



Karuah East Quarry  
ABN: 80 141 505 035  
Karuah East Quarry Pty Limited  
Blue Rock Close, Karuah NSW 2324

W: [www.hunterquarries.com.au](http://www.hunterquarries.com.au)  
E: [karuah@hunterquarries.com.au](mailto:karuah@hunterquarries.com.au)  
T: 02 4050 0304  
P: PO Box 23, Thornton NSW 2322

Karuah East Quarry

# Heritage Management Plan

October 2023



## Revision History

Version	Date Reviewed	Author	Status	Amendment Details
1	04/12/2015	RPS	Approved (DPE)	Original Heritage Management Plan developed to satisfy Condition 36 of the Project Approval.
2A	21/08/2023	Heritage Now	Draft for Consultation	Comprehensive review following approval of Modification 10. Update for new Karuah East Quarry's document template.
2B	24/10/2023	Heritage Now	Approved (DPE)	Update for Heritage NSW Comments.

## Executive Summary

This is the Heritage Management Plan for the Karuah East Quarry (Karuah East Quarry Pty Ltd) which is located in the MidCoast Local Government Area (formerly Great Lakes Local Government Area). The Project was approved by the former NSW Planning Assessment Commission on 17 June 2014 under Project Approval, MP09\_0175.

This document has been developed to set a minimum standard for the management of Aboriginal cultural heritage in the Karuah East Quarry. It provides management protocols for the initial surface disturbances and construction and for future management of Aboriginal cultural heritage for the life of the Karuah East Quarry. For the practical implementation of this document, a clear outline of roles and responsibilities is provided along with flow charts to be used by the Quarry Manager and onsite personnel who may need to conduct works in the Karuah East Quarry.

Aboriginal consultation for the project has been ongoing and is documented in Appendix 1.

This document has outlined heritage contingency protocols that are to be followed should there be an unexpected discovery of Aboriginal objects. Additionally, it outlines the methodology for which heritage monitoring of the initial surface disturbance be undertaken. Furthermore, it provides a step by step guide by which the registered Aboriginal parties should be consulted with. It also outlines the process which should be undertaken with regards to:

- The storage of Aboriginal objects;
- Culturally sensitive information;
- Inductions;
- Document Control; and,
- Dispute resolution.

This document must be used in all Aboriginal cultural heritage matters pertaining to the Karuah East Quarry.

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## Terms, Definitions, and Abbreviations

Abbreviation/ Term	Meaning
Aboriginal Object	“any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains” (DECCW 2010:18).
ACHCRs	Aboriginal Cultural Heritage Consultation Requirements for Proponents
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ATSIHP Act	Aboriginal & Torres Strait Islander Heritage Protection Act 1984
BCD	Biodiversity Conservation Division
CHA	Cultural Heritage Assessment
DPE	Department of Planning and Environment
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EoI	Expression of Interest
EP&A	Environmental Planning and Assessment Act 1974
GDA	Geocentric Datum of Australia
GPS	Global Positioning System (using satellite signals and receiver to determine position)
ICCRs	Interim Community Consultation Requirements
ICOMOS	International Council on Monuments and Sites
LALCs	Local Aboriginal Land Council
LEP	Local Environmental Plan
MGA	Map Grid of Australia
mtpa	Million tonnes per annum
MOD	Modification (modification to a consent)
NPW Act	National Parks and Wildlife Act 1974
OEH	Office of Environment and Heritage (formerly Department of Environment, Climate Change and Water, DECCW) now Heritage NSW
REF	Review of Environmental Factors
SHR	State Heritage Register
The Code	Code of Practice for Archaeological Investigation of Objects in NSW
The Due Diligence Code	The Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW

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## 1.0 Introduction

This is the Heritage Management Plan for the Karuah East Quarry (the quarry) which is managed by Karuah East Quarry Pty Limited (the proponent). Project Approval (MP09\_0175) was granted for the Karuah East Quarry on 17 June 2014 by the Independent Planning Commission (IPC) (formerly the NSW Planning Assessment Commission) on behalf of the Minister for Planning and Public Spaces (formerly Minister for Planning). Federal Approval (EPBC 2014/7282) was granted for Karuah East under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act 1999) on 20 March 2015.

### 1.1 Overview

This document has been prepared to set a minimum standard and to effectively manage potential Aboriginal cultural heritage sites in the quarry boundaries (Section 1.2). Heritage Contingency Protocols for the implementation by the Quarry Manager and onsite personnel have also been prepared. The relevant Aboriginal stakeholders were consulted in the development of this Heritage Management Plan (Appendix 1).

### 1.2 The Project Area and Land Use

The Karuah East Quarry is located approximately 5km northeast of the township of Karuah. Karuah East Quarry supplies hard rock quarry products to the construction and infrastructure industries, with markets in the Lower and Upper Hunter, Mid Coast, New England and Greater Sydney Regions.

The Karuah East Quarry is located off the Pacific Highway (via Blue Rock Close) and is situated on the following lands:

- Lot 12 and 13 DP 1024564 (the KEQ site); and
- Lot 14 and part Lot 13 DP 1024564 and Lot 5 DP 838128 (biodiversity offset area).

The Karuah East Quarry is well separated from any substantial residential areas and is located adjacent to the existing Karuah Quarry (approved in June 2005 under DA 265-10-2004). The Karuah Quarry is operated by Hunter Quarries Pty Ltd (a company affiliated with Karuah East Quarry Pty Ltd) however the Karuah East Quarry and the Karuah Quarry are standalone quarry operations.

The key features of the Project Approval include the following key elements:

- The extraction (excluding overburden), processing, stockpiling, and transport of quarry products is limited to 1.5 million tonnes in any calendar year;
- Quarrying operation is permitted on the site until 31 December 2031;
- Establishment and use of quarry plant and associated infrastructure;
- Vegetation removal;
- A total permitted disturbance area of 40.18ha on Lots 12 and 13 DP 1024564;
- Roadworks to secure access to the site including upgrade and extension of Blue Rock Close, realignment of the Andersite Road and Blue Rock Close intersection and adjust road markings at Branch Lane and Andersite Road intersection;
- Establishment of a biodiversity offset area;
- Conditions apply to manage / mitigate potential impacts associated with a range of environmental conditions including noise, blasting, air quality, soil and water, transport, biodiversity, heritage, emergency and hazards management and waste; and
- Progressive rehabilitation of the subject site.

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### **Quarry Operations**

Approved quarrying activities undertaken on the site generally include:

- Drilling and blasting of rock material within the quarry pit;
- Collection and transportation of blasted material to the crushing & processing area using mobile equipment;
- Crushing, processing and screening of quarried material is undertaken using fixed and mobile equipment;
- Stockpiling of processed material; and
- Stockpiled material is loaded onto trucks and exits the site to market via the weighbridge.

### **Existing and Approved Site Improvements**

Existing and approved site improvements include:

- Quarry pit (extraction area);
- Crushing plant and processing infrastructure;
- Wash plant and workshops;
- Stockpiling areas;
- Internal haulage roads;
- Weighbridge office;
- Weighbridge (two weighbridges approved);
- Stormwater management infrastructure;
- Parking areas for light and heavy vehicles;
- Administration office;
- Amenity facilities;
- Other minor structures; and
- Fencing and access gates.

## **1.3 Purpose**

This document has been prepared to provide the Proponent with a consistent approach to the management of Aboriginal cultural heritage and sets out the minimum standards and processes to achieve the intended level of management. This HMP applies only to the Project Area described in Section 1.2 and Figure 1.

## **1.4 Authorship**

The 2015 version of this document was prepared by RPS Australia East Pty Ltd (RPS), Cultural Heritage Consultant, Jeremy Hill (BA Hons [Arch]) and reviewed by RPS Cultural Heritage Technical Director and Newcastle General Manager Darrell Rigby. The 2023 version of this document was prepared by Heritage Now Pty Ltd and authored by Tessa Boer-Mah and Ngaire Richards, both Principal Heritage Consultants and whom have been endorsed by the Department of Planning and Environment (Appendix 2).

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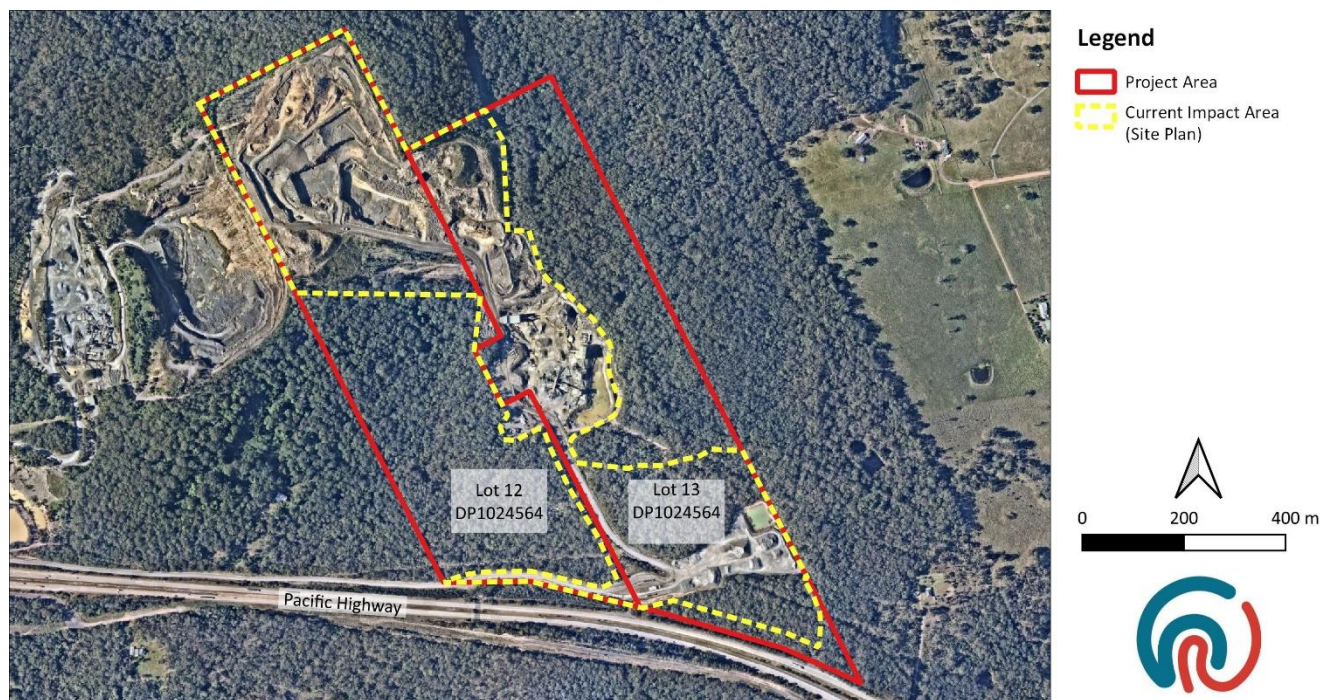


Figure 1 The Project Area

## 1.5 Conditions of Approval

The Project Approval (MP09\_0175) set out numerous Environmental Performance Conditions (Schedule 3) which included a Heritage condition (Condition 36) as summarised in **Table 1** below.

Table 1 Schedule 3, Condition 36 of Project Approval

Condition	Addressed in this Report
36. The applicant must prepare and implement a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	
a). Be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary	The authors of this HMP have been endorsed by the NSW DPE Refer to Section 1.4 and Appendix 2.
b). Be prepared in consultation with the local Aboriginal community and BCD, and submitted to the Planning Secretary for approval prior to the commencement of construction activities	The HMP was prepared in consultation with the local Aboriginal Community and Heritage NSW/OEH (refer to Section 3.0 of the HMP). In accordance with Section 8.1 of the HMP, representatives of the Aboriginal community will be provided with the opportunity to monitor initial disturbance within the MOD 10 Project Area. A minimum of 14 days' notice will be provided before the commencement of work.
c). Describe measures to be implemented to:	
<ul style="list-style-type: none"> <li>monitor initial surface disturbance on site for Aboriginal cultural heritage Sites or objects;</li> </ul>	Section 6.0
<ul style="list-style-type: none"> <li>manage the discovery of Aboriginal cultural heritage sites, objects or human remains on site;</li> </ul>	Sections 5.0, 6.0 and 9.0
<ul style="list-style-type: none"> <li>ensure ongoing consultation with Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage values on site</li> </ul>	As noted above (see Condition 36(b)), ongoing consultation with Aboriginal stakeholders will continue in accordance with Section 8.1 of the HMP. This includes Aboriginal stakeholders being given the opportunity to monitor initial disturbance within the MOD 10 area.
The Applicant must implement the plan as approved by the Planning Secretary.	The Applicant implements the HMP.

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Since the 2015 HMP (RPS 4/12/2015) was approved by the NSW DPE a number of modifications have been made to the project and are summarised in **Table 2**. Modifications 1, 2 and 10 involved changes to the disturbance footprint. Each of these new disturbance areas were assessed under the relevant guideline the: *Due Diligence Code for the Protection of Aboriginal Objects in NSW*.

**Table 2 Modifications to Project**

Modification	Heritage Actions
Modification (MOD 1) to the Project Approval was approved on 27 April 2018 under the provisions of Section 75W of the EP&A Act. The modification approved a nominal expansion to the approved area of disturbance by 2,500m <sup>2</sup> to allow for improved vehicle manoeuvring in proximity of the crushing plant and processing area.	Karuah Local Aboriginal Land Council produced a Due Diligence Assessment (dated 10 January 2018) to accompany this application.
Modification (MOD 2) to the Project Approval was granted consent on 19 December 2018 under the provisions of Section 75W of the EP&A Act. MOD 2 approved a 1.133ha increase to the site disturbance area to allow for improved environmental management and improved operational safety (for quarry vehicles).	RPS produced a Due Diligence Assessment for this application (dated 20 August 2018).
Modifications 3-7 were withdrawn	No action needed
A third modification (MOD 8) to the Project Approval was granted consent on 22 December 2020 under the provisions of S4.55(1A) of the EP&A Act. MOD 8 approved revised operational acoustic criteria in line with the <i>NSW Noise Policy for Industry 2017</i> . MOD 8 also formalised a number of industry best practice acoustic mitigation measures that have been installed at the quarry. No change to disturbance footprint occurred.	No action needed as no change to disturbance footprint.
A fourth modification (MOD 9) to the Project Approval was granted consent on 2 December 2021 under the provisions of Section 4.55(1A) of the EP&A Act. MOD 9 extended the approved operating hours of the KEQ.	No action needed as no change to disturbance footprint.
Modification 10 (MOD 10) is the latest modification approved for KEQ. Approval was issued on 18 May 2023. MOD 10 provides approval to increase the disturbance area of the KEQ by 7.17ha (bringing the total disturbance area of the KEQ to 40.18ha). The purpose of MOD 10 is to increase the approved disturbance area to establish additional stockpiling areas, facilitate improved surface water management, construct a new administrative building and expand the vehicle manoeuvring and parking at site.	RPS produced a Due Diligence Assessment (dated 18 <sup>th</sup> October 2021) to accompany this application.

## 2.0 Legislative Context and Guidelines

The overview below is provided solely for information purposes, it should not be interpreted as legal advice. The following legislation and guidelines are applicable to Aboriginal cultural heritage management.

### 2.1 Commonwealth Legislation

#### 2.1.1 Native Title Act 1993

The Commonwealth Government enacted the *Native Title Act* (1993) to formally recognise and protect native title rights in Australia following the decision of the High Court of Australia in *Mabo & Ors v Queensland* (No. 2) (1992) 175 CLR 1 (“Mabo”).

Although there is a presumption of native title in any area where an Aboriginal community or group can establish a traditional or customary connection with that area, there are a number of ways that native title can be extinguished. For example, land that was designated as having freehold title prior to 1 January 1994 extinguishes native title, as does any commercial, agricultural, pastoral or residential lease. Land that has been used for the construction or establishment of public works also extinguishes any native title rights and interests for as long as they are used for that purpose. Other land tenure, such as mining leases, may be subject to native title depending on when the lease was granted.

#### 2.1.2 Aboriginal & Torres Strait Islander Heritage Protection Act 1984 (ATSHIP Act)

The purpose of this Act is to preserve and protect all heritage places of particular significance to Aboriginal and Torres Strait Islander people. This Act applies to all sites and objects across Australia and in Australian waters (s4).

The intention of this Act is to provide national baseline protection for Aboriginal places and objects where State legislation is absent. It is not to exclude or limit State laws (s7(1)). Should State legislation cover a matter already covered in the Commonwealth legislation, and a person contravenes that matter, that person may be prosecuted under either Act, but not both (s7(3)).

The Act provides for the preservation and protection of all Aboriginal objects and places from injury and/or desecration. A place is construed to be injured or desecrated if it is not treated consistently with the manner of Aboriginal tradition or is likely to be adversely affected (s3).

### 2.2 State Legislation

#### 2.2.1 Aboriginal Land Rights Act 1983

The purpose of this legislation is to provide land rights for Aboriginal people within New South Wales and to establish Local Aboriginal Land Councils. The land able to be claimed by Aboriginal Land Councils on behalf of Aboriginal people is certain Crown land that (s36):

- Is able to be lawfully sold, leased, reserved or dedicated;
- Is not lawfully used or occupied;
- Does not comprise lands which, in the opinion of the Crown Lands Minister, are needed or are likely to be needed for residential purposes;
- Are not needed, nor likely to be needed for an essential public purpose;
- Does not comprise land under determination by a claim for native title; and
- Is not the subject of an approved determination under Native Title.

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Claims for land are by application to the Office of the Registrar, *Aboriginal Land Rights Act* (1983).

### 2.2.2 National Parks and Wildlife Act 1974

The primary state legislation relating to Aboriginal cultural heritage in NSW is the *National Parks and Wildlife Act* (1974) [NPW Act]. This Act contains the provisions for protecting Aboriginal objects in NSW. Aboriginal objects are protected regardless of whether they are in their original context (location) or not, and it is an offence to harm an Aboriginal object regardless of whether you know it is an Aboriginal object or not. Protection under Section 86 of the Act is as follows:

- s86(1) A person must not harm or desecrate an object that the person knows is an Aboriginal object.
- s86(2) A person must not harm an Aboriginal object.
- s86(3) A person must not harm or desecrate an Aboriginal place.

Penalties for harming Aboriginal objects or places range from \$80,000–\$800,000 for individuals and \$330,000–\$1,650,000 for corporations, and may also include imprisonment. Under Section 87, there are certain defences from prosecution. These include that harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) and actions were in accordance with the AHIP; that due diligence was exercised in relation to Aboriginal object/s; and/or that the activity was classified as low impact.

Under Section 89A, an Aboriginal object must be reported to Heritage NSW within a reasonable timeframe unless they have previously been recorded and submitted to the Aboriginal Heritage Information Management System (AHIMS). Penalties for failure to report an Aboriginal object start from \$16,500 for individuals and \$33,000 for corporations.

### 2.2.3 Heritage Act 1977

Historical archaeological relics, buildings, structures, archaeological deposits and features are protected under the *Heritage Act* (1977) (as amended 1999) and may be identified on the State Heritage Register (SHR) or by an active Interim Heritage Order. Certain types of historic Aboriginal sites may be listed on the SHR or be subject to an active Interim Heritage Order; in such cases they would be protected under the *Heritage Act* (1977) and may require approvals or excavation permits from the NSW Heritage Branch.

### 2.2.4 Environmental Planning & Assessment Act 1979 (EP&A ACT)

This Act regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Assessment documents prepared to meet the requirements of the *EP&A Act* (1979) - including Review of Environmental Factors (REF), Environmental Impact Statements (EIS) and Environmental Impact Assessments (EIA) - must address Aboriginal heritage, and planning documents such as Local Environment Plans (LEP) typically contain provisions for Aboriginal heritage where relevant.

### 2.2.5 National Parks and Wildlife Regulations 2019

This Regulation provides a framework for exercising due diligence and outlines codes of practice in respect to Aboriginal objects (Section 57), as well as defences for carrying out certain low-impact activities (Section 58). The Regulation also outlines requirements for Aboriginal consultation (Section 60), particularly in relation to an Aboriginal Heritage Impact Permit. Under the Regulation, the following codes of practice are recognised, amongst others:

- Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010a),
- NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects (NSW Minerals Council 2010), and
- Code of Practice for Archaeological Investigation of Aboriginal objects in NSW (DECCW 2010b).

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## 2.3 Codes and Guidelines

### 2.3.1 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW

In 2010, the NSW Office of Environment and Heritage released the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW. This code of practice is designed to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The *National Parks and Wildlife Act* (1974) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

The code sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

- identify whether or not Aboriginal objects are, or are likely to be, present in an area;
- determine whether or not their activities are likely to harm Aboriginal objects (if present); and
- determine whether an AHIP application is required.

### 2.3.2 Code of Practice for Archaeological Investigation of Objects in NSW

This Code sets out the requirements for undertaking archaeological investigations in NSW. It sets out the processes of assessment that need to be completed if an Aboriginal Heritage Impact Permit is required, or likely to be required. It includes protocols for recording different types of sites. The Code also outlines the requirements for undertaking an archaeological test excavation without a permit and the types of sites and situations where a test excavation under the Code is appropriate. The Code of Practice for Archaeological Investigation of Objects in NSW is to be read alongside the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011).

### 2.3.3 Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW

This document provides guidance on investigating and assessing Aboriginal heritage and preparing an Aboriginal Cultural Heritage Assessment. Unlike the Codes it is not prescriptive and is not included in the National Parks and Wildlife Regulation 2019. As such there is flexibility on how assessments are carried out, but it provides principles to be adhered to for investigating, assessing and reporting on Aboriginal Cultural Heritage. In particular, it defines the Aboriginal heritage assessment process and the inter-relationship between the Due Diligence Code and the Code of Practice as well as outlining when AHIPs need to be applied for. It defines harm and how it is to be assessed, how harm can be avoided and what steps need to be taken if it cannot be avoided. The Guide also outlines the significance assessment criteria for Aboriginal sites.

### 2.3.4 Aboriginal Cultural Heritage Consultation Requirements for Proponents

In 2010 the NSW Office of Environment and Heritage released the Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) for Proponents. The purpose of the consultation guidelines is to establish the requirements for consultation with the registered Aboriginal parties as part of the heritage assessment process to determine potential impacts of proposed activities on Aboriginal objects and places and to inform decision making for any application for an AHIP. The aims of the consultation guidelines are to facilitate positive Aboriginal cultural heritage outcomes by:

- affording an opportunity for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects(s) and/or place(s) in the area of the proposed project to be involved in consultation so that information about cultural significance can be provided to Heritage NSW to inform decisions regarding applications for an AHIP; and

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- providing Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects (s) and/or place(s) in the area of the proposed project with the opportunity to participate in decision making regarding the management of their cultural heritage by providing proponents with information regarding cultural significance and inputting into management options.

### 2.3.5 Burra Charter

The Burra Charter defines the basic principles and procedures to be followed in the conservation of cultural heritage in Australia. Article 2 declares “The aim of conservation is to retain the cultural significance of a place and must include provision for its security, its maintenance and its future.” The principles that are set out in the Burra Charter guide and inform the assessment of significance of a place. As noted above, Cultural Significance means aesthetic, historic, scientific, or social value for past, present or future generations.

Significance assessments are a helpful tool in the management of cultural heritage resources through allowing managers to make informed decisions especially in land use issues. Definitions of these concepts of significance are:

- Aesthetic value;
- Historic value;
- Scientific value or research potential; and
- Social value.

### 2.3.6 Ask First: A guide to respecting Indigenous heritage places and values

Ask First (2002) was commissioned by the Australian Heritage Commission to help Australians protect different aspects of their natural and cultural heritage places, and is intended to be complementary to the Australia ICOMOS Burra Charter and the Australian Natural Heritage Charter. Ask First is a practical guide for land developers, land users and managers, cultural heritage professionals and others who may have an impact on Indigenous heritage. The main focus of the guidelines is to emphasise that consultation and negotiation with Indigenous parties is the best means of addressing Indigenous heritage issues. The guidelines also emphasise the need to comply with relevant Territory and Commonwealth Indigenous cultural heritage legislation and statutory authorities.

Ask First states that in recognising the rights and interests of Indigenous peoples in their heritage, all parties concerned with identifying, conserving and managing this heritage should acknowledge, accept and act on the principles that Indigenous people:

- are the primary source of information on the value of their heritage and how it is best conserved;
- must have an active role in any Indigenous heritage planning process;
- must have input into primary decision-making in relation to Indigenous heritage so that they can continue to fulfil their obligations towards this heritage; and
- must control intellectual property and other information relating specifically to their heritage, as this may be an integral aspect of its heritage value.

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## 3.0 Aboriginal Community Involvement

### 3.1 Aboriginal Community Input and Comment

Aboriginal Community Consultation has been undertaken throughout the project. It started with consultation under the Interim Community Consultation Requirements (ICCRs), while these requirements have now been replaced by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), the new guidelines allow for continuation of Aboriginal consultation from the previous ICCRs.

Initial activities under the ICCRs included field surveys conducted on 30 March and 3 August 2010 and further consultation for the preparation of this document was initiated on 14 July 2014 and additional consultation has been undertaken for each applicable stage or change to the project.

### 3.2 The Interim Community Consultation Requirements (ICCRs)

Aboriginal Community Consultation for this assessment was begun on 15 January 2010. According to the ICCRs, proponents were to contact the Local Aboriginal Land Council(s) (LALCs), Registrar of Aboriginal Owners, Native Title Services, local councils and the Department of Environment, Climate Change and Water (DECCW, now Heritage NSW), to request information regarding contact information for any Aboriginal person or groups who may have an interest in the project at the quarry (RPS 2011).

Additionally, an advertisement was placed in The Port Stephens Examiner and the Great Lakes Advocate on 15 January 2010. Letters were also mailed to the Karuah LALC, the Registrar of Aboriginal Owners, DECCW and the Port Stephens Council. As a result, 10 Aboriginal groups were identified as holding an ancestral link to the Quarry (**Table 3**).

**Table 3 Aboriginal Stakeholder Groups Identified by the ICCR Process**

Organisation	Contact	Date EOI Sent
Mur-Roo-Ma Inc	Anthony Anderson	2 March 2010
Worimi Local Aboriginal Land Council	Andrew Smith	2 March 2010
Garrigal Aboriginal Community Inc	Del Arnold	2 March 2010
Nur-Run-Gee Pty Ltd	Leanne Anderson	2 March 2010
Karuah Local Aboriginal Land Council	Michael Rodgers	2 March 2010
Worimi Aboriginal Community Co-operative	Cheryl Hendry	2 March 2010
Maaingal Aboriginal Heritage	Carol Ridgeway-Bissett	2 March 2010
Forster Local Aboriginal Land Council	Lorna Paulson	2 March 2010
Interim Worimi Knowledgeholders Council	Mick Leon	2 March 2010
Worimi Conservation Lands	Mr Steve Larkin	2 March 2010

As a result of the Eois being sent, only the Karuah LALC responded and as a result was invited to participate in the field survey conducted 30 March and 3 August 2010. Upon finalisation of the fieldwork a Cultural Heritage Assessment (CHA) was completed. The CHA was compiled and the RAPs were asked for input, which was included in the final report.

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### 3.3 Ongoing Community Consultation

Under Condition 36 (MP09\_0175), the Proponent must ensure ongoing consultation with the Aboriginal community. As a result, the Karuah Local Aboriginal Land Council was invited to consult with RPS in the preparation of this document. A copy of the management plan was sent to the Karuah Local Aboriginal Land Council on 23 July 2015 and comments were due by 20 August 2015. RPS contacted the Karuah LALC numerous times for their comments on this document (Appendix 1), however, no comments were received. Additionally, RPS invited OEH to comment on 2 December 2015. No comments were received.

Separate to this consultation, a renewed Registered Aboriginal Party list was created in 2022 in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. This was prepared by Heritage Now for the separate proposed Karuah Red Quarry project (SEAR 937) on nearby land west of KEQ (Lot 201 DP 1042537 and Lot 21 DP 1024341). To inform the preparation of the Aboriginal Cultural Heritage Assessment Report for the separately proposed Karuah Red Quarry, a public notice inviting expressions of interest from the Aboriginal community was placed in the Myall Coast News of the Area on 8 December 2022, along with the government agency notifications.

Following the project notifications and the public notice, nine Aboriginal people and organisations nominated to become Registered Aboriginal Parties (RAPs) for the Karuah Red project (**Table 4**).

**Table 4 List of Registered Aboriginal Parties consulted for the Project.**

Organisation	Representative Name/s
Karuah Indigenous Company	David Feeney
Didge Ngunawal Clan	Paul Boyd & Lilly Carroll
Nur-Run-Gee Pty Ltd	Leonard Anderson OAM
Nunawanna Aboriginal Corporation	Colin Ahoy
Gomery Cultural Consultants	David Horton
Mur-Roo-Ma Inc.	Anthony Anderson & Bec Young
A1 Indigenous Services	Carolyn Hickey
Widescope Indigenous Group	Steven Hickey
Confidential RAP	Confidential RAP

Given the close proximity of the KEQ to the proposed Karuah Red Quarry footprint, and noting that KEQPL is affiliated with Hunter Quarries Pty Ltd (who are the proponent for the proposed Karuah Red project), Heritage Now and KEQPL considered it was appropriate to supply the updated HMP to these RAPs for comment. This was undertaken on 21 August 2023 and again on 10 September 2023; and one response to the HMP was received (**Table 5**).

**Table 5 Feedback on the HMP.**

Organisation	Representative Name/s	Feedback
Mur-Roo-Ma Inc.	Bec Young	Murrooma has read and understands the Karuah East Quarry Draft Heritage Management Plan. We believe that the management Plan provides best opportunity to protect culture- monitoring/unexpected finds procedures. We agree with all recommendations and phases within this report and they meet our requirements and responsibilities as Traditional Owners of this land.

Section 8.0 provides contingency measures should further consultation be required.

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## 4.0 Aboriginal Cultural Heritage Sites in the Project Area

As part of the CHA (RPS 2011) a search of the Aboriginal Heritage Information Management System (AHIMS) database was conducted on 12 February 2010. The coordinates searched were Geodetic Datum of Australia (GDA) Zone 56 Eastings 396270 to 416270 and Nothings 6379830 to 6399830, an area of approximately 10 kilometres around the Project Area. It identified 104 previously recorded AHIMS sites within those search parameters, none of which fell inside the Project Area.

An updated AHIMS search was undertaken on 9 July 2015. The coordinates searched were the same as listed above. The updated AHIMS search revealed that the total number of AHIMS sites had not changed (n=104); however, the Gooreengi Aboriginal place had been recorded. The Gooreengi Aboriginal Place is located approximately 5 kilometres to the south-east and is **outside** of the Quarry.

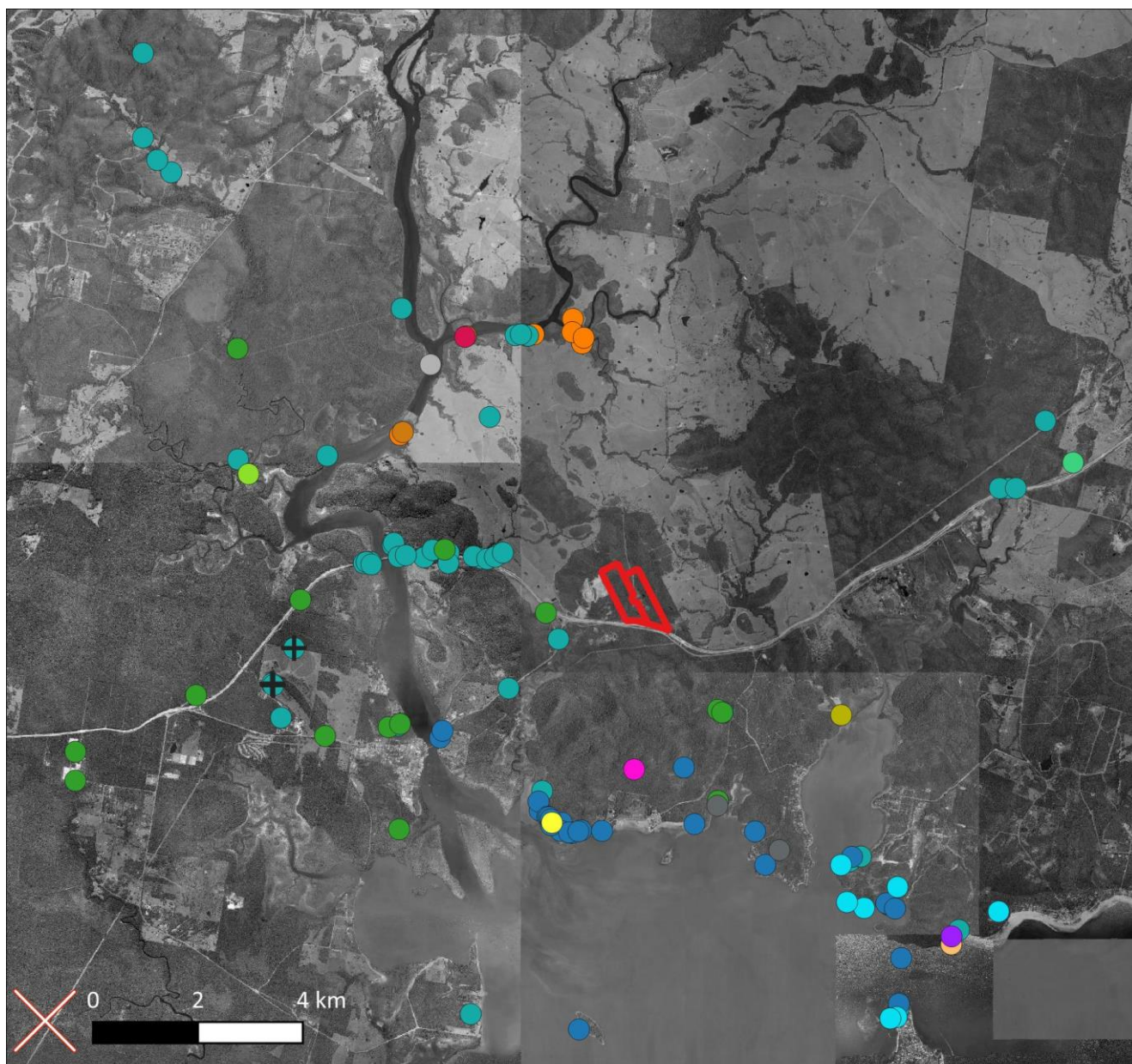
No previously recorded AHIMS sites have been identified in the Project Area. A previous survey (RPS 2011) did not identify any further unrecorded Aboriginal objects (2011:26). As there are no previously recorded AHIMS sites in the Project Area, heritage contingency protocols have been formulated in the event that unexpected Aboriginal objects are identified.

A new heritage search was conducted on the Aboriginal Heritage Information Management System. Under the co-ordinates (GDA94, zone 56) used in the above search (Easting 396270-416270 and Northing 6379830-6399830). However, a search of these co-ordinates produced more than 120 site results and AHIMS reports are limited to 120 sites. Thus the search area was reduced by 1,000 metres and produced a search result of 118 sites (Easting 396270-416270 and Northing 6380830-6399830) (Appendix 3).

No Aboriginal sites are in the Project Area nor within 1km of the Project Area (Figure 2).

There are no heritage listings for the Project Area under the Great Lakes Local Environmental Plan 2014 and there has been no heritage listing updates under Schedule 5 in respect to Aboriginal heritage.


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## Legend

 Project Area

### AHIMS Sites

-  Aboriginal Resource and Gathering
-  Artefact
-  Artefact + Aboriginal Ceremony and Dreaming
-  Artefact + Modified Tree

-  Artefact + PAD
-  Artefact + Shell
-  Burial
-  Ceremonial Ring + Modified Tree
-  Conflict
-  Earth Mound
-  Modified Tree

-  PAD
-  PAD + Axe Grinding Groove
-  PAD + Shell
-  Shell
-  Stone Arrangement

### AHIMS Sites Status

-  Destroyed



Figure 2 Updated AHIMS search, no Aboriginal sites in the Project Area or Impact Area

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## 5.0 Heritage Contingency Protocols for the Discovery of Unexpected Aboriginal Sites

Section 4.0 of this document shows that no previously recorded AHIMS site were recorded in the Project Area. Therefore, this section outlines the heritage contingency procedures that have been developed for unexpected finds; it includes procedures for unexpected Aboriginal objects or sites, the discovery of human remains and unexpected historic objects. These protocols must be followed regardless of the development activity taking place.

### 5.1 Heritage Contingency Protocol for Unexpected Aboriginal Objects

Heritage contingency protocols for unexpected Aboriginal objects that are found in the Project Area during construction are outlined in **Figure 3** below. Should unexpected Aboriginal objects/features be encountered, work must stop immediately and the area cordoned off with a high visibility barrier such as that shown in Plate 1. The Quarry Manager is to be notified as soon as possible.

The Quarry Manager is to then contact the heritage consultant and RAPs. The heritage consultant, in consultation with the RAPs, is to conduct a field survey to assess the Aboriginal objects/features identified. The heritage consultant, in consultation with the RAPs, will recommend appropriate mitigation measures.

The Quarry Manager is to implement the mitigation measures that are recommended by the heritage consultant and agreed to by the RAPs and in accordance with relevant regulations. If additional visual inspection and salvage is recommended, the Quarry Manager is to arrange for the heritage consultant and RAPs to undertake those works. The methodology for undertaking field work is outlined in Section 5.1.2.

Provided that these heritage contingency protocols have been followed, construction/maintenance works within the Project Area may proceed. Any artefacts collected must be handled in accordance with Section 7.1. The heritage mitigation measures undertaken must be reported to RAPs and to Heritage NSW.

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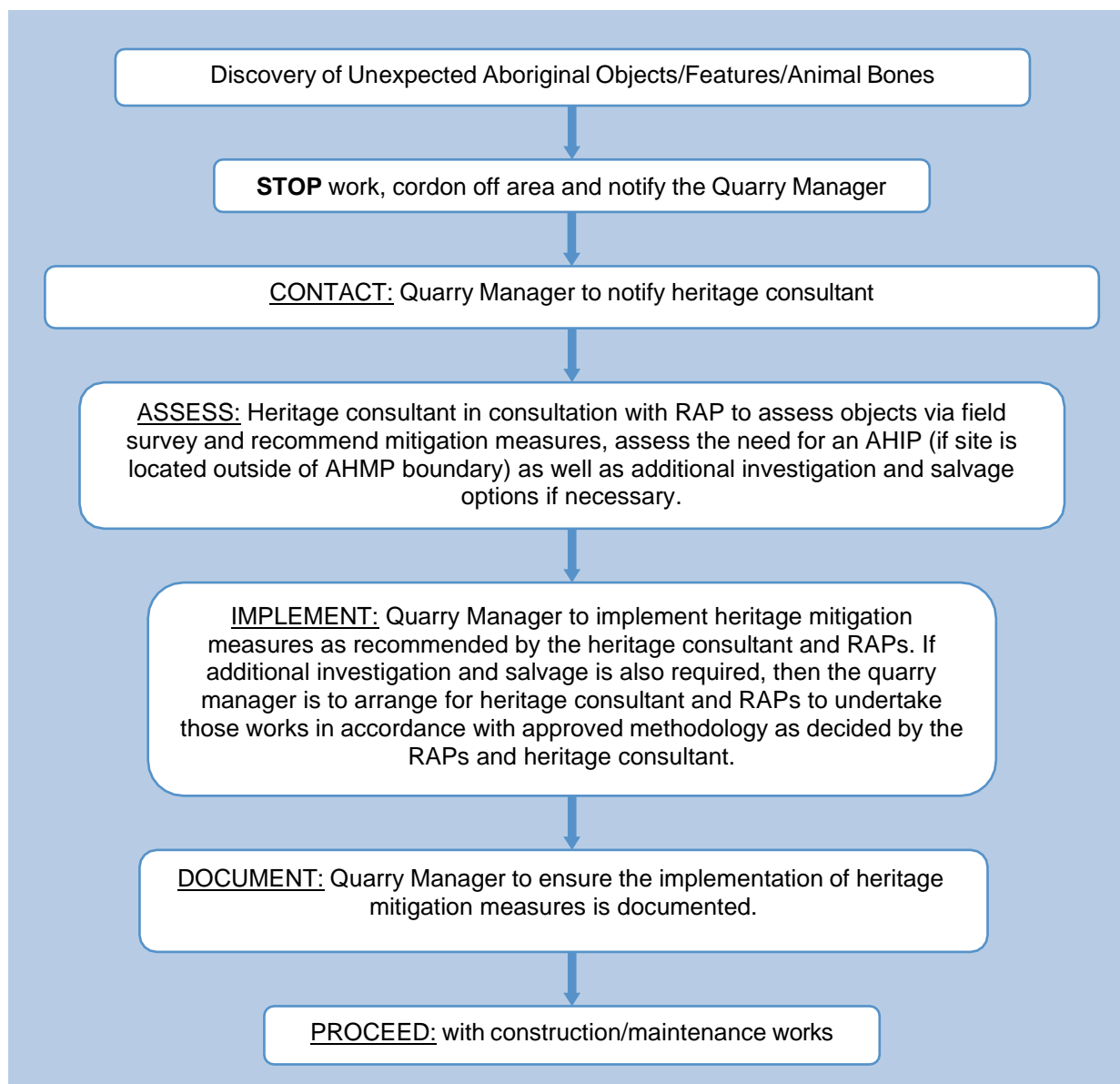


Figure 3 Heritage contingency protocol for unexpected Aboriginal objects/features encountered during construction works

## 5.1.2 Methodology for Field Survey and Due Diligence Visual Inspections

### 5.1.2.1 Survey Methodology

Surveys will involve a visual inspection of the potential impact area or in areas of unexpected discovery of Aboriginal objects. The strategic survey method will largely depend on the size of the survey team, scope of works, landform features and accessibility. Survey coverage can only be determined on a case-by-case scenario because inaccessible landscapes and landowner restrictions may apply in some instances.

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#### 5.1.2.2 Documentation Methodology

The Aboriginal heritage survey will be undertaken using the following documentation methods, as a minimum:

- Marking the location of any identified artefacts with a stake, flag or similar, and recording them with a GPS unit;
- Recording information about the context of the artefact(s). This will include a description of any associated soil profiles, the depth at which the artefact was identified and a description of any associated features (such as hearths, charcoal, and/or associated artefacts);
- Recording the length, width, thickness, weight and raw material;
- Photographing identified artefacts (the methods for artefact photography are outlined below); and
- Where relevant, plans or section drawings will be drawn to show the location and distribution of identified artefacts/tools, and to assist in the interpretation of the site. These drawings will feature any soil profiles or stratigraphic layers associated with identified artefacts, as well as any other significant features that are identified (such as hearths and/or charcoal); and
- Following the recording of any identified artefacts, construction work may proceed with care in the area.

#### 5.1.2.3 Field Methods

The survey will be conducted on foot (pedestrian) and target landforms or identified Aboriginal objects. Surveys will only take place in an impact/ed area. The area surveyed will be recorded in survey units according to observations of geomorphological processes, rock exposure, drainage, vegetation and any newly identified Aboriginal cultural heritage sites or potential archaeological deposits, where applicable. Survey unit ground surface exposure and visibility will be recorded and the sample fraction calculated according to the Code of Practice.

#### 5.1.2.4 Recording of New Aboriginal Sites

If new (previously unrecorded) Aboriginal heritage sites are identified, site recording will be undertaken in accordance with the Code of Practice and the Guide on Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW. An AHIMS site card will be completed; information required includes location of the site/s, description contents, condition of the site and similar. Site locations will be recorded on a GPS using MGA 56 coordinates. Site locations and contents will be photographed (scaled) and described in field notes. The dimension of Aboriginal artefacts/sites will be recorded using tapes or callipers as appropriate and information added to the AHIMS site cards.

#### 5.1.3 Methodology for Archaeological Excavation

If during the initial surface disturbance or subsequent field surveys areas of potential archaeological deposit are identified and are at risk of harm, archaeological excavations will be carried out prior to harm occurring. The methodology for archaeological excavations will be decided on by the heritage consultant in consultation with the RAPs. Additionally, archaeological excavations will only be undertaken in areas of the potential archaeological deposit that will be impacted and are to be undertaken in accordance with the Code of Practice.

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## 5.2 Heritage Contingency Protocol for Unexpected Historic Heritage

Historic heritage contingency protocols for unexpected historic heritage items found in the Project Area are outlined in **Figure 4** below. Should unexpected historic heritage be encountered, work must stop immediately and the area cordoned off with a high visibility barrier such as that shown in Plate 1. The Quarry Manager is to be notified as soon as possible. The Heritage consultant is to assess the relic/s and recommend mitigation and salvage measures if necessary. If the historic heritage contains Aboriginal heritage, then the protocols in **Figure 3** are to be followed as well and Heritage NSW may need to be consulted depending on the nature of the relic/s. Examples of combined historical and Aboriginal sites include conflict sites, mission sites, homesteads and similar.

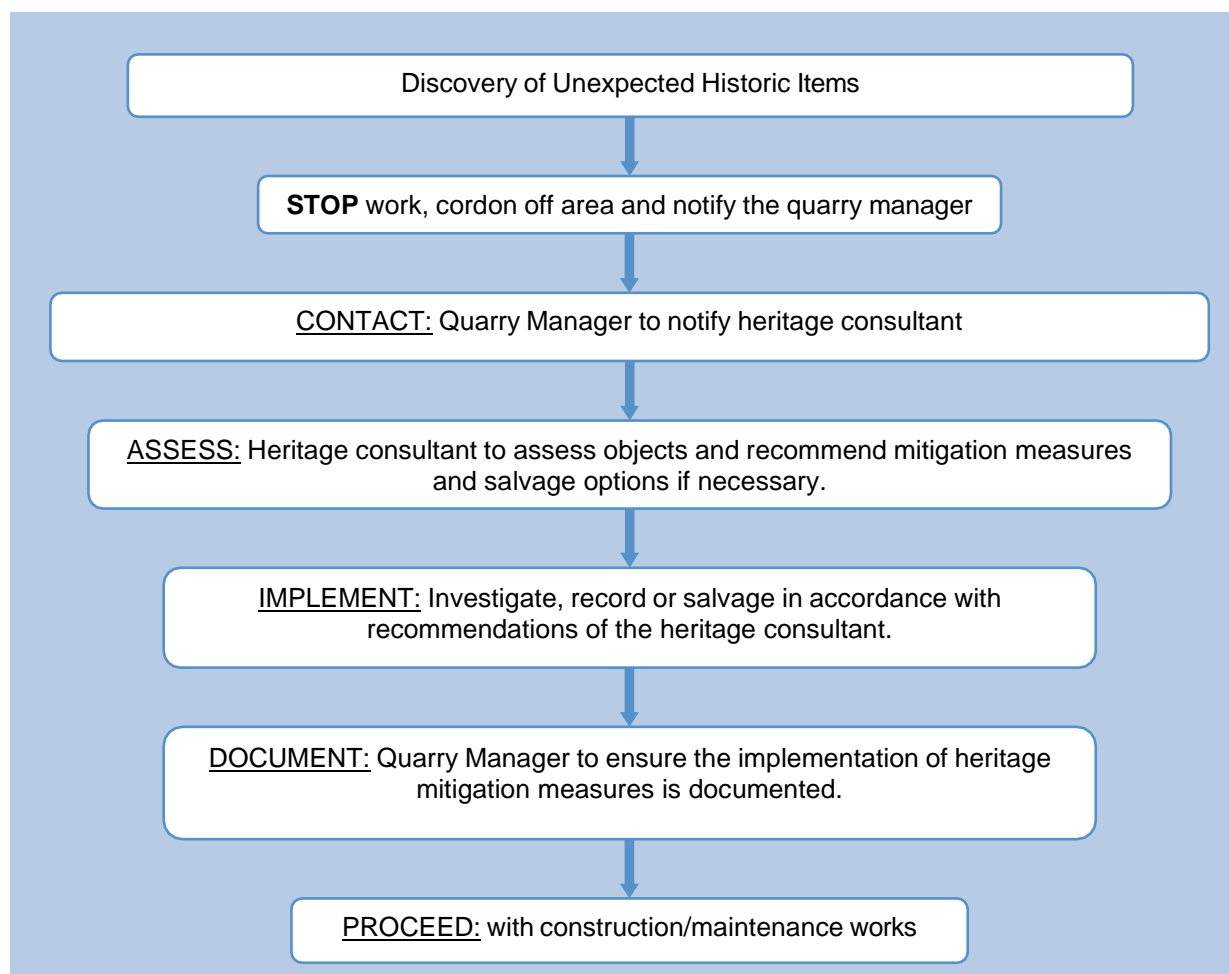


Figure 4 Heritage contingency protocol for unexpected historic heritage

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### 5.3 Heritage contingency protocol for discovery of human skeletal remains

It should be noted that all Parties agree to observe suitable dignity in relation to discovery of clearly identifiable human remains or probable human remains. Human skeletal remains are of the highest importance to Aboriginal peoples and all care, caution, respect and dignity will be utilised by all Parties should such remains be discovered.

Where human skeletal remains are discovered within the project area the NSW Government sanctioned process for the reporting and management of skeletal remains will be implemented. Heritage contingency protocols for the discovery of human skeletal remains during construction are outlined in **Figure 5**, below. Should clearly identifiable human remains or possible human remains be encountered, work must stop immediately, the area cordoned off with a high visibility barrier such as that shown in Plate 1. The Quarry Manager is to be notified as soon as possible.

The Quarry Manager is to contact the local NSW Police, who will then assess whether the remains are part of a crime scene, or possible Aboriginal remains. If determined by police to be Aboriginal remains, the Police will contact Heritage NSW and a Heritage NSW officer will confirm the determination in writing. If determined to be a Police matter, Police instructions are to be followed. Clearance to recommence construction works should be sought directly from the Police.

If Heritage NSW confirms that the remains are Aboriginal, Heritage NSW (in consultation with RAPs and the heritage consultant) will develop a human remains management strategy. The Quarry Manager is to ensure that this strategy is implemented, and must document its implementation.

Provided that these heritage contingency protocols have been followed, construction/maintenance works within the Project Area may proceed.

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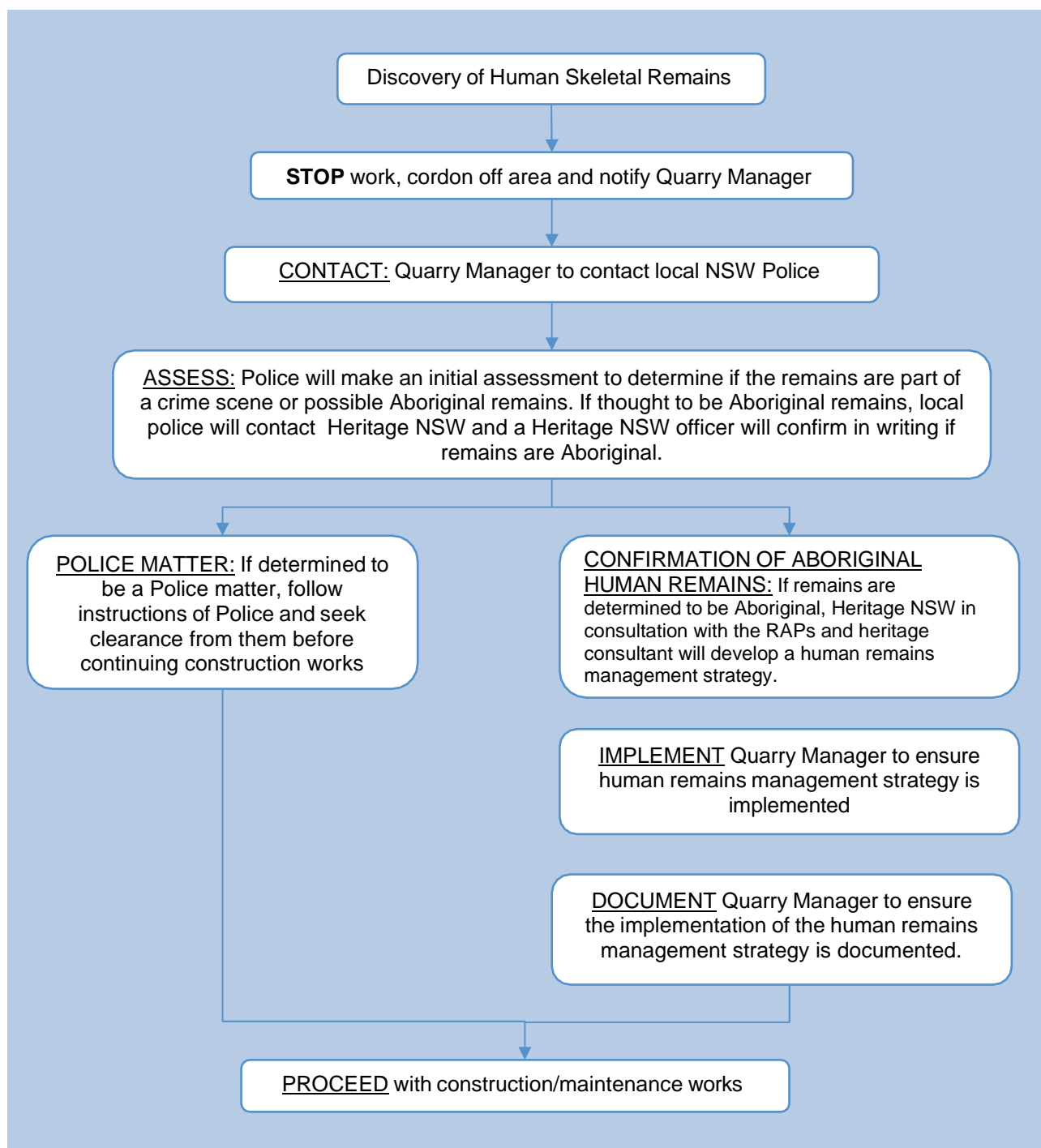


Figure 5 Heritage contingency protocol for discovery of skeletal remains

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## 6.0 Methodology for the Monitoring of Surface Disturbances

Under Condition 36(c) of Project Approval MP09\_0175, the Proponent is required to offer the opportunity for heritage monitoring to occur during initial surface disturbance for the discovery of unexpected and unrecorded Aboriginal cultural heritage sites or objects.

The RAPs will be offered the opportunity to inspect (monitor) the ground surfaces for any new disturbance areas in conjunction with the heritage consultant. Thus, the RAPs must be contacted and offered the opportunity to monitor the initial ground surface disturbance and topsoil stripping. All RAPs will be notified of upcoming monitoring works at least 14 days in advance by email or phone or both where necessary. If the RAPs have been given the opportunity to monitor, but are not available, then works will still proceed without the participation of the RAPs. Should unexpected Aboriginal objects/features be encountered, work must stop immediately and the area cordoned off with a high visibility barrier such as that shown in Plate 1. The Quarry Manager is to be notified as soon as possible. Works are not to recommence in the cordoned off area until a heritage assessment has been made and appropriate mitigation and management measures implemented.

If Aboriginal objects are identified and are considered to be a low density scatter; these can be salvaged by the Heritage Consultant and the RAPs. If high density scatters or features such as hearths are identified, then a detailed recording is to be undertaken by the heritage consultant in conjunction with the RAPs. The methodology for recording such sites will be decided by the RAPs and the Heritage Consultant. The area will be cordoned off while the detailed recording is undertaken; but other works can continue in the Quarry so long as it does not require monitoring.

Should Aboriginal objects be collected during monitoring they will be stored in accordance with Section 7.1. The methodology for the initial surface disturbance is located in 5.1.2.

### 6.1 Identification of Aboriginal sites/objects by site personnel

If Aboriginal objects are identified when the RAPs or heritage consultant are not present, the heritage contingency protocols in Section 5.0 must be followed. Section 5.0 states that where unexpected Aboriginal objects/features are encountered, work must stop immediately and the area cordoned off with a high visibility barrier such as that shown in Plate 1. The Quarry Manager is to be notified as soon as possible.

All on-site personnel are to undertake a Heritage Induction as per Section 7.3.

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## 7.0 Other Heritage Contingency Protocols

### 7.1 Storage and Transfer of Aboriginal Objects

Aboriginal objects collected at any time during the Quarry's life will be stored in an appropriate manner. During works, Aboriginal objects will be stored at a secure location (temporary keeping place) which will be on-site. Aboriginal objects may be moved temporarily to another location for recording (i.e. heritage consultants) and will then be returned to the secure location at the temporary keeping place. Once the impact and other required activities have been completed, the Aboriginal objects will be re-buried at an appropriate location at the Quarry in consultation with the RAPs. A care and control application will be lodged in order to arrange for the storage of artefacts. Care and control arrangements will be made in consultation with the RAPs and Heritage NSW.

### 7.2 Culturally Sensitive Information

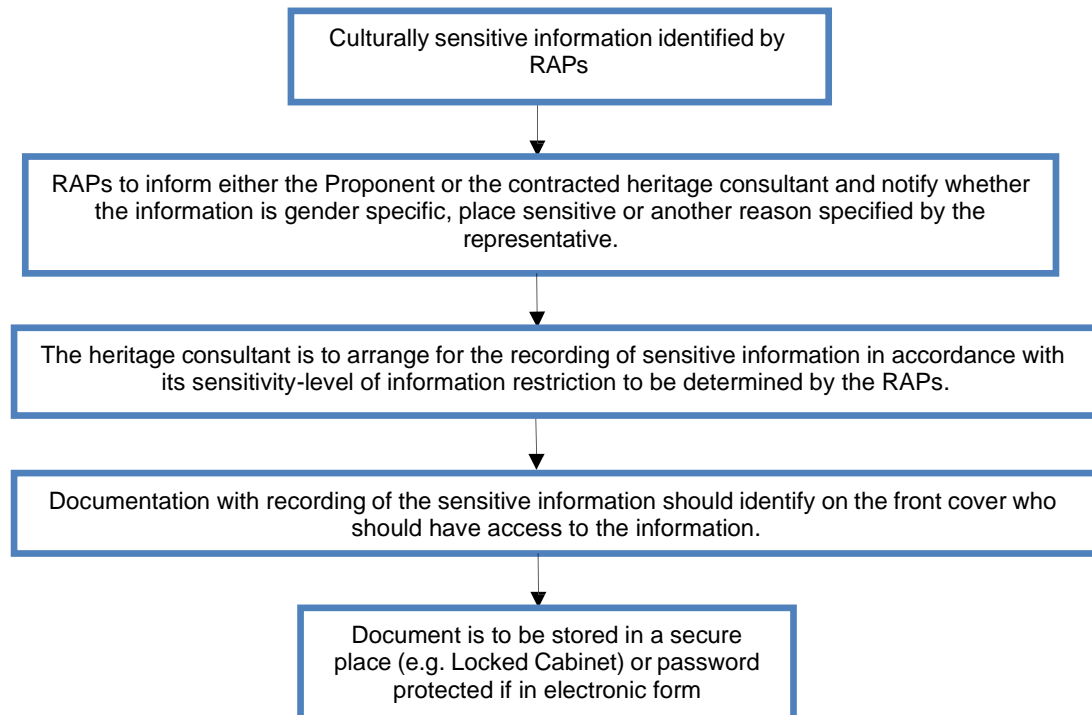
While consultation for the CHA (RPS 2011) did not identify any culturally sensitive information the below process should be implemented if culturally sensitive information is made available to the Proponent.

The purpose of undergoing the consultation process with the Aboriginal community is to gather cultural knowledge relevant to the area so that Aboriginal sites and objects can be appropriately managed. During the process of consultation or field surveys, some information exchanged may be culturally sensitive. For example, gender restrictions (men's or women's business) may be one form of culturally sensitive information in addition to ceremonial and ritualistic information associated with an Aboriginal place. It is therefore paramount that cultural sensitivities associated with the landscape are treated as important information that must be handled with care and in a respectful manner.

#### 7.2.1 Aboriginal Community Co-operation

In the event that culturally sensitive information is associated with a particular area in the Quarry, it is the responsibility of the Aboriginal community to clearly inform either the Proponent and/or the contracted heritage consultant of this matter so that appropriate management protocols can be formulated in order to minimise the risk of quarry related impact to the area. Should the Aboriginal community provide details regarding culturally sensitive information for documentation purposes, under the stipulation that this information not be made public, the following protocols (**Figure 6**) will be adopted unless another protocol is agreed upon by the Aboriginal community.

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**Figure 6 Protocol for handling culturally sensitive information**

### 7.3 Inductions

The Proponents staff and contractors undertaking work at the quarry are required to undertake a site specific induction prior to commencing work. Aboriginal heritage matters must form a component of these inductions. The Aboriginal cultural heritage component of the induction will include:

- The contents of this document;
- Relevant legislation and obligations;
- Areas of cultural sensitivity; and,
- The penalties for breaching the relevant legislation.

Records of inductions will be kept and are maintained on-site and a heritage induction sheet is located in **Appendix 4**.

### 7.4 Document Control

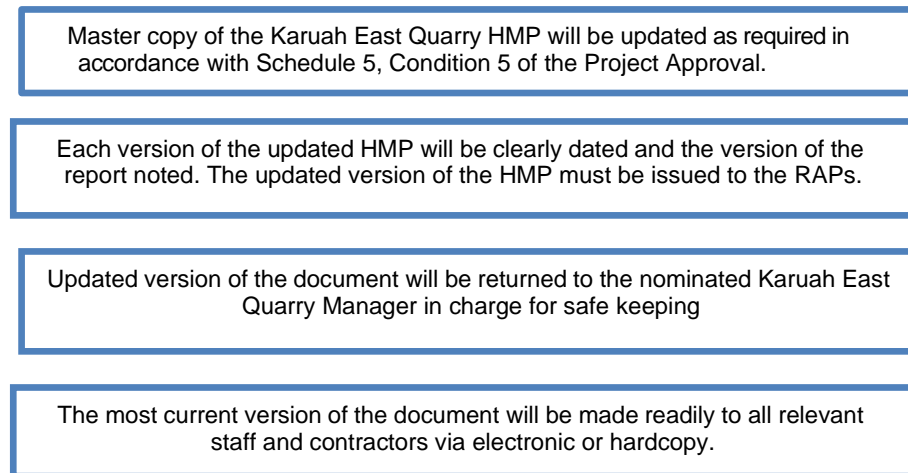
#### 7.4.1 Management Plan Updates

The purpose of this document is to provide a standardised and overarching management plan and mitigation strategy for potential Aboriginal sites in the quarry. However, this does not discount the possibility that certain sites may require extra attention and additional specific management protocols to be put in place to ensure that the site is not harmed as a result of quarrying related activities. There may be requirements to adjust/modify some of the management strategies or mitigation measures in this document if it becomes outdated or proven to be inefficient in practice. As a consequence, the HMP will be updated when deemed necessary to ensure that the document remains current and user-friendly for the purpose of managing Aboriginal sites according to the standards required under NSW legislation.

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Given that the expected lifespan of the quarry is approximately 20 years, it is important that current and future Quarry Managers thoroughly read and clearly understand the operations of this document. The Proponent will ensure that this document is readily accessible to Karuah East Quarry staff and relevant contactors working on site. It is the responsibility of the Quarry Manager to ensure that revised editions of this document are made readily accessible to all onsite staff and contractors and that refresher inductions are provided when deemed necessary.

Any significant revisions to this document will be undertaken in consultation with RAPs and the revision date and the version of the document clearly specified (**Figure 7**).



**Figure 7 Continual Revision of the HMP Procedure**

## 7.5 Dispute Resolution

### 7.5.1 Procedure to Resolve a Dispute

This procedure will be enacted should there be a major dispute (disagreement or difference in opinion) between the Proponent and the RAPs and/or between the RAPs. The first step will be to document what the disagreement is and attempt to resolve the issue/s at the time that they arise.

If the dispute cannot be resolved within two weeks of the issue arising, the disputing parties will engage each other in a more formal setting to seek a dispute resolution. The meeting will be set in an agreed location where both parties can attend and facilitated by an independent mediator agreed to by both parties.

In the event that the disputing parties cannot agree on a meeting place, the mediator will nominate a location.

The scheduled meeting place will be stated in a formal invitation letter prepared by the Proponent to the disputing parties, which stipulates the time, date and the issue of discussion. In the event that one of the disputing parties is not able to attend on the day the meeting was scheduled, notice will be provided at least two days before the date of attendance. If either party involved in the dispute fails to confirm their participation and/or fails to attend the meeting, this will be considered a forfeiture of the dispute.

The meeting will be conducted under mediation, which comprises an independent mediator and representatives of the disputing parties. The parties in dispute will be prepared to negotiate in good faith and work towards a mutually satisfying compromise with the assistance of the mediator. All points of view will be documented by the mediator and the purpose of the meeting will be to encourage the parties to negotiate and ultimately reach a satisfying agreement.

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The course of the meeting will be based on the complexity and number of the disputed issues. Any information disclosed to a mediator in private is to be treated as confidential by the mediator unless the party making the disclosure states otherwise. If agreement is reached at the mediation, the terms of the agreement will be written down and signed by the parties before leaving the mediation.

#### 7.5.1.1 Role of the Mediator

The mediator is a neutral and impartial person who will not impose a solution on the parties, nor will not make a decision for or give any legal advice to the parties. The mediator will not act for any party in relation to any proceeding concerning the dispute. The mediator will be agreed upon by both parties in dispute. If the disputing parties cannot agree on a person to act as a mediator, it is recommended that Heritage NSW be contacted as an independent advisor to suggest a mediator for the dispute resolution.

The mediator will provide an overview of the mediation process which will include the following stages:

- The systematic identification of all disputed matters;
- Facilitation of direct communication between the parties;
- Develop options for the resolution of these issues;
- Explore the usefulness of these options; and
- Arrive at a settlement that the parties find mutually acceptable.

#### 7.5.1.2 Conflict of Interest

The mediator must, prior to the commencement of the mediation, disclose to the parties to the best of his or her knowledge any prior dealings with any of the parties as well as any interests in the dispute. If in the course of the mediation the mediator becomes aware of any circumstances that might reasonably be considered to affect the mediator's capacity to act impartially, the mediator will immediately inform the parties of these circumstances. In this instance, the parties will then decide whether the mediation will continue with that mediator or with a new mediator appointed by the parties.

### 7.5.2 Dispute Resolution Protocol during Field Survey

Participation in the field survey for Aboriginal sites and objects requires the co-operation of all parties involved. It is important that all members of the field team co-operate to ensure that the task is undertaken smoothly without deliberate delays. Professional standards will be employed at all times to ensure that the purpose of the exercise is not disrupted.

In the event that a disagreement takes place, it is not acceptable to engage in an argument in the field. Instead, the incident will be clearly documented in writing by each party at the end of the day which will clearly indicate the following:

- Date of incident;
- Place where the incident took place;
- The individuals involved in the incident; and
- Matter of dispute or disagreement.

The incident report will be submitted to the Proponent within two days of the field survey so that the information can be documented and the Proponent has the opportunity to seek a pathway to resolve the issue. In the event that a resolution cannot be achieved by means of informing the Proponent, the protocols below will be initiated.

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### 7.5.3 Protocols if Mediation is Unsuccessful

Mediation will be adopted as the primary means of achieving a resolution if an agreement cannot be achieved through informal discussions. In the event that the disputing parties remain in conflict after going through mediation, advice will be sought from the appropriate regulatory authority depending on the nature of the dispute. The advice provided by the regulatory authority will be followed in order to achieve a dispute resolution.

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## 8.0 Ongoing Aboriginal Community Consultation

### 8.1 Field Surveys and Consultation

During the initial surface disturbance (including, but not limited to, the construction of initial infrastructure and initial soil disturbance) representatives from the Aboriginal community will be invited to participate in monitoring or field survey in accordance with the methodologies stated in this document. Field Work methodologies undertaken with RAPs are to be carried out in accordance with Section 5.1.2 and Section 5.1.3. A minimum of 14 days notice will be provided to the registered Aboriginal parties before the commencement of the field surveys. If the RAPs have been given the opportunity to monitor, but are not available, then works will still proceed without the participation of the RAPs.

If, during the course of development works undertaken over the life of the quarry, unexpected Aboriginal object should be identified the Karuah Local Aboriginal Land Council will be contacted. Should the objects be at risk of harm the heritage consultant and a representative from the Karuah Local Aboriginal Land Council must collect the artefact in accordance with the methodologies in Section 5.1.2 and Section 5.1.3.

The Quarry Manager will negotiate with representatives from other Aboriginal community stakeholders who may wish to participate in field work. This will be decided on a case by case basis. The Quarry Manager may ask the heritage consultant to consult with Heritage NSW for the purpose of identifying Aboriginal community stakeholders who may have an interest in works undertaken at the quarry.

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## 9.0 Roles and Responsibilities

This section defines the roles of persons associated with the implementation of this document as well as their responsibilities under it.

The roles and responsibilities for the monitoring of Aboriginal sites include efforts from the following groups:

- The Quarry Manager;
- On-site Personnel;
- Heritage consultants; and,
- RAPS.

In order to successfully facilitate the management plan/strategy for Aboriginal sites in the quarry, it is important that the following personnel ensure that their roles and responsibilities are carried out correctly. **Table 4** details the roles and responsibilities that each group must carry out.

### 9.1 Penalties and Consequences for Non-Compliance

It is important that the roles and responsibilities listed in **Table 6** are adhered to closely to ensure that the monitoring process for Aboriginal sites and objects is undertaken correctly and to best practice standards for the management of Aboriginal sites and objects. It is important to be aware that there are legal repercussions for the mismanagement of Aboriginal cultural heritage where harm to Aboriginal sites and objects can occur. The NPW Act 1974 defines the process of harm as destroying, defacing, damaging or moving an Aboriginal object from the land on which it has been situated.

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**Table 6 Roles and Responsibilities of Personnel involved in the HMP.**

Role	Position	Responsibilities
<b>Quarry Manager</b>	<b>This is the person nominated by Karuah East Quarry to manage Karuah East Quarry Land</b>	<ul style="list-style-type: none"> <li>■ Read, understand, implement and ensure the practical application of this HMP.</li> <li>■ Follow instructions outlined in this HMP.</li> <li>■ Ensure that a copy of this HMP is available onsite in addition to any other reports applicable to area of proposed works.</li> <li>■ Liaise with the Aboriginal community, as appropriate and respond to requests in a timely manner.</li> </ul>
<b>Onsite Personnel</b>	<b>Any individual undertaking surface disturbance within Karuah East Quarry</b>	<ul style="list-style-type: none"> <li>■ Understand the heritage requirements under the NSW legislation.</li> <li>■ Be aware that there is an immediate STOP WORK requirement for some situations outlined in heritage management flow charts and ensure that there are procedures in place to secure the area for such situations.</li> </ul>
<b>Heritage Consultant</b>	<b>An individual with appropriate qualification to undertake cultural heritage assessments and recommended management actions.</b>	<ul style="list-style-type: none"> <li>■ Assist with the implementation of this HMP, as required.</li> <li>■ Co-ordinate Aboriginal heritage monitoring program.</li> <li>■ Provide heritage advice in accordance with the relevant legislation.</li> <li>■ Undertake the recording of new sites in accordance with Heritage NSW codes and guidelines.</li> <li>■ Liaise with the Aboriginal community, as appropriate.</li> <li>■ Complete monitoring control forms in a timely manner.</li> </ul>
<b>Aboriginal Parties</b>	<b>Person/s of Aboriginal descent who have an interest in Aboriginal Heritage within Karuah East Quarry</b>	<ul style="list-style-type: none"> <li>■ Participate in the consultation process</li> <li>■ Provide advice on Aboriginal cultural heritage issues in a timely manner.</li> <li>■ Assist in the identification of cultural heritage sites, as necessary.</li> <li>■ Participate, if available, in the monitoring of the respective quarry in which they have an interest.</li> </ul>

## 10.0 Conclusion

This document has been prepared to set a minimum standard for the management of Aboriginal heritage at the Karuah East Quarry. It is considered that the heritage contingency protocols outlined in this document are suitable for heritage best practice. This document should be used at all times to ensure the continuation and management of Aboriginal heritage in the quarry.

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## 11.0 Plates



Plate 1 Example of high visibility fencing to be established around Aboriginal Sites (if required)

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## 12.0 References

- DECCW. 2010a. "Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales." Sydney, NSW: Department of Environment, Climate Change and Water.
- DECCW. 2010b. "Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW." Department of Environment, Climate Change and Water.
- RPS 2021. "Karuah East Quarry MOD 10: Aboriginal Heritage Due Diligence Assessment." Karuah East Quarry Pty Ltd
- RPS 2018. "Karuah East Quarry MOD2: Due Diligence Report." Karuah East Quarry Pty Ltd
- RPS. 2011. "Cultural Heritage Assessment: Karuah East Hard Rock Quarry, Pacific Highway, Karuah." Karuah East Quarries.

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## Appendix 1

### Aboriginal Consultation

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2015 Aboriginal Consultation Log			
Date	Consultation Description	Outcomes	Method of Contact
14/07/2015	RPS contacted the Karuah LALC inviting them to be consulted in the preparation of this document	RPS awaiting Response	Email ('karuahaboriginal@bigpond.com'; 'klalc@optusnet.com.au')
14/07/2015	Undeliverable email for the email 'klalc@optusnet.com.au'	No further contact can be made through this email address	Email
23/07/2015	RPS Emailed the Karuah LALC the Draft HMP for their comment	RPS awaiting response. Comments Close 20/08/2015	Email
31/07/2015	RPS called Karuah LALC to see if they had comments on the Draft HMP	RPS was unable to leave a message as the phone kept ringing	Phone
04/08/2015	RPS called Karuah LALC to see if they had comments on the Draft HMP	RPS was unable to leave a message as the phone kept ringing	Phone
23/07/2015	RPS emailed Karuah LALC to see if they had comments on the Draft HMP	No Response was received	Email
20/08/2015	Comments on HMP Due	No responses received	-
20/08/2015	RPS emailed Karuah LALC to see if they had comments on the Draft HMP	No Response was received	Email
20/08/2015	RPS called Karuah LALC to see if they had comments on the Draft HMP	RPS was unable to leave a message as the phone kept ringing	Phone
26/08/2015	RPS called and Emailed Karuah LALC to see if they could provide any final comments on the HMP	RPS was able to contact the LALC and comments should be received by Friday 28 August	Phone and Email
28/08/2015	Comments on HMP Due (Extension)	No Responses received	-
04/09/2015	RPS called Karuah LALC to see if they had comments on the Draft HMP	RPS was unable to leave a message as the phone kept ringing	Phone
04/09/2015	RPS called Karuah LALC CEO to enquire about the comments that were to be forwarded to RPS on 28 August	A message was left on CEO mobile	Phone

## 2023 Aboriginal Consultation Log

Contact	Organisation	Contacted by	Organisation	Method	Date	Comment/response
<b>20230821 Draft Heritage Management Plan for Consultation (Final) - Version 2A Sent Out</b>						
Carolyn Hickey	A1 Indigenous Services	Joven Sanchez	Heritage Now	Email	21/08/2023	
Paul Boyd & Lilly Carroll	Didge Ngunawal Clan	Joven Sanchez	Heritage Now	Email	21/08/2023	
David Horton	Gomery Cultural Consultants	Joven Sanchez	Heritage Now	Email	21/08/2023	
David Feeney	Karuah Indigenous Company	Joven Sanchez	Heritage Now	Email	21/08/2023	
Anthony Anderson & Bec Young	Mur-Roo-Ma Inc.	Joven Sanchez	Heritage Now	Email	21/08/2023	
Colin Ahoy	Nunawanna Aboriginal Corporation	Joven Sanchez	Heritage Now	Email	21/08/2023	
Leonard Anderson OAM	Nur-Run-Gee Pty Ltd	Joven Sanchez	Heritage Now	Email	21/08/2023	
Steven Hickey	Widescope Indigenous Group	Joven Sanchez	Heritage Now	Email	21/08/2023	
Confidential RAP	Confidential RAP	Joven Sanchez	Heritage Now	Email	21/08/2023	
<b>Reminder to Respond to 20230821 Draft Heritage Management Plan for Consultation (Final) - Version 2A</b>						
Carolyn Hickey	A1 Indigenous Services	Joven Sanchez	Heritage Now	Email	10/09/2023	
Paul Boyd & Lilly Carroll	Didge Ngunawal Clan	Joven Sanchez	Heritage Now	Email	10/09/2023	
David Horton	Gomery Cultural Consultants	Joven Sanchez	Heritage Now	Email	10/09/2023	
David Feeney	Karuah Indigenous Company	Joven Sanchez	Heritage Now	Email	10/09/2023	
Colin Ahoy	Nunawanna Aboriginal Corporation	Joven Sanchez	Heritage Now	Email	10/09/2023	
Leonard Anderson OAM	Nur-Run-Gee Pty Ltd	Joven Sanchez	Heritage Now	Email	10/09/2023	
Steven Hickey	Widescope Indigenous Group	Joven Sanchez	Heritage Now	Email	10/09/2023	
Confidential RAP	Confidential RAP	Joven Sanchez	Heritage Now	Email	10/09/2023	

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## 2023 Aboriginal Consultation Log

Contact	Organisation	Contacted by	Organisation	Method	Date	Comment/response
Responses to Draft Heritage Management Plan for Consultation (Final) - Version 2A						
	Heritage Now	Bec Young	Mur-Roo-Ma Inc.	Email	08/09/2023	"Murrooma has read and understands the Karuah East Quarry Draft Heritage Management Plan. We believe that the management Plan provides best opportunity to protect culture- monitoring/unexpected finds procedures. We agree with all recommendations and phases within this report and they meet our requirements and responsibilities as Traditional Owners of this land."

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## Appendix 2

### NSW Government Agency Consultation

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2023 Agency Consultation Log			
Date	Consultation Description	Outcomes	Method of Contact
12/09/2023	<b>BCD</b> BCD confirmed responsibilities for heritage had been transferred to Heritage NSW in recent machinery of government changes.	N/A.	NSW Major Projects Planning Portal
26/09/2023	<b>Heritage NSW (Historical Archaeology)</b> Heritage NSW requested consultation with the Historical Archaeology branch be included in the contingency process if unexpected historic relics are encountered.  No further comments were made.	Section 5.2 of the Heritage Management Plan updated to include consultation as requested.  Karuah East Quarry considers this matter to be resolved.	NSW Major Projects Planning Portal
28/09/2023	<b>Heritage NSW (Aboriginal Cultural Heritage)</b> Heritage NSW requested inclusion of consultation with the Registered Aboriginal Parties be included in the Management Plan.  The ACH branch generally supported the recommendations and management strategies outlined in the Management Plan.  No further comments were made.	Section 3.3 and Appendix 1 of the Heritage Management Plan updated to include the consultation details as requested.  One response was received who generally indicated support for the recommendations and phases outlined in the Management Plan.  Karuah East Quarry considers this matter to be resolved.	NSW Major Projects Planning Portal

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## Steven Crick

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**From:** Steven Crick  
**Sent:** Tuesday, 12 September 2023 6:05 PM  
**To:** karuah@hunterquarries.com.au  
**Cc:** OEH ROD Hunter Central Coast Mailbox  
**Subject:** Heritage management plan

For the attention of Scott Ellerton

I refer to your recent submission of an updated Heritage Management Plan via the NSW major projects portal. Please be aware that BCD does not manage heritage anymore and that this request should be sent to Heritage NSW via [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

Unfortunately I cannot forward the request in the major projects portal.

Regards

**Steven Crick**  
Senior Team Leader - Planning  
Hunter Central Coast Branch  
Biodiversity and Conservation Division  
Department of Planning and Environment

T (02) 4927 3248 M 0402 279 129 E [steven.crick@environment.nsw.gov.au](mailto:steven.crick@environment.nsw.gov.au)

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

6 Stewart Avenue  
Newcastle, NSW, 2300  
Locked Bag 1002, Dangar, NSW 2309

Working days Monday to Friday, 9:00am - 5:00pm



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Department of Planning and Environment



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

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Mr. Scott Ellerton  
Hunter Quarries  
Email: [se@hunterquarries.com.au](mailto:se@hunterquarries.com.au)

Your reference: MP09\_0175-PA-30  
Our reference: DOC23/835203

Dear Scott,

**Aboriginal Cultural Heritage Management Plan – State Significant Development – Karuah East  
Quarries– MP09\_0175-PA-30**

Thank you for your referral seeking advice on the updated Heritage Management Plan (HMP) for the above State Significant Development (SSD). Thank you for the continued opportunity to comment on the project.

Unfortunately, the ACHMP provided to Heritage NSW does not include comments from the Registered Aboriginal Parties (RAPs). Once the HMP has been updated to include RAP comments and addressed any comments raised, then the plan can be resubmitted to Heritage NSW for further comment.

Based on a preliminary review of the Draft HMP, Heritage NSW generally supports the recommendations and management strategies outlined in the HMP

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions regarding these comments, please contact Alison Lamond, Senior Assessments Officer, at Heritage NSW on 0419 762 918 and [alison.lamond@environment.nsw.gov.au](mailto:alison.lamond@environment.nsw.gov.au).

Yours sincerely



Nicole Davis  
Manager Assessments  
Heritage NSW  
Department of Planning and Environment  
(As Delegate under National Parks and Wildlife Act 1974)  
Date: 26 September 2023

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## Department of Planning and Environment

Our ref: HMS ID 4686

Scott Ellerton  
Environment & Development Manager  
Hunter Quarries  
BLUE ROCK CLOSE, KARUAH NSW 2324  
By email: [se@hunterquarries.com.au](mailto:se@hunterquarries.com.au)

---

### Other consultation for Draft Heritage Management Plan (version 2A) to satisfy Schedule 3, Condition 36 of the Karuah East Quarry's Project Approval (MP09-0175) (MP09\_0175-PA-30)

Dear Mr Ellerton,

Thank you for your referral dated 19 September 2023 inviting comments from the Heritage Council of NSW on the Draft Heritage Management Plan (HMP) required under relevant conditions of approval for the above Major Project.

The following document was considered in our assessment:

- *Karuah East Quarry: Heritage Management Plan (Version 2A)*, prepared by Heritage Now, dated 21 August 2023

As delegate of the Heritage Council of NSW, I provide the following comments:

- It is noted that the *Heritage Contingency Protocol for Unexpected Historic Heritage* presented in Section 5.2 does not include provision for consultation with Heritage NSW on appropriate investigation, management and mitigation measures should unexpected historic relics be encountered. We consider that consultation with Heritage NSW should be incorporated into the protocol.

We have no further comment to make in relation to the historic heritage component of the HMP.

We recommend you seek separate advice from the Aboriginal Cultural Heritage Assessments Team within Heritage NSW regarding the Aboriginal cultural heritage component of the HMP.

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If you have any questions about this correspondence, please contact Sam Gibbins, Senior Assessments Officer - Historical Archaeology at Heritage NSW on (02) 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

Yours sincerely

*Tempe Beaven*

Tempe Beaven  
A/Manager Assessments  
Heritage NSW  
Department of Planning and Environment  
As Delegate of the Heritage Council of NSW  
28 September 2023

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## Appendix 3

### Correspondence with the NSW Department of Planning and Environment

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## Department of Planning and Environment



Our ref: MP09\_0175-PA-22

Mr Joel Fleming  
Environment & Development Manager  
Hunter Quarries  
PO Box 23  
Karuah, NSW, 2324  
15/12/2022

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Subject: Suitably Qualified Persons Endorsement Request

Dear Mr Fleming

I refer to your request (MP09\_0175-PA-22) for the Planning Secretary's endorsement of suitably qualified persons to prepare the Heritage Management Plan for the Karuah East Quarry Project (MP 09\_0175).

The Department has reviewed the nominations and information you have provided and is satisfied that these individuals are suitably qualified and experienced. Consequently, I can advise that the Planning Secretary approves the appointment of Ngaire Richards and Tessa Boer-Mah to prepare the Heritage Management Plan.

If you wish to discuss the matter further, please contact Kristina Robinson on (02) 9860 1543.

Yours sincerely



James McDonough  
Team Leader  
Resource Assessments

As nominee of the Planning Secretary

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Department of Planning and Environment



Our ref: MP09\_0175-PA-30

Scott Ellerton  
Environment and Development Manager  
Karuah East Quarry Pty Limited  
PO Box 23  
Karuah, NSW, 2324

12/01/2024

Subject: Heritage Management Plan

Dear Mr Ellerton

I refer to the Heritage Management Plan submitted in accordance with Condition 36, Schedule 3 of the consent for the Karuah East Quarry (MP09\_0175).

The Department has carefully reviewed the document and is satisfied that it meets the requirements of the relevant conditions of consent. Accordingly, as nominee of the Planning Secretary, I approve the Heritage Management Plan (rev 2B, dated October 2023).

You are reminded that if there are any inconsistencies between the Plan and the conditions of consent, the conditions prevail. Please ensure you make the document publicly available on the project website at the earliest convenience.

If you wish to discuss the matter further, please contact James McDonough on (02) 9585 6313.

Yours sincerely



Gabrielle Allan  
Team Leader  
Resource Assessments

As nominee of the Planning Secretary

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## Appendix 4

### Updated AHIMS Search Results

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## AHIMS Web Services (AWS)

### Extensive search - Site list report

Your Ref/PO Number : HN476-B HMP

Client Service ID : 742160

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-4-0725	Hobart Road 1	AGD	56	399490	6393995	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<b>Contact</b>	<b>Recorders</b>	Miss.Juanita McCarthy,Mr.Stephen Mark Free							
38-4-0535	KA20	AGD	56	401900	6389900	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-0515	KA 18	AGD	56	402030	6389920	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-0501	KA 4	AGD	56	402570	6384820	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-0510	KA 13	AGD	56	404140	6389990	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-5-0071	Snapper Island	AGD	56	406000	6381000	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Unknown Author							
38-5-0409	ceremony initiation place	GDA	56	407157	6386153	Closed site	Valid	Aboriginal Ceremony and Dreaming : -, Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	Mr.Shawn Stowe							
38-5-0346	Fame Cove Isolated artefact 1	GDA	56	413348	6383087	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny Mccardle							
38-5-0224	Pindimar 1	AGD	56	414000	6383250	Open site	Valid	Shell : 1		98302
	<b>Contact</b>	<b>Recorders</b>	Wildthing Environmental Consultants							
38-5-0201	BUNDABAH CREEK (NW)	AGD	56	414200	6391330	Open site	Valid	Artefact : -		4645
	<b>Contact</b>	<b>Recorders</b>	Adam Ford							
38-4-0728	Clay Bank 2	AGD	56	399500	6391880	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	Miss.Juanita McCarthy,Mr.Stephen Mark Free							
38-4-0727	Clay Bank One	AGD	56	399700	6391600	Open site	Valid	Modified Tree (Carved or Scarred) : -, Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	Miss.Juanita McCarthy,Mr.Stephen Mark Free							
38-4-0502	KA 5	AGD	56	402370	6386770	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-0523	Karuah River, KR1	AGD	56	402446	6390244	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	ERM Australia Pty Ltd- Sydney CBD							
38-4-0726	Double Wharf One	AGD	56	402620	6394760	Open site	Valid	Artefact : -		

Report generated by AHIMS Web Service on 20/12/2022 for Tessa Boer-Mah for the following area at Datum :GDA, Zone : 56, Eastings : 396270.0 - 416270.0, Northings : 6380830.0 - 6399830.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 118

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

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## AHIMS Web Services (AWS)

### Extensive search - Site list report

Your Ref/PO Number : HN476-B HMP

Client Service ID : 742160

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-4-0498	<b>Contact</b>	<b>Recorders</b>	Miss.Juanita McCarthy,Mr.Stephen Mark Free				Valid	<b>Permits</b>	Midden	
	KA 1	AGD	56	403350	6386570	Open site		Shell : -, Artefact : -		
38-4-1077	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer				Valid	<b>Permits</b>		
	Karuah River murder site	AGD	56	403829	6394218	Open site		Conflict : 1		
38-4-0513	<b>Contact</b>	<b>Recorders</b>	Mr.Leonard (Lennie) Anderson				Valid	<b>Permits</b>	Isolated Find	
	KA 16	AGD	56	404450	6390060	Open site		Artefact : -		
38-4-1079	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer				Valid	<b>Permits</b>		
	The Branch artefact 3	AGD	56	404892	6394267	Open site		Artefact : 10		
38-4-0226	<b>Contact</b>	<b>Recorders</b>	Mr.Leonard (Lennie) Anderson				Valid	<b>Permits</b>	Midden	1333,98847
	Port Stephens;	AGD	56	405250	6385180	Open site		Shell : -, Artefact : -		
38-5-0001	<b>Contact</b>	<b>Recorders</b>	Warren Bluff				Valid	<b>Permits</b>	Midden	
	Little Swan Bay;Tahlee;	AGD	56	408000	6386000	Open site		Shell : -, Artefact : -		
38-5-0083	<b>Contact</b>	<b>Recorders</b>	D.R Moore				Valid	<b>Permits</b>	Midden	849
	Carrington 1;Carrington;	AGD	56	408200	6384920	Open site		Shell : -, Artefact : -		
38-5-0084	<b>Contact</b>	<b>Recorders</b>	Helen Brayshaw				Valid	<b>Permits</b>	Scarred Tree	849
	Carrington 2;Carrington;	AGD	56	408650	6385360	Open site		Modified Tree (Carved or Scarred) ; -		
38-5-0004	<b>Contact</b>	<b>Recorders</b>	Helen Brayshaw				Valid	<b>Permits</b>	Midden	
	Northarm Cove Baromee Point	AGD	56	409551	6384142	Open site		Shell : -, Artefact : -		
38-5-0055	<b>Contact</b>	<b>Recorders</b>	Moore				Valid	<b>Permits</b>	Midden	
	Northarm Cove Fame Cove	GDA	56	412020	6383568	Open site		Shell : -, Artefact : -		
38-5-0277	<b>Contact</b>	<b>Recorders</b>	Helen Clemens				Valid	<b>Permits</b>		
	SP2 (Soldiers Point2)	GDA	56	412200	6381580	Open site		Artefact : 1		
38-5-0345	<b>Contact</b>	<b>Recorders</b>	Ms.Mary Dallas				Valid	<b>Permits</b>	Potential Archaeological Deposit (PAD) : -, Shell : -	
	Shell midden 5 & PAD	GDA	56	413208	6382966	Open site				
38-5-0199	<b>Contact</b>	<b>Recorders</b>	MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny McCardle				Valid	<b>Permits</b>		4645
	BUNDABAH CREEK (SW)	AGD	56	414020	6391330	Open site		Artefact : -		
38-4-2061	<b>Contact</b>	<b>Recorders</b>	Adam Ford				Valid	<b>Permits</b>		
	DB1 ART	GDA	56	397793	6399822	Open site		Artefact : -		
38-4-0527	<b>Contact</b>	<b>Recorders</b>	Mrs.Angela Besant,Insite Heritage Pty Ltd				Destroyed	<b>Permits</b>	Open Camp Site	
	Site-2	GDA	56	400256	6387790	Open site		Artefact : -		
38-1-0030	<b>Contact</b>	<b>Recorders</b>	Umwelt (Australia) Pty Limited - Individual users,Ms.Jacqueline Collins,Miss.Nicola				Valid	<b>Permits</b>	Open Camp Site	104486
	KA22	AGD	56	403050	6390010	Open site		Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer					<b>Permits</b>		

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Your Ref/PO Number : HN476-B HMP

Client Service ID : 742160

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-4-0509	KA 12	AGD	56	403990	6390030	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr,Kelvin Officer							
								<b>Permits</b>		
38-4-0511	KA 14	AGD	56	404250	6389980	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr,Kelvin Officer							
								<b>Permits</b>		
38-4-0512	KA 15	AGD	56	404400	6390020	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr,Kelvin Officer							
								<b>Permits</b>		
38-4-1088	The Branch Midden 1	AGD	56	404993	6394251	Open site	Valid	Aboriginal Resource and Gathering : 500		
	<b>Contact</b>	<b>Recorders</b>	Mr.Leonard (Lennie) Anderson							
								<b>Permits</b>		
38-4-0225	Port Stephens;	AGD	56	405230	6385350	Open site	Valid	Shell : -, Artefact : -	Midden	1333,98847
	<b>Contact</b>	<b>Recorders</b>	Warren Bluff							
								<b>Permits</b>		
38-4-0637	KA28	AGD	56	405370	6388950	Open site	Valid	Modified Tree (Carved or Scarred) : -		102741
	<b>Contact</b>	<b>Recorders</b>	Navin Officer Heritage Consultants Pty Ltd							
								<b>Permits</b>		
38-4-0721	Tahlee PAD 1	AGD	56	405486	6384947	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		98847
	<b>Contact</b>	<b>Recorders</b>	Robert Paton							
								<b>Permits</b>		
38-5-0202	MT KARUAH/CARRINGTON 1	AGD	56	408750	6387050	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	Brad Welsh							
								<b>Permits</b>		
38-5-0054	Northarm Cove;Fame Cove;	GDA	56	411964	6383598	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Mr.Ted Hutchinson							
								<b>Permits</b>		
38-5-0343	Shell midden 2	GDA	56	412178	6383907	Open site	Valid	Shell : -		
	<b>Contact</b>	<b>Recorders</b>	MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny Mccardle							
								<b>Permits</b>		
38-5-0200	HAGANS LANE	AGD	56	414330	6391330	Open site	Valid	Artefact : -		4645
	<b>Contact</b>	<b>Recorders</b>	Adam Ford							
								<b>Permits</b>		
38-4-2062	Creek crossing TP2	GDA	56	398332	6397548	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	Mrs.Angela Besant,Insite Heritage Pty Ltd							
								<b>Permits</b>		
38-4-0601	KA 27	AGD	56	398700	6387380	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<b>Contact</b>	<b>Recorders</b>	Navin Officer Heritage Consultants Pty Ltd							
								<b>Permits</b>		
38-4-0528	Site 3	AGD	56	400320	6386950	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b>	Ms.Jacqueline Collins							
								<b>Permits</b>	1016	
38-4-0503	KA 6	AGD	56	402560	6386800	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr,Kelvin Officer							
								<b>Permits</b>		

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Client Service ID : 742160

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-4-0500	KA 3	AGD	56	402590	6386830	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-0064	Mulwee Headland;	AGD	56	403937	6381293	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Unknown Author							
38-4-1075	Worimi North South crossing/The Branch River	AGD	56	405016	6394238	Open site	Valid	Aboriginal Ceremony and Dreaming : 1		
	<b>Contact</b>	<b>Recorders</b>	Mr.Leonard (Lennie) Anderson							
38-4-0233	Port Stephens;	AGD	56	405860	6384750	Open site	Valid	Shell : -, Artefact : -	Midden	1333
	<b>Contact</b>	<b>Recorders</b>	Warren Bluff							
38-4-0223	Port Stephens;	AGD	56	406040	6384800	Open site	Valid	Shell : -, Artefact : -	Midden	1333
	<b>Contact</b>	<b>Recorders</b>	Warren Bluff							
38-5-0008	Northarm Cove Bulga Creek	AGD	56	411000	6387000	Open site	Valid	Ceremonial Ring (Stone or Earth) : -, Modified Tree (Carved or Scarred) : -	Bora/Ceremonial,C arved Tree	
	<b>Contact</b>	<b>Recorders</b>	David Bell							
38-5-0342	Shell midden 1	GDA	56	411541	6383508	Open site	Valid	Shell : -		
	<b>Contact</b>	<b>Recorders</b>	MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny McCardle							
38-5-0276	SPI A& B	GDA	56	412040	6381400	Open site	Valid	Shell : 5		
	<b>Contact</b>	<b>Recorders</b>	Mrs.Maureen Baker,Ms.Mary Dallas							
38-4-0605	WALLAROO SITE ONE	AGD	56	396400	6385750	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<b>Contact</b>	<b>Recorders</b>	Mr.Stephen Mark Free							
38-4-0524	Karuah River, KR2	AGD	56	402470	6390282	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	ERM Australia Pty Ltd- Sydney CBD							
38-4-1087	Karuah River open campsite 1	AGD	56	402590	6392348	Open site	Valid	Aboriginal Resource and Gathering : 200		
	<b>Contact</b>	<b>Recorders</b>	Mr.Leonard (Lennie) Anderson							
38-4-0537	KA24	AGD	56	403520	6390100	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-0799	KCF1	AGD	56	404300	6392690	Open site	Valid	Artefact : -		104585
	<b>Contact</b>	<b>Recorders</b>	Mrs.Angela Besant							
38-4-1085	The Branch Artefact 4	AGD	56	405029	6394241	Open site	Valid	Artefact : 1		
	<b>Contact</b>	<b>Recorders</b>	Mr.Leonard (Lennie) Anderson							
38-4-0720	Number One Cove Site 2	AGD	56	405580	6384934	Open site	Valid	Artefact : 2		98847

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### Extensive search - Site list report

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Client Service ID : 742160

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-1083	The Little Branch Ceremonial site	AGD	56	405884	6394561	Open site	Valid	Aboriginal Ceremony and Dreaming : 1		
	<b>Contact</b> Mr.Leonard (Lennie) Anderson	<b>Recorders</b> Mr.Leonard (Lennie) Anderson						<b>Permits</b>		
38-5-0085	Carrington 3;Carrington;	AGD	56	408640	6385270	Open site	Valid	Stone Arrangement : -	Stone Arrangement	8/9
	<b>Contact</b>	<b>Recorders</b> Helen Brayshaw						<b>Permits</b>		
38-5-0203	NT KARUAH/CARRINGTON 2	AGD	56	408650	6387100	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<b>Contact</b>	<b>Recorders</b> Brad Welsh,Carol Ridgeway Bisset						<b>Permits</b>		
38-5-0204	MT KARUAH/CARRINGTON 3	AGD	56	408730	6387050	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<b>Contact</b>	<b>Recorders</b> Brad Welsh						<b>Permits</b>		
38-5-0344	Shell midden 3	GDA	56	411214	6383620	Open site	Valid	Shell : -		
	<b>Contact</b>	<b>Recorders</b> MCH - McCardle Cultural Heritage Pty Ltd,Ms.Penny McCardle						<b>Permits</b>		
38-5-0334	Bundabah 3	AGD	56	411206	6384294	Open site	Valid	Artefact : 1, Shell : 1		103661
	<b>Contact</b>	<b>Recorders</b> Wildthing Environmental Consultants						<b>Permits</b>		
38-5-0404	SoldiersPoint PAD	GDA	56	412039	6381399	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<b>Contact</b>	<b>Recorders</b> RPS Australia East Pty Ltd - Newcastle, Miss Kate Morris						<b>Permits</b>	4978	
38-5-0278	SP1 A & B (Updated)	GDA	56	412161	6381425	Open site	Valid	Shell : 1		
	<b>Contact</b>	<b>Recorders</b> Worimi Local Aboriginal Land Council - Tanilba Bay						<b>Permits</b>		
38-5-0275	Piggy Beach Axe Grooves	GDA	56	413203	6382817	Open site	Valid	Grinding Groove : 3, Potential Archaeological Deposit (PAD) : 1		
	<b>Contact</b> Karuah LALC	<b>Recorders</b> Steve Brereton						<b>Permits</b>		
38-5-0236	Bundabah Creek	AGD	56	414890	6392613	Open site	Valid	Artefact : -		98226
	<b>Contact</b>	<b>Recorders</b> Archaeological Risk Assessment Services (ARAS),Mr.Giles (dup ID#12832) Ihamm						<b>Permits</b>		
38-4-2060	DB1 TP3	GDA	56	397793	6398211	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b> Mrs.Angela Besant, Insite Heritage Pty Ltd						<b>Permits</b>		
38-4-0529	Site-4	GDA	56	400674	6388467	Open site	Destroyed	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b> Umwelt (Australia) Pty Limited - Individual users,Ms.Jacqueline Collins, Miss.Nicola						<b>Permits</b>	1016	
38-4-0516	KA 19	AGD	56	401950	6389920	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b> Kerry Navin,Mr.Kelvin Officer						<b>Permits</b>		
38-4-0507	KA 10	AGD	56	402560	6390020	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b> Kerry Navin,Mr.Kelvin Officer						<b>Permits</b>		

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### Extensive search - Site list report

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Client Service ID : 742160

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-1-0029	KA21	AGD	56	402700	6390050	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-1074	Coorinook Burial	AGD	56	403169	6393690	Open site	Valid	Burial : 1		
	<b>Contact</b> Mr.Leonard (Lennie) Andersot	<b>Recorders</b>	Mr.Leonard (Lennie) Anderson							
38-4-0539	KA26	AGD	56	403440	6390160	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-0514	KA 17	AGD	56	404550	6390100	Open site	Valid	Artefact : -	Isolated Find	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-1082	The Little Branch midden 3	AGD	56	406061	6394094	Open site	Valid	Aboriginal Resource and Gathering : 15		
	<b>Contact</b> Mr.Leonard (Lennie) Andersot	<b>Recorders</b>	Mr.Leonard (Lennie) Anderson							
38-5-0003	Northarm Cove Baromee Point	AGD	56	409356	6384778	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Moore							
38-5-0062	Northarm Cove Baromee Hill	AGD	56	409820	6384421	Open site	Valid	Stone Arrangement : -	Stone Arrangement	99706,99707
	<b>Contact</b>	<b>Recorders</b>	Michael Pearson							
38-5-0333	Bundabah 2	AGD	56	411161	6384211	Open site	Valid	Artefact : 1		103661
	<b>Contact</b>	<b>Recorders</b>	Wildthing Environmental Consultants							
38-5-0152	Soldiers Point Marina;	AGD	56	412100	6381490	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Gary Dunnett							
38-5-0011	Fame Bay;Soldiers Point;	AGD	56	412144	6382362	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>	Bill Lord							
38-5-0244	Myall Way Intersection	AGD	56	415420	6391820	Open site	Valid	Artefact : 1, Potential Archaeological Deposit (PAD) : 1		98883
	<b>Contact</b>	<b>Recorders</b>	Adam Ford							
38-4-0633	Wallaroo Site two	AGD	56	396400	6386300	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<b>Contact</b>	<b>Recorders</b>	Mr.Stephen Mark Free							
38-4-0506	KA 9	AGD	56	401160	6386600	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	
	<b>Contact</b>	<b>Recorders</b>	Kerry Navin,Mr.Kelvin Officer							
38-4-0724	Little Mountain One	AGD	56	401200	6391950	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>	Miss.Juanita McCarthy,Mr.Stephen Mark Free							
38-4-1043	Flat Rock Midden	GDA	56	402747	6392590	Open site	Valid	Earth Mound : -		

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### Extensive search - Site list report

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Client Service ID : 742160

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-0536	KA23	AGD	56	403210	6390150	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-0499	KA 2	AGD	56	403400	6386700	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-0508	KA 11	AGD	56	403510	6389900	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-1076	Karuah River Midden	AGD	56	403848	6394231	Open site	Valid	Aboriginal Resource and Gathering : 30		
	<b>Contact</b> Mr.Peter Anderson	<b>Recorders</b>						<b>Permits</b>		
38-4-0504	KA 7	AGD	56	404660	6387510	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-1078	The Branch Artefact	AGD	56	404791	6394251	Open site	Valid	Artefact : 1		
	<b>Contact</b> Mr.Leonard (Lennie) Anderson	<b>Recorders</b>						<b>Permits</b>		
38-4-0224	Port Stephens;	AGD	56	405300	6385550	Open site	Valid	Artefact : -	Isolated Find	1333
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-0227	Port Stephens;	AGD	56	405400	6385060	Open site	Valid	Shell : -, Artefact : -	Midden	1333,98847
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-0228	Port Stephens;	AGD	56	405430	6385050	Open site	Valid	Shell : -, Artefact : -	Midden	1333,98847
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-0229	Port Stephens;	AGD	56	405460	6385010	Open site	Valid	Shell : -, Artefact : -	Midden	1333,98847
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-0231	Port Stephens;	AGD	56	405650	6384790	Open site	Valid	Shell : -, Artefact : -	Midden	1333,98847
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-1080	The Little Branch Midden	AGD	56	405873	6394309	Open site	Valid	Aboriginal Resource and Gathering : 20		
	<b>Contact</b> Mr.Leonard (Lennie) Anderson	<b>Recorders</b>						<b>Permits</b>		
38-4-1081	The little Branch midden1	AGD	56	406091	6394201	Open site	Valid	Aboriginal Resource and Gathering : 30		
	<b>Contact</b> Mr.Leonard (Lennie) Anderson	<b>Recorders</b>						<b>Permits</b>		
38-5-0088	Tahlee;	AGD	56	406440	6384790	Open site	Valid	Shell : -, Artefact : -	Midden	1333
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-5-0010	Northarm Cove Fame Cove A	GDA	56	412130	6383497	Open site	Valid	Shell : -, Artefact : -	Midden	
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-2059	DB2 ART	GDA	56	398065	6397782	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
38-4-0526	Site-1	GDA	56	400276	6387760	Open site	Destroyed	Artefact : -	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>						<b>Permits</b>		
									1016	

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## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : HN476-B HMP

Client Service ID : 742160

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-4-0538	KA25	AGD	56	400690	6389200	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	102568
	<b>Contact</b>							<b>Permits</b>		
38-4-1069	Horse Island Artefacts	AGD	56	402042	6389875	Open site	Valid	Artefact : 20		
	<b>Contact</b> Mr.Leonard (Lennie) Andersor							<b>Permits</b>		
38-4-1086	The Branch Midden 2	AGD	56	405138	6394265	Open site	Valid	Aboriginal Resource and Gathering : 60		
	<b>Contact</b> Mr.Leonard (Lennie) Andersor							<b>Permits</b>		
38-4-0230	Port Stephens;	AGD	56	405470	6384900	Open site	Valid	Shell : -, Artefact : -	Midden	1333,98847
	<b>Contact</b>							<b>Permits</b>		
38-4-0505	KA 8	AGD	56	405610	6388450	Open site	Valid	Artefact : -	Open Camp Site	
	<b>Contact</b>							<b>Permits</b>		
38-4-0710	Number One Cove Site 1	AGD	56	405672	6384946	Open site	Valid	Artefact : 2, Shell : 20		98847
	<b>Contact</b>							<b>Permits</b>		
38-4-0232	Port Stephens;	AGD	56	405810	6384760	Open site	Valid	Shell : -, Artefact : -	Midden	1333
	<b>Contact</b>							<b>Permits</b>		
38-4-0234	Port Stephens;	AGD	56	405990	6384780	Open site	Valid	Shell : -, Artefact : -	Midden	1333
	<b>Contact</b>							<b>Permits</b>		
38-5-0332	Bundabah 1	AGD	56	410996	6384139	Open site	Valid	Shell : 1		103661
	<b>Contact</b>							<b>Permits</b>		
38-5-0335	Bundabah 4	AGD	56	411375	6384300	Open site	Valid	Artefact : 1		103661
	<b>Contact</b>							<b>Permits</b>		
38-5-0274	Farm Cove Artefacts	GDA	56	412022	6383561	Open site	Valid	Artefact : 2		
	<b>Contact</b> Steve Brereton							<b>Permits</b>		

### \*\* Site Status

**Valid** - The site has been recorded and accepted onto the system as valid

**Destroyed** - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

**Partially Destroyed** - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

**Not a site** - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 20/12/2022 for Tessa Boer-Mah for the following area at Datum :GDA, Zone : 56, Eastings : 396270.0 - 416270.0, Northings : 6380830.0 - 6399830.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 118

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

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## Appendix 5

### Heritage Induction Register

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# HERITAGE INDUCTION REGISTER

By signing the below I hereby confirm that I have attended the heritage induction, have been informed of the requirements under the Heritage Management Plan (HMP) and my legal obligations in accordance with the National Parks and Wildlife Act 1974; I will abide all the heritage protocols and requirements under the HMP:

[illegible]