



Figure 1: View of development area: Allfarthing cottage is located on the crest of this grassed slope.

Aboriginal Cultural Heritage Assessment Report

Allfarthing, 2 Brisbane Grove Rd, Brisbane Grove, NSW
Lot 60 DP1090981 & Lots 61-64, 71-77 DP976708

Report to Goulburn Mulwaree Council
June 2022

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ACRONYMS

ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AR	Archaeological Report
HNSW	Heritage NSW, part of the NSW Department of Premier & Cabinet
GPS	Global Positioning System
GSV	Ground Surface Visibility
LALC	Local Aboriginal Land Council
MGA	Map Grid of Australia
NPW	National Parks and Wildlife
PAD	Potential Archaeological Deposit
RAP	Registered Aboriginal Party
SU	Survey Unit

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EXECUTIVE SUMMARY

Kieran Davies the owner is seeking Goulburn Mulwaree Council approval for subdivision of Allfarthing, a heritage listed property at 2 Brisbane Grove Road, Brisbane Grove (Goulburn) NSW. As part of the Development Application, Goulburn Mulwaree Council requires advice about the potential of the proposal to *harm* Aboriginal places and objects pursuant to the *National Parks and Wildlife Act (1974)*.

The objectives of this Aboriginal cultural heritage assessment report (ACHAR) are to:

- Determine whether any Aboriginal places or objects of significance are present in the development area, being the subdivision of Allfarthing.
- Assess the impact of the subdivision works and their potential to *harm* Aboriginal objects or values protected under the NPW Act.
- Recommend whether further requirements must be met under clause 80C of the NPW Act including whether an application for an AHIP needs to be made for undertaking test excavations.

This assessment has:

- Found no evidence of Aboriginal sites and objects within the development area.
- Assessed the development area as comprising *disturbed land* under the meaning of clause 80B relating to section 87(4) of the NPW Act.
- Assessed the development area as having low archaeological potential to contain Aboriginal sites and objects.

It is recommended that:

- This proposal does not require any further assessment relevant to Aboriginal sites or objects protected under the NPW Act.
- Should Aboriginal objects be discovered during development works, all works in that area should cease and the proponent should contact Heritage NSW or a qualified archaeologist to seek some determination of the discovery and how to proceed.
- In the unlikely event that skeletal remains be discovered during earthworks, all works should cease and protocols consistent with Requirement 25 in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) be implemented.

While the undertaking of this Aboriginal cultural heritage assessment acts as a defence against harming or disturbing Aboriginal objects without an Aboriginal Heritage Impact Permit (AHIP), the undertaking of this assessment alone does not negate the need for an AHIP should Aboriginal objects be disturbed. Investigations for an AHIP require preparation of an Aboriginal Cultural Heritage Assessment and must also be supported by Aboriginal consultation in accordance with the process outlined in the *Aboriginal cultural heritage consultation requirements for proponents* (2010).

DISCLAIMER

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RESTRICTIONS

Information contained within this report is culturally sensitive and should not be made available to the general public. Restricted information includes, but is not limited to:

- Maps, reference coordinates or images which locate Aboriginal places and objects.
- Location or detailed information regarding places of Aboriginal cultural significance, as expressed or directed by representative Aboriginal people.
- Other culturally appropriate restricted information as advised by Aboriginal representatives and traditional knowledge holders.

Information in the report covered by the above categories should be redacted before being made available to the general public. This information should only be made available to those persons with a valid need for access.

ACKNOWLEDGMENTS

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- Delise Freeman, Pejar Local Aboriginal Land Council
- Kieran Davies, proponent
- Kyle Moffitt, archaeologist

1 INTRODUCTION

1.1. PROPONENT AND PROPOSED ACTIVITY

Kieran Davies the owner is seeking Goulburn Mulwaree Council approval for subdivision of Allfarthing, a heritage listed property at 2 Brisbane Grove Road, Brisbane Grove (Goulburn) NSW. As part of the Development Application, Goulburn Mulwaree Council requires advice about the potential of the proposal to *harm* Aboriginal places and objects pursuant to the *National Parks and Wildlife Act (1974)*.

The proponent has engaged Black Mountain Projects Pty Ltd to provide this advice and to prepare an Aboriginal cultural heritage assessment report (ACHAR) consistent with the requirements of the NPW Act set out in the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011)*. The archaeological survey that informs this report has been conducted in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010)*.

1.2 STATUTORY CONTROLS

Primary protection of Aboriginal heritage in NSW is established at the State level under the NSW National Parks and Wildlife Act 1974 and to a lesser extent the NSW Heritage Act (1977). Heritage NSW and its parent department is responsible for protecting and conserving Aboriginal objects and declared Aboriginal places in NSW.

Aboriginal objects are defined in the NPW Act as any deposit, object or material evidence (not being a handicraft made for sale) 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 in NPW Act as a place declared under s.84 of the NPW Act that, in the opinion of the Minister, is or was of special significance to Aboriginal culture. Such areas need not contain any Aboriginal objects but can only be gazetted with the approval of the Minister.

Part 6 of the National Parks and Wildlife Act 1974 (NPW Act) provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Harm is defined to mean destroying, defacing, damaging or moving an object from the land. There are a number of defences and exemptions to the offence of harming an Aboriginal object or place.

Aboriginal heritage may also be protected under Commonwealth and Local Government legislation being the Environment Protection and Biodiversity Conservation Act and Local Environmental Plans respectively.

A number of policies or guidelines are relevant to assist proponents avoid *harming* Aboriginal objects in NSW. These policies are listed below in order of their consideration within a planning context or assessment of a given proposal or activity:

- *Aboriginal cultural heritage consultation requirements for proponents* (2010)
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010)
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (2010)
- *Guide to investigation, assessing and reporting on Aboriginal Cultural heritage in NSW* (2011)

The *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* sets out reasonable and practicable steps which individuals and organisations need to take in order to:

- Identify whether or not Aboriginal objects are, or are *likely* to be, present in an area.
- Determine whether or not activities are *likely* to harm Aboriginal objects (if present).
- Determine whether further assessment or an AHIP application is required.

The Code of Practice also provides a generic due diligence process under Section 8 of the Due Diligence Code to be addressed by proponents. The basic sequential steps of the due diligence process require the proponent or their agent to consider the proposed activity or proposal and review whether:

- The activity or proposal will disturb the ground surface.
- The AHIMS database or other relevant databases record previously identified places.
- The activity or proposal occurs in areas where certain landscape features may indicate the presence of Aboriginal objects (on land that is not disturbed).
- Harm to Aboriginal objects or disturbance of the landscape feature can be avoided.
- An Aboriginal Cultural Heritage Assessment Report (ACHAR) and/or an Aboriginal Heritage Impact Permit (AHIP) is required.

The Due Diligence Code also discusses the common association between certain landscape features and the presence of Aboriginal objects as a result of Aboriginal people's use of those features. The Code defines the following landscape features (on land that is not *disturbed* land) and distance thresholds as indicating the *likely* presence of Aboriginal objects:

- Within 200m of waters, or
- Located within a sand dune system, or
- Located on a ridge top, ridge line or headland, or
- Located within 200m below or above a cliff face, or
- Within 20m of or in a cave, rock shelter, or a cave mouth

Consequently, if the proposal or activity is within the defined proximity thresholds to one of these landscape features (on land that is not *disturbed*) then the Code considers that there is a *likely* probability that Aboriginal objects will occur within the area.

Due diligence may also be addressed through other forms of assessment providing they meet the basic requirements set out above. A Review of Environmental Factors or other assessment under the *Environmental Planning and Assessment Act 1979* (EP&A Act) may also meet the requirements of the Due Diligence Code of Practice. While the undertaking of a due diligence process or equal assessment process acts as a defence against harming or disturbing Aboriginal objects without an Aboriginal Heritage Impact Permit (AHIP), the undertaking of these activities does not negate the need for an AHIP should Aboriginal objects be disturbed.

An application for an AHIP must be supported by a consultation process set out in the *Aboriginal cultural heritage consultation requirements for proponents* (2010) and an Aboriginal cultural heritage assessment report that complies with the requirements set out in the *Guide to investigation, assessing and reporting on Aboriginal cultural heritage in NSW* (2011).

The *Code of practice for archaeological investigation of Aboriginal objects in NSW* (2010) also provides standards and methods for how this investigation has been conducted and reported.

1.3 OBJECTIVES

The objectives of this Aboriginal cultural heritage assessment are to:

- Determine whether any Aboriginal places or objects of significance are present in the development area, being the subdivision of Allfarthing.
- Assess the impact of the subdivision works and their potential to *harm* Aboriginal objects or values protected under the NPW Act.
- Recommend whether further requirements must be met under clause 80C of the NPW Act including whether an application for an AHIP needs to be made for undertaking test excavations.

2 DESCRIPTION OF THE AREA

2.1 BOUNDARIES

The proposed activity is located within Lot 60 DP1090981 & Lots 61-64, 71-77 DP976708 at Allfarthing, 2 Brisbane Grove Road, Brisbane Grove, NSW. Allfarthing is located 1km south of the City of Gouburn in the Gouburn Mulwaree Council LGA in the Parish of Goulburn, Zone 55 (UTM).



Figure 2: Aerial view of Allfarthing (source Google Earth)

2.2 DESCRIPTION AND PLAN OF AREA

Lot 73 DP 976708 is on a small hill further than 200m from the nearest water. A cottage and yard are constructed on the crest of the hill. This is ringed by the remains of a wind break of large, mostly radiata pine trees. Refer to Figure 2.

Encircling the cottage are the hill slopes of Lots 60 DP1090981 and Lots 61-64, 71-77 DP976708 which have been in past agricultural use for cultivation and grazing. Refer to Figure 3 for the site detail and contour plan.

Rezoning and subdivision will preserve Allfarthing Cottage on a separate block large enough to re-establish a curtilage of gardens and a conifer landscape buffer.



Figure 3: Allfarthing draft subdivision plan (source: Paul Johnson, Sowdes Consultants, Goulburn)

2.3 ENVIRONMENT

Allfarthing is located in the Mullwaree floodplain, more than 500m southeast of the Mullwaree River near Goulburn. It is located along a low rise adjoining the boundary of two landforms classified by the NSW Soil and Land Information System as Bullamalito and Gundry Plains.

Bullamalito Landform

Bullamalito forms the higher ground on the eastern and southern sides of the property, including the small hill where the current farmhouse is located. It is part of a broader landscape of rises and low hills on Towrang Beds (metamorphic) in the Bullamalito Hills, Baw Baw Hills, Gundry Plains and Turallo Ranges, where the local relief is 10-60 m, altitude 615-798 m, slopes 3-10%, and rock outcrop <2%. Soils include Paralithic Bleached Leptic Tenosols (Lithosols), Red Kurosols (Red Podzolic Soils), Brown/Yellow Kurosols (Yellow Podzolic Soils) and Brown Sodosols (Solodic Soils).

The landscape is composed of extensively cleared woodland. Where vegetation occurs, significant tree species include *Eucalyptus melliodora* (yellow box), *E. mannifera* (brittle gum), *E. blakelyi* (Blakely's red gum), *E. pauciflora* (snow gum), *E. bridgesiana* (apple box), *E. macrorhyncha* (red stringybark) and *E. cinerea* (argyle apple). *Acacia mearnsii* (black wattle) and *Exocarpos cupressiformis* (native cherry) often occurs as a midstorey tree. Shrubs include *Acacia ulicifolia* (prickly moses), *Indigophera australis* (Australian indigo), *Daviesia latifolia* (hop bitter pea) and *Lissanthe strigosa* (peach heath). *Rosa rubiginosa* (sweet briar), *Lycium ferocissimum* (African boxthorn) and *Crataegus* sp. (hawthorn) commonly occur as weed shrubs. Common ground cover includes *Aristida* sp. (three-awn speargrass), *Themeda australis* (kangaroo grass), *Danthonia* sp. (wallaby grass), *Stipa* sp. (spear grass), *Poa* sp. (tussock grass), *Juncus* sp. (juncus), *Dianella* sp., *Wahlenbergia* sp. (bluebell) and *Joycea pallida* (redanther wallaby grass). Native grasses are commonly mixed with introduced species including *Phalaris aquatica* (phalaris), *Trifolium* sp. (clover), and *Hypochaeris radicata* (catsear).

Gundry Plains Landform

Gundry Plains forms the lower ground on the western and more northerly parts of the property. It is part of a broader landform comprising rises and plains on Towrang Beds (metamorphic) in the Gundry Plains, Baw Baw Hills, Braidwood Rises and Bullamalito Hills. The local relief is 2-30 m, altitude 629-743 m, slopes 1- 10%; rock outcrop <2%. Soils include Red Kandosol/Kurosol intergrade (Red Earth/Red Podzolic intergrade), Red Chromosols (Red Podzolic Soils), Brown Chromosols (Soloths), and Yellow/Brown Kurosols (Yellow Podzolic Soils).

The landscape is composed of extensively cleared dry tussock native grassland. Sub-dominant areas of open woodland may have occurred on isolated hills. Lower slopes are dominated by *Themeda triandra* (kangaroo grass) with minor grasses such as *Poa sieberiana* (tussock grass), *Stipa* sp. (spear grasses), *Dichelachne* sp. (plume grass), *Danthonia* sp. (wallaby grasses), and a great diversity of forbs including *Asperula conferta* (common woodruff), *Calocephalus citreus* (lemon beauty heads), *Eryngium ovium* (blue devil) and *Chrysocephalum apiculatum* (button flower). Low shrubs such as *Cryptandra amara* (bitter cryptandra) and *Melichrus urceolata* (urn heath) are found in these lower grasslands. Upper slopes tend to be dominated by *Danthonia* sp. (wallaby grasses) and *Stipa densiflora* (foxtail speargrass), with many forbs present including *Eryngium ovium* (blue devil), *Wahlenbergia* sp. (blue bells) and *Chrysocephalum apiculatum* (yellow buttons). On shallower soils, the grass *Joycea pallida* (silvertop wallaby grass) dominates. On upper slope areas are found shrubs such as *Pultenaea* sp. (egg and bacon peas), *Daviesia* sp. (pea), *Cassia* sp. and *Kunzea parvifolia* (violet kunzea). Trees are generally sparse, especially on lower slopes, where *Eucalyptus pauciflora* (snow gum) may be found as scattered clumps or isolated individuals. Midslope areas are occupied by *Eucalyptus melliodora* (yellow box) and *E. bridgesiana* (apple box), also as scattered clumps or isolated individuals. In disturbed or altered areas, common pasture species exist dominated by *Phalaris aquatica* (phalaris), *Paspalum dilatatum* (paspalum), *Trifolium* sp. (clovers), *Hypochaeris radicata* (catsear) and *Plantago lanceolata* (ribwort) along with common weed species such as *Cirsium vulgare* (spear thistle).

Soils, Geology and Climate

The typical soil landscape at Allfarthing is a Gundry Soil Landscape (YP-gu). This is a moderately deep, acid or neutral, red, orange or yellow duplex soil. A2 horizons are usually present and may be bleached. B horizons are usually mottled. Red Podzolic Soils (Dr2.21) occur on upper slopes with Yellow Podzolic Soils (Dy3.21, Dy3.41) in mid and lower slope positions. Gleyed Solodic Soils (Dg3.42) can be found in the drainage lines.

Local soils have formed *in situ* from alluvial-colluvial material derived from parent rock derived from a Siluro-Devonian sequence of the Towrang Beds. Dacite, andesite, tuff, tuffaceous sandstone and mudstone occur locally. Occasional thin bands of volcanoclastic roundstone conglomerate can also be found. Some aeolian influence on soils occurs.

Brisbane Grove is in Climatic Zone 3D with an annual average rainfall around 650 mm. Peak rainfall occurs in summer. The Gundry Plains are very cold in winter and subject to severe frosts, as well as to strong winds in summer that dry in soil. These local climatic features limit cultivation.

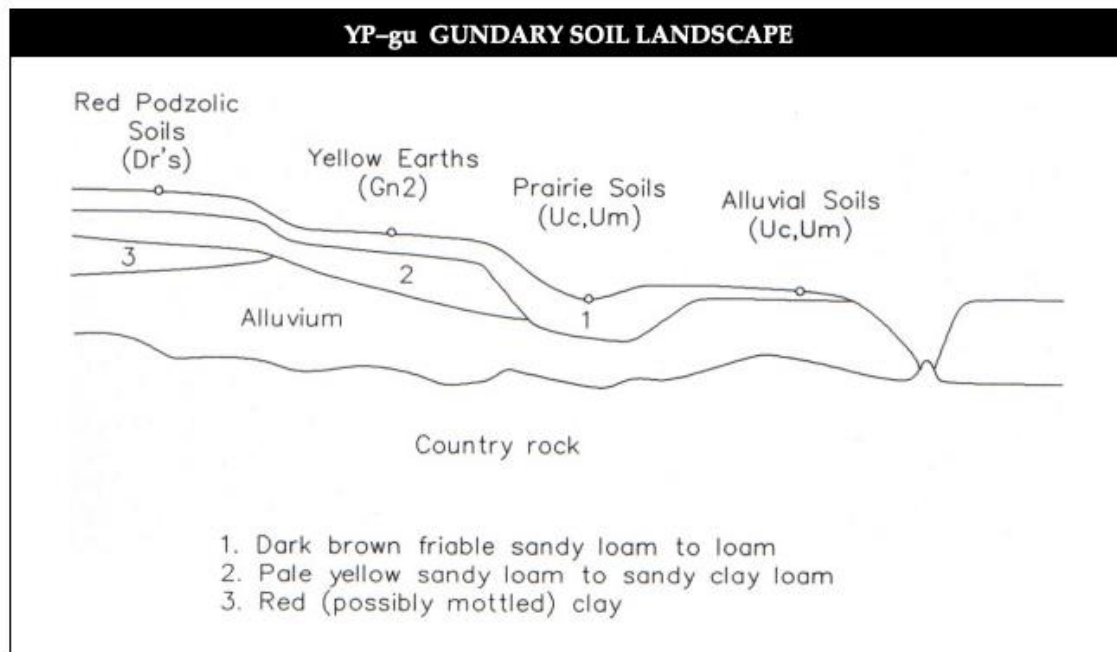


Figure 4 – Gundry Soil Landscape Profile provided by eSPADE, NSW Government (2022).

2.4 LAND USE

Aboriginal Land Use

The Goulburn Mulwaree LGA Aboriginal Heritage Study (2012) provides an overview of Aboriginal land use in the area. The earliest recorded archaeological site near Goulburn is the Birrigai rock shelter located approximately 80km south east of the study area. Radiocarbon dates obtained from the site, show that Aboriginal people have lived in this region for at least 21,000 years (Flood 1996:33- 35), however, the majority of archaeologically excavated sites in the region date to within the last 3,000 to 5,000 years, when the local climate and environment became warmer (Flood 1980:3,18).

Charles MacAlister, who grew up in the Goulburn region in the 1830s noted the relationship between local indigenous groups and reported “three fairly numerous tribes” in the district which he called the Cookmai or Mulwarrie (Mulwaree), the Tarlo, and the Burra Burra (MacAlister 1907:82). Norman Tindale describes two major language groups within the Goulburn region at the time of European settlement: the Gandangara to the north of Goulburn, and the Ngun(n)awal to the south.

Aboriginal people in the Goulburn area were in frequent contact with surrounding groups due a lack of natural physical barriers (Smith 1992:3). As a result, frequent gatherings of indigenous people took place in Goulburn, with records of corroborees being held at Rocky Hill near the East Goulburn Church of England, the old railway quarry on the Wollondilly River, and Mulwaree Flats near the bridge at the brewery, as well as where the All

Saints' Church in Eastgrove and Goulburn railway station are now located (Tazewell 1991:243; Wyatt 1972:111-112).

These gathering places are located near reliable water sources such as the Mulwaree River, and are habitat for a variety of wildlife, including fish, eels, fresh water mussels and water birds. Other food resources included kangaroos and wallabies and small marsupials such as possums and bandicoots. Emu, wild turkey, echidna, snakes, native bees and ants would have also supplemented the traditional diet (Bennett 1967 [1834]:173,301; Govett 1977 [1836-7]:29,32,34- 35,37; MacAlister 1907:88; Wyatt 1972:107; Koettig and Lance 1986:18).

Along the local river and stream banks, bulrushes were be collected in the spring and their starchy roots baked and eaten (Bennett 1967 [1834]:183; Gott 1999). In 1836, a Quaker missionary, James Backhouse, saw an Aboriginal woman eating sow-thistle (Backhouse 1843:441; Trott 1966). Govett also saw an Aboriginal man use an axe to cut into the bark of an apple-tree which grew on the alluvial flats near the river. A sweet, cider-like liquid flowed from the cut, which was collected and consumed (Govett 1977 [1836-7]:25). The white secretions of insects were also collected from trees such as the Manna Gum (Aslanides 1983:2; Bennett 1967 [1834]:115,319-321).

In 1836, William Govett published a series of articles in *The Saturday Magazine* describing the Aboriginal people of the County of Argyle, and their customs. He noted that local people would sometimes hunt by setting grass fires in order to drive and spear kangaroos in large numbers. This technique also encouraged the regrowth of root and herb plants which could be eaten or used to draw kangaroos back to an area (Bennett 1967 [1834]:290; Govett 1977 [1836-7]:23).

Traditional land uses came to an end in the 1820s, when the woodlands were cleared for sheep and cattle grazing, with barbed-wire fencing partitioning the landscape from the 1860s (NPWS 2003:206). The change from a woodland to a grassland ecosystem, radically affected the biodiversity of the area and limited the traditional resources used by Aboriginal people. William Govett noted that:

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 [1836-7]:26).

Local Aboriginal people were devastated both by this loss of traditional resources and by introduced diseases. Surgeon George Bennet observed several Aboriginal people on the Gundary Plains with small-pox scars in the 1830s (Bennett 1967 [1834]:148). Francis Murphy of Bungonia reported in 1845 that the Aboriginal population in his area had diminished to 20-100 individuals, with survivors joining up with other people from the Goulburn district

(Koettig and Lance 1986:14). Following the influenza epidemic of 1846-7, a local Aboriginal population of only 25 people was estimated by the Magistrate's bench (Tazewell 1991:244).

European Land Use

Europeans first arrived in the Goulburn region in 1798, when Governor Hunter sent John Wilson and two other men on an expedition to the southern tablelands of NSW. The men reached Mt Towrang without seeing or encountering any Aboriginal people (Flood 1980:30). Joseph Wild's expedition in 1820 to find Lake George opened the country to European settlement.

Pastoralists immediately began clearing the land and improving pastures for cattle and sheep grazing. These practices have resulted in moderate to severe gully erosion across the higher ground of the development area, with a minor structural decline and sheet erosion of topsoils. Within the lower lying Gundary Plains landform of the property, minor cultivation of lucerne and fodder crops may have occurred in the past. Moderate sheet erosion and minor wind erosion have affected this ground, probably during periods of drought. Gully erosion in the lower lying part of the property is minimal; however, topsoil structural decline may be common in some areas due to overgrazing and cultivation disturbance.

Evidence of past land use practices observed in the development area include:

- Removal of old growth trees.
- Replanting with exotic trees and some native trees.
- Mechanical excavation for stock dams.
- Ploughing.
- Pasture crop sowing.
- Livestock grazing.

Compaction of soils by livestock has resulted in movement of surface gravels to the subsurface, generally leaving a layer of silt on the surface. Any drainage lines and their banks have been subject to erosion and re-deposition of surface gravel. As a result of the above traditional farming practices the ground has been *disturbed* and the archaeological potential is low.

3 CONSULTATION PROCESS

3.1 REQUIREMENTS

Aboriginal consultation is an integral part of the process of investigating and assessing Aboriginal cultural heritage. Under the NPW Act, Aboriginal people who hold cultural knowledge about the area, objects and places that may be directly or indirectly affected by the proposed activity must be given the opportunity to be consulted. This is done through the process of investigating, assessing and working out how to manage the harm from the proposed activity.

Consultation must adhere to requirements set out in clause 80C of the NPW Act where:

- an application for an AHIP will be made, or
- when undertaking test excavation according to the *Code of practice for archaeological investigation of Aboriginal objects in NSW*.

The relevant archaeological codes and guides only require Aboriginal consultation when impacts to Aboriginal heritage are envisaged. The *Due Diligence Code of Practice for the Protection of Aboriginal Objects NSW* (2010) does not require Aboriginal consultation. *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) outlines how a statutory process of Aboriginal consultation is required when applications are made for permits to carry out archaeological excavations and impact Aboriginal sites (such permits are not being sought by this report).

3.2 CONTEXT AND LIMITATIONS

Although the NPW Act refers specifically to Aboriginal objects and places, the investigation requires a broader focus than just the objects or places. It also requires a knowledge and understanding of their context. Context is provided through consultation with Aboriginal people in order to reveal the meaning and significance of the objects and places. In consulting with Aboriginal people, the following limits on the use of existing information must be appreciated:

- Aboriginal people involved in previous studies or surveys may not have disclosed the existence of places with cultural heritage values as they may not have been under immediate threat when the earlier study was undertaken
- A report from AHIMS does not represent a comprehensive list of all Aboriginal objects or sites in a specified area as it lists recorded sites only and is mostly a record of survey effort.

3.3 REGISTERED ABORIGINAL PARTIES

The Pejar Local Aboriginal Land Council is the Registered Aboriginal Party (RAP) associated with this subject land. Following the principle that “the LALC speaks for country”, a representative of the Pejar LALC accompanied the archaeologist in an inspection of the subject land, in order to provide comment on behalf of the local Aboriginal community.

3.4 RESULTS OF CONSULTATION

Refer to Appendix A.

4 SUMMARY AND ANALYSIS OF BACKGROUND INFORMATION

4.1 ABORIGINAL ARCHAEOLOGICAL CONTEXT

Two significant archaeological studies are relevant to the Goulburn Mulwaree LGA. Koettig and Lance (1986) prepared a planning study which identified areas of known or potential Aboriginal cultural and archaeological significance. Their report also included an analysis of site distribution patterns in the landscape in relation to environmental variables such as landform, geology, and distance from water (Koettig and Lance 1986:26). The general trends in site distribution identified by Koettig and Lance are summarised in the Goulburn Mulwaree Aboriginal Heritage Study (2012:30-32):

- Artefact scatters are the most common type of site in the region, and have been identified in all environmental contexts. They are most likely to occur on gentle, well-drained lower slopes within 100m of water. Artefact scatters at the junction of watercourses tend to be large, with high densities of stone artefacts. Underlying geology does not appear to be a significant factor in the location of this type of site.
- Quarries may be present on outcrops of raw stone materials suitable for artefact manufacture, many of which occur within the study area as localised, discrete outcrops of siliceous rocks (pebble beds, quartz veins or outcrops). Types of stone used in the manufacture of tools include chert, silcrete, quartz, quartzite and fine-grained volcanic rocks.
- Burial sites are rare, and historical sources indicate that they are most likely to be found on ridges and hill tops, in hollow trees, and in caves. In some cases, they may also occur in sand bodies. Burials may be difficult to identify, as features that were used by Aboriginal people to mark graves, including carved trees and earth mounds, are unlikely to be preserved.

- Modified trees (scarred or carved) are rare, as scars are finite in age, only likely to be present on trees at least 80-100 years old. Moreover, natural vegetation in the Goulburn region has been altered by fire and forest clearance. Most of the recorded modified trees in the development area have been destroyed in bushfires or removed to museums, such as the carved trees that were recorded at Yarra railway station and Armstrong's Paddock, Bungonia.
- Bora grounds are rare, and based on available site information and historical sources are most likely to be located on hill tops; however, their location cannot be predicted accurately.
- Shelters with art or deposit are found only in areas with suitable rock overhangs, such as sandstone outcrops with cavernous weathering. Large granite boulders and limestone rock shelters were also used as shelters.
- Grinding grooves are most commonly found near creek lines with suitable sandstone outcrops. Sandstone slabs were also transported into areas where there was no suitable stone.

Koettig and Lance's model was later field-tested by Fuller (1989), who surveyed a representative sample of environmental zones within the City of Goulburn. Fuller identified seventeen stone artefacts scatters and five isolated artefacts during the study. Two sites, located within 150m of an intermittent watercourse, also contained fragmented midden material, comprising mussel shell and shell from an unidentified species (Fuller 1989:5-6). Fuller's study located sites in all environmental zones, including those identified by Koettig and Lance as having low archaeological potential. Fuller's study contributed to a revised site distribution model for Goulburn (Figure 5); however, it should be noted that the distribution model remains somewhat generic, especially near water courses, and requires further refinement.

Other small scale archaeological studies have been carried out within Goulburn Mulwaree LGA, mostly in response to proposed developments (e.g. Koettig 1988; Navin Officer 2003; Williams 2004); linear surveys for infrastructure projects such as proposed roads, transmission lines and water supply schemes (e.g. Koettig 1983; Navin Officer 2010; Silcox 1995); and surveys over larger areas for a variety of purposes including proposed quarries, subdivisions, mining leases and State Recreation Area management (e.g. ERM 2006; McBryde 1975; Hughes 1984; Haglund 1986; Silcox 1988).

Most of these studies use the Aboriginal site distribution model proposed for the City of Goulburn by Koettig and Lance (1986) and later revised by Fuller (1989). This continues to be the predictive model used within the Goulburn Mulwaree LGA, with previously recorded sites contributing to Aboriginal archaeological sensitivity mapping in the region. In interpreting these maps, it should be noted that the current distribution pattern is not a true representation of Aboriginal land use, but rather the result of sites discovered during

Test excavation, only in areas predicted to be "sensitive", can lead to confirmation bias: Consultants excavate for artefacts in predicted areas. They can then find several artefacts in those predicted areas, thereby confirming the model. The crucial factor of ground disturbance (by two centuries of traditional farming practices and other activities) is not part of the topographic modelling. Levels of ground disturbance are best verified on site by an inspection on foot ("ground truthing"). Hence this survey report.

4.3 AHIMS SEARCH RESULTS

A search of the Aboriginal Heritage Information Management System or AHIMS register was undertaken. The AHIMS Database search showed no previously recorded Aboriginal sites within the search area or within a 200m buffer of it. The development area is not within, either partly or wholly an area that has been declared an Aboriginal place.

One recorded Aboriginal site is recorded within 1km of the development area (Site 51-6-18). It comprises 17 stone artefacts in an unnamed gully, in a highly disturbed erosion context. The site was recorded by R. Silcox in 1983.

4.4 SURVEY METHOD

Peter Kabaila of Black Mountain Projects, conducted a site inspection of the property Allfarthing on 19 March 2021. The inspection was via a series of pedestrian transects. Exposures and erosion scars were included in the survey to ensure that any areas of archaeological potential were inspected.

The survey focussed on areas of exposure that may reveal archaeological materials and this methodology sometimes resulted in a meandering transect. The survey route is shown in red in Figure 6.



Figure 6 – Survey route (outlined in red)

4.5 SURVEY RESULTS

The survey did not locate any Aboriginal objects or sites within the development area. No specific areas of Potential Archaeological Deposit (PAD) were identified or discernible.

The development area includes the crest of a hill. Crests and ridgelines are often hypothesised as a focus of past Aboriginal land use; however, agricultural activities have altered this landscape. These activities have included vegetation clearing, mechanical excavation, cultivation, cropping, grazing and pine tree planting. Land clearing and cultivation in particular, have resulted in disturbance of ground surface and churning of sediments, erosion and redeposit of soil. The hill crest had been densely vegetated with radiata pines, most of which have been removed as they aged. The resulting landscape is one of ground disturbance and accelerated removal and redeposit of surface soils.

So although the development area was undoubtedly part of the landscape used by Aboriginal people in the past, the likelihood of artefacts being found *in-situ* is low.

A search was made for Aboriginal scarred trees. None were found. No pre-European old growth trees were found.

The Code of Practice recognises hill crests and ridgelines as a landform likely to contain Aboriginal artefacts. But in order to establish such a landform as a potential archaeological deposit (PAD), archaeology requires evidence, such as exposed artefacts eroding out of the landform.

Numerous ground exposures were closely examined along the survey route. The only stone materials found were decomposed quartz and a sedimentary conglomerate. Neither of these raw stone materials are of flakeable quality. No artefacts were found eroding out of these areas. The archaeological conclusion is that this is not pre-European ground surface but disturbed ground, however in recognition of surface visibility being so low (less than 1%), the pastoral area might reasonably be assessed as low (instead of very low) archaeological potential. Note that relics protections would still apply under law if Aboriginal objects are found.



Figures 7-8: Two local raw stone materials found at Allfarthing, neither of them suitable for stone tool flaking. Left: Decomposed quartz. Right: Mudstone conglomerate.

The colour/contrast enhanced aerial images below (Figures 9-10) provide evidence of the study area being cultivated as a field system, criss-crossed by vehicle movements. Disturbed areas of land also show as contrasting patches. The crest of the hill (containing Allfarthing cottage) shows the most highly disturbed land surface.



Figure 9: Colour/contrast enhanced aerial image highlighting patterns of land disturbance (Source: Google Earth, 2020).



Figure 10: Colour/contrast enhanced aerial image highlighting patterns of land disturbance (Source: Google Earth, 2012).

5 CULTURAL HERITAGE VALUES

5.1 ARCHAEOLOGICAL POTENTIAL

There are two land use zones within the development area.

Area A: Cottage and yard – very low archaeological potential

Area A is the cottage and yard constructed on the crest of the hill. This is ringed by the remains of a wind break of large, mostly radiata pine trees. This area of land has been cleared of vegetation, with much of it levelled for construction of the cottage in the 1880s. The area is delineated by fencing and radiata tree planting. Archaeologically this land surface and sediments are highly disturbed and have low archaeological potential to contain in-situ Aboriginal artefacts.

Area B: Downhill slopes – low archaeological potential

Area B is the downhill slopes encircling the cottage. These have been in past agricultural use for cultivation and grazing. Archaeologically this land surface and sediments are highly disturbed and have low archaeological potential to contain in-situ Aboriginal artefacts. Although in pastoral use, this is not a pristine hunter gatherer landscape but a settler landscape. Dense growths of introduced grasses limit ground surface visibility to less than 1%.

Step 2b of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (2010:12) requires the consideration of whether the development area contains landscape features that indicate the *likely* existence of Aboriginal objects and is on land that is not *disturbed*. *Likely* and *disturbed* are the key concepts in the Code to understand the results of this assessment. These concepts and the development area are discussed below.

Disturbed land

The Due Diligence Code (2010:18) defines *disturbed land* as the subject of a human activity that has changed the land's surface, being changes that remain clear and observable. Examples of disturbed land include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks (Due Diligence Code 2010:18).

The development area and in fact the whole 40 ha lot, is cleared and largely devoid of native vegetation, vegetated by exotics and exhibited a range of disturbances resulting from

earthmoving machinery, rural grazing and associated activity. The land is considered *disturbed land* within the meaning of the Code.

Likely

Likely is not defined within the Due Diligence Code. Likelihood of finding *Aboriginal objects* is generally discussed in terms of archaeological potential or *sensitivity*. An index of likelihood has been devised and is presented below. Probability and confidence indicators are those used by the Australian Army Intelligence Corps S2 Aide-Memoire. The approach is reminiscent of *levels of evidence* used in biomedical science.

Potential to contain Aboriginal objects. (Archaeological potential or “sensitivity”).	Confidence(“likelihood”)	% Probability
Very high	Almost certain/confirmed	95% or greater
High	Probable	75%-95%
Moderate	Likely	50%-75%
Low	Possible	15%-50%
Very low	Unlikely/doubtful	15% or less

For the purposes of the Due Diligence Code, any ridgeline is considered *likely* to contain Aboriginal objects (and therefore of moderate or higher archaeological potential), unless it is *disturbed land*. Whilst the development area includes a hill crest and may have acted as a focus point for Aboriginal occupation in the past, the area is also *disturbed* within the meaning of the Code. This means that any Aboriginal objects that may be present are likely to also be *disturbed* and unlikely to remain in-situ. It should also be noted that within the local area there are areas far more *likely* to contain Aboriginal objects resulting from Aboriginal occupation, such as higher order tributaries.

On the basis of this assessment and the extent of disturbance the development area is assessed as having a low to very low potential to contain Aboriginal objects.



Figure 11: Photos along the pedestrian survey route showing level of disturbance: 1. Entry driveway – imported gravel. 2. Erosion scar along vehicle track. 3. Decomposed quartz exposures along vehicle track. 4. Decomposed quartz exposures along vehicle track. 5. Allfarthing cottage surrounded by tree plantings and yard. 6. Typical distant view of Allfarthing over grass covered fields. 7. Silt ground surface with some quartz gravel. 8. Mechanically excavated dam with quartz exposed at its banks. 9. Exit driveway.

5.2 STATEMENT OF SIGNIFICANCE

No Aboriginal objects or places have been identified in the development area.

6 IMPACTS OF PROPOSED ACTIVITY

6.1 PREVIOUS IMPACT ASSESSMENTS

Kieran Davies the owner is seeking Goulburn Mulwaree Council approval for subdivision of Allfarthing, a heritage listed property at 2 Brisbane Grove Road, Brisbane Grove (Goulburn) NSW. As part of the Development Application, Goulburn Mulwaree Council requires advice about the potential of the proposal to *harm* Aboriginal places and objects pursuant to the *National Parks and Wildlife Act* (1974).

No previous impact assessments related to the area of the proposed activity exist.

6.2 IMPACTS TO ABORIGINAL CULTURAL HERITAGE VALUES

The proponent has engaged Black Mountain Projects Pty Ltd and sought advice under the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011) to understand whether the works, being the development of the subdivision of Allfarthing, have the potential to *harm* Aboriginal objects or values protected under the *NSW National Parks and Wildlife Act* (1974). This assessment has:

- Found no evidence of Aboriginal sites and objects within the development area.
- Assessed the development area as comprising *disturbed land* under the meaning of clause 80B relating to section 87(4) of the NPW Act.
- Assessed the development area as having low archaeological potential to contain Aboriginal sites and objects.

7 AVOIDING AND/OR MITIGATING HARM

There are no known Aboriginal objects or places in or near the development area. As a result, the proposed development will not harm any known Aboriginal objects or places. Should Aboriginal objects or places be discovered during the course of development, refer to the recommendations below.

8 RECOMMENDATIONS

8.1 MANAGEMENT RECOMMENDATIONS

The following management recommendations are based on the above conclusions and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010). Should Aboriginal objects or places in the area of the proposed activity be discovered, more detailed investigation and an impact assessment will be required. Where an Aboriginal cultural heritage assessment does not indicate that there are (or are likely to be) Aboriginal objects, you can proceed with caution without an AHIP application.

On the basis of this assessment for Aboriginal objects and their protection under the *NSW National Parks and Wildlife Act* (1974) it is recommended that:

- This proposal does not require any further assessment relevant to Aboriginal sites or objects protected under the NPW Act.
- Should Aboriginal objects be discovered during development works, all works in that area should cease and the proponent should contact Heritage NSW or a qualified archaeologist to seek some determination of the discovery and how to proceed.
- In the unlikely event that skeletal remains be discovered during earthworks, all works should cease and protocols consistent with Requirement 25 in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) be implemented.

8.2 ASSESSMENT STATEMENT

I, Peter Rimgaudas Kabaila, Heritage Consultant, confirm that:

- I have conducted a visual inspection on the site of the proposed development.
- I have prepared this report, which has objectively assessed the proposed development against the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010), *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011) and *Aboriginal cultural heritage consultation requirements for proponents* (2010).

A handwritten signature in black ink, appearing to read 'Peter Kabaila', with a stylized, flowing script.

Dr Peter Kabaila, Heritage Consultant, Black Mountain Projects Pty Ltd

GLOSSARY

Aboriginal object A statutory term, meaning: ‘... any deposit, object or material evidence (not being a handicraft made for sale) 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’ (s.5 NPW Act).

Declared Aboriginal place A statutory term, meaning any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the *NSW Government Gazette*, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.

Development area Area proposed to be impacted as part of a specified activity or development proposal.

Harm A statutory term meaning ‘... any act or omission that destroys, defaces, damages an object or place or, in relation to an object – moves the object from the land on which it had been situated’ (s.5 NPW Act).

Place An area of cultural value to Aboriginal people in the area (whether or not it is an Aboriginal place declared under s.84 of the Act).

Proponent A person proposing an activity that may harm Aboriginal objects or declared Aboriginal places and who may apply for an AHIP under the NPW Act.

Proposed activity The activity or works being proposed.

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APPENDIX A – ABORIGINAL CONSULTATION

Aboriginal consultation log

Consultation with Delise Freeman, representing Pejar LALC.

Date	Request	Comm	Response
10.03.2022	Subject land inspection request.	Mobile call	LALC requested aerial image of the land parcel, owner contact details, address and AHIMs search results, and draft report to prepare for the site inspection.
16.03.2022	Mobile text message to confirm inspection. Subject land inspection with Delise Freeman	Meeting on subject land	LACL discussion with archaeologist and owner was wide ranging. No specific objections were raised.
16.03.2022	Email thanking Delise for site inspection. Emailed confirmation of inspection with attached draft of archaeologist's site notes.	Email	No response
23.03.2022	Draft ACHAR provided for comment.	Email	No response
06.05.2022	Follow up request for LALC response.	Email	No response
20.06.22	Update re ACHAR completion. Reminder to invoice inspection.	Mobile call	LALC invoice for inspection received and paid



TAX INVOICE

Black Mountain Projects,

Invoice Date
20 Jun 2022

Invoice Number
INV-0027

ABN
72 662 632 151

Pejar Local Aboriginal
Land Council
80 Combermere Street
PO Box 289.
GOULBURN NSW 2580

Description	Quantity	Unit Price	GST	Amount AUD
For LALC inspection on 16.03.2022 Allfarthing, 2 Brisbane Grove Road, Brisbane Grove (Kieran Davies' owner) Lot 60 DP1090981 & Lots 61-64, 71-77 DP976708	1.00	850.00	10%	850.00
Subtotal				850.00
TOTAL GST 10%				85.00

APPENDIX B – AHIMS SEARCH RESULTS



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 73 976708 1km

Client Service ID : 666466

Black Mountain Projects Pty Ltd

Date: 11 March 2022

5 Wangara St

Aranda Australian Capital Territory 2614

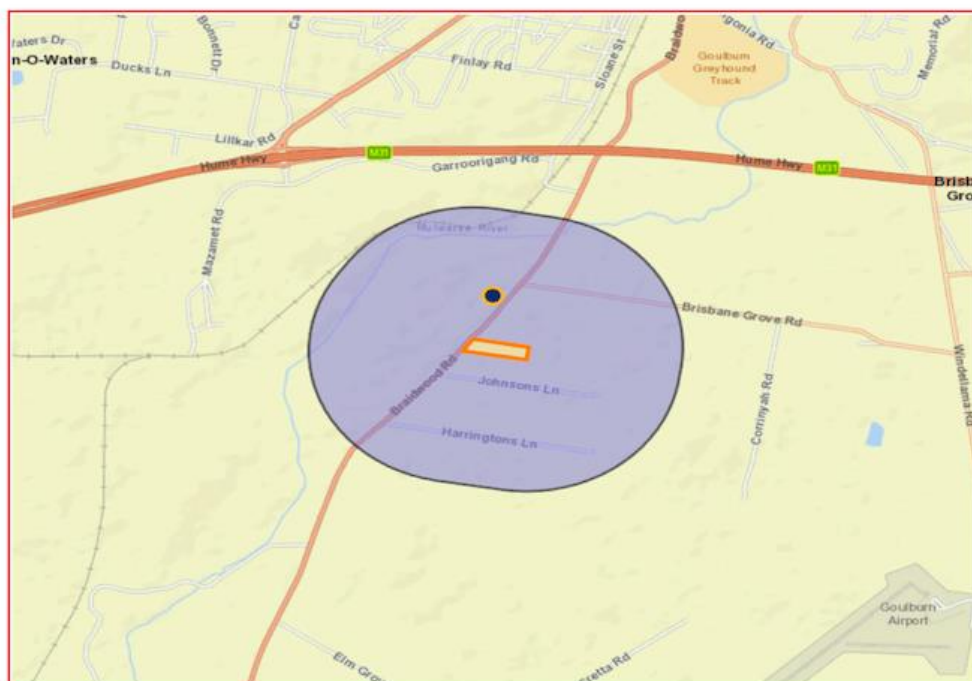
Attention: Peter Kabaila

Email: peterkabaila1@gmail.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 73, DP:DP976708, Section : null with a Buffer of 1000 meters, conducted by Peter Kabaila on 11 March 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *