
**LOT 3 DP1074706,
GOOLABRI DRIVE, SUTTON, NSW,
PROPOSED RURAL RESIDENTIAL SUBDIVISION
Archaeological Due Diligence Assessment**

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EXECUTIVE SUMMARY

- It is proposed to lodge a Development Application with Palerang Council for the subdivision of Lot 3 DP1074706, Goolabri Drive, Sutton, NSW. The proposed subdivision covers a total area of 94.5 hectares, comprising three rural residential allotments and a 63 hectare residue.
- An archaeological assessment of the proposal was required by Council and was carried out in accordance with the requirements of *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010), the Heritage Branch of the NSW Department of Environment and Heritage (OEH) and Palerang Council.
- The assessment comprised a search of the OEH Aboriginal Heritage Information Management System (AHIMS), the Australian Heritage database, the NSW State Heritage Inventory, a documentary review and landscape analysis and a field inspection.
- The proposed subdivision was previously surveyed for Aboriginal archaeological sites/objects in 1998 (Hughes 1998) and three Aboriginal objects were recorded (AHIMS Web Services #1124518, 7/02/2014). None of these sites will be impacted by the proposed development.
- One small, disturbed, low-density Aboriginal archaeological site ("Goolabri 1") was located on proposed Lot 3 during the field inspection. The site will not be directly or indirectly impacted by the proposed development activity.
- Proposed Lot 1 of the subdivision contains a landscape feature (land within 200m of a watercourse) with the potential to contain Aboriginal objects/sites (refer DECCW 2010:12). This area would be directly impacted by fencing of the allotment, but the area is highly modified as a result of past land management practices and its archaeological potential is very low.
- No historic (European) heritage sites or relics occur within the proposed subdivision.

Recommendations

1. There are no Aboriginal or historic cultural heritage constraints to the proposed subdivision of Lot 3 DP1074706, Goolabri Road, Sutton.
2. An Aboriginal Heritage Impact Permit (AHIP) is not required for the proposed development.
3. The proponent must advise the purchaser of proposed Lot 3 that an Aboriginal Heritage Impact Permit (AHIP) would be required if the purchaser wishes to undertake ground-disturbing activities impacting on Aboriginal site "Goolabri 1".
4. The proposed development may proceed with caution, but if any object suspected to be of Aboriginal origin is uncovered or unearthed during development work at that location must cease immediately and advice on appropriate action must be obtained from the Regional Operations Group, Office of Environmental Heritage, NSW Department of Premier and Cabinet, PO Box 733, Queanbeyan NSW 2620. If human remains are found, work must cease, the site must be secured and the NSW police and the OEH must be notified.

5. A copy of this report on CD in PDF format should be forwarded within three months to:

Aboriginal Heritage Information Management System
PO Box 1967
HURSTVILLE NSW 2220

1. INTRODUCTION

A Development Application for the proposed subdivision of Lot 3 DP1074706, Goolabri Drive, Sutton, NSW is to be lodged with Palerang Council (Figs 1 and 2). The proposed subdivision covers a total area of 94.5 hectares, comprising three rural residential allotments and a 63 hectare residue taking in an existing golf course, convention centre and dwellings.

An Aboriginal and historic (European) cultural heritage assessment of the proposed subdivision was required by Council and was commissioned by the proponent through the Project Manager, Land Planning Solutions. The assessment was carried out in accordance with the requirements of *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010), the Heritage Branch of the NSW Office of Environment and Heritage (OEH) and Palerang Council.

1.1 Aims of the Assessment

The aims of the assessment were to:

- identify whether or not Aboriginal objects and sites and/or historic European cultural heritage relics are present, or are likely to be present, within the areas to be directly or indirectly impacted by the proposed subdivision;
- determine whether or not the proposed activity is likely to harm Aboriginal objects and/or historic cultural heritage relics, if present; and
- determine whether an Aboriginal Heritage Impact Permit (AHIP) application is required for the proposal.

1.2 Report Outline

This report documents:

- the development proposal;
- the assessment methodology;
- documentary research;
- landscape assessment;
- field inspection;
- conclusions;
- statutory controls for the protection of Aboriginal objects; and
- management recommendations.

2. PROPOSED DEVELOPMENT

The proposed development is located at the southern end of Goolabri Drive, Sutton, approximately 0.75km south of the Federal Highway and 2.5km north of the NSW/ACT border within the Parish of Goorooyarroo, County of Murray and Palerang Council Local Government Area (refer Fig. 1). It is proposed to subdivide the 94.5 hectare property into three rural residential allotments: Lot 1 of approximately 15.6 hectares, Lot 2 of approximately 7.2 hectares and Lot 3 of approximately 8.4 hectares, with a residue of some 63 hectares taking in an existing golf course, convention centre and dwellings (refer Fig. 2). Proposed Lots 1, 2 and 3 comprise “the subject area”. Proposed Lot 1 takes in an existing dwelling and driveway. Proposed Lots 2 and 3 include a proposed building precinct accessed from Goolabri Drive (Fig. 3).

The proposal would involve future ground-disturbing activity within the building precinct and driveway on proposed Lots 2 and 3, the possible replacement of the dwelling on proposed Lot 1 within the present building precinct, connection to existing utilities and fencing of allotment boundaries.

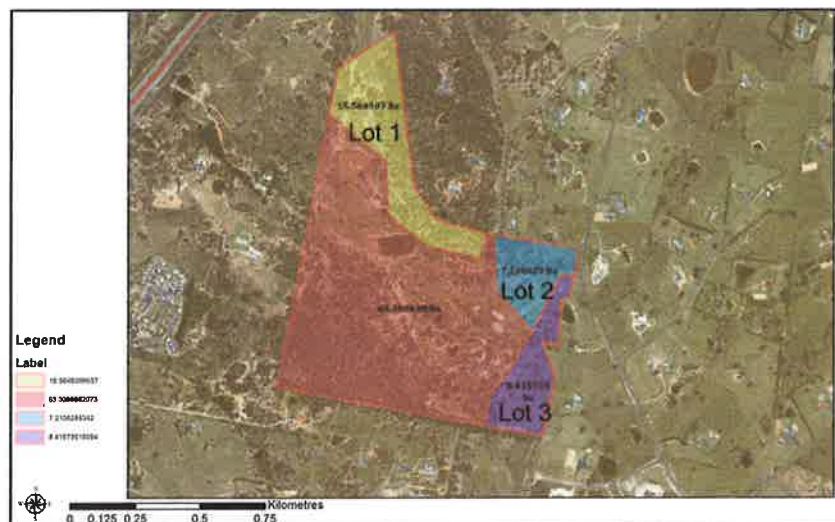


Figure 2 Plan of the proposed subdivision (courtesy of Project Manager).

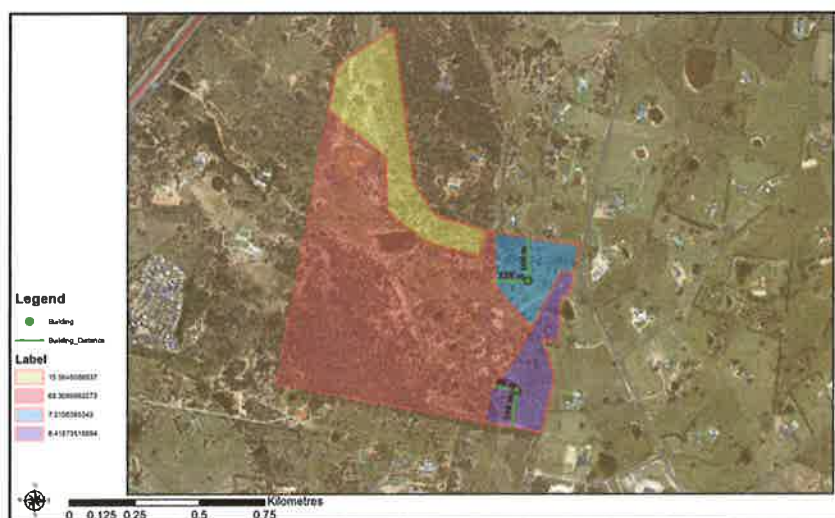


Figure 3 Location of the proposed Lot 2 and Lot 3 building precincts (courtesy of Project Manager).

3. ASSESSMENT METHODOLOGY

3.1 Aboriginal Heritage

3.1.1 OEH Due Diligence Code of Practice

The Aboriginal heritage assessment was carried out in accordance with the NSW Office of Environment and Heritage (OEH) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010). The code sets out:

'the reasonable and practicable steps which individuals and organisations need to take in order to:

- identify whether Aboriginal objects are, or are likely to be present, in the area
- determine whether their activities are likely to harm Aboriginal objects (if present)
- determine whether an AHIP application is required' (DECCW 2010:2).

Implementation of the code provides a defence to the strict liability offence of harming an Aboriginal object, as defined in the amended *National Parks and Wildlife Act 1974* (NSW) section 86. Consultation with the Aboriginal community is not a formal requirement of the due diligence process (DECCW 2010:3).

The code sets out the following steps for identifying the potential impact of a proposed development on Aboriginal archaeological heritage and for deciding whether an Aboriginal Heritage Impact Permit (AHIP) is required for the development:

1. Determine whether the proposed activity is likely to disturb the ground surface or a culturally modified tree. If so, proceed to step 2.
- 2a Search the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) to ascertain whether Aboriginal objects have been recorded in the area of the proposed development activity. If so, review all known information sources, including Aboriginal site records and consultancy reports.
- 2b Undertake a landscape analysis to assess the archaeological sensitivity of the proposed development area. A number of landscape features are known to be archaeologically sensitive for Aboriginal objects, including land within 200m of a water source, 'water' being defined as 'the whole or any part of any river, stream, lake, lagoon, swamp, wetlands, natural watercourse' (DECCW 2010:12).
3. If, on the basis of steps 2a and 2b, Aboriginal objects occur or are likely to occur within the area to be directly or indirectly impacted by the proposed development and the land has not previously been disturbed, try to avoid potential harm to the Aboriginal object/s or the landscape feature by moving the boundaries of the proposed activity. Land is *disturbed* if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.
4. If implementation of step 3 is not feasible, and the land has not previously been disturbed, carry out a desktop assessment and a visual inspection.

Where the desktop assessment and/or the visual inspection indicate that Aboriginal objects are not present or are unlikely to be present on or beneath the ground surface and there will be no impact on culturally modified trees, the proposed development may proceed with caution without an Aboriginal Heritage Impact Permit (AHIP) or the need for any further assessment.

5. If, on the basis of the above assessment, harm is likely to occur to an Aboriginal object or culturally modified tree, a detailed archaeological investigation and impact assessment must be carried out in accordance with *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) and an application be made for an Aboriginal Heritage Impact Permit (AHIP).

Steps 1 – 4 were implemented in the present assessment. Step 5 was found not to apply.

3.1.2 Palerang Council Requirements

Palerang Council requires that allotments to be excised from the parent holding, and any landscape features known to be sensitive for Aboriginal archaeological sites, such as undisturbed land along watercourses, be subject to visual inspection.

3.2 Historic Heritage

Assessment of historic (European) heritage comprised an online search of the NSW State Heritage Inventory and the Australian Heritage database and an archaeological field inspection.

4. ARCHAEOLOGICAL ASSESSMENT

4.1 Aboriginal Heritage

4.1.1 Aboriginal Heritage Information Management System

A search of the OEH Aboriginal Heritage Information Management System (AHIMS) identified three previously recorded Aboriginal archaeological sites/objects within the proposed subdivision and an additional 44 known Aboriginal sites/objects within the wider 6 km x 6 km area bounded by MGA94 coordinates 701000 – 70700E and 6100000 – 6106000N which includes the proposed subdivision (AHIMS Web Services #1124518, 7/02/2014). The sites/objects comprise 27 isolated finds ("objects"), 19 open artefact scatters and one isolated find associated with a potential archaeological deposit (PAD). Definitions of these Aboriginal site types are given in Appendix 1.

As AHIMS includes only those Aboriginal sites and objects that have been reported to NSW OEH, generally from areas that have been archaeologically surveyed, the search results are not an exhaustive inventory of local Aboriginal sites/objects and previously unrecorded sites/objects may occur within the proposed subdivision. OEH does not guarantee that AHIMS is free of error.

4.1.2 Documentary Review

As known Aboriginal archaeological objects/sites occur within the proposed subdivision area, a review of Aboriginal site records and archaeological reports was required. The results of the review are summarised below.

Previous Archaeological Assessment in the Subject Area

In 1998 archaeologist, Philip Hughes, and a representative of the Ngunnawal Local Aboriginal Land Council surveyed a proposed rural residential subdivision comprising approximately 324 hectares of land owned by Sutton Acres Pty Ltd and approximately 49 ha of the adjoining 153 hectare Goolabri Park, including part of the present subdivision area. The survey covered all landscape units considered to have archaeological potential, including all ridge crests and associated spurs and drainage areas along valley floors (Hughes 1998). Intervening undulating terrain was also sampled. Eleven Aboriginal archaeological sites were located, comprising a scatter of three stone artefacts and 10 isolated finds. Twelve of the artefacts were of quartz and one was of a black chert. Almost all of the sites occurred on lower slopes adjacent to drainage lines or along drainage lines. Only two were located on ridge crests away from a water source.

Three of the isolated quartz finds (AHIMS #57-2-0193, 0194 and 0206) are located within the proposed subdivision area, site #57-2-0206 near the northeastern corner of proposed Lot 1 and sites 57-2-0193 and 57-2-0194 within the residue (Fig. 4).

Previous Archaeological Assessments in the Sutton Area

In 1981 Koettig and Silcox surveyed a 200m wide corridor for the 46km long Federal Highway upgrade from Collector to the ACT border (Koettig 1981). Thirty three open sites and two possible scarred trees were recorded. Seventy percent of the sites occurred on ridges and spurs and only 25% along creeklines, possibly reflecting higher European land use and destruction of Aboriginal sites on creek flats. Sites

ranged in area from a few square metres to 180,000m² and contained from two to more than 50 stone artefacts, predominantly quartz flakes, although chert and silcrete flakes were also recorded. Further investigation in 1984, including subsurface testing and salvage of four open artefact scatters located between Bungendore Road and Sutton, confirmed Koettig's earlier findings (Koettig 1984).

In 1988 Walkington carried out a detailed investigation of another two of Koettig's (1981) sites, CAB9 on a ridge above Brooks Creek and CAB31 on McLaughlins Creek southwest of the present subject area. One hundred and ninety four surface artefacts were collected from CAB9, but there were no subsurface archaeological deposits. The artefacts comprised flakes, flaked pieces, cores and a backed blade. Quartz constituted 76% of the assemblage, with small amounts of silcrete, chert, indurated mudstone and volcanic. No surface artefacts were located at site CAB31, but 13 stone artefacts were recovered from test pits. Artefacts comprised flakes, flaked pieces and a bipolar core. Quartz was the dominant raw material. Other stone types present were indurated mudstone, silcrete and volcanic.

In 1995 Navin Officer surveyed the Federal Highway dual carriageway options west of Sutton Road, locating six open artefact scatters and six isolated finds. Artefacts comprised flakes, including bipolar and retouched flakes, cores and a flaked pebble. Almost all the artefacts were of quartz, with negligible quantities of silcrete, volcanic and rhyolite.

In 2000 Hughes surveyed a proposed rural subdivision west of Sutton Road and located a scatter of three quartz flakes on the crest of a broad low ridge about 150m from a minor drainage line. He concluded that the survey results were "consistent with the location of the study area in the headwater reaches of the Yass River catchment away from major drainage lines" (Hughes 2000:8).

In 2003 Saunders investigated a proposed 318 ha mixed residential subdivision immediately west of Sutton village (Saunders 2003a). Ten low density open artefact scatters and three isolated finds were recorded. The scatters contained from two to 34 visible artefacts. Artefact types were flakes (49%), flaked pieces (25%), cores (5%), chips (5%), blades (4%) and a flaked pebble (1%). Seventy six percent of the recorded artefacts were of quartz, with a minor percentage of fine grained siliceous stone, chert and volcanic and a negligible percentage of chalcedony and rhyolite. Sites were recorded on a spur crest, gently inclined lower, mid and upper slopes and on creek banks. Seven areas of high Aboriginal archaeological potential (PAD) were also identified.

Saunders (2003b) also surveyed a proposed 16ha rural residential subdivision off the Federal Highway Service Road, locating a scatter of two stone artefacts on a low gradient lower slope approximately 120m west of a tributary of McLaughlins Creek and 20m west of the present proposed subdivision. The artefacts were a chert core and a quartz flaked piece.

In 2004 Saunders located two low density Aboriginal artefact scatters, one isolated find and an area of Aboriginal archaeological potential (PAD) during a survey of a proposed 20.4 hectare rural residential subdivision in Old Gold Mines Road, 1km south of the present proposed subdivision. Most of the recorded artefacts were flakes. Stone types were chert, silcrete, quartz, metamorphosed tuff and a metamorphosed sedimentary rock. The sites occurred predominantly in slightly elevated, low gradient areas in the vicinity of a water source.

In 2006 Saunders surveyed a 94 ha area in Old Gold Mines Road and located a single volcanic flake on very gently sloping ground approximately 165m south of the headwaters of an ephemeral tributary of McLaughlins Creek (Saunders 2006a).

Saunders (2006b) also surveyed a proposed two lot rural residential subdivision of 16.47 ha at 1508 Federal Highway Service Road, Sutton, northwest of the present proposed subdivision. Three small Aboriginal sites were recorded: a low density scatter of five stone artefacts on the crest of a low ridge and two isolated finds at the base of the ridge near the upper reaches of a tributary of McLaughlins Creek. The artefacts consisted of five flakes and one flaked piece. Raw materials were quartzite, metamorphosed tuff and quartz.

In 2007, small, disturbed Aboriginal sites were found during three surveys in Bidges Road, southwest of the proposed subdivision (Saunders 2007a, b, c). At 19 Bidges Road three silcrete flakes and a metamorphosed tuff flake were found on ploughed flats beside a tributary of McLaughlins Creek and an isolated metamorphosed tuff flake was found near the base of a low ridgeline (Saunders 2007a). A quartz flake was later found on the same ridgeline 300m to the east (Saunders 2007b) and a small artefact scatter, two isolated finds and a potential archaeological deposit (PAD) were found within 100m of McLaughlins Creek south of the present proposal area (Saunders 2007c). However, no Aboriginal objects were found during two more recent archaeological assessments of proposed rural residential subdivisions in Bidges Road, including one which took in a short, but highly disturbed stretch of McLaughlins Creek (Saunders 2013a, b).

Overall, these archaeological investigations suggest that land within 150m of McLaughlins Creek and its tributaries, in particular, has the potential to contain Aboriginal objects/sites, mainly small, low density scatters of stone artefacts and isolated finds.

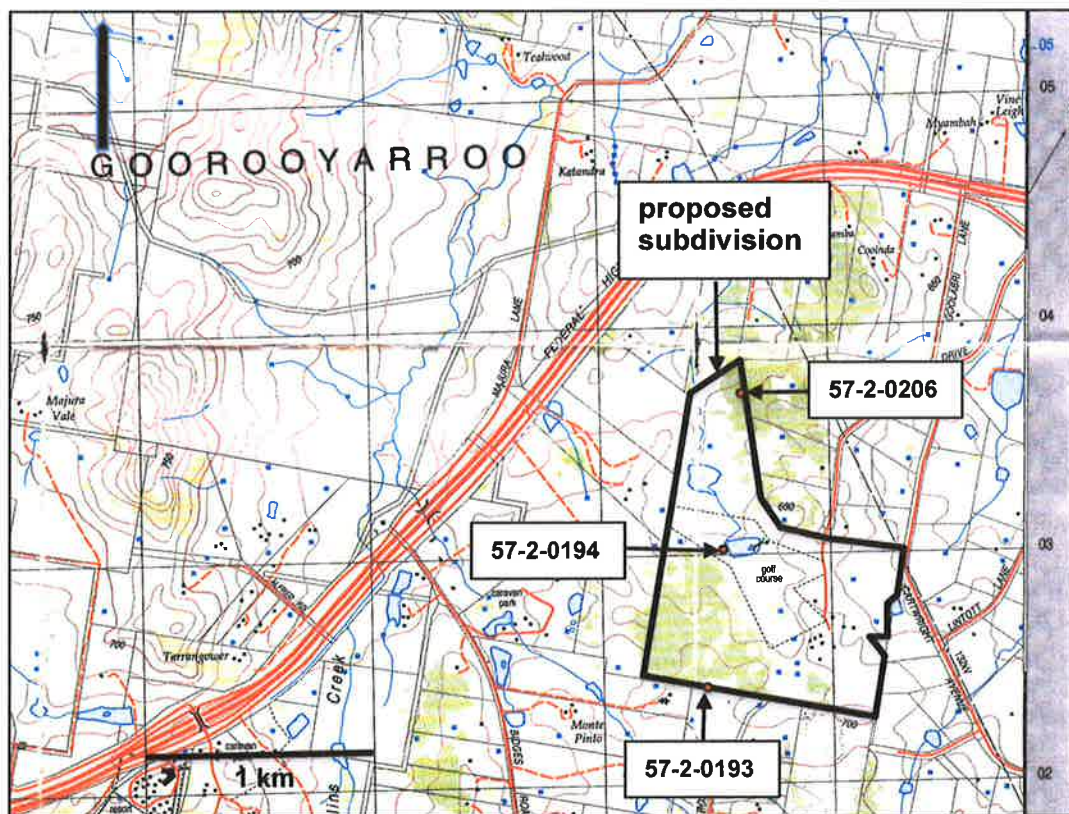


Figure 4 Locations of the Aboriginal objects recorded in 1998 (Hughes) in the proposed subdivision (base map: Hall 8727-4S 1:25,000 topo. 2nd Edition 2003).

4.1.3 Landscape Analysis

Traditional Aboriginal land use and settlement patterns were closely related to environmental factors, particularly access to water, food and raw materials, and to the type of terrain, especially gradient and aspect.

The map-based landscape analysis involved an examination of the Hall 1:25,000 topographic map (8727- 4S 2nd ed. 2003), the Canberra sheet of the Australia 1:100,000 Geological Series (Abell 1991), a pre-1750 vegetation reconstruction map (Shorthouse 2002) and online satellite imagery. Reference was also made to Hughes (1998) and Jenkins (2000). The desktop analysis was followed by a field inspection.

The purpose of the landscape analysis was to identify at a broad scale, local resources that might have attracted traditional Aboriginal occupation and to determine whether any archaeologically sensitive landscape features, as identified by OEH (DECCW 2010:12), occur within the subject area, are likely to be directly or indirectly impacted by the proposed development and have/have not been disturbed by modern land use practices. The landscape of the subject area at a broad scale is shown in Figure 5.

Topography

The proposed subdivision is situated in the headwaters of the Yass River catchment, away from major watercourses. Proposed Lots 1-3 are located in gently undulating terrain around a tributary of McLaughlins Creek which rises in the residue area and flows northwards across the residue and the northwestern corner of proposed Lot 1 (refer Fig. 1). There are no blue-line or other natural water sources apparent within 200m of proposed Lots 2 and 3.

Geology and Soils

The proposed subdivision is underlain by the Middle - Late Ordovician Pittman Formation consisting of quartz-rich sandstones, siltstone and shale with minor occurrences of chert and calcareous sandstone (Canberra 1:100,000 Geological Series map). While quartz and chert were commonly used by traditional Aboriginal people for stone tool manufacture, chert does not appear to occur on the surface of the proposed subdivision and, while a small amount of shattered quartz is present, most is of poor flaking quality.

The primary mode of geomorphic activity within the subject area (proposed Lots 1-3) is eroded and reasonably stable. With well-established vegetation cover in most areas, erosion would now be occurring at very low rates.

Soils are typical of upland areas, with shallow to moderately deep gravelly dermosols and chromosols comprising a silty loam upper layer grading to clay loam or light clay subsoils over weathered bedrock at 300mm – 600mm (Jenkins 2000).

Vegetation and Land Use

Historically, vegetation in the proposed subdivision would appear to have been box/gum grassy woodland with areas of dry open sclerophyll forest on crests and upper slopes (Shorthouse 2002). These vegetation communities have been radically altered by modern land use practices, principally clearing, grazing and ripping for improved pasture. In 1979 a substantial area was destroyed by bushfire (Gordon Luton 2014:pers. comm.). The burnt vegetation was winrowed using heavy machinery, the area was ripped and planted to pasture and a golf course was established in the proposed subdivision residue. The watercourse and adjacent land in this area and on proposed Lot 1 have been substantially modified by the NSW Soil

Conservation Service to alleviate heavy erosion. Areas in which vigorous tree regeneration occurred following the bushfire have been allowed to revert to forest. Vegetation in proposed Lot 1 is largely regenerated forest, with a more open but highly disturbed area around the watercourse in the northwestern corner (Fig. 5). At the time of the archaeological inspection, vegetation in proposed Lots 2 and 3 was predominantly closely grazed pasture, with a few scattered old growth eucalypts, patches of immature eucalypt regrowth and an area of mature eucalypts on slopes in the north western corner of proposed Lot 2 (refer Fig. 5).

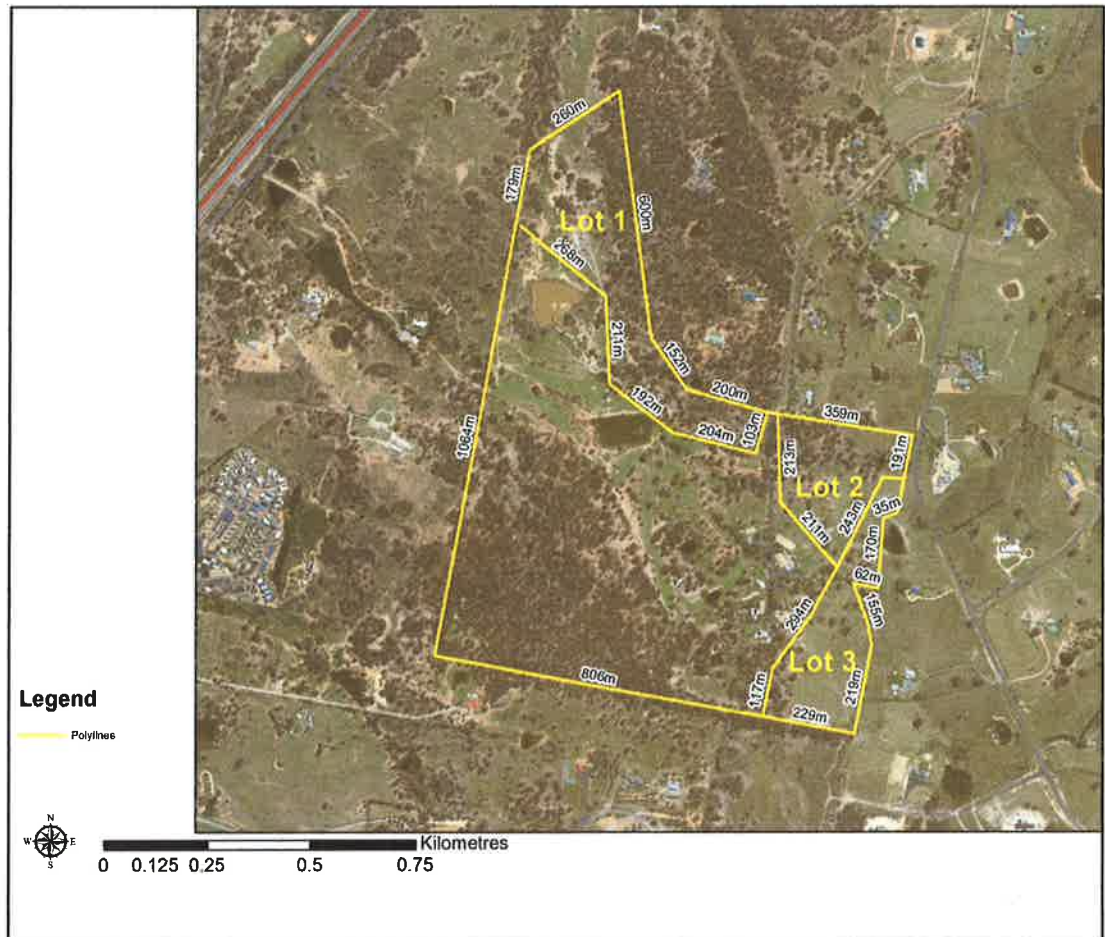


Figure 5 Landscape of the proposed subdivision at a broad scale (courtesy of Project Manager).

4.1.4 Archaeological Field Inspection

As Aboriginal objects have previously been recorded in the subject area (Hughes 1998), a field inspection was carried out by the consultant on 19 February 2014. As proposed Lot 1 includes an existing dwelling and access road and its boundary with the proposed residue is highly disturbed, the inspection focussed on proposed Lots 2 and 3 with particular attention to areas likely to be directly or indirectly impacted by the proposed development, that is, the proposed building precincts, potential driveway areas and boundary fencelines.

All areas of bare ground were inspected on foot for the presence of Aboriginal stone artefacts ("objects") and an assessment was made of the potential for artefacts to be present on or below the ground surface in areas where ground surface exposure and archaeological visibility were low. Any old growth eucalypts were examined for

evidence of traditional Aboriginal bark and/or wood removal. The level of past disturbance was also evaluated.

All Aboriginal objects located during the survey were recorded following published conventions (eg. Holdaway and Stern 2004). Site location was determined by hand-held Global Positioning System (GPS) to an accuracy level of approximately 5m – 7m at the centre of the site. Readings were also taken at the site extremities. An AHIMS Aboriginal site form was subsequently completed and will be forwarded to AHIMS.

4.1.5 Results of Field Inspection

A low density scatter of four Aboriginal stone artefacts ("objects") was found at the southern boundary of proposed Lot 3 (Fig. 6). The site is located approximately 100m south of the proposed building precinct and will not be impacted by the proposed development. Site details are given below.

Goolabri 1 – Artefact scatter

GDA coordinates E704106 N6102324 (Hall 8727-4S 1:25,000 topo. 2nd Edition 2003)

Goolabri 1 is a low density scatter of four stone artefacts ("objects") exposed in an extensive area of shallow surface erosion on the northern side of a low crest (Plate 1), approximately 650m east of previously recorded Aboriginal site 57-2-0193 (refer Fig. 4). The nearest natural water source would appear to be the headwaters of a minor drainage line approximately 270m to the southeast (refer Fig. 6). Site disturbance is moderate. Estimated archaeological visibility at the site was 70% and 10% in the adjacent closely grazed pasture. The potential for undisturbed subsurface archaeological deposits is low. Artefact details are as follows:

Artefact	Raw Material	Dimensions	Comments
flake	quartz, white	38 x 15 x 7	retouch on lower right margin, feather termination
flake	quartz, white	22 x 20 x 8	negative flake scar on dorsal surface, hinge termination
flake	quartz, white	16 x 16 x 5	negative flake scar on proximal surface, hinge termination
flake	chert, black	17 x 20 x 4	hinge termination



Plate 1: Location of Aboriginal site "Goolabri 1" with artefacts 2 - 4 at base of pink flags, looking west.

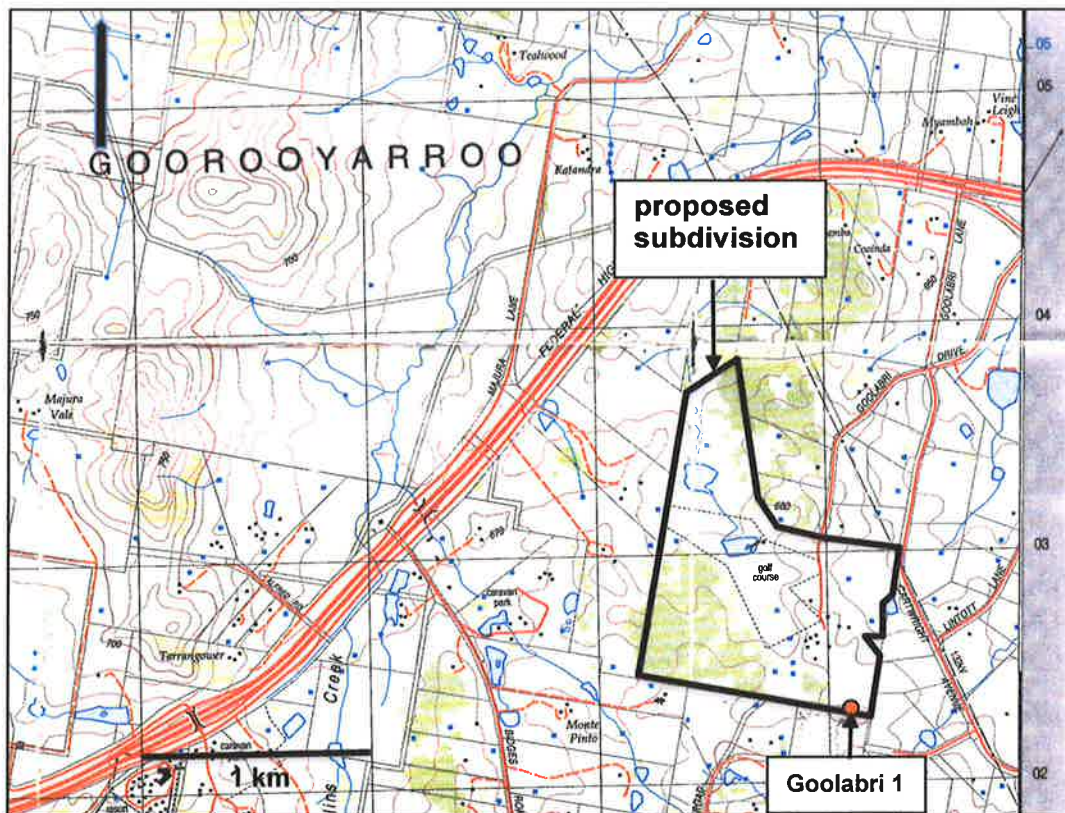


Figure 6 Location of Aboriginal site "Goolabri 1"
(base map: Hall 8727-4S 1:25,000 topo. 2nd Edition 2003).

Effectiveness of Field Inspection

The effectiveness of an Aboriginal archaeological field inspection depends largely on the degree to which Aboriginal objects are visible at the time of the inspection. Where ground surface exposure is limited and archaeological visibility within the exposed areas is restricted, for example, by grass or naturally occurring gravel, or the area is highly disturbed, Aboriginal objects may be present, but not be detected.

Due to prolonged dry weather and heavy grazing by kangaroos, proposed Lots 2 and 3 were largely under closely grazed pasture. However, there were many areas of shallow surface erosion and bare ground along vehicle tracks, stock trails, fencelines and around large eucalypts. Archaeological visibility in these exposures was reduced mainly by naturally occurring gravel and averaged around 40%. Estimated survey coverage was approximately 5%.

4.2 Historic Heritage

No historic (European) heritage sites or relics were located within the areas subject to archaeological inspection.

5. CONCLUSIONS

5.1 Aboriginal Heritage

The results of the Aboriginal archaeological assessment carried out in accordance with *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (NSW DECCW 2010) are summarised in the following table:

Code Step	Question/Procedure	Results
1	Will the proposed activity disturb the ground surface or any culturally modified tree?	Yes, ground surface only.
2a	Search AHIMS database and if Aboriginal sites/objects are recorded, review other known information sources.	Three known Aboriginal objects occur within the proposed subdivision.
2b	Will an archaeologically sensitive landscape feature be impacted by the proposed development?	Yes, land within 200m of a watercourse will be impacted by fencing of part of proposed Lot 1.
3	Has this landscape feature been disturbed in the past?	Yes, the feature is highly disturbed.
4	Does a visual inspection indicate that Aboriginal objects are not present or are unlikely to be present on or beneath the ground surface and will there be no impact on culturally modified trees?	Aboriginal objects are unlikely to be present in the areas to be directly or indirectly impacted by the proposed development. No culturally modified trees are present.
Conclusions	The probability that Aboriginal objects would be harmed by the current subdivision proposal is low and an Aboriginal Heritage Impact Permit (AHIP) is not required, but work should proceed with caution. If Aboriginal objects are found, stop work and notify OEH. If human remains are found, stop work, secure the site and notify the NSW Police and OEH.	

Table 1: Conclusions

5.2 Historic Heritage

No historic (European) heritage sites or relics are located within the proposed subdivision.

6. STATUTORY CONTROLS

The following brief outline of legislation governing the protection and management of Aboriginal objects and places is not intended as a substitute for professional legal advice.

The *National Parks and Wildlife Act 1974* (NSW) provides the primary basis for the legal protection and management of Aboriginal objects and places in NSW. The Act was amended in 2010. Under the Act, responsibility for protecting and conserving Aboriginal objects and declared Aboriginal places in NSW rests with the Director-General of the NSW Department of Environment and Heritage (OEH).

The Act defines "Aboriginal object" as:

"any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains" (s 5(1)).

An "Aboriginal place" is a place declared by the Minister to be of special significance in Aboriginal culture (s 84).

Under section 86 of the Act, it is a strict liability offence to harm or desecrate an Aboriginal object or an Aboriginal place in NSW. "Harm" means any act or omission that destroys, defaces, or damages the object, moves the object from the land on which it had been situated or causes or permits the object to be harmed. "Harm" does not include an act that is trivial or negligible. There are substantial penalties, including fines and imprisonment, for offences under this section.

Section 87 of the Act provides a number of defences and exemptions to a prosecution under s 86. One of the defences is the exercise of due diligence under OEH's generic *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010), a recognised industry code or an archaeological assessment that meets the standards of the generic code.

7. MANAGEMENT RECOMMENDATIONS

The following management recommendations are based on:

- the results of the cultural heritage assessment documented in this report; and
- the statutory controls outlined in Section 6 above.

It is recommended that:

1. There are no Aboriginal or historic cultural heritage constraints to the proposed subdivision of Lot 3 DP1074706, Goolabri Road, Sutton, as shown in Figures 1 -3 of this report.
2. An Aboriginal Heritage Impact Permit (AHIP) application is not required for the proposed development.
3. The proponent must advise the purchaser of proposed Lot 3 that an Aboriginal Heritage Impact Permit (AHIP) would be required if the purchaser wishes to undertake ground-disturbing activities that would impact on Aboriginal site "Goolabri 1".
4. The proposed development may proceed with caution, but if any object suspected to be of Aboriginal origin is uncovered or unearthed during development activity, work at that location must cease immediately and advice on appropriate action be obtained from the Regional Operations Group, Office of Environment and Heritage, NSW Department of Premier and Cabinet, PO Box 733, Queanbeyan, NSW 2620. If human remains are found, work must cease, the site must be secured and the NSW police and the OEH must be notified.
5. A copy of this report on CD in PDF format should be forwarded within three months to:

Aboriginal Heritage Information Management System
PO Box 1967
HURSTVILLE NSW 2220

REFERENCES

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APPENDIX 1

ABORIGINAL SITE DEFINITIONS

Artefact scatter (sometimes referred to as “open campsite”) represents the material remains of traditional Aboriginal activities and consists of two or more stone artefacts (“objects”) occurring together on the ground surface within a reasonable distance of each other. Artefact scatters typically contain unmodified flakes, flaked pieces and cores resulting from the flaking of stone at locations where Aboriginal people have engaged in food procurement, domestic activity or tool manufacture and maintenance. Other material such as charcoal, animal bone, shell and ochre may also be present. Artefact scatters can vary considerably in spatial extent and artefact density.

Isolated find is a single stone artefact (“object”) occurring without any associated evidence of Aboriginal activity or occupation. Isolated finds may occur almost anywhere in the landscape and may represent lost or discarded artefacts or be the only visible evidence of a concealed artefact scatter.

Aboriginal culturally modified tree (often described as “scarred tree”) is defined as

“a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved, or modified by an Aboriginal person by:

- (a) the deliberate removal, by traditional methods, of bark or wood from the tree, or
- (b) the deliberate modification, by traditional methods, of the wood of the tree” (DECCW 2010:7).

Potential archaeological deposit (“PAD”) is an area of archaeological sensitivity where Aboriginal artefacts are likely to occur, based on regional site location models and local topography, but where limited ground surface exposure precludes their detection. The artefacts in the PAD may be present on the surface and/or within the soil. Many PADs are associated with visible artefact exposures. The archaeological potential and significance of a PAD generally depend on the degree of disturbance it has undergone since Aboriginal occupation.