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Canberra Town Planning
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Dickson ACT 2602

ELA Ref/Job No: 18CAN_9899

29th May 2018

Dear Elizabeth

RE: Aboriginal Heritage Due Diligence Assessment – Lot 5 DP838497

Eco Logical Australia (ELA) has been engaged by Canberra Town Planning to conduct an Aboriginal Heritage Due Diligence Assessment for the proposed sub-division of Lot 5 DP838497 Sutton Road, Sutton.

This assessment follows the due diligence Code of Practice as set out in the Office of Environment and Heritage's (OEH) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (hereafter referred to as 'the Code') (DECCW 2010).

This due diligence process aims to determine whether Aboriginal objects will be harmed by the proposed works, as required under Part 6 of the NSW *National Parks and Wildlife Act 1974* (NSW). The Code sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

1. Identify whether or not Aboriginal objects are, or are likely to be, present in an area;
2. Determine whether or not their activities are likely to harm Aboriginal objects (if present); and
3. Determine whether an Aboriginal Heritage Impact Permit (AHIP) from the OEH or further assessment is required.

Study area location

The study area (**Figure 1**) is located on Sutton Road, Sutton. It is immediately south of the village of Sutton and covers approximately 183ha. The property falls within the Yass Valley Council (YVC).

Legislative framework for due diligence

Aboriginal objects and places in NSW are afforded protection under the *National Parks and Wildlife Act 1974* (NSW) regardless if they are registered on the Aboriginal Heritage Information Management System (AHIMS) register or not. Strict penalties apply for harm to an Aboriginal object or place without a defence under the Act. Under Section 87 of the Act there are five defences to causing harm to an Aboriginal object:

- The harm was authorised under an AHIP.
- By exercising due diligence and be able to demonstrate this.



Figure 1: Study Area

- The actions complied with a code of practice as described in the National Parks and Wildlife Regulation 2009, for example, undertaking test excavation in accordance with the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW'.
- It was a low-impact activity or omission under the regulation and where you don't know that an Aboriginal object is already present.
- Was an exemption under Section 87A, for example emergency fire-fighting act or bush fire hazard reduction work within the meaning of the *Rural Fires Act 1997*.

If an AHIP application is required, the OEHS necessitate that it is supported by an Aboriginal Cultural Heritage Assessment (ACHA) prepared in line with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEHS 2010), and a copy an approval for the development or infrastructure under Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979* (NSW).

Purpose of the due diligence

The aims of this Aboriginal archaeological due diligence assessment are to:

- Undertake a search of the Aboriginal Heritage Information Management System (AHIMS) register maintained by the OEHS to establish if there are any previously recorded Aboriginal objects or places within the study area.
- Undertake a search of the NSW State Heritage Inventory, the Australian Heritage Database, and the Eurobodalla Shire Council Local Environment Plan 2012 (LEP) Schedule 5 (Environmental Heritage) in order to determine if there are any sites of Aboriginal significance or sensitivity located within the study area.
- Undertake a desktop review of relevant previous archaeological assessments to understand the local archaeological context and assist in predicting the likely occurrence of unrecorded archaeological sites or objects.
- Undertake a site inspection to identify any Aboriginal sites and areas of sensitive landforms.
- Prepare a letter style Aboriginal due diligence assessment determining if known objects or additional unrecorded objects are present within the study area, as well indicate whether further assessment and/or an AHIP is required.

No assessment for historical archaeology has been undertaken as part of this assessment.

No consultation has been undertaken as part of this due diligence. The local Aboriginal Land Council and other stakeholder groups can provide a cultural assessment for the area, if required.

This assessment has been prepared by Alistair Grinbergs - Bachelor of Arts (Honours), Australian National University, Graduate Diploma of Applied Science, University of Canberra and reviewed by Tyler Beebe.

Previously Recorded Aboriginal sites

Heritage Database Searches

Searches of the Australian Heritage Database, the State Heritage Register (SHR) and Yass Valley Local Environmental Plan (LEP) 2013 utilising the term "Sutton" and "Sutton, NSW" were conducted on 17th May 2018 in order to determine if any places of Aboriginal significance are located within proximity to the study area.

There are no places on the Australian Heritage Database, the SHR or the Yass Valley LEP 2013 of Aboriginal heritage significance within the study area.

AHIMS Search

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was conducted on 7th May 2018 for the following area at Lat, Long From: -35.2128, 149.203 - Lat, Long To: -35.141, 149.3168 with a Buffer of 50 meters (**Attachment A**). A total of 108 AHIMS sites and no Aboriginal Places were identified during this search. A breakdown by site feature is presented in **Table 1** below, and details of the sites are outlined in **Table 2**.

Table 1: Types of Aboriginal sites recorded within approximately 1 km of the AHIMS search area

Site Type	Additional Feature	No. Recorded	Percentage
Artefact Scatter	-	57	52.7
	PAD	6	5.6
	CMT	1	0.9
	PAD & CMT	1	0.9
Isolated Artefact	-	36	33.4
	PAD	4	3.7
PAD	-	3	2.8
		108	100

Almost all of the previously recorded Aboriginal archaeological sites in the vicinity of the proposed sub-division are artefact scatters or isolated artefacts some of these sites also have potential archaeological deposit or culturally modified trees – and in one instance both.

Table 2: Details of registered sites

AHIMS No.	Site Name	Site Type	Site Features (No. Artefacts)
57-2-0188	IA10	Isolated Artefact	1
57-2-0189	IA9	Isolated Artefact	1
57-2-0190	IA2	Isolated Artefact	1
57-2-0191	IA5	Isolated Artefact	1
57-2-0192	IA2	Isolated Artefact	1
57-2-0193	IA1	Isolated Artefact	1
57-2-0194	IA3	Isolated Artefact	1
57-2-0195	IA4	Isolated Artefact	1
57-2-0196	IA5	Isolated Artefact	1
57-2-0197	IA6	Isolated Artefact	1
57-2-0198	IA7	Isolated Artefact	1
57-2-0199	IA8	Isolated Artefact	1
57-2-0200	IA10	Isolated Artefact	1
57-2-0201	IA1	Isolated Artefact	1
57-2-0202	SA-1	Artefact Scatter	-
57-2-0203	IA3	Isolated Artefact	1
57-2-0204	IA7	Isolated Artefact	1
57-2-0205	IA8	Isolated Artefact	1

AHIMS No.	Site Name	Site Type	Site Features (No. Artefacts)
57-2-0206	IA9	Isolated Artefact	1
57-2-0207	IA4	Isolated Artefact	1
57-2-0034	C-AB16 Donnelly's Creek	Artefact Scatter	-
57-2-0035	C-AB17 Donnelly's Creek	Artefact Scatter	-
57-2-0036	C-AB18 Donnelly's Creek	Artefact Scatter	-
57-2-0037	C-AB19 Donnelly's Creek	Artefact Scatter	-
57-2-0038	C-AB20 Donnelly's Creek	Artefact Scatter	-
57-2-0039	C-AB21 Donnelly's Creek	Artefact Scatter	-
57-2-0040	C-AB22 Donnelly's Creek	Artefact Scatter	-
57-2-0041	C-AB23 Donnelly's Creek	Artefact Scatter	-
57-2-0042	C-AB24 Donnelly's Creek	Artefact Scatter, Modified Tree	-
57-2-0043	C-AB25 Federal Hwy	Artefact Scatter	-
57-2-0044	C-AB26 Donnelly's Creek	Artefact Scatter	-
57-2-0047	C-AB29 Sutton Rd/Federal Hwy	Artefact Scatter	-
57-2-0048	C-AB30 Federal Hwy	Artefact Scatter	-
57-2-0049	C-AB31 Federal Hwy	Artefact Scatter	-
57-2-0130	FH8	Artefact Scatter	-
57-2-0132	FH7	Artefact Scatter	-
57-2-0133	FH5	Artefact Scatter	-
57-2-0134	FH4	Artefact Scatter	-
57-2-0138	Sutton Rd 1	Isolated Artefact	1
57-2-0050	C-AB32 ACT/NSW border	Artefact Scatter	-
57-2-0051	C-AB33 ACT/NSW border	Artefact Scatter	-
57-2-0253	IA/6	Artefact Scatter	-
57-2-0290	Site DP 1	Artefact Scatter	3
57-2-0287	Lot 23 AS2	Artefact Scatter	25
57-2-0264	Lot 23 IF2	Isolated Artefact	1
57-2-0262	Lot 23 AS1	Artefact Scatter	2
57-2-0263	Lot 23 IF1	Isolated Artefact	-
57-2-0303	WS3	Isolated Artefact	-
57-2-0304	WS4	Isolated Artefact	-
57-2-0305	WS5	Artefact Scatter	25
57-2-0306	WS6	Isolated Artefact	-
57-2-0307	WS7	Artefact Scatter	3
57-2-0308	WS8	Artefact Scatter	6
57-2-0309	WS9	Artefact Scatter	23
57-2-0310	WS10	Artefact Scatter	4
57-2-0311	WS11	Artefact Scatter	14
57-2-0312	WS12	Artefact Scatter	2
57-2-0301	WS1	Artefact Scatter	34
57-2-0302	WS2	Artefact Scatter	2
57-2-0313	WS13	Artefact Scatter	3
57-2-0363	Macs Reef Rd 1	Isolated Artefact	1
57-2-0366	Macs Reef Road 1	Isolated Artefact	1
57-2-0335	Macrorryncha2	Artefact Scatter	7
57-2-0336	Macrorryncha1	Isolated Artefact	1
57-2-0365	FHSR1	Artefact Scatter	2
57-2-0131	FH6;	Artefact Scatter	-

AHIMS No.	Site Name	Site Type	Site Features (No. Artefacts)
57-2-0409	OGMR - IF1	Isolated Artefact	1
57-2-0410	OGMR - AS1	Artefact Scatter	10
57-2-0411	OGMR - AS2	Artefact Scatter	2
57-2-0515	FH-AS1	Artefact Scatter	5
57-2-0516	FH-IF1	Isolated Artefact	1
57-2-0517	FH-IF2	Isolated Artefact	1
57-2-0537	BRAS1	Artefact Scatter	4
57-2-0538	BRIF1	Isolated Artefact	1
57-2-0539	BRIF2	Isolated Artefact	1
57-2-0540	BRAS2	Artefact Scatter	2
57-2-0541	BRIF3 and PAD	Isolated Artefact	1 and PAD
57-2-0542	BRIF4	Isolated Artefact	-
57-2-0045	C-AB27 Macs Reef Rd	Artefact Scatter	6
57-2-0046	C-AB28 Macs Reef Rd	Artefact Scatter	-
57-2-0578	YRAS 1	Artefact Scatter	5
57-2-0579	YRAS 2	Artefact Scatter	10
57-2-0580	YRAS 3	Artefact Scatter	2
57-2-0581	YRAS 4	Artefact Scatter	19
57-2-0582	YRAS 5	Artefact Scatter	3
57-2-0583	YRAS 6	Artefact Scatter	6
57-2-0584	YRIF 1	Isolated Artefact	1
57-2-0770	BJ8	Isolated Artefact	1 and PAD
57-2-0771	BJ6	Isolated Artefact	1 and PAD
57-2-0761	BJ1	Artefact Scatter	4 and PAD
57-2-0762	BJ2	Isolated Artefact	1
57-2-0763	BJ3	Artefact Scatter	3 and PAD
57-2-0764	BJ4	Isolated Artefact	1 and PAD
57-2-0765	BJ5	Artefact Scatter	9 and PAD
57-2-0766	BJ7	Artefact Scatter	2 and PAD
57-2-0767	BJ9	Artefact Scatter, Modified Tree	41 and PAD
57-2-0768	BJ10	Artefact Scatter	4 and PAD
57-2-0769	BJ11	Artefact Scatter	7 and PAD
57-2-0937	Sutton Road 1 (SR1)	Artefact Scatter	-
57-2-0938	Sutton Road 3 (SR3)	Artefact Scatter	-
57-2-0939	Sutton Road 4 (SR4)	Artefact Scatter	-
57-2-0940	Sutton Road 5 (SR5)	Artefact Scatter	-
57-2-0941	Sutton Road 6 (SR6)	Artefact Scatter	-
57-2-0942	Sutton Road 7 (SR7)	PAD	-
57-2-0943	Sutton Road 8 (SR8)	PAD	-
57-2-0944	Sutton Road 9 (SR9)	PAD	-
57-2-0936	Sutton Road 2	Artefact Scatter	-
57-2-1015	Goolabri 1	Artefact Scatter	-

There are no registered AHIMS sites located within the study area boundary. Two sites (57-2-0046 and 57-2-0047) are located outside the southern boundary of the property. All three sites were recorded by Margrit Koettig in 1981. Site 57-2-0046 is located on the southern side of the Federal Highway. Site 57-2-0047 is located near the intersection of the Federal Highway and Sutton Road outside the south western corner of Lot 5 DP838497.

The grid reference on the site record for site 57-5-0045 appears to place it inside the boundary of Lot 5 DP838497. The site is described in the AHIMS site record as follows:

This site was located on a low, flat interfluvium, but long term pasture improvements by the land owner as well as the laying of the coaxial cable have very much disturbed the site. The grass was very thick, so the little artefactual material present was discovered at the base of some large trees that still remain on the southern edge of the rise.

Six definite artefacts were noted – two quartz flakes, 1 core, 1 fine grained siliceous core and one chunk with utilization [sic] along one margin, and one grey chert scraper with extensive modification along each margin. Five pieces of a fine grain siliceous material, tabular in form with some possible evidence of utilization [sic] found in one small area were in association with the chert scraper. This material is not natural to the area, and also occurs on the site slightly to the south, C-AB28 [57-2-0046], where it is definitely artefactual.

Geology & Hydrology

Geology

The local geology comprises middle to late Ordovician shales, sandstones, mudstones and radiolarite of the Palaeozoic period on the western slopes and upper eastern slopes. Concordant granites of the Sutton formation on the mid to lower easterly facing slopes and quaternary sediments at the slope terminations, terraces and banks of the Yass River on the eastern boundary of the study area (Gilligan 1974).

Hydrology

The study area is surrounded by several streams and tributaries which flow into the Yass River which forms the eastern boundary of Lot 5 DP838497. There are two un-named first order Strahler streams that drain the eastern facing slopes to the Yass River (**Figure 2.**).



Previous Aboriginal Archaeological Studies

Local Archaeological Context

Over the past four decades, a number of archaeological investigations have been completed in the Sutton region. The majority of these have been for either infrastructure development or as part of the development approval process for the subdivision of land in the rural areas immediately to the east of the NSW-ACT border.

Table 3: Regional archaeological investigations

Koettig & Silcox 1981	An archaeological survey of a 200m wide corridor for the 46km long Federal Highway upgrade between Collector and the ACT border. The investigation identified 33 sites – all artefact scatters and isolated artefacts and two possible culturally modified trees. The great majority of artefact sites (around 70%) were recorded on ridge and spur landforms. Only 25% of sites were recorded in association with drainage lines (streams and creeks). The authors suggest that this spatial distribution may be the result of European land use practices and their potential impact on sites near drainage lines. Sites were generally sparse and contained from two to more than 50 stone artefacts. The lithic assemblage was dominated by quartz flakes and flaked pieces, with chert and silcrete artefacts recorded in lower numbers.
Walkington 1988	<p>An archaeological investigation two sites recorded by Koettig (1981) - CABS on a ridge above Brooks Creek and CAB31 (57-2-0049) on McLaughlins Creek approximately 4.5km southwest of the present study area.</p> <p>Archaeological salvage of the CABS site resulted in the collection of 194 flaked stone artefacts from the surface. There were no artefacts identified in a sub-surface context. At 76%, quartz dominated the assemblage, with small amounts of silcrete, chert, indurated mudstone and volcanic also present. Artefact types included flakes, flaked pieces, cores and a backed blade.</p> <p>No artefacts were located on the surface at site CAB31 (57-2-0049), 13 artefacts were recovered during sub-surface testing. Quartz was the dominant raw material with indurated mudstone, silcrete and volcanic artefacts also present. Artefacts types included flakes, flaked pieces and a bipolar core.</p>
Navin Officer Heritage Consultants 1995	An archaeological assessment of the Federal Highway dual carriageway options west of Sutton Road recorded six artefact scatters and six isolated artefacts. The lithic assemblage was dominated by quartz, with silcrete, volcanic and rhyolite also present. Artefacts types included flakes (with examples of bipolar and retouched flakes), cores and a flaked pebble.
Hughes 2000	Archaeological survey of a proposed rural subdivision west of Sutton Road (to the northwest of the current study area). An artefact scatter of three quartz flakes was recorded on a ridge crest landform approximately 150m from a minor drainage line.
Saunders 2003	Archaeological assessment for a proposed 318ha subdivision immediately west of Sutton village (to the north west of the study area). The survey identified 10 low density artefact scatters and three isolated artefacts. The artefact scatters ranged in size from 2 to 34 artefacts. With flakes (40%) and flaked pieces (25%) dominating the assemblage. Similarly, 76% of the assemblage was quartz, with fine grained silcrete, chert and volcanic making up the remaining portion. Sites were recorded across a range of landforms including: spur crests, lower, mid and upper slopes as well as in association with drainage lines. Seven PADs were also recorded.
Saunders 2003a	Archaeological survey of a proposed 16ha subdivision off the Federal Highway Service Road (southwest of the current study area). One small artefact scatter

	(two artefacts) was recorded on gently sloping lower slope landform approximately 120m west of a tributary of McLaughlins Creek.
Saunders 2004	An archaeological survey of a proposed 20.4ha subdivision on Old Gold Mines Road, approximately 10km southwest of the present study area. Two low density artefact scatters, one isolated artefact and a PAD were identified. The lithic assemblage included chert, silcrete, quartz, metamorphosed tuff and a metamorphosed sedimentary artefacts. All four sites were recorded on slightly elevated, low gradient landforms close to drainage lines.
Saunders 2006	An archaeological assessment of a 94ha property on Old Gold Mines Road (approximately 10km southwest of the current study area) recorded a single volcanic flake on level to very gently sloping ground south of the headwaters of an ephemeral tributary of McLaughlins Creek.
Saunders 2006a	An archaeological survey of a proposed two lot rural residential subdivision of 16.47ha at 1508 Federal Highway Service Road, Sutton, southwest of the present study area. Three small flaked stone artefact sites were recorded – a scatter and two isolated artefacts. The scatter was recorded in an elevated context on the crest of a low ridge. The two isolated artefacts were recorded on lower slope/slop termination landforms near the upper reaches of a tributary of McLaughlins Creek.
Saunders 2014	An Aboriginal due diligence assessment for a proposed subdivision of Lot 3 DP1074706 Sutton. Three Aboriginal sites had previously been recorded on the property by Hughes (1998) – 57-2-0193, 57-2-0194 and 57-2-0206. One small artefact scatter consisting of three quartz flakes and one chert flake was recorded on a low crest near a first order drainage line.

Predictive Model

Based on the material evidence and range of archaeological sites across the region, it is clear that Aboriginal people have been accessing the land and resources of the Sutton region for some time, potentially for thousands of years. The predictive model outlined in **Table 4** below has been developed for the study area based on the AHIMS Search results, landscape modelling and the local Aboriginal archaeological context outlined above.

Table 4: Predictive Model

Site Type	Description
Artefact Scatters	<p>Stone artefact scatters (sometimes referred to as open artefact scatters or campsites) are two or more stone artefacts visible on the ground surface, usually as a result of some minor disturbance to the soil or sediment deposits. The artefacts present are generally <i>debitage</i> or waste flakes associated with the manufacture of stone tools using percussion flaking techniques. Formal tool types such as blades and retouched flakes may also be present. In some instances, other artefacts such as ground-edge tools and <i>manuports</i> (unmodified pieces of stone or river cobbles) may also be present. Hearths (the remnant evidence of fires – hardened clay, blackened or burned rocks and charcoal) may also be present.</p> <p>In most instances, not all of the artefacts that are present at the site will be visible. Other artefacts are likely to be buried beneath the surface and in some cases, they may still be in an <i>in situ</i> context (in the same location or position as when they were originally deposited). As a result, most artefact scatters will be</p>

Site Type	Description
	considered to also possess what is described as potential archaeological deposit (PAD).
Isolated Artefacts	<p>A single stone artefact (sometimes referred to as an isolated find) visible on the ground surface, usually as a result of some minor disturbance to the soil or sediment deposits. They can be any sort of artefact - <i>debitage</i> or waste flakes, formal tool types, ground-edge tools and <i>manuports</i>.</p> <p>In some instances, particularly where the artefact is a formal tool type the site may represent the discard of an item by Aboriginal people in the past. In most instances, however, other artefacts are likely to be buried beneath the surface and in some cases, they may still be in an <i>in situ</i> context. As a result, most isolated artefacts scatters will be considered to also possess PAD.</p>
Culturally Modified Trees	<p>Culturally modified trees exhibit evidence of the deliberate removal of the <i>periderm</i> (outer bark), <i>phloem</i> (inner bark) and in some instances the sapwood for the manufacture of a variety of items that may include: shields, coolamon (bowls or trays), water craft, containers and a range of wooden tools and implements.</p> <p>In some instances, Aboriginal people marked important features or locations such as ceremonial grounds by carving patterns or motifs into the sapwood of trees having first removed the <i>periderm</i> and <i>phloem</i>.</p>
Potential Archaeological Deposit	<p>Potential Archaeological Deposits (PADs) are areas where there is no surface expression of stone artefacts, but due to a landscape feature there is a strong likelihood that the area will contain artefacts in a subsurface context. Landscape features which may feature PADs include slope terminations and terraces near waterways, particularly terraces and flats near 3rd order streams and above, ridge lines and ridge tops and sand dune systems.</p> <p>The location of previously recorded AHIMS sites, the nature of the landforms present, and the distance of the study area from water sources indicates that previously unrecorded PADs are unlikely to occur in the study area.</p>

Due Diligence Assessment Process

Due diligence is defined in the Code as “taking reasonable and practical steps to determine whether a person’s actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm”. The following section relates to the generic due diligence process as applied to the study area.

Step 1 – Will the activity disturb the ground surface or any culturally modified trees?

Yes. Whilst the act of sub-division itself is an administrative one, the proposed activity will require excavation works and landscaping associated with the construction of roads and services and the building of homes, sheds and other facilities which will result in ground disturbance.

There are no recorded culturally modified trees within or near the study area. An inspection of all mature Eucalypt trees within Lot 5 DP838497 did not identify any culturally modified trees.

Step 2 – Are there any a) relevant confirmed site records on AHIMS, other sources of information, or b) landscape features that are likely to indicate presence of Aboriginal objects?

Consequently, if your proposed activity is:

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;

and is on land that is not disturbed land then you must go to step 3.

“Land is disturbed if it has been the subject of a human activity that has changed the land’s surface, being changes that remain clear and observable. Examples 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.”(DECCW 2010)

A search of the AHIMS register identified 108 AHIMS sites. Three sites - 57-2-0045, 57-2-0046 and 57-2-0047 – have been recorded on the southern boundary of Lot 5 DP838497. One of those sites - 57-2-0045 appears to fall inside the boundary of the property (**Figure 2**), based on the spatial data contained on the AHIMS register.

Step 3 – Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?

No new Aboriginal sites or objects were identified within Lot 5 DP838497 during the site-based assessment. The previously recorded site on the southern boundary of the property – 57-50045 – could not be relocated. The site card associated with the original recording describes the condition of the site in 1981 as being: *Poor – totally disturbed by clearing, ploughing, laying of coaxial cable* (AHIMS site record 57-2-0045). A thorough visual inspection of the area that was once near the junction of the former Federal Highway and Mac’s Reef Road and is now on the boundary of the Lot 5 DP838497 and the road easement for the Federal Highway could not relocate any Aboriginal stone artefacts. The degree of disturbance at this location was very high and associated with:

- The mechanical removal of bitumen and concrete associated with the original intersection of the Federal Highway and Macs Reef Road and the landscaping of disturbed areas;
- Earthworks associated with the construction of the new Federal Highway; and
- Works associated with the construction of a livestock tunnel beneath the Federal Highway and associated yards.

This assessment concludes that site 57-50045 has been irreversibly impacted upon by past pastoral activities, the laying of a coaxial telecommunications cable and the removal of the old Federal Highway – Macs Reef Road intersection and the construction of the northbound lanes of the new Federal Highway.

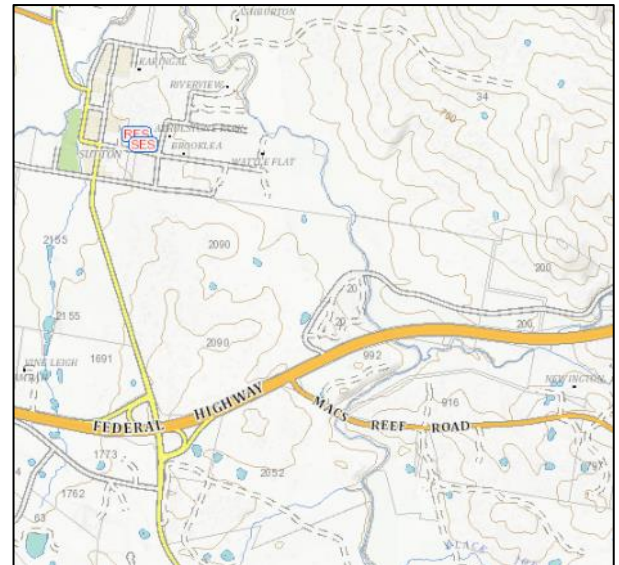
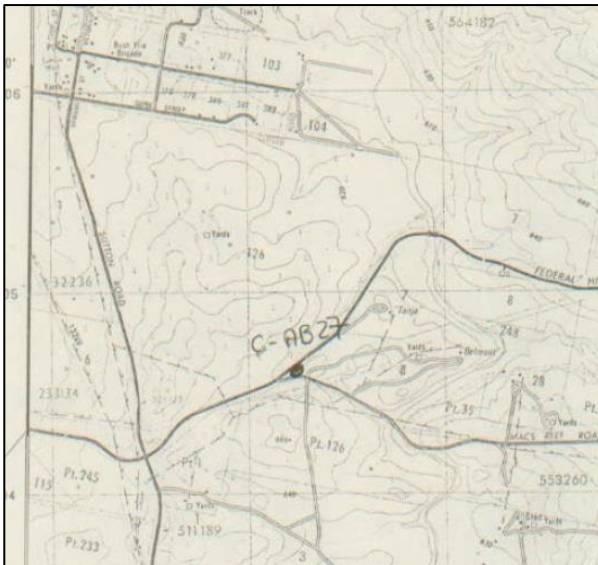


Figure 3: AHIMS site 57-5-0045. AHIMS site record (left) and an extract from Six Maps (right) showing the changed alignment of the Federal Highway and Macs Reef Road since 1981.

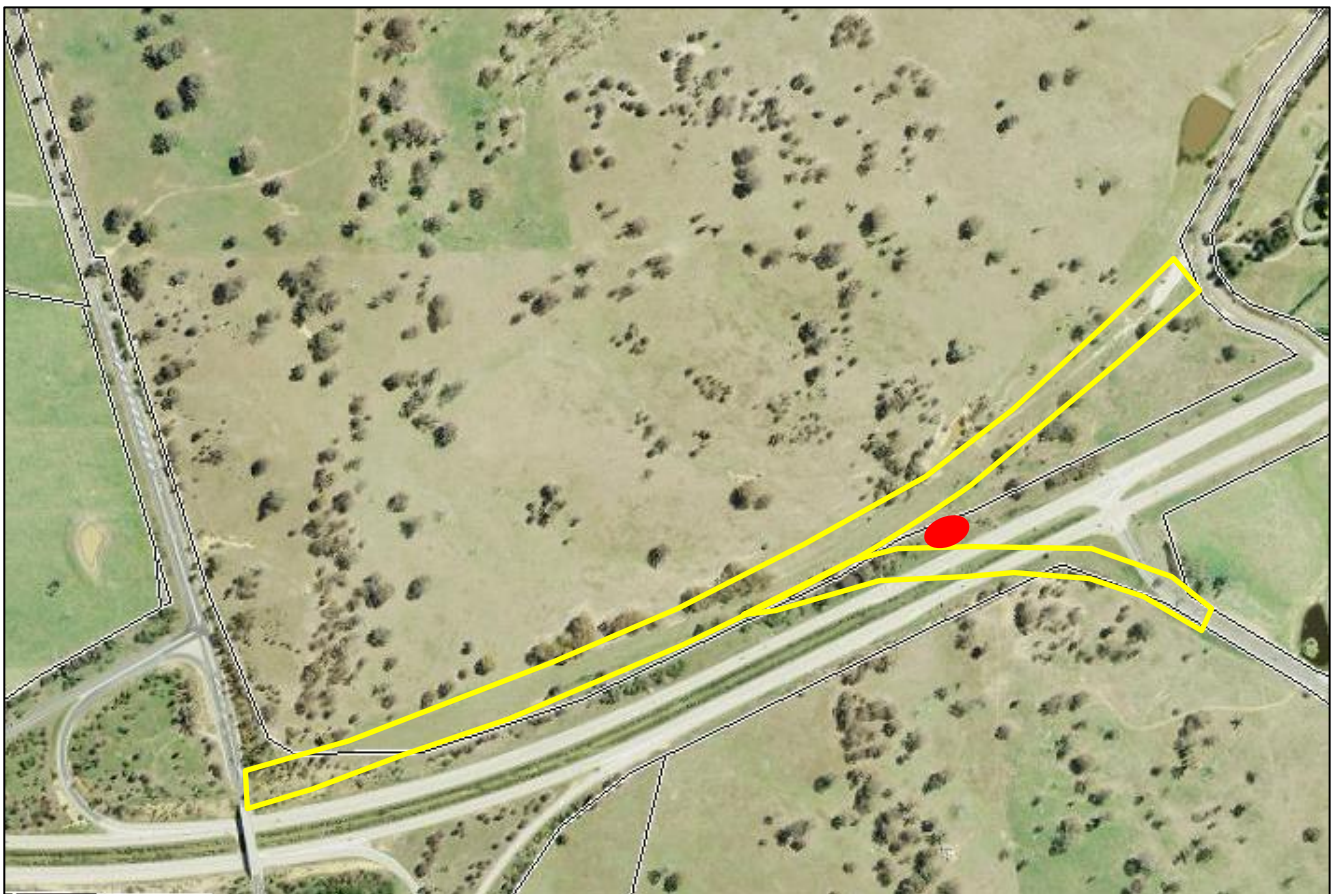


Figure 4: Suggested location for AHIMS site 57-5-0045 (red) based on the site card prepared by Koettig. The old alignment of the Federal Highway and Macs Reef Road is shown in yellow as they would have been in 1981.



Figure 5 (above): The location of site 57-5-0045 has sustained considerable disturbance. Figure 6 (Bleow): Road-base gravels either from the old Macs Reef Road or from the construction of the new Federal Highway.



Step 4 – Does the desktop and visual assessment confirm that there are Aboriginal objects or that they are likely?

A site inspection was conducted on Monday 14th May 2018 by ELA Archaeologist Alistair Grinbergs. The site inspection consisted of a thorough visual inspection of all identifiable areas of archaeological visibility - areas where the surface cover vegetation had been removed to expose the underlying soil deposits. This included erosion scalds, formal and informal vehicle tracks, erosion gullies, animal tracks areas of stock trampling and high livestock traffic areas near gates and around shade trees. No Aboriginal artefacts were identified. A visual inspection was undertaken of all mature eucalypts to determine if they were any culturally modified trees present and out-crops of naturally occurring stone were inspected for suitability and evidence of quarrying or of grinding patches or grooves.

The easterly facing lower slope and slope termination landforms above the banks of the Yass River at the eastern most boundary of Lot 5 DP838497 are likely to be archaeologically sensitive – based on the recorded location of numerous artefact scatter and isolated artefact sites in spatial proximity to higher order drainage lines.

Conclusions

The purpose of the Aboriginal heritage due diligence is to identify if there are registered Aboriginal sites and/or sensitive landforms which may indicate the presence of Aboriginal sites and may therefore require further assessment and approval under Part 6 of the *National Parks and Wildlife Act 1974*.

ELA has undertaken an extensive search of the Aboriginal Heritage Information Management System (AHIMS) database maintained by the Office of Environment & Heritage (OEH) and a review of available background reports.

A site inspection undertaken by ELA Archaeologist Alistair Grinbergs on 14th May 2018 found that there was low to moderate surface visibility across much of the study area, nevertheless it was considered to be sufficient to determine whether or not evidence of Aboriginal sites was present. No Aboriginal material was observed. Mature Eucalypts were inspected for evidence of cultural modification and the location of the previously recorded site 57-2-0045 was visited and thoroughly inspected – no evidence of any Aboriginal artefacts could be located at that location. The easterly facing lower slope and slope termination landforms above the banks of the Yass River at the eastern most boundary of Lot 5 DP838497 are considered likely to be archaeologically sensitive.

Recommendations

Based on the findings of this due diligence and the requirement of the NP&W Act the following is recommended.

Recommendation 1 – AHIMS Site 57-2-0045

The AHIMS site 57-2-0045 no longer exists. Nevertheless, activities that would result in ground disturbance near the boundary fence and cattle yards at its recorded location must be avoided until advice can be sought from the Office of the Environment and Heritage on whether or not the AHIMS site record can be amended to reflect that it no longer exists or whether an Aboriginal Heritage Impact Permit is required before works can occur at that location.

Recommendation 2 – Lower Slopes & Banks of the Yass River

The lower slopes and slope termination landforms above the western banks of the Yass River are considered to be archaeologically sensitive. It is possible that there are Aboriginal objects in this area beneath the ground surface and potentially in an *in situ* context. No works that disturb the ground surface should take place within 200m of the western banks of the Yass River. If works are required within this area, further archaeological investigation, including sub-surface testing, will be required.

Recommendation 3 – No Further Archaeological Assessment Required

No further archaeological assessment is required in those parts of Lot 5 DP838497 not associated with recommendations 1 and 2 (above). For the purpose of clarity that covers all land within Lot 5 DP838497 with the exception of the eastern most paddock bounded by the Yass River and the paddock that encloses the remains of the old Federal Highway.

Recommendations - General measures

- Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, the OEH must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.
- In the extremely unlikely event that human remains are found, works should immediately cease and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, the OEH may also be contacted at this time to assist in determining appropriate management.

Please contact me if you require further information in regard to Aboriginal heritage assessment on 02 6103 2314.

Yours sincerely



Alistair Grinbergs
Principal Consultant – Heritage Strategy & Development

References

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Attachment A –Extensive AHIMS search on 7th May 2018

Extensive AHIMS search