (water, telephone) would require the removal of soils thus displacing and destroying any cultural materials that may have been present. As fence construction and the erection of telegraph poles require the removal of soils for the holes, this would also have resulted in the disturbance and possible destruction of any cultural materials. All of which result in loss of vegetation and erosion to some extent.

3.10 NATURAL DISTURBANCES

It must be recognised that the disturbance of cultural materials can also be a result of natural processes. The patterns of deposition and erosion within a locality can influence the formation and/or destruction of archaeological sites. Within an environment where the rate of sediment accumulation is generally very high, artefacts deposited in such an environment will be buried shortly after being abandoned. Frequent and lengthy depositional events will also increase the likelihood of the presence of well-stratified cultural deposits (Waters 2000:538,540).

In a stable landscape with few episodes of deposition and minimal to moderate erosion, soils will form and cultural materials will remain on the surface until they are buried. Repeated and

extended periods of stability will result in the compression of the archaeological record with multiple occupational episodes being located on one surface prior to burial (Waters 2000:538-539). Within the duplex soils artefacts typically stay within the A horizon on the interface between the A and B horizons.

If erosion occurs after cultural material is deposited, it will disturb or destroy sections of archaeological sites even if they were initially in a good state of preservation. The more frequent and severe the episodes of erosional events, the more likely it is that the archaeological record in that area will be disturbed or destroyed (Waters 2000:539; Waters and Kuehn 1996:484). Regional erosional events may entirely remove older sediments, soils and cultural deposits so that archaeological material or deposits of a certain time interval no longer exist within a region (Waters and Kuehn 1996:484-485). The project area has been subject to widespread erosion and it is anticipated this would have impacted on the archaeological record.

The role of bioturbation is another significant factor in the formation of the archaeological record. Post-depositional processes can disturb and destroy artefacts and sites as well as preserve cultural materials. Redistribution and mixing of cultural deposits occurs as a result of burrowing and mounding by earthworms, ants and other species of burrowing animals. Artefacts can move downwards through root holes as well as through sorting and settling due to gravity. Translocation can also occur as a result of tree falls (Balek 2002:41-42; Peacock and Fant 2002:92). Depth of artefact burial and movement as a result of bioturbation corresponds to the limit of major biologic activity (Balek 2002:43). Artefacts may also be moved as a result of an oscillating water table causing alternate drying and wetting of sediments, and by percolating rainwater (Villa 1982:279). However, bioturbation does not always destroy the stratigraphy of cultural deposits. In upland sites in America, temporally-distinct cultural horizons were found to move downwards through the soil as a layer within minimal mixing of artefacts (Balek 2002:48).

3.11 DISCUSSION

The regional environment provided resources, including raw materials, fauna, flora and water, that would have allowed for sustainable occupation of the area. Within the project area, the landforms of slopes overlooking a third order stream may have been suitable for occupation during the wet season and/or during times of heavy rain as this would have provided water along the 1st, 2nd and 3rd order streams.

In relation to modern alterations to the landscape, the use of the majority of the project area for agricultural purposes can be expected to have had low impacts upon the archaeological record. European land uses such as clearing, grazing, and the construction of the quarry and associated infrastructure are likely to have displaced cultural materials, however in less disturbed areas, it is likely that archaeological deposits may remain relatively intact. As erosion is widespread across the project area, it is anticipated this would also have affected the archaeological record through further displacing any cultural materials that may have been present.

Vegetation cover across the project area consists of previously cleared and logged landscape with open forest, underbrush and grasses. This will affect visibility and thereby reduce the potential for identifying archaeological evidence. Typically, due to vegetation cover, most artefacts identified through surface inspection are identified when they are visible on exposures created by erosion or ground surface disturbances (Kuskie and Kamminga 2000).

4 ETHNO-HISTORIC BACKGROUND

Unfortunately, due to European settlement and associated destruction of past Aboriginal communities, their culture, social structure, activities and beliefs, little information with regards to the early traditional way of life of past Aboriginal societies remains.

4.1 USING ETHNO-HISTORIC DATA

Anthropologists and ethnographers have attempted to piece together a picture of past Aboriginal societies throughout the Hunter Valley. Although providing a glimpse into the past, one must be aware that information obtained on cultural and social practices were commonly biased and generally obtained from informants including white settlers, bureaucrats, officials and explorers. Problems encountered with such sources are well documented (e.g. Barwick 1984; L'Oste-Brown *et al* 1998). There is little information about who collected information or their skills. There were language barrier and interpretation issues, and the degree of interest and attitudes towards Aboriginal people varied in light of the violent settlement history. Access to view certain ceremonies was limited. Cultural practices (such as initiation ceremonies and burial practices) were commonly only viewed once by an informant who would then interpret what he saw based on his own understanding and then generalise about those practices.

4.2 WORIMI ETHNO-HISTORIC ACCOUNTS

Early ethnographic records of the Port Stephens area are limited. Port Stephens consists of the submerged estuary of the Myall and Karuah Rivers. The area was described by surveyor Charles Grimes in 1795 as inhabited by the Worimi Tribe, whom he described as “taller” and “stouter” than Aboriginal people of the Sydney area, utilising a completely different language (Dowd, undated; Port Stephens Council, 2009). Prior to contact with settlers, the Worimi people extended from Port Stephens to Forster/Tuncurry in the north and west out to Gloucester. The Worimi comprised a number of tribes who lived on the water's edge and utilised both land and sea resources in their daily lifestyles (Leon 1998; Port Stephens 2011). These tribes included the Garuagal, Maiangal, Gamipingal, Garrawerrigal, Buraigal, Warringal, Birroongal, Birrimbai, Yeerungal and Wallamba (Enright 1900; Sokoloff 1976; Leon 1998).

Social organisation for the Worimi included aspects such as leadership, government, punishments, duels, fights, marriage, totemism and family structure, within a social system that had both spiritual and social significance. Leadership was based around leading men, being older and fully initiated, who acted as general advisers. Disputes between groups for such things as territorial infringement were settled through battles, enacted to satisfy honour rather than being matters of mortal combat. Marriages were arranged by both kindred and parents; a number of patrilineal totemic clans had a bearing on both kinship and marriage, ensuring that strict laws were maintained, preserving tribal strength and avoiding in-breeding (Sokoloff 1976).

In 1830 Robert Dawson described the Worimi Tribe as utilising spears and shields, wearing belts of opossum fur, and using combs formed from the leg bones of kangaroos (Dawson 1830: 115). Bark was described as an essential material used in the production of numerous items. Notches were cut into trees “large enough only [to] place the great toe in” to enable easy climbing to strip bark “in lengths from three to six feet” (Dawson 1830: 19). This bark was used for covering huts; bark was also utilised for making string “as good as you can get in England, by twisting and rolling it in a curious manner with the palm of the hand on the thigh” to make nets, fishing lines and bags (Dawson 1830: 67). Sally Wattle and Kurrajong tree barks were used in making string; fishing lines were waterproofed with the sap of the Bloodwood tree (Port Stephens Council 2009).

The importance of the ocean as a source of food resource for the Worimi people in the Port Stephens area was noted in multiple sources, as were land resources for tools. Fish hooks, for example, were made from oyster and pearl shells and yellow gum from the Grass Tree was used in manufacture to affix the disparate elements together (Dawson 1830: 67; Port Stephens Council 2009). Spears were also used for fishing, made from the flowering stem of the Grass Tree or Gynea Lily, with prongs of ironbark used on the tips. Other hunting tools and weapons were also manufactured from plants, including Boomerangs, which were made from wild Myrtle (Sokoloff, 1975; Port Stephens Council, 2009). As well as utilising plant resources in tool manufacture, many were also used as food resources. The Gynea Lily's young flowering spikes were fire roasted and eaten after being soaked in water. Wild Cape Gooseberries grew on the nearby Cabbage Tree Island and were a highly prized food resource. Other items such as Fern root and daisy yam were a necessary supplement to diet, especially when there was a scarcity of the primary food resource of fish (Sokoloff 1977; Port Stephens Council 2009).

As viewing of rituals and ceremonies by Europeans was restricted, little is known of these past practices. However, it is known that sacred and ceremonial activities were linked with the Aboriginal relationships with the land. Ground burials were the most common form of final interment inland. A shallow grave was dug and lined with grass. The deceased was wrapped in paperbark, tied up, placed in the grave, covered with grass, covered with another layer of bark and a final layer of grass and then covered with earth building up a mound (Bluff 1989). In the Port Stephens area burial practices appear to have varied and may in part have been determined by the environment (as well as social structure). Informants for Howitt (1996:465) state that in the area the body of the deceased was neatly folded in bark and placed in the grave at flood-tide. It was never placed at ebb as it was believed the retiring water would bear the spirit of the deceased to some distant country. An old couple who only had one daughter who died, built their hut over her grave close to the shore of the harbour and lived there many months. They then moved their hut a few yards away and remained there until the grass had completely covered the grave. They then left and never visited the grave again.

4.3 WORIMI ORAL TESTIMONY

Very little research has been conducted into mortuary practices and burials of the Port Stephens area that would enable one to predict where a burial or burial ground/cemetery may be located. However, Worimi oral testimony states that when a person passed away, the deceased were buried in places that overlooked a working area or campsite. Once the grass had covered the burial the deceased's name was never mentioned again (provided with the permission Mr Lennie Anderson, pers. comm). Burials also occur under or near middens. It is said that the deceased were placed for final interment in these areas to draw the spirits to an area of feasting and gathering and for protection. It is said that if an area contains a spirit or spirits, there is continuity in places of gathering (provided with the permission Mr Lennie Anderson, pers. comm). The location of the deceased in dunes and near or under shell middens is supported by both Forensic and archaeological evidence (Pers. Obs.).

The Worimi cultural heritage mapping shows all sites (physical, mythological and spiritual) and illustrates the connection or relationship(s) between these sites. These relationships are also known in Worimi oral testimony. For example, a lookout on top of a dune may overlook a large camping ground. The same lookout area will also view smaller campsites along the coast or dunal system, all of which are linked and may lead to a large coorobaree site where groups from all around the area met for various reasons. Such complex sites are well known to extend along the dunal systems from Port Stephens through Fern Bay and onto Newcastle and to Corobra Oval where the original coorobaree ground is located.

5 ARCHAEOLOGICAL CONTEXT

A review of the archaeological literature of the region, and more specifically the Branxton area and the results of a OEH AHIMS search provide essential contextual information for the current assessment. Thus, it is possible to obtain a broader picture of the wider cultural landscape highlighting the range of site types throughout the region, frequency and distribution patterns and the presence of any sites within the project area. It is then possible to use the archaeological context in combination with the review of environmental conditions to establish an archaeological predictive model for the project area.

5.1 REGIONAL ARCHAEOLOGICAL CONTEXT

The majority of archaeological surveys and excavations throughout the region have been undertaken in relation to environmental assessments for the coal mining and power industries of the Central Lowlands. A review of the most relevant investigations (Dyall 1979, 1980; Davidson et al 1993; Dean-Jones and Mitchell 1993; Koettig and Hughes 1984; McDonald 1997; Haglund 1999; Kuskie 2000; HLA-Envirosciences 2002; AMBS 2002; MCH 2004a, b) illustrates consistency in site type and location across the region as well as a possible bias in the results due to a focus on specific landforms. The corpus of recorded sites are described and assessed qualitatively in MCH (2004b) and these findings are summarised and supplemented below.

Based on the available information it is possible to identify a number of trends in site location and patterning within the local area. Open campsites are by far the most common site type with isolated finds also comparatively well represented. A variety of other site types have been identified in far lower concentrations and include grinding grooves, scarred trees, rock shelters, shelters with art and burials. The high representation of sites containing stone artefacts is to be expected due to the durability of stone in comparison to other raw materials. In relation to stone artefact raw materials, it is important to note that there is a potential for discrepancies in the way in which archaeologists classify lithic materials. This will consequently affect the proportional representation of raw materials within the recorded assemblages. However, as a whole mudstone is the most common lithic artefactual material found in the region, followed by silcrete. Chert, tuff, quartz, quartzite, petrified wood, porcellanite, hornfels, porphyry, basalt, limestone, sandstone, rhyolite, basalt, European glass and other non-specific lithic types also occur in smaller quantities. Variation in the classificatory definitions employed by archaeologists will again significantly influence the range of artefact types identified within a project area. Due to differences in recording techniques it is difficult to determine how many of each artefact type is represented across the region though types include flakes, broken flakes, retouched flakes, multi-platform cores, single platform cores, bipolar cores, flaked pieces, 'waste' pieces, 'chips', debitage, 'geometric microliths', 'backed blades', 'bondi points', 'scrapers', 'eloueras', 'burrins', 'blades', 'hatchets', 'unifacial choppers', 'bifacial choppers', 'pebble tools', a 'slice', edge-ground axes, anvils, hammer stones and heat. Due to variations in both the amount of data that is included in reports, and the terms different archaeologists used to describe artefact types, it is not practicable to provide a count of the different artefact types.

For example, the distinction between a waste flake, a debitage flake and a flaked piece may be heavily subject to the perspective of the recorder. Thus, it is not productive to attempt to quantify the proportionate representation of artefact types identified in previous studies. That said, based on the information collated from previous regional studies (refer to MCH 2004b) it is apparent that the most common artefact types are flakes, flake fragments and flaked pieces. Cores, edge ground axes, millstones, grindstones, hammer stones and backed artefacts including backed blades, bondi points, geometric microliths and eloueras also occur though in lower frequencies. In general, the

stone artefact assemblage in the area has been relatively dated to what was previously known as the Small Tool Tradition (10,000 years BP). On the basis of stone tool technology, the overwhelming majority of Aboriginal open sites within the region are attributed to the Holocene period. However, at Glennies Creek, north of Singleton, based on radiocarbon dated charcoal and geomorphological evidence it is suggested that artefacts found in the B-horizon may have been deposited between 10,000 and 13,000 BP (Koettig 1986a, 1986b).

An analysis of sites according to the number of artefacts present, the distance from water and the landform type may allow for the identification of a number of trends. However, that there are various factors influencing these results, including, but not limited to:

- the fact that the landform on which a site area is observed may not necessarily be its origin, for example, artefacts from a crest may be relocated by erosion such that they are recorded further down a slope;
- effects of biased sampling of landforms due to decisions made by archaeologists and as a result of development area boundaries, levels of exposure on different landforms and variable recording by archaeologists. For example, the large percentage of sites found along creek lines may be (at least partially), a result of the biased focus of many cultural heritage surveys towards this landform. In addition, it was not possible to obtain sufficient information from a large number of site cards and reports; and
- artefact counts can be skewed due to factors such as the differing fragmentation levels of discrete stone types and levels of ground surface visibility. Typically, a very large number of sites/artefacts are located on exposures and yet no, or very few artefacts are visible away from these exposures.

When assessing sites in terms of distance to water, in the Hunter Valley there is a clear pattern of past land uses whereby the majority of sites are situated within 50 metres of water. This pattern is echoed in relation to site size with the large and medium density sites being situated within 50 metres of water, dropping significantly in density over 50 metres from water. Thus, it is apparent that open campsites/isolated finds are most concentrated in number and size within 50 metres of water.

As is to be expected, the majority of sites within 50 metres of water are present on elevated landforms in association with creek lines whilst slopes and crest/ridge formations are also common site locations. The frequent presence of sites on crest/ridges and slopes is also noticeable for sites located over 50 metres from water. Due to the importance of water in the grinding process, it is not surprising that sites of this type are situated close to water.

5.1.1 SUMMARY OF REGIONAL ARCHAEOLOGICAL PATTERNING

In summary, despite the recognised limitations of utilising previous studies as the basis for generalisations regarding archaeological patterning, the following broad predictions can be made for the region:

- a wide variety of site types are represented in the project area with open campsites and isolated artefacts by far the most common;
- lithic artefacts are primarily manufactured from mudstone and silcrete with a variety of other raw materials also utilised but in smaller proportions;

- sites in proximity to ephemeral water sources or located in the vicinity of headwaters of upper tributaries (1st order streams) have a sparse distribution and density and contain little more than a background scatter;
- sites located in the vicinity of the upper reaches of minor tributaries (2nd order streams) also have a relatively sparse distribution and density and may represent evidence of localised one-off behaviour;
- sites located in the vicinity of the lower reaches of tributaries (3rd order creeks) have an increased distribution and density and contain evidence that may represent repeated occupation or concentration of activity;
- sites located in the vicinity of major tributaries (4th and 5th order streams/rivers) have the highest distribution and densities. These sites tend to be extensive and complex in landscapes with permanent and reliable water and contain evidence representative of concentrated activity; and
- sites located within close vicinity at the confluence of any order stream may be a focus of activity and may contain a relatively higher artefact distribution and density.

Within the region, a broad range of site types are represented including isolated artefacts, open campsites, shelters, grinding grooves, engravings and shelters with art and/or deposit. Within the areas covered by the regional studies, the range of available landforms has been sampled. In regional terms, site distribution is extremely closely linked to topography, with ridge sides, ridge tops and valley bottoms with access to reliable water exhibiting the highest concentrations of sites.

However, it must be emphasised that the vast majority of the areas assessed by the aforementioned regional studies are in a variety of topographic and geological contexts and some vary considerably from the specific project area which is located on slopes with drainage only. Thus, whilst a number of trends have been identified, the relevance of these patterns for the specific project area is limited.

There are a number of factors which affect site location and that are beyond human control. Shelter sites, grinding grooves and engravings are site types typical of “sandstone country” however, their presence is limited to areas containing suitable sandstone outcrops and therefore such sites are not expected within an alluvial context.

5.2 OEHL ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM

MCVH note that there are many limitations with an AHIMS search. Firstly site coordinates are not always correct due to errors and changing of computer systems at OEHL over the years that failed to correctly translate old coordinate systems to new systems. Secondly, OEHL will only provide up to 110 sites per search, thus limiting the search area surrounding the project area and enabling a more comprehensive analysis and finally, few sites have been updated on the OEHL AHIMS register to notify if they have been subject to a s87 or s90 and as such what sites remain in the local area and what sites have been destroyed, to assist in determining the cumulative impacts, is unknown.

In addition to this, other limitations include the number of studies in the local area. Fewer studies suggest that sites have not been recorded, ground surface visibility also hinders site identification and the geomorphology of the majority of NSW soils and high levels of erosion have proven to disturb sites and site contents, and the extent of those disturbances is unknown (i.e. we do not know if a site identified at the base of an eroded slope derived from the upper crest, was washed

along the bottom etc: thus altering our predictive modelling in an unknown way). Thus the OEH AHIMS search is limited and provides a basis only that aids in predictive modelling.

The new terminology for site names including (amongst many) an 'artefact' site encompasses stone, bone, shell, glass, ceramic and/or metal and combines both open camps and isolated finds into the one site name. Unfortunately this greatly hinders in the predictive modelling as different sites types grouped under one name provided inaccurate data.

A search of the OEH AHIMS register has shown that 12 known Aboriginal sites are currently recorded within five kilometres of the project area and include five (5) AFT, six (6) PADs and one stone quarry. However, upon closer examination two sites have been registered twice (both PADs). The AHIMS results are provided in Annex B and the location of sites is shown in Figure 5.1.

Figure 5.1 Known sites

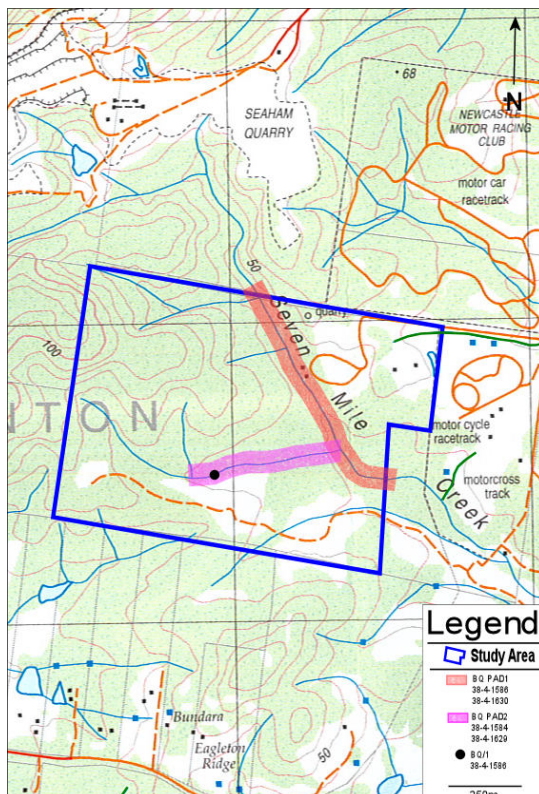


5.3 LOCAL ARCHAEOLOGICAL CONTEXT

All archaeological surveys throughout the local area have been undertaken in relation to environmental assessments for developments. The most relevant investigations indicate differing results and observations based on surface visibility and exposure, alterations to the landscape (including mining, industrial and residential development), proximity to water sources and geomorphology. The reports available from OEH are discussed below and their location illustrated in Figure 5.2.

MCH (2012) undertook an Indigenous Heritage Impact Assessment for the proposed hard rock quarry (the subject of this assessment). A search of the OEH AHIMS register has shown that 7 known Aboriginal sites are currently recorded within five kilometres of the study area. These include 4 AFT, 2 PADs, and one STQ/AFT (Stone quarry and artefact). The predictive model suggested that there was a high potential for isolated finds and/or artefact scatters to be located along Seven Mile Creek (3rd order). There was also moderate potential along the 2nd order to the south and low potential for sites found throughout the remainder of the study area due to the distance from reliable water and landforms that are steep slopes. The overall effective coverage was 4.67% with grass and leaf litter being the limiting. The disturbances included clearing, fences, tracks, the quarry/current compost facility to the north east and motor bike tracks to the south east and erosion all of which had impacted upon the landscape and associated cultural materials. In particular, the north east and south east had been significantly disturbed and the remainder disturbed through tracks and erosion only with minimal disturbances along the creeks (bank erosion). One isolated find (BQ/q AHIMS #38-4-1585) was identified within a creek bed. The mudstone flake exhibited weathering (smooth edges that were once sharp) and was located in the creek bed which may have been washed from upstream. Two PADs were also identified (Figure 5.3). BQ PAD1 (AHIMS #38-4-1586 and 38-4-1630) included the 3rd order creek (Seven Mile Creek) situated to the east and drained north to south and flowed along a simple slope. The PAD was defined as including the creek and extends in width to 50m both sides of the creek bank. The PAD had been subject to minimal disturbances, was heavily vegetated and had been subject to creek bank erosion. There was a high potential for both surface and subsurface cultural materials along this creek. BQ PAD2 (AHIMS #38-4-1584 and 38-4-1629) included the 2nd order creek that was situated to the south and drained west east down a simple slope and into Seven Mile Creek. The PAD was defined as including the creek and extended in width to 50m both sides of the creek bank. This was the creek that contained the isolated artefact. The PAD had been subject to minimal disturbances, is heavily vegetated and has been subject to creek bank erosion.

Figure 5.2 Previously identified Site and PADs



The site and PADs were considered typical of the Hunter valley region in both their content and location. The isolated find was of low scientific significance and the significance of the PADs remained unknown at the time and may be determined following test excavations if required. MCH recommended that the persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974. Additionally, that the involvement of the registered Aboriginal stakeholders in the ongoing management of the Aboriginal cultural materials within the project study should be promoted and included in the Environmental Management Plan and/or the Aboriginal Heritage Management Plan. A cultural awareness program should be included as part of the site induction program and developed with the registered Aboriginal stakeholders and form part of the Environmental Management Plan and/or the Aboriginal Heritage Management Plan. If BQ PAD1 and/or BQ PAD2 will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW and if BQ/1 will be harmed by any future development an AHIP will be required.

5.4 LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES

The following is a summary and discussion of previous investigations detailed in *Section 5.3*. It must be remembered, however, that there are various factors which will have skewed the results as they are in a regional assessment (Refer to *Section 5.1*). Therefore the summary provides an indication of what may be expected in terms of site location and distribution. Based on previous work it is also clear that the majority of sites contain stone artefacts. This is to be expected due to stone's high preservation qualities.

- the majority of sites are located on elevated landforms within 50 metres of a reliable water source with a drop of site number and densities from 50 metres of water;
- the likelihood of finding sites of any size increases with proximity to water and the likelihood of finding large artefact scatters also increases markedly with proximity to water;
- the main site types are artefact scatters and isolated finds;
- the data suggests that slopes were the preferred location, however, this does not account for vertical movement of artefacts or sites being moved from flooding, flowing creeks etc.;
- mudstone, silcrete and tuff are by far the most common raw material types represented at sites in the region. Quartz and chert are the next most frequently in artefact assemblages followed by volcanic materials, porphyry and petrified wood. Siltstone, rhyolite and porcellanite are relatively rare;
- flakes, broken flakes and flaked pieces are the most common artefact types recorded;
- the stone artefacts are usually relatively dated to within the last 5,000 years; and
- the vast majority of artefactual material in the region was observed on exposures with good to excellent ground surface visibility. The likelihood of finding artefacts surrounding these exposures is reduced due to poor visibility. The site area is often given as the area of exposure. Hence, it is inappropriate to attempt to draw any conclusions regarding site extent based on current information.

Based on information gained from previous studies within a five kilometre radius of our project area, it can be expected that:

- the likelihood of locating sites increases with elevated landforms and proximity to water;
- the likelihood of finding large sites increases markedly with elevated landforms and proximity to water;
- a variety of raw materials will be represented though the majority of sites will be predominated by mudstone and silcrete;
- a variety of artefact types will be located though the majority will be flakes, flaked pieces and debitage;
- grinding grooves may be located along or near water sources;
- the likelihood of finding scarred trees is dependent on the level of clearing in an area, and
- the majority of sites will be subject to disturbances including human and natural.

These findings are consistent with models developed for the local area.

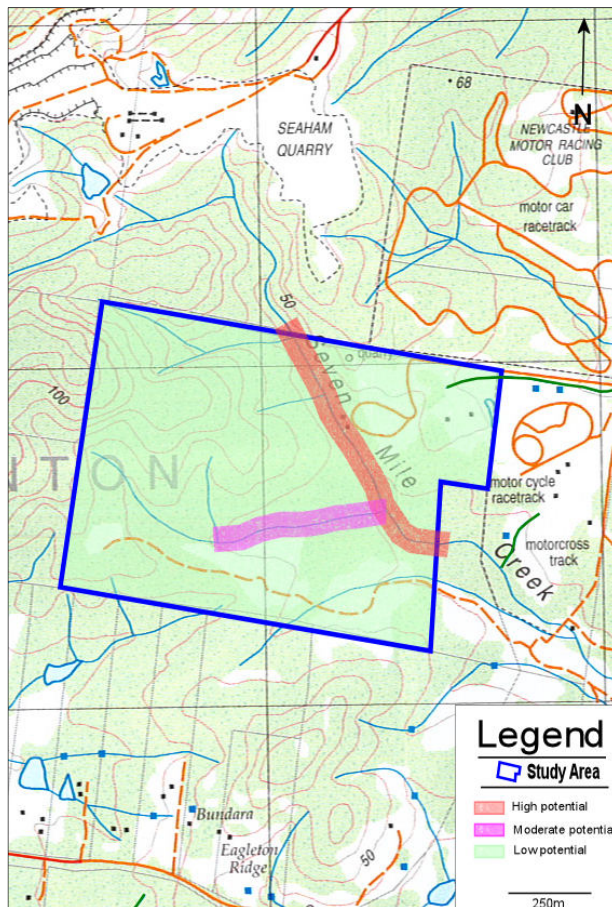
5.5 PREDICTIVE MODEL FOR THE PROJECT AREA

Due to issues surrounding ground surface visibility and the fact that the distribution of surface archaeological material does not necessarily reflect that of sub-surface deposits, it is essential to establish a predictive model.

Previous archaeological studies undertaken throughout the region, the OEH AHIMS register and the environmental context provide a good indication of site types and site patterning in the area. This research has shown that occupation sites (artefact scatters and isolated finds) are the most frequently recorded site type and are commonly located along or adjacent to watercourses, and on relatively flat to gently sloping topography in close proximity to reliable water. Sites with higher artefact densities are similarly concentrated within fifty metres of watercourses. Within the local area, previous assessments within a similar environmental context indicate that, within a well-watered context, there is high potential for archaeological material to be present on level, typically well-elevated landforms that provide ready access to low-lying waterlogged areas and the associated resources.

Within the specific project area, it is predicted that sites will be present along Seven Mile Creek (3rd order) and along the 2nd order creek (Refer to Figure 5.3). However, this is dependent on many factors including but not limited to, erosion and flooding. Sites are more likely to be located within 50 metres of reliable water sources such as the Hunter River that is located approximately 4 kilometres to the north

Figure 5.3 Archaeological potential



5.6 ARCHAEOLOGICAL POTENTIAL IN THE PROJECT AREA

Based on archaeological sites registered in the region and the results of past archaeological studies, two sites types are likely to occur throughout the project area:

- **Artefact scatters**

Also described as open campsites, artefact scatters and open sites, these deposits have been defined at two or more stone artefacts within 50 metres of each other and will include archaeological remains such as stone artefacts and may be found in association with camping where other evidence may be present such as shell, hearths, stone lined fire places and/or heat treatment pits. These sites are usually identified as surface scatters of artefacts in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing, grazing) and access ways can also expose surface campsites. Artefact scatters may represent evidence of;

- Large camp sites, where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of such tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;
- Medium/small camp sites, where activities such as minimal tool manufacturing occurred;
- Hunting and/or gathering events;
- Other events spatially separated from a camp site, or

- Transitory movement through the landscape.

Artefact scatters are a common site type in the local locality and the broader region. There is potential for artefact scatters to occur within the project area in areas close to the confluence and along the tributary.

There is also the potential for such sites to be impacted on through past impacts including previous clearing and flooding.

- **Isolated finds**

Isolated artefacts are usually identified in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing) and access ways can also expose surface artefacts. Isolated finds may represent evidence of;

- Hunting and/or gathering events; or
- Transitory movement through the landscape.

Isolated finds are a common site type in the local locality and the broader region. There is potential for isolated artefacts to occur across the project area and across all landforms. There is also the potential for such sites to be impacted on through past impacts including previous clearing and flooding.

5.7 HERITAGE REGISTER LISTINGS

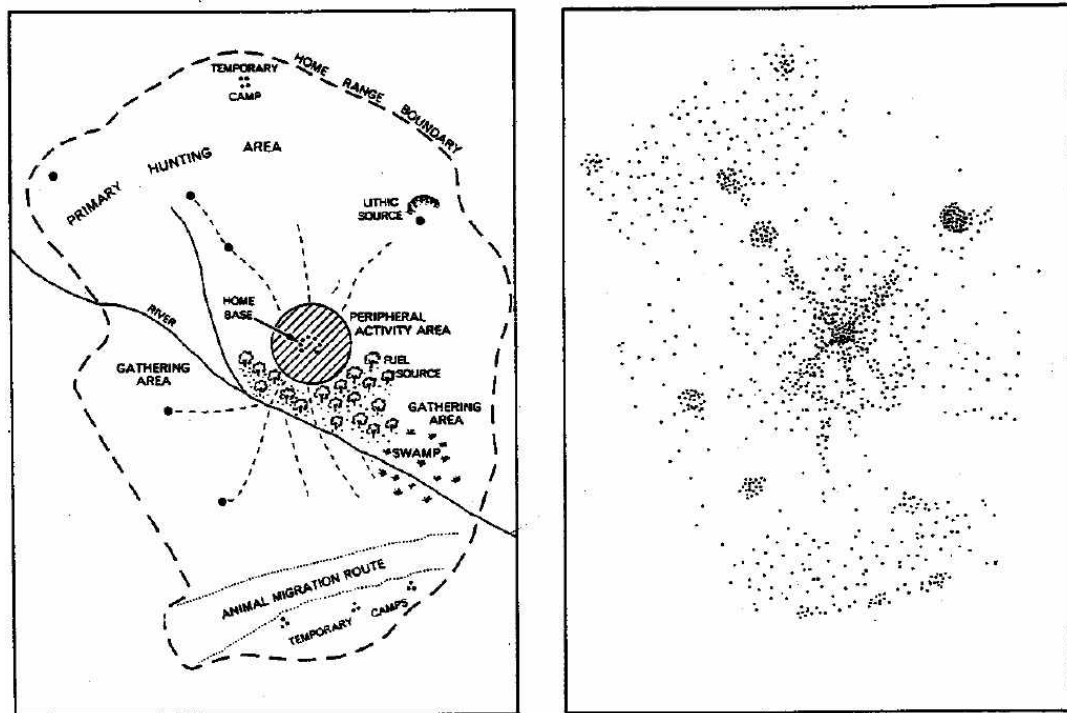
The State Heritage Register, the Australian Heritage Database (includes data from the World Heritage List UNESCO, National Heritage List, Commonwealth Heritage List, and Register of the National Estate) and the Port Stephens Local Environmental Plan has no sites listed. However, not all indigenous places are listed, and the Heritage Commission is consulting with Traditional Owners to gradually include indigenous information.

5.8 MODELS OF PAST ABORIGINAL LAND USE

The main aim of this project is to attempt to define both the nature and extent of occupation across the area. As a result, the nature of the analysis will focus on both the landform units and sites. The purpose of this strategy is to highlight any variations between sites and associated assemblages, landforms and resources across the area treating assemblages as a continuous scatter of cultural material across the landscape. In doing this, it is possible to identify variation across the landscape, landforms and assemblages that correspond with variation in the general patterns of landscape use and occupation. Thus the nature of activities and occupation can be identified through the analysis of stone artefact distributions across a landscape. A general model of forager settlement patterning in the archaeological record has been established by Foley (1981). This model distinguishes the residential 'home base' site with peripheral 'activity locations'. Basically, the home base is the focus of attention and many activities and the activity locations are situated away from the home base and are the focus of specific activities (such as tool manufacturing). This pattern is illustrated in Figure 5.4. Home base sites generally occur in areas with good access to a wide range of resources (reliable water, raw materials etc). The degree of environmental reliability, such as reliable water and subsistence resources, may influence the rate of return to sites and hence the complexity of evidence. Home base sites generally show a greater diversity of artefacts and raw material types (which represent a greater array of activities performed at the site and immediate area). Activity locations occur within the foraging radius of a home base camp (approximately 10 km); (Renfrew and Bahn 1991). Based on the premise that these sites served as a focus of a specific activity, they will show a low diversity in artefacts and are not likely to contain features reflecting a

base camp (such as hearths). However, it is also possible that the location of certain activities cannot be predicted or identified, adding to the increased dispersal of cultural material across the landscape. If people were opting to carry stone tools during hunting and gathering journeys throughout the area rather than manufacturing tools at task locations, an increased number of used tools should be recovered from low density and dispersed assemblages.

Figure 5.4 Foley's model (L) and its manifestation in the archaeological record (R), (Foley 1981).



5.8.1 MODEL OF OCCUPATION FOR THE HUNTER VALLEY

Work in the Hunter Valley has aimed to understand the nature of Aboriginal occupation and determine the nature of land use. This theme often aims to identify and explain archaeological patterning in site type, content and distribution. General theories have been developed outlining the relationship between land use patterns and the resulting archaeological evidence. A number of models developed for the Hunter Valley have been reviewed (Koettig 1994; Dean-Jones and Mitchell 1993; Rich 1995; Kuskie and Kamminga 2000) and the most commonly accepted model is summarised below.

Kuskie and Kamminga (2000) established a general model of occupation strategies based primarily upon ethnographic research. Used as a starting point, it makes a general set of predictions for the Hunter that is consistent with other studies (e.g. Nelson 1991). The model distinguishes between short-term or extended long-term occupation and makes some predictions about the likely location of different foraging and settlement activities. Combining this information with a general review of assemblage contents from a sample of excavated sites within the Hunter Valley, a baseline of settlement activities may be determined (Barton 2001).

The model provides a number of archaeological expectations that may be tested. For example, the presence of features requiring a considerable labour investment such as stone-lined ovens or heat-treatment pits are likely to occur at places where occupation occurred for extended periods of time. The presence of grindstones is also a reliable indicator of low mobility and extended occupation.

Seed grinding requires a large investment of time and effort (Cane 1989). In most ethnographic examples, seed grinding is an activity that takes place over an entire day to provide adequate energetic returns (Cane 1989; Edwards and O'Connell 1995).

Where group mobility was high and campsites frequently shifted throughout the landscape, artefact assemblages are not expected to contain elements such as grindstones, heat-treatment pits, ovens and the diversity of implements frequently discarded at places of extended residential occupation. It may also have been the case that the location of particular activities could not be predicted by tool users, adding to the increased low-density scattering of artefacts over the landscape. Also, if individuals were opting to carry a number of stone tools during hunting and gathering activities and maintaining these tools rather than manufacturing new tools at each task location, the ratio of used tools to unworn flakes in these assemblages should be high. Table 5.1 has been adapted from Kuskie and Kamminga (2000).

To identify the specific activity areas through analysis of the composition of patterning of lithic assemblages, is utilised. However, this is applied to excavated materials as they provide more realistic data due to the lesser degree of disturbances, removal and breakages.

Table 5.1 Site descriptions (Kuskie & Kamminga 2000).

Occupation Pattern	Activity Location	Proximity to water	Proximity to food	Archaeological expectations
Transitory movement	all landscape zones	not important	not important	<ul style="list-style-type: none"> assemblages of low density & diversity evidence of tool maintenance & repair evidence for stone knapping
Hunting &/or gathering without camping	all landscape zones	not important	near food resources	<ul style="list-style-type: none"> assemblages of low density & diversity evidence of tool maintenance & repair evidence for stone knapping high frequency of used tools
Camping by small groups	associated with permanent & temporary water	near (within 100m)	near food resources	<ul style="list-style-type: none"> assemblages of moderate density & diversity evidence of tool maintenance & repair evidence for stone knapping & hearths
Nuclear family base camp	level or gently undulating ground	near reliable source (within 50m)	near food resources	<ul style="list-style-type: none"> assemblages of high density & diversity evidence of tool maintenance & repair & casual knapping evidence for stone knapping heat treatment pits, stone lined ovens grindstones
Community base camp	level or gently undulating ground	near reliable source (within 50m)	near food resources	<ul style="list-style-type: none"> assemblages of high density & diversity evidence of tool maintenance & repair & casual knapping evidence for stone knapping heat treatment pits, stone lined ovens grindstones & ochre large area >100sqm with isolated camp sites

6 RESULTS

6.1 METHODOLOGY

The survey areas were surveyed on foot by the archaeologist and registered Aboriginal stakeholder representatives in accordance with the proposed methodology provided to the stakeholders for review and approved. The survey included transects at approximately 15-20 metres apart walked in an north/south direction across the entire project area and focused on areas of high ground surface visibility and exposures (erosional features, creek banks, tracks, cleared areas).

6.2 LANDFORMS

McDonald *et al* (1998) describes the categories of landform divisions. This is a two layered division involving treating the landscape as a series of 'mosaics'. The mosaics are described as two distinct sizes: the larger categories are referred to as landform patterns and the smaller being landform elements within these patterns. Landform patterns are large-scale landscape units, and landform elements are the individual features contained within these broader landscape patterns. There are forty landform pattern units and over seventy landform elements. However, of all the landform element units, ten are morphological types. For archaeological investigations they divide the landscape into standardised elements that can be used for comparative purposes and predictive modelling. As outlined in Section 3, the project area includes slopes and drainage lines.

6.3 SURVEY UNITS

The project area was divided into 2 Survey Units (SUs) that were based on landforms.

Survey Unit 1

This survey unit includes the creeks through the project area. This unit has been previously cleared and logged. Presently, significant flooding and erosion has occurred along all creeks and drainage lines with minimal topsoils remaining within 10-20 metres of all creek banks. Vegetation is open forest with grasses, underbrush and some lantana which contributed to reduced ground surface visibility (Figures 6.1 and 6.2). Exposures were low (erosion, tracks) and no raw materials usually transported into the area and utilised for stone tool manufacture were visible.

Figure 6.2 Seven Mile Creek facing north



Figure 6.1 Seven Mile Creek facing north east



Survey Unit 2

This survey unit included the remainder of the project area and consisted of slopes. Subject to previous clearing, logging and an old quarry, erosion is extremely high with rocks and bedrock exposed (Figures 6.3 and 6.4). Vegetation is open forest with grasses, underbrush and some lantana which contributed to reduced ground surface visibility. Exposures were high (erosion, tracks, quarry) and no raw materials utilised for stone tool manufacture were visible.

Figure 6.4 South western slop facing north east



Figure 6.3 Northern slop facing east



6.4 EFFECTIVE COVERAGE

Effective coverage is an estimate of the amount of ground observed taking into account local constraints on site discovery such as vegetation and soil cover. There are two components to determining the effective coverage: visibility and exposure.

Visibility is the amount of bare ground on the exposures which may reveal artefacts or other cultural materials, or visibility refers to 'what conceals'. Visibility is hampered by vegetation, plant or leaf litter, loose sand, stony ground or introduced materials (such as rubbish) On its own, visibility is not a reliable factor in determining the detectability of subsurface cultural materials (DECCW 2010/783:39).

The second component in establishing effective coverage is exposure. Exposure refers to 'what reveals'. It estimates the area with a likelihood of revealing subsurface cultural materials rather than just an observation of the amount of bare ground. Exposure is the percentage of land for which erosion and exposure is sufficient to reveal cultural materials on the surface (DECCW 2010/783:37). The effective coverage for the project area was determined for both visibility and exposure ratings and Table 6.1 details the visibility rating system used.

Table 6.1 Ground surface visibility rating

Description	GSV rating %
Very Poor – heavy vegetation, scrub foliage or debris cover, dense tree or scrub cover. Soil surface of the ground very difficult to see.	0-9%
Poor – moderate level of vegetation, scrub, and / or tree cover. Some small patches of soil surface visible in the form of animal tracks, erosion, scalds, blowouts etc, in isolated patches. Soil surface visible in random patches.	10-29%
Fair – moderate levels of vegetation, scrub and / or tree cover. Moderate sized patches of soil surface visible, possibly associated with animal, stock tracks, unsealed walking tracks, erosion, blow outs etc, soil surface visible as moderate to small patches, across a larger section of the project area.	30-49%
Good – moderate to low level of vegetation, tree or scrub cover. Greater amount of areas of soil surface visible in the form of erosion, scalds, blowouts, recent ploughing, grading or clearing.	50-59%
Very Good – low levels of vegetation / scrub cover. Higher incidence of soil surface visible due to recent or past land-use practices such as ploughing, mining etc.	60-79%
Excellent – very low to non-existent levels of vegetation/scrub cover. High incidence of soil surface visible due to past or recent land use practices, such as ploughing, grading, mining etc.	80-100%
Note: this process is purely subjective and can vary between field specialists, however, consistency is achieved by the same field specialist providing the assessment for the one project area/subject site.	

As indicated in Table 6.2, the effective coverage for project area illustrates that overall effective coverage being 15% with grass being the limiting factor and erosion high. The disturbances included clearing, logging, old quarry, fences tracks and erosion, all of which have impacted upon the landscape and associated cultural materials. As described in detail in Section 3, these disturbances result in the lateral and horizontal movement of materials.

Table 6.2 Effective coverage for the investigation area

SU	Landform	Area (m2)	Vis. %	Exp. %	Exposure type	Previous disturbances	Present disturbances	Limiting visibility factors	Effective coverage (m2)
1	creeks	57,000	50%	60%	erosion, tracks	clearing, tracks, fencing	tracks, erosion	grass, leaf litter	17,100
2	slopes	693,000	15%	90%	erosion, tracks	clearing, tracks, fencing, quarry	tracks, erosion	grass, leaf litter	93,555
Totals		750,000							110,655
Effective coverage %									14.75%

The level and nature of the effective survey coverage is considered satisfactory to provide an effective assessment of the Aboriginal sites identified and those potentially present within the investigation area. The coverage was comprehensive for obtrusive site types (e.g. grinding grooves and scarred trees) but somewhat limited for the less obtrusive surface stone artefact sites by surface visibility constraints that included vegetation cover and minimal exposures.

In view of the predictive modelling and the results obtained from the effective coverage, it is concluded that the survey provides a valid basis for determining the probable impacts of the proposal and formulating recommendations for the management of the identified sites and potential Aboriginal sites.

6.5 ARCHAEOLOGICAL SITES

Sites were labelled according to the project title, e.g. EQ/1 where BQ represents Eagleton Quarry, and 1 indicates the site number allocated consecutively.

6.5.1 DEFINITION OF A SITE

A 'site' can be defined by various factors. For this study a 'site' was defined on the combination of the following inter-related factors:

- landform;
- exposure and visibility;
- visible boundaries of artefacts; and
- a feature identified by the Aboriginal community on the basis of their own cultural knowledge and significance.

The 'site area' was defined as the area in which artefacts were observed on a landform, though it must be remembered that this may not represent an accurate picture of site size. Visibility of artefacts is affected by differences in vegetation cover and hence ground surface visibility, as well as the degree of natural and human-induced disturbance.

6.5.2 DEFINITION OF SITE COMPLEX

Site complex refers to sites that occur in groups. For example, complexes may consist of burial grounds and carved trees, artefact scatters that represent different stages of procurement and manufacture or artefact scatters and shell middens. Complexes may also consist of artefact scatters that are connected across a landscape with the scatters being either specific activity centres (such as tool manufacturing sites) or larger base camp areas (with more artefacts and a variety of artefacts).

6.5.3 SITES IDENTIFIED

One isolated find (AHIMS# 38-4-1586) identified by the previous assessment as not re-located. The mudstone flake was originally located within a creek bed. The mudstone flake exhibited and as it was located in the creek bed, it was likely to have been washed further downstream due to flooding and further erosion.

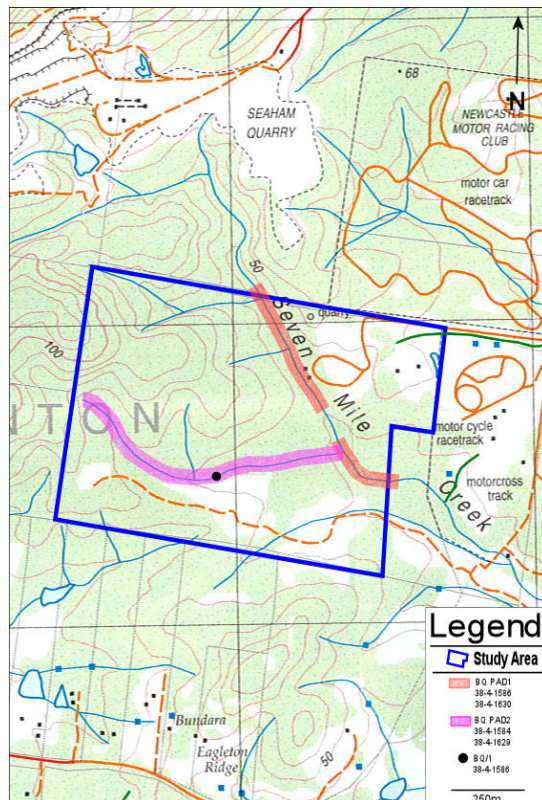
6.6 POTENTIAL ARCHAEOLOGICAL DEPOSIT (PAD)

The terms 'Potential Archaeological Deposit (PAD)' and 'area(s) of archaeological sensitivity' are used to describe areas that are likely to contain sub-surface cultural deposits. These sensitive landforms or areas are identified based upon the results of fieldwork, the knowledge gained from previous studies in or around the subject area and the resultant predictive models. Any or all of these attributes may be used in combination to define a PAD.

The likelihood of a landscape having been used by past Aboriginal societies and hence containing archaeologically sensitive areas is primarily based on the availability of local natural resources for subsistence, artefact manufacture and ceremonial purposes. The likelihood of surface and subsurface cultural materials surviving in the landscape is primarily based on past land uses and preservation factors.

Given the known extent and content of sites typically situated along reliable water and given that the study area contains numerous 1st and 2nd order streams that flow into a reliable 3rd order, it is likely that subsurface materials would have existed within the study area, in particular along the 3rd order creek. In addition to this, the second order stream located to the south is situated on a slight slope and contains the isolated artefacts strongly indicating this creek was also used in the past. Two PADs were previously identified and have been re-assessed and are described below and their location shown in Figure 6.5.

Figure 6.5 PADs



6.6.1 38-4-1586; 38-4-1630

This previously identified PAD has been registered twice with AHIMS (AHIMS# 38-4-1586; 38-4-1630) includes the 3rd order creek (Seven Mile Creek) that is situated to the east and drains north to south and flows along a simple slope. The PAD has been re-assessed and due to extensive erosion

and flooding, resulting in further impacts across the project area, the creeks included, the PAD is defined as including the creek and extends in width to 20m both sides of the creek bank. Additionally, significant impacts from the paintball business located to the east of the project area has resulted in a section of the creek being completely modified and as such excluded from the PAD area. The PAD has been subject to minimal to moderate disturbances (flooding, erosion) and is heavily vegetated. There is a moderate potential for both surface and subsurface cultural materials along this creek.

6.6.2 38-4-1584; 38-4-1629

This previously identified PAD has been registered twice with AHIMS (AHIMS# 38-4-1584; 38-4-1629) includes the 2nd order creek that is situated to the south and drains west east down a simple slope and into Seven Mile Creek. The PAD has been re-assessed and due to extensive erosion and flooding, resulting in further impacts across the project area, the creeks included. The PAD is defined as including the creek and extends in width to 20m both sides of the creek bank. The extent of the PAD has been increased to north to include the further northern section of the creek. This is the creek that contained the isolated artefact (AHIMS# 38-4-1586) and another area that typically contains the highest density and number of sites throughout the Hunter Valley. The PAD has been subject to minimal disturbances, is heavily vegetated and has been subject to creek bank erosion. There is a high potential for both surface and subsurface cultural materials along this creek.

Table 6.3 PAD summary

PAD number	Feature(s)	Survey unit	Landform
38-4-1586; 38-4-1630	3 rd order draining down a gentle slope	1	creek
38-4-1584; 38-4-1629	2 nd order draining down a gentle slope into 3 rd order, isolated artefact	1	creek

6.7 DISCUSSION

The results of the investigation are discussed below in terms of site integrity, the nature of the evidence (lithic assemblage, spatial distribution, and chronology), local and regional contexts, occupation models (interpretation) and predictive modelling.

6.7.1 INTEGRITY

The integrity of the identified sites and the remainder of the investigation area can mainly be assessed only for surface integrity through the assessment of past and present land uses and their impacts. Subsurface integrity can only be accessed through controlled excavation that allows for the examination of both the horizontal and vertical distribution of cultural materials caused by natural and/or human impacts and by conjoining artefacts.

Land uses and their impacts as well as natural impacts (such as bioturbation, erosion etc) within the investigation area have been discussed in Section 3 and above and are considered to be very high. In particular, the slopes have been subject to previous clearing and extensive logging along with erosion and an old quarry.

The archaeological site was previously identified in a creek bed and since then extensive rains, localised flooding and further erosion has occurred. There remains a reduced width of the previously identified PADs along the two main creeks within the project area. The reduction in width is a direct result of further erosion with exposed rock, bedrock and B horizon being exposed at approximately 20 metres from the creek banks.

Based on the evidence of such landuses and impacts across the project areas and associated deposits, including both surface and subsurface sites, with the exception of the creeks (up to 20m both sides of the creek banks), it appears that the remainder of the project area retains very limited site integrity.

6.7.2 ARTEFACT ASSEMBLAGE

One weathered mudstone artefact was identified during the first assessment and was not relocated during this assessment. The isolated artefact is comparable to other isolated finds and assemblages throughout both the local and regional area. Mudstone/tuff is the most dominant followed in lesser quantities by silcrete and quartz. The artefacts is also consistent with assemblages from the local and regional area which include flakes, broken flakes, cores, flake pieces and cores. The isolated artefact is likely to represent a non specific knapping event, accidental breakage or accidental discard. However, as the sites, and indeed landscape has been significantly impacted upon resulting in large scale movement of deposits and associated cultural materials, it is difficult to reliably infer what the assemblages may represent.

6.7.3 SPATIAL DISTRIBUTION

The distribution pattern of sites across a landscape has the potential to indicate a great deal about the interaction between people and the environment and the nature of social organisations. The first step in spatial analysis is to map the known sites of similar dates (if known), then add aerial and/or topographic information. The distribution can then be analysed for signs of patterns, clustering and relationships between larger and smaller sites. Once this detail is obtained, questions may be asked relating to a variety of factors such as sites in relation to distance from water, to landforms, site densities, site types etc.

However, the assumption that artefacts are spatially distributed as a result of patterned behaviour of past prehistoric societies so that the spatial structure is potentially informative about the nature in which the society was organised, may be problematic. In this case distribution patterns must be viewed with caution due to post-depositional factors, particularly within the project areas as the landuses have significantly altered the landscape and associated cultural materials. Because of this, only general inferences may be made with caution.

The isolated artefact was located in a creek bed which is also reflective of the local and regional archaeological patterns whereby the majority of sites are located within 50 metres of reliable water. Due to the disturbed deposits, regular localised flooding and erosion, the above is only a generalised spatial analysis and there is no way of identify where the sites were originally deposited after use.

6.7.4 CHRONOLOGY

Chronology is the science that deals with measuring time by regular divisions and that assigns to events to their proper dates. Holdaway *et al.* (1998: 3) identified four main difficulties applicable to recording surface sites. First, the lack of chronological control because of the absence of stratigraphy; second, the difficulty in determining site boundaries and features demarcated by a

group of artefacts; third, identifying and interpreting artefacts in the field; and fourth, the problem of obtaining a representative sample from sites where there is uneven exposure or visibility.

In Australian archaeology, as in other parts of the world, stone artefacts contribute to developing a broad chronology for occupation, simply because they span the total period of occupation. In the absence of absolute dating techniques to establish chronology within the investigation area, relative dating may be applied. This includes using tool types that have been dated to specific period in Australian history.

Given that this investigation included a surface survey, there is no reliable means to obtain absolute dates. However, stone tool typology may be used. Artefact characteristics of what was formerly known as the 'Australian small tool and scraper tradition' occur within the investigation area. Artefacts such as backed artefacts have been reliably dated in rock shelters to around 5,000 years ago (Mulvaney and Kamminga 1999) and as such this specific artefact type (if not also the associated deposits) is inferred to date within the last 5,000 years.

In addition to typological relative dating, geomorphology may also be used to establish a general chronology. Testing has determined that the Central Lowlands is dominated by texture-contrast soils, many of which are considered to be 3 000 years of age or younger (Kuskie & Kamminga 2000:213). On geomorphological grounds, A horizon soils in this context are generally considered as dating to the mid-late Holocene (Dean-Jones and Mitchell 1993:76). Other researchers (cf Hughes 1984) have argued that the presence of what are viewed as typologically distinct artefact classes, such as backed blades, dates the A-horizon of texture-contrast soils to within the last 5 000 years. Hiscock (2002a, b) agrees that, whilst backed artefacts originally appear during the terminal Pleistocene, they proliferate during the mid-Holocene, c. 4 000 to 5 000 years ago. However, he has identified a number of problems with relying on the presence of backed artefacts to date open sites including (Hiscock 1986:45). In response, Hiscock (1986; 1993) identified three temporally distinct phases of technological change labelled Pre-Bondaian, Phase I Bondaian and Phase II Bondaian (see Hiscock 1986 and 1993 for a discussion of these phases). Kuskie and Kamminga (2000:217) highlight the fact that these methods have not yet been successfully applied to dating open sites.

The isolated artefact was found in a creek bed, the deposits have been mixed with no original defined A or B horizon remaining. Additionally, the artefact exhibited no characteristics that would identify it a formal tool type.

6.8 INTERPRETATION & OCCUPATION MODEL

The inferences that can be made about the nature of occupation within the investigation area and the specific sites identified area are limited by the highly disturbed nature of the project areas and sites themselves. However, consistent with the Hunter Valley occupation model (Kuskie and Kamminga 2000), it is inferred from the evidence obtained during the survey that:

- Aboriginal people used and occupied the area and possibly at a low intensity within the last 4,000 years. Although occupation of the region extends back to at least 20,000 years ago, the environmental context would have been different to the present over such an extended period of time;
- In the absence of any formal tools, the isolated find (and absence of other sites) is consistent with transitory movement through the landscape and occasional and short-duration visits by small parties of hunters and/or gatherers for food procurement;
- notwithstanding the points above, the distribution of these artefacts and the topography of the area indicates that in the broader locality focused occupation was more likely to have occurred along Seven Mile Creek on the elevated sections overlooking the creek where

more preferential circumstances existed for water, level ground and subsistence resources; and

- the stone material mudstone was predominantly used for stone-working activities, largely because of its local availability, and it was probably procured from relatively local colluvial gravels in a casual, opportunistic manner.

The survey results are consistent with, or do not contradict the general model of occupation.

6.9 REGIONAL & LOCAL CONTEXT

Although the results from this assessment are limited by the sample size, the evidence can be compared with other assessment and sites from the region (Refer to Chapter XX). The main purpose for this is to identify any differences or similarities with other assessments throughout the region (such as site patterning, site types, land form preference etc) in order to provide a framework to interpret and establish representativeness for the identified sites within the investigation area. Several similarities have been recognised between the evidence within the investigation area and other assessments from the surrounding area. These are as follows:

- prevalence of stone artefact evidence (not surprising given the durability of stone);
- similar raw materials used for tool manufacture (mudstone);
- similar artefact types (flake); and
- sites located on similar landforms (creeks).

6.10 REASSESSMENT OF THE PREDICTIVE MODEL

In view of the survey results, the predictive model of site location (refer to Section 5) can be reassessed for the investigation area.

The potential for bora/ceremonial, carved tree, scarred tree, rock engraving and stone arrangement sites to occur within the investigation remains assessed as very low or negligible.

No direct evidence of lithic procurement sites was identified which is not surprising given no raw materials usually used in tool manufacture were located within the project area.

No evidence was encountered of burial sites, and although the potential for skeletal remains to occur within the investigation area is considered to be very low, it cannot be discounted.

Sites of traditional cultural significance (such as mythological sites) were not identified by the Aboriginal stakeholders or stakeholder representatives involved in the investigation. The registered Aboriginal stakeholders also did not disclose any specific knowledge of other cultural values/places (for example, historically known places or resource use areas). However, the possibility cannot be excluded that traditional or historical Aboriginal values or associations may exist that were not divulged to MCH by the persons consulted, although this potential is assessed as low.

Although only one isolated find was previously identified, there remains a high potential for additional open artefact evidence to occur along the two creeks, although such evidence is likely to occur in a low density consistent with background discard or low density camping by small numbers of people along Seven Mile Creek (3rd order). The artefact evidence may involve a broad range of artefact and stone types, but will predominantly comprise evidence associated with non-specific stone flaking of mudstone/tuff and silcrete. Environmental contexts in which a higher artefact density and potentially deposits of research significance may occur, in association with

more focused and/or repeated Aboriginal occupation, are largely absent from the investigation area.

Site location, in relation to landforms and proximity to reliable water is also supported by the evidence.

6.11 CONCLUSION

Sites provide valuable information about past occupation, use of the environment and its specific resources including diet, raw material transportation, stone tool manufacture, and movement of groups throughout the landscape. Therefore these results provide merely an indication of what may be expected in terms of site location and distribution. Proximity to water was an important factor in past occupation of the area, with sites reducing in number significantly away from water with most sites located within 50 metres of the tributaries.

The access to Seven Mile Creek would have provided resources that are likely to have allowed for sustained occupation of that locality. Areas at distance from reliable water are likely to have been utilised as travel and/or hunting and gathering grounds. Evidence of such past land uses manifest in the archaeological record as a background scatter, whilst long term camping is manifest in artefact scatters (with multiple raw material types and artefact types) in close proximity to water. Past landuses across the project area included clearing, logging, access tracks and roads and an old disused quarry, all of which have significantly altered the landscape which in turn, has accelerated erosion. With the exception of Seven Mile Creek and the unnamed 2nd order creek, the majority of the project area has significant erosion with very limited to no site integrity remaining.

7 ASSESSMENT OF ARCHAEOLOGICAL SIGNIFICANCE

One of the key steps in the process of cultural heritage management is the assessment of significance. Not all sites are equally significant and not all are worthy of equal consideration and management (Sullivan and Bowdler 1984; Pearson and Sullivan 1995: 7). The assessment of significance of archaeological sites and resources is defined in most cases by what these entities can contribute to our understanding or knowledge of a place or site. In most cases, it is not possible to fully articulate or comprehend the extent of the archaeological resource at the outset, let alone its value. Therefore, the evaluation of the significance of archaeological material is based on the potential this resource has to contribute to our understanding of the past and the contribution that it can make to our understanding of a place or a cultural landscape.

7.1 BASIS FOR EVALUATION

The significance of archaeological sites or cultural places can be assessed on the criteria of the Burra Charter, the Australian Heritage Commission Criteria of the National Estate, and the OEH guidelines that are derived from the former two. There are two realms of significance assessment:

- Aboriginal cultural significance
- Archaeological (scientific) significance

The Aboriginal cultural significance of the sites or landscape is assessed by the RAPs and the archaeological significance by a qualified archaeologist.

7.2 ARCHAEOLOGICAL (SCIENTIFIC) SIGNIFICANCE

Scientific significance is assessed according to the contents of a site, state of preservation, integrity of deposits, representativeness/rarity of the site type, and potential to answer research questions on past human behaviour (NPWS 1997). For open campsites, evidence required to adequately assess significance includes information about the presence of sub-surface deposits, the integrity of these deposits, the nature of site's contents and extent of the site. A review of information pertaining to previously recorded sites within the local area and region enables the rarity and representativeness of a site to be assessed. High significance is usually attributed to sites that are so rare or unique that the loss of the site would affect our ability to understand an aspect of past Aboriginal use/occupation of an area. In some cases a site may be considered highly significant because its type is now rare due to destruction of the archaeological record through development. Medium significance can be attributed to sites that provide information on an established research question. Low significance is attributed to sites that cannot contribute new information about past Aboriginal use/occupation of an area. This may be due to site disturbance or the nature of the site's contents. In order to clarify the significance assessment, the criteria used are explained below.

7.2.1 RESEARCH POTENTIAL

Research potential refers to the potential for information gained from further investigations of the evidence to be used in answering research questions. Research questions can relate to any number of issues concerning past human material culture and associated behaviour (including cultural, social, spiritual etc) and/or use of the environment. Several inter-related factors to take into consideration include the intactness or integrity of the site, the connectedness of the site to other sites, and the potential for a site to provide a chronology extending back in the past. Several questions are posed for each site or area containing evidence of past occupation:

- Can the evidence contribute information not available from any other resource?
- Can the evidence contribute information not available from any other location or environmental setting?
- Is this information relevant to questions of past human occupation (including cultural, social and/or spiritual behaviour) and/or environments or other subjects?

Assessing research potential therefore relies on comparisons with other evidence both within the local and regional context. The criteria used for assessing research potential include:

- potential to address specific local research questions;
- potential to address specific regional questions;
- potential to address general methodological and theoretical questions;
- potential sub-surface deposits; and
- potential to address future research questions.

The particular questions asked of the available evidence should be able to contribute information that is not available from other resources or evidence and are relevant to questions about past human societies and their material culture. Levels for defining research potential are as follows:

High	Has the potential to provide new information not obtained from any other resource to answer current and/or future research questions.
Medium	Has the potential to contribute significant additional information to answer current and/or future research questions.
Low	Has no potential to contribute significant information to answer current or future research questions.

7.2.2 REPRESENTATIVENESS AND RARITY

Representativeness and rarity are assessed at a local, regional and national level (although assessing at a national level is difficult and commonly not possible due to a lack of national reports and available database). As the primary goal of cultural resource management is to afford the greatest protection to a representative sample of Aboriginal heritage throughout a region, this is an important criterion. The more unique or rare the evidence is, the greater its value as being representative within a regional context.

The main criteria used for assessing representativeness and rarity include:

- the extent to which the evidence occurs throughout the region;
- the extent to which this type of evidence is subject to existing and potential future impacts in the region;
- the integrity of the evidence compared to that at other locations within the region;
- whether the evidence represents a primary example of its type within the region; and
- whether the evidence has greater potential for educational purposes than at other similar locations within the region.

7.2.3 NATURE OF THE EVIDENCE

The nature of the evidence is related to representativeness and research potential. For example, the less common the type of evidence, the more likely it is to have representative value. The nature of the evidence is directly related to its potential to be used in addressing current and/or future research questions. Criteria used in assessing the nature of the evidence include:

- presence, range and frequency of artefacts and artefact types; and
- presence and types of other features.

7.2.4 INTEGRITY

The state of preservation and disturbances of the evidence (integrity) is also related to representativeness and research potential. The higher the integrity (well preserved and not disturbed) of the evidence, the greater the level of information that is likely to be obtained from further study. This translates to greater importance for the evidence within a local and regional context, as it may be a suitable example for preservation/ conservation. The criteria used in assessing integrity include:

- horizontal and vertical spatial distribution of artefacts;
- preservation of intact features such as hearths or knapping floors;
- preservation of site contents such as charcoal which may enable direct dating providing a reliable date of occupation of a given area;
- preservation of artefacts which may enable use-wear/residue analysis to determine tool use and possibly diet; and
- preservation of other cultural materials that may enable interpretation of the evidence in relation to cultural/social behaviour (e.g. burial types and associated mortuary practices may have been based on cultural, social, age, and/or gender distinctions).

Many of these criteria can only be obtained through controlled excavation. Generally high levels of ground disturbance (such as erosion, tracks, dams etc) limit the possibility that an area would unlikely contain intact spatial distributions, intact features, in situ charcoal et cetera. Definitions for defining levels of site integrity and condition have been derived from Witter (1992) and HLA (2002) and are as follows:

Excellent	Disturbance, erosion or development is minimal.
Good	Relatively undisturbed deposits or partially disturbed with an obvious in situ deposit.
Fair	Some disturbance but the degree of disturbance is difficult to assess.
Poor	Clearly mostly destroyed or disturbed by erosion or development.
Very Poor	Sites totally disturbed or clearly not in situ.
Destroyed	A known site that is clearly no longer there.

7.2.5 SCIENTIFIC EVALUATION

The following is an evaluation of the scientific significance of the individual archaeological sites identified within the project area. Table 7.1 presents the archaeological significance assessment for the sites identified.

Table 7.1 Significance assessment

Site	Site Type	Representativeness	Integrity	Res. Pot	Sci. Sig
38-4-1586	isolated	well represented	very poor	low	low
38-4-1586; 38-4-1630	PAD	unknown	fair/good	unknown	unknown
38-4-1584; 38-4-1629	PAD	unknown	fair/good	unknown	unknown

7.3 CULTURAL SIGNIFICANCE

While Aboriginal sites and places may have scientific significance, they also have cultural/social significance to the Aboriginal people from that area. Determining cultural/social significance can only be determined by the Aboriginal people from the area in which the sites and/or places were identified. Consultation with the Aboriginal community has been undertaken in order to document cultural/social significance of the project area in general, the identified site (38-4-1586) and two PADs and is discussed below.

7.3.1 AESTHETIC SIGNIFICANCE

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use (Australia ICOMOS 1999:11). Table 7.2 provides information relating to the aesthetic value of the project area, isolated find and two PADs by the RAPs.

Table 7.2 RAPs: Aesthetic values

RAP	
Mu-roo-ma Inc	has not assigned any specific or general aesthetic significance to the project area, isolated find or PADs
Nur-Run-Gee Pty Ltd	has not assigned any specific or general aesthetic significance to the project area, isolated find or PADs
WLALC	has not assigned any specific or general aesthetic significance to the project area, isolated find or PADs
Karuah Indigenous Corporation	has not assigned any specific or general aesthetic significance to the project area, isolated find or PADs
Wonnarua Elder LHWCS	no response

7.3.2 HISTORIC SIGNIFICANCE

The historic value encompasses the history of aesthetics, science and society. A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment (Australia ICOMOS 1999:11). Table 7.3 provides information relating to the historic value of the project area isolated find and two PADs by the RAPs.

Table 7.3 RAPs: Historic values

RAP	
Mu-roo-ma Inc	has not assigned any specific or general historical significance to the project area, isolated find or PADs
Nur-Run-Gee Pty Ltd	has not assigned any specific or general historical significance to the project area, isolated find or PADs
WLALC	has not assigned any specific or general historical significance to the project area, isolated find or PADs
Karuah Indigenous Corporation	has not assigned any specific or general historical significance to the project area, isolated find or PADs
Wonnarua Elder LHWCS	no response

7.3.3 SCIENTIFIC SIGNIFICANCE

The scientific or research value of a place will depend upon the importance of the data involved, on its rarity, quality or representativeness, and on the degree to which the place may contribute further substantial information. A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment (Australia ICOMOS 1999:11). Table 7.4 provides information relating to the scientific value of the project area isolated find and two PADs by the RAPs.

Table 7.4 RAPs: Scientific values

RAP	
Mu-roo-ma Inc	has not assigned any specific or general scientific significance to the project area, isolated find or PADs
Nur-Run-Gee Pty Ltd	has not assigned any specific or general scientific significance to the project area, isolated find or PADs
WLALC	has not assigned any specific or general scientific significance to the project area, isolated find or PADs
Karuah Indigenous Corporation	has not assigned any specific or general scientific significance to the project area, isolated find or PADs
Wonnarua Elder LHWCS	no response

7.3.4 SOCIAL/SPIRITUAL SIGNIFICANCE

Social value embraces the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group (Australia ICOMOS 1999:11). Table 7.5 provides information relating to the social/spiritual value of the project area isolated find and two PADs by the RAPs.

Table 7.5 RAPs: Social/spiritual values

RAP	
Mu-roo-ma Inc	has assigned general social/cultural significance to the project area, isolated find or PADs
Nur-Run-Gee Pty Ltd	has assigned general social/cultural significance to the project area, isolated find or PADs
WLALC	has assigned general social/cultural significance to the project area, isolated find or PADs
Karuah Indigenous Corporation	has assigned general social/cultural significance to the project area, isolated find or PADs
Wonnarua Elder LHWCS	no response

8 ASSESSMENT OF IMPACTS

The archaeological record is a non-renewable resource that is affected by many processes and activities. As outlined in Section 3 and 6, the various natural processes and human activities would have impacted on archaeological deposits through both site formation and taphonomic processes. Chapter 4 describes the impacts within the project area, showing how these processes and activities have disturbed the landscape and associated cultural materials in varying degrees.

8.1 IMPACTS

Detailed descriptions of the impacts are provided in Section 1.5 and the results of the survey in Section 6. The OEH Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (2010:21) describes impacts to be rated as follows:

- 1) Type of harm: is either direct, indirect or none
- 2) Degree of harm is defined as either total, partial or none
- 3) Consequence of harm is defined as either total loss, partial loss, or no loss of value

Table 8.1 Impact summary

Site	Site type	Type of harm	Degree of harm	Consequence of harm	Representative	Integrity	Res. Pot	Sci. Sig
38-4-1586	isolated	none	none	No loss of value	well represented	very poor	low	low
38-4-1586; 38-4-1630	PAD	none	none	no loss of value	unknown	fair/good	unknown	unknown
38-4-1584; 38-4-1629	PAD	none	none	no loss of value	unknown	fair/good	unknown	unknown

The results of the assessment indicate that the isolated find (38-4-1586) and both PADs will not be impacted on by the proposed Quarry. The project includes a 40 metre buffer along Seven Mile Creek and a 30 metre buffer along the remaining creeks. These buffers will ensure the protection of all areas of sensitivity within the project area. The haul road and bridge crossing at Seven Mile Creek will be placed in the disturbed section (impacted by earth works associated with the paintball business).

8.2 CUMULATIVE IMPACTS

The cumulative impact to Aboriginal heritage in the area is limited given that:

- the net development footprint (i.e. the area of direct impact) is small and does not affect a high proportion of any particular landform present within the region;
- a comparable suite of creek landforms that are expected to, and do contain a similar archaeological resource occur in multiple contexts both within the local area and throughout the Hunter Valley;

- the isolated artefacts, 38-4-1586, will remain undisturbed by the proposed quarry as its was located within the creek bed and will be protected within the project creek protection area;
- the PADs, will remain undisturbed by the proposed quarry as they are located within the creek bed and will be protected within the project creek protection area; and
- the placement of the development within this area, in particular on the highly disturbed and eroded slopes and within the disturbed context, ensures the cumulative impacts are focused in the areas of lower potential and therefore are kept to a minimum.

Mitigation measures to minimise these impacts are outlined in the following chapter.

9 MITIGATION AND MANAGEMENT STRATEGIES

Specific strategies, as outlined through the DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010c), are considered below for the management of the identified site within the project area.

One of the most important considerations in selecting the most suitable and appropriate strategy is the recognition that Aboriginal cultural heritage is very important to the local Aboriginal community. Decisions about the management of sites and potential archaeological deposits should be made in consultation with the appropriate local Aboriginal community.

9.1 CONSERVATION/PROTECTION

The OEH is responsible for the conservation/protection of Indigenous sites and they therefore require good reason for any impact on an indigenous site. Conservation is the first avenue and is suitable for all sites, especially those considered high archaeological significance and/or cultural significance. Conservation includes the processes of looking after an indigenous site or place so as to retain its cultural significance and are managed in a way that is consistent with the nature of peoples' attachment to them.

Site 38-4-1586 and both PADs (registered twice in AHIMS: 38-4-1586; 38-4-1630; 38-4-1584; 38-4-1629) are located along the creek and are included in a buffer zone that will protect the site and PADs.

9.2 FURTHER INVESTIGATION

An Aboriginal Heritage Impact Permit (AHIP) is no longer required to undertake test excavations (providing the excavations are in accordance with the Code of Practice for Archaeological Investigations in NSW). Subsurface testing is appropriate when a Potential Archaeological Deposit (PAD) has been identified, and it can be demonstrated that sub-surface Aboriginal objects with potential conservation value have a high probability of being present, and that the area cannot be substantially avoided by the proposed activity. However, testing may only be undertaken as per the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2011) and discussions/consultation with the local Aboriginal community.

If the PADs (registered twice in AHIMS: 38-4-1586; 38-4-1630; 38-4-1584; 38-4-1629) will be impacted upon by the proposed quarry, test excavations will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW AHIP.

9.3 AHIP

If harm will occur to an Aboriginal object or Place, then an AHIP is required from the OEH. If a systematic excavation of the known site could provide benefits and information for the Aboriginal community and/or archaeological study of past Aboriginal occupation, a salvage program may be an appropriate strategy to enable the salvage of cultural objects. The AHIP may also include surface collection of artefacts.

Section 89J of the EP&A Act specifies legislative approvals that are not required in regards to an approved SSD. In particular, an Aboriginal Heritage Impact Permit under section 87 or section 90

of the National Parks and Wildlife Act 1974 (NPW Act) to affect or destroy an Aboriginal object is not required if the SSD application is approved.

Should 38-4-1586 be impacted upon, a community collection prior to impacts in that area would be required to allow the RAPs an opportunity to re-located and collect the artefact prior to works.

9.4 CULTURAL AWARENESS INDUCTION

Part of the site induction should include an induction on the cultural heritage of the project area. All personnel on site must be inducted and as such are made aware of the cultural heritage across the project area. The induction package can be included in the Environmental Management Plan.

10 RECOMMENDATIONS

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974;
- 2) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted;
- 3) A cultural awareness program should be included as part of the site induction program and developed with the registered Aboriginal stakeholders and form part of the Environmental Management Plan;
- 4) If BQ PAD1 (AHIMS# 38-4-1586; 38-4-1630) will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW;
- 5) If BQ PAD2 (AHIMS# 38-4-1584; 38-4-1629) will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW, and
- 6) If BQ/1 isolated artefact (AHIMS# 38-4-1586) will be harmed by any future development a community collection will be undertaken prior to works in the location.

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ANNEX A

Aboriginal Stakeholder Consultation

Date	Consultation type	OEH requirement	Consult stage	RAP/Agency	Contact person	Description
24/3/17	Letter & email	4.1.2	1	MCH contacted Office of Environment & Heritage (OEH)	Nicole Davies	Letter to identify Aboriginal parties. Requested response no later C.O.B. 7/4/17
24/3/17	Letter	4.1.2	1	MCH contacted Worimi Local Aboriginal Land Council (WLALC)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 7/4/17
24/3/17	Letter	4.1.2	1	MCH contacted Registrar of Aboriginal Owners (RAO)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 7/4/17
24/3/17	Letter	4.1.2	1	MCH contacted Native Title Tribunal (NNTT)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 7/4/17
24/3/17	Letter	4.1.2	1	MCH contacted NTSCORP Ltd		Letter to identify Aboriginal parties. Requested response no later C.O.B. 7/4/17
24/3/17	Letter	4.1.2	1	MCH contacted Hunter Local Land Services (HLLS)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 7/4/17
24/3/17	Letter	4.1.2	1	MCH contacted Port Stephens Local Council (PSLC)		Letter to identify Aboriginal parties. Requested response no later C.O.B. 7/4/17
27/3/17	e-mail	4.1.2	1	PSLC contacted MCH	Brett Gardiner	Identified Aboriginal parties: WLALC
30/3/17	e-mail	4.1.2	1	OEH contacted MCH		Identified Aboriginal parties: 17
6/4/17	e-mail	4.1.2	1	Nexus Law Group contacted MCH	Brendan Tobin	Stated they did not receive a letter from NTSCORP until 5 days before registration closes. And sought instructions if their client Wonnarua Traditional Custodians Native Title Claim no 3 wish to express their interest.
6/4/17	e-mail	4.1.2	1	MCH contacted Nexus Law Group OEH ccd		Penny responded stating NTSCORP policy is out of MCH hands and to advise MCH if their client will register keeping in mind that the project is within Worimi country whos knowledge holders are well established, well known and well accepted amongst the Worimi people.
		4.1.2	1	WLALC contacted MCH		No response
		4.1.2	1	RAO contacted MCH		No response
31/3/17	e-mail	4.1.2	1	NNTT contacted MCH		Identified Aboriginal parties: Nil
		4.1.2	1	NTSCORP	Do not provide lists of possible stakeholders	
		4.1.2	1	HLLS	Do not provide lists of possible stakeholders	
7/4/2017 Request for groups to consult with closed						
12/4/17	Public notice	4.1.3	1	All registered Aboriginal parties (RAPs)		Public notice in the Newcastle Herald and requested registration no later than 26/4/17.

Date	Consultation type	OEH requirement	Consult stage	RAP/Agency	Contact person	Description
14/4/17	letter	4.1.7, 4.1.8	1	Karuah Indigenous Corporation (KIC)	Dave Feeney contacted MCH	Registered for the project
7/4/17	Letter	4.1.3, 4.1.4, 4.1.5, 4.2.1	1	All RAPs		Formal letter to 19 identified RAPs. Letter requested registration of interest in the project, project outline, maps and asking for the preferred method to receive information (meeting/mail/email). Required registration by C.O.B. 24/4/2017
16/4/17	email	4.1.7, 4.1.8	1	Wonnarua Elder LHWCS	Tom Miller contacted MCH	Registered for the project
17/4/17	email	4.1.7, 4.1.8	1	Wonnarua Elder LHWCS	MCH contacted Tom Miller	Requested confirmation of registration as the project was in Worimi country
20/4/17	email	4.1.7, 4.1.8	1	Nur-Run-Gee Pty Ltd	Lennie Anderson contacted MCH	Registered for the project
21/4/17	email	4.1.7, 4.1.8	1	Mu-roo-ma Inc	Anthony Anderson contacted MCH	Registered for the project
21/4/17	email	4.1.7, 4.1.8	1	WLALC	WLALC contacted MCH	Registered for the project
20/4/17	Phone call	4.1.7, 4.1.8	1	Wonnarua Elder LHWCS	MCH contacted Tom Miller	Requested confirmation of registration as the project was in Worimi country. Tom wished to register
26 April 2017 C.O.B. Registration for project closed						
28/4/17	letter	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	All RAPs		Formal letter and information packet sent to 5 identified RAPs. Included project outline, project area, critical timelines, impacts, brief cultural, environmental and archaeological context, proposed methods of investigation, proposed methods of gathering cultural knowledge, and maps. A response the proposed methodology was required registration by C.O.B. 26/5/17
2/5/17	e-mail	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	WLALC		Responded to the information packet and supported the proposed methods of investigation
2/5/17	phone	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	KIC		Responded to the information packet and supported the proposed methods of investigation
2/5/17	e-mail	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	Mu-roo-ma Inc		Responded to the information packet and supported the proposed methods of investigation

Date	Consultation type	OEH requirement	Consult stage	RAP/Agency	Contact person	Description
2/5/17	e-mail	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	Nur-Run-Gee Pty Ltd		Responded to the information packet and supported the proposed methods of investigation
3/5/17	e-mail	4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7	2 & 3	Wonnarua Elder LHWCS		Responded to the information packet and supported the proposed methods of investigation
3 May 2005 early responses to information packet. All RAPs responded.						
3/5/17	Letter		3	All RAPs		All RAPs sent a letter of invitation to attend and participate in the survey on 11 May 2017. Proponent requested RAPs to prioritise the project, hence the quick survey date.
5/5/17	email		3	WLALC		Provided signed paperwork for the survey
9/5/17	email		3	Mu-roo-ma Inc		Provided signed paperwork for the survey
9/5/17	email		3	KIC		Provided signed paperwork for the survey
10/5/17	email		3	Nur-Run-Gee Pty Ltd		Provided signed paperwork for the survey
11 May 2017 Survey complete						
15/5/17	Email/letter/report	4.3.5; 4.3.6; 4.3.7 4.4.1; 4.4.2; 4.4.3	3 & 4	All RAPs		Draft report sent to all RAPs for review
15/5/17	email	4.3.5; 4.3.6; 4.3.7 4.4.1; 4.4.2; 4.4.3	3 & 4	Nur-Run-Gee Pty Ltd contacted MCH		Supported the draft report and its findings
15/5/17	email	4.3.5; 4.3.6; 4.3.7 4.4.1; 4.4.2; 4.4.3	3 & 4	MCH contacted Nur-Run-Gee Pty Ltd		Thanked NRG for their quick response and requested information regarding the significance of the site and PADs.
15/5/17	email	4.3.5; 4.3.6; 4.3.7 4.4.1; 4.4.2; 4.4.3	3 & 4	Nur-Run-Gee Pty Ltd		Responded providing cultural significance of the project area, site and PADs.
17/5/17	email	4.3.5; 4.3.6; 4.3.7 4.4.1; 4.4.2; 4.4.3	3 & 4	WLALC		Supported the draft report and its findings
18/5/17	email	4.3.5; 4.3.6; 4.3.7 4.4.1; 4.4.2; 4.4.3	3 & 4	MCH contacted WLALC		Thanked WLALC for their quick response and requested information regarding the significance of the site and PADs.
18/5/17	email	4.3.5; 4.3.6; 4.3.7 4.4.1; 4.4.2; 4.4.3	3 & 4	Mu-roo-ma Inc contacted MCH		Supported the draft report and its findings

[illegible]

24 March 2017

Hema Hariharan
NTSCORP Limited
PO Box 2105
Strawberry Hills NSW 2012

Dear Hema,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed Hard Rock Quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is shown in The figure below.

As per the Office of Environment and Heritage (OEH) policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the study area



In order to comply with the OEH policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in particular Stage 1 (s4.1.2) - we are writing to advise you of the proposal and ask whether you could provide details of any Aboriginal groups or individuals that your organisation is aware of who may have an interest in the investigation area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Should you have this information, we request that you provide the names and contact details of these Aboriginal people/organisations, in writing, to the undersigned either via written correspondence or email (mcheritage@iprimus.com.au) within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

24 March 2017

Nicole Davies
Office of Environment & Heritage (Archaeology)
Locked Bag 1002
Dangar NSW 2309

Dear Nicole,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed Hard Rock Quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is shown in The figure below.

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Location of the study area



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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

24 March 2017

Sir/Madam
Hunter Local Land Services
Private Bag 2010
Paterson NSW 2421

Dear Sir/Madam,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed Hard Rock Quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is shown in The figure below.

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Location of the study area



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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

24 March 2017

Sir/Madam
National Native Title Tribunal
GPO Box 9973
Sydney NSW 2001

Dear Sir/Madam,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed Hard Rock Quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is shown in The figure below.

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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist



Request for Search of Tribunal Registers

*mandatory fields are marked with an asterisk

1. Your details*

NAME:

POSITION:

COMPANY/ORGANISATION:

POSTAL ADDRESS:

TELEPHONE:

EMAIL:

YOUR REFERENCE:

DATE OF REQUEST:

2. Reason for your request - please complete either Part A OR Part B*

Part A - Are you a party to a native title proceeding? Yes No

Please provide Federal Court/Tribunal file number/or application name:

OR

Part B - Do you need to identify existing native title interests to comply with the *Native Title Act 1993* (Cth) or other State/Territory legislation? Yes No

Please provide brief details of these obligations here:

3. Identify the area to be searched - please complete either Part A OR Part B*

Part A - Mining tenure

Tenement ref/s:

State/Territory:

OR

Part B - Other tenure type

Crown Land, crown reserve

Agricultural/pastoral lease

Freehold (privately owned)**

State/Territory:

Local Government Area:

4. Description (please provide as many details as possible)

Provide any additional details to describe the area, including attaching maps with landmarks clearly shown.

Lot and plan details:

Property name:

Pastoral Lease number or name:

County:

Parish:

Town:

Section:

Hundred:

Northern Territory Portion:

5. Submit your request

NNTT Office	Search jurisdiction	Email address	Fax
Perth	WA searches	waenquiries@nntt.gov.au	(08) 9425 1193
Melbourne	VIC, TAS searches SA, NT searches	vicandtasenquiries@nntt.gov.au sa_and_ntenquiries@nntt.gov.au	(03) 9606 0680 (03) 9606 0680
Sydney	NSW, ACT searches	nswenquiries@nntt.gov.au	(02) 9227 4030
Brisbane	QLD searches	qldenquiries@nntt.gov.au	(07) 3307 5050

Or post to: National Native Title Tribunal, GPO Box 9973 (Perth 6848, Melbourne 3001, Sydney 2001, Brisbane 4001)

- There is no charge for conducting searches of the Tribunal's databases.
- Timeframe for providing results is generally 3-5 business days.
- Register and schedule extracts, plus map attachments will be provided with your results. Technical coordinates may be omitted.

Did you know?

Native Title Vision (NTV) is the National Native Title Tribunal's free online visualisation, mapping and query tool. All that is needed to use NTV is a computer connected to the internet, a current web browser and an NTV user account. NTV puts you in the driver's seat in exploring native title and brings together:

- a geospatial view of the Tribunal's registers and databases
- overlays of administrative regions, non-freehold land parcels and resources tenure.

To obtain a NTV user account visit the [Geospatial section](#) on our website.

****Native title & freehold tenure**

Under the *Native Title Act 1993* (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as a 'previous exclusive possession act'. This means that native title has been extinguished over the area.

The Tribunal is not the custodian of the data for freehold estates. To determine whether a particular parcel of land is freehold land, you may wish to seek such information from the relevant state/territory government custodian.

24 March 2017

Sir/Madam
 Worimi Local Aboriginal Land Council
 PO Box 56
 Tanilba Bay NSW 2319

Dear Sir/Madam,

**RE: Written notification of project proposal and registration of interest as required under OEH
 Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
 Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed Hard Rock Quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is shown in The figure below.

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Location of the study area



In order to comply with the OEH policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in particular Stage 1 (s4.1.2) - we are writing to advise you of the proposal and ask whether you could provide details of any Aboriginal groups or individuals that your organisation is aware of who may have an interest in the investigation area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

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Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

24 March 2017

Sir/Madam
Port Stephens Local Council
PO Box42
Raymond Terrace NSW 2324

Dear Sir/Madam,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed Hard Rock Quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is shown in The figure below.

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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

24 March 2017

Tabatha Dantoine
 Office of the Registrar, Aboriginal Land Rights Act 1983
 PO Box 112
 Glebe NSW 2037

Dear Tabatha,

**RE: Written notification of project proposal and registration of interest as required under OEH
 Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
 Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed Hard Rock Quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is shown in The figure below.

As per the Office of Environment and Heritage (OEH) policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the study area



In order to comply with the OEH policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in particular Stage 1 (s4.1.2) - we are writing to advise you of the proposal and ask whether you could provide details of any Aboriginal groups or individuals that your organisation is aware of who may have an interest in the investigation area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

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Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Penny McCardle

From: Brett Gardiner [Brett.Gardiner@portstephens.nsw.gov.au]
Sent: Monday, 27 March 2017 3:35 PM
To: mcheritage@iprimus.com.au
Subject: Eagleton Hard Rock Quarry - Notification of interested Aboriginal Groups or Individuals

Hi Penny,

The Worimi Local Aboriginal Land Council are active throughout the Port Stephens community and have a high level of knowledge in relation to cultural significance of Aboriginal places and objects. In addition, they have a network of persons including traditional land owners, who have a high level of individual knowledge. It is recommended that you contact them in relation to the Aboriginal Cultural Heritage Assessment for the Eagleton Hard Rock Quarry.

Regards,



Brett Gardiner | Senior Executive Planner
p (02) 49800213
m 0417474901
w www.portstephens.nsw.gov.au



***** Confidentiality and Disclaimer Statement *****

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This email and any attachments have been virus scanned however Port Stephens Council does not represent or warrant that this communication is secure and free from computer viruses or other defects and will not affect your computer. No liability is accepted for any loss or damage resulting from a computer virus, or resulting from a delay or defect in transmission of this email or any attached file. This notice should not be amended or deleted.



Organisation	First name	Surname	Address 1	City	State	Post code	Landline	Mobile	Email
	Carol	Ridgeway-Bissett	33 Ullora Road	NELSONS BAY	NSW	2315	02 4984 3113		
Karuah Indigenous Corporation	David	Feeney	1/7 Mustons Rd	KARUAH	NSW	2324		0421 114 853	karuahindigenous@outlook.com
Lakkari NTCG	Mick	Leon	C/- 4/39 Short Street	FORSTER	NSW	2428		0402 751 584	doowakee@gmail.com
Hunters & Collectors	Tania	Matthews	U211 Walowa St	NARRABRI	NSW	2390		0409 193 612	Tamathews10@hotmail.com
Worimi Traditional Owners Indigenous Corporation	Candy Lee	Towers	36 Avon St	MAYFIELD	NSW	2304		0412 475 362	worimitoc@hotmail.com
Mur-Roo-Ma Inc.	Anthony	Anderson	7 Vardon Road	FERN BAY NSW	NSW	2295	02 4928 1910	0402 827 482	murroomainc1@gmail.com
AGA Services	Adam	Sampson	260 Hidden Valley Row	WYBONG	NSW	2333		0419 815 764	aga.services@hotmail.com
	Steve	Talbott	73 Kiah Road	GILLIESTON HEIGHTS	NSW	2321		0429 662 911	gomerioi.namoi@outlook.com
Cacatua Culture Consultants	Donna & George	Sampson	260 Hidden Valley Row	WYBONG	NSW	2333	02 4028 6942	0403 765 019 - 0434 877 016	cacatua4service@tpg.com.au
Divine Diggers Aboriginal Cultural Consultants	Deidre	Perkins	6 Ashleigh Street	HEDDON GRETA	NSW	2321	02 4937 4573	0425654290 preferred	dedemaree3@hotmail.com
Crimson-Rosie	Jeffery	Matthews	6 Eucalypt Avenue	MUSWELLBROOK	NSW	2333	02 6543 4791		
Wonnarua Elders Council	Richard	Edwards	PO Box 844	CESSNOCK	NSW	2325			
Lower Hunter Wonnarua Cultural Services	Lea-Anne Ball and Uncle Tommy Miller		51 Bowden Street	HEDDON GRETA	NSW	2321	02 4937 2694	0402 636 521 (Uncle)	tn.miller@southernphone.com.au
Lower Hunter Aboriginal Incorporated	David	Ahoy	5 Killara Drive	CARDIFF SOUTH	NSW	2285		0421 329 520	lowerhunterai@gmail.com
Wattaka Wonnarua CC Service	Des	Hickey	4 Kennedy Street	SINGLETON	NSW	2330		0432 977 178	deshickey@bigpond.com
Widescope Indigenous Group	Steven	Hickey	73 Russell Street	EMU PLAINS	NSW	2750	0425 230 693 0425 232 056	0425 232 056 or 0425 230 693	Widescope.group@live.com
Kawul Pty Ltd trading as Wonn1 Sites	Arthur	Fletcher	619 Main Road	GLENDALE	NSW	2285	02 4954 7751	0402 146 193	Wonn1sites@gmail.com
Roger Matthews Consultancy	Roger	Matthews	15 Parkinson Avenue	MUSWELLBROOK	NSW	2333		0455 671 288	
Nur-Run-Gee Pty Ltd	Leonard	Anderson OAM	22 Popplewell Road	FERN BAY NSW	NSW	2295		0431 334 365	lennie.anderson011@bigpond.com

Penny McCardle

From: Enquiries [Enquiries@nntt.gov.au]
Sent: Friday, 31 March 2017 3:36 PM
To: mcheritage@iprimus.com.au
Subject: RE: NSW Search - SR2374
Attachments: 20170331_SR2374_NSW_Port_Stephens_LGA_Overlap_Report.xls

UNCLASSIFIED

Native title search – NSW Parcel

Your ref: - Our ref: SR2374

Dear Penny McCardle,

Thank you for your search request received on 31 March 2017 in relation to the above area.

Please note: On the basis that the search area appears to be located within the Port Stephens Council Local Government Area ('Port Stephens LGA'), the National Native Title Tribunal has provided native title overlap results for Port Stephens LGA. All overlaps shown have been verified as real.

Search Results

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

- Schedule of Applications
- Register of Native Title Claims
- National Native Title Register
- Register of Indigenous Land Use Agreements
- Notified Indigenous Land Use Agreements

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our [website](#).

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

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

Search results and the existence of native title

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

Tribunal accepts no liability for reliance placed on enclosed information

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

If you have any further queries, please do not hesitate to contact me on the number below or on the free call number 1800 640 501.

Regards,

Enquiries

National Native Title Tribunal

Freecall 1800 640 501

Email enquiries@nntt.gov.au

Website www.nntt.gov.au

Shared country, shared future.

Celebrating 25 Years of Native Title Recognition www.nativetitle25.gov.au



Overlap Analysis Report

Disclaimer

This information product has been created to assist in understanding the spatial characteristics and relationships of this native title matter and is intended as a guide only. Spatial data used has been sourced from the relevant custodians in each jurisdiction, and/or the Tribunal, and is referenced to the GDA94 datum.

While the Native Title Registrar (**Registrar**) has exercised due care in ensuring the accuracy of the information provided, it is provided for general information only and on the understanding that neither the Native Title Registrar nor the Commonwealth of Australia (Commonwealth) is providing professional advice. Appropriate professional advice relevant to your circumstances should be sought rather than relying on the information provided. In addition, you must exercise your own judgment and carefully evaluate the information provided for accuracy, currency, completeness and relevance for the purpose for which it is to be used.

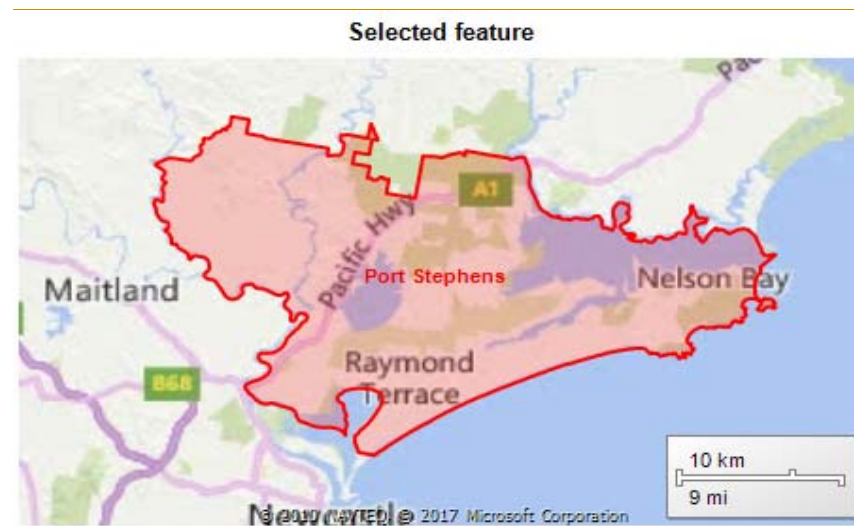
As the interpretation of any particular native title determination area provided is based upon the best information available to the Registrar at the time of creation, any effective analysis must include reference to both the relevant determination of native title made by the Federal Court of Australia and the entry made in relation to that determination on the National Native Title Register maintained by the Registrar.

Please note:

- Calculated areas may not be the same as the legal area of a parcel.
- Where shown, NNTT Tenure Class for a non freehold parcel refers to a tenure grouping derived for the purposes of the Tribunal, and does not necessarily represent the jurisdictional tenure type.
- Overlap results are returned only for the currently active jurisdiction.

Selected feature

Name	Port Stephens
Full name	Port Stephens Council
As at	1/08/2016
Calculated area SqKm	973.5753



Overlap details

Schedule of Native Title Determination Applications

Overlap Tribunal ID	Name	FC No	Date Lodged	RT Status	Area sq km(calculated)	Overlap Area sq km (calculated)
NC2013/006	Scott Franks and Anor on behalf of the	NSD1680/2013	19/08/2013	Accepted for registration	9,494.5860	0.0002
NC2015/002	Wonnarua Traditional Custodians #3	NSD1295/2015	26/10/2015	Not accepted for registration	21,052.5798	364.7885

Register of Native Title Claims

Overlap Tribunal ID	Name	FC No	Date Lodged	RT Status	Combined	Area sq km(calculated)	Overlap Area sq km (calculated)
NC2013/006	Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People	NSD1680/2013	19/08/2013	Accepted for registration	N	9,494.5860	0.0002

Native Title Determinations

Overlap Tribunal ID	Name	FC No	Determination Status	Related NTDA	Area sq km(calculated)	Overlap Area sq km (calculated)
NND2005/002	Worimi Local Aboriginal Land Council #1	NSD12/2005	In effect - Finalised	NN2005/002	0.7614	0.7614
NND2005/003	Worimi Local Aboriginal Land Council #2	NSD396/2005	In effect - Finalised	NN2005/007	4.2283	4.2283
NND2006/002	Worimi Local Aboriginal Land Council #3	NSD34/2006	In effect - Finalised	NN2006/005	0.1031	0.1031
NND2008/002	Worimi Local Aboriginal Land Council #4	NSD1989/2004	In effect - Finalised	NN2004/012	0.0032	0.0032
NND2012/001	Worimi Local Aboriginal Land Council #5	NSD1731/2010	In effect - Finalised	NN2010/008	0.0099	0.0099
NND2012/002	Worimi Local Aboriginal Land Council #6	NSD1732/2010	In effect - Finalised	NN2010/009	0.0129	0.0129

Native Title Determination Outcomes

Overlap Tribunal ID	Name	Federal Court number	Determined outcome	Determination Type	Determination area Albers	Selected feature area sq km(calculated)	Overlap Area sq km (calculated)	% selected feature covered by outcome
NND2005/002	Worimi Local Aboriginal Land Council #1	NSD12/2005	Native title does not exist	In effect - Finalised	0.7614	973.5753	0.7614	0.08 %
NND2005/003	Worimi Local Aboriginal Land Council #2	NSD396/2005	Native title does not exist	In effect - Finalised	4.2283	973.5753	4.2283	0.43 %
NND2006/002	Worimi Local Aboriginal Land Council #3	NSD34/2006	Native title does not exist	In effect - Finalised	0.1031	973.5753	0.1031	0.01 %
NND2008/002	Worimi Local Aboriginal Land Council #4	NSD1989/2004	Native title does not exist	In effect - Finalised	0.0032	973.5753	0.0032	0.00 %
NND2012/001	Worimi Local Aboriginal Land Council #5	NSD1731/2010	Native title does not exist	In effect - Finalised	0.0099	973.5753	0.0099	0.00 %

NND2012/002	Worimi Local Aboriginal Land Council #6	NSD1732/2010	Native title does not exist	In effect - Finalised	0.0129	973.5753	0.0129	0.00 %
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** Note: Outcomes identified as "Native title extinguished" are generally outside the determination area. Refer to the determination document for more information.*

Indigenous Land Use Agreements

No overlap found

RATSIB areas

Name	Organisation	RATSIB Status	Area sq km(calculated)	Overlap Area sq km (calculated)
New South Wales	NTSCORP Limited	NTSP	1,723,577.6107	973.5753

Penny McCardle

From: Brendan Tobin [bjt@nexuslawyers.com.au]
Sent: Thursday, 6 April 2017 8:09 AM
To: mcheritage@iprimus.com.au
Cc: gtonna@ntscorp.com.au
Subject: Proposed hard rock quarry
Attachments: 17-4-4 Ltr from NTSCorp encl diagram[2].pdf

Penny,

I refer to the attached letter sent by you to NTS Corp on 24 March 2017, received 27 March and then forwarded to myself by mail by NTS Corp on 29 March 2017 and received by us on 3 April.

As nominated by you, the timeframe for a response by interested persons is 8 April 2017. That is 5 days after it is received by us. Clearly that is an unacceptable time.

I am seeking instructions on whether the Applicants of the Wonnarua Traditional Custodians Native Title Claim no 3 wish to express their interest. The Project is outside the boundary of this claim but the Applicants may have relevant cultural knowledge.

We also reserve our position in relation to whether your notice conforms with the ACHAR requirements particularly requirements 4.1.3(a) (unless you are the proponent of the quarry which we anticipate you are not), 4.1.3(b) there is no brief overview of the project other than its descriptions as a proposed hard rock quarry, clause 4.3.1(c) as presumably you are not seeking an AHIP 4.1.5.

If you could clarify those matters urgently I would be grateful.

Kind regards

Brendan Tobin

Consulting Principal, Nexus Law Group
6/239 King Street, Newcastle NSW 2300

T +61 (0) 4961 0002

M +61 (0) 404 095 563

LinkedIn www.linkedin.com/in/tobinbrendan

www.nexuslawyers.com.au

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This correspondence is being sent to you only via email unless otherwise requested.

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Thursday, 6 April 2017 8:34 AM
To: 'Brendan Tobin'
Cc: 'Nicole Davis'
Subject: RE: Proposed hard rock quarry

Hi Brendan,

Thank you for your e-mail and copy of the letter from NTSCORP.

Unfortunately NTSCORP do not provide archaeologists with any information regarding who to contact regarding consultation as they themselves write to parties themselves, thereby reducing the time for responses. This is their choice/protocol and not part of the OEH consultation requirements and is beyond MCHs ability to change this.

Please advise if your client will be registering their interest, keeping in mind it is within **Worimi country** whos knowledge holders are well established, well known and well accepted amongst the Worimi people.

Kind regards,

Penny McCardle
Archaeologist & Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

From: Brendan Tobin [<mailto:bjt@nexuslawyers.com.au>]
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If you could clarify those matters urgently I would be grateful.

Kind regards

Brendan Tobin

Consulting Principal, Nexus Law Group
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This correspondence is being sent to you only via email unless otherwise requested.

7 April 2017

David Feeney
Karuah Indigenous Corporation
1/7 Mustons Rd
Karuah NSW 2324

Dear David,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

As per the Office of Environment and Heritage (OEH) policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Stage 1* (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to OEH and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person **and** provide written confirmation and contact details of this person or persons.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who nominate who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the Burra Charter (2013) and Ask First (2002) which provide guidelines to identify traditional knowledge holders.

A number of questions are attached to assist MCH and the proponent in identifying traditional knowledge holders who are holders of specific detailed traditional knowledge, traditional knowledge holders who are holders of general traditional knowledge and knowledge holders who have knowledge based on other sources (such as but not limited to, ethnographic information, archaeological assessments, filed experience). MCH respectfully ask that you read the questions and provide your answers if you choose to register an interest in the Project. MCH also sincerely apologise if you take offence to any questions or the manner in which we are guided to identify traditional knowledge holders; no offence is intended.

Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

A handwritten signature in blue ink, appearing to read 'Penny McCardle', followed by a small dot.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc). YES NO

4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

5) Do **you represent** a traditional knowledge holder of general knowledge? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

6) Do **you represent** a knowledge holder of recent information? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

2) During the survey YES NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) YES NO

If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Mick Leon
Lakkari NTCG
C/- 4/39 Short St
Forster NSW 2428

Dear Mick,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

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Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

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- where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person **and** provide written confirmation and contact details of this person or persons.

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Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

A handwritten signature in blue ink, appearing to read 'Penny McCardle', followed by a small dot.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

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4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

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1) Before the survey YES NO

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If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Candy Lee Towers
Worimi Traditional Owners Indigenous Corporation
36 Avon St
Mayfield NSW 2304

Dear Candy Lee,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

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Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

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Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

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Yours sincerely,

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Adam Sampson
AGA Services
260 Hidden Valley Row
Wybong NSW 2333

Dear Adam,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

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Location of the study area



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Penny McCardle
McCardle Cultural Heritage
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All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

A handwritten signature in blue ink, appearing to read 'Penny McCardle', followed by a small dot.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc). YES NO

4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

5) Do **you represent** a traditional knowledge holder of general knowledge? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

6) Do **you represent** a knowledge holder of recent information? YES NO

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Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

2) During the survey YES NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) YES NO

If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO



MCCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

7 April 2017

Steve Talbot
73 Kiah Rd
Gilleston Heights NSW 2321

Dear Steve,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is located Barleigh Ranch way Eagleton (Figure below).

As per the Office of Environment and Heritage (OEH) policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Stage 1* (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to OEH and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person **and** provide written confirmation and contact details of this person or persons.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who nominate who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the Burra Charter (2013) and Ask First (2002) which provide guidelines to identify traditional knowledge holders.

A number of questions are attached to assist MCH and the proponent in identifying traditional knowledge holders who are holders of specific detailed traditional knowledge, traditional knowledge holders who are holders of general traditional knowledge and knowledge holders who have knowledge based on other sources (such as but not limited to, ethnographic information, archaeological assessments, filed experience). MCH respectfully ask that you read the questions and provide your answers if you choose to register an interest in the Project. MCH also sincerely apologise if you take offence to any questions or the manner in which we are guided to identify traditional knowledge holders; no offence is intended.

Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

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If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

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If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Jeffery Matthews
Crimson-Rosie
6 Eucalypt Ave
Muswellbrook NSW 2333

Dear Jeffery,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

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Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

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Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

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If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

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Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

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If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Richard Edwards
Wonnarua Elders Council
PO Box 844
Cessnock NSW 2325

Dear Richard,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

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Location of the study area



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Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

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Name: _____ Phone: _____

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1) Before the survey YES NO

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If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

David Ahoy
Lower Hunter Aboriginal Incorporated
5 Killara Drive
Cardiff South NSW 2285

Dear David,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

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Location of the study area



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Yours sincerely,

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

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Mobile No: _____

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Roger Matthews
Roger Matthews Consultancy
15 Parkinson Ave
Muswellbrook NSW 2333

Dear Roger,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

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Location of the study area



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Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

A handwritten signature in dark ink, appearing to read 'Penny McCardle', followed by a small dot.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc). YES NO

4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

5) Do **you represent** a traditional knowledge holder of general knowledge? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

6) Do **you represent** a knowledge holder of recent information? YES NO

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Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

2) During the survey YES NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) YES NO

If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

George Sampson
Cacutua Cultural Consultants
260 Hidden Valley Row
Wybong NSW 2333

Dear George,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

As per the Office of Environment and Heritage (OEH) policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Stage 1* (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc). YES NO

4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

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Name: _____ Phone: _____

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Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

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If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Deidre Perkins
Devine Diggers Aboriginal Cultural Consultants
6 Ashleigh St
Heddon Greta NSW 2321

Dear Deidre,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area is located Barleigh Ranch way Eagleton (Figure below).

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Location of the study area



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Penny McCardle
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Adamstown NSW 2289

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

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If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

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If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Tania Matthews
Hunters and Collectors
2/23 Reid St
Narrabri NSW 2390

Dear Tania,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

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Location of the study area



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Yours sincerely,

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

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4) Do **you represent** a traditional knowledge holder? YES NO

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Name: _____ Phone: _____

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Lea-Anne Ball & Uncle Tommy Miller
mailto:tn.miller@southernphone.com.au
51 Bowden St
Heddon Greta NSW 2321

Dear Lea-Anne Ball &,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

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Location of the study area



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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Carol Ridgeway-Bisset
Maaiangal Aboriginal Heritage
29 Donald St
Nelson Bay NSW 2315

Dear Carol,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

As per the Office of Environment and Heritage (OEH) policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Stage 1* (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to OEH and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person **and** provide written confirmation and contact details of this person or persons.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who nominate who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the Burra Charter (2013) and Ask First (2002) which provide guidelines to identify traditional knowledge holders.

A number of questions are attached to assist MCH and the proponent in identifying traditional knowledge holders who are holders of specific detailed traditional knowledge, traditional knowledge holders who are holders of general traditional knowledge and knowledge holders who have knowledge based on other sources (such as but not limited to, ethnographic information, archaeological assessments, filed experience). MCH respectfully ask that you read the questions and provide your answers if you choose to register an interest in the Project. MCH also sincerely apologise if you take offence to any questions or the manner in which we are guided to identify traditional knowledge holders; no offence is intended.

Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

A handwritten signature in blue ink, appearing to read 'Penny McCardle', followed by a small dot.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc). YES NO

4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

5) Do **you represent** a traditional knowledge holder of general knowledge? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

6) Do **you represent** a knowledge holder of recent information? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

2) During the survey YES NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) YES NO

If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Anthony Anderson
Mur-Roo-Ma Inc
7 Vardon Road
Fern Bay NSW 2295

Dear Anthony,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

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Location of the study area



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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

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If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

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Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Lennie Anderson
Nur-Run-Gee Pty Ltd
22 Popplewell Road
Fern Bay NSW 2295

Dear Lennie,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
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Location of the study area



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Yours sincerely,

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

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Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

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1) Before the survey YES NO

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If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Des Hickey
Wattaka Wonnarua CC Services
4 Kennedy Street
Singleton NSW 2330

Dear Des,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

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Location of the study area



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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

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4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

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2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Steve Hickey
Widescope Indigenous group Pty Ltd
75 Russell St
EMU Plains NSW 2750

Dear Steve,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

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Location of the study area



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Yours sincerely,

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

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Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

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Name: _____ Phone: _____

6) Do **you represent** a knowledge holder of recent information? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

2) During the survey YES NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) YES NO

If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Arthur Charles Fletcher
Kawul Pty Ltd trading as Wonn 1 Sites
619 Main Road
Glendale NSW 2285

Dear Arthur,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

As per the Office of Environment and Heritage (OEH) policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Stage 1* (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to OEH and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person **and** provide written confirmation and contact details of this person or persons.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who nominate who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the Burra Charter (2013) and Ask First (2002) which provide guidelines to identify traditional knowledge holders.

A number of questions are attached to assist MCH and the proponent in identifying traditional knowledge holders who are holders of specific detailed traditional knowledge, traditional knowledge holders who are holders of general traditional knowledge and knowledge holders who have knowledge based on other sources (such as but not limited to, ethnographic information, archaeological assessments, filed experience). MCH respectfully ask that you read the questions and provide your answers if you choose to register an interest in the Project. MCH also sincerely apologise if you take offence to any questions or the manner in which we are guided to identify traditional knowledge holders; no offence is intended.

Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

A handwritten signature in blue ink, appearing to read 'Penny McCardle', followed by a period.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc). YES NO

4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

5) Do **you represent** a traditional knowledge holder of general knowledge? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

6) Do **you represent** a knowledge holder of recent information? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

2) During the survey YES NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) YES NO

If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

7 April 2017

Jamie Merrick
Worimi Local Aboriginal Land Council
PO Box 56
Tanilba Bay NSW 2319

Dear Jamie,

**RE: Written notification of project proposal and registration of interest as required under OEH
Aboriginal Cultural heritage Consultation requirements fro proponents 2010 (Stage 1)–
Proposed Hard Rock Quarry at Balickera**

MCH have been engaged by Eagleton Rock Syndicate Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry at Balickera, Port Stephens Local Government Area (LGA). The project area s located Barleigh Ranch way Eagleton (Figure below).

As per the Office of Environment and Heritage (OEH) policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Stage 1* (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the study area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Director General of the Office of Environment and Heritage (OEH), in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to OEH and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person **and** provide written confirmation and contact details of this person or persons.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who nominate who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the Burra Charter (2013) and Ask First (2002) which provide guidelines to identify traditional knowledge holders.

A number of questions are attached to assist MCH and the proponent in identifying traditional knowledge holders who are holders of specific detailed traditional knowledge, traditional knowledge holders who are holders of general traditional knowledge and knowledge holders who have knowledge based on other sources (such as but not limited to, ethnographic information, archaeological assessments, filed experience). MCH respectfully ask that you read the questions and provide your answers if you choose to register an interest in the Project. MCH also sincerely apologise if you take offence to any questions or the manner in which we are guided to identify traditional knowledge holders; no offence is intended.

Should you wish to register your interest in this project, please register in writing no later than C.O.B. 24 April 2017 to:

Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289

If you register your interest in this project, please also nominate your preferred option to receive the

project information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail. If a preferred method is not nominated, all information will be forward by mail, e-mail or fax.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd

A handwritten signature in blue ink, appearing to read 'Penny McCardle', followed by a small dot.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name): _____

Contact: _____

Postal address: _____

Mobile No: _____

E-Mail: _____

Date: _____

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

1) Are **you** part of a current Native Title Claim where the project area is located within? YES NO

2) Are **you** a descendant of the Worimi people? YES NO

3) Are **you** a knowledge holder? YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES NO

c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc). YES NO

4) Do **you represent** a traditional knowledge holder? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

5) Do **you represent** a traditional knowledge holder of general knowledge? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

6) Do **you represent** a knowledge holder of recent information? YES NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

2) During the survey YES NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) YES NO

If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

**Notification of project proposal and registration of interest under OEH
Aboriginal Cultural Heritage Consultation Requirements for
Proponents 2010 (Stage 1) – Proposed Hard Rock Quarry at Balickera**

McCardle Cultural heritage (MCH) have been engaged by Eagleton Rock Syndicate Pty Ltd to prepare an Aboriginal Cultural Heritage Assessment and Section 90 Aboriginal Heritage Impact Permit (AHIP) application if required for the proposed hard rock quarry.

Eagleton Rock Syndicate Pty Ltd P.O. Box 898 Newcastle 2300, proposes to Construct and operate a hard rock quarry at Eagleton.

The project area is located Barleigh Ranch way Eagleton.

The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of the AHIP application if required and to assist the Director General of OEH in his or her consideration and determination of the application should an AHIP be required.

In compliance with the OEH policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, MCH would like to extend an invitation to Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and place(s) in the area of the proposed project to register an interest in the consultation process for this project.

Written registrations must be forward to MCH (P.O. Box 166 Adamstown, NSW, 2289; mcheritage@iprimus.com.au; fax 02 4950 5501) no later than C.O.B. (26 April, 2017)

All registered parties will then be contacted to discuss the project in compliance with the OEH policy. If you register your interest in this project, please also nominate your preferred option to receive the initial information. You may wish to attend a non paid meeting and receive an information pack, or receive an information packet through the mail, fax or e-mail.

Any parties to register are advised that, unless otherwise requested, their details will be forward to OEH and the relevant LALC within 28 days of the closing date of registration and in compliance with the OEH policy.

Penny McCardle

From: tn.miller@southernphone.com.au
Sent: Sunday, 16 April 2017 2:49 PM
To: 'Penny McCardle'
Cc: Nicole.Davies@gov.au
Subject: Request for Registration of interest Proponents 2010 (Stage 1)- Proposed Hard Rock Quarry at Balickera

Penny we the LHWCS would want to register our expression of interest for this project we have cultural knowledge of this area and know the significance of the objects within this project. If you need anymore information I can be contacted on 0402 636 521.

Regards
Tom Miller
WONNARUA ELDER LHWCS

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Monday, 17 April 2017 3:21 PM
To: 'tn.miller@southernphone.com.au'
Cc: 'Nicole.Davies@gov.au'
Subject: RE: Request for Registration of interest Proponents 2010 (Stage 1)- Proposed Hard Rock Quarry at Balickera

Hi Tom,

Thank you for your interest in the project. I would like to just confirm that you are aware the project area is in Worimi country and wish to register your interest?

Kind regards,

Penny McCardle
Archaeologist & Forensic Anthropologist

CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

-----Original Message-----

From: tn.miller@southernphone.com.au [<mailto:tn.miller@southernphone.com.au>]
Sent: Sunday, 16 April 2017 2:49 PM
To: 'Penny McCardle'
Cc: Nicole.Davies@gov.au
Subject: Request for Registration of interest Proponents 2010 (Stage 1)- Proposed Hard Rock Quarry at Balickera

Penny we the LHWCS would want to register our expression of interest for this project we have cultural knowledge of this area and know the significance of the objects within this project. If you need anymore information I can be contacted on 0402 636 521.

Regards
Tom Miller
WONNARUA ELDER LHWCS

Penny McCardle

From: lennie.anderson011 lennie.anderson011 [lennie.anderson011@bigpond.com]
Sent: Wednesday, 19 April 2017 6:17 PM
To: 'Anthony Anderson'; 'Jaqualine Henderson'; Penny McCardle
Subject: Re: registration

Hi Penny,

I don't know about the others but I only received my Letter Last week, just before Easter! Yes I would like to be registered to partake in this Project as you have stated we did do this in 2011. If all information was given then would you like to just receive an update!

Lennie Anderson OAM

Nur-Run-Gee Pty Ltd

REGISTRATION OF INTEREST: Hard Rock Quarry at _____
PROJECT

The project area lies within Worimi traditional lands.

Company Name: Karuah Indigenous Corp

Contact: Dave Feeney

Postal address: P.O. Box 24
Karuah NSW 2324

Mobile No: 0421114853

E-Mail: Karuahindigenous@outlook.com

Date: 12th April 2017

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

- 1) Are you part of a current Native Title Claim where the project area is located with _____
- 2) Are you a descendant of the Worimi people? ☒ YES ☐ NO
- 3) Are you a knowledge holder? ☒ YES ☐ NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific details knowledge pass directly by a traditional knowledge holder in a traditional manner ☒ YES ☐ NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner ☒ YES ☐ NO

c) I am a knowledge holder of recent information obtained through other means (such as limited to, ethnographic sources, internet searches, assessment reports, personal experience) ☒ YES ☐ NO

- 4) Do you represent a traditional knowledge holder? ☒ NO
- If yes, please provide details of whom you represent. You must provide written confirmation of individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

5) Do you represent a traditional knowledge holder of general knowledge? YES ☒ NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

6) Do you represent a knowledge holder of recent information? YES ☒ NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Please nominate when you would like to provide any knowledge:

1) Before the survey YES NO

2) During the survey YES NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) ☒ YES NO

If you are not a descendant of the Worimi people and would still like to register an interest in the project please answer the questions below.

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES NO

REGISTRATION OF INTEREST: Hard Rock Quarry at Balickera PROJECT

The project area lies within Worimi traditional lands.

Company Name: Karrah Indigenous Corporation.
 Contact: Dave Feeney
 Postal address: P.O. Box 24
Karrah NSW 2324
 Mobile No: 0421114853
 E-Mail: Karrahindigenous@outlook.com
 Date: 12th April 2017

If you are a descendant of, or represent a descendant of the Worimi people, please answer the questions below (circle yes/no).

- 1) Are you part of a current Native Title Claim where the project area is located within? YES ☒ NO
- 2) Are you a descendant of the Worimi people? ☒ YES NO
- 3) Are you a knowledge holder? ☒ YES NO

If yes please clarify further:

a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner ☒ YES NO

b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner ☒ YES NO

c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc). ☒ YES NO

- 4) Do you represent a traditional knowledge holder? YES ☒ NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Penny McCardle

From: Anthony Anderson [murroomainc1@gmail.com]
Sent: Friday, 21 April 2017 12:44 PM
To: Penny McCardle
Subject: Re: registration

Hi Penny- yes Murrooma is interested in being a part of this project. I also only just got your letter- I'm pleased to see the "selection criteria" that you have outlined in your letter. I feel this is great esp for people who are trying to be involved that are not in a position to speak for country. It makes groups more accountable for their knowledge and gives the archy and proponent more of an idea of who is who.

Thanks
Bec and Anthony

Penny McCardle

From: Jaqualine Henderson [jackie@worimi.org.au]
Sent: Friday, 21 April 2017 10:18 AM
To: Penny McCardle
Subject: RE: registration

Good morning Penny,

We will, I am only in today to look through emails and reply. We will register and have it done on Monday 24th April

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

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



28 April 2017

Tommy Miller
Wonnarua Elder LHWCS
51 Bowden St
Heddon Greta NSW 2321

Dear Tommy,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation - Proposed Hard Rock Quarry, Eagleton Quarry

McCardle Cultural Heritage (MCH) would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the information packet.

In order for the proponent to fulfil its cultural heritage consultation requirements per the OEH policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Stage 2; s 4.2.1 to 4.2.4) please find enclosed an Archaeological Cultural Heritage Assessment information pack that details the project, an outline of the impact assessment process, the roles and responsibilities of all parties, details of the proposed survey methodology and map showing the location and extent of the investigation area and provide an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have. Please note that you will also receive an Aboriginal Cultural Heritage Assessment information packet for the project.

MCH would appreciate your input on;

- The proposed methodology
- Any Aboriginal objects and/or place(s) of cultural value within the investigation area and/or any issues of cultural significance you are aware of
- Any protocols and/or restrictions you may wish to implement in relation to any information you may like to provide, and
- Any other factors you consider relevant to the heritage assessment;

The proponent (Eagleton Rock Syndicate Pty Ltd) intends to engage a number of RAPs (relative to the scale and nature of the investigations) to participate in the field work. If you wish to be considered for paid participation in the field investigations please review and complete the Aboriginal stakeholder site officer application form attached to the information packet provided. Aboriginal representatives will be selected by Eagleton Rock Syndicate Pty Ltd based upon merits of the applications received with respect to the selection criteria. Late application will not be accepted by Eagleton Rock Syndicate Pty Ltd.

Eagleton Rock Syndicate Pty Ltd intends to engage successful applicants at the rate of \$650 per day (inclusive of GST and travel). Please note that the number of people engaged and the duration of any engagement will be at the sole discretion of Eagleton Rock Syndicate Pty Ltd who will notify MCH of the successful applicants. MCH will notify the successful applicants and all RAPs will be invited to participate in the field investigations regardless of remuneration and subject to Occupational Health and Safety requirements and operational requirements.

Please make your written submission to MCH by close of business 26 May 2016. **However, Eagleton Rock Syndicate Pty Ltd would like you to prioritise this project and if all RAPs agree, will be paid an additional \$250.00 (plus GST) per response to all documents and requests for responses within 48 hours of receipt. For example, if all RAPs respond to this information packet and provide the signed paperwork within 48 hours of receipt, Eagleton Rock Syndicate Pty Ltd will pay \$250.00 (plus GST) for your expedient response. This will apply to your availability for field work and responses to the draft reports etc. Please note that all RAPs will have to agree to prioritise the project otherwise there will be no time saved during the consultation and project.**

Please note that regardless of participation in the field investigations, RAPs will be consulted in accordance with the OEHL policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* for the remainder of the assessment.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEHL requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Enclosures:

Aboriginal Cultural Heritage Assessment Information Packet

28 April 2017

*Anthony Anderson
Mur-Roo-Ma Inc
7 Vardon Road
Fern Bay NSW 2295*

Dear Anthony,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation - Proposed Hard Rock Quarry, Eagleton Quarry

McCardle Cultural Heritage (MCH) would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the information packet.

In order for the proponent to fulfil its cultural heritage consultation requirements per the OEH policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Stage 2; s 4.2.1 to 4.2.4) please find enclosed an Archaeological Cultural Heritage Assessment information pack that details the project, an outline of the impact assessment process, the roles and responsibilities of all parties, details of the proposed survey methodology and map showing the location and extent of the investigation area and provide an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have. Please note that you will also receive an Aboriginal Cultural Heritage Assessment information packet for the project.

MCH would appreciate your input on;

- The proposed methodology
- Any Aboriginal objects and/or place(s) of cultural value within the investigation area and/or any issues of cultural significance you are aware of
- Any protocols and/or restrictions you may wish to implement in relation to any information you may like to provide, and
- Any other factors you consider relevant to the heritage assessment;

The proponent (Eagleton Rock Syndicate Pty Ltd) intends to engage a number of RAPs (relative to the scale and nature of the investigations) to participate in the field work. If you wish to be considered for paid participation in the field investigations please review and complete the Aboriginal stakeholder site officer application form attached to the information packet provided. Aboriginal representatives will be selected by Eagleton Rock Syndicate Pty Ltd based upon merits of the applications received with respect to the selection criteria. Late application will not be accepted by Eagleton Rock Syndicate Pty Ltd.

Eagleton Rock Syndicate Pty Ltd intends to engage successful applicants at the rate of \$650 per day (inclusive of GST and travel). Please note that the number of people engaged and the duration of any engagement will be at the sole discretion of Eagleton Rock Syndicate Pty Ltd who will notify MCH of the successful applicants. MCH will notify the successful applicants and all RAPs will be invited to participate in the field investigations regardless of remuneration and subject to Occupational Health and Safety requirements and operational requirements.

Please make your written submission to MCH by close of business 26 May 2016. **However, Eagleton Rock Syndicate Pty Ltd would like you to prioritise this project and if all RAPs agree, will be paid an additional \$250.00 (plus GST) per response to all documents and requests for responses within 48 hours of receipt. For example, if all RAPs respond to this information packet and provide the signed paperwork within 48 hours of receipt, Eagleton Rock Syndicate Pty Ltd will pay \$250.00 (plus GST) for your expedient response. This will apply to your availability for field work and responses to the draft reports etc. Please note that all RAPs will have to agree to prioritise the project otherwise there will be no time saved during the consultation and project.**

Please note that regardless of participation in the field investigations, RAPs will be consulted in accordance with the OEHL policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* for the remainder of the assessment.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEHL requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Enclosures:

Aboriginal Cultural Heritage Assessment Information Packet

28 April 2017

*Lennie Anderson
Nur-Run-Gee Pty Ltd
22 Popplewell Road
Fern Bay NSW 2295*

Dear Lennie,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation - Proposed Hard Rock Quarry, Eagleton Quarry

McCardle Cultural Heritage (MCH) would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the information packet.

In order for the proponent to fulfil its cultural heritage consultation requirements per the OEH policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Stage 2; s 4.2.1 to 4.2.4) please find enclosed an Archaeological Cultural Heritage Assessment information pack that details the project, an outline of the impact assessment process, the roles and responsibilities of all parties, details of the proposed survey methodology and map showing the location and extent of the investigation area and provide an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have. Please note that you will also receive an Aboriginal Cultural Heritage Assessment information packet for the project.

MCH would appreciate your input on;

- The proposed methodology
- Any Aboriginal objects and/or place(s) of cultural value within the investigation area and/or any issues of cultural significance you are aware of
- Any protocols and/or restrictions you may wish to implement in relation to any information you may like to provide, and
- Any other factors you consider relevant to the heritage assessment;

The proponent (Eagleton Rock Syndicate Pty Ltd) intends to engage a number of RAPs (relative to the scale and nature of the investigations) to participate in the field work. If you wish to be considered for paid participation in the field investigations please review and complete the Aboriginal stakeholder site officer application form attached to the information packet provided. Aboriginal representatives will be selected by Eagleton Rock Syndicate Pty Ltd based upon merits of the applications received with respect to the selection criteria. Late application will not be accepted by Eagleton Rock Syndicate Pty Ltd.

Eagleton Rock Syndicate Pty Ltd intends to engage successful applicants at the rate of \$650 per day (inclusive of GST and travel). Please note that the number of people engaged and the duration of any engagement will be at the sole discretion of Eagleton Rock Syndicate Pty Ltd who will notify MCH of the successful applicants. MCH will notify the successful applicants and all RAPs will be invited to participate in the field investigations regardless of remuneration and subject to Occupational Health and Safety requirements and operational requirements.

Please make your written submission to MCH by close of business 26 May 2016. **However, Eagleton Rock Syndicate Pty Ltd would like you to prioritise this project and if all RAPs agree, will be paid an additional \$250.00 (plus GST) per response to all documents and requests for responses within 48 hours of receipt. For example, if all RAPs respond to this information packet and provide the signed paperwork within 48 hours of receipt, Eagleton Rock Syndicate Pty Ltd will pay \$250.00 (plus GST) for your expedient response. This will apply to your availability for field work and responses to the draft reports etc. Please note that all RAPs will have to agree to prioritise the project otherwise there will be no time saved during the consultation and project.**

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Enclosures:

Aboriginal Cultural Heritage Assessment Information Packet

28 April 2017

*Jamie Merricfk
Worimi LALC
PO Box 56
Tanilba Bay NSW 2319*

Dear Jamie,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation - Proposed Hard Rock Quarry, Eagleton Quarry

McCardle Cultural Heritage (MCH) would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the information packet.

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Enclosures:

Aboriginal Cultural Heritage Assessment Information Packet

28 April 2017

*Dave Feeney
Karuah Indigenous Corporation
PO Box 24
Karuah NSW 2324*

Dear Dave,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation - Proposed Hard Rock Quarry, Eagleton Quarry

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MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Enclosures:

Aboriginal Cultural Heritage Assessment Information Packet

Penny McCardle

From: Jaqualine Henderson [jackie@worimi.org.au]
Sent: Tuesday, 2 May 2017 4:15 PM
To: Penny McCardle
Subject: RE: Eagleton Quarry

Good afternoon Penny,

Just a quick email to inform you that Worimi LALC agree with the Aboriginal Cultural Heritage Assessment Information Package. Will have the original reply and relevant documents sent to you via email in the morning.

Kind regards

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

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



From: Penny McCardle [<mailto:mcheritage@iprimus.com.au>]
Sent: Tuesday, 2 May 2017 1:29 PM
To: Jaqualine Henderson; 'Anthony Anderson'; 'lennie.anderson011 lennie.anderson011';
tn.miller@southernphone.com.au; karuahindigenous@outlook.com
Subject: Eagleton Quarry
Importance: High

Hi all,

Just a reminder that if you make the Eagleton project a priority, the proponent would like to remunerate you for your response to the information packet (e-mailed to you last Friday) by C.O.B. today.

Kind regards,

Penny McCardle
Archaeologist & Forensic Anthropologist

ABORIGINAL SITE OFFICER APPLICATION FORM


Eagleton Quarry Project

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.	
Name of organisation (if relevant)	Warimi LALC.
Name	Stephen Brereton.
Contact number	02 40338800
Mailing address	PO Box 56 TAMMERS Bay 2319
Email address	steveb@warimi.org.au
Fax	
Position applied for	Site officer <input checked="" type="checkbox"/> Trainee Site Officer <input type="checkbox"/>
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	About 30 year experience.
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets as required)	Many, many jobs.
Please provide the contact details of at least one archaeologist (other than the project archaeologist) who can be contacted as a referee	Angela Besant.
INSURANCES	
Public Liability	Expiry date: See email (attach certificate of currency) ✓
Worker Compensation	Expiry date: See email (attach certificate of currency) ✓
Comprehensive Motor Vehicle	Expiry date: 18/02/18 (attach certificate of currency) CPG 022674
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.	
OCCUPATIONAL Health & SAFETY (OH&S)	
<p>All participants are required to comply with MCH and the proponents OH&S requirements.</p> <p>This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements.</p> <p>This also includes appropriate and acceptable behaviour at all times.</p> <p>Failure to comply will prevent you from participating in the field work.</p>	

COMMENTS ON PROPOSED METHODOLOGY

Eagleton Quarry Project

I, Stephen Brerda (please insert your name) of WLALC (please insert the name of your group), **agree to the methodology** outlined by MCH in relation to gathering information about cultural significance:

Signed: 

Date: 3/5/17

Position within organisation: CPH

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in relation to gathering information about cultural significance for the following reasons (please explain your reasons for disagreeing):

I would like to suggest the following (please provide your reasoning):

Signed: _____

Date: _____

Position within organisation: _____

9 Vardon Road Fern Bay 2295 NSW
49281910
0402827482

Murrooma Incorporated

Tuesday 2nd May 2017

RE: Aboriginal Cultural Heritage Consultation Presentation of information about the proposed project and request for comment on the proposed methods of investigation - Proposed Hard Rock Quarry, Eagleton Quarry

McCardle Cultural Heritage- MCH

Attention: Penny McCardle

To Penny,

Murrooma Incorporated have read and fully understand the comments as outlined in your draft report, we agree with the proposed methodology for assessment of the area.

Murrooma have prior knowledge and have completed previous assessments within this area. As knowledge holders and traditional owners, we have information of the cultural significance in the project area and agree with the assessment methodology of collecting cultural information and archaeological surveys.

Any concerns please contact

Yours truly
Bec Young and Anthony Anderson
Murrooma Incorporated.

Penny McCardle

From: lennie.anderson011 lennie.anderson011 [lennie.anderson011@bigpond.com]
Sent: Tuesday, 2 May 2017 4:46 PM
To: Penny McCardle
Subject: Re: Eagleton Quarry

Hi Penny,

Sorry our workload has been rather Heavy, hence the late reply, I have read the communication you sent. After reading and realising we did cover that area in 2011, I agree with the Methodology and the Scope of Works as described! I only wish to note I will not give any information if any other Aboriginal Organisation is involved that is not recognised by the Worimi People at a duly constituted meeting previously and all information given is to be in confidence! Our Elders have decided that too much intelligence (On Worimi Peoples Beliefs etc) is being used by other People (Aboriginal) to gain Knowledge of our People which they have no right to!

All in all a thorough Methodology and engagement pro-forma.

Leonard James Anderson OAM (Lennie)

Worimi T
raditional Custodian (Keeper of the Stories)

Nur-Run-Gee Pty Ltd (Director)

----- Original Message -----

From: "Penny McCardle" <mcheritage@iprimus.com.au>
To: "'Jaqualine Henderson'" <jackie@worimi.org.au>; "'Anthony Anderson'" <murroomainc1@gmail.com>; "lennie.anderson011 lennie.anderson011" <lennie.anderson011@bigpond.com>; tn.miller@southernphone.com.au; karuahindigenous@outlook.com
Sent: Tuesday, 2 May, 2017 At 1:28 PM
Subject: Eagleton Quarry

Hi all,

Just a reminder that if you make the Eagleton project a priority, the proponent would like to remunerate you for your response to the information packet (e-mailed to you last Friday) by C.O.B. today.

Kind regards,

Penny McCardle

Archaeologist & Forensic Anthropologist

2 May 2017

Mur-Roo-Ma Inc
Anthony Anderson
7 Vardon Road
Fern Bay NSW 2295

Dear Anthony,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) – Survey invitation and letter of engagement- Proposed Hard Rock Quarry

The proponent (Eagleton Rock Syndicate Pty Ltd) has received a number of applications and after careful consideration has selected whom they wish to engage in a paid capacity. The proponent and MCH would like to advise that your application for paid participation has been successful. MCH would like to organise the survey for the above named project for the 11 May 2017 starting at 9am meeting on site (located off Italia Road at Balickera). We anticipate work will be complete within a day, however, please be advised this time may change.

As part of the assessment process the proponent require an appropriate person from your organisation to participate in the survey of the study area to identify known or potential cultural heritage features. A cultural heritage report must be prepared following the survey and receipt of the draft archaeological report within the required 28 days review period. The cultural heritage report will identify known or potential Aboriginal objects or places and/or any other cultural heritage matters that may be affected by the project.

Eagleton Rock Syndicate Pty Ltd would like you to continue to prioritise this project and if all RAPs agree to the early survey date, will be paid an additional \$250.00 (plus GST) per response to all documents and requests for responses within 48 hours of receipt. Please note that all RAPs will have to agree to prioritise the project and early survey date otherwise there will be no time saved during the consultation and project.

Eagleton Rock Syndicate Pty Ltd and MCH wishes to reiterate our intent to positively engaging with the local Aboriginal community. In this spirit an invitation has been extended to all registered applicants to attend the survey. If you accept the terms outlined in the Letter of Engagement (attached) please sign the Letter of Engagement and return to McCardle Cultural Heritage. Participation in the program is dependent on the receipt of the Letter of engagement and insurance certificate of currencies.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that any items that you

or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Should you have any questions regarding these terms and conditions or the project please contact myself on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in dark ink, appearing to read 'Penny McCardle', with a horizontal line extending to the right.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Aboriginal Site Officer/Trainee Site Officer

Letter of Engagement

Southland Holdings Pty Ltd wishes to engage Mur-Roo-Ma Inc (Service Provider) to provide two Site Officers to undertake an archaeological survey of the proposed Hard Rock Quarry, Eagleton Quarry.

The proponent and Service Provider agree to the terms and conditions of the engagement as follows:

Services

The Service Provider will engage the two Site Officers to undertake the following:

- Archaeological survey of the project area
- a cultural heritage report and invoice within 28 days of receiving the draft report from MCH

Fees

The proponent will pay the following Fees to the Service Provider for Services:

- \$650.00 + GST (inclusive of GST and travel) per person per hour for work undertaken by a Site Officer

Payment will be within 28 days of receipt of a correct invoice and cultural heritage report. Invoices are to be provided at the end of the month.

Invoices are to be addressed to:

Eagleton Rock Syndicate Pty Ltd

Time sheets

The Service provider must ensure that the Site Officers sign a time sheet at the start and finish of each day the Services are provided. Fees will not be paid unless time sheets for each Site Officer has been completed. The archaeologist will have a time sheet that may be used.

Work performance

The Service Provider must ensure that the Site Officers are fit for work, undertake the Services in a timely manner, with reasonable care, skill and professionalism and in accordance with all applicable laws and any reasonable directions or requirements made by the proponent and/or MCH.

Absences

All field staff must call MCH the evening before work to notify their absence for the following day and organise for a replacement. If no notice is provided, that staff members place in the field team will be suspended until MCH are notified they will be back at work. It is the responsibility of the Service Provider to organise a replacement site officer from the list of persons provided to MCH at the start of the project.

Proponent and MCH property

All materials and equipment provided by MCH or the proponent during the term of engagement remain the property of MCH or the proponent and must be returned upon completion of the Services or termination of the agreement.

Confidentially

All information provided by MCH or the proponent to the Service Provider and/or Site Officer in relation to the services or the business or operations of the proponent and MCH are confidential. The Service Provider will ensure it and the Site Officer keep such information confidential at all times (including after the completion of the Services) and must not disclose it to any other person without the prior written consent from the proponent and/or MCH.

OH&S Requirements

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability. Field representatives participating in the test excavation will be required to wear steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day.

Early termination

The proponent reserves the right to terminate this agreement at any time by giving 1 week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

No subcontracting

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

Insurances

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor vehicle insurances prior to the Services being provided.

Indemnity and release

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided.

The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

Variations

No changes to these terms can be made without the prior written agreement with the proponent.

Exclusion of other terms

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign both copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Survey Eagleton Hard Rock Quarry)

Signed by **Mur-Roo-Ma Inc**

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.
I/we declare that I/we are authorised to sign this letter on behalf of **Mur-Roo-Ma Inc**.
Please provide your ABN:

Signature of Witness	Signature of authorised person
Print name of Witness	Print name of authorised person
Print title and position of authorised person	
Date:	Date:

2 May 2017

Nur-Run-Gee Pty Ltd
Lennie Anderson
22 Popplewell Road
Fern Bay NSW 2295

Dear Lennie,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) – Survey invitation and letter of engagement- Proposed Hard Rock Quarry

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Forensic Anthropologist

Aboriginal Site Officer/Trainee Site Officer

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Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability. Field representatives participating in the test excavation will be required to wear steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day.

Early termination

The proponent reserves the right to terminate this agreement at any time by giving 1 week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

No subcontracting

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

Insurances

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor vehicle insurances prior to the Services being provided.

Indemnity and release

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided.

The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

Variations

No changes to these terms can be made without the prior written agreement with the proponent.

Exclusion of other terms

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign both copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Survey Eagleton Hard Rock Quarry)

Signed by **Nur-Run-Gee Pty Ltd**

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.
I/we declare that I/we are authorised to sign this letter on behalf of **Nur-Run-Gee Pty Ltd**.
Please provide your ABN:

Signature of Witness	Signature of authorised person
Print name of Witness	Print name of authorised person
Print title and position of authorised person	
Date:	Date:

2 May 2017

Worimi LALC
Jamie Merrick
PO Box 56
Tanilba Bay NSW 2319

Dear Jamie,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) – Survey invitation and letter of engagement- Proposed Hard Rock Quarry

The proponent (Eagleton Rock Syndicate Pty Ltd) has received a number of applications and after careful consideration has selected whom they wish to engage in a paid capacity. The proponent and MCH would like to advise that your application for paid participation has been successful. MCH would like to organise the survey for the above named project for the 11 May 2017 starting at 9am meeting on site (located off Italia Road at Balickera). We anticipate work will be complete within a day, however, please be advised this time may change.

As part of the assessment process the proponent require an appropriate person from your organisation to participate in the survey of the study area to identify known or potential cultural heritage features. A cultural heritage report must be prepared following the survey and receipt of the draft archaeological report within the required 28 days review period. The cultural heritage report will identify known or potential Aboriginal objects or places and/or any other cultural heritage matters that may be affected by the project.

Eagleton Rock Syndicate Pty Ltd would like you to continue to prioritise this project and if all RAPs agree to the early survey date, will be paid an additional \$250.00 (plus GST) per response to all documents and requests for responses within 48 hours of receipt. Please note that all RAPs will have to agree to prioritise the project and early survey date otherwise there will be no time saved during the consultation and project.

Eagleton Rock Syndicate Pty Ltd and MCH wishes to reiterate our intent to positively engaging with the local Aboriginal community. In this spirit an invitation has been extended to all registered applicants to attend the survey. If you accept the terms outlined in the Letter of Engagement (attached) please sign the Letter of Engagement and return to McCardle Cultural Heritage. Participation in the program is dependent on the receipt of the Letter of engagement and insurance certificate of currencies.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that any items that you

or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Should you have any questions regarding these terms and conditions or the project please contact myself on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in dark ink, appearing to read 'Penny McCardle', with a horizontal line extending to the right.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Aboriginal Site Officer/Trainee Site Officer

Letter of Engagement

Southland Holdings Pty Ltd wishes to engage Worimi LALC (Service Provider) to provide two Site Officers to undertake an archaeological survey of the proposed Hard Rock Quarry, Eagleton Quarry.

The proponent and Service Provider agree to the terms and conditions of the engagement as follows:

Services

The Service Provider will engage the two Site Officers to undertake the following:

- Archaeological survey of the project area
- a cultural heritage report and invoice within 28 days of receiving the draft report from MCH

Fees

The proponent will pay the following Fees to the Service Provider for Services:

- \$650.00 + GST (inclusive of GST and travel) per person per hour for work undertaken by a Site Officer

Payment will be within 28 days of receipt of a correct invoice and cultural heritage report. Invoices are to be provided at the end of the month.

Invoices are to be addressed to:

Eagleton Rock Syndicate Pty Ltd

Time sheets

The Service provider must ensure that the Site Officers sign a time sheet at the start and finish of each day the Services are provided. Fees will not be paid unless time sheets for each Site Officer has been completed. The archaeologist will have a time sheet that may be used.

Work performance

The Service Provider must ensure that the Site Officers are fit for work, undertake the Services in a timely manner, with reasonable care, skill and professionalism and in accordance with all applicable laws and any reasonable directions or requirements made by the proponent and/or MCH.

Absences

All field staff must call MCH the evening before work to notify their absence for the following day and organise for a replacement. If no notice is provided, that staff members place in the field team will be suspended until MCH are notified they will be back at work. It is the responsibility of the Service Provider to organise a replacement site officer from the list of persons provided to MCH at the start of the project.

Proponent and MCH property

All materials and equipment provided by MCH or the proponent during the term of engagement remain the property of MCH or the proponent and must be returned upon completion of the Services or termination of the agreement.

Confidentially

All information provided by MCH or the proponent to the Service Provider and/or Site Officer in relation to the services or the business or operations of the proponent and MCH are confidential. The Service Provider will ensure it and the Site Officer keep such information confidential at all times (including after the completion of the Services) and must not disclose it to any other person without the prior written consent from the proponent and/or MCH.

OH&S Requirements

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability. Field representatives participating in the test excavation will be required to wear steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day.

Early termination

The proponent reserves the right to terminate this agreement at any time by giving 1 week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

No subcontracting

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

Insurances

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Acceptance (Survey Eagleton Hard Rock Quarry)

Signed by **Worimi LALC**

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.
I/we declare that I/we are authorised to sign this letter on behalf of **Worimi LALC**.
Please provide your ABN:

Signature of Witness	Signature of authorised person
Print name of Witness	Print name of authorised person
Print title and position of authorised person	
Date:	Date:

2 May 2017

Karuah Indigenous Corporation
Dave Feeney
PO Box 24
Karuah NSW 2324

Dear Dave,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) – Survey invitation and letter of engagement- Proposed Hard Rock Quarry

The proponent (Eagleton Rock Syndicate Pty Ltd) has received a number of applications and after careful consideration has selected whom they wish to engage in a paid capacity. The proponent and MCH would like to advise that your application for paid participation has been successful. MCH would like to organise the survey for the above named project for the 11 May 2017 starting at 9am meeting on site (located off Italia Road at Balickera). We anticipate work will be complete within a day, however, please be advised this time may change.

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Eagleton Rock Syndicate Pty Ltd would like you to continue to prioritise this project and if all RAPs agree to the early survey date, will be paid an additional \$250.00 (plus GST) per response to all documents and requests for responses within 48 hours of receipt. Please note that all RAPs will have to agree to prioritise the project and early survey date otherwise there will be no time saved during the consultation and project.

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or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Should you have any questions regarding these terms and conditions or the project please contact myself on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in dark ink, appearing to read 'Penny McCardle', with a horizontal line extending to the right.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Aboriginal Site Officer/Trainee Site Officer

Letter of Engagement

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The proponent and Service Provider agree to the terms and conditions of the engagement as follows:

Services

The Service Provider will engage the two Site Officers to undertake the following:

- Archaeological survey of the project area
- a cultural heritage report and invoice within 28 days of receiving the draft report from MCH

Fees

The proponent will pay the following Fees to the Service Provider for Services:

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Eagleton Rock Syndicate Pty Ltd

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Proponent and MCH property

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Confidentially

All information provided by MCH or the proponent to the Service Provider and/or Site Officer in relation to the services or the business or operations of the proponent and MCH are confidential. The Service Provider will ensure it and the Site Officer keep such information confidential at all times (including after the completion of the Services) and must not disclose it to any other person without the prior written consent from the proponent and/or MCH.

OH&S Requirements

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability. Field representatives participating in the test excavation will be required to wear steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day.

Early termination

The proponent reserves the right to terminate this agreement at any time by giving 1 week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

No subcontracting

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

Insurances

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor vehicle insurances prior to the Services being provided.

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If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign both copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Survey Eagleton Hard Rock Quarry)

Signed by [Karuah Indigenous Corporation](#)

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract. I/we declare that I/we are authorised to sign this letter on behalf of [Karuah Indigenous Corporation](#). Please provide your ABN:

Signature of Witness	Signature of authorised person
Print name of Witness	Print name of authorised person
Print title and position of authorised person	
Date:	Date:

3 May 2017

Wonnarua Elder LHWCS
Tommy Miller
51 Bowden St
Heddon Greta, NSW 2321

Dear Sir/Madam,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) – Survey invitation - Proposed Hard Rock Quarry, Eagleton Quarry

Site officers have been selected by the proponent for the above named survey and are based on the information provided by each Service Provider that was requested with the information pack sent to you on 28 April 2017 and association to country (Worimi).

The proponent received a number of applications and after careful consideration we regret to advise that your application for paid participation has been unsuccessful. We do appreciate the time taken to submit an application and wish to reconfirm our intention to positively engage with the local Aboriginal community. In this spirit, if you wish to still participate in the survey 11 May 2017 on an unpaid basis, or be kept up-to-date on the progress of the survey, please contact Penny McCardle. Please note that if you intend to participate in the site survey then:

- Before commencement you must notify MCH for access arrangements and notification and provide MCH with a Certificate of Currency for Workers Compensation and Public Liability insurance. MCH will also provide you with our OH&S requirements for field staff and request that you ensure all field staff participating in the project have read and understood the document fully prior to going out on site ; and
- All field participants must wear covered shoes, long pants and long shirt (hi-visibility) with appropriate sun protection including hat. It is recommended that participants bring adequate amounts of food and water for the day.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the OEH requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.

Following the completion of the survey, a draft copy of the assessment will be made available to you for comment. Should you have any further questions, please do not hesitate to contact Penny McCardle on 0412 702 396.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

A handwritten signature in purple ink, appearing to read 'Penny McCardle', followed by a small dot.

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

ABORIGINAL SITE OFFICER APPLICATION FORM


Eagleton Quarry Project

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.	
Name of organisation (if relevant)	Warimi LALC.
Name	Stephen Brereton.
Contact number	02 40338800
Mailing address	PO Box 56 TAMMERS Bay 2319
Email address	steveb@warimi.org.au
Fax	
Position applied for	Site officer <input checked="" type="checkbox"/> Trainee Site Officer <input type="checkbox"/>
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	About 30 year experience.
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets as required)	Many, many jobs.
Please provide the contact details of at least one archaeologist (other than the project archaeologist) who can be contacted as a referee	Angela Besant.
INSURANCES	
Public Liability	Expiry date: See email (attach certificate of currency) ✓
Worker Compensation	Expiry date: See email (attach certificate of currency) ✓
Comprehensive Motor Vehicle	Expiry date: 18/02/18 (attach certificate of currency) CPG 022674
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.	
OCCUPATIONAL Health & SAFETY (OH&S)	
<p>All participants are required to comply with MCH and the proponents OH&S requirements.</p> <p>This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements.</p> <p>This also includes appropriate and acceptable behaviour at all times.</p> <p>Failure to comply will prevent you from participating in the field work.</p>	

COMMENTS ON PROPOSED METHODOLOGY

Eagleton Quarry Project

I, Stephen Brerda (please insert your name) of WLALC (please insert the name of your group), **agree to the methodology** outlined by MCH in relation to gathering information about cultural significance:

Signed:  Date: 3/5/17

Position within organisation: CPH

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in relation to gathering information about cultural significance for the following reasons (please explain your reasons for disagreeing):

I would like to suggest the following (please provide your reasoning):

Signed: _____ Date: _____

Position within organisation: _____

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign both copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

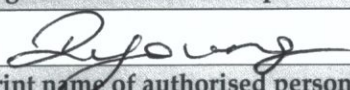
Acceptance (Survey Eagleton Hard Rock Quarry)

Signed by **Mur-Roo-Ma Inc**

☒ We agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.

☒ We declare that ☒ We are authorised to sign this letter on behalf of **Mur-Roo-Ma Inc**.

Please provide your ABN: 97 807 719 484

Signature of Witness	Signature of authorised person
	
Print name of Witness	Print name of authorised person
	Rebecca Young
	Print title and position of authorised person
	Operations Manager
Date:	Date: 9-5-17

ABORIGINAL SITE OFFICER APPLICATION FORM

Eagleton Quarry Project

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.

Name of organisation (if relevant)	Murrooma Inc
Name	Rebecca Young
Contact number	49281910
Mailing address	Murrooma Inc 1@gmail.com
Email address	9 Vardon rd Fern Bay
Fax	
Position applied for	Site officer <input checked="" type="checkbox"/> Trainee Site Officer <input type="checkbox"/>
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	degree in Aboriginal Studies sites identification courses white card - OHS
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets as required)	Our company has over 20 years experience within this field + relevant local traditional owner knowledge
Please provide the contact details of at least one archaeologist (other than the project archaeologist) who can be contacted as a referee	Nicola Roach 0427 125685

INSURANCES

Public Liability	Expiry date: 31/8/17	(attach certificate of currency)
Worker Compensation	Expiry date: 30/11/17	(attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: 6/6/17	(attach certificate of currency)

Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.

OCCUPATIONAL Health & SAFETY (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements. This includes high visibility clothing, hat, sunscreen and steel capped boots. You will be advised of any additional requirements.

This also includes appropriate and acceptable behaviour at all times.

Failure to comply will prevent you from participating in the field work.

Exclusion of other terms

This letter contains the sole agreement of the parties and all other terms are excluded.


If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign both copies, keep one for yourself, and return the other signed copy to MCH within 10 days.

Acceptance (Survey Eagleton Hard Rock Quarry)

Signed by Karuah Indigenous Corporation

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.
I/we declare that I/we are authorised to sign this letter on behalf of Karuah Indigenous Corporation.

Please provide your ABN: 74-238-624-267

Signature of Witness	 Signature of authorised person
Print name of Witness	DAVE FEENEY Print name of authorised person
	CEO Print title and position of authorised person
Date:	Date: 9/5/17

ABORIGINAL SITE OFFICER APPLICATION FORM

Eagleton Quarry Project

An Aboriginal site officer application form must be filled out for each individual seeking engagement as a site officer.	
Name of organisation (if relevant)	Karuah Indigenous Corporation
Name	DAVID KIRK
Contact number	0421114853
Mailing address	P.O. Box 24, Karuah 2324
Email address	Karuahindigenous@outlook.com
Fax	
Position applied for	Site officer <input checked="" type="checkbox"/> Trainee Site Officer <input type="checkbox"/>
Please list any formal qualifications or relevant experience to the position applied for (attach documentation as required)	I have been working for Karuah Indigenous Corporation & Marroona Inc. for over 2 years.
Please list any previous archaeological, sites, survey, excavation or other relevant experience (attach additional sheets as required)	M1 Raymond Terrace Bypass. Fern Bay. Stockton Rifle Range.
Please provide the contact details of at least one archaeologist (other than the project archaeologist) who can be contacted as a referee	Andrew Fram - Jacobs David " " Len Anderson.
INSURANCES	
Public Liability	Expiry date: As attached. (attach certificate of currency)
Worker Compensation	Expiry date: 30/9/2017 (attach certificate of currency)
Comprehensive Motor Vehicle	Expiry date: (attach certificate of currency)
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork. MCH may have received copies previously, however, they must be provided for each project.	
OCCUPATIONAL Health & SAFETY (OH&S)	
<p>All participants are required to comply with MCH and the proponents OH&S requirements.</p> <p>This includes high visibility clothing, hat, sunscreen and steel capped boots. You will be advised of any additional requirements.</p> <p>This also includes appropriate and acceptable behaviour at all times.</p> <p>Failure to comply will prevent you from participating in the field work.</p>	

This letter contains the sole agreement of the parties and all other terms are excluded.

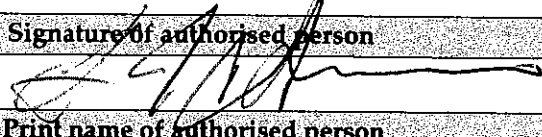
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Acceptance (Survey Eagleton Hard Rock Quarry)

Signed by Nur-Run-Gee Pty Ltd

I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.
I/we declare that I/we are authorised to sign this letter on behalf of Nur-Run-Gee Pty Ltd.

Please provide your ABN:

Signature of Witness	Signature of authorised person
	
Print name of Witness	Print name of authorised person
	LEONARD JAMES ANDERSON OAM
	Print title and position of authorised person
	DIRECTOR
Date:	Date: 10-MAY-2017



Karuah Indigenous Corporation

ABN: 74 238 624 267

1/7 Mustons Road, Karuah NSW 2324 * Phone: (02) 49975952 * Mobile: 0421114853
Email: karuahindigenous@outlook.com

Cultural & Heritage Report

For

Aboriginal Cultural Heritage site survey for Eagleton Quarry with in the Port Stephens LGA at Italia Road, Balickera NSW

The Karuah Indigenous Corporation Aboriginal Cultural Officer Mr. David Kirk was invited to participate in a site survey of the Aboriginal Cultural Heritage site survey for Eagleton Quarry with in the Port Stephens LGA at Italia Road, Balickera NSW

The group of Aboriginal Cultural Officers from Worimi LALC, Murroma Inc and Narrunge LTD meet at the gates at Eagleton Quarry with in the Port Stephens LGA at Italia Road, Balickera NSW.

My Investigation:

For the purposes of the survey for development consent and the assessment of cultural heritage, the area being considered for the quarry area and operation for the Eagleton Quarry with in the Port Stephens LGA at Italia Road, Balickera NSW. I found that there are no impacted to cultural & heritage within the area of surveyed.

Introduction:

Karuah Indigenous Corporation have been identified by Office of Environment and Heritage as an Aboriginal person or organization with the potential to hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the project area. Accordingly, McCardle Cultural Heritage Pty.Ltd invites a Cultural Officer for Karuah Indigenous Corporation to participate in consultation for the project.

Aboriginal Cultural Heritage Field Study Area



RECOMMENDATIONS

I David Kirk Aboriginal Cultural Officer for Karuah Indigenous Corporation recommends that in the interests of the Worimi people and generally, that any turf stripping in the project should be monitored by a representative from each of the registered stakeholders with connection to Worimi Country.

In addition, I David Kirk recommends that the any artefacts that impacted by construction of the project should be salvaged by a representative from each of the registered stakeholders with connection to Worimi Country.

Should any more works or excavation work or clearing works commence in any of the Project areas, you may need to contact the Aboriginal Culture Officers.

"Why", because if excavation works turn over any Aboriginal artefact, within the first 1 meter, then the Aboriginal Culture Officers can identify the significance of that site and make some recommendation right away for the next step.

Thank you

David Kirk

David Kirk
Cultural Officer

Date: 14th May 2017



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

15 May 2017

Wonnarua Elder LHWCS
Tommy Miller
51 Bowden St
Heddon Greta NSW 2321

Dear Tommy,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3 & 4 –Review of Draft Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry

Please find attached a copy of the draft Cultural Heritage Assessment and Archaeological Heritage Impact Assessment reports for the above named project for your review.

The cultural heritage Assessment includes information provided by the knowledge holders and is included with their permission. As required by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 3 (S. 4.3.5; 4.3.6; 4.3.7) and Stage 4 (S. 4.4.1; 4.4.2; 4.4.3) and based on your knowledge, the cultural significance of the area, the site and PAD(s) will be assessed by yourself (Refer to Section 7 of the report and Tables 7.2 to 7.5) and included in the final.


MCH would like to provide further opportunity to provide your further input and request your comments on the draft Cultural Heritage Assessment and Archaeological heritage Impact Assessment reports. Additionally, any concerns you may have are also important and we would like the opportunity to address any concerns you may have.

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Please note that in order to adhere to time constraints, the absence of a response by the requested timeline, will be taken by the proponent as your indication that your organisation has no comments regarding the draft Cultural Heritage Assessment and Archaeological heritage Impact Assessment reports

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd


Penny McCardle
Principal Archaeologist
Forensic Anthropologist



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

15 May 2017

Mur-Roo-Ma Inc
Anthony Anderson
7 Vardon Road
Fern Bay NSW 2295

Dear Anthony,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3 & 4 –Review of Draft Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry

Please find attached a copy of the draft Cultural Heritage Assessment and Archaeological Heritage Impact Assessment reports for the above named project for your review.

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Forensic Anthropologist



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15 May 2017

Nur-Run-Gee Pty Ltd
Lennie Anderson
22 Popplewell Road
Fern Bay NSW 2295

Dear Lennie,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3 & 4 –Review of Draft Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry

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for McCardle Cultural Heritage Pty Ltd


Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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15 May 2017

Worimi LALC
Jamie Merrick
PO Box 56
Tanilba Bay NSW 2319

Dear Jamie,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3 & 4 –Review of Draft Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry

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Penny McCardle
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Forensic Anthropologist



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mcheritage@iprimus.com.au
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15 May 2017

Karuah Indigenous Corporation
Dave Feeney
PO Box 24
Karuah NSW 2324

Dear Dave,

RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3 & 4 –Review of Draft Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd


Penny McCardle
Principal Archaeologist
Forensic Anthropologist

Penny McCardle

From: lennie.anderson011 lennie.anderson011 [lennie.anderson011@bigpond.com]
Sent: Tuesday, 16 May 2017 7:11 PM
To: Penny McCardle
Subject: Re: RE: Eagleton Quarry draft report

Hi Penny,

I spoke to the Proponent onsite in reference to the PAD's, as we couldn't find any evidence on the day I suggested a 'Keeping Place' be allocated in case of unknown discoveries! He agreed it would be a working idea. The area we looked at is not of great significance as such! The areas West (Boral) had yielded some material on previous surveys but the actual area we worked had only one find which we could not relocate! Also the general area has been 'Disturbed' Paintball to the Eastern areas etc. It is a site that demonstrates the possibility of material but owing to the nature of the Ground surface and the Topography any further finds would be restricted to the low lying Creek areas, Suggest when they're working in that area (The Bridge) we could possibly be in attendance. I therefore feel that the Plan of Operation could go ahead but suggest a possible Cultural Induction be undertaken by those working in the Area.

Hoping this has assisted

Lennie Anderson

Nur-Run-Gee Pty Ltd

----- Original Message -----

From: "Penny McCardle" <mcheritage@iprimus.com.au>
To: "'lennie.anderson011 lennie.anderson011'" <lennie.anderson011@bigpond.com>
Sent: Monday, 15 May, 2017 At 5:32 PM
Subject: RE: Eagleton Quarry draft report

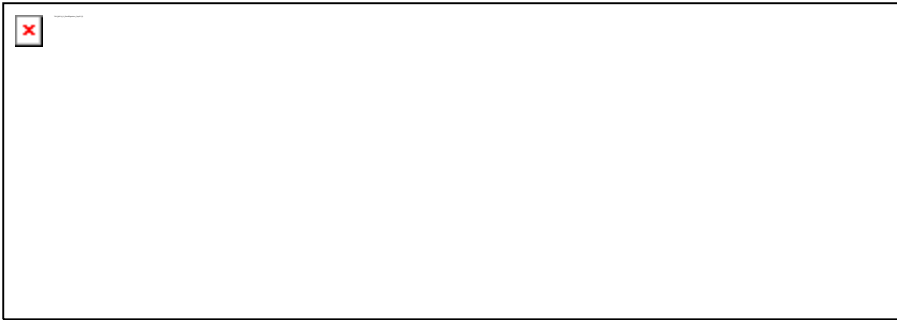
Hi Lennie,

Thank you for your quick response. Can you expand a little and let me know the cultural significance of the site, Pads and the project area in general?

Kind regards,

Penny McCardle

Archaeologist & Forensic Anthropologist



CONFIDENTIAL COMMUNICATION

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, you have received this email in error. If so, please immediately notify us by reply email to the sender and delete from your computer the original transmission and its contents. Any use, dissemination, forwarding, printing or copying of this email and any file attachments is strictly prohibited. Thank you for your assistance.

From: lennie.anderson011 lennie.anderson011 [<mailto:lennie.anderson011@bigpond.com>]
Sent: Monday, 15 May 2017 3:13 PM
To: Penny McCardle
Subject: Re: Eagleton Quarry draft report

Hi Penny,

Draft Report is accurate to the Records of what took place and information given! I would Further request that! Any information given (onsite) etc be kept in the utmost of CONFIDENTIALITY. I would therefore request that any Information given be kept and sealed by OEH!

Thanking You

Lennie Anderson

Nur-Run_Gee PTY Ltd

----- Original Message -----

From: "Penny McCardle" <mcheritage@iprimus.com.au>
To: "'lennie.anderson011 lennie.anderson011'" <lennie.anderson011@bigpond.com>
Sent: Monday, 15 May, 2017 At 11:01 AM
Subject: Eagleton Quarry draft report

Hi Lennie,

Thank you for prioritising this project and providing feedback and attending the survey all in a very timely manner.

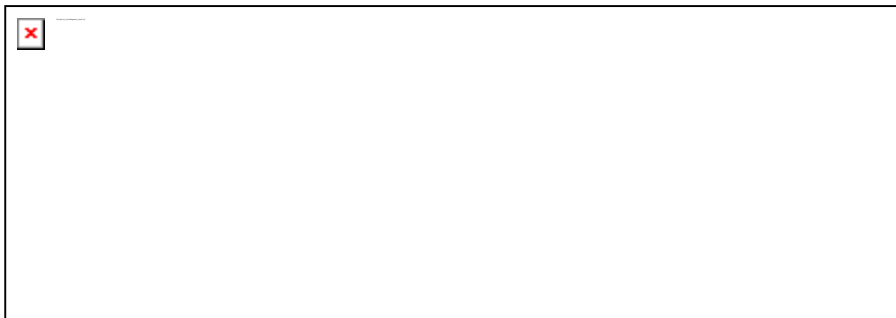
The proponent would like to extend the offer once again if you could make your response to the draft report a priority.

Please find attached the draft report and associated letter.

Kind regards,

Penny McCardle

Archaeologist & Forensic Anthropologist



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Penny McCardle

From: Steve Brereton [SteveB@worimi.org.au]
Sent: Wednesday, 17 May 2017 3:46 PM
To: mcheritage@iprimus.com.au
Cc: Jaqualine Henderson
Subject: RE: Eagleton Quarry draft report

Hi Penny,

I have read and support the ACHAR for Eagleton Quarry.
Thank you for consulting with us (WLALC) on this project.

Regards Steve

Steve Brereton

Culture Heritage & Education Unit

Murrook Culture Centre, 2163 Nelson Bay Rd Williamtown NSW 2318

Phone | 02 4033 8804 Fax | 4033 8899 Email | steveb@worimi.org.au



From: Jaqualine Henderson
Sent: Monday, 15 May 2017 11:24 AM
To: Steve Brereton
Subject: FW: Eagleton Quarry draft report

Good morning Steve,

When you are free, can you please read through the ACHAR Draft and make any comment.

Kind regards

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

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



From: Penny McCardle [<mailto:mcheritage@iprimus.com.au>]
Sent: Monday, 15 May 2017 11:02 AM
To: Jaqualine Henderson
Subject: Eagleton Quarry draft report

Hi Jackie,

Thank you for prioritising this project and providing feedback and attending the survey all in a very timely manner.

The proponent would like to extend the offer once again if you could make your response to the draft report a priority.

Please find attached the draft report and associated letter.

Kind regards,

Penny McCardle
Archaeologist & Forensic Anthropologist



PO Box 166,
Adamstown 2289 NSW
P: 0412 702 396
mcheritage.com.au

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MUR - ROO - MA



INCORPORATED

9 Vardon Road
Fern Bay NSW 2295

Ph: 02 49281910

M: 0402827482

Murroomainc1@gmail.com

ABN: 97 807 719 484

Thursday 18th May 2017

MCH

Att: Penny McCardle

Re: Stage 3 & 4 –Review of Draft Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry

To Penny,

Murrooma Incorporated has read and fully understands the draft Aboriginal Cultural Heritage and Archaeological Assessment report for the Proposed Eagleton Hard Rock Quarry.

We agree with all aspects of this draft report and have viewed the recommendations on page 57-for this area. These recommendations are accurately reported within this assessment. Murrooma would like to highlight the PAD along the creek line was identified during the survey and extended due to the sensitivity of this area however as outlined in MCH draft - *The results of the assessment indicate that the isolated find (38-4-1586) and both PADs **will not be impacted** on by the proposed Quarry. The project includes a 40 metre buffer along Seven Mile Creek and a 30 metre buffer along the remaining creeks. These buffers will ensure the protection of all areas of sensitivity within the project area. The haul road and bridge crossing at Seven Mile Creek will be placed in the disturbed section.*

The recommendations and methodologies within this draft report meet our requirements as Traditional knowledge holders of this area and maintain the protection and best options for our local Aboriginal sites.

Please contact if you have any questions,

Thankyou

Bec Young- Murrooma -Operations Manager/Sites Officer
Anthony Anderson - Murrooma- CEO.



McCARDLE
CULTURAL HERITAGE

PO Box 166
Adamstown 2289 NSW
mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

12 June 2017

Wonnarua Elder LHWCS
Tommy Miller
51 Bowden St
Heddon Greta NSW 2321

Dear Tommy,

**RE: OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 4
-Final Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry**

MCH and Eagleton Rock Syndicate Pty Ltd (Proponent) would like to take this opportunity to thank you for your involvement in the above named project. Your time and input has been instrumental throughout the project

As outlined in the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), Stage 4 (S. 4.4.5) please find a copy of the final Cultural Heritage Assessment and Archaeological Heritage Impact Assessment report for your records.

We look forward to continue working with you in the future.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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12 June 2017

Mur-Roo-Ma Inc
Anthony Anderson
7 Vardon Road
Fern Bay NSW 2295

Dear Anthony,

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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12 June 2017

Nur-Run-Gee Pty Ltd
Lennie Anderson
22 Popplewell Road
Fern Bay NSW 2295

Dear Lennie,

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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mcheritage@iprimus.com.au
P: 0412 702 396

mcheritage.com.au

12 June 2017

Worimi LALC
Jamie Merricfk
PO Box 56
Tanilba Bay NSW 2319

Dear Jamie,

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-Final Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry**

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist



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12 June 2017

Karuah Indigenous Corporation
Dave Feeney
PO Box 24
Karuah NSW 2324

Dear Dave,

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-Final Cultural Heritage Assessment - Proposed Eagleton Hard Rock Quarry**

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

ANNEX B

AHIMS search results

Penny Mccardle

Date: 18 April 2017

Po Box 166

Adamstown New South Wales 2289

Attention: Penny Mccardle

Email: mcheritage@iprimus.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 382000 - 392000, Northings : 6377000 - 6387000 with a Buffer of 50 meters. Additional Info : assessment, conducted by Penny Mccardle on 18 April 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

12	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Eagleton Quarry

Client Service ID : 276979

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-0439	Isolated Artefact	AGD	56	387510	6380800	Open site	Valid	Artefact : -	Isolated Find	
	Contact	Recorders	Helen Brayshaw,Ms.Laila Haglund							
38-4-0533	Seaham Quarry	AGD	56	387552	6383989	Open site	Valid	Artefact : -	Isolated Find	
	Contact	Recorders	Megan Mebberson							
38-4-0534	Seaham Quarry	AGD	56	387714	6384076	Open site	Valid	Artefact : -	Isolated Find	
	Contact	Recorders	Megan Mebberson							
38-4-1585	BQ1	AGD	56	386967	6382480	Open site	Valid	Artefact : 1		
	Contact	Recorders	Ms.Penny McCardle							
38-4-1586	BQ PAD1	AGD	56	387300	6382720	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	Ms.Penny McCardle							
38-4-1584	BQ PAD 2	GDA	56	387185	6382520	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	Ms.Penny McCardle							
38-4-0047	Nelson's Plain	AGD	56	382954	6378978	Open site	Valid	Stone Quarry : -, Artefact : -	Quarry	
	Contact	Recorders	Moore							
38-4-0049	Nelson's Plains;Kings Hill;	AGD	56	384594	6379283	Closed site	Valid	Artefact : -	Shelter with Deposit	
	Contact	Recorders	ASRSYS							
38-4-1190	Balickera PAD 1	GDA	56	386965	6385160	Open site	Valid	Potential Archaeological Deposit (PAD) : 1, Artefact : 1		
	Contact	Recorders	Doctor.Alan Williams,Doctor.Alan Williams							
38-4-1191	Balickera PAD 2	GDA	56	385215	6384491	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		102125
	Contact	Recorders	Doctor.Alan Williams							
38-4-1629	BQ PAD2	AGD	56	387185	6382520	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	Ms.Penny McCardle							
38-4-1630	BQ PAD1-1	AGD	56	387300	6382720	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	Ms.Penny McCardle							

Report generated by AHIMS Web Service on 18/04/2017 for Penny Mccardle for the following area at Datum :GDA, Zone : 56, Eastings : 382000 - 392000, Northings : 6377000 - 6387000 with a Buffer of 50 meters. Additional Info : assessment. Number of Aboriginal sites and Aboriginal objects found is 12

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