

ATTACHMENT 7

ABORIGINAL HERITAGE ASSESSMENT



DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL

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Aboriginal Heritage Site Assessment

Lot 50 in DP: 755263 Berkeley Road
Fountaindale

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1. Introduction

This report was prepared as an Aboriginal Heritage Assessment and not an Archaeological Assessment of Lot 50 in DP: 755263 Berkeley Road Fountaindale for the client Optima Developments.

This report assesses the impacts if any, for any future proposed development at this site on known and subsequently identified places of significance to the Aboriginal community. In so doing it reviews the regions prehistory, ethnography and the sites recent history and provides a description of the features of the cultural landscape, and methodology used to identify these features. The report also makes an assessment of the significance of the cultural landscape to the local Aboriginal and wider community and provides recommendations for ensuring that the cultural features if any on Lot 50 are conserved during any development processes in the future

2. Development proposal

At the time of the assessment and report the proponents have submitted a an application to Wyong Shire Council to subdivision and development of the said land, with previous development consents:

DA 455/02 Two lot subdivision creating proposed lots 51 and 52

DA 1687/02 Demolition of existing dwelling, and

DA 1504/03 Three lot subdivision of proposed lot 51

The construction of two residences and a driveway running from Berkeley Road through the property.

3. Aims of the assessment

The aims of the Archaeological Assessment are to provide the proponent with information to meet the statutory obligations of the National Parks and Wildlife Act 1974 (sections 87 and 90), and general terms of approval pursuant to Section 91 and 91A of the Environmental Planning and Assessment Act 1979. The assessment is

produced in association with the Darkinjung Local Aboriginal Land Council to provide for the identification of any places of significance to Aboriginal people in lieu of any future proposed development and management of the heritage described.

4. Statutory requirements

"Sites of cultural heritage significance in N.S.W. are protected by laws that are designed to accord with Australia's responsibilities as a signatory to the World Heritage Convention" (1975).

There are three main pieces of legislation in NSW that provide the legislative framework for the management of Aboriginal heritage. These are the National Parks and Wildlife Act (1974) that provides protection for all Aboriginal places and objects, the Environmental Protection Act (1979) which establishes the requirements for the assessment of Indigenous Heritage values in the environmental planning and development process and the Heritage Act 1977 which provides for the protection of sites listed on the State Heritage Register. The Native title Act (1993) also provides a vehicle for assessing and defending native title rights that may exist on certain lands. The Commonwealth's Aboriginal and Torres Strait Islanders Heritage Protection Act 1984 may also be used to protect places of national significance if State based laws and processes described above are unable to do so.

Under the National Parks and Wildlife Act (1974) an Aboriginal 'object' is any deposit or material evidence relating to (pre-contact) Aboriginal habitation and can include pre-contact features such as scarred trees, middens and artefact scatters, as well as physical evidence of post contact use of the area in question. An 'Aboriginal place' is a place that has been declared by the minister because he or she believes it has special significance to Aboriginal culture (and may, or may not contain aboriginal objects).

Aboriginal Heritage Impact Assessments commonly occur as part of the approvals process for a wide range of developments and activities. For the purposes of Section 91 of the EPA Act an Aboriginal Heritage Impact Assessment is required if the

development will or is likely to impact on an Aboriginal object or place. Under Section 79C(b) of the EPA act, consent authorities must consider the impacts of a proposed development, including the impacts on Aboriginal heritage values. Under the draft guidelines for Aboriginal Heritage Impact Assessment issued by the National Parks and Wildlife Service (Buckley 2004, 9), it is stated that an Aboriginal Heritage Impact Assessment is unlikely to be required where the proposed development is on land previously subject to intensive ground disturbance when the development will impact only on the area subject to previous disturbance.

Part 4 of the Environmental Protection Act (1979) provides for the linking of some approvals granted by the State Government agencies in the development consent process. Integrated Development Approvals (as these are known) require applicants to provide agencies with sufficient information to allow them to provide general terms of approval, prior to the development of any development consent. This Act also requires that in reaching a decision to grant development consent, a consent authority is to take into account the likely impacts of that development, including the impact on all Aboriginal Heritage values, including natural resource uses or landscape features of spiritual importance, as well as the impact on Aboriginal objects or places.

5. Aboriginal community: involvement and consultation

Mr Chris Oliver, Director and Principal Consultant of Optima Developments contacted Mr Rodger Sentence, Office Manager Darkinjung Local aboriginal Land Council requesting an Aboriginal Heritage Report to be conducted on lot 50 Berkeley Road Fountaindale.

6. Identifying Heritage Values

A number of factors support the contention that this area had some strategic importance for the Darkinjung people. The parcel of land is on a ridge top close to Berkeley Creek and within one hours walk Tuggerah Lake a very significant waterway to the Darkinjung people, supplying numerous food sources, example eels, fish, shellfish, water reeds and grasses. A search of the Aboriginal Heritage Information

Management System - AHIMS database revealed current knowledge of a number of sites within the study area. A total of six (6) sites have been recorded within a 5-kilometre radius of the study area.

AHIMS Data List

45-3-1099	Midden with cockle Shells
45-3-1100	Midden with cockle Shells
45-3-1101	Open Camp Site with two Stone Artifacts
45-3-1102	Shelter With Deposit – Grinding Grooves – Engraving
45-3-1103	Grinding Grooves
45-3-1108	Open Camp Site times four with 52 Stone Artefacts

The diversity of land systems in the vicinity of the site and the presence of a number of known food resources and useful plant species also suggests this area would have been strategically important.

6.1 Prehistoric and Archaeological context

'The hunter gatherer past, in Australia...is not necessarily the record of passive, long term acquiescence to natural forces and trends...but of dynamic participation within both natural and socio-cultural environments during both long and short term time scales' (Lourandos and Ross. 1994)

Our understanding of prehistoric settlement patterns environmental, cultural and technological change in the east coast region during the prehistoric era have been advanced by the work of a number of researchers (Lampert 1971, Dyall 1972, Mulvaney 1976, Bowdler 1976, Vinnicombe 1980, Lourandos 1984, Hiscock 1992, McDonald 1994, Morwood 2000, Appleton 2003-2004a-2004b). For the east coast,

the work of Lampert was the first to establish the presence of people on the coast at 20,000 years before the present (BP) at Burril Lake on the south coast. Further research by Bowdler (1976) and others supported this contention. Indications from these sites indicate that Aboriginal society at this time had advanced to utilise a wide range of environments. Technological evidence from early sites on the east coast indicates that indigenous culture had adapted to the exploitation of food resources in forest, lacustrine, coast and hinterland environments.

Indigenous technology remained fairly constant and unchanging until the early Holocene period. There were then an apparent number of technological shifts including the arrival of specialised stone implements in the archaeological record after 4,000BP. This is seen as a cultural response to a changing environment as post-glacial seas encroached upon the territories of coastal Aboriginal groups. These new technologies were observed in an increasing number of sites that first became inhabited during this period. Specialised composite tools such as the 'backed blades first appear after 4,000 BP in many sites (see Hiscock 1993). There remained a remarkable consistency of stone tool technology until 2,000 BP when gradual change was observed. Some items such as the backed blades dropped out of the sequences and there was a proportional increase in others such as the ground edge axe. Simple flakes were utilised without the careful preparation techniques employed in previous implement types. There was also a greater use of bone and shell for tool-making. Shell fishhooks first came into use in this later period. Dyll excavated a coastal site at Swansea in 1972 revealing crescentic, shell, fishhooks were widely adopted in this region in the more recent past. There is overwhelming evidence for a widespread increase of indigenous population and technological change in coastal areas in the last few thousand years (Lourandos 1984, 1994). It is suggested that there was an increase in the use of hook and line fishing in the east coast in response to this population pressure. Implements such as the multi-pronged spear and less specialised flaked tools are evidence of the changing nature of indigenous settlement throughout this period. The dynamic nature of the east coast over the last 20,000 BP greatly complicate theories of local and regional adaptation, however it can conclusively be said that Aboriginal culture in the ethnographic present and prehistoric past had:

A coastally orientated economy

Access to a wide range of environments

Undergone technological change within the last 5,000 years BP

Traded knowledge and technological templates

Witnessed localised variations in technological templates

Developed more specialised technological strategies within the last millennia (i.e. shell fish hooks)

Many sites have been described for the central Coast region by a number of observers. In 1979-80 Pat Vinnicombe carried out an Extensive Study of Aboriginal Sites in the Gosford Wyong region prior to the extension of urban development in the area. Earlier studies required for Environmental Impact Assessment to this date were uncoordinated

6.2 Aboriginal Heritage Site Classification

Rock Engravings

The Aboriginal People of the Central Coast were also known as the Sandstone People this been given because of the many Engravings Sites that exist in the area. Rock engravings, carving or pecking where produced using a pointed edge of a stone and hitting it with a hammer stone very similar to a hammer and chisel method, creating a drawing very similar to a child's join the dots painting, once the outline was marked a smoother stone was used to join all the pecks together, with the finished product looking like a channel. Figures of animals, fish, birds and humans are the most common found, some sites have animal tracks and human feet and some areas also circles, on more scarred engraving sites figure of ancestral heroes are displayed. Engraving sites are commonly found on sandstone outcrops located on ridgelines and cliff tops, some have been located in creek beds and shelters.

Axe Grinding Grooves

Grooves where made for sharpening axe's and other tools and weapons, axe grinding grooves are more commonly found in creek beds or water holes which provide the water for the sharpening process, several shelters have flat rocks with grinding grooves engraved on them.

Water & Cooking Holes

Some water holes where manufactured by Aboriginal people by placing a hot fire on the sandstone to brake and weaken it, once weakened they could dig the stone out leaving a hole in the platform surface, then smooth the sides of the hole. Darkinjung people where one of the groups that also carved channels on the sandstone platform leading to the holes, thus directing water to them, they also carved channels around the holes diverting the water away from the hole and these holes could be used for

cooking. David Pross uncovered such channels and grinding grooves in a pristine state, with sharp edges whilst undertaking an Aboriginal Heritage Survey at the Somersby Industrial Estate for the Australian Museum (2001)

Modified Trees

Scarred trees are known to be located in all landscapes in New South Wales, Scarred trees result when the bark has been removed from the tree to manufacture tools and implements such as shields, coolamons and some times shelters.

Canoe tress another form of modified tree.

Toe Hole trees are more commonly found in the western region of NSW, to my knowledge very few have been located on the Central Coast.

Carved trees have geometric patterns carved into the wood to indicate the presence of ceremonial grounds, initiation sites and burial grounds.

Shelters

There are two groups of shelter sites:

1.Shelter with art:

Some shelters have art in the form of drawings of animal, fish, birds, tools, weapons, human or hero figures, the drawings could be done in ochre or charcoal or both.

Some shelter have stencil art of hands, feet, weapons or tools, the stencils are done by placing the hand or tool etc on the rock face surface, and then ochre mixed with water, and sometimes blood added and placed the mouth, then sprayed over or around the item.

2. Shelter with deposit:

Shelters with deposit on the floor surface, where more commonly used for domestic usage than for ceremony use, they are similar to middens as food material is often found, or maybe just small stone tool artefacts.

Midden Sites

Middens contain waste material from meals, such as fish bones, shellfish shells along with animal bones, they are primarily found on or close to the seashore, estuaries, riverbanks and inland lakes. Burial Sites have also been located beside middens.

Open Camp Sites

Open camp sites are detected primarily by the discovery of waste material or scattered artefacts on the surface or just below the ground cover, these sites may constitute the remains of gathering or hunting activities, or living areas for a more longer period. These sites are more commonly found on open flatter land, but can also be located close to or in shelters.

Isolated Find

An isolated find could consist of one to several artefacts usually 10 to 50 meters from another artefact, the artefacts might have been dropped on a walk to another area, or whilst hunting, or even a tool that was not right and dis-guarded.

Quarry Sites

Quarry sites show evidence of where human extraction or processing of siliceous, basalt, chert and quartz rock types has been conducted for tools or weapons.

Ochre quarry sites were used for the removal of the coloured clays and sands for artwork or body paint for ceremony and battle.

6.3 Recent ethnography

Prior to European settlement of the Brisbane Water area, the primary Aboriginal clans occupying the Central Coast region were the Mial (Broken Bay) Erina, Narara, Tuggerah, Wyong all part of the Darkinjung country. Darkinjung territory stretched from Hawkesbury River in the south, and north to Munmorah took in the Wollombi Valley in the north, and to Rylstone in the west..

The Darkinjung lived by fishing, gathering bush foods and hunting. They took part in a regional trade and ceremonial exchange gatherings with their neighbours and with those further a field. Ourimbah, in the middle of the Central Coast region, was a ceremonial ground in which boys were initiated. (Vinnicombe 1980).

Mulvaney (1976) provides material evidence for reciprocal exchange networks operating in the Central Coast area recorded by ethnographic accounts. These networks centred on cultural sites within the landscape. Many hundreds of people were known to gather at these places in the pre and post contact era when conditions were favourable. These gatherings were likely to have included tribes related on kinship lines for shared ceremonial life, adjacent tribes on a basis of mutual benefit and agreement, and between tribes separated from each other by geographic distance (Wheeler 1910, 70). Similar cultural centres were recorded for the Worimi, north of the Hunter River and Gamilaroi to the northwest on the Namoi and other rivers.

Contact took place in the primary sense through face-to-face meetings and secondary contact took place through the passage of an object in ceremonial or mutually beneficial exchanges.

6.3 Recent history

Indigenous sites found throughout the Wyong/Wallarah region pertain to the complex cultural life of the regions inhabitants before the devastating contact with European culture. Little is known today of the lifestyles of the Darkinjung people following decimation by disease and conflict. A useful, historical overview of the Darkinjung people is however provided by Blair (1995) of the University of Newcastle and members of Darkinjung Local Aboriginal Land Council.

Some early records relate to the Brisbane Waters region which noted amongst other things that;

'The natives, though friendly, appeared numerous' (Shortland et.al. 1792).

There were some reports of conflicts between Aboriginal people and settlers in the early years of settlement in the northern region of Brisbane Water yet these are obscure (Bean 1827). Bean reported that there were five family groups of Aboriginal people in the district, naming them the Broken Bay, the Narara, Erina, Tuggerah Beach and Wyong totalling about 65 persons in all. Reverend Threlkeld reported that people from the Tuggerah tribe were resident at his mission/reserve on Lake Macquarie in 1826 and also that much depredation had occurred to Aboriginal people at this time many' of whom had approached him for relative safety (Threlkeld 1826).

Relations deteriorated at this time and attacks on European settlers became more frequent and organised up to 90 men (R. v Monkey and others. Decisions of the Supreme Court of NSW. 1789-1899). The reasons behind Aboriginal grievances were undoubtedly justified under Aboriginal law. Considering the differences in law, and especially those concerning resource use, the misunderstandings that existed amongst the settlers were understandable yet harsh and intolerant.

In 1834 magistrate Warner had written to the Governor of the Colony requesting the support of the mounted police, to:

'capture the blacks... (although).. we may be obliged to shoot some of them'.
(Turner and Blighton 1995).

Wyong knows this historically'. Twenty Aboriginal people were eventually caught and jailed for some depredations that occurred in the district, some transported to Cockatoo Island and one even hung for rape (Threlkeld 1835). The witnessing of this sentence by local Aboriginal people must have demoralised those remaining and incidents of violence to settlers abated. Whatever the misunderstandings and cultural differences that existed between the early settlers and local Aboriginal people, one clear result is left, that the Darkinjung and their neighbours were dispossessed of their country in subsequent years. Many subsequent requests were made for farm titles in the district and today the area is one of the most densely populated on the whole eastern seaboard.

7. Description of study area and survey strategy

7.1. Landscape information

The study area is the majority of land is on a sandstone ridge, and over thousands of years sediment has been collected to form sandy to clay spots of solis covering the sandstone, with four levels being separated by sandstone ledges.

The parcel of land is densely vegetated with grasses, weeds, native and exotic plants, reeds and water grasses growing around the river-let, that flows into Berkeley Creek

7.3 Traditional Land use.

Fire regimes employed by traditional people typically involved frequent 'patch burning' of low to moderate intensity fires timed to make resource based decisions, flush game and improve access through the bush. This practice has had long-term

consequences for the type and distribution of vegetation communities throughout Australia. Typically the growth of wetlands and closed forest communities were discouraged by this practice and the spread of grasslands encouraged. It is likely with this type of fire regime in the study area and the impoverished sandy soils it would have supported a mosaic of grassland, heathland and open woodland vegetation communities.

7.4 European Land Use

The Central Coast region has been one of the fastest growing areas outside of Sydney and this area has been no exception. The majority of development has occurred since the late 1960's, which has seen a surge of development along the Brisbane Water, and the surrounding coastline, and now within the last five years the growth has moved to the Wyong Shire. The study area while escaping major residential development has seen some disturbance with land clearing, road construction.

8. Assessment methodology

Field survey was undertaken for this project on 25th July 2007 by Mr Craig Forshew (Darkinjung Local Aboriginal Land Council) also in attendance Mr Chris Oliver from Optima Developments..

The strategy used to identify sites if any located in the survey area focussed on known sites and identifying new features with respect to the development areas and the study area in general. Topographic maps and air photographs were utilised to identify areas of interest if any, there were several areas on the air photographs showing cleared areas of land with no vegetation a parcel of cleared land, these areas were marked for a more intense investigation.

A traverse was made by foot on Lot 50 focussing on any sandstone outcrops, old growth trees, the cleared areas showing on the air photographs and the river-let. A detailed walk along the river-let was undertaken looking for any grinding grooves, the same was given to the rest of the property looking for scattered items that might have been uncovered by the use of the land being mowed and disturbed over many years..

9 Fieldwork results

No engraving, grinding grooves, modified trees or shelters with art pertaining to the prehistoric and contact period were located in the study area, with the thick scrub and undergrowth covering most of Lot 50 this deposit of material made it near impossible to see or locate any scattered artefacts if any, but with the land being close to Berkeley Creek, Tuggerah Lake and numerous Aboriginal Heritage Sites showing on the AHIMS data base, within easy walking distance, it is recommend as below.

10. Recommendations

If in the future if Lot 50 is to be developed:

Recommendations

If in the event of an Aboriginal cultural artifact or any archaeological deposits are uncovered, works must cease immediately and DLALC Cultural Heritage Office be contacted immediately to arrange the relevant DLALC officers and DEC NSW to conducted a more intense investigation of the area if the artifacts are located. It is also a recommendation that as much flora and fauna be kept in its natural statues.

Meeting to be conducted with Darkinjung Local Aboriginal Land Council, National Parks & Wildlife Services and Department of Environment & Climate Change;
ie – If stone artefacts are uncovered whilst construction takes place, to discuss arrangements for protection.

Craig Foreshew



Male Cultural & Heritage Officer
Darkinjung Local Aboriginal Land Council

11. Photographs



