LAKE CATHIE PUBLIC SCHOOL REDEVELOPMENT
1240 OCEAN DRIVE, LAKE CATHIE NSW,
PORT MACQUARIE HASTINGS LGA

Aboriginal Cultural Heritage Assessment

March 2019

Prepared for:

SHAC
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EXECUTIVE SUMMARY

This Aboriginal Cultural Heritage Assessment was commissioned by SHAC on behalf of the NSW Department of Education, and provides supporting information for an Environmental Impact Statement (EIS) and associated State Significant Development application (SSD #8491) to be submitted to the Minister for Planning and Environment seeking approval for redevelopment of the Lake Cathie Public School. The assessment fulfills the requirements of Key Issue 9 (Aboriginal Heritage) of the Secretary’s Environmental Assessment Requirements (SEARs) for the EIS.

Lake Cathie Public School is situated within the Port Macquarie Hastings LGA, around 6 km south of Port Macquarie and 1.5 km inland of Rainbow Beach on the NSW mid-north coast. The school allotment has an area of 3.96 ha, legally described as Lot 2 DP 1193553 (the project area). The topography is relatively flat and encompasses a small part of the terminal toe of a ridge that defines the northern limit of the Duchess Gully basin. The allotment has been cleared of all but three mature trees and modified/disturbed by development and maintenance of the existing school, such that approximately 1.53 ha is presently covered by a combination of buildings, concrete/asphalt pavement and constructed gardens. Due to the clear and observable changes to the land’s surface that have taken place, the project area constitutes ‘disturbed land’ as defined under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

Searches of the World Heritage List, Commonwealth Heritage List, National Heritage List, the Australian Heritage Database, NSW State Heritage Register, Schedule 5 (Environmental Heritage) of Port Macquarie Hastings LEP 2011, and the OEH Aboriginal Heritage Information Management System (AHIMS) revealed no listed or registered Aboriginal sites/places within or near the project area, the closest being an isolated stone artefact registered on AHIMS on an alluvial flat 470 m to the south-east.

Implementation of the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 resulted in the identification of two Registered Aboriginal Parties (RAPs) - the Birpai Local Aboriginal Land Council (LALC) and the Birpai Traditional Owners Indigenous Corporation. As the sole nominated representative, Birpai LALC Sites Officer and Birpai Traditional Owners Chairperson Jason Holten was consulted and involved in the field survey. Jason Holten advised that owing to the presence of traditional campsites and evidence of related off-site domestic activities, as well as significant mythological/ceremonial sites/places, the project area sits within a wider cultural landscape of on-going general heritage value. However, in line with past information given by Birpai elder (the late) William Holten and his son (the late) Lindsay Moran, Jason Holten disclosed that the project area itself is not known to contain or impinge upon sites/places of traditional ceremonial, mythological or other spiritual significance; camping places; or sites, places or resources of historic or special contemporary socio-cultural value/attachment (whether tangible or intangible), and expressed no objection to the proposed school redevelopment.

Archaeological field survey of the project area undertaken by the consultant and Jason Holten achieved an estimated effective coverage of 7.9% of the total surface area not currently masked by built school infrastructure. No Aboriginal cultural heritage materials or potential archaeological deposits (PADs) were detected, nor did any of the three remaining mature trees show signs of possible Aboriginal modification. This result is consistent with the nil findings of three previous surveys that have included the project area, including that conducted for a 2018 due diligence assessment of the current project proposal.

A considerable number of other archaeological surveys have been completed in the project locality, the results of which demonstrate that the coastal foredune and well-drained rises on the degraded inner sand barrier were preferred for traditional occupation. Camps were sometimes established on bedrock-soil footslopes, but these are likewise found within 500 m of the beach, in the proximity of Duchess Gully. Evidence of Aboriginal landuse off the productive coastal margins is restricted to a very low-density background scatter of stone artefacts lost or discarded, probably by small groups ranging out from the coastal camps in search of food and material resources. Even if undiscovered isolated stone artefacts have survived the land surface modification and disturbance caused by past vegetation clearing and the existing school development within the project area, there is virtually no chance that these would be in a primary depositional context or that they could be detected by either further archaeological investigation or development earthworks monitoring.

Taking all information into account, it is concluded that the project area has a low level of Aboriginal cultural heritage sensitivity and that redevelopment of Lake Cathie Public School should be allowed to proceed without further cultural heritage constraints, providing the following management recommendations are adhered to. These recommendations have been endorsed by the Birpai LALC and the Birpai Traditional Owners Indigenous Corporation.

1) Prior to on-site involvement, all contractors, subcontractors and their employees engaged for the school redevelopment works should undergo a site induction that provides information on legal obligations with respect to Aboriginal objects, and ‘stop-work’ conditions applicable in the event that any identified or suspected Aboriginal objects are discovered at any stage (see Recommendation 2). The proponent should consider engaging a representative of the Birpai LALC/Birpai Traditional Owners Indigenous Corporation to develop and deliver the heritage component of the site induction.

A register should be kept of all persons inducted. The register should include dates, names and signatures of those inducted, the name of the person carrying out the induction, and an acknowledgement that Aboriginal cultural heritage requirements have been explained and understood.

2) If any identified or suspected Aboriginal objects are detected at any time, all disturbance work should immediately cease within 10 metres of the find and temporary protective fencing erected around this ‘no-go zone’ pending further management advice from the Department of Planning and Environment in liaison with the OEH (Planning and Aboriginal Heritage Section, North East Region) and the Registered Aboriginal Parties. In the unlikely event that the find consists of or includes human remains, the NSW Police Department and the OEH Environmental Line (phone 131 555) should also be notified as soon as practicable.
Works may not recommence within the designated ‘no-go zone’ until formal clearance to do so has been given by the appropriate authorities.

3) In a further effort to mitigate potential Aboriginal cultural heritage impacts, Recommendation 1 and the unexpected finds procedure outlined in Recommendation 2 should be written into the Construction Management Plan or equivalent documentation.

4) As demonstrated by its Birpai language ‘house’ names, the Lake Cathie Public School community is committed to promoting a student awareness and appreciation of Birpai culture. As a means of adding to this awareness and appreciation, the proponent should consider applying Birpai language names to the new hall and COLAs. The Birpai LALC and Birpai Traditional Owners Indigenous Corporation must be invited to assist with any related naming to ensure that it is accurate and suitable.
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ACRONYMS AND ABBREVIATIONS
AHD  Australian Height Datum
AHIMS  Aboriginal Heritage Information Management System
AHP  Aboriginal Heritage Impact Permit
BP  Years before present, 'present' being the 1st of January 1950
COLA  Covered outdoor learning area
CRs  Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
DECCW  NSW Department of Climate Change and Water (former)
DPE  NSW Department of Planning and Environment
EIS  Environmental Impact Statement
EPA Act  Environmental Planning and Assessment Act 1979
ha  Hectares
km  Kilometres
LALC  Local Aboriginal Land Council
LEP  Local Environmental Plan
LGA  Local Government Area
m  Metres
NPW Act  National Parks and Wildlife Act 1974, as amended
NTS Corp  Native Title Services Corporation NSW
OEH  NSW Office of Environment and Heritage
PAD  Potential archaeological deposit
RAP  Registered Aboriginal Party
SEARs  Secretary's Environmental Assessment Requirements, NSW Department of Planning and Environment
SHAC  Schreiber Hamilton Architecture Pty Ltd
SSD  State Significant Development
1 INTRODUCTION

1.1 Assessment purpose and background
The NSW Department of Education proposes to redevelop the Lake Cathie Public School to cater for projected student population growth in the Lake Cathie-Bonny Hills area, within the Port Macquarie Hastings LGA on the NSW mid-north coast ("the project").

This Aboriginal Cultural Heritage Assessment was commissioned by SHAC on behalf the Department of Education and provides supporting information for an Environmental Impact Statement (EIS) and associated State Significant Development application (SSD #9491) to be submitted to the Minister for Planning and Environment seeking project approval. The assessment addresses Key Issue 9 (Aboriginal Heritage) of the Secretary’s Environmental Assessment Requirements (SEARs) for the EIS, dated 15th of August 2018, which requires the following tasks:

- "Address Aboriginal Cultural Heritage (ACH) in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) and Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW)."
- The EIS must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH."

An Aboriginal archaeological due diligence assessment was prepared for the project in September 2018 (Virgin 2018). The due diligence assessment comprised a search of the OEH Aboriginal Heritage Information Management System (AHIMS), background literature review, consideration of landscape character/disturbance, and a field inspection. On the basis of the due diligence findings Virgin (2018:18) concluded that “there is a low likelihood that the proposed (school redevelopment) works will result in harm to Aboriginal objects”. While fully consistent with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010c), the 2018 assessment did not involve Aboriginal consultation or any identification of cultural heritage values that might endure despite the apparent absence of archaeological materials. An OEH review found that the due diligence assessment did not comply with the SEARs (correspondence from OEH to the Department of Planning and Environment, 19th December 2018). SHAC subsequently engaged the consultant (Adise Pty Ltd, t/a J.P. Collins Consultant Archaeologist) to undertake consultation in line with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010a) and produce a compliant Aboriginal Cultural Heritage Assessment report.

1.2 Project area location and proposal
The Lake Cathie Public School is situated at 1240 Ocean Drive, Lake Cathie, approximately 16 km south of Port Macquarie (Figure 1). The school allotment has an area of 3.96 ha, legally described as Lot 2 DP 1193553 ("the project area"). Lot 2 DP 1193553 sits a minimum of 1.5 km inland of Rainbow Beach between the towns of Lake Cathie and Bonny Hills, and is bounded to the north and west by Ocean Drive, to the east by ‘the proposed collector road’ (under construction) and a soon to be developed residential subdivision, and to the south by future sporting fields (under construction).

As shown on Figure 2, the existing school buildings are confined to the south-eastern half of the allotment. The proposed redevelopment (Figure 3) would include:

- Removal of 14 demountable classrooms and the existing covered outdoor learning area (COLA);
- Construction of 17 additional teaching spaces;
- Construction of a community-focused hall;
- Construction of three COLAs;
- Removal of the current access road from Ocean Drive and relocation of the main entrance and carparks to connect with the collector road now under construction adjacent to the eastern boundary;
- Construction of a new entry plaza, drop-off and bus bay adjacent to the collector road;
- Construction of new outdoor learning spaces and formalised active play space;
- Adjustment of the ‘SEPP 44 Koala Habitat Remediation Management Zone’ and ‘Swamp Forest Rehabilitation’ areas;
- Construction of a rain garden swale supporting site ground and water flow; and
- Ancillary landscaping, signage, services and stormwater drainage.
Figure 1. General location of the Lake Cathie Public School (Source: whereis.com)

Figure 2. The existing school buildings and proposed collector road (under construction) (Source: SHAC 2019)
Figure 3. Plan of the proposed school redevelopment (Source: SHAC 2019)
1.3 Assessment personnel
Background research, field survey and assessment were conducted by qualified cultural heritage consultant/archaeologist Jacqueline Collins (MAACAI), assisted and informed by Birpai Local Aboriginal Land Council (LALC) Sites Officer and Birpai Traditional Owners Indigenous Corporation Chairperson Jason Holten. The report was written by Jacqueline Collins and was reviewed by the Birpai LALC and Birpai Traditional Owners Indigenous Corporation prior to finalisation.

2 LEGISLATIVE CONTEXT AND COMPLIANCE

2.1 Environmental Planning and Assessment Act 1979
The EPA Act requires that environmental impacts, including impacts upon Aboriginal cultural heritage, are duly considered in landuse planning. Part 4 of the Act governs the manner in which consent authorities determine development applications and outlines those that require an EIS.

Under Part 4, Division 4.1 of the EPA Act, a development may be declared a State Significant Development (SSD) if it meets certain criteria. The consent authority for SSD is the Minister for Planning and Environment (DPE), but the Minister may delegate consent authority function to the Planning Assessment Commission, the DPE Secretary, or another public authority. An Aboriginal Heritage Impact Permit (AHIP) under section 90 the National Parks and Wildlife Act 1974 (NPW Act) is not required for SSD that is authorised by a development consent. Even so, an EIS that fulfills the SEARs needs to be submitted along with the development application. Prior to issuing a development consent, the DPE will consult with other relevant departments, including the Office of Environment and Heritage (OEH). The management of Aboriginal cultural heritage would then follow conditions of approval to ensure the proper care, conservation and preservation of both tangible and intangible heritage values.

As outlined in Section 1.1, the proposed school redevelopment constitutes SSD and SEARs for the EIS have been issued. Consistent with the SEARs, this report presents information in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (DECCW 2011), including a record and details of Aboriginal consultation as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010a). Cultural heritage values have been identified and measures to mitigate project impacts recommended as warranted.

2.2 National Parks and Wildlife Act 1974
The NPW Act (as amended) is administered by the OEH, and forms the primary basis for the statutory protection and management of Aboriginal cultural heritage in NSW. Part 6 of the Act provides specific protection for Aboriginal objects and declared Aboriginal places by making it an offence to harm them unless authorised by a duly approved Aboriginal Heritage Impact Permit (AHIP).

The NPW Act defines an ‘Aboriginal object’ as-

"Any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains)."

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

Places in the landscape of significance to Aboriginal people, which may be devoid of Aboriginal objects, can only be protected under the Act (section 84) via declaration as an Aboriginal place. For the purposes of the Act, an ‘Aboriginal place’ is defined as a place that-

"in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture."

Under section 85A of the Act, the Director General of the Department of Premier and Cabinet may transfer Aboriginal objects to a person or organisation for safekeeping. The subject person or organisation must enter into a formal care agreement with the OEH, which sets out the obligations of the OEH and the person/organisation for the long-term safekeeping of the transferred object(s).

Whilst an AHIP is not required to authorise impacts to Aboriginal objects and places for projects approved under Part 4 of the EPA Act (including the SSD subject of this report), there are other sections of the NPW Act that remain valid. These include the need to obtain a Care
Agreement for salvaged objects (section 85A), and the need to report the location of Aboriginal objects to the OEH (section 89A). However, this assessment has not resulted in the identification of Aboriginal objects. No artefact salvage/Care Agreement or site registration is thus necessary unless unexpected finds are intercepted during the course of the redevelopment works.

2.3 Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Act 1999 is the federal government’s central piece of environmental legislation, and protects heritage places of national significance as well as those under commonwealth ownership. This Act also offers protection to properties included on the World Heritage List. More recent amendments created the Commonwealth Heritage List and National Heritage List. Any actions likely to have a significant impact upon any listed items must be referred to the Department of Sustainability, Environment, Water, Population and Communities for consideration.

On-line searches undertaken on the 25th of January 2019 revealed that the project area does not contain or encroach upon sites, places or land on the World Heritage List, Commonwealth Heritage List or the National Heritage List.

3 COMPLIANCE WITH THE ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010

As required by the SEARs, the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010a; the CRs) were implemented for this assessment. A record of consultation undertaken in compliance with the CRs is presented in Appendix A.

3.1 Stage 1 – Notification of the project proposal and registration of interest

In accordance with Stage 1, Step 4.1.2 of the CRs (DECCW 2010a:10), letters and/or a search request were sent to the following organisations, requesting the names and contact details of any known Aboriginal parties who may have an interest in the project locality, and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places that might occur (Appendix B):

- Office of Environment and Heritage (OEH)
- Birpai Local Aboriginal Land Council (LALC)
- The Registrar, Aboriginal Land Rights Act 1983
- National Native Title Tribunal
- Native Title Services Corporation Ltd (NTS Corp)
- Port Macquarie Hastings Council

Responses/search results are reproduced in Appendix C.

In the absence of any relevant entries in relation to Native Title or any Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983, letters inviting registration of interest, including all required project information (as per Stage 1, Step 4.1.3 of the CRs), were mailed to the following potential knowledge-holders advised by the OEH (and Port Macquarie Hastings Council) (Appendix D):

- Birpai LALC
- Saltwater Tribal Council
- Ghinni Ghinni Youth and Culture Aboriginal Corporation
- Bindi Aboriginal Heritage and Culture Centre Inc.
- Birpai Traditional Owners Indigenous Corporation
- Lakkari NTCG
- Norm Archibald
- Yanggaay

On the 23rd of January 2019, a newspaper notice was published in the Port Macquarie Express and the Camden Haven Courier, inviting interested Aboriginal parties with cultural knowledge of Lake Cathie-Bonny Hills to contact the consultant to formally register their interest in the assessment, to be received by the 6th of February 2019 (Appendix D).

Expressions of interest (Appendix E) were received from:

- Birpai LALC
- Birpai Traditional Owners Indigenous Corporation (‘the Birpai Traditional Owners’)

These two organisations represent the Registered Aboriginal Parties involved in this assessment.
3.2 Stage 2 – Presentation of information about the proposed project
Upon their registration of interest, letters presenting project details and the purpose, scope and draft methodology of this assessment were emailed to the Birpai LALC and the Birpai Traditional Owners (Appendix F).

3.3 Stage 3 – Gathering information about cultural significance
The draft methodology for this assessment was emailed to the Birpai LALC (29th of January 2019) and the Birpai Traditional Owners (8th of February 2019), requesting feedback on its adequacy (Appendix F). As attached at Appendix G, the Birpai LALC was satisfied with the methodology. The Birpai Traditional Owners did not provide written comment but advised by phone that no amendment of the methodology was required (Jason Holten pers comm 19/2/2019).

In addition to a field inspection with Jason Holten (Birpai LALC Sites Officer and Chairperson of the Birpai Traditional Owners) for the purpose of recording Aboriginal objects, Jason Holten was consulted to determine:

- whether any sites/places of special attachment or cultural heritage value occur in or near the project area;
- the level of socio-cultural significance attributed to any identified sites/places;
- whether the divulged cultural information is suitable for general public access. If not, what aspects of this information should be withheld, and/or not shared with other Aboriginal parties, administrative authorities/others; and
- appropriate management strategies in relation to the proposed school redevelopment.

Jason Holten advised that the cultural information disclosed in Sections 5.1 and 5.2 of this report is not sensitive or private, nor should it be flagged for restricted public access.

3.4 Stage 4 – Review of draft cultural heritage assessment report
Draft copies of this report were provided to the Birpai LALC and the Birpai Traditional Owners Indigenous Corporation for review and comment. As per correspondence attached at Appendix H, both RAPs were satisfied with the report and no amendments were called for.

4 ENVIRONMENT AND LANDUSE EFFECTS

4.1 General setting
The eastern part of the Port Macquarie Hastings LGA experiences a humid sub-tropical climate, characterised by relatively high summer and low winter/spring rainfalls. Average daily temperatures range from a maximum of 25.8°C to a minimum of 17.0°C in summer, and 17.8°C to 7.1°C Celsius in winter (ERM Mitchell McCotter 1999). Despite climatic fluctuations, Lake Cathie-Bonny Hills would have been conducive to year-round Aboriginal occupation throughout the Holocene period, although landuse was no doubt constrained by the inundation of very low-lying coastal terrain during the last sea highstand (+1.0 to +1.5m), which lasted until sometime after 2,000 years ago (Lewis et al 2008; Lewis et al 2012). Data collected from Valla Headland further north suggests that the sea may have only fallen to its present level since 1,780 BP (Flood and Frankel 1989).

The project area sits within the Duchess Gully drainage basin. This small basin is defined by a series of low undulating hills and ridges that stretch seaward from the Jolly Nose escarpment, situated approximately 4 km inland of fronting Rainbow Beach. The broad northern ridge is followed by Ocean Drive east of its intersection with Houston Mitchell Drive, and separates the Duchess Gully catchment from the Lake Cathie estuarine system. The ridge crest is fringed by low gradient slopes that fall gradually south to meet an extensive alluvial flat sandwiched between Ocean Drive and the northern outskirts of Bonny Hills. The hills and ridges are based on metamorphic bedrock comprising schist, phyllite, greywacke and slate (Tamworth-Hastings 1:250,000 metallogenic map). These same materials along with siltstone, chert, jasper, quartz and assorted volcanics are represented in inter-tidal pebble beds along Rainbow Beach. The Rainbow Beach pebble beds are believed to have been the source of raw stone materials used for the manufacture of Aboriginal stone tools recorded in the locality (Collins 2007:22).

Duchess Gully is a narrow permanent watercourse that rises on the alluvial flat around 1 km east of the project area. The gully runs south behind and across degraded inner barrier dunes to discharge into the ocean at Bonny Hills, on the southern end of Rainbow Beach. Although tidal towards Bonny Hills, the upper reach of Duchess Gully is fresh. In addition to two intermittent creeks that traverse the alluvial flat south of the project area, artificial drainage channels and lakes now divert rain run-off into Duchess Gully. Before this intervention, much of the flat may well have been covered in seasonal swamp.
4.2 The project area

The project area encompasses a small part of the terminal toe of the broad ridge that defines the northern limit of the Duchess Gully basin. The topography is relatively flat, ranging in elevation from 10.75 m AHD in the north to 8 m AHD on the southern boundary. Boreholes dug by JK Geotechnics show the soil profile to generally consist of a 10-50 cm deep topsoil layer of dark grey and dark brown silty clay of medium plasticity, overlying stiff silty clay (JK Geotechnics 2013, cited in Virgin 2018:4). Orange clay material appears to have been imported to form the foundation of the existing 14 demountable classrooms. No rock outcrops that might have been used for Aboriginal occupation, art production, the construction of stone arrangements, tool grinding or quarrying occur.

The project area seems to have been initially cleared to make way for a wider-area sports resort development, which commenced but did not eventuate (cf. Happ and Bowdler 1983; Staniland Mounser 1994; Collins 2009:8). The area was afterward used for cattle grazing up until the Lake Cathie Public School was built in 2014. The existing school development has added further substantial landscape modification/disturbance through the construction of buildings, roads, carparks and levelled play areas, as well as landscaping, drainage and the installation of underground services (e.g. Plates 1 and 2). Approximately 1.53 ha (38.6%) of the school allotment is presently covered by a combination of buildings, concrete/asphalt pavement and gardens.

Prior to clearing, the natural vegetation likely comprised Forest Red Gums with a mixed Swamp Oak forest understorey (Darkheart Eco Consultancy 2013, cited in Virgin 2018:4). Apart from three mature eucalypt trees (one a standing dead trunk) in the south-western corner, vegetation is now restricted to open (mown) grassland, cultivated gardens, and planted (juvenile) trees and shrubs (Plates 2 and 3). The plantings include a dense vegetation buffer (Swamp forest rehabilitation zone) that extends close to the Ocean Drive boundary north of the school entrance (Plate 4).

Due to the clear and observable changes to the land's surface that have taken place, the project area constitutes ‘disturbed land’ as defined under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010c:7-8).

Plate 1. View west to existing COLA and demountable classrooms
Plate 2. General view of the school grounds south of the Ocean Drive entrance (SU-1)

Plate 3. General view of the school grounds north of the Ocean Drive entrance (SU-2)
5 ABORIGINAL CULTURAL HERITAGE CONTEXT

5.1 Ethno-history

At the time of first European contact, the Lake Cathie-Bonny Hills Aboriginal people belonged to the Birpai ‘tribe’ and spoke a closely related variant of the Kattang language (Holmer 1966:1-2). Dialect groups composed of interlinked extended families (clans) owned and inhabited distinct estates within the wider Kattang language association. On the resource-rich coast, clans with at least 100 members laid claim to relatively small territories, the boundaries of which were defined and generally known. Alliances with other clans, dialect and broader language groups were maintained through a system of regulated movement for ceremonial, ritual, and social/ secular purposes (Breton 1833; Howitt 1904; Fitzpatrick 1941:61,124).

During the course of everyday life, resource exploitation seems to have been undertaken by a number of separate family bands that would gather and then disperse as conditions demanded (Henderson 1851; Godwin 1990:97). As told by Birpai elder the late William (Goolah) Holten, a seasonal landuse system was generally followed, with hinterland hunting through spring and summer and movement to the coast for autumn and winter fishing (Collins 1996a:11). One of the seasonal base camps was reportedly situated in the Rainbow Beach locality (Collins 1996a:18).

The first written account of the Birpai comes from the journal of Surveyor-General John Oxley, whose exploration party traversed the Hastings River valley from the west in 1818. Oxley (1820:307-328) noted that “the natives in the vicinity (of now Port Macquarie) appeared very numerous”, where “a great many natives’ canoes were seen on the river”. Oxley’s party travelled south along the coast from Port Macquarie and camped near a freshwater spring at Bonny Hills, but no mention is made of encountering either Aboriginal people or evidence of their camps here or anywhere else between the Hastings and Camden Haven rivers. Upon skirting the northern shore of Queens Lake (part of the Camden Haven River estuarine system, 5.4 km south of the project area) Oxley (1820:328) “disturbed a large party of natives, some of whom were busily employed in preparing bark for a new canoe”. These people were residing in a lakeside encampment comprising “guniahs or bark huts” and possessed “arms and utensils of every description”. There were “many large canoes on the lake … one of which was sufficiently large to hold nine men, and resembled a boat” (Oxley 1820:332-333). The discovery of this occupied campsite in the mid-spring of 1818 suggests that the margins of resource-rich estuaries may have been used on a semi-permanent basis despite the usual seasonal round followed elsewhere.
The frontier of European settlement moved north from Newcastle upon the 1821 establishment of a penal station at Port Macquarie. Little is known about Lake Cathie-Bonny Hills between the 1821 and 1860, and this area it is thought to have remained an isolated outpost of Port Macquarie, visited by limeburners, cedar cutters, escaped convicts and graziers in search of free pasture (Camden Haven Learning Exchange 1987:6). Limeburners were operating on the Camden Haven by 1828, burning the then prolific oyster beds available in Queens Lake (see Ogburn et al 2007:276) and probably also destroying Aboriginal shell middens on the shoreline.

While historical information suggests that the Birpai in and around Lake Cathie-Bonny Hills could have maintained a traditional lifestyle with minimal disruption up until the 1870s, their population is likely to have already been decimated by measles and smallpox, which reached Port Macquarie as early as 1831 (Campbell 1985:337). In addition to these introduced afflictions, some of the local Aboriginal people are believed to have been massacred by early European settlers near Greenhills Gully in Bonny Hills (Collins 2003a:10). Around six Aboriginal families nevertheless camped for an extended period beside Greenhills Gully during the late 1930s while the men mustered cattle for a local landowner (Bartlett 1991).

5.2 Cultural information disclosed for this assessment

As disclosed by Jason Holten, the project area lies within a wider cultural landscape of on-going general heritage value owing to the presence of traditional campsites and evidence of related off-site domestic activities, plus significant mythological/ceremonial sites/places (e.g. North Brother Mountain [Dooragan] and Jolly Nose Hill [Googic]).

However, in line with information given by Birpai elder (the late) William (Goolah) Holten and his son (the late) Lindsay Moran (Collins 1996a:18, 2006:3), Jason Holten advised that the project area itself is not known to contain or impinge upon sites/places of traditional ceremonial, mythological or other spiritual significance; camping places; or sites, places or resources of historic or special contemporary socio-cultural value/attachment (whether tangible or intangible). As such, Jason Holten did not express a concern with the proposed school redevelopment.

5.3 Registered Aboriginal sites and places

5.3.1 OEH Aboriginal Heritage Information Management System (AHIMS)

An extensive search of the AHIMS database performed on the 15th of January 2019 (Client Service 392550) revealed 20 registered Aboriginal sites within 3 km of the project area (Appendix I). The registered sites include scarred trees and a shell midden, but are overwhelmingly dominated by stone artefact occurrences (Table 1). None of the registered sites are within the project area, the closest being an isolated find (#30-6-0114; a greywacke flake) on the alluvial flat some 470 m to the south-east.

Table 1. Types of Aboriginal sites registered on AHIMS within 3 km of the project area

<table>
<thead>
<tr>
<th>Site type</th>
<th>Site Features</th>
<th>Frequency</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shell midden</td>
<td>Shell, stone artefacts, pebbles</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Open camp</td>
<td>Stone artefact scatter</td>
<td>11</td>
<td>55</td>
</tr>
<tr>
<td>Isolated artefact</td>
<td>Stone artefact</td>
<td>5</td>
<td>25</td>
</tr>
<tr>
<td>Scarred tree</td>
<td>Bark/wood removal scar on trunk</td>
<td>3</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>20</td>
<td>100</td>
</tr>
</tbody>
</table>

As evident from Table 2 and Figure 4, the registered AHIMS sites are concentrated near Duchess Gully, where they occur on the foredune, inner barrier sands, the alluvial flat, and bedrock-soil footslopes. Away from the immediate coastal zone, registered sites are restricted to isolated stone artefacts and a scarred tree. The map grid reference for the latter scarred tree (#30-3-0252) does not accord with the location description given on its site recording card. The site description instead places the tree in Bli Bli State Forest some 38 km inland of Wauchope, showing that this site is nowhere near the project area. The AHIMS Site Registrar has been advised of this database error.

5.3.2 Other heritage registers

On-line searches of the Australian Heritage Database, NSW State Heritage Register and Schedule 5 (Environmental Heritage) of Port Macquarie Hastings LEP 2011, performed on the 28th of January 2019, revealed no registered/listed Aboriginal sites/places at Lake Cathie-Bonny Hills.
Table 2. Details of Aboriginal sites registered on AHIMS within 3 km of the project area

<table>
<thead>
<tr>
<th>AHIMS ID</th>
<th>Site name</th>
<th>Site type</th>
<th>Local landform</th>
<th># identified artefacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-6-0235</td>
<td>Lake Cathie/Lake Side Way</td>
<td>Scarred tree</td>
<td>Bank of Cathie Creek estuary</td>
<td></td>
</tr>
<tr>
<td>30-6-0130</td>
<td>99-2 trail #2</td>
<td>Isolated artefact</td>
<td>Subcoastal ridge crest</td>
<td>1</td>
</tr>
<tr>
<td>30-6-0094</td>
<td>SATM 2</td>
<td>Isolated artefact</td>
<td>Subcoastal spur footslope</td>
<td>1</td>
</tr>
<tr>
<td>30-6-0128</td>
<td>Point Rd #1</td>
<td>Isolated artefact</td>
<td>Subcoastal spur crest</td>
<td>1</td>
</tr>
<tr>
<td>30-3-0252</td>
<td>Dam Trail #1</td>
<td>Scarred tree</td>
<td>Inland ridge slope</td>
<td></td>
</tr>
<tr>
<td>30-6-0114</td>
<td>M9</td>
<td>Isolated artefact</td>
<td>Alluvial flat</td>
<td>1</td>
</tr>
<tr>
<td>30-6-0116</td>
<td>M11</td>
<td>Open artefact scatter</td>
<td>Coastal ridge footslope</td>
<td>150 (approx.)</td>
</tr>
<tr>
<td>30-6-0184</td>
<td>M12</td>
<td>Open artefact scatter</td>
<td>Coastal knoll footslope</td>
<td>11</td>
</tr>
<tr>
<td>30-6-0109</td>
<td>M4</td>
<td>Open artefact scatter</td>
<td>Sand rise and sand footslope</td>
<td>115</td>
</tr>
<tr>
<td>30-6-0115</td>
<td>M10</td>
<td>Open artefact scatter</td>
<td>Sand rise near Duchess Gully</td>
<td>40; 26 from test excavations</td>
</tr>
<tr>
<td>30-6-0111</td>
<td>M6</td>
<td>Open artefact scatter</td>
<td>Alluvial flat near Duchess Gully</td>
<td>2</td>
</tr>
<tr>
<td>30-6-0112</td>
<td>M7</td>
<td>Open artefact scatter</td>
<td>Alluvial flat near Duchess Gully</td>
<td>2</td>
</tr>
<tr>
<td>30-6-0012</td>
<td>Lake Cathie Beach</td>
<td>Shell midden</td>
<td>Rainbow Beach foredune</td>
<td>&gt;10</td>
</tr>
<tr>
<td>30-6-0032</td>
<td>Duchess Creek</td>
<td>Open artefact scatter</td>
<td>Bed and bank of Duchess Gully tributary</td>
<td>4</td>
</tr>
<tr>
<td>30-6-0108</td>
<td>M3</td>
<td>Open artefact scatter</td>
<td>Sand and alluvial flat near Duchess Gully</td>
<td>12; 1 from test excavations</td>
</tr>
<tr>
<td>30-6-0106</td>
<td>M1</td>
<td>Open artefact scatter</td>
<td>Sand rise near Duchess Gully</td>
<td>20</td>
</tr>
<tr>
<td>30-6-0113</td>
<td>M8</td>
<td>Open artefact scatter</td>
<td>Spur footslope above Duchess Gully</td>
<td>3</td>
</tr>
<tr>
<td>30-6-0107</td>
<td>M2</td>
<td>Open artefact scatter</td>
<td>Sand rise near Duchess Gully</td>
<td>5</td>
</tr>
<tr>
<td>30-6-0110</td>
<td>M5</td>
<td>Isolated artefact</td>
<td>Alluvial flat</td>
<td>1</td>
</tr>
<tr>
<td>30-6-0162</td>
<td>1B1</td>
<td>Scarred tree</td>
<td>Sand flat</td>
<td></td>
</tr>
</tbody>
</table>

5.4 Past archaeological assessments and investigations

5.4.1 The project area

As reviewed below, the project area has been inspected for archaeological evidence on three different occasions, none of which have succeeded in detecting Aboriginal objects within the project area.

Happ and Bowdler 1983

In 1983, Happ and Bowdler surveyed a 225 ha property east of Ocean Drive proposed for development of an ‘international sports and leisure village’. The property included the present project area. The survey resulted in the detection of three silcrete artefacts on a lag of pebbles, ochre nodules and sand in the bed of a small tributary of Duchess Gully around 1.3 km south-east of the project area, and a silcrete flake in a spill of sand on the nearby tributary bank (together registered as AHIMS site #30-6-0032). Although no other archaeological evidence was found, the survey was hampered by vegetation cover.

Collins 1996

Survey of a 130 ha proposed residential subdivision that encompassed the northern half of the land parcel inspected by Happ and Bowdler (1983), including the present project area, was undertaken by Collins in 1996 and resulted in the recording of 11 Aboriginal sites within and near the survey boundaries. The sites comprised nine scatters of stone artefacts (open campsites) and two isolated artefact finds (M1 to M11 listed on Table 2). Apart from one isolated artefact (M9; #30-6-0014) on the alluvial flat 470 m south-east of the project area, the recorded sites were situated on inner barrier sands, the alluvial flat and bedrock-soil footslopes near Duchess Gully, within 500 m or less of the coastline.
The artefact assemblage included flakes, flaked pieces, cores, split pebbles, pebble and flake tools made on a range of raw stone materials, primarily siltstone, quartz and chert. Almost half of the identified artefacts featured pebble cortex, suggesting that their constituent stones were most likely collected from Rainbow Beach.

Figure 4. AHIMS registered sites in the Lake Cathie-Bonny Hills locality
(Base map source: Grants Head 9434-1N 1:25,000 topographic map [Land and Property Information 2011])
A more recent field inspection was conducted in 2018 as part of an archaeological due diligence assessment of the project area (Virgin 2018). The inspection included all accessible ground surface exposures and the trunks of mature trees. No Aboriginal objects were detected. It was concluded that the area is "relatively unlikely to have been a preferred location for occupation by Aboriginal people in the past" (Virgin 2018:10).

### 5.4.2 The nearby locality

In addition to those reviewed in Section 5.4.1, a number of other field surveys and investigations have been completed for development planning purposes in the Rainbow Beach locality. The results of these surveys/investigations are summarised in Table 3 and serve to further inform expectations with respect to the potential archaeological record of the project area.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Survey landforms</th>
<th>Summary and results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Starling 1971</td>
<td>Coastal foredune</td>
<td>Survey to assess the impact of sandmining on Aboriginal sites. Recorded discontinuous pippa midden horizons, some containing charcoal, flakes, fire-shattered and unworked pebbles, within the foredune scarp along the full length of Rainbow Beach.</td>
</tr>
<tr>
<td>Coleman 1981</td>
<td>Sand flat, alluvial flat, hills and ridges</td>
<td>Survey of a water pipeline easement and associated reservoir sites between Port Macquarie and Laurieton. The easement crossed the Rainbow Beach locality just west of Duchess Gully. Two shell middens and a scarred tree were recorded, all near the Camden Haven River estuary at Dunbogan.</td>
</tr>
<tr>
<td>Collins 1995</td>
<td>Alluvial flat, hills and ridges</td>
<td>Survey of a 10.5km long and 15m wide water pipeline easement between the Pacific Highway and Bonny Hills that ran along Houston Mitchell Drive and the western margin of Ocean Drive opposite the Lake Cathie Public School. Archaeological finds were restricted to a scatter of five stone artefacts (made on quartz and greywacke) on the bank of a permanent creek 4km north-west of the school, and an isolated quartz core on the lower slope of a hill near Bonny Hills.</td>
</tr>
<tr>
<td>Collins 2003a</td>
<td>Alluvial flat, hills and ridges</td>
<td>Survey of a 0.2ha section of upper ridge slope at Bonny Hills and a 67ha area comprising ridge crests, slopes and alluvial flats sandwiched between Lake Innes Nature Reserve and Ocean Drive east of and immediately north of the Lake Cathie Public School, proposed for rezoning to allow residential development. No Aboriginal objects were detected.</td>
</tr>
<tr>
<td>Collins 2003b</td>
<td>Sand flat, alluvial flat, ridge</td>
<td>Survey of a 32ha property proposed for rezoning to allow residential development, situated between the coastal dunes and the area inspected by Happ and Bowdler (1983) and Collins (1996) (see report section 5.4.1), south of Ocean Drive at Lake Cathie. The survey resulted in the recording of a scarred Brush Box tree (shield tree) standing in sand-based littoral rainforest 120m inland of Rainbow Beach.</td>
</tr>
<tr>
<td>Collins 2006</td>
<td>Sand flat, alluvial flat, hills and ridges</td>
<td>Re-inspection and assessment of sites M1 to M10 recorded by Collins (1996), in light of a revised subdivision concept plan. Survey of an additional 8ha of land adjoining the southern boundary to be included in the proposal. A scatter of 11 stone artefacts (M12) made on siltstone, chert, jasper and chalcedony was recorded on the western footslope of a bedrock soil knoll around 130m inland of Duchess Gully.</td>
</tr>
<tr>
<td>Collins 2007</td>
<td>Sand flat, alluvial flat</td>
<td>Archaeological test excavations conducted on and/or adjacent to sites M3, M6/M7, and M10 near Duchess Gully to identify and mitigate proposed residential development impacts. The test excavation results were consistent with Collins’ 1996 surface findings, indicating a higher level of artefact discard on the elevated inner barrier sands than on the alluvial flat. Artefacts on the alluvial flat were considered to represent part of a background distribution of expediently discarded materials that also focussed on land close to Duchess Gully.</td>
</tr>
<tr>
<td>Collins 2009</td>
<td>Sand flat, alluvial flat, ridge slope</td>
<td>Survey of a 65ha area seaward of Ocean Drive, south and east of that previously inspected by Happ and Bowdler (1983) and Collins (1996, 2006), incorporating an ‘eco tourist’ development site on the degraded inner barrier dune between Rainbow Beach and Duchess Gully, sand and alluvial flats proposed for open space, drainage and habitat conservation (including a constructed wetland), and a ridge slope targeted for future school construction. The survey area encompassed the artefact scatter recorded by Happ and Bowdler in a tributary of Duchess Gully, and artefact scatter M2 recorded by Collins in 1996. No Aboriginal artefacts/materials were detected at either site, or elsewhere.</td>
</tr>
</tbody>
</table>
Even though the past local surveys have together sampled all available landform elements, Aboriginal objects have been recorded with outstandingly highest frequency on coastal sands (foredune and inner barrier), especially sands near the freshwater reach of Duchess Gully. Stone artefacts have been identified on the alluvial flat and footslopes of bedrock-soil hills and ridges. However, apart from four isolated finds, artefacts recorded on alluvial and bedrock substrates within 3 km of the project area similarly lie close to Duchess Gully.

5.5 Synthesis of available information and archaeological expectations for the project area

5.5.1 Summary and discussion

As an outcome of the archaeological surveys undertaken to date, the area bordered by Ocean Drive between the towns of Lake Cathie and Bonny Hills features an unusually dense concentration of Aboriginal sites, reflective of a traditional coastal landuse system that included camping, stone tool manufacture/maintenance, the extraction of bark for shield making, and the collection of pipi shells and pebbles from the Rainbow Beach shore. Whilst set within a valued wider cultural landscape, no intangible sites/places of special socio-cultural significance have been reported within or near this area, the closest being a place associated with ceremonial activities on the summit of the Jolly Nose escarpment.

Past field surveys and subsurface investigations indicate that the Rainbow Beach foredune and well-drained rises on the degraded inner sand barrier were preferred for traditional occupation. Camps were sometimes established on bedrock-soil footslopes, but the surveys have revealed these to occur within 500 m of the beach, in the proximity of Duchess Gully. A low-density distribution of stone artefacts has been recorded on the alluvial flat. These artefacts likewise focus on Duchess Gully. The past results suggest that stone artefacts found off the coastline and productive coastal margins (including Duchess Gully) are representative of a background scatter of items lost or expediently discarded, probably by small groups ranging out from their coastal camps in search of food and material resources. Non-coastal evidence of this background scatter (within 3 km of the project area) is extremely scanty, and apart from the M9flake (#30-6-0114) on the alluvial flat 470 m south-east of the project area, is restricted to an isolated quartz core (#30-6-0094) on a spur footslope inland of Bonny Hills, and two isolated finds (#30-6-0130 and #30-6-0128) on the crest of a ridge/spur flanking the Lake Innes Nature Reserve further north.

Considering the demonstrated presence of Aboriginal people in the locality, there is little doubt that the project area would have been visited in traditional times. This visitation may have resulted in the occasional discard and/or loss of stone artefacts (background scatter), as well as tree scarring caused by the removal of bark or wood for the construction of shelters, the manufacture of material culture items, and cuttings made to collect food and assist with tree climbing. However, no Aboriginal objects have been detected on hills, ridges or slopes bordering the Duchess Gully basin off the coastal fringe despite several surveys. These surveys include the project area, which has been inspected on three separate occasions with a nil result (Happ and Bowdler 1983; Collins 1996; Virgin 2018). As suggested by the past survey findings in conjunction with the vegetation clearing and development disturbance that has already taken place, the project area is expected to have a low level of archaeological sensitivity. In the event that cultural materials were ever discarded within this area, there is next to no possibility that any could remain in a primary depositional context.

5.5.2 A predictive model of the nature and location of archaeological sites within the project area

The following predictions are based upon the project area’s environmental and disturbance conditions, and the past survey/investigation results reviewed in Section 5.4:

- In the absence of stone or ochre outcrops, the project area will not contain occupation shelters, stone arrangements, stone or ochre quarries, axe grinding grooves or rock art.
- Due to the extent of past vegetation clearing, culturally modified trees are highly unlikely to survive. If present, such trees will be confined to the south-western corner of the project area, which would not be affected by the proposed school redevelopment.
- Given the clear preference for occupation of the local coastal margins, sites comprising evidence of sustained or repeated Aboriginal camping/use (shell middens, dense artefact scatters, occupation deposits) are highly unlikely to occur within the project area.
- Isolated stone artefacts lost and/or discarded by small itinerant resource-gathering groups may occur anywhere in the Rainbow Beach locality. Owing to its small size and the perceived very low density of this background artefact distribution off the coastal fringe, it is unlikely that the project area would have ever contained more than one or two isolated stone artefacts, if any at all. Any isolated stone artefacts that may be present within the project area will have been displaced (and possibly broken) by vegetation clearance and disturbance activities associated with development and maintenance of the existing school.
6 FIELD SURVEY

6.1 Conduct and coverage

A pedestrian survey of the project area was undertaken by the consultant with the assistance of Jason Holten (Birpai LALC Sites Officer and Chairperson of the Birpai Traditional Owners Indigenous Corporation) on the 25th of February 2019. The survey was conducted in a series of (generally north-south) transects designed to detect those parts of the project area that contained exposures of natural ground amenable to the survival and discovery of archaeological materials. These ground exposures were then fully inspected. The trunks of the three mature trees standing in the south-western corner of the school allotment were inspected for evidence of Aboriginal modification.

Figure 5. Location of field survey units

For reporting purposes, the project area was divided into the seven survey units mapped on Figure 5 and described in Table 4, which were delineated on the basis of disturbance and exposure conditions. To provide data suitable for evaluating effectiveness of the field survey, variables constraining the discovery of Aboriginal objects were estimated for each of the survey units. These include an estimation of the mean frequency with which surface exposures were encountered, as well as an estimation of the likelihood of those exposures revealing...
archaeological evidence on the current surface. Once the variables of exposure and visibility are taken into account, it is estimated that 12.7% of the surveyed area was subject to effective surface coverage (Table 5). This amounts to effective coverage of around 7.9% of the total area not currently masked by built school infrastructure. Irrespective of the reasonably low level of effective coverage able to be achieved in the face of dense grass and other planted vegetation, the survey is considered to have been satisfactory for the purposes of assessing archaeological potential.

Table 4. Description of field survey units

<table>
<thead>
<tr>
<th>Survey Unit</th>
<th>Landform</th>
<th>Disturbance</th>
<th>Primary sources of surface exposure</th>
</tr>
</thead>
<tbody>
<tr>
<td>SU-1</td>
<td>Flat</td>
<td>Vegetation clearing, underground services, tree planting, mowing, vehicle track, informal car parking</td>
<td>Vehicle track, sparse grass</td>
</tr>
<tr>
<td>SU-2</td>
<td>Flat</td>
<td>Vegetation clearing, land levelling, drainage, tree planting/landscaping, mowing, foot traffic (playing field)</td>
<td>Sparse grass</td>
</tr>
<tr>
<td>SU-3</td>
<td>Flat</td>
<td>Vegetation clearing, land levelling, drainage, tree planting/landscaping, mowing, foot traffic (playing field)</td>
<td>Sparse grass, erosion exposures</td>
</tr>
<tr>
<td>SU-4</td>
<td>Flat and low gradient hillslope</td>
<td>Vegetation clearing, land levelling, landscaping, mowing, hardstand for two (removed) demountable classrooms, foot traffic</td>
<td>Sparse grass, erosion exposures</td>
</tr>
<tr>
<td>SU-5</td>
<td>Flat</td>
<td>Vegetation clearing, land levelling, landscaping, mowing, foot traffic, informal car parking</td>
<td>Sparse grass, erosion exposures</td>
</tr>
<tr>
<td>SU-6</td>
<td>Flat and low gradient hillslope</td>
<td>Vegetation clearing, mowing, sheet erosion</td>
<td>Sparse grass, erosion exposures</td>
</tr>
<tr>
<td>SU-7</td>
<td>Flat and low gradient hillslope</td>
<td>Vegetation clearing, planting of regenerating swamp forest (trees, shrubs and ground cover), some mowing</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Table 5. Survey coverage details

<table>
<thead>
<tr>
<th>Survey Unit</th>
<th>Approx. total area (square m)</th>
<th>Survey area (square m)</th>
<th>% of surface exposed</th>
<th>% visibility on exposures</th>
<th>Effective cover of survey area (square m)</th>
<th># of Aboriginal objects detected</th>
</tr>
</thead>
<tbody>
<tr>
<td>SU-1</td>
<td>3,925</td>
<td>3,925</td>
<td>20</td>
<td>100</td>
<td>785.0</td>
<td>0</td>
</tr>
<tr>
<td>SU-2</td>
<td>6,093</td>
<td>3,000</td>
<td>10</td>
<td>90</td>
<td>270.0</td>
<td>0</td>
</tr>
<tr>
<td>SU-3</td>
<td>1,116</td>
<td>1,116</td>
<td>20</td>
<td>100</td>
<td>223.2</td>
<td>0</td>
</tr>
<tr>
<td>SU-4</td>
<td>3,767</td>
<td>3,767</td>
<td>10</td>
<td>90</td>
<td>339.0</td>
<td>0</td>
</tr>
<tr>
<td>SU-5</td>
<td>1,179</td>
<td>1,179</td>
<td>20</td>
<td>90</td>
<td>212.2</td>
<td>0</td>
</tr>
<tr>
<td>SU-6</td>
<td>1,035</td>
<td>500</td>
<td>20</td>
<td>100</td>
<td>100.0</td>
<td>0</td>
</tr>
<tr>
<td>SU-7</td>
<td>7,235</td>
<td>1,650</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>24,350</td>
<td>15,137</td>
<td>1,929.4</td>
<td>12.7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>%</td>
<td>100</td>
<td>62.2</td>
<td>12.7</td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>
Plate 5. Vehicle track exposure, SU-1

Plate 6. View east across western section of SU-2
Plate 7. Typical surface exposure, SU-3

Plate 8. Erosion exposure, SU-4
Plate 9. Typical surface exposure, SU-4

Plate 10. Erosion exposure, SU-6
6.2 Results

No Aboriginal cultural heritage materials or potential archaeological deposits (PADs) were detected during the field survey, nor did any of the three mature trees standing within the south-western corner of Lot 2 DP 1193553 show signs of possible Aboriginal modification.

This result is consistent with the nil findings of the three previous surveys of that have included the project area (Happ and Bowdler 1983; Collins 1996; Virgin 2018), each of which may well have covered a different sample of the ground surface.

7 CONCLUSIONS

On the basis of her due diligence assessment, Virgin (2018:18) stated that “there is a low likelihood that the proposed (school redevelopment) works will result in harm to Aboriginal objects”. Evidence documented in this Aboriginal Cultural Heritage Assessment report, including that provided by Aboriginal consultation, heritage register searches, background literature review and a field survey, fully supports this statement.

As reviewed in Section 5.4, a considerable number of archaeological surveys have been completed between Lake Cathie and Bonny Hills. In addition to surveys of a water pipeline easement bordering Ocean Drive (Collins 1995) and ridges/hills on the northern side of Ocean Drive directly opposite the Lake Cathie Public School (Collins 2003a), four field inspections have now included the project area itself (Happ and Bowdler 1983; Collins 1996; Virgin 2018; this report). None of these surveys have succeeded in detecting Aboriginal objects within or close to Lot 2 DP 1193553. While there is little doubt that project area would have been visited in traditional times, there is no evidence to suggest that this area was ever used as a camping place, such that the undiscovered archaeological record (if any) is likely to be restricted to a low-density distribution of isolated stone artefacts lost and/or discarded during the course of resource extraction activities. Even if isolated stone artefacts have survived the land surface alteration and disturbance caused by past vegetation clearing and school development, there is no realistic chance that these could be detected by either further archaeological investigation or development earthworks monitoring.

Aboriginal knowledge-holders consulted for several of the past local assessments (Collins 1995, 1996, 2003a, 2003b, 2006, 2007, 2009) did not reveal the presence of any tangible or intangible sites/places of ceremonial, mythological or otherwise special traditional, historic or contemporary socio-cultural significance or attachment on or near Lot 2 DP 1193553. Whilst acknowledging the general heritage value of the wider landscape, the previously disclosed cultural information in regard to the project area was confirmed by Jason Holten (Section 5.2). No objections to the proposed school redevelopment were thus raised by either the Birpai LALC or the Birpai Traditional Owners.

Considering all available information, it is concluded that the project area has a low level of Aboriginal cultural heritage sensitivity and that redevelopment of Lake Cathie Public School should be allowed to proceed as proposed without further cultural heritage constraints, providing the management recommendations presented in Section 8 below are implemented.

8 MANAGEMENT RECOMMENDATIONS

Given the absence of any registered Aboriginal sites/places in conjunction with advice from Birpai LALC and Birpai Traditional Owners nominated representative Jason Holten and the nil result of the field survey, it is recommended that the proposed Lake Cathie Public School redevelopment be allowed to proceed with due caution without requiring additional Aboriginal consultation, archaeological investigation or earthworks monitoring. To demonstrate compliance with legislation and best heritage practice the following management recommendations should be adhered to. The recommendations have been endorsed by the Birpai LALC and the Birpai Traditional Owners Indigenous Corporation (Appendix H).

1) Prior to their on-site involvement, all contractors, subcontractors and their employees engaged for the school redevelopment works should undergo a site induction that provides information on legal obligations with respect to Aboriginal objects, and ‘stop-work’ conditions applicable in the event that any identified or suspected Aboriginal objects are discovered at any stage (see Recommendation 2). The proponent should consider engaging a representative of the Birpai LALC/Birpai Traditional Owners Indigenous Corporation to develop and deliver the heritage component of the site induction.

A register should be kept of all persons inducted. The register should include dates, names and signatures of those inducted, the name of the person carrying out the induction, and an acknowledgement that Aboriginal cultural heritage requirements have been explained and understood.
2) If any identified or suspected Aboriginal objects are detected at any time, all disturbance work should immediately cease within 10 metres of the find and temporary protective fencing erected around this ‘no-go zone’ pending further management advice from the Department of Planning and Environment in liaison with the OEH (Planning and Aboriginal Heritage Section, North East Region) and the Registered Aboriginal Parties. In the unlikely event that the find consists of or includes human remains, the NSW Police Department and the OEH Environmental Line (phone 131 555) should also be notified as soon as practicable.

Works may not recommence within the designated ‘no-go zone’ until formal clearance to do so has been given by the appropriate authorities.

3) In a further effort to mitigate potential impacts on Aboriginal cultural heritage, Recommendation 1 and the unexpected finds procedure outlined in Recommendation 2 should be written into the Construction Management Plan or equivalent documentation.

4) As demonstrated by its Birpai language ‘house’ names, the Lake Cathie Public School community is committed to promoting a student awareness and appreciation of Birpai culture. As a means of adding to this awareness and appreciation, the proponent should consider applying Birpai language names to the new hall and COLAs. The Birpai LALC and Birpai Traditional Owners Indigenous Corporation must be invited to assist with any related naming to ensure that it is accurate and suitable.
REFERENCES


Department of Environment, Climate Change and Water NSW (DECCW) 2010a, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. Sydney: Department of Environment, Climate Change and Water NSW.

Department of Environment, Climate Change and Water (DECCW) 2010b, Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales. Sydney: Department of Environment, Climate Change and Water NSW.

Department of Environment, Climate Change and Water (DECCW) 2010c, Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. Sydney: Department of Environment, Climate Change and Water NSW.


Fitzpatrick, F. 1914, Peeps into the Past. Parramatta: Cumberland Argus Ltd.


KDC 2018, Request for Secretary’s Environmental Assessment Requirements. Existing educational establishment. Lake Cathie Public School, 1240 Ocean Drive, Lake Cathie NSW 2445. Document provided to the Department of Planning and Environment NSW.


GLOSSARY

ARTEFACT
An object or specimen produced by human agency. An artefact can usually be collected without being destroyed. This is in contrast to features, which are destroyed or dismantled after collection. All lithic debitage and tools are considered artefacts (Andrefsky 2005:252).

CHALCEDONY
A cryptocrystalline variety of silica, having a compact fibrous structure and a waxy lustre. It may be translucent or semi-transparent and occurs in a variety of colours. Chalcedony is often found as a deposit, lining or filling cavities in rocks (Lapidus 1987:99).

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

CORE
A nucleus or mass of rock that shows signs of detached piece removal. A core is often considered an objective piece that functions primarily as a source for detached pieces (Andrefsky 2005:254).

CORTEX
Chemical or mechanical weathered surface on rocks (Andrefsky 2005:254).

DEBITAGE
Detached pieces discarded during the stone reduction process (Andrefsky 2001:254).

FLAKE
A piece of stone detached from a larger mass by the application of force and having a feather, hinge or step termination and a bulb of percussion. A platform may be present if the proximal end is unbroken (Crabtree 1972:64).

FLAKED PIECE
A chipped stone artefact with negative flake scars which cannot be classified as a flake, core or retouched flake (Hiscock 1988:64).

FLAKE TOOL
A flake that has been subsequently modified by intentional retouch and/or by wear resulting from use (Andrefsky 2005:255).

FOOTSLOPE
A moderately to very gently inclined waning lower slope resulting from aggradation or erosion from sheet flow, earth flow or creep (Speight 1990:31).

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

HOLOCENE
The most recent epoch of geological time, commencing approximately 10,000 years ago (Lapidus 1987:274).

PHYLLITE
A light silvery-grey metamorphic rock, intermediate in grade between slate and schist. Phyllites are derived from argillaceous (ie clayey) sedimentary rocks (Lapidus 1987:405).

SCARRRED TREE
Aboriginal scarred trees are trees that have been scarred by Aboriginal people through the removal of bark or wood for a variety of commonplace tasks, including the construction of bark shelters, watercraft and containers. Other forms of Aboriginal tree wounding include deliberate marking (such as tree carving), the removal of wood for artefact manufacture, and cuttings made to collect food and assist with tree climbing (toe-holds). Early European settlers also stripped bark from trees, though for a more limited range of uses, especially the weather-proofing of buildings and other structures (Long 2005:6-7).

SCHIST
A metamorphic rock that is not defined by mineral composition but instead by the well-developed parallel orientation of more than half of the minerals present (Lapidus 1987:453).
SHELL MIDDEN
An Aboriginal campsite dominated by shellfish remains. Middens may also contain animal bone, stone artefacts, and charcoal and ash from cooking fires. Some middens are thin surface scatters which have constituted little more than a meal for a small group gathering food away from a main camp, while others are well consolidated deposits representing consistent use by large groups of people over hundreds or thousands of years (Byrne 1989:10).

SILCRETE
A siliceous duricrust composed of sand and gravel cemented by opal, chert and quartz, formed by chemical weathering and water evaporation (Lapidus 1987:472).

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

STONE ARTEFACT
Fragment of stone that generally possesses one or more of the following characteristics:
• Positive or negative ring crack
• Distinct positive or negative bulb of force
• Definite erasure scar in position beneath a platform
• Definite remnants of flake scars
These traits are characteristic of the spalls removed by humans using direct percussion. Stone artefacts which have none of the above may be identified as such if they possess ground facet/s characteristic of human industry (Hiscock 1984:128).

STONE TOOL
A stone artefact that has been intentionally modified by retouch and/or modified by usewear (Andrefsky 2005:262).

GLOSSARY REFERENCES


## APPENDIX A. Aboriginal consultation log

### Lake Cathie Public School Redevelopment EIS - Aboriginal Consultation Log

<table>
<thead>
<tr>
<th>Date</th>
<th>Stakeholder/other contact</th>
<th>Contact person</th>
<th>Summary of consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/1/19</td>
<td>Office of Environment and Heritage</td>
<td>Rosalie Neve, Aboriginal Heritage Planning Officer</td>
<td>Email requesting OEH list of Aboriginal parties who may have an interest in the Port Macquarie Hastings LGA for consultation purposes.</td>
</tr>
<tr>
<td></td>
<td>Birpai Local Aboriginal Land Council</td>
<td>David Carroll, CEO</td>
<td>Email with a brief overview of the proposal and contact details of the proponent, requesting that the Land Council notify the consultant of any other Aboriginal parties who may have an interest in the proposal and hold knowledge relevant to determining cultural significance.</td>
</tr>
<tr>
<td>15/1/19</td>
<td>Office of the Registrar, Aboriginal Land</td>
<td></td>
<td>Letters mailed with a brief overview of the proposal and contact details of the proponent, requesting that each organisation notify the consultant of any known Aboriginal parties who may have an interest in the proposal and hold knowledge relevant to determining cultural significance.</td>
</tr>
<tr>
<td></td>
<td>Rights Act 1983</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NTS Corp Limited</td>
<td>The General Manager</td>
<td>Request search of tribunal registers (on application form downloaded from website: <a href="mailto:nswenquiries@nntt.gov.au">nswenquiries@nntt.gov.au</a>), emailed.</td>
</tr>
<tr>
<td>16/1/19</td>
<td>National Native Title Tribunal</td>
<td>Dimitri Young, Senior Team Leader Planning, North East</td>
<td>Email letter received with list of known Aboriginal parties for the Port Macquarie Hastings LGA, considered likely to have an interest in the development proposal.</td>
</tr>
<tr>
<td></td>
<td>Office of Environment and Heritage</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>National Native Title Tribunal</td>
<td>Geospatial Searches</td>
<td>Response to search request, advising that native title has been extinguished by freehold tenure.</td>
</tr>
<tr>
<td>17/1/19</td>
<td>Birpai Local Aboriginal Land Council</td>
<td>David Carroll, CEO</td>
<td>Letters mailed to all organisations on OEH list with a brief overview of the proposal, map and additional information as per the Stage 1 ACH consultation requirements for proponents 2010. Interested Aboriginal party registration required by 1/2/2019.</td>
</tr>
<tr>
<td></td>
<td>Saltwater Tribal Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ghinni Ghinni Youth and Culture</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aboriginal Corporation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bindi Aboriginal Heritage and Culture Centre Inc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Birpai Traditional Owners Indigenous</td>
<td>Jason Holten</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Corporation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lakkat NTCG</td>
<td>Mick Leon</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Norm Archibald</td>
<td>Norm Archibald</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Stakeholder/other contact</td>
<td>Contact person</td>
<td>Summary of consultation</td>
</tr>
<tr>
<td>----------</td>
<td>--------------------------------------------</td>
<td>---------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>17/1/19</td>
<td>Yanggaay</td>
<td>Daniel Carriage</td>
<td>Email response to letter dated 15/1/19, advising to contact Birpai Local Aboriginal Land Council.</td>
</tr>
<tr>
<td>18/1/19</td>
<td>Port Macquarie Hastings Council</td>
<td>Ben Roberts</td>
<td>Email response to letter dated 15/1/19, advising to contact Birpai Local Aboriginal Land Council.</td>
</tr>
<tr>
<td>23/1/19</td>
<td>Port Macquarie Express and Camden Haven Courier</td>
<td>Elizabeth Loane, Administration Officer</td>
<td>Email response to letter dated 15/1/19, advising that the project area &quot;does not appear to have Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (NSW)&quot;. Suggested contact the Birpai Local Aboriginal Land Council.</td>
</tr>
<tr>
<td>23/1/19</td>
<td>Office of the Registrar, Aboriginal Land Rights Act 1983</td>
<td>Elizabeth Loane, Administration Officer</td>
<td>Email response to letter dated 15/1/19, advising that the project area &quot;does not appear to have Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (NSW)&quot;. Suggested contact the Birpai Local Aboriginal Land Council.</td>
</tr>
<tr>
<td>29/1/19</td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten</td>
<td>Phone call to Jason Holten to enquire whether the Birpai Traditional Owners Indigenous Corporation wishes to lodge an interest in the assessment. Advised phone is not connected.</td>
</tr>
<tr>
<td>29/1/19</td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten</td>
<td>Email lodging registration of interest. Advised that Jason Holten is the Land Council's sites officer and Chairman of the Birpai Traditional Owners Indigenous Corporation so would be interested in his latter capacity also. Jason to be contacted through the Land Council or directly by phone (same number as advised not connected above).</td>
</tr>
<tr>
<td>5/2/19</td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten</td>
<td>Email call to Jason Holten to enquire whether the Birpai Traditional Owners Indigenous Corporation wishes to lodge an interest in the assessment. Advised phone is not connected.</td>
</tr>
<tr>
<td>7/2/19</td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten</td>
<td>Email to Jason Holten to enquire whether the Birpai Traditional Owners Indigenous Corporation wishes to lodge an interest in the assessment. Letters sent on 17/1/19 attached.</td>
</tr>
<tr>
<td>8/2/19</td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten</td>
<td>Email lodging Birpai Traditional Owners' registration of interest, and advising new phone number for Jason Holten. Email letter from consultant with details of the proposed development and draft assessment methodology for review and feedback ahead of field inspection.</td>
</tr>
<tr>
<td>15/2/19</td>
<td>Birpai Local Aboriginal Land Council</td>
<td>David Carroll, CEO</td>
<td>Email from David Carroll advising no problem with the proposed assessment methodology.</td>
</tr>
<tr>
<td>Date</td>
<td>Stakeholder/other contact</td>
<td>Contact person</td>
<td>Summary of consultation</td>
</tr>
<tr>
<td>---------</td>
<td>------------------------------------------</td>
<td>----------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>19/2/19</td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten</td>
<td>Phone call to Jason Holten to confirm receipt of development details and draft assessment methodology. Advised had received letter and no problem with the methodology. Arranged to do field inspection on 25/1/19.</td>
</tr>
<tr>
<td></td>
<td>Birpai Local Aboriginal Land Council</td>
<td></td>
<td>Email to David Carroll advising fieldwork arrangement with Jason Holten.</td>
</tr>
<tr>
<td>25/2/19</td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten</td>
<td>Field survey with Jason Holten. No Aboriginal objects detected and no cultural heritage concerns disclosed or expressed.</td>
</tr>
<tr>
<td></td>
<td>Birpai Local Aboriginal Land Council</td>
<td>David Carroll, CEO</td>
<td>Email advising that the Land Council is satisfied with the draft report.</td>
</tr>
<tr>
<td>8/3/19</td>
<td>Birpai Local Aboriginal Land Council</td>
<td>David Carroll, CEO</td>
<td>Draft report provided for review and comment.</td>
</tr>
<tr>
<td></td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten</td>
<td>Email advising satisfaction with the draft recommendations.</td>
</tr>
</tbody>
</table>
APPENDIX B. Aboriginal cultural heritage consultation requirements for proponents 2010
Copy of letters sent in compliance with Stage 1, Step 4.1.2

Dear Ms Neve,

Re: Redevelopment of Lake Cathie Public School, Lot 2 DP1193553 (number 1240) Ocean Drive, Lake Cathie NSW 2445

The NSW Department of Education proposes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553) in the Port Macquarie-Hastings LGA.

I have been engaged by SHAC to assess Aboriginal cultural heritage impacts with respect to the proposed Lake Cathie Public School redevelopment. My assessment would form part of an EIS to be prepared by SHAC, and requires implementation of the ‘Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’. As such, I would greatly appreciate you emailing me the current OEH list of Aboriginal Parties who may have an interest in the Port Macquarie-Hastings LGA and hold knowledge relevant to determining cultural significance values.

Yours Sincerely,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

From: Jacqueline Collins  jp_collins@bigpond.com
Subject: Lake Cathie Public School Redevelopment EIS
Date: 14 January 2019 at 5:07 pm
To: David Carroll dcarroll.birpai@gmail.com

Dear David,

Re: Redevelopment of Lake Cathie Public School, Lot 2 DP1193553 (number 1240) Ocean Drive, Lake Cathie NSW 2445

The NSW Department of Education (‘the proponent’*) wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits within the Birpai LALC boundary just east of Ocean Drive, between Lake Cathie and Bonny Hills.

I have been engaged by SHAC to assess Aboriginal cultural heritage impacts with respect to the proposed Lake Cathie Public School redevelopment. My assessment is to form part of an EIS to be prepared by SHAC, and requires implementation of the ‘Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’. For consultation purposes, I would greatly appreciate you emailing me contact details of any Aboriginal Parties you know of (in addition to the Land Council) who may have an interest in and hold knowledge relevant to determining cultural significance values in the Lake Cathie locality. I would need this contact information by the end of January if possible. Please email or phone me (0427 599137) if any problems.

Yours Sincerely,

Jacqui Collins
Consultant Archaeologist
Email: ip_collins@bigpond.com

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
15th January 2019

Office of the Registrar
Aboriginal Land Rights Act 1983 (NSW)
PO Box 5068
Parramatta NSW 2124

Dear Sir/Madam,

Re: Redevelopment of Lake Cathie Public School, Lot 2 DP1193553 (number 1240) Ocean Drive, Lake Cathie NSW 2445

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie-Hastings LGA on the mid-north coast.

I have been engaged by SHAC to assess Aboriginal cultural heritage impacts with respect to the proposed Lake Cathie Public School redevelopment. My assessment is to form part of an EIS to be prepared by SHAC, and requires implementation of the 'Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010'.

To facilitate effective Aboriginal community consultation as required by the 'Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010', I am writing to seek your assistance. To this end, I would be most grateful if you could supply me with a list of any 'Aboriginal Owners' you may have on your register for Lake Cathie-Bonny Hills. I would require this information by the end of January 2019 (please send your response to me at the letterhead mail or email address).

Yours Faithfully,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
15th January 2019

Native Title Services Corporation Limited
PO Box 2105
Strawberry Hills NSW 2012

Dear Sir/Madam,

Re: Redevelopment of Lake Cathie Public School, Lot 2 DP1193553 (number 1240) Ocean Drive, Lake Cathie NSW 2445

The NSW Department of Education (the proponent*) wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie-Hastings LGA on the mid-north coast.

I have been engaged by SHAC to assess Aboriginal cultural heritage impacts with respect to the proposed Lake Cathie Public School redevelopment. My assessment is to form part of an EIS to be prepared by SHAC, and requires implementation of the ‘Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’.

To facilitate effective Aboriginal community consultation as required by the ‘Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’, I would be most grateful if you could supply me with contact details of any Aboriginal Parties you represent who may wish to be consulted further about this project. I would require this information by the end of January 2019 (please send your response to me at the letterhead mail or email address).

Yours Faithfully,

Jacqui Collins
Consultant Archaeologist

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
15th January 2019

The General Manager
Port Macquarie-Hastings Council
PO Box 84
Port Macquarie NSW 2444

Dear Sir/Madam,

Re: Redevelopment of Lake Cathie Public School, Lot 2 DP1193553 (number 1240) Ocean Drive, Lake Cathie NSW 2445

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie-Hastings LGA on the mid-north coast.

I have been engaged by SHAC to assess Aboriginal cultural heritage impacts with respect to the proposed Lake Cathie Public School redevelopment. My assessment is to form part of an EIS to be prepared by SHAC, and requires implementation of the ‘Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’.

To facilitate effective Aboriginal community consultation as required by the ‘Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’, I am seeking your assistance and advice. To this end, I would be most grateful if you could supply me with contact details of any Aboriginal Parties, known to Council, who may hold knowledge of/cultural attachments to Lake Cathie-Bonny Hills. I would require this information by the end of January 2019 (please send your response to me at the letterhead mail or email address).

Yours faithfully,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
### Request for Search of Tribunal Registers

**Search for overlapping interests i.e.:** Is there a native title claim, determination or land use agreement over this land?  
Please note: the NNTT cannot search over freehold land.  
For further information on freehold land: Click Here (NNTT website)

<table>
<thead>
<tr>
<th>1. Your details</th>
</tr>
</thead>
</table>
| **NAME:** | Jacqueline Collins  
| **POSITION:** | Heritage Consultant  
| **COMPANY/ORGANISATION:** | Adise Pty Ltd  
| **POSTAL ADDRESS:** | PO Box 6 Laurieton NSW 2443  
| **TELEPHONE:** | 0427599137  
| **EMAIL:** | jp_collins@bigpond.com  
| **YOUR REFERENCE:** | Cathie School  
| **DATE OF REQUEST:** | 16/01/2019  

<table>
<thead>
<tr>
<th>2. Reason for your request</th>
</tr>
</thead>
</table>
| Are you a party to a native title proceeding? | ☑ Yes ☐ No  
| Please provide Federal Court/Tribunal file number/or application name: |  

**OR**

Do you need to identify existing native title interests to comply with the *Native Title Act 1993* (Cth) or other State/Territory legislation?  
Please provide brief details of these obligations here:  

Need to identify NT interests for proposed school redevelopment

<table>
<thead>
<tr>
<th>3. Identify the area to be searched</th>
</tr>
</thead>
<tbody>
<tr>
<td>If there is insufficient room below, please send more information on a Word or Excel document.</td>
</tr>
</tbody>
</table>

**Mining tenure**  
State/Territory:  
Tenement ref/s:  

**OR**  

**Crown land / non-freehold tenure**  
Tenure type:  
☐ Lease ☑ Reserve or other Crown land  
State/Territory:  
NSW  
Lot and plan details:  
Lot 2 DP 1193553  
Pastoral Lease number or name:  
Port Macquarie Hastings Shire, County Macquarie, Parish Queens Lake. Lake Cathie Public School.  
Other details: (Town/County/Parish/Section/Hundred/Portion):  

Email completed form to: GeospatialSearch@nntt.gov.au
Appendix C. Aboriginal cultural heritage consultation requirements for proponents 2010-
Responses to letters sent in compliance with Stage 1, Step 4.1.2

Dear [Name]

Re: Redevelopment of Lake Cathie Public School, Lot 2 DP183553 (number 1240) Ocean Drive, Lake Cathie NSW 2445.

Thank you for your correspondence dated 15 January 2019 to the Office of Environment and Heritage (OEH) about Aboriginal cultural heritage consultation for an assessment of the redevelopment of Lake Cathie Public School, in the Port Macquarie Hastings local government area. I appreciate the opportunity to provide input.

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

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

- Ensure the project documents the full consultation process in the Aboriginal Cultural Heritage Assessment Report and to include copies of all correspondence sent to or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2 of the CRs). Omission of these records in the final report may cause delays in the assessment of the Aboriginal Heritage Impact Permit application or require parts of the consultation process to be repeated if the evidence provided to us does not demonstrate that the consultation process has been fair, equitable and transparent.

- Ensure we are provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs. If this is not provided then we will deem that the consultation process has not complied with the CRs. We consider evidence of reasonable efforts to contact relevant parties would include, but not be limited to, multiple forms of communication; (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.
• Note that Appendix A of the CRs contains a map illustrating which Regional Office of the OEH should be contacted regarding the AHIP application based on the local government area in which the project is located. Full details of the consultation requirements and the relevant Fact Sheets can be located on our website at: www.environment.nsw.gov.au/licences/consultation.htm.

• Forward to us any changes to the contact details of interested Aboriginal parties, or information regarding additional parties, so that we can update its records.

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

If you have any further questions about this issue, Ms Rosalie Neve, Aboriginal Heritage Planning Officer, Conservation and Regional Delivery, OEH, can be contacted on 6659 8221 or at rosalie.neve@environment.nsw.gov.au

Yours sincerely

DIMITRI YOUNG
Senior Team Leader Planning, North East Conservation and Regional Delivery

Contact officer: ROSALIE NEVE
6659 8221

Endorse: Attachment 1 – OEH Known Aboriginal Parties for the Lake Cathe Public School project area in the Port Macquarie Hastings LGA
## Attachment 1: OEH Known Aboriginal Parties for the Port Macquarie Hastings LGA

<table>
<thead>
<tr>
<th></th>
<th>Name of Aboriginal Party</th>
<th>Address</th>
<th>Phone Number</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Saltwater Tribal Council</td>
<td>18 Ronald Road, TAREE, NSW 2430</td>
<td>(02) 65524440</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Ghinni Ghinni Youth and Culture Aboriginal Corporation</td>
<td>PO Box 641, TAREE, NSW 2430</td>
<td>(02) 65512160</td>
<td><a href="mailto:ghinni_ghinni@hotmail.com">ghinni_ghinni@hotmail.com</a></td>
</tr>
<tr>
<td>3.</td>
<td>Bindi Aboriginal Heritage and Cultural Centre Inc.</td>
<td>187 Beechwood Road, WAUCHOPE, NSW 2446</td>
<td>(02) 65864560</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Birpai Traditional Owners Indigenous Corporation</td>
<td>Jason Holten, 52 Beechtree Circuit, PORT MACQUARIE NSW 2444</td>
<td>(02) 65864560</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Lakkari NTCG</td>
<td>Mick Leon, C/- Doo-wa-kee CHS, 82 Victoria Street, TAREE NSW 2430</td>
<td>(02) 65557835</td>
<td><a href="mailto:doowakee@virginbroadband.com.au">doowakee@virginbroadband.com.au</a></td>
</tr>
<tr>
<td>6.</td>
<td>Birpi Local Aboriginal Land Council</td>
<td>Steve Miles, PO Box 876, PORT MACQUARIE NSW 2444</td>
<td>(02) 65849066</td>
<td><a href="mailto:birpialalc@midcoast.com.au">birpialalc@midcoast.com.au</a></td>
</tr>
</tbody>
</table>
### Attachment 1: OEH Known Aboriginal Parties for the Port Macquarie Hastings LGA

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Norm Archibald</td>
<td>17 Flobern Ave</td>
<td><a href="mailto:jmmanagement@live.com.au">jmmanagement@live.com.au</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAUCHOPE NSW 2446</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Yanggaay</td>
<td>Danial Carriage</td>
<td><a href="mailto:yanggaay@gmail.com">yanggaay@gmail.com</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>15 Stingray Creek Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>MOONEE BEACH NSW 2450</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0421 152 360</td>
<td></td>
</tr>
</tbody>
</table>
UNCLASSIFIED

Native title search – NSW Parcel – Lot 2 on DP1193553
Your ref: Cathie School - Our ref: SR5324

Dear Jacqueline Collins,

Thank you for your search request received on 16 January 2019 in relation to the above area.

Please note: Records held by the National Native Title Tribunal as at 16 January 2019 indicate that the identified parcels appear to be freehold, and freehold tenure extinguishes native title. The National Native Title Tribunal does not hold data sets for freehold tenure; consequently, we cannot conduct searches over freehold. For confirmation of freehold data, please contact the NSW Land and Property Information office or seek independent legal advice.

For further information, please visit our website.

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

Regards,

Geospatial Searches
National Native Title Tribunal | Perth
Email: GeospatialSearch@ntt.gov.au | www.ntt.gov.au

From: Jacqueline Collins <jp_collins@bigpond.com>
Sent: Wednesday, 16 January 2019 10:34 AM
To: Geospatial Search Requests <GeospatialSearch@ntt.gov.au>
Subject: SR5324 - Request search of Tribunal Registers
<table>
<thead>
<tr>
<th>Name</th>
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<th>Federal Court file no</th>
<th>Date filed</th>
<th>Application status</th>
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<td>NSD1390/2008</td>
<td>04/09/2008</td>
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<tr>
<td>Lorenze, Robert and Ruby Bucton</td>
<td>NN2006/009</td>
<td>NSD1314/2006</td>
<td>07/07/2006</td>
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<td>Hartog</td>
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<td>NSD993/2004</td>
<td>03/06/2006</td>
<td>Discontinued</td>
</tr>
<tr>
<td>Anthony Bernard Kelly, MLC, Minister Assisting the minister for natural resources (Lands) for the State of New South Wales as the State Minister under the Native Title Act 1993 (Cth)</td>
<td>NN2004/003</td>
<td>NSD993/2004</td>
<td>03/06/2006</td>
<td>Discontinued</td>
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<tr>
<td>Hastings Council</td>
<td>NN2001/012</td>
<td>NSD6015/2001</td>
<td>10/08/2001</td>
<td>Discontinued</td>
</tr>
<tr>
<td>NSW Government #61 (Port Macquarie)</td>
<td>NC1999/002</td>
<td>NSD6005/1999</td>
<td>27/04/1999</td>
<td>Discontinued</td>
</tr>
</tbody>
</table>
Hi Jacqui,

I refer to your attached letter regarding the proposed redevelopment of the Lake Cathie Public School and request for contact details of relevant Aboriginal Parties.

According to Council records the site is located within the Birpai Local Aboriginal Land Council. See relevant contact details below currently held by Council.

Happy to discuss further if necessary.

Regards

Ben Roberts
Acting Group Manager Development Assessment (from 2nd to 18th January 2019)
Development and Environment

From: Sandra Bush
Sent: Friday, 18 January 2019 10:09 AM
To: Ben Roberts
Subject: Birpai contact details

Hi Ben,

The Chief Executive Officer of Birpai is David Feeney.

Birpai Aboriginal Land Council
14 Aston Street
Port Macquarie

T: 6584 9066

Cheers
Sandra
23 January 2019

By email: jp_collins@bigpond.com

Ms Jacqui Collins
Consultant Archaeologist
PO Box 6
LAURIETON NSW 2443

Dear Ms Collins,

Request - Search for Registered Aboriginal Owners

We refer to your letter dated 15 January 2019 regarding an Aboriginal Cultural Heritage Assessment for the proposed development at Lake Cathie Public School, Lake Cathie NSW.

Under Section 170 of the Aboriginal Land Rights Act 1983 the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are not currently any Registered Aboriginal Owners in the project area.

We suggest you contact Birpai Local Aboriginal Land Council on 02 6584 9066 as they may be able to assist you in identifying Aboriginal stakeholders who wish to participate.

Yours sincerely

Elizabeth Loane
Project Officer, Aboriginal Owners
Office of the Registrar, ALRA
17th January 2019

Saltwater Tribal Council
18 Ronald Road
TAREE NSW 2430

Dear Sir/Madam,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW 2445. Identification of Aboriginal Parties for Cultural Heritage Assessment.

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

I have been engaged by SHAC to undertake an Aboriginal cultural heritage assessment of the proposed impact area to inform the EIS and related development application. My assessment would include consultation with Aboriginal parties who have an interest in the Lake Cathie-Bonny Hills locality. In accordance with the Office of Environment and Heritage (OEH) 'Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010', I am seeking the registration of Aboriginal parties with knowledge relevant to assessing the cultural significance of Aboriginal objects and/or places within the project area to take part in the consultation program.

Should the Saltwater Tribal Council have an interest in, and/or cultural knowledge of/attachments to the Lake Cathie-Bonny Hills locality, please formally register this interest (letter or email) by the close of business on the 1st of February 2019. In the event that the Saltwater Tribal Council registers an interest, please nominate a contact person who will provide input on behalf of the organisation. Details of your interest will be forwarded to the OEH and the Birpai LALC unless you specify that you do not want these details released.

If you require any further information at this time, please don't hesitate to contact me on the above phone number to discuss.

Yours faithfully,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
  c/- Andrew Hannah-Davies
  SHAC
  224 Maitland Road, Islington NSW 2296
17th January 2019

Ghinni Ghinni Youth and Culture Aboriginal Corporation
PO Box 641
TAREE NSW 2430

Dear Sir/Madam,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW 2445. Identification of Aboriginal Parties for Cultural Heritage Assessment.

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

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If you require any further information at this time, please don't hesitate to contact me on the above phone number to discuss.

Yours faithfully,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
17th January 2019

Bindi Aboriginal Heritage and Cultural Centre Inc.
187 Beechwood Road
WAUCHOPE NSW 2446

Dear Sir/Madam,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW 2445. Identification of Aboriginal Parties for Cultural Heritage Assessment.

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

I have been engaged by SHAC to undertake an Aboriginal cultural heritage assessment of the proposed impact area to inform the EIS and related development application. My assessment would include consultation with Aboriginal parties who have an interest in the Lake Cathie-Bonny Hills locality. In accordance with the Office of Environment and Heritage (OEH) 'Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010', I am seeking the registration of Aboriginal parties with knowledge relevant to assessing the cultural significance of Aboriginal objects and/or places within the project area to take part in the consultation program.

Should the Bindi Aboriginal Heritage and Cultural Centre Inc. have an interest in, and/or cultural knowledge of/attachments to the Lake Cathie-Bonny Hills locality, please formally register this interest (letter or email) by the close of business on the 1st of February 2019. In the event that the Bindi Aboriginal Heritage and Cultural Centre Inc. registers an interest, please nominate a contact person who will provide input on behalf of the organisation. Details of your interest will be forwarded to the OEH and the Birpai LALC unless you specify that you do not want these details released.

If you require any further information at this time, please don't hesitate to contact me on the above phone number to discuss.

Yours faithfully,

JACQUELINE COLLINS - Consultant Archaeologist
Adise Pty Ltd
PO Box 6 Laurieton NSW 2443   Tel. 0427 599137   Email. jp_collins@bigpond.com

17th January 2019

Bindi Aboriginal Heritage and Cultural Centre Inc.
187 Beechwood Road
WAUCHOPE NSW 2446

Dear Sir/Madam,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW 2445. Identification of Aboriginal Parties for Cultural Heritage Assessment.

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

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If you require any further information at this time, please don't hesitate to contact me on the above phone number to discuss.

Yours faithfully,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
17th January 2019

Birpai Traditional Owners Indigenous Corporation
Jason Holten
52 Beechtree Circuit
PORT MACQUARIE NSW  2444

Dear Jason,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW 2445. Identification of Aboriginal Parties for Cultural Heritage Assessment.

The NSW Department of Education (‘the proponent’*) wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

I have been engaged by SHAC to undertake an Aboriginal cultural heritage assessment of the proposed impact area to inform the EIS and related development application. My assessment would include consultation with Aboriginal parties who have an interest in the Lake Cathie-Bonny Hills locality.

In accordance with the Office of Environment and Heritage (OEH) ‘Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’, I am seeking the registration of Aboriginal parties with knowledge relevant to assessing the cultural significance of Aboriginal objects and/or places within the project area to take part in the consultation program.

Should the Birpai Traditional Owners Indigenous Corporation have an interest in, and/or cultural knowledge of/attachments to the Lake Cathie-Bonny Hills locality, please formally register this interest (letter or email) by the close of business on the 1st of February 2019. In the event that the Birpai Traditional Owners Indigenous Corporation registers an interest, please nominate a contact person who will provide input on behalf of the organisation. Details of your interest will be forwarded to the OEH and the Birpai LALC unless you specify that you do not want these details released.

If you require any further information at this time, please don’t hesitate to contact me on the above phone number to discuss.

Kind regards,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
17th January 2019

Lakkari NTCG
Mick Leon
c/- Doo-wa-kee-CHS
82 Victoria St, TAREE NSW 2430

Dear Mick,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW 2445. Identification of Aboriginal Parties for Cultural Heritage Assessment.

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

I have been engaged by SHAC to undertake an Aboriginal cultural heritage assessment of the proposed impact area to inform the EIS and related development application. My assessment would include consultation with Aboriginal parties who have an interest in the Lake Cathie-Bonny Hills locality. In accordance with the Office of Environment and Heritage (OEH) ‘Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’, I am seeking the registration of Aboriginal parties with knowledge relevant to assessing the cultural significance of Aboriginal objects and/or places within the project area to take part in the consultation program.

Should the Lakkari NTCG have an interest in, and/or cultural knowledge of/attachments to the Lake Cathie-Bonny Hills locality, please formally register this interest (letter or email) by the close of business on the 1st of February 2019. In the event that the Lakkari NTCG registers an interest, please nominate a contact person who will provide input on behalf of the organisation. Details of your interest will be forwarded to the OEH and the Birpai LALC unless you specify that you do not want these details released.

If you require any further information at this time, please don’t hesitate to contact me on the above phone number to discuss.

Kind regards,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
17th January 2019

David Carroll, CEO
Birpai LALC
PO Box 876
PORT MACQUARIE NSW 2444

Dear David,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive,

As per my previous correspondence emailed on the 14th of January 2019, the NSW Department of Education (’the proponent’) wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

I have been engaged by SHAC to undertake an Aboriginal cultural heritage assessment of the proposed impact area to inform the EIS and related development application. My assessment would include consultation with Aboriginal parties who have an interest in the Lake Cathie-Bonny Hills locality. In accordance with the Office of Environment and Heritage (OEH) ’Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010’, I am seeking the registration of Aboriginal parties with knowledge relevant to assessing the cultural significance of Aboriginal objects and/or places within the project area to take part in the consultation program.

I am well aware that the Land Council has an interest in, and/or cultural knowledge of/attachments to the Lake Cathie-Bonny Hills locality, In the event that the Land Council registers an interest, please nominate a contact person who will provide input on its behalf (if not you).

If you require any further information at this time, please don’t hesitate to contact me on the above phone number to discuss.

Kind regards,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
cc: Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
17th January 2019

Norm Archibald
17 Flobern Ave
WAUCHOPE NSW 2446

Dear Norm,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW 2445. Identification of Aboriginal Parties for Cultural Heritage Assessment.

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

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Should you have an interest in, and/or cultural knowledge of/attachments to the Lake Cathie-Bonny Hills locality, please formally register this interest (letter or email) by the close of business on the 1st of February 2019. Details of your interest will be forwarded to the OEH and the Birpai LALC unless you specify that you do not want these details released.

If you require any further information at this time, please don’t hesitate to contact me on the above phone number to discuss.

Yours faithfully,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education
c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
17th January 2019

Yanggaay
Dainal Carriage
15 Stingray Creek Road
MOONEE BEACH 2450

Dear Danial,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW 2445. Identification of Aboriginal Parties for Cultural Heritage Assessment.

The NSW Department of Education ("the proponent") wishes to redevelop the Lake Cathie Public School by adding to the existing permanent buildings, and providing maximum outdoor learning and play space. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between the villages of Lake Cathie and Bonny Hills, within the Port Macquarie Hastings LGA on the mid-north coast (see map). The NSW Department of Education has commissioned SHAC to address matters in relation to the school redevelopment, including preparation of an Environmental Impact Statement (EIS).

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Should Yanggaay have an interest in, and/or cultural knowledge of/attachments to the Lake Cathie-Bonny Hills locality, please formally register this interest (letter or email) by the close of business on the 1st of February 2019. Details of your interest will be forwarded to the OEH and the Birpai LALC unless you specify that you do not want these details released.

If you require any further information at this time, please don’t hesitate to contact me on the above phone number to discuss.

Yours faithfully,

Jacqui Collins
Consultant Archaeologist
Email: jp_collins@bigpond.com

* NSW Department of Education

c/- Andrew Hannah-Davies
SHAC
224 Maitland Road, Islington NSW 2296
From: Jacqueline Collins  jp_collins@bigpond.com
Subject: Lake Cathie School Redevelopment- Aboriginal Cultural Heritage Assessment
Date: 7 February 2019 at 2:37 pm
To: jasonholten88@gmail.com

Dear Jason,

I sent you a letter on the 17th of January (attached) re: the Lake Cathie School Redevelopment proposal, seeking the registration of Aboriginal Parties wishing to be involved in the cultural heritage assessment. The letter was posted to 52 Beechtree Circuit, Port Macquarie. Owing to no response I’m thinking you no longer live at this address. Have also tried ringing your mobile (0498 238692) multiple times, to be told this number is not connected.

I am well aware that the Birpai Traditional Owners Indigenous Corporation would want to be involved. If you get this email, please ring me on 0427 599137 or email back to register your interest asap.

Kind regards,
Jacqui Collins

Newspaper advertisement published in the Port Macquarie Express and Camden Haven Courier, 23rd January 2019
APPENDIX E. Aboriginal cultural heritage consultation requirements for proponents 2010- Responses to letters sent and newspaper advertisement in compliance with Stage 1, Step 4.1.3

Hi Jacqui

Thank you for your information and sorry for not getting back sooner. The Land Council would definitely want to be on the consultation register. I will be putting your request to our Board at the next meeting on the 5 February to see if they have any suggestions for who else should be included.

Additionally our sites officer, Jason Holten would also want to be on the list. His contact number is 0498 238 692. He can be contacted either through the Land Council or directly as he is the Chairman of the Birpai Traditional Owners Corporation.

Please let me know if you need any additional information, prior to me contacting you after the Board meeting on the 5th.

Thank you.

David Carroll
CEO
Birpai Local Aboriginal Land Council
Ph 02 6584 9066

Hi Jacqui im still at this address my new number is 0434794463 we still would like to register our interest. Kind regards jason holten
Dear David,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW.

Scope of the proposed project and draft methodology for the Aboriginal cultural heritage assessment

Thank you for registering an interest in the above cultural heritage assessment on behalf of the Birpai Local Aboriginal Land Council. Registrations of interest will close on the 6th of February 2019, but no other registrations have been received to date.

For your information- I sent a letter inviting Jason Holten to register an interest on behalf of the Birpai Traditional Owners Corporation on the 17th of January- still haven’t heard from him though. The letter was sent to 52 Beechtree Circuit Port Macquarie- perhaps Jason has moved house? Have also tried ringing him on 0498 238 692 numerous times over the last week, to be told the number is disconnected. I am well aware Jason would want to be involved so would very much appreciate contact through the Land Council if this is possible.

The proposed project

As outlined in my previous correspondence, the NSW Department of Education proposes to redevelop the Lake Cathie Public School. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between Lake Cathie and Bonny Hills, fronting the seaward side of Ocean Drive. The upgrade is intended to comprise:

- Construction of 17 home base units (including 2 special education units);
- Relocation of the existing cricket nets and covered outdoor learning area (COLA) from the middle of the site to the eastern portion of the site;
- Removal of 14 demountable classrooms;
- Reconfiguration of the existing staff carparking on-site, and drop off arrangement along the proposed collector road;
- Adjustment of the ‘SEPP 44 Koala Habitat Remediation Management Zone’ and ‘Swamp Forest Rehabilitation’ areas;
- Removal of the temporary access road from Ocean Drive and relocation of the main entrance to connect with the proposed collector road;
- Relocation of the library from Block B to Block C;
- Conversion of part of Block B to learning support space;
- Reconfiguration of the student entry to the proposed collector road and a new pedestrian crossing; and
- Ancillary landscaping, signage, covered outdoor learning areas, services and stormwater drainage works.

Note that the ‘proposed collector road’ lies outside the school allotment, is already under construction, and does not form part of this project. A (yet to be finalised) plan of the upgrade is attached.

Proposed methodology for the Aboriginal cultural heritage assessment

For the Land Council’s review and further input, my assessment would include:

- Consultation with nominated representatives of the registered Aboriginal parties to identify the location, nature, extent and significance of any sites/places of ceremonial, spiritual or other outstanding traditional, historic or contemporary socio-cultural value within and near the project area and the affect that the proposed development activities may have on these values.
A field inspection of the school allotment, targeting ground surface exposures. The survey would be directed towards:
- Determining where Aboriginal objects occur/are likely to occur (if anywhere), and assessing the existing preservation status of these objects.
- Assessing the socio-cultural and archaeological significance of any identified and potential further Aboriginal objects.
- Formulating management strategies to avoid or mitigate impacts of the proposed development on Aboriginal socio-cultural and archaeological values, including advice on any required avoidance, site conservation/ protection measures, subsurface investigations deemed necessary to provide additional information, and any recommended artefact salvage.

Production of a report presenting all relevant information, including advice from the Birpai LALC, site significance assessment/s and management recommendations. No cultural information flagged as sensitive/for restricted access only will be divulged in the report. A draft copy of the report would be supplied for Land Council review and comment prior to its finalisation. The final report would be changed as/if you require, and your comments fully addressed and incorporated.

Submission of site recording forms for any identified Aboriginal objects/sites or potential archaeological deposits (PADs) to the OEH Aboriginal Sites Registrar for inclusion on the Aboriginal Heritage Information Management System (AHIMS).

Before going ahead with arranging a field inspection, I would be pleased if you could let me know whether the above proposed assessment methodology is OK, and if not, what else you wish to be included. Would be great to get feedback on this soon after your Board meeting scheduled for the 5th of February.

Kind regards and please phone, text or email if you require any further information in regard to this letter.

Jacqui Collins
Consultant Archaeologist
Phone: 0427 599137
Email: jp_collins@bigpond.com
Dear Jason,

Re: Redevelopment of Lake Cathie Public School, 1240 (Lot 2 DP1193553) Ocean Drive, Lake Cathie NSW.

Scope of the proposed project and draft methodology for the Aboriginal cultural heritage assessment

Thank you for registering an interest in the above cultural heritage assessment on behalf of the Birpai Traditional Owners Indigenous Corporation. The Birpai Local Aboriginal Land Council also registered an interest.

The proposed project

As outlined in my previous correspondence, the NSW Department of Education proposes to redevelop the Lake Cathie Public School. All work would be confined to the existing 3.96ha school allotment (Lot 2 DP1193553), which sits between Lake Cathie and Bonny Hills, fronting the seaward side of Ocean Drive. The proposed redevelopment would include:

- Removal of 14 demountable classrooms and the existing covered outdoor learning area (COLA);
- Construction of 17 additional teaching spaces;
- Construction of a community-focused hall;
- Construction of three COLAs;
- Removal of the current access road from Ocean Drive and relocation of the main entrance and carparks to connect with the collector road now under construction adjacent to the eastern boundary;
- Construction of a new entry plaza, drop-off and bus bay adjacent to the collector road;
- Construction of new outdoor learning spaces and formalised active play space;
- Adjustment of the ‘SEPP 44 Koala Habitat Remediation Management Zone’ and ‘Swamp Forest Rehabilitation’ areas;
- Construction of a rain garden swale supporting site ground and water flow; and
- Ancillary landscaping, signage, services and stormwater drainage works.

Proposed methodology for the Aboriginal cultural heritage assessment

For your review and further input, my assessment would include:

- Consultation with nominated representatives of the registered Aboriginal parties to identify the location, nature, extent and significance of any sites/places of ceremonial, spiritual or other outstanding traditional, historic or contemporary socio-cultural value within and near the project area and the affect that the proposed development activities may have on these values.
- A field inspection of the school allotment, targeting ground surface exposures. The survey would be directed towards:
  - Determining where Aboriginal objects occur/are likely to occur (if anywhere), and assessing the existing preservation status of these objects.
  - Assessing the socio-cultural and archaeological significance of any identified and potential further Aboriginal objects.
  - Formulating management strategies to avoid or mitigate impacts of the proposed development on Aboriginal socio-cultural and archaeological values, including advice on any required avoidance, site conservation/protection measures, subsurface investigations deemed necessary to provide additional information, and any recommended artefact salvage.
- Production of a report presenting all relevant information, including advice from the Birpai Traditional Owners, site significance assessment/s and management recommendations. No cultural information flagged as sensitive/for restricted access only will

8th February 2019

Birpai Traditional Owners Indigenous Corporation
Jason Holten
52 Beechtree Circuit
PORT MACQUARIE NSW 2444
be divulged in the report. A draft copy of the report would be supplied for your review and comment prior to its finalisation. The final report would be changed as/if you require, and your comments fully addressed and incorporated.

- Submission of site recording forms for any identified Aboriginal objects/sites or potential archaeological deposits (PADs) to the OEH Aboriginal Sites Registrar for inclusion on the Aboriginal Heritage Information Management System (AHIMS).

Before going ahead with arranging a field inspection, could you please let me know whether the above proposed assessment methodology is OK, and if not, what else you wish to be included.

Kind regards and please phone, text or email if you require any further information in regard to this letter.

Jacqui Collins
Consultant Archaeologist
Phone: 0427 599137
Email: jp_collins@bigpond.com
APPENDIX G. *Aboriginal cultural heritage consultation requirements for proponents 2010-
Written response to draft assessment methodology supplied in compliance with Stage 3, Step 4.3.1*

From: David Carroll
dcarroll.birpai@gmail.com
Subject: RE: Lake Cathie Public School Redevelopment EIS
Date: 15 February 2019 at 3:32 pm
To: Jacqueline Collins
jp_collins@bigpond.com

Hi Jacqui

This is to advise you that the Birpai Local Aboriginal Land Council has reviewed your methodology for the proposed Aboriginal Cultural Heritage Assessment for the Lake Cathie Public School redevelopment in your letter dated 29 January 2019. You are advised that we are satisfied with the methodology proposed and we are keen to be involved in the investigations and the review of the report.

You are also advised that we have no other groups to add to the consultation list other than what we have already advised you of.

Please let me know if you need any additional information.

Thank you

David Carroll
CEO
Birpai Local Aboriginal Land Council
Ph 02 6584 9066

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Birpai Local Aboriginal Land Council
APPENDIX H. Aboriginal cultural heritage consultation requirements for proponents 2010-
Responses received following Registered Aboriginal Party review of draft report in compliance with Stage 4

From: David Carroll
dcarroll.birpai@gmail.com
Subject: RE: Jacqueline Collins shared "Lake Cathie School draft ACHAR.pdf" with you
Date: 20 March 2019 at 1:21 pm
To: jp_collins@bigpond.com

Hi Jacqui

The Birpai Local Aboriginal Land Council has reviewed the draft ACHAR for Lake Cathie School and based on the advice from our sites officer Jason Holten we are satisfied with the report and wish to make no further comments.

Please let me know if you need any additional information or clarification.

Thank you.

David Carroll
CEO
Birpai Local Aboriginal Land Council
Ph 02 6584 9066

Birpai Local Aboriginal
Land Council

From: Jason Holten
jasonholten88@gmail.com
Subject: Re: Jacqueline Collins shared "Lake Cathie School draft ACHAR.pdf" with you
Date: 20 March 2019 at 6:54 pm
To: jp_collins@bigpond.com

Hi jackie i have read the assessment and i am very satisfied with the recommendations contained within the report an the conservation of birpai culture an Heritage.

Chairman jason Holten                                birpai traditional owners indigenous corporation
## Extensive AHIMS search result for land within 3 km of the project area

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