ABORIGINAL HERITAGE SERVICES

PRELIMINARY INDIGENOUS HERITAGE ASSESSMENT AND IMPACT REPORT FOR VINCENTIA HIGH SCHOOL, VINCENTIA, NSW

Prepared for NSW Education School Infrastructure

November 2023

APEX ARCHAEOLOGY

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Apex Archaeology would like to acknowledge the Aboriginal people who are the traditional custodians of the land in which this project is located. Apex Archaeology would also like to pay respect to Elders both past and present.

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ACRONYMS AND ABBREVIATIONS

Aboriginal Object	An object relating to the Aboriginal habitation of NSW (as defined in the NPW Act), which may comprise a deposit, object or material evidence, including Aboriginal human remains.
AHIMS	Aboriginal Heritage Information Management System maintained by Heritage NSW, detailing known and registered Aboriginal archaeological sites within NSW
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present, defined as before 1 January 1950.
Code of Practice	The DECCW September 2010 *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*
Consultation	Aboriginal community consultation in accordance with the DECCW April 2010 *Aboriginal cultural heritage consultation requirements for proponents 2010.* Consultation is not a required step in a due diligence assessment; however, it is strongly encouraged to consult with the relevant Local Aboriginal Land Council and to determine if there are any Aboriginal owners, registered native title claimants or holders, or any registered Indigenous Land Use Agreements in place for the subject land
DA	Development Application
DCP	Development Control Plan
Disturbed Land	If land has been subject to previous human activity which has changed the land's surface and are clear and observable, then that land is considered to be disturbed
Due Diligence	Taking reasonable and practical steps to determine the potential for an activity to harm Aboriginal objects under the *National Parks and Wildlife Act 1974* and whether an application for an AHIP is required prior to commencement of any site works, and determining the steps to be taken to avoid harm
Due Diligence Code of Practice	The DECCW Sept 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*
GIS	Geographical Information Systems
GSV	Ground Surface Visibility
Harm	To destroy, deface or damage an Aboriginal object; to move an object from land on which it is situated, or to cause or permit an object to be harmed
Heritage NSW	Heritage NSW in the Department of Premier and Cabinet, incorporating the former OEH and Heritage Branch
LALC	Local Aboriginal Land Council
LGA	Local Government Area
NPW Act	NSW *National Parks and Wildlife Act* 1974
NPWS	National Parks and Wildlife Services
OEH	The Office of Environment and Heritage of the NSW Department of Premier and Cabinet – now Heritage NSW
RAPs	Registered Aboriginal Parties
SEARs	Planning Secretary's Environmental Assessment Requirements
SINSW	School Infrastructure New South Wales
SSD	State Significant Development

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1.0 Executive Summary

Apex Archaeology have been engaged to assist School Infrastructure NSW in the Aboriginal due diligence heritage assessment to support any future development/upgrades within Vincentia High School, located at 142 The Wool Road, Vincentia, NSW.

This report has been produced in accordance with the DECCW 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (the Due Diligence Code of Practice).

The study area is located within Vincentia, NSW. The study area is located approximately 143 km south west of Sydney. It is located within the Shoalhaven Local Government Area (LGA). The study area is legally defined as Lot 1 DP 550361 and Lot 1 DP 809057. The subject area is irregularly shaped, and is bound by The Wool Road to the north and undeveloped land to the east, south and west. The site slopes downward from the south east to the north west and comprises of approximately 8ha.

A desktop assessment identified that the site is considered disturbed and is situated within an existing school in a semi-rural residential environment with no previously registered Aboriginal sites within 200m, or any previously identified landforms in close proximity that may result in sub surface Aboriginal archaeological deposits.

A site inspection identified that ground disturbance is prevalent across the majority of the study area, as existing buildings and play areas have been benched into the original ground surface to create level areas. There are some areas of open space (oval and periphery), however this area has seen ground surface modification activities over the last 100 years. Evidence of vegetation clearance (historic and recent), landscaping, building, landscape modification and ongoing land use practices are evident within the entire study area. It is considered highly unlikely that archaeological material will be present within the study area due to the level of disturbance within the site, as well as topographical features of the area being unlikely to have been a focus of occupation by Aboriginal people in the past.

A site visit was undertaken on 1 August 2023. No surface Aboriginal artefacts were identified within the site and no areas of potential archaeological deposit were noted.

It is recommended that:

- There are no areas within the study area considered likely to have Aboriginal cultural heritage values. No further Aboriginal archaeological assessment is necessary for development within the site. No Aboriginal Heritage Impact Permit (AHIP) will be necessary prior to works commencing within the site.
- This due diligence assessment must be kept by School Infrastructure NSW so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act* 1974.

- Should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.
- It is noted that educational development projects may be assessed as State Significant Development (SSD), which generally require preparation of an Aboriginal Cultural Heritage Assessment (ACHA) report to inform the application. In this instance, given the level of disturbance across the site and the lack of archaeological potential identified, it is recommended that in the event of an SSD Planning pathway being utilised, Heritage NSW and the Department of Planning and Environment do not require preparation of an ACHA as part of the Secretary's Environmental Assessment Requirements (SEARs) for the project.

2.0 Introduction

Apex Archaeology have been engaged to assist School Infrastructure NSW in the Aboriginal due diligence heritage assessment to support any future development/upgrades within Vincentia High School, located at 142 The Wool Road, Vincentia, NSW.

This report has been produced in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (the Due Diligence Code of Practice), in order to assess the Aboriginal archaeological values of the study area.

2.1 Study Area

The study area is located within Vincentia, NSW. The study area is located approximately 143 km south west of Sydney. It is located within the Shoalhaven Local Government Area (LGA). The study area is legally defined as Lot 1 DP 550361 and Lot 1 DP 809057. The subject area is irregularly shaped, and is bound by The Wool Road to the north and undeveloped land to the east, south and west. The site slopes downward from the north to the south east and comprises of approximately 8ha.

2.2 Investigators and Contributors

This report has been prepared by Leigh Bate, Director and Archaeologist with Apex Archaeology, and Jenni Bate, Director and Archaeologist with Apex Archaeology. Both have over sixteen years of consulting experience within NSW.

Name	Role	Qualifications
Leigh Bate	Primary Report Author, GIS	B. Archaeology; Grad. Dip. Arch; Dip. GIS
Jenni Bate	Project Manager, Review	B. Archaeology; Grad. Dip. CHM

2.3 Limitations

This report relies in part on previously recorded archaeological and environmental information for the wider region. This includes information from AHIMS, which is acknowledged to be occasionally inaccurate, due to inaccuracies in recording methods. No independent verification of the results of external reports has been made as part of this report.

It should be noted that AHIMS results are a record only of the sites that have been previously registered with AHIMS and are not a definitive list of all Aboriginal sites within an area, as there is potential for sites to exist within areas that have not previously been subject to archaeological assessment.

This report relies on background research of previous assessments and aerial imagery, along with the results of a site inspection. The results are considered to be indicative of the nature and extent of Aboriginal archaeological remains within the

study area, but it should be noted that further Aboriginal objects and sites which have not been identified as part of this assessment may be present within the wider area.

This report does not consider historical or non-Indigenous heritage matters.

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0 120 240

metres

Projection:
MGA Zone 56 (GDA 94)
Base Map:
NearMaps 2023
Image Date: 30/06/2023
Final - Version 1

Figure 1: General location of Vincentia High School in its local context.

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3.0 Statutory Context

Heritage in Australia, including both Aboriginal and non-Aboriginal heritage, is protected and managed under several different Acts. The following section presents a summary of relevant Acts which provide protection to cultural heritage within NSW.

3.1 Commonwealth Native Title Act 1993

The *Native Title Act 1993*, as amended, provides protection and recognition for native title. Native title recognises the traditional rights of Aboriginal and Torres Strait Islanders to land and waters.

The National Native Title Tribunal (NNTT) was established to mediate native title claims made under this Act. Three registers are maintained by the NNTT, as follows:

- National Native Title Register
- Register of Native Title Claims
- Register of Indigenous Land Use Agreements

A search of the above registers identified a Native Title claim by the South Coast People over the study area and surrounds. This claim has been accepted for registration but has not yet been determined. For the purposes of this preliminary due diligence assessment, consultation with the Aboriginal community has not been undertaken.

3.2 Environmental Planning & Assessment Act 1979

Under the EP&A Act, it is necessary to consider environmental impacts, including impact to cultural heritage, as part of the land use process. Local Environmental Plans (LEPs) and Development Control Plans (DCPs) are also required to be prepared by Local Government Areas (LGAs) in order to provide guidance on the applicable level of environmental assessment. LGAs are required to maintain a list of locally significant heritage items as part of their LEP.

Under the EP&A Act, Part 3 describes the planning instruments at both local and regional levels; Part 4 relates to development assessment and consent processes, and Part 5 refers to infrastructure and environmental impact assessment.

3.2.1 Shoalhaven Local Environmental Plan 2014

Part 5 of the *Shoalhaven Local Environmental Plan 2014* (Shoalhaven LEP 2014) provides specific provisions for the protection of heritage items and relics within the Shoalhaven region LGA.

Clause 5.10(2) (e) identifies that no buildings may be erected on land within a heritage conservation area or which contains an Aboriginal object, without first obtaining development consent. Further, Clause 5.10(2) (c) states that archaeological sites may not be disturbed or excavated without development consent. Exceptions to the requirement for development consent are detailed by

Clause 5.10(3) and include low impact activities, or activities for the maintenance of a heritage item. Clause 5.10(8) requires that the effect of any development on an Aboriginal place of heritage significance must be considered, and the Aboriginal community must be notified of any proposed developments.

An 'Aboriginal place of heritage significance' is defined in the Shoalhaven LEP 2014 as:

> *an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:*
>
> *(a) The site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or*
>
> *(b) A natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.*

There are no Aboriginal heritage items or Aboriginal places of heritage significance listed in this schedule, or within the study area itself (Figure 2). One general heritage item is located to the immediate north of the study area, but this is not related to Aboriginal cultural heritage. Although there are no Aboriginal heritage items listed this does not necessarily mean that the land has low Aboriginal cultural heritage significance.

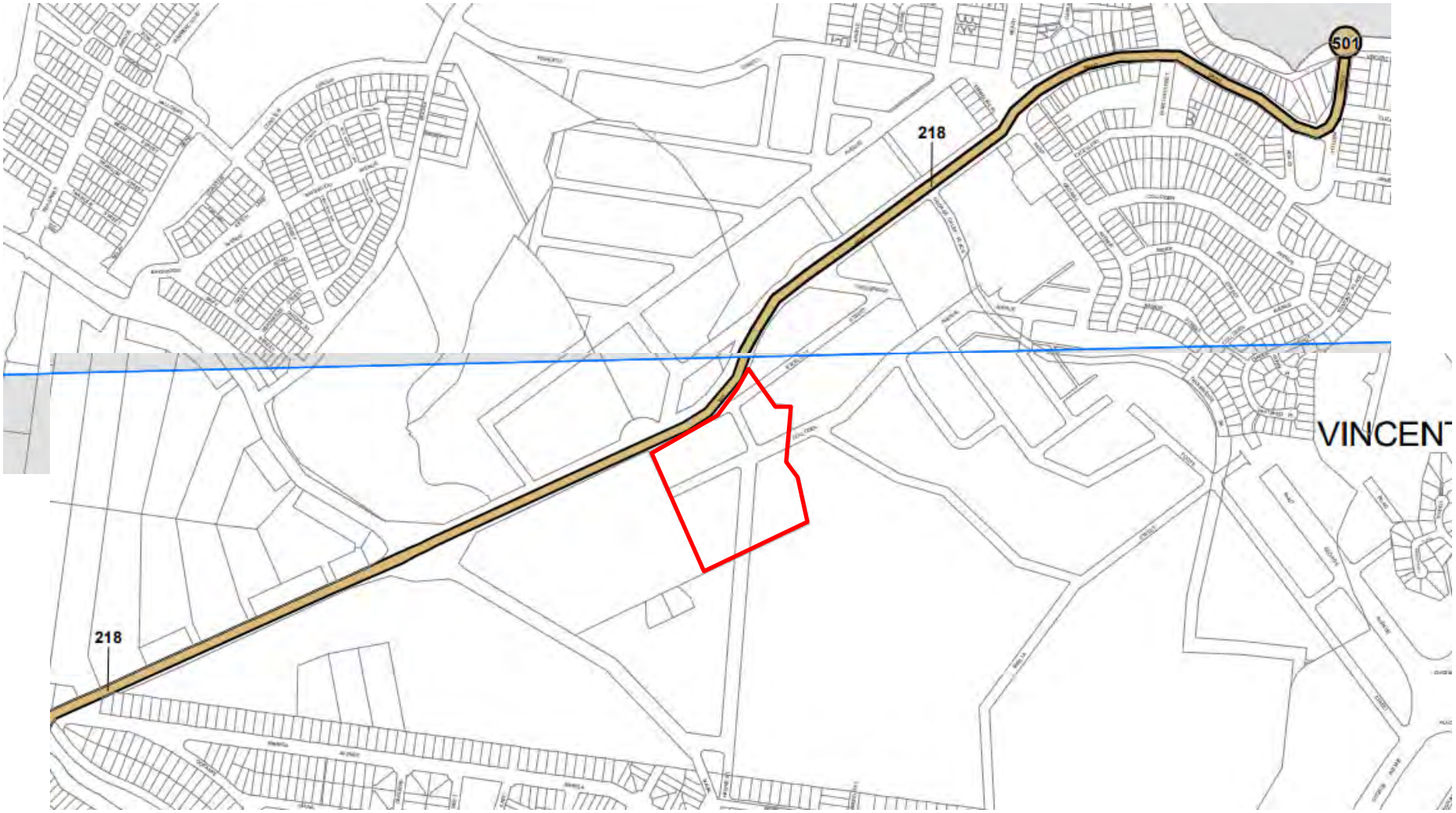

Figure 2: Heritage items in the vicinity of Vincentia High School (Source: SCC LEP Heritage Map HER_020C & HER_020D)

3.3 NSW National Parks and Wildlife Act 1974

Protection for Aboriginal heritage in NSW is provided primarily under the *National Parks and Wildlife Act* 1974 (NPW Act). Although cultural heritage is protected by other Acts, the NPW Act is the relevant Act for undertaking due diligence assessments. Protection for Aboriginal sites, places and objects is overseen by the Heritage NSW.

Changes to the NPW Act with the adoption of the *NPW Amendment (Aboriginal Objects and Places) Regulation* 2010 led to the introduction of new offences regarding causing harm to Aboriginal objects or declared Aboriginal places. These new offences include destruction, defacement or movement of an Aboriginal object or place. Other changes to the NPW Act include:

- Increased penalties for offences relating to Aboriginal heritage for individuals and companies who do not comply with the legislation;
- Introduction of the strict liability offences, meaning companies or individuals cannot claim 'no knowledge' if harm is caused to Aboriginal objects or places; and
- Changes to the permitting process for AHIPs – preliminary archaeological excavations can be undertaken without the need for an AHIP, providing the excavations follow the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

A strict liability offence was introduced, meaning a person who destroys, defaces or moves an Aboriginal object without an Aboriginal Heritage Impact Permit (AHIP) is guilty of an offence, whether they knew it was an Aboriginal object or not. Exercising due diligence (as described in Section 1.4) provides a defence against the strict liability offence. However, if impact to Aboriginal objects cannot be avoided, application for an AHIP is necessary prior to impact occurring. This requires preparation of an Aboriginal Cultural Heritage Assessment (ACHA) to support the AHIP application.

It is noted that educational development projects may be assessed as State Significant Development (SSD), which generally require preparation of an Aboriginal Cultural Heritage Assessment (ACHA) report to inform the application. When a project is assessed as SSD, the requirement to obtain an AHIP to permit impact to Aboriginal objects and places within an area is 'turned off'. Instead, an Aboriginal Cultural Heritage Management Plan (ACHMP) is prepared to guide the management of any Aboriginal objects and places within the study area.

3.4 NSW National Parks and Wildlife Regulation 2019

Part 5, Division 2 of the *NSW National Parks and Wildlife Regulation 2019* addresses Aboriginal objects and places in relation to the NPW Act 1974, and outlines how compliance with relevant codes of practice can be met, including with the *Due*

Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. Clause 57 states:

> *For the purposes of section 87(3) of the Act, compliance with any of the following codes of practice and documents (when undertaking an activity to which the code of document applies) is taken for the purposes of section (87(2) of the Act to constitute due diligence in determining whether the act or omission constituting the alleged offence would harm an Aboriginal object.*

Clause 58(1) outlines the defence of low impact acts or omissions to the offence of harming Aboriginal objects, which includes maintenance works on existing roads and fire trails, farming and land management work, grazing of animals, activities on land that has been disturbed that is exempt or complying development, mining exploration work, removal of vegetation (aside from Aboriginal culturally modified trees), seismic surveying or groundwater monitoring bores on disturbed ground, environmental rehabilitation work (aside from erosion control or soil conservation works such as contour banks) or geological mapping, surface geophysical surveys, or sub-surface geophysical surveys.

Clause 58(4) outlines the definition of 'disturbed land', as land that "has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable".

'Disturbance' is further defined in a note to the above clause as follows:

> *Examples of activities that may have disturbed land include the following—*
>
> *(c) soil ploughing,*
> *(d) construction of rural infrastructure (such as dams and fences),*
> *(e) construction of roads, trails and tracks (including fire trails and tracks and walking tracks),*
> *(f) clearing of vegetation,*
> *(g) construction of buildings and the erection of other structures,*
> *(h) construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure),*
> *(i) substantial grazing involving the construction of rural infrastructure,*
> *(j) construction of earthworks associated with anything referred to in paragraphs (a)–(g).*

3.5 NSW Due Diligence Code of Practice

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Code of Practice) was introduced in September 2010. It outlines a method to undertake 'reasonable and practical' steps to determine whether a proposed activity has the potential to harm Aboriginal objects within the subject area, and thereby determine whether an application for an Aboriginal Heritage Impact Permit (AHIP) is required. When due diligence has been correctly exercised,

it provides a defence against prosecution under the NPW Act under the strict liability clause if Aboriginal objects are unknowingly harmed without an AHIP.

The Code of Practice provides the 'reasonable and practicable' steps to be followed when determining the potential impact of a proposed activity on Aboriginal objects. Due diligence has been defined by Heritage NSW as "taking reasonable and practical steps to determine whether a person's actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm" (DECCW 2010:18).

These steps include:

- Identification of whether Aboriginal objects are, or are likely to be, present within the subject area, through completing a search of the Aboriginal Heritage Information Management System (AHIMS);
- Determine whether the proposed activity is likely to cause harm to any Aboriginal objects; and
- Determine the requirement for an AHIP.

Should the conclusion of a due diligence assessment be that an AHIP is required, further assessment must be undertaken, with reference to the following guidelines:

- DECCW, April 2010, *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks and Wildlife Act 1974*;
- DECCW, Sept 2010, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*;
- OEH, April 2011, *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*; and
- OEH, May 2011, *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants*.

The Code of Practice also outlines activities considered a low impact activity for which there is a defence in the NPWS Regulation under Clause 58. It is noted that the land proposed for works meets the definition of disturbed land, with 'disturbed land' defined as "...disturbed if it has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable".

However, it was considered appropriate to undertake a due diligence assessment to confirm whether there was any potential for archaeological material to be present within the site.

4.0 The Due Diligence Code of Practice Process

The Due Diligence Code of Practice provides a specific framework to guide the assessment of Aboriginal cultural heritage. The following section presents the results of this process.

4.1 Step 1: Will the activity disturb the ground surface?

The proposed works will likely disturb the ground surface. Construction of new school buildings would disturb the ground surface, as would the installation of services, including sewerage, electricity, town water and associated landscaping.

Excavation relating to the development will include infrastructure and levelling of the ground surface. Connection to town water supply, sewerage, and electricity will require trenching. Earthworks would also include clearing, grubbing, stripping and stockpiling topsoil, excavation of soil and backfilling. On completion of the development the area would be landscaped. All proposed works would have an impact to some extent on the ground surface.

4.2 Step 2a: AHIMS and Available Literature Search

Heritage NSW is required to maintain a register of Aboriginal sites recorded during archaeological assessments and other activities within NSW. This is known as the Aboriginal Heritage Information Management System (AHIMS). This register provides information about site types, their geographical location, and their current status. It is the requirement for the recorder of a newly identified site to register this site with Heritage NSW to be placed onto the AHIMS register. It is a requirement of the Code of Practice to undertake a search of this register as part of undertaking a due diligence assessment.

Heritage NSW also maintains a register of archaeological reports relating to archaeological investigations throughout NSW. These reports are a valuable source of information regarding investigations previously completed and their findings, and can inform the assessment process regarding the potential for Aboriginal cultural material and archaeological potential within a study area.

4.2.1 AHIMS Results

A search of the study area over the Lot and DPs of the property with a 200m buffer did not identify any registered sites. Copies of the Basic Searches are attached in Appendix A.

4.2.2 Literature Review

A review of previous archaeological work within the surrounding region of the study area was undertaken. A number of reports were identified from background research and the AHIMS database and are detailed below.

Table 1: Previous assessments undertaken by archaeological consultants in the wider region

Consultant	Date	Sites Identified	Region
Lampert	1971	Excavations within rock shelters	Burrill Lake and Currarong
McConnell	1978	No surface sites, but area of PAD identified	Shoalhaven Heads, Culburra and Sussex Inlet
Hughes	1983	16 shell middens	Culburra Beach
Corkill	1986	Numerous	Shoalhaven
Navin	1991	Several artefact sites	Woollamia to Callala Beach
Navin Officer	1992	Two	Nowra
Paton	1993	Nine artefacts	Myola
Lampert and Steele	1993	One	Bomaderry
Dallas	1995	One	Culburra Beach
Donlon	1996	One	Currambene Creek
NOHC	2000	Two	Moona Moona Creek
Wellington	2002	None	Huskisson
JMcD CHM	2002	None	Huskisson
Clarke, E. and Kuskie, P. (South East Archaeology)	2006	76 (in. 69 previous recorded ones)	Lower Shoalhaven
Kuskie, P (South East Archaeology)	2008	None	Bomaderry near Nowra
Dibden	2009	Several sites including PAD	Culburra Beach
Scarp Archaeology	2009	None	Huskisson
Dibden	2010	Two areas confirmed to contain archaeological deposits, with 526 lithic items recovered	Culburra Beach
Feary	2012	Shell midden in highly disturbed context	Huskisson
Kuskie (South East Archaeology	2012	Three	West Culburra
MDCA	2013	One	Huskisson
Feary	2014	Six	Orion Beach
Feary	2016	Two	Moona Moona Creek
GML Heritage	2017	Five	Worrigee
Biosis	2018	One	Cambewarra
Artefact	2018	Seven	Nowra Bridge
Feary	2018	None	Huskisson
NHC	2019	None	Huskisson
Kelleher Nightingale Consulting	2020	None	Nowra Bridge
Kelleher Nightingale Consulting	2020	Five previously identified sites salvaged.	Nowra Bridge
Austral	2021	Two	Cambewarra
Austral	2022	Eleven	Cambewarra
Apex Archaeology	2022a	No sites identified	Culburra Beach
Apex Archaeology	2022b	Potential for shell deposits	Moona Moona Creek
Apex Archaeology	2022c	None	Vincentia

4.2.3 Synthesis

Archaeological works within the wider area have generally been related to development proposals or located within NPWS estate. Artefact evidence generally comprises low density background scatter or discard distributed widely across the locality, with higher densities occurring occasionally in areas of more focused occupation such as camp sites or repeat occupation sites, particularly in sandy contexts close to the coast and its rich resources. This generally occurs in favourable environmental contexts such as elevated, well drained spur and ridge crests, flats, terraces and simple slopes in close proximity to watercourses, with a greater focus on higher order water courses. Artefacts tend to comprise raw materials such as quartz, tuff, silcrete and chert. In general, non-specific flaking activities are represented, although microlith and microblade production is also noted. Midden sites are generally located within coastal or estuarine contexts.

4.3 Step 2b: Landscape Features

An assessment of landscape features is required to determine whether Aboriginal objects are likely to be present within the proposed activity area. Certain landscape features are more likely to have been utilised by Aboriginal people in the past and therefore are more likely to have retained archaeological evidence of this use. Focal areas of activity for Aboriginal people include rock shelters, sand dunes, water courses, waterholes and wetlands, as well as ridge lines for travel routes.

The presence of specific raw materials for artefact manufacture, as well as soil fertility levels to support vegetation resources, are also factors to be considered in the assessment of the environmental context of a study area. Geomorphological factors, such as erosion and accretion of soils, affect the preservation of potential archaeological deposits and therefore need to be considered when making an assessment of the potential for archaeological material to be present within a study area. This assessment is predominantly a desktop exercise.

4.3.1 Existing Environment

Hydrology

An unnamed, ephemeral drainage line is located approximately 60m to the east of the study area. The closest permanent source of fresh water would have been Worrowing Waterway, located approximately 1.3km to the west of the study area and which drains into St Georges Basin. Watercourse classification ranges from first order through to fourth order (and above) with first order being the lowest, ie a minor creek or ephemeral watercourse, and fourth or above being a large watercourse such as a river (Figure 2). Worrowing Waterway is classified as a third order watercourse according to this system.

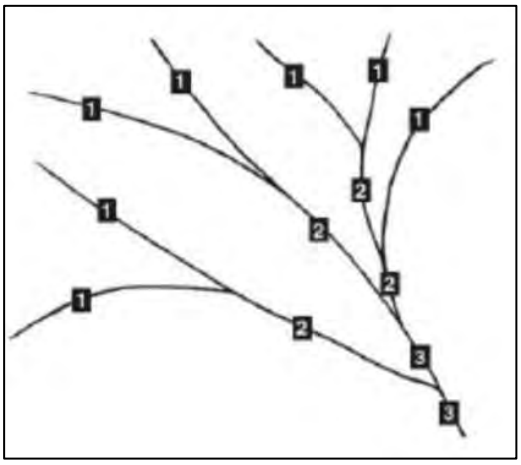

Figure 3: The Strahler system (Source: Department of Planning and Environment 2016).

SOILS, GEOLOGY AND TOPOGRAPHY

The general topography of the study area can be characterised as sandstone plateaus with gentle simple slopes. The area may contain a significant amount of fill given the significant amount of landscape modifications to level the area.

The underlying geology of the study area falls across two geological formations. The Permian age Shoalhaven Group, Conjola Formation across the majority of the northern and central portion of the site and Tertiary, undifferentiated sediments across the southern portion of the site. The Conjola formation consists of conglomerate, sandstone and silty sandstone. The undifferentiated sediments consist of gravels, sand, clay, quartzite, sandstone and conglomerate (Ulladulla Geological Series Sheet S1 56-13). Soils are damp sandy loams on coastal sandstone plateaus below 600m, Hornsby, Woronora & Beecroft plateaus.

VEGETATION

Remnant vegetation within the south and east of the study area consist of coastal sandstone plateau heath. Tree species include, *Corymbia gummifera*. Shrubs: I*sopogon anemonifolius, Banksia ericifolia, Lambertia formosa, Epacris microphylla, Leptospermum trinervium, Hakea teretifolia, Pimelea linifolia, Hakea laevipes, Banksia oblongifolia, Pultenaea elliptica, Petrophile pulchella, Xanthorrhoea resinifera. Groundcover: Dampiera stricta, Lepyrodia scariosa, Actinotus minor, Cyathochaeta diandra, Lindsaea linearis, Lomandra obliqua.* The vegetation structure within this area is open to dense shrub canopy with emergent mallees and groundcover of sedges & forbs.

These species would have supported a range of fauna species. Both flora and faunal resources would have been exploited by the Aboriginal people in the area.

4.3.2 ETHNOHISTORY

Ethnohistorical evidence is based on the reports of colonisers and do not tend to include the Aboriginal perspective, leading to a Eurocentric view of Aboriginality.

Additionally, historical records can be contradictory and incomplete regarding the exact tribal boundaries and locations of ceremonial or domiciliary activities of Aboriginal people pre-contact within the South Coast region. Boot (2002:58) notes:

> *The problem associated with ethnohistoric documents include their tendency to record unusual, rather than everyday events, and their focus on religious behaviour to the exclusion of woman and children (Attenbrow 1976:34; Sullivan 1983:12.4).*

As a result, there are several versions of the Aboriginal history prior to colonisation, mostly due to differing records made in the historical period. Howitt (1904) defined the Yuin tribal area as extending from Cape Howe in the south to the Shoalhaven River in the north.

In contrast, other historical records made by early colonists indicate the study area is located within lands traditionally occupied by the Wandandian people (Tindale 1974). It is noted that the Wandandian people were considered to have occupied an area extending from the Shoalhaven River south to Ulladulla (Tindale 1974).

However, some members of the Aboriginal community dispute these associations and claim the area falls within the lands of the Jerrinja tribe, which extends from Crooked River in the north to the Clyde River in the south. The Jerrinja tribe have been referred to as the "Saltwater people of the Shoalhaven" (Penfold 2017).

As such, it is difficult to make definitive claims regarding the history of the people who once inhabited the area.

Regardless of the specific identity of the original inhabitants of the area, Aboriginal society in general was understood to be constructed of a hierarchy of social levels and groups, with fluid boundaries (Peterson 1976). The smallest group comprising a family of a man and his wife/wives, children and some grandparents, referred to as a 'clan' (Attenbrow 2010). The next level consists of bands, which were small groups of several families who worked together for hunting and gathering purposes (Attenbrow 2010). The third level comprised regional networks with a number of bands, and these bands generally shared a common language dialect and/or had a belief in a common ancestor. Networks would come together for specific ceremonial purposes. The highest level is described as a tribe, which is usually described as a linguistic unit with flexible territorial boundaries (Peterson 1976); although Attenbrow (2010) argues that "these groups were not tribes in the current anthropological sense of the word".

The traditional lifestyles of Aboriginal groups depended largely on the environment in which they lived. Whilst hinterland groups relied on freshwater and terrestrial animals and plants, coastal groups utilised marine and estuarine resources. Vincentia falls within the coastal region, with access to both marine and inland resources. Animals such as kangaroos, wallabies, possums, gliders, bandicoots,

wombats, quolls, fruit bats, echidnas, native rats and mice, emus, ducks, tortoises, snakes and goannas (Attenbrow, 2010), played a major role in the subsistence of coastal groups, while other resources included shellfish such as oysters, crustacea such as crayfish and crabs, and marine animals including dolphins, dugongs, fish, shark, eel, seals and whales (Boot 1994). Fishing was conducted from canoes with spears, or collected along the shore (Tench in Attenbrow 2010). Beached whales were eaten, as observed by the British settlers in the late 18th century.

The different environments of the Vincentia area contain a diverse range of plant and animal species. On creek banks and surrounds, a wide variety of game would have been found. The vegetation communities along the creeks and gullies, primarily woodlands, would have provided shelter for numerous animal and plant species that could be eaten or used for other purposes such as providing shelter and medicines.

The Aboriginal people of the area would have utilised a range of hunting and gathering equipment, including fishing and hunting spears made of wood and barbed with shell, flaked stone blades, shark teeth, or sharpened bone; boomerangs and spear-throwers; fishing hooks made from bird talons, bone, wood and shell; ground stone axes; anvils and pounders; stone tools including blades and scrapers; shields, clubs and digging sticks made from wood; baskets made from bark; and wooden canoes (Attenbrow 2010).

Shelter is a basic need for any humans and historical records report either rockshelters or huts constructed from bark, branches and leaves were utilised for shelter. Coastal groups tended to build larger huts than the hinterland groups, and within the Vincentia region, huts known as gunyas were likely the dominant choice of shelter due to the limited nature of rockshelters (Attenbrow 2010; Penfold 2017). There is some discussion regarding whether Aboriginal people moved regularly from place to place, or whether they lived at one campsite for a longer period of time and ranged out for resources, returning to their home base as necessary, with Penfold providing oral histories stating the Jerrinja peoples tended to have multiple home bases for different seasons, and relied on gunyahs for shelter (Penfold 2017).

4.3.3 Raw Materials

A wide range of raw materials were selected by Aboriginal people for flaking to create stone implements. Material types ranged from high quality to poor quality for flaking purposes, depending on the geology of the area and readily available material types.

It is considered likely that Aboriginal people generally utilised local materials wherever possible (Kuskie 2002; Dibden 2006).

4.3.4 Predictive Model

Based on the results of previous archaeological investigations within the wider region, a number of predictions regarding Aboriginal use of the area can be made.

These predictions focus on the nature, extent and integrity of the remaining evidence.

The landscape characteristics of the area influence the prediction of the nature of potential sites within the landscape itself. Disturbance is the predominant factor determining whether or not artefacts are likely to be identified within a landscape.

Surface sites may have been impacted by domestic land use within the area over the historic period. Natural actions such as bioturbation are likely to have impacted at least the upper levels of archaeological deposits, as are cultural activities such as excavation, construction, demolition, ploughing, clearing and planting. Whilst these actions may impact the integrity of stratigraphy within the deposit, this does not necessarily mean associated archaeological objects will also be disturbed.

In general, Aboriginal use of an area is based on a number of factors, such as:

- Proximity to permanent fresh water sources – generally permanent or areas of repeat habitation are located within approximately 200m of permanent water;
- Proximity to ephemeral water sources – generally sites near ephemeral water sources were utilised for one-off occupation;
- Ease of travel – ridgelines were often utilised for travel during subsistence activities; and
- The local relief – flatter, more level areas were more likely to be utilised for long term or repeat habitation sites than areas of greater relief, especially if the slopes are at a distance from water.

SUMMARY

Previous assessment within the Ulladulla region has shown archaeological evidence is likely to comprise stone tool manufacturing sites and midden material, which may be associated with artefacts. Scarred trees and burials have also been recorded within the wider area.

In terms of the study area, sites are considered more likely to comprise surface stone artefact concentrations or isolated finds. It is unlikely, although not impossible, that midden material which may or may not be associated with artefact deposits will be located within the site. Scarred trees are also not likely as there are no mature trees of sufficient age to exhibit cultural scarring within the study area. Burials are also not considered likely to be present within the study area.

4.4 STEP 3: AVOID HARM

Any potential works within the site would impact the study area through the development works, including the excavation required for construction of stormwater drainage, along with associated services such as electricity, water and sewerage. Footings/foundations for any proposed new school buildings would also

disturb the ground surface. The exact nature and location of proposed works is not yet known, but would be within the study area.

4.5 Step 4: Visual Inspection

A visual pedestrian inspection of the study area was undertaken on 1 August 2023 by Leigh Bate and Jenni Bate, Archaeologists with Apex Archaeology.

4.5.1 Survey Coverage

The study area was inspected by pedestrian survey to identify any surface artefacts or any areas with potential for intact subsurface deposits to be present.

4.5.2 Results

A thorough inspection of the area was undertaken. No newly identified archaeological material or sites were identified during the survey.

Ground surface visibility (GSV) was moderate throughout the study area. GSV was rated at 10-20% overall. No raw material sources were identified within the lot.

Ground disturbance was high throughout the study area due to historic vegetation clearance, subsequent landscape modification and landscaping activities relating to the school construction and various upgrades over the years, including installation of subsurface services within the site. The study area has been intensely modified with multiple areas benched and built up. Landscape modification has reduced the potential for any intact archaeological sub-surface deposits within the study area to nil.

The study area is situated on a moderate slope, which was unlikely to have been a focus of habitation for Aboriginal people in the past. Although an ephemeral drainage line is located on the eastern boundary of the site, the slope of the study area and lack of access to permanent or reliable water generally precludes Aboriginal habitation of the area.

Plate 1: General view into school entry

Plate 2: General view across school play areas.

Plate 3: View east across playing areas.

Plate 4: Levelled area with subsurface stormwater drainage along boundary.

Plate 5: View south east along eastern boundary of school

Plate 6: View south east along eastern boundary of school

Plate 7: Disturbance associated with new building in south eastern portion of school

Plate 8: Highly modified landscape within southern portion of study area

Plate 9: Cut and fill associated with construction of school buildings in southern portion of study area

Plate 10: Highly modified landscape within south western portion of study area

Plate 11: Recent construction and landscaping works within school site

Plate 12: Agricultural area in southern portion of study area

Plate 13: Cut and fill associated with construction of school buildings

Plate 14: Highly modified landscape within central portion of study area

Plate 15: Car park within study area

4.6 Site Analysis

Following the site inspection, the following analysis of the site was undertaken to assess the likelihood of various types of Aboriginal archaeological evidence being present within the study area.

Stone Artefacts

Stone artefacts can be identified on the ground surface or within subsurface deposits. Generally, artefact concentrations are representative of debris from knapping activities, which includes flakes, flake fragments, cores, and pieces likely to have been knapped but with no or inconclusive diagnostic features, referred to as flaked pieces. Modified artefacts can also be identified, including backed artefacts, scrapers, or edge ground axes, although these are generally a smaller proportion of the artefact assemblage. During excavation, very small debris (~3-5mm) can be identified within sieved material, and is referred to as debitage. This is indicative of in situ knapping activities.

As the detection of stone artefacts relies on surface visibility, factors such as vegetation cover and leaf litter can prevent their identification. Conversely, areas of exposure can assist in their identification. Artefacts were not identified on the ground surface due to heavy grass cover and disturbance throughout. However, it is considered unlikely that any evidence of artefacts would be present within the area due to the topography of the site comprising a moderate slope, which would be unlikely to retain any evidence of Aboriginal occupation. Further, the area is highly

disturbed throughout the majority of the area, further reducing the likelihood of archaeological material being present.

The study area is highly disturbed, with few intact areas of deposit visible due to school construction and landform modification. This area is not considered likely to retain any archaeological potential and no surface artefacts were identified within the site.

Quarry and Procurement

Exposures of stone which can be exploited for the production of lithics are referred to as quarries or procurement sites. Quarries generally have evidence of extraction visible, while procurement sites can be inferred through the presence of artefactual material made from raw material sources present within the area.

No exposed stone suitable for artefact manufacture was noted within the study area.

Middens

Middens are concentrations of shell, and may also contain stone artefacts, bone and sometimes human burials. These sites are generally recorded along coastal areas. Middens are formed through the exploitation of locally available species by humans for resources, and accumulation of the shell material within a specific location. Middens can range in size from small, discrete deposits, to deposits covering a large area.

Generally, middens reflect the species available in the local area. In estuarine regions, estuarine species will dominate the composition of the midden, while around headlands, rock platform species tend to dominate.

There was no evidence of midden material being accumulated within the study area.

Burials

Aboriginal people across Australia utilised a range of burial forms, which depended on the customs of the individual tribes. Common burial practices included inhumation, cremation, desiccation and exposure. Burials are known to occur within sandy contexts in the wider region. These are generally found within coastal Holocene sand bodies, and generally are not identified during field survey as there is usually minimal surface expression of this type of site. Rock shelters are also utilised for burials where suitable sandy deposits occur.

To date, there are no records of burials being identified within the specific study area, but this does not preclude burials from occurring. Based on the available information, burials are not expected to occur within the study area.

Rock Shelters

Rock shelters are formed by rock overhangs which would have provided shelter to Aboriginal people in the past. Often, evidence of this occupation can be found in the

form of art and/or artefacts. Shell, midden material, grinding grooves, pictographs (rock engravings), artworks including stencils and paintings, and potential archaeological deposits (PAD) are common features of rock shelter sites.

No rock shelters were identified within the study area.

Grinding Grooves

Grinding grooves are formed on sandstone exposures through the creation and maintenance of ground edge tools, such as axes and spears. Usually, stone was ground to form a sharp edge, although bone and shell were also ground to create sharp points.

Generally, fine grained sandstone was favoured for these maintenance activities, and the presence of a water source nearby or overflowing the sandstone was also favoured. Grinding grooves range from individual examples through to hundreds of grooves within an area, sometimes arranged in a specific pattern. Horizontal sandstone was generally preferred, although there are examples of vertical grooves.

No sandstone platforms were identified within the study area.

Scarred and Carved Trees

Scarred and carved trees are created during the removal of back from a tree for a range of reasons, both domestic and ceremonial. This type of site can be identified within areas containing trees of the correct species and appropriate age. Deliberately scarred trees can be difficult to differentiate from naturally occurring damage to trees, and specific criteria must be considered when assessing a scar for a cultural origin.

All mature trees within the site were inspected for potential cultural modification. No culturally modified trees were noted within the study area.

Ceremonial and Mythological Sites

Specific places were used for ritual and ceremonial purposes, including initiation and burial practices. Secret rituals were also undertaken at specific places by specific individuals, such as at water holes and by clever men.

The landscape itself was also considered to hold significance to Aboriginal people, and the understanding of this is referred to as a sacred geography. This includes natural features which were associated with spirits or creation beings. The meaning attributed to the landscape provided Aboriginal people with legitimacy regarding their role as guardians of the places which had been created by the spiritual ancestors (Boot 2002).

Many areas along the South Coast of NSW are considered to be sacred to the original inhabitants. There are no known recorded sacred areas within the specific study area, although this does not preclude these values from existing within this location.

It is acknowledged that there are oral histories of Aboriginal occupation within the Shoalhaven area. However, it is considered unlikely that there are any sacred stories associated directly with the study area, and any proposed development would be unlikely to impact on any sacred values related to the Shoalhaven region as a whole.

CONTACT SITES

Contact sites contain evidence of Aboriginal occupation concurrent with initial colonisers in an area. This could include evidence such as flaked artefacts formed on glass, or burials containing non-Aboriginal grave goods. Often Aboriginal camps would form around newly built towns, allowing for employment (or exploitation) of the Aboriginal people by the colonists, and also for trade to exist between the two communities. Contact sites can also occur around Aboriginal mission sites, where Aboriginal children were taken from their families to raise in the European manner. Families often camped around the mission boundaries to try to catch a glimpse of their children.

There is no known evidence of initial contact between Aboriginal people and colonists within the study area. The probability of evidence of contact sites occurring within the study area is considered very low.

4.6.1 DISCUSSION

In accordance with the Due Diligence Code of Practice, land is considered disturbed if human activities within the area have left clear and observable changes on the landscape.

The site has been subject to landscape modification activities over the last 100 years. The entire area has seen modification activities due to early vegetation clearance for agricultural and village development purposes, along with later school infrastructure development with associated buildings/sheds and parking and playing field. Clearing of vegetation would have impacted the ground surface.

The level of disturbance (historic and recent) within the study area has resulted in almost no likelihood of Aboriginal cultural sub-surface deposits being present within the area. The landform within which the study area is located suggests that sub-surface potential within the site is likely to be negligible. Although Aboriginal sites are known to exist in the wider area, these are generally within areas subject to minimal disturbance and with less relief than that seen within the school site, as well as in closer proximity to permanent and/or reliable water sources.

Overall, the study area was not considered an area likely to have been a focus for Aboriginal occupation in the past, and post-settlement disturbance across almost all of the study area has likely removed any subsurface potential which may once have been present.

The results of this assessment conclude that no further archaeological assessment is required for the site and no application for an Aboriginal Heritage Impact Permit (AHIP) is necessary.

5.0 Conclusions and Recommendations

5.1 Conclusions

- The study area is considered highly disturbed from past and current land use practices.
- No areas of potential archaeological deposit (PAD) were identified within the study area as a result of this desktop heritage assessment.
- The study area is not situated within a landform considered likely to have been a focus for Aboriginal occupation in the past.
- This assessment was based on identification of landform elements, previous archaeological work undertaken within the wider region, and aerial imagery of the study area.

5.2 Recommendations and Next Steps

- There are no areas within the study area considered likely to have Aboriginal cultural heritage values. No further Aboriginal archaeological assessment is necessary for development within the site. No Aboriginal Heritage Impact Permit (AHIP) will be necessary prior to works commencing within the site.
- This due diligence assessment must be kept by School Infrastructure NSW so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act* 1974.
- Should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.
- It is noted that educational development projects may be assessed as State Significant Development (SSD), which generally require preparation of an Aboriginal Cultural Heritage Assessment (ACHA) report to inform the application. In this instance, given the level of disturbance across the site and the lack of archaeological potential identified, it is recommended that in the event of an SSD Planning pathway being utilised, Heritage NSW and the Department of Planning and Environment do not require preparation of an ACHA as part of the Secretary's Environmental Assessment Requirements (SEARs) for the project.

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Appendix A: AHIMS Search Results

AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : Vincentia

Client Service ID : 816517

Apex Archaeology

PO BOX 236

Nowra New South Wales 2541

Attention: Jenni Bate

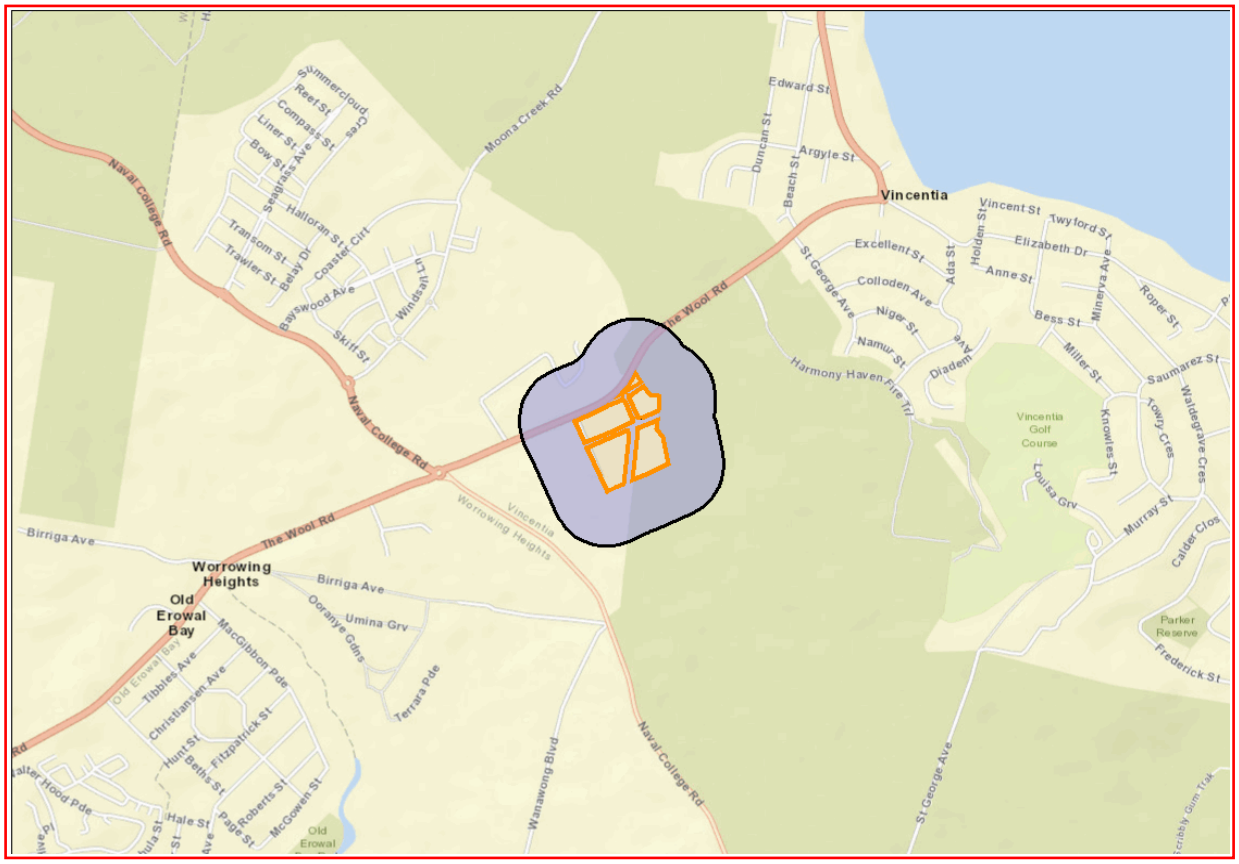
Email: jenni@apexarchaeology.com.au

Date: 05 September 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP550361, Section : - with a Buffer of 200 meters, conducted by Jenni Bate on 05 September 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	**Aboriginal sites are recorded in or near the above location.**
0	**Aboriginal places have been declared in or near the above location. ***

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 (https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW 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 be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW 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.

Level 6, 10 Valentine Ave, Parramatta 2150
Locked Bag 5020 Parramatta NSW 2124
Tel: (02) 9585 6345

ABN 34 945 244 274
Email: ahims@environment.nsw.gov.au
Web: www.heritage.nsw.gov.au

AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : Vincentia

Client Service ID : 816527

Apex Archaeology

PO BOX 236

Nowra New South Wales 2541

Attention: Jenni Bate

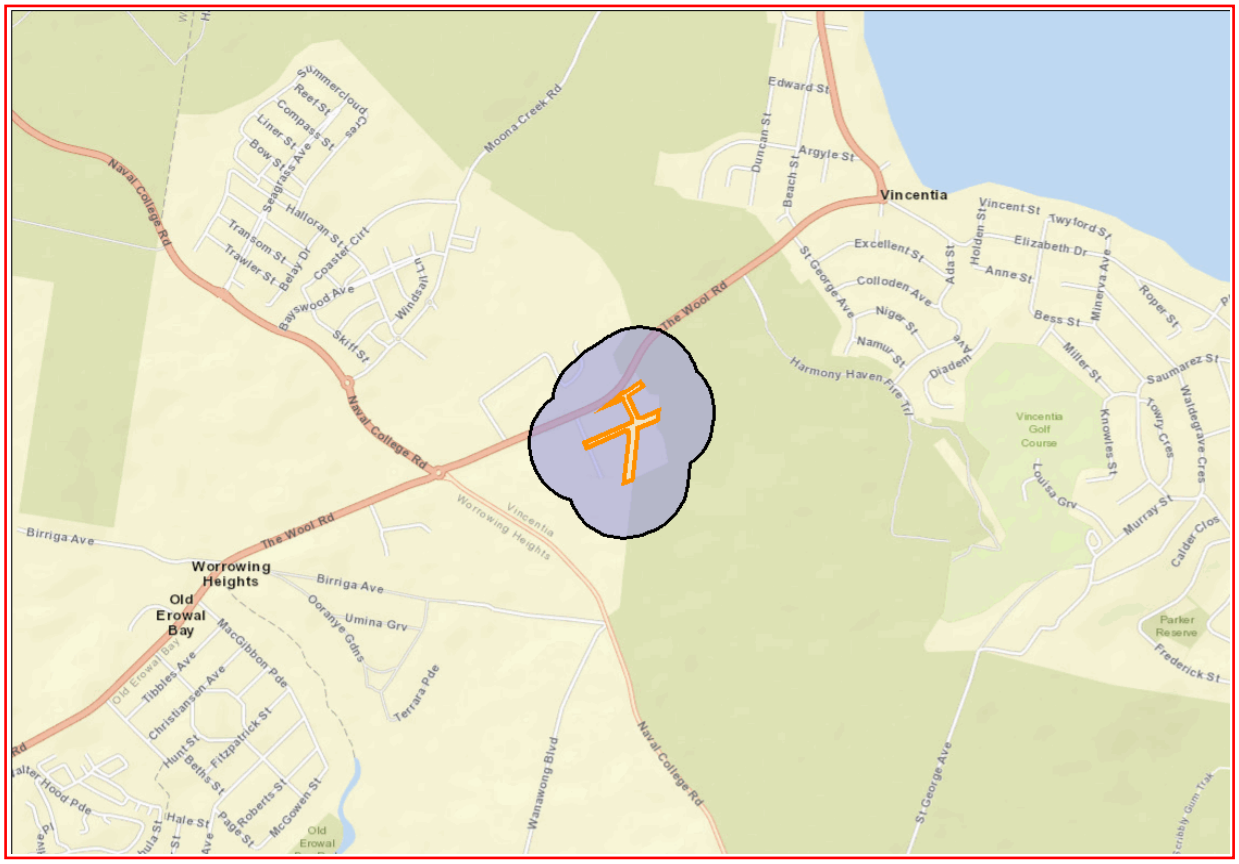
Email: jenni@apexarchaeology.com.au

Date: 05 September 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP809057, Section : - with a Buffer of 200 meters, conducted by Jenni Bate on 05 September 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	**Aboriginal sites are recorded in or near the above location.**
0	**Aboriginal places have been declared in or near the above location. ***

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 (https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

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- 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.
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Tel: (02) 9585 6345

ABN 34 945 244 274
Email: ahims@environment.nsw.gov.au
Web: www.heritage.nsw.gov.au

AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : Vincentia

Client Service ID : 948735

NSW Department of Education

Date: 08 November 2024

SINSW Heritage Level 8, 259 George Street
SYDNEY New South Wales 2000

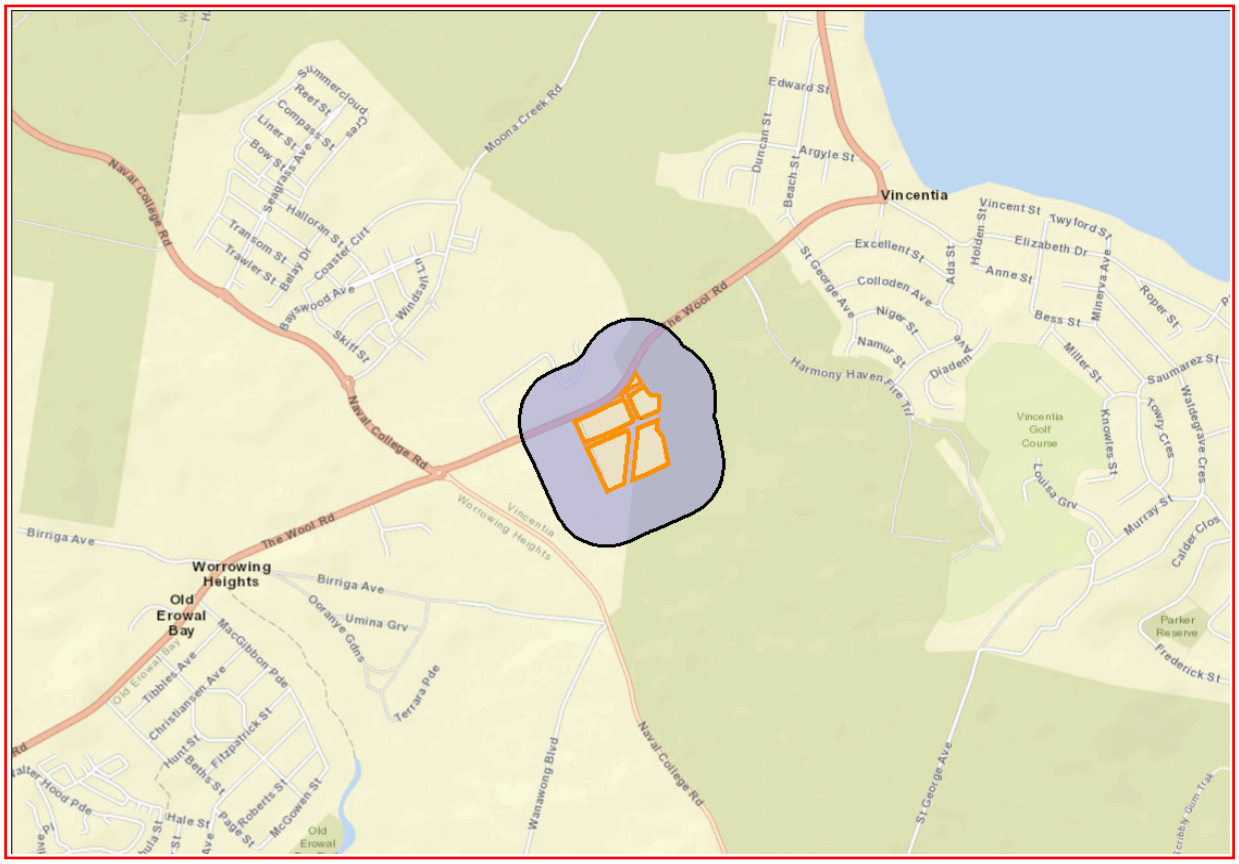
Attention: Alyce Haast

Email: alyce.haast@det.nsw.edu.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP550361, Section : - with a Buffer of 200 meters, conducted by Alyce Haast on 08 November 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	**Aboriginal sites are recorded in or near the above location.**
0	**Aboriginal places have been declared in or near the above location. ***

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 (https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW 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 be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW 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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