

Aboriginal Cultural Heritage Report

2155 Sutton Road Sutton



Report Prepared for PHL Surveyors Pty Ltd

By Lyn O'Brien Past Traces Pty Ltd

LGA: Yass Valley Council

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- ❖ Buru Ngunawal Aboriginal Corporation
- ❖ Ms Alice Williams
- ❖ Muragadi
- ❖ Murra Bidgee Mullangari
- ❖ PD Ngunnawal
- ❖ Corroboree
- ❖ Gulganya
- ❖ Ngambri Local Aboriginal Land Council
- ❖ Mr Alan Longhurst (PHL Surveyors)
- ❖ Mr Paul Keir

ABBREVIATIONS

ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCRP	Aboriginal Cultural Heritage Consultation Requirements for Proponents
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AR	Archaeological Report
DECCW	NSW Department of Environment, Climate Change and Water now DPI&E
DPI&E	NSW Department of Planning, Industry and Environment (formerly OEH)
LALC	Local Aboriginal Land Council
RAP	Registered Aboriginal Party

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EXECUTIVE SUMMARY

PHL Surveyors have engaged Past Traces Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment for the proposed rural subdivision at Lot 1 DP32236 located at 2155 Sutton Road Sutton. These works consist of the division of the land parcel into 23 housing lots, of which 1-20 located in the northwest portion are residential housing lots. Within the southern section, Lots 21, 22 and 23 remain as rural residential lots and do not constitute a change in landuse. The works associated with the proposal consist of the following:

- ❖ Installation of 20 housing lots within the project area
- ❖ Construction of house lots, access roads and fire trails
- ❖ Installation of infrastructure such as electricity and communications
- ❖ Installation of boundary fences and landscaping.

The project area is shown on Figure 1 in a regional context and in detail on Figure 2.

An Archaeological assessment has been undertaken over the project area in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010) including review of AHIMs registration and previous reports. Subsurface testing has also been undertaken in 2019. The results of the Archaeological assessment is provided in Appendix F. As a result a single Aboriginal site is present within the project area which will be impacted by the development.

Consultation with the Aboriginal community has been undertaken to assist the heritage team in assessing significance of any identified heritage sites and to provide guidance in the development of culturally appropriate management strategies. Consultation was in accordance with the *Consultation Guidelines for Proponents NSW* (DECCW 2010a). Aboriginal representatives participated in the field survey undertaken in June 2018 in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010b). The consultation log for the project is attached at Appendix A.

As a result of the consultation with the local Aboriginal community, the following management recommendations have been developed for the project:

- ❖ No impacts may occur to the identified Aboriginal Heritage site unless an Aboriginal Heritage Impact Permit (AHIP) has been granted allowing harm to occur.
- ❖ The project area contains a single Aboriginal heritage sites. As the heritage site will be impacted, an AHIP approved by NSW Department of Planning, Industry and Environment (DPI&E) covering the area will be required. An application for an AHIP should be submitted to DPI&E prior to any works commencing. The AHIP area is shown in Figure 3.
- ❖ It is an offence to disturb an Aboriginal site without an AHIP as all Aboriginal objects are protected under the *NSW National Parks and Wildlife Act 1974*. Should any Aboriginal objects be encountered during works then works must cease and a heritage professional contacted to assess the find. Works may not recommence until cleared by DPI&E.
- ❖ In the unlikely event that human remains are discovered during the construction, all work must cease. DPI&E, the local police and the appropriate Local Aboriginal Land Council (LALC) should be notified. Further assessment would be undertaken to determine if the remains are Aboriginal or non-Aboriginal.

- ❖ Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation. This would include consultation with the RAPs for the project and may include further field survey.
- ❖ Continued consultation with the RAPs for the project should be undertaken. RAPs should be informed of any major changes in project design or scope, further investigations or finds.
- ❖ No further heritage investigations are required should the AHIP be approved, except in the event that unanticipated Aboriginal Objects and/or human remains are unearthed during any phase of the Project.

1 INTRODUCTION

1.1 PROJECT BRIEF

PHL Surveyors have engaged Past Traces Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment for the proposed rural subdivision at Lot 1 DP32236 located at 2155 Sutton Road Sutton. These works consist of the division of the land parcel into 23 housing lots, of which 1-20 located in the northwest portion are residential housing lots. Within the southern section, Lots 21, 22 and 23 remain as rural residential lots and do not constitute a change in landuse. The works associated with the proposal consist of the following:

- ❖ Installation of 20 housing lots within the project area
- ❖ Construction of house lots, access roads and fire trails
- ❖ Installation of infrastructure such as electricity and communications
- ❖ Installation of boundary fences and landscaping.

The project area is shown on Figure 1 in a regional context and in detail on Figure 2.

The project would involve ground disturbance that has the potential to impact on Aboriginal heritage sites and objects which are protected under the NSW *National Parks and Wildlife Act 1974*. The purpose of the ACHAR and attached Archaeological Report (AR) is therefore to investigate the presence of any Aboriginal sites and to assess the impacts and management strategies that may mitigate any impacts, including application for an Aboriginal Heritage Impact Permit (AHIP).

Consultation with the Aboriginal community has been undertaken to assist the heritage team in assessing significance of any identified heritage sites and to provide guidance in the development of culturally appropriate management strategies. Consultation was in accordance with the *Consultation Guidelines for Proponents NSW* (DECCW 2010a). Aboriginal representatives participated in the field survey undertaken in June 2018 in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010b). The consultation log for the project is attached at Appendix A.

The ACHAR will detail the consultation process, identified cultural values and outcomes of the consultation with the Registered Aboriginal Parties (RAPs) for the project.

Archaeological assessment of the project area was undertaken in 2019 and the results of the assessment are located at Appendix F in the AR.

1.2 RESTRICTED AND CONFIDENTIAL INFORMATION

Information contained within this report is culturally sensitive and should not be made publically available. The information that is restricted includes (but is not limited to):

- ❖ Maps, Mapping Grid Reference Co-ordinates or images for Aboriginal heritage sites, places and objects.
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1.3 ABORIGINAL CULTURAL HERITAGE

The National Parks and Wildlife Act 1974 defines Aboriginal cultural heritage as consisting of objects and places commonly known as heritage sites. Heritage sites may hold physical values (tangible heritage) or cultural values with no physical remains (intangible heritage).

Aboriginal objects are defined as:

“any deposit, object or material evidence...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”

Aboriginal places are defined as a place holding special Aboriginal cultural significance due to past events or ongoing cultural connection. Places are declared under section 84 of the *NPW Act 1974*.

Aboriginal people value their cultural heritage for many reasons including the following:

- ❖ Forms a connection and sense of belonging to Aboriginal community (DECCW 2010:iii)
- ❖ Forms a link between the present and the past (DECCW 2010: iii)
- ❖ As a learning tool to teach Aboriginal culture to younger Aboriginal generations and the general public
- ❖ As evidence of Aboriginal occupation prior to European settlement
- ❖ As continuation of Aboriginal traditions

1.4 REPORT FORMAT

This Aboriginal Cultural Heritage Assessment Report (ACHAR) provides an assessment of the cultural values of the project area through consultation with the Aboriginal community. The report format follows the format outlined in the DPI&E guideline *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

Aboriginal consultation has been completed in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010). Details of the consultation process are provided in Section 2 of this report.



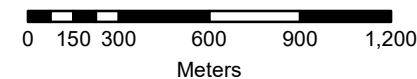
Figure 1: Regional Context

Legend

- Study Area
- Watercourse



1:25,000



Coordinate System:
GDA 1994 MGA Zone 55

Imagery: © Dept. Finance, Services
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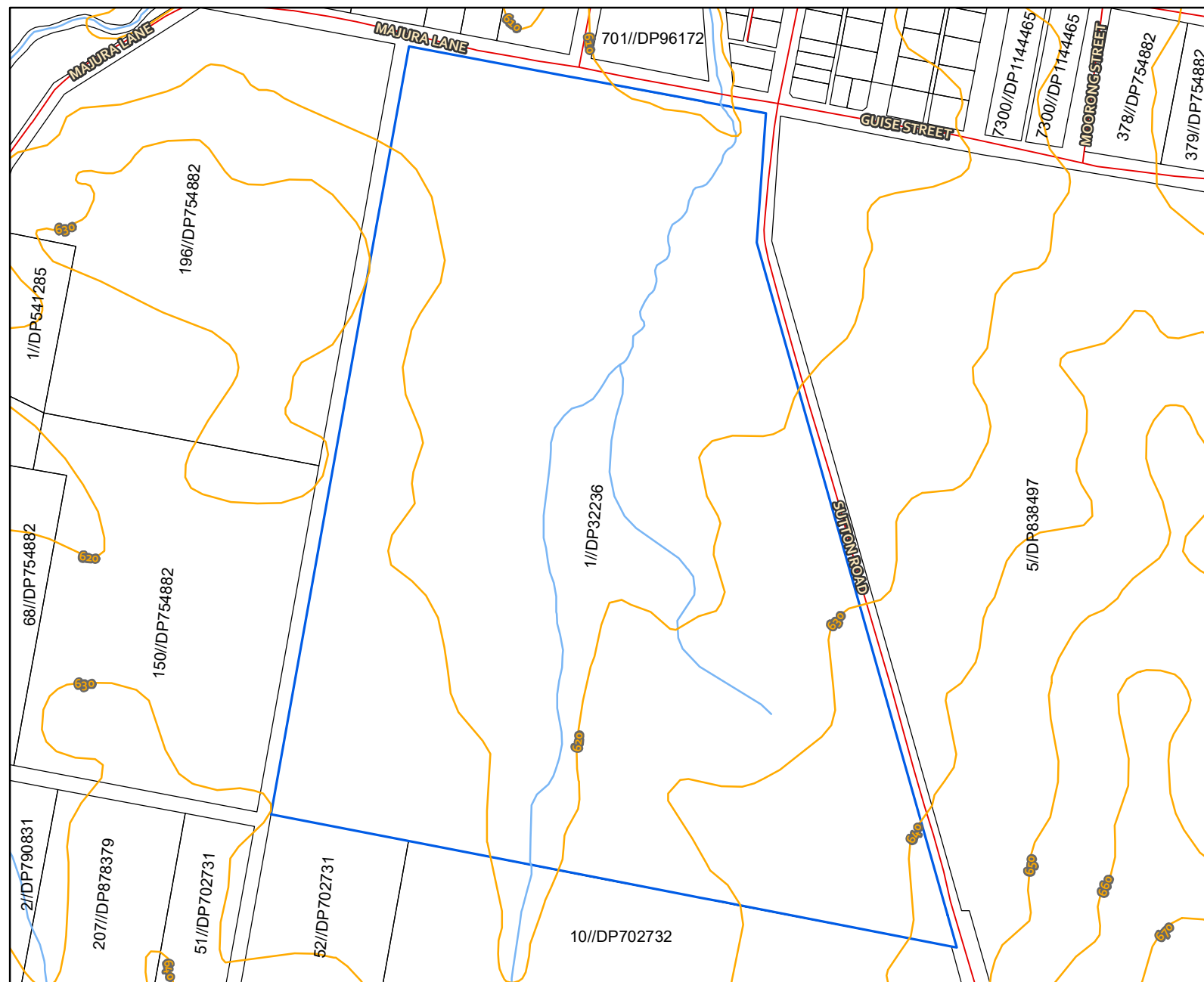


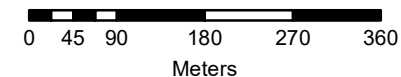
Figure 2: Study Area

Legend

- Contour - 10m
- Watercourse
- Roads
- Study Area
- Cadastre



1:7,750



Coordinate System:
GDA 1994 MGA Zone 55

2 ABORIGINAL CONSULTATION PROCESS

Consultation with the Aboriginal community has been undertaken to assist the heritage team in assessing significance of any identified heritage sites and to provide guidance in the development of culturally appropriate management strategies. Consultation was in accordance with the *Consultation Guidelines for Proponents NSW* (DECCW 2010a). Aboriginal representatives participated in the field survey undertaken in June 2018 and provided input into the management recommendations.

The *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* guideline (DECCW 2010a) outlines the following process to be undertaken:

- ❖ Notification of project proposal to Aboriginal stakeholders and invitation to register interest.
- ❖ Presentation of information about the proposed project and methodology to be followed.
- ❖ Gathering information about cultural significance from registered stakeholders by inviting comments, and input into management recommendations and significance
- ❖ Review of draft cultural heritage assessment report to ensure views are adequately captured and recommendations incorporated into report.

The consultation steps completed are provided in the consultation log for the project attached at Appendix A. A full list of the RAPs is also provided within the consultation log. Details of the steps completed for each of the stages are provided below.

Step 1. Notification letters outlining the development proposal with a request for Aboriginal stakeholders were sent to the Ngambri Local Aboriginal Land Council (LALC), and various statutory authorities including DPI&E, as identified under the consultation requirements. Following feedback from the various agencies, notification letters were then sent to identify stakeholders with a 14 day registration period of interest. A copy of the agency responses are attached at Appendix B.

A public notice was placed in the local newspaper the Canberra Times (30/5/2019) and the Yass Tribune (11/6/2019) seeking registrations of interest from Aboriginal stakeholders. A copy of this public notice is attached at Appendix C.

In response to the public notice and notification letters, eight groups registered their interest in participating in the project and having cultural connection to the project area. The Aboriginal stakeholders who registered for the project (the Registered Aboriginal Parties – RAPs) are:

- ❖ Buru Ngunawal Aboriginal Corporation
- ❖ Ms Alice Williams
- ❖ Muragadi
- ❖ Murra Bidgee Mullangari
- ❖ PD Ngunnawal
- ❖ Corroboree
- ❖ Gulganya

❖ Ngambri Local Aboriginal Land Council

Step 2. Following their registration a project pack containing further details and mapping of the project was sent to each RAP. A copy of the project pack is attached at Appendix C.

Step 3. As required a Methodology Pack outlining the proposed methodology to be followed for the project was sent to all RAPs. RAPs were invited to provide comments on the proposed methodology and to provide any information that they may hold in relation to the cultural values of the project area. The methodology document and responses are attached at Appendix E.

Step 4. A draft version of this report was supplied to the RAPs with a timeframe of 28 days to provide feedback on the report and suggest amendments.

2.1 ABORIGINAL COMMUNITY FEEDBACK

Throughout the life of the project Aboriginal community feedback has been sought in regards to the methodology to be undertaken and the results of the heritage assessment. No information has been provided showing that the project area holds specific cultural values or that known heritage sites are located within the project area that have not been identified during the heritage assessment.

Members of the RAPs (Gulganya, Buru Ngunawal and the Ngambri LALC) participated in the subsurface testing program and provided guidance on cultural significance and culturally appropriate management strategies.

Any responses received from the RAPs are included at Appendix A and have been incorporated into the final report. No objections to the project recommendations as outlined in the AR report have been recorded to date.

3 REVIEW OF ABORIGINAL ARCHAEOLOGICAL CONTEXT

3.1 ABORIGINAL GROUPS WITHIN THE PROJECT AREA

The major language group identified in the Goulburn region by Norman Tindale in his seminal work on Aboriginal tribal boundaries is Ngunnawal. The Ngunawal (Ngunnawal) were also known as the Yass tribe, Lake George Blacks or Molonglo tribe. The boundaries of the Ngunawal ran to the south east where they met the Ngarigo at the Molonglo and the Gundungara to the north of Lake George (Tindale 1974). This distribution with minor amendments is still accepted and the review of tribal boundaries undertaken in the 1990s (Horton 1996) confirmed these earlier linguistic divisions.

Linguists have observed that a majority of the word lists from the Ngunawal and Gundungurra languages are identical (Koeting and Lance 1986:13) with a difference in syntax. This similarity can either be a result of long contact between the two groups or as a result that Matthews, one of Tindale's main source of information, was not working in the region until the 1890s when the Aboriginal people of the area had already been impacted by the results of white settlements (Flood 1980:27)

One of the best sources for observations of the Indigenous inhabitants of the Sutton/ Gundaroo region are the notes by Govett (1977) and Bennett (1834) on the Aboriginal people that they encountered. Both of these early settlers lived in the district from the 1830s and noted many features and traditions of Aboriginal life. Their observations must be viewed as from a white perspective and filtered through his cultural traditions as with all cross cultural ethnography but despite these limitations are a valuable reference for the region. Their reflections on the Aboriginal life of the region provide a glimpse of a functioning hunter and gatherer lifestyle with a cycle of repeated visits to areas at times of seasonable resource availability and a ceremonial life that imposed duties and responsibilities on members of the group.

Disease followed the settlement of the area and may have preceded it with the smallpox epidemic originating in Sydney in 1789 possibly spreading throughout the region (Flood 1980:32). This disease would have decimated the Aboriginal population and was followed by Influenza in 1846. The notable decline of the number of the Aboriginal people was noted in 1845 at Bungonia and in 1848 at Goulburn by the Bench of Magistrates (Tazewell 1991:244).

3.1.1 *Aboriginal customs*

Early documented evidence of the lifestyles of the Aboriginal people in the wider region is provided by early settlers and explorers through the region. These accounts often focus on the individual interests of recorders and reflect the training and background of the recorder. For the Canberra region Bluett (1954) provides details of movements and groups, whilst Bennett (1834) is informative for the wider Monaro and NSW contexts. The most detailed accounts for the local Aboriginal groups comes from a series of articles published in the Saturday Magazine in 1836 by William Govett on the Goulburn district, which includes the Lake George region.

According to Govett large water bodies and rivers were a focus of activity with eels, swans, ducks and other water birds being staples along with kangaroos, wallabies, possums, bandicoots, and emus (Govett

1977:29,32,34-35,37). Govett also described the practice of fire stick farming to herd the kangaroos for hunting – this also has the benefit of encouraging new growth and attracting kangaroos to specific areas (Govett 1977:23).

Govett recalls the impact of white settlement on the traditional hunting and gathering of the Aboriginal people:

The kangaroos have either been killed, or have fled in search of more retired forests, Sheep and cattle have taken their place, the emu and turkey are seldom seen, the millions of parrots have even become scarce...(Govett 1977:26)

The traditional clothing of the Aboriginal people was described as consisting of long possum cloaks, worn with the fur turned in for warmth and the tanned skins on the outside for waterproofing, and string belts made from possum or kangaroo hair (Govett 1977:8, Bennett 1967:175, Boswell 1890:9). The process of making possum cloaks is described in detail by Boswell with the interesting note that aboriginal people, being highly adaptive had changed their traditional tool kit to incorporate glass for scraping the skins and iron needles and thread rather than the traditional bone needles and kangaroo hair thread (Boswell 1890:9).

Bennett also notes that head dresses consisting of kangaroo incisors and possum tails, head bands and necklaces were used along with the use of white and red ochre to decorate the upper body and face (Bennett 1967:323-326).

Weapons consisted of spears, (Govett 1977:36, MacAlister 1907:87,) and were used as part of the traditional hunting kit. Specialised fishing spears and boomerangs were present. Woomerahs (spear throwers) approximately 1m long had a flat handle and a hook at the end (Govett 1977: 11, 36). Hatchets or axes had a ground stone head fastened to a wooden shaft by fibre binding. Iron axes replaced stone ground axeheads as their greater efficiency was recognised and valued by the Aboriginal community (Govett 1977:11).

The items carried by the women reflected their main focus. Women traditionally constructed nets from plant fibres which were used to carry items slung over the body – this could also include babies and infants. Govett recalls this practise of 'slinging' babies behind a mother's shoulders (1977:8). Digging sticks consisting of hard wood approximately 1.5m long, burnt at one end to create a hardened point were carried by the women who gathered as they passed through country storing their cache in nets about them till the meal (Govett 1977:23, Lhotsky 1979:41).

This traditional clothing was replaced by the blankets distributed by the Government and a mixture of European clothing. Governor Macquarie began a policy of distributing blankets to Aboriginal people in 1814 and groups became increasingly dependent as their traditional resources were destroyed by the impact of pastoralism and their groups suffered cultural impacts from disease, alcohol and displacement.

3.2 ARCHAEOLOGICAL CONTEXT

3.2.1 Previous Studies and Site Prediction Model

Aboriginal people have occupied what we now know as the Australian continent for at least 40,000 years and perhaps 60,000 years and beyond. A review of the previous studies which have been undertaken within the region is provided in the AR attached at Appendix F. These studies have revealed numerous small artefact sites in the Sutton/Wamboin region centred on small waterways and creek lines.

The spatial distribution of Aboriginal sites in the local area suggests that higher artefact distributions around major waterways and nearby high points were the focus of repeated visits and most likely used as camping areas by Aboriginal people. Major waterways provided access to food and material resources, while elevated areas would have provided views of the surrounding landscape to monitor nearby bands while still being close to major waterways. The lower densities of sites and artefacts present on plains and hills away from watercourses is most likely a result of Aboriginal people moving through these areas for travel and food gathering, but not returning frequently or on a long term basis.

Based on this body of previous heritage work, the landscape context and previous disturbance to the area, a site prediction model has been developed for the project (Table 1). This site prediction model is based on:

- ❖ Landscape features within the project area
- ❖ Probability of site type to be present within the project area
- ❖ Natural resources that may have used by Aboriginal people within the project area
- ❖ Opportunities for movement through the landscape
- ❖ Soil properties.

Table 1. Site Prediction Model

Probability	Site Type	Definition	Landform
Moderate/Low	Isolated finds and surface scatters of stone artefacts	Stone artefacts ranging from single artefact to high numbers	Creek lines and spur crests. A minor creekline is present within the study area.
Moderate/Low	Potential Archaeological Deposits (PADS)	Area considered on landform to hold higher potential for unidentified subsurface deposits	Varies, but most frequent on elevated terraces along creek lines and spur lines - may be present depending on degree of disturbance
Nil	Culturally Modified Trees (CMTs)	Trees which have been modified by scarring, marking or branch twining	Wherever old remnant trees remain - cleared across project area
Nil	Rock Engravings	Images engraved on flat rock surfaces	Escarpments, rock platforms or rock shelters - not present

Probability	Site Type	Definition	Landform
Low	Stone arrangements	Arrangements of stones by human intention, including circles lines or patterns.	Crest lines or large ceremonial areas on creek flats, but may occur on any landform
Nil	Stone quarries/Ochre sources	Quarry sites where resources have been mined.	Any landform.
Nil	Axe grinding grooves	Grooves in stone caused by the grinding of stone axes	Usually in creek lines, as water is used as abrasive with sand - not present
Nil	Burials	Burials of Aboriginal persons	Usually requiring deep sandy soils on eastern facing slopes – not present
Nil	Aboriginal places	A place that hold spiritual, traditional or historical significance to Aboriginal people	Any landform, identified through consultation with RAPs and historical sources

3.2.2 Field Program Results

The investigative program consisting of field survey and subsurface testing undertaken in 2019 has concluded that the study area contains a single Aboriginal site. The location and details of the field program and of this new site are provided in the AR attached at Appendix F. The finding of low potential for sub surface deposits or further sites to occur undetected following the field surveys and sub surface investigations also conforms to the predictive models for the Sutton area. The reasoning behind the findings of low potential for the study area are detailed in the AR attached at Appendix F.

3.2.3 Summary of Aboriginal land use

A review of the previous heritage assessment undertaken in the region show that heritage sites may be present through a variety of landforms. A site location pattern appears to be centred on the presence of water a vital resource for Aboriginal people. Smaller sites consisting of isolated finds or small artefact scatters are placed in association with small drainage or creek lines with larger sites present in proximity to rivers or along ridgelines which provided access through the mountainous country.

However, despite the number of heritage assessments that have been undertaken the Aboriginal land use of the region is not clearly understood as the majority of studies are small scale and development focused. This is being addressed by the number of studies being undertaken for developments in the region, which is resulting in a database and providing additional information. Despite these limitations, it is possible, however, to ascertain that proximity to resources was a key factor in the location of Aboriginal sites.

The landscape of the project area suggests that Aboriginal groups would have travelled across and utilised the area. A known highly significant cultural feature (Lake George) is located to the north which would have been highly visited by Aboriginal people and campsites would be common along its length. The environment of Lake George would have provided 'refugia' during periods of climatic variation and drought, and groups travelling to Lake George followed traditional pathways (pers. comm Tyrone Bell 2018).

Traditional pathways are known to occur along the ridgelines to the northwest of the project area, but according to the RAPs for the project these pathways did not extend into or across the project area.

The Yass River located 1.5km to the west of the project area and McLaughlin's Creek 250m to the northwest would have been a focus of activity for the Aboriginal population and heritage sites would be expected to occur in higher densities across these more favourable areas rather than the level slopes of the project area, with an intermittent creek line for water supply.

4 ABORIGINAL CULTURAL HERITAGE SIGNIFICANCE ASSESSMENT

The two main values used in the assessment of the heritage values of Aboriginal sites are cultural significance and scientific significance. The scientific significance assessment has been addressed within the AR attached at Appendix F. The assessment of cultural significance can only be undertaken in conjunction with the Aboriginal community and was the aim of the consultation process. The assessment of cultural values for the project is provided below.

4.1 CULTURAL SIGNIFICANCE VALUES

Cultural or social significance refers to the values attached to a place or objects by Aboriginal people. Aboriginal cultural heritage is used to define Aboriginal identity as both individuals and as part of a wider community group. The NSW Heritage (2001) guideline *Assessing Heritage Significance* defines social significance as items which are esteemed by the community for their cultural values; which if damaged or destroyed would cause the community a sense of loss; and/or items which contribute to a community's sense of identity.

Aboriginal people are the primary determiners of the cultural significance of Aboriginal cultural heritage. During consultation the following information was provided by RAPs in regards to the cultural values of the Project Area.

- ❖ The Project Area holds low cultural value due to the lack of any areas of known cultural importance. All aspects of landscape hold cultural value and show the connection of people to the land. The RAPs do not support the European view that a site holds more value due to the information it contains, but rather holds value as a part of past lifeways and connection to country. The sites are important in providing evidence of the past occupation of the area by Aboriginal people but have no ongoing role in educating the next generation.

4.2 STATEMENT OF SIGNIFICANCE

Aboriginal community consultation has been undertaken through the RAPs for the project. This consultation including on site discussions have resulted in the following statement of cultural significance for the recorded sites.

The newly identified site consists of low numbers of flakes on common materials for the region, all subsurface in thin soils. The site is considered to be low in cultural values as the artefacts are common and representative for the region. As all sites are held to hold cultural value, if impacted, the artefacts should be returned to country in a secure location to maintain their connection to country. By maintaining the connection to country the harm that is caused by excavation and scientific analysis can be minimised

The information that the site can provide will further support existing information but will not provide new or innovative research themes. However Aboriginal communities do not accept the western view of site importance with all sites being considered to be of overall importance within the landscape.

All heritage sites are important to Aboriginal people and all represent the past occupation and use of the region by Aboriginal people. As a reminder of the widespread nature of Aboriginal occupation, site provide a physical guide to usage, and points for education, discussion and cultural transmission of knowledge.

5 IMPACT ASSESSMENT

5.1 DEVELOPMENT IMPACTS

A high level of disturbance will occur throughout the project area as a result of the proposed residential development. The proposed residential development works will cause disturbance in the form of soil excavation, vegetation removal, installation of underground and above ground infrastructure (gas, sewerage, water and electricity), heavy vehicle and plant movement across the site and revegetation following completion of works.

The types of activities that will impact the ground surface and sub-soils include:

- ❖ Excavation of house footings
- ❖ Installation of underground services, such as sewerage, water, gas and telecommunications
- ❖ Construction of access roads and fire trails

Areas away from the proposed building envelopes will continue under their current usage with no additional impacts from the proposed subdivision into additional blocks.

Design of the development has been undertaken to try to avoid impact to the heritage sites. However, due to the nature of the development, impacts will occur to a single identified Aboriginal site resulting in the destruction of the site.

The assessed statement of impact for the Aboriginal archaeological sites in the Project Area has been summarised in Table 2 as required by the Code of Practice.

Table 2: Summary of potential archaeological impact

AHIMS	Site name	Type of Harm	Degree of Harm	Impact of Harm
Pending	ST1	Direct	Total	Removal of value

5.2 MITIGATION STRATEGY

Conservation of the maximum amount of heritage sites is the primary aim. As the development footprint will extend across large sections of the project area, harm to the identified sites cannot be avoided. As the site consists of dispersed, low density, common artefacts for the region no program of salvage excavation is warranted at the site prior to construction. An AHIP should be applied for covering the Project Area to allow works to proceed. The location of the AHIP area is shown in Figure 3.

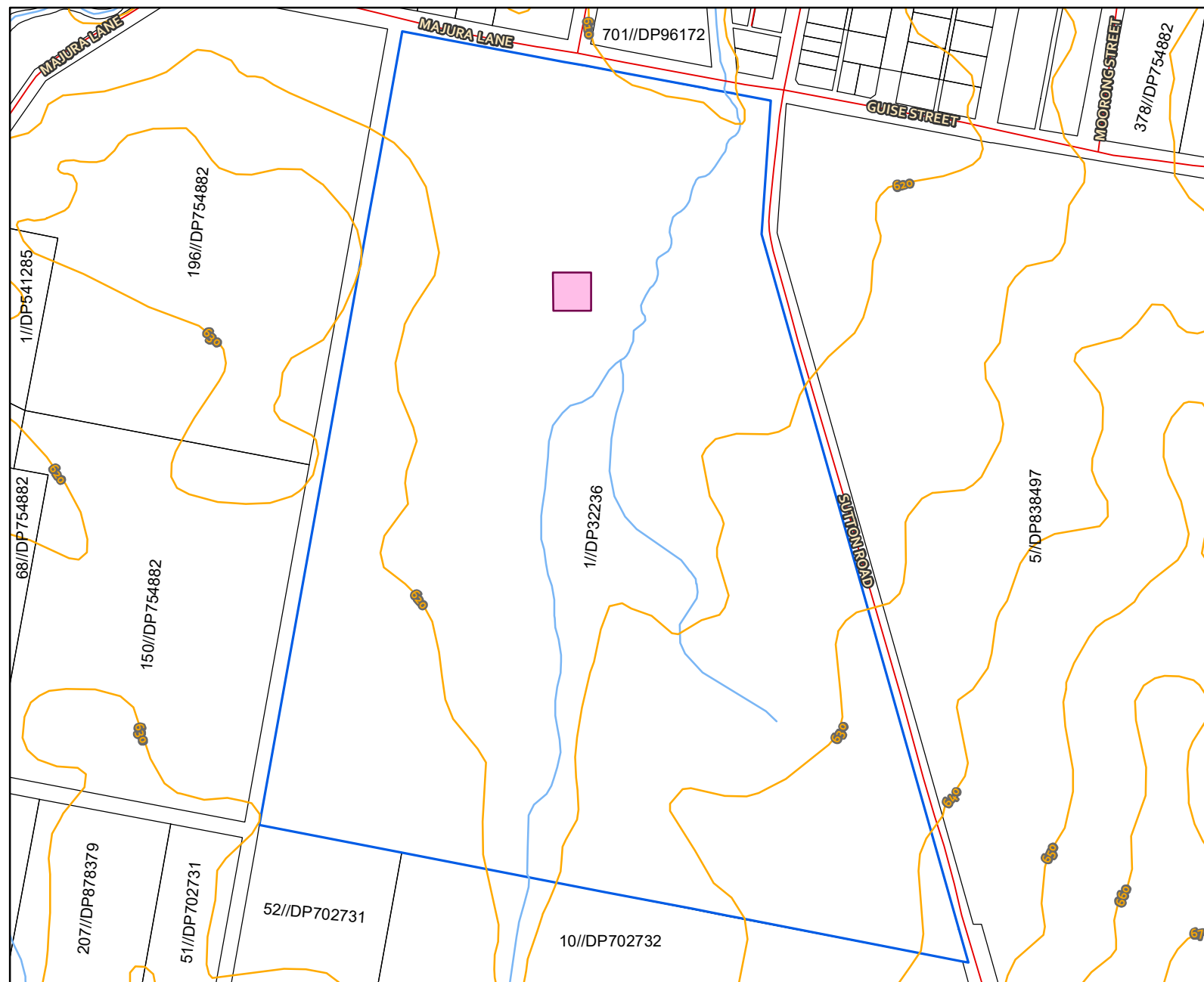


Figure 3: AHIP Area - land to which the AHIP applies

Legend

- Contour - 10m
- Roads
- Watercourse
- AHIP Area
- Study Area
- Cadastre



1:7,500



Coordinate System:
GDA 1994 MGA Zone 55

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5.3 SUSTAINABLE DEVELOPMENT PRINCIPLES

Australia's *National Strategy for Ecologically Sustainable Development* (1992) defines ecologically sustainable development as: 'using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased'. The impacts of any development should be addressed and assessed against these principles.

5.3.1 Intergenerational Equity

Intergenerational equity is a concept that says that humans 'hold the natural and cultural environment of the Earth in common both with other members of the present generation and with other generations, past and future' (Weiss, 1990, p. 8). This concept can be explained as the belief that resources and assets (such as cultural heritage sites) do not belong to anyone but are held in trust for all future generations.

Three principles form the basis of intergenerational equity. First, each generation should be required to conserve the diversity of the natural and cultural resource base, so that it does not unduly restrict the options available to future generations in solving their problems and satisfying their own values, and should also be entitled to diversity comparable to that enjoyed by previous generations. This principle is called "conservation of options." Second, each generation should be required to maintain the quality of the planet so that it is passed on in no worse condition than that in which it was received, and should also be entitled to planetary quality comparable to that enjoyed by previous generations. This is the principle of "conservation of quality." Third, each generation should provide its members with equitable rights of access to the legacy of past generations and should conserve this access for future generations. This is the principle of "conservation of access."

Within Aboriginal communities intergenerational equity is maintained by the transmission of cultural knowledge, traditions and continued access and visitation to cultural sites. Loss of cultural knowledge, heritage sites or access to sites is detrimental to the current and future communities.

Destruction of cultural heritage sites may impact on future generations if by the action the cultural record is significantly altered or a continuing traditional link is broken. Assessing these impacts can be addressed by understanding the significance of sites, the range and variety of the site type that is present in the area and the role that the site plays with the Aboriginal community. Sites may play various roles as teaching sites, ceremonial areas or areas for cultural traditions (birthing trees, scarred trees, rock shelters for example).

These issues have been discussed with the RAPs for the project and what the effect of their destruction would be to the Aboriginal community. Responses to this question were that the sites were on private land and relatively common, consisting of artefact scatters, that the use of the area was well known to the community (and the importance of Lake George and connection routes) and this would continue to be passed on. The impact of destruction would be negligible, though the destruction of any site should be avoided where possible. No further mitigation or options could be suggested by the community apart from those contained in the recommendations in the following section, which have been devised to incorporate their views and developed after consultation with the RAPs.

5.3.2 Cumulative Impacts

Developments in the Sutton area are planned for the future and the cumulative impacts by the continued destruction of sites is of concern to the community and should be addressed by continued assessments and focus on preserving sites that are either intact, contain many artefacts, or are significant to the community. The determination of which sites warrant conservation should be undertaken by heritage professionals and the Aboriginal community through a process of consultation and involvement. When sites are impacted by developments, the retention of cultural information through incorporation of place names and signage within developments should be considered to inform the public and retain connection to the Aboriginal past use of the landscape.

The cumulative impact of future developments at Sutton Road, would appear to be limited, due to the predictive model which indicates that the area holds low archaeological potential. However, any future housing developments will need to be assessed for their heritage impacts during the development assessment process and consultation with the Aboriginal community undertaken.

6 RECOMMENDATIONS

Based on results of the archaeological program and consultation with the Registered Aboriginal Parties the following recommendations have been developed in regards to Aboriginal Cultural Heritage values and sites located within the Project Area. Management recommendations are:

- ❖ The project area contains an Aboriginal heritage site (ST1) which will be impacted by the location of the housing subdivision. As the heritage site is to be impacted, an AHIP approved by NSW Department of Planning, Industry and Environment (DPI&E) covering the area will be required. An application for an AHIP should be submitted prior to any works commencing. The AHIP area is shown in Figure 11.
- ❖ No impacts may occur to any of the identified Aboriginal Heritage site ST1 unless an Aboriginal Heritage Impact Permit (AHIP) has been granted allowing harm to occur.
- ❖ It is an offence to disturb an Aboriginal site without an AHIP as all Aboriginal objects are protected under the NSW *National Parks and Wildlife Act 1974*. Should any Aboriginal objects be encountered during works then works must cease and a heritage professional contacted to assess the find. Works may not recommence until cleared by OEH.
- ❖ In the unlikely event that human remains are discovered during the construction, all work must cease. OEH, the local police and the appropriate Local Aboriginal Land Council (LALC) should be notified. Further assessment would be undertaken to determine if the remains are Aboriginal or non-Aboriginal.
- ❖ Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation. This would include consultation with the RAPs for the project and may include further field survey.
- ❖ Continued consultation with the RAPs for the project should be undertaken. RAPs should be informed of any major changes in project design or scope, further investigations or finds.
- ❖ No further heritage investigations are required should the AHIP be approved, except in the event that unanticipated Aboriginal Objects and/or human remains are unearthed during any phase of the Project.

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APPENDIX A CONSULTATION LOG

APPENDIX B – RESPONSE FROM REGULATORS

APPENDIX C – PUBLIC NOTICE

APPENDIX D – PROJECT INFORMATION PACK

APPENDIX E – METHODOLOGY PACK

APPENDIX F – ARCHAEOLOGICAL REPORT