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Mountain Ash Road Goulburn Planning Proposal

Aboriginal Heritage Desktop Assessment

Prepared for DBI-Link

August 2022

Goulburn Mulwaree Local Government Area



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Executive summary

DBI-Link is proposing to rezone primary production land to Large Lot Residential (proposed two hectare (ha) sized lots) over a 277 ha site between Mountain Ash Road, Windellama Road, Barretts Lane and Rosemont Road, Goulburn, New South Wales (the Project Area) (Figure 1-1 and Figure 1-2). The proposed works will cross a number of Aboriginal archaeologically sensitive landforms such as creeks and drainage lines. Everick Heritage Pty Ltd has been engaged by DBI-Link to prepare an Aboriginal Heritage Desktop Assessment to assess the archaeological potential and sensitivity of the Project Area.

A search of the Aboriginal Heritage Information Management System (AHIMS) was conducted on 03/08/2022 (Client Service ID: 7054002). Eighty-seven Aboriginal sites were identified in the search. No AHIMS sites are recorded within the Project Area. Table 3-1 indicates that the majority of features (85.1 per cent) are associated with stone artefacts (Artefact; Isolated Find). There has been no previous archaeological investigation within the Project Area.

Based on previous archaeological assessments, regional studies and past land use, the Project Area is assessed as having moderate potential for Aboriginal sites and objects. These would most likely be stone artefacts located near creek lines or other water sources. Proximity to water is considered to be a preeminent factor which determined past Aboriginal occupation of the land. The Project Area is bounded to the west by the Gundary Creek, a perennial river which would have served as an important, perennial source of water and other resources (food, shelter, transport) for local Aboriginal populations.

While the rezoning of the property will not result in any impact to Aboriginal sites, the impact of subsequent works should be considering when assessing the need for further archaeological investigation. Due to the moderate potential for archaeological deposits or sites to occur within the Project Area, it is recommended that additional archaeological investigations such as the preparation of a code compliant Archaeological Survey Report or Aboriginal Cultural Heritage Assessment Report (ACHAR) are completed prior to the construction phase of works.

Furthermore, Appendix B of the Goulburn Mulwaree DCP 2009, (Appendix B) which was developed in consultation with the Pejar Local Aboriginal Land Council suggest that the site is located within Aboriginal Sensitive Land and an Archaeological Survey must be prepared and lodged with any development application for land subdivision.

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Definitions and abbreviations

ACHR	means Aboriginal Cultural Heritage Regulation
AHIMS	means Aboriginal Heritage Information Management System
AHIP	means Aboriginal Heritage Impact Permit
<i>ALR Act</i>	means <i>Aboriginal Land Rights Act 1983 (NSW)</i>
<i>Commonwealth Act</i>	means <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)</i>
DECCW	means Department of Environment, Climate Change and Water (now Heritage NSW)
Due Diligence Code of Practice	means Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales
DPC	means Department of Premier & Cabinet
<i>EPBC Act</i>	means <i>Environment Protection and Diversity Conservation Act 1999 (Cth)</i>
Everick Heritage	means Everick Heritage Pty Ltd
ha	means hectare
km	means kilometres
LALC	means Local Aboriginal Land Council
LEP	means Local Environmental Plan
LGA	means Local Government Area
m	means metres
mm	means millimetres
<i>NPW Act</i>	means <i>National Parks and Wildlife Act 1974 (NSW)</i>
<i>NPW Regulation</i>	means <i>National Parks and Wildlife Regulation 2009</i>

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NSW	means New South Wales
PAD	means Potential Archaeological Deposit
Project Area	means area shown in Figure 1-1

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1. Introduction

1.1. Project background

DBI-Link is proposing a subdivision of a 277-hectare (ha) site on Mountain Ash Road on the outskirts of Goulburn, New South Wales (NSW). Goulburn is located approximately 192 kilometres (km) southwest of Sydney and 95 km northwest of Canberra.

Everick Heritage Pty Ltd (Everick Heritage) has been engaged by DBI-Link to provide a Aboriginal Heritage Desktop Assessment (desktop assessment) to support a proposal to Goulburn Mulwaree Council for the request to rezone the primary production land on the outskirts of Goulburn, to Large Lot Residential areas.

1.2. Project Area

The Project Area envelops the north portion of Mountain Ash Road and the entirety of Barretts Lane, located within the locality of Brisbane Grove (Project Area, Figure 1-1) as well as within the boundaries of the Parish of Towrang and the Parish of Goulburn. It is principally within the County of Argyle, which is bounded to the west by Gundary Creek, situated within the Goulburn Mulwaree Council Local Government Area (LGA) as well as within the Pejar Local Aboriginal Land Council (LALC) area.

1.3. Project description

The subdivision of the 13 existing parcels of lands (Project Area) into 105 residential properties covers an area of approximately 2,653,109.96 square metres. Nine lots to the north of Mountain Ash Road comprise of the following allotments: Lot 1 DP 779194, Lot 103 DP 70346, Lot 1 DP 853498, Lots 104, 105, 106 DP 126140 and Lot 1 and 2 DP 835278. To the south, the Project Area covers four allotments: Lot 3 DP 835278, Lot 1 DP 731427 and Lot 22, 23, 24 DP 811954. The location of the Project Area and the subdivision allotments can be seen in Figure 1-2.

1.4. Methodology

This assessment consisted of the following tasks, in line with Steps 1-5 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Due Diligence Code of Practice) (Department of Environment, Climate Change & Water 2010a):

- Assess the nature of the works activities with consideration of ground surface disturbance and the potential to impact on mature indigenous trees which may be culturally modified.
- Assess the presence and nature of recorded Aboriginal sites in the surrounds of the Project Area through database searches and other sources of information such as relevant archaeological reports.
- Assess the past and present landscape features of the Project Area.
- Present evidence and findings from the site inspection.
- Assess the archaeological potential of the Project Area and any likely impact of the works on landforms of archaeological potential.
- Provide recommendations for mitigation of impact to any Aboriginal archaeological values.

1.5. Authors and contributors

Grace Eldon (Archaeologist, Everick Heritage) prepared this desktop assessment. Grace has one year experience as a consultant and has been developing her consultancy skills over the last year. She holds a Bachelor of Arts (Hons) in Archaeology.

A quality and compliance review of this report was conducted by Vanessa Edmonds (Principal, Everick Heritage). Vanessa has over 35 years of experience in cultural heritage management in NSW.

Alfred Gasore (GIS, Everick Heritage) prepared the mapping.

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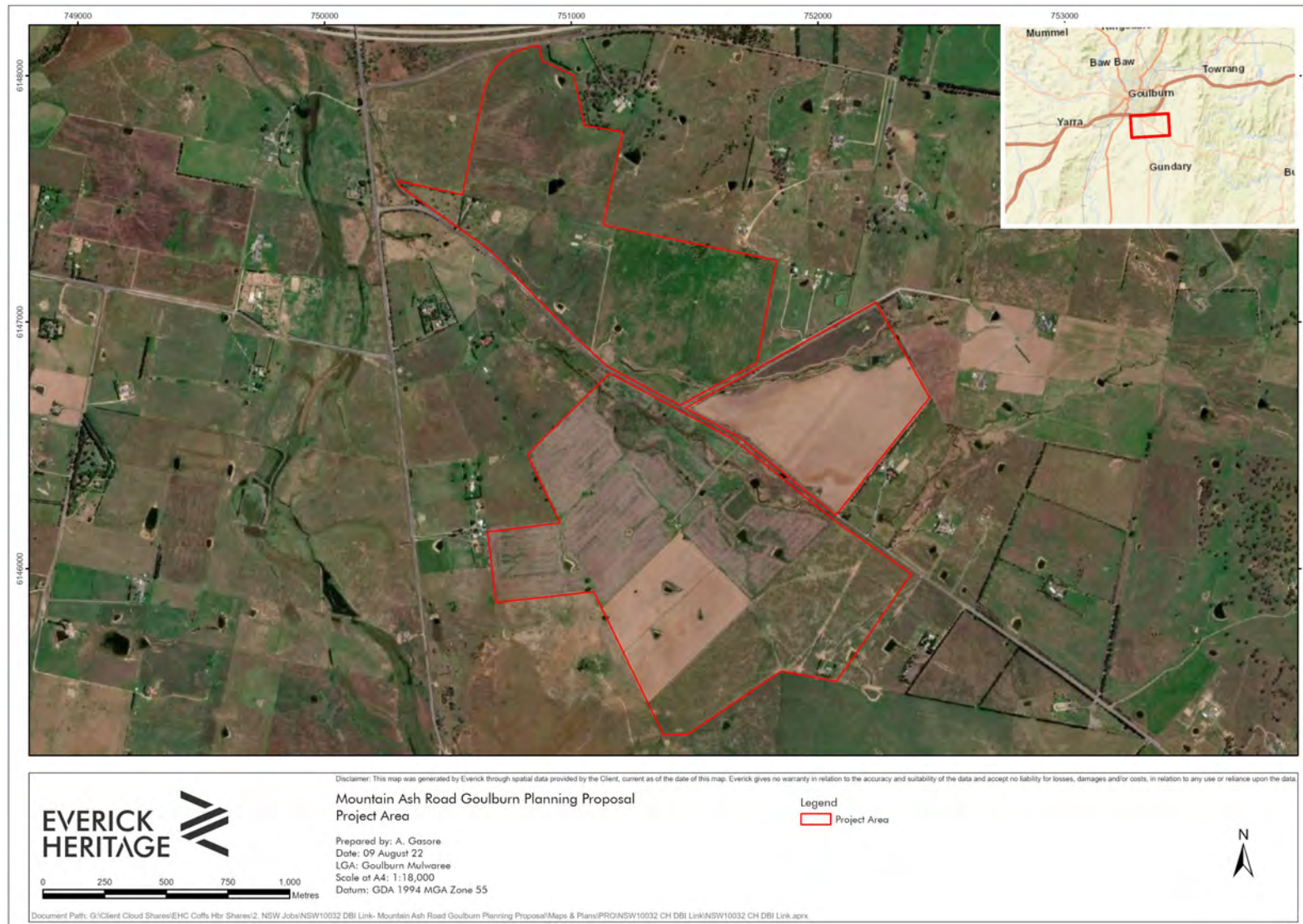


Figure 1-1: Project Area

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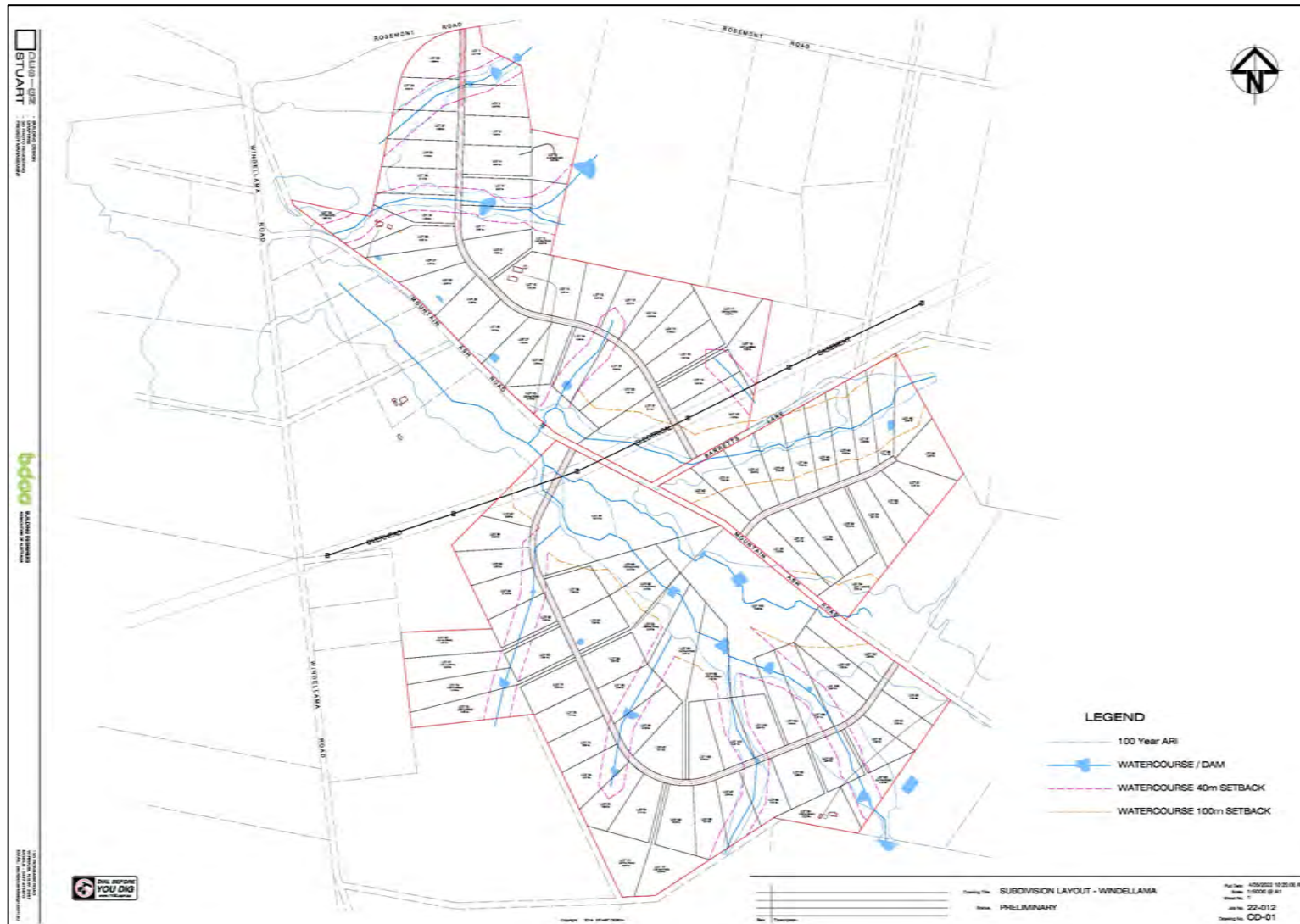


Figure 1-2: Indicative lot layout plan

2. Legislative context

2.1. Commonwealth legislation

2.1.1. Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

Most State Aboriginal heritage databases provide protection for those sites with physical evidence. The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* (*Commonwealth Act*), deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. In most cases, archaeological sites and objects registered under the *National Parks and Wildlife Act 1974 (NSW)* and *Heritage Act 1977 (NSW)* will also be Aboriginal places subject to the provisions of the *Commonwealth Act*.

There is no cut-off date and the *Commonwealth Act* may apply to contemporary Aboriginal cultural property as well as ancient sites. The *Commonwealth Act* takes precedence over State cultural heritage legislation where there is conflict. The responsible Minister may make a declaration under Section 10 of the *Commonwealth Act* in situations where state or territory laws do not provide adequate protection of heritage places.

2.2. State legislation

2.2.1. National Parks and Wildlife Act 1974 (NSW)

The *National Parks and Wildlife Act 1974 (NSW)* (*NPW Act*) provides statutory protection to all Aboriginal places and objects. An Aboriginal object is defined 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.

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An Aboriginal Place is declared by the Minister under section 86 of the *NPW Act*. Aboriginal Places are recognised for their special significance to Aboriginal culture. Aboriginal Places gazetted under the *NPW Act* are listed on the State Heritage Register established under the *Heritage Act 1977 (NSW)*.

The protection provided to Aboriginal objects applies regardless of the level of their significance or issues of land tenure. Aboriginal objects and places are afforded statutory protection in that it is an offence to knowingly or unknowingly desecrate an Aboriginal object or place under section 86 of the *NPW Act*.

In accordance with section 89A, any person who is aware of the location of an Aboriginal object must notify the Chief executive in the prescribed manner within a reasonable time of becoming aware of that object. The prescribed manner is through preparation and submission of an Aboriginal Site Recording Form to the Aboriginal Heritage Information Management System (AHIMS) (DECCW 2010b: 14).

In order to undertake a proposed activity which is likely to involve harm to an Aboriginal object or Aboriginal Place it is necessary to apply to Heritage NSW (Department of Planning and Environment) for an Aboriginal Heritage Impact Permit (AHIP). AHIPs are issued by the Aboriginal Heritage Regulation Team (Heritage NSW) under section 90 of the *NPW Act* and permit harm to certain Aboriginal objects and Aboriginal Places.

2.2.2. National Parks and Wildlife Regulation 2009 (NSW)

The Due Diligence Code of Practice was adopted by the *National Parks and Wildlife Regulation 2009 (NSW) (NPW Regulation)* and introduced in October 2010 by Heritage NSW (formerly DECCW). The aim of this guideline is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP.

A due diligence assessment should take reasonable and practicable steps to ascertain whether there is a likelihood that Aboriginal objects will be disturbed or impacted during the proposed development. If it is assessed that sites exist or have a likelihood of existing within the development area and may be impacted by the proposed development, further archaeological investigations may be required along with an AHIP. If it is found to be unlikely that Aboriginal sites exist within the study area and the due diligence assessment has been conducted according to the Due Diligence Code of Practice, work may proceed without an AHIP.

This desktop assessment does not comply with the *NPW Act*, a site inspection is required to ground truth the results of this assessment.

2.2.3. Native Title Act 1994 (NSW)

The Native Title Act 1994 (NSW) was introduced to work in conjunction with the Commonwealth *Native Title Act 1993 (Cth)*. Native Title claims, registers and Indigenous Land Use Agreements are administered under the *Native Title Act 1994 (NSW)*. A search was conducted of the Native Title register on 9 August 2022 but no claims were noted.

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3. Background

The purpose of this section is to assist in the prediction of:

- The potential of the landscape over time to have accumulated and preserved Aboriginal objects.
- The ways Aboriginal people have used the landscape in the past with reference to the presence of resource areas, surfaces for art, other focal points for activities and settlement.
- The likely distribution of the material traces of Aboriginal land use based on the above.

3.1. Environmental context

3.1.1. Soil landscapes of the Project Area

The Project Area overlaps the boundaries of the Bullamalita soil landscape, and the Collector Creek soil landscape as depicted within the Soil Landscapes of the Goulburn 1:250,000 Sheet (Hird 1991). In general, the major soil types in the Goulburn area favour sustainable and productive agriculture (Goulburn Mulwaree Council Heritage Study Review 2018). A visual representation of the soil landscapes is provided in Figure 3-3.

The majority of the Project Area is situated in the Bullamalita soil landscape, an area near Goulburn that is associated with Upper Silurian and Lower Devonian sediments, in conjunction with undulating rises and valleys between low hills (Hird 1991). The local relief is between 10 to 50 metres (m), with slopes of less than 10 per cent. The soils consist of acid to neutral yellow duplex soils, usually with balanced A2 horizons, as can be seen in Figure 3-1, that set very hard on drying, of which occur on lower side slopes, foot slopes and drainage lines along the undulating rises and hills (>2,000 millimetres [mm]).

The Collector Creek soil landscape is characterised by alluvial plains, frequently subject to active erosion and aggradation by channelled or overbank stream flow. The soil landscape is situated on the narrow floodplains associated with Salpetre Creek, the Mulwaree River, Wollogorang, Currawang and Collector Creeks. The alluvial floodplains have an elevation which can vary from around 700 m on Collector Creek to about 660 m on the Mulwaree River (Hird 1991). Moderately deep, grey and yellow mottled duplex soils with bleached A2 horizons and neutral to alkaline reaction prevail in this landscape. Deposits associated with Collector Creek have formed on colluvial and alluvial deposits of Quaternary and Cainozoic clay, silt, and sand, with depths ranging to 3,000 mm (Figure 3-2).

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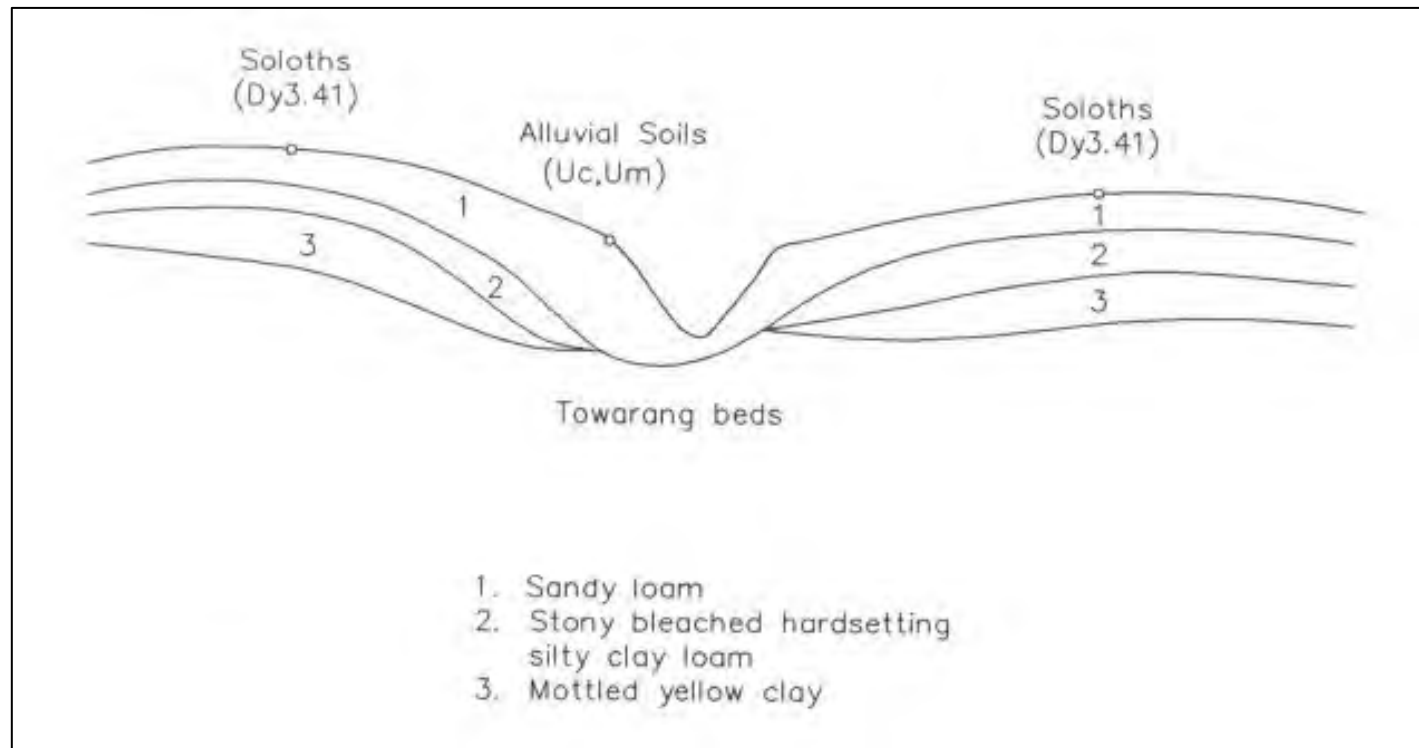


Figure 3-1: Geology of Bullamalita soil landscape

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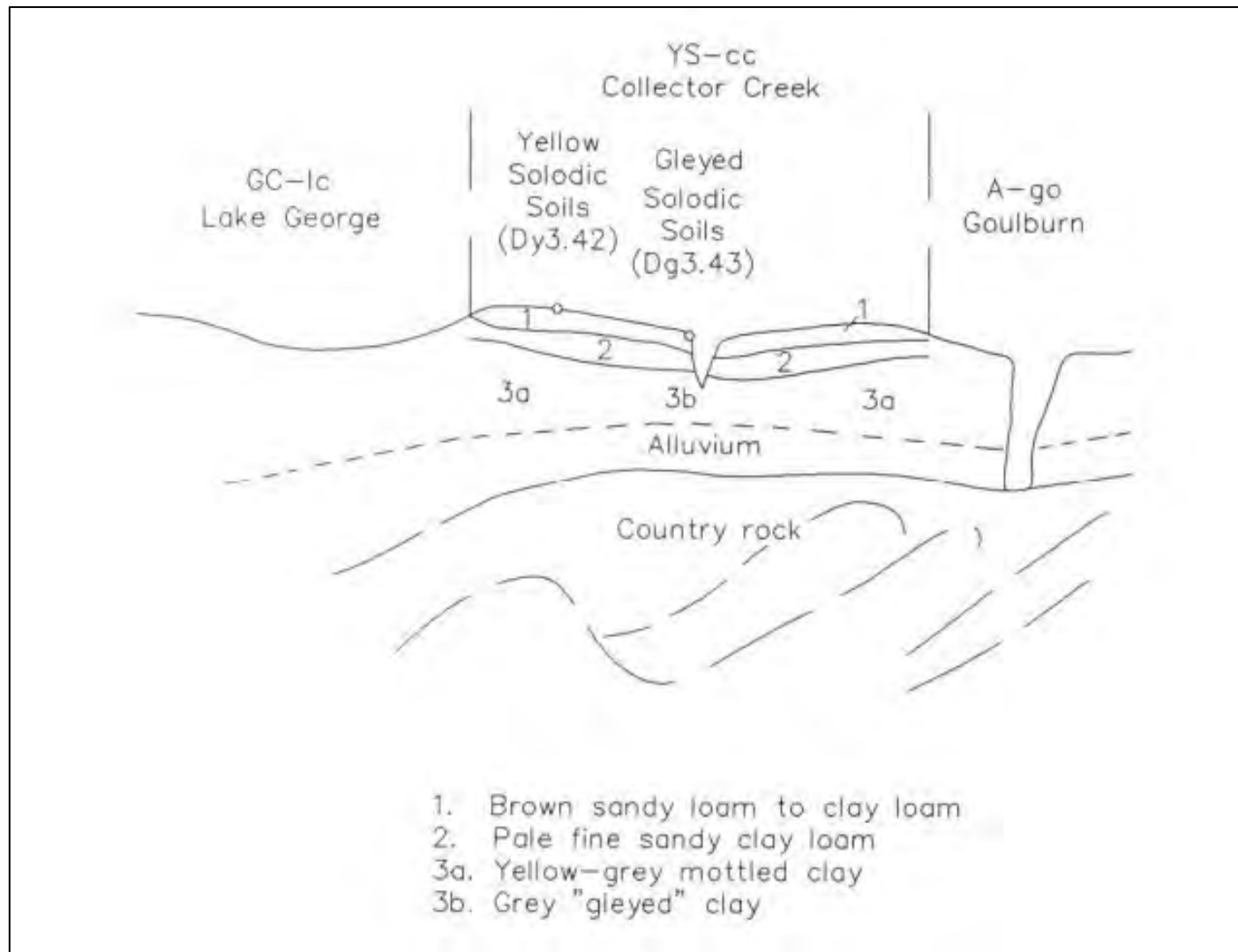


Figure 3-2: Geology of Collector Creek soil landscape

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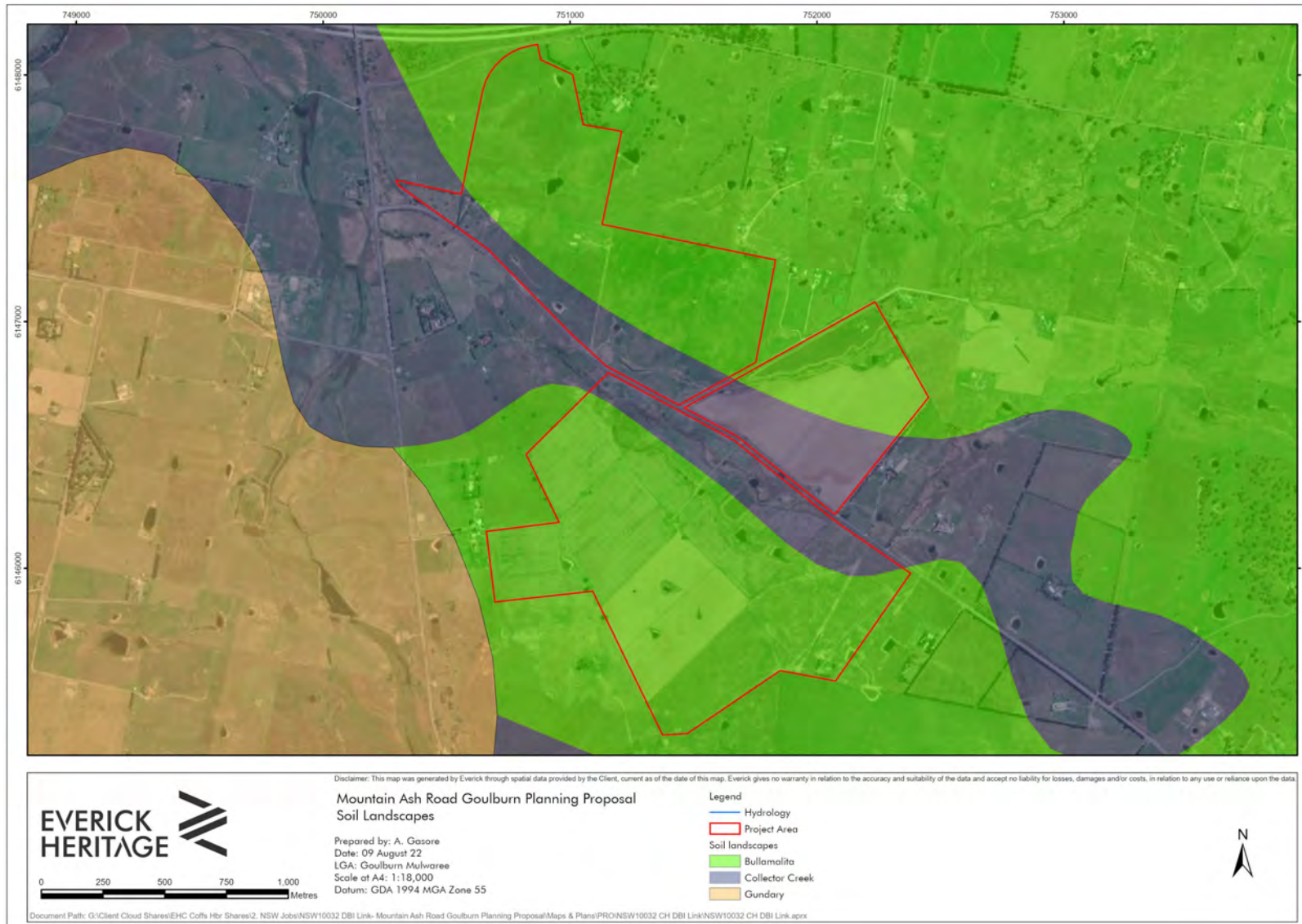


Figure 3-3: Soil landscapes of the Project Area

3.1.2. Hydrology

There are numerous watercourses within the Project Area. Gunday Creek is a major fourth-order watercourse which travels perpendicular to the Project Area, west of Windellama Road. Multiple tributaries off Gunday Creek and expand into the Project Area. This includes numerous first-order streams meandering through the southern end the Project Area. An unnamed third-order watercourse flows southeast alongside the south side of Mountain Ash Road. Another unnamed third-order stream flows south of Barretts Lane, in the northeast portion of the Project Area. Figure 3-4 shows the distribution of creek lines of the Project Area.

3.1.3. Vegetation

The Collector Creek soil landscape is found in the Southern Tableland Red Grass-Spear Grass Grassland and the Bullamalita soil landscape is generally characterised as a Southern Tablelands Grassy Box Woodland. The above two soil landscapes have been subject to significant ground disturbing works as both have been extensively cleared. Their features, however, characterise the adjacent creeks and banks, as well as gradient slopes and undulating alluvial plains covering the Project Area. Highlands and tributaries dominate the region of the Project Area, bounded by vegetation which reflects the temperate environment. A temperate climate dominates both soil landscapes, with a montane climate occurring at higher elevations (Hird 1991).

These landscapes have been extensively cleared and populated with introduced species since the introduction of cultivation during the Contact period. Original vegetation for the Collector Creek landscape would have once included dry and wet tussock grasslands with spear grasses and snow gums (Hird 1991). For the Bullamalita landscape, most often savannah woodland of Yellow Box and Red Gum populated the area (Hird 1991). Brittle Gum occurs on the boundary with the Midgee soil landscape. Both soil landscapes follow the perennial creek lines associated with the Project Area.

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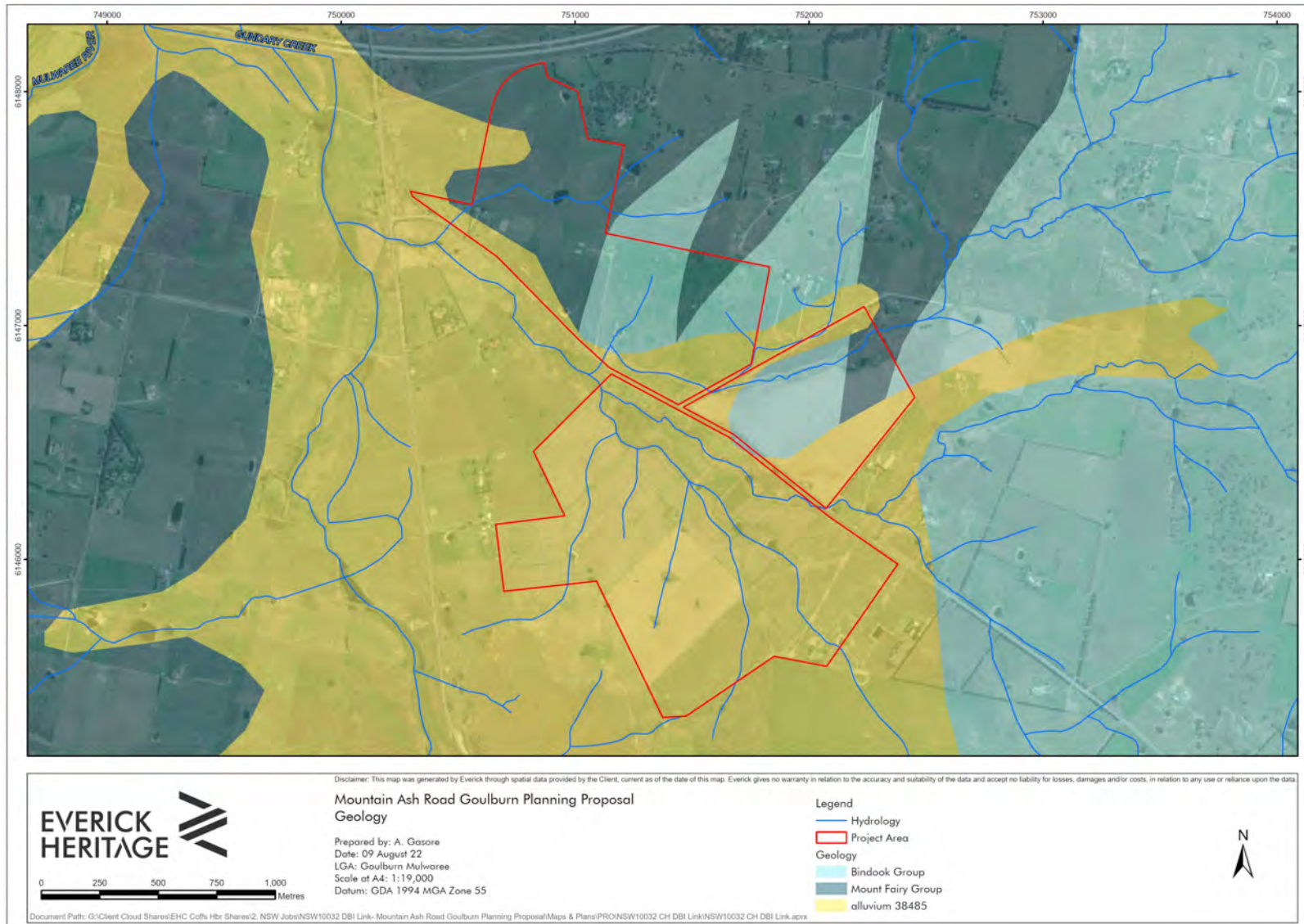


Figure 3-4: Geology of the Project Area

3.2. Past and present land use

The Project Area is located just 3.8 km southeast from Goulburn itself. The landscape and topography, within which the Project Area sits would have facilitated the expansion of the town's pastoral industry.

Historically, the major industries in the rural regions of Goulburn Mulwaree were pastoral based, mainly focused on wool production, fat lambs and cattle grazing. There has been a downturn of traditional agricultural industries in the area and an attempt to diversify alternative enterprises have included the growing of canola, lavender, berries, grapes, olives, and poultry (Goulburn Mulwaree Heritage Study Review 2018). The downturn in the agricultural markets has generally led to pressure for residential subdivisions of larger land holdings, some of which contain significant historic homesteads and associated rural buildings. Today, in the Goulburn Mulwaree LGA, agriculture and grazing remain the dominant industries.

An historic map of the Parish of Towrang from 1881 (Figure 3-6) highlights the ongoing development of land residential purposes with large land grants allotted to private owners. Aerial imagery taken in 1975 and 2022 can be compared revealing further clearing and levelling of paddocks in the Project Area, however, land alongside watercourses has remained untouched (Figure 3-5). Mountain Ash Road encompasses a portion of the Project Area. This road has been used as a service passage since the late 19th century as the original route to Bungonia (Figure 3-6). The Project Area has remained undeveloped with the exception of minor infrastructure relating to agricultural practices since the 19th century, as well as the construction of an additional building on the northern side of the property.

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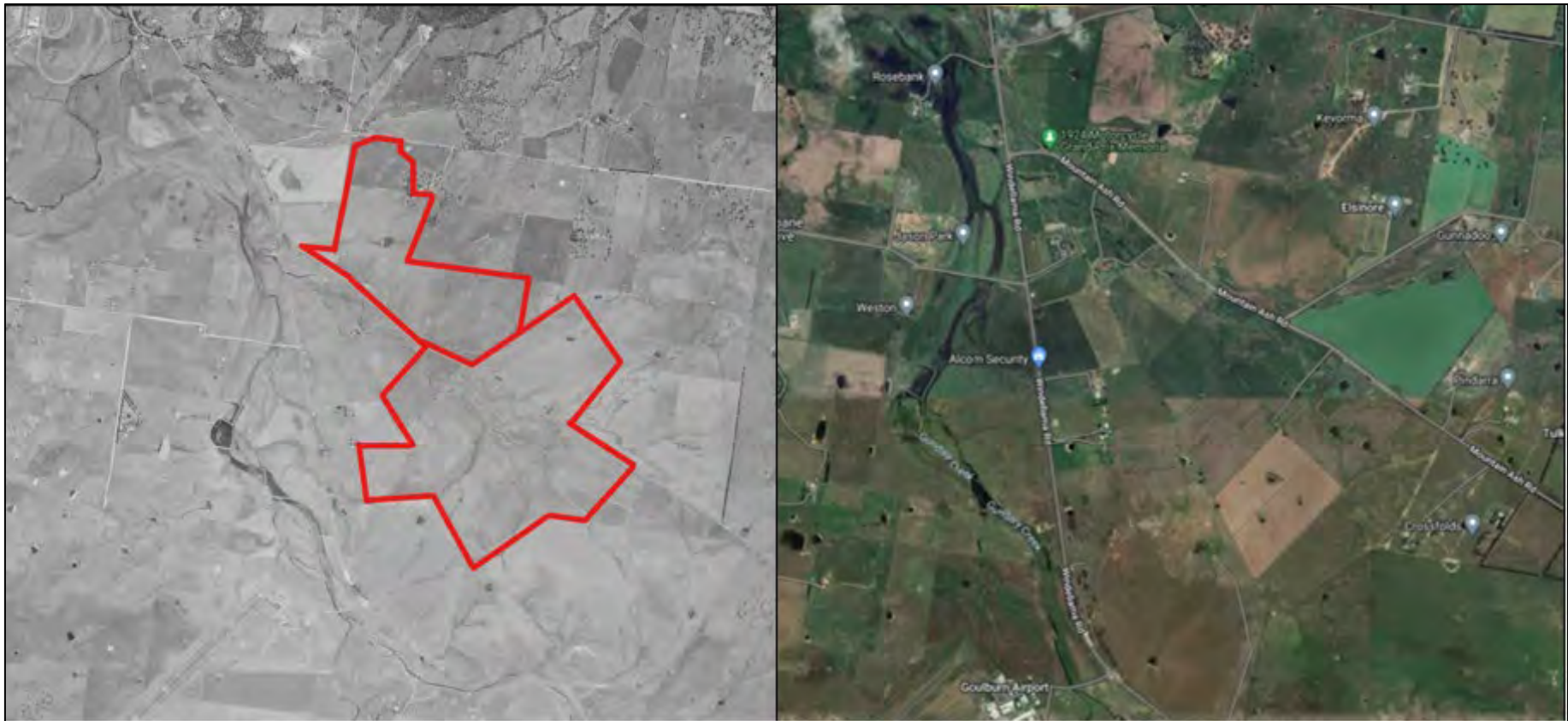


Figure 3-5: Aerial imagery of the Project Area from 1975. The approximate location of the Project Area is shown in red (Source: NSW Spatial Service)

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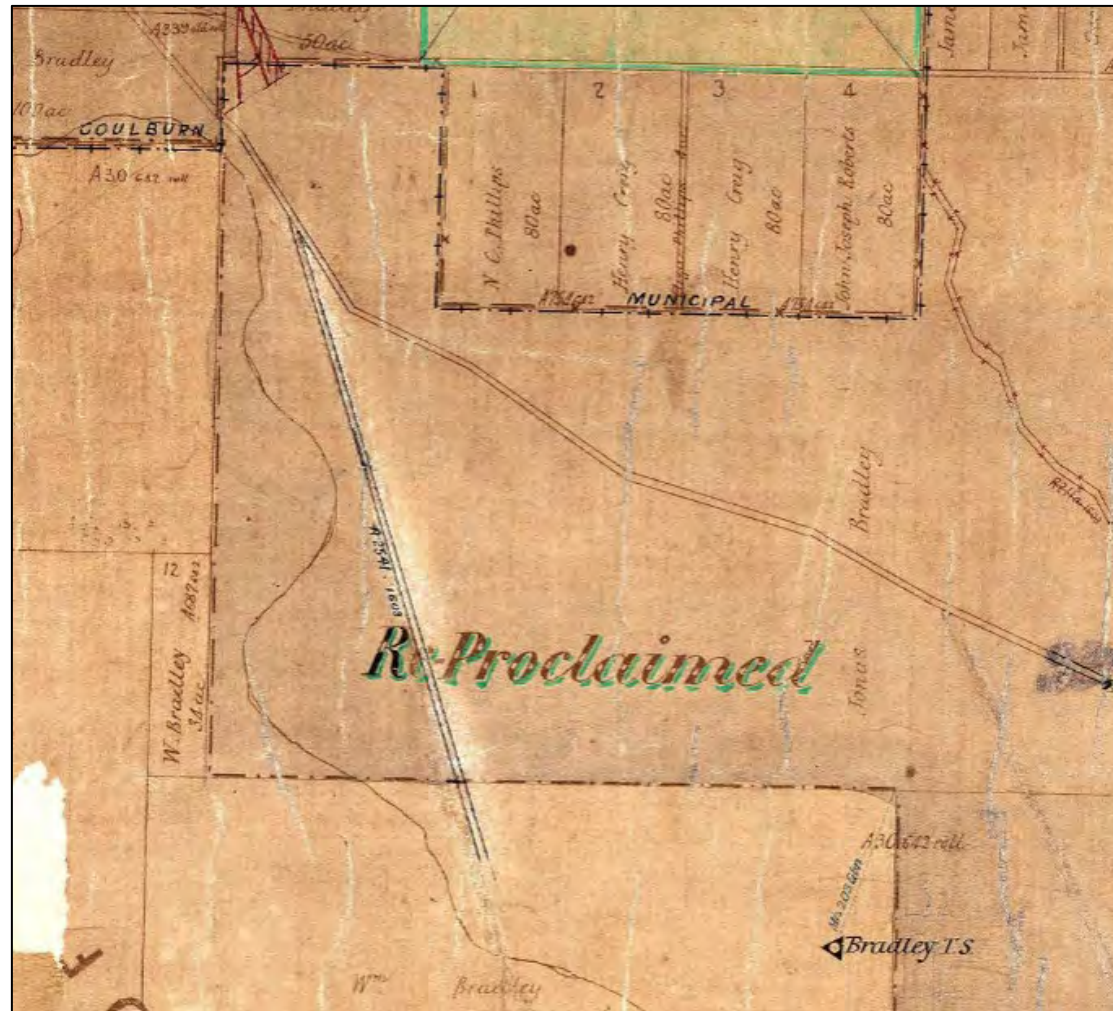


Figure 3-6: 1881 Parish of Towrang parish map showing the location of the Project Area and the allotments of the land, south of Goulburn
(Source: NSWHLRS)

3.3. Ethnohistoric context

The Project Area is likely to have been associated with the Gandangara (also known as the Gundungurra, Gundungari, Gurra-gunga, and Burragorang) and Nyunnawal (also called the Ngunuwal, Ngoonawal, Wonnawal, Nungawal, Yarr, Yass tribe, Lake George, Five Islands tribe or Molonglo tribe) clans who inhabited the Goulbourn district. The Gandangara and Nyunnawal occupied the Mulwaree region at the time of first European settlement. The Project Area was probably located within the boundaries of the Gandangara tribe. However, taking into consideration the fluid nature of tribal boundaries, the area may well have been within Gandangara territory, or within a sub-set of either of these groups.

For both the Gandagnara and the Nyunnawal, their diets could be quite varied according to availability of food including kangaroos, wallabies, possums and other small marsupials such as bandicoots, as well as emus, wild turkey, echidna, native ducks, fish and eels, freshwater mussels, snakes, native bees and ants. The pre-colonial landscape of Project Area provided an ecologically diverse environment of both plant and animals resources for both food and material items. The surrounding waters and landscapes formed an integral part of many Aboriginal communities' belief systems, and would have attracted occupation and use, for its nature resources. In short, Gandangara and Ngunawal made best use of all the plant and animal resources available to them in their environment. Sustainable practices were used, such as firestick farming, cultivation, and transient camping to maintain their traditional lifestyle and the health of the environment in which they lived.

From the 1820s onwards, traditional Gandangara and Ngunawal life became increasingly disrupted due to European land use as early pastoralists with sheep and cattle entered the region in search of fresh pastures. Occupation by pastoralists led to settlement, the establishment of roads, towns and inns, and an influx of convict workers, who built the roads and shepherded stock (Goulburn Mulwaree Heritage Study Review, 2018). Due to the area's rich agricultural lands, the broader County of Argyle where Goulburn Mulwaree region is situated was one of the first areas to be extensively explored and cultivated in the Sydney Basin. Numerous land grants were established in and around the Goulburn Plains and by the early 1820s the district was being used to grow wheat, sheep and cattle for the Sydney market (Bayley 1954: 17 cited in Navin Officer 2019).

3.4. Previous archaeological assessments

3.4.1. Regional studies

Previously recorded Aboriginal sites within the Goulburn Mulwaree LGA generally occur in the vicinity of watercourses, in elevated areas, and in areas with suitable geology or mature vegetation. The Project Area is located broadly to the south of Goulburn City, where tributaries of varying sizes dissect the current landscape. As a result, a relatively large number of Aboriginal heritage studies have been completed in and around the City of Goulburn. Over half of the sites recorded in Goulburn City consist mainly of artefact sites (isolated finds of flaked stone, or low to moderate density scatters of artefacts, as well as open campsites, and scarred trees). Whereas recorded sites in the greater Goulburn Mulwaree LGA comprise of open campsites, isolated finds and scarred trees.

A large-scale archaeological study of the proposed highway by-pass route to the south of Goulburn was conducted by Koettig in 1983. The conclusions found twenty-two sites, all surface scatters of stone artefacts and all situated within 200m of watercourses (68% of which were located under 100m to a body of water). Most sites were of low density, except one which was situated along the Mulwaree River near its junction with Gundary Creek, some 1.5 kilometres (km) northwest of the Project Area. 650 artefacts were recovered from ten test pit excavations in this area (New South Wales Archaeological 2004).

Lance and Koettig (1986) were the first to complete a regional review of Aboriginal archaeological sites within the Goulburn region. The *Aboriginal Resources Planning Study for the City of Goulburn* postulated there was four major landform zones to occur in the area (major watercourses, undulating hills and plains, hill tops and built-up areas) where each zone was assigned an archaeological sensitivity and site significance. Sites with low-moderate archaeological sensitivity and significance were noted to generally occur along hilltops, hills with an elevation of 700-750 metres (m) above sea level and in built up areas. Sites with moderate-high archaeological sensitivity and significance occurred in close proximity to water, in elevated areas and with suitable underlying geology or mature vegetation.

Drawing on the regional site distribution model by Koettig and Lance (1986) the following general trends can be applied to the Project Area:

- 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.

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- 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.
- Modified trees (scarred or carved) are rare, as scars are only likely to be present on trees at least 80-100 years old, and natural vegetation in the Goulburn region has been altered by fire and forest clearance.

This model aimed to identify the location of documented sites and determine the nature, distribution, and significance of known and potential areas of archaeological sensitivity and significance in the region (NGH environmental 2017). According to the model, the majority of sites in the Project Area are most likely to be stone artefact scatters located within the 'undulating hills and plains' zone, particularly on basal slopes adjacent to ephemeral watercourses.

Fuller (1989) undertook a field investigation of the Goulburn Area, identifying zones as being of high sensitivity or potential significance drawing on the model created by Lance and Koettig (1986). Fuller located 17 artefact scatters and 5 isolated finds while surveying a representative sample of environmental zones within the City of Goulburn. The majority of sites were small low-density scatters of less than 10 artefacts, however, one site produced more than 100 artefacts, and another produced an estimated 1000 artefact. The most common raw materials found were quartz, chert and silcrete. Fuller (1989) also reported that the majority of archaeological sites in the Goulburn region were open campsites with a strong tendency to occur on hill slopes, ridge crests and watercourse flats within 100m of river and creek lines.

3.4.2. Database searches

Caution should be taken when using the Heritage NSW Aboriginal Heritage Information Management System (AHIMS) database to reach conclusions about site prevalence or distribution. For example, a lack of sites in a given area should not be seen as evidence that the area was not occupied by Aboriginal people. It may simply be an indication that it has not been surveyed for cultural heritage, or that the surveys were undertaken in areas of poor surface visibility. Further to this, care needs to be taken when looking at the classification of sites. For example, the decision to classify a site an artefact scatter containing shell, rather than a midden can be a highly subjective exercise, the threshold for which may vary between archaeologists. It is also important to note that the nature and location of Aboriginal sites can be culturally sensitive information and should only be made publicly available with the consent of the Aboriginal community.

A search of AHIMS was initially conducted on 03/08/2022 (Client Service ID:7054002) with the following coordinates:

Lat, Long from: -34.8998, 149.6654

Lat, Long to: -34.7589, 149.9126

Eighty-seven Aboriginal objects and zero Aboriginal Places were identified in the search (Figure X). There are nine recorded sites within one kilometre of the Project Area. Heritage NSW lists there are 20 standard site features that can be used to describe a site registration with AHIMS, and more than one feature can be used for each site. No AHIMS sites are recorded in the Project Area, the nearest site being AHIMS ID 51-6-0420, which is an Artefact Site 190 metres (m) northeast of the Project Area.

The distribution of registered sites is shown in (Table 3-1). The majority of sites are associated with Artefact sites.

Table 3-1: AHIMS features within vicinity of the Project Area

Site feature	Number	Percentage
Artefact	74	85.1
Artefact, Potential Archaeological Deposit (PAD)	5	5.7
Burial	1	1.1
Hearth	1	1.1

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Site feature	Number	Percentage
Modified Tree (Carved or Scarred)	2	2.3
Potential Archaeological Deposit (PAD)	2	2.3
Stone Quarry, Artefact	1	1.1
Restricted Site	1	1.1
Total	87	100

3.4.3. Other database searches

The following heritage registers were accessed on the 4 August 2022:

- World Heritage List (Australian Heritage Council/ UNESCO): No heritage items within the Project Area
- The National Heritage List (Australian Heritage Council): No heritage items within the Project Area
- Commonwealth Heritage List (Australian Heritage Council): No heritage items within the Project Area
- AHIP Public Register: No AHIPs were identified within the Project Area

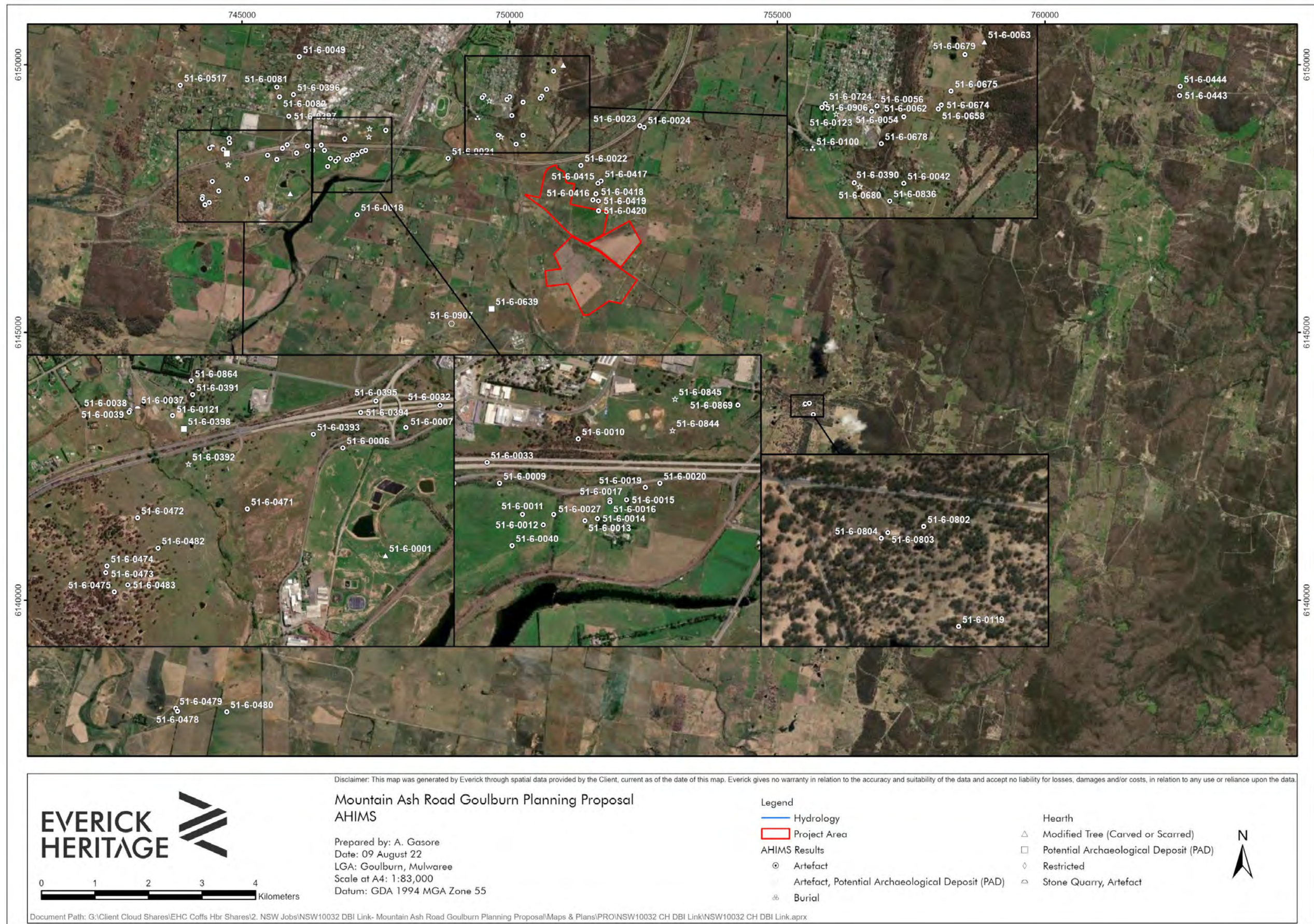


Figure 3-7: AHIMS search results in the vicinity of the Project Area

3.5. Summary and predictive model

A predictive model can be created to predict the broad character of Aboriginal cultural heritage sites in the Project Area based on the following:

- A study of the AHIMS database of regional site distribution
- Potential Aboriginal use of natural resources and landscape features which may have been present within the Project Area in the past
- Previous assessments and the results of surveys and testing programmes within the regional area.

Based on the desktop assessment, the predictive model is as follows:

- The most likely site types to occur within the Project Area are artefact sites (isolated finds, low-moderate density artefact scatters and/or campsites). These would most likely occur within the vicinity of permanent and semi-permanent water courses as well as elevated landforms.
- There is low potential for scarred trees to occur within Project Area. The Project Area has been subject to historical clearing and logging, resulting in the clearance of mature native vegetation.
- If located within the Project Area, the most archaeologically sensitive landforms would include riparian zones on low-gradient slopes and levees within 100 m of water.

Given the predictive model, the Project Area is considered to possess moderate archaeological sensitivity and moderate potential for Aboriginal sites. Based on previous archaeological assessments, regional studies and past land use, location and proximity to water is considered to be a preeminent factor which determined past Aboriginal occupation of the land. The Project Area is bounded to the west by the Gunday River, a perennial river which would have served as an important, perennial source of water and other resources (food, shelter, transport) for local Aboriginal populations. Typically, this would imply that the area is of moderate archaeological potential and possibly containing sites such as artefact scatters and small campsites as noted in previous archaeological assessments within the same soil landscape (Koettig 1983: Keottig and Lance 1986: Fuller 1989 and New South Wales Archaeology 2004). As indicated by a review of the AHMIS search results, the most common sites in the immediate region of the Project Area are artefact sites, due to the presence of watercourses within the vicinity of the proposed works.

The lack of Aboriginal sites recorded within the Project Area is likely the result of historic use, in this case for agriculture, which may have also contributed to the region having been cleared and subject to ground disturbing activities such as ploughing. Scarred trees are likely to occur anywhere in the landscape where clearing has not occurred. Yet, due to the extensive amount of historical clearance within the wider area,

it is difficult to determine characteristics of scarred tree distribution in the landscape. It must be noted that site distribution pattern is partly the result of intensive surveys triggered by proposed developments, rather than accurately reflecting the nature of Aboriginal land use. If any sites are identified, it is likely they will comprise heavily disturbed artefact scatters and isolated artefacts, with these site types having already been identified in the vicinity of the Project Area.

4. Assessment of archaeological sensitivity

4.1. Discussion

Archaeological sensitivity is closely related to observed levels of ground disturbance. However, other factors are also taken into account when assessing archaeological sensitivity, such as whether Aboriginal objects were located on the surface, and whether the area is within a sensitive landform unit according to the predictive statements.

Landscape features may indicate the presence of Aboriginal objects, as a result of Aboriginal people's use of those features in their everyday lives and for traditional cultural activities. It is essential to determine whether the site contains landscape features that indicate the likely existence of Aboriginal objects. The Due Diligence Code of Practice (2010a: 12) defines these landscapes as:

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

The Project Area contains sensitive landscape features as it is located on an alluvial plain with a gentle-undulating topography. There are several sources of water within 200 m of the Project Area, including fourth and third-order streams, as well as first and second order streams.

Part 8A, Clause 80B (4) of the *NPW Regulation* states that land is disturbed if it is has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable. Examples of activities that may have caused disturbance are provided in the *NPW Regulation* as:

- (a) soil ploughing,

- (b) construction of rural infrastructure (such as dams and fences),
- (c) construction of roads, trails and tracks (including fire trails and tracks and walking tracks),
- (d) clearing of vegetation,
- (e) construction of buildings and the erection of other structures,
- (f) 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),
- (g) substantial grazing involving the construction of rural infrastructure,
- (h) construction of earthworks associated with anything referred to in paragraphs (a)-(g).

The Project Area has been subject to disturbance in the form of (a), (c), (d), and (g).

4.2. Conclusions

A search of the AHIMS database did not identify registered sites with the Project Area. Although, an AHIMS search has identified there are seven sites situated within a kilometre of the Project Area. Overall, the Project Area has been assessed as demonstrating moderate archaeological sensitivity and potential. The current landscape restricts a number of archaeological site types being found. By solely conducting archaeological assessments on the surface visibility and the presence of stone artefacts is not indicative of the true nature and density of archaeological material in this region. The importance of establishing surveys and potential test excavations in highly disturbed regions must be considered as a preeminent factor to determine past Aboriginal occupation of the land.

Previous archaeological studies indicates that there is potential for Aboriginal cultural heritage to be located within the Project Area. Sites such as low-density artefact scatters would most likely occur on elevated landforms, particularly around water sources. While the proposed rezoning does not include any works which would result in the impact to these potential sites, the impact of further construction and development as a result of the rezoning should be considered. The construction of buildings, roads and associated services which would occur following the rezoning will likely result in impact or potential impact to Aboriginal cultural heritage. It is recommended that further archaeological investigations in the form of a preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR) be completed prior to the construction phase of work.

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Overall, the Project Area has been assessed as having moderate potential for subsurface archaeological deposits and the following actions should be undertaken.

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5. Recommendations

The following recommendations regarding Aboriginal heritage are based on consideration of:

- Statutory requirements under the *NPW Act*
- Due Diligence Code of Practice (DECCW 2010a)
- The results of the background research

It was found that:

- No previously recorded Aboriginal sites are located within the Project Area, although recorded sites are within 100 m of the Project boundary
- The most likely site types to be found within the Project Area are artefact sites (isolated finds, low-moderate density artefact scatters and campsites). Scarred trees which are common in the wider region, are unlikely to occur within the Project Area due to clearing and possible logging of the area.
- The Project Area is likely to have been subject to ground disturbance as a result of current and historic agricultural practices although there is still potential for Aboriginal cultural heritage to be located within the Project Area, albeit in a disturbed context.
- The Project Area is of moderate Aboriginal archaeological sensitivity and moderate archaeological potential.

The following recommendations are made:

- Given that there are no works associated with the proposed rezoning of the Project Area, the proposed works will not result in impact or potential impact to Aboriginal cultural heritage.
- Prior to any construction, further archaeological assessment must be completed in the form of the preparation of an ACHAR or archaeological survey due to the potential for archaeological deposits to exist within the Project Area.
- Appendix B of the Goulburn Mulwaree DCP 2009, (Appendix B) which was developed in consultation with the Pejar Local Aboriginal Land Council also suggests that the site is located within Aboriginal Sensitive Land and an Archaeological Survey must be prepared and lodged with any development application for land subdivision.

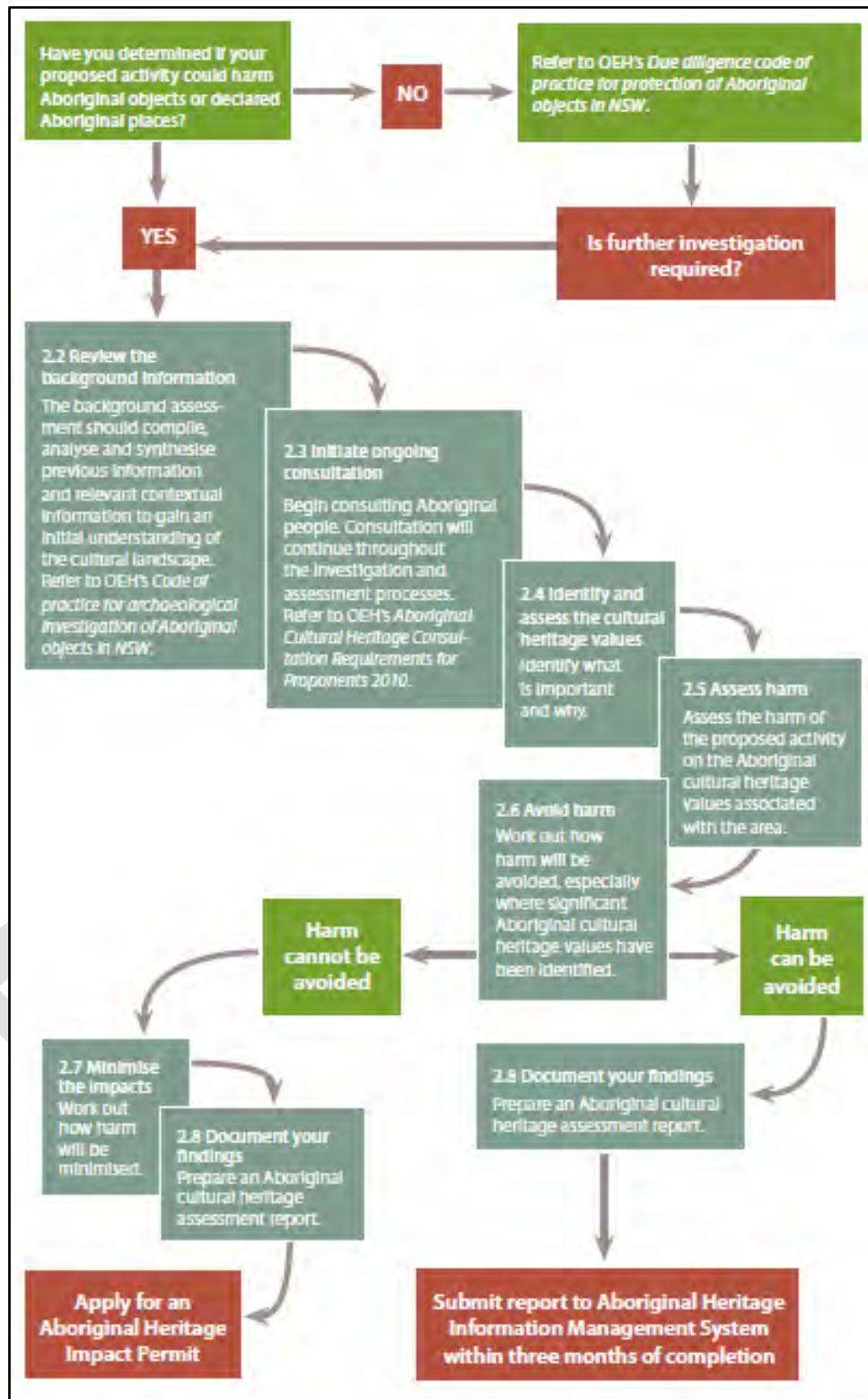


Figure 5-1: Process for investigating and assessing Aboriginal cultural heritage (OEH 2011: 4)

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Appendix A - AHIMS database search results

Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0009	Goulburn, G04	AGD	55	746540	6148400	Open site	Valid	Artefact	Rex Silcox
51-6-0040	GC04	AGD	55	746600	6148100	Open site	Valid	Artefact	Ms.N Fuller
51-6-0014	Goulburn, G10	AGD	55	747010	6148230	Open site	Valid	Artefact	Rex Silcox
51-6-0018	Goulburn, G14	AGD	55	747150	6147200	Open site	Valid	Artefact	Rex Silcox
51-6-0420	RRAS4	AGD	55	751660	6147272	Open site	Valid	Artefact	Archaeological Heritage Surveys
51-6-0119	Bungonia Rd 1	AGD	55	755671	6143467	Open site	Valid	Artefact	Mr.Dean Freeman
51-6-0479	Kelburn 2	GDA	55	743762	6137983	Open site	Valid	Artefact	Mr.Justin Boney
51-6-0472	HS2	GDA	55	744445	6147820	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0037	GC03	AGD	55	744445	6148460	Open site	Valid	Stone Quarry, Artefact	Doctor.Tim Stone
51-6-0082	Garrorigan e 2	AGD	55	745700	6149400	Open site	Valid	Artefact	Mr.Peter Kuskie

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Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0397	Ducks Lane 7 (DL7)	AGD	55	745874	6149039	Open site	Valid	Artefact	Navin Officer Heritage Consultants Pty Ltd
51-6-0032	Goulburn, G23	AGD	55	746220	6148480	Open site	Valid	Artefact	Margrit Koettig
51-6-0027	Goulburn, G07	AGD	55	746800	6148250	Open site	Valid	Artefact	Rex Silcox
51-6-0015	Goulburn, G11	AGD	55	747150	6148320	Open site	Valid	Artefact	Rex Silcox
51-6-0845	Tait 2	GDA	55	747383	6148804	Open site	Valid	Artefact, Potential Archaeological Deposit (PAD)	Ms.Lyn O'Brien,Past Traces Pty Ltd
51-6-0724	Leeson ST1	GDA	55	749519	6149423	Open site	Valid	Artefact	Biosis Pty Ltd - Canberra
51-6-0056	GC20	AGD	55	750000	6149400	Open site	Valid	Artefact	Ms.N Fuller
51-6-0836	Rifleisf1	GDA	55	750119	6148515	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0416	RRA2	AGD	55	751554	6147474	Open site	Valid	Artefact	Archaeological Heritage Surveys
51-6-0024	Goulburn, G20 (Nooga)	AGD	55	752510	6148830	Open site	Valid	Artefact	Rex Silcox
51-6-0804	Souths TSR 3	GDA	55	755507	6143654	Open site	Valid	Artefact	Mr.Roy Barker,DPIE - Armidale

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Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0803	Souths TSR 1	GDA	55	755521	6143666	Open site	Valid	Artefact	Mr.Roy Barker,DPIE - Armidale
51-6-0478	Kelburn 3	GDA	55	743795	6137928	Open site	Valid	Artefact	Mr.Justin Boney
51-6-0864	DIF1	GDA	55	744760	6148624	Open site	Valid	Artefact	Biosis Pty Ltd - Canberra
51-6-0121	PA1	AGD	55	744650	6148420	Open site	Valid	Artefact	Navin Officer Heritage Consultants Pty Ltd
51-6-0395	Ducks Lane 5 (DL5)	AGD	55	745844	6148506	Open site	Valid	Artefact	Navin Officer Heritage Consultants Pty Ltd
51-6-0396	Ducks Lane 6 (DL6)	AGD	55	745960	6149443	Open site	Valid	Artefact	Navin Officer Heritage Consultants Pty Ltd
51-6-0012	Goulburn, G08	AGD	55	746750	6148200	Open site	Valid	Artefact	Rex Silcox
51-6-0013	Goulburn, G09	AGD	55	746950	6148220	Open site	Valid	Artefact	Rex Silcox
51-6-0017	Goulburn, G13	AGD	55	747070	6148320	Open site	Valid	Artefact	Rex Silcox
51-6-0123	Tall Timbers 1	GDA	55	749620	6149326	Open site	Partially Destroyed	Artefact, Potential Archaeological Deposit (PAD)	Ms.Lyn O'Brien,Past Traces Pty Ltd,Mr.Douglas Williams

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Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0680	MD-OS-1 and PAD	AGD	55	749840	6148650	Open site	Valid	Artefact, Potential Archaeological Deposit (PAD)	Mrs.Robynne Mills
51-6-0417	RRAS1	AGD	55	751707	6147828	Open site	Valid	Artefact	Archaeological Heritage Surveys
51-6-0391	Ducks Lane 1 (DL1)	AGD	55	744768	6148543	Open site	Valid	Artefact	Navin Officer Heritage Consultants Pty Ltd
51-6-0480	Kelburn 1	GDA	55	744716	6137916	Open site	Valid	Artefact	Mr.Justin Boney
51-6-0033	Goulburn, G24	AGD	55	746480	6148500	Open site	Valid	Artefact	Margrit Koettig
51-6-0016	Goulburn, G12	AGD	55	747070	6148310	Open site	Valid	Artefact	Rex Silcox
51-6-0844	Tait1	GDA	55	747371	6148653	Open site	Valid	Artefact, Potential Archaeological Deposit (PAD)	Ms.Lyn O'Brien,Past Traces Pty Ltd
51-6-0042	GC06	AGD	55	750250	6148680	Open site	Valid	Artefact	Ms.N Fuller
51-6-0674	PL-OS-10	GDA	55	750600	6149410	Open site	Valid	Artefact	Mrs.Robynne Mills
51-6-0675	PL-OS-11	GDA	55	750690	6149540	Open site	Valid	Artefact	Mrs.Robynne Mills
51-6-0474	HS4	GDA	55	744265	6147537	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0038	GC02	AGD	55	744400	6148450	Open site	Valid	Artefact	Doctor.Tim Stone

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Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0398	Ducks Lane PAD (DLPAD)	AGD	55	744717	6148342	Open site	Valid	Potential Archaeological Deposit (PAD)	Navin Officer Heritage Consultants Pty Ltd
51-6-0471	HS1	GDA	55	745089	6147872	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0006	Goulburn, G01	AGD	55	745650	6148230	Open site	Valid	Artefact	Rex Silcox
51-6-0394	Ducks Lane 4 (DL4)	AGD	55	745755	6148438	Open site	Valid	Artefact	Navin Officer Heritage Consultants Pty Ltd
51-6-0007	Goulburn, G02	AGD	55	746020	6148350	Open site	Valid	Artefact	Rex Silcox
51-6-0019	Goulburn, G15	AGD	55	747240	6148380	Open site	Valid	Artefact	Rex Silcox
51-6-0063	Goulburn 3	AGD	55	751000	6150000	Open site	Valid	Modified Tree (Carved or Scarred)	Doctor.Susan (left ahms) McIntyre-Tamwoy
51-6-0011	Goulburn, G06	AGD	55	746650	6148250	Open site	Valid	Artefact	Rex Silcox
51-6-0010	Goulburn, G05	GDA	55	746918	6148613	Open site	Valid	Artefact	Rex Silcox,Mr.Matthew Barber,NGH Heritage - Fyshwick
51-6-0390	Memorial Road South	AGD	55	749788	6148685	Open site	Valid	Artefact	Rod Wellington

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Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0678	RH-IF-1	GDA	55	750040	6149050	Open site	Valid	Artefact	Mrs.Robynne Mills
51-6-0418	RRAS2	AGD	55	751610	6147588	Open site	Valid	Artefact	Archaeological Heritage Surveys
51-6-0473	HS3	GDA	55	744258	6147498	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0483	HS6	GDA	55	744387	6147426	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0475	HS5	AGD	55	744308	6147385	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0392	Ducks Lane 2 and PAD (DL2&PAD) - not a site	AGD	55	744744	6148135	Open site	Not a Site	Artefact, Potential Archaeological Deposit (PAD)	Navin Officer Heritage Consultants Pty Ltd, Navin Officer Heritage Consultants Pty Ltd
51-6-0081	Garrorigan e 1	AGD	55	745650	6149580	Open site	Valid	Artefact	Mr.Peter Kuskie
51-6-0049	GC13	AGD	55	746070	6150150	Open site	Valid	Artefact	Ms.N Fuller
51-6-0008	Goulburn, G03	AGD	55	746320	6148400	Open site	Valid	Artefact	Rex Silcox
51-6-0922	EGRT1	GDA	55	746380	6143770	Open site	Valid	Artefact	Past Traces Pty Ltd, Mr.Nathaniel Cracknell

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Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0020	Goulburn, G16	AGD	55	747310	6148400	Open site	Valid	Artefact	Rex Silcox
51-6-0021	Goulburn, G17	AGD	55	748850	6148250	Open site	Valid	Artefact	Rex Silcox
51-6-0100	Wollondilly Graves	AGD	55	749400	6149000	Open site	Valid	Burial	Ms.Adrienne Howe-Piening
51-6-0639	GAPAD1	GDA	55	749664	6145440	Open site	Valid	Potential Archaeological Deposit (PAD)	Navin Officer Heritage Consultants Pty Ltd
51-6-0054	GC18	AGD	55	749950	6149350	Open site	Valid	Artefact	Ms.N Fuller
51-6-0062	Goulburn 2	AGD	55	750250	6149300	Open site	Valid	Artefact	Doctor.Susan (left ahms) McIntyre-Tamwoy
51-6-0658	RH-OS-1 (Goulburn)	AGD	55	750571	6149373	Open site	Valid	Artefact	Mills Archaeological & Heritage Services Pty Ltd
51-6-0419	RRAS3	AGD	55	751658	6147456	Open site	Valid	Artefact	Archaeological Heritage Surveys
51-6-0023	Goulburn, G19 (Nooga)	AGD	55	752430	6148860	Open site	Valid	Artefact	Rex Silcox
51-6-0802	Souths TSR 2	GDA	55	755597	6143679	Open site	Valid	Artefact	Mr.Roy Barker,DPIE - Armidale

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Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0912	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid	Restricted	Goulburn Mulwaree Council
51-6-0443	Tyces 1	GDA	55	762514	6149423	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0517	ROWDAS4	AGD	55	743846	6149618	Open site	Valid	Artefact	Ms.Trish Saunders
51-6-0039	GC01	AGD	55	744395	6148440	Open site	Valid	Artefact	Doctor.Tim Stone
51-6-0482	HS7	GDA	55	744565	6147642	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council
51-6-0393	Ducks Lane 3 (DL3)	AGD	55	745477	6148310	Open site	Valid	Artefact	Navin Officer Heritage Consultants Pty Ltd
51-6-0001	Yarra Railway Station	AGD	55	745900	6147600	Open site	Valid	Modified Tree (Carved or Scarred)	David Bell
51-6-0869	Tait 3	GDA	55	747685	6148775	Open site	Valid	Artefact	Mr.Matthew Barber,NGH Heritage - Fyshwick
51-6-0907	PEC-E-06	GDA	55	748914	6145164	Open site	Valid	Hearth	Navin Officer Heritage Consultants Pty Ltd,Mrs.Elisa Scorsini
51-6-0906	Lansdowne Park1 (LP1)	GDA	55	749487	6149386	Open site	Valid	Artefact	Ms.Lyn O'Brien,Past Traces Pty Ltd
51-6-0679	LS-OS-1	GDA	55	750820	6149880	Open site	Valid	Artefact	Mrs.Robynne Mills

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Site ID	Sitename	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
51-6-0022	Goulburn, G18	AGD	55	751330	6148120	Open site	Valid	Artefact	Rex Silcox
51-6-0415	RRA1	AGD	55	751649	6147786	Open site	Valid	Artefact	Archaeological Heritage Surveys
51-6-0444	Tyces 2	GDA	55	762525	6149597	Open site	Valid	Artefact	Pejar Local Aboriginal Land Council

Appendix B – Places of Aboriginal significance (Goulburn Malwaree DCP 2009 Figure 3-3)

