

ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT



[The dam within the central-western portion of the subject land]

**PLANNING PROPOSAL
15 MULLOWAY ROAD (LOT 273 DP755266)
CHAIN VALLEY BAY NSW**

CENTRAL COAST LGA

Mary Dallas Consulting Archaeologists

FEBRUARY 2019

Report to Optima Developments Pty Ltd



Executive Summary

This report documents an Aboriginal Cultural Heritage Assessment undertaken by MDCA [Mary Dallas Consulting Archaeologists] for Optima Developments Pty Ltd. It documents the investigation of an approximately 16.59 hectare parcel of land known as 15 Mulloway Road (Lot 273 in DP755266) Chain Valley Bay NSW, in the Central Coast region, which is proposed for rezoning as part of a Gateway Planning Proposal. The assessment has included a review of relevant contextual information about landform, geology and soils, documented archaeology, Aboriginal and non-Aboriginal land use, field survey and Aboriginal community consultation in accordance with the requirements outlined in clause 80C of the *National Parks and Wildlife Regulation 2009*.

Background research and field survey indicated that the subject land comprised a moderately disturbed, erosion prone slope and flood prone low-lying area. It was considered unlikely to retain any extensive, intact or significant Aboriginal cultural remains or areas of archaeological potential. Consistent with these observations, no Aboriginal archaeological remains or areas of archaeological potential were identified during the current assessment.

The assessment report has been prepared to meet the reporting requirements outlined in the *National Parks and Wildlife Regulation 2009* and relevant policy documents of the Office of Environment & Heritage, specifically the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) and the *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974* (DECCW 2010c). The current proposal is a rezoning proposal to allow future subdivision. As such, no impacts to the subject land are proposed at this time.



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1.0

Project Overview

1.1 Introduction

This Aboriginal Cultural Heritage Assessment (ACHA) report has been prepared by MDCA [Mary Dallas Consulting Archaeologists] for Optima Developments Pty Ltd. It has been prepared to inform a Gateway Planning Proposal at Mulloway Road, Chain Valley Bay NSW. Specifically this report describes the location and nature of the proposed rezoning and the information gathered and process undertaken to determine the proposed management for the subject land. It has been prepared to meet the reporting requirements outlined in the *National Parks and Wildlife Regulation 2009* and relevant policy documents of the Office of Environment & Heritage, specifically the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) and the *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974* (DECCW 2010c).

It contains the following:

- A brief description of the subject land and project (**Section 1**)
- A discussion of the Aboriginal community consultation undertaken (**Section 2** and **Appendix A**)
- A consideration of relevant landscape context (**Section 3**) and archaeological context (**Section 4**)
- A description of archaeological survey aims and methods (**Section 5**) and the results of the survey (**Section 6**)
- An assessment of Aboriginal heritage significance (**Section 7**)
- A discussion of potential impacts and management strategies (**Section 8**)
- A set of management recommendations (**Section 9**)
- References used in the current report (**Section 10**)
- AHIMS Register search records and relevant site records (**Appendix B**)

1.2 Report Authorship and Study Participants

This report has been prepared by MDCA Archaeologist Tamika Goward and MDCA Principal Consultant Mary Dallas and Paul Irish. Steven Knight, Kai Knight and Anthony Freeman of the Darkinjung Local Aboriginal Land Council and Tracey Howie of Guringai Tribal Link Aboriginal Corporation also participated in the site inspection.



1.3 Site Identification

The subject land to which the Planning Proposal relates comprises 16.59ha of land at 15 Mulloway Road (Lot 273 in DP755266), Chain Valley Bay NSW. It is located in the Central Coast Local Government Area, Parish of Wallarha and lies within the Office of Environment and Heritage North East Region. It is situated on the southern side of Lake Macquarie, 300m east of Chain Valley Bay and 18km northeast of Wyong (**Figure 1**). It is bound to the north by Mulloway Drive, to the south by Karignan Creek, to the east by Valhalla Retirement Village and Manufactured Housing Estate and to the west by residential lots along Trevally Avenue (**Figure 2**). The subject land currently contains a single dwelling and shed as well as a large dam, dense regrowth bushland and several open paddocks.

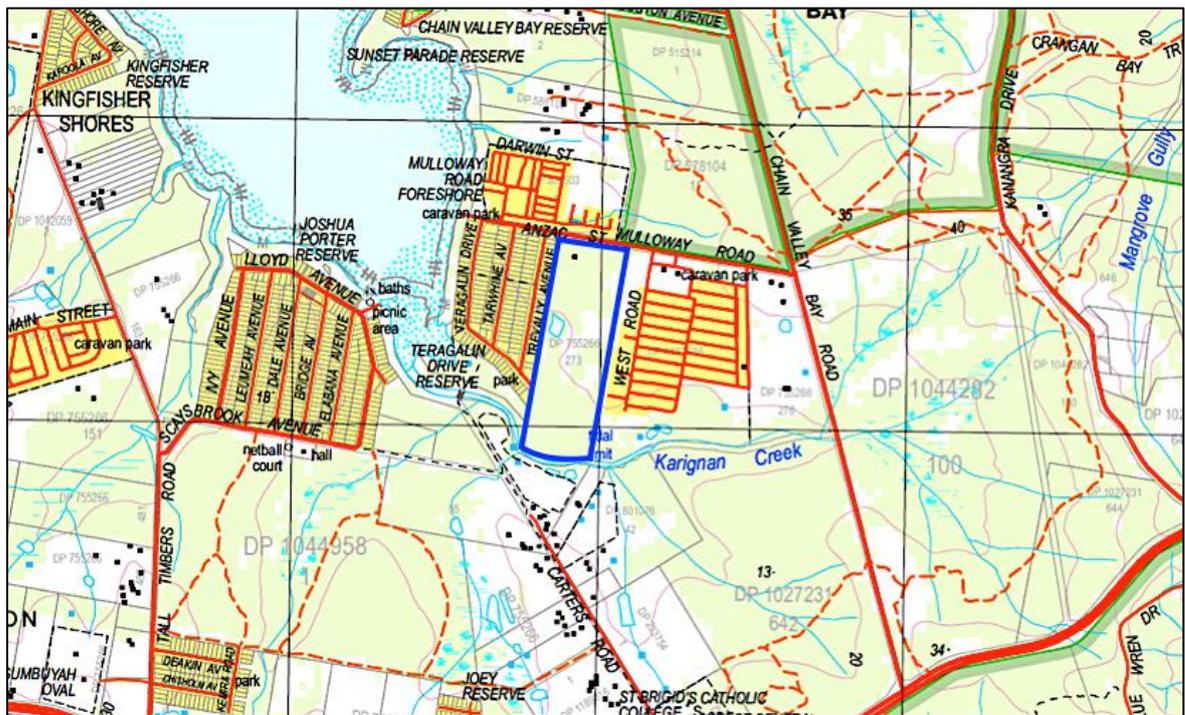


Figure 1. The subject land (blue outline) in its local context.

[Catherine Hill Bay 1:25,000 Topographic Map].

1.4 Reason for the Current Study

1.4.1 Proposed Development

The current proposal is to rezone the subject land for future residential subdivision, as indicated in Figure 2. The majority of the subject land is currently zoned E3-Environmental Management Lands and the very southern portion as E2-Environmental Conservation. The current E3 zone is proposed



to be changed to R2- Low Density Residential, to allow residential development of this area of the subject land. The southern portion, specifically land along Karignan Creek, is proposed to be retained as E2- Environmental Conservation Zone.

A preliminary development concept of the possible subdivision footprint is illustrated in **Figure 2**. Whilst this concept was the layout supported by the Central Coast Council and the gateway approval to commence the Planning Proposal process it could be subject to refinement as other environmental studies are completed as part of on-going investigations.

No impacts are currently proposed to the subject land as part of the rezoning proposal, however, the rezoning would allow future development which could potentially impact any physical remains of past Aboriginal use on or immediately below the current ground surface.

1.4.2 Background

The subject land has been considered in a previous assessment relating to the current proposal to rezone the land. A survey and assessment of the subject land took place in 2016 by Darkinjung Local Aboriginal Land Council (DLALC) representative, Lee Davison. During the survey it was found that visibility was poor to average due to long pasture grasses, thick vegetation and an abundance of leaf litter. Various sources of disturbance such as the dwelling, shed, vegetation clearance, sewer line and vehicle tracks were noted. Most exposure was observed in vehicle tracks and areas around a large dam. No Aboriginal sites were identified during this survey. This assessment concluded that there is a possibility for objects or sites of Aboriginal cultural heritage, such as stone artefacts and scarred trees, to be present within the subject land. This study recommended that, if the proposal is approved, a detailed Aboriginal archaeological inspection and community consultation in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (Part 6 NPWS Act 1974) be required prior to any ground disturbance.

The Gateway Planning Proposal does not propose to impact the subject land. However, it would allow future development, which may impact any Aboriginal sites or objects which may be present within it. The Office of Environment & Heritage (OEH) has recommended that in order to adequately capture the information required to inform the Planning Proposal, an Aboriginal Cultural Heritage Assessment (ACHA) report should be prepared, including Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009*. The ACHA report (current document), documents an assessment undertaken in accordance with the OEH *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) and the *Aboriginal cultural heritage consultation requirements for proponents 2010*.



The ACHA has also been prepared to meet requirements of the OEH *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*.

The purpose of the current Aboriginal Cultural Heritage Assessment is to identify any Aboriginal cultural heritage issues in relation to the re-zoning application and provide appropriate management recommendations for any recorded or potential items of Aboriginal cultural heritage which may occur within the subject land.

1.4.3 Legislative & Policy Requirements

The *National Parks & Wildlife Act (1974)*, administered by the *Office of Environment & Heritage (OEH)*, provides statutory protection for all Aboriginal 'objects' and 'places' where an object is defined as:

“any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains” [Section 5(1)]

An Aboriginal place must be declared under Section 84 of the Act and be a place that:

in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.” [Section 84].

Amendments to the NPW Act in 2010 have retained an offence to knowingly *harm* an Aboriginal object [s86(1)] but greatly increased penalties for such offences. The amendments have also introduced a strict liability offence for any *harm* (i.e. knowingly or unknowingly) to Aboriginal objects [s86(2)] or Aboriginal places [s86(4)] without a valid and applicable Aboriginal Heritage Impact Permit under Section 90 of the Act. *Harm* is defined as:

“any act or omission that:

- (a) destroys, defaces or damages the object or place, or*
- (b) in relation to an object—moves the object from the land on which it had been situated, or*
- (c) is specified by the regulations, or*
- (d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c)”* [Section 5(1)]

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object [S87(2)]. Due Diligence assessment can take a number of forms, including a generic process developed by the OEH (as described in DECCW 2010b) or one of an



equivalent standard. An exemption is also provided for 'low impact activities' which result in unknowing damage to an Aboriginal object, including a range of common farm and track maintenance activities.

Impacts to Aboriginal objects generally require an Aboriginal Heritage Impact Permit (AHIP), applications for which must be accompanied by an Aboriginal Cultural Heritage Assessment report. This report documents the archaeological assessment of the subject land in relation to the proposed subdivision in accordance with OEH guidelines (DECCW 2010c). The assessment must include full documentation of a prescribed process of Aboriginal community consultation in accordance with OEH guidelines (DECCW 2010a). This requires placing a public advertisement to seek expressions of interest in the project (or more precisely the AHIP to be sought) as well as directly notifying Local Aboriginal Land Councils and government agencies dealing with Aboriginal communities in the area. People or organisations can register as "Registered Aboriginal Parties" which provides them with a right to review and comment on aspects of AHIP applications, and to provide advice on Aboriginal cultural and historical significance. AHIPs can be issued for specific objects or cadastral features (e.g. whole of lot) and can cover archaeological test excavation, or salvage or impact, depending on the nature of the project and results of the assessment in support of the permit.

1.5 Methods Used

The current study documents the Aboriginal cultural heritage assessment of the subject land and proposed impacts, and includes full documentation of a prescribed process of Aboriginal community consultation in accordance with current OEH guidelines (DECCW 2010a & c).



2.0

Aboriginal Cultural Assessment

For the current study, consultation with the local Aboriginal community was undertaken in order to document the Aboriginal cultural significance of the subject land in relation to the current Planning Proposal. This section documents that consultation, which was undertaken in accordance with the requirements of the *National Parks and Wildlife Regulation 2009* (s80C) [‘the Regulation’]. Initially this involved formulating a list of Registered Aboriginal Parties to be consulted concerning the current project.

2.1 Aboriginal Community Consultation

2.1.1 Public and Direct Notices

The OEH Aboriginal consultation process does not prescribe the automatic registration of Registered Native Title Claimants or Local Aboriginal Land Councils, however MDCA notes that the latter have a statutory responsibility “to promote the protection of Aboriginal culture and the heritage of Aboriginal persons”¹ within their boundaries. As such the Darkinjung Local Aboriginal Land Council (DLALC) was automatically registered. The Guringai Tribal Link Aboriginal Corporation (GTLAC) were also automatically registered due to their past involvement in this project.

A public notice seeking registrations of interest in the project was lodged in The Central Coast Express Advocate on 23 November 2017 giving a date of 7 December 2017 for responses (**Appendix A1**). At the same time (15/11/2017) direct notices were sent to the agencies listed below (**Table 1**) to seek details of potential further Aboriginal parties to contact in relation to registrations of interest (see sample in **Appendix A1**). The responses received (**Appendix A1**) led to follow up letters being sent to the organisations listed in **Table 2**, enquiring whether they wished to register an interest in the project (see sample in **Appendix A1**). Outside of the direct notices, both A1 Indigenous Services and Amanda Hickey Cultural Services registered their interest in the current project on 22/1/2018.

Table 1. Direct Agency Notices sent 25/10/2017.

Agency	Response Deadline	Response Received?	Additional Contacts to those already Registered
Hunter LLS	1/12/2017	22/12/2017	No additional contacts suggested.
NNTT	1/11/2017	25/10/2017	No additional contacts suggested.
NTS Corp	1/11/2017	No	
OEH	1/11/2017	19/12/2017	Awabakal Descendants Traditional Owners

¹ Aboriginal Land Rights Act 1983, s52(1)(m).



Agency	Response Deadline	Response Received?	Additional Contacts to those already Registered
			Awabakal Traditional Owners Aboriginal Corporation Kawul Pty Ltd trading as Wonn1 Sites Lower Hunter Aboriginal Incorporated Roger Matthews Consultancy Wattaka Wonnarua CC Service Widescope Indigenous Group Yinarr Cultural Services Kevin Duncan Sharon Hodgetts David Pross
NSW Department of Aboriginal Affairs/ Registrar of Aboriginal Owners	1/11/2017	23/11/2017	No additional contacts suggested.
Darkinjung LALC	27/11/2017	No	No additional contacts suggested.
Central Coast Council	1/11/2017	23/11/2017	Empowered Communities.

Table 2. Direct Community Notices.

Community group	Date of Letter	Response Deadline	Response Received	Seeking Registration?
Awabakal Descendants Traditional Owners	21/12/2017	19/1/2018	No	
Awabakal Traditional Owners Aboriginal Corporation	21/12/2017	19/1/2018	No	
Kawul Pty Ltd trading as Wonn1 Sites	21/12/2017	19/1/2018	No	
Lower Hunter Aboriginal Incorporated	21/12/2017	19/1/2018	No	
Roger Matthews Consultancy	21/12/2017	19/1/2018	No	
Wattaka Wonnarua CC Service	21/12/2017	19/1/2018	No	
Widescope Indigenous Group	21/12/2017	19/1/2018	22/1/2018	Yes
Yinarr Cultural Services	21/12/2017	19/1/2018	29/1/2018	Yes
Sharon Hodgetts	21/12/2017	19/1/2018	8/1/2018	Yes
Kevin Duncan	21/12/2017	19/1/2018	No	
David Pross	21/12/2017	19/1/2018	17/1/2018	Yes
Empowered Communities	21/12/2017	19/1/2018	No	

2.1.1 Registered Aboriginal Parties

On the basis of the notification process above, the following Aboriginal organisations were listed as Registered Aboriginal Parties and details of these organisations were sent to the OEH and Darkinjung LALC as required by the *Regulation* (80C[5b]) on Wednesday 24 January 2018.

Table 3. Registered Aboriginal Parties.

Name	Abbreviation Used in this Report
Darkinjung LALC	DLALC
Guringai Tribal Link Aboriginal Corporation	GTLAC
Sharon Hodgetts	Ms Hodgetts
Widescope Indigenous Group	Widescope



Name	Abbreviation Used in this Report
Yinarr Cultural Services	Yinarr
David Pross	Mr Pross
A1 Indigenous	A1
Amanda Hickey Cultural Services	AHCS

2.1.2 Project Information and Comment on Methodology

All Registered Aboriginal Parties were sent project information and a proposed assessment methodology on 24 January, 2018 with a deadline of 23 February, 2018 for responses (see **Appendix A2**). Specifically, all Registered Aboriginal Parties were requested to provide comment on:

- the proposed assessment methodology.
- any objects or places of cultural value to Aboriginal people which may be located within the current subject land, and any other Aboriginal cultural or historical information relevant to the current assessment and proposed subdivision.

Registered Aboriginal Parties were also requested to inform MDCA of any information of a culturally sensitive nature so that appropriate protocols of access could be developed.

There were no responses to the Information and Methodology document and no asserted cultural/historical associations were identified.

The DLALC and GTLAC participated in a site inspection of the subject land associated with the current study. Both groups were asked to comment on the site inspection, as well as any cultural/historical associations with the area considered pertinent to that assessment. The comments provided by GTLAC are summarised in **Table 4** below and appended in **Appendix A2**.

In their response, the GTLAC discuss the possibility of additional archaeological works. More specifically, test excavations to establish the presence or absences of Aboriginal archaeological materials. Given the lack of archaeological potential, this is not considered warranted on archaeological grounds. This conclusion is supported by the environmental information, survey reporting and assessment below.

Table 4. Responses to Information and Methodology document.

Registered Aboriginal Party	Response
GTLAC	GTLAC notes that although no Aboriginal sites or objects were identified within the subject land, it contains a microbat and flying fox habitat and is also within close proximity to known Aboriginal sites (Carter's Lane). For this reason, GTLAC recommend test excavation within the subject land to establish the presence or absence of Aboriginal archaeological objects or materials.



2.1.3 Comment on Draft Report

The comments of the Registered Aboriginal Parties as discussed above were used in the formulation of the draft Aboriginal Cultural Heritage Assessment Report. This draft document was sent to all Registered Aboriginal Parties for comment on 11 April 2018 with a deadline of 11 May 2018 for responses (see **Appendix A3**). Specifically, all Registered Aboriginal Parties were requested to provide comment on:

- their views on the draft recommendations.
- any other views or information relating to the Aboriginal Cultural Heritage Assessment that parties believed should be considered in relation to the current assessment.

The comments received are shown in **Table 5** and where relevant, included in **Appendix A3**.

Table 5. Responses to Draft Report.

Registered Aboriginal Party	Response
DLALC	DLALC have suggested test excavation, monitoring of small fauna clearance by DLALC, that DLALC be contacted 30 days before any works commence within the subject land, and that continued monitoring of the works be undertaken by DLALC. DLALC state that they have reviewed the draft report and are satisfied with the methodology.

In their responses, DLALC discuss the possibility of additional archaeological works. This group has suggested archaeological test excavation be undertaken within the subject land. They also suggest their continued involvement through monitoring of works relating to the proposal. Given the eroded nature of the area proposed for development and the lack of archaeological potential, this is not considered warranted on archaeological grounds. This conclusion is supported by the environmental information, survey reporting and assessment below. No further investigations beyond the actions outlined below have therefore been adopted in the management strategy.

2.2 Aboriginal Cultural Significance within the Subject Lands

The Aboriginal community consultation undertaken to date in relation to the current Aboriginal heritage assessment has not identified any specific Aboriginal cultural significance relating to the particular area of the subject land or the identified Aboriginal sites which are the subject of this report, or its immediately surroundings, though it is apparent from correspondence that a general level of significance is ascribed to the area and all Aboriginal archaeological remains as an indicator of past Aboriginal presence in the landscape.



3.0

Landscape Context

3.1 Local Environmental Context

The subject land is situated on gently sloping land above Chain Valley Bay. The subject land slopes down (maximum 10%) to the south and west toward Karignan Creek, which forms its southern boundary. Karignan Creek flows into Chain Valley Bay 300m to the west, which then opens out into Lake Macquarie some 5km to the north.

The more elevated portions of the subject land, which are proposed for rezoning, are characterised by the undulating rises of the Doyalson Erosional Soil Landscape. This Soil Landscape comprises gently undulating rises on Munmorah Conglomerate Formation, which is a conglomerate of pebbly sandstone, siltstone and clay stone. Soils here are moderately deep (0.5-1.5m deep). They comprise brown loose sand to loamy sand topsoils underlain by shallow light yellow clayey sand subsoils. A light sandy clay loam follows, which is then underlain by light grey sandy clay loam to medium clay. This landscape is extremely prone to erosion, high run off on footslopes and seasonal waterlogging in less elevated areas.

The southern portion of the subject land, which comprises the creek and its riparian corridor, is low-lying and is associated with the floodplains of the Wyong Alluvial Soil Landscape. This landscape comprises broad, poorly drained deltaic floodplains and alluvial flats of Quarternary sediments. Soils here are deep (>2m) and comprise brownish black loam to silty clay loam topsoils atop brownish silty to heavy clay subsoils. This soil landscape is prone to flooding and seasonal waterlogging, as well as extreme stream bank erosion along major drainage channels.

The subject land has been cleared of most if not all original timber but some corridors of regrowth are present. Clearing is associated with the areas extensive history of cattle and horse grazing and residential use. Original vegetation within the more elevated to sloping portions of the subject land would have comprised open forest. Vegetation here would have been made up of Scribbly Gum, Bloodwood, Stringybark, Smooth Barked Apple and Greygum. An understory of Banksia and Mountain Devil would have also been present. Original vegetation within the low lying areas would have been closed forest made up of Melaleuca, Prickly Leaved Paperbark, Woollybutt and Swamp Mahogany.

The creeks and intervening forest environments would have supplied Aboriginal people with a range of foods and raw materials. Fresh water would have been available some or all of the year from Karignan Creek along the southern boundary of the subject land or permanently from Chain Valley Bay.



3.2 Aboriginal Land Use

The following discussion aims to give a sense of the connections Aboriginal people have had with the local area over time, based on published sources.

Traditionally, Aboriginal people in the Wyong/Lake Macquarie area are likely to have spoken the Awabakal language. Neighbouring language groups included the Worimi to the north, Wonnarua to the north-west, Darkinjung to the south-west and Guringai to the south. The Awabakal appear to have been people of the coast, estuaries, lakes and wetlands, but also with associations to the rugged sandstone country through the Sugarloaf and Watagan Ranges.

We have some information about the lives of Awabakal people around the time that Europeans arrived through early colonial records. Among the most significance sources are the writings of Reverend L.E Threlkeld, who established a mission in 1825 at Toronto on the shores of Lake Macquarie. For seventeen years, he recorded the language, traditions and material culture of the Awabakal people. He also observed the rich food resources of Lake Macquarie, which included fish, molluscs and land mammals. He recounts how the Awabakal exploited local resources using canoes, spears, as well as wood and stone tools (Threlkeld in Gunson 1974).

Early colonial violence and disease severely disrupted the lives of Awabakal people, however there are historical records showing the ongoing use of Lake Macquarie by Aboriginal people through the nineteenth century. For example in 1863 a small number of Aboriginal people, including Margaret and Ned White, were living at a fishing settlement at Swansea amongst Chinese fishermen and European seafarers (Umwelt 2011). Others lived elsewhere around the edges of Lake Macquarie in the late nineteenth century, including at Cams Wharf (Turner and Blyton 1995: 51-52). The records of Percy Haslam on the University of Newcastle Wollotuka School of Aboriginal Studies web site suggest that Awabakal descendants lived around Lake Macquarie well into the twentieth century (University of Newcastle 2018). In the twentieth century, the historical movement (both forced and voluntary) of Aboriginal people mean that those living today in the area include both descendants of the original Aboriginal owners and other Aboriginal people from neighbouring areas and further afield.

Although detailed Aboriginal historical research is yet to be undertaken for the Lake Macquarie area, there appears to be no documentation of any specific culturally significant areas within or immediately adjacent to the subject lands.

For example, the recent Lake Macquarie Aboriginal Heritage Management Strategy (Umwelt 2011) sought to identify places of cultural significance to Awabakal descendants, resource gathering areas and historical Aboriginal sites through consultation with local Aboriginal community members. None of these past investigations have identified the land currently under consideration



as having specific Aboriginal cultural or historical values or associations additional to its significance as part of a broader cultural landscape.

Further to this, Darkinjung LALC undertook an assessment of the subject land in 2016. No specific cultural connections were identified during this study. It was concluded that although the subject land has undergone previous disturbance, there was a possibility for Aboriginal objects or sites to occur. It was recommended that a more detailed Aboriginal archaeological assessment including community consultation be undertaken (DLALC 2016).

It is clear from the information above that cultural connections to the subject land is likely to be of a general rather than specific nature, and this has been confirmed by responses to enquiries through this study (see above).

3.3 European Historical Land Use

The establishment and growth of European settlement in the Lake Macquarie area is largely linked to the mining of coal, which was known to be abundant in the region. Whilst on a journey from Newcastle to collect a small cargo of coal in 1800, Captain William Reid noted the abundance of it in the area (Barney 1999:1).

The earliest European settlers to the region were coal miners and missionaries, the first being Reverend Lancelot Threlkeld in the 1820s. Threlkeld established the first coal mine in the Lake Macquarie region at Coal Point on land granted in 1829 (Barney 1999:1). He also established several mission stations. Following this extensive land grants were made in the area for farming of cattle and sheep, particularly along watercourses (ERM 2006: 5).

The subject land has a long history of agricultural use. Chain Valley Bay is known to have been part of a 500 acre land grant made to Richard Cape in 1825 for cattle farming (NPWS 2005:24). It is not clear when the land was originally cleared, but its current state demonstrates that this clearing was extensive. It is likely that most mature trees were cleared from the subject land during the 19th century, with regrowth bushland recolonising some areas after this time.

Large portions of the subject land have been maintained as open paddocks for at least the last two decades. A house and shed have been constructed in the north-western portion of the subject land and a large dam excavated in the central-western portion. A system of unsealed vehicle access roads also wind through the property. A sewer line has also recently been installed in the southern portion of the subject land. To the east of the subject land, large-scale land modification has taken place in association with the construction of Valhalla Retirement Village. To the north and west of the subject land similar land modification has occurred during establishment of the surrounding dense residential areas. On the whole, the subject land does not appear to have been intensively



used by Europeans over the past two centuries, though large portions have been impacted to a moderate extent, mostly in association with farming activities.

Given the vulnerability of the soils within the subject land, these historical and more recent impacts could be expected to have significantly disturbed the natural soil horizons across the subject land. Given that subsurface archaeological evidence is likely to be restricted to the uppermost soil horizon in the areas proposed for rezoning, these historical impacts could be expected to have disturbed (and possibly destroyed) any intact physical traces of past Aboriginal use of the area that may once have been present.



4.0 Archaeological Context

4.1 Previous Archaeological Work & Site Recordings

4.1.1 OEH AHIMS

For the current assessment, the OEH Aboriginal Heritage Information Management System Aboriginal Sites Register ('the AHIMS Register') and Catalogue of Archaeological Reports were consulted. An online search of the AHIMS Register of an 8km x 8km area centred on the subject land revealed that 41 recorded Aboriginal sites have been registered within the search area² (see Figure 3 and **Appendix B**).

Sites within the search area overwhelmingly comprise middens along the foreshores of Lake Macquarie, however the nearest recorded sites to the subject land are two scarred trees (AHIMS #45-7-0276 and #45-7-0278) around one kilometre to the north on the foreshore, an isolated stone artefact (AHIMS #45-7-0269) one kilometre to the north-east along a track in dense bushland, and another isolated artefact (AHIMS #45-7-0344) located 800m to the south at St Brigids College. **Table 4** summarises site types in the search area.

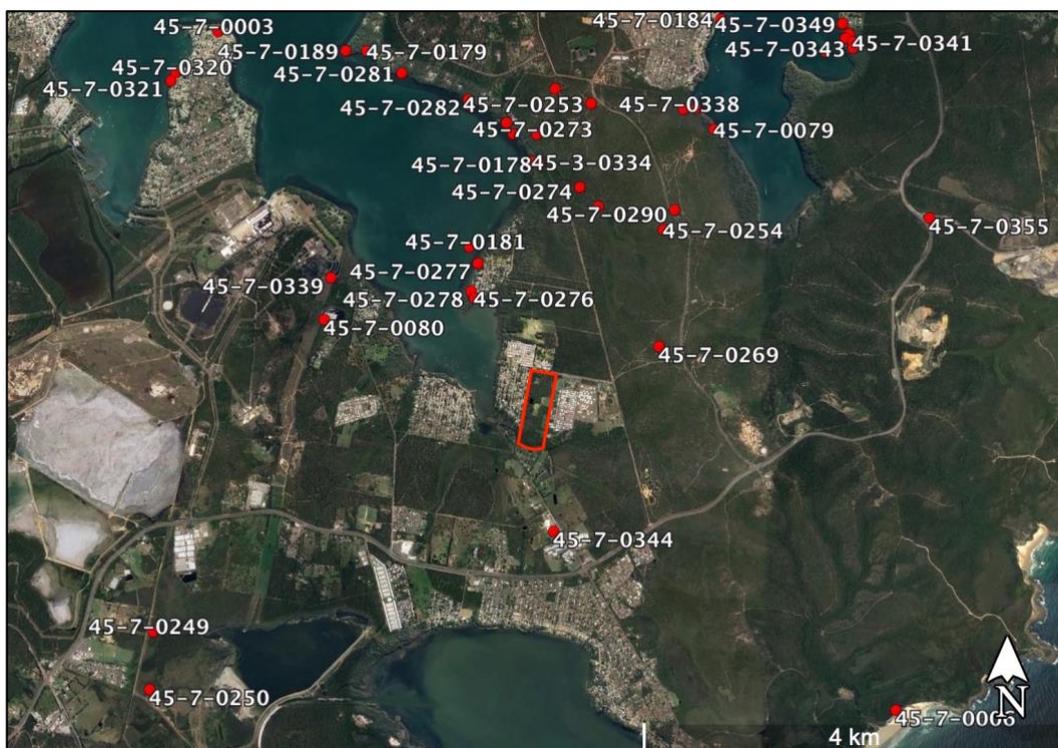


Figure 3. Aboriginal sites registered on AHIMS within the vicinity of the subject land (red outline).

² Report generated by AHIMS Web Service on 30/10/2017.



Table 6. Summary of site types within the search area.

Site Type	Number of Sites	Percentage of Total
Midden	22	54%
Isolated finds	11	27%
Scarred Tree	5	12%
Potential Archaeological Deposit	2	5%
Artefact scatter	1	2%
Total	41	100%

The frequency of recorded site types reflects both the types of surviving evidence in the vicinity, and the archaeological research that has taken place in recent decades. Specifically it is noted that archaeological research over the last 30 years has been almost exclusively undertaken in a cultural heritage management context, where identification of areas of Aboriginal archaeological potential and visible evidence in the form of surface manifestations of shell middens and stone artefacts have been the predominant recorded features.

4.1.2 Other Register Searches

In addition to the AHIMS Register search, updated online searches of several other repositories were undertaken on 22/3/18 to determine whether any Aboriginal sites or areas of potential have been identified within or adjacent to the subject land. The results of these searches can be summarised as follows:

- A search of the Australian Heritage Database (incorporating the Register of the National Estate) was undertaken for Aboriginal heritage items within the Central Coast Local Government Area (formally Wyong LGA). No items are listed for their Aboriginal heritage values within or adjacent to the subject land.
- The NSW State Heritage Inventory (incorporating the NSW State Heritage Register) was searched for Aboriginal heritage items within the Central Coast Local Government Area (formally Wyong LGA). No items on either register within close proximity to the subject lands appear to be listed for their Aboriginal heritage values.

4.1.3 Local Archaeological Research

Although extensive archaeological studies have been undertaken for the Lake Macquarie area, few



have been conducted in close proximity to the subject land. These have been related either to development and maintenance of mines or local infrastructure. Of most immediate relevance to the current assessment are the following:

- Dyall (1975) conducted archaeological excavations of a midden at Swansea. The midden contained shell, stone tools, fish bone, bone points and human burials. The stone artefacts included several backed blades and ground edge axes and anvils. In association with this midden, Dyall also excavated 12 burial and cremation sites. Subsequently, Donlon (1991) assessed the human remains from the Swansea channel burial ground on the beach at the lake entrance at Swansea Heads. It was determined that skeletal material found in the midden comprised 21 individuals, including four cremations.
- Haglund (1986) undertook a review of Aboriginal archaeological sites across the Lake Macquarie LGA, which is immediately north of the subject land. At the time, there were 150 known sites which comprised 65 open campsites, 48 middens, 25 grinding grooves, ten rockshelters, two quarries, one scarred tree and one mythological site. Haglund used site patterning to develop a seasonal occupation model for the area (see below).
- Brayshaw (1989) conducted survey of a proposed resort at Summerland Point, 4.5km north of the current subject land. The survey along the foreshore resulted in the recording of one midden site found on the west bank of Bonny Boy Gully. This midden comprised a thin layer of shell which contained few stone artefacts as well as possible hearthstones. The midden was determined to represent a 'dinner time' or short stay camp.
- Navin and Saunders (1996) completed survey, archaeological excavations and salvage of a midden and artefact scatter at The Hole, Mannering Bay. The shell was determined to be of natural or recent human origin. A total of 137 stone artefacts were found, 95 from the surface and 42 from subsurface excavations. Raw materials included tuff, silcrete, chert, quartz and quartzite. Artefacts included flakes, flaked pieces, blades, backed blades, microblades, cores, blade cores and hatchet heads. Based on the lithic assemblage the site was dated to the last 5 000 years. The low-medium density site was interpreted as representing periodic occupation debris from short-term campsites.
- ERM (2010) conducted an Aboriginal Heritage Impact Assessment for a Coal and Allied lands at Gwandalan. During survey two sparse, eroded midden sites were identified. The middens were assessed as having low archaeological significance but a high level of significance to the Aboriginal community. A registered midden site was also revisited during the survey and was found to have high social value to the Aboriginal community. An assessment of archaeological potential was also formulated for the study area. High potential was given to the immediate foreshore while moderate potential was allocated to the area immediately behind it.



- RPS (2011) completed a study for the extension of mining at Mannering Colliery, 3km west of the current subject land. The survey resulted in the identification of a midden and a culturally modified tree. The riparian zone of Wyee Creek was also assessed as an area of high archaeological sensitivity and that mining activities, including subsidence assessment, should take this into consideration.
- AECOM (2011) undertook desktop and field survey to assess the impact posed by Chain Valley Colliery which is located 1.5km north-west of the current subject land. The three phases of survey resulted in the identification of five new midden sites along the foreshore. The potential for minor subsidence impacts was assessed for these new sites and previously recorded sites within the study area and only one site was considered to be likely to be affected. Monitoring of this site was recommended.
- Abel Archaeology (2012) conducted an Aboriginal Heritage Impact Assessment for St Brigids Catholic College on Carter's Road, Lake Munmorah, 800m south of the current subject land. One isolated stone artefact was identified. A permit to collect this artefact was issued in 2014.
- EMM (2013) conducted survey for the Chain Valley Colliery Mining Extension 1 project. Two registered midden sites were revisited during survey, which were assessed as possibly being impacted through mining subsidence. Both sites were found to be in good condition, with some evidence of erosion on the immediate shoreline.
- EMM (2015) has prepared an Aboriginal Cultural heritage Assessment as part of the Statement of Environmental Effects for a mine design modifications at Chain Valley Colliery. It was assessed that only one site would potentially be affected by subsidence, for which monitoring was recommended.

These studies have identified that Aboriginal subsistence in the region was focused on the estuarine middens on the Lake Macquarie foreshore. Stone artefact scatters and isolated finds are found to a lesser degree but these artefacts are often mixed with midden sites but are also distributed adjacent to watercourses in the hinterland of Lake Macquarie.

4.2 Regional Land Use and Modelling

There have been a range of studies undertaken around the NSW Central Coast and Lake Macquarie area over the past thirty years which have sought to describe Aboriginal land use based on patterns in the distribution of recorded Aboriginal sites.

Vinnicombe (1986) compiled information on sites in the Gosford-Wyong region through extensive research, survey and analysis to generate a predictive model. The aim of this study was to



integrate Aboriginal heritage into early stage development planning. Vinnicombe investigated three landscapes; open coastline and coastal estuary, riverine estuary and inland sclerophyll forest. Survey revealed that an average of 11 sites/km² occurred on coasts and in coastal estuaries, 8 sites/km² in riverine estuaries and 6 sites/km² in inland sclerophyll forest. She concluded that decreasing site density is directly associated with distance from marine resources.

Haglund (1986) collated the information for sites and archaeological investigations within the Lake Macquarie LGA. She found that known sites in the region include coastal and estuarine shell middens, open campsites distinguishable by surface scatters of stone artefacts, axe grinding grooves, burials, quarries and scarred trees. Middens are the most commonly occurring site type and these are concentrated along the coastal strip and the lake foreshores. Haglund used site patterning to develop a seasonal occupation model for the area, which suggested winter use of inland areas and summer use of coastal areas. The estuarine environments of Lake Macquarie were considered to be used as transitory resource areas between the two main occupation areas.

Umwelt (2009a & b) undertook an extensive Aboriginal heritage study for Lake Macquarie Council which included desktop assessment and survey to test this assessment. The results of this study included the identification of 16 landforms which fit into five landscape groups that could be used to address how Aboriginal People used the landscape. The five landscape groups included; lake foreshore areas, major creek catchments, minor creek catchments, mountainous inland areas and coastal areas. According to this study, the current subject land, being on the gentle to moderate footslope of the foreshore and major creek catchments, is likely to contain middens, moderate density artefact scatters (probably disturbed) and possibly scarred trees. In 2011 an Aboriginal Heritage Management Strategy followed this study which provided guidelines for management of Aboriginal heritage in the LGA. The strategy also identified areas of high conservation value. The study did not identify the current subject land as part of a sensitive Aboriginal landscape (Umwelt 2011).

The previous studies above and the present distribution of known sites in the region strongly support a coastal and lake focus and, although many sites will have been destroyed because of regional development, this may reflect an Aboriginal pattern of exploitation and movement. Land use modelling would suggest that the subject land is unlikely to have been a focus of Aboriginal occupation. Although it is bound by a major watercourse, it is more likely that activities were focused on the foreshore to the east. The subject land is likely to represent a transitory area between the lake, coast and the hinterland. Further to this, the subject land is likely to contain sites of low-moderate density which are likely to have been affected by recent land use disturbances.



4.3 Summary and Site Prediction within the Subject Land

Based on the above review it can be deduced that archaeological evidence of past Aboriginal use in contexts such as the current subject land is most commonly manifest as midden sites on the foreshore of Lake Macquarie while low density open campsites occur to a lesser degree in hinterland areas. Modelling of site distribution in the region also suggests that the location and density/complexity of archaeological evidence of these and other sites is related to distance from reliable water. The survival and degree of intactness of archaeological evidence is also related strongly to levels of historical non-Aboriginal activity in any given area.

The spatial model formulated by Umwelt (2011) demarcates the portions of the subject land to be affected by the rezoning as comprising the gentle to moderate footslope of the foreshore and major creek catchments, and so may contain middens, moderate density artefact scatters (probably disturbed) and possibly scarred trees. The subject land is not a focus of Aboriginal use and is not considered to be within a sensitive Aboriginal landscape. Other predictive models (Vinnicombe 1970; Haglund 1986) suggest that the subject land may have been used as a more transitory landscape between the more focal resource zones. It can be therefore expected that this area would not have been a focus of activity for Aboriginal people but is more likely to have been used for short-term occupation and transitory passage.

The local archaeological research reviewed in **Section 4.1.3** suggest that evidence of Aboriginal occupation within the subject land is likely to be sparse and unlikely to be associated with extensive intact archaeological deposit. On the basis of this review, as well as contextual environmental data and known land use impacts, it is possible to predict the types of Aboriginal sites which may possibly occur within the subject land, and to give an indication of the likelihood of their occurrence.

- Shell Middens. These sites contain the discarded remains of shellfish meals. They may occur in lens or mounded deposits. The evidence of other activities such fishing, camping, cooking, artefact manufacture or maintenance and the interment of the deceased may also be found in midden deposits.
- Artefact scatters (also known as open campsites) are likely to be most common on level, well drained ground adjacent to freshwater sources and wetlands or along crests of spurs and ridgelines. More and larger sites will tend to be located on spurs or ridgelines which afford continuous and effective access through and across the surrounding landscape. Open Artefact Scatters may occur almost anywhere that Aborigines have travelled in the past and may be associated with hunting or gathering activities, domestic camps, or the manufacture and maintenance of stone tools. The density of artefacts represented in these



scatters can vary dramatically and may relate to transient or short stay camps, or base camps of long term or repeated occupation. If present within the subject land, such sites are likely to be of low density and integrity.

- Isolated artefacts occur without any associated evidence for prehistoric activity or occupation. Isolated finds can occur anywhere in the landscape and may represent the random loss, deliberate discard or abandonment of artefacts, or the remains of dispersed artefact scatters. Manuports are items consisting of raw materials of stone that do not naturally occur within the soil profiles of a given region. Transported onto a site by Aboriginal people from sources elsewhere, these items will have subsequently been discarded before use as flaked or ground stone tools. There is some chance that isolated artefacts may occur within the subject land although they are likely to be extremely difficult to detect.
- Scarred or carved trees are resultant of bark and/or wood removal for the purpose of manufacturing shelters, canoes and shields and/or for designs carved into wood for a range of aesthetic, functional and ceremonial reasons which are currently not fully understood. Evidence for tree scarification is generally likely to be observed on large and mature trees endemic to the region (depending upon the species) either as isolated trees, remnant stands or continuous forest. Unless the tree is at least 100 years old, scarring is unlikely to be of Aboriginal origin. It is unlikely that such trees remain within the subject land given the land use history of the site.
- Axe grinding grooves are grooves which result from the manufacture and/or maintenance of the working edge of some stone tools such as hatchets. They may be found where suitable sandstone is exposed in, or adjacent to, creeks or on elevated platforms where wet-grinding techniques are possible adjacent to natural rock holes and shallow 'basins'. Within the subject land it appears that such grooves are most likely be located along Karignan Creek within the subject land (if sandstone is exposed).



5.0

Archaeological Survey Methodology

5.1 Approach and Sampling

The methodology for the archaeological survey of the subject land was based on the contextual environmental, historical and archaeological information reviewed above. Specifically, the small size of the property, the degree of recorded historical disturbance, and the likely nature of archaeological evidence (surface occurrences of stone artefacts), suggested that survey of the complete area proposed for development was warranted in order to locate any evidence of past Aboriginal use and assess the archaeological potential of the subject land. A sampling methodology was therefore not employed.

5.2 Site Survey and Recording

Given the small size of the subject land, the limited extent of the proposed residential subdivision, and the presence of physical impediments such as existing buildings and fences, it was not considered warranted to conduct the survey in regularly spaced transects. Rather, the survey concentrated on an examination of all areas of exposed ground and any trees of sufficient age to bear scars of possible Aboriginal cultural origin. An appraisal of ground disturbance, surface visibility and thus estimated effective survey coverage was carried out during the site inspection to allow a tabulation of data (see **Section 6.2**) in a format consistent with the requirements of the DECCW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010)*.

Generally, reporting has been concerned with topography (whether sites, features or areas of potential sensitivity are located on slopes or flats etc), context, vegetation, ground exposures, and nature of ground visibility and extent of disturbance. The distinction between site categories (open campsites vs. isolated finds etc) and the definition of areas of potential sensitivity was determined according to the following categories:

- Isolated Finds consist of single artefacts that are located more than 50m apart or otherwise obviously unrelated in context.
- Open campsites comprise open artefact scatters that consist of two or more artefacts situated within 50m of each other unless obviously unrelated in context.



The following attributes of each stone artefact that may be located during these investigations are to be recorded:

- **Artefact Type:** This category records the presence of flakes, flaked pieces and cores etc.
- **Raw Material:** Raw materials may include silcrete, indurated mudstone and quartz, etc.
- **Dimensions:** Maximum length, width and thickness of finds are to be recorded.
- **Other:** Comments include the presence of cortex and retouch etc.

In addition, frequently used criteria inclusive of landform, aspect, topography and subsurface integrity have also been used to define open areas of Potential Archaeological Deposit (PAD). These are defined as areas with the potential to contain sub-surface deposits of Aboriginal stone artefacts without surface evidence of such artefacts.

Recognition, ascription and recording of scarred trees as being potentially of definite, probable, or possible Aboriginal origin is based upon the assessment criteria summarised by Navin Officer (1997) and mindful of attribute guides described in Irish (2004) and Long (2005).

Any Aboriginal cultural material or relevant landscape features were plotted using site plans and a Garmin GPSMAP 60CSX handheld GPS set to the GDA coordinate system. GPS track logs were also kept detailing the routes and transects taken by the survey team.

5.3 Survey Units

Given the small size of the subject land and its consistent landform, any division into survey units would have been of no practical or interpretive use.



6.0

Archaeological Survey Results

6.1 Survey Observations

A site inspection of the subject land took place in 2017 by MDCA in association with the Darkinjung Local Aboriginal Land Council (DLALC) and the Guringai Tribal Link Aboriginal Corporation (GTLAC). Although much of the land was covered with pasture grass and other vegetation, ground was exposed at regular intervals to allow its archaeological potential to be assessed. The following observations were made.

The northern portion of the subject land (E3 Zone) is characterized by an elevated, gentle south-facing slope. Parts of this area are densely vegetated with regrowth eucalypt woodland while other areas comprise open grassed paddocks. Fallen trees in this area reveal a dry, deep, pebbly sand deposit (**Figure 4**). This is an eroded residual soil profile that comprises weathering bedrock and so no subsurface deposit is likely to be extant here. An unsealed access drive is present down the central portion of this area. Several forks in this access drive lead to the dwelling, sheds and paddocks (**Figure 5**). There is concrete rubble, blue metal gravel, ironstone and other debris present in the surface of this track. Exposures in the track show a pebbly, gravelly grey sand with introduced materials strewn throughout. There are various rubbish mounds along these tracks. The area containing the dwelling and sheds in the north-western portion of the subject land has been levelled and cleared. Sheds are present behind the dwelling as well as a large open paddock. This paddock is heavily pitted, weed infested and rubbish has been stock piled here. There is also evidence of localised bulldozing here.

The north-eastern portion of the subject land (E3 Zone) is comprised of densely vegetated regrowth with little visibility as well as a small open paddock. There is old, disused farming equipment in this paddock and mounded earth which appears to be the product of localized bulldozing (**Figure 6**). There are no mature trees in the northern portion of the subject land.

The main features of the central portion of the subject land (E3 Zone) are a very large cleared paddock and a large dam. This area also contains pockets of regrowth vegetation around the paddocks with few mature trees, most often Scribbly Gums. The paddocks are heavily pitted and the surface is very uneven. Some stockpiling of earth was noted within the paddocks. The dam is about 40m x 25m. The dam walls are substantial, with the southern wall being over 2m high (**Figure 7**). The dam walls comprise the material excavated out of the dam, exposing a sandy, pebbly clay. The western and southern areas around the dam are littered with debris and disused farming equipment and structures. There is a drainage cutting which leads out from the western side of the dam. The very southern extent of the E3 zone is demarked by a recently installed sewer



line. The route of this sewer line is cleared, manholes installed and a barbed wire fence runs along it (**Figure 8**).

The southern portion of the subject land (E2 Zone) is characterized by gently sloping to low-lying regrowth swamp vegetation along the creek. This area is flood prone. The ground surface here is also heavily pitted, cracked and lifted (**Figure 9**). There is a track along the eastern property boundary in this area which then runs east-west in parallel with the creek and then connects to a fire trail which runs the length of the western boundary of the subject land. There is a weir in the central portion of the creek. Earth has been built up along the track here, probably for flood mitigation (**Figure 10**). The deposit in the south-western portion of the subject land is comparatively wet and humic. A neighbour informed us that the previous owner ran pigs, goats and horses in this swampy area.



Figure 4. Eroded residual soil profile exposed by tree fall.



Figure 5. Fork in the main track which leads to the dwelling. View south-west.



Figure 6. Localised bulldozing in paddocks.



Figure 7. The large dam in the central-west portion of the subject land.



Figure 8. The sewer line between the E3 and E2 zone. View east.



Figure 9. Cracked earth in flood zone along creek.



Figure 10. Earth mounded up along creek for flood mitigation.

6.2 Survey Coverage

The following data summarises the nature of ground visibility, archaeological sampling and estimates of effective survey coverage based on the survey. These provide a basis for the discussion and assessment of the results that are presented in the following sections. This information demonstrates moderate visibility across the subject land. This may appear to suggest that the observations made during the survey and site inspections could not be extrapolated across the whole of the subject land. However the crucial factor, often forgotten, in such calculations is the value of observations of erosional processes, soil type and nature, and historical disturbance.

There was ample observed evidence of both historical disturbance and erosion within the subject land which, given the nature of the residual soils in this area, is likely to have disturbed any



archaeological deposits which were previously resident in this landscape. The location and condition of the artefact scatters are consistent with these observations.

Table 7: Summary table of effective archaeological survey coverage.

Survey Unit	Area (m ²)	Visibility	Exposure	Effective Coverage Area (m ²)	Effective Coverage %
n/a	165,900	55%	19%	16,158	10%

Table 8: Landform summary- sampled areas.

Landform	Landform Area (m ²)	Visibility	Exposure	Area effectively surveyed (m ²) (= effective coverage of area)	% of landform effectively surveyed (= area effectively surveyed/ landform area x 100)	Number of sites	Number of artefacts or features
Undulating slope	125,000	60%	15%	11,250	9%	0	0
Creek flat	40,900	40%	30%	4,908	12%	0	0



7.0

Archaeological Assessment Results

7.1 Aboriginal Objects within the Subject Land

Although there was generally low effective survey coverage recorded for the subject land, ground was exposed at regular intervals and it is considered that enough of the subject land was observed to characterise the extent of its archaeological potential. The current assessment has concluded that the subject land, comprising an erosion prone slope and flood prone low-lying area, is moderately disturbed and is considered unlikely to retain any extensive, intact or significant Aboriginal cultural remains or areas of archaeological potential. The landforms present within the subject land are unlikely to have been used extensively by Aboriginal people in the past. Also, the various impacts discussed above have resulted in the disturbance of the majority of the subject land, and have, in conjunction with the initial clearance of the land and subsequent bushfires, mobilised soil deposits downslope across the property such that original topsoil is absent from most if not all of the subject land.

7.2 Significance Assessment

7.2.1 The Assessment of Significance

The archaeological or scientific significance of Aboriginal objects can be assessed using criteria set out in The Australia ICOMOS *Burra Charter* 1999 (see Marquis-Kyle & Walker 2004). It is related to the rarity, quality and representativeness of the object being assessed at local, regional and potentially national scale. It should also consider whether the object can contribute substantial additional scientific information. It is one element of cultural significance along with aesthetic, historical and social significance and does not have primacy over these other aspects.

Significance assessment of Aboriginal archaeological sites and areas of land is based on three broad criteria. Namely, that they are important to:

- the scientific community for their potential research value.
- the general public for their educational and broader heritage value.
- the Aboriginal community.

With respect to Aboriginal community significance, all Registered Aboriginal Parties consulted during this study were specifically asked to provide and/or discuss any Aboriginal cultural or historical information relating to the subject land that they felt was pertinent to the assessment of



Aboriginal heritage significance in relation to the current development proposal. No specific information (e.g. about historical Aboriginal associations with the area) has been presented during this consultation to suggest that the subject land retains any specific or especial significance to the local Aboriginal community.

The scientific and public significance of the subject land are considered together as they are related. As no sites or areas of potential exist within the subject land, it is not suitable for public education and will not be of any use in future scientific research.

The seven criteria on which the following Statement of Significance is based are summarised below:

- Criterion (a) is important in the course, or pattern, of NSW's cultural or natural history;
- Criterion (b) has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history;
- Criterion (c) is important in demonstrating aesthetic characteristic and/or a high degree of creative or technical achievement in NSW;
- Criterion (d) has strong or special association a particular community or cultural group in NSW for social cultural or spiritual reasons;
- Criterion (e) has potential to yield information that will contribute to an understanding of NSW's cultural or natural history;
- Criterion (f) possess uncommon, rare or endangered aspects of NSW's cultural or natural history;
- Criterion (g) is important in demonstrating the principal characteristics of a class of NSW's cultural places or natural environments.

7.2.2 Application of Significance Criteria

- Criterion a: n/a

Criterion b: So far, the Aboriginal community responses indicate that the Chain Valley Bay area in general retains significance culturally and historically to local Aboriginal people. No specific associations to the subject land have been asserted.

Criterion c: n/a

- Criterion d: n/a



- Criterion e: n/a
- Criterion f: n/a
- Criterion g: n/a.

7.2.3 Summary Statement of Aboriginal Cultural Heritage Significance

During the current assessment, no evidence of the Aboriginal occupation of the subject land has been identified. In considering the criteria, due to its lack of archaeological potential, the subject land will not be able to contribute additional information to scientific/archaeological enquiry now or in the future. In summary, the subject land is considered to have little scientific significance, and no specific Aboriginal cultural values have so far been identified in relation to it.



8.0 Mitigation and Management

8.1 Potential Development Impacts

The Gateway Planning Proposal does not pose any impact to the subject land. The current proposal is to rezone the subject land to allow portions of it to be developed as residential subdivision in future. No portions of the subject land retain any documented Aboriginal archaeological remains or archaeological potential which may be affected by future proposals. There will be no impacts to Aboriginal cultural heritage from the current Planning Proposal, however rezoning will permit future development which could impact Aboriginal heritage if it were present.

Typically the table below is included in an Aboriginal Cultural Heritage Assessment. The information it relates to has been considered but as no impacts are proposed at the current planning stage, it is not considered applicable. This report and table could be updated in relation to a future specific development proposal.

Table 9. Impact assessment table.

Site Number	Type of Proposed Harm	Degree of Proposed Harm	Consequence of Proposed Harm
n/a	n/a	n/a	n/a

8.2 Potential Mitigative Measures

Avoidance of harm to identified Aboriginal objects is the preferred and first option considered in Aboriginal cultural heritage assessment. Although the Gateway Planning Proposal does not currently pose any impact to the subject land, the current assessment has allowed conclusions to be drawn about whether impacts related to future subdivision would affect these objects.

8.3 Proposed Management

At this stage, as no Aboriginal archaeological remains have been identified within the subject land, and it is not considered likely to retain evidence of past Aboriginal use, no management actions have been recommended. In consideration of the current Planning Proposal and of the potential impact of any future proposed subdivision on potential Aboriginal archaeological remains within the subject land, no further archaeological investigations or management is considered warranted.



9.0

Recommendations

The following recommendations are based upon:

- the legal requirements and automatic statutory protection provided to items of Aboriginal heritage under the terms of the *National Parks and Wildlife Act of 1974 (as amended)*, where it is an offence to knowingly or unknowingly harm an Aboriginal object; and
- the results of the current study which are documented in this report; and
- the views and concerns of the Registered Aboriginal Parties to the current assessment, as discussed in **Section 2** and documented in **Appendix A**.

It is recommended that:

1. The current ACHA report is sufficient supporting documentation to inform the Aboriginal archaeological assessment of the Gateway Planning Proposal. There are no Aboriginal archaeological constraints to the rezoning of the subject land and no further archaeological work is required prior to the submission of the Planning Proposal.
2. No further *archaeological* works are considered warranted within the subject land in relation to the current Planning Proposal or any proposed future subdivision.
3. One copy of this report should be forwarded to all Registered Aboriginal Parties (see **Section 2.1.1**), and the AHIMS Register:

The Manager
Aboriginal Heritage Information Management System
NSW Office of Environment and Heritage
Locked Bag 5020
Parramatta NSW 2220



10.0

References

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Aboriginal Cultural Heritage Assessment Report
Mulloway Road, Chain Valley Bay NSW

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University of Newcastle, Wollotuka School of Aboriginal Studies. 24 January 2018. Web site:
www.newcastle.edu.au/school/Aboriginal-studies



APPENDIX A

ABORIGINAL COMMUNITY CONSULTATION RECORDS

APPENDIX A1 : Public & Direct Notice and Responses

APPENDIX A2 : Responses to Methodology Discussions

APPENDIX A3 : Responses to Draft Report



APPENDIX A1 : Public & Direct Notice and Responses

15th November 2017

ATTN: Steven Cox
Senior Team Leader
Hunter Central Coast Branch Planning Team
Office of Environment and Heritage
rog.hcc@environment.nsw.gov.au

Dear Sir/Madam,

**RE: NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO PLANNING PROPOSAL AT 15
MULLOWAY DRIVE, CHAIN VALLEY BAY NSW**

Proponent: Optima Developments Pty Ltd [PO Box 3136, Umina Beach NSW 2257]

Optima Developments Pty Ltd are proposing to rezone land at 15 Mulloway Drive (Lot 273 in DP755266) at Chain Valley Bay NSW. OEH has recommended that in order to adequately capture the information required to support this proposal, an Aboriginal Cultural Heritage Assessment (ACHA) report should be prepared, including Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009* (Clause 80C). The proponent has engaged MDCA (Mary Dallas Consulting Archaeologists) to prepare an ACHA report and to coordinate Aboriginal community consultation.

Accordingly we are contacting you, as per S80C(2) of the above regulation, to seek the names and current contact details of any Aboriginal people of whom you are aware may hold cultural knowledge relevant to determining the significance of Aboriginal objects at this location, such that we may notify them directly about the proposal.

Please forward the details of any such Aboriginal people in writing before **Friday December 1 2017** to MDCA at:

POST	FAX	EMAIL
PO BOX A281 Arncliffe NSW 2205	(02) 8520 2006	admin@mdca.com.au

Please ensure that you provide us with current postal addresses and contact names. Any enquiries should be directed to Tamika Goward on 0488 999 452 or our office on (02) 4465 2546.

Yours sincerely,



Tamika Goward

Mary Dallas Consulting Archaeologists

Funerals

McKECHNIE, Reginald James.
5.9.1933 - 19.11.2017

Dearly loved and cherished husband of Moya (dec.). Devoted father of Ross & Annette and Narelle & Graham. Proud and beloved grandpa to Ryan, Kara, Isobel, Jason and Michelle.

Reg has run his race well and has rejoined Moya. Together in eternal peace.

Reg's family and friends are warmly invited to attend a Celebration of his Life to be held in the Chapel of Greenway Memorial Gardens, 460 Avoca Drive, Greenpoint on Monday 27th November 2017 at 10.00am.

WHITE LADY FUNERALS
a woman's understanding
Wyoming 4324 7122

NOTICE BOARD

General Notices

Marine Rescue Central Coast

2017 Annual Boat Raffle

Drawn 12th November 2017

Won by Sharon from Ettalong

Ticket Number: 12338

STEVE J. MCGINTY of Woy Woy NSW 2256 be advised Royal Wolf Trading will be disposing of goods stored in container RWTU 4302236 held at 9 Gibbena Road West Gosford within 14 days of this notice. Disposal will take place on 27/11/17 at 9 Gibbena Road West Gosford. You can contact Royal Wolf Trading (9 Gibbena Road West Gosford NSW 02 43252540).

Tenders, Quotes & Contracts

CALL FOR TENDERS - SCHOOL CANTEEN LICENCE

Tenders are called for the license of the School canteen for the school year commencing February 17th 2018 and for a term of approximately 2 years with a renewal option. Annual school enrolments will be approximately 460. General enquiries and requests for a Tender Information Package should be referred to:

Woyong Public School
Attention: Todd Miladinovic
Re: School Canteen Tender
Phone: (02) 43522077

Tenders must be submitted in a sealed envelope marked "Confidential - School Canteen Tender" and sent to:
The Principal
Woyong Public School
Cutler Drive, Woyong NSW 2259

Tenders close 3pm on 18/12/2017

A tender visit and briefing session is planned to be held in the near future. All applicants must make themselves familiar with clause 2 of the tender offer.

Registrations of interest are sought from Aboriginal people with cultural knowledge relevant to the proposal. Registrations must be received in writing by 7/12/2017, include a postal address and contact details and be sent to project consultants Mary Dallas Consulting Archaeologists at P.O. Box A281, Arncliffe, NSW 2205. admin@mdca.com.au or fax (02) 8520 2006. Enquiries to Tamika Goward on 0488 999452. Details of Registered Aboriginal Parties will be forwarded to OEH and the Darkinjung LALC unless explicitly requested.

CALL 1300 150 281
(Mon - Fri 8:30 am to 6:00 pm) to advertise with News Local.

Central Coast Council Request for Tender

DESIGN AND CONSTRUCTION OF BYPASS PIT AT WOY WOY MAJOR SEWAGE PUMPING STATION

Project: Council is seeking a suitably experienced Contractor to design and construct a new bypass pit and pit fittings on an existing rising main at Woy Woy Major Sewage Pumping Station.

Documents: Download free of charge from Tenderlink's website at <https://www.tenderlink.com/gosford/>

Pre-Tender Meeting: A mandatory pre-tender meeting will be held at 10am on Tuesday 28 November 2017 at Woy Woy Major SPS, Railway Street, Woy Woy. Attendance is at the tenderer's expense. Failure to attend shall result in the tender not being considered.

Enquiries: Project Officer, Craig Andrews on (02) 4350 8450 or email craig.andrew@centralcoast.nsw.gov.au

Closing Date: 1pm, Tuesday 12 December 2017.

www.centralcoast.nsw.gov.au

ERINA

42 Narrawa Avenue.
Sat 25th Nov.
8am to 2pm

Mega Sale: Drum Set, Pool Table, Poker Table, Sofa Bed, Book Cases, Furniture, Lamps, Chest of Drawers, Display Cabinet, Household Goods, Artwork, Paintings, Skis, TV Speakers, Drop Saw & More!

ETTALONG
19 Flathead Road
Lots of Treasures
Sat 25th & Sun 26th 8am

Forrester's Beach
37 Noorong Avenue.
Fridge, fish tank, LGE aluminium window, household items, clothing, SOMETHING FOR EVERYONE!
SAT 25th from 8am

GARAGE SALE
Killarney Vale

FISHING Daiwa Shimano Okuma Penn Alvin L/drag O/head, Spin Reels, Beach/Spin/Gane Rods. Boating, Camping, 4WD Recovery Gear, Hand & Power Tools

Access Available Sat & Sun.
0410 634 630

GARAGE SALE
90 Clyde Road, Holgate
This coming Saturday 25th 8:30am to 3pm.
Household goods, furniture, good quality children's toys, musical instruments and more.

GARAGE SALE Hamlyn Terrace 10 Boeing Place, Sat 25 Nov 8:30am-3pm As new & secondhand items Gifts for Christmas.
traderoo.com/gs/C67Z3T

HAMLIN TERRACE
41 Piper Dr,
Saturday 25th
8:00 am - 1:00 pm
Baby toys, BONDS baby clothes, bedding, bric-a-brac, kids and ladies clothing

Hamlyn Terrace 18 Fernhill Ave Sat 25th Nov 8am - 3pm Christmas bargains, Decorations, lego, toys, games, Books, floor rug, wall pictures and more

KANWAL
25 Springall Ave
Antiques, tools, garden furniture & much more
Sat 25th Nov, 8am start

Kincumber South
15 Humphreys Rd
Sat 8am-2pm
brick-a-brac, book shelves, plus sized clothing new & used, shoes, (size 10 ladies), ornaments & sports clothes

Lake Munmorah QUEENS ROAD
New toys, fishing rods, second hand stuff & more
Saturday 25th Nov 7am-1pm

LAKE MUNMORAH
2 Lauren Avenue
Sat Nov. 25th 8am - 1pm
Collectables, toys, china, household, clothing, furniture, plus more!

LISAROW
125 Bannerman Road
SAT 25th Nov. 8 am - 1pm
Moving Sale: rural property clearance. Piano, bikes, bookcases, pool furniture, dining table (8 seater), upholstery fabric, stampin up stamps (over 40 sets), free furniture, free DVDs.

Massive Garage Sale Clearance
All household items, books, DVDs, records, manchester, kitchen items, ornaments, everything must go.
Saturday 25th Nov, 9 til 5.
10 Ensenada Rd, Copacabana

MOVING SALE!!

All household furniture, outdoor setting, boat & trailer. Bargains galore!
8:30am-2pm - SAT 25 NOV
5 Jean Albon Place, Long Jetty

MOVING SALE
29/4 Beryl Street, Gorokan
Furniture, household goods, collectibles, Dvd's/ Cd's & much more
SAT Nov 25th 8am - 3pm

Saturday 25th Nov 9am-1pm
13 Manor Hill Close
HOLGATE
Variety of items including household, gardening, tools, furniture etc

ST. HUBBERTS ISLAND
At 25 Weatherly Parade
On Sat. 25th Nov. 2017
Not before 8 am
Furniture, collectibles, bric-a-brac, bit of everything...

ST HUBBERTS ISLAND
25 & 26 Nov From 7am
19 Weatherly Pde

TACOMA
12 & 14 Hillcrest Ave
Antiques, Bali treasures, camping equipment, plants, household items & more
Fri 24th & Sat 25th 7:30am start

TERRIGAL
34 Bellevue Crescent
SAT 25 NOV
From 8am
LP Records 100's, tent, bike, bric a brac, tools.
Records up to \$5
-50% off after 2pm

Terrigal
12 Ogilvie St
8am-1pm
Fishing, camping, furniture, kitchenware & tools. **House sold all contents of house & shed all must go!**

Tumbi Umbi
38 highview Street
(end of cul de sac)
Excess assortment of collectibles and antiques, bric-a-brac.
EVERYTHING MUST GO!
SAT Nov 25th from 8am

UMINA BEACH
69 Cowper Road
Saturday 25th from 8:30 am
MOVING INTERSTATE
Everything must go
Furniture, Manchester, LP Records, Tools, Clothing, Pot Plants and Oodles of decorative items.

WOY WOY PENINSULA LIONS CLUB Car Boot Sale
\$15 per car
Vendors welcome
Sunday 26th November
Fr 6.30am - 1pm
Dunban Rd Car Park
Ph: 0478 959 895

WOY WOY
Plants and bric a brac.
On SAT 25th at
24 Dunaiban Road.
8 a.m. - 2 p.m.
All proceeds to Red Cross

Wyong
22 Marathon Street
Furniture
Tables
Air conditioner
Books
& more...
★ Everything Must Go ★
Moving House Sale
Sat 25th & Sun 26th
8:30am-1pm

Funeral Directors

SCFD
SOUTHERN CROSS FUNERAL DIRECTORS
Caring for the Coast

100% Australian owned and operated funeral directors caring for the Central Coast and their families.

Funerals and prepaid funerals to suit your specific needs and budget.

Consultant available to visit your home.

TPI Discounts available.

Caring for families for over 40 years.

4397 2120 • www.scfd.com.au

Bryan J. Reid Funeral Services

Umina 4341 5000	Kincumber 4368 6657	Berkeley Vale 4388 1817	Wyong 4351 9889
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AFFORDABLE EXCELLENCE
All Areas - 24 Hours/7 Days
Bryan Reid
FreeCall: 1800 032 225
100% Australian Owned and Family operated Business

All Areas Australian Owned **B.F.F.** All Hours Family Operated

BOWDEN FAMILY FUNERALS

We do not think of it as a job, to us it is an honour.

Anita Bowden
4351 8004 or
1800 558 004

Mobile 0408 251 927
A/H 4351 3770
365 Pacific Hwy Wyong
PO Box 786, Wyong 2259

ADVERTISERS Please Note

Did you know that 54% of readers called a trade for a quote after seeing an ad in their local newspaper. Be sure to book where the locals look, your Newslocal newspaper.

CALL 1300 150 281
(Mon - Fri 8:30am - 6:00pm)
or Email trades@newslocal.com.au

Tenders, Quotes & Contracts

O'Donnell & Hanlon
EXPRESSION OF INTEREST
Property NSW
Whole of Government Facilities Management (Asset Maintenance & Cleaning) Contract

O'Donnell & Hanlon has been providing asset maintenance to the NSW State Government as a Schools Facilities Maintenance Contractor since 1997.

We are seeking Expressions of Interest from single, multitrade and specialised subcontractors experienced in high volume responsive, planned and statutory maintenance to assist in the successful delivery of the Whole of Government Facilities Management Contract for the North Coast, Hunter Central Coast and North-Western Regions of NSW.

Small and Medium-Sized Enterprises (SMEs) are encouraged to apply.

Only those who provide the highest level of delivery standards and superior performance will be considered.

To register your interest please visit our website www.odh.com.au and complete the 'Register Expression of Interest - FMC' form on our Working with Us page.

For further information please contact us at pnsfwfm@odh.com.au

www.odh.com.au

Auctions

Coastal Antique Auctions
26th November - Auction
Antiques and general Furniture, White goods, Tools, etc.
Pick-up and delivery available.
Now Receiving goods Tues - Fri
1/11 Nells Rd West Gosford
Auctioning Every Sunday 10:30am
Ph 04322 9333
New Vendors and Bidders always welcome!
www.coastalantiques.com.au

MORISSET AUCTIONS
No reserve Auctions
Closed down Engraving and Lasering Business
Saturday, November 25

• 139 Moira Park road, Morisset @ 10:30 a.m.
View Friday 11 a.m. - 2 p.m. or web morissetauktion.catalog
We specialize in on site and clearance auctions.
Call Paul 0411 045 443

Garage Sales, Fetes & Markets

BLUE HAVEN
36 White Swan Avenue
Saturday 25th November
8:00 am - 4:00 pm
Household goods, books, garden tools, clothes, kitchenware, furniture, linen, PLUS MUCH MORE.

BLUE HAVEN
6 Nambucca Cres.
Sat 25th Nov - 8am - 3pm
Sun 26th Nov 10am - 1pm
Household goods, furniture, plants, DVDs, shed items, musical instruments, school supplies. **What doesn't fit in the tiny house has to go!**

Building & Renovations

FLOOR Tiles, seconds \$9.90m². Lakes Tiles, 9 Arizona Rd, Charmhaven. 4392 6411. Open 6 Days

Furniture

For sale 2 x leather recliner armchairs - good condition - colour "earth" (fawn) \$75 each ONO. PH: 4388 4281

FURNITURE FOR SALE
Table & 4 Chairs (Cane Back) - \$320, 6 Padded Chairs - \$200, Side Buffet - \$300, King Bed - \$350, 2 Side Chests - \$150 pair, Fridge (2 Door) - \$150
Robert - 0410 486 483

Garage Sales, Fetes & Markets

ANTIQUES & COLLECTABLES
479 Orange Grove Road
BLACKWALL
Private Sale
SAT 25 NOV - 8am
Old Wares, Crystal, Silver, Cutlery, Baby items, some tools. Items too many to list!

BUDGEWOI
Saturday 25th Nov 8am.
127 Woolana Ave.
Large variety of quality items.

Budgetwoi
49 Coonanga Ave
Saturday 25th
8:00 am - 12:00 pm
CLEARANCE SALE!
Adult clothes, house wear, children toys and clothes, kitchen items and much more!

BUFF POINT Mootay Close
Framed prints, books, clothes, Bric a Brac and a lot more 8.00am to 2.00pm Saturday 25th
ON EARLY CALLS

DECEASED ESTATE
SAN RENO
111 Emu Drive
SAT DEC 2nd 7am
Collective SALE
1:18 scale die-cast model cars, vintage, boxed, mint condition!
Box sets DVDS, 100s of CDS - mint condition.
Music memorabilia, some music gig gear & miscellaneous items
PH: 0438 031 549

BERKELEY VALE 167 Kerry Cres, Sat 25 Nov 8am-3pm, Rain or shine.
traderoo.com/gs/MX2C55

YES! You can make your advertisement eye-catching! Use an Attention Getter. NewsLocal Classifieds 13 19 79

EAST GOSFORD, Cnr Brougham & George St
Sat 25th 8am
Furniture, camping gear, garden pots & more.

ETTALONG BEACH
Sat 25/11 8am - 1pm
1/3 Flounder Rd

BATEAU BAY
A motorised mobility scooter, large Mahogany dining table, lots of furniture, fans, homeware, DVDs and its stands and lots, lots more...
At 34 Fishermans Bend
On Sat. 25th Nov. 2017
Not before 8 am
EVERYTHING MUST GO! COME, GRAB A BARGAIN!

Share that special celebration in the paper.

VISIT
newscelebrations.com.au

Central Coast Council Request for Tender

DESIGN AND CONSTRUCTION OF A COMMUNITY RECYCLING CENTRE AT COUNCIL'S BUTTONDERRY WASTE MANAGEMENT FACILITY
Contract No. CPA/1240

A mandatory pre-tender meeting will be held at Buttonderry Waste Management Facility, commencing at 10am on Thursday 30 November 2017.

Invitation documents are available free of charge at: www.tenders.nsw.gov.au/centralcoast/

Enquiries: Phil Foster at Phil.Foster@centralcoast.nsw.gov.au

Closing Date: 2pm, Tuesday 19 December 2017.

Brian Bell
CHIEF EXECUTIVE OFFICER
www.centralcoast.nsw.gov.au



DOC17/615398
Chain Valley Bay Aboriginal Stakeholder List

Ms Tamika Goward
Mary Dallas Consulting Archaeologists
admin@mdca.com.au

Dear Tamika

NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO PLANNING PROPOSAL AT 15 MULLOWAY DRIVE, CHAIN VALLEY BAY NSW.

In response to your request under Section 4.1.2(a) of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010), please find attached a list of known Aboriginal parties that have self-nominated for the Central Coast Council Local Government Area (LGA). Please note the following information with respect to Aboriginal consultation for your project.

Aboriginal stakeholder lists maintained by OEH are comprised of self-nominated individuals and organisations

Please note that the attached list is comprised only of self-nominated individuals and Aboriginal organisations who could have an interest in your project. The list is not vetted by OEH. As the list comprises only of self-nominated individuals and Aboriginal organisations, it is not necessarily an exhaustive list of all Aboriginal parties who may hold an interest in the project. Further consultation in accordance with step 4.1.2 of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010) is required to identify Aboriginal people who may hold either cultural or historical knowledge relevant to determining the significance of Aboriginal objects or places within your proposed project area.

Ensure you document the consultation process

Please ensure all consultation undertaken in accordance with the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010) is documented within an Aboriginal Cultural Heritage Assessment Report (ACHAR). This must include copies of all correspondence sent to or received from all Registered Aboriginal Parties (RAPs) throughout the entire consultation process. Omission of these records in the final ACHAR may cause delays in the assessment of an Aboriginal Heritage Impact Permit (AHIP) application or a major project Aboriginal cultural heritage assessment, and could require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been conducted in accordance with our consultation requirements.

Demonstrate that reasonable consultation attempts have been made

Please ensure you provide evidence to demonstrate that reasonable attempts have been made to contact the relevant parties identified through step 4.1.2 of the *Aboriginal cultural heritage consultation*

requirements for proponents (DECCW 2010). If this evidence is not provided, OEH may deem that the consultation process has not complied with the consultation requirements. Similarly, the proponent is required to record all feedback received from RAPs, along with the proponent's response to the feedback. Where concerns or contentious issues are raised by RAPs during the consultation process, OEH expects that reasonable attempts are made to address and resolve these matters, however OEH acknowledges that in some cases, this may not be achievable. In the case where conflict cannot be resolved, it is the responsibility of the proponent to record these differences and provide the necessary information in their ACHAR with their AHIP application or major project ACHAR.

Consultation should not be confused with employment

As outlined in Section 3.4 of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010), the consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. OEH does not have any role with respect to commercial engagement. Where RAPs are engaged commercially to provide field services as part of an assessment process, that is a matter for the proponent to manage as they see fit. However, if a proponent is proposing to undertake consultation processes or elicit cultural information from RAPs during the course of conducting a field survey, OEH considers this to form part of the consultation process, and expects that all RAPs would be afforded the opportunity to be involved in the process.

Contacting our office

To ensure we can respond to enquiries promptly, please direct future correspondence to our central mailbox: rog.hcc@environment.nsw.gov.au.

Should you require any further information, please do not hesitate to contact us.

Yours sincerely



STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Regional Operations Division

19 December 2017



Attachment A

Hunter Central Coast Branch - Aboriginal Stakeholder Register for Central Coast Council LGA

Please note that this list is valid at the time of sending only, and should not be used for subsequent projects.

Organisation	First name	Surname	Address 1	City	State	Post code	Landline	Mobile	Email
Lower Hunter Aboriginal Incorporated	David	Ahoy	5 Killara Drive	CARDIFF SOUTH	NSW	2285		0421 329 520	lowerhunterai@gmail.com
Awabakal Traditional Owners Aboriginal Corporation	Kerrie	Brauer	PO Box 122	RUTHERFORD	NSW	2320		0412 866 357	kerrie@awabakal.com.au
	Kevin	Duncan	95 Moala Parade	CHARMHAVEN	NSW	2263	02 43929346	0431 224 099	kevin.duncan@bigpond.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
Wattaka Wonnarua CC Service	Des	Hickey	4 Kennedy Street	SINGLETON	NSW	2330	02 6573 3786	0432 977 178	deshickey@bigpond.com
Widescope Indigenous Group	Steven	Hickey	73 Russell Street	EMU PLAINS	NSW	2750		0425 230 693 0425 232 056	Widescope.group@live.com

Organisation	First name	Surname	Address 1	City	State	Post code	Landline	Mobile	Email
	Sharon	Hodgetts	21/29 Central Coast Hwy	WEST GOSFORD	NSW	2250		0405 288 814	sharonhodgetts@hotmail.com
Guringai Tribal Link Aboriginal Corporation	Tracey	Howie	PO Box 4061	WYONGAH	NSW	2259	02 4396 8743	0404 182 049	tracey@guringai.com.au
Awabakal Descendants Traditional Owners	Peter	Leven	PO Box 137	BUDGEWOI	NSW	2262		0405 149 684	peterleven@y7mail.com
Roger Matthews Consultancy	Roger	Matthews	15 Parkinson Avenue	MUSWELLBROOK	NSW	2333		0455 671 288	
	David	Pross	8 Tracie Close	KARIONG	NSW	2250		0490 054 177	kooriedave@gmail.com
Yinarr Cultural Services	Kathleen	Steward Kinchela	Lot 5 Westwood Estate	MERRIWA	NSW	2329		0475 436 589	yinarculturalservices@bigpond.com dontminemeay@gmail.com



Tamika Goward <tamika.goward@gmail.com>

Fwd: Planning proposal at 15 Mulloway Drive, Chain Valley Bay

Mary Dallas <mdca.archaeologists@gmail.com>
To: Tamika Goward <tamika@mdca.com.au>

Thu, Nov 23, 2017 at 8:41 PM

----- Forwarded message -----

From: **Kerri Donelan** <Kerri.Donelan@centralcoast.nsw.gov.au>
Date: 23 November 2017 at 13:19
Subject: Planning proposal at 15 Mulloway Drive, Chain Valley Bay
To: "mdca.archaeologists@gmail.com" <mdca.archaeologists@gmail.com>

Dear Ms Goward

Below are some contacts for Aboriginal Groups on the Central Coast.



Email:

info@empoweredcommunities.org.au

Address:

PO Box A199, Sydney South NSW 1235



STREET ADDRESS:

[168 PACIFIC HWY WATANOBBI NSW 2259](#)

PO BOX:
401 WYONG NSW 2259

PHONE:
(02) 4351 2930

FAX:
(02) 4351 2946

darkinjung@dalc.org.au

Regards

Kerri

Kerri Donelan

Legal and Research Officer

Governance

Central Coast Council

P.O. Box 20, WYONG NSW 2259

t: 02 4350 5223

m:

e: Kerri.Donelan@centralcoast.nsw.gov.au



P PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



Tamika Goward <tamika.goward@gmail.com>

Notification of Aboriginal People in Relation to Planning Proposal at 15 Mulloway Dr, Chain Valley Bay

Amanda Shields <amanda.shields@dlalc.org.au>
To: Tamika Goward <tamika@mdca.com.au>

Mon, Nov 27, 2017 at 4:31 PM

Hi Tamika,

Thanks for clarifying this for me, I hope you had a lovely time in NZ.

I have been advised that I am unable to provide contact details for the other Aboriginal groups however, I believe you can get those details from OEH.

Kind Regards,

Amanda Shields

Project Officer



Darkinjung Local Aboriginal Land Council

P 02 4351 2930

A 168 Pacific Highway Watanobbi NSW 2259

F 02 4351 2946

M PO Box 401 Wyong NSW 2259



darkinjung.com.au

[darkinjung](#)



23 November 2017

Tamika Goward
MDCA
P.O Box A281
ARNCLIFFE NSW 2205

Dear Tamika

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 15 November 2017 regarding an Aboriginal Cultural Heritage Assessment located at 15 Mulloway Drive, Chain Valley Bay NSW.

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

I suggest that you contact the Darkinjung Local Aboriginal Land Council on 02 4351 2930. They may be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jodie Rikiti". The signature is stylized with loops and a long horizontal stroke.

Jodie Rikiti
Administration Officer
Office of the Registrar, ALRA



Tamika Goward <tamika.goward@gmail.com>

NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO A PLANNING PROPOSAL AT 15 MULLOWAY DR, CHAIN VALLEY BAY NSW

Tracey Howie <tracey@guringai.com.au>
To: Tamika Goward <tamika@mdca.com.au>
Cc: MDCA Admin <admin@mdca.com.au>

Wed, Nov 15, 2017 at 8:28 PM

Thank you Tamika.
I do wish to be involved.

Kind regards
Tracey Howie
Guringai Tribal Link Aboriginal Corp.

[Quoted text hidden]

[Quoted text hidden]

<1b MDCA Direct Agency Mailout 15 Malloway Dr, Chain Valley Bay15Nov17 (GTL).pdf>

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 National Native Title Tribunal (NNTT) and the Native Title Registrar (Registrar) have 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 NNTT, the Registrar nor the Commonwealth of Australia 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.

The information provided is often supplied by, or based on, data and information from external sources, therefore the NNTT and Registrar cannot guarantee that the information is accurate or up-to-date.

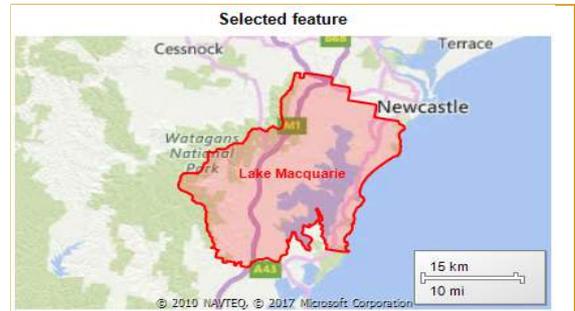
The NNTT and Registrar expressly disclaim any liability arising from the use of this information. This information should not be relied upon in relation to any matters associated with cultural heritage.

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	Lake Macquarie
Full name	Lake Macquarie City Council
As at	1/08/2017
Calculated area SqKm	757.4204



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)
NN2007/003	Johnson and Kendall Grange	NSD729/2007	27/04/2007	Not currently identified for registration decision	0.2141	0.2141

Register of Native Title Claims

No Overlap Found

Native Title Determinations

Overlap Tribunal ID	Name	FC No	Determination Status	Related NTDA	Area sq km(calculated)	Overlap Area sq km (calculated)
NND2003/001	Bahtabah Local Aboriginal Land Council	NSD6022/2002	In effect - Finalised	NN2002/006	0.0407	0.0407
NND2007/002	Bahtabah Local Aboriginal Land Council #1	NSD986/2006	In effect - Finalised	NN2006/006	0.0025	0.0025
NND2007/003	Bahtabah Local Aboriginal Land Council #2	NSD987/2006	In effect - Finalised	NN2006/007	0.0066	0.0066

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
NND2003/001	Bahtabah Local Aboriginal Land Council	NSD6022/2002	Native title does not exist	In effect - Finalised	0.0407	757.4204	0.0407	0.01 %
NND2007/002	Bahtabah Local Aboriginal Land Council #1	NSD986/2006	Native title does not exist	In effect - Finalised	0.0025	757.4204	0.0025	0.0003 %
NND2007/003	Bahtabah Local Aboriginal Land Council #2	NSD987/2006	Native title does not exist	In effect - Finalised	0.0066	757.4204	0.0066	0.001 %

* 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

Overlap Tribunal ID	Name	AgreementStatus	Area sq km(calculated)	Overlap Area sq km (calculated)
NIA2000/001	Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSW ALC ILUA	ILUA registered	87.1665	87.1665

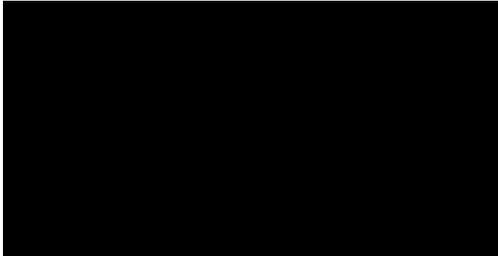
RATSIB areas

Name	Organisation	RATSIB Status	Area sq km(calculated)	Overlap Area sq km (calculated)
New South Wales	NTSCORP Limited	NTSP	1,723,577.6107	757.4204



APPENDIX A2 : Methodology Document and Responses

24 January 2018



**RE: INFORMATION AND METHODOLOGY -
PLANNING PROPOSAL AT 15 MULLOWAY DRIVE, CHAIN VALLEY BAY NSW**

As a result of your response to our letter to you, dated 21 December 2017, regarding Community Consultation in relation to a proposed rezoning as part of a Planning Proposal at Malloway Drive, Chain Valley Bay, your organisation has been listed as a 'Registered Aboriginal Party' to the above project. There are no recorded Aboriginal sites within or adjacent to the subject land but the Office of Environment & Heritage (OEH) has recommended that in order to adequately capture the information required to inform the proposal, an Aboriginal Cultural Heritage Assessment (ACHA) report should be prepared, including Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009*.

As per Clause 80C (6) & (7) of the Regulation, we are now contacting you to provide you with information about the Planning Proposal and the proposed Aboriginal cultural heritage assessment methodology. You are also invited to provide information on any Aboriginal objects or places of cultural value of which you are aware that are relevant to the current project. Specifically this document provides you the following:

- Further information about the planning proposal and potential impacts that may result from future development proposals enabled by the current proposed rezoning;
- The proposed Aboriginal cultural and archaeological assessment methodology for your review and comment; and
- An opportunity to provide any knowledge or information about the cultural significance of Aboriginal objects or places relevant to the subject land which you believe should be considered in the Aboriginal cultural heritage assessment for the Planning Proposal.

We note that as per current OEH guidelines,⁷ any proposal for paid engagement in relation to any future fieldwork is a commercial matter which the proponent, Optima Developments Pty Ltd, will consider separately from the current process of comment and consultation.

⁷ As outlined in Section 3.4 (page 9) of the 2010 *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974* (DECCW).



If you wish to make comments on the proposed assessment methodology or in relation to the cultural significance of Aboriginal objects or places relevant to the current project, we would prefer that you provide these in writing. Any submission must however be received by **23 February 2018**. Submissions can be sent to MDCA via:

POST	FAX	EMAIL
PO BOX A281 Arncliffe NSW 2205	(02) 8520 2006	admin@mdca.com.au

We will consider any information provided by you in a draft assessment report which will then be forwarded to you for review and comment.

1. Project Information

The subject land of the Planning Proposal comprises 16.59ha of bushland at 15 Mulloway Drive (Lot 273 in DP755266), Chain Valley Bay NSW. It is located in the Central Coast Local Government Area, Parish of Wallarha and lies within the Office of Environment and Heritage North East Region. It is situated on the southern side of Lake Macquarie, 300m east of Chain Valley Bay and 18km northeast of Wyong (**Figure 1**). It is bound to the north by Mulloway Drive, to the south by Karignan Creek, to the east by Valhalla Retirement Village and Manufactured Housing Estate and to the west by residential lots along Trevally Avenue (**Figure 2**). The subject land currently contains a single dwelling and shed as well as a large dam, dense regrowth bushland and several open paddocks.

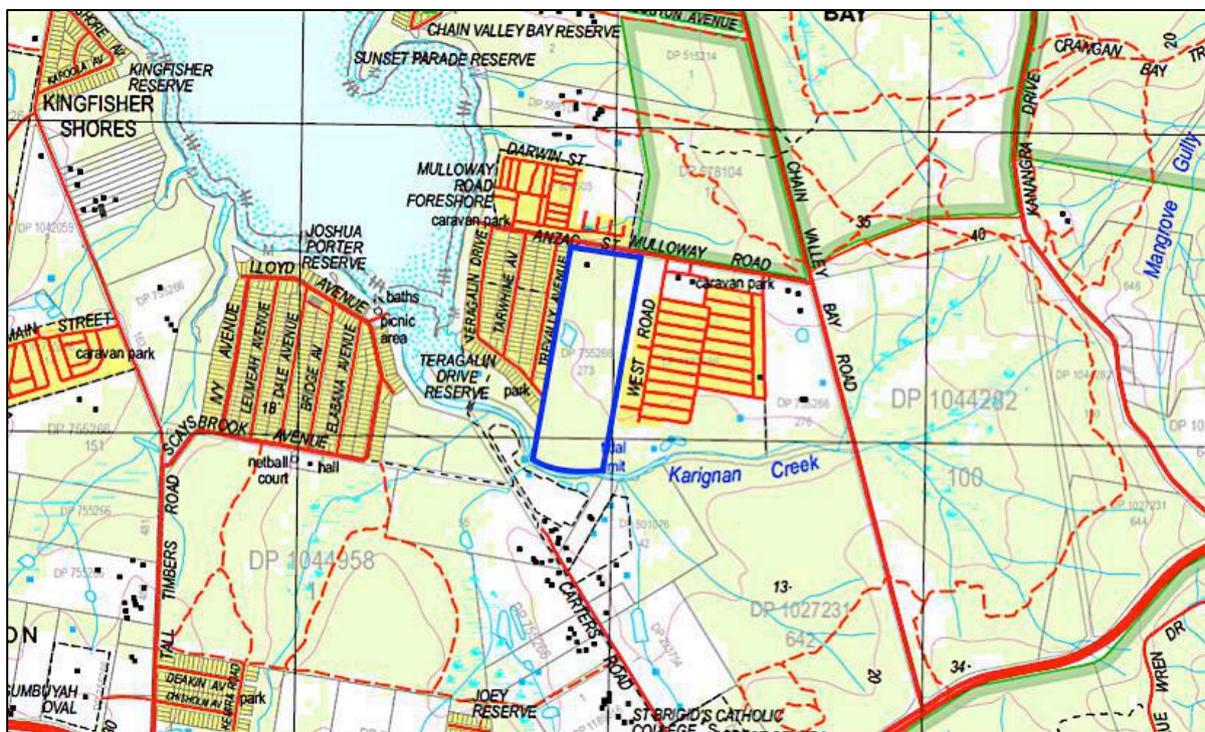


Figure 1. The Catherine Hill Bay 1:25,000 Topographic Map showing the subject land in its local context.

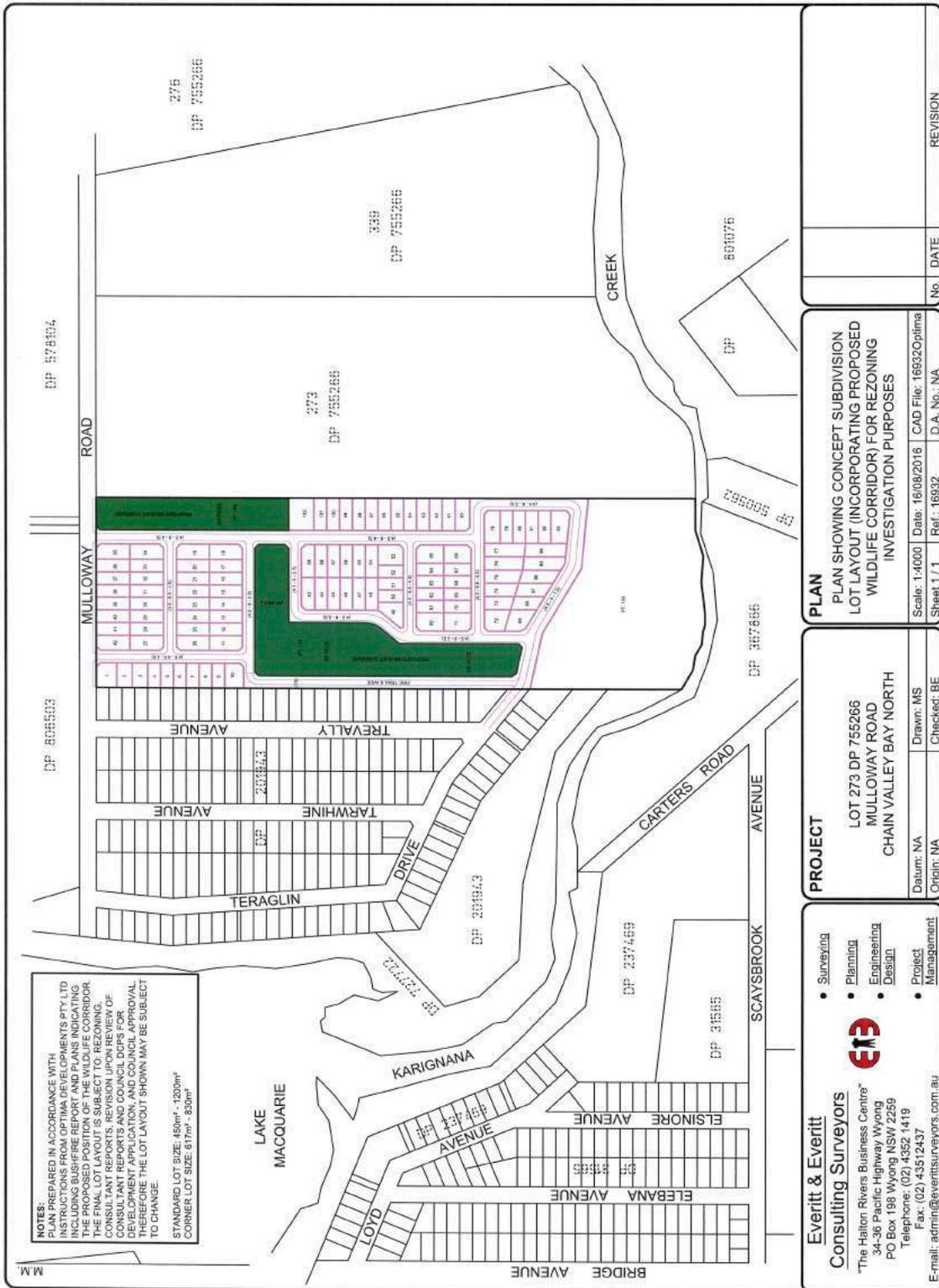


Figure 2. The proposed rezoning of the subject land and possible future lot layout.



The proponent for this project is Optima Developments Pty Ltd ⁸ who have engaged MDCA (Mary Dallas Consulting Archaeologists) to prepare an Aboriginal Cultural Heritage Assessment to inform the proposed rezoning. The majority of the subject land is currently zoned E3-Environmental Management Lands and the very southern portion as E2-Environmental Conservation. The current E3 zone is proposed to be changed to R2- Low Density Residential, to allow residential development of this area of the subject land (**Figure 2**). A preliminary development concept of the possible subdivision footprint is illustrated in **Figure 2**. Whilst this concept was the layout supported by the Central Coast Council and the gateway approval to commence the Planning proposal process it could be subject to refinement as other environmental studies are completed as part of ongoing investigations.

The southern portion, specifically land along Karignan Creek, is proposed to be retained as E2-Environmental Conservation Zone. No impacts are currently proposed to the subject land as part of the rezoning proposal, however, the rezoning would allow future development which could potentially impact any physical remains of past Aboriginal use on or immediately below the current ground surface. The purpose of the current Aboriginal Cultural Heritage Assessment is to identify any Aboriginal cultural heritage issues in relation to the re-zoning application and provide appropriate management recommendations for any recorded or potential items of Aboriginal cultural heritage which may occur within the subject land.

The subject land is situated on gently sloping land above Chain Valley Bay. It slopes down (maximum 5%) to the south and west toward Karignan Creek, which flows into Lake Macquarie 300m to the west. The southern portion of the subject land, which comprises the creek and its riparian corridor, is low-lying and is associated with the floodplains of the Wyong Alluvial Soil Landscape. The more elevated portions of the subject land, which are proposed for rezoning, are characterised by the undulating rises of the Doyalson Erosional Soil Landscape. No Aboriginal sites have been previously recorded within or adjacent to the subject land. The nearest recorded sites are over 800m from the subject land.

The subject land has been considered in a previous assessment relating to the current proposal to rezone the land. A survey and assessment of the subject land took place in 2016 by Darkinjung Local Aboriginal Land Council (DLALC) representative, Lee Davison. During the survey it was found that visibility was poor to average due to long pasture grasses, thick vegetation and an abundance of leaf litter. Various sources of disturbance such as the dwelling, shed, vegetation clearing, sewer line and vehicle tracks were noted. Most exposure was observed in vehicle tracks and areas around a large dam. No Aboriginal sites were identified during this survey. This assessment concluded that there is a possibility for objects or sites of Aboriginal cultural heritage, such as stone artefacts and scarred trees, to be present within the subject land. This study recommended that, if the proposal is approved, a detailed Aboriginal archaeological inspection and community consultation in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (Part 6 NPWS Act 1974) be required prior to any ground disturbance.

A more recent survey and assessment of the subject land took place in 2017 by MDCA in association with the DLALC and the Guringai Tribal Link Aboriginal Corporation (GTLAC). Although much of the land was covered with leaf litter and other vegetation, ground was exposed at regular intervals to allow its archaeological potential to be assessed. The following observations were made.

⁸ P.O. Box 3136, Umina Beach NSW 2257



The northern portion of the subject land (E3 Zone) is characterized by an elevated, gentle south-facing slope. This area has an eroded residual soil profile that comprises weathering bedrock, present as dry, deep, pebbly sand deposit (**Figure 3**). No intact subsurface archaeological deposit is likely to be extant here. The area containing the dwelling and sheds in the north-western portion of the subject land has been levelled and cleared. The majority of the cleared paddocks are heavily pitted, weed infested and rubbish has been stock piled in some areas. There is also evidence of localised bulldozing (**Figure 4**). In the central portion of the subject land (E3 Zone) is a very large cleared paddock and a large dam as well as pockets of regrowth vegetation. There are no mature trees in the northern portion of the subject land but in the central area there are a few mature Scribbly Gums. The large dam comprises the material excavated out of the dam, which has exposed a sandy, pebbly clay. The walls are substantial, with the southern wall being over 2m high (**Figure 5**). They are also littered with debris and disused farming equipment and structures. The very southern extent of the E3 Zone is demarked by a recently installed sewer line. The route of this sewer line is cleared, manholes installed and a barbed wire fence runs along it. The southern portion of the subject land (E2 Zone) is characterized by gently sloping to low-lying regrowth swamp vegetation along the creek. The deposit here is comparatively wet and humic. This area is flood prone and flood mitigation structures such as mounded earth and a weir have been installed in this area (**Figure 6**).



Figure 3. Eroded residual soil profile exposed by tree fall.



Figure 4. Localised bulldozing in paddocks.



Figure 5. The large dam in the central-west portion of the subject land.



Figure 6. Earth mounded up along creek for flood mitigation.

In summary, it has been concluded that the subject land, comprising an erosion prone slope and flood prone low-lying area, is moderately disturbed and is considered unlikely to retain any extensive, intact or significant Aboriginal cultural remains or areas of archaeological potential. The landforms present within the subject land are unlikely to have been used extensively by Aboriginal people in the past. Also, the various impacts discussed above have resulted in the disturbance of the majority of the subject land, and have, in conjunction with the initial clearance of the land and subsequent bushfires, mobilised soil deposits downslope across the property such that original topsoil is absent from most if not all of the subject land.

The current proposal is to rezone the subject land to allow portions of it to be developed as residential subdivision in future. No Aboriginal sites have been identified within the subject land or are considered likely to be present here. There will be no impacts to Aboriginal cultural heritage from the current planning proposal, however rezoning will permit future development which could impact Aboriginal heritage if it were present.



2. Project Timing and Aboriginal Community Consultation

The Planning Proposal to which this document relates, is currently being prepared for submission to Central Coast Council. There are no recorded Aboriginal sites within or adjacent to subject land but the OEHL has recommended that in order to adequately capture the information required to inform the assessment of the Planning Proposal, an Aboriginal Cultural Heritage Assessment (ACHA) report should be prepared, including Aboriginal community consultation. As such, MDCA has undertaken, on behalf of the proponent, public and direct Aboriginal community notification as per the *National Parks and Wildlife Regulation 2009* [Clause 80C]. This has resulted in the compilation of a list of Registered Aboriginal Parties ('RAPs') in relation to the current proposal.

This document has been sent by post and/or email on the 24/1/18 to all RAPs to provide information on the rezoning proposal. It also provides RAPs with an opportunity to comment on the proposed assessment methodology for the Aboriginal Cultural Heritage Assessment report that will be prepared by MDCA.

In addition, RAPs are asked to identify whether they are aware of any objects or places of cultural value to Aboriginal people in the area of the proposed rezoning, and to provide information on these objects or places.

A response time of 28 days has been provided to RAPs for comments relating to this document. Any comments provided to MDCA will be forwarded to the proponent for their consideration.

These comments will be documented and addressed in the Draft Aboriginal Cultural Heritage Assessment Report ('ACHA Report') which is to be produced subsequent to receipt of any comments from you on the current document. This draft ACHA Report will then be distributed to all RAPs for a further 28 day review and comment period. Subsequent to this, a final ACHA report will be produced, incorporating and detailing any comments received on the draft report from RAPs and is proposed to be submitted to the Central Coast Council. A copy of this final report will also be made available to all RAPs at this time.

Please note that if any information provided by RAPs to MDCA is of a culturally sensitive nature, please inform us so that appropriate protocols of access and use can be developed. It will otherwise be assumed that all information provided can be included and discussed in the Aboriginal Cultural Heritage Assessment report.

In summary, there will be two main opportunities for RAPs to comment on the current proposal and project:

- The first opportunity is in relation to the current document, where input and information is sought on:
 - The proposed assessment methodology.
 - Any objects or places of cultural value to Aboriginal people which may be located within the current subject land, and any other Aboriginal cultural or historical information relevant to the current assessment and proposal.
- The second opportunity will be in relation to reviewing and commenting on a draft version of the Aboriginal Cultural Heritage Assessment report, which will incorporate and discuss comments received on the current document.



3. Proposed Assessment Methodology

The following methodology is proposed to be followed in relation to the assessment of archaeological and Aboriginal cultural values as part of the Aboriginal Cultural Heritage Assessment report to be prepared by MDCA on behalf of the proponent.

Archaeological Assessment

The proposed archaeological assessment for the current project will be based on the background research and field inspection undertaken by MDCA for the project and the results of the previous assessments noted above. It will seek to assess the *archaeological* potential of the subject land as a basis for appropriate archaeological management decisions.

This process will be fully documented in the draft Aboriginal Cultural Heritage Assessment report.

Aboriginal Cultural Assessment

The Aboriginal cultural assessment is proposed to contain the following two elements:

1. Background research by MDCA into documented Aboriginal cultural and historical associations with the subject land; and
2. Seeking comment from Registered Aboriginal Parties about:
 - any places or objects of cultural significance to Aboriginal people which may be impacted by the current proposal.
 - any other Aboriginal cultural or historical knowledge which is relevant to the Aboriginal cultural assessment of the subject land in relation to the current proposal.

Information received will be considered and included in the draft Aboriginal Cultural Heritage Assessment report for the project and distributed for review and comment by Registered Aboriginal Parties.

4. Conclusions

The current document has provided project information, a proposed assessment methodology and potential management strategy for the Aboriginal archaeological assessment of the subject land. There will be no impacts to Aboriginal cultural heritage from the current planning proposal, however rezoning will permit future development within the subject land. There are no previously recorded Aboriginal sites or areas of potential within or adjacent to the subject land. In relation to further *archaeological* works within the subject land for the current Planning Proposal, there does not appear to be any *archaeological* grounds for further surface or subsurface investigation.

Comment is sought from Registered Aboriginal Parties on the following matters:

- The proposed assessment methodology.
- Any objects or places of cultural value to Aboriginal people which may be located within the current subject land, and any other Aboriginal cultural or historical information relevant to the current assessment and rezoning for the Planning Proposal.

As noted above, where requested and appropriate, protocols can be developed for culturally sensitive information provided to MDCA. It is however essential that comments and information, preferably in



writing, be received by MDCA no later than **23 February 2018** if they are to be considered in the draft Aboriginal Cultural Heritage Assessment report.

If you have any questions or require any additional information, please contact Tamika Goward directly on 0488 999 452 or at tamika@mdca.com.au.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tamika Goward', with a horizontal line extending to the left and a vertical line extending upwards at the end.

Tamika Goward

Archaeologist

Mary Dallas Consulting Archaeologists



Guringai Tribal Link

Aboriginal Corporation

ABN 18 351 198 069. ICN 4270

(Traditional Owners of the NSW Central Coast
and the Northern Beaches of Sydney)

PO Box 4061,
Wyongah NSW 2259

Phone:(02) 4396 8743

Fax:(02) 4396 9525

Mobile: 0404 182 049

Email: tracey@guringai.com.au

28th November, 2017

Letter of Participation

Guringai Tribal Link Aboriginal Corporation (GTLAC) participated in an Aboriginal Cultural Heritage Due Diligence Assessment with Mary Dallas and Tamika Gowan, Archaeologists - Mary Dallas Archaeology Consulting Pty.Ltd. for the proposed residential sub-division of 15 Mulloway Road, Chain Valley Bay, NSW.

No Aboriginal sites or objects were identified within the study area at the time of this survey however the study area is within the vicinity of an occupied microbat and flying fox habitat and bounded by an Environmental zone to the south and within close proximity to previously recorded Aboriginal sites (Carter's Road), therefore GTLAC recommend that further investigations including Test excavations be conducted over the study area in consultation with GTLAC to establish the presence or absence of Aboriginal objects and materials, as defined in National Parks & Wildlife Act 1974 (as amended).

Statutory Considerations.

Aboriginal and Torres Strait Islander Heritage Protection Act 1984. (Commonwealth)

The Aboriginal and Torres Strait Islander Heritage and Protection Act 1984 (Cwlth) was enacted at a Federal level to preserve and protect areas (particularly sacred sites) and objects of particular significance to Aboriginal Australians from damage or desecration. Steps necessary for the protection of a threatened place are outlined in a gazetted Ministerial Declaration (Sections 9 and 10).

This can include the prevention of development.

As well as providing protection to areas, it can also protect objects by Declaration, in particular Aboriginal skeletal remains (Section 12). Although this is a Federal Act, it can be invoked on a State level if the State is unwilling or unable to provide protection for such sites or objects.

National Parks and Wildlife Act. 1974. (NSW)

The National Parks and Wildlife Act 1974 (NPW Act) provides blanket protection for Aboriginal objects (material evidence of Indigenous occupation) and Aboriginal Places (areas of Cultural significance to the Aboriginal community) across NSW.

An Aboriginal object is defined as;

any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

An Aboriginal place is defined as;

any place declared to be an Aboriginal place by the Minister for the Office of Environment and Heritage (OEH), under Section 84 of the Act.

It is an offence to disturb Aboriginal objects or places without a permit authorised by the Director-General of the OEH. In addition, anyone who discovers an Aboriginal object is obliged to report the discovery to OEH. Section 90(1) of the National Parks and Wildlife Act, 1974 states that it is an offence to destroy, deface or damage, or cause or permit destruction or defacement of or damage to, an Aboriginal object or Aboriginal place without first obtaining the consent of the Director General of the Office of Environment and Heritage.

Kind regards,

Tracey-lee Howie
Director
(contacts above)



APPENDIX A3 : Responses to Draft Report

14 May 2018

168 Pacific Highway Watanobbi NSW 2259

Po Box A281
Arncliffe NSW 2205

PO Box 401 Wyong NSW 2259

Phone (02) 4351 2930

Fax (02) 4351 2946

Dear Marry Dallas,

ABN 99 583 297 167

RE: Aboriginal Heritage Cultural Assessment Report 15 Mulloway Road, (lot 273 DP 755266), Chain Valley Bay

Thank you for the opportunity to formally respond to the Aboriginal Heritage Revised Methodology as listed above.

1. Test pit excavation to investigate the potential for subsurface Aboriginal objects within the study area due to the study area's location and the presence of natural soils.
2. Before any works commence on the project DLALC propose that all small fauna is removed without soil disturbance Darkinjung to monitor the clearing.
- 3 Darkinjung to be contacted via email to cultural & heritage team 30 days before any works commence.
- 4 In the case of Aboriginal cultural heritage sites or material being discovered, work should cease. The area should be avoided and the Office of Environment & Heritage along with Darkinjung should be contacted immediately.
- 5 Darkinjung recommends continued monitoring of the sites throughout the under clearing, works and after the project is finished.
- 6 Please note, under the National Parks and Wildlife Act (1974) it is an offence to harm (destroy, deface or damage) or desecrate an Aboriginal object or Aboriginal Place, or in relation to an object, move the object from the land on which it has been situated. Penalties range from \$275, 00 and 1 year imprisonment to \$555,000 and 2 years imprisonment for an individual up to 1,100,000 for a corporation.

Darkinjung Local Aboriginal Land Council (DLALC) has now reviewed the document and is satisfied with the Aboriginal Heritage Revised Methodology.

Please do not hesitate to contact me on the details listed above should you require any further information in regards to the project.

Kind regards,



Anthony Freeman
Heritage Officer – Culture and Heritage



APPENDIX B

Aboriginal Site Records

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-7-0177	Camp Kanangra; Contact	AGD	56	369500	6331500	Open site	Valid	Shell : -, Artefact : -	Midden	
	Recorders					Mr.David Lambert,Mr.Gavin Newton		Permits		
45-7-0178	Hembula Creek - Scarred Tree 1&2;HC-ST 1&2; Contact	AGD	56	366800	6330400	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	
	Recorders					Mr.Gavin Newton		Permits		
45-7-0179	Black Neds Point; Contact	AGD	56	365150	6331450	Open site	Valid	Shell : -, Artefact : -	Midden	
	Recorders					L.M Nelson		Permits		
45-7-0181	Chain Valley Bay 1 Contact	AGD	56	366150	6329600	Open site	Valid	Shell : -, Artefact : -	Midden	101093
	Recorders					L.M Nelson		Permits		
45-7-0182	Chain Valley Bay 2; Contact	AGD	56	366120	6330950	Open site	Valid	Shell : -, Artefact : -	Midden	
	Recorders					L.M Nelson		Permits		
45-7-0184	Gwandalan; Contact	AGD	56	368500	6331800	Open site	Valid	Shell : -, Artefact : -	Midden	
	Recorders					L.M Nelson		Permits		
45-7-0189	Sandy Beach 1; Contact	AGD	56	364950	6331450	Open site	Valid	Shell : -, Artefact : -	Midden	
	Recorders					L.M Nelson		Permits		
45-7-0249	PAD 1 - Munmorah Contact	AGD	56	363200	6325900	Open site	Valid	Potential Archaeological Deposit (PAD) : -, Artefact : 7		100751,10094 4
	Recorders					Heritage Concepts,J Czastka		Permits	2780,2781	
45-7-0250	PAD 2 - Munmorah Contact	AGD	56	363175	6325350	Open site	Valid	Potential Archaeological Deposit (PAD) : -, Artefact : 8		100751,10094 4
	Recorders					Heritage Concepts,Mr.Jakub Czastka		Permits	2780,2781	
45-7-0290	Gwandalan 1 Contact	AGD	56	368088	6329979	Open site	Valid	Shell : -		
	Recorders					Doctor.Tim Owen,ERM Australia Pty Ltd- Sydney CBD		Permits		
45-7-0079	Crangan Bay;Stranger Gully; Contact	AGD	56	368450	6330750	Open site	Valid	Shell : -, Artefact : -	Midden	
	Recorders					ASRSYS		Permits		
45-7-0003	Vales Point;Lake Macquarie; Contact	AGD	56	363738	6331615	Open site	Valid	Shell : -, Artefact : -	Midden	102219
	Recorders					Wyong Shire Council		Permits	730	
45-7-0253	Gwandalan 2 Contact	GDA	56	367386	6331169	Open site	Valid	Shell : -		
	Recorders					Doctor.Tim Owen		Permits		
45-7-0254	gwanddalan 1 Contact	GDA	56	368088	6329979	Open site	Valid	Shell : -		
	Recorders					Doctor.Tim Owen		Permits		

Report generated by AHIMS Web Service on 30/10/2017 for Tamika Goward for the following area at Datum :GDA, Zone : 56, Eastings : 362900 - 370900, Northings : 6323200 - 6332200 with a Buffer of 0 meters. Additional Info : Assessment. Number of Aboriginal sites and Aboriginal objects found is 41

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.

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-7-0338	RPS GWANDALAN IF1	GDA	56	368263	6331126	Open site	Valid	Artefact : 1		
	Contact	Recorders	RPS - Echuca					Permits		
45-7-0320	RPS Mannering 1	GDA	56	363449	6331411	Open site	Valid	Shell : 1		
	Contact	Recorders	Ms.Laraine Nelson					Permits		
45-7-0321	RPS Mannering 2	GDA	56	363401	6331331	Open site	Valid	Modified Tree (Carved or Scarred) : 1		
	Contact	Recorders	Ms.Laraine Nelson					Permits		
45-7-0339	CV 001	GDA	56	364943	6329478	Open site	Valid	Artefact : 1		
	Contact	Recorders	Mrs.Rebecca Newell,EMGA Mitchell McLennan					Permits		
45-7-0355	RPS CHB Intersection IF1	GDA	56	370608	6330124	Open site	Valid	Artefact : -		
	Contact	Recorders	Miss.Philippa Sokol					Permits		
45-3-0334	Tiembula Creek Midden;Tiembula Creek;	AGD	56	366730	6330420	Open site	Valid	Shell : -, Artefact : -	Midden	1076
	Contact	Recorders	Mary Dallas Consulting Archaeologists					Permits		
45-7-0006	Wybung Head Red Oxide Mine Freeman Park	AGD	56	370250	6325250	Open site	Valid	Ochre Quarry : -, Shell : -, Artefact : -	Midden,Ochre Quarry	101093
	Contact	Recorders	Len Dyall					Permits		
45-7-0080	Mannering Park;	AGD	56	364780	6328890	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	101093
	Contact	Recorders	ASRSYS					Permits		
45-7-0268	CV-04-09	GDA	56	368381	6331136	Open site	Valid	Shell : 1		
	Contact	Recorders	Mr.Geordie Oakes					Permits		
45-7-0269	CV-06-09	GDA	56	368061	6328867	Open site	Valid	Artefact : 1		
	Contact	Recorders	Mr.Geordie Oakes					Permits		
45-7-0270	CV-07-09	GDA	56	367043	6331305	Open site	Valid	Artefact : 1		
	Contact	Recorders	Mr.Geordie Oakes					Permits		
45-7-0271	CV-08-09	GDA	56	366587	6330975	Open site	Valid	Shell : 1		
	Contact	Recorders	Mr.Geordie Oakes					Permits		
45-7-0272	CV-09-09	GDA	56	366650	6330868	Open site	Valid	Shell : 1		
	Contact	Recorders	Mr.Geordie Oakes					Permits		
45-7-0273	CV-10-09	GDA	56	366875	6330868	Open site	Valid	Shell : 1		
	Contact	Recorders	Mr.Geordie Oakes					Permits		
45-7-0274	CV-12-09	GDA	56	367290	6330372	Open site	Valid	Artefact : 1		
	Contact	Recorders	Mr.Geordie Oakes					Permits		
45-7-0275	CV-14-09	GDA	56	367468	6330191	Open site	Valid	Shell : 1		

Report generated by AHIMS Web Service on 30/10/2017 for Tamika Goward for the following area at Datum :GDA, Zone : 56, Eastings : 362900 - 370900, Northings : 6323200 - 6332200 with a Buffer of 0 meters. Additional Info : Assessment. Number of Aboriginal sites and Aboriginal objects found is 41

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>	Mr.Geordie Oakes					<u>Permits</u>		
45-7-0276	CV-15-09	GDA	56	366304	6329303	Open site	Valid	Modified Tree (Carved or Scarred) : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Geordie Oakes					<u>Permits</u>		
45-7-0277	CV-16-09	GDA	56	366335	6329635	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Geordie Oakes					<u>Permits</u>		
45-7-0278	CV-17-09	GDA	56	366273	6329369	Open site	Valid	Modified Tree (Carved or Scarred) : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Geordie Oakes					<u>Permits</u>		
45-7-0281	CV-20-10	GDA	56	365588	6331434	Open site	Valid	Shell : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Geordie Oakes					<u>Permits</u>		
45-7-0282	CV-21-10	GDA	56	366221	6331192	Open site	Valid	Shell : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Geordie Oakes					<u>Permits</u>		
45-7-0344	St Brigids Individual Find 1	GDA	56	367087	6327096	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Sharon Hodgetts					<u>Permits</u>	3704	
45-7-0340	Nords Wharf 1	GDA	56	369821	6331865	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Aaron Fogel					<u>Permits</u>		
45-7-0341	Nords Wharf 2	GDA	56	369858	6331788	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Aaron Fogel					<u>Permits</u>		
45-7-0342	Nords Wharf 3	GDA	56	369788	6331822	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Aaron Fogel					<u>Permits</u>		
45-7-0343	Nords Wharf 4	GDA	56	369861	6331731	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Aaron Fogel					<u>Permits</u>		
45-7-0349	NWR NORDS WHARF ROAD 01	GDA	56	369760	6331962	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Miss.Philippa Sokol					<u>Permits</u>		

Report generated by AHIMS Web Service on 30/10/2017 for Tamika Goward for the following area at Datum :GDA, Zone : 56, Eastings : 362900 - 370900, Northings : 6323200 - 6332200 with a Buffer of 0 meters. Additional Info : Assessment. Number of Aboriginal sites and Aboriginal objects found is 41

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