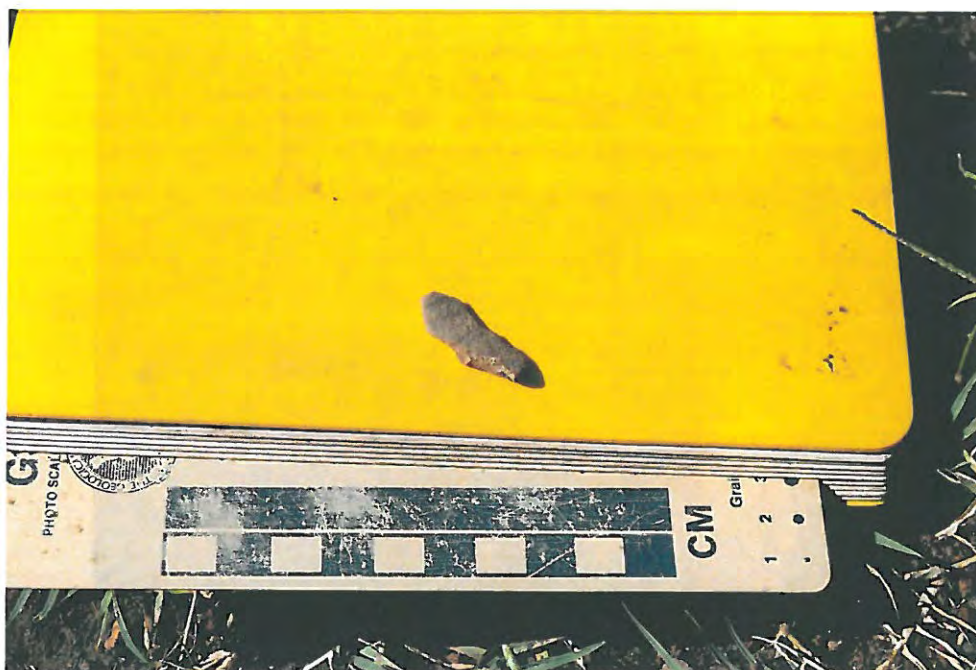




Photograph D13. Artefacts found at site Manyana 1 on transect 9



Photograph D14. Asbestos dumped on the track on transect 11 (view east)



Photograph D15. Bondi point found at site Manyana 1 on transect 11



Photograph D16. Silcrete core found at site Manyana 1, transect 11



Photograph D17. Location of artefacts associated with site Manyana 1 on transect 18



Photograph D18. Artefacts found at site Manyana 1 on transect 18



Photograph D19. Vehicle track in the vicinity of sites Manyana 2&3 (view west)



Photograph D20. Vehicle track in the vicinity of sites Manyana 2&3 (view east)



Photograph D21. Northern region of site Manyana 4, transect 15 (view south)



Photograph D22. Artefacts found at site Manyana 4, transect 15



Photograph D23. Vegetation cover near the site of Manyana 5



Photograph D24. Location of site Manyana 6 (view north)



Photograph D25. Artefact found at site Manyana 6

5/8/2013

Ms Verity Blair
Senior Environmental Planner
EMGA Mitchell McLennan
1/20 Chandos Street
St Leonards NSW 2065

Dear Ms Blair,

Re: Manyana Heritage

Introduction

In response to your request of 4 July 2013, I have reviewed comments by Council on the Manyana Planning proposal in regard to heritage conservation. The comments relate to the identification of items of Aboriginal heritage and historic heritage within the land owned by Kylor Pty Ltd located north of the existing urban development at Manyana.

I prepared the heritage assessment of the Kylor land subject to Council's comments. I conducted heritage surveys of the subject land in 2004 while I was employed by ERM and in 2012 while I was employed by EMGA Mitchell McLennan Pty Ltd (EMM).

You have advised me that Council's comments in regard to heritage were as follows:

2.3 Heritage Conservation – The subject land contains areas of historic, cultural and Aboriginal heritage significance. While some detail is provided in the planning proposal on how these items will be conserved, items that were identified as being of moderate significance in an Aboriginal Heritage Study have been downgraded to low significance on the basis of a site visit by the planning consultant. More detail is required in this regard and the proposal identifies the need to obtain an Aboriginal Heritage Impact Permit prior to any impact on Aboriginal sites and this is considered reasonable. The site is known to contain a cultural heritage site, the Goodsell Graves and associated items. It is noted in the planning proposal that they will be conserved within a suitable open space area and further assessment of the historical ruins would be undertaken.

The additional detail requested by Council in regard to the significance assessment of Aboriginal heritage items is provided here.

Basis for assessment

The planning proposal included the results of an archaeological inspection conducted by me in 2012 in the company of Aboriginal community representatives. My assessment of the Aboriginal sites previously identified confirmed my earlier finding that sites were disturbed by prior cultivation during the original European farming of the land and subsequently by motorbike tracks, earthmoving and rubbish dumping in more recent times. I compared my observations in

2004 and 2012 with an earlier archaeological assessment conducted in 1997 by another consultant, Peter Kuskie.

Kuskie had assessed a series of archaeological sites that he'd identified through survey as being of moderate significance on the basis of research potential. His assessment rested purely on a scientific *archaeological* assessment; however the nature of the research significance was not identified in his report. The types of research questions that could be addressed by further investigation of the Aboriginal sites were not identified. The proper basis for any such archaeological assessment has been well established by Bowdler as described below.

I revised the assessment to low scientific significance on the basis of disturbance, very low artefact density and lack of research potential. The basis for this reassessment was described in the EMM planning proposal section 6.6.5 as follows:

Disturbance is pronounced across all soil exposures and tracks. Unsurfaced vehicle tracks throughout the land are heavily rutted and eroded. Areas not disturbed by motorbike trails are rare. The combination of past cultivation and recent trail bike activities has compromised any spatial patterning of Aboriginal stone artefacts occurring. Manyana 1 is therefore heavily compromised by disturbance and does not warrant the moderate degree of significance previously attributed in past reports. While there are certainly artefacts present which are of significance to the Aboriginal community as evidence of connection with previous Aboriginal occupants, these sites do not demonstrably contribute significant new information about Aboriginal life. The sites do, however, demonstrate past Aboriginal use of the land. Sites along the southern margin of the land: Manyana 4, 5, 6 and CS19 may be less compromised, but are certainly of such low density as to be of little scientific significance.

The significance of these sites, therefore, rests in their capacity to demonstrate the presence of Aboriginal people on the land and the ties that contemporary Aboriginal people have with their antecedents.

Changing assessment as accepted practice

Change in significance assessment is a common and accepted practice in the heritage field. Bowdler identified this issue in one of the landmark publication on the matter: "Archaeological significance as a mutable quality" (in S. Sullivan and S. Bowdler (eds) *Site Surveys and Significance Assessment in Australian Archaeology* pp1-9 Department of Prehistory, Research School of Pacific Studies, Australian National University, Canberra). Bowdler proposed that archaeological significance should be assessed according to *timely and specific research questions* on the one hand and *representativeness* on the other. Bowdler noted that as our understanding of the record changes and as research questions change, then so might the assessment of significance change. What may be rare and considered highly significant on one year may be in later years considered common and less significant. Significance, being a subjectively assigned value, changes as what is considered to known about the archaeological record changes and as relevant timely and specific research questions change.

Basis for initial moderate significance assessment

No *timely and specific research question* to which the Aboriginal sites on the Kylor land might contribute was identified in Kuskie's 1997 report. Nor was an argument based on *representativeness* made. Kuskie had not identified the basis for assigning the sites' research value and therefore "moderate significance". I concluded that the simple "discovery value" was the basis of his assessment.

Revision of archaeological value

On the basis of my observations of the disturbed land and my experience in archaeological test excavation, there is no significant research potential on the land. Furthermore, Aboriginal sites have been more extensively recorded and excavated in the local area, demonstrating no highly significant findings.

I have conducted more than 30 major archaeological excavations on comparable sites in other parts of NSW over the past 20 years. In my experience, archaeological test excavations of the type that Kuskie was recommending have the capacity for revealing the extent and character of stone artefact assemblages and significant spatial arrangements in those stone artefacts. It can be valuable to learn about the extent of stone artefacts where there is little to no surface exposures. However this entails a form of sampling through systematic test pits that requires comparable integrity across the land to ensure a consistent and valid sample. Significant ground disturbance compromises the integrity of a sample and renders the sample inconsistent and any scientific results suspect. I identified and documented the significant disturbance across the Kylor land and found that any scientific research value was low. Furthermore I documented a number of studies that had been conducted in the local area, including one test excavation on an adjacent property by Kuskie himself, which demonstrates that artefacts on the Kylor land are not unique in their occurrence. Following Bowdler's method, I therefore revised down the assessment of the Aboriginal sites from moderate to low.

Socio-cultural significance remains

My contribution to the planning proposal does not totally discount the cultural significance of the Aboriginal sites. I found that the artefacts themselves were of socio-cultural value to the Aboriginal community. One of the Aboriginal representatives that had accompanied me on the 2012 inspection expressed strong interest in collecting any stone artefacts that might be impacted. However, I did not discern any greater imperative to collect artefacts from this land over any other land.

I identified the statutory process for pursuing collection as mitigation of development impact under the *National Parks and Wildlife Act 1974*. I also acknowledged that there may be a different view from the regulator as to the need for test excavation as reflected in the following extract from the EMM planning proposal,

Prior to commencing the lengthy AHIP application procedures, OEH should be consulted to determine whether they require further Aboriginal heritage assessment information in the form of an archaeological test excavation. Test excavations have been common in the area and not particularly