

**Bundyi Cultural Services**

**Mark Saddler**

**KBM “Folligen Park”,  
Yerong Creek, NSW.  
14/01/2019**

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Bundyi Cultural Services, Mark Saddler



Artwork by Mark Saddler. (Copyright)

Artwork Title, Murrawarra (stand your ground, protect)

***Contents:***

This report was compiled by Bundyi Cultural Services, Mark Saddler.

**Page 1: Title Page.**  
**Page 2: Contents, Acknowledgement.**  
**Page 3: Travelling Stock Reserves (TSRs)**  
**Page 4: Objectives, Objects.**  
**Page 5: Due Diligence.**  
**Page 6: Due Diligence Flow Chart.**  
**Page 7: AHIMS Data Base Search.**  
**Page 8: Site Location Maps.**  
**Page 9: Site Recordings, Site Information.**  
**Page 10: Contacts,**  
**Page 11: Site Report and Recommendations.**  
**Page 12: Site Report and Recommendations.**  
**Page 13: References and End Report**

***“I would like to acknowledge the traditional custodians of this land, my land, “The Wiradjuri People”***

***What I record and find is dedicated to those who have gone before us, to those present and to those who will follow us”***

***Mark Saddler, Wiradjuri Gibirr (man)***

# *Travelling Stock Reserves (TSRs)*

Travelling Stock Reserves (TSRs) are parcels of Crown land reserved under legislation for use by travelling stock. Local Land Services is responsible for the care, control and maintenance of almost 500,000ha of TSRs in NSW.

TSRs provide pasture reserves for travelling or grazing stock. These reserves can be beneficial in times of drought, bushfire or flood. They are also used for public recreation, apiary sites and for conservation.

Local Land Services manages the land to strike a balance between the needs of travelling or grazing stock and the conservation of native species.

The role of Local Land Services role in managing TSRs includes:

- Authorising and monitoring stock, recreation and apiary site use
- Controlling noxious weeds
- Controlling pest animals and insects
- Provision and maintenance of fencing, watering points and holding yards
- Consideration of land management and animal health legislation.

Local Land Services has developed the first draft state-wide planning framework for TSRs to support the future management of this land. We are now keen to hear from the public with their opinions on how to manage TSRs in the future. We want to understand the values people hold important for TSRs, including biodiversity and Aboriginal cultural heritage values.

The draft state-wide framework allows for the development of TSR regional management plans to facilitate more consistent and transparent management, resourcing and reporting.

[NSW Travelling Stock Reserves Draft State Planning Framework 2016-19](#)

[TSR State Planning Framework Fact Sheet](#)

[Frequently asked questions](#)

## ***Aboriginal objects:***

Aboriginal objects are physical evidence of the use of an area by Aboriginal people. They can also be referred to as 'Aboriginal sites', 'relics' or 'cultural material'.

Aboriginal objects include:

- \* Physical objects, such as stone tools, Aboriginal-built fences and stockyards, scarred trees and the remains of fringe camps
- \* Material deposited on the land, such as middens
- \* The ancestral remains of Aboriginal people.

Handicrafts made by Aboriginal people for sale are **not** 'Aboriginal objects' under the NPW Act. Known Aboriginal objects and sites are recorded on OEH's Aboriginal Heritage Information Management System (AHIMS). If you find a site you should report it to us.

## ***Protecting Aboriginal objects and places:***

You will need to exercise due diligence in determining whether your actions will harm Aboriginal objects. The **Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW**

<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

This link will explain and provide practical guidance about what due diligence means. Anyone who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability objects offence if they later harm an Aboriginal object.

An Aboriginal Heritage Impact Permit (AHIP) can be issued by OEH under Part 6 of the NPW Act where harm to an Aboriginal object or Aboriginal place cannot be avoided. An AHIP is a defence to a prosecution for harming Aboriginal objects and/or Aboriginal places if the harm was authorised by the AHIP and the conditions of that AHIP were not contravened.

Find out about AHIPs, due diligence and care agreements see **Information on Aboriginal Heritage Impact Permits**. <http://www.environment.nsw.gov.au/licences/Section87Section90.htm>

## ***Purpose of code of practice for Due Diligence.***

This code of practice is 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 (NPW Act) 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.

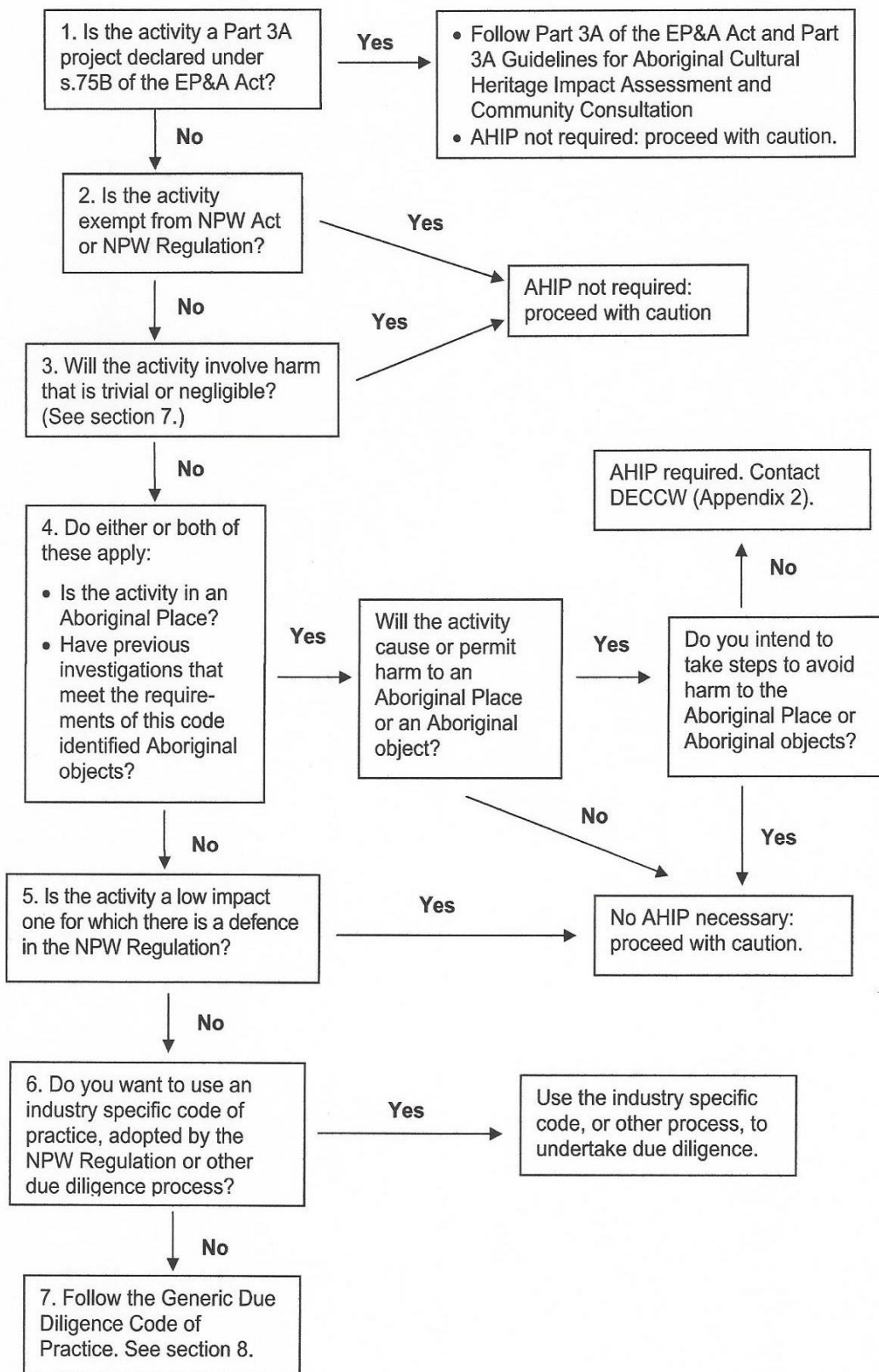
The NPW Act allows for a generic code of practice to explain what due diligence means. Carefully following this code of practice, which is adopted by the National Parks and Wildlife Regulation 2009 (NPW Regulation) made under the NPW Act, would be regarded as 'due diligence'. This code of practice can be used for all activities across all environments.

This code sets out the reasonable and practicable steps which individuals and organisations need to take in order to: 1 identify whether or not Aboriginal objects are, or are likely to be, present in an area 2 determine whether or not their activities are likely to harm Aboriginal objects (if present) 3 determine whether an AHIP application is required.

If Aboriginal objects are present or likely to be present and an activity will harm those objects, then an AHIP application will be required. Information about the permits and how to apply for them can be obtained through the Department of Environment, Climate Change and Water (DECCW) website at

[www.environment.nsw.gov.au/licences/index.htm](http://www.environment.nsw.gov.au/licences/index.htm).

# 1 Do you need to use this due diligence code?





# AHIMS Data Base Search.

Office of Environment and Heritage

## AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 15.11.18

Client Service ID : 382911

Mark Saddler

Date: 15 November 2018

P.O.Box 8005 Koorringal Post Office

Koorringal New South Wales 2650

Attention: Mark Saddler

Email: marksad@live.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Datum :GDA, Zone : 55, Eastings : 494000 - 495000, Northings : 6082000 - 6083000 with a Buffer of 1000 meters. Additional Info : Due Diligence, conducted by Mark Saddler on 15 November 2018.**

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>2 Aboriginal sites are recorded in or near the above location.</b>
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<b>0.00 Aboriginal places have been declared in or near the above location. *</b>
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### If your search shows Aboriginal sites or places what should you do?

You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.

If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.

You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request.

### Important information about your AHIMS search

The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.

AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;

Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.

Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.

Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.

This search can form part of your due diligence and remains valid for 12 months.

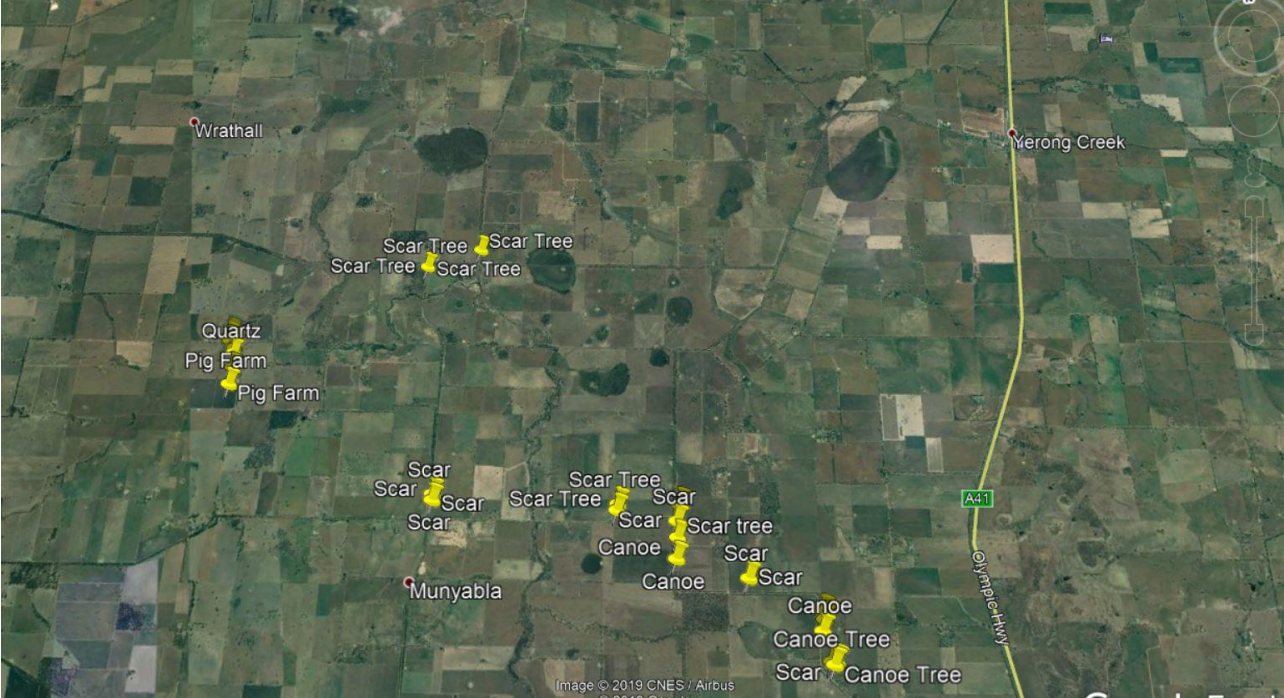
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# Map and reference location to site:

Local Area Map



Propose Pig Farm Map





## ***Site recordings and location of site cards relevant to this site:***

Site name	KBM "Folligen Park" Yerong Creek, NSW.		
Recorder	Mark Saddler		
Contact details	Ph 0412 693 030	Email:	<a href="mailto:marksad@live.com.au">marksad@live.com.au</a>
Date prepared	14/01/2019	Web:	<a href="http://www.bundyculture.com.au/">http://www.bundyculture.com.au/</a>

AHIMS ID (Site Card ID)	Site Type	Location of Site Cards on Web Page.	Date Recorded
55-3-0155	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0156	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0157	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0158	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0159	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0160	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0161	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0162	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0163	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0164	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019
55-3-0165	Item	<a href="http://www.environment.nsw.gov.au/awssapp/login.aspx">http://www.environment.nsw.gov.au/awssapp/login.aspx</a>	14/01/2019

# Contacts

Stakeholder details	Responsibilities	
Bundy Cultural Services, Mark Saddler	Culture Advisor, Recorder, Knowledge Holder	0412 693 030

To find out more about Cultural Site Management, rules and protection go to this these web page links for more in-depth information.

Do you need to use the due diligence code?

<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

OEH **legislation** which ensures that Aboriginal cultural heritage must be considered as part of land management practices.

<http://www.environment.nsw.gov.au/conservation/aboriginalculture.htm>

# ***Site Report and Recommendations.***

14/01/2019

Client Details are, KBM “Folligen Park” Yerong Creek, NSW.

On my site inspection on the 14/01/2019, I inspected a property known as Folligen Park which is near Yerong Creek, NSW. The word Yerung is a Wiradjuri one and means “tooth” or “rain”

Yerong and Kengal (The Rock) are areas that have been inhabited by my Wiradjuri people for over 60,000 years and are places that my Wiradjuri people still use today to connect to our culture. (See Map 2 Page 12) red lines indicate special Wiradjuri places and drop pins are Wiradjuri Items.

In this area, I noticed many species of bird including Grass Parrots, Willy Wag Tail, Galah, Cockatoo, Eagles and White Winged Chough to name a few. After the “Piggery” has been completed, I would also ask for the planting of native trees that would enhance the area for both people and bird life. Some Bull Oak trees would also add to the area and may assist in the habitat and return of the Glossy Black Cockatoo (Yuyung)

This area has been heavily impacted by cattle and machinery over many years. Some Aboriginal sites have been damaged and driven over. I have recorded these items in this report and also to OEH (Office of Environment)

Several old and existing creeks are adjacent and running through this property and the proposed “Piggery” complex. These creeks are extremely important to the area and also to my Wiradjuri people and county. To the North-East of “Folligen Park” and only a about 1 km is an area known as “Munyabla” In this area these creeks transverse the country. (See Map 1 Page 12) This map has red lines showing current and old creek lines, and also green lines where bush tucker and a wildlife refuge is. Also, many Wiradjuri Scar Trees, Bush Tucker and Native Animals are located at Munyabla and surrounding bush land.

My concern, about the proposed “Piggery”, is that if any “wash out” or “run off” happens to occur, from flooding or general cleaning, I would be very worried about containments entering the old and current creek lines which would then cause issues with native bush plants, animals and Wiradjuri special places and items.

I would like to have the “Piggery” avoid the possibility of having any waste being flushed or washed into the surrounding creeks and wildlife refuge area. Perhaps extra holding dams could be done or maybe the “Piggery” main shed could be moved out of the catchment areas.

With regards to any Aboriginal items that have been recorded and that need to be moved, this should be done so in the presence of an Elder or Wiradjuri community member. These items are to remain at the property. Also, any items that can not be moved (scar trees, if any) should have exclusions zones placed around them.

Also, I want all workers involved in the construction and running of the “Piggery” to be given cultural awareness training and education. This is to be done by local Elders or Wiradjuri community members.

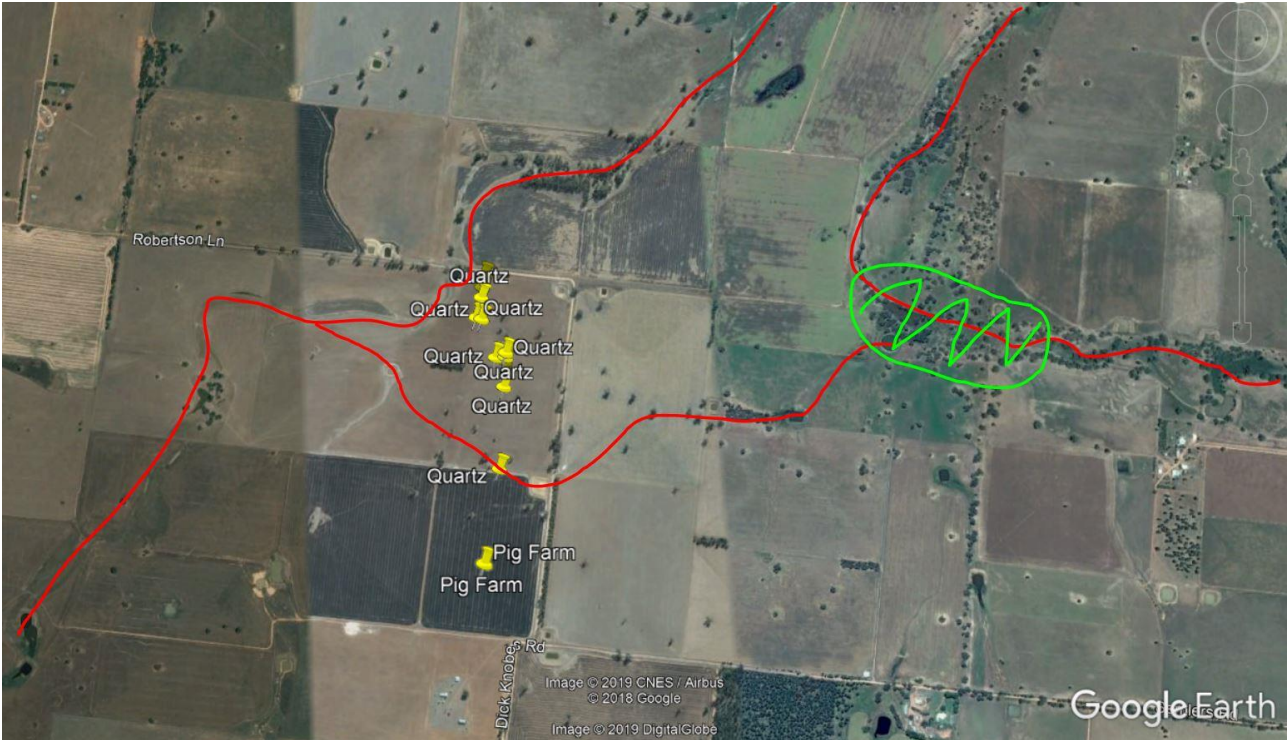
I would insist that all Aboriginal Sites and items are treated with respect and that any work in this area take into consideration any impact on these very important sites.

Procedures to work around Aboriginal sites can be found at this link,

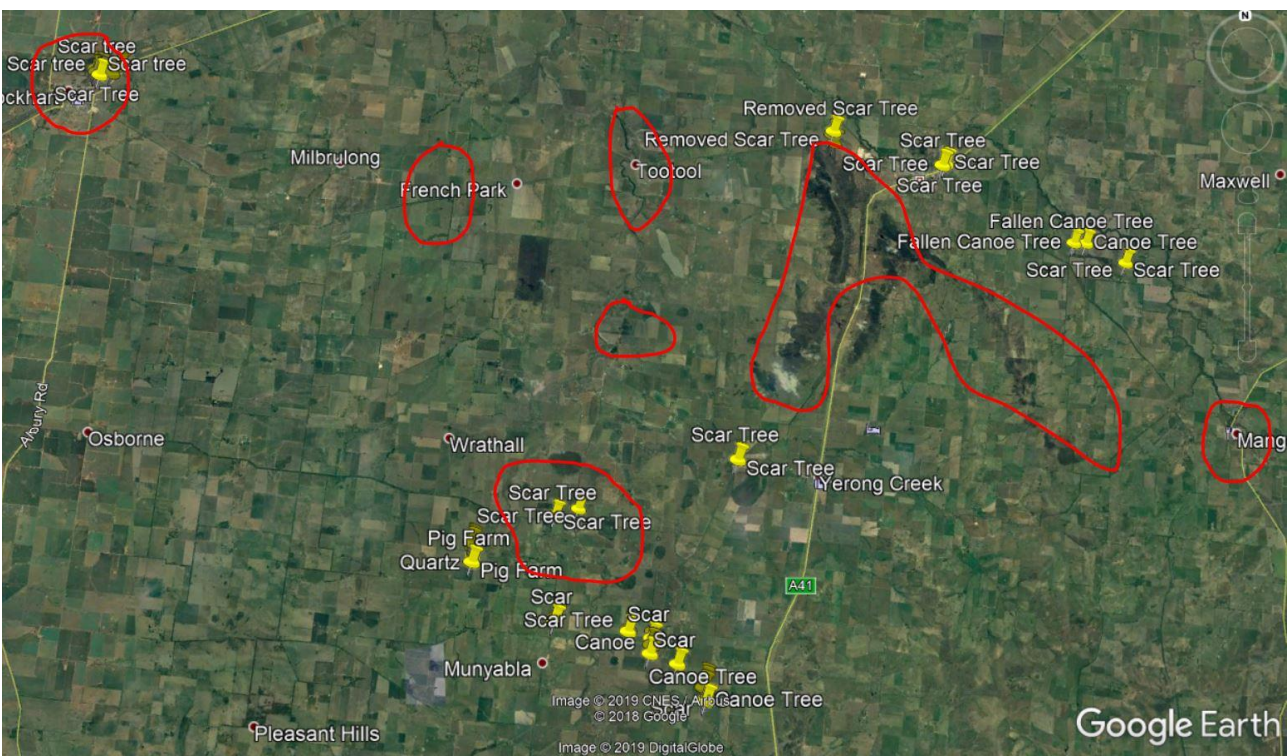
<http://www.aboriginalheritage.org/sites/legislation/>

# Site Report and Recommendations.

Map 1 Showing Creek Lines and Wildlife Refuge.



Map 2 Wiradjuri Special Places and Items





## ***References:***

OEH, <http://www.environment.nsw.gov.au/>

Local Land Services, <http://www.lls.nsw.gov.au/livestock/stock-routes>

Mark Saddler, Cultural Advisor and Knowledge holder, [www.bundyiculture.com.au](http://www.bundyiculture.com.au)

Goggle Earth Maps, <https://www.google.com/earth/>

Aboriginal Heritage, <http://www.aboriginalheritage.org/sites/legislation/>

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