



# Aboriginal Cultural Heritage Assessment of North Tuncurry,

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*Report to Landcom November 2011*

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## **ACKNOWLEDGEMENTS**

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### **Aboriginal Community Groups**

- Lakkari Aboriginal Corporation
- Barry Bungie, Tony Marr, Mick Leon (Doo-wa-kee Culture & Heritage Unit)
- Carl King, Acting Coordinator (Forster Local Aboriginal Land Council)

### **Aboriginal Owners - Families**

- Simon,
- Cunningham,
- Clark,
- Leon,
- Syron,
- Ridgeway

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- Great Lakes Council
- Land & Property Management Authority (Taree)

### **Landcom**

- Michael Pring, Study Officer

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## **ABBREVIATIONS**

<	Less than
>	Greater than
AFT	Artefact
4WD	Four-wheel drive vehicle
AHIMS	Aboriginal Heritage Information Management System
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present Date
CHL	Commonwealth Heritage List
CMA	Catchment Management Authority
DA	Determining Authority
DECCW	Department of Environment, Climate Change and Water
DEWHA	Department of Environment, Water, Heritage and Arts
DGPS	Decimeter Global Positioning System
DoP	Department of Planning
EPA	Environment Planning and Assessment Act
EPRG	Environment Protection and Regulation Group
ESC	Effective Survey Coverage
GDA	Geocentric Datum of Australia
GPS	Global Positioning System
GSV	Ground Surface Visibility
ICOMOS	International Council on Monuments and Sites

Km	Kilometre
kV	Kilovolt
LALC	Local Aboriginal Land Council
LMPA	Land & Property Management Authority
LEP	Local Environment Plan
LGA	Local Government Area
m	Meter
mm	Millimetre
MGA	Map Grid of Australia
NHL	National Heritage List
NPW	National Parks & Wildlife
NPWS	National Parks and Wildlife Service
NTSCORP	Native Title Services Corporation
PWG	Parks and Wildlife Group
NSW	New South Wales
OEH	NSW Office of Environment and Heritage
REF	Review of Environmental Factors
RNE	Register of the National Estate
SCA	State Conservation Area
SHI	State Heritage Inventory
SHL	Shell
SHR	State Heritage Register
TRE	Tree

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# 1 INTRODUCTION

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## 1.1 Executive Summary

Landcom as part of their intended environmental study outlines, required an Aboriginal/ Archaeological investigation to be undertaken. The assessment was designed to determine whether known or potential sites/features of Aboriginal cultural heritage value would be affected by any proposed environmental or rezoning works being carried out in the immediate area, and if so, to develop impact mitigation strategies appropriate to their level of cultural/social and archaeological/scientific significance.

1:100,000 1:25,000 maps of the selected survey areas were provided before the ground investigation works commenced.

Landcom propose to re-zone land for urban purposes, in the locality of North Tuncurry, NSW. via an amendment to the Major Project SEPP pursuant to clause 37 of the *Environmental Planning and Assessment Act 1979*,

Doowakee, Robert Yettica and Elvina-Jean Paulson consultants, were engaged to undertake an assessment of Aboriginal archaeology (cultural heritage significance) within the study area. This report assesses the Aboriginal archaeological (cultural heritage) significance of the area in which the proposed development will be installed.

The study area was surveyed and one new Aboriginal site was identified, **NTSHL-3** (AHIMS number pending). The site comprises non-Aboriginal artefacts of glass bottles, building foundation structures, vehicle and machinery. The recorded early European materials conceal substrates of shell deposits (cockle & oyster) lying beneath. Two registered Aboriginal sites are located within the study area, **38-20025 & 38-20026**.

**NTSHL-3** was visible during the survey and is associated with the shell deposits (**38-20025**) to the west, artefacts were also noted during the time of the surface surveying. All sites were recorded using a Sokkia Decimeter GPS and Sokkia Laser Level.

Aside from these Aboriginal sites, no other physical Aboriginal constraints were noted within the study area.

## 1.2 Nature and location of the study addressed in this report

The study area is located within the suburbs of North Tuncurry and Darawank, Great Lakes Local Government Area (LGA), Parish of Tuncurry, County of Gloucester (Figure 1). The study area extends:

- Along the eastern margins of the Tuncurry – Taree Road,
- Borders directly south of the Darawank Nature Reserve (NR),
- MidCoast Water Corporation (sewerage/ water easements),
- Country Energy power-line easements,
- Private properties (west),
- Tuncurry Golf Club and Course,
- Mid North Coast TAFE College & Tuncurry High School,
- Tuncurry Waste Management Facility (south)

and includes the real lots listed below:

<b>Lot</b>	<b>Deposited Plan</b>	<b>Registered Owner</b>
Lot 331	DP 1104340	Crown Land
Lot 294	DP 43110	Crown Land
Lot 295	DP 43110	Perpetual lease & FT Golf Club



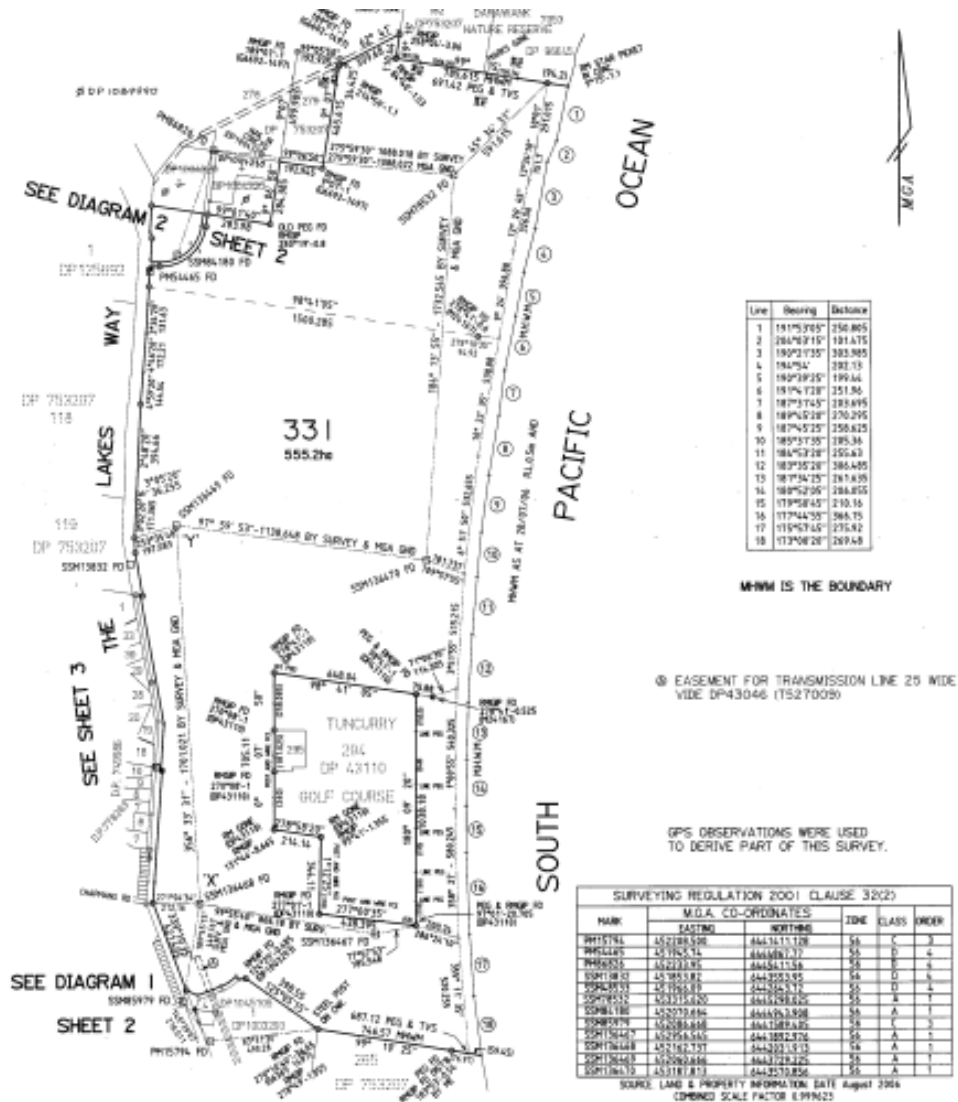


FIGURE 1. SURVEYORS MAP OF STUDY LANDS.

The NSW Department of Planning is the Determining Authority (DA) for this study and will assess the significance of impact on the environment, including Aboriginal cultural heritage, through a State Significant Site Study (SSS), supported by specialist studies where required.

The Aboriginal community and the Aboriginal Consultants will aid Landcom in the preparation of the SSS study by assessing the Aboriginal cultural heritage associated with the proposed development, and this assessment will constitute the heritage component of the SSS study.

Darawank Nature Reserve is managed by the Park and Wildlife Group (PWG) within OEH for the conservation of natural and cultural values. NSW Office of Water manages water and the protection of groundwater resources and water extraction.

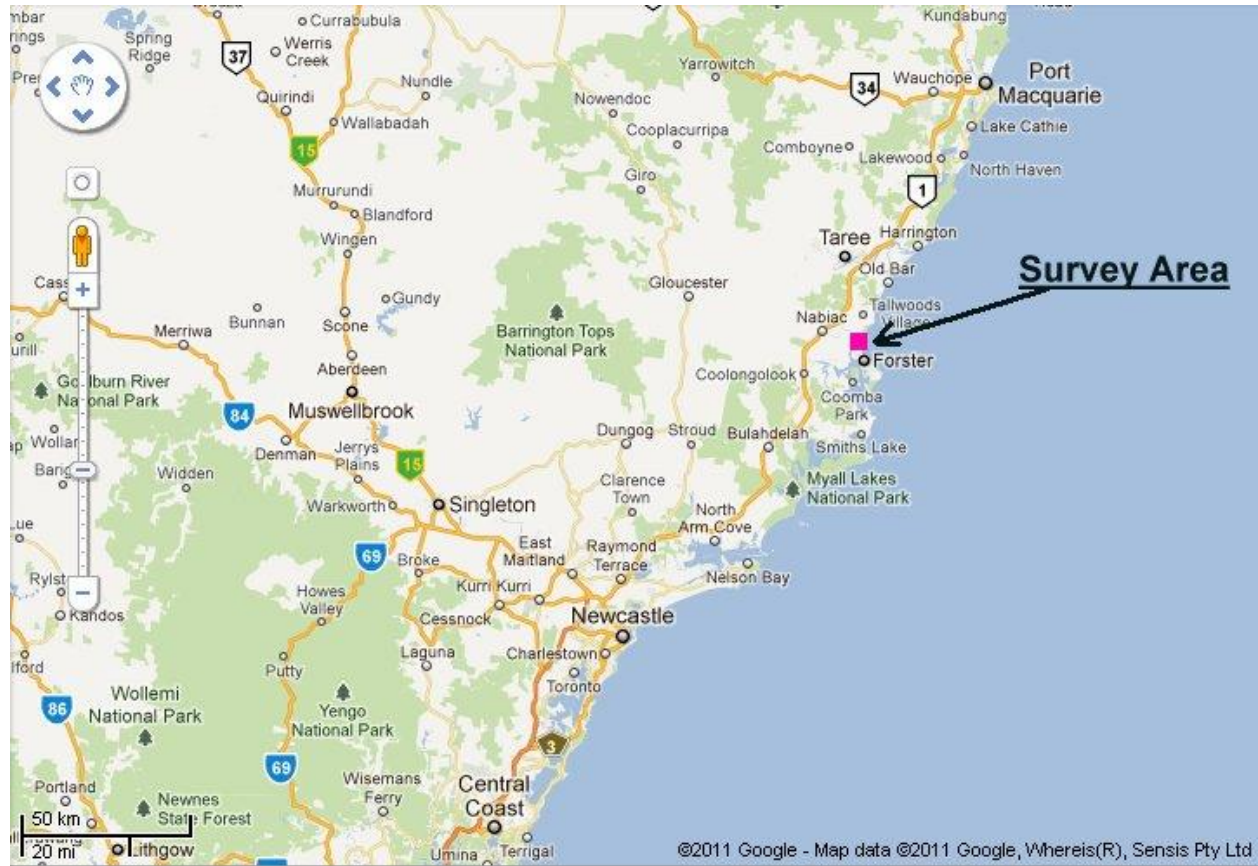


FIGURE 2. SURVEY AREA INVESTIGATED ©GOOGLEMAPS

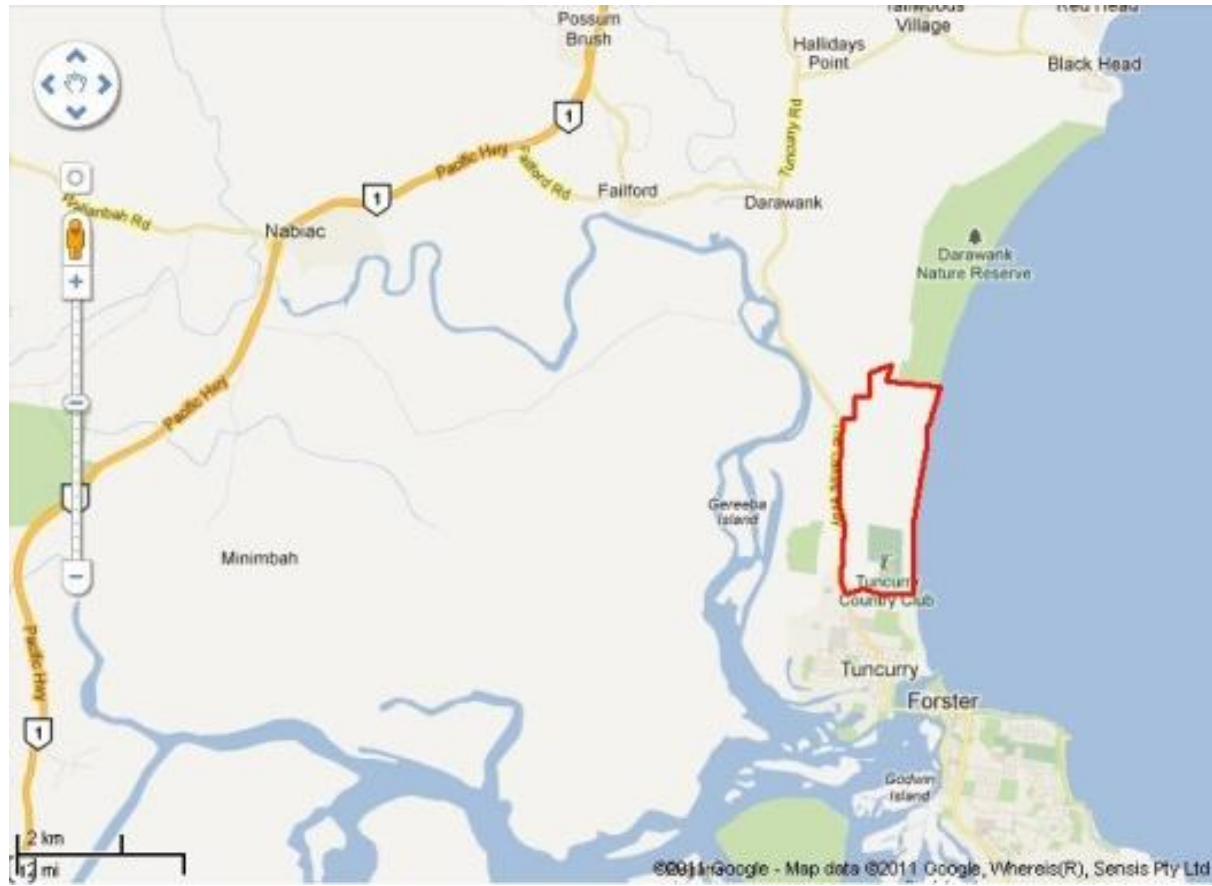


FIGURE 3. GENERAL LOCATION OF THE STUDY AREA (OUTLINED IN RED) ©GOOGLEMAPS

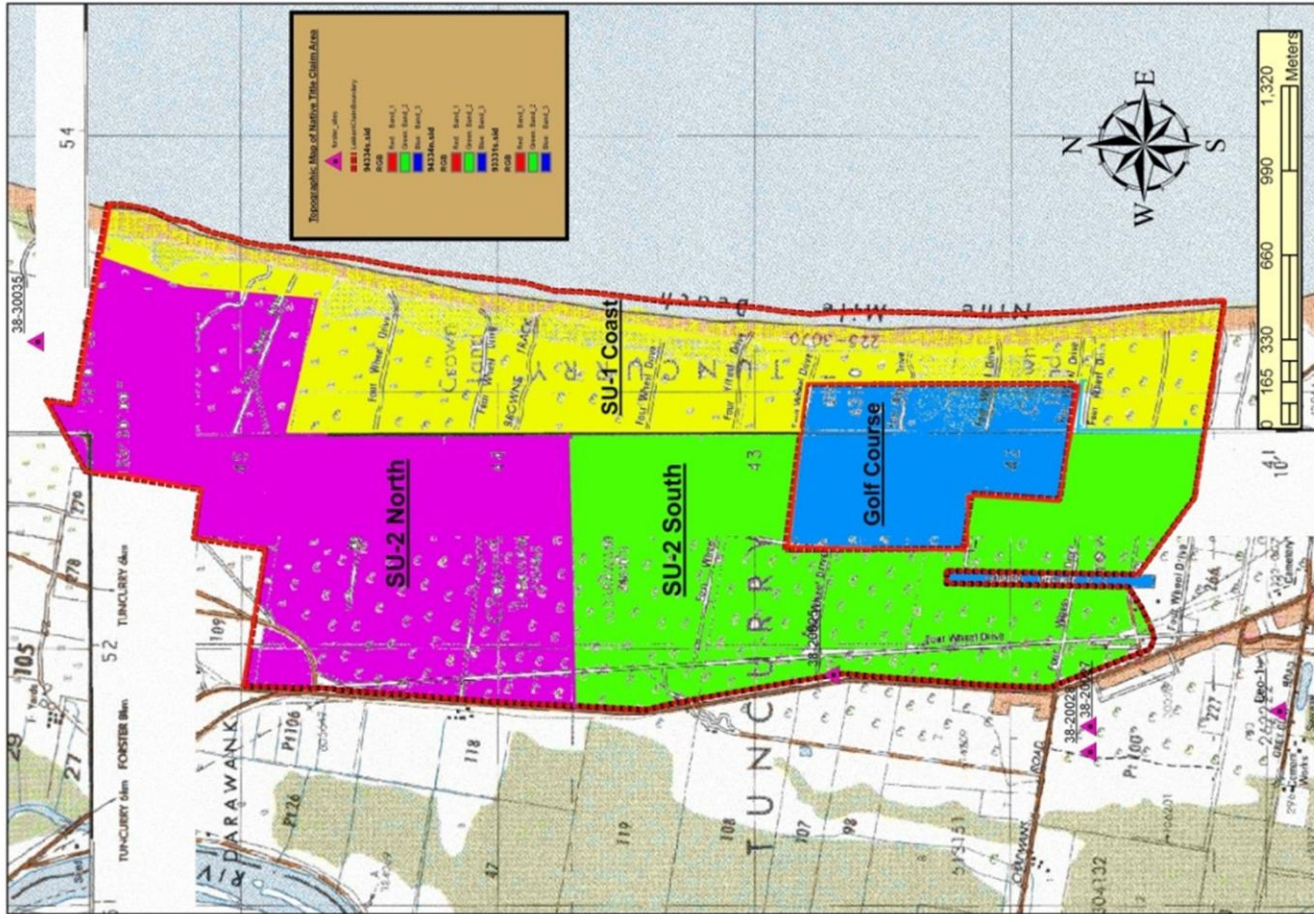


FIGURE 4. SURVEY AREA & SURVEY UNITS

## **2 ABORIGINAL COMMUNITY INVOLVEMENT (Consultation)**

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### **2.1 Process**

The study area falls within the territory administered by the Forster Local Aboriginal Land Council (FLALC). Aboriginal Heritage Officer and Archaeologist Mick Leon (Doo-wa-kee Cultural Heritage Surveys), Elvina Jean Paulson (Indigenous Cultural Resource Management Services) and Robert Yettica were engaged and it was arranged that a field surveys occur over June – August 2011.

During and following the survey, the results were discussed that could identify further areas of potential archaeological sensitivity, which could determine whether proposed land modifications would have an adverse effect on any sites, places or resources of Aboriginal cultural heritage value.

### **2.2 Compliance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation**

In accordance with the the OEH consultation requirements the following notifications were made:

- On Wednesday 15 June 2011 a notice was published in the Great Lakes Advocate newspaper inviting interested parties to register interest by Wednesday 29 June 2011. Parties were also invited to attend a meeting at Tuncurry Sports Club.
- On Friday 17 June 2011 an email advising of the proposal and seeking the names of people who may hold cultural knowledge was sent to the following organisations:
  - Forster Local Aboriginal Land Council
  - Great Lakes Council
  - National Native Title Tribunal
  - NSW Office of Environment and Heritage
  - Native Title Services Corporation Ltd
  - Hunter Central Rivers Catchment Management Authority

The Registrar Aboriginal Land Rights Act was not contacted as a Land Claim over the study area had been withdrawn and an Agreement under Sec 31 of the Native Title Act 1993 in respect of Native Title entered.

Responses were received from OEH, Great Lakes Council and the National Native Title Tribunal. A letter inviting registration of interest was sent to all parties nominated in these responses who had not already been notified.

Copies of the newspaper notice and all correspondence is attached at Appendix 1.

No parties registered interest in response to this process.

The consultant team are all members of the local Aboriginal community and between them possess extensive cultural knowledge of the site. Additionally they are familiar with other families and community members who hold similar cultural knowledge. Discussions were held

with these knowledge holders and those parties and their relevance to the study are listed below:

#### Appendix 1

- Copy of newspaper notice
- Copy of email to agencies
- Copy of responses
- Copy of letter to Del Arnold

#### The Community Consultation

<b>Name</b>	<b>Cultural Connection</b>	<b>Knowledge of the Area</b>
Mrs Patricia Davis-Hurst	Senior Elder Biripi	Histories of Families of Taree / Purfleet no mention of Tuncurry North
Mrs Lyn Davis	Elder of Worimi	Father went beach worming in the North Tuncurry Area
Mrs Pamela Paulson	Elder of Worimi Living in Biripi	Remembers going into the North Tuncurry area as a child with parents and family every second weekend camped in the area while Father and Mother - beach fishing and pipping was done.
Mr William Paulson	Elder of Worimi Living in Biripi	Remembers going beach fishing with mate comments on respecting the Place.
Mr Donald Simon.	Worimi	Could not say much about the way in North Tuncurry site he was not aware as to what was going on. Only attended initial meetings.
Michael Leon	Elder Worimi	Cultural heritage of North Tuncurry important as a learning place, meeting place
Robert Yettica	Elder Worimi	30 years association to area camping and fishing.
Faye Pattinson	Elder Worimi	Recalls visiting Tuncurry to help cousin with domestics and children also remembers North Tuncurry as a place visited.

The consultant Elvina Jean Paulson conducted consultations with Elders above from Taree and Forster.

The cultural component would aid to devise strategies for mitigating development impacts on the outlined values where appropriate. The management recommendations presented in Section 11 of this report was developed through these discussions.

## 2.3 Outcome

Consultation with Aboriginal family groups in Taree and Forster, revealed two places of known continuing socio-cultural significance within the regional study locality. The first of these is a prolific 'cobra' (*Teredo* spp, generally known as "bora-worm") resource-gathering place along the northern bank of the Wallamba River (5.2km north west from the study area). Cobra is a highly-regarded food delicacy amongst Aboriginal people along the NSW north and mid-north coasts, and is still gathered from sections of the Wallamba River.

The second area of socio-cultural importance relates to the western bank of the Diamond Beach Lagoon (8.06km north east from the eastern study area). This bank forms part of a transit route and continuous use shell midden and artefact depository. A transit route is highly likely to be in some way associated with the 4 known ceremonial places (all these places are recorded with the NSW NPWS AHIMS) from Redhead (in the North) to Darawank Nature Reserve (in the north). The reported traditional/historic transit routes<sup>1</sup> and identified significant places have been impacted upon by current re-zoning for residential development, between Blackhead and Diamond Beach.

Each of the above mentioned localities has high cultural significance, and the close proximity of the study lands could have pathway relational characteristics (if recorded) affecting the integrant<sup>2</sup> of in-tact cultural material and spiritual meaning.

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<sup>1</sup> 2005 Aboriginal Cultural Landscapes of the Hunter Catchment, internal report to the NSW Department of Planning.

<sup>2</sup> "Integrant - Constituting part of a whole; integral.



## 3 ENVIRONMENT AND LANDUSE EFFECTS

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### SOILS

The North Tuncurry study area borders Tuncurry Beach to the east. The study area locations fringe lower Carboniferous formations that extend to the north near Blackhead. The Wallamba River divides the Pleistocene Napiac barrier system in the west from the Holocene Tuncurry barrier in the east. (Roy 1991:250). Both barriers grade to poorly-drained alluvial flats fringing the Wallamba River.

The Pleistocene Napiac barriers are devoid of natural surface stone, but Carboniferous formations containing siltstone, greywacke, quartz, chert and tuff form coastal hills to the north and west (cf Perram and Partners 2000:2.2).

These materials are all highly suited to the production of Aboriginal flaked stone tools and are likely to be available in places along the Wallamba River and probably were used within the study area.

### SAND MINING

The study area comprises a featureless sand plain, much of which was mined for heavy minerals during the 1970s (Department of Mineral Resources records, supplied 1981<sup>3</sup>). The 4WD tracks that intersect to the south east are not maintained and support a mostly sparse regrowth of banksia, tea-tree shrubs and sedges.

*“Sand mining has also occurred in the study area for a combination of rutile, zircon and monzanite. Mining occurred in parts of the Minimbah and North Tuncurry area during the 1960’s, so it is likely that the area has substantially recovered particularly in terms of structural importance to local fauna species. On the eastern side of the Lakes Way, mining was largely restricted to the area to the North of Tuncurry landfill. On the Western side of the Lakes Way, mining occurred in a strip between Leo Street and the Northern most Lot of Racecourse estate.”<sup>4</sup>*

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<sup>3</sup> Black Sands, I.W.Morley 1981.

<sup>4</sup> Conservation & Development Strategy, Volume 2 Background Information, Great Lakes Council, September 2003

## VEGETATION

The vegetation of the study has been over time affected by many forms of changes. Timber acquisition for varying purposes has affected the Eucalypt forests. During the course of this study the dominant flora species noted were; Coastal Banksia (*Banksia integrifolia*), Coastal Wattle (*Acacia longifolia*), and Radiata Pine.<sup>5</sup>

## OTHER

A prison was established in the 1920's to accommodate prisoners. The State Library of NSW has a collection of photos produced in October 1925 that portray the landscape after 2 years of planting Radiata Pines. The photos also provide an overview of the Prison Camp<sup>6</sup>. More recently an educational facility incorporating TAFE and High School were established.

## 4 CULTURAL BACKGROUND

At the time of first European settlement the North Tuncurry/ Darawank district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

Available ethnographic information suggests that a seasonal pattern of movement and resource exploitation was followed (Ella Simon in Ramsland 1987:180; Brayshaw 1986:41), but this may not necessarily have been the case prior to European contact. Even though coastal groups had economic, social and ceremonial links spanning wide areas, life on the coastal plain seems to have been fairly settled, prompting Cunningham (1827:185) to write of the 'better order of things' obtaining amongst Aboriginal people at Port Stephens and to the north. He describes their 'comfortable' huts of tea-tree bark that were capable of holding several persons.

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<sup>5</sup> NSW DPI Primefacts May 2008 - The first 'commercial' radiata pine plantation in NSW was planted at Tuncurry on the mid-north-coast in 1914. Although this site proved unsuitable, planting expanded on more suitable sites

throughout the State after the establishment of the Forestry Commission in 1916.

<sup>6</sup> State library of NSW Tuncurry Prison:  
<http://acms.sl.nsw.gov.au/search/simpleSearch.aspx?authority=place&ID=172738>

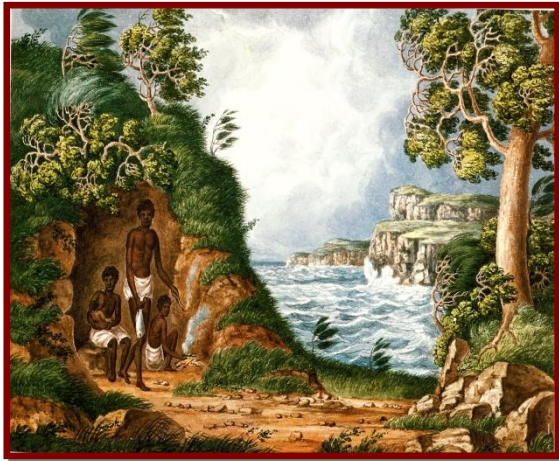


FIGURE 5. FAMILY OF ABORIGINES TAKING SHELTER (IN A CAVE) DURING A STORM 17.6 x 27.6CM R5682<sup>7</sup>

- In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.
- 12 years after Oxley (1830), Edward Parry<sup>8</sup> noted the following while traversing the nearby lands:

*“At one mile east, saw the hill called Tallowah, by the blacks.....”*

Tallowah in its present form is spelt Tallawahl and situated approximately 1km north of the township of Krumbach.

*“.....was evidently bordering on the Wollumba River (presently named Wallamba), though we could not see it for the high reeds. We saw two emus here. Cape Hawke is 113 degrees 45 minutes from here by water.*

This position recorded by Parry in 1830 would place him (including 11° annual correction of compass bearings since 1830 – 2011) on the northern bank of the Wallamba River, close to the study lands.

*“Further SW through second class forest, then three miles west and saw three blacks with two children.”*

This locality, based on Parry's diary entries and annual compass correction prior would position him close to the present day township of Failford.

- In addition to day to day subsistence, historical references indicate that the Blackhead area (7.161km NNE) was used for ceremonial gatherings, and four

<sup>7</sup> J.I.Lycett 1775-1828. The Lycett album: drawings of Aborigines and Australian scenery.

<sup>8</sup> W.E. Parry 1830. Early Days of Port Stephens Diary.

Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and a ceremonial tree, situated beside the 4WD track NNE of the study area.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry tribes are believed to have survived (Anon nd:57), most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have been reported in the Nabiac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

#### **4.1 Ethnohistorical Context**

The Forster – Tuncurry region, in which the study area is found, is located within the traditional lands of the Worimi people, although contact with the neighbouring Biripi people located to the north of the Wallamba River is likely.

Knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly based on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Great Lakes/ Manning valley region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

Ethnographic accounts made by early European settlers in the area describe the traditional huts built using three sticks covered by Melaleuca bark, weirs to trap fish on small tidal channels, string manufactured using bark, oyster or turban shell fish hooks and three different types of spears for different activities, including hunting, fishing and war. Bone barbs were used on fishing spears while stone barbs were used for hunting and war. Mention was also made of basalt or diorite hatchets (Dean-Jones 1990:64).

References to the Aboriginal diet at the time of contact were also made by early ethnographers. These include mention of consumption of shellfish, such as cockles (*Anadara trapezia*) being consumed all year round as a staple food. Oysters were also exploited as a food resource (Dean-Jones 1990:68).

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## 5 ARCHAEOLOGICAL BACKGROUND

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### 5.1 DECCW (OEH) Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Department of Environment and Climate Change and Water (DECCW, recently amended to the Office of Environment & Heritage OEH) revealed that two registered sites (38-20025 & 38-20026) would be affected by the proposed study addressed in this report. The newly recorded site NTSHL-3 could be an extension to 38-20025.

As shown on Figure 4, the closest registered site outside the study area is a shell midden (AHIMS site ID: 38-30035) contained within the Tuncurry Refuse Facility, and is part of a heavily disturbed midden component initially formed in the Smugglers Cove Caravan Park in Forster, 3.70km south-south east of the southern end of the study area.

Another recording of an 'in-situ' midden (AHIMS site ID: *Un-recorded*) is situated 2.83km directly north west of the study area. This midden lies along the western bank of the Wallamba River.

Although occurring on both the Pleistocene and Holocene barriers, including featureless sand plains, the majority of registered sites in the wider study locality are located on or within 150 metres of the banks of estuaries and wetlands.

### 5.2 HERITAGE STATUS AND PLANNING DOCUMENTS

A search of statutory and non-statutory registers, planning instruments and heritage management documents for the Shire was conducted to identify listed Aboriginal cultural heritage sites within the Study Area. A description of the sources searched and the results are provided below.

#### Commonwealth Registers

##### National Heritage Registers

Under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* Amendments (No 88, 2003) two mechanisms have been created for protection of heritage places of National or Commonwealth significance. The National Heritage List (NHL) provides protection to places of cultural significance to the nation of Australia. The Commonwealth Heritage List (CHL) comprises natural, Aboriginal and historical heritage places owned and / or controlled by the Commonwealth and mostly includes places associated with defence, communications, customs and other government activities.

Nominations to these two lists are assessed by the Australian Heritage Council (AHC), which

also administers the (now static) Register of the National Estate (RNE) (a list of places identified as having national estate values). Although there are no statutory constraints associated with listing on the CHL unless the listed place is owned by a Commonwealth agency, listing is an acknowledgment of the place's significance to the community.

No places registered on the National Heritage Register occur within the study area.

## **National Native Title Tribunal Registers**

The Commonwealth *Native Title Act* 1993 establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people.

Under Subdivision P of the Act, *Right to negotiate*, native title claimants can negotiate about some proposed developments over land and waters (known as „Future Acts“) if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

The right to negotiate applies over some proposed developments or activities that may affect native title. Native title claimants only have the right to negotiate over certain types of future acts. The right to negotiate is not a right to stop studies going ahead - it is a right to have a say about how the development takes place. In some situations, the right to negotiate does not apply. In these circumstances, claimants may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

The National Native Title Tribunal records all Native Title claims within NSW, and the status of these claims. Native Title can only be established over land which does not have a scheduled interest, is not a freehold estate, does not have a commercial, pastoral, agricultural, residential or community purposes lease over it, or a mining lease or any other land which has a lease for exclusive rights to the land.

There are no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area. There is registered Sec.31 Deed relating to Native Title.

## **State Registers**

### **National Parks and Wildlife Act Registers**

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a database of Aboriginal sites within NSW under the auspices of the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is a legal requirement that Aboriginal objects and places in NSW are registered on the Aboriginal Heritage Information Management System (AHIMS) register when discovered. AHIMS only lists known Aboriginal sites that have been registered.

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During June 2010 at the request of Lakkari Consultants the AHIMS registrar conducted a search of the AHIMS database for Aboriginal cultural heritage sites located within or near the study area. The search covered an area of 8km radius on the study area. The area searched on the AHIMS database was larger than the Study Area to provide information about local site type patterning.

### Application to the study area – AHIMS Database

A total of forty eight (48) sites were identified as being registered on the AHIMS database within 8km radius of the study area. There are also a number of unrecorded sites within the regional landscape. Only two registered sites occurred within the study area.

Table 3.2 describes the nature of the registered sites identified within the vicinity of the study area.

Site type / description	Number
Artefact scatters / campsite	14
Shell midden	34
Not stated	
<b>Total:</b>	<b>48</b>

### Heritage Act Registers

The Heritage Branch, part of the NSW Department of Planning (DoP), maintains registers of identified heritage items that are of State or local significance to New South Wales.

The State Heritage Register (SHR) contains items that have been assessed as being of State significance to New South Wales. Those items have been assessed through a formal process and are protected by the *Heritage Act 1977*.

The Heritage Branch maintains an inventory of items that are listed on statutory instruments other than the SHR. These instruments may include the heritage schedules of Local

Environmental Plans (LEPs) or a State Government agency's Section 170 Heritage and Conservation Register. The SHI may repeat listings of items on the SHR but where an item is not listed on the SHR, its legal status and approvals framework is consistent with those for locally significant items.

If an item or place does not appear on either the SHR or SHI this does not necessarily mean that the item or place does not have heritage significance. Many items have not been assessed to determine their heritage significance or the data have not been yet transferred to the SHI. Items that appear on the SHR are protected by the *Heritage Act 1977*; on the



protection and/or management is defined by the instrument under which they are listed.

No listed items.

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## **Environmental Planning and Assessment Act Registers**

The *Environmental Planning and Assessment Act (EP&A Act) 1979* includes provisions for local government authorities to consider environmental impacts in land use planning and decision making. Such impacts are generally considered in relation to the planning provisions contained in Environmental Planning Instruments such as the relevant LEP or Regional Environmental Plan (REP).

Each Local Government Authority is required to create and maintain a LEP that includes Aboriginal and historical heritage items. Local Councils identify items that are of significance within their LGA, and these items are listed on heritage schedules in the local LEP and protected under the *EP&A Act 1979* as well as the *Heritage Act 1977* if the item is an historical archaeological site

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Application to the Study Area – Great Lakes LEP 1996 – SCHEDULE 2 - Heritage Non-

Aboriginal Listed items within the broader area.

Opposite Tuncurry Park Corner Wharf St/Manning ST Timber Church,  
Opposite Tuncurry Park Lot 3 Sec 2 DP 759005,  
2 Manning Street “Tokalau” (Kattang word for oyster) (single dwelling),  
South Street DP 619110 Tuncurry House.

## Heritage listings summary

A summary of the search results for Aboriginal cultural heritage listed on statutory and non-statutory registers, planning instruments and management documents within the Study Area is provided (Table 2.1) below.

**TABLE 2.1: SEARCH RESULTS FOR ABORIGINAL CULTURAL HERITAGE LISTED ON STATUTORY AND NON-STATUTORY REGISTERS, PLANNING INSTRUMENTS AND MANAGEMENT DOCUMENTS WITHIN THE STUDY AREA.**

Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
AHIMS Database	Two
State Heritage Register	None
State Heritage Inventory	None
1996 LEP Schedule 2	None

### 5.3 Past surveys in the regional study locality<sup>9</sup>

In the absence of academic research, the majority of known Aboriginal sites in the North Tuncurry/ Darawank district have been recorded during survey work for individual impact assessment studies.

Surveys conducted in the study locality are reviewed in this section to determine the contexts in which sites occur, and to provide a baseline against which to assess the archaeological potential of the study area itself.

- **1988 Bonhomme T.** *An Archaeological Survey and Preliminary Assessment of Sites in the Proposed North Tuncurry Development Area, NSW*
- **1988 Pam Dean Jones Archaeological Consultant** *An Archaeological Survey of Part of Portion 100 Parish of Tuncurry NSW*
- **1993 Resource Planning P/L** *Archaeological Survey for Proposed Titanium Minerals Mining MLA 131 Coffs Harbour 9km North West of Tuncurry NSW*
- **1997 Silcox R.** *An Archaeological Assessment of Diamond Beach for Greater Taree Local Environmental Plan*
- **1999, Donlon D** *Archaeological Monitoring At Old Forster Police Station, (Site OFP1)*

<sup>9</sup> The surveys by Paulson, Bungie/ Leon, Collins, Donlon, Paulson-Yettica, Silcox, Roberts, and another by McCardle are not contained within the OEH/ DECCW/ AHIMS, and therefore not available for review to ascertain relational content.

*Forster,*

- **2001, Roberts L** Archaeological Survey and Constraints of Lot 5 Blackhead Road Halidays Point
- **2001, Collins J** Archaeological Assessment of Proposed Upgrade of the Halidays Point Waste Water Treatment Plant
- **2003 Paulson-Yettica R** Aboriginal Site investigation North Tuncurry de Groot & Benson Stage 3 Lot 11 DP61 5229
- **2007, Wheeler/ Yettica** Aboriginal Heritage Impact Assessment of *210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522.*

#### BONHOMME

Of particular relevance to this assessment are the results of a survey conducted by Bonhomme (1988) on a c.840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point. Bonhomme's survey area thus encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (**38-20025 and 38-20026**) were situated near the elevated inland rim of the strand plain<sup>10</sup>.

#### LEON

Archaeological evidence was re-recorded from a survey conducted by Leon (for Forster Local Aboriginal Land Council) in 1998. This survey was conducted for the NSW Department of Education/ GLSC at Tuncurry. The survey recorded a scatter of artefacts (AHIMS site ID: **Unrecorded**) in the south-western footprint of the current education facility. Another recording of an 'in-situ' midden (Lot 9 DP 245624, Elliots Road 2.83km NW) was made during 1999. This midden is located directly west of Gowack Island in the Wallamba River. The recording in 1999 noted blade and flake worked stone material and shell comprised oyster, whelk and cockle. Approximate size of site was calculated at 20m x 40m.

#### DEAN JONES

Dean Jones survey of lands in the Chapmans Road vicinity details Bonhomme's recordings and supplies additional information on past land use including "sanitation" disposal within this area. Dean Jones makes particular reference to 'shell scatters' existing throughout Portion 100. She does highlight a dense scatter of oyster, cockle and whelk observed at the intersection of Tuncurry and Chapmans Road.

#### WHEELER & YETTICA

Wheeler & Yettica's survey of lands in the Diamond Beach area were followed recently by McCardle with supplemental survey by Bungie and Leon (April 2010).

Wheeler recorded an extensive scatter of artefacts within this property.

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<sup>10</sup> This Archaeological study encompasses all of the study area.

In 2001, Collins/ Bungie & Leon surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-20026 midden previously registered by Bonhomme (1988) was the only site detected.

#### 5.4 Potential site types within the study area

On the basis of information gained through Aboriginal consultation, a review of background environmental, ethno-historical and archaeological data, and the results of past surveys in the North Tuncurry - Darawank district or nearby areas, undisturbed parts of the study area are considered to have some potential to contain the types of sites defined in this section.

The topography and distribution of natural resources within the study area indicates a potential for the site types described.

Within a regional context (5km radius of the study area) the following site types are likely to be encountered.

- **Open artefact scatter** sites across all landforms and within the study area where original A-horizon topsoils are present. The integrity of stone artefact deposits will depend on the degree of disturbance of original topsoils caused by erosion and land development activities;
- **Isolated finds** anywhere across the landscape (non in-situ material);
- **Natural mythological features**, particularly in the north eastern portions adjoining the coastal headlands; and within the study area as inherent pathway features,
- **Midden deposits** along the Wallamba River margins which contain relational features (similar to that recorded by researchers in the study area); and
- **Burials** within sand deposits on the eastern dune margins.

Surveys along the NSW coast, indicate a high density of Aboriginal cultural sites along the coastal fringe, especially in association with fresh water drainage lines. There would also be physical evidence of association with areas containing raw materials. The proximity of the study area to the coast indicates riverine resources such as shell fish, fish and coastal vegetation were immediately adjacent to the study area. Natural drainage lines (subterranean aquifers) crossing the study area would have provided sources of fresh water. The availability of fresh water in combination with riverine and terrestrial resources would have facilitated Aboriginal occupation and associated social and economic activities within the study area.

The diversity of locally available resources indicates the study area is located within a resource intersection zone. It has been argued that Aboriginal camp sites were preferentially located at resource intersection zones in order to capitalise on a broader range of resources. This would suggest the study area was a favourable location for Aboriginal occupation and use.

The proximity of historically recorded ceremonial sites and natural spiritual-mythological sites in the Halidays Point – Blackhead region to the north, indicates the local area has spiritual importance to Aboriginal people.

The potential for Aboriginal sites within the study area will largely depend on past land uses and practices. In-situ sites, where artefacts are in primary deposition (ie. where they were placed or discarded by Aboriginal people in the past), will only be recorded from areas that retain original topsoils or alluvial deposits.

Where original topsoils or alluvial deposits have been stripped by erosion or past land use, there will be no in-situ Aboriginal sites or objects. Areas that have been previously cleared via windrowing for agricultural, monoculture or infrastructural activities have been documented by researchers to appear very distinct when viewing historical orthophotographs. The majority of the imagery taken, appear to be contained within the central northern sectors of the study area.

The presence of stabilised sand deposits on the eastern margin of the study area (mostly confined to the north eastern sectors) indicates a potential for Aboriginal burials within this area. The sand deposits appear to represent a relict beach dating to the mid-Holocene high stand.

Baker and Haworth observed and recorded mid to late Holocene sea level changes in 2002. Their observations of intertidal calcareous species determined that the sea level before approximately 3500 yrs BP was between 1.2m – 2.2m above the present level. After this time (approx. 3500 yrs BP - 1500 yrs BP) the level was relatively less, around 1m above the present level. They also recorded samples from a number of strategic locations around the Australian coastline. One particular inference was taken from the Alexandria Canal in Sydney, whereby they had found a Dugong (*Dugong dugon*) located in the Australian Museum. The Dugong was radio-carbon dated to 5520±70 years BP. The remains were deposited in the museum in 1890, and it had been found in association with Aboriginal artefacts. The dune systems in the northern perimeters of the study area and further to the north have an elevation of between 2-10 ASL.

## 6. FIELD SURVEY

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### 6.1 Survey method and procedure

Given the negligible possibility for site survival on the sand-mined land, and undisturbed mid to lower slopes of the study lands, the field survey involved inspection of all uncultivated sections of the study area (access allowing), with selective inspection elsewhere to verify levels of disturbance and the attendant assessment of low archaeological sensitivity. To more conclusively identify and assess any direct or indirect effects of the proposed study, the survey was extensively investigated that included adjoining potentially sensitive landforms. (Where known evidence indicated that Aboriginal occupation sites were most likely to occur).

To familiarise the survey team with the location and extent of the study components, a general field reconnaissance was initially undertaken with the Consultants.

The survey was subsequently conducted by Elvina Jean Paulson, Robert Yettica and Mick Leon in favourable conditions which continued over the period 9<sup>th</sup> June – 18<sup>th</sup> August 2011. Each of the study unit (SU) areas (including the Tuncurry Golf Course) highlighted on Figure 4 were fully inspected using a parallel transect strategy, resulting in close-interval coverage of a wider area than would be impacted as a result of the development intention. Two 4WD vehicles were used to access the study lands and where appropriate areas walked.

All relevant archaeological and environmental information was noted in a field logbook and photographs taken to document the various levels of exposure, visibility and disturbance. Selected photographs have been included in this report to offer a general overview of survey conditions.

### 6.2 Survey coverage

#### Survey coverage data

The coverage achieved was confined to exposed predefined and presumed areas. The eastern most vehicular roadway (Tuncurry-Taree Road) bordering the Western portions of the property had limited visibility. In some locations at the north western most points of the property, variable amounts of road base and gravel mixed into the soil had limited visibility to between 2 and 5 per cent. This was due to the present Tuncurry Refuse Facility. Flora re-growth had also contributed towards surface investigations.

Some areas retain areas of imported gravels which probably formed an entrance area adjoining Tuncurry-Taree Road and Tuncurry Golf Club (the later probably used to access the previous airport).

The western portions of the study lands were generally cleared and with the exception of tall flora stands, had no ground visibility.

## Survey Limitations

There are several limitations which require recognition in order for the survey to be assessed accurately. The most significant of these are geomorphic processes and clearing of the landscape for agriculture and timber getting that would have resulted in down-slope soil movement which could displace artefacts from higher points and bury material at lower areas.

The limited visibility of the study area and the disturbed nature of the current land-use renders the area difficult to assess on the basis of the visibility available at the time of survey. The only informative advice would be that supplied by the recent field survey conducted and recorded materials. It should be noted however that Aboriginal group(s) who have knowledge of prior cultural land use and the former land owner and current manager for the property should also be included in any consultation for the purposes of this investigation.

To supplement the limited visibility, this assessment has used the current understanding of the nature of land-use in relation to topography in the Manning-Great Lakes Regions.

An overall summary of the survey coverage data can be found in *Table 2.2*.

**TABLE 2.1 SURVEY COVERAGE DATA**

Survey unit no.	Environment	Length x width	Exposure%	Visibility%	Effective cover
1	Coast Strip	4330m x 712m	5	10	10315m <sup>2</sup>
2	South East	2600m x 1051m	5	10	6322m <sup>2</sup>
3	North West	1760m x 974m	2	20	8459m <sup>2</sup>
4	Golf Club	1007m x 631m	10	20	3165m <sup>2</sup>

Notes:

*Exposure and visibility are averaged over the transect or study area.*

*Yellow highlight to indicate applicable/ relational context for the study area.*

*Highlighted purple – locality.*

For reporting purposes, the study area was divided into four separate survey units (SUs), delineated on the basis of topography (cf Speight 1990), exposure/visibility and levels of past disturbance. These units and their extent of survey inspection (within the study area) are shown on Figure 4. Approximately 80 percent of the study area was covered during the field survey, along with adjacent sensitive areas (such as the un-affected fore-dune systems bordering the eastern most portions of the golf course) with the potential to provide for a more secure assessment of the study area itself.

All potentially undisturbed sections of the study lands were thoroughly inspected, as were all accessible sections of observable hydrological lines. Owing mainly to prior land use, however, not all of these areas provided conditions suitable for detecting unobtrusive archaeological evidence.

To generate data sufficient for evaluating survey effectiveness and the potential for unrecorded sites, variables constraining site detection were estimated for all survey parameters. These include an estimation of the mean frequency with which surface exposures were encountered (percentages of exposures), as well as an estimation of the quality of visibility on those exposures (mean frequency of bare ground suitable for artefact detection and ascertainable amount of surface disturbance). All consultants agreed that association of site types in the nearby area (<2km radius of the study lands) will determine traditional 'pathways' through archaeological evidence available (known or unknown physical evidence having relational material that indicates a passage used to secure said materials).

## 7. SURVEY RESULTS

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One incidence of Aboriginal cultural material evidence was detected during the survey. Subsurface oyster, cockle, pipi and turban shells were recorded east of AHIMS site: **38-20025** in the study area. This recording could be determined to be additional material used for land fill (utilised from AHIMS site: **38-20025**). The shell material is of consistent size and density to be deemed as being associated to be classified a shell midden.

The shell material is a result of purposeful depositional placement and the content requires investigative study into sub-surface features.

Rather than recording **NTSHL-3** as a Potential Archaeological Deposit (PAD), future proposed works may affect an undetermined level of archaeological sensitivity and agreed mitigation measures for the site sought. This includes "Additional Recording" of this site under the current **38-20025** initial AHIMS registration. In particular the use of a Decimeter GPS has provided a more precise recording of the original site recordings<sup>11</sup>.

Under the new Geocentric Datum of Australia (GDA) 1994 Site properties:

- 1988 recording, 451900 E, 6442700 N,
- 2011 Corrected recording, 451951.85 E, 6442744.08 N
- The site properties include: 101.35m in length and a 148.30m width.

AHIMS site: **38-20026** (Northern) required additional supplemental data that was previously unrecorded. Under the new Geocentric Datum of Australia (GDA) 1994, the initial Easting and Northing was:

- 451850 E, 6444699.32 N,
- Corrected to 451849.59 E, 6444698.12 N.
- The site properties include: 174m in length and a 21m width.

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<sup>11</sup> \*See Fig-7, p.35.



## 8. RESULTS ASSESSMENT

### 8.1 North Tuncurry SHL-3 (NTSHL-3)<sup>12</sup>

North Tuncurry SHL - 3 is located within the mid-western sectors of the study area, and is most likely to have originated from the 38-20025 margins. The disturbed 4WD track margins could also attribute towards past formation of the site via undisturbed in-situ possible artefactual cache material remaining.

For the most part, the Carboniferous geological alignment (to the north) traverses an essentially featureless (currently) sand plain (on the southern extremities) and an oceanic barrier dune system which has previously been sand mined for heavy minerals. The landforms mentioned are likely to have been utilised for Aboriginal occupational purposes.

As previously mentioned in Section 5.3, most of the known Aboriginal archaeological sites in the North Tuncurry - Darawank locality to the west & north, are associated with sand dunes, rock platforms and wetlands. Field inspection of the 1.2km wide/ 7km length of the study area on the eastern side of the roadway revealed additional archaeological evidence.

NTSHL-3 has similar characteristics to that of AHIMS registered sites:

- 38-30257 Pipers Bay 1 AFT<sup>13</sup>,
- 38-30255 Shark-1 AFT, SHL, ETM,
- 38-30241 Hawke JAJB AFT,
- 38-30028 7 Mile Beach AFT, SHL

The above sites are located within a similar landscape and have material from estuarine and oceanic environments (shell species) contained within them. They also have an abundance of chert/tuff worked stone that is locally sourced.

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<sup>12</sup> See Figure 7, p.35.

<sup>13</sup> There is an additional recording 816m west from this recording that indicates a further scatter of stone tools.

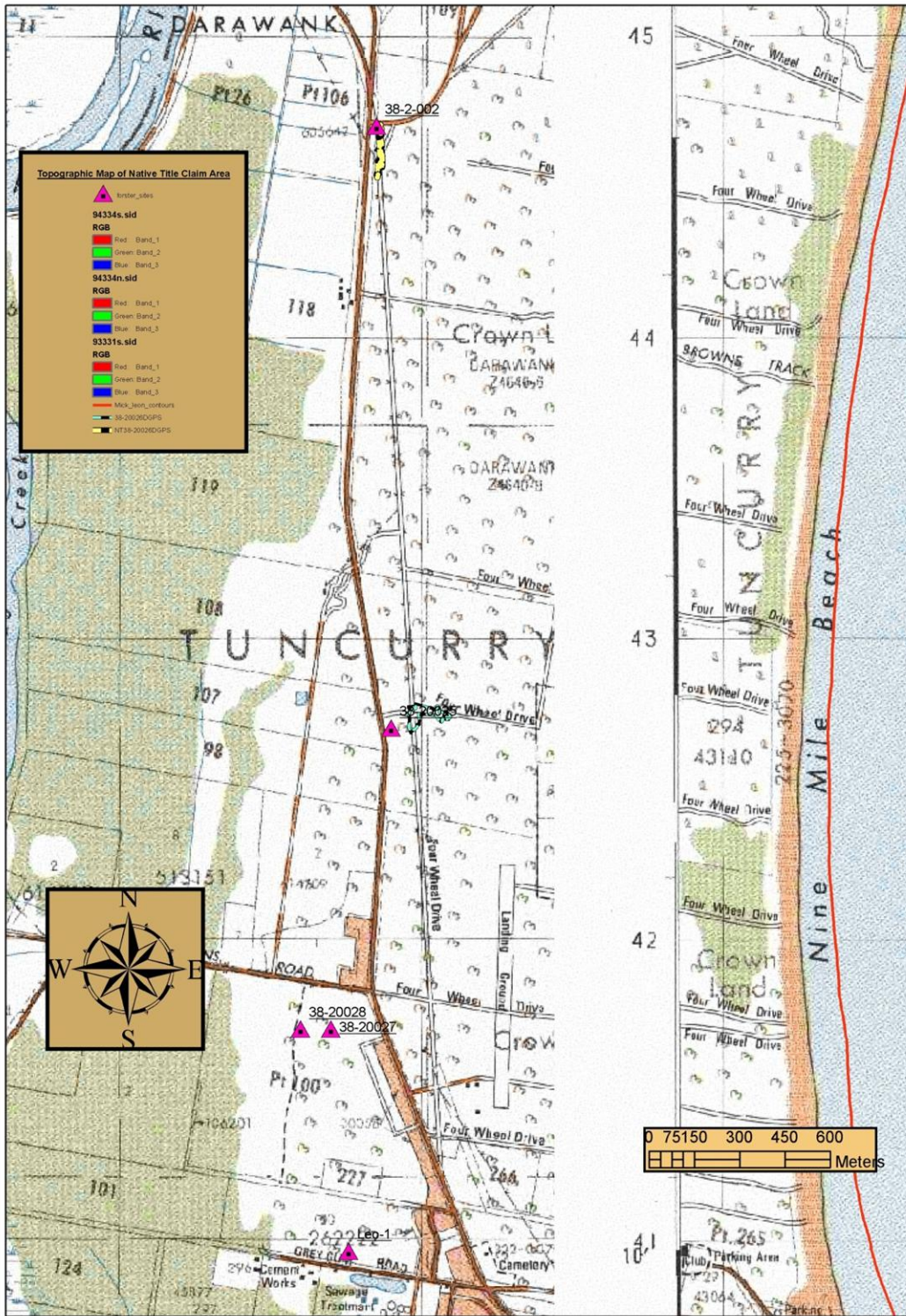


FIGURE 6. DGPS RECORDINGS

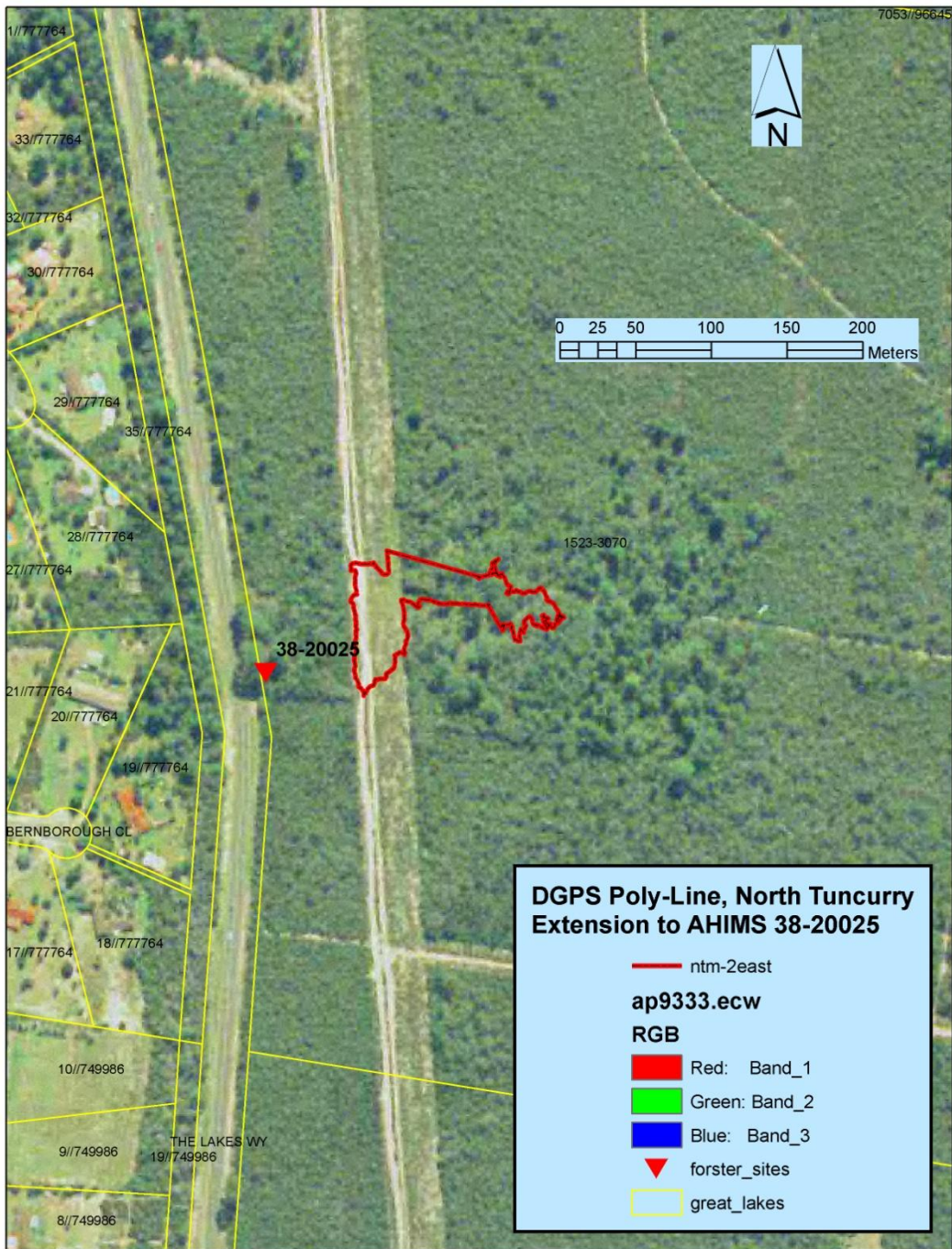


FIGURE 7. DGPS SITE EXTENT - 38-20025

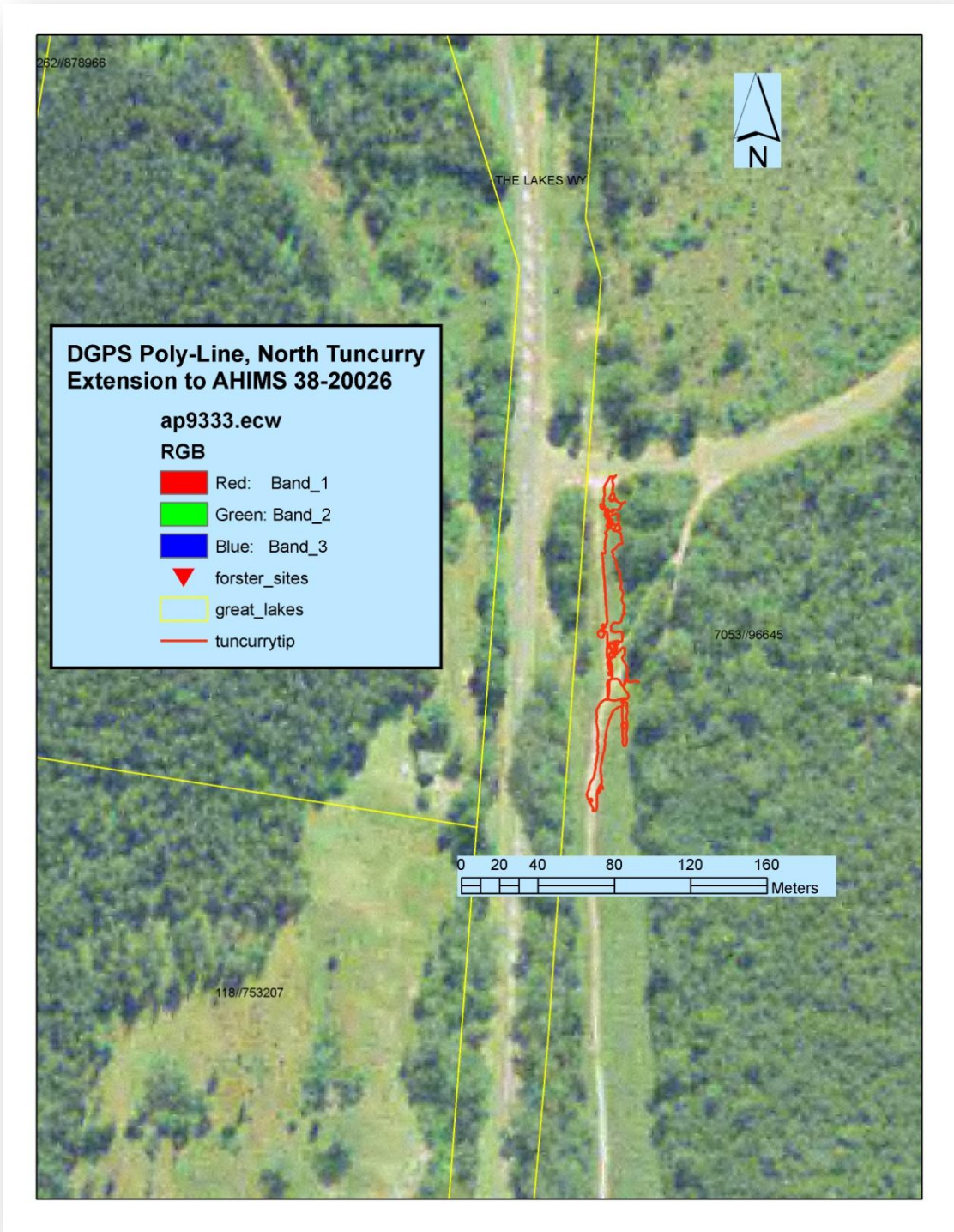


FIGURE 8. DGPS SITE EXTENT 38-20026

## 9. SIGNIFICANCE ASSESSMENT

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### 9.1 Management principles and the concept of significance

Assessments of the significance of cultural heritage sites and places are fundamental to their management.

Significance can be assigned to particular sites or places, or to a grouping of sites and/or places within a specific area. The heritage value of a site or site grouping is taken to include its 'aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians' (Australian Heritage Council Act 2003).

With respect to Aboriginal sites and places, the two most important significance criteria are social and scientific. While sites which are considered to be scientifically significant are usually also of significance to the Aboriginal community, others which may be of outstanding importance to the Aboriginal community may have little or no scientific value.

NPWS/ DECCW/ OEH management policies<sup>14</sup> support (in principal, but not practicable) the objective of conserving all significant Aboriginal sites/places as resources for research, vehicles for interpreting history and culture, and as elements in landscapes. The National Parks and Wildlife Act (1974) is designed to ensure that the Aboriginal cultural heritage resource is carefully managed, and that unmitigated destruction of archaeological material does not occur.

### 9.2 Significance of the study area

#### ***Aboriginal cultural/social significance***

Two places (within a 8km radius of the study area) of socio-cultural significance have been identified in the regional area. These comprise a 'cobra'<sup>15</sup> resource-gathering place along the northern bank of the Wallamba River near Failford, (noted comparatively, but not directly associated with the study lands), and two traditional/historic ceremonial places (NFP) in the immediate area of Blackhead.

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<sup>14</sup> 2010 NSW Office of Environment & Heritage: *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Operational Policy: Protecting Aboriginal Cultural Heritage, Guide to Determining and Issuing Aboriginal Heritage Impact Permits*

<sup>15</sup> *Cobra* – wood oyster *teredinid* or *Teredo*- <http://australianmuseum.net.au/Food-from-the-Sea-shellfish-crustaceans>

### **Archaeological/scientific significance**

The archaeological site recorded (NTSHL-3) in the study area, is deemed as an extended portion of recording 38-20025 due to its visible contributing surface content, and there are reasonable expectations that additional significant undetected sites/materials will occur on the surveyed lands within the before-mentioned locality. While the proposed developmental works may not directly impact on NTSHL-3 or any other place of Aboriginal significance within each Survey Unit, it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape<sup>16</sup>.

## **10 STATUTORY OBLIGATIONS**

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The *National Parks and Wildlife Act 1974* (as amended) provides the primary basis for the statutory protection and management of Aboriginal sites/ objects/ places in NSW and the administration of legislation pertaining to sites is currently the responsibility of the Department of Environment and Climate Change and Water (DECCW), recently amended to the Office of Environment and Heritage (OEH).

Under the terms of the *National Parks and Wildlife Act 1974* an Aboriginal object is defined as- 'any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).'

Part 6 of the Act provides specific protection for Aboriginal objects and gazetted Aboriginal places by making it an offence if impacts are not authorised by the OEH. An Aboriginal Heritage Impact Permit (AHIP) should be obtained if impacts on Aboriginal objects and/or places are anticipated.

The provisions of the Act apply to all Aboriginal objects, regardless of whether or not they have been registered with the OEH, or whether they occur on private or public land. Except where destruction of an Aboriginal object is or will be demonstrably unavoidable, it is OEH policy to require conservation in its original location and context.

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<sup>16</sup> 2005 Aboriginal Cultural Landscapes, Internal report to NSW DIPNR

## 11. MANAGEMENT RECOMMENDATIONS

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### 11.1 General requirements

To ensure due diligence and prevent the unmitigated destruction of Aboriginal cultural materials it is recommended that all contractors engaged in construction earthworks (including environmental rehabilitation studies) be advised of their statutory obligations prior to the commencement of those works. Under the terms of the *National Parks and Wildlife Act 1974* it is illegal for any person to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of an Aboriginal object without first obtaining an Aboriginal Heritage Impact Permit from the OEH/ DECCW.

That the site recorded (NTSHL-3) during the surface investigations of the study area), is monitored and mitigation procedures instigated. This should be carried out in accordance with the regulatory constraints of the NSW National Parks and Wildlife Act 1974/ 2001/ 2010.

Should any further materials thought to be of Aboriginal origin be uncovered during requested Aboriginal heritage monitoring, or at any other time, work must immediately cease in that locality. Management advice should then be sought from appropriate local Aboriginal persons, the OEH Northern Zone Aboriginal Heritage Unit at Coffs Harbour and the Consultant Archaeologist. Work should not resume in the study locality until formal clearance has been provided.

Copies of this report are forwarded to:

The landowners,

Lakkari Native Title Group,

Minimbah Elders Incorporation

Forster Local Aboriginal Land Council,

## 12 REFERENCES

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- H.K Garland & J. Wheeler 1982 *Myall Lakes- Creation to Controversy*.
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## 13 Terminology

### ALLUVIUM

General term for detrital deposits made by rivers or streams (Lapidus 1987:18).

### ARCHAEOLOGICAL SITE

A place containing cultural materials of sufficient quality and quantity to allow inferences about human behaviour at that location (Plog *et al* 1978:383).

### ARTEFACT

Any object having attributes as a consequence of human activity (Dunnell 1971).

### CARVED TREE

Carved trees carry figures or patterns carved into the bark or wood and are generally found in direct association with either Aboriginal burial or ceremonial grounds. The designs carved into the trees were symbolic of totemic groups (Byrne 1989:15).

### CEREMONIAL (KEEPARA) GROUND

While there are a number of different types of ceremonial/ Keepara ground, most common on the north coast is that composed of one or a pair of raised earth circles ranging in size from two to 40 metres in diameter. The Keepara ground functioned as a stage for various initiation rites (Byrne 1989:18).

### CHERT

A dense and extremely hard, microcrystalline or cryptocrystalline siliceous sedimentary rock consisting mainly of inter-locking quartz crystals, sub-microscopic and sometimes containing opal (amorphous silica). Chert occurs mainly as nodular or concretionary aggregations in limestone and dolomite, and less frequently as layered deposits (banded chert). It may be an organic deposit (radiolarian chert), an inorganic precipitate (the primary deposit of colloidal silica), or as a siliceous replacement of pre-existing rocks. Flint is a variety of chert occurring as nodules in chalk and having a conchoidal fracture (Lapidus 1987:102).

### GREYWACKE

Sedimentary rock. A very hard, dark grey or greenish-grey, coarse-grained sandstone characterised by angular particles and rock fragments embedded in a clayey matrix (Lapidus 1987:265).

### HOLOCENE

The most recent epoch of geological time; the upper division of the Quaternary Period (Lapidus 1987:274).

### PLAIN

A large very gently inclined or level element, of unspecified geomorphological agent or mode of activity (Speight 1990:32).

## PLEISTOCENE

The lower division of the Quaternary Period dating from two million to 10,000 years ago (Lapidus 1987:96,411).

## QUARTZ

Crystalline silica having no cleavage but a conchoidal fracture (Lapidus 1987:429).

## SCARRED TREE

These are trees that bear scars caused through the removal of bark or wood for making material items such as shelters, canoes, shields and containers, or which have been marked for other reasons (eg toe-holds to aid climbing; cuts made to extract possums or honey from trees). Because scarred trees are usually associated with domestic activities, their distribution often correlates with the distribution of artefact scatters, middens and other types of campsites (Long 1998:28).

## SILTSTONE

A fine-grained sedimentary rock principally composed of silt-grade material. Intermediate between sandstone and shale, siltstone contains less clay than shale and lacks its fissility and fine laminations (Lapidus 1987:474).

## STONE ARTEFACT

Fragment of stone which generally possesses one or more of the following characteristics:

- Positive or negative ring crack
- Distinct positive or negative bulb of force
- Definite erailure scar in position beneath a platform
- Definite remnants of flake scars (i.e.dorsal scars and ridges)

These traits indicate the application of an external force to a core, and are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

## TUFF

A pyroclastic rock composed mainly of volcanic ash. Tuffs may be crystal (composed mostly of crystal fragments), vitric (composed mostly of glass and pumice fragments) or lithic (composed mostly of rock fragments) (Lapidus 1987:519-520).

## 14 Field Photographs

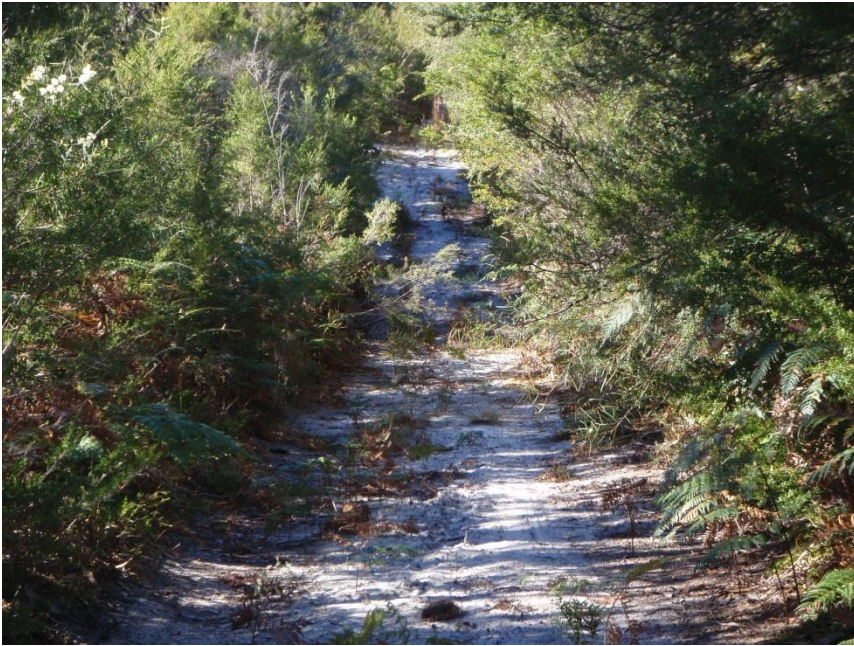


FIGURE 9. VIEW NORTH ALONG CENTRAL EASTERN PERIMETERS



**FIGURE 10. 4WD TRACK WEST END NEAR SITE 38-20026**



**FIGURE 11. 4WD TRACK NORTH EAST OF EDUCATION FACILITY**



**FIGURE 12. DGPS RECORDING CENTRAL SECTORS OF STUDY AREA.**



**FIGURE 13. SAMPLE OF SHELL MATERIAL ON SURFACE AT 38-20025**



FIGURE 14. THUMBNAIL SCRAPER/ ADZE FROM SITE 38-20025





**FIGURE 15. CONCRETE BUILDING FOUNDATIONS NTSHL-3**



FIGURE 16. NTSHL-3 SHELL EXPOSURE

## 15 Appendices

Correspondence

Notice forwarded.

FIGURE 17. COPY OF NEWSPAPER ADVERTISEMENT

**LandCom & those Aboriginal parties who can demonstrate association with the subject lands in the North Tuncurry area**

A meeting will be held at 10.30am, Wednesday 29th June 2011 with LANDCOM & Lakkarrl Corporation at the Tuncurry Sports Club to continue discussions regarding:

- Terms of Reference (Scope of Works) for North Tuncurry area cultural heritage study
- Discussions are to be held in accordance with the Department of Environment and Conservation's 2010 Community Consultation Requirements in Proponents

All interested Indigenous people and representatives of local community based Indigenous organisations are invited to attend.

People who intend participating in this meeting should register their interest by writing to:

**Landcom  
C/- Great Lakes Resources  
Level 2 Bridgepoint  
1 Manning Street Tuncurry NSW 2428**

Registrations of interest must include current contact details and be received by close of business on Wednesday 29th June 2011.

To:

Date:

Dear Mr/Ms

**RE: Registration of interest for Aboriginal community consultation**

Thank you for your letter to Lakkari Aboriginal Corporation regarding the North Tuncurry Landcom study.

[ ] Would like to provide information about individuals or groups who may have cultural knowledge relevant to determining the significance of Aboriginal object/s or places in the proposed study areas; and/ or

[ ] Is formally registering an interest for the LALC, or individuals listed, in the study, in order to become a registered Aboriginal party and participate in consultations regarding the significance and management of Aboriginal objects or places that may be impacted by the proposed study.

Individuals and groups who may hold relevant cultural knowledge for the area are (contact details included where known):

.....

.....

.....

.....

## Consultation with Land Councils

The NSW Department of Environment, Climate Change and Water's (DECCW) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* (the **Consultation Requirements**) apply to all studies if requiring an Aboriginal Heritage Impact Permit (AHIP), commencing after the 12 April 2010.

Permits are required where a development or study may impact on an Aboriginal place or Aboriginal objects, including objects which may not yet be identified and recorded on DECCW's Aboriginal Heritage Information Management System (AHIMS).

Under the DECCW *Consultation Requirements*, proponents seeking a permit are required to contact the relevant Aboriginal Stakeholders/ LALC/s so that relevant 'cultural knowledge holders' can be identified (see section 4.1.2). All relevant Aboriginal Stakeholders must be notified.

*Please note:* In addition to notice to LALCs, the *Consultation Requirements* specifically require proponents to identify whether there are any Native Title Holders or Aboriginal Owners registered on the Register of Aboriginal Owners. Where these groups exist, proponents are required to contact these groups directly.

The responsibility of LALCs for the protection and promotion of Aboriginal cultural heritage within their boundaries is recognised by the *Aboriginal Land Rights Act 1983* (NSW). A copy of the boundaries for LALCs in NSW is available from [www.alc.org.au](http://www.alc.org.au).

As a result of the culture and heritage role and decades of representations of the Aboriginal community on cultural heritage issues, Aboriginal Stakeholders hold considerable cultural knowledge relevant to the significance of Aboriginal objects and places within the area.

In addition, Aboriginal Stakeholders/ LALCs also hold cultural knowledge as a result of:

- The Aboriginal Stakeholders/ LALC's membership, which often includes Traditional Owners or other Aboriginal persons with specific knowledge about particular areas passed on through the generations;
- A history of more than 25 years of providing specialised cultural services and advice to the Government, proponents and the community; and
- LALCs commitment to work with and respect the Traditional Owners of an area. LALCs are often nominated by Elders groups, Traditional Owners or Native Title claimants to speak on their behalf.

The nominated representatives for this study are:

.....  
.....

**Registration of individuals with cultural knowledge**

It is important to recognise that it is common for more than one person to hold cultural knowledge about sites in an area, and therefore it is important for more than one Aboriginal person to become a Registered Aboriginal Party. This includes where:

- A LALC’s boundaries cover more than one traditional nation boundary;
- There are sensitive sites such as men’s or women’s sites, which only some members of the community may be authorised to speak about; or
- More than one person has relevant general cultural knowledge about an area as a result of their family and historical connection to different places.

The details of additional Aboriginal persons who wish to register an interest in the study are:

.....  
.....  
.....

Please note that a ‘cultural knowledge holder’ may also wish to nominate a support person to act on his or her behalf, or to attend consultations with them. This will particularly be the case for Elders or older members of the Aboriginal community.

In terms of payment, the DECCW *Consultation Requirements* outline that it is important for the proponent to ensure that consultations are accessible and engage the right people. As noted at pages 6 and 9 (sections 3 and 3.4) in many cases travel funding or other kinds of support will be needed to ensure that Aboriginal community members can properly participate in the consultations. Financial support to allow participants to attend consultations should not be confused with paid employment.

### **A note on the use of cultural knowledge**

Please be advised that the *Consultation Requirements* include new sections relating to the use of information collected by the proponent through the consultation (see sections 4.3.4 and 4.3.5).

Section 4.3.5 of the *Consultation Requirements* states that the information collected by the proponent must only be used in relation to the AHIP application, and not for any other purpose unless agreed by the registered Aboriginal parties.

Developing a written agreement or contract about how information may be a practical way to ensure that cultural knowledge is protected and only gathered, used and stored as agreed.

### **Payment for Aboriginal cultural advice & site assessments**

The DECCW *Consultation Requirements* differentiate between general consultation with the Aboriginal community and the employment of Aboriginal people, including Sites Officers or Cultural Heritage Officers.

The *Consultation Requirements* aim to ensure both that:

- Proper and unbiased advice is provided by the Aboriginal community to the proponent, through the consultation; and
- The knowledge and skills of Aboriginal people is properly recognised, including through payment for the provision of expert Aboriginal cultural advice.

The *Consultation Requirements* encourage equal treatment of knowledge from Aboriginal people, as would be afforded to an archaeological or other heritage consultant – which are normally paid roles.

For more information about the cultural services available contact the person on the details below.

As a key Aboriginal organisation in our community with a long history and ongoing connection, responsibility and custodianship for land/ waters falls with the person(s) below.

Please contact the nominated person at the contact details below to discuss this matter further and to make arrangements for the next stages of the consultation process.

Yours sincerely,

Name

Position

.....

Address:

Postal Address:

Phone/ Mobile:

Fax:

E-mail:

---

**Copy of circular email distributed to notified stakeholders:**

To: mholt@ntscorp.com.au, tim@forsterlalc.org.au,  
Sarah.Paddington@environment.nsw.gov.au,  
lisa.schiff@greatlakes.nsw.gov.au, kellie.syron@cma.nsw.gov.au,  
enquiries@nntt.gov.au

Cc: m.leon@tide.org.au

MIME-Version: 1.0

Study: Aboriginal Cultural Heritage Study North Tuncurry

X-KeepSent: 3DFCE49F:C5537F59-CA2578B0:002027AC; type=4;  
name=\$KeepSent

X-Mailer: Lotus Notes Release 8.0.2 August 07, 2008

Message-ID: <OF3DFCE49F.C5537F59-ONCA2578B0.002027AC-  
CA2578B2.000E973A@Landcom.nsw.gov.au>

From: mpring@Landcom.nsw.gov.au

Date: Fri, 17 Jun 2011 12:39:27 +1000

X-MIMETrack: Serialize by Router on



NOTES-PARRA01/LANDCOM/AU(Release 8.0.2|August 07, 2008) at  
17/06/2011

12:39:28 PM

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Content-Transfer-Encoding: 7bit

<br><font size=2 face="sans-serif">Dear Sir/Madam</font>

<br>

<br><font size=2 face="sans-serif">Landcom has commissioned Lakkari  
Traditional

Owner Aboriginal Corporation to prepare an Aboriginal Cultural  
Heritage

Survey for Lot 331 DP 1104340 The Lakes Way North Tuncurry. On their  
behalf

and in accordance with the Consultation Guidelines I write seeking  
the

names of Aboriginal people who may hold cultural knowledge relevant  
to

the the determination of significance of Aboriginal objects or places  
on

the site. A plan of the site and a copy of the DP are  
attached.</font>

<br><font size=2 face="sans-serif">I look forward to your  
advice.</font>

<br>

<br><font size=2 face="sans-serif">Regards</font>

<br>

<br>

<br><font size=2 face="sans-serif">Michael Pring<br>

Development Director<br>

Landcom - Tuncurry<br>

<br>

P: +612 6555 8495<br>

M: 0412 997 409<br>

E: mpring@Landcom.nsw.gov.au<br>

### Copy of OEH Comments



Our reference: FIL11/1155

Mr Michael Pring  
Development Director  
Landcom Tuncurry Project  
PO Box 33  
Newcastle, NSW, 2300

Dear Mr Pring

**RE: PROPOSED RESIDENTIAL DEVELOPMENT OF LOT 331 DP 1104340 THE LAKES WAY NORTH TUNCURRY**

I refer to your email correspondence, dated 17 June 2011, to the Office of Environment and Heritage (OEH) for your project located within north Tuncurry, and described as proposed Lot 331 DP 1104340 The Lakes Way North Tuncurry.

Please find attached a list of known Aboriginal parties (**Attachment 1**) that OEH considers is likely to have an interest in your development. Note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*
- OEH considers *evidence of reasonable efforts* to contact relevant parties would include, but not be limited to, multiple forms of communication; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

The Department of Environment, Climate Change and Water is now known as the  
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450  
Federation House Level 7, 24 Moonee Street,  
Coffs Harbour NSW 2450  
Tel: (02) 6651 5946 Fax: (02) 6651 6187  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Page 3

## Attachment 1:

1. Forster Local Aboriginal Land Council,  
Loma Paulson  
PO Box 384  
Forster NSW 2428
2. Do-Wa-Kee,  
Mick Leon  
c-\ PO Box 22  
Taree NSW 2430
3. Garrigal Aboriginal Community Inc.,  
Del Arnold  
PO Box 182  
Gloucester NSW 2422

---

**Copy of emailed response from Great Lakes Shire Council:**

From: "Louise Gaffney" <Louise.Gaffney@greatlakes.nsw.gov.au>  
To: <mpring@Landcom.nsw.gov.au>  
Date: 06/07/2011 08:59 AM  
Study: FW: Request for contacts - Aboriginal Cultural Heritage Survey

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Good morning Michael

As per your request below, we would suggest you try the below contacts for the names of Aboriginal people who may hold cultural knowledge in regard to Lot 331 DP 1104340.

- Forster Local Aboriginal Land Council  
10 Breckenridge Street  
PO Box 384  
FORSTER NSW 2428  
Ph: 02 6555 541  
[www.forsterlalc.org.au](http://www.forsterlalc.org.au)
- Steve Bereton  
Office of Environment & Heritage  
Parks & Wildlife Division  
Ph: 02 6591 0300
- Glenda Roberts  
Senior Aboriginal Planning Officer  
Planning & Aboriginal Heritage – North East  
Environmental Protection & Regulation  
Office of Environment & Heritage  
Department of Premier & Cabinet  
Ph: 02 6651 5946

Regards

**Louise Gaffney**

Strategic Landuse Planner

Great Lakes Council

PO Box 450

FORSTER NSW 2428

Email: [louise.gaffney@greatlakes.nsw.gov.au](mailto:louise.gaffney@greatlakes.nsw.gov.au)

Phone: (02) 6591 7351

---

Copy of reply letter from the National Native Title Tribunal:



National  
Native Title  
Tribunal



30 June 2011

**Michael Pring**  
Development Director  
Landcom - Tuncurry

Email: [mpring@landcom.nsw.gov.au](mailto:mpring@landcom.nsw.gov.au)

**New South Wales and  
Australian Capital Territory  
Registry**

Level 25, 25 Bligh Street  
Sydney NSW 2000  
GPO Box 9973  
Sydney NSW 2000  
Telephone (02) 9227 4000  
Facsimile (02) 9227 4030

Our Reference: 4336/11KW

Your Reference: Aboriginal Cultural Heritage Survey – North Tuncurry

Dear Mr Pring

**Native Title Search Results of Tuncurry within Great Lakes Local Government Area**

Thank you for your email of 17 June 2011.

My search on 30 June 2011 found:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

I have included a NNTT Registers fact sheet to help you understand the search result.

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

If you need more information please call me on 1800 640 501.

Yours sincerely



**Kimberley Wilson**  
**Search Co-ordinator**

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email [Kimberley.wilson@nntt.gov.au](mailto:Kimberley.wilson@nntt.gov.au)

Encl

## MEMO

Date: 24 June 2019  
To: Stephanie Ballango – Senior Planner, Landcom  
From: Veronica Norman  
Pages: 4 inc. this page  
Regarding: PR144267 Tuncurry Development Peer Review Memo

### PR144267 Tuncurry Development Peer Review Memo

#### Introduction and scope

An Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry was prepared by Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson Indigenous Cultural Resource Management Services for Landcom in 2011. Landcom proposed to re-zone land for urban purposes, in the locality of North Tuncurry, NSW via an amendment to the Major Project SEPP pursuant to clause 37 of the Environmental Planning and Assessment Act 1979 (Doowakee, Robert Yettica and Elvina-Jean Paulson consultants 2011:6). Following completion of the draft report the project was put on hold. Landcom are now in the process of updating all technical studies and have requested that RPS undertake a review of the 2011 ACHAR in order to prepare it for public exhibition.

The scope of this peer review memo includes undertaking an updated Aboriginal Heritage Information Management System (AHIMS) search, updating the historical register review and making further recommendations to ensure that the reporting meets the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW [now OEH] 2010) (Code of Practice) and the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW [now OEH] 2010) (Consultation Requirements).

#### Project Area

The Project Area this memo relates to includes the following Lot and Deposit Plans (DPs):

- Lot 331 of DP 1104340
- Lot 294 of DP 43110
- Lot 295 of DP 43110

The Project Area is shown in red Figure 1.

#### Aboriginal Heritage Information Management System

**The nature and location of Aboriginal sites is considered culturally sensitive material and should be removed from this report before it is made publicly accessible.**

# MEMO

Date: 21 June 2019  
Regarding: PR144267 Tuncurry Development Peer Review Memo

The Office of Environment and Heritage (OEH) maintains the AHIMS which includes:

- Information about Aboriginal objects reported to the Director General, Department of Premier and Cabinet,
- Information about Aboriginal Places declared by the Minister for the Environment to be of special significance with respect to Aboriginal culture, and
- Archaeological reports.

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW [now OEH] 2010) states that *'If [a] previous investigation includes a search on the Aboriginal Heritage and Information Management System (AHIMS) database which is over 12 months old you must search AHIMS again to ensure that the information is still current.'* As the original AHIMS search was undertaken in 2011 an additional extensive search was undertaken by Veronica Norman (RPS Heritage Consultant) on 30 May 2019 (Client ID: 424133). The search covered an area of approximately 2 kilometres by 2 kilometres and returned 10 registered Aboriginal sites in the area. One registered Aboriginal site is located within the Project Area (AHIMS # 38-2-0025). Four registered Aboriginal sites are located within 500 metres of the updated Project Area (AHIMS # 38-2-0026, AHIMS # 38-2-0027, AHIMS # 38-2-0028, 38-3-0035).

Survey undertaken as part of the 2011 ACHAR found an extension of AHIMS # 38-2-0025 and that *'it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape'* (Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson Indigenous Cultural Resource Management Services 2011:36).

## Heritage register searches

The Commonwealth Heritage List (CHL) and the National Heritage List (NHL) fall under the *Environment Protection and Biodiversity Conservation Act 1999* while the State Heritage Register (SHR) was established by the *Heritage Act 1977*. The CHL, NHL and SHR are statutory registers for heritage items. The Register of the National Estate (RNE) is a non-statutory archive of information about places of significance in Australia.

The results of searches for Aboriginal cultural heritage listed sites and / or places on statutory and non-statutory registers, planning instruments and management documents within one kilometre of the Project Area are included below in Table 1. Note that the heritage register search excludes results from the AHIMS. Search results for the AHIMS are detailed in the section above.

**Table 1: Heritage register search**

Register	Results
Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
State Heritage Register	None
Great Lakes Local Environmental Plan 2014	None

## Findings

### Project Area

The current Project Area is located within 200 metres of Tuncurry Beach, and is therefore considered an area where landscape features indicate the potential presence of Aboriginal objects by the Code of Practice (DECCW [now OEH] 2010:12). Much of the Project Area consists of undeveloped bushland.



# MEMO

Date: 21 June 2019  
Regarding: PR144267 Tuncurry Development Peer Review Memo

## 2011 ACHAR

As the original ACHAR dates from 2011, sections of the report are now out of date and do not reflect current technical and legislative requirements. Following exhibition of the 2011 ACHAR and this memo, an addendum ACHAR should be produced with updated sections including the review of previous archaeological studies and predictive model.

## Aboriginal community consultation

In accordance with the Consultation Requirements project updates should be provided to Registered Aboriginal Parties (RAPs) throughout the life of the project. It is RPS' understanding that consultation has not been maintained since 2011. The Office of Environment and Heritage (OEH) considers evidence of 'regular' updates and consultation being maintained as communication which occurs at least every six months. Breach in this timeframe is considered a lapse in consultation. As consultation for this project has lapsed, it will need to be re-initiated and the consultation process will need to begin anew.

## Site survey

A compliance assessment of the current Project should be undertaken in order to inform an addendum ACHAR. The site survey would include a survey of the Project Area with a representative/s of the Forster Local Aboriginal Council, and detailed assessment of Aboriginal archaeological potential in accordance with the Code of Practice.

## Recommendations

Following public exhibition of the 2011 ACHAR, an addendum ACHAR should be produced. The addendum ACHAR would contain the updated information in this memo, as well as the following:

- Updated Aboriginal community consultation undertaken in line with the Consultation Requirements.
- Update of technical requirements in the ACHAR, including review of previous archaeological studies and the predictive model in order to bring the background research conducted for the project to current standards.
- Site survey of the Project Area with a representative/s of the Forster Local Aboriginal Council and detailed assessment of Aboriginal archaeological potential, in accordance with the Code of Practice.
- No works may commence within the Project Area prior to the addendum ACHAR having been undertaken. Note that the addendum ACHAR may recommend further archaeological assessment.

## Veronica Norman

Heritage Consultant

veronica.norman@rpsgroup.com.au

**Legend**

- Project Area
- Shell
- Shell, Artefact



**FIGURE 1: PROJECT AREA AND AHIMS EXTENSIVE SEARCH**

LOCATION: TUNCURRY, NSW	DATUM: GDA94
JOB NO.: PR 144267	PROJECTION: MGA Zone 56
PURPOSE: DEPARTMENT	Data Sources: RPS, Client
Technician: Veronica.Norman Date: 24/06/2019	Land and Property 2015

CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)  
 Level 13, 255 Pitt Street Sydney, 2001  
 T: 02 8270 8300 www.rpsgroup.com.au

