

New South Wales Archaeology Pty Ltd ACN 106044366

Proposed Subdivision of Lot 101 DP 1183622, Yallakool Road, Cooma North
Due Diligence Assessment

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Local Government Area: Cooma-Monaro Shire Council



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INTRODUCTION

New South Wales Archaeology Pty Ltd was commissioned in July 2014 by Registered Surveyor 1151 Bob Griffiths, on behalf of the Bottomline Group, to undertake an archaeological assessment of a proposed subdivision of Lot 101 DP 1183622, Yallakool Road, Cooma North, NSW. An archaeological assessment is required by Cooma Monaro Shire Council to support a Development Application.

This assessment has been undertaken in accordance with the NSW Office of Environment and Heritage – OEH (formally NSW DECCW) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*¹ (NSW DECCW 2010). It has included a desktop study and field assessment.

For the purposes of this project, due diligence means ‘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’ (NSW DECCW 2010: 18).

The *Due Diligence Code* outlines a number of steps to be adhered to in order to exercise due diligence when activities are undertaken that have the potential to cause harm to Aboriginal objects. The code stipulates that these steps should be followed in order to:

- identify whether or not Aboriginal objects are or are likely to be present in an area;
- ascertain whether or not the proposed activities are likely to harm Aboriginal objects (if present); and
- determine whether an Aboriginal Heritage Impact Permit (AHIP) application is required.

If Aboriginal objects are present or likely to be present *and* an activity will harm those objects, then an AHIP application is required.

This report has been set out in response to the steps outlined in the *Due Diligence Code* and in a format that addresses the code’s requirements in sequential order.

As a result of the assessment the following conclusions are made:

- There are no known *previously* recorded Aboriginal objects located in the proposed activity area (AHIMS Site Search #141785).
- No Aboriginal object sites were found during the field assessment. Furthermore, the property is assessed to be of very low archaeological potential. An AHIP is not required.
- No further heritage assessment is required.

¹ Hereafter referred to as the *Due Diligence Code*.

1. IMPACT ASSESSMENT

The first question to be addressed in a process of due diligence is, *Will the activity disturb the ground surface or any culturally modified trees?* (NSW DECCW 2010: 11). If the proposed activity will disturb the ground surface there is a higher likelihood that Aboriginal objects will be harmed.

When machinery is used to dig, grade, bulldoze, scrape, plough or drill the ground, the accompanying disturbance to the ground surface is often significant, and consequently, there is a high likelihood for any Aboriginal objects which may be present to be harmed.

1.1 Proposed Impacts

It is proposed to subdivide Lot 101, DP 1183622, Yallakool Road, Cooma North, into 29 allotments (Figures 1 and 2). Impacts would entail the construction of access roads, dwellings and so on. Allotments would range in size from 4,000 to 6,900 square metres. The western end of the property along the edge of a creek would be exempt from proposed impacts and would most likely be designated community and/or public land.

1.2 Impact Assessment

Machinery will be used in the construction of the access roads and dwellings. Accordingly, there is potential for Aboriginal objects to be disturbed.

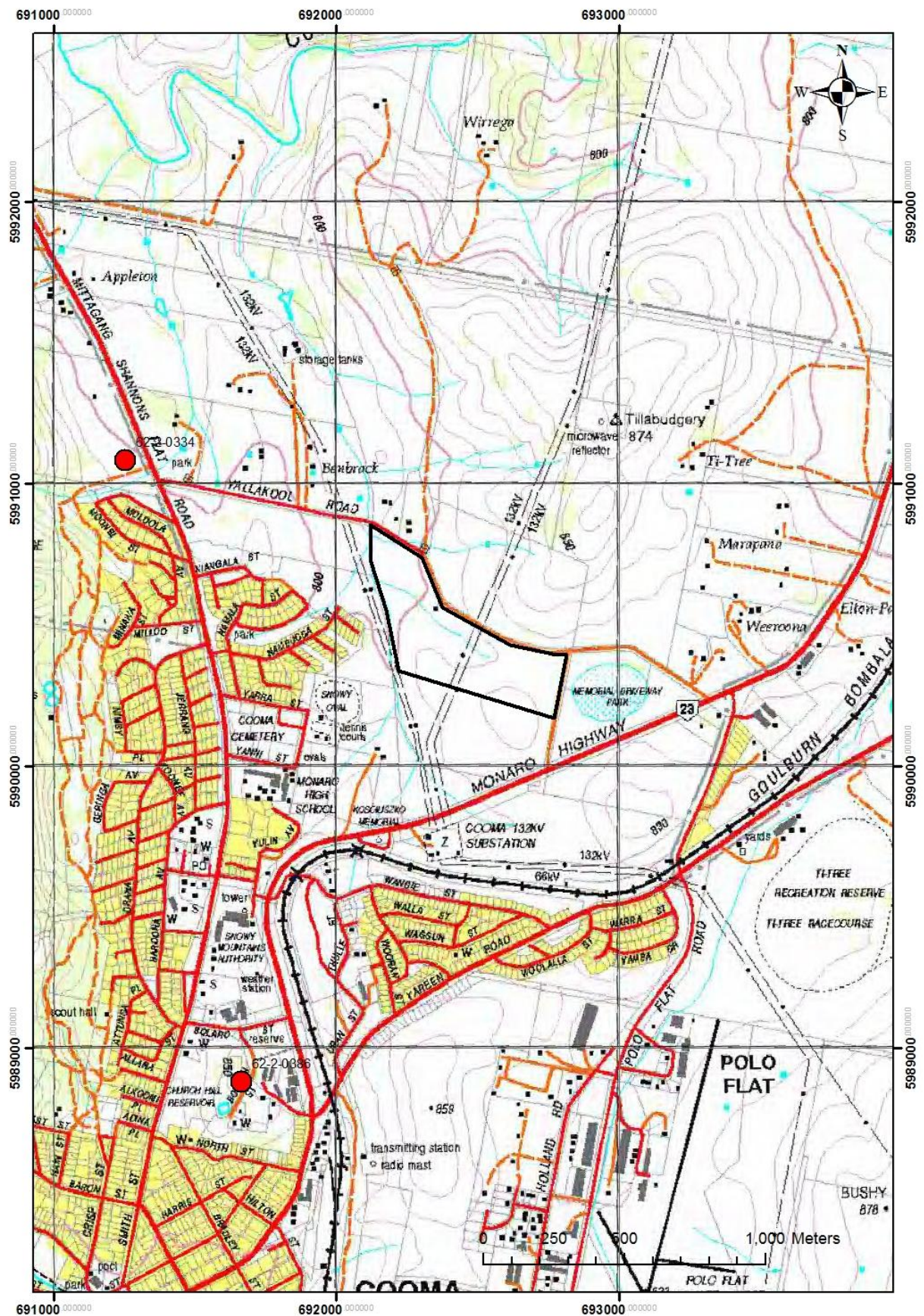
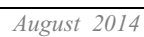


Figure 1 Location of the property and previously recorded AHIMS sites.



2. AHIMS DATABASE SEARCH AND LANDSCAPE ASSESSMENT

2.1 AHIMS Site Search Results

A search of the NSW OEH Aboriginal Heritage Information Management System (AHIMS) has been undertaken in respect of this study (AHIMS Search Reference: North Cooma; Client Service ID #141785). The search covered an area of 15 square kilometres, encompassed by Eastings: 690000–695000 and Northings: 5989000–5992000, with a buffer of 50 metres.

The previously recorded Aboriginal object sites ($N = 6$) listed on the AHIMS search are presented in Appendix 1. None are located within the proposed activity area (see Figure 1).

It is worth noting, however, that the AHIMS register only includes sites which have been reported to the NSW OEH. Generally, sites are only recorded during targeted surveys undertaken in either development or research contexts, none of which are known to have taken place previously in the study area. Accordingly, this search cannot be considered to be an actual or exhaustive inventory of Aboriginal objects situated within the local area or indeed within the subject area itself.

2.2 Assessment of the Archaeological Sensitivity of Landscape Features in the Proposed Impact Area

Regardless of the AHIMS search results and whether or not they indicate the presence of Aboriginal objects, it is a requirement to consider if Aboriginal objects are likely to be in the proposed activity area. *The Due Diligence Code of Practice - Step 2b (NSW DECCW 2010)* lists the following landscape features that indicate the likely existence of Aboriginal objects. Areas located:

- within 200 metres of waters (including the sea), or
- within a sand dune system, or
- on a ridge top, ridge line or headland, or
- within 200 metres below or above a cliff face, or
- within 20 metres of or in a cave, rock shelter, or a cave mouth; and
- on land that is not disturbed land (as defined on page 18 of the Due Diligence Code).

The Due Diligence Code of Practice does not, however, take into consideration other factors which could influence whether or not an area may contain Aboriginal objects, such as, for example, factors such as gradient (i.e. steep land is unlikely to contain

Aboriginal objects) or rockiness (i.e. very rocky land, irrespective of its location, may not be archaeologically sensitive).

The proposed activity area is located primarily on an undulating ridge and a gentle gradient simple slope. At its western end adjacent to a creek, the landform is a very gentle gradient basal slope. The creek is an unnamed minor and ephemeral 2nd order stream.

Geology within the local area is comprised of the Ordovician Cooma Metamorphic Complex (metamorphosed sandstone and mudstone), some of which outcrops as low exposures at the eastern end of the property on the main ridge. Quartz also outcrops as low eroded reefs in the east of the property. The soils are highly eroded in this area. To the west, Tertiary basalt occurs and a low minor spur is covered with cobbles. This area is eroded.

The basal slope adjacent to the creek along the western boundary is an aggrading landform with deep soils.

The study area is an old dairy and is generally disturbed having undergone previous vegetation clearance, ploughing and cultivation. As noted above, crest landforms are eroded to bedrock, probably due to a combination of previous over-grazing and wind. It is notable that the basal slope adjacent to the creek in the west end of the property is significantly disturbed. This entire area appears to have been excavated, perhaps for the acquisition of topsoil.

The study area is assessed to be of low archaeological potential based on a consideration of the environmental context.

2.3 Desktop Assessment

A previous survey and assessment has been undertaken at the property in respect of an earlier subdivision proposal (Saunders 2003). Saunders conducted a comprehensive survey and no archaeological sites were recorded.

In the Cooma-Monaro district, recorded open artefact scatter sites possess variability in terms of size, artefact density and the composition of the raw material assemblage. A general correlation between the permanence of water and the permanence and/or complexity of Aboriginal occupation can be expected to have obtained in the study area. In other areas where intensive sub-surface excavation programs have been undertaken it has been found that larger and more complex sites are generally located near to permanent water sources with smaller sites located in minor tributary locations (*cf* Dibden 2006). At locations in the vicinity of ephemeral water sources open camp sites exhibit low absolute artefact numbers and low densities. Also, differences in the

relationship between the permanence of water and open sites is reflected in the range of lithic activities that have been undertaken at sites. Open sites close to permanent water possess evidence of a greater range of lithic activities, while sites near ephemeral water have evidence of one-off occupation and limited lithic activity (cf. Jo McDonald CHM P/L 1997). While the examples cited above is based on work undertaken elsewhere, it can be reasonably expected that if comparable detailed work was carried out in the Monaro a similar model of site variability would be produced.

In the absence of such a detailed local model, a basic classification based on stream ordering is considered to be potentially useful for predicting both the location of Aboriginal camp sites and to indicate the potential nature and complexity of activities carried out at sites in the Monaro. Using stream ordering, the following general predictions about Aboriginal open site locations and their nature can be made: The density of artefacts in a locale will vary according to the permanence of water, landscape unit (including vegetation structure) and proximity to lithic resources. At the headwaters of upper tributaries (first order creeks) archaeological evidence will be sparse. At the middle reaches of minor tributaries (second order creeks) archaeological evidence will be sparse but indicate focussed activity. At the lower reaches of tributary creeks (third order creeks) archaeological evidence will indicate more frequent occupation and evidence of more concentrated activities. At major creeklines and rivers (fourth order) archaeological evidence will indicate more permanent occupation which is of greater complexity. Creek junctions may provide foci for site activity. Ridgetops between drainage lines will usually contain limited evidence. The following prediction of site location takes into account the type of Aboriginal sites known to be present within the wider local area, the topography and water sources proximate to the study area.

Within the local area it is predicted that stone artefacts may be distributed across the landscape in a virtual continuum. Artefact density can be expected to vary in relation to local availability of water, resources and the nature of the terrain. In the study area the distribution of stone artefacts is expected to be generally very low/negligible. The predicted very low density of stone artefacts is a factor of the distance to permanent water (Murrumbidgee River) and concentrated resource zones, and the nature of the terrain.

2.4 Field Survey Results

No Aboriginal objects were recorded during the field assessment. Ground exposure was provided by vehicle tracks, bare, eroded earth and other various excavations. While relatively low, ground exposure and archaeological visibility is assessed to have provided the potential to observe stone artefacts if they were present in any meaningful density. Given the absence of artefacts, it is concluded that in accordance with the prediction relating to the sensitivity of the area, there is a very low potential for Aboriginal objects to be present.

2.5 Conclusion

The proposed activity area is assessed to be of very low archaeological sensitivity due primarily to remoteness from a permanent source of water and its high exposure to wind and weather.

The proposal area is located well away from reliable and abundant water, where focused Aboriginal occupation in the local area is expected to have occurred. In addition, it is located within an exposed and generally amorphous landscape. Given the above, the proposal area is assessed to be unlikely to have been targeted by Aboriginal people for intensive occupation which would result in significant levels of artefact discard. It is therefore predicted to be of generally low archaeological sensitivity, that is, to contain negligible or at best very low density artefacts only.

3. LEGISLATION

The National Parks and Wildlife Act 1974 (NPW Act) is the primary legislation for the protection of some aspects of Aboriginal cultural heritage in NSW. One of the objectives of the NPW Act is:

... the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: (i) places, objects and features of significance to Aboriginal people ... (s.2A(1)(b))

Part 6 of the NPW Act is administered by the NSW Office of Environment and Heritage (NSW OEH) and provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Harm is defined to mean destroying, defacing or damaging an Aboriginal object or declared Aboriginal place, or moving an object from the land.

At this time, the proponent has sought to avoid causing harm to the Aboriginal object sites which have been found on the property and an AHIP would not be sought. Accordingly, measures would need to be implemented to ensure that harm, inadvertent or otherwise, would not occur to the two recorded sites.

Section 86 of the NPW Act, *Harming or desecrating Aboriginal objects and Aboriginal places*, sets out the penalties for harming an Aboriginal object. For an individual, the penalty for harming an object the person knows is an Aboriginal object, is imprisonment for up to 2 years and a significant fine (>\$200,000).

Anyone proposing to carry out an activity that may harm an Aboriginal object or declared Aboriginal place must investigate, assess and report on harm that may be caused by the activity they propose. An Aboriginal Heritage Impact Permit (AHIP) may be required if harm to Aboriginal objects and declared Aboriginal places is proposed. When this is the case, an Aboriginal Cultural Heritage Assessment Report (ACHAR) is required to support the AHIP application.

An AHIP is not required in respect of the proposed subdivision.

4. CONCLUSIONS AND RECOMMENDATIONS

1. No Aboriginal objects were recorded in the impact area.
2. The area is assessed to be of very low archaeological potential.
3. An AHIP is not required in respect of the proposed works.
4. If Aboriginal objects are found while undertaking the activity the proponent must stop work and notify the NSW OEH; an AHIP may need to be sought.
5. If human skeletal remains are found the proponent must stop work immediately, secure the area to prevent unauthorized access and contact the NSW Police and OEH.
6. No further archaeological assessment is required in respect of the works as described in this report.

5. REFERENCES

Dibden, J. 2006 Proposed Commercial, Residential and Industrial Subdivision Lot 4 DP1077434, Lot 1510 DP 1977898 & Lot 2432 DP 793758 South Bega NSW Subsurface Test Excavation. A report to Planning Initiatives.

Jo McDonald CHM P/L 1997 *Interim Heritage Management Report: ADI Site St Marys*. Volume 1: Text. Report to Lend Lease – ADI Joint Venture in response to the Section 22 Committee Interim Report.

NSW DECCW 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

Saunders, P. 2003 Proposed Residential Subdivision Portion 319, Yallakool Road, Cooma, NSW. Aboriginal Archaeological Assessment. Report to Learmont Property & Survey Services.

APPENDIX 1 – AHIMS DATABASE SEARCH



Office of Environment & Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : North Cooma

Client Service ID : 141785

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
62-2-0231	Cooma Sewerage 2; Contact	AGD Recorders	55 Jan Klaver;Kerry Navin	689910	5991420	Open site	Valid	Artefact : -	Open Camp Site	
62-2-0232	Cooma Sewerage 3; Contact	AGD Recorders	55 Jan Klaver;Kerry Navin	689950	5990900	Open site	Valid	Artefact : -	Open Camp Site	
62-2-0234	MR1 (Cooma) Contact	AGD Recorders	55 Ms.Trish Saunders	691140	5990900	Open site	Valid	Artefact: 28	1791.1792	98842
62-2-0286	Church Hill SU1 North Cooma Contact	AGD Recorders	55 Mr.Andrew Pearce	691664	5988878	Open site	Valid	Artefact: 11		
62-2-0238	EGP 2-28; Contact	AGD Recorders	55 Kerry Navin	694200	5988860	Open site	Valid	Artefact : -	Open Camp Site	
62-2-0240	EGP 2-30; Contact	AGD Recorders	55 Kerry Navin	694500	5988850	Open site	Valid	Artefact : -, Stone Quarry : -	Open Camp Site-Quarry	

Report generated by AHIMS Web Service on 17/07/2014 for Julie Dioden for the following area at Datum :GDA, Zone : 55, Eastings : 690000 - 695000, Northings : 5989000 - 5992000 with a Buffer of 50 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 6

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