

EVERICK HERITAGE

Rezoning Proposal, Part Lot 2 DP 1159910, The Saddle Road, Brunswick Heads, New South Wales

Aboriginal Cultural Heritage Assessment Report

Prepared for Creative Capital

January 2024

Byron Shire Local Government Area



EVERICK HERITAGE

Report Reference:

Finlayson, M., G. Eldon and V. Edmonds 2023. *Rezoning Proposal, Part Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales: Aboriginal Cultural Heritage Assessment Report*. Everick Heritage Pty Ltd unpublished report prepared for Creative Capital.



EVERICK HERITAGE PTY LTD

ABN: 78 102 206 682

Head Office: Level 9, Matisse Tower

110 Mary Street Brisbane 4000

Byron Bay Office: 6/64 Centennial Circuit, Byron Bay, NSW 2478

T: 02 9552 2944

E: info@everick.com.au

www.everick.com.au

Ver.	Author(s)	Review Type	Sections Edited	Date	Authorised
1	Finlayson et al	First draft	All	24.09.23	V. Edmonds
2	Finlayson et al	Second draft	All	15.10.23	T. Robins
3	Finlayson et al	Final draft	Addressing client comments	30.10.23	V. Edmonds
4	Finlayson et al	Final draft	Addressing further client comments	04.11.23	V. Edmonds
5	Finlayson et al	Final draft to Arakwal		06.11.23	V. Edmonds
6	Finlayson et al	Final to client		21.01.24	V. Edmonds

EVERICK HERITAGE

© Everick Heritage Pty Ltd 2024

This document is and shall remain the property of Everick Heritage Pty Ltd. The document may only be used for the purposes for which it was commissioned. Everick grants authority to reproduce this document for academic purposes. Unauthorised reproduction of this document is prohibited.

Executive summary

Project background

Gulgan Property Pty Ltd (the proponent) is proposing to Byron Shire Council the rezoning of part of Lot 2 DP 1159910, The Saddle Road, Brunswick Heads, New South Wales (NSW). The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy to rezone 6.5 hectares (ha) of the parcel for an employment land use. The rezoning proposal for the Project Area comprises four precincts which will be zoned as follows:

- Precinct A: E3 Productivity (5.499 ha)
- Precinct B: E4 General Industrial (0.94 ha)
- Precinct C: E4 General Industrial (0.7 ha)
- Precinct D: RU2, C2 and C3 Rural, Conservation and land management (12.117 ha).

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was previously prepared by Everick Heritage Pty Ltd (2019) for an earlier iteration of the Saddle Road rezoning project and covers other lands as well as the current Project Area. Archaeological survey and test excavations were undertaken as part of this earlier assessment. As there has been a change in proponent, project scope, and over six months since the last formal consultation with registered Aboriginal parties (RAPs), a new ACHAR is required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and potential future works within Lot 2 DP 1159910. Everick Heritage Pty Ltd (Everick Heritage) has been engaged by Creative Capital (the Development Manager) to prepare an ACHAR to accompany the rezoning proposal at The Saddle Road, Brunswick Heads (Figure 1-1).

The Project Area is located 1.6 kilometres (km) south of Brunswick Heads within the Parish of Brunswick and County of Rous. The Project Area is located within the Byron Shire Local Government Area (LGA) and within the Tweed-Byron Local Aboriginal Land Council (LALC) boundary.

Consultation

Everick Heritage commenced conducting the community consultation process in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (Consultation Requirements) (DECCW 2010a). Table 3-1 provides a list of those Aboriginal parties who registered. On 20 October 2023, Heritage NSW advised Everick Heritage that Arakwal has exclusive consultation rights for all land, public or private, within their Indigenous Land Use Agreement area. Henceforth, Arakwal are considered the only relevant Aboriginal party with whom to consult with for this Project. A draft copy of this ACHAR

was provided to Arakwal, however, no comment has yet been provided. A full copy of the consultation documentation to date is provided in the appendices.

Predictive model

In accordance with Requirement 4a of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (DECCW 2010b) a predictive model was prepared for the Project Area. Nine previously identified Aboriginal sites predominantly comprising isolated stone artefacts but with two small low density subsurface stone artefact scatters, are recorded within the Project Area (Figure 6-1; Figure 6-2). Previous archaeological studies indicate that many Aboriginal sites within the region are located on ridges or ridge crests that are in close proximity to water and where historical ground disturbance is moderate to minimal. Where ridges or ridge crests are not in close proximity to perennial water sources, sites may occur on these landforms in approximation to former coastline abutting sandy and estuarine deposits. Stone artefacts are the most common site type regionally and have been previously identified on all landforms within the Project Area. Further stone artefacts are likely to be identified as eroded ground surface expressions on ridge landforms as well as at subsurface levels. Lateral erosion of soils along drainage lines to low points in the southeast of the Project Area will likely have further displaced stone artefacts from the ridge onto mixed transferral and estuarine deposits.

Survey

Survey of the Project Area was undertaken across two separate days in September 2023. Table 7-1 lists survey participants and dates of participation. One new Aboriginal site, a quarry, Saddle Road 21 (AHIMS ID 04-5-0384) was identified during the survey. The quarry is a large boulder comprising sedimentary breccia sitting at the lower slope above the Tuggerah soil landscape from which it is likely to have originated (Figure 7-4). There is evidence of negative flaking scars along the edges of the boulder (Figure 7-5) and there is what appears to be debitage surrounding the slopes above the boulder for approximately 25 m north and west of the boulder (Figure 7-6; Figure 7-7; Figure 7-8).

Two potentially culturally modified trees, (Saddle Road 22 and Saddle Road 23), were also located during the survey (Figure 7-9; Figure 7-10). The trees appear to be mature in age and could be Apple Box (*Eucalyptus bridgesiana*). These trees have not yet been registered pending examination by an arborist.

Two areas of PAD were also identified. One is an extension of previously identified PAD 5 and the other is part of the previously identified PAD 6 (Everick Heritage 2019). Both PADs are on low lying but slightly elevated level areas adjacent to the swamp landform (Tyagerah soil landscape). Both PADs are assessed as being of low archaeological potential with likely subsurface deposits, if present, comprising very low-density subsurface scatters of stone artefacts (Table 7-3).

Only two of the nine previously recorded Aboriginal sites were able to be found. The inability to relocate previously identified sites and objects can be attributed to the heavy ground cover (grass and leaf litter) and potentially movement by cattle through the area causing artefacts to move downslope from where originally recorded. In addition, two of the sites comprise subsurface artefacts which were reburied following their excavation.

Significance and cultural values

The Project Area forms part of a wider cultural landscape that comprises Aboriginal pathways, ceremonial sites and resource gathering sites. There are a number and variety of Aboriginal sites and objects within the Project Area that complement and support the cultural significance of the wider landscape which indicates the sites are of moderate to high social significance. The sites are located within a moderately aesthetically pleasing landscape. One Aboriginal site, Saddle Road 21 (AHIMS ID 04-5-0384) is of high scientific significance due to its regional and local rarity and the ability of this site to further our knowledge of past Aboriginal utilisation of the landscape. The remainder of the sites have been previously assessed as being of low scientific significance.

Impact assessment

Table 6-2 and Figure 6-4 provide details and show the location of Aboriginal sites in relation to the Project Area. Table 10-1 summarises the direct and potential impact to sites within the Project Area. Table 10-1 indicates that one Aboriginal site (AHIMS ID 04-5-0348) would be directly impacted by the Project. However, it can also be seen from Table 10-1 that at least two further Aboriginal sites (AHIMS ID 04-5-0336 and 04-5-0347) could also be indirectly impacted being within the Asset Protection Zone (APZ) of Precinct A. Preservation of these sites must be ensured in perpetuity with methodology to be discussed and agreed with Arakwal representatives including consideration of physical barriers or relocation of artefacts. An agreed methodology must be included in the future Aboriginal Heritage Management Plan (AHMP). Further to this, the future development is proposed to be Community Title. The AHMP can be written into the future Community Management Statement which will be registered on title ensuring obligations remain in perpetuity.

Table 10-2 indicates that both PAD extensions reidentified during the survey will be directly impacted by the Project.

Recommendations

The overall guiding principle for cultural heritage management is that where possible, Aboriginal sites should be conserved. If conservation is not practicable, measures should be taken to mitigate against impacts to Aboriginal sites.

EVERICK HERITAGE

Currently, one Aboriginal site would be directly impacted with a further two Aboriginal sites potentially indirectly impacted (Table 10-1). All of these sites comprise stone artefacts which have been previously assessed as being of low scientific significance.

It must be noted that these recommendations are proposed to provide clarification for the DA and that further actions will be required to accompany any AHIP application. The recommendations below will also be informed by the Arakwal in their responses during the final stage of consultation.

Further archaeological assessment - test excavation

It is recommended in consultation with the Arakwal that prior to development proceeding a small amount of further test excavation in accordance with the Code of Practice occur within PAD 5 extension and PAD 6 extension to determine whether subsurface artefacts are present. It is unlikely that test excavation will shed much further light on the nature of subsurface archaeological deposit in the Project Area but may provide some further information on the extent of Aboriginal occupation of Project Area.

Further archaeological assessment - detailed recording

It is recommended that detailed archaeological recording of The Saddle Road 21 (AHIMS ID 04-5-0384) is undertaken. Although this site is within the conservation zone, its detailed recording will fulfil the ESD principles and will provide vital information for past and future Aboriginal archaeological and cultural assessment in the region.

Aboriginal Heritage Impact Permit

While there is potential to avoid all Aboriginal sites by ensuring these are located within an APZ, currently, it is recommended that an area AHIP is applied for Precinct A prior to the proposed development proceeding but including the following sites, which are either inside Precinct A or within the APZ of Precinct A:

- Saddle Road 18 (AHIMS ID 04-5-0336)
- Saddle Road 7 (AHIMS ID 04-5-0347)
- Saddle Road 6 (AHIMS ID 04-5-0348)

One of the primary reasons for the area AHIP is that only two of these sites could be found during the survey being AHIMS ID 04-5-0347 and AHIMS ID 04-5-0336. Saddle Road 6 (AHIMS ID 04-5-0348) is

EVERICK HERITAGE

a subsurface artefact scatter identified through test excavation with the artefacts being reburied on site in the test pit. Therefore, it will be necessary to recover these through further excavation.

It is anticipated that the AHIP would include community collection of the above sites. Long term management strategy of the artefacts collected by the community will need to be determined through further community consultation. One option would be to rebury the artefacts on site in Precinct D at an agreed location between the proponent and the Arakwal.

Aboriginal Cultural Heritage Assessment Report

Following test excavation of PAD 5 and PAD 6 extensions and detailed recording of Saddle Road 21 (AHIMS ID 04-5-0384) an updated ACHAR would need to be prepared to accompany the AHIP application. This will require a separate Archaeological Technical Report detailing the further archaeological survey undertaken for this ACHAR and any test excavation. This final ACHAR would provide any further detailed recommendations for sites within the Project Area in consultation with the Arakwal.

Consultation Requirements

Heritage NSW require that the Consultation Requirements are kept updated every six months to ensure continuation of process. Consequently, the Arakwal must be kept updated during the DA process which can take 12 months or more.

Arborists assessment

It is recommended that an arborist provide an assessment of The Saddle Road 22 and The Saddle Road 23 to ascertain the age of the trees and the origin of the scarring. This report would form an appendix to the final ACHAR. Should these trees be assessed as being cultural in origin, Aboriginal Site Recording Forms must be submitted to AHIMS. The arborist would provide measures to be followed for their protection and preservation.

Aboriginal Cultural Heritage Management Plan

It is recommended that prior to construction proceeding an Aboriginal Heritage Management Plan is prepared for the Project Area in consultation with Arakwal to assist with the long term management of Aboriginal sites and objects.

Contents

EXECUTIVE SUMMARY	3
DEFINITIONS AND ABBREVIATIONS	6
1. Introduction	1
1.1. Project background	1
1.2. Project Area	1
1.3. Project description	2
1.4. Study objectives	2
1.5. Authors and contributors	2
1.6. Report structure	3
2. Legislative context	7
2.1. State legislation	7
2.1.1. <i>National Parks and Wildlife Act 1974 (NSW)</i>	7
2.1.2. <i>Environmental Planning & Assessment Act 1979 (NSW)</i>	8
2.1.3. <i>Native Title Act 1994 (NSW)</i>	8
2.1.4. <i>Aboriginal Lands Right Act 1983 (NSW)</i>	8
2.2. Commonwealth legislation	9
2.2.1. <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>	9
2.2.2. <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)</i>	10
3. Consultation	12
3.1. Consultation Requirements	12
4. Environmental context	16
4.1. Geology and soils	16
4.2. Topography and hydrology	16
4.3. Vegetation	17
4.4. Land use history	21
4.4.1. Historical aerials	22
5. Ethnohistoric context	26
6. Archaeological context	28
6.1. Database searches	28

6.1.1. Aboriginal Heritage Information Management System	28
6.1.2. Other database searches	29
6.2. Previous archaeological assessments	33
6.2.1. Regional archaeological context	33
6.2.2. Local context	35
6.3. Summary and predictive model	47
7. Archaeological survey	48
7.1. Aims	48
7.2. Timing and personnel	48
7.3. Constraints	48
7.4. Survey sampling strategy and methodology	49
7.5. Survey coverage	49
7.6. Survey results	50
7.6.1. Precinct A	51
7.6.2. Precinct B	52
7.6.3. Precinct C	52
7.6.4. Precinct D	53
7.7. Summary and discussion	53
8. Cultural values assessment	63
8.1. Cultural landscapes	63
8.2. Methodology	64
8.3. Identified Aboriginal cultural heritage values	64
9. Significance assessment	65
9.1. Significance assessment criteria	65
9.2. Scientific significance assessment	66
9.3. Social significance assessment	66
9.4. Historic significance assessment	66
9.5. Aesthetic significance assessment	66
9.6. Summary statement of significance	67
10. Impact assessment	68
10.1. Summary of impacts	68
10.2. Ecologically sustainable development principles	69
10.2.1. The Integration Principle	70
10.2.2. The Precautionary Principle	70
10.2.3. The Principle of Intergenerational Equity	71

EVERICK HERITAGE

10.3. Conservation of Biodiversity	71
10.3.1. Improved Valuation, Pricing and Incentive	71
10.3.2. Summary statement of ecologically sustainable principles	71
10.4. Cumulative impact	72
11. Recommendations	73
11.1. Site avoidance	73
11.2. Further archaeological assessment	73
11.2.1. Test excavation	73
11.2.2. Detailed archaeological recording	73
11.3. Aboriginal Heritage Impact Permit	74
11.4. Aboriginal Cultural Heritage Assessment Report	74
11.5. Consultation Requirements	75
11.6. Arborists assessment	75
11.7. Aboriginal Cultural Heritage Management Plan	75
REFERENCES	76
APPENDIX A – NEWSPAPER NOTICE	79
APPENDIX B – CONSULTATION LOG	80
APPENDIX C – CONSULTATION DOCUMENTATION	84
APPENDIX D – ACHAR METHODOLOGY	89

Figures

Figure 1-1: Location of the Project Area	5
Figure 1-2: Concept plan for rezoning (Source: Simpson Wilson Architects)	6
Figure 4-1: Soil landscapes of the Project Area	19
Figure 4-2: Topography and hydrology of the Project Area	20
Figure 4-3: 1955 historical aerial, with approximate Project Area outlined in red	23
Figure 4-4: 1970 historical aerial, with approximate Project Area outlined in red	24
Figure 4-5: 1990 historical aerial, with approximate Project Area outlined in red	25
Figure 6-1: AHIMS search results, Project Area outlined in red	31
Figure 6-2: AHIMS Sites in the vicinity of the Project Area	32
Figure 6-1: Survey tracks and sites identified (Everick Heritage (2019)	41
Figure 6-4: Previous area of investigation, all recorded sites (Everick Heritage 2019 and other previously registered sites), test excavation units and PADs in relation to the current Project Area	46
Figure 7-1: Survey transects and results (Saddle Road 21-23; PAD 5 ext and PAD 6 ext)	55
Figure 7-2: One of the numerous basalt lined ephemeral creeks traversing the Project Area	56
Figure 7-3: The Tyagerah soil landscape – swampy, low-lying landscape with cattle pad exposures	56
Figure 7-4: Looking southeast from Saddle Road 21 (AHIMS ID 04-5-0384) across the Tyagerah soil landscape – swampy, low-lying landscape	57
Figure 7-5: Flaked stone edges along Saddle Road 21 (AHIMS ID 04-5-0384)	57
Figure 7-6: Upslope waste from quarrying Saddle Road 21 (AHIMS ID 04-5-0384). Also general location of Saddle Road 19 (04-5-0334) and Saddle Road 20 (04-5-0356)	58
Figure 7-7: Potential waste or debitage littering the slope above Saddle Road 21 (AHIMS ID 04-5-0384)	58
Figure 7-8: Close up of waste or debitage from quarrying Saddle Road 21 (AHIMS ID 04-5-0384)	59
Figure 7-9: Saddle Road 22 and 23. View east	59
Figure 7-10: Saddle Road 22 and 23. View east	60

Figure 7-11: PAD 5 extension mid photo. View north	60
Figure 7-12: PAD 5 extension mid photo. View northwest	61
Figure 7-13: PAD 5. View southwest	61
Figure 7-14: Edge of PAD 5 in foreground showing exposures at break of slope. View southwest across to Saddle Road 20 (AHIMS ID 04-5-0384) in trees near base of far slope	62
Figure 7-15: Exposure at edge of PAD 5	62

Tables

Table 3-1: Registered Aboriginal parties	13
Table 6-1: Frequency of site features within the search area	29
Table 6-2: Summary of recorded sites (Everick Heritage 2019)	42
Table 7-1: Survey personnel	48
Table 7-2: Summary of survey coverage	50
Table 7-3: PAD area and potential	51
Table 7-4: Results of the archaeological survey – all photos by V. Edmonds, 4 & 19 September 2023	56
Table 9-1: Summary of scientific significance	66
Table 10-1: Impact assessment for Aboriginal sites within the Project Area	68
Table 10-2: PADs impacted by the Project	69

Definitions and abbreviations

ACHAR means Aboriginal Cultural Heritage Assessment Report

AHC means Australian Heritage Council

Australian Heritage Council Act means *Australian Heritage Council Act 2003 (Cth)*

AHIMS means Aboriginal Heritage Information Management System

AHIP means Aboriginal Heritage Impact Permit

AHMP means Aboriginal Heritage Management Plan

ALR Act means *Aboriginal Land Rights Act 1983*

APZ means Asset Protection Zone

asl means Above Sea Level

ASR means Aboriginal Archaeological Survey Report

ASRF means Aboriginal Site Recording Form

ATSIHP Act means *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*A

BP means Before Present (that is 1950)

CHL means Commonwealth Heritage List

Code of Practice means Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales

Consultation Requirements means Aboriginal cultural heritage consultation requirements for proponents 2010

DCP means Development Control Plan

DECCW means Department of Environment, Climate Change and Water (now Heritage NSW)

EIS Environmental Impact Statement

EVERICK HERITAGE

<i>EP&A Act</i>	means <i>Environmental Planning and Assessment Act 1979 (NSW)</i>
<i>EPBC Act</i>	means <i>Environment Protection and Diversity Conservation Act 1999 (Cth)</i>
ESD	means Ecologically Sustainable Development
Everick Heritage	means Everick Heritage Pty Ltd
the Guide	means Guide to Investigating, Assessing and Reporting on Aboriginal cultural heritage in NSW
GPS	means Global Positioning System
GSV	means Ground Surface Visibility
ha	means hectares
ILUA	means Indigenous Land Use Agreement
km	means kilometres
LALC	means Local Aboriginal Land Council
LEP	means Local Environmental Plan
LGA	means Local Government Area
m	means metres
mm	means millimetres
NHL	means National Heritage List
<i>NPW Act</i>	means <i>National Parks and Wildlife Act 1974 (NSW)</i>
NPWS	means National Parks and Wildlife Service
OEH	means (former) New South Wales Office of Environment and Heritage
PAD	means Potential Archaeological Deposit
Project Area	means the area shown in Figure 1-1

EVERICK HERITAGE

RAP	means Registered Aboriginal Party
RNE	means Register of the National Estate
s	means section

1. Introduction

1.1. Project background

Gulgan Property Pty Ltd (the proponent) is proposing to Byron Shire Council the rezoning of part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) for business, industrial and conservation purposes. The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy to rezone 6.5 hectares (ha) of the parcel for an employment land use. The proposed rezoning is adjacent to a wider project to rezone a larger portion of The Saddle Road for the purposes of sustainable housing supply as identified in the State Government's Northern Rivers Resilient Lands Strategy – Summary Report (Resilient Lands Reference Group 2023).

An Aboriginal Cultural Heritage Assessment Report (ACHAR) is required to accompany the rezoning proposal. An ACHAR was previously prepared by Everick Heritage Pty Ltd (2019) for an earlier iteration of The Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in proponent, project scope, and over six months since the last formal consultation with registered Aboriginal parties (RAPs), a new ACHAR is required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and potential future works within Lot 2 DP 1159910. Everick Heritage Pty Ltd (Everick Heritage) has been engaged by Creative Capital (the Development Manager) to prepare an ACHAR to accompany the rezoning proposal at Saddle Road, Brunswick Heads (Figure 1-1).

1.2. Project Area

The lands subject to assessment comprise part of Lot 2 DP 1159910, The Saddle Road, Brunswick Heads, NSW (the Project Area). The Project Area has an area of 19.26 hectares (ha) and is located adjacent to the western edge of the Pacific Highway. The Project Area is located 1.6 kilometres (km) south of Brunswick Heads within the Parish of Brunswick and County of Rous. The Project Area is located within the Byron Shire Local Government Area (LGA). It is within the Tweed-Byron Local Aboriginal Land Council (LALC) boundary and the Cavanbah (Arakwal) Indigenous Land Use Agreement (ILUA).

1.3. Project description

Creative Capital is submitting a proposal to Council to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads NSW. The rezoning comprises part of a wider project to rezone a larger portion of Saddle Road for the purposes of a semi self-contained village.

The rezoning proposal for the Project Area comprises four precincts which will be zoned as follows:

- Precinct A: E3 Productivity (5.499 ha)
- Precinct B: E4 General Industrial (0.94 ha)
- Precinct C: E4 General Industrial (0.7 ha)
- Precinct D: RU2, C2 and C3 Rural, Conservation and land management (12.117 ha).

1.4. Study objectives

The objectives of this ACHAR are to determine what, if any, impacts the proposed rezoning may have upon Aboriginal archaeological and cultural values, and to identify the appropriate cultural heritage mitigation measures in consultation with Aboriginal stakeholders.

The following report complies with the accepted methodology for undertaking an Aboriginal Cultural Heritage Assessment in line with the following legislation:

- Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales 2010 (DECCW 2010b).
- Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011).
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010c).
- The Burra Charter 2013 (Australia ICOMOS 2013).

1.5. Authors and contributors

Vanessa Edmonds (Principal NSW, Everick Heritage) undertook and wrote up the archaeological survey, contributed to the cultural values assessment and conducted a quality and compliance review of report

versions. Vanessa has over 40 years' experience in the heritage consulting industry and is a Full Member of the Australian Association of Consulting Archaeologists Inc.

Matt Finlayson (Experienced Archaeologist, Everick Heritage) undertook background research, Aboriginal community consultation and project management. Matt has a Bachelor of Arts with an Extended Major in Archaeology and a Master of Heritage Management from the University of Queensland. Matt has four years of experience as a consultant archaeologist.

Grace Eldon (Archaeologist, Everick Heritage) undertook and wrote the background sections providing a review of the relevant literature and relevant previous assessments. Grace also undertook the database searches and prepared the mapping. Grace has a Bachelor of Arts (Honours) and one year of experience as a consultant archaeologist.

Ian Teh (GIS, Everick Heritage) prepared the mapping.

1.6. Report structure

The purpose of this report is to document the results of an investigation of Aboriginal heritage at the Project Area. As such, the structure of this report includes:

- Section 1 – Introduction providing information on the project background and legislative framework.
- Section 2 – Statutory requirements: outlines relevant legislation for this assessment.
- Section 3 – Consultation: provides information on the Aboriginal consultation process.
- Section 4 - Environmental context: provides an overview of the environmental conditions to provide context for the predictive model
- Section 5 – Ethnohistoric context: presents the results of the background ethnohistoric and literature research.
- Section 6 – Archaeological context: presents the summary of relevant previous assessments, and database searches. This section also presents a predictive model as background to the survey sampling strategy.
- Section 7 - Archaeological survey and results: discusses the aims, timing and personnel, constraints, survey sampling strategy, methodology, coverage and detailed results of the Aboriginal archaeological survey.

EVERICK HERITAGE

- Section 8 – Cultural values assessment: presents the results of the cultural heritage assessment identifying Aboriginal cultural values and landscapes.
- Section 9 – Significance assessment: provides a scientific significance assessment and a cultural significance assessment for the Project Area.
- Section 10 - Impact assessment: assesses potential impacts to Aboriginal objects and places.
- Section 11 – Recommendations
- References
- APPENDIX A – NEWSPAPER NOTICE
- APPENDIX B – CONSULTATION LOG
- APPENDIX C – CONSULTATION DOCUMENTATION
- APPENDIX D – ACHAR METHODOLOGY

EVERICK HERITAGE



Figure 1-1: Location of the Project Area

2. Legislative context

2.1. State legislation

2.1.1. National Parks and Wildlife Act 1974 (NSW)

The *National Parks and Wildlife Act 1974 (NSW)* (NPW Act) provides statutory protection to all Aboriginal places and objects. An Aboriginal object is defined as:

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

An Aboriginal Place is declared by the Minister under section (s) 86 of the NPW Act. Aboriginal Places are recognised for their special significance to Aboriginal culture. Aboriginal Places gazetted under the NPW Act are listed on the State Heritage Register established under the *Heritage Act 1977 (NSW)*.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Harm is defined to mean:

destroying, defacing, damaging or moving an object from the land.

The protection provided to Aboriginal objects applies regardless of the level of their significance or issues of land tenure. Aboriginal objects and places are afforded statutory protection in that it is an offence to knowingly or unknowingly desecrate and Aboriginal object or place under section (s) 86 of the NPW Act.

In accordance with s 89A any person who is aware of the location of an Aboriginal object must notify the Chief executive in the prescribed manner within a reasonable time of becoming aware of that object. The prescribed manner is through preparation and submission of an Aboriginal Site Recording Form (ASRF) to the Aboriginal Heritage Information Management System (AHIMS) (DECCW 2010b: 14).

In order to undertake a proposed activity which is likely to involve harm to an Aboriginal object or Aboriginal Place it is necessary to apply to Heritage NSW, Department of Planning and Environment (DPE) for an Aboriginal Heritage Impact Permit (AHIP). AHIPs are issued by the Aboriginal Heritage

Regulation Team (Heritage NSW) under section 90 of the *NPW Act* and permit harm to certain Aboriginal objects and Aboriginal Places.

2.1.2. Environmental Planning & Assessment Act 1979 (NSW)

The *Environmental Planning and Assessment Act 1979 (NSW)* (EP&A Act) requires that environmental impacts are considered in land-use planning, including impacts on Aboriginal and non-Aboriginal heritage. Part 5 of the EP&A Act is designed to ensure public authorities fully consider environmental issues before they undertake or approve activities that do not require development consent.

2.1.2.1. Byron Local Environmental Plan 2014

The EP&A Act requires councils to consider environmental effects when assessing new developments. Heritage is one of the matters for consideration. Sites of environmental heritage (including historic heritage sites and sometimes Aboriginal heritage sites) are protected by gazetted Local Environment Plans (LEP) and Development Control Plans (DCP) which specify the constraints on development in the vicinity of these sites unless being assessed under Part 5 of the EP&A Act.

2.1.3. Native Title Act 1994 (NSW)

The *Native Title Act 1994* was introduced to work in conjunction with the *Native Title Act 1993 (Cth)*. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act. A search of National Native Title Tribunal was undertaken on 14 June 2023.

One determined Native Title was identified, which covers the entirety of the Project Area, being Bundjalung People of Byron Bay #3 (Tribunal No. NC2019/001). It must be noted however, that as the Project Area is private property it is not subject to the Native Title claim. In addition, Cavanbah (Arakwal) Indigenous Land Use Agreement (ILUA) by the Bundjalung of Byron Bay (Arakwal) covers the Project Area and allows for exclusive consultation rights across the Project Area.

2.1.4. Aboriginal Lands Right Act 1983 (NSW)

Aboriginal Land Councils (at the State and local level were established by the *Aboriginal Land Rights Act 1983 (ALR Act)*. Aboriginal Land Councils have a statutory obligation under the ALR Act to:

- a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and
- b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The Project Area is within the boundary of the Tweed Byron LALC.

2.2. Commonwealth legislation

2.2.1. Environment Protection and Biodiversity Conservation Act 1999 (Cth)

The *Environment and Heritage Legislation Amendment Act (No.1) 2003 (Cth)* amends the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act) to include 'national heritage' as a matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL).

The *Australian Heritage Council Act 2003 (Cth)* (AHC Act) establishes the Australian Heritage Council (AHC), an advisory body to the Minister for the Environment and Heritage and retains the Register of the National Estate (RNE).

The *Australian Heritage Council (Consequential and Transitional Provisions) Act 2003 (Cth)* (*Australian Heritage Council Act*) repeals the *Australian Heritage Commission Act 1975 (Cth)*, amends various Acts as a consequence of this repeal and allows the transition to the current heritage system.

Together the above three Acts provide protection for Australia's natural, Indigenous and non- Indigenous heritage. Features include:

- The NHL of places of national heritage significance.
- The CHL of heritage places owned or managed by the Commonwealth.
- The creation of the AHC, an independent expert body to advise the Minister on the listing and protection of heritage places.
- Continued management of the Register of the National Estate (RNE).

2.2.1.1. National Heritage List

The NHL is a list of places with outstanding heritage value to our nation, including places overseas. So important are the heritage values of these places that they are protected under the *EPBC Act*. This means that a person cannot take an action that has, will have, or is likely to have, a significant impact on the national heritage values of a national heritage place without the approval of the Australian Government Minister for the Environment and Heritage. It is a criminal offence not to comply with this law and there are significant penalties.

2.2.1.2. Commonwealth Heritage List

The CHL is a list of places managed or owned by the Australian Government and not of relevance to this project.

2.2.1.3. Register of the National Estate

The RNE is an evolving record of Australia's natural, cultural and Aboriginal heritage places that are worth keeping for the future. The AHC compiles and maintains the RNE under the *Australian Heritage Council Act*. Places on the RNE that are in Commonwealth areas, or subject to actions by the Australian Government, are protected under the *EPBC Act* by the same provisions that protect Commonwealth heritage places (see above).

Following amendments to the *Australian Heritage Council Act*, the RNE was frozen on 19 February 2007, meaning no new places can be added, or removed. From 2012, all references to the RNE were removed from the *EPBC Act* and the *AHC Act*. The RNE is now maintained on a non- statutory basis as a publicly available archive.

2.2.2. *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*

Most State Aboriginal heritage databases provide protection for those sites with physical evidence. The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* (*ATSHP Act*) deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. In most cases, archaeological sites and objects registered under the State Act will also be Aboriginal places subject to the provisions of the *ATSHP Act*.

EVERICK HERITAGE

There is no cut-off date and the *ATSIHP Act* may apply to contemporary Aboriginal cultural property as well as ancient sites. The *ATSIHP Act* takes precedence over State cultural heritage legislation where there is conflict. The responsible Minister may make a declaration under Section 10 of the *ATSIHP Act* in situations where state or territory laws do not provide adequate protection of heritage places.

3. Consultation

The Aboriginal community is the primary determinant of the significance of their cultural heritage. Members of the Aboriginal community have been consulted about the Project Area, and will continue to be consulted, regarding their concerns not only about known archaeological sites in the region, but also about cultural values such as areas with historic or spiritual significance, and other values relating to flora and fauna of the region. Everick Heritage recognises that there may be Traditional Owner knowledge associated with the region that may have to be treated in a confidential manner.

The following sections provide a summary of the Consultation Requirements for the Project. The consultation log for the Project is provided in Appendix A. A copy of the newspaper advertisement is provided in Appendix B. A copy of the consultation documentation is provided in Appendix C and a copy of the ACHAR Methodology is provided in Appendix D.

3.1. Consultation Requirements

Everick Heritage has conducted the community consultation process in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (Consultation Requirements) (DECCW 2010a), the Code of Practice (DECCW 2010b) and the Burra Charter 2013 (Australia ICOMOS 2013).

In accordance with Step 4.1.2 of the Consultation Requirements the following organisations were contacted to request names of Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project Area or nearby:

- Tweed-Byron LALC
- The Registrar, *Aboriginal Land Rights Act 1983 (NSW)*
- National Native Title Tribunal
- NTSCORP
- Byron Shire Council
- North Coast Local Land Services
- Aboriginal Heritage Regulation Team, Heritage NSW, Department of PDPE

EVERICK HERITAGE

In accordance with Step 4.1.3 of the Consultation Requirements, an advertisement was placed in the Byron Shire Echo Advertiser on 28 June 2023 seeking to consult with Aboriginal persons regarding the project and who hold cultural knowledge of the region to register their interest by 12 July 2023 (Appendix C).

In accordance with Step 4.1.3 of the Consultation Requirements, letters and emails were sent to all Aboriginal people and organisations identified through the response by the agencies contacted as part of Step 4.1.2, primarily Heritage NSW, on 26 June 2023. These letters and emails provided details about the location and nature of the project and invited those with an interest to register. Letters of expression of interest were sent to the following individuals and groups:

- Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
- Tweed Byron LALC
- Lois Cook
- Marcus Ferguson
- Girragirra Murun Aboriginal Corporation
- Wingarra Wilay Aboriginal Corporation
- Troy Anderson

Table 3-1 provides a list of those Aboriginal parties who registered.

Table 3-1: Registered Aboriginal parties

Organisation	First name	Surname
Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Brent	Emmons
Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Charmaine	Roberts
Lois Cook	Lois	Cook
Marcus Ferguson	Marcus	Ferguson
Tweed Byron LALC	Maurice	Gannon
Minjungbal Tribal Discretionary Trust	River	Williams

EVERICK HERITAGE

In accordance with Step 4.1.6 of the Consultation Requirements a list of the registered Aboriginal parties (RAPs) and a copy of the advertisement (Step 4.1.3) were forwarded to Heritage NSW and Tweed-Byron LALC on 31 July 2023.

In accordance with Step 4.3 of the Consultation Requirements a copy of the ACHAR methodology was sent to the RAP by email on 31 July 2023 requesting a response by 28 August 2023. The following responses were received.

- Tweed Byron LALC - Need clarity on Project Area vs previous study area. Recommend amendment to Figure 2. The preference by the community is that Tweed Byron LALC stores any archaeological materials and objects in the Cultural Heritage Unit - pending resolution of long term management
- BoBBAC - Confirmation of receipt of methodology and will get back to Everick on site inspection availability. Charmaine notes that in the view of Arakwal, they would like to conduct the site inspection alone with Everick as the traditional owners and do not wish to share cultural information with other RAPs. Matt notes to Charmaine that under the Consultation Requirements guideline and Native Title legislation, the full consultation process must be followed on private land not under crown tenure.
- BoBBAC - Charmaine requests a separate site meeting. The Saddle Road matter is very sensitive in regards to heritage and cultural values. Arakwal notes the identification of numerous single artefacts, scatters, middens and possible sacred trees in the area. Aboriginal ceremonial sites may occur nearby but were not investigated in the previous studies.
- Everick Heritage - Vanessa notes Arakwal's objections, confirms separate site meeting can be done. Vanessa further reiterates latest Heritage NSW advice on a separate project in Byron where Heritage NSW specifically requested full consultation on land with private tenure.

Separate field inspections were conducted with the RAPs across two days. Table 7-1 provides a list of field personnel and dates attending survey. Specific comments made during fieldwork by RAPs are as follows:

- Maurice Gannon (Conservation and Planning Officer, Tweed Byron LALC) identified Saddle Road 22 and Saddle Road 23 as being of cultural significance to Tweed Byron LALC.
- Lois Cook mentioned the importance of the Project Area landscape as providing connection to other significant areas in proximity to the Project Area
- Leon Kelly (Cultural Officer, BoBBAC) mentioned that a small amount of further test excavation across PAD 5 and 6 would be desirable.
- Maurice Gannon and Leon Kelly mentioned the likely occurrence of springs within the Project Area at roughly the same locality as the dam.

EVERICK HERITAGE

On 20 October 2023, Heritage NSW contacted Everick Heritage by phone to state that the Cavanbah (Arakwal) ILUA gives BoBBAC (Arakwal) exclusive consultation rights across any Project Area wholly within their ILUA boundary. While this statement was in relation to another project within the Cavanbah (Arakwal) ILUA boundary it is assumed that this would apply to all projects wholly within the ILUA area. An email was sent to Heritage NSW on the 22 October 2023 requesting confirmation but to date no reply has been received.

The above information was passed on by email to Brent Emmons and Charmaine Roberts on the 20 October 2023. In response, a letter was sent via email from Charmaine Roberts to Everick Heritage. The letter was dated the 13 September 2023 and provided detailed comments regarding the inaccuracy to date of the consultation process and further detailed comment on the ACHAR methodology.

The draft ACHAR was sent to BoBBAC for review on the 6 November 2023. Several requests have been made to BoBBAC for comment on the ACHAR but to date none have been received. In a meeting between Vanessa Edmonds (Principal-NSW, Everick Heritage) and Brent Emmons (General Manager, Bundjalung of Byron Bay Aboriginal Corporation- Arakwal) on the 12 January 2024, Brent stated that they weren't ready to provide comment until further consultation with Creative Capital. Also that Charmaine Roberts (Native Title Officer, Bundjalung of Byron Bay Aboriginal Corporation RNTBC (Arakwal)) was currently on maternity leave and that it would not be appropriate for Brent to comment without her input. Charmaine is expected back from maternity leave in approximately three months.

4. Environmental context

4.1. Geology and soils

The Project Area comprises two soil landscapes, being the Bangalow soil landscape encompassing the majority of the area and the Tyagarah soil landscape, which comprises a portion in the south-east of the Project Area (Figure 4-1).

The Bangalow soil landscape is characterised by low rolling hills on Lismore basalts of the Alstonville Plateau with tertiary basalt, bole and minor conglomerate. Average relief is approximately 40 - 100 m (Morand 1994). Slopes within the Billinudgel soil landscapes are at 15 - 25 per cent. The pattern of rolling ridges and crests on average are long to moderately long at 200 – 500 m and moderately broad at 50 - 200 m (Morand 1994). Soils are generally well drained but moderately erodible on higher elevations with poor drainage in low-lying gullies.

The Tyagarah soil landscape is characterised by quaternary estuarine alluvium overlain by quaternary Pleistocene sands associated with adjacent aeolian sand ridges. The landscape generally comprises undulating plains with high water tables to the west of Tyagarah beach. Elevation is generally 2 – 5 m with local streams being incipient and generally poorly defined (Morand 1994).

The Project Area would have comprised former coastline to the extent of the Bangalow soil landscape, with the Tyagarah soil landscape comprising a mix of former beachfront, ocean floor or former embayment to the west of Tyagarah beach. The surrounding ridge landform and upper slope is known to contain evidence of Aboriginal land-use and occupation with the identification of stone tools, and midden sites have been recorded on the lower slopes to the east (Everick Heritage 2019) (see Section 5.3). Underlying geology of the Bangalow soil landscape would have provided for a variety of volcanic raw material types for lithic production and silcrete outcrops have been previously recorded in the area (Everick Heritage 2019; Morand 1994).

4.2. Topography and hydrology

The elevation throughout the Project Area ranges from 9 – 45 m above sea level (asl). The Project Area encompasses the southern spur and slope of the ridge landform comprising the Gulgan Road and Saddle Road heights situated broadly adjacent to the north. The highpoint within the Project Area comprises the

southern spur and slopes of the Saddle Road ridge at 45 m asl in the north of the Project Area with an associated ridge which extends to the west, southwest and eastern portions of the Project Area. The ridge landform slopes with a gentle southern to southeastern aspect to low points on the sand and estuarine floodplain and lower drainage gullies at 9 to 15 m asl in the south and southeast of the Project Area adjacent to Gulgan Road (**Error! Reference source not found.**).

The Project Area contains multiple 1st and 2nd order streams draining from the ridgetop in the north-west and northern portions of the Project Area. The drainage lines drain southward 400 m from the Project Area before orienting east into Simpsons Creek. Simpson Creek is the nearest permanent watercourse to the Project Area and is located 1.3 km to the east. Simpson Creek forms the back estuarine creek for the Tyagarah coastal dune formation. Simpson Creek flows into the mouth of the Brunswick River located 2.7 km northeast of the Project Area.

The portion of the ridge within the Project Area would have likely formed part of a larger paleo-headland with the lower Tyagarah landscape swampland in the southeast portion consistent with an extinct embayment or former ocean floor. Hilltops and ridges would generally have been ideal locations for open camp sites, particularly where nearby sources of water are present. The Project Area also offers excellent views of the coast and Cape Byron area to east. If back barrier sand plains are still present within the Project Area, there is an elevated potential for archaeological deposits including shell midden material and generally have a higher potential to contain Aboriginal burials due to the loose compaction and deep profile of sandy estuarine soils.

4.3. Vegetation

The Bangalow soil landscape is characterised by extensively cleared closed sub-tropical rainforest which would have comprised the original vegetation of the Project Area prior to clearance (Morand 1994). Common introduced species include Kikuyu (*Pennisetum clandestinum*), Paspalum (*Paspalum dilatatum*), with Camphor Laurels (*Cinnamomum camphora*) also common.

Vegetation associated with the Tyagarah soil landscape comprises extensively cleared open and closed forest consistent with coastal swamps (Morand 1994). Dominant species include Broadleaved Paperbark (*Melaleuca quinquenervia*), Swamp Oak (*Casuarina glauca*) and Swamp Mahogany (*Eucalyptus robusta*) in poorly drained areas. In well drained areas, Red Bloodwood (*E. gummifera*), Pink Bloodwood (*E. intermedia*) and Coast Banksia (*Banksia integrifolia*) dominate.

EVERICK HERITAGE

In consideration of vegetation modelling, the Project Area would have supported numerous species of potential plant and animal resources. Vegetation would have supported a wide range of terrestrial wildlife for subsistence purposes such as possums, macropods, snakes and birds. The wider area is also known to have supported marine exploitation and subsistence likely in association with use of the old coastline through the identification of Aboriginal shell midden deposits in the southeastern lower portions of Project Area.

EVERICK HERITAGE



Figure 4-1: Soil landscapes of the Project Area

EVERICK HERITAGE



Figure 4-2: Topography and hydrology of the Project Area

4.4. Land use history

The history of European settlement and land uses of the Project Area is within the broader historical context of settlement of the Mullumbimby and Byron Bay districts. Timber getting was initially the sole industry in the Richmond-Tweed River regions, after sawyers made their way via land and later sea. By the 1850s sawyers had campsites at the junction of the two arms of the Brunswick River. The Saddle Road formed one of the earliest land transport routes in the Byron Shire from Mullumbimby Grass to Brunswick Heads (Stubbs 2006: 10).

Widespread land clearing for 'selection' of land was legalised by the 'Selection Acts' post 1860, characterised by tens of thousands of small land parcels of approximately 40 acres where sugar cane was often the initial endeavour. The Project Area was likely cleared during the latter half of the 19th century post 1860 and likely in the timeframe of the gazetting of the towns of Brunswick Heads in 1885 and Mullumbimby in 1887 (Stubbs 2006).

Early settlement was dominated by timber cultivation followed by sugar cane cultivation, dairying, banana cultivation and cattle grazing. Vegetation clearing methods originally varied between manual sawing and chain pulling which would have resulted in substantial ground disturbance. For those European selectors arriving to the 'Big Scrub' for whom sugar was a risk, dairying appeared a more reliable option. Pasture was required, hence forest clearing continued apace and imported grasses sown, small separator factories dotted the landscape. Further land management took place in the form of rock picking, with exposed basalt rocks and boulders often picked and removed from fields, at times placed in dry stone wall formations delineating paddock boundaries. The removal of boulders allowed for pasture growth and the improvement of agricultural plots.

The Project Area comprises reclaimed former swampland / dune deposits that have been significantly disturbed by historic land practices such as urban development and landscaping. Original coastal hill formation vegetation has been cleared in the mid to late—19th century within the Project Area, reflected in Figure 4-3 and Figure 4-4. The level of disturbance exhibited by the Project Area is generally typical of European land use of the Byron Bay to Ballina formation of rolling hills for dairy cattle, then as the soils lost fertility, beef cattle. Despite these impacts, Aboriginal objects remain in the area, indicating the presence of past Aboriginal people and providing indications of their use of this landscape.

4.4.1. Historical aerials

Historical aerials for the Project Area were accessed from 1955, 1970 and 1990 via NSW Spatial Services. Based on the available images, the following observations can be made regarding the visible changes to the Project Area over time:

- **1955:** Isolated pockets of trees are present across the Project Area which is in use as a cattle paddock at this time. The area is largely cleared of vegetation, and waterlogging is evident on the lower slopes to the south. A small agricultural shed is visible in the northwest corner of the Project Area (Figure 4-3). The imagery clearly shows the boundary of the Tuggerah soil landscape in the south.
- **1970:** Regrowth of vegetation has taken place across the Project Area, particularly in the north-east and south-west of the Project Area. Further buildings have been constructed on the farm to the north of the Project Area. The Project Area does not contain any newly constructed buildings at this time (Figure 4-4).
- **1990:** Regrowth has persisted in the central and eastern portions of the Project Area. A new dam has been constructed in the northwest corner of the Project Area on the ridge landform. No major changes to the overall Project Area are discernible (Figure 4-5).

Based on the available aerial imagery, the Project Area has been subject to disturbance primarily resulting from clearing of original vegetation, removal of surface boulders, installation of fences, draining of swampy lowlands and cattle grazing.

EVERICK HERITAGE



Figure 4-3: 1955 historical aerial, with approximate Project Area outlined in red

EVERICK HERITAGE

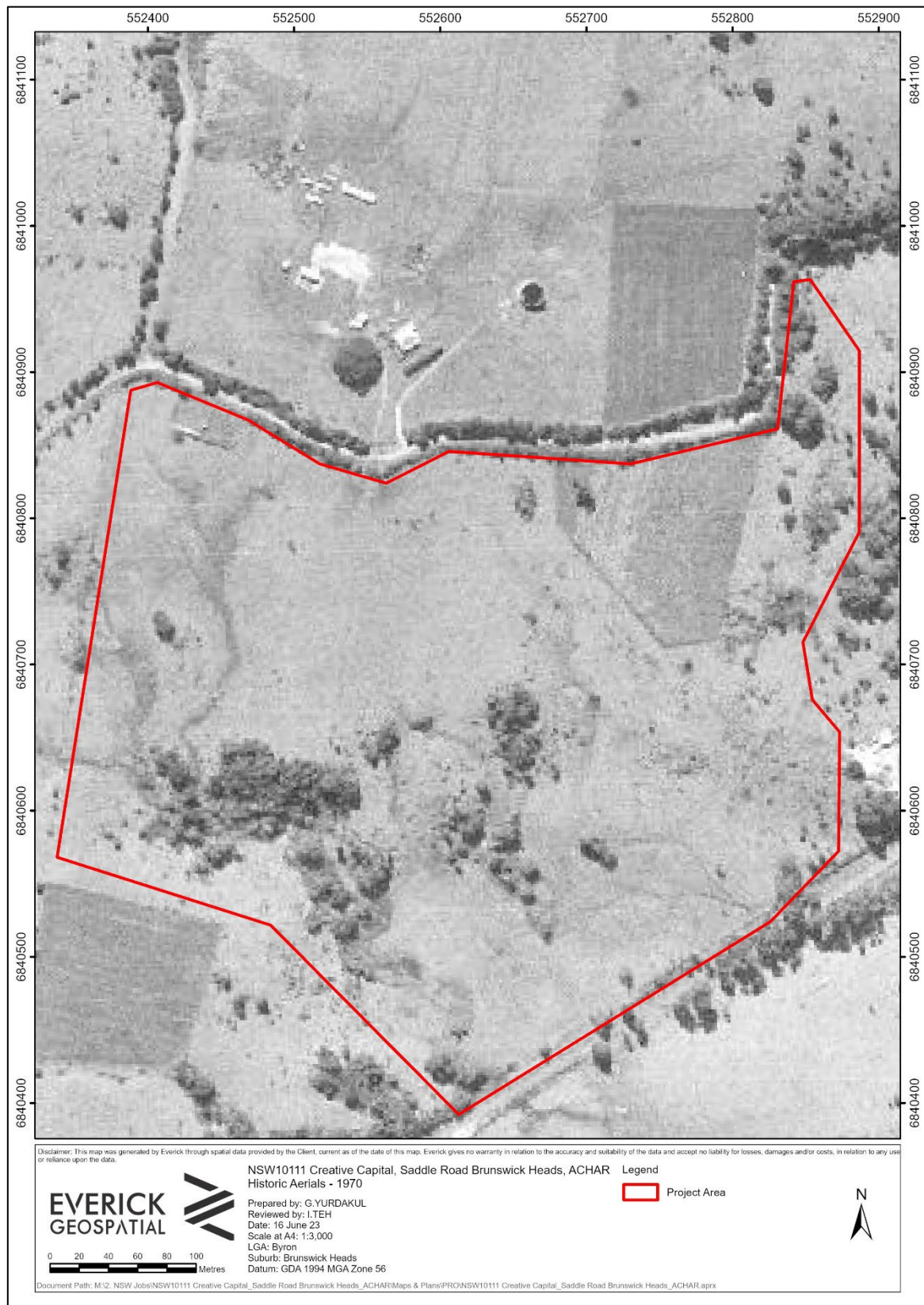


Figure 4-4: 1970 historical aerial, with approximate Project Area outlined in red

EVERICK HERITAGE

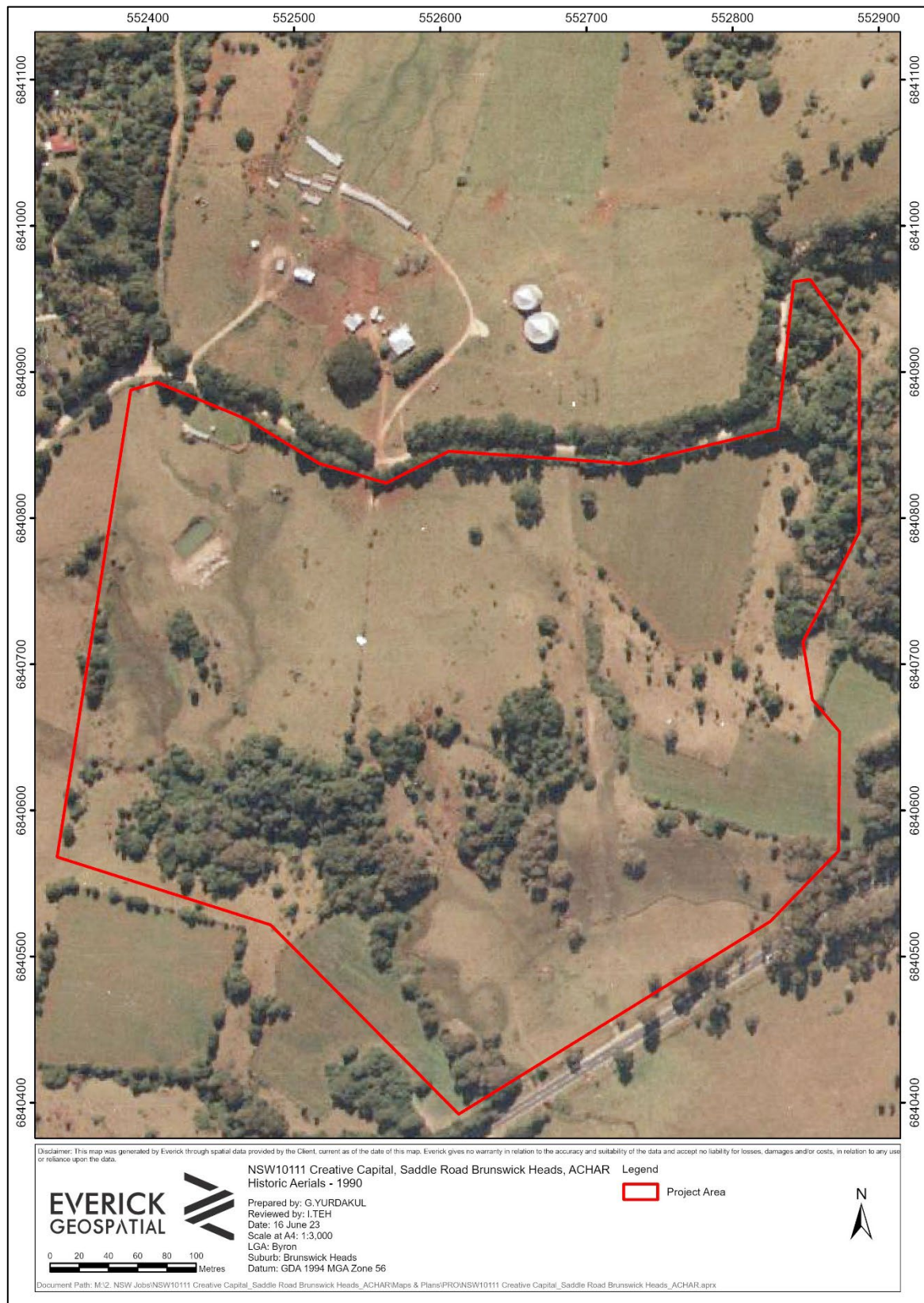


Figure 4-5: 1990 historical aerial, with approximate Project Area outlined in red

5. Ethnohistoric context

The Arakwal people of the coastal Tweed-Brunswick Rivers were part of a larger linguistic group, the Bundjalung, which spoke a range of about twenty linked dialects between the Upper Clarence extending west to Tenterfield, Warwick and Beaudesert, joining the coast near Beenleigh. The concentration of northern Bundjalung dialects, compared to the fewer dialect groups of the adjoining southern Kumbainggiri, led Crowley (1978) to suggest that the Bundjalung areas may have been colonised earlier than the Kumbainggiri, thus allowing a greater number of dialects to develop. Crowley also suggested that coastal Bundjalung dialects varied significantly from inland Bundjalung dialects (Crowley 1978). Sharp makes the following comment on the Bundjalung dialects:

The Bundjalung...are a group who have maintained to this day a sense of identity, a knowledge of their traditional territories and borders, some knowledge of the language (substantial for older people, items of vocabulary incorporated into English for younger people), and much of their mythology. With these in many cases is a healthy self-esteem for their own communities and ways of doing things. (Sharp 1985:101)

Dialect groups composed of interlinked clan/family groups occupied distinct areas within the wider Bundjalung association (Crowley 1978). Joshua Bray, a settler, postmaster and 'Protector of Aborigines' on the Tweed River, travelled from the coast to the inland Bundjalung dialect country of the Upper Richmond and found that '... the language of the Aborigines is sometimes completely different thirty miles away' (Bray 1901:193). Tindale recognised a common dialect group extending north-south between Brunswick Heads/ Byron Bay and Southport and west to Murwillumbah, which he called Minjanbal (Tindale 1974:191). The mapping by Tindale of the Arakwal dialect is not considered to be accurate as it incorporates the lower Richmond River Valley Bray/ Ballina area, however the northern boundary of the Arakwal dialect area is considered to be generally correct. Within these dialect associations of the Bundjalung land belonged to clan groups whose boundaries had been established in mythology (Creamer 1984).

Prior to European contact, it is unknown the exact number of Bundjalung Indigenous people who inhabited the Cape Byron headland (Ellsmore 2008: 9). The Cape was known as 'Walgun' to the Arakwal (Bundjalung) people and was a fundamental factor of Aboriginal heritage, Country, and dreaming stories (Ellsmore 2008: 9). It is suspected to have been the location of a bora ring, or another form of ceremonial site (Ellsmore 2008: 9). The Cape is determined to be critical in contemporary Bundjalung society in terms of the living stories and spiritual landscape of the community (Ellsmore 2008: 9). The area upon

EVERICK HERITAGE

which the Cape Byron Lightstation now stands is known to Arakwal Elders as a men's ceremonial site, prior to European construction of the Lightstation (Ellsmore 2008: 9).

At Cape Byron, where the lighthouse now is, there was a welcoming bora ground (a sacred ceremonial ground). The Bundjalung Elders would sit up on the Cape and welcome the people who came by canoe and the inland walking tracks. On arrival, everyone would have to walk up to the Cape to the welcome ground and sing the story of where they came from and perform traditional dances. Around 2000–3000 people would gather in Byron Bay and everybody was welcome. The men would make camp from the lighthouse, going north right up towards the Tweed River. The women camped south of Cape Byron down to Lennox Head and sometimes as far as the Goanna Headland at Evans Head.
(<https://www.byronbaybook.com/a-special-story-indigenous-australia-2/>)

The Arakwal people still engage in joint management of the Cape Byron Headland Reserve and continue cultural practice in this area, which includes the Lightstation.

The Rainbow Serpent is an important spiritual deity of the Bundjalung nation. Certain tribal groups of the Bundjalung nation believe that the Rainbow Serpent and Dirawong together created parts of the Richmond River, Goanna Headland, Snake Island and Pelican Island.

The Rainbow Serpent snakes round Byron Bay in a radius of approximately 50 kilometres. The head comes to Broken Head and the tail is up near Brunswick Heads.
(<https://www.byronbaybook.com/a-special-story-indigenous-australia-2/>)

6. Archaeological context

6.1. Database searches

6.1.1. Aboriginal Heritage Information Management System

Caution should be taken when using the AHIMS database to reach conclusions about site prevalence or distribution. For example, a lack of sites in a given area should not be seen as evidence that the area was not occupied by Aboriginal people. It may simply be an indication that it has not been surveyed for cultural heritage, or that the surveys were undertaken in areas of poor surface visibility. Further to this, care needs to be taken when looking at the classification of sites. For example, the decision to classify a site an artefact scatter containing shell, rather than a midden can be a highly subjective exercise, the threshold for which may vary between archaeologists. It is also important to note that the nature and location of Aboriginal sites can be culturally sensitive information and should only be made publicly available with the consent of the Aboriginal community.

A search of AHIMS was initially conducted on 8 June 2023 (AHIMS ID: 729700) with the following coordinates:

Lat, Long from: -28.597, 153.4818

Lat, Long to: -28.5126, 153.6054

Forty-three Aboriginal site listings were identified as a result of the AHIMS search. Fourteen of which are restricted sites. Nine previously identified Aboriginal sites are recorded within the Project Area (Figure 6-1; Figure 6-2).

Heritage NSW lists 20 standard site features that can be used to describe a site registration with AHIMS, and more than one feature can be used for each site. For the 22 known sites within the search area, a total of eight different site features is recorded. Details of the occurrence of site features is provided in Table 6-1.

'Artefact' is the most frequently represented site type within the search area, accounting for 24 of the entries. The predominance of this type of evidence is likely to be related to several factors: the production of a large number of items (both tools and waste) in the production, maintenance and use of flaked stone artefacts; the permanent nature of the material; and the destruction of other types of evidence, through

natural processes such as decomposition and post colonisation land-use practices such as vegetation clearance.

The distribution of registered sites is shown in Figure 6-1 and Figure 6-2. Many of the registered sites are associated with previous studies of the Saddle Road ridge and coastal studies identifying midden sites at Tyagarah Beach and Brunswick Heads. The number and distribution of sites is likely biased towards the amount of studies including test excavations conducted in the vicinity of Saddle Road, where most regional studies have likely excluded high level sub-surface testing of similar landforms (Collins 1991; Everick Heritage 2019; Hughes 1998; Lomax 1995a; 1995b). The distribution of site types is however indicative of reliance on marine subsistence through the presence of midden sites along Simpsons Creek, the Brunswick River and Tyagarah Beach and the intensification of use of the Project Area as a locally elevated campsite.

Table 6-1: Frequency of site features within the search area

Site feature	Number	Percentage
Aboriginal Resource and Gathering	2	4.65
Art (Pigment or Engraved)	1	2.33
Artefact	24	55.81
Earth Mound, Hearth	1	2.33
Hearth, Shell, Artefact	1	2.33
Potential Archaeological Deposit (PAD)	2	4.65
Shell	6	13.95
Shell, Aboriginal Resource and Gathering	1	2.33
Shell, Artefact	4	9.30
Stone Arrangement	1	2.33
Total	43	100

6.1.2. Other database searches

The following heritage registers were accessed on 14 June 2023:

- The National Heritage List - Contains no heritage listings within or within close proximity to the Project Area.

EVERICK HERITAGE

- Commonwealth Heritage List - Contains no heritage listings within or within close proximity to the Project Area.
- Register of the National Estate - Contains no heritage listings within or within close proximity to the Project Area.
- The State Heritage Register - Contains no heritage listings under Section 1 or 2 (Aboriginal Places listed under the *NPW Act* and Items listed under the *Heritage Act 1977 (NSW)* within or within close proximity to the Project Area.
- Byron LEP 2014 – Contains no listings within or within close proximity to the Project Area.
- AHIP public register – No AHIP exist within the vicinity of the Project Area.

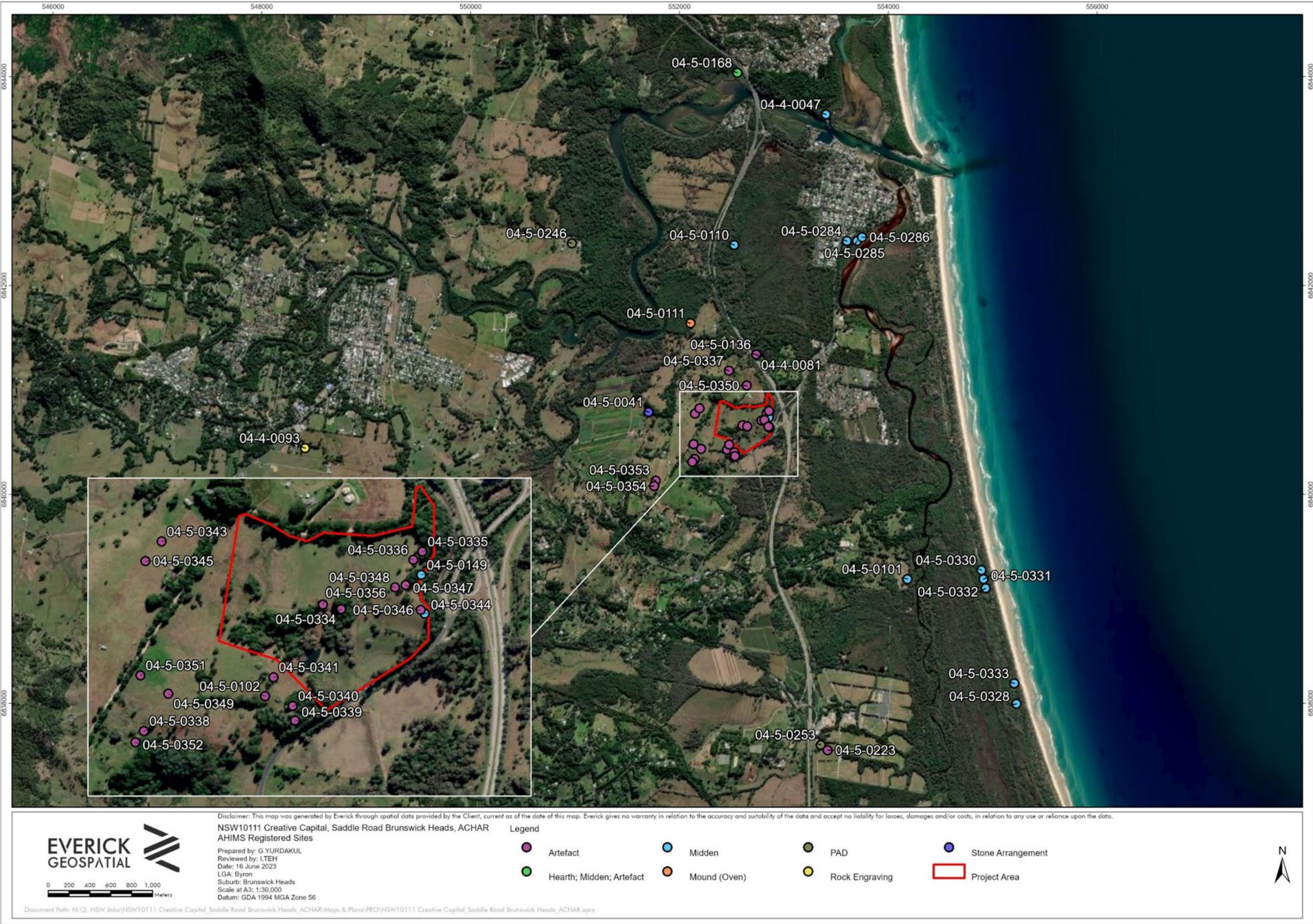


Figure 6-1: AHIMS search results, Project Area outlined in red



Figure 6-2: AHIMS Sites in the vicinity of the Project Area

6.2. Previous archaeological assessments

6.2.1. Regional archaeological context

6.2.1.1. State Forest Rainforest Assessment (Byrne 1987)

Byrne (1987) conducted a field and desktop study of the potential for NSW State Forests to contain Aboriginal sites. Two mythological sites associated with ancestral beings at Mt. Warning and Mt. Burrell (Blue Knob) were recorded among other natural features of mythological/spiritual significance. Byrne (1987) observed that the Mebbin State Forest was peripheral to the Tweed lowlands and also at the foot of the Tweed Range and cannot be termed upland country.

Byrne (1987) proposed a land use model that distinguished between coastal lowland rainforests and mountain range or upland rainforests. In the case of upland forests:

...the pattern of land use is likely to have been small scale and intermittent: small, highly mobile groups travelling between overnight camps and operating from base camps in the river valleys...lines of movement in the uplands country are likely to have followed watercourses ...or the tops of ridges. Small campsites would be located along lines of movement either in the open or nearby rock shelters. In the case of ridgeline camps they are more likely to be in wet or dry sclerophyll rather than rainforest... (Byrne 1987: 55).

Byrne (1987) compiled information on a range of Aboriginal sites in the Tweed volcano and upper Richmond Range areas including; sacred significant sites, archaeological occupation sites, bora grounds, stone arrangements and burials (Byrne 1987: 60, 70).

Byrne (1987), also developed a state-wide land use model specifically around the use and occupation of rainforests. Byrne distinguishes between the 'Lowland' and 'Upland' rainforests and proposes:

...The lowland rainforests were situated within what might be termed the core areas of the coastal lowland tribes. The North Coast of New South Wales supported some of the heaviest populations of Aborigines in the prehistoric Australia. The foci of settlement of these tribes were the immediate coastal strip, the estuaries and valleys of the major rivers. The key attribute of the lowland rainforests was their proximity to the main areas of settlement and, hence, the accessibility of their resources...Most of these rainforests could be exploited from bases in other and neighbouring environments. It is likely that major campsites were located close to the productive margins of these

rainforests. Campsites may also have been situated in clearings within rainforests where they acted as bases for the exploitation of core areas of extensive forests and as staging camps for travel through such forests... (Byrne 1987: 54, 55).

The use of clearings otherwise surrounded by rainforest as campgrounds was originally documented by Leicester on a trip into the Richmond Tweed headwaters in 1880. He refers to two clearings, a dinner time camp at 'Bald Hill' called Byangully,

...replete with every comfort a bush camp in Australia could afford, that of grass, water, and game in abundance of the best kind... twenty miles distant from open country and Tanning Mountain ...a table-top covered with fine grass... (Leicester 1880: Typescript).

6.2.1.2. Byron Shire Aboriginal Heritage Study (Collins 1991)

Collins 1991 conducted an Aboriginal heritage study of the Byron Shire in which eight parcels of land were selected to reflect the major landform units and assess their potential to contain Aboriginal sites. One of these sample areas was the low hills and flats in the Saddle Road/Andersons Hill area. The study is highly relevant to the present assessment as Collins selected approximately 13 quadrants of 250 x 250 metres within the Saddle Road rezoning area including the Project Area for detailed inspection (Everick Heritage 2019). Ten quadrants sampled the uplands of mainly Bangalow soil landscapes and to a lesser extent the lower elevation Billinudgel soil landscape, a sliver of which occurs in the northeast corner of the Project Area (Figure 4-1). Three quadrants sampled lowland Tyagarah soil landscapes east of Gulgarn Road.

An artefact scatter 'Byron Urban Areas 1; Mullumbimby' (AHIMS ID 04-05-0102) containing two stone artefacts was identified on the edge of a ridge crest above Gulgarn Road, with the centroid located 70 m south of the Project Area. The site consisted of two stone artefacts which had been exposed in red kraznozem soil on a cattle track on the crest of a hill (approximately on the 30 m contour line) overlooking the coastal lowlands. The artefacts were found 10 m apart and described as a retouched quartzite flake and a flaked piece on chert material (Collins 1991: 31-32).

The Collins (1991) study also investigated the status of a reported stone arrangement (AHIMS ID 04-5-0041) located 662 m west of the current Project Area. Doubts as to the authenticity of an Aboriginal origin for the stone arrangement were expressed by archaeologist Professor Isobel McBryde in 1964 and Jacqueline Collins 1991.

The stone arrangement site consists of an earth mound adjacent to the Brunswick floodplain, backing a series of steep hills which divide the plain from the coast. The mound is approximately 5 m high and blocks of stone occur at the surface. At the time of Collins (1991) assessment, a large section of the mound was found to have been recently mechanically excavated to the level of the surrounding plain. Subsurface sediments exposed in situ subsurface mudstone, which could not be attributed to human agency.

Collins (1991: 23) concluded that:

...while it is possible that the stone located on the top of the mound have been placed there by Aboriginal people, the fact that similar stones were noted within the excavated mound portion indicates they too are likely to be natural occurrences...

6.2.2. Local context

Numerous studies have been conducted on the rolling coastal hilltops and ridges of the Byron and Ballina region, including Everick Heritage (2019) in response to mixed infrastructure, road and residential developments (Lomax 1995; Hughes 1998). The most relevant to the Project Area are discussed below.

6.2.2.1. Brunswick Heads Bypass (Lomax 1995a; 1995b)

Lomax (1995a) conducted an archaeological survey for the Brunswick Heads Bypass broadly located adjacent to the east and northeast of the Project Area. Lomax identified a low density artefact scatter, RTA Ridge 1 (AHIMS ID 04-5-0081) and a potential archaeological deposit (PAD) Ridge Saddle PAD (AHIMS ID 04-5-0136) prior to construction. The AHIMS co-ordinates are identical for the two sites although the site description states the PAD site is 250 m south of the RTA site. S

Sub-surface testing and salvage of RTA Ridge 1 (AHIMS ID 04-5-0081) and Ridge Saddle PAD (AHIMS ID 04-5-0136) indicated a low density of artefacts of a wide variety of materials in shallow topsoil and an absence of stratigraphy or discrete spatial patterning to the deposits (Lomax 1995b:19). The sites were subject to Consent to Destroy (Permit Number 687). It is not known if the stone artefact contents of the sites were removed entirely from the area or relocated to another location beyond construction impact.

6.2.2.2. Tandys Lane Pacific Highway Upgrade (Hughes 1998)

Hughes (1998) conducted an archaeological assessment over a section of the new motorway and interchanges between Tyagarah and the Saddle Road Interchange, adjacent east, north-east and included part of Lot 2. A midden was recorded in the eastern section of Lot 2 within the Project Area at the northern end of Gulgan Road. This site is called Tandy Lane 1 registered as AHIMS ID 04-5-0149. Hughes described the site,

... as a sparse, discontinuous scatter of fragmented, weathered shell noted on the ridge crest (in an area about 30 m along the ridge by 10 m across it), but this did not appear to extend down the side slopes. The shell was mainly pipi (which would have been available from the long sandy beach 2.5 km to the east). One almost complete mud whelk shell was noted. The closest source for this estuarine species would have been Simpsons Creek, 2.0 km to the east. A single flake made on fine grained volcanic rock was noted... (Hughes 1998: 7-4)

The site was severely disturbed by cultivation, and the surface visible shell materials were highly fragmented and weathered. Therefore, the site was assessed to not have the same degree of scientific potential as would a site which had stratified, 'in situ' deposits with well-preserved shell materials.

6.2.2.3. Saddle Road Rezoning (Everick Heritage 2019)

Everick Heritage (2019) was engaged by Planners North to provide an ACHAR in support of a suitability study for a rezoning proposal for lands on Saddle Road, Brunswick Heads. The area of investigation included the Project Area and comprised the larger portion of the ridge along The Saddle Road and Gulgan Road (Figure 6-4).

The rezoning area is located on the Billinudgel, Bangalow and Tyagarah soil landscapes. Generally, the landform of the rezoning area conforms to the Saddle Road ridge and rolling hills landform. Low lying areas in the eastern portion of the rezoning area were noted to be Tyagarah alluvium and Pleistocene sands (Everick Heritage 2019: 32). In consideration of regional landforms, it was determined that the areas of highest archaeological sensitivity would be spurs terminating at floodplains, estuarine shorelines and back barrier sand plains. Moderately sensitive locations include ridge lines and broad crests and level areas on spurs adjacent to the Tyagarah back barrier plain (Everick Heritage 2019: 35).

An AHIMS extensive search conducted identified five previously recorded Aboriginal sites within the rezoning area or within 50 m of its boundaries (Everick Heritage 2019: 35). These include artefact scatters

(AHIMS ID 04-5-0136, 04-5-0081 and 04-5-0102), a midden (AHIMS ID 04-5-0149) and a stone arrangement (AHIMS ID 04-5-0041).

Consultation was undertaken in accordance with the Consultation Requirements and three Aboriginal parties registered as follows:

- Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
- Tweed Byron LALC
- Ms Lois Cook.

Archaeological survey and test excavation in accordance with the Code of Practice were conducted within the study area and identified 20 new Aboriginal sites, of which seven are within the current Project Area. Seven areas of PAD were also identified of which two, PAD 5 (crest) and PAD 6 (lower slopes and edge of swamp) are within the current Project Area (Figure 6-4).

The survey was undertaken during the test excavation program and comprised random pedestrian transects targeting key landforms such as outcrops of basalt, areas of exposure such as cattle pads and tracks and areas of forest which had been less exposed to disturbance (Figure 6-3). The following sites were recorded as a result of these surveys:

- Saddle Road 02
- Saddle Road 07
- Saddle Road 08

Additional pedestrian survey requested by the RAPS was undertaken between the 13-14 June 2018 to target areas not previously surveyed, such as slopes, gullies and forested areas located within these landforms (Figure 6-3). The following sites were recorded as a result of this survey:

- Saddle Road 12
- Saddle Road 13
- Saddle Road 14
- Saddle Road 15
- Saddle Road 16
- Saddle Road 17
- Saddle Road 18

EVERICK HERITAGE

- Saddle Road 19
- Saddle Road 20.

The survey re-identified Tandy Lane 1 (AHIMS ID 04-5-0149) as a small patch of fragmented shell on the toe of a ridge above Gulgan Road at Saddle Road 08 (AHIMS ID 04-5-0344) approximately 65 m to the south. Based on the proximity of the shell to the pre-existing location of TL 1 (AHIMS ID 04-5-0149), it was inferred that Saddle Road 08 (AHIMS ID 04-5-0344) is the same site (Everick Heritage 2019: 113).

Fifty 1 m x 1 m test pits were excavated across the study area predominantly along ridge crests and close to water (Everick Heritage 2019: 52; Figure 6-4). Twelve of these were located across the current Project Area. Typical disturbance demonstrated in the soil profiles included mechanical tilling, increased organic matter and nutrients from stock and introduced fills. There was a significant difference in the amount of background basalt indicating that some paddocks had been cleared of rocks (Everick Heritage 2019: 52).

A total of eight archaeological sites were identified during the excavation program comprising a total of 15 stone artefacts. Of these two subsurface deposits comprising an isolated artefact and two artefacts were located from PAD 5 within the current Project Area (Figure 6-4; Table 6-2). These sites mainly comprised isolated artefacts with a small number of low density stone artefact deposits. For the most part artefacts were located at between 200 mm – 250 mm in depth. All retrieved stone artefacts were reburied in the pit from which they originated.

The following registered Aboriginal parties (RAPs) participated variously in the survey and test excavations:

- Des Williams, Warren Phillips and Ian Fox (Tweed Byron LALC)
- Brian Kelly and Leon Kelly (Bundjalung of Byron Bay Aboriginal Corporation - Arakwal).

The location of test pit locations, identified PADs and registered sites in relation to the current Project Area are shown in Figure 6-4. Details of all recorded sites within the current Project Area are provided in Table 6-2.

In total the archaeological assessment recorded 20 sites comprising isolated artefacts (12), stone artefact scatters (4), manuports (3) and a midden (1). These sites were determined to have moderate scientific significance (Everick Heritage 2019: 71-72). A summary of the results from Everick Heritage (2019: 69) is provided below:

EVERICK HERITAGE

The most common stone material was a coarse silcrete type rock which may be classified as a local quartzite. Additional expert identification of this material may be required to ascertain the source of the material. The second most common material was chert- which demonstrated a high degree of variability in colour indicating it was sourced from a number of quarries. Both materials are not uncommon on the northern Rivers archaeological assemblages. The maximum density of artefacts was 5 p/m² and it is possible that these represent a knapping event.

The unifacial chopper (Saddle Road 07) is a regionally unique artefact which were widely known to have been produced but relatively rare in the archaeological record. Many of these artefacts were collected by early settlers and the presence of this artefact within the Guava tree indicates that someone in the historic period has found and relocated the artefact, which is a not uncommon practice.

Midden sites along the coastline are not uncommon, however middens in the sub-coastal area are quite unique. The presence of fragmented and weathered shell indicates that Aboriginal people were travelling with coastal food resources. It is likely that these types of sites were quite common, however they were vulnerable to damage from agriculture and as such are rarely recorded and where records exist these sites are typically damaged, as is the case at Saddle Road.

The manuport sites have been included at the request of registered Aboriginal parties, however the extent to which these sites meet the definition of an Aboriginal object is subject to further investigation through use-wear or similar studies. The manuport sites all comprise locally available silcrete of which it is presumed have been transported across the Study Area by Aboriginal people but were not subject to knapping.

Everick Heritage 2019: 71-72) go onto discuss the results through the following points:

- The Study Area contains a number of sites which occur both on the ground surface and within the topsoil deposits to a depth of approximately 150 mm.
- The location of archaeological sites appears to relate primarily to proximity to water, either in the form of naturally occurring springs or surrounding wetlands.
- There is a trend towards location of artefacts on the toe of slopes, upper slopes and on ridge crest saddles. No artefacts were recorded on steeper slopes or flat alluvial areas.
- The only 'site complex' recorded was within PAD 5 which included a number of stone artefacts, a midden and stone axe/ unifacial chopper. A potential modified tree was also recorded in this general area however is subject to further investigation before it is confirmed as an Aboriginal site (object).

EVERICK HERITAGE

- The impact of disturbance from historic forest clearing, mechanical cultivation and cattle grazing is significant and it is reasonable to conclude that archaeological materials that might have occurred across large areas of the Study Area have been significantly disturbed or completely removed.
- Disturbance within forest areas located on slopes and within gullies was minimal. Silcrete manuports and some silcrete cores were found on these slopes, the majority of which were located on the upper slopes.
- An outcrop of silcrete was located towards the eastern boundary overlooking Gulgan Road. No tool marks were found but there is a strong possibility that the silcrete identified as manuports and cores would have been utilised from here.
- Two small springs were identified as having significant intangible cultural heritage values.
- With respect to AHIMS ID 04-5-0041, there is no evidence, in the form of ceremonial objects or similar that the site extended up onto the saddle and ridge crests. However, it was noted from the consultation with RAPs that Aboriginal people would not camp in immediate proximity to ceremonial sites. As such the study could not make any conclusive statements regarding the relationship between the archaeological sites and AHIMS ID 04-5-0041 at this stage.
- The density of stone artefacts was no greater than five per square metre and isolated artefacts were more common than artefact scatters. This pattern is not uncommon on the red clay soils of the Northern Rivers and is consistent with other major studies for the Pacific Highway upgrade and the Bruxner Highway upgrade near Alstonville.
- Based on the sample surveys undertaken and consultation with RAPs it was reasonable to conclude that additional sites will be located within the Study Area. It is expected that these sites will primarily contain stone artefacts within the upper 200 mm of topsoil. These sites will likely be in close proximity to springs or on the toe slopes near the adjacent wetlands. Isolated artefacts will occur along the main ridge crest.
- It was noted that springs and natural features identified are generally located well outside the likely rezoning footprint.




It was concluded that partial avoidance and harm with salvage and repatriation on site would be the most appropriate management response for sites that might occur within the Study Area. Given the existing extent of disturbance it is not considered that the collection and relocation of stone artefacts onsite will result in significant additional detriment to the cultural or social, historic, scientific or education value of the site.




EVERICK HERITAGE





Figure 6-3: Survey tracks and sites identified (Everick Heritage (2019))

Table 6-2: Summary of recorded sites (Everick Heritage 2019)

AHIMS ID	Site name	Site type	Location	Surface/sub surface	Photo (Everick 2019)	Description
04-5-0348	Saddle Road 06	Artefact scatter	Lot 2 DP 1159910 (Precinct A)	Subsurface (PAD 5)		Chert flaked piece
04-5-0347	Saddle Road 07	Isolated artefact	Lot 2 DP 1159910 (Precinct A/Precinct D)	Surface		Unifacial chopper
04-5-0344	Saddle Road 08	Shell deposit	Lot 2 DP 1159910 (Precinct D)	Surface		A small patch of fragmented shell was recorded on the toe of a ridge above Gulgán Road which could not definitively be identified as TL 1 (AHIMS ID 04-5-0149). However, based on proximity (within 100m) it is reasonable to conclude that the shell material represents remnants of a potentially larger midden deposit that could encompass TL 1

AHIMS ID	Site name	Site type	Location	Surface/sub surface	Photo (Everick 2019)	Description
04-5-0346	Saddle Road 09	Artefact scatter	Lot 2 DP 1159910 (Precinct D)	Surface & sub surface (PAD 5)		Two artefacts. One white chert flake and one silcrete flaked piece
04-5-0335	Saddle Road 17	Isolated artefact	Lot 2 DP 1159910 (Precinct D)	Surface		Single platform core
04-5-0336	Saddle Road 18	Isolated artefact	Lot 2 DP 1159910 (Precinct A)	Surface		Manuport

AHIMS ID	Site name	Site type	Location	Surface/sub surface	Photo (Everick 2019)	Description
04-5-0334	Saddle Road 19	Isolated artefact	Lot 2 DP 1159910 (Precinct D)	Surface		Manuport
04-5-0356	Saddle Road 20	Five manuports	Lot 2 DP 1159910 (Precinct D)	Surface		Silcrete. May be quartzite due to large inclusions. All similar size found in middle of slope in forest.
04-5-0149	TL 1	Shell midden	Lot 2 DP 1159910 (either just outside or just within Precinct D)	Blank		<p>A midden was recorded in the eastern sector of Lot 2 at the northern end of Gulgán Road. Tandy Lane 1 registered as AHIMS ID 04-5-0149, a ‘...sparse, discontinuous scatter of fragmented, weathered shell noted on the ridge crest (in an area about 30 m along the ridge by 10 m across it), but this did not appear to extend down the side slopes. The shell was mainly pipi (which would have been available from the long sandy beach 2.5 km to the east). One almost complete mud whelk shell was noted. The closest source for this estuarine species would have been Simpsons Creek, 2 km to the east.</p> <p>Subject to a Consent to Destroy recommendation in association with RTA</p>

AHIMS ID	Site name	Site type	Location	Surface/sub surface	Photo (Everick 2019)	Description
						development of Pacific Highway (not certain in report) but unknown what happened to site
04-5-0354	Saddle Road 01a	Isolated artefact	Lot 3 DP 810118	Sub surface (PAD 1)	Blank	Grey chert flaked piece
04-5-0353	Saddle Road 01b	Isolated artefact	Lot 3 DP 810118	Sub surface (PAD 1)	Blank	Silcrete flaked piece
04-5-0352	Saddle Road 02	Isolated artefact	Lot 32 DP 1018929	Sub surface (PAD 2)	Blank	Silcrete flake and flaked piece
04-5-0351	Saddle Road 03	Isolated artefact	Lot 32 DP 1018929	Sub surface (PAD 3)	Blank	Silcrete flaked piece
04-5-0349	Saddle Road 04	Artefact scatter	Lot 32 DP 1018929	Sub surface (PAD 3)	Blank	Five artefacts including three silcrete flaked pieces and two silcrete flakes
04-5-0350	Saddle Road 05	Isolated artefact	Lot 2 DP 1159910	Sub surface (PAD 4)	Blank	Silcrete flake
04-5-0345	Saddle Road 10	Isolated artefact	Lot 32 DP 1018929	Sub surface (PAD 7)	Blank	Silcrete flaked piece
04-5-0343	Saddle Road 11	Isolated artefact	Lot 32 DP 1018929	Sub surface (PAD 7)	Blank	Quartzite flaked piece
04-5-0341	Saddle Road 12	Isolated artefact	Lot 2 DP 1159910	Surface	Blank	Possible axe head / blank
04-5-0340	Saddle Road 13	Isolated artefact	Lot 2 DP 1159910	Surface	Blank	Single platform core
04-5-0339	Saddle Road 14	Isolated artefact	Lot 2 DP 1159910	Surface	Blank	Single platform core
04-5-0338	Saddle Road 15	Isolated artefact	Lot 32 DP 1018929	Surface	Blank	Single platform core
04-5-0337	Saddle Road 16	Isolated artefact	Lot 2 DP 1159910	Surface	Blank	Possible axe head / blank

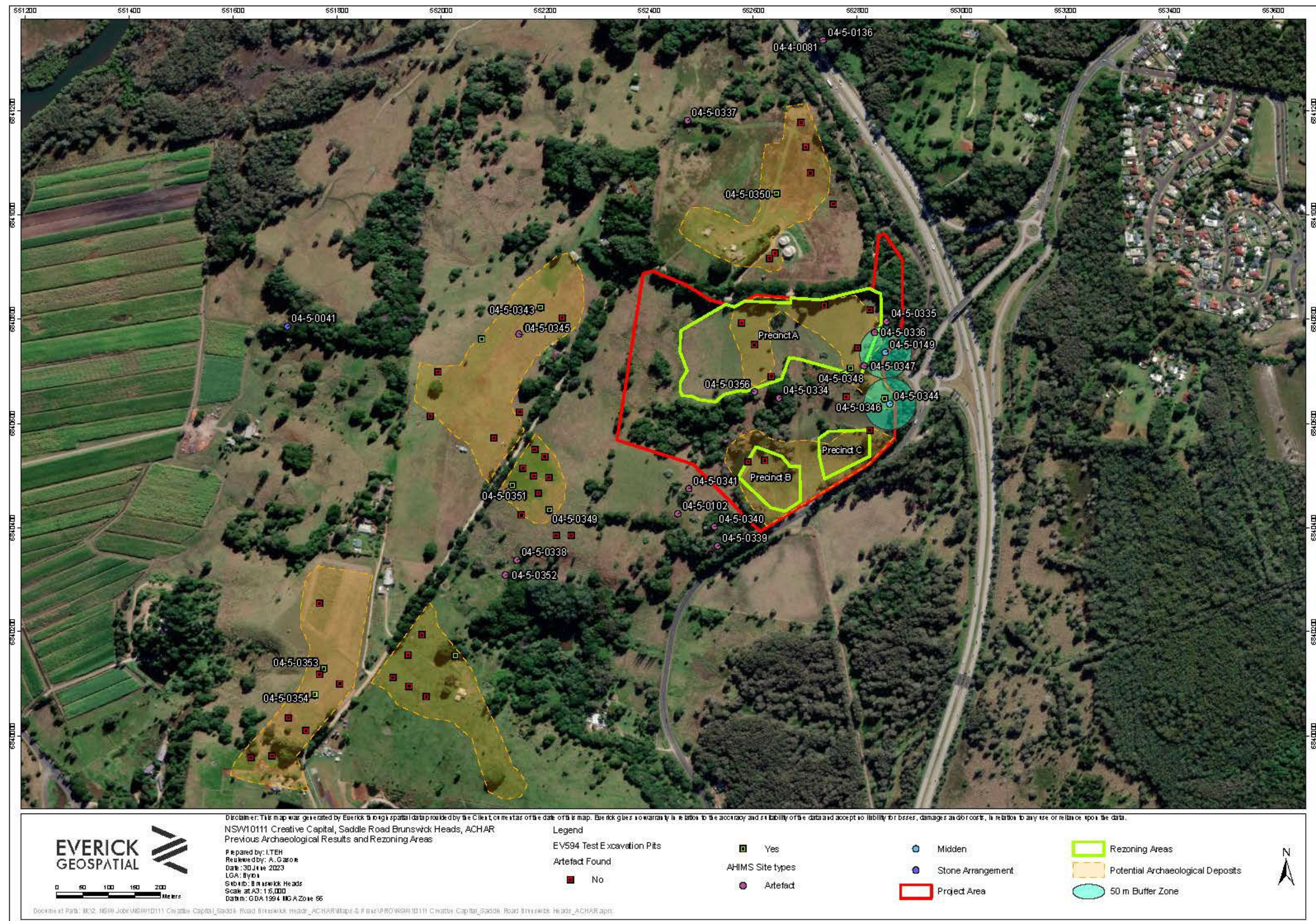


Figure 6-4: Previous area of investigation, all recorded sites (Everick Heritage 2019 and other previously registered sites), test excavation units and PADs in relation to the current Project Area

6.3. Summary and predictive model

In accordance with Requirement 4a of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010b) a predictive model was prepared for the Project Area. Previous archaeological studies indicate that many Aboriginal sites within the region are located on ridges or ridge crests that are in close proximity to water and where historical ground disturbance is moderate to minimal. Where ridges or ridge crests are not in close proximity to perennial water sources, sites may occur on these landforms in approximation to former coastline abutting sandy and estuarine deposits.

Stone artefacts are the most common site type regionally and have been previously identified on all landforms within the Project Area. Further stone artefacts are likely to be identified as eroded ground surface expressions on ridge landforms as well as at sub-surface levels. Lateral erosion of soils along drainage lines to low points in the southeast of the Project Area will likely have further displaced stone artefacts from the ridge onto mixed transferral and estuarine deposits.

Shell middens may further occur in the lower southeast portion of the Project Area in estuarine, sandy soil profiles associated with the Tyagarah soil landscape with the potential to retain midden deposit in lenses. Aboriginal human remains would also be most likely to occur within the Tyagarah estuarine deposits as the soft nature of the soil profile would more easily allow for rudimentary hand-excavation to allow for burials.

The level of historical ground disturbance is a key factor in determining the archaeological potential of the Project Area. With consideration for the presence of sensitive landforms and confirmed presence of Aboriginal sites, it is considered a high likelihood that further Aboriginal objects will be identified in the Project Area.

7. Archaeological survey

7.1. Aims

The primary aims of the archaeological survey were to:

- Re-identify the previously registered Aboriginal sites within Precinct A-C of the Project Area
- Verify the location of identified PADs within the Project Area
- Consult with the RAPs regarding specific cultural values of the Project Area.

7.2. Timing and personnel

Survey of the Project Area was undertaken across two separate days in September 2023. Table 7-1 lists survey participants and dates of participation.

Table 7-1: Survey personnel

Name	Role	Organisation	Date of participation
Vanessa Edmonds	Survey supervisor	Everick Heritage	7 & 19 September 2023
Abel East	Development Director	Creative Capital	7 & 19 September 2023
Maurice Gannon	Conservation Planning Officer	Tweed Byron LALC	7 September 2023
Lois Cook	Survey participant	Aboriginal Cultural Concepts	7 September 2023
Leon Kelly	Site Officer	BoBBAC	19 September 2023
Terry Kelly	Site Officer	BoBBAC	19 September 2023

7.3. Constraints

An assessment of the constraints to site detection is made to assist in formulating a view as to the effectiveness of the field inspection to find Aboriginal sites and cultural heritage materials. It also assists in forming a view of the likelihood of concealed sites, keeping in mind a site-specific knowledge of the

disturbance impacts that European land uses and natural processes may have had on the survivability of Aboriginal sites in the Project Area.

The constraints to site detection are almost always influenced most by post-European settlement land uses and seldom by natural erosion processes. The area of surface exposure and the degree of surface visibility within exposed surfaces are usually the product of recent land uses, for example land clearing, ploughing, road construction and natural or manmade erosion. In this case, the major constraints to Aboriginal site survivability and detection are land clearance, heavy vegetation cover which comprised mainly grass but also small areas of remnant dense and scrubby rainforest particularly along ephemeral drainage lines with exposed basalt boulders (Figure 7-2). The latter constrained access to some degree.

7.4. Survey sampling strategy and methodology

The survey sampling strategy was to undertake meandering transects identify previously registered sites, verify PADs and consult with the Raps regarding cultural values of the Project Area and potential mitigation and management strategies. Exposures were targeted where present to provide an increased chance to identify Aboriginal objects, if present. Only one survey team member had possession of the Global Positioning System (GPS) consequently only one set of transects was able to be recorded (Figure 7-1).

Where sites and/or objects were identified during field survey, their location was recorded with a GPS (using GDA 94 datum) using an iPad. The platform used for this mapping of data is called Fieldmaps, which records the GPS points, track logs, and enables photographs to be taken with the GPS data. Survey notes were then described using the platform, Fulcrum, a digital recording sheet. Within Fulcrum, notes were made of observable disturbance, vegetation communities and soil exposures where visible. Handwritten survey notes were also made.

A photographic record was kept of all survey units to record aspects such as surface exposures, vegetation, disturbance and areas of archaeological potential. Scales were used for photographs where appropriate. Where identified, new sites were numbered sequentially from Everick Heritage (2019).

7.5. Survey coverage

Survey coverage was calculated by the total length of transects multiplied by 30 m. The width of transects was estimated to be 10 m per person (Everick Heritage and RAPs) based on the assumption that each

person could examine a 5 m transect either side of their transect. Total coverage of the Project Area was estimated to be around 62 percent, however when effective coverage conditions were accounted for this was reduced to around five percent. It is considered that 10 percent effective coverage would be more acceptable, however, it should be noted that a large part of the Project Area sits within the conservation area (Precinct D) which will not be impacted. Table 7-2 provides details of survey coverage.

Table 7-2: Summary of survey coverage

Survey Unit	Landform	Area (m2)	Coverage in m2 (%)	Exposure (%)	Visibility (%)	Effective coverage in m2 (%)	New sites/PADs located
Precinct A	Crest, upper slope	55,402.638	31,296.48 (56.5)	10	10	313 (.6)	PAD 5 extension
Precinct B	Swamp, low elevated rise adjacent to swamp	9,460.736	3,573.255 (37.8)	10	30	107 (1)	PAD 6
Precinct C	Swamp	6,734.501	2,232.14 (33)	10	30	404 (6)	Nil
Precinct D	Crest, upper middle and lower slope, basalt line creeklines	119,441.255	82,114.14 (69)	20	30	4,927 (4)	Saddle Road 21 (AHIMS ID 04-5-0384); Saddle Road 22 & 23
Total		191,039.130	119,216.015 (62.5)			5,751 (4.8)	

7.6. Survey results

One new Aboriginal site, a quarry, Saddle Road 21 (AHIMS ID 04-5-0384) was identified during the survey. The quarry is a large boulder comprising sedimentary breccia sitting at the lower slope above the Tuggerah soil landscape from which it is likely to have originated (Figure 7-4). Breccia is a type of sedimentary rock that is characterized by its distinctive appearance, which consists of angular rock

EVERICK HERITAGE

fragments and clasts that are cemented together. These rock fragments can vary in size and are typically surrounded by a fine-grained matrix as the cementing material. Breccia forms through a process known as brecciation, which involves the fracturing and reassembly of rocks.

There is evidence of negative flaking scars along the edges of the boulder (Figure 7-5) and there is what appears to be debitage surrounding the slopes above the boulder for approximately 25 m north and west of the boulder (Figure 7-6; Figure 7-7; Figure 7-8).

Based on the photos it would appear that Saddle Road 07 (AHIMS ID 04-5-0347) and Saddle Road 17-20 (AHIMS ID 04-5-0335; AHIMS ID 04-5-0336; AHIMS ID 04-5-0334; 04-5-0356) are made from the same material as the quarried boulder (Table 6-2).

Two potentially culturally modified trees, (Saddle Road 22 and Saddle Road 23), were also located during the survey (Figure 7-9; Figure 7-10). The trees appear to be mature in age and could be Apple Box (*Eucalyptus bridgesiana*). Generally, an open woodland species, it is known for the high quality of the honey produced from bees feeding on the flowers

(https://en.wikipedia.org/wiki/Eucalyptus_bridgesiana). It can be noted from Figure 4-3 that a small number of trees in the same locality survived clearing including possibly Saddle Road 21 and Saddle Road 22). These trees have not yet been registered pending examination by an arborist.

Two areas of PAD were also identified. One is an extension of previously identified PAD 5 and the other is part of the previously identified PAD 6 (Everick Heritage 2019). Both PADs are on low lying but slightly elevated level areas adjacent to the swamp landform (Tyagerah soil landscape). Both PADs are assessed as being of low archaeological potential with likely subsurface deposits, if present, comprising very low-density subsurface scatters of stone artefacts (Table 7-3).

Table 7-3: PAD area and potential

Pad ID	Area (m2)	Predicted archaeological potential	Likely subsurface deposit
PAD 5 extension	6,160.398	Low	Very low density artefact deposits
PAD 6 extension	1,714.602	Low	Very low density artefact deposits

7.6.1. Precinct A

There are three previously registered Aboriginal sites within or on the boundary of Precinct A:

- AHIMS ID 04-5-0347
- AHIMS ID 04-5-0356
- AHIMS ID 04-5-0336

Only two of the sites were able to be located. These were AHIMS ID 04-5-0347 and AHIMS ID 04-5-0336 (Table 6-2).

No further Aboriginal sites or objects were found within Precinct A during the survey. One new area of PAD was identified. It is an elevated, level area adjacent to low-lying swampy land to the southwest of Precinct A (Figure 7-11; Figure 7-12) and is an extension to the existing PAD 5 (Table 7-2; Figure 7-1).

Overall, ground surface visibility across Precinct A was under five percent and comprised exposures along fence lines (Figure 7-13) and the edges of the break of slope (26 m contour line) (Figure 7-14). An exposure just on the border of Precinct A was inspected in detail (Figure 7-15). This exposure is the general location of AHIMS ID 04-5-0356 which was not found.

7.6.2. Precinct B

There are no previously registered Aboriginal sites within Precinct B. Most of Precinct B comprises the low-lying swampy Tuggerah soil landscape which was waterlogged at the time of survey. One elevated, level area adjacent to the low-lying Tuggerah landscape was confirmed as part of the previously identified PAD 6 (Everick Heritage 2019). Although two test pits have been previously excavated in this area with no result it was discussed in the field with the RAPs that there was further scope for test excavation in this PAD, particularly as there is stated to be a natural spring close by. There is currently a dam in this location, potentially fed by the spring. Overall, ground surface visibility was around 10 percent, mainly due to cow trampling of the waterlogged soils (Figure 7-3).

7.6.3. Precinct C

There are no previously registered Aboriginal sites within Precinct C. All of Precinct C comprises the low-lying swampy Tuggerah soil landscape which was waterlogged at the time of survey. No area of PAD was identified. Overall, ground surface visibility was around 10 per cent, mainly due to cow trampling of the waterlogged soils (Figure 7-3).

7.6.4. Precinct D

There are five previously registered Aboriginal sites within or on the boundary of Precinct D:

- AHIMS ID 04-5-0334
- AHIMS ID 04-5-0356
- AHIMS ID 04-5-0344
- AHIMS ID 04-5-0149
- AHIMS ID 04-5-0335

None of the above sites were able to be located. These are predominantly recorded on the slope above Saddle Road 21 (AHIMS ID 04-5-0384) where vegetation (leaf and vegetation litter) is high and background effect from broken basalt and silcrete conglomerate (possibly from Saddle Road 21) is also high.

As previously described, one new Aboriginal site, a quarry and reduction site, Saddle Road 21 (AHIMS ID 04-5-0384) was identified during the survey. The quarry is a large boulder of conglomerate material sitting at the lower slope above the Tuggerah soil landscape (Figure 7-4). It is estimated that quarrying debris in the form of reduction debitage extends for approximately 25 m upslope of the quarried boulder.

Two culturally modified trees were recorded just outside of the northeast boundary of Precinct A (Figure 7-9; Figure 7-10). The Project Area has previously been extensively cleared, however it would seem from the historic aerials these trees may have remained extant (Figure 4-3). These trees will not be impacted as they are within the proposed Conservation Area. It is recommended an arborists assessment of the trees be undertaken to determine age and any mitigation measures to ensure their conservation.

7.7. Summary and discussion

One Aboriginal site, Saddle Road 21 (AHIMS ID 04-5-0384) was identified during the survey. This site is an Aboriginal surficial hardstone quarry, that is the location of an exploited stone source – a boulder comprising sedimentary breccia most likely of a marine source, probably the adjacent Tyagarah soil landscape.

All hard stone quarries recorded in NSW are sources of rock with quarry pits and/or stone artefact scatters which have been interpreted as an indication that stone had been procured from this location (Hiscock and Mitchell 1990). In the case of Saddle Road 21 (AHIMS ID 04-5-0384,) there was evidence of

quarrying along the edges of the boulder itself. Negative bulbs of percussion indicating the edge of the boulder (platform) had been struck to remove large primary flakes. In all likelihood, these were removed for artefact manufacture elsewhere, although there were large amounts of debitage of similar material found up to at least 25 m upslope. Without further, more detailed recording it was difficult to assess whether this debitage was the result of reduction of the main raw material source or not. Certainly, all of the exposed boulders along the numerous ephemeral creeks and other exposures in the Project Area were basalt.

It is noted by Hiscock and Mitchell (1990: Table 4.13) that although flaked stone reduction sites on quarries were recorded across a large range of environments the majority (30 per cent) occurred on hills and ridges where rock outcrops occur. This occurrence is not dissimilar to where isolated artefacts and stone artefact deposits occur across the Project Area and also where there appears to be a spread of debitage upslope from the source.

The inability to relocate previously identified sites and objects can be attributed to the heavy ground cover (grass and leaf litter) and potentially movement by cattle through the area causing artefacts to move downslope from where originally recorded.



Figure 7-1: Survey transects and results (Saddle Road 21-23; PAD 5 ext and PAD 6 ext)

Table 7-4: Results of the archaeological survey – all photos by V. Edmonds, 4 & 19 September 2023

Photograph	Description
	Figure 7-2: One of the numerous basalt lined ephemeral creeks traversing the Project Area
	Figure 7-3: The Tyagerah soil landscape – swampy, low-lying landscape with cattle pad exposures






Photograph	Description
	<p>Figure 7-4: Looking southeast from Saddle Road 21 (AHIMS ID 04-5-0384) across the Tyagerah soil landscape – swampy, low-lying landscape</p>



Figure 7-5: Flaked stone edges along Saddle Road 21 (AHIMS ID 04-5-0384)

Photograph	Description
	<p>Figure 7-6: Upslope waste from quarrying Saddle Road 21 (AHIMS ID 04-5-0384). Also general location of Saddle Road 19 (04-5-0334) and Saddle Road 20 (04-5-0356)</p>
	<p>Figure 7-7: Potential waste or debitage littering the slope above Saddle Road 21 (AHIMS ID 04-5-0384)</p>

Photograph	Description
	<p>Figure 7-8: Close up of waste or debitage from quarrying Saddle Road 21 (AHIMS ID 04-5-0384)</p>
	<p>Figure 7-9: Saddle Road 22 and 23. View east</p>

Photograph	Description
	Figure 7-10: Saddle Road 22 and 23. View east
	Figure 7-11: PAD 5 extension mid photo. View north

Photograph



Description



Figure 7-12: PAD 5 extension mid photo. View northwest



Figure 7-13: PAD 5. View southwest

Photograph	Description
	<p>Figure 7-14: Edge of PAD 5 in foreground showing exposures at break of slope. View southwest across to Saddle Road 20 (AHIMS ID 04-5-0384) in trees near base of far slope</p>
	<p>Figure 7-15: Exposure at edge of PAD 5</p>

8. Cultural values assessment

8.1. Cultural landscapes

Cultural landscapes are defined as:

A place or area valued by an Aboriginal group (or groups) because of their long and complex relationship with that land. It expresses their unity with the natural and spiritual environment. It embodies their traditional knowledge of spirits, places, land uses, and ecology. (US/ICOMOS 1996 in Andrews et al 2006).

Andrews et al (2006) suggest the following guiding principles for evaluating Aboriginal cultural landscapes.

- The long associated Aboriginal group or groups have participated in the identification of the place and its significance, through the consultation process. This principle ensures that Aboriginal peoples will be consulted, involved and participate in the identification of frameworks and sites.
- Spiritual, cultural, economic, social and environmental aspects of the group's long attachment with the identified place, including continuity of use and traditions, social and kinship relationships, intimate knowledge of the area, and spiritual affiliations illustrate its cultural value.
- The interrelated cultural and natural attributes of the identified place make it a valued cultural landscape. Recognising the integrated nature of Aboriginal relationship to place, including the inseparability of cultural and natural values. Tangible evidence may be largely absent, with the attributes primarily in oral and spiritual traditions and in activities related to the place. However, there could be tangible attributes which include natural resources, archaeological sites, burials/graves, material culture, and written or oral records.

This guiding principle also recognises natural components such as ecosystem, climate, geology, topography, water, soils, views, and dominant and culturally significant fauna and flora in the context of the associated Aboriginal people's relationship to the place.

- The cultural and natural attributes that embody the significance of the place are identified through traditional knowledge of the associated Aboriginal group(s) including traditional environmental knowledge, narratives, place names, language, traditional uses, rituals, and behaviour related to the

identified place. It recognises that some knowledge cannot be shared, but available knowledge must be sufficient to demonstrate the significance of the place in the culture of the associated group.

- The cultural and natural attributes that embody the significance of the place may be additionally understood through academic studies such as histories, including oral history and ethno-history, archaeology, anthropology, and environmental sciences.

Aboriginal cultural knowledge was traditionally bequeathed through oral traditions from generation to generation. Within all Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of colonial settlers. This widespread disruption resulted in much of the detailed knowledge and understanding of many of the elements of the cultural landscape being lost from the Aboriginal community, nonetheless many Aboriginal people maintain a strong connection to the land of their ancestors and collectively possess a wealth of knowledge passed down through the generations.

8.2. Methodology

The cultural assessment in this report includes information collected through academic research, and consultation during the previous assessment conducted by Everick Heritage (2019), the current field survey and through the consultation period for the review by Arakwal.

8.3. Identified Aboriginal cultural heritage values

- The Project Area is stated to be adjacent to an Aboriginal pathway from ceremonial grounds at Tweed Heads through to the northwest
- Two small springs have been identified, one of which is located in Precinct D near the dam. These springs have been identified as having significant intangible cultural heritage values.
- The Mullumbimby Stone Arrangement (AHIMS ID 04-5-0041) is of high cultural significance but is located outside the Project Area.

It is anticipated that further cultural values will be identified by the Arakwal during the ACHAR review period.

9. Significance assessment

9.1. Significance assessment criteria

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. The Guide (OEH 2011: 10) provides guidelines for identification and assessment of cultural significance assessment with reference to the Burra Charter (Australia ICOMOS 2013) and the NSW Heritage Office guidelines (2001):

- Social values – does the area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.
- Historic values – is the area important to the cultural or natural history of the local area and/or region and/or state
- Scientific values - does the area have the potential to yield information that will contribute to an understanding of the cultural and natural history of the local area and/or region and/or state
- Aesthetic values – is the area important in demonstrating aesthetic characteristics in the local and/or region and/or state.

Scientific values should be further considered in light of the following criteria (OEH 2011: 10) and rated low, moderate or high:

- Research potential - does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?
- Representativeness - how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?
- Rarity - is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?
- Education potential - does the subject area contain teaching sites or sites that might have teaching potential?

9.2. Scientific significance assessment

Only one new Aboriginal site was recorded during this archaeological survey. Saddle Road 21 (AHIMS ID 04-5-0384) is an Aboriginal quarry and reduction site. This type of site is very rare locally and within the region and offers potential for research and education. Saddle Road 21 (AHIMS ID 04-5-0384) is therefore assessed as having high scientific significance (Table 9-1).

The remainder of the sites were assessed by Everick Heritage (2019) as being of moderate scientific significance (Everick Heritage 2019: 71-72).

Table 9-1: Summary of scientific significance

Site name (AHIMS ID)	Research value	Education potential	Representative value	Rarity	Overall scientific significance
Saddle Road 21 (04-5- 0384)	High	High	High	High	High

9.3. Social significance assessment

The registered Aboriginal party representatives participating in the survey did not mention the Saddle Road sites were of specific social significance, however all confirmed the importance of these sites as part of the general cultural landscape which is of high social significance to contemporary communities as a direct link to the ceremonial and daily activities of their ancestors.

9.4. Historic significance assessment

Background research has not established any specific historic significance for the Saddle Road sites or Project Area.

9.5. Aesthetic significance assessment

The Saddle Road sites can be viewed as being located within an aesthetically pleasing landscape with sources of freshwater, raw materials such as stone and forest products as well as game mostly on elevated

land overlooking a swamp. Although more heavily forested prior to settlement it is assumed the break of slope and basalt exposures would have offered some relief from the dense forest.

9.6. Summary statement of significance

The Project Area forms part of a wider cultural landscape that comprises Aboriginal pathways, ceremonial sites and resource gathering sites. There are a number and variety of Aboriginal sites and objects within the Project Area that complement and support the cultural significance of the wider landscape which indicates the sites are of moderate to high social significance. The sites are located within a moderately aesthetically pleasing landscape. One Aboriginal site, Saddle Road 21 (AHIMS ID 04-5-0384) is of high scientific significance due to its regional and local rarity and the ability of this site to further our knowledge of past Aboriginal utilisation of the landscape. The remainder of the sites have been previously assessed as being of low scientific significance.

10. Impact assessment

10.1. Summary of impacts

Table 6-2 and Figure 6-4 provide details and show the location of Aboriginal sites in relation to the Project Area. Table 10-1 summarises the direct and potential impact to sites within the Project Area. Table 10-1 indicates that one Aboriginal site (AHIMS ID 04-5-0348) would be directly impacted by the Project. However, it can also be seen from Table 10-1 that at least two further Aboriginal sites (AHIMS ID 04-5-0336 and 04-5-0347) could also be indirectly impacted being within the Asset Protection Zone (APZ) of Precinct A.

Table 10-2 indicates that both PAD extensions reidentified during the survey will be directly impacted by the Project.

Table 10-1: Impact assessment for Aboriginal sites within the Project Area

Site name (AHIMS ID)	Precinct/impact zone	Site type/feature	Impact type	Potential
Saddle Road 19 (04-5-0334)	D	Isolated stone artefact (surface)	None	Well outside impact zone
Saddle Road 17 (04-5-0335)	D	Isolated stone artefact (surface)	None	Directly adjacent to but outside impact zone
Saddle Road 18 (04-5-0336)	A	Isolated stone artefact (surface)	Potential indirect	Within APZ of Precinct A
Saddle Road 20 (04-5-0356)	A	Isolated stone artefact (surface)	None	Directly adjacent to but outside impact zone
Saddle Road 9 (04-5-0346)	D	Isolated stone artefact (surface)	None	Well outside impact zone
Saddle Road 7 (04-5-0347)	A	Stone artefact scatter (surface)	Potential indirect	Within APZ of Precinct A

EVERICK HERITAGE

Site name (AHIMS ID)	Precinct/impact zone	Site type/feature	Impact type	Potential
Saddle Road 6 (04-5-0348)	A	Stone artefact scatter (subsurface)	Direct	Within Precinct A
(04-5-0149)	D	Midden (subsurface)	None	Well outside impact zone
Saddle Road 8 (04-5-0344)	D	Midden (subsurface)	None	Well outside impact zone
Saddle Road 21	D	Quarry	None	Well outside impact zone
Saddle Road 22 (N/A)	D	Culturally scarred tree (N/A)	None	Well outside impact zone
Saddle Road 23 (N/A)	D	Culturally scarred tree (N/A)	None	Well outside impact zone

Table 10-2: PADs impacted by the Project

PAD ID	Precinct	Archaeological potential	Impact type
PAD 5 ext	B	Low	Direct
PAD 6 ext	A	Low	Direct

10.2. Ecologically sustainable development principles

The Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011) specifies that Ecologically Sustainable Development (ESD) principles must be considered when assessing harm and recommending mitigation measures in relation to Aboriginal objects.

The following relevant ESD principles are outlined in Section 3A of the *EPBC Act*:

- Decision-making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations (the 'integration principle')

- If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the Precautionary Principle)
- The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the Principle of Intergenerational Equity).
- The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making (Conservation of Biodiversity).
- Improved valuation, pricing and incentive mechanisms should be promoted (Improved Valuation, Pricing and Incentive).

OEH (2011: 13) states that consideration of these principles should result in:

- An understanding of the cumulative impact of the proposal on Aboriginal objects or places in relation to other identified sites in the region.
- Ascertaining how wherever possible or practicable harm to significant Aboriginal objects or places can be avoided.
- Establishing and assessing the risks and consequences of various options.
- Assessing the costs and benefits of various options for future generations.
- Suggesting actions proposed to help promote intergenerational equality.

10.2.1. The Integration Principle

The Aboriginal heritage values of the Project Area and its place within the surrounding landscape have been fully considered within this ACHAR. These values have been considered with regard to the planning and approvals process for the Project Area and therefore, comply with the integration principle by considering long term and short term environmental and social effects through the ACHAR.

10.2.2. The Precautionary Principle

Two Aboriginal sites (AHIMS ID 04-5-0336 and 04-5-0348) would be directly impacted by the Project but at least five further Aboriginal sites could also be directly or indirectly impacted due to their proximity to the impact zone due to their proximity to the impact zone. As a precaution, management and mitigation measures have been provided in the recommendations.

10.2.3. The Principle of Intergenerational Equity

The principle of intergenerational equity has been addressed through consultation with the RAPs and

10.3. Conservation of Biodiversity

Cultural values associated with biodiversity are interwoven with the lives of Aboriginal people and their use of the landscape. The proposed works are being undertaken in consideration of impacts to the local environment. Precinct D, the largest precinct in the Project Area, has been set aside for conservation purposes. This includes the conservation of Aboriginal and archaeological values, given that the majority of registered Aboriginal sites are located in Precinct D.

10.3.1. Improved Valuation, Pricing and Incentive

The Proponent is committed to cultural heritage protection as a key component of Project development. The costs and time required to ensure there are high standards of assessment and protection measures are maintained as a standard part of the development planning.

10.3.2. Summary statement of ecologically sustainable principles

The likelihood of impact from the project on Aboriginal objects or places is minimal. The impact from construction works will result in the direct impact to at least two Aboriginal site, potentially directly to two further Aboriginal sites and also potentially indirectly to three Aboriginal sites (Table 10-1). All sites except for two potentially culturally scarred trees are isolated surface stone artefacts and one small low density subsurface stone artefact scatter all of the latter of which have been assessed as being of low scientific significance.

In addition, two areas of PAD (Table 10-2) will be directly impacted however, these have been assessed as being of low archaeological potential.

The management measures provided in section 11 have considered the direct and potential indirect impacts to Aboriginal sites and cultural values within the Project Area and provided protection and mitigation measures to offset the impacts. The intergenerational equity principle has been considered with regard to Saddle Road 21 (AHIMS ID 04=-5-0384) which is of high scientific significance.

10.4. Cumulative impact

A cumulative impact is the combined effects of environmental or social impacts that occur because of a range of activities or developments within a particular local area or region that impact on Aboriginal cultural heritage. Ideally cumulative impacts should be assessed from a baseline of data relating to the incremental impact of the actions of a development when added to other past, present and reasonably foreseeable future impacts.

Of the 22 AHIMS registered sites within the search area there are 44 different site components 24 of which comprise the feature – stone artefact. Five isolated stone artefacts and three stone artefact scatters are located in the Project Area. This number includes the potential reduction site associated with the quarry. Of these, two would be directly impacted and a further three would be potentially impacted, all of which have been assessed as being of low scientific significance. This is estimated to be approximately 20 percent of the stone artefact components in the search area which is not an insignificant cumulative impact. In addition, it is understood that further development is proposed in the Saddle Road area which may increase the cumulative impact on stone artefacts and scatters. This cumulative impact has been considered in the recommendations and mitigation measures.

11. Recommendations

11.1. Site avoidance

The overall guiding principle for cultural heritage management is that where possible, Aboriginal sites should be conserved. If conservation is not practicable, measures should be taken to mitigate against impacts to Aboriginal sites.

Currently, one Aboriginal site would be directly impacted with a further two Aboriginal sites potentially indirectly impacted (Table 10-1). All of these sites comprise stone artefacts which have been previously assessed as being of low scientific significance. Avoidance can be achieved by ensuring that all three sites are located within the APZ and this is the preferred option.

It must be noted that these recommendations are proposed to provide clarification for the DA and that further actions will be required to accompany any AHIP application. The recommendations below will also be informed by the Arakwal in their responses during the final stage of consultation.

11.2. Further archaeological assessment

11.2.1. Test excavation

It is recommended in consultation with the Arakwal that prior to development proceeding a small amount of further test excavation in accordance with the Code of Practice occur within PAD 5 extension and PAD 6 extension to determine whether subsurface artefacts are present. The PADs are of low archaeological potential and it is likely that where present subsurface deposit will comprise very low density artefact scatters. It is unlikely that test excavation will shed much further light on the nature of subsurface archaeological deposit in the Project Area but may provide some further information on the extent of Aboriginal occupation of Project Area.

11.2.2. Detailed archaeological recording

It is recommended that detailed archaeological recording of Saddle Road 21 (AHIMS ID 04-5-0384) is undertaken. Although this site is within the conservation zone, its detailed recording will fulfil the ESD

principles and will provide vital information for past and future Aboriginal archaeological and cultural assessment in the region.

11.3. Aboriginal Heritage Impact Permit

While there is potential to avoid all Aboriginal sites by ensuring these are located within an APZ, currently, it is recommended that an area AHIP is applied for Precinct A prior to the proposed development proceeding but including the following sites, which are either inside Precinct A or within the APZ of Precinct A:

- Saddle Road 18 (AHIMS ID 04-5-0336)
- Saddle Road 7 (AHIMS ID 04-5-0347)
- Saddle Road 6 (AHIMS ID 04-5-0348)

One of the primary reasons for the area AHIP is that only two of these sites could be found during the survey being AHIMS ID 04-5-0347 and AHIMS ID 04-5-0336. Saddle Road 6 (AHIMS ID 04-5-0348) is a subsurface artefact scatter identified through test excavation with the artefacts being reburied on site in the test pit. Therefore, it would be necessary to recover these through further excavation.

It is anticipated that the AHIP would include community collection of the above sites. Long term management strategy of the artefacts collected by the community will need to be determined through further community consultation. One option would be to rebury the artefacts on site in Precinct D at an agreed location between the proponent and the Arakwal.

11.4. Aboriginal Cultural Heritage Assessment Report

Following test excavation of PAD 5 and PAD 6 extensions and detailed recording of Saddle Road 21 (AHIMS ID 04-5-0384) an updated ACHAR would need to be prepared to accompany the AHIP application. This will require a separate Archaeological Technical Report detailing the further archaeological survey undertaken for this ACHAR and any test excavation. This final ACHAR would provide any further detailed recommendations for sites within the Project Area in consultation with the Arakwal.

11.5. Consultation Requirements

Heritage NSW require that the Consultation Requirements are kept updated every six months to ensure continuation of process. Consequently, the Arakwal must be kept updated during the DA process which can take up to 12 months.

11.6. Arborists assessment

It is recommended that an arborist provide an assessment of The Saddle Road 22 and The Saddle Road 23 to ascertain the age of the trees and the origin of the scarring. This report would form an appendix to the final ACHAR. Should these trees be assessed as being cultural in original Aboriginal Site Recording Forms must be submitted to AHIMS. The arborist would provide measures to be followed for their protection and preservation. It is possible that a suitable NO GO barrier may need to be implemented to protect the trees from visitation.

11.7. Aboriginal Cultural Heritage Management Plan

It is recommended that prior to construction proceeding an Aboriginal Heritage Management Plan is prepared for the Project Area in consultation with Arakwal to assist with the long term management of Aboriginal sites.

References

Andrews, G., Daylight, C., Hunt, J. 2006. Aboriginal Cultural Heritage Landscape Mapping of Coastal NSW. Prepared for the Comprehensive Coastal Assessment by the Department of Natural Resources, Sydney.

Australia ICOMOS. 2013. Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013.

Byrne, D. 1987. The Aboriginal and Archaeological Significance of the New South Wales Rainforests. Unpublished report to the Forestry Commission of New South Wales and the Australian Heritage Commission.

Byrne, J.J. 1946. 'More About the Tweed Aborigines', The Tweed Daily, 5 January 1946.

Collins, J.P. 1991. Byron Shire Aboriginal Heritage Study. Unpublished report to Byron Shire Council.

Collins, J.P. 1996. Pacific Highway Ewingsdale to Tyagarah Byron Shire – Archaeological Assessment of Proposed Dual Carriageway Corridor. Unpublished report to the Road Traffic Authority.

Creamer, H.F.W. 1984. Preliminary report on investigations of Aboriginal Sites in the Woodenbong area of Northern New South Wales.

Crowley, T. 1978. *The Middle Clarence Dialects of the Bundjalung*. Australian Institute of Aboriginal Studies, Canberra

Curr, E.M. 1887. *The Australian Race*. Government Printery, Melbourne.

Department of Environment Climate Change & Water. 2010a. Aboriginal cultural heritage consultation requirements for proponents 2010. Department of Environment Climate Change & Water NSW.

Department of Environment Climate Change & Water. 2010b. Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010. Department of Environment Climate Change & Water NSW.

Everick Heritage 2019. The Saddle Road Rezoning, Brunswick Heads, NSW: Aboriginal Cultural Heritage Assessment Report (January 2019). Everick Heritage Consultants unpublished report prepared for Planners North and Balanced Advice.

EVERICK HERITAGE

Everick Heritage 2020a. Tweed Byron Hinterland Trail, Nightcap Walking Trail. Aboriginal Cultural Heritage Assessment Report. Everick Heritage Pty Ltd unpublished report prepared for NSW National Parks and Wildlife Services.

Everick Heritage 2020b. Brunswick Heads Revetment Wall: Aboriginal Cultural Heritage Assessment. Everick Heritage Pty Ltd unpublished report prepared for Public Works Advisory.

Everick Heritage 2021. Reflections Holiday Park Ferry Reserve, Brunswick Heads, NSW: Aboriginal Cultural Heritage Assessment. Everick Heritage Pty Ltd unpublished report prepared for Reflections Holiday Parks.

Everick Heritage 2022. Banyan Hill Stage 10 and 11, Cumbalum, NSW: Aboriginal Cultural Heritage Assessment. Prepared for Intrapac.

Everick Heritage 2023. 412 Ewingsdale Road, Byron Bay, Northern NSW: Aboriginal Cultural Heritage Assessment. Unpublished Report prepared for Gousse Holdings Pty Ltd.

Godwin, L. And W. Creamer. 1984. Ethnology and archaeology on the North Coast of NSW. *Queensland Archaeological Research* 1.

Godwin, L. 1999. 'Two steps forward, one back: some thoughts on the settlement models for the north coast of New South Wales', in Hall, J & McNiven, IJ (eds), *Australian coastal archaeology, Research papers in archaeology and natural history*, 31, ANH Publications. Department of Archaeology and Natural History RSPAS, Australian National University, Canberra, pp. 211-217.

Heritage Office. 2001. Assessing heritage significance. NSW Heritage Office.

Hiscock, P. and S. Mitchell

Hughes, P. 1998. Proposed Upgrade of Pacific Highway at Tandys Lane. Aboriginal Archaeological Assessment. Unpublished report to Kinhill Pty Ltd and the Road Traffic Authority.

Lomax, K. 1995a. Survey for Archaeological Sites Brunswick Heads Bypass, Far North Coast, New South Wales. A report to the Roads and Traffic Authority.

Lomax, K. 1995b. RTA ridge 1 (NPWS site no. 4-4-0081) and Ridge Saddle Excavations, Brunswick Heads Bypass, Far North Coast, NSW. A report to the Roads and Traffic Authority.

Northern Star 1950. Obituary – W. Baker. Friday 15 December 1950, p.9. Accessed 15 June 2023 from <

EVERICK HERITAGE

<https://trove.nla.gov.au/newspaper/article/225403038?searchTerm=william%20baker%20brunswick%20heads>>

Office of Environment and Heritage. 2011. Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW. Office of Environment and Heritage, Department of Premier and Cabinet, Sydney.

Reed, A.W. 1967. Aboriginal Place Names. Reed Books Pty Ltd, Frenchs Forest.

Resilient Lands Reference Group 2023. Northern Rivers Resilient Lands Strategy – Summary Report.

Tindale, N.B. 1974. Aboriginal Tribes of Australia: Their Terrain, Environmental Controls, Distribution, Limits, and Proper Names. University of California Press, Berkeley.

Appendix A – Newspaper notice

Narelle Underwood
Chair

For more information:
visit nbb.nsw.gov.au
346 Panorama Ave
BATHURST NSW 2795

EVERICK HERITAGE
Aboriginal Cultural Heritage Assessment

Lot 2 DP1 159910 Saddle Road,
Brunswick Heads, NSW 2483

Everick Heritage Pty Ltd invites Aboriginal people and Aboriginal groups who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places for Lot 2 DP1 159910 Saddle Road, Brunswick Heads, NSW 2483 (NSW) to register to be consulted. The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5 ha of Lot 2 for an employment land use. The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's Northern Rivers Resilient Lands Strategy – Summary Report.

The purpose of consultation with Aboriginal people is to assist the proponent in the preparation of an Aboriginal Cultural Heritage Assessment Report and if required, an application for an Aboriginal Heritage Impact Permit to assist the Executive Director of Heritage NSW's (Department of Planning and Environment) consideration and determination of the application.

Please note that details of the Aboriginal people or organisations who register an interest in consultation will be forwarded to Heritage NSW and Tweed Byron Local Aboriginal Land Council.

Please advise at the time of registration if you do not wish for your details to be released to the relevant organisations.

For more information please contact:
Abel East, Development Director
Creative Capital
M: 0421 439 927
44/1 Porter Street, Byron Bay, NSW 2481
E: abel@thecreativecapitalcompany

To register your interest, please contact:
Matthew Finlayson, Experienced Archaeologist
E: mfinlayson@everick.net.au
Everick Heritage Pty Ltd
68 Reserve Street, Annandale, NSW 2038
T: 02 9552 2944

Registrations must be received by phone or in writing by 12 July 2023.

www.echo.net.au

Rudolf Steiner School
Inspired Creative Academic Nurturing

**HS RELIEF TEACHERS
MATHEMATICS & SCIENCE**

Cape Byron Steiner School is a vibrant and progressive K-12 school dedicated to the educational principles inspired by Rudolf Steiner.

We are currently looking for suitably qualified **High School Mathematics and Science Teachers** for relief work. Previous experience in Steiner Education would be desirable.

Applicants will be registered or eligible to register with the NSW Institute of Teachers and hold a current NSW Working with Children Check.

Please send expressions of interest to:
employment@capebyronsteiner.nsw.edu.au

32mm thick.
Approx. 1.2 cubic metres per pallet
Ph: 0428 263 086

Firewood Sales

Get your firewood early

MARK - 0427490038

Tip Runs & Rubbish Removal

0408 210 772

CARAVANS

CARAVANS
We buy, sell & consign.
All makes & models.
0408 758 688

SHORT TERM ACCOM.

IMMACULATE 4 bedroom home, walk into Mullumbidgee. Available from 2/8/23 for 3-4 months. Fully furnished \$900-\$1000 per week. Ph 0492802830

SHARE ACCOM.

SUNRISE Lge rm, 3bdr 1/2house. \$260p/w. Working person, no pets. 66856760.

TO LET

LOCAL REMOVAL
& backroads to Brisbane. Friendly, with 10 years local exp. 0409917646

Small House

New, 1 person only.
Fully furnished.
Linen supplied.
No outgoing, incl. Wi-Fi.
\$600 per week.
Ph 0402 061 110

LJ Hooker

RESIDENTIAL
Brunswick Heads
3 Bed 2 Bath \$700-\$900 neg
2 Bed 1 Bath \$900
South Golden Beach
2 bed 1 Bath \$550

LJ Hooker Brunswick Heads
6685 0177
5/16 The Terrace, Brunswick Heads

Appendix B – Consultation log

Date	Type (email/phone call)	Contact (from)	Contact details	Organisation (from)	Contact (to)	Organisation (to)	Document Type	Discussion
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	Senior Team Leader	Heritage New South Wales	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	Northern Zone Office	Northern Zone Local Governemnt Area	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	NTSCorp	NTSCorp	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	The Office of the Registrar	The Office of the Registrar	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	CEO	Tweed-Byron Local Government Area	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	Byron Shire Council	Byron Shire Council Local Governmnet Area	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	North Coast LLS	North Coast Local Land Service	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	Geospatial Search Requests	Geospatial Search Requests	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Geospatial Search Requests	GeospatialSearch@NN TT.gov.au	Geospatial Search Requests	Grace Eldon	Everick Heritage	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
9/06/2023	Email	The Office of the Registrar	brendan.smith167@or alra.nsw.gov.au	The Office of the Registrar	Grace Eldon	Everick Heritage	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
13/06/2023	Email	Senior Team Leader	Barry.Gunther@environ ment.nsw.gov.au	Heritage New South Wales	Grace Eldon	Everick Heritage	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
21/06/2023	Phone	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Matt Finlayson	Everick Heritage	Expression of Interest	Confirmation that NTSCorp have passed on details of Saddle Road assessment to register interest. Requires dates for fieldwork to pass on to Native Title Representatives. Matt confirms dates are still TBD pending completion of the initial consultation stages and submission of a methodology to RAPS
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Brent Emmons	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Marcus Ferguson		Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Lois Cook		Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Diana Astin	Girragirra Murun Aboriginal Corporation	Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Thomas Dahlstrom		Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Maurice Gannon	Tweed Byron LALC	Notice of Intent	Request for registration of interest by 10 July 2023

EVERICK HERITAGE

Date	Type (email/phone call)	Contact (from)	Contact details	Organisation (from)	Contact (to)	Organisation (to)	Document Type	Discussion
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Troy Anderson	Numbahging People	Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Raymond Moon	Wingarra Wilay Aboriginal Corporation	Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Phone	Lois Cook	aboriginalconcepts@gmail.com	Lois Cook	Matt Finlayson	Everick Heritage	Invite to Register Response	Lois Cook expresses interest in Project. Notes previous work has been done before and that she was involved in the last project. Notes a silcrete outcrop / quarry and ceremonial site were found up on Saddle Road as per the previous study. Matt responds that he will register Lois and will be providing the methodology in due course. No decisions have been made yet as to the nature of any test excavations required.
26/06/2023	Email	Marcus Ferguson	mferguson310574@gmail.com	Marcus Ferguson	Matt Finlayson	Everick Heritage	Invite to Register Response	Registration as a RAP
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Marcus Ferguson		Expression of Interest	Confirmation of receipt of registration
27/06/2023	Email	Maurice Gannon	sites@tblalc.com	Tweed Byron LALC	Matt Finlayson	Everick Heritage	Invite to Register Response	Registration as a RAP
03/07/2023	Email	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Matt Finlayson	Everick Heritage	Invite to Register Response	Registration as a RAP
03/07/2023	Email	Marcus Ferguson	mferguson310574@gmail.com	Marcus Ferguson	Vanessa Edmonds/Andrew Wilkinson	Everick Heritage	Invite to Register Response	Registration as a RAP EH responded with confirmation for registration
11/07/2023	Phone	River Williams	river.williams.93@gmail.com	Minjungbal Tribal Discretionary Trust	Matt Finlayson	Everick Heritage	Invite to Register Response	Registration as a RAP. Matt notes as registration is only a day late that the organisation will be registered.
11/07/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	River Williams	Minjungbal Tribal Discretionary Trust	Invite to Register Response	Receipt of registration
27/07/2023	Phone	Brent Emmons	brent@arakwal.com.au	BoBBAC (Arakwal)	Andrew Wilkinson	Everick Heritage	Admin/Meeting	Brent rang to inform of a silcrete quarry in the area that has cultural significance. Once fieldwork and consultation is underway this information will be provided.
31/07/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	All RAPs	All RAPs	Notice of Intent	Provision of archaeological methodology with request for comment and review by 28 August 2023.
	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Heritage NSW	Heritage NSW	Notice of Intent	Notice of completion of RAP Registration period and provision of RAP list
	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Maurice Gannon	Tweed Byron LALC	Notice of Intent	Notice of completion of RAP Registration period and provision of RAP list
28/08/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	All RAPs	All RAPs	Notice of Intent	Reminder to RAPs to comment on methodology by COB

EVERICK HERITAGE

Date	Type (email/phone call)	Contact (from)	Contact details	Organisation (from)	Contact (to)	Organisation (to)	Document Type	Discussion
28/08/2023	Email	Maurice Gannon	sites@tblalc.com	Tweed Byron LALC	Matt Finlayson	Everick Heritage	Methodology Response	Response to Methodology - Need clarity on Project Area vs previous study area. Recommend amendment to Figure 2. The preference by the community is that TBLALC stores any archaeological materials and objects in the Cultural Heritage Unit - pending resolution of long term management
31/08/2023	Phone	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Matt Finlayson	Everick Heritage	Methodology Response	Confirmation of receipt of methodology and will get back to Everick on site inspection availability. Charmaine notes that in the view of Arakwal, they would like to conduct the site inspection alone with Everick as the traditional owners and do not wish to share cultural information with other RAPs. Matt notes to Charmaine that under the ACHCRP guidelines and Native Title legislation, the full consultation process must be followed on private land not under crown tenure.
31/08/2023	Email	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Matt Finlayson	Everick Heritage	Methodology Response	Charmaine requests a separate site meeting. The Saddle Road matter is very sensitive in regards to heritage and cultural values. Arakwal notes the identification of numerous single artefacts, scatters, middens and possible sacred trees in the area. Aboriginal ceremonial sites may occur nearby but were not investigated in the previous studies.
1/09/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC (Arakwal)	Methodology Response	Vanessa notes Arakwal's objections, confirms separate site meeting can be done. Vanessa further reiterates latest Heritage NSW advice on a separate project in Byron where Heritage NSW specifically requested full consultation on land with private tenure.
12/09/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC (Arakwal)	Fieldwork	Queried whether Development Manager Abel East could attend on site
12/09/2023	Email	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Vanessa Edmonds	Everick Heritage	Fieldwork	Agreed with above request
18/09/2023	Email	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Vanessa Edmonds	Everick Heritage	Fieldwork Response	Confirming time for on site meeting
18/09/2023	Email x 2	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Vanessa Edmonds	Everick Heritage	Fieldwork Response	Confirming time for on site meeting; stating Leon and Terry Kelly would attend as cultural officers
19/09/2023	Survey					BoBBAC		Discussed recommendations for further test excavation; discussed results; Leon spoke of significance and probable location of spring

EVERICK HERITAGE

Date	Type (email/phone call)	Contact (from)	Contact details	Organisation (from)	Contact (to)	Organisation (to)	Document Type	Discussion
11/10/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Brent Eammons	BoBBAC	Admin/Meeting	Requesting information on artefacts from previous test excavation of Saddle Road. Brent responded he would ask Leon
11/10/2023	Email	Brent Emmons	brent@arakwal.com.au	BoBBAC (Arakwal)	Vanessa Edmonds	Everick Heritage	Admin/Meeting	Brent spoke with Leon who stated all artefacts uncovered during test pitting were bagged labeled and left in situ on site, placed in the test pit themselves.
20/10/2023	Email x 2	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Brent Emmons; Charmaine Roberts	BoBBAC	ACHAR	Explained recent discussion with Heritage NSW regarding exclusive consultation rights with Arakwal under their ILUA
20/10/2023	Email and letter	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	matt Finlayson; Everick Admin; Andrew Wilkinson	Everick Heritage	Methodology Response	Note letter dated 13/09/2023 -Detailed comments about why Everick Heritage is consulting with RAPs other than Arakwal. Comments on methodology included too much reliance on predictive model; stated work carried out to date in Arakwal country is flawed; emphasizing cultural values over not necessarily archaeology; wanted to see full survey of area; carefully consider comments
6/11/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC	ACHAR	Provided a dropbox link to the draft ACHAR
4/12/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC	ACHAR	Requested update on draft ACHAR review - no response
7/12/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC	ACHAR	Requested update on draft ACHAR review - no response
14/12/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts/Brent Eammons	BoBBAC	ACHAR	Requested timeframe for comments on ACHAR-no response
11/01/2024	Phone	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Brent Eammons	BoBBAC	Admin/Meeting	Called to organise a meeting to discuss several projects Everick are undertaking in BoBBAC ILUA
12/01/2024	Meeting	V. Edmonds/Brent Eammons		Everick Heritage/BoBBAC			Admin/Meeting	Meeting to discuss several projects Everick was undertaking in BoBBAC ILUA. Spoke about Saddle Road rezoning. Brent said they weren't quite there in their negotiations with Creative Capital so were not in a hurry to provide comments and that Charmaine Roberts would be back from maternity leave in 3 months. Brent stated it would not be appropriate for him to comment on the ACHAR without Charmaine's input. Vanessa mentioned that Creative Capital may submit the ACHAR to Council anyway

Appendix C – Consultation documentation

Letters to agencies

Letters to potential RAPs

RAPs registrations

Methodology to RAPs

Further RAP consultation documentation

Appendix D – ACHAR Methodology

Appendix A – Newspaper notice

Narelle Underwood
Chair

For more information:
visit nbb.nsw.gov.au
346 Panorama Ave
BATHURST NSW 2795

EVERICK HERITAGE
Aboriginal Cultural Heritage Assessment

Lot 2 DP1 159910 Saddle Road,
Brunswick Heads, NSW 2483

Everick Heritage Pty Ltd invites Aboriginal people and Aboriginal groups who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places for Lot 2 DP1 159910 Saddle Road, Brunswick Heads, NSW 2483 (NSW) to register to be consulted. The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5 ha of Lot 2 for an employment land use. The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's Northern Rivers Resilient Lands Strategy – Summary Report.

The purpose of consultation with Aboriginal people is to assist the proponent in the preparation of an Aboriginal Cultural Heritage Assessment Report and if required, an application for an Aboriginal Heritage Impact Permit to assist the Executive Director of Heritage NSW's (Department of Planning and Environment) consideration and determination of the application.

Please note that details of the Aboriginal people or organisations who register an interest in consultation will be forwarded to Heritage NSW and Tweed Byron Local Aboriginal Land Council.

Please advise at the time of registration if you do not wish for your details to be released to the relevant organisations.

For more information please contact:
Abel East, Development Director
Creative Capital
M: 0421 439 927
44/1 Porter Street, Byron Bay, NSW 2481
E: abel@thecreativecapitalcompany

To register your interest, please contact:
Matthew Finlayson, Experienced Archaeologist
E: mfinlayson@everick.net.au
Everick Heritage Pty Ltd
68 Reserve Street, Annandale, NSW 2038
T: 02 9552 2944

Registrations must be received by phone or in writing by 12 July 2023.

www.echo.net.au

Rudolf Steiner School
Inspired Creative Academic Nurturing

**HS RELIEF TEACHERS
MATHEMATICS & SCIENCE**

Cape Byron Steiner School is a vibrant and progressive K-12 school dedicated to the educational principles inspired by Rudolf Steiner.

We are currently looking for suitably qualified **High School Mathematics and Science Teachers** for relief work. Previous experience in Steiner Education would be desirable.

Applicants will be registered or eligible to register with the NSW Institute of Teachers and hold a current NSW Working with Children Check.

Please send expressions of interest to:
employment@capebyronsteiner.nsw.edu.au

32mm thick.
Approx. 1.2 cubic metres per pallet
Ph: 0428 263 086

Firewood Sales

Get your firewood early
MARK - 0427490038

White Horses and Dark Knights

Could poetry ever be a matter for calculation? Could chess be inspired by a Muse? In this story two very different worlds collide.

David Lovejoy's book is available at *The Echo* office \$20

Tip Runs & Rubbish Removal
0408 210 772

CARAVANS
We buy, sell & consign. All makes & models. 0408 758 686

SHORT TERM ACCOM.
IMMACULATE 4 bedroom home, walk into Mullumbidgee. Available from 2/8/23 for 3-4 months. Fully furnished \$900-\$1000 per week. Ph 0492802830

SHARE ACCOM.
SUNRISE Lge rm, 3bdr 1/2house. \$260p/w. Working person, no pets. 66856760.

TO LET
LOCAL REMOVAL
& backroads to Brisbane. Friendly, with 10 years local exp. 0409917646

BRUNSWICK HEADS spacious 4 bedroom, upstairs flat, with sunroom, office \$640 per week. Ph 0413476940

Mindfulness @ Work

Bring greater focus, clarity and calm into your workplace.

Certified Mindfulness Educator Paul Bibby
0401 926 090

HART TREE SERVICES
20 years local experience
• 19 inch chipper • Stump grinding
• Cherry picker • Crane truck • Bob Cat
Fully insured • Free quotes
0427 347 380

BYRON BAY TREE SERVICES
• FULLY INSURED
• PROFESSIONAL SERVICE
• FREE QUOTES
0402 364 852

TRADEWORK
Septic Waste Removal
Summerland Environmental
The Liquid Waste Specialists!

- Septic tank cleaning
- Grease trap servicing
- Oil/Liquids
- Portable toilet hire
- 24 hour service

6687 2880

WANTED
BLACKBEAN SEED
Clean, dry seeds wanted.
Call us on 0266884208 to register as a supplier. Min. 100kg/delivery. 500kg can be picked up.
Payment \$2.25 per kg
Paid within 7 days of delivery!
Oud's Amazon Trading
LP RECORDS: good condition, no op shop crap! Ph Matt 0401955052

Small House
New, 1 person only. Fully furnished. Linen supplied. No outings, incl. Wi-Fi. \$600 per week.
Ph 0402 061 110

LJ Hooker
RESIDENTIAL
Brunswick Heads
3 Bed 2 Bath \$700-\$900 neg
2 Bed 1 Bath \$900
South Golden Beach
2 bed 1 Bath \$550
LJ Hooker Brunswick Heads
6685 0177
5/16 The Terrace, Brunswick Heads

June 28, 2023 The Byron Shire Echo 37

Appendix B – Consultation log

Date	Type (email/phone call)	Contact (from)	Contact details	Organisation (from)	Contact (to)	Organisation (to)	Document Type	Discussion
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	Senior Team Leader	Heritage New South Wales	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	Northern Zone Office	Northern Zone Local Governemnt Area	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	NTSCorp	NTSCorp	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	The Office of the Registrar	The Office of the Registrar	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	CEO	Tweed-Byron Local Government Area	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	Byron Shire Council	Byron Shire Council Local Governmnet Area	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	North Coast LLS	North Coast Local Land Service	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Grace Eldon	g.eldon@everick.net.au	Everick Heritage	Geospatial Search Requests	Geospatial Search Requests	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
7/06/2023	Email	Geospatial Search Requests	GeospatialSearch@NN TT.gov.au	Geospatial Search Requests	Grace Eldon	Everick Heritage	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
9/06/2023	Email	The Office of the Registrar	brendan.smith167@or alra.nsw.gov.au	The Office of the Registrar	Grace Eldon	Everick Heritage	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
13/06/2023	Email	Senior Team Leader	Barry.Gunther@environ ment.nsw.gov.au	Heritage New South Wales	Grace Eldon	Everick Heritage	Notice of Intent	Letter to Government Stakeholders requesting Potential RAPS
21/06/2023	Phone	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Matt Finlayson	Everick Heritage	Expression of Interest	Confirmation that NTSCorp have passed on details of Saddle Road assessment to register interest. Requires dates for fieldwork to pass on to Native Title Representatives. Matt confirms dates are still TBD pending completion of the initial consultation stages and submission of a methodology to RAPS
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Brent Emmons	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Marcus Ferguson		Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Lois Cook		Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Diana Astin	Girragirra Murun Aboriginal Corporation	Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Thomas Dahlstrom		Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Maurice Gannon	Tweed Byron LALC	Notice of Intent	Request for registration of interest by 10 July 2023

EVERICK HERITAGE

Date	Type (email/phone call)	Contact (from)	Contact details	Organisation (from)	Contact (to)	Organisation (to)	Document Type	Discussion
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Troy Anderson	Numbahging People	Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Raymond Moon	Wingarra Wilay Aboriginal Corporation	Notice of Intent	Request for registration of interest by 10 July 2023
26/06/2023	Phone	Lois Cook	aboriginalconcepts@gmail.com	Lois Cook	Matt Finlayson	Everick Heritage	Invite to Register Response	Lois Cook expresses interest in Project. Notes previous work has been done before and that she was involved in the last project. Notes a silcrete outcrop / quarry and ceremonial site were found up on Saddle Road as per the previous study. Matt responds that he will register Lois and will be providing the methodology in due course. No decisions have been made yet as to the nature of any test excavations required.
26/06/2023	Email	Marcus Ferguson	mferguson310574@gmail.com	Marcus Ferguson	Matt Finlayson	Everick Heritage	Invite to Register Response	Registration as a RAP
26/06/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Marcus Ferguson		Expression of Interest	Confirmation of receipt of registration
27/06/2023	Email	Maurice Gannon	sites@tblalc.com	Tweed Byron LALC	Matt Finlayson	Everick Heritage	Invite to Register Response	Registration as a RAP
03/07/2023	Email	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Matt Finlayson	Everick Heritage	Invite to Register Response	Registration as a RAP
03/07/2023	Email	Marcus Ferguson	mferguson310574@gmail.com	Marcus Ferguson	Vanessa Edmonds/Andrew Wilkinson	Everick Heritage	Invite to Register Response	Registration as a RAP EH responded with confirmation for registration
11/07/2023	Phone	River Williams	river.williams.93@gmail.com	Minjungbal Tribal Discretionary Trust	Matt Finlayson	Everick Heritage	Invite to Register Response	Registration as a RAP. Matt notes as registration is only a day late that the organisation will be registered.
11/07/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	River Williams	Minjungbal Tribal Discretionary Trust	Invite to Register Response	Receipt of registration
27/07/2023	Phone	Brent Emmons	brent@arakwal.com.au	BoBBAC (Arakwal)	Andrew Wilkinson	Everick Heritage	Admin/Meeting	Brent rang to inform of a silcrete quarry in the area that has cultural significance. Once fieldwork and consultation is underway this information will be provided.
31/07/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	All RAPs	All RAPs	Notice of Intent	Provision of archaeological methodology with request for comment and review by 28 August 2023.
	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Heritage NSW	Heritage NSW	Notice of Intent	Notice of completion of RAP Registration period and provision of RAP list
	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	Maurice Gannon	Tweed Byron LALC	Notice of Intent	Notice of completion of RAP Registration period and provision of RAP list
28/08/2023	Email	Matt Finlayson	m.finlayson@everick.net.au	Everick Heritage	All RAPs	All RAPs	Notice of Intent	Reminder to RAPs to comment on methodology by COB

EVERICK HERITAGE

Date	Type (email/phone call)	Contact (from)	Contact details	Organisation (from)	Contact (to)	Organisation (to)	Document Type	Discussion
28/08/2023	Email	Maurice Gannon	sites@tblalc.com	Tweed Byron LALC	Matt Finlayson	Everick Heritage	Methodology Response	Response to Methodology - Need clarity on Project Area vs previous study area. Recommend amendment to Figure 2. The preference by the community is that TBLALC stores any archaeological materials and objects in the Cultural Heritage Unit - pending resolution of long term management
31/08/2023	Phone	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Matt Finlayson	Everick Heritage	Methodology Response	Confirmation of receipt of methodology and will get back to Everick on site inspection availability. Charmaine notes that in the view of Arakwal, they would like to conduct the site inspection alone with Everick as the traditional owners and do not wish to share cultural information with other RAPs. Matt notes to Charmaine that under the ACHCRP guidelines and Native Title legislation, the full consultation process must be followed on private land not under crown tenure.
31/08/2023	Email	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Matt Finlayson	Everick Heritage	Methodology Response	Charmaine requests a separate site meeting. The Saddle Road matter is very sensitive in regards to heritage and cultural values. Arakwal notes the identification of numerous single artefacts, scatters, middens and possible sacred trees in the area. Aboriginal ceremonial sites may occur nearby but were not investigated in the previous studies.
1/09/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC (Arakwal)	Methodology Response	Vanessa notes Arakwal's objections, confirms separate site meeting can be done. Vanessa further reiterates latest Heritage NSW advice on a separate project in Byron where Heritage NSW specifically requested full consultation on land with private tenure.
12/09/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC (Arakwal)	Fieldwork	Queried whether Development Manager Abel East could attend on site
12/09/2023	Email	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Vanessa Edmonds	Everick Heritage	Fieldwork	Agreed with above request
18/09/2023	Email	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Vanessa Edmonds	Everick Heritage	Fieldwork Response	Confirming time for on site meeting
18/09/2023	Email x 2	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	Vanessa Edmonds	Everick Heritage	Fieldwork Response	Confirming time for on site meeting; stating Leon and Terry Kelly would attend as cultural officers
19/09/2023	Survey					BoBBAC		Discussed recommendations for further test excavation; discussed results; Leon spoke of significance and probable location of spring

EVERICK HERITAGE

Date	Type (email/phone call)	Contact (from)	Contact details	Organisation (from)	Contact (to)	Organisation (to)	Document Type	Discussion
11/10/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Brent Eammons	BoBBAC	Admin/Meeting	Requesting information on artefacts from previous test excavation of Saddle Road. Brent responded he would ask Leon
11/10/2023	Email	Brent Emmons	brent@arakwal.com.au	BoBBAC (Arakwal)	Vanessa Edmonds	Everick Heritage	Admin/Meeting	Brent spoke with Leon who stated all artefacts uncovered during test pitting were bagged labeled and left in situ on site, placed in the test pit themselves.
20/10/2023	Email x 2	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Brent Emmons; Charmaine Roberts	BoBBAC	ACHAR	Explained recent discussion with Heritage NSW regarding exclusive consultation rights with Arakwal under their ILUA
20/10/2023	Email and letter	Charmaine Roberts	charmaine@arakwal.com.au	BoBBAC (Arakwal)	matt Finlayson; Everick Admin; Andrew Wilkinson	Everick Heritage	Methodology Response	Note letter dated 13/09/2023 -Detailed comments about why Everick Heritage is consulting with RAPs other than Arakwal. Comments on methodology included too much reliance on predictive model; stated work carried out to date in Arakwal country is flawed; emphasizing cultural values over not necessarily archaeology; wanted to see full survey of area; carefully consider comments
6/11/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC	ACHAR	Provided a dropbox link to the draft ACHAR
4/12/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC	ACHAR	Requested update on draft ACHAR review - no response
7/12/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts	BoBBAC	ACHAR	Requested update on draft ACHAR review - no response
14/12/2023	Email	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Charmaine Roberts/Brent Eammons	BoBBAC	ACHAR	Requested timeframe for comments on ACHAR-no response
11/01/2024	Phone	Vanessa Edmonds	v.edmonds@everick.net.au	Everick Heritage	Brent Eammons	BoBBAC	Admin/Meeting	Called to organise a meeting to discuss several projects Everick are undertaking in BoBBAC ILUA
12/01/2024	Meeting	V. Edmonds/Brent Eammons		Everick Heritage/BoBBAC			Admin/Meeting	Meeting to discuss several projects Everick was undertaking in BoBBAC ILUA. Spoke about Saddle Road rezoning. Brent said they weren't quite there in their negotiations with Creative Capital so were not in a hurry to provide comments and that Charmaine Roberts would be back from maternity leave in 3 months. Brent stated it would not be appropriate for him to comment on the ACHAR without Charmaine's input. Vanessa mentioned that Creative Capital may submit the ACHAR to Council anyway

Appendix C – Consultation documentation

Letters to agencies

Letters to potential RAPs

RAPs registrations

Methodology to RAPs

Sender: Matthew Finlayson <m.finlayson@everick.net.au>
Recipient(s): brent@arakwal.com.au
Subject: NSW10111 - Saddle Road Brunswick Heads - Invitation to Register Interest by 10 July 2023
Sent datetime: 2023-06-26T10:41:53

Good Morning Brent,

Everick have been engaged to undertake an Aboriginal Cultural Heritage Assessment for a rezoning of lands at Saddle Road, Brunswick Heads.

I received a phone call from Charmaine last week I believe, and subsequently Arakwal have been listed as a RAP on behalf of the BoBB Determination.

If you could please confirm Arakwal interest via email, that would be great. Please see attached a formal letter of invitation.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management
Archaeologist

6B Reserve Street, Annandale NSW 2038
P: (02) 9552 2944
M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads
Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>
Recipient(s): girragirramurun@yahoo.com
Subject: NSW10111 - Saddle Road Brunswick Heads - Invitation to Register Interest by 10 July 2023
Sent datetime: 2023-06-26T10:43:58

Good Morning Diana,

Everick Heritage have been engaged to undertake an Aboriginal Cultural Heritage Assessment for a rezoning of lands at Saddle Road, Brunswick Heads.

Please see attached our letter of invitation.

If you wish to register as a RAP for the Project, please contact us by 10 July 2023 to confirm registration.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management
Archaeologist

6B Reserve Street, Annandale NSW 2038
P: (02) 9552 2944
M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads
Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>
Recipient(s): aboriginalconcepts@gmail.com
Subject: NSW10111 - Saddle Road Brunswick Heads - Invitation to Register Interest by 10 July 2023
Sent datetime: 2023-06-26T10:44:39

Good Morning Lois,

Everick Heritage have been engaged to undertake an Aboriginal Cultural Heritage Assessment for a rezoning of lands at Saddle Road, Brunswick Heads.

Please see attached our letter of invitation.

If you wish to register as a RAP for the Project, please contact us by 10 July 2023 to confirm registration.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management
Archaeologist

6B Reserve Street, Annandale NSW 2038
P: (02) 9552 2944
M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads
Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>
Recipient(s): mferguson310574@gmail.com
Subject: NSW10111 - Saddle Road Brunswick Heads - Invitation to Register Interest by 10 July 2023
Sent datetime: 2023-06-26T10:45:22

Good Morning Marcus,

Everick Heritage have been engaged to undertake an Aboriginal Cultural Heritage Assessment for a rezoning of lands at Saddle Road, Brunswick Heads.

Please see attached our letter of invitation.

If you wish to register as a RAP for the Project, please contact us by 10 July 2023 to confirm registration.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management
Archaeologist

6B Reserve Street, Annandale NSW 2038
P: (02) 9552 2944
M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads
Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>
Recipient(s): wingarrawilay@yahoo.com
Subject: NSW10111 - Saddle Road Brunswick Heads - Invitation to Register Interest by 10 July 2023
Sent datetime: 2023-06-26T10:46:17

Good Morning Raymond,

Everick Heritage have been engaged to undertake an Aboriginal Cultural Heritage Assessment for a rezoning of lands at Saddle Road, Brunswick Heads.

Please see attached our letter of invitation.

If you wish to register as a RAP for the Project, please contact us by 10 July 2023 to confirm registration.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management
Archaeologist

6B Reserve Street, Annandale NSW 2038
P: (02) 9552 2944
M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads
Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>

Recipient(s): Sites <sites@tblalc.com>

Subject: NSW10111 - Saddle Road Brunswick Heads - Invitation to Register Interest by 10 July 2023

Sent datetime: 2023-06-26T10:46:51

Good Morning Maurice,

Everick Heritage have been engaged to undertake an Aboriginal Cultural Heritage Assessment for a rezoning of lands at Saddle Road, Brunswick Heads.

Please see attached our letter of invitation.

If you wish to register as a RAP for the Project, please contact us by 10 July 2023 to confirm registration.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management

Archaeologist

6B Reserve Street, Annandale NSW 2038

P: (02) 9552 2944

M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads

Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>
Recipient(s): gamila_roi@yahoo.com.au
Subject: NSW10111 - Saddle Road Brunswick Heads - Invitation to Register Interest by 10 July 2023
Sent datetime: 2023-06-26T10:48:01

Good Morning Thomas,

Everick Heritage have been engaged to undertake an Aboriginal Cultural Heritage Assessment for a rezoning of lands at Saddle Road, Brunswick Heads.

Please see attached our letter of invitation.

If you wish to register as a RAP for the Project, please contact us by 10 July 2023 to confirm registration.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management
Archaeologist

6B Reserve Street, Annandale NSW 2038
P: (02) 9552 2944
M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads
Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>
Recipient(s): troyando2478@gmail.com
Subject: NSW10111 - Saddle Road Brunswick Heads - Invitation to Register Interest by 10 July 2023
Sent datetime: 2023-06-26T10:48:40

Good Morning Troy,

Everick Heritage have been engaged to undertake an Aboriginal Cultural Heritage Assessment for a rezoning of lands at Saddle Road, Brunswick Heads.

Please see attached our letter of invitation.

If you wish to register as a RAP for the Project, please contact us by 10 July 2023 to confirm registration.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management
Archaeologist

6B Reserve Street, Annandale NSW 2038
P: (02) 9552 2944
M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads
Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

EVERICK HERITAGE

26 June 2023

Our Ref: NSW10111

Brent Emmons
Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
PO Box 1555
BYRON BAY NSW 2481
02 66858746
brent@arakwal.com.au

Dear Brent,

**RE: ABORIGINAL CULTURAL HERITAGE ASSESSMENT
LOT 2 DP1159910 SADDLE ROAD, BRUNSWICK HEADS, NSW 2483**

We wish to advise that we have been engaged to undertake an Aboriginal Cultural Heritage Assessment (ACHA) located at for Lot 2 DP1159910 Saddle Road, Brunswick Heads, NSW 2483 (NSW) on behalf of Creative Capital. The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5 ha of Lot 2 for an employment land use. The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's Northern Rivers Resilient Lands Strategy – Summary Report.

An Aboriginal Cultural Heritage Assessment Report was previously provided by Everick Heritage (2019) for an earlier iteration of the Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in Proponent, project scope, and over 6 months since the last cultural heritage assessment, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

Everick Heritage is seeking the assistance of the Aboriginal community in assessing potential impacts this Project may have on Aboriginal cultural values in the area. The consultation will be undertaken to inform the ACHA, which is required by Tweed Byron Local Aboriginal Land Council and Heritage NSW. The proponent details are as follows:

EVERICK HERITAGE

Abel East
Development Director
Creative Capital
M: 0421 439 927
44/1 Porter Street, Byron Bay, NSW 2481
E: abel@thecreativecapital.company

In consideration of the Heritage NSW, Department of Planning and Environment (DPE) *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* 2011, and in order to ensure that they fulfil their legal and ethical obligations to identify and protect Aboriginal cultural heritage, our client has instructed us to undertake the full community consultation process recommended by DPE in their *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010).

Please note that details of the Aboriginal people or organisations who register an interest in consultation will be forwarded to Heritage NSW and Tweed Byron LALC. Please advise at the time of registration if you do not wish for your details to be released to the relevant organisations. If you are interested, or know of persons who may be interested, we request that you contact us by 10 July 2023 to register your interest. Please write to:

Matthew Finlayson
Experienced Archaeologist
Everick Heritage Pty Ltd
T: 02 9552 2944
6B Reserve Street
Annandale, NSW 2038
E: m.finlayson@everick.net.au

If you have any questions about the Project, please contact Vanessa Edmonds (Principal Archaeologist, Everick Heritage) on 02 9552 2944. If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to hearing from you.

Yours sincerely,



Matt Finlayson

BA (Extended Major in Archaeology), Master of Heritage Management
Experienced Archaeologist

EVERICK HERITAGE

Attachment A: Map of Project Area and surveyed DCP (black outline) and areas proposed for rezoning (yellow)



Sender: Matthew Finlayson <m.finlayson@everick.net.au>

Recipient(s): Brent Emmons <brent@arakwal.com.au>, aboriginalconcepts@gmail.com, Marcus FERGUSON <mferguson310574@gmail.com>, Sites <sites@tblalc.com>, culture.onjungan@hotmail.com, river williams <river.williams.93@gmail.com>

Subject: NSW10111 Saddle Road Brunswick Heads Rezoning Methodology for Review - Comments by 28 August 2023

Sent datetime: 2023-07-31T12:47:34

Hi All,

Thank you for registering your interest in the Saddle Road rezoning project at Brunswick Heads, NSW.

Please find attached our archaeological methodology for review and comment as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRP) guidelines.

We particularly invite comments on:

- Cultural values and knowledge of surrounding tangible and intangible heritage values
- Results of the previous assessment in particular relation to sites identified
- The undertaking of further test excavation and provisions for temporary storage.

If you could please respond with any feedback or comments by **28 August 2023**, it would be very much appreciated.

The next step will be to undertake an on-site meeting and inspection at a date and time to be determined. We will provide notification once we have determined the details.

If you have any questions at this stage, please feel free to get in contact with myself or [@Andrew Wilkinson](#) who has been cc'd in.

Kind Regards

Matt Finlayson

BA (Archaeology), Master of Heritage Management

Archaeologist

6B Reserve Street, Annandale NSW 2038

P: (02) 9552 2944

M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads

Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>

Recipient(s): Brent Emmons <brent@arakwal.com.au>, aboriginalconcepts@gmail.com, Marcus FERGUSON <mferguson310574@gmail.com>, Sites <sites@tblalc.com>, culture.onjungan@hotmail.com, river williams <river.williams.93@gmail.com>

Subject: RE: NSW10111 Saddle Road Brunswick Heads Rezoning Methodology for Review - Comments by 28 August 2023

Sent datetime: 2023-08-28T08:39:42

Hi All,

Please be advised the comment period for the attached methodology for Saddle Road, Brunswick Heads ends today.

I note we have not received any comments as of yet on the proposal, methodology and cultural values of the Project Area. Please ensure if you intend to make a submission that you finalise it by close of business.

We will of course include any subsequent commentary. If you require additional time, I would request that you finalise your review by the end of the week.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management

Archaeologist

6B Reserve Street, Annandale NSW 2038

P: (02) 9552 2944

M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads

Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Vanessa Edmonds <v.edmonds@everick.net.au>
Recipient(s): Charmaine Roberts <charmaine@arakwal.com.au>
Subject: Saddle Road Brunswick Heads
Sent datetime: 2023-09-01T07:34:24

Good morning Charmaine,
Matt forwarded on your email. I completely understand about Arakwal not wanting to share their cultural knowledge with other stakeholders and would be more than happy to come to the office for a separate meeting. I can assure you that information provided would be restricted and perhaps we can discuss some general way to talk about the values without disclosing any specific details.

I am available after the meeting/survey on Monday – although not sure what time we will finish. Its not a big job. Then available after 11 am Tuesday and between about 10.30 and 12.30 Wednesday. I have a meeting from 1.30 to 2.30 pm Wednesday but also available after that. Unfortunately, I am away from the 7-18 September and would rather see you before that so you are not worrying about this project.

Just to let you know we did try just to only use Arakwal for the Ewingsdale Road ACHAR but Heritage NSW rejected the ACHAR and are making us go back to the consultation phase. They told us in no uncertain terms that unless it is Crown land we must conduct the full consultation process.

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

9/42 Byron Street, Lennox Head, NSW 2748

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au

**EVERICK
HERITAGE**



Introducing Everick Geospatial to 2023



Sender: Matthew Finlayson <m.finlayson@everick.net.au>

Recipient(s): Brent Emmons <brent@arakwal.com.au>, aboriginalconcepts@gmail.com, Marcus FERGUSON <mferguson310574@gmail.com>, Sites <sites@tblalc.com>, culture.onjugan@hotmail.com, river williams <river.williams.93@gmail.com>

Subject: NSW10111 Saddle Road Brunswick Heads Rezoning Methodology for Review - Comments by 28 August 2023

Sent datetime: 2023-07-31T12:47:34

Hi All,

Thank you for registering your interest in the Saddle Road rezoning project at Brunswick Heads, NSW.

Please find attached our archaeological methodology for review and comment as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRP) guidelines.

We particularly invite comments on:

- Cultural values and knowledge of surrounding tangible and intangible heritage values
- Results of the previous assessment in particular relation to sites identified
- The undertaking of further test excavation and provisions for temporary storage.

If you could please respond with any feedback or comments by **28 August 2023**, it would be very much appreciated.

The next step will be to undertake an on-site meeting and inspection at a date and time to be determined. We will provide notification once we have determined the details.

If you have any questions at this stage, please feel free to get in contact with myself or [@Andrew Wilkinson](#) who has been cc'd in.

Kind Regards

Matt Finlayson

BA (Archaeology), Master of Heritage Management

Archaeologist

6B Reserve Street, Annandale NSW 2038

P: (02) 9552 2944

M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads

Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Sender: Matthew Finlayson <m.finlayson@everick.net.au>

Recipient(s): Brent Emmons <brent@arakwal.com.au>, aboriginalconcepts@gmail.com, Marcus FERGUSON <mferguson310574@gmail.com>, Sites <sites@tblalc.com>, culture.onjungan@hotmail.com, river williams <river.williams.93@gmail.com>

Subject: RE: NSW10111 Saddle Road Brunswick Heads Rezoning Methodology for Review - Comments by 28 August 2023

Sent datetime: 2023-08-28T08:39:42

Hi All,

Please be advised the comment period for the attached methodology for Saddle Road, Brunswick Heads ends today.

I note we have not received any comments as of yet on the proposal, methodology and cultural values of the Project Area. Please ensure if you intend to make a submission that you finalise it by close of business.

We will of course include any subsequent commentary. If you require additional time, I would request that you finalise your review by the end of the week.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management

Archaeologist

6B Reserve Street, Annandale NSW 2038

P: (02) 9552 2944

M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads

Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

Further RAP consultation documentation

From: [Vanessa Edmonds](#)
To: [Brent Emmons](#); [Charmaine Roberts](#)
Subject: Further details for existing ACHARs
Date: Friday, 20 October 2023 2:08:00 PM
Attachments: [image001.png](#)

Hi Brent and Charmaine,

Sorry just another update regarding the ILUA/ACHAR situation. I will look through all our current ACHARs and see which are located within an ILUA. I will then send the list to Heritage NSW as they requested so they can potentially revise the consultation requirements. I think this has eventually been a good outcome for all.

In addition, I spoke with Abel East (Creative Capital – Saddle Road) about the potential donation of land and he will call to discuss.

Have a great weekend

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

6/64 Centennial Circuit, Byron Bay, NSW 2481

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au



From: [Vanessa Edmonds](#)
To: culture.onjagun@hotmail.com
Subject: ILUAs
Date: Friday, 20 October 2023 4:10:00 PM
Attachments: [image001.png](#)

Hi River,

I was informed this morning by Heritage NSW of a change in the Consultation process for several ACHARs we are currently undertaking. Contrary to previous advice received from Heritage NSW it appears that where an area falls within the Cavanbah (Byron Bay) Arakwal Indigenous Land Use Agreement – whether its private property or Crown – the Arakwal has exclusive consultation rights across that area. Consequently, the following ACHARs will continue consultation solely with Arakwal.

- The Saddle Road – Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005

The process going forward is that when we request a list of Aboriginal parties from Heritage NSW we must state whether the Project Area is within an ILUA area so they can look up the consultation requirements and advise us correctly on the process. My sincere apologies for any inconvenience caused and we thank you for your assistance with these projects.

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

6/64 Centennial Circuit, Byron Bay, NSW 2481

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au



From: [Vanessa Edmonds](#)
To: aboriginalconcepts@gmail.com
Subject: ILUAs
Date: Friday, 20 October 2023 4:03:00 PM
Attachments: [image001.png](#)

Hi Lois,

I was informed this morning by Heritage NSW of a change in the Consultation process for several ACHARs we are currently undertaking. Contrary to previous advice received from Heritage NSW it appears that where an area falls within the Cavanbah (Byron Bay) Arakwal Indigenous Land Use Agreement – whether its private property or Crown – the Arakwal has exclusive consultation rights across that area. Consequently, the following ACHARs will continue consultation solely with Arakwal.

- 412 Ewingsdale Road - Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005
- The Saddle Road – Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005
- 230 Seven Mile Beach Road - – Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005

The process going forward is that when we request a list of Aboriginal parties from Heritage NSW we must state whether the Project Area is within an ILUA area so they can look up the consultation requirements and advise us correctly on the process. My sincere apologies for any inconvenience caused and we thank you for your assistance with these projects.

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

6/64 Centennial Circuit, Byron Bay, NSW 2481

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au



From: [Vanessa Edmonds](#)
To: [Marcus FERGUSON](#)
Subject: ILUAs
Date: Friday, 20 October 2023 4:06:00 PM
Attachments: [image001.png](#)

Hi Marcus

I was informed this morning by Heritage NSW of a change in the Consultation process for several ACHARs we are currently undertaking. Contrary to previous advice received from Heritage NSW it appears that where an area falls within the Cavanbah (Byron Bay) Arakwal Indigenous Land Use Agreement – whether its private property or Crown – the Arakwal has exclusive consultation rights across that area. Consequently, the following ACHARs will continue consultation solely with Arakwal.

- 412 Ewingsdale Road - Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005
- The Saddle Road – Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005
- 230 Seven Mile Beach Road - – Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005

The process going forward is that when we request a list of Aboriginal parties from Heritage NSW we must state whether the Project Area is within an ILUA area so they can look up the consultation requirements and advise us correctly on the process. My sincere apologies for any inconvenience caused and we thank you for your assistance with these projects.

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI
Principal-NSW

6/64 Centennial Circuit, Byron Bay, NSW 2481
Ph: 02 9552 2944
Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au



From: [Vanessa Edmonds](#)
To: [Cultural Heritage; Sites](#)
Bcc: adrpip@onthenet.com.au
Subject: ILUAs
Date: Friday, 20 October 2023 3:55:00 PM
Attachments: [image001.png](#)

Hi Warren and Maurice,

I was informed this morning by Heritage NSW of a change in the Consultation process for several ACHARs we are currently undertaking. Contrary to previous advice received from Heritage NSW it appears that where an area falls within the Cavanbah (Byron Bay) Arakwal Indigenous Land Use Agreement – whether its private property or Crown – the Arakwal has exclusive consultation rights across that area. Consequently, the following ACHARs will continue consultation solely with Arakwal.

- 412 Ewingsdale Road - Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005
- The Saddle Road – Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005
- 230 Seven Mile Beach Road - – Cavanbah (Byron Bay Arakwal Indigenous Land Use Agreement N1209/005

The process going forward is that when we request a list of Aboriginal parties from Heritage NSW we must state whether the Project Area is within an ILUA area so they can look up the consultation requirements and advise us correctly on the process. My sincere apologies for any inconvenience caused and we thank you for your assistance with these projects.

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

6/64 Centennial Circuit, Byron Bay, NSW 2481

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au



Sender: Charmaine Roberts <charmaine@arakwal.com.au>

Recipient(s): Matthew Finlayson <m.finlayson@everick.net.au>, Brent Emmons <brent@arakwal.com.au>

Subject: Re: NSW10111 Saddle Road Brunswick Heads Rezoning - Site Meeting / Reinspection (Monday 4 September 2023)

Sent datetime: 2023-08-31T14:15:58

Hi Mathew,

As previously spoken yesterday in regards to Loise Cook and any other RAP's attending the site on the 5 September 2023 at NSW10111 Saddle Road Brunswick Heads for Rezoning - Site Meeting and Reinspection.

I have been advised that the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) Traditional Native Title Holders request a separate site meeting in regard to Saddle Road, Brunswick Heads.

As this is a very sensitive matter to the Arakwal Native Title Holders especially when it's to do with any of their Aboriginal Cultural Heritage and Cultural Values.

Arakwal Traditional Owners previous investigations within the wider and surrounding areas of Saddle Road whether it is private land or not, Have resulted in extremely high finds of artefact scatters, single artefacts, middens and (possible) sacred trees. These finds were made in many other investigation areas over the years within and around Saddle Road, Brunswick Heads. Aboriginal Ceremonial sites may occur nearby but were not investigated.

Regards Charmaine,

Charmaine Roberts
Native Title Officer
Bundjalung of Byron Bay Aboriginal Corporation RNTBC (Arakwal)
PHONE: (02) 6685 8746
Mobile: 0477 851 029
PO Box 1555
BYRON BAY NSW 2481

I would like to acknowledge the Arakwal Bumberlin people of Bundjalung Nation who are the Traditional Custodians of this land which we live, work, and stand on.

I acknowledge their continuing living culture, connection to land, waters and community; I ask that you help look after and respect country.

I acknowledge and extend my respect to Elders both past and present and upcoming future leaders.

From: [Charmaine Roberts](#)
To: [Vanessa Edmonds](#)
Subject: Re: Meeting regarding Saddle Road 19 September
Date: Monday, 18 September 2023 8:49:40 AM
Attachments: [image001.png](#)
[image001.png](#)

Hi Vanessa,

BOBBAC Senior Cultural officers Leon Kelly and Terry Kelly will be representing Arakwal at the Saddle Road site.

FYI - The Cultural Site Officers will be attending the site at 11am for the cultural walkover.

I don't recall meeting at NPWS office to discuss cultural walkover of Saddle Road as all pass assessments of sites are always done on site.

Regards Charmaine,

Charmaine Roberts
Native Title Officer
Bundjalung of Byron Bay Aboriginal Corporation RNTBC (Arakwal)
PHONE: (02) 6685 8746
Mobile: 0477 851 029
PO Box 1555
BYRON BAY NSW 2481

I would like to acknowledge the Arakwal Bumberlin people of Bundjalung Nation who are the Traditional Custodians of this land which we live, work, and stand on.

I acknowledge their continuing living culture, connection to land, waters and community; I ask that you help look after and respect country.

I acknowledge and extend my respect to Elders both past and present and upcoming future leaders.

On Mon, Sep 18, 2023 at 8:37 AM Vanessa Edmonds <v.edmonds@everick.net.au> wrote:

Hi Charmaine,

It was my understanding we were meeting at 11 at the NPWS Office in Byron. But I am more than happy to do a walkover of the area if that's OK with Abel (cced in). How many would attend please?

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

9/42 Byron Street, Lennox Head, NSW 2478

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Byron-Ballina - Tweed Heads

Web: www.everick.com.au



From: Charmaine Roberts <charmaine@arakwal.com.au>
Sent: Monday, September 18, 2023 8:35 AM
To: Vanessa Edmonds <v.edmonds@everick.net.au>
Subject: Re: Meeting regarding Saddle Road 19 September

Hi Vanessa,

Can you please confirm the time for tomorrow 19 September 2023 cultural walk over at Saddle road.

If there is any information or plans for the future of why this is being looked at for rezoning please provide.

Charmaine Roberts

Native Title Officer

Bundjalung of Byron Bay Aboriginal Corporation RNTBC (Arakwal)

PHONE: (02) 6685 8746

Mobile: 0477 851 029

PO Box 1555

BYRON BAY NSW 2481

I would like to acknowledge the Arakwal Bumberlin people of Bundjalung Nation who are the Traditional Custodians of this land which we live, work, and stand on.

I acknowledge their continuing living culture, connection to land, waters and community; I ask that you help look after and respect country.

I acknowledge and extend my respect to Elders both past and present and upcoming future leaders.

On Tue, Sep 12, 2023 at 6:25 PM Vanessa Edmonds <v.edmonds@everick.net.au> wrote:

Hi Charmaine,

I was wondering if you wanted the Development Manager (Abel East) to come along to the meeting on

the 19 September regarding Saddle Road ACHAR? He may be able to give further info regarding the Project

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

9/42 Byron Street, Lennox Head, NSW 2478

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au





BUNDJALUNG OF BYRON BAY ABORIGINAL CORPORATION (ARAKWAL) ICN: 2663
Po Box 1555, Byron Bay NSW. 2481.
Phone: 0266 858746 Fax: 0266 858726
ABN: 99 508 925 629

13 September 2023

Mr Matthew Finlayson
Everick Heritage
6B Reserve Street
ANNANDALE NSW 2038

By email: info@everick.com.au

Dear Mr Finlayson,

ACHAR Methodology Saddle Road, Brunswick Heads - Bundjalung of Byron Bay
Aboriginal Corporation (Arakwal) RNTBC

1. We refer to your correspondence of 26 June 2023 and 31 July 2023 to the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) RNTBC advising inter alia:

- a) Everick Heritage has been engaged to undertake a new Aboriginal Cultural Heritage Assessment Report for Lot 2 in DP 1159910 located at Saddle Road, Brunswick Heads to “recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 in DP 115990”,
- b) in order to fulfil your client’s legal and ethical obligations to identify and protect Aboriginal Cultural Heritage, your clients have instructed you to undertake the full community consultation process recommended by DPE in their Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, and

c) the Aboriginal Cultural Heritage Assessment is required by Tweed Byron Local Aboriginal Land Council and Heritage NSW and any Aboriginal person or organisation who register their interest in consultation will be forwarded to Heritage NSW and Tweed Byron Local Aboriginal Land Council.

2. Arakwal requests that you clarify whether or not you have sought the advice of Heritage NSW in relation to the consultation requirements that relate to the Bundjalung People of Byron Bay Native Title Determination Area. Your correspondence indicates you may be unaware that in 2019 the Bundjalung People of Byron Bay had their native title rights and interest recognised by the Federal Court of Australia. This determination included a description of the Bundjalung People of Byron Bay and recognised Arakwal as the body which holds the Bundjalung People of Byron Bay's native title rights and interests on trust on their behalf.

3. Further, the State of NSW entered an Indigenous Land Use Agreement with the Bundjalung People of Byron Bay and Arakwal, which created a modified Aboriginal community consultation process in accordance with section 60(10) of the National Parks and Wildlife Regulation 2019. This agreement under section 60(10) provides that Arakwal is the only Aboriginal Party to be engaged in consultation in relation to the grant of an Aboriginal Heritage Impact Permit and Care Agreement for the whole of the Bundjalung People of Byron Bay Native Title determination area.

4. Arakwal also requests that you clarify why you would be providing Byron Local Aboriginal Land Council with any details relating to a registered party.

5. In relation to your proposed methodology, we make the following comments.
Reliance on Predictive Modelling and Previously Recorded Data.

6. Arakwal are concerned with the reliance placed by Everick on predictive modelling, such

as landform modelling, and previously recorded data, such as the Aboriginal Heritage Information Management System (AHIMS) and topographic data.

7. Arakwal particularly cautions against reliance on AHIMS. Across NSW, for both practical and cultural reasons, many Aboriginal objects and sites are not registered on AHIMS or any other heritage management databases.

8. Furthermore, Arakwal believes that work carried out to capture heritage values to date in Bundjalung Country has been flawed and underestimates, and in some cases mischaracterises, the cultural heritage value of areas within Bundjalung Country.

9. Arakwal emphasise that the cultural heritage value of a site is reflective not only of the presence of archaeological evidence within the lot, but is based on both physical and spiritual connection of Bundjalung People to the land and water. In some cases an area may be part of an important cultural landscape, without necessarily containing an archaeological feature which is readily identifiable.

Full Cultural Heritage Inspection

10. It is the Arakwal's strong preference that the area be entirely surveyed by Bundjalung People of Byron Bay to ensure that all potential impacts on the Bundjalung People of Byron Bay's cultural heritage are known and understood and so that any works can be designed so as to avoid and mitigate the impact on Aboriginal cultural heritage.

11. Arakwal submits that in any survey of the area, a sufficient number of Bundjalung of Byron Bay surveyors should be engaged to ensure that surveyors walk 10 metres apart from each other across the full width of the survey area and that the full length of the survey area is comprehensively surveyed to ensure that all Bundjalung cultural heritage values are identified and recorded.

12. Gender balance in surveyors must be assured to account for the cultural sensitivities arising from the existence of men's and women's places, sites, stories and business.

13. Arakwal considers that the nature of the survey should be holistic in order to properly assess the Bundjalung People of Byron Bay's cultural heritage and other values which will be impacted by the project. As such the survey should include:

- (a) the identification of objects, artefacts, sites intangible cultural heritage and cultural landscapes in the survey area;
- (b) the cultural values ascribed to land and waters within the survey area and broader cultural landscapes by Bundjalung People including stories;
- (c) whether the survey area, or any part, is associated with travels and activities of Bundjalung mythological beings;
- (d) whether the survey area, or any part, is a site of particular mythological or other significance;
- (e) consider traditional responsibility for and to that area, totemic relationships and / or kinship relationships;
- (f) identify flora, fauna, water sources, aquatic ecology and waterways of particular significance to Bundjalung People in the survey area; and
- (g) identify what avoidance or mitigation measures should be implemented in relation to the areas so identified, including buffer zones, exclusion zones and protocols for on-site monitoring of any ground disturbing activities during any works.

14. The Aboriginal Cultural Heritage Assessment that Everick proposes to undertake is of immense significance to the Bundjalung People of Byron Bay and the protection and preservation of our ancestor's sites and objects is of paramount importance to us.

15. We request that you carefully consider the comments provided in this correspondence and engage with Heritage NSW to confirm your requirements in relation to consultation in this area.

16. We request that you provide us with written correspondence in reply.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Charmaine Roberts', with a stylized, cursive script.

Charmaine Roberts

Native Title Officer

Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) RNTBC

28 October 2023

NSW10111

Charmaine Roberts
Native Title Officer
Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) RNTB
PO Box 1555, Byron Bay, NSW 2481

By email: charmaine@arakwal.com.au

Dear Charmaine,

**RE: SADDLE ROAD, BRUNSWICK HEADS-REZONING OF LANDS FOR FUTURE DEVELOPMENT
ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ACHAR METHODOLOGY**

Thank you for letter dated 13 September (sent via email 20 October 2023). Please find the following responses to your request for clarifications and comments on the ACHAR methodology. If you have any further queries relating to the responses below please don't hesitate to call me.

2. *Arakwal requests that you clarify whether or not you have sought the advice of Heritage NSW in relation to the consultation requirements that relate to the Bundjalung People of Byron Bay Native Title Determination Area. Your correspondence indicates you may be unaware that in 2019 the Bundjalung People of Byron Bay had their native title rights and interest recognised by the Federal Court of Australia. This determination included a description of the Bundjalung People of Byron Bay and recognised Arakwal as the body which holds the Bundjalung People of Byron Bay's native title rights and interests on trust on their behalf.*

3. *Further, the State of NSW entered an Indigenous Land Use Agreement with the Bundjalung People of Byron Bay and Arakwal, which created a modified Aboriginal community consultation process in accordance with section 60(10) of the National Parks and Wildlife Regulation 2019. This agreement under section 60{10} provides that Arakwal is the only Aboriginal Party to be engaged in consultation in relation to the grant of an Aboriginal Heritage Impact Permit and Care Agreement for the whole of the Bundjalung People of Byron Bay Native Title determination area.*

EVERICK HERITAGE

3. Further, the State of NSW entered an Indigenous Land Use Agreement with the Bundjalung People of Byron Bay and Arakwal, which created a modified Aboriginal community consultation process in accordance with section 60(10) of the National Parks and Wildlife Regulation 2019. This agreement under section 60{10} provides that Arakwal is the only Aboriginal Party to be engaged in consultation in relation to the grant of an Aboriginal Heritage Impact Permit and Care Agreement for the whole of the Bundjalung People of Byron Bay Native Title determination area.

4. Arakwal also requests that you clarify why you would be providing Byron Local Aboriginal Land Council with any details relating to a registered party.

In response to all of the above queries, Everick Heritage was aware of the native title rights (including ILUA) granted to the Bundjalung People of Byron Bay and at the end of 2022 sought clarification regarding the consultation process for different project (Ewingsdale Road) within your native title claim area from Heritage NSW. At that time we received no response from Heritage NSW. Consequently, we continued the consultation process only with Arakwal and Tweed Byron LALC (the latter of whom were part of the original consultation for that project). We submitted the ACHAR along with an AHIP application for Ewingsdale Road. Following submission of the AHIP application a Notice to Supply Further Information (DOC23/626384) was received from Nicole Davis (Manager Assessments, Department of Planning and Environment) on 14 July 2023, with additional information provided by email on 24 July 2023, that advised the consultation would need to be restarted in order to comply with the Consultation Requirements (DECCW 2010a). Consultation for this project was restarted by Everick Heritage in accordance with the Consultation Requirements (DECCW 2010a). The consultation process for the Project was restarted 4 August 2023.

On the 20 October 2023, Vanessa Edmonds (NSW Principal, Everick Heritage) received a phone call from Kym McNamara (Manager, Assessments, Heritage NSW) and Sarah Robertson (Senior Assessments Officer, Heritage NSW) apologising for providing incorrect advice regarding consultation for Ewingsdale Road and stating that Arakwal have exclusive consultation rights for any land wholly within their ILUA boundary. Attachment 1 provides a copy of the letter provided to Everick Heritage on 20 October 2023 confirming that new advice.

Although we have yet to receive formal advice from Sarah Robertson (Senior Assessments Officer, Heritage NSW), Everick Heritage has subsequently written to all registered Aboriginal parties for the following in progress ACHARs stating that consultation from this point on will be exclusively with Arakwal:

- 230 Seven Mile Beach Road, Broken Head, New South Wales
- Rezoning Proposal, Lot 2 DP 1159910 (Part), Saddle Road, Brunswick Heads, New South Wales

EVERICK HERITAGE

As outlined in the phone call from Heritage NSW on 20 October 2023 to Vanessa Edmonds the ongoing process will entail writing to Heritage NSW requesting advice on the consultation process for any new ACHAR. The letter must state whether a Project Area is either wholly within or partly within an ILUA and provide details regarding the ILUA. Heritage NSW will then check the ILUA to see if exclusive consultation rights with the RNTB exist and provide advice on the consultation process. It should be noted that Everick Heritage does not have access to the conditions of any ILUA and therefore cannot account for any legal implications the ILUA may have.

With regard to the ACHAR Methodology for Rezoning Proposal, Lot 2 DP 1159910 (Part), Saddle Road, Brunswick Heads, New South Wales. Thank you for your comments

6. *Arakwal are concerned with the reliance placed by Everick on predictive modelling, such*

as landform modelling, and previously recorded data, such as the Aboriginal Heritage Information Management System (AHIMS) and topographic data.

7. *Arakwal particularly cautions against reliance on AHIMS. Across NSW, for both practical and cultural reasons, many Aboriginal objects and sites are not registered on AHIMS or any other heritage management databases.*

8. *Furthermore, Arakwal believes that work carried out to capture heritage values to date in Bundjalung Country has been flawed and underestimates, and in some cases mischaracterises, the cultural heritage value of areas within Bundjalung Country.*

9. *Arakwal emphasise that the cultural heritage value of a site is reflective not only of the presence of archaeological evidence within the lot, but is based on both physical and spiritual connection of Bundjalung People to the land and water. In some cases an area may be part of an important cultural landscape, without necessarily containing an archaeological feature which is readily identifiable.*

Full Cultural Heritage Inspection

10. *It is the Arakwal's strong preference that the area be entirely surveyed by Bundjalung People of Byron Bay to ensure that all potential impacts on the Bundjalung People of Byron Bay's cultural heritage are known and understood and so that any works can be designed so as to avoid and mitigate the impact on Aboriginal cultural heritage.*

11. *Arakwal submits that in any survey of the area, a sufficient number of Bundjalung of Byron Bay surveyors should be engaged to ensure that surveyors walk 10 metres apart from each other across the full width of the survey area and that the full length of the survey*

area is comprehensively surveyed to ensure that all Bundjalung cultural heritage values are identified and recorded.

12. Gender balance in surveyors must be assured to account for the cultural sensitivities arising from the existence of men's and women's places, sites, stories and business.

13. Arakwal considers that the nature of the survey should be holistic in order to properly assess the Bundjalung People of Byron Bay's cultural heritage and other values which will be impacted by the project. As such the survey should include:

(a) the identification of objects, artefacts, sites intangible cultural heritage and cultural landscapes in the survey area;

(b) the cultural values ascribed to land and waters within the survey area and broader cultural landscapes by Bundjalung People including stories;

(c) whether the survey area, or any part, is associated with travels and activities of Bundjalung mythological beings;

(d) whether the survey area, or any part, is a site of particular mythological or other significance;

(e) consider traditional responsibility for and to that area, totemic relationships and/or kinship relationships;

(f) identify flora, fauna, water sources, aquatic ecology and waterways of particular significance to Bundjalung People in the survey area;

and

(g) identify what avoidance or mitigation measures should be implemented in relation to the areas so identified, including buffer zones, exclusion zones and protocols for on-site monitoring of any ground disturbing activities during any works.

14. The Aboriginal Cultural Heritage Assessment that Everick proposes to undertake is of immense significance to the Bundjalung People of Byron Bay and the protection and preservation of our ancestor's sites and objects is of paramount importance to us.

Survey of the Project Area for Saddle Road was undertaken across two days on the 7 and 19 September 2023 prior to receiving your comments on the 20 October 2023. It can be confirmed that Terence and Leon Kelly (Arakwal Cultural Officers) attended the survey on one of those days. It is understand they do not fulfill your requirements for gender balance. The draft ACHAR will be sent to Arakwal for further

EVERICK HERITAGE

comment early next week and hopefully fulfils the remaining requirements stated above. Vanessa Edmonds undertook the survey and reporting and over 43 years of working in the archaeological consulting industry across Australia has always strived to provide best practice methods and results. Vanessa is happy to attend any meeting with Arakwal to further talk through the methodology and results of the survey.

Yours sincerely,

Vanessa Edmonds

Full Member of AACAI

Principal-NSW



Attachment 1



Vanessa Edmonds
Principal Archaeologist
Everick Heritage Pty Ltd
6B Reserve Street
ANNANDALE NSW 2038

Dear Vanessa,

**CORRECTION OF PREVIOUS ADVICE RE: WRITTEN NOTIFICATION OF PROPOSAL AS
REQUIRED UNDER DECCW ABORIGINAL CULTURAL HERITAGE CONSULTATION
REQUIREMENTS FOR PROPONENTS 2010**

Subject: 412 Ewingsdale Road, Byron Bay AHIP application.

Further to our discussion on the 20 October 2023, we provide this letter as a correction to previous advice (dated 24 July 2023) in relation to the identification of known Aboriginal Stakeholders for the proposed remediation activities within the **Byron** Local Government Area that Heritage NSW considered likely to have an interest in the activity.

It is understood that the proposed development will occur within the area subject to the Cavanbah (Byron Bay) Arakwal Indigenous Land Use Agreement (ILUA). This ILUA exists between the State and the identified Aboriginal signatories.

In accordance with Clause 60 (10) (a) of the *National Parks and Wildlife Regulation 2019*, where an ILUA under the *Native Title Act 1993* of the Commonwealth entered into between an Aboriginal community and the State identifies a modified or alternative consultation process for the purposes of Part 6 of the *National Parks and Wildlife Act 1974*, the applicant is to undertake consultation in accordance with the modified or alternative process.

Part 4, Schedule B of the Cavanbah (Byron Bay) Arakwal ILUA requires Heritage NSW to direct AHIP applicants for projects within the ILUA area to consult exclusively with the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation, as the Registered Native Title Body Corporate. On this basis, Heritage NSW recommends that Everick Heritage Pty Ltd commence discussion with the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation to obtain further information on the specified modified consultation process. The Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation can be contacted through NTSCorp (information@ntscorp.com.au).

Should you require assistance from Heritage NSW in this matter, please feel free to contact Sarah Robertson, Senior Assessments Officer at Heritage NSW on 6229 7088 or via email at sarah.robertson@environment.nsw.gov.au

Yours sincerely



Kym McNamara
Manager, Assessments
Heritage NSW
Department of Planning and Environment
(As Delegate under *National Parks and Wildlife Act 1974*)
20/10/2023

From: [Vanessa Edmonds](#)
To: [Charmaine Roberts](#)
Cc: [Brent Emmons](#)
Subject: Saddle Road ACHAR review
Date: Thursday, 14 December 2023 8:09:00 AM
Attachments: [image001.png](#)

Hi Charmaine,
Sorry to pester you but do we have a timeframe for comments on the ACHAR please?

Regards Vanessa

Vanessa Edmonds
BA, MLitt, Full Member - AACAI
Principal-NSW

6/64 Centennial Circuit, Byron Bay NSW 2480
Mob: +61 429 114 188
Ph: 1300 124 356

Everick Heritage Pty Ltd
ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Byron Bay - Toowoomba
Web: www.everick.com.au



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

From: [Vanessa Edmonds](#)
To: [Brent Emmons](#)
Subject: Saddle Road, Brunswick Heads
Date: Wednesday, 11 October 2023 9:43:00 AM
Attachments: [image001.png](#)

Hi Brent,

I am trying to relocate the artefacts from test excavations at Saddle Road in 2019. There wouldnt be very many. They are not with Tweed Byron LALC and they weren't at the old Coffs Harbour Office. There is nothing in the previous report. Could you please ask Leon as he said he was there. I wondered if they were being kept at Arakwal? The only other possibility is that Tim Hill either reburied them on site or still has them. I would find the latter unusual even for him but if absolutely necessary I guess Ill have to email him)

Sender: Vanessa Edmonds <v.edmonds@everick.net.au>
Recipient(s): Charmaine Roberts <charmaine@arakwal.com.au>
Subject: Saddle Road Brunswick Heads
Sent datetime: 2023-09-01T07:34:24

Good morning Charmaine,
Matt forwarded on your email. I completely understand about Arakwal not wanting to share their cultural knowledge with other stakeholders and would be more than happy to come to the office for a separate meeting. I can assure you that information provided would be restricted and perhaps we can discuss some general way to talk about the values without disclosing any specific details.

I am available after the meeting/survey on Monday – although not sure what time we will finish. Its not a big job. Then available after 11 am Tuesday and between about 10.30 and 12.30 Wednesday. I have a meeting from 1.30 to 2.30 pm Wednesday but also available after that. Unfortunately, I am away from the 7-18 September and would rather see you before that so you are not worrying about this project.

Just to let you know we did try just to only use Arakwal for the Ewingsdale Road ACHAR but Heritage NSW rejected the ACHAR and are making us go back to the consultation phase. They told us in no uncertain terms that unless it is Crown land we must conduct the full consultation process.

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

9/42 Byron Street, Lennox Head, NSW 2748

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au

**EVERICK
HERITAGE**



Introducing Everick Geospatial to 2023



From: [Vanessa Edmonds](#)
To: [Brent Emmons](#); [Charmaine Roberts](#)
Subject: Further details for existing ACHARs
Date: Friday, 20 October 2023 2:08:00 PM
Attachments: [image001.png](#)

Hi Brent and Charmaine,

Sorry just another update regarding the ILUA/ACHAR situation. I will look through all our current ACHARs and see which are located within an ILUA. I will then send the list to Heritage NSW as they requested so they can potentially revise the consultation requirements. I think this has eventually been a good outcome for all.

In addition, I spoke with Abel East (Creative Capital – Saddle Road) about the potential donation of land and he will call to discuss.

Have a great weekend

Regards Vanessa

Vanessa Edmonds

Full Member of AACAI

Principal-NSW

6/64 Centennial Circuit, Byron Bay, NSW 2481

Ph: 02 9552 2944

Mob: +61 429 114 188

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville – Byron-Ballina - Tweed Heads

Web: www.everick.com.au



Appendix D – ACHAR Methodology

31 July 2023

NSW10111

To whom it may concern,

**RE: ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ACHAR METHODOLOGY
SADDLE ROAD, BRUNSWICK HEADS – REZONING OF LANDS FOR FUTURE DEVELOPMENT**

Thank you for registering your interest in this Project. The following sections provide a background to the Project and present the proposed methodology for the Aboriginal Cultural Heritage Assessment Report (ACHAR) methodology. Your comments would be greatly appreciated.

Project background

Creative Capital are proposing to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads NSW (Project Area) (Figure 1) The Project is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5 hectares of Lot 2 for an employment land use. The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's Northern Rivers Resilient Lands Strategy – Summary Report (Figure 2).

The Project Area is located within the Byron Shire Council Local Government Area (LGA). It is anticipated the Project will include future earthworks, clearing of vegetation and construction of residential buildings. Detailed construction drawing and design plans have yet to be provided to Everick Heritage. It is understood that the proposed development as per Figure 2 is indicative only.

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was previously provided by Everick Heritage (2019) for an earlier proposed Saddle Road rezoning project which included the current Project Area. Archaeological survey and test excavations were undertaken as part of this earlier assessment.

A survey conducted of the rezoning area re-identified TL 1 (AHIMS ID 04-5-0149) as a small patch of fragmented shell on the toe of a ridge above Gulgan Road at Saddle Road 08 (AHIMS ID 04-5-0344) approximately 65 m to the south. Based on the proximity of the shell to the pre-existing TL 1 (AHIMS ID 04-5-0149) site record, it was inferred that Saddle Road 08 (AHIMS ID 04-5-0344) is the same site

EVERICK HERITAGE

(Everick Heritage 2019: 113). Archaeological survey and Code of Practice test excavations conducted within the study area identified 20 new Aboriginal sites, of which seven are within the current Project Area.

As there has been a change in Proponent, project scope, and over 6 months since the last consultation has occurred with RAPs, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

Everick Heritage has been engaged by Creative Capital to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Project Area in accordance with:

- Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (the Guide) (OEH 2011)
- Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (Department of Environment, Climate Change and Water [DECCW] 2010a)
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Consultation Requirements) (DECCW 2010b).



EVERICK HERITAGE



Figure 1: Location of Project Area

EVERICK HERITAGE

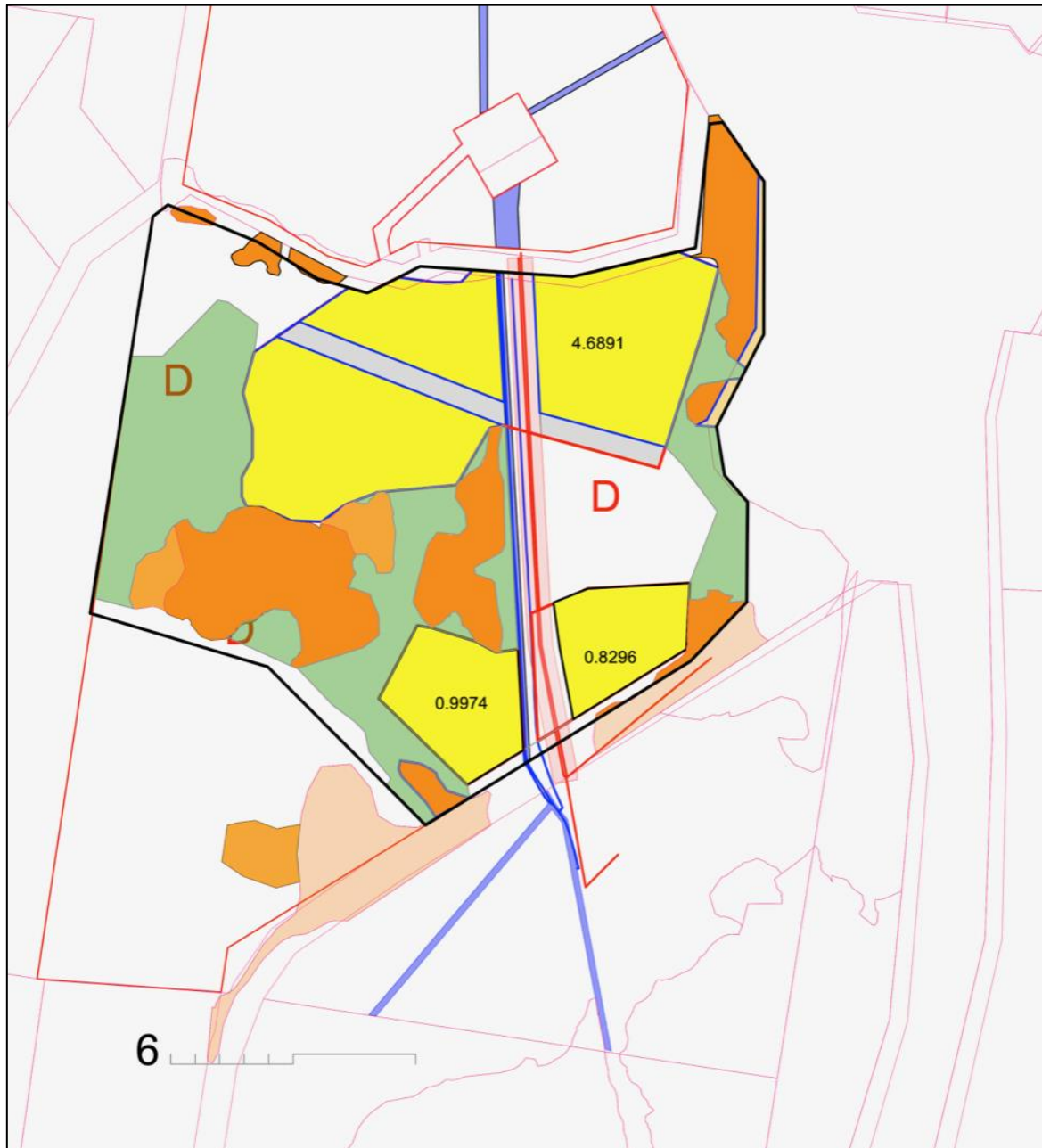


Figure 2: Map of Project Area and surveyed DCP (black outline) and areas proposed for rezoning (yellow) (Source: Creative Capital)

Archaeological context

Numerous studies have been conducted on the rolling coastal hilltops and ridges of the Byron and Ballina region (Everick Heritage 2019; 2020b; 2021; Hughes 1998; Lomax 1995a; 1995b) in response to mixed infrastructure, road, and residential developments.

EVERICK HERITAGE

A search of AHIMS was initially conducted on 08 June 2023 (AHIMS ID: 729700) with the following coordinates:

Lat, Long from: -28.597, 153.4818

Lat, Long to: -28.5126, 153.6054

43 Aboriginal site listings were identified as a result of the AHIMS search. Fourteen of which are restricted sites. Nine previously identified Aboriginal sites are recorded within the Project Area (Figure 3; Table 1).

Table 1: AHIMS Sites within the Project Area

Site ID	Site name	Easting	Northing	Site feature
04-5-0149	TL 1	552750	6840550	Shell : -, Artefact : -
04-5-0348	Saddle Road 06	552787	6840706	Artefact : -
04-5-0351	Saddle Road 07	552814	6840712	Artefact : -
04-5-0344	Saddle Road 08	552863	6840639	Shell : -
04-5-0346	Saddle Road 09	552853	6840648	Artefact : -
04-5-0347	Saddle Road 7	552814	6840712	Artefact : -
04-5-0335	Saddle Road 17	552857	6840797	Artefact : -
04-5-0336	Saddle Road 18	552834	6840776	Artefact : -
04-5-0334	Saddle Road 19	552650	6840650	Artefact : -
04-5-0356	Saddle Road 20	552603	6840662	Artefact : -

The predictive model developed by Everick Heritage (2019) for the previous larger rezoning project area, which includes the current Project Area is as follows:

Previous archaeological studies indicate that many Aboriginal sites within the region are located on ridges or ridge crests that are in close proximity to water and where historical ground disturbance is moderate to minimal. Where ridges or ridge crests are not in close proximity to perennial water sources, sites may occur on these landforms in approximation to former coastline abutting sandy and estuarine deposits.

EVERICK HERITAGE

Stone artefacts are the most common site type regionally and have been previously identified on all landforms within the Project Area (including current Project Area). Further stone artefacts are likely to be identified as eroded ground surface expressions on ridge landforms as well as at sub-surface levels. Lateral erosion of soils along drainage lines to low points in the south east of the Project Area will likely have further displaced stone artefacts from the ridge onto mixed transferral and estuarine deposits in the southeast.

Shell midden may further occur in the lower south-east portion of the Project Area in estuarine, sandy soil profiles associated with the Tyagarah soil landscape with the potential to retain midden deposit in lenses. Aboriginal human remains would also be most likely to occur within the Tyagarah estuarine deposits as the soft nature of the soil profile would more easily allow for rudimentary hand-excavation to allow for burials.

The level of historical ground disturbance is a key factor in determining the archaeological potential of the Project Area. With consideration for the presence of sensitive landforms and confirmed presence of Aboriginal sites, it is considered a high likelihood that further Aboriginal objects will be identified in the Project Area (current Project Area included)



EVERICK HERITAGE



Figure 3: Previously recorded AHIMS registered sites in and surrounding the Project Area

ACHAR methodology

Aboriginal community consultation

The Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Consultation Requirements) acts as a guide for conducting the community consultation process. It contains several minimum consultation standards, one of which requires the preparation of a methodology for conducting the cultural heritage assessment. This methodology outlines the basic steps that need to be undertaken to determine the nature of the cultural heritage of the site, and the approaches required to manage that heritage. Traditional Owners have been, and will continue to be, consulted regarding concerns not only about archaeological sites, but other cultural values, such as historic and spiritual significance, and values relating to flora and fauna of the area.

We recognise that there may be traditional knowledge that will have to be treated in a confidential manner and we will be seeking advice from Traditional Owners on the appropriate protocols to be adopted regarding such knowledge.

Archaeological survey

In compliance with Requirement 5b of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (DECCW 2010a), we propose to undertake an archaeological survey of the Project Area. GPS logs and survey coverage details will be recorded during the survey.

The primary purpose of the archaeological survey will be to:

- Revisit and reassess previously identified Potential Archaeological Deposits (PAD) and Aboriginal sites within the Project Area
- Identify and record any additional Aboriginal sites or areas of PAD
- Liaise with the Registered Aboriginal Parties (RAPs) regarding the archaeological and cultural sensitivity of the Project Area
- Record the nature and location of ground disturbance.

Should the Project Area or rezoning locations be subject to change, further archaeological survey will be required to assess the new area of impacts.

Test excavation (If required)

As a result of the previous ACHAR (Everick Heritage 2019) and the preliminary investigatory and consultation process, it has been determined that further test excavations may be required to confirm the findings of the previous assessment and to provide an updated assessment of the Project Area.

In the event that further sub-surface testing and information is required, archaeological test excavations under the Code of Practice will be undertaken as a next step at a mutually agreed date. We expect that if test excavations under the Code of Practice are to be carried out that it will be undertaken for a maximum for three days.

The primary purpose of the test excavation programme, if required will be to provide additional coverage of subsurface testing to support the findings of the testing program undertaken for the Everick Heritage (2019) ACHAR. The test excavations will aim to determine whether previously unidentified subsurface deposits are within the proposed rezoning areas, and if so, what the nature and extent of that deposit is particularly in relation to previous findings.

The proposed subsurface archaeological investigations include excavating 500 millimetre (mm) x 500 mm shovel test pits at 40 metre (m) intervals inside the rezoning footprint. The use of 40 m intervals additionally will allow for modification of the program to include additional pits at smaller intervals where and if archaeological deposits are encountered.

In total, up to 30 test pits are currently planned, though this number may be subject to change based on conditions within the field and on-site consultation between RAPs and Everick Heritage staff. Further test pits will be excavated at 5, 10 or 20 m offsets or extended where subsurface archaeological deposit/features are found in order to establish the nature and extent of those deposits/features.

The test excavations will be undertaken in two teams comprising one Archaeologist and three RAP sites officers indicatively. Consultation will be continuously undertaken with the RAPs on site during excavations to determine what cultural values might be present within or close to the Project Area. Any cultural knowledge and/or management recommendations recorded during the excavation will be added to the consultation log and incorporated where appropriate into the ACHAR.

Research framework

Research questions provide a framework for undertaking test excavation and ensure that the information collected during the program contributes to the knowledge of sites locally and within the regional archaeological record. The test excavation will attempt to address the following research questions:

- Do stratified in situ deposits exist within the Project Area?
- What is the nature and extent of subsurface archaeological deposit in the Project Area?
- Does the subsurface deposit (if present) relate to landscape features such as contour, soil landscape or proximity to watercourses?
- How does the nature of any archaeological deposit compare with other excavated archaeological sites in the region?
- How do the results compare with the results of test excavations conducted for the previous ACHAR (Everick Heritage 2019) within the Project Area?
- Are stone artefacts present and if so, what is the nature of the stone assemblage?
- Is it possible to determine the age of the archaeological deposit?
- What is the scientific and cultural significance of the archaeological deposit?
- How do the results of test excavation fit the predictive model presented?
- If pertinent, how do the results of the test excavation reflect changes in Pleistocene and Holocene sea-levels?

Test excavation methodology

All test excavation will be undertaken in accordance with Requirement 16 of the Code of Practice. Test excavation will be undertaken manually by trowel, shovel or other manual instrument depending on the nature of the sediment. Excavation would proceed to an archaeologically sterile layer. This may be characterised by increased clay content in the matrix. In accordance with Requirement 16, the first test pit at each landform unit will be excavated in 50 mm spits. Subsequent test pits in the landform unit will then be excavated in 100 mm spits.

The location of each excavation unit will be recorded using a hand-held GPS and each test pit would be given a unique identification number. A context sheet for each excavation unit will be completed in the field. Details recorded for excavation unit include: date of excavation, name of excavators, depth, number of buckets and soil description. Scale section drawings will be prepared for a representative sample of excavation units. A photograph will be recorded of one representative section wall and the base of each excavation unit. If discovered during excavation, suitable samples for radiocarbon dating will be collected and curated appropriately.

Dry sieving with handheld sieves will be employed during the test excavation. Excavated deposit will be placed in buckets and transported to a sieve area adjacent to the excavation, but at a distance so as not

contaminate sieved sediment with yet to be excavated sediment. All soils will be sieved through 5 mm and the spoil will be used to backfill test pits manually following recording.

If necessary, pits that needed to be left open overnight will be cordoned off with barricading and a buffer of 2–5 m to mitigate any potential OH&S issues, in particular the potential for livestock or other fauna to enter the pits and become trapped overnight.

In accordance with Requirement 17 of the Code of Practice, test excavation will cease when enough information has been retrieved to adequately characterise the objects present regarding the nature and significance of the deposit.

Two shell midden sites have been previously identified within the Project Area, being Saddle Road 08 (AHIMS ID 04-5-0344) and TL 1 (AHIMS ID 04-5-0149). Requirement 14 of the Code of Practice stipulates that test excavation in or within 50 m of shell midden is not excluded from the definition of harm, thereby requiring an Aboriginal Heritage Impact Permit (AHIP) to authorise harm. No test excavation is to be undertaken within 50 m of the two existing shell midden sites previously recorded within the Project Area. Should it be determined that further test excavation is required within 50 m of the shell midden sites, an AHIP will be required.

If suspected human remains are discovered during test excavation, the following actions will be undertaken:

- The remains must not be harmed/further harmed
- Immediately cease all works at that location
- Secure the area to avoid further harm to the remains
- Notify the NSW Police and the Environment Line (Department of Planning and Environment [DPE]) on 131 555 as soon as practicable and provide any details of the remains and their location
- Do not recommence any work at that location unless authorised in writing by DPE.

Analyses, recording and management

It is expected that any excavated archaeological deposit will mainly comprise stone artefacts. All artefact recording will be in accordance with Section 3.2, Requirement 18 of the Code of Practice. Key attributes of all stone artefacts recovered from the excavation will be recorded as follows:

- raw material
- artefact type

- platform type
- termination type
- dimensions.

A photographic record will be taken for all retrieved stone artefacts and all artefacts and other material will be given a unique number and stored in double re-sealable snap lock bags. A permanent marker will be used to record the provenance and unique number of artefacts in each bag in writing on the outside of the bag and on an archival grade tag such as Dupont™ Tyvek® paper.

All recorded information will be entered into a Microsoft Excel table with details linked to the provenance of the material. This will allow the data to be readily supplied with the ACHAR to the RAPs and Heritage NSW in both electronic and hard-copy form.

In the short term, archaeological material and objects recovered from the test excavation will be temporarily stored in a secure location at Everick Heritage's Lennox Head Office (9/42 Byron Street, Lennox Head, NSW 2478) for recording and analysis purposes.

Consultation regarding the long-term management of archaeological material and objects recovered during the test excavation program will be undertaken with the RAPs for the Project during the review process for the ACHAR.

Options could include the following:

- Archaeological material and objects to be provided to the Australian Museum
- Archaeological material and objects to be curated by an Aboriginal community in conjunction with a Care and Control permit
- Archaeological material and objects to be reburied within the Project Area at a location safe from future disturbance. The reburial location would be recorded and submitted to AHIMS.

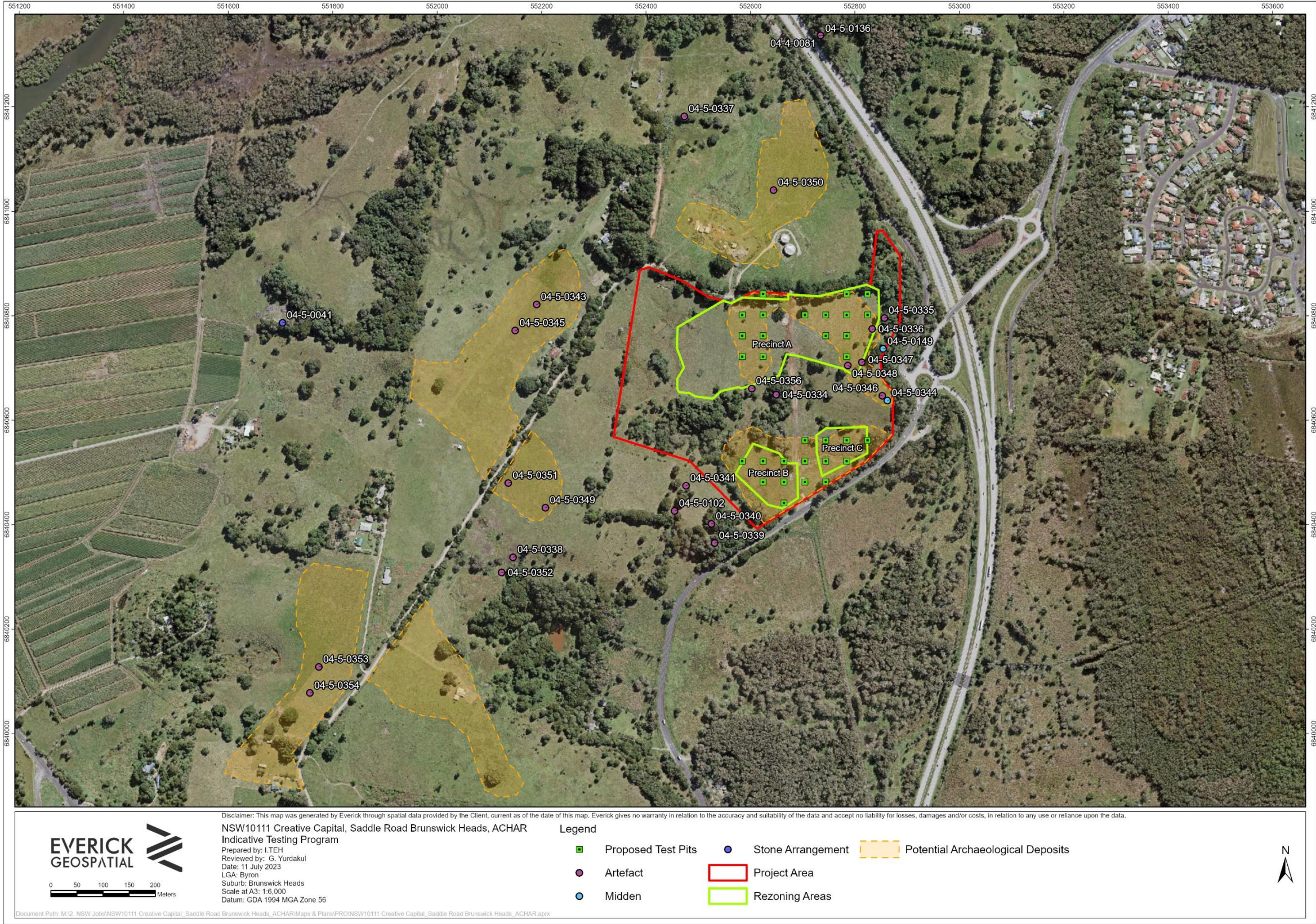


Figure 4: Indicative test pit locations

Reporting on Aboriginal Objects

An ACHAR detailing the results of the archaeological survey and test excavation if undertaken will be prepared once excavation and artefact recording activities are concluded. The ACHAR will comply with Requirement 11 of the Code of Practice.

The ACHAR will include details of the test excavation, aims, sampling strategy, methodology and results and will also provide details on the established extent and scientific significance of each of the investigated areas. The report will also provide recommendations regarding the necessity of further archaeological investigations. Examples of such recommendations include:

- If an area of the Project Area is assessed as demonstrating low archaeological significance, no further archaeological investigation would be required.
- If an area of Project Area is assessed as demonstrating moderate-high archaeological significance, further archaeological work, such as salvage excavation may be required.

Aboriginal Site Recording Forms, or Aboriginal Site Impact Recording Forms (where appropriate) will be prepared and submitted as soon as is practicable to the AHIMS database to document the test excavation results.

Aboriginal Heritage Impact Permit

The overall guiding principle for cultural heritage management is that where possible, Aboriginal sites should be conserved. If conservation is not practicable, measures should be taken to mitigate impacts to Aboriginal sites. If any Aboriginal objects are identified during the test excavations within the impact areas and harm cannot be avoided, an AHIP will be required for impacts to any Aboriginal sites located in the impact areas.

Comment on the proposed process

We request that registered Aboriginal parties please review this methodology and provide comment on objects or places of cultural value which may be known to Aboriginal people within the Project Area. Your comments would be appreciated by 28 August 2023.

EVERICK HERITAGE

If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to working with you further.

Yours sincerely,



Matthew Finlayson
Archaeologist
Everick Heritage



7 June 2023

NSW10111

North Coast Local Land Service
1243 Bruxner Highway Wollongbar
02 6623 3900
admin.northcoast@lls.nsw.gov.au

Dear Sir/Madam

**RE: LOT 2 DP1159910 SADDLE ROAD, BRUNSWICK HEADS, NSW 2483
ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT**

We wish to advise that we have been engaged to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support a planning proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) (the Project Area). The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5ha of the parcel for an employment land use (Attachment 1). The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's *Northern Rivers Resilient Lands Strategy – Summery Report*. The Project Area is located within the Byron Shire Council Local Government Area. Everick Heritage is seeking the assistance of the Aboriginal community in assessing potential impacts this Project may have on Aboriginal cultural values in the area.

An Aboriginal Cultural Heritage Assessment Report was previously provided by Everick Heritage (2019) for an earlier proposed Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in Proponent, project scope, and over 6 months since the last cultural heritage assessment, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

The contact details for the project are:

Abel East
Development Director

EVERICK HERITAGE

Creative Capital
44/1 Porter Street, Byron Bay, NSW 2481
abel@thecreativecapital.company

In consideration of the Heritage NSW *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (the Guide) 2011 (Office of Environment and Heritage 2011), and in order to ensure that they fulfill their legal and ethical obligations to identify and protect Aboriginal cultural heritage, our client has instructed us to undertake the full community consultation process recommended by Heritage NSW in their *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water 2010).

We would welcome any input North Coast Local Land Services (LLS) wish to have in this process. In particular, we request that North Coast Local Land Services (LLS) please forward us the contact details for Aboriginal persons or organisations that may have an interest in the proposed Project Area and who may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Project Area. If we could please have your response by **22 June 2023**.

If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to working with you further.

Yours sincerely,

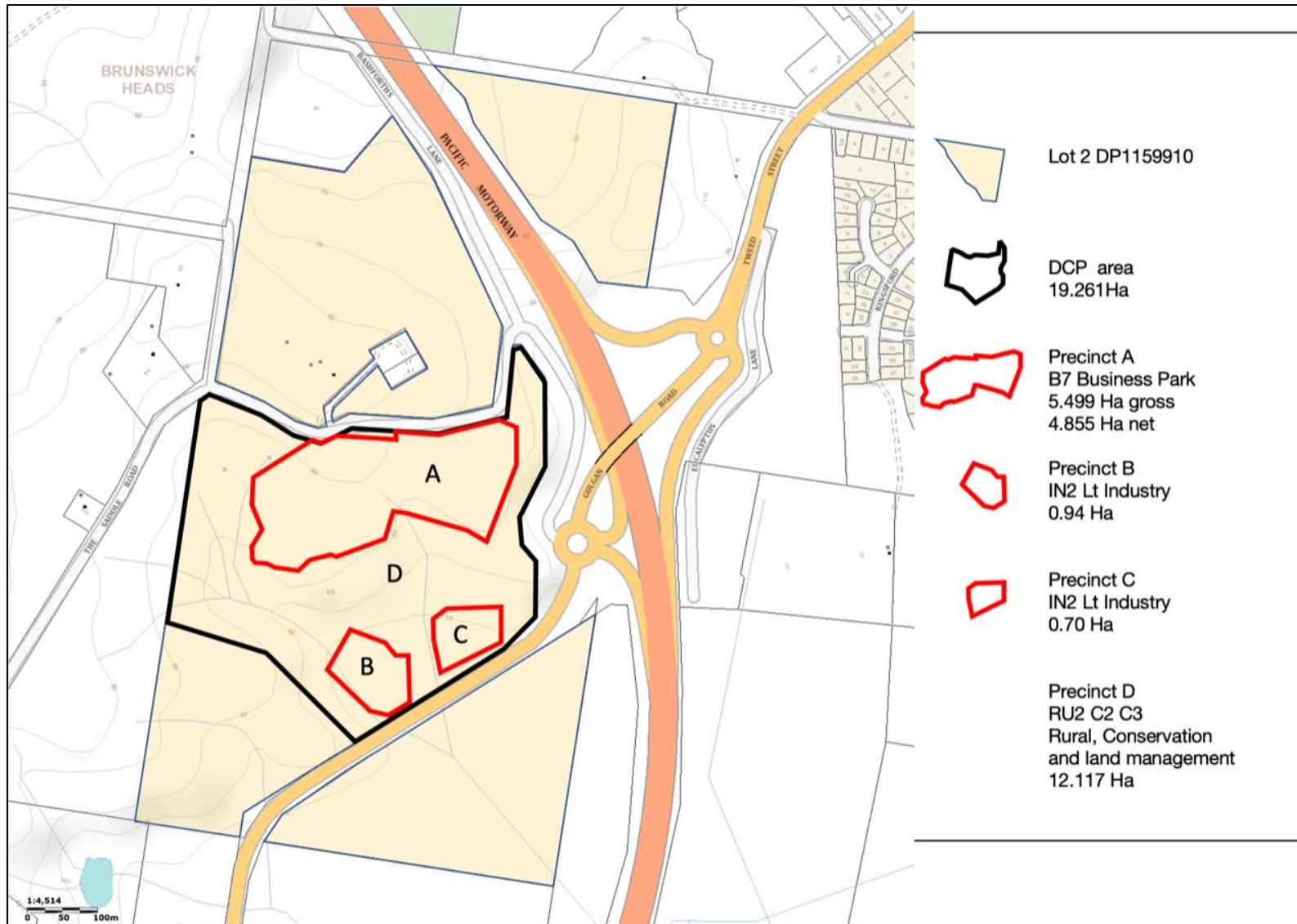


Andrew Wilkinson
Associate
Everick Heritage



EVERICK HERITAGE

Attachment 1: Proposed rezoning of the Project Area



EVERICK HERITAGE

7 June 2023

NSW10111

Byron Shire Council Local Government Area
70 Station Street
PO Box 219
Mullumbimby NSW 2482
council@byron.nsw.gov.au

Dear Sir/Madam

**RE: LOT 2 DP1159910 SADDLE ROAD, BRUNSWICK HEADS, NSW 2483
ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT**

We wish to advise that we have been engaged to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support a planning proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) (the Project Area). The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5ha of the parcel for an employment land use (Attachment 1). The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's *Northern Rivers Resilient Lands Strategy – Summery Report*. The Project Area is located within the Byron Shire Council Local Government Area. Everick Heritage is seeking the assistance of the Aboriginal community in assessing potential impacts this Project may have on Aboriginal cultural values in the area.

An Aboriginal Cultural Heritage Assessment Report was previously provided by Everick Heritage (2019) for an earlier proposed Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in Proponent, project scope, and over 6 months since the last cultural heritage assessment, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

The contact details for the project are:

Abel East

EVERICK HERITAGE

Development Director
Creative Capital
44/1 Porter Street, Byron Bay, NSW 2481
abel@thecreativecapital.company

In consideration of the Heritage NSW *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (the Guide) 2011* (Office of Environment and Heritage 2011), and in order to ensure that they fulfill their legal and ethical obligations to identify and protect Aboriginal cultural heritage, our client has instructed us to undertake the full community consultation process recommended by Heritage NSW in their *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water 2010).

We would welcome any input Byron Shire Council (BSC) wish to have in this process. In particular, we request that Byron Shire Council (BSC) please forward us the contact details for Aboriginal persons or organisations that may have an interest in the proposed Project Area and who may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Project Area. If we could please have your response by **22 June 2023**.

If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to working with you further.

Yours sincerely,

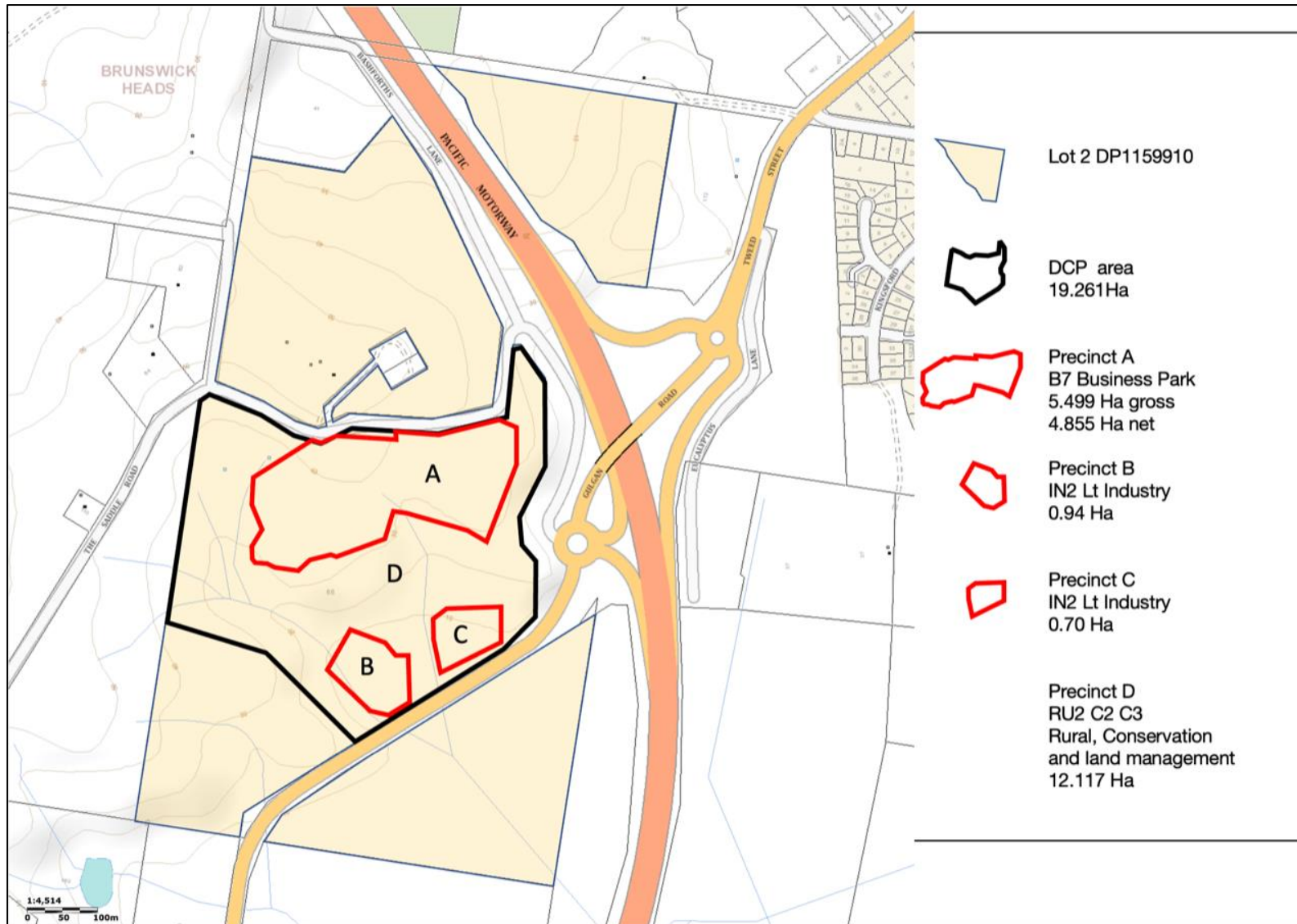


Andrew Wilkinson
Associate
Everick Heritage



EVERICK HERITAGE

Attachment 1: Proposed rezoning of the Project Area



EVERICK HERITAGE

7 June 2023

NSW10111

Senior Team Leader
Heritage NSW
PO Box 644
Parramatta NSW 2124
heritagemailbox@environment.nsw.gov.au

Dear Sir/Madam

**RE: LOT 2 DP1159910 SADDLE ROAD, BRUNSWICK HEADS, NSW 2483
ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT**

We wish to advise that we have been engaged to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support a planning proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) (the Project Area). The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5ha of the parcel for an employment land use (Attachment 1). The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's *Northern Rivers Resilient Lands Strategy – Summery Report*. The Project Area is located within the Byron Shire Council Local Government Area. Everick Heritage is seeking the assistance of the Aboriginal community in assessing potential impacts this Project may have on Aboriginal cultural values in the area.

An Aboriginal Cultural Heritage Assessment Report was previously provided by Everick Heritage (2019) for an earlier proposed Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in Proponent, project scope, and over 6 months since the last cultural heritage assessment, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

The contact details for the project are:

Abel East

EVERICK HERITAGE

Development Director
Creative Capital
44/1 Porter Street, Byron Bay, NSW 2481
abel@thecreativecapital.company

In consideration of the Heritage NSW *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (the Guide) 2011 (Office of Environment and Heritage 2011), and in order to ensure that they fulfill their legal and ethical obligations to identify and protect Aboriginal cultural heritage, our client has instructed us to undertake the full community consultation process recommended by Heritage NSW in their *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water 2010).

We would welcome any input Heritage NSW (HNSW) wish to have in this process. In particular, we request that Heritage NSW (HNSW) please forward us the contact details for Aboriginal persons or organisations that may have an interest in the proposed Project Area and who may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Project Area. If we could please have your response by **22 June 2023**.

If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to working with you further.

Yours sincerely,

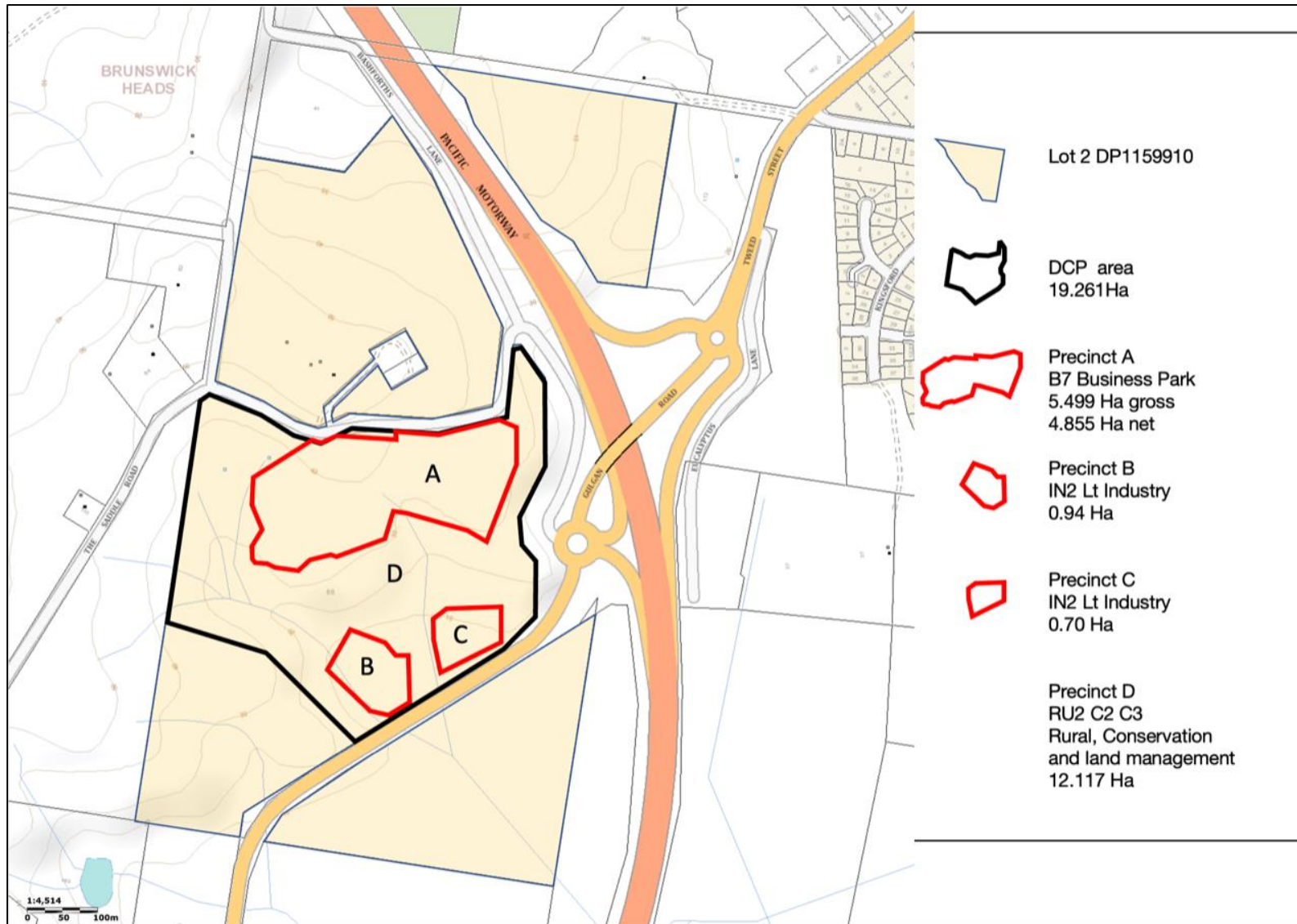


Andrew Wilkinson
Associate
Everick Heritage



EVERICK HERITAGE

Attachment 1: Proposed rezoning of the Project Area



7 June 2023

NSW10111

New South Wales Aboriginal Land Council
North Coast Office
Suite 5, Level 1, 66 - 90 Harbour Drive,
Coffs Harbour NSW 2450
PO Box 1912
Coffs Harbour NSW 2450
NorthernZone@alc.org.au

Dear Sir/Madam

**RE: LOT 2 DP1159910 SADDLE ROAD, BRUNSWICK HEADS, NSW 2483
ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT**

We wish to advise that we have been engaged to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support a planning proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) (the Project Area). The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5ha of the parcel for an employment land use (Attachment 1). The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's *Northern Rivers Resilient Lands Strategy – Summery Report*. The Project Area is located within the Byron Shire Council Local Government Area. Everick Heritage is seeking the assistance of the Aboriginal community in assessing potential impacts this Project may have on Aboriginal cultural values in the area.

An Aboriginal Cultural Heritage Assessment Report was previously provided by Everick Heritage (2019) for an earlier proposed Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in Proponent, project scope, and over 6 months since the last cultural heritage assessment, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

EVERICK HERITAGE

The contact details for the project are:

Abel East
Development Director
Creative Capital
44/1 Porter Street, Byron Bay, NSW 2481
abel@thecreativecapital.company

In consideration of the Heritage NSW *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (the Guide) 2011 (Office of Environment and Heritage 2011), and in order to ensure that they fulfill their legal and ethical obligations to identify and protect Aboriginal cultural heritage, our client has instructed us to undertake the full community consultation process recommended by Heritage NSW in their *Aboriginal Cultural Heritage Consultation Requirements for Proponents* 2010 (Department of Environment, Climate Change and Water 2010).

We would welcome any input North Coast Office Aboriginal Land Council wish to have in this process. In particular, we request that North Coast Office Aboriginal Land Council please forward us the contact details for Aboriginal persons or organisations that may have an interest in the proposed Project Area and who may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Project Area. If we could please have your response by **22 June 2023**.

If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to working with you further.

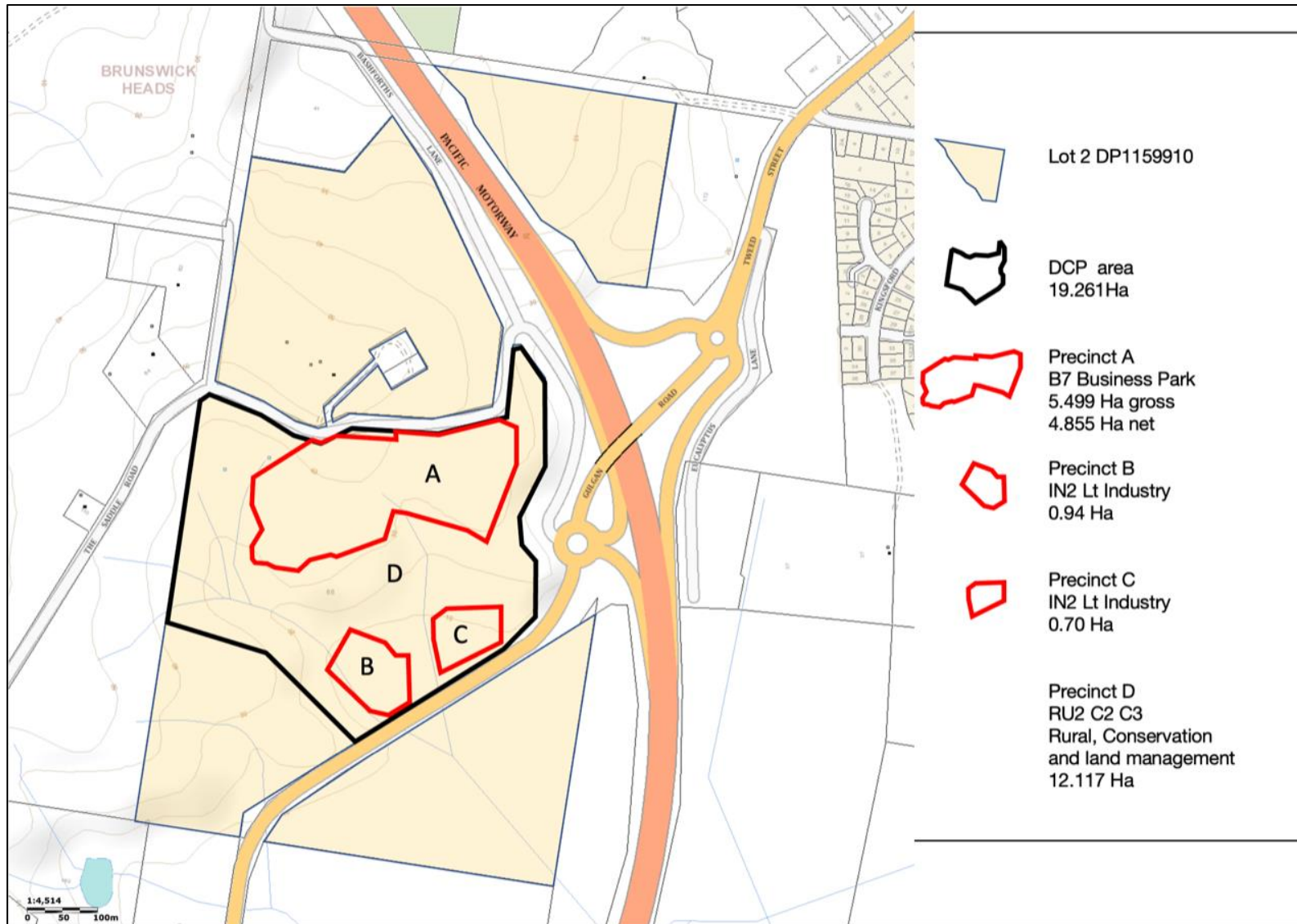
Yours sincerely,



Andrew Wilkinson
Associate
Everick Heritage

EVERICK HERITAGE

Attachment 1: Proposed rezoning of the Project Area



EVERICK HERITAGE

7 June 2023

NSW10111

NTSCorp
PO Box 2105
Strawberry Hills NSW 2012
Information@ntscorp.com.au

Dear Sir/Madam

**RE: LOT 2 DP1159910 SADDLE ROAD, BRUNSWICK HEADS, NSW 2483
ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT**

We wish to advise that we have been engaged to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support a planning proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) (the Project Area). The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5ha of the parcel for an employment land use (Attachment 1). The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's *Northern Rivers Resilient Lands Strategy – Summery Report*. The Project Area is located within the Byron Shire Council Local Government Area. Everick Heritage is seeking the assistance of the Aboriginal community in assessing potential impacts this Project may have on Aboriginal cultural values in the area.

An Aboriginal Cultural Heritage Assessment Report was previously provided by Everick Heritage (2019) for an earlier proposed Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in Proponent, project scope, and over 6 months since the last cultural heritage assessment, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

The contact details for the project are:

Abel East
Development Director

EVERICK HERITAGE

Creative Capital
44/1 Porter Street, Byron Bay, NSW 2481
abel@thecreativecapital.company

In consideration of the Heritage NSW *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (the Guide) 2011 (Office of Environment and Heritage 2011), and in order to ensure that they fulfill their legal and ethical obligations to identify and protect Aboriginal cultural heritage, our client has instructed us to undertake the full community consultation process recommended by Heritage NSW in their *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water 2010).

We would welcome any input NTSCorp wish to have in this process. In particular, we request that NTSCorp please forward us the contact details for Aboriginal persons or organisations that may have an interest in the proposed Project Area and who may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Project Area. If we could please have your response by **22 June 2023**.

If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to working with you further.

Yours sincerely,

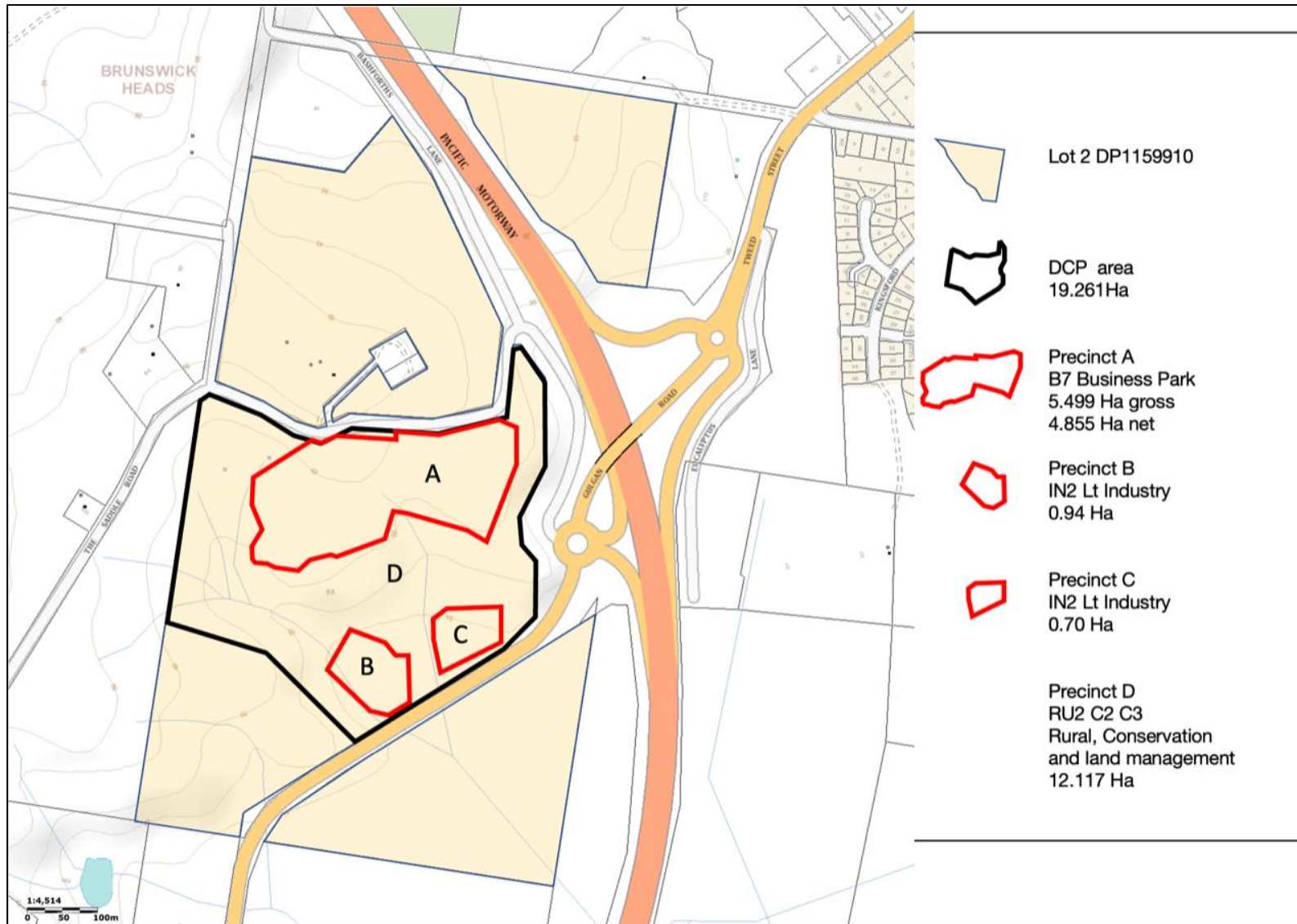


Andrew Wilkinson
Associate
Everick Heritage



EVERICK HERITAGE

Attachment 1: Proposed rezoning of the Project Area



EVERICK HERITAGE

7 June 2023

NSW10111

The Office of the Registrar
Aboriginal Land Rights Act 1983
PO Box 5068
Parramatta NSW 2124
adminofficer@oralra.nsw.gov.au

Dear Sir/Madam

**RE: LOT 2 DP1159910 SADDLE ROAD, BRUNSWICK HEADS, NSW 2483
ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT**

We wish to advise that we have been engaged to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support a planning proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) (the Project Area). The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5ha of the parcel for an employment land use (Attachment 1). The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's *Northern Rivers Resilient Lands Strategy – Summery Report*. The Project Area is located within the Byron Shire Council Local Government Area. Everick Heritage is seeking the assistance of the Aboriginal community in assessing potential impacts this Project may have on Aboriginal cultural values in the area.

An Aboriginal Cultural Heritage Assessment Report was previously provided by Everick Heritage (2019) for an earlier proposed Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in Proponent, project scope, and over 6 months since the last cultural heritage assessment, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

The contact details for the project are:

Abel East
Development Director

EVERICK HERITAGE

Creative Capital
44/1 Porter Street, Byron Bay, NSW 2481
abel@thecreativecapital.company

In consideration of the Heritage NSW *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (the Guide) 2011 (Office of Environment and Heritage 2011), and in order to ensure that they fulfill their legal and ethical obligations to identify and protect Aboriginal cultural heritage, our client has instructed us to undertake the full community consultation process recommended by Heritage NSW in their *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water 2010).

We would welcome any input the Office of the Registrar (ORALRA) wish to have in this process. In particular, we request that ORALRA please forward us the contact details for Aboriginal persons or organisations that may have an interest in the proposed Project Area and who may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Project Area. If we could please have your response by **22 June 2023**.

If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to working with you further.

Yours sincerely,

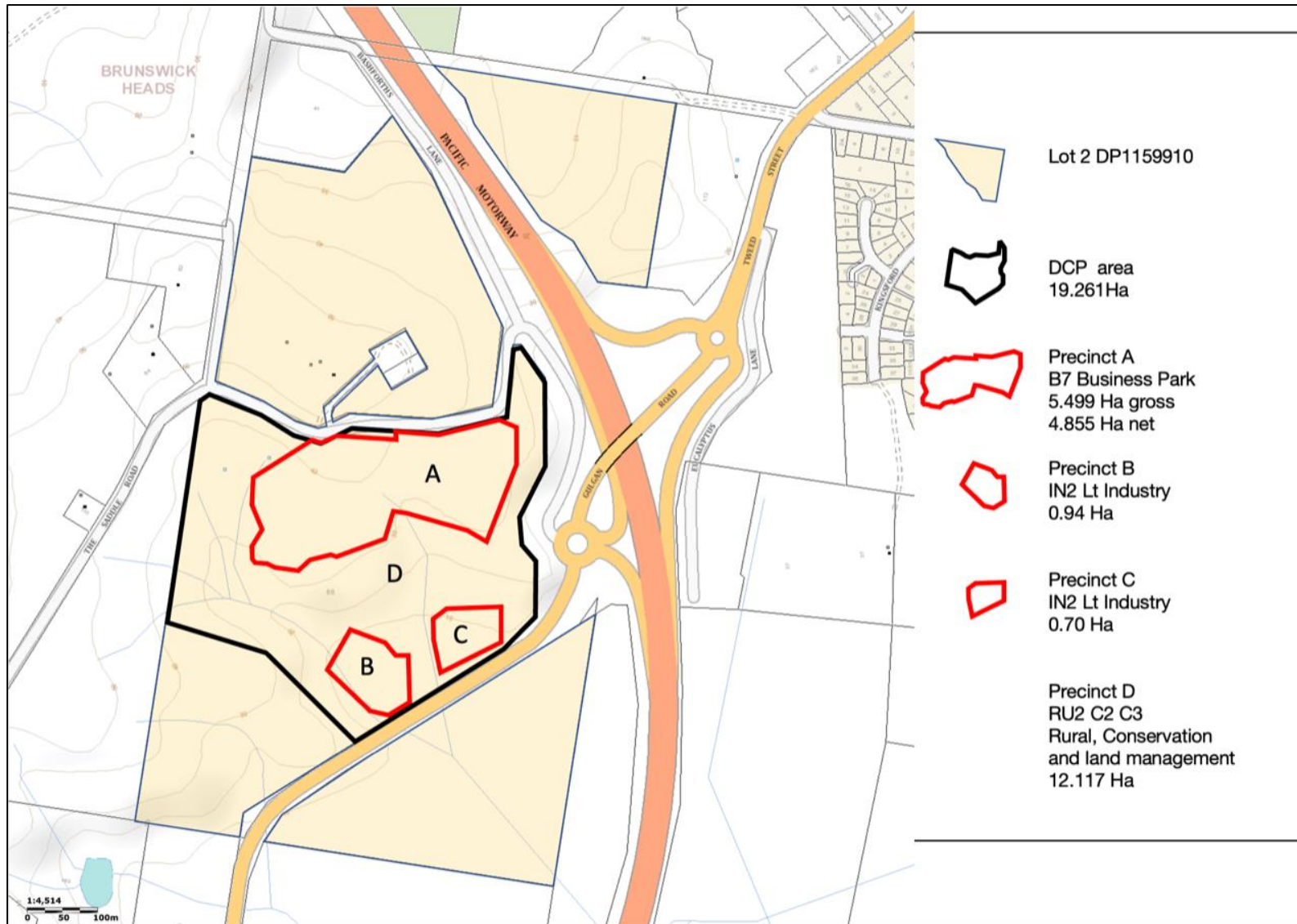


Andrew Wilkinson
Associate
Everick Heritage



EVERICK HERITAGE

Attachment 1: Proposed rezoning of the Project Area



EVERICK HERITAGE

7 June 2023

NSW10111

Tweed-Byron Local Aboriginal Land Council
PO Box 6967
South Tweed Heads, NSW 2485
culturalheritage@tblalc.com
sites@tblalc.com

Dear Sir/Madam

**RE: LOT 2 DP1159910 SADDLE ROAD, BRUNSWICK HEADS, NSW 2483
ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT**

We wish to advise that we have been engaged to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support a planning proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) (the Project Area). The proposal is in support of Byron Shire Council's Business & Industrial Lands Strategy (BILS) to rezone 6.5ha of the parcel for an employment land use (Attachment 1). The proposed rezoning has the potential to form part of a wider project to rezone a larger portion of Saddle Road for the purposes of sustainable housing supply as identified in the State Government's *Northern Rivers Resilient Lands Strategy – Summery Report*. The Project Area is located within the Byron Shire Council Local Government Area. Everick Heritage is seeking the assistance of the Aboriginal community in assessing potential impacts this Project may have on Aboriginal cultural values in the area.

An Aboriginal Cultural Heritage Assessment Report was previously provided by Everick Heritage (2019) for an earlier proposed Saddle Road rezoning project. Archaeological survey and test excavations were undertaken as part of this earlier assessment. The 2019 ACHAR included Lot 2 DP 1159910 which covers the current Project Area. As there has been a change in Proponent, project scope, and over 6 months since the last cultural heritage assessment, a new ACHAR will be required to recommence the consultation process and adequately address whether Aboriginal objects will be harmed as a result of the rezoning and future works within Lot 2 DP 1159910. The new ACHAR will be required to support the planning proposal and Development Control Plan (DCP) for approval by Byron Shire Council.

The contact details for the project are:

Abel East

EVERICK HERITAGE

Development Director
Creative Capital
44/1 Porter Street, Byron Bay, NSW 2481
abel@thecreativecapital.company

In consideration of the Heritage NSW *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (the Guide) 2011 (Office of Environment and Heritage 2011), and in order to ensure that they fulfill their legal and ethical obligations to identify and protect Aboriginal cultural heritage, our client has instructed us to undertake the full community consultation process recommended by Heritage NSW in their *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water 2010).

We would welcome any input Tweed-Byron Local Aboriginal Land Council (LALC) wish to have in this process. In particular, we request that Tweed-Byron Local Aboriginal Land Council (LALC) please forward us the contact details for Aboriginal persons or organisations that may have an interest in the proposed Project Area and who may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Project Area. If we could please have your response by **22 June 2023**.

If you wish to find out more about our qualifications and experience in this field, please visit our website www.everick.com.au. We look forward to working with you further.

Yours sincerely,

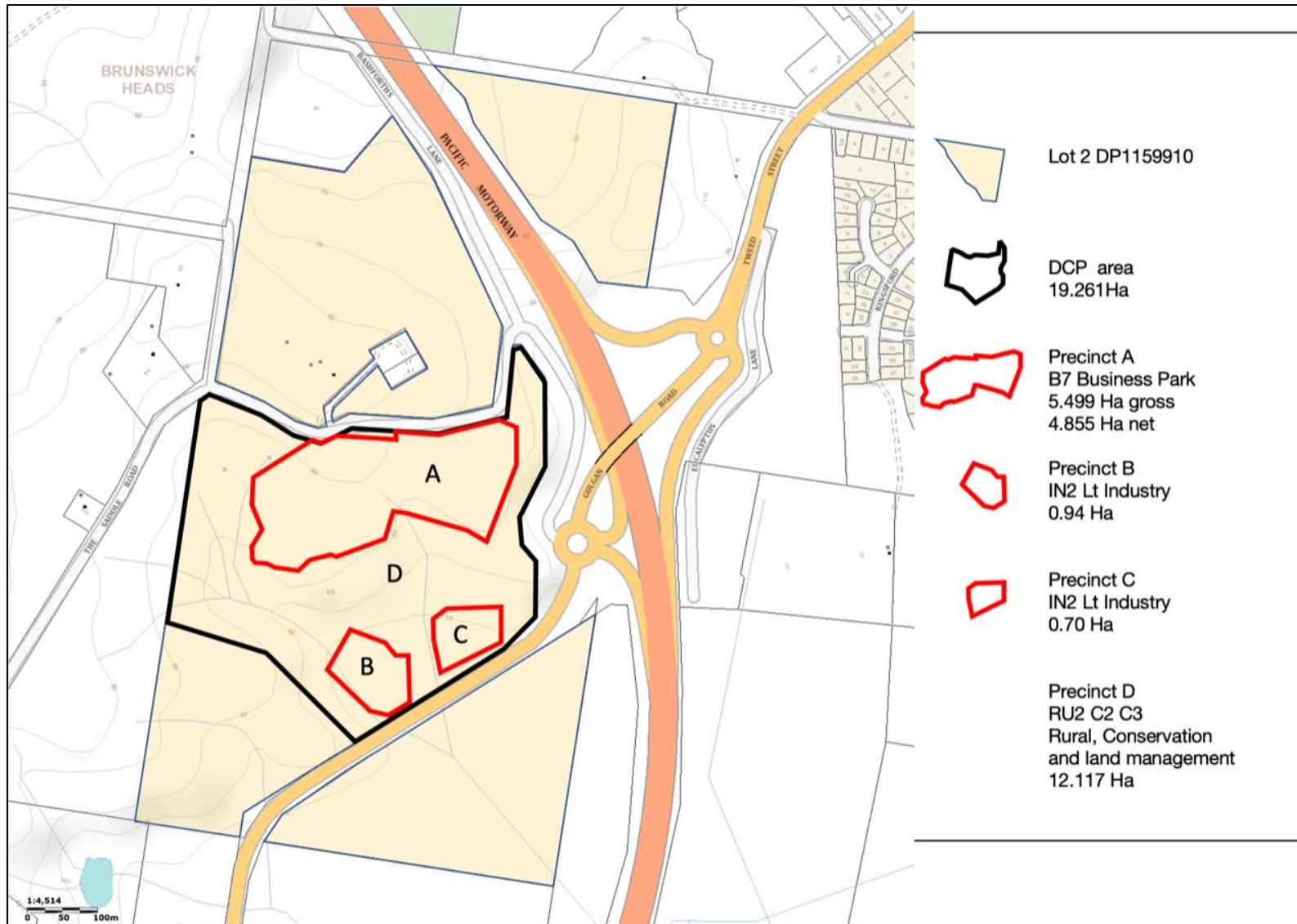


Andrew Wilkinson
Associate
Everick Heritage



EVERICK HERITAGE

Attachment 1: Proposed rezoning of the Project Area



Sender: Matthew Finlayson <m.finlayson@everick.net.au>
Recipient(s): 'OEH HD Heritage Mailbox' <heritagemailbox@environment.nsw.gov.au>
Subject: NSW10111 Saddle Road Brunswick Heads Rezoning - List of Registered Aboriginal Parties
Sent datetime: 2023-07-31T12:57:30

Good Afternoon,

Please advised we have concluded the minimum 14 day consultation period inviting Aboriginal stakeholders to register their interest in the Saddle Road rezoning project at Brunswick Heads, NSW (Byron LGA). As such, please find attached a copy of our Public Notice published in the Echo Daily on 28 June 2023 and a sample copy of an Invitation Letter sent out to Aboriginal stakeholders.

We refer you to the below the list of Registered Aboriginal Parties for the Project.

RAP	Organisation	Email	Phone
Brent Emmons	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	brent@arakwal.com.au	02 66858746
Lois Cook		aboriginalconcepts@gmail.com	0405 654 280
Marcus Ferguson		mferguson310574@gmail.com	0428 114 212
Maurice Gannon	Tweed Byron Local Aboriginal Land Council	sites@tblalc.com	0407 643 349
River Williams	Minjungbal Tribal Discretionary Trust	culture.onjugan@hotmail.com	0488 337 205

Regards,

Matt Finlayson
BA (Archaeology), Master of Heritage Management
Archaeologist

6B Reserve Street, Annandale NSW 2038
P: (02) 9552 2944
M: 0401 743 617

Everick Heritage Pty Ltd
ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads
Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

9 June 2023

By email: g.eldon@everick.net.au

Grace Eldon
Archaeologist
Everick Heritage Pty Ltd
6B Reserve Street
ANNANDALE NSW 2038

Dear Grace and Andrew,

Aboriginal Cultural Heritage Assessment – proposed residential rezoning of Saddle Road, Brunswick Heads, NSW: request for list of potential Aboriginal stakeholders

We refer to your email to this Office, dated 7 June 2023, requesting contact information for Aboriginal organisations, stakeholders and/or people who may have cultural knowledge relevant to the proposed residential rezoning of Saddle Road, Brunswick Heads, New South Wales (Lot 2, DP 1159910), as part of an Aboriginal Cultural Heritage Assessment (ACHA).

Under Section 170 of the *Aboriginal Land Rights Act 1983* (NSW), the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO) for New South Wales. A search of the RAO has shown that there are currently no registered Aboriginal Owners in the project area.

The proposed development and study area falls within the boundaries of Tweed Byron Local Aboriginal Land Council. We suggest you contact Tweed Byron LALC (contact details provided below), as they may wish to participate or contribute.

Yours sincerely



Brendan Smith
Senior Project Officer
Office of the Registrar, Aboriginal Land Rights Act 1983

Tweed Byron Local Aboriginal Land Council
PO Box 6967
SOUTH TWEED HEADS
Ph: (02) 55361763
Email: ceo@tblalc.com

From: [Barry Gunther](#)
To: [Grace Eldon](#)
Subject: DPE Aboriginal stakeholder list for Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).
Date: Tuesday, 13 June 2023 12:40:57 PM
Attachments: [NSW100111_Creative_Capital_Saddle_Road_Brunswick_Heads_ACHAR_HNSW.pdf](#)
[Aboriginal_Stakeholder_letter_LOT_2_DP1159910_SADDLE_ROAD_BRUNSWICK_HEADS.docx](#)
[Aboriginal_Stakeholder_List-Byron_Local_Government_Area- LIST OF ABORIGINAL STAKEHOLDERS FOR THE DEPARTMENT of PLANNING and ENVIRONMENT.docx](#)

Hi Grace,

Please find attached the DPE Aboriginal stakeholder list for Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

regards

Barry Gunther, Aboriginal Senior Assessment Officer
Environment and Heritage – Heritage NSW
Department of Planning and Environment
T: 02 9995 6830 | barry.gunther@environment.nsw.gov.au
Heritage.nse.gov.au and dpie.nsw.gov.au
Locked Bag 5020
Parramatta NSW 2124

Heritage NSW Department of Planning and Environment

Please lodge all Applications to Heritagemailbox@environment.nsw.gov.au

Website Facebook Instagram LinkedIn

The Heritage Management System is live from 31 May. More information is available [here](#)

I acknowledge and respect the traditional custodians and ancestors of the lands I work across.
Heritage NSW and coronavirus (COVID-19)

Heritage NSW has taken steps to protect the safety, health and wellbeing of our staff, communities and customers. Whilst our offices remain open, we have put in place flexible working arrangements for our teams across NSW and continue to adapt our working arrangements as necessary. Face-to-face meetings and field work/site visits with our customers are subject to rules on gatherings and social distancing measures. We thank you for your patience and understanding at this time.

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: [Geospatial Search Requests](#)
To: [Grace Eldon](#)
Subject: RE: SR23/920 - Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW) [SEC=OFFICIAL]
Date: Wednesday, 7 June 2023 5:50:28 PM
Attachments: [image002.png](#)

OFFICIAL

Your ref: NSW10111 **Our ref:** SR23/920

Dear Grace Eldon,

Thank you for your search request, please find your results below.

Search Results

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

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- Native Title Determinations
- Indigenous Land Use Agreements (Registered and notified)

Results for overlapping native title matters in NSW:

Feature ID	Tenure	Cadastral Data As At	Feature Area SqKm	Overlapping Native Title Feature				
				NNTT File Number	Name	Category	Overlap Area SqKm	% Selected Feature
2/DP1159910	FREEHOLD	4/05/2023	0.5248	NCD2019/001	Bundjalung People of Byron Bay #3	Determinations	0.5248	100.00%
				NI2019/005	Cavanbah (Byron Bay) Arakwal Indigenous Land Use Agreement	ILUAs	0.5248	100.00%

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

Information on native title claims and freehold land can also be found on the Tribunal's website here: [Native title claims and freehold land](#).

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

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

Search results and the existence of native title

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

The Tribunal accepts no liability for reliance placed on enclosed information

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

If you have any further queries, please do not hesitate to contact us via GeospatialSearch@NNTT.gov.au

Regards,

[Geospatial Searches](#)

National Native Title Tribunal | Perth

Email: GeospatialSearch@nntt.gov.au | www.nntt.gov.au

From: Grace Eldon <g.eldon@everick.net.au>
Sent: Wednesday, 7 June 2023 7:26 AM
To: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Subject: SR23/920 - Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Good morning,

Please find attached a word doc containing a notification of intent to prepare an Aboriginal Cultural Heritage Assessment regarding a proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

Would you be able to provide a list of the relevant RAPs in our area?

Kind Regards,

Grace Eldon

BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale
Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au



From: [Andrew Wilkinson](#)
To: [Matthew Finlayson](#)
Cc: [Grace Eldon](#)
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Monday, 3 July 2023 4:48:21 PM
Attachments: [image004.png](#)
[image005.png](#)

Hi Matt,

FYI Arawkal require 72 hrs notice for site officers.

Cheers,
Andrew

From: Matthew Finlayson <m.finlayson@everick.net.au>
Sent: Friday, June 23, 2023 8:53 AM
To: Grace Eldon <g.eldon@everick.net.au>; NTSCORP Notifications <notifications@ntscorp.com.au>
Cc: Andrew Wilkinson <a.wilkinson@everick.net.au>
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Hi Zoe,

I received a phone call from Charmaine at BoBBAC / Arakwal earlier this week noting that NTSCorp had passed on the information regarding Saddle Road to express that they would need notice of fieldwork to notify the necessary persons / representatives to attend site.

We can add Bundjalung People of Byron Bay #3 (BoBBAC / Arakwal) as a RAP in the interim while you collate the necessary contact details if that's acceptable? We're looking to proceed with a public notice and letters to potential RAPs in that time.

I note we have details for the Arakwal CEO Brent Emmons and Charmaine already on file.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management

Archaeologist

6B Reserve Street, Annandale NSW 2038

P: (02) 9552 2944

M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads

Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

From: Grace Eldon <g.eldon@everick.net.au>

Sent: Friday, June 23, 2023 8:49 AM

To: NTSCORP Notifications <notifications@ntscorp.com.au>

Cc: Matthew Finlayson <m.finlayson@everick.net.au>; Andrew Wilkinson <a.wilkinson@everick.net.au>

Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Good morning Zoe

I've cc'd in Matt Finlayson who is managing this Project at present to respond.

Regards,

Grace Eldon

BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale

Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au



From: NTSCORP Notifications <notifications@ntscorp.com.au>

Sent: Wednesday, June 21, 2023 1:09 PM

To: Grace Eldon <g.eldon@everick.net.au>

Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Dear Grace,

Thank you for your email. I have referred to the relevant native title holders to consider.

Could you please allow the native title holders a period of 14 days to provide relevant contact details?

I note this would require details to be provided by **5 July 2023**.

Kind regards,

Zoe Robertson | Paralegal



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation. We also acknowledge and pay our respect to their Elders past and present.

f 02 9310 4177 | t 61 2 9310 3188 | m 0400 787 450
e zrobertson@ntscorp.com.au | w www.ntscorp.com.au
Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia

NTSCORP is committed to supporting local
Aboriginal businesses where possible through
the purchase of goods and services.

Caution: This message is intended only for the addressee. It is confidential and may be legally privileged. If you are not the intended recipient, any disclosure, copying, or distribution is prohibited and may be unlawful. By opening any attachment, you agree that NTSCORP Limited (NTSCORP) will not be liable for any loss resulting from viruses or other defects. Any views in this message are those of the individual sender, except where the sender expressly and with authority, states them to be the views of NTSCORP.

Please consider the environment before printing this email

From: Grace Eldon <g.eldon@everick.net.au>

Sent: Wednesday, June 7, 2023 9:19 AM

To: Info <information@ntscorp.com.au>

Subject: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please find attached a pdf containing a notification of intent to prepare an Aboriginal Cultural Heritage Assessment regarding a proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

Would you be able to provide a list of the relevant RAPs in our area?

Kind Regards,

Grace Eldon

BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale

Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au



From: [NTSCORP Notifications](#)
To: [Grace Eldon](#)
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Wednesday, 28 June 2023 4:24:33 PM
Attachments: [image002.png](#)
[image004.png](#)

Awaiting response. Filing.

Kind regards,

Zoe Robertson | Paralegal



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation. We also acknowledge and pay our respect to their Elders past and present.

f 02 9310 4177 | t 61 2 9310 3188 |
e zrobertson@ntscorp.com.au | w www.ntscorp.com.au
Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia

NTSCORP is committed to supporting local
Aboriginal businesses where possible through
the purchase of goods and services.

Caution: This message is intended only for the addressee. It is confidential and may be legally privileged. If you are not the intended recipient, any disclosure, copying, or distribution is prohibited and may be unlawful. By opening any attachment, you agree that NTSCORP Limited (NTSCORP) will not be liable for any loss resulting from viruses or other defects. Any views in this message are those of the individual sender, except where the sender expressly and with authority, states them to be the views of NTSCORP.

Please consider the environment before printing this email

From: Grace Eldon <g.eldon@everick.net.au>
Sent: Friday, June 23, 2023 8:49 AM
To: NTSCORP Notifications <notifications@ntscorp.com.au>
Cc: Matthew Finlayson <m.finlayson@everick.net.au>; Andrew Wilkinson <a.wilkinson@everick.net.au>
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Zoe

I've cc'd in Matt Finlayson who is managing this Project at present to respond.

Regards,

Grace Eldon

BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale

Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au



From: NTSCORP Notifications <notifications@ntscorp.com.au>

Sent: Wednesday, June 21, 2023 1:09 PM

To: Grace Eldon <g.eldon@everick.net.au>

Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Dear Grace,

Thank you for your email. I have referred to the relevant native title holders to consider.

Could you please allow the native title holders a period of 14 days to provide relevant contact details?

I note this would require details to be provided by **5 July 2023**.

Kind regards,

Zoe Robertson | Paralegal



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation. We also acknowledge and pay our respect to their Elders past and present.

f 02 9310 4177 | **t** 61 2 9310 3188 | **m** 0400 787 450

e zrobertson@ntscorp.com.au | **w** www.ntscorp.com.au

Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia

NTSCORP is committed to supporting local
Aboriginal businesses where possible through
the purchase of goods and services.

Caution: This message is intended only for the addressee. It is confidential and may be legally privileged. If you are not the intended recipient, any disclosure, copying, or distribution is prohibited and may be unlawful. By opening any attachment, you agree that NTSCORP Limited (NTSCORP) will not be liable for any loss resulting from viruses or other defects. Any views in this message are those of the individual sender, except where the sender expressly and with authority, states them to be the views of NTSCORP.

Please consider the environment before printing this email

From: Grace Eldon <g.eldon@everick.net.au>

Sent: Wednesday, June 7, 2023 9:19 AM

To: Info <information@ntscorp.com.au>

Subject: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please find attached a pdf containing a notification of intent to prepare an Aboriginal Cultural Heritage Assessment regarding a proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

Would you be able to provide a list of the relevant RAPs in our area?

Kind Regards,

Grace Eldon
BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale
Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au



From: [Matthew Finlayson](#)
To: [Grace Eldon](#); [NTSCORP Notifications](#)
Cc: [Andrew Wilkinson](#)
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Friday, 23 June 2023 8:52:39 AM
Attachments: [image007.png](#)
[image008.png](#)

Hi Zoe,

I received a phone call from Charmaine at BoBBAC / Arakwal earlier this week noting that NTSCorp had passed on the information regarding Saddle Road to express that they would need notice of fieldwork to notify the necessary persons / representatives to attend site.

We can add Bundjalung People of Byron Bay #3 (BoBBAC / Arakwal) as a RAP in the interim while you collate the necessary contact details if that's acceptable? We're looking to proceed with a public notice and letters to potential RAPs in that time.

I note we have details for the Arakwal CEO Brent Emmons and Charmaine already on file.

Regards,

Matt Finlayson

BA (Archaeology), Master of Heritage Management

Archaeologist

6B Reserve Street, Annandale NSW 2038

P: (02) 9552 2944

M: 0401 743 617

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Toowoomba - Townsville - Coffs Harbour - Tweed Heads

Web: www.everick.com.au

Follow Everick at...



I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to land, culture and community. I pay my respect to Elders past, present and future.

From: Grace Eldon <g.eldon@everick.net.au>

Sent: Friday, June 23, 2023 8:49 AM

To: NTSCORP Notifications <notifications@ntscorp.com.au>

Cc: Matthew Finlayson <m.finlayson@everick.net.au>; Andrew Wilkinson <a.wilkinson@everick.net.au>

Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Good morning Zoe

I've cc'd in Matt Finlayson who is managing this Project at present to respond.

Regards,

Grace Eldon
BA (Hons)
Archaeologist-Sydney

6B Reserve Street, Annadale
Ph: 02 9552 2944

Everick Heritage Pty Ltd
ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville
Web: www.everick.com.au



From: NTSCORP Notifications <notifications@ntscorp.com.au>
Sent: Wednesday, June 21, 2023 1:09 PM
To: Grace Eldon <g.eldon@everick.net.au>
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Dear Grace,

Thank you for your email. I have referred to the relevant native title holders to consider.

Could you please allow the native title holders a period of 14 days to provide relevant contact details?

I note this would require details to be provided by **5 July 2023**.

Kind regards,

Zoe Robertson | Paralegal



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation.
We also acknowledge and pay our respect to their Elders past and present.

f 02 9310 4177 | t 61 2 9310 3188 | m 0400 787 450
e zrobertson@ntscorp.com.au | w www.ntscorp.com.au
Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia

NTSCORP is committed to supporting local
Aboriginal businesses where possible through
the purchase of goods and services.

Caution: This message is intended only for the addressee. It is confidential and may be legally privileged. If you are not the intended recipient, any disclosure, copying, or distribution is prohibited and may be unlawful. By opening any attachment, you agree that NTSCORP Limited (NTSCORP) will not be liable for any loss resulting from viruses or other defects. Any views in this message are those of the individual sender, except where the sender expressly and with authority, states them to be the views of NTSCORP.

Please consider the environment before printing this email

From: Grace Eldon <g.eldon@everick.net.au>
Sent: Wednesday, June 7, 2023 9:19 AM
To: Info <information@ntscorp.com.au>

Subject: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please find attached a pdf containing a notification of intent to prepare an Aboriginal Cultural Heritage Assessment regarding a proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

Would you be able to provide a list of the relevant RAPs in our area?

Kind Regards,

Grace Eldon

BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale

Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au



From: [Andrew Wilkinson](#)
To: [Grace Eldon](#)
Subject: Automatic reply: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Friday, 23 June 2023 8:49:33 AM

Thank you for your email.

I am currently on leave until 3 July and have limited access to phone and email.

Please contact our NSW office on: 02 9552 2944

Kind regards,

Andrew

From: [Grace Eldon](#)
To: [NTSCORP Notifications](#)
Cc: [Matthew Finlayson](#); [Andrew Wilkinson](#)
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Friday, 23 June 2023 8:49:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Good morning Zoe

I've cc'd in Matt Finlayson who is managing this Project at present to respond.

Regards,

Grace Eldon
BA (Hons)
Archaeologist-Sydney

6B Reserve Street, Annadale
Ph: 02 9552 2944

Everick Heritage Pty Ltd
ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville
Web: www.everick.com.au



From: NTSCORP Notifications <notifications@ntscorp.com.au>
Sent: Wednesday, June 21, 2023 1:09 PM
To: Grace Eldon <g.eldon@everick.net.au>
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Dear Grace,

Thank you for your email. I have referred to the relevant native title holders to consider.

Could you please allow the native title holders a period of 14 days to provide relevant contact details?

I note this would require details to be provided by **5 July 2023**.

Kind regards,

Zoe Robertson | Paralegal



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation. We also acknowledge and pay our respect to their Elders past and present.

f 02 9310 4177 | t 61 2 9310 3188 | m 0400 787 450
e zrobertson@ntscorp.com.au | w www.ntscorp.com.au
Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia

NTSCORP is committed to supporting local
Aboriginal businesses where possible through
the purchase of goods and services.

Caution: This message is intended only for the addressee. It is confidential and may be legally privileged. If you are not the intended recipient, any disclosure, copying, or distribution is prohibited and may be unlawful. By opening any attachment, you agree that NTSCORP Limited (NTSCORP) will not be liable for any loss resulting from viruses or other defects. Any views in this message are those of the individual sender, except where the sender expressly and with authority, states them to be the views of NTSCORP.

Please consider the environment before printing this email

From: Grace Eldon <g.eldon@everick.net.au>

Sent: Wednesday, June 7, 2023 9:19 AM

To: Info <information@ntscorp.com.au>

Subject: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please find attached a pdf containing a notification of intent to prepare an Aboriginal Cultural Heritage Assessment regarding a proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

Would you be able to provide a list of the relevant RAPs in our area?

Kind Regards,

Grace Eldon

BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale

Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au



From: [Grace Eldon](#)
To: [Matthew Finlayson](#)
Subject: FW: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Friday, 23 June 2023 8:40:00 AM
Attachments: [image004.png](#)
[image006.png](#)

Grace Eldon
BA (Hons)
Archaeologist-Sydney

6B Reserve Street, Annadale
Ph: 02 9552 2944

Everick Heritage Pty Ltd
ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville
Web: www.everick.com.au



From: NTSCORP Notifications <notifications@ntscorp.com.au>
Sent: Wednesday, June 21, 2023 1:09 PM
To: Grace Eldon <g.eldon@everick.net.au>
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

Dear Grace,

Thank you for your email. I have referred to the relevant native title holders to consider.

Could you please allow the native title holders a period of 14 days to provide relevant contact details?

I note this would require details to be provided by **5 July 2023**.

Kind regards,

Zoe Robertson | Paralegal



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation.
We also acknowledge and pay our respect to their Elders past and present.

f 02 9310 4177 | t 61 2 9310 3188 | m 0400 787 450
e zrobertson@ntscorp.com.au | w www.ntscorp.com.au
Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia

NTSCORP is committed to supporting local
Aboriginal businesses where possible through
the purchase of goods and services.

Caution: This message is intended only for the addressee. It is confidential and may be legally privileged. If you are not the intended recipient, any disclosure, copying, or distribution is prohibited and may be unlawful. By opening any attachment, you agree that NTSCORP Limited (NTSCORP) will not be liable for any loss resulting from viruses or other defects. Any views in this message are those of the individual sender, except where the sender expressly and with authority, states them to be the views of NTSCORP.

Please consider the environment before printing this email

From: Grace Eldon <g.eldon@everick.net.au>

Sent: Wednesday, June 7, 2023 9:19 AM

To: Info <information@ntscorp.com.au>

Subject: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please find attached a pdf containing a notification of intent to prepare an Aboriginal Cultural Heritage Assessment regarding a proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

Would you be able to provide a list of the relevant RAPs in our area?

Kind Regards,

Grace Eldon

BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale

Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au



From: [NTSCORP Notifications](#)
To: [Grace Eldon](#)
Subject: RE: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Wednesday, 21 June 2023 1:09:28 PM
Attachments: [image004.png](#)
[image006.png](#)

Dear Grace,

Thank you for your email. I have referred to the relevant native title holders to consider.

Could you please allow the native title holders a period of 14 days to provide relevant contact details?

I note this would require details to be provided by **5 July 2023**.

Kind regards,

Zoe Robertson | Paralegal



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation.
We also acknowledge and pay our respect to their Elders past and present.

f 02 9310 4177 | **t** 61 2 9310 3188 | **m** 0400 787 450
e zrobertson@ntscorp.com.au | **w** www.ntscorp.com.au
Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia

NTSCORP is committed to supporting local
Aboriginal businesses where possible through
the purchase of goods and services.

Caution: This message is intended only for the addressee. It is confidential and may be legally privileged. If you are not the intended recipient, any disclosure, copying, or distribution is prohibited and may be unlawful. By opening any attachment, you agree that NTSCORP Limited (NTSCORP) will not be liable for any loss resulting from viruses or other defects. Any views in this message are those of the individual sender, except where the sender expressly and with authority, states them to be the views of NTSCORP.

Please consider the environment before printing this email

From: Grace Eldon <g.eldon@everick.net.au>
Sent: Wednesday, June 7, 2023 9:19 AM
To: Info <information@ntscorp.com.au>
Subject: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please find attached a pdf containing a notification of intent to prepare an Aboriginal Cultural Heritage Assessment regarding a proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

Would you be able to provide a list of the relevant RAPs in our area?

Kind Regards,

Grace Eldon
BA (Hons)
Archaeologist-Sydney

6B Reserve Street, Annadale
Ph: 02 9552 2944

Everick Heritage Pty Ltd
ABN 78 102 206 682
Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville
Web: www.everick.com.au

From: postmaster@ntscorp.com.au
To: Information@ntscorp.com.au
Subject: Delivered: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Wednesday, 7 June 2023 9:19:58 AM
Attachments: [Notification of Intent - Lot 2 DP 1159910 Saddle Road Brunswick Heads New South Wales \(NSW\).msg](#)

Your message has been delivered to the following recipients:

Information@ntscorp.com.au <<mailto:Information@ntscorp.com.au>>

Subject: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)

From: [Grace Eldon](#)
To: Information@ntscorp.com.au
Subject: Notification of Intent - Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW)
Date: Wednesday, 7 June 2023 9:19:00 AM
Attachments: [NSW100111_Creative Capital Saddle Road Brunswick Heads_ACHAR_NTSCorp.pdf](#)
[image001.png](#)

Good morning,

Please find attached a pdf containing a notification of intent to prepare an Aboriginal Cultural Heritage Assessment regarding a proposal to rezone part of Lot 2 DP 1159910, Saddle Road, Brunswick Heads, New South Wales (NSW).

Would you be able to provide a list of the relevant RAPs in our area?

Kind Regards,

Grace Eldon

BA (Hons)

Archaeologist-Sydney

6B Reserve Street, Annadale

Ph: 02 9552 2944

Everick Heritage Pty Ltd

ABN 78 102 206 682

Brisbane - Sydney - Melbourne - Coffs Harbour - Tweed Heads - Cairns - Townsville

Web: www.everick.com.au

