

ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT



[4WD track in the vicinity of EPG-28 (AHIMS #52-5-0307)]

**2541 WARRAH ROAD (LOT 24 IN DP714096), AND 12A-C
WARRAH ROAD (LOTS 21-23 IN DP14096)
NORTH NOWRA NSW**

NOWRA LGA

Mary Dallas Consulting Archaeologists

October 2018

Report to Southbank Land Pty Ltd and Huntingdale Pty Ltd



Executive Summary

This report documents an Aboriginal Cultural Heritage Assessment undertaken by MDCA [Mary Dallas Consulting Archaeologists] for Southbank Land Pty Ltd and Huntingdale Pty Ltd. It documents the investigation of an approximately 75-hectare parcel of land known as 2541 Warrah Road (Lot 24 in DP714096), and 12A-C Warrah Road (Lots 21-23 in DP14096), North Nowra NSW, in the Shoalhaven region, which is proposed for rezoning as part of a Planning Proposal. The assessment has included a review of relevant contextual information about landform, geology and soils, documented archaeology, Aboriginal and non-Aboriginal land use, field survey and Aboriginal community consultation in accordance with the requirements outlined in clause 80C of the *National Parks and Wildlife Regulation 2009*.

Background study and field survey indicated that historical land use had resulted in significant impacts that were likely to have disturbed or destroyed any intact or extensive evidence of past Aboriginal use in the area subject to the Planning Proposal. Consistent with these observations, the only Aboriginal archaeological remains located after several field surveys are two low density artefact scatters known as *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372). Both were identified in disturbed contexts, are devoid of any original topsoil deposits and have no associated subsurface potential. No further areas of archaeological potential have been located across the subject land.

The assessment report has been prepared to meet the reporting requirements outlined in the *National Parks and Wildlife Regulation 2009* and relevant policy documents of the Office of Environment & Heritage, specifically the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) and the *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974* (DECCW 2010c). The current proposal is a rezoning proposal to allow future subdivision. As such, no impacts to Aboriginal cultural heritage are proposed at this time. If impacts are proposed in any future subdivision proposal, options for the management of Aboriginal objects will be considered at that time, in consultation with Registered Aboriginal Parties.



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1.0

Project Overview

1.1 Introduction

This Aboriginal Cultural Heritage Assessment (ACHA) report has been prepared by MDCA [Mary Dallas Consulting Archaeologists] for Southbank Land Pty Ltd and Huntingdale Pty Ltd. It has been prepared to inform a Gateway Planning Proposal at Warrah Road, North Nowra. Specifically, this report describes the location and nature of the proposed rezoning, the nature of the Aboriginal objects within the subject land, and the information gathered, and processes undertaken to determine the proposed management of these objects. It has been prepared to meet the reporting requirements outlined in the *National Parks and Wildlife Regulation 2009* and relevant policy documents of the Office of Environment & Heritage, specifically the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) and the *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974* (DECCW 2010c).

It contains the following:

- A brief description of the subject land and project (**Section 1**)
- A discussion of the Aboriginal community consultation undertaken (**Section 2** and **Appendix A**)
- A consideration of relevant landscape context (**Section 3**) and archaeological context (**Section 4**)
- A description of archaeological survey aims and methods (**Section 5**) and the results of the survey (**Section 6**)
- An assessment of Aboriginal heritage significance (**Section 7**)
- A discussion of potential impacts and management strategies (**Section 8**)
- A set of management recommendations (**Section 9**)
- References used in the current report (**Section 10**)
- AHIMS Register search records and relevant site records (**Appendix B**)

1.2 Report Authorship and Study Participants

This report has been prepared by MDCA Archaeologist Tamika Goward and MDCA Principal Consultants Paul Irish and Mary Dallas. Warren Morris (2007), Dean Scott and Jay Timberly (2017) of the Nowra LALC also participated in the field survey and site inspection.



1.3 Site Identification

The subject land of the Planning Proposal comprises 75ha of bushland at 2541 Warrah Road (Lot 24 in DP714096), and 12A-C Warrah Road (Lots 21-23 in DP14096), North Nowra NSW. It is located in the Shoalhaven Local Government Area, Parish of Bunberrra and lies within the Office of Environment and Heritage South Region. It is situated on the northern side of the Shoalhaven River about 4km northwest of Nowra and immediately northwest of North Nowra (Figure 1). It is bound to the west by Gypsy Point Road and uncleared bushland, to the north by an unformed road easement and the rear of residential allotments along Lincorn Close, Lochaven Drive, Moondara Drive and Burrandoot Avenue, to the east by a north-south running telegraph line and easement and the rear of residential allotments along Coconut Drive, and to the south by an easement, and the rear of several rural/residential allotments along Cram Road (**Figure 2**).

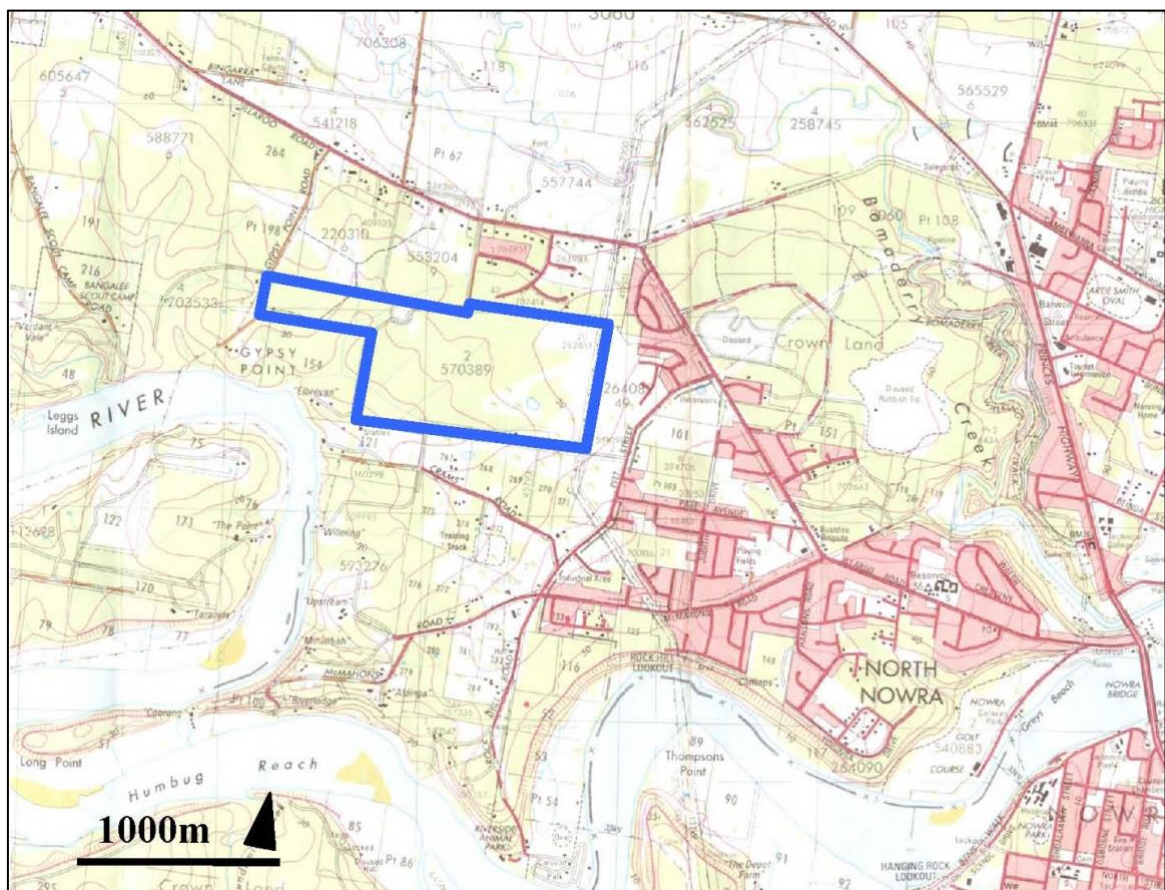


Figure 1. The Berry 1:25,000 Topographic Map showing the Subject Land (blue outline) in its local context.



1.4 Reason for the Current Study

1.4.1 Proposed Development

The current proposal is to rezone the subject land for future residential subdivision, as indicated in Figure 2. The subject land is currently zoned as 1(d) (Rural "D" (General Rural) Zone). Portions of the subject land are proposed to be changed to R2- Low Density Residential, to allow residential development of these portions of the subject land. Other portions are proposed to be zoned as RU2- Rural Landscape and E2- Environmental Conservation Zones. Further to this, much of the subject land will be reserved as conservation areas, specifically land around the creek lines and the western portion (see blue outline in **Figure 2**). No impacts are currently proposed to the subject land as part of the rezoning proposal, however, the rezoning would allow future development which could potentially impact any physical remains of past Aboriginal use on or immediately below the current ground surface.

1.4.2 Background

The subject land was first investigated by Kuskie et. al in 1995 examining a proposed route of the Eastern Gas Pipeline which ran approximately diagonally northeast across the subject land. During this study, an artefact scatter known as *EGP-28* (AHIMS #52-5-0307) was located within a clearing beside a gravel quarry within the current subject land. This site comprises five stone artefacts in a highly disturbed context. The route of the Eastern Gas Pipeline through the subject land was consequently changed to run along the eastern boundary. Survey and excavation work for this realignment was undertaken by Australian Archaeological Survey Consultants in 1999 and 2000. During this study, another low density artefact scatter was recorded. This site is *Duke 7* (AHIMS #52-5-0372). Unfortunately, there are few details for this site and the extent of survey and excavation work, as no documentation for these works has been produced to date.

Both *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372) are devoid of any original topsoil deposits and have no associated subsurface potential. During three inspections of the subject land in 2007, 2013 and 2017 by MDCA in association with the Nowra Local Aboriginal Land Council, for the current assessment, these sites were not found despite thorough ground survey. During these investigations no further sites or areas of archaeological potential have been located across the subject land.

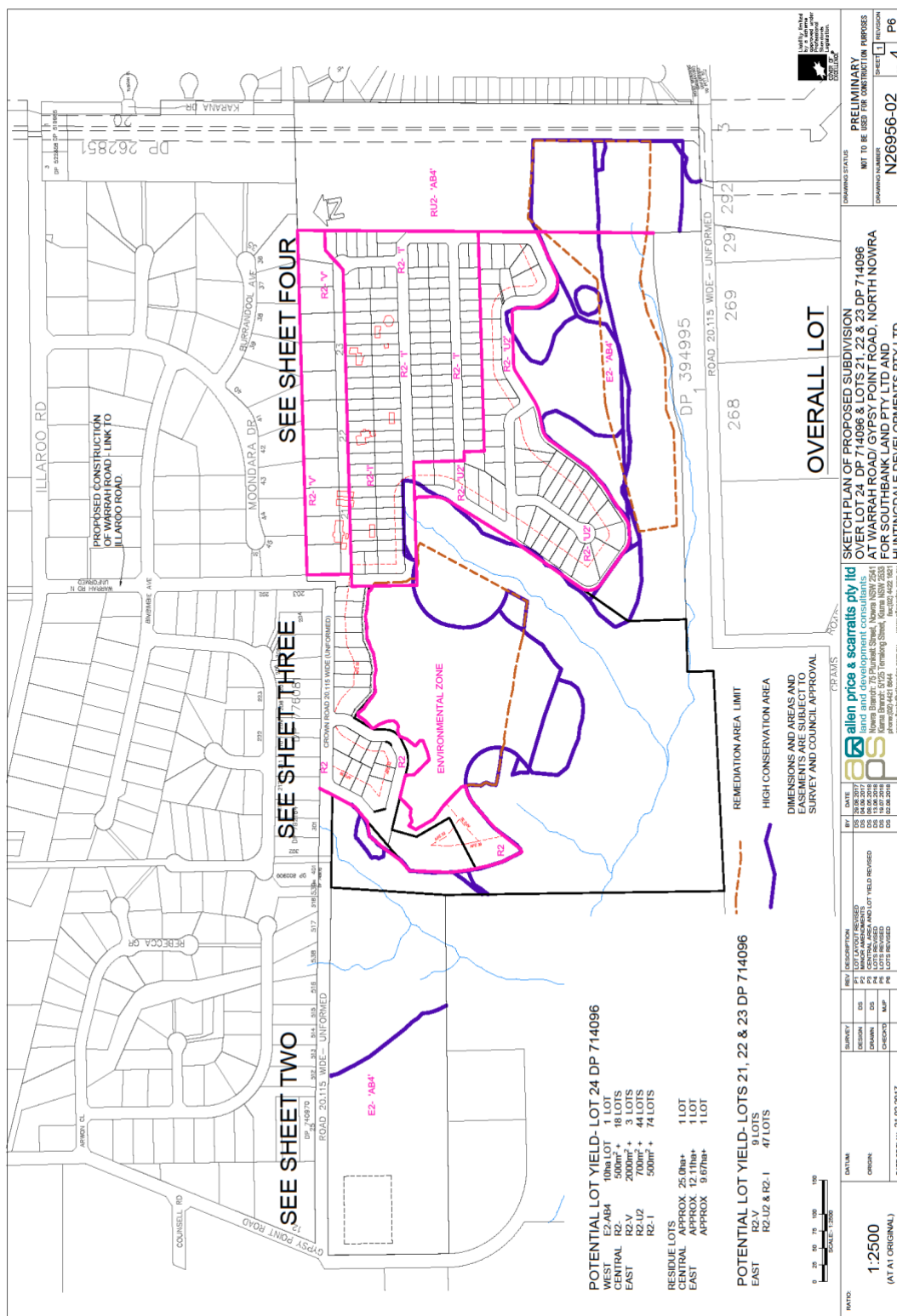


Figure 2. The proposed rezoning of the subject land and possible future lot layout.



The Gateway Planning Proposal does not propose to affect *EGP-28* (AHIMS #52-5-0307), *Duke 7* (AHIMS #52-5-0372) or any other site which may be present across the subject land. These sites are likely to be zoned E2 Environmental Protection. However, it would allow future development, which may impact these sites. The Office of Environment & Heritage (OEH) has recommended that in order to adequately capture the information required to inform the Planning Proposal, an Aboriginal Cultural Heritage Assessment (ACHA) report should be prepared, including Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009*. The ACHA report (current document), documents an assessment undertaken in accordance with the OEH *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) and the *Aboriginal cultural heritage consultation requirements for proponents 2010*. The ACHA has also been prepared to meet requirements of the OEH *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*.

The purpose of the current Aboriginal Cultural Heritage Assessment is to identify any Aboriginal cultural heritage issues in relation to the re-zoning application and provide appropriate management recommendations for any recorded or potential items of Aboriginal cultural heritage which may occur within the subject land.

1.4.3 Legislative & Policy Requirements

The *National Parks & Wildlife Act* (1974), administered by the *Office of Environment & Heritage* (OEH), provides statutory protection for all Aboriginal 'objects' and 'places' where an 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” [Section 5(1)]

An Aboriginal place must be declared under Section 84 of the Act and be a place that:

in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.” [Section 84].

Amendments to the NPW Act in 2010 have retained an offence to knowingly *harm* an Aboriginal object [s86(1)] but greatly increased penalties for such offences. The amendments have also introduced a strict liability offence for any *harm* (i.e. knowingly or unknowingly) to Aboriginal objects [s86(2)] or Aboriginal places [s86(4)] without a valid and applicable Aboriginal Heritage Impact Permit under Section 90 of the Act. *Harm* is defined as:



“any act or omission that:

- (a) destroys, defaces or damages the object or place, or*
- (b) in relation to an object—moves the object from the land on which it had been situated, or*
- (c) is specified by the regulations, or*
- (d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c)” [Section 5(1)]*

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object [S87(2)]. Due Diligence assessment can take a number of forms, including a generic process developed by the OEH (as described in DECCW 2010b) or one of an equivalent standard. An exemption is also provided for ‘low impact activities’ which result in unknowing damage to an Aboriginal object, including a range of common farm and track maintenance activities.

Impacts to Aboriginal objects generally require an Aboriginal Heritage Impact Permit (AHIP), applications for which must be accompanied by an Aboriginal Cultural Heritage Assessment report. This report documents the archaeological assessment of the subject land in relation to the proposed subdivision in accordance with OEH guidelines (DECCW 2010c). The assessment must include full documentation of a prescribed process of Aboriginal community consultation in accordance with OEH guidelines (DECCW 2010a). This requires placing a public advertisement to seek expressions of interest in the project (or more precisely the AHIP to be sought) as well as directly notifying Local Aboriginal Land Councils and government agencies dealing with Aboriginal communities in the area. People or organisations can register as “Registered Aboriginal Parties” which provides them with a right to review and comment on aspects of AHIP applications, and to provide advice on Aboriginal cultural and historical significance. AHIPs can be issued for specific objects or cadastral features (e.g. whole of lot) and can cover archaeological test excavation, or salvage or impact, depending on the nature of the project and results of the assessment in support of the permit.

1.5 Methods Used

The current study documents the Aboriginal cultural heritage assessment of the subject land and proposed impacts and includes full documentation of a prescribed process of Aboriginal community consultation in accordance with current OEH guidelines (DECCW 2010a & c).



2.0

Aboriginal Cultural Assessment

It should be noted that, as the investigations for this assessment were initiated in 2007 for a similar Planning Proposal, a previous consultation process was undertaken, and documented in an Aboriginal Archaeological Survey and Assessment Report (MDCA 2007). This consultation process was comprehensive and included public advertisement, mailouts to government departments and agencies and mailouts to additional Aboriginal groups identified by those agencies. Of all the Aboriginal groups contacted only the Nowra Local Aboriginal Land Council (NLALC) responded. As a result, Mr Warren Morris of the NLALC participated in the 2007 survey of the subject land.

For the current study, consultation with the local Aboriginal community was undertaken in order to document the Aboriginal cultural significance of the subject land in relation to the current Planning Proposal. This section documents that consultation, which was undertaken in accordance with the requirements of the *National Parks and Wildlife Regulation 2009* (s80C) [‘the Regulation’]. Initially this involved formulating a list of Registered Aboriginal Parties to be consulted concerning the current project.

2.1 Aboriginal Community Consultation

2.1.1 Public and Direct Notices

The OEH Aboriginal consultation process does not prescribe the automatic registration of Registered Native Title Claimants or Local Aboriginal Land Councils, however MDCA notes that the latter have a statutory responsibility “to promote the protection of Aboriginal culture and the heritage of Aboriginal persons”¹ within their boundaries. As such the Nowra Local Aboriginal Land Council (NLALC) was automatically registered.

A public notice seeking registrations of interest in the project was lodged in The South Coast Register on 27 October 2017 giving a date of 10 November 2017 for responses (**Appendix A1**). At the same time (25/10/2017) direct notices were sent to the agencies listed below (**Table 1**) to seek details of potential further Aboriginal parties to contact in relation to registrations of interest (see sample in **Appendix A1**). The responses received (**Appendix A1**) led to follow up letters being sent to the organisations listed in **Table 2**, enquiring whether they wished to register an interest in the project (see sample in **Appendix A1**).

¹ Aboriginal Land Rights Act 1983, s52(1)(m).



Table 1. Direct Agency Notices sent 25/10/2017.

Agency	Response Deadline	Response Received?	Additional Contacts to those already Registered
South East LLS	10/11/2017	22/12/2017	No additional contacts suggested.
NNTT	10/11/2017	25/10/2017	No additional contacts suggested.
NTS Corp	10/11/2017	No	
OEH	10/11/2017	31/10/2017	Badu, Goobah Developments, Wullung, Pemulwuy CHTS, Minnamunnung, Gundungurra Tribal Technical Services, Shoalhaven Elders and Friends, South West Rocks Corporation, Three Ducks Dreaming Surveying and Consulting, Jerringong, Walbunja, Gary Caines, Darug Land Observations, Guunamaa Dreamin Sites and Surveying, Ronald Carberry, Noel Webster, Troy Tungai, Gadhu Dreaming, Karrial, Leanne Tungai, Noel Butler, Warra Bingi Nunda Gurri, Gayle Watts, Walgalu, Dharug, Biamanga, Cullendulla, Murramarang, Gunyuu, Yerramurra, Nundagurri, Bilinga, Munyunga, Wingikara, Murrumbul
NSW Department of Aboriginal Affairs/ Registrar of Aboriginal Owners	10/11/2017	3/11/2017	No additional contacts suggested.
Nowra LALC	10/11/2017	No	
Shoalhaven City Council	10/11/2017	15/11/2017	No additional contacts suggested.

Table 2. Direct Community Notices.

Community group	Date of Letter	Response Deadline	Response Received	Seeking Registration?
Badu	15/11/2017	1/12/2017	No	
Goobah Developments	15/11/2017	1/12/2017	23/11/2017	Yes
Wullung	15/11/2017	1/12/2017	No	
Pemulwuy CHTS	15/11/2017	1/12/2017	No	
Minnamunnung	15/11/2017	1/12/2017	No	
Gundungurra Tribal Technical Services	15/11/2017	1/12/2017	No	
Shoalhaven Elders and Friends	15/11/2017	1/12/2017	No	
South West Rocks Corporation	15/11/2017	1/12/2017	No	
Three Ducks Dreaming Surveying and Consulting	15/11/2017	1/12/2017	No	
Jerringong	15/11/2017	1/12/2017	No	
Walbunja	15/11/2017	1/12/2017	No	
Gary Caines	15/11/2017	1/12/2017	No	
Darug Land Observations	15/11/2017	1/12/2017	16/11/2017	Yes
Guunamaa Dreamin Sites and Surveying	15/11/2017	1/12/2017	No	
Ronald Carberry	15/11/2017	1/12/2017	No	
Noel Webster	15/11/2017	1/12/2017	No	
Troy Tungai	15/11/2017	1/12/2017	No	
Gadhu Dreaming	15/11/2017	1/12/2017	No	
Karrial	15/11/2017	1/12/2017	No	



Community group	Date of Letter	Response Deadline	Response Received	Seeking Registration?
Leanne Tungai	15/11/2017	1/12/2017	16/11/2017	Yes
Noel Butler	15/11/2017	1/12/2017	No	
Warra Bingi Nunda Gurri	15/11/2017	1/12/2017	15/11/2017	Yes
Gayle Watts	15/11/2017	1/12/2017	No	
Walgalu	15/11/2017	1/12/2017	No	
Dharug	15/11/2017	1/12/2017	No	
Biamanga	15/11/2017	1/12/2017	22/11/2017	Yes
Cullendulla	15/11/2017	1/12/2017	22/11/2017	Yes
Murramarang	15/11/2017	1/12/2017	22/11/2017	Yes
Gunyu	15/11/2017	1/12/2017	No	
Yerramurra	15/11/2017	1/12/2017	No	
Nundagurri	15/11/2017	1/12/2017	No	
Bilinga	15/11/2017	1/12/2017	No	
Munyunga	15/11/2017	1/12/2017	No	
Wingikara	15/11/2017	1/12/2017	No	
Murrumbul	15/11/2017	1/12/2017	No	

2.1.1 Registered Aboriginal Parties

On the basis of the notification process above, the following Aboriginal organisations were listed as Registered Aboriginal Parties and details of these organisations were sent to the OEH and Nowra LALC as required by the *Regulation* (80C[5b]) on Wednesday 20 December 2017.

Table 3. Registered Aboriginal Parties.

Name	Abbreviation Used in this Report
Nowra LALC	NLALC
Warra Bingi Nunda Gurri	Warra Bingi
Biamanga	Biamanga
Cullendulla	Cullendulla
Murramarang	Murramarang
Leanne Tungai	Ms Tungai
Darug Land Observations	DLO
Goobah Developments	Goobah

2.1.2 Project Information and Comment on Methodology

All Registered Aboriginal Parties were sent project information and a proposed assessment methodology on 18 December, 2017 with a deadline of 25 January, 2018 for responses (see **Appendix B1**). Specifically, all Registered Aboriginal Parties were requested to provide comment on:



- the proposed assessment methodology.
- any objects or places of cultural value to Aboriginal people which may be located within the current subject land, and any other Aboriginal cultural or historical information relevant to the current assessment and proposed subdivision.
- Aboriginal cultural knowledge relating to the sites *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372).

Registered Aboriginal Parties were also requested to inform MDCA of any information of a culturally sensitive nature so that appropriate protocols of access could be developed.

The NLALC has participated in several site inspections of the subject land associated with the current study. NLALC were asked to comment on the site inspections, the recommendations of the Due Diligence report, as well as any cultural/historical associations with the area considered pertinent to that assessment. The comments provided by NLALC are summarised in **Table 4** below and appended in **Appendix B1**. Neither of the groups that provided a response to the assessment methodology asserted cultural/historical associations and both were in agreement with the recommendations.

Table 4. Responses to Information and Methodology document.

Registered Aboriginal Party	Response
DLO	DLO support the proposed assessment methodology.
NLALC	NLALC were in support of the recommendations of the 2007 assessment.

2.1.3 Comment on Draft Report

The comments of the Registered Aboriginal Parties as discussed above were used in the formulation of the current draft Aboriginal Cultural Heritage Assessment Report. This draft document was sent to all Registered Aboriginal Parties for comment on 24th August 2018 with a deadline of 21st September 2018 for responses (see **Appendix C1**). Specifically, all Registered Aboriginal Parties were requested to provide comment on:

- their views on the draft recommendations.
- any other views or information relating to the Aboriginal Cultural Heritage Assessment that parties believed should be considered in relation to the current assessment.

The comments on receipt will be shown in **Table 5** and where relevant, included in **Appendix C1**.



Table 5. Responses to Draft Report.

Registered Aboriginal Party	Response
NLALC	NLALC provided no comments on the draft ACHA during the 28 day response period. NLALC were contacted after the response period lapsed to ensure there were no further comments on the proposed methodology.

2.2 Aboriginal Cultural Significance within the Subject Lands

The Aboriginal community consultation undertaken to date in relation to the current Aboriginal heritage assessment has not identified any specific Aboriginal cultural significance relating to the particular area of the subject land or the identified Aboriginal sites which are the subject of this report, or its immediate surroundings, though it is apparent from correspondence that a general level of significance is ascribed to the area and all Aboriginal archaeological remains as an indicator of past Aboriginal presence in the landscape.



3.0

Landscape Context

3.1 Local Environmental Context

The subject land is located on the northern side of the Shoalhaven River immediately west of North Nowra. Apart from the river, the dominant topographic features of the surrounding landscape are the Illawarra Range and its foothills to the north and northwest, the course of and incised lower reaches of Bangalee and Tapitallee/Bomaderry Creeks to the west and north and east respectively.

Its immediate context of the subject land is the southern and western sides of a low roughly east-west trending ridge and raised area respectively formed by the incision of the Tapitallee/Bomaderry Creek system. The subject land slopes gently down (maximum 5%) to the south and west and is incised by several small tributaries of an unnamed creek flowing along the southern boundary of the subject land into the Shoalhaven River at Gypsy Point.

This area is underlain by sandstone, shale and siltstone bedrock of the Berry Formation of the Shoalhaven Group (Figure 2). This has resulted in the formation of generally sandy soils with increased clay content where derived from shale bedrock. This increased clay content is observed in the more elevated (north-eastern) portions of the subject land. Sandstone outcrops in some areas, largely immediately above the slightly incised channels of the minor tributaries and in the beds of these watercourses, mainly around and downstream of their confluence with the main creek. Quaternary alluvium does not occur within the subject land.



Figure 2. The subject land (red shading) in relation to local geology.

[Source: Wollongong 1:250 000 Geological Map. The subject land is located on undifferentiated Berry Formation siltstone, shales and sandstone of the Shoalhaven Group soil landscape].

The site has been cleared of most if not all original timber which is likely to have consisted of eucalypt woodland and is now characterised by re-growth eucalypt woodland with a shrubby understorey and



patches of open grassland, and paddock. Fresh water would have been available some or all of the year from the unnamed creek along the southern boundary of the subject land or permanently from Bangalee or Bomaderry Creeks several kilometres away. The Shoalhaven River is still partially tidal/saline adjacent to the subject land.

3.2 Aboriginal Land Use

The earliest dated sites of Aboriginal occupation of the NSW south coast region include a rock shelter (Lampert 1971a) at Burrill Lake (approx. 20,000 years BP) and an open shell midden site (Bowdler 1970) at Bass Point (dated to approximately 17,000 years ago). These would have been occupied at a time when the sea level was much lower and the present coastline would have been an inland environment drained by streams. At this time these sites were inland and the coastline, due to falling sea levels, was approximately 15-20km further east of its present position. The present coastline was formed by 3,000 years ago when the sea levels stabilised and the coastal lakes and lagoons formed. Two rockshelter sites located about 50km southwest of the subject land in the upper reaches of the Shoalhaven River system also contain occupation dated at over 10,000 years ago (Boot 1993, 1994). Our understanding of the archaeology of the Shoalhaven region in general is relatively limited and derived from a variety of sources. Although a range of archaeological sites are known to occur along both the coastal strip and immediate hinterland, our understanding of the nature and complexity of the pattern of Aboriginal use and occupation of the Shoalhaven region that these sites reflect nevertheless remains relatively limited at present. An Aboriginal cultural heritage management study for the Shoalhaven Local Government Area has been prepared and Aboriginal cultural values and oral history have also been investigated by several research projects (e.g. DEC 2004b, Goulding & Schell 2002). A good overview of the type of Aboriginal archaeological projects undertaken within the Shoalhaven Local Government Area is provided by the recent DEC Comprehensive Coastal Assessment Aboriginal Cultural Heritage Data Audit (DEC 2005: Appendix 1). This shows that over 1,600 Aboriginal sites have been registered within this area, the vast majority of which comprise shell middens or artefact scatters/deposits in rockshelters or open contexts. The majority of Aboriginal sites that have been located, recorded and registered within the DEC Aboriginal Heritage Information Management System (AHIMS) have been identified through either archaeological investigations carried out within commercial contracting frameworks dealing with specific localities subject to modern development, and/or through findings reported by amateur (non-professional) enthusiasts. As a consequence, the nature and results of archaeological site surveys frequently vary according to topographic and environmental factors, constraints such as ground surface visibility, and impacts from previous landscape disturbance. Sites have survived in greater numbers in areas least affected by urban and suburban development. Therefore, the number and distribution of sites known to occur in the region are unlikely to reflect an accurate picture of



Aboriginal occupation. Rather, the recorded site distribution is more likely to reflect European land-use history and the nature of impact upon the archaeological resource from development. This is confirmed by the DEC overview which notes that the majority of survey work (and hence recorded sites) occur along the coastal strip and southern portion of the LGA and that there are consequently significant data gaps in the northern portion, which includes the current subject land (DEC 2005: Appendix 1 p7).

3.3 European Historical Land Use

The subject land has a long history of agricultural use. The boundaries of the subject land received some of their current form in the early 20th century, though the property originally extended east to Illaroo Road (Illaroo Parish Map 1903). Its current boundaries were established by the installation of the transmission lines along its current eastern boundary, which occurred some time before the 1980s (Kiama 1:100,000 map 1981 ed.).

It is not clear when the land was originally cleared, but its current state demonstrates that this clearing was extensive. By the 1980s a gravel quarry was in operation in the northern central portion of the subject land, accessed from Warrah Road. Also, a portion of the subject land immediately west of the transmission line was in use as a training track at that time, though this appears to have ceased by the late 1980s (Berry 1:25,000 map 1988 ed.). Another minor gravel quarry was created in the central portion of the subject land but had ceased use by the mid-1990s. In addition it appears that some extensive removal of topsoil deposits has occurred in the central eastern portion of the subject land in recent times.

More recently still, trail bikes have begun to frequent the site, and riders have constructed extensive tracks and jumps, involving considerable sub-surface disturbance in some cases. A dam was also constructed prior to the 1990s in the south eastern corner of the subject land. The construction of residential dwellings and associated extensive landscaping has also occurred in Lots 21-23 DP714096 in recent times. Most recently, in 2013 the land had been selectively cleared of re-growth eucalypt and the entirety of the shrubby understory removed. These activities have been undertaken in the area proposed for subdivision.

These historical and more recent impacts could be expected to have significantly disturbed the natural soil horizons across the western portion of the subject land. Given that subsurface archaeological evidence is likely to be restricted to the uppermost soil horizon, these historical impacts could be expected to have disturbed (and possibly destroyed) any intact physical traces of past Aboriginal use of the area that may once have been present.



4.0

Archaeological Context

4.1 Previous Archaeological Work & Site Recordings

4.1.1 OEH AHIMS

For the current assessment, the OEH Aboriginal Heritage Information Management System Aboriginal Sites Register ('the AHIMS Register') and Catalogue of Archaeological Reports were consulted. An online search of the AHIMS Register of a 6km x 6km area centred on the subject land revealed that 50 recorded Aboriginal sites have been registered within the search area² (see **Figure 3** and **Appendix B**).

Sites overwhelmingly comprise rock shelters and low density open artefact scatters and isolated finds with no associated subsurface potential, either along creek lines or on elevated flat ground above watercourses. The vast majority of these sites are located along Bangalee Creek to the west of the subject land, Bomaderry Creek to the east, and both banks of the Shoalhaven River to the south. This reflects the location of previous surveys and more importantly, the extent of sandstone overhangs in the region. The table below summarises site types in the search area.

Table 6. Summary of site types within the search area.

Site Type	Number of Sites	Percentage of Total
Shelter	18	36%
Isolated finds	13	26%
Artefact scatter	11	22%
Art/engraving	4	8%
Grinding grooves	1	2%
Burial	1	2%
Stone arrangement	1	2%
Scarred Tree	1	2%
Total	50	100%

Two registered sites, *EPG-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), are located within the subject land, though only the former within the area proposed for future development (). Another two sites have been recorded 800m north-east of the subject land. Descriptions of these sites are given in Table 7.

² Report generated by AHIMS Web Service on 5/2/2018.



Table 7. Summary table of open campsites in and adjacent to the subject land.

AHIMS #	Name	Location
52-5-0307	EGP-28; Crams Road	Five artefacts recorded within the subject land along a proposed easement for the Eastern Gas Pipeline (later rerouted) (See Kuskie <i>et al</i> 1995). The artefacts were located in a clearing beside a gravel quarry with low potential for further subsurface artefacts.
52-5-0372	Duke 7	Site in disturbed context adjacent to transmission lines at eastern end of subject land but outside area of proposed rezoning. The site was recorded during an Eastern Gas Pipeline survey by Huys in 1999. No description of the site contents is provided in the site card and a report has not been produced. No further details available. Condition unknown.
52-5-0302	Tapitallee Ck 1	Test probes in archaeologically sensitive area northeast of subject land excavated ahead of installation of fibre optic cables. 7 artefacts found on southern bank of Tapitallee Creek implying very low density site. Cable rerouted to avoid site. Later installation of Eastern Gas Pipeline recovers additional 4 surface finds adjacent to this site. These artefacts recommended for partial impact under an Aboriginal Heritage Impact Permit with preservation of main portion of site.
52-5-0303	Tapitallee Ck 2	Test probes in archaeologically sensitive area northeast of subject land excavated ahead of installation of fibre optic cables. 2 artefacts found on northern side of Tapitallee Creek implying very low density site. Cable rerouted to avoid site. Later installation of Eastern Gas Pipeline recovers additional 1 artefact during test pitting works. This artefact was recommended for impact under an Aboriginal Heritage Impact Permit with preservation of the remainder of the site.

Figure 3. Aboriginal sites registered on AHIMS within the vicinity of the subject land (blue outline).



The frequency of recorded site types reflects both the types of surviving evidence in the vicinity, and the archaeological research that has taken place in recent decades. Specifically it is noted that:

- Scarred trees are rare in the region, and none are recorded within close proximity of the subject land despite a history of archaeological survey in this area, most likely because of the high degree of historical land clearance as discussed above.
- Archaeological research over the last 30 years has been almost exclusively undertaken in a cultural heritage management context, where identification of areas of Aboriginal archaeological potential and visible evidence in the form of surface manifestations of stone artefacts have been the predominant recorded features.

4.1.2 Other Register Searches

In addition to the AHIMS Register search, updated online searches of several other repositories were undertaken on 5/2/18 to determine whether any Aboriginal sites or areas of potential have been identified within or adjacent to the subject land. The results of these searches can be summarised as follows:

- A search of the Australian Heritage Database (incorporating the Register of the National Estate) was undertaken for Aboriginal heritage items within the Shoalhaven Local Government Area. No items are listed for their Aboriginal heritage values within or adjacent to the subject land.
- The NSW State Heritage Inventory (incorporating the NSW State Heritage Register) was searched for Aboriginal heritage items within the Shoalhaven Local Government Area. No items on either register within close proximity to the subject lands appear to be listed for their Aboriginal heritage values.

4.1.3 Local Archaeological Research

Several archaeological surveys have been undertaken within or in close proximity to the subject land. These have been related either to the installation of service and telecommunications infrastructure or proposed housing subdivisions. Of most immediate relevance to the current assessment are the following:

- A rockshelter on Bomaderry Creek (AHIMS #52-5-0035) several kilometres east of the subject land, was test excavated by Lampert in the late 1960s and found to contain a range of stone artefact types and the remains of a variety of land mammals (Lampert 1971b). In addition, plant remains, low densities of shellfish from a range of habitats and some fish remains were recovered, demonstrating that both terrestrial and riverine environments were exploited by the inhabitants of the shelter (Lampert & Steele 1993). Importantly also, the site



provides the only local dated occupation at up to around 2,000 years ago.

- In 1981 Attenbrow investigated locations north and south of the Shoalhaven River in the vicinity of the subject land ahead of the installation of a water main. No sites or rock shelters suitable for art or occupation were located within the area investigated on the northern side, which comprised a transect from the top of the escarpment to the river in the vicinity of Rock Hill Road.
- Navin (1991) investigated the proposed alignment of a road from Pitt Street in North Nowra to Nerang Road, Bomaderry, over Bomaderry Creek. Two rockshelters with deposit (stone artefacts) were located on the western side of Bomaderry Creek, some 2km east-northeast of the subject land. Artefacts were identified within both of the shelters.
- Navin investigated a ca.43 hectare parcel of land located south of Main Road and west of Tannery Road some 2.5km northwest of the subject land, which was proposed for residential subdivision (Navin Officer 1994a). The land is situated on a ridge/spur between Dog Creek and Tapitallee Creek. The survey did not result in the identification of any Aboriginal cultural remains, and, despite low surface visibility, it was considered that the land had little potential to yield such remains.
- Navin & Officer investigated another proposed subdivision, located immediately north of Bomaderry at the northern end of Jasmine Drive, some 4km northeast of the subject land (Navin Officer 1994b). About 35 hectares in size, the surveyed area is situated on gently sloping ground above (to the south of) Abernethy's Creek. Intensive survey located a surface scatter of at least 7 stone artefacts in four different areas of surface exposure, but with little assessed potential to contain subsurface deposit.
- Kuskie et. al. (1995) examined a proposed route of the Eastern Gas Pipeline which ran approximately diagonally northeast across the subject land from Crams Road to the northeast corner of the subject land, where it met with an existing transmission line easement. The survey was restricted to a 20m wide marked corridor along the proposed pipeline route and resulted in the recording of one surface scatter of five stone artefacts within the current subject land (*EGP-28; AHIMS #52-5-0307*). The pipeline route was subsequently changed to coincide with the transmission line easement along the eastern boundary of the current subject land and the recorded site was therefore not to be impacted. Consequently no recommendations were made in relation to the site.
- Barber & Williams (1995) conducted subsurface investigations of an identified archaeologically sensitive area on both sides of Tapitallee Creek ahead of a proposed fibre optic cable following the route of existing transmission lines along the eastern boundary of the subject land and across the creek. A series of test (shovel) probes revealed low densities of artefacts on both sides of the creek, recorded as two separate open campsites (see Table 7).



- Survey and excavation work were undertaken by Australian Archaeological Survey Consultants in 1999 and 2000 ahead of the installation of the Eastern Gas Pipeline. By this stage the route in the vicinity of the subject land had been realigned from that surveyed by Kuskie et al. (1995) to the existing transmission line easement along the eastern boundary of the subject land. An open campsite (*Duke 7*; AHIMS #52-5-0372) was located in a disturbed context adjacent to the transmission line easement, and additional artefacts were located at the *Tapitallee 1* and 2 sites originally recorded by Barber & Williams (1995). Unfortunately, there are few details of these sites and the extent of survey and excavation work as no report has been produced concerning this work.
- Kelleher and Nightingale undertook survey of three proposed routes for the North Nowra Link Road in 2010. All three proposed routes were located between Illaroo Road and the Princes Highway. This study area was 500m east of the current subject land. A total of 28 sites had been recorded in the study area, 20 of these during the 2010 survey. Most sites were shelters (20) associated with the course of Bomaderry Creek. Other sites include artefact scatters (4) isolated finds (2), midden (1) and grinding grooves (1). Most sites were found in disturbed contexts and were assessed as having low archaeological significance. Six of these sites were assessed as having moderate archaeological significance as they were generally located on more information bearing landforms and found in a less disturbed context. None of these sites were identified in the vicinity of the current subject land.

These studies have found that Aboriginal archaeological sites in the surrounding area comprise mainly rock shelters, open campsites and isolated finds consisting of surface and/or subsurface deposits of stone artefacts in association with creek lines. The majority of recorded Aboriginal sites are rock shelters with art and/or evidence of Aboriginal occupation. These are confined to those areas in which sandstone overhangs occur. It is unlikely that the subject land contains any such overhangs as the land is of a low gradient and outcropping sandstone within the subject land is insubstantial and restricted to the creek line. Open campsites have been less frequently recorded, no doubt due to their less obvious nature and focus of previous survey work on shelter sites. However, four open campsites have been recorded within or in close proximity to the subject land, all of which are low-density artefacts scatters. This includes surface scatters with little or no subsurface potential and subsurface low-density campsites with little or no surface evidence. Open campsites recorded further afield (e.g. Navin Officer 1994b) were also of low density with limited subsurface potential.

4.2 Regional Land Use and Modelling

Archaeological predictive spatial modelling for Aboriginal heritage sites within the Lower Shoalhaven Region has been assessed by Clarke and Kuskie (2006). This study focused on land managed by



OEH i.e. Nature Reserves and Regional Parks. Archaeological and environmental assessment as well as field inspections led Clarke and Kuskie to conclude that this area could be divided into two resource zones. These are the Primary and Secondary resource zones.

Primary resource zones were defined as landforms in close proximity to the major Shoalhaven and Crookhaven Rivers. "These zones have higher probability of containing evidence for a wide range of occupation types including congregations of large groups of people, community base camps, nuclear/extended family base camps, camping by small hunting and/or gathering (without camping) and transitory movement. Occupation is likely to have been regular and potentially longer in duration in the primary zones" (Clarke and Kuskie 2006: ii).

Secondary resource zones were defined as landforms in close proximity to higher order creeks and/or wetlands, including Bomaderry, Mundamia, Calymea, Flat Rock, Bengalee and Sandy Creeks and their associated flats, slopes and terraces. "These secondary zones have a high probability of containing evidence of nuclear/extended family base camps, camping by small and/or gathering parties, hunting and/or gathering (without camping) and transitory movement. Occupation is likely to have been sporadic and relatively short in duration in secondary zones" (Clarke and Kuskie 2006: ii).

Areas outside the primary and secondary resource zones included areas distant from higher order creeks and/or wetlands, such as lower order drainage depressions and associated slopes and crests. "Occupation in these areas is likely to have involved hunting and/or gathering (without camping) and transitory movement and is likely to have been sporadic and very short in duration" (Clarke and Kuskie 2006: ii)

4.3 Summary and Site Prediction within the Subject Land

Based on the above review it can be deduced that archaeological evidence of past Aboriginal use in contexts such as the current subject land is most commonly manifest as stone artefacts in open surface and subsurface contexts. Modelling of site distribution in the region also suggests that the location and density/complexity of archaeological evidence of open campsites is related to distance from reliable water. The survival and degree of intactness of archaeological evidence is also related strongly to levels of historical non-Aboriginal activity in any given area.

The spatial model formulated by Kuskie and Clarke (2006) demarcates the portions of the subject land to be affected by the rezoning as being within either the secondary resource zone or outside of the resource zones altogether. It can be therefor expected that this area would not have been a



focus of activity for Aboriginal people but is more likely to have been used for short-term occupation and transitory passage.

The local archaeological research reviewed in **Section 4.1.3** suggest that evidence of Aboriginal occupation within the subject land is likely to be sparse and unlikely to be associated with extensive intact archaeological deposit. On the basis of this review, as well as contextual environmental data and known land use impacts, it is possible to predict the types of Aboriginal sites which may possibly occur within the subject land, and to give an indication of the likelihood of their occurrence.

- Artefact scatters (also known as open campsites) are likely to be most common on level, well drained ground adjacent to freshwater sources and wetlands or along crests of spurs and ridgelines. More and larger sites will tend to be located on spurs or ridgelines which afford continuous and effective access through and across the surrounding landscape. Open Artefact Scatters may occur almost anywhere that Aborigines have travelled in the past and may be associated with hunting or gathering activities, domestic camps, or the manufacture and maintenance of stone tools. The density of artefacts represented in these scatters can vary dramatically and may relate to transient or short stay camps, or base camps of long term or repeated occupation. If present within the subject land, such sites are likely to be of low density and integrity.
- Isolated artefacts occur without any associated evidence for prehistoric activity or occupation. Isolated finds can occur anywhere in the landscape and may represent the random loss, deliberate discard or abandonment of artefacts, or the remains of dispersed artefact scatters. Manuports are items consisting of raw materials of stone that do not naturally occur within the soil profiles of a given region. Transported onto a site by Aboriginal people from sources elsewhere, these items will have subsequently been discarded before use as flaked or ground stone tools. There is some chance that isolated artefacts may occur within the study area although they are likely to be extremely difficult to detect.
- Scarred or carved trees are resultant of bark and/or wood removal for the purpose of manufacturing shelters, canoes and shields and/or for designs carved into wood for a range of aesthetic, functional and ceremonial reasons which are currently not fully understood. Evidence for tree scarification is generally likely to be observed on large and mature trees endemic to the region (depending upon the species) either as isolated trees, remnant stands or continuous forest. Unless the tree is at least 100 years old, scarring is unlikely to be of Aboriginal origin. It is unlikely that such trees remain within the study area given the land use history of the site.



- Axe grinding grooves are grooves which result from the manufacture and/or maintenance of the working edge of some stone tools such as hatchets. They may be found where suitable sandstone is exposed in, or adjacent to, creeks or on elevated platforms where wet-grinding techniques are possible adjacent to natural rock holes and shallow 'basins'. Within the subject land it appears that such grooves are most likely be located along the lower reaches of the creek lines within the subject land (if sandstone is exposed).
- The low gradient of the subject land makes it unlikely that sandstone overhangs will be present, and there do not appear to be extensive outcrops of sandstone across the property. Therefore, the most likely evidence for Aboriginal occupation which may exist in the subject land is expected to consist of low density scatters of Aboriginal flaked stone artefacts with the possibility for individual stone artefact finds to occur throughout and a very low probability for tree scars of Aboriginal cultural origin.



5.0

Archaeological Survey Methodology

The initial archaeological survey of the subject land was undertaken in fine weather on Wednesday 15 November 2006 by MDCA archaeologists Mary Dallas and Paul Irish. A representative of NLALC, Mr Warren Morris (NLALC Aboriginal Heritage Officer), was also present during the investigations. In 2013, an additional site inspection was undertaken to provide supplementary information on any changes that may have taken place during the intermediate period. This site inspection was conducted by MDCA archaeologists Mary Dallas and Tamika Goward and took place on 15 August 2013. After this, a recent archaeological inspection was undertaken when three additional lots (Lots 21-23 DP714096) were added to the Planning Proposal. This inspection was carried out on 4 October 2017 in association with NLALC representatives, Dean Scott and Jay Timberly.

5.1 Approach and Sampling

The methodology for the archaeological survey of the subject land was based on the contextual environmental, historical and archaeological information reviewed above. The initial survey for this assessment conducted in 2007, was divided into three survey units based on topography and the proposed rezoning layout. The more recent site inspection in 2017 then comprised the fourth survey unit. The purpose of the survey was to locate, record and assess any archaeological evidence for past Aboriginal visitation that may be present within the subject land, to relocate previously recorded sites within the subject land and assess their condition, and to provide the NLALC an opportunity to view the subject land as a basis for preparing their cultural heritage report detailing the views and concerns they may have regarding the future uses of the site.

5.2 Site Survey and Recording

Given the vegetation cover and small survey areas targeted by these inspections, it was not considered warranted to conduct the survey in regularly spaced transects. Rather, the survey concentrated on an examination of all areas of exposed ground and any trees of sufficient age to bear scars of possible Aboriginal cultural origin. An appraisal of ground disturbance, surface visibility and thus estimated effective survey coverage was carried out during the site inspection to allow a tabulation of data (see Section 6.2) in a format consistent with the requirements of the DECCW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010)*. Generally, reporting has been concerned with topography (whether sites, features or areas of potential sensitivity are located on slopes or flats etc), context, vegetation, ground exposures, and nature of ground visibility and extent of disturbance. The distinction between site categories (open



campsites vs. isolated finds etc) and the definition of areas of potential sensitivity was determined according to the following categories:

- Isolated Finds consist of single artefacts that are located more than 50m apart or otherwise obviously unrelated in context.
- Open campsites comprise open artefact scatters that consist of two or more artefacts situated within 50m of each other unless obviously unrelated in context.

The following attributes of each stone artefact that may be located during these investigations are to be recorded:

- Artefact Type: This category records the presence of flakes, flaked pieces and cores etc.
- Raw Material: Raw materials may include silcrete, indurated mudstone and quartz, etc.
- Dimensions: Maximum length, width and thickness of finds are to be recorded.
- Other: Comments include the presence of cortex and retouch etc.

In addition, frequently used criteria inclusive of landform, aspect, topography and subsurface integrity have also been used to define open areas of Potential Archaeological Deposit (PAD). These are defined as areas with the potential to contain sub-surface deposits of Aboriginal stone artefacts without surface evidence of such artefacts.

Recognition, ascription and recording of scarred trees as being potentially of definite, probable, or possible Aboriginal origin is based upon the assessment criteria summarised by Navin Officer (1997) and mindful of attribute guides described in Irish (2004) and Long (2005).

Any Aboriginal cultural material or relevant landscape features were plotted using site plans and a Garmin GPSMAP 60CSX handheld GPS set to the GDA coordinate system. GPS track logs were also kept detailing the routes and transects taken by the survey team.

5.3 Survey Units

For ease of discussion and reporting for the 2006 assessment, the subject land was divided into three survey units, based on topography and the planned rezoning of the subject land (see Figure 4). The site inspection in 2017 comprised the fourth survey unit. During the 2013 site inspections, division of the subject land into survey units was not considered to have been of practical or



interpretive use and was not undertaken. See below descriptions of the survey units used during the 2006 and 2017 assessments.

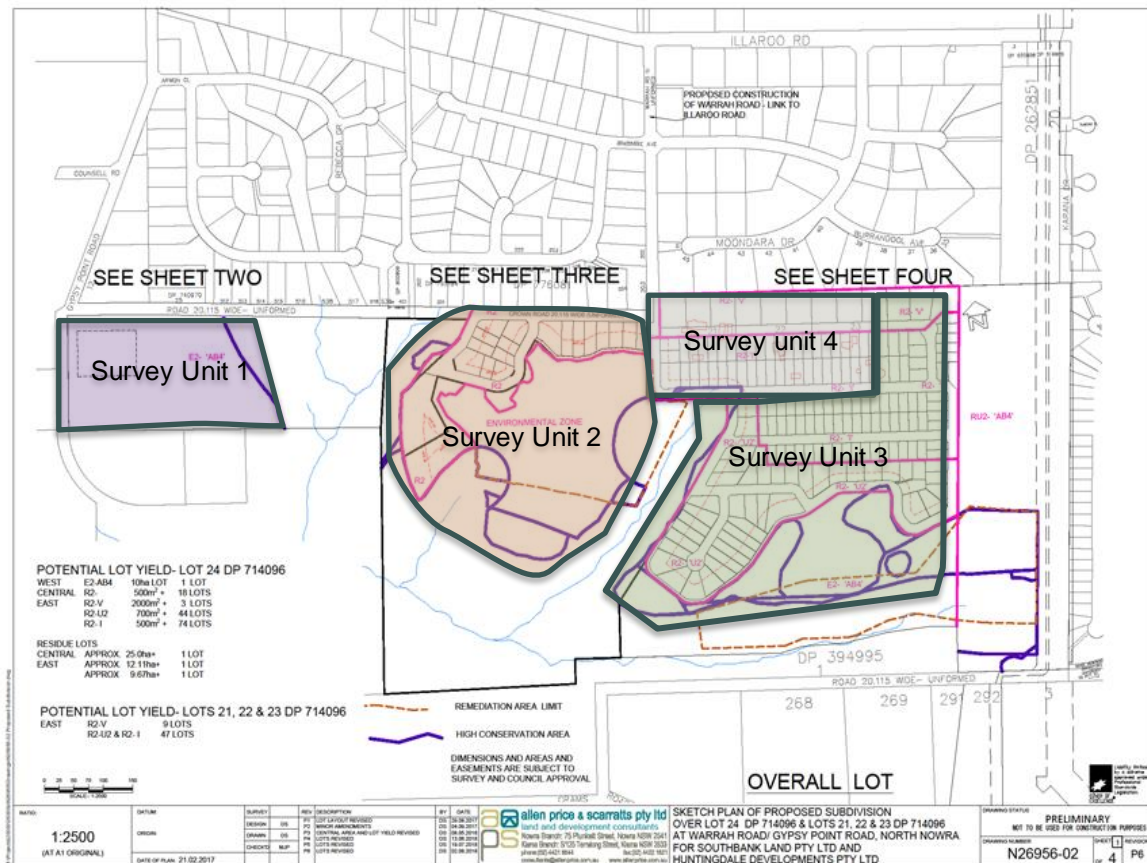


Figure 4. Survey units employed in the 2007 study.

Survey Unit 1 comprises the westernmost portion of the subject land immediately east of Gypsy Point Road. It is about 7 hectares in size, relatively flat, and bounded to the west and south by Gypsy Point Road and its extension, to the north by houses along Lincoln Close and to the east by a setback from a south flowing tributary of the unnamed creek flowing west along the southern boundary of the subject land into the Shoalhaven River. This area contains a number of unsealed vehicular tracks and consists almost exclusively of regrowth eucalypt woodland.

Survey Unit 2 is approximately 18 hectares in size and is the central survey unit within the subject land. It is bounded to the north by the rear of dwellings along Lochaven Drive, to the east by the extension of Warrah Road and to the southeast, south and west by setbacks from the tributaries and main creek within the subject land. This area slopes gently down to the southwest and represents a minor spur between two tributaries, as well as the catchment for a smaller tributary draining the



central and southern portions of this area. The vegetation is similar to Survey Unit 1 and it appears a quarry was formerly located in its north eastern corner, associated with several unsealed vehicular tracks.

Survey Unit 3 is the easternmost investigated portion of the subject land, approximately 23 hectares in size. This area forms a low, rounded, spur sloping gently down to the southwest between the main creek at its south and a tributary to the west. It is bounded to the south and west by setbacks from these watercourses, to the north by the rear of allotments along Moondara Drive and Burrandoot Avenue and to the east by an arbitrary boundary parallel to and about 150m west of the transmission line easement along the eastern boundary of the subject land. This area contains a dam, several cleared and possibly mined areas and a number of foot/bike and vehicle tracks.

Survey Unit 4 comprises three lots (Lots 21-23 DP714096) in the central northern portion of the subject land. These lots amount to 6ha of flat to gently sloping land. This area is accessed from an unnamed road off the southern end of Warrah Road. It is bound to the west by an unsealed access track in Lot 24, to the south by wooded land and to the east by cleared open land with Lot 24. There are various residential structures and a greenhouse complex within these lots.



6.0

Archaeological Survey Results

6.1 Survey Observations

Despite low visibility, the entirety of the subject land was inspected and it was adequately characterised. For ease of discussion and reporting, the subject land had been divided into four survey units, based on topography and the planned rezoning of the subject land (see **Section 5** above).

6.1.1 Survey Unit 1

Several vehicular and trail bike tracks extend across this area, the most major one skirting the southern and eastern boundaries of this survey unit. Some of these, particularly in the southern portion of the survey unit are partially overgrown (**Figure 6**). Much of the area has been burnt in recent fires. Several mature eucalypts were observed but none contained scars of possible Aboriginal cultural origin. The northern third of this survey unit has been heavily impacted by trail bike use including the construction (in some cases clearly by mechanical excavators) of substantial jumps and ramps (**Figure 7**). Sandstone outcrops over about a 5m x 3m area in the south eastern corner of the survey unit but no Aboriginal axe grinding grooves were located. An inspection of the tributary immediately east of this survey unit demonstrated the lack of exposed sandstone. Reasonable exposure of ground across this survey unit uniformly showed a lack of original topsoil, with exposed lag gravels and subsoil.



Figure 6. Partially overgrown track in Survey Unit 1.



Figure 7. Extensive trail bike track construction in Survey Unit 1.

6.1.2 Survey Unit 2

This survey unit previously contained a quarry (gravel?) in its southwestern corner and associated access tracks from the northeast and south. Consequently, this area has been highly disturbed and has subsequently been used as a dumping ground for cars, concrete and other rubble (**Figure 8 & 9**). Other portions of the survey unit have been heavily disturbed by the construction of trail bike tracks and jumps (**Figure 10**).

Much of the remainder of this survey unit is covered by similar vegetation to that noted in Survey Unit 1 and also contains some extensive sandstone exposures above the several minor tributaries surrounding this area. These exposures are platy and uneven and were not found to contain axe grinding grooves (**Figure 11**).

No mature trees with scars of possible Aboriginal cultural origin were observed.



Figure 8. Cleared area around former quarry and access road in Survey Unit 2.



Figure 9. Rubbish dumping within former quarry in Survey Unit 2.



Figure 10. Trail bike tracks within Survey Unit 2.



Figure 11. Exposed sandstone ledge above creek in Survey Unit 2.



6.1.3 Survey Unit 3

The north eastern corner of this survey unit is covered by regrowth eucalypt woodland with few mature trees. A main vehicular access tracks runs along the northern edge of the survey unit, at the rear of the adjacent allotments. This track also skirts around the north eastern and eastern edges of the survey unit. A cutting was visible behind the westernmost allotment, suggesting that this portion of the subject land has been excavated or disturbed in the past.

Behind (south of) the easternmost of the three allotments along Moondara Drive the ground is strewn with gravel, metal, rubbish and concrete pipes. Adjacent to this, in a cleared, grassed area are several large mounds (up to 5m in height) of sand/topsoil and sandstone, which appear to contain slightly different compositions (e.g. gravel component) suggesting that they were removed from nearby areas and deposited by “layer” into these piles (**Figure 12**). The paddock in the north eastern corner of the subject land is completely grassed but furrowed from previous use (**Figure 13**).

A drainage ditch running northeast-southwest extends from the transmission line easement into this a second grassed area immediately southeast of the stockpiles on the other side of a small stand of sapling regrowth (**Figure 14**). This ditch is 1-3m wide and up to 1.5m deep and presumably drains this area into the lower lying and slightly damp areas to the southwest. In others it shows orange/brown clay subsoil immediately beneath the current surface, and in some areas this is overlain by 10-15cm of grey brown silty sand on pale brown pedal sandy clay. The uppermost unit may represent original topsoil, which was noticeably absent along the adjacent tracks and other exposed areas. Immediately south and west of this ditch were additional sand and rock piles.

The general area of the recorded open campsite *Duke 7* (AHIMS #52-5-0372) was briefly examined but in the absence of any details of this site (including whether the recorded artefacts were subsequently removed) no relevant observations were made, other than the high level of disturbance to this area from the transmission lines and sub-surface cables. As this area is outside of any proposed development impact, it was not investigated further.

The south eastern corner of the survey unit contains several vehicle and trail bike tracks, a small dam, and several areas of exposed sandstone up to 50m² in area. These exposures have been recently exposed, as their surfaces are platey and strewn with quartz pebble lag.

Sandstone was also exposed in the southwestern corner of the survey unit and outside the survey unit above the confluence of the creek and the tributary draining the western side of the survey unit (**Figure 15**). No grinding grooves were noted in these exposed areas, despite good visibility from recent fires. Similarly, an inspection was made of the creek and tributary beds 50m upstream of their confluence, but no grinding grooves were noted (**Figure 16**).

Open campsite *EGP-28* (AHIMS #52-5-0307) was recorded as being adjacent to a gravel quarry within the central western portion of the survey unit. Based on the description and coordinates, the



area of the campsite was relocated³ (**Figure 17**). However, no stone artefacts were located despite a thorough search of the area. This area is now covered by leaf litter, but it is also clear that the area is highly disturbed as those exposed areas along access tracks and adjacent to the quarry show a lack of original topsoil. As the proposed gas pipeline route was changed after this site was recorded, it is unlikely to have been removed and there is no record of it being collected under a NPW Act s.90 permit.

Both sites *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372) were unable to be relocated in a subsequent site inspection in 2013.

No scars of possible Aboriginal cultural origin were noted on any of the few mature trees in this survey unit.



Figure 12. Large sand and sandstone rubble pile in Survey Unit 3.

³ The coordinates of this site (AMG in Zone 56) were recorded as 277213E and 6140532N.



Figure 13. Grassed and furrowed paddock in northeast corner of Survey Unit 3.



Figure 14. Drainage channel in Survey Unit 3.



Figure 15. Exposed sandstone near creek confluence in Survey Unit 3.



Figure 16. Sandstone exposed next to creek in Survey Unit 3.



Figure 17. Locality of open campsite EGP-28 (AHIMS #52-5-0307) in Survey Unit 3.



Figure 18. View west down a 4WD track in the area in which *EPG-28* (AHIMS #52-5-0307) had been originally recorded.



Figure 19. View east of cleared low-lying area toward riparian corridor on eastern boundary of the subject land.

6.1.4 Survey Unit 4

Lot 21 was cleared of all original vegetation, but some recent regrowth is present. The area around the residential dwelling and circular driveway, within the northern portion of the lot, has been levelled and landscaped gardens surround these features. The natural landform appears to still be present in the north-western corner of the lot but cement, brick, blue metal gravel etc is present across a very uneven, pitted ground surface, suggesting disturbance here. There are disused vehicle tracks and miscellaneous cut drains in this area also. The north-eastern portion is highly modified also, as it is characterized by a large dam and much debris amongst the disturbed soils. The south-western portion of the lot has been extensively terraced and is currently in use as a car dump and stockpiling area (**Figure 20**). The natural slope is cut down into two levelled and various drains have been cut into these areas as well as vehicle tracks. Sections exposed in these cuttings show a very shallow profile, most often completely comprising orange clay. There is a large concrete slab, chicken coups and various sheds also present in this portion of the lot. The south-eastern portion of this lot is characterized by two large dams and a weed infested drainage line (**Figure 21**). These features feed the green house complex extant in the eastern portion of the lot. The greenhouse area has been largely disturbed as subsoils are exposed across the exposed surface (**Figure 22**). There is also underground reticulation and cut drains throughout this area.

The entirety of Lot 22 has been cleared of original timber but much regrowth is present across the property. Much of the ground surface is uneven as a result. The northern, eastern and western perimeters of this lot have been lined with mature pines. The northern portion of this property comprises a cleared, flat mostly vacant area. A winding access drive cuts through this area and leads to the residential dwelling (**Figure 23**). The area around the dwelling, which is in the southern



portion of the lot, has been cut down and the rear of the dwelling built up. The land around a large shed and chicken coup in the south-eastern corner has also been levelled. Cuttings around these areas show clay subsoils and no original topsoil. The south-western portion of the lot slopes gently to the west. A mature stand of regrowth eucalypt is present here. A sewer is also present here and exposures show heavily eroded, subsoil clays. Many disused tracks, some with blue metal gravel are present here and continue along the western portion of this lot. The eastern portion of this lot is a flat, cleared area with much exposure showing gravelly subsoils. There is underground reticulation across this portion of the lot and a long drain is cut along the extent of the eastern property boundary (**Figure 24**).

Lot 23 is also cleared and comprises much recent regrowth. A long access drive has created much exposure (**Figure 25**). Here compact subsoil orange clay can be seen. The northern portion of this lot appears to be furrowed and uneven, suggesting a history of cultivation and clearing. In less disturbed areas, mostly within the very north-western corner of the property and also the eastern boundary, pockets of sandy, gravelly deposit were observed. In the central portion of this lot are two dwellings and various sheds. This space has been levelled and ornamental gardens and retaining walls constructed here (**Figure 26**). The south-western portion of the lot is currently used for stockpiling but also contains more sheds and ornamental gardens. A cut drain is also present here. The south-eastern portion is characterized by a large vegetable garden which has been cut down and a drainage cutting installed around it. There is also furrowing in the surface around this area.



Figure 20. Car dump in lower terrace of Lot 21. View south-east.



Figure 21. Weed infested drainage line and dams in south-eastern portion of Lot 21. View north-west.



Figure 22. Cut drains and Green houses in Lot 21. View south-west.



Figure 23. Dwelling and large shed in Lot 22. View South.



Figure 24. Cut drain along the western boundary of Lot 22. View north.



Figure 25. Access drive in Lot 23. View South.



Figure 26. Dwelling and landscaping in the central portion of Lot 23.



The survey recorded above did not result in the identification of any previously unrecorded items of Aboriginal cultural heritage or any areas of sub-surface archaeological potential. The two previously recorded sites located within the subject land, *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), were not relocated. Both are small low-density scatters of stone artefacts not associated with any potentially artefact bearing sub-surface deposit. All other areas within the subject land are not considered to retain archaeological potential, though there is some possibility that axe grinding grooves may be present in creek bed areas currently obscured by vegetation or creek sand.

6.2 Survey Coverage

The following data summarises the nature of ground visibility, archaeological sampling and estimates of effective survey coverage based on the survey. These provide a basis for the discussion and assessment of the results that are presented in the following sections. This information demonstrates moderate visibility across the subject land. This may appear to suggest that the observations made during the survey and site inspections could not be extrapolated across the whole of the subject land. However, the crucial factor, often forgotten, in such calculations is the value of observations of erosional processes, soil type and nature, and historical disturbance.

There was ample observed evidence of both historical disturbance and erosion within the subject land which, given the nature of the residual soils in this area, is likely to have disturbed any archaeological deposits which were previously resident in this landscape. The location and condition of the artefact scatters are consistent with these observations.

Table 8. Summary table of effective archaeological survey coverage.

Survey Unit	Area (m ²)	Visibility	Exposure	Effective Coverage Area (m ²)	Effective Coverage %
n/a	750 000	42%	32%	108 000	14.5%

Table 9. Landform summary- sampled areas.

Landform	Landform Area (m ²)	Visibility	Exposure	Area effectively surveyed (m ²) (= effective coverage of area)	% of landform effectively surveyed (= area effectively surveyed/ landform area x 100)	Number of sites	Number of artefacts or features
Flat	450 000	50%	40%	90 000	20%	2	2
Gentle slope	300 000	30%	20%	18 000	6%	0	0



7.0

Archaeological Assessment Results

7.1 Aboriginal Objects within the Subject Lands

Although there was generally low effective survey coverage recorded for the subject land, ground was exposed at regular intervals and it is considered that enough of the subject land was observed to characterise the extent of its archaeological potential. This does not account for areas along the creeks which were not surveyed and are currently reserved as conservation zones. That is, the subject land is moderately to highly disturbed and is not considered likely to retain any extensive, intact or significant Aboriginal cultural remains or archaeological potential. Consistent with this, two artefact scatters have been previously recorded in disturbed contexts within the subject land.

Open artefact scatter *EGP-28* (AHIMS #52-5-0307) comprises five artefacts recorded in a clearing adjacent to a gravel quarry within the southern portion of the subject land. It was assessed as having low potential for further subsurface artefacts. Based on the site description and GPS coordinates, the area of the campsite was relocated. However, no stone artefacts were located despite a thorough search of the area. This area is now covered by leaf litter, but it is also clear that the area is highly disturbed as those exposed areas along access tracks and adjacent to the quarry show a lack of original topsoil. It is possible these artefacts were collected during the Eastern Gas pipeline surveys.

Artefact scatter *Duke 7* (AHIMS #52-5-0372) is in a disturbed context adjacent to transmission lines within the eastern portion of the subject land. No description of the site contents is provided in the site card and a report has not been produced. No further details for this site were obtained during the current assessment. This site was also not relocated during the current assessment.

7.2 Significance Assessment

7.2.1 The Assessment of Significance

The archaeological or scientific significance of Aboriginal objects can be assessed using criteria set out in The Australia ICOMOS *Burra Charter* 1999 (see Marquis-Kyle & Walker 2004). It is related to the rarity, quality and representativeness of the object being assessed at local, regional and potentially national scale. It should also consider whether the object can contribute substantial additional scientific information. It is one element of cultural significance along with aesthetic, historical and social significance and does not have primacy over these other aspects.



Significance assessment of Aboriginal archaeological sites and areas of land is based on three broad criteria. Namely, that they are important to:

- the scientific community for their potential research value.
- the general public for their educational and broader heritage value.
- the Aboriginal community.

With respect to Aboriginal community significance, all Registered Aboriginal Parties consulted during this study were specifically asked to provide and/or discuss any Aboriginal cultural or historical information relating to the subject land that they felt was pertinent to the assessment of Aboriginal heritage significance in relation to the current development proposal. No specific information (e.g. about historical Aboriginal associations with the area) has been presented during this consultation to suggest that the subject land retains any specific or especial significance to the local Aboriginal community.

The scientific and public significance of the sites within the subject land are considered together as they are related. That is, the disturbed context and low density of artefacts, suggests that the sites are not suitable for public education. The nature and condition of the sites also suggests they will be of limited (if any) use in future scientific research beyond that which can be obtained through recording of the artefacts present.

The seven criteria on which the following Statement of Significance is based are summarised below:

- Criterion (a) is important in the course, or pattern, of NSW's cultural or natural history;
- Criterion (b) has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history;
- Criterion (c) is important in demonstrating aesthetic characteristic and/or a high degree of creative or technical achievement in NSW;
- Criterion (d) has strong or special association a particular community or cultural group in NSW for social cultural or spiritual reasons;
- Criterion (e) has potential to yield information that will contribute to an understanding of NSW's cultural or natural history;
- Criterion (f) possess uncommon, rare or endangered aspects of NSW's cultural or natural history;
- Criterion (g) is important in demonstrating the principal characteristics of a class of NSW's cultural places or natural environments.



7.2.2 Application of Significance Criteria

- Criterion a: Due to the disturbed nature and absence of subsurface potential of *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), the sites do not demonstrate intact evidence of Aboriginal occupation of the area in the past. Although Aboriginal archaeological remains across the Nowra region have been impacted over a number of years by rural, residential and commercial activities, there is also a significant amount of information about the distribution of archaeological remains across the area, and a number of surviving archaeological sites. The low-density content and disturbed nature of *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), make these sites poorly preserved examples of past Aboriginal use compared to other sites in the area. For this reason the sites are not considered especially important to the cultural history of NSW, and at a local level represent only a small and significantly disturbed part of the overall picture of Aboriginal occupation of the Nowra area.

Criterion b: So far, the Aboriginal community responses indicate that the Nowra area in general retains significance culturally and historically to local Aboriginal people. With respect to *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), in particular, and the subject land more generally, no specific or especial significance has been argued to exist beyond that latent in the general area. No specific information on the significance of *EGP-28* and *Duke 7*, to the local Aboriginal community has been presented, supporting that the significance of these sites is not tied to *in situ* preservation but can be realised through the information obtained through the current investigations. In other words, that the significance of the sites are related to the information they can provide to the Aboriginal community about past Aboriginal use of the area and that this is acknowledged to be of lesser significance than other, better preserved sites in the local area.

- Criterion c: n/a
- Criterion d: n/a
- Criterion e: For the reasons outlined above *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372) do not contain extensive or intact archaeological remains that, through further investigation, could advance our understanding of the past Aboriginal use of the local area. Given the disturbed nature of the sites and the absence of subsurface deposit, the potentially retrievable evidence would relate to the artefacts themselves rather than their context. As noted, the sites each contain a low density of stone artefacts, in a secondary context, such that this information would be relatively insignificant in relation to other collections of artefacts that already exist from other parts of the area.
- Criterion f: *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), are not assessed as having either scientific/archaeological significance at a local or regional level. As the only information



the sites can potentially yield is through the artefacts themselves, *EGP-28* and *Duke 7* are neither rare nor significant in diversity, form, raw material or type.

- Criterion g: n/a.

7.2.3 Summary Statement of Aboriginal Cultural Heritage Significance

The evidence of the Aboriginal occupation of the subject land is limited in extent and concentration. It has been assessed as having low archaeological significance, and the significance of the sites to the local Aboriginal community is tied to the information they can provide through the investigations completed rather than their *in situ* preservation.

In considering the criteria above, *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), can be seen to be common at a local level and strongly representative of a common form of evidence of past Aboriginal use in the local and regional landscape. As part of the current study, an attempt to relocate these sites has been carried out twice, neither attempt successfully identifying the sites within their recorded locations. Furthermore, the disturbed context and lack of subsurface archaeological potential associated with the two sites, suggests that they will not be able to contribute additional information to scientific/archaeological enquiry now or in the future beyond what can be gleaned from a recording of the artefacts themselves.

Consequently *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), are considered to have little scientific significance, and no specific Aboriginal cultural values have so far been identified in relation to these objects.



8.0 Mitigation and Management

8.1 Potential Development Impacts

The Gateway Planning Proposal does not pose any impact to *EGP-28* (AHIMS #52-5-0307) or *Duke 7* (AHIMS #52-5-0372). Current indicative rezoning plans suggest that future subdivision proposals may impact one of these sites (see **Figure 33**). Registered site *EGP-28* (AHIMS #52-5-0307) may survive within the areas proposed for future subdivision. Registered site *Duke 7* (AHIMS #52-5-0372) may not survive and is outside the area proposed for future subdivision.

These two artefact scatters represent the only Aboriginal archaeological remains present within the subject land. No other portions of the subject land retain any documented Aboriginal archaeological remains or archaeological potential which may be affected by future proposals.

There is also some possibility that axe grinding grooves may be present in creek bed areas currently obscured by vegetation or creek sand. These areas are currently within riparian zones with 'high conservation' value and would not be subject to impacts of the Planning Proposal or any future subdivision.

Typically, the table below is included in an Aboriginal Cultural Heritage Assessment. The information it relates to has been considered but as no impacts are proposed to the sites at the current planning stage, it is not considered applicable. This report and table could be updated in relation to a future specific development proposal or DA in the future.

Table 10. Impact assessment table.

Site Number	Type of Proposed Harm	Degree of Proposed Harm	Consequence of Proposed Harm
AHIMS #52-5-0307	NA	NA	NA
AHIMS #52-5-0372	NA	NA	NA

8.2 Potential Mitigative Measures

Avoidance of harm to identified Aboriginal objects is the preferred and first option considered in Aboriginal cultural heritage assessment. Although the Gateway Planning Proposal does not currently pose any impact to the Aboriginal objects identified within the subject land, the current assessment has allowed conclusions to be drawn about whether impacts related to future subdivision would affect these objects.



Registered site *EGP-28* (AHIMS #52-5-0307) may survive within the subject land and should be managed on this assumption. At present, it is within an area identified for rezoning to allow future residential subdivision (see **Figure 27**). Given its disturbed context, lack of associated subsurface potential, and the fact that it is no longer visible in its original recorded location, it is not considered warranted on *archaeological* grounds that the current proposed rezoning be amended to prevent future subdivision. Instead, it is considered appropriate that should impacts from any specific future subdivision proposal be proposed, the site should be managed under a *National Parks & Wildlife Act 1974* s90 Aboriginal Heritage Impact Permit (AHIP), which could allow Aboriginal community collection should any artefacts be found to remain at this location.

Registered site *Duke 7* (AHIMS #52-5-0372) may not survive and is outside the area proposed for rezoning to allow future subdivision (see **Figure 27**). Therefore, it does not require any further consideration in relation to the current planning proposal. In relation to possible impacts from future subdivision or other related works, it is noted that this site is also in a disturbed context, lacks associated subsurface potential, and is no longer visible in its original recorded location. Should impacts be proposed to the recorded location of this site, it is therefore considered warranted on *archaeological* grounds that the site should be managed under a *National Parks & Wildlife Act 1974* s90 Aboriginal Heritage Impact Permit (AHIP), which could allow Aboriginal community collection should any artefacts be found to remain at this location.

EGP-28 (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372) represent examples of a commonly occurring type of Aboriginal archaeological evidence in the local area. Such evidence is routinely impacted or collected in the local area as a result of development projects and the cumulative effect of this is a reduction in the frequency of this site type in the local area. Thus at one level, *EGP-28* and *Duke 7*, whilst common, is becoming less so and their removal will have a cumulative effect, albeit a small one, on the quantity of such evidence retained in the local landscape. However given that the sites are the disturbed remnants of what was likely more extensive sites, that they are not associated with any other archaeological evidence or potential archaeological deposit and that they are no longer visible in their original recorded location they represent poor candidates for preservation in their current location on these grounds.

Any axe grinding grooves which may survive in creek bed areas indicated in **Figure 27** would not be affected by the current Planning Proposal. Future residential subdivision may involve works which may exposed creek beds or vary current creek flows which may result in currently obscured axe grinding grooves being uncovered. Recommendations have therefore been made to ensure that they are recognised and recorded and can be protected in relation to any proposed future subdivision.



Figure 27. Location of artefact scatters *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372) in relation to the proposed rezoning and indicative subdivision layout.

[Artefact scatters are demarcated by red markers. Blue demarcates creeklines requiring possible monitoring if creek bed is exposed].

8.3 Proposed Management

The recommended management actions below are based on the above assessment and a consideration of the current Planning Proposal and of the potential impact of any future proposed subdivision on documented and potential Aboriginal archaeological remains within the subject land.

In relation to artefact scatters *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372), it is not considered warranted, on archaeological grounds, that the current planning proposal be amended to avoid potential future impacts to *EGP-28* (AHIMS #52-5-0307).

If impacts are proposed to either or both of these sites in any future subdivision proposal, it is proposed that *EGP-28* (AHIMS #52-5-0307) could be managed under a *National Parks & Wildlife Act* s90 Aboriginal Heritage Impact Permit (AHIP) with provision for Aboriginal community collection



should any artefacts be located. Although on current indicative subdivision plans the position of *Duke 7* (AHIMS #52-5-0372) within a transmission line easement suggests that it would not be affected by future development. However, should impacts be proposed to the area of the site, it too could be managed under an AHIP with provision for Aboriginal community collection should any artefacts be located.

Any works involving the beds and immediate banks of any of the watercourses within the subject land (e.g. footbridges/paths) as indicated in **Figure 27**, should be mindful of the potential for currently obscured axe grinding grooves to be present on sandstone within these areas. Any such works should be monitored by an appropriately qualified archaeologist and NLALC representative, to ensure that any axe grinding grooves which may currently be obscured are recognised and can be protected from future impacts.



9.0

Recommendations

The following recommendations are based upon:

- the legal requirements and automatic statutory protection provided to items of Aboriginal heritage under the terms of the *National Parks and Wildlife Act of 1974 (as amended)*, where it is an offence to knowingly or unknowingly harm an Aboriginal object; and
- Consideration of 117 direction 2.3 Heritage conservation which states that the planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

- the results of the current study which are documented in this report; and
- the views and concerns of the Registered Aboriginal Parties to the current assessment, as discussed in **Section 2** and documented in **Appendix A**.

It is recommended that:

1. The current ACHA report is sufficient supporting documentation to inform the Aboriginal archaeological assessment of the Planning Proposal. There are no Aboriginal archaeological constraints to the rezoning of the subject land and no further archaeological work is required prior to the submission of the Planning Proposal.
2. If, in the context of future subdivision of the subject land, impacts are proposed to *EGP-28* (AHIMS #52-5-0307), an Aboriginal Heritage Impact Permit should be sought under s90 of the *National Parks & Wildlife Act 1974* to allow for impact to the site as shown in **Figure 27**. This could include provision for Aboriginal community collection should any artefacts be located.
3. Although *Duke 7* (AHIMS #52-5-0372) is currently located in an easement which is not proposed to be rezoned to allow future development, should impacts be proposed to this site in future, an Aboriginal Heritage Impact Permit should be sought under s90 of the *National Parks & Wildlife*



Act 1974 to allow for impact to the site as shown in **Figure 27**. This could include provision for Aboriginal community collection should any artefacts be located.

4. Any works involving the beds and immediate banks of any of the watercourses within the subject land (e.g. footbridges/paths) as indicated in **Figure 27**, should be mindful of the potential for currently obscured axe grinding grooves to be present on sandstone within these areas. Any such works should be monitored by an appropriately qualified archaeologist and NLALC representative, to ensure that any axe grinding grooves which may currently be obscured are recognised and can be protected from future impacts.
5. Provided that *Recommendations 1 to 4* above are undertaken, there are no further *archaeological* works considered warranted within the subject land in relation to the current Planning Proposal or any proposed future subdivision.
6. One copy of this report should be forwarded to all Registered Aboriginal Parties (see **Section 2.1.1**), and the AHIMS Register:

The Manager
Aboriginal Heritage Information Management System
NSW Office of Environment and Heritage
Locked Bag 5020
Parramatta NSW 2220



10.0

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APPENDIX A : Aboriginal Community Consultation Records

APPENDIX A1 : Public & Direct Notice and Responses

APPENDIX A2 : Responses to Methodology Discussions

APPENDIX A3 : Responses to Draft Report



APPENDIX A1 : Public & Direct Notice and Responses

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Kerry & David, Mark and Riza,
David (dec) & Llinnos, Andrew & Joanne,
and loved Poppy and
Great Poppy to their families.

Neville's funeral service will be held at the
Holy Spirit Catholic Church, Vincentia on
Tuesday the 31st of October, 2017
commencing at 10.30am



50 North St Nowra Ph 4423 2333

STEVENSON, Dorothy

26th October 2017
At Shoalhaven Hospital, Nowra
Late of Osborne House, Nowra
Formerly of Peakhurst & Callala Beach
Beloved wife of George (dec)
Loving mother & mother-in-law of
Nigel & Paula, David & Jane,
Garry & Karen and Mark & Karlene
Adored Nanna to her 7 grandchildren
and 11 great grandchildren

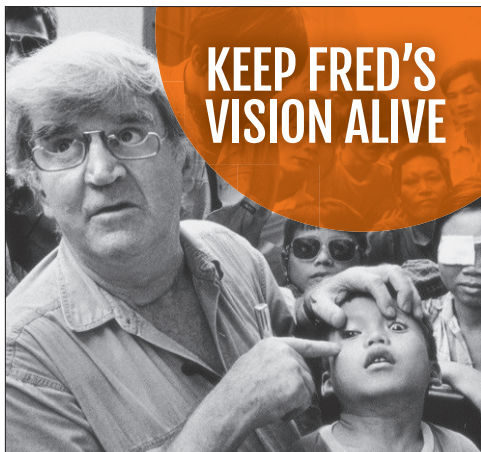
'Treasured Forever'
Aged 89 years

Dorothy's funeral service will be held in
The Chapel at Shoalhaven Memorial Gardens
Worrigee Road, Worrigee
on Wednesday 1st November 2017 at 10am
Relatives and friends are invited to attend.



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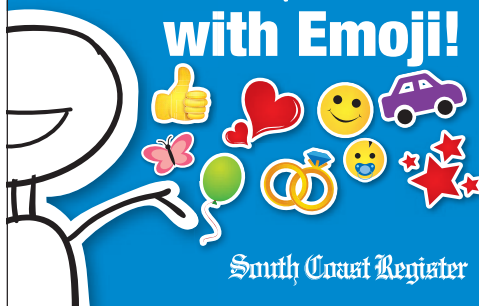
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Public Notices

Registration of Interest - Aboriginal Heritage Impact Permit

Southbank Land Pty Ltd and Huntingdale Pty Ltd [P.O. Box 315 Wollongong East 2520] are proposing rezoning of land at Warrah Road, North Nowra NSW (Lots 21-24 DP714096). This requires an Aboriginal Heritage Impact Permit [AHIP] under s90 of the National Parks & Wildlife Act 1974. Registrations of interest are sought from Aboriginal people with cultural knowledge relevant to determining the significance of Aboriginal objects at this location. This will assist the proponent in preparing an AHIP application and the OEH in determining the application.

Registrations must be received in writing by 10/11/2017, include a postal address and contact details and be sent to project consultants Mary Dallas Consulting Archaeologists at P.O. Box A281, Arncliffe, NSW 2205, admin@mdca.com.au or fax (02) 8520 2006. Enquiries to Tamika Goward on 0488 999 452. Details of Registered Aboriginal Parties will be forwarded to OEH and the Nowra LALC unless explicitly requested.

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Eligibility/Other Requirements: Prior to commencing in this role, a current registration issued under the Working with Vulnerable People (Background Checking) Act 2011 will be required. For further information on Working with Vulnerable People registration refer to - https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804. Evidence of completion of training delivered by a Registered Training Organisation for Asbestos Awareness is required before commencement. For further information refer to: <https://www.accesscanberra.act.gov.au/app/home#/workhealthandsafety>. Mandatory training in other WHS procedures will be required during employment: for example Working at Heights, Sharps. Desirable: A current First Aid certificate.

Note: This is a temporary position available from 16 January 2018 until 6 July 2018 with the possibility of extension and/or permanency from this process.

Contact Officer: Janette Fisher (02) 4442 1002 janette.fisher@ed.act.edu.au

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02-4242NF



25th October 2017

ATTN: Senior Team Leader
Illawarra Region Branch Planning Team
Office of Environment and Heritage
PO Box 513,
Wollongong NSW 2500

Dear Sir/Madam,

**RE: NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO ABORIGINAL HERITAGE
IMPACT PERMIT APPLICATION AT WARRAH ROAD, NORTH NOWRA NSW**

Proponent: Southbank Land Pty Ltd and Huntingdale Pty Ltd [P.O. Box 315 Wollongong East 2520]

Southbank Land Pty Ltd and Huntingdale Pty Ltd are proposing rezoning of land at Warrah Road, North Nowra NSW (Lots 21-24 DP714096). This project will require an Aboriginal Heritage Impact Permit (AHIP) under s90 of the *National Parks & Wildlife Act 1974*. The proponent has engaged MDCA (Mary Dallas Consulting Archaeologists) to prepare an AHIP application and to coordinate Aboriginal community consultation as required by the National Parks and Wildlife Regulation 2009 (Clause 80C).

Accordingly we are contacting you, as per S80C(2) of the above regulation, to seek the names and current contact details of any Aboriginal people of whom you are aware may hold cultural knowledge relevant to determining the significance of Aboriginal objects at this location, such that we may notify them directly about the proposal.

Please forward the details of any such Aboriginal people in writing before **Friday November 10 2017** to MDCA at:

POST

PO BOX A281
Arncliffe NSW 2205

FAX

(02) 8520 2006

EMAIL

admin@mdca.com.au

Please ensure that you provide us with current postal addresses and contact names. Any enquiries should be directed to Tamika Goward on 0488 999 452 or our office on (02) 4465 2546.

Yours sincerely,

Tamika Goward

Mary Dallas Consulting Archaeologists



31 October 2017

Tamika Goward
Mary Dallas Consulting Archaeologists
PO Box A281
Arncliffe NSW 2205

By email: admin@mdca.com.au

Dear Tamika

**REQUEST FOR INFORMATION ABOUT POTENTIAL ABORIGINAL STAKEHOLDERS AS
REQUIRED UNDER OEH ABORIGINAL CULTURAL HERITAGE CONSULTATION
REQUIREMENTS FOR PROPONENTS 2010**

RE: Warrah Road, North Nowra

Thank you for your letter of 25 October 2017 regarding the above matter.

We note that your investigation is at the Planning Proposal stage. We support conducting Aboriginal cultural heritage investigations at an early stage of project development. Early assessment provides certainty to all parties about the heritage management requirements.

However, AHIP applications must be accompanied by a copy of the approved development consent. Where there is likely to be a long consultation period, proponents should maintain continuous consultation with the Registered Aboriginal Parties (RAPs). Continuous consultation in this context is generally interpreted to mean that there are no breaks in consultation of over 6 months. We recommend proponents send the RAPs regular project updates to meet this requirement (see Section 5, *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants*).

Attached is a list of known Aboriginal parties for the Shoalhaven Local Government Area. OEH believes these groups and individuals are likely to have an interest in the project.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and a permit application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement, however, this is separate from consultation. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per the requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.

This list is not necessarily an exhaustive list of all interested Aboriginal parties and does not remove the requirement of a proponent or consultant to advertise in local print media and contact other groups

in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (April 2010).

The contact details in the attached list are provided solely for the purpose of contacting people about this project. The contact details must remain private and must not be reproduced in publically available reports or other documents.

Under Section 4.1.6 of the Consultation Requirements you must also provide a copy of the names of each Aboriginal person who registered an interest to the relevant OEH regional office and Local Aboriginal Land Council (LALC) within 28 days of the closing date for registering an interest.

Please note that the contact details in the list provided by OEH may be out of date as the list relies on Aboriginal parties advising OEH when their details need changing. If you are aware of any incorrect contact details on the list please contact OEH. AHIP applicants should make a note of any group they are unable to contact as part of their consultation record.

If you wish to discuss any of the above matters further please contact Rose O'Sullivan on 4224 4177.

Yours sincerely




Chris Page
Senior Team Leader, Planning – Illawarra
Regional Operations Group
Office of Environment and Heritage

Enclosure: Attachment 1: Shoalhaven LGA Stakeholder List



Tamika Goward <tamika.goward@gmail.com>

RE: SR3267 - Search request- Nowra LGA - SR3267

Enquiries <Enquiries@nntt.gov.au>

Wed, Oct 25, 2017 at 7:00 PM

To: "admin@mdca.com.au" <admin@mdca.com.au>

Cc: "tamika.goward@gmail.com" <tamika.goward@gmail.com>, "tamika@mdca.com.au" <tamika@mdca.com.au>

UNCLASSIFIED**Native title search – NSW – North Nowra in Shoalhaven City Council LGA****Your ref:** AHIP at Warrah Rd, North Nowra NSW - **Our ref:** SR3267**Dear** Tamika Goward,

Thank you for your search request received on 25 October 2017 in relation to the above area, please find your results attached.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- Native Title Determinations
- Register of Indigenous Land Use Agreements
- Notified Indigenous Land Use Agreements

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our [website](#).

Please note: There may be a delay between a native title determination application being lodged in the

Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact me on the number below or on the free call number 1800 640 501.

Regards,

Enquiries

Public enquiry hours are 8.30am to 4.30pm

National Native Title Tribunal | Perth

Facsimile (08) 9425 1193 | Email enquiries@nntt.gov.au

Freecall 1800 640 501 | www.nntt.gov.au

Shared Country Shared Future

Celebrating 25 Years of Native Title Recognition www.nativetitle25.gov.au

From: tamika.goward@gmail.com [<mailto:tamika.goward@gmail.com>] **On Behalf Of** Tamika Goward

Sent: Wednesday, 25 October 2017 12:06 PM

To: Enquiries <Enquiries@nntt.gov.au>
Subject: SR3267 - Search request- Nowra LGA

Dear Sir/Madam,

Please find attached a search form for a property at Warrah Road, North Nowra. I would like to search the entire Nowra LGA for this project.

Many thanks,

Tamika Goward

--

Tamika Goward BA(Hons)
Archaeologist
Mary Dallas Consulting Archaeologists

PO Box A281
Arncliffe NSW 2205
T: + 61 2 4465 2546
F: + 61 2 8520 2006
M: 0488 999 452
E: tamika@mdca.com.au
W: www.mdca.com.au



20171025_SR3266_Shoalhaven_City_Council_LGA_Overlap_Report.xlsx
200K



Tamika Goward <tamika.goward@gmail.com>

FW: HPECM: Impact Permit application at Warrah Road, North Nowra NSW

Margaret Simoes <Margaret.Simoes@shoalhaven.nsw.gov.au>
To: "admin@mdca.com.au" <admin@mdca.com.au>

Wed, Nov 15, 2017 at 10:29 AM

Good morning Tamika

I sent this email this morning and realised I did not have the correct email address. Please see message below.

Margaret Simoes
Aboriginal Community Development Officer
Shoalhaven City Council

02 4429 3440 | 0412 254 072

Bridge Rd (PO Box 42) Nowra NSW 2541

Margaret.Simoes@shoalhaven.nsw.gov.au
www.shoalhaven.nsw.gov.au



From: Margaret Simoes
Sent: Wednesday, 15 November 2017 9:41 AM
To: 'admin@mdca.com'
Subject: HPECM: Impact Permit application at Warrah Road, North Nowra NSW

File No. 32365E

Dear Ms Goward

Thank you for your letter dated 25 October 2017 regarding the notification of Aboriginal people in relation to an Aboriginal heritage impact permit application at Warrah Road, North Nowra NSW.

This is to inform you that the key contact who may be able to offer any assistance in regards to the North Nowra location is:

Greg Peterson, CEO

Nowra Local Aboriginal Land Council

[59 Beinda Street BOMADERRY 2541](#)

Tel: 02 4423 3163

Mobile: 0432 114 123

I am sure Mr Peterson will be able to provide any relevant information as required.

Regards

Margaret Simoes
Aboriginal Community Development Officer
Shoalhaven City Council

02 4429 3440 | 0412 254 072

Bridge Rd (PO Box 42) Nowra NSW 2541

Margaret.Simoes@shoalhaven.nsw.gov.au
www.shoalhaven.nsw.gov.au



This message may contain both confidential and privileged information intended only for the addressee named above.
If you have received this email in error, please notify the sender immediately then destroy the original message.

3 November 2017

Tamika Goward
MDCA
P.O Box A281
ARNCLIFFE NSW 2205

Dear Tamika

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 25 October 2017 regarding an Aboriginal Cultural Heritage Assessment located within Warrah Road, North Nowra NSW.

I have searched the Register of Aboriginal Owners and the project area described does not have Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (ALRA).

I suggest that you contact the Nowra Local Aboriginal Land Council on 02 4423 3163. They may be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely



Jodie Rikiti
Administration Officer
Office of the Registrar, ALRA

22 December 2017

Tamika Goward

MDCA

PO Box A281 Arncliffe NSW 2205

Dear Mathew

Re: Aboriginal Impact Permit Application Warrah Rd North Nowra

Thank you for your letter dated 25 October 2017 requesting assistance with identifying Aboriginal stakeholder groups or persons who may have an interest in your project area.

Catchment Management Authorities are listed in *Section 4.1.2 (g)* of the *Aboriginal cultural heritage consultation requirements for proponents 2010*, under *Part 6, National Parks and Wildlife Act 1974* as a source of information to obtain the "names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal *objects* and/or *places*". We understand that with the loss of Catchment Management Authorities in NSW such requests are likely to be forwarded to Local Land Services.

South East Local Land Services is a partner with many Aboriginal communities in the region on natural resource management (NRM) projects. We are not, however, the primary source for contacting or managing contact lists for Aboriginal communities or persons that may inform or provide comment on planning issues. Currently we do not coordinate or administer any Aboriginal reference group for our region.

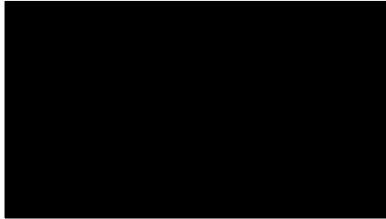
We strongly recommend that you make contact with the Office of Environment and Heritage (OEH), Cultural Heritage Division, Queanbeyan for all-inclusive contact lists of persons and organisations that may assist with your investigation.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Jason Carson".

Jason Carson

Senior NRM Advisor

15th November 2017

**RE: NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO ABORIGINAL
COMMUNITY CONSULTATION FOR A PLANNING PROPOSAL AT WARRAH ROAD,
NORTH NOWRA NSW**

Proponent: Southbank Land Pty Ltd and Huntingdale Pty Ltd [P.O. Box 315 Wollongong East 2520]

Southbank Land Pty Ltd and Huntingdale Pty Ltd are proposing rezoning of land at Warrah Road, North Nowra NSW (Lots 21-24 DP714096). OEH has recommended that in order to adequately capture the information required to support this proposal, an Aboriginal Cultural Heritage Assessment (ACHA) report should be prepared, including Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009* (Clause 80C). The proponent has engaged MDCA (Mary Dallas Consulting Archaeologists) to prepare an ACHA report and to coordinate Aboriginal community consultation.

Accordingly we have received your details from the Office of Environment & Heritage as someone who may potentially hold cultural knowledge relevant to determining the significance of Aboriginal objects at this location. If this is the case, you are invited to register your interest in the current project to ensure that you are consulted in accordance with the above Regulation.

Please note that details of Registered Aboriginal Parties will be forwarded to The Office of Environment & Heritage and the Nowra Local Aboriginal Land Council as required under the above Regulation. If you do not wish this to occur, please contact us in writing prior to 1/12/2017 at one of the addresses listed below.

IF YOU WISH TO BE REGISTERED as a Registered Aboriginal Party, please notify MDCA in writing by **Friday December 1 2017** at one of the following addresses:

POST	FAX	EMAIL
c/- PO Box A281 Arncliffe NSW 2205	(02) 8520 2006	admin@mdca.com.au



Please ensure that you provide us with current postal addresses and contact names. Any enquiries should be directed to Tamika Goward on 0488 999 452.

Yours sincerely,

Tamika Goward

Archaeologist

Mary Dallas Consulting Archaeologists



Tamika Goward <tamika.goward@gmail.com>

NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO A PLANNING PROPOSAL AT WARRAH RD, NORTH NOWRA NSW

Cullendulla

Wed, Nov 22, 2017 at 6:13 PM

To: Tamika Goward <tamika@mdca.com.au>, MDCA Admin <admin@mdca.com.au>

Hi Tamika

This is Cullendullas expression of interest to register for the above project.

We wish to be kept informed of any further developments thankyou.

[Quoted text hidden]

--

Kind Regards**Corey Smith****Cultural Heritage Officer****Cullendulla**

This email may contain privileged information. Privilege is not waived if it has been sent to you in error, or if you are not the intended recipient. Please immediately notify me and delete the email if you have received this in error.



Tamika Goward <tamika.goward@gmail.com>

NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO A PLANNING PROPOSAL AT WARRAH RD, NORTH NOWRA NSW

Biamanga

Wed, Nov 22, 2017 at 6:14 PM

To: Tamika Goward <tamika@mdca.com.au>, Admin <admin@mdca.com.au>

Hi Tamika

This is Biamangas expression of interest to register for the above project.

We wish to be kept informed of any further developments thankyou.

[Quoted text hidden]

--

Kind Regards**Seli Storer****Chief Executive Officer****Biamanga**

This email may contain privileged information. Privilege is not waived if it has been sent to you in error, or if you are not the intended recipient. Please immediately notify me and delete the email if you have received this in error.



Tamika Goward <tamika.goward@gmail.com>

NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO A PLANNING PROPOSAL AT WARRAH RD, NORTH NOWRA NSW

Murramarang

Wed, Nov 22, 2017 at 6:17 PM

To: Tamika Goward <tamika@mdca.com.au>, Admin <admin@mdca.com.au>

Hi Tamika

This is Murramarangs expression of interest to register for the above project.

We wish to be kept informed of any further developments thankyou.

[Quoted text hidden]

--

Kind Regards
Roxanne Smith
Cultural Heritage Officer
Murramarang

This email may contain privileged information. Privilege is not waived if it has been sent to you in error, or if you are not the intended recipient. Please immediately notify me and delete the email if you have received this in error.



Tamika Goward <tamika.goward@gmail.com>

NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO A PLANNING PROPOSAL AT WARRAH RD, NORTH NOWRA NSW

Goobah

Wed, Nov 22, 2017 at 6:19 PM

To: Admin <admin@mdca.com.au>, Tamika Goward <tamika@mdca.com.au>

Hi Tamika

This is Goobahs expression of interest to register for the above project.

We wish to be kept informed of any further developments and all correspondence should be sent to this email address thankyou.

--

Regards Basil Smith
Chief Executive Officer

This email may contain privileged information. Privilege is not waived if it has been sent to you in error, or if you are not the intended recipient. Please immediately notify me and delete the email if you have received this in error.



Tamika Goward <tamika.goward@gmail.com>

NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO A PLANNING PROPOSAL AT WARRAH RD, NORTH NOWRA NSW

Leanne Tungai

Thu, Nov 16, 2017 at 6:35 PM

To: Tamika Goward <tamika@mdca.com.au>

Hi Tamika,

My name is Leanne Tungai and i would like to put my expression of interest in for the upcoming work at North Norwa. My contact number is

[Quoted text hidden]



Tamika Goward <tamika.goward@gmail.com>

NOTIFICATION OF ABORIGINAL PEOPLE IN RELATION TO A PLANNING PROPOSAL AT WARRAH RD, NORTH NOWRA NSW

Linda Kennedy

Wed, Nov 15, 2017 at 6:18 PM

To: Tamika Goward <tamika@mdca.com.au>

Hi Tamika,

Could I please register Warra Bingi Nunda Gurri's interest for the north Nowra project.

Regards,

[Quoted text hidden]

--

Linda Kennedy
Aboriginal Sites Officer

M:

E:

Warra Bingi Nunda Gurri
Indigenous Sites Conservation
45 Rosemont St, West Wollongong
NSW 2500



**DARUG LAND
OBSERVATIONS PTY LTD
ABN 27 602 765 453**

**PO BOX 2006 BENDALONG NSW 2539
MOBILE:**

16th November, 2017

Tamika Goward
Mary Dallas Consulting Archaeologists
PO Box A281
ARNCLIFFE NSW 2205

Notification and Registration of ALL Aboriginal Interests

RE: Proposed Rezoning of Land – Lots 21-24 DP 714096 at Warrah Road, North Nowra

Aboriginal Archaeological Investigations & Cultural Heritage Assessment

Dear Tamika,

Please be advised that Darug Land Observations Pty Ltd is seeking to be involved in any and all consultation meetings and fieldwork.

This office specialises in Aboriginal and community consultations, and has a membership that comprises of Traditional owners from the area in question. Those retain strong story, song lines, oral history and continued contact.

We would also like to state that we do not accept or support any person or organisation that are NOT from the DARUG Nation that comments regarding the said area.

Please also be advised that this Aboriginal organisation does not do volunteer work or attend unpaid meetings. I hope that you advise your client of this so that, 'This Group', will not be discriminated against and refused paid fieldwork. DLO's rate is \$440 half day (less than 4 hours) and \$880 per day (flat rate), including GST.

All correspondence should be emailed to: _____ and any further consultation during this project can be directed to Anna O'Hara on mobile _____.

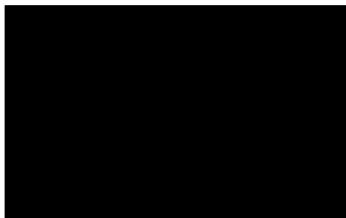
Yours sincerely,

Jamie Workman
Darug Land Observations Pty Ltd

Uncle Gordon Workman
Darug Elder



APPENDIX A2 : Methodology Document and Responses

6th December 2017

**RE: INFORMATION AND METHODOLOGY -
PLANNING PROPOSAL AT WARRAH ROAD, NORTH NOWRA NSW**

As a result of your response to our letter to you, dated 15th November 2017, regarding Community Consultation in relation to a proposed rezoning as part of a Gateway Planning Proposal at Warrah Road, North Nowra, your organisation has been listed as a 'Registered Aboriginal Party' to the above project. The Office of Environment & Heritage (OEH) has recommended that in order to adequately capture the information required to inform the proposal, an Aboriginal Cultural Heritage Assessment (ACHA) report should be prepared, including Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009*.

As per Clause 80C (6) & (7) of the Regulation, we are now contacting you to provide you with information about the Planning Proposal and the proposed Aboriginal cultural heritage assessment methodology. You are also invited to provide information on any Aboriginal objects or places of cultural value of which you are aware that are relevant to the current project. Specifically this document provides you the following:

- Further information about the planning proposal and potential impacts to Aboriginal objects which could potentially result from future development proposals enabled by the current proposed rezoning;
- The proposed Aboriginal cultural and archaeological assessment methodology for your review and comment; and
- An opportunity to provide any knowledge or information about the cultural significance of Aboriginal objects or places relevant to the subject land which you believe should be considered in the Aboriginal cultural heritage assessment for the Planning Proposal.

We note that as per current OEH guidelines,¹ any proposal for paid engagement in relation to any future fieldwork is a commercial matter which the proponent, Southbank Land Pty Ltd and Huntingdale Pty Ltd, will consider separately from the current process of comment and consultation.

¹ As outlined in Section 3.4 (page 9) of the 2010 *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974* (DECCW).



If you wish to make comments on the proposed assessment methodology or in relation to the cultural significance of Aboriginal objects or places relevant to the current project, we would prefer that you provide these in writing. Any submission must however be received by **12 January 2018**. Submissions can be sent to MDCA via:

POST

PO BOX A281
Arncliffe NSW 2205

FAX

(02) 8520 2006

EMAIL

admin@mdca.com.au

We will consider any information provided by you in a draft assessment report which will then be forwarded to you for review and comment.

1. Project Information

The subject land of the Planning Proposal comprises 75ha of bushland at 2541 Warrah Road (Lot 24 in DP714096), and 12A-C Warrah Road (Lots 21-23 in DP14096), North Nowra NSW. It is located in the Shoalhaven Local Government Area, Parish of Bunberra and lies within the Office of Environment and Heritage South Region. It is situated on the northern side of the Shoalhaven River about 4km northwest of Nowra and immediately northwest of North Nowra (**Figure 1**). It is bound to the west by Gypsy Point Road and uncleared bushland, to the north by an unformed road easement and the rear of residential allotments along Lincoln Close, Lochaven Drive, Moondara Drive and Burrandoot Avenue, to the east by a north-south running telegraph line and easement and the rear of residential allotments along Coconut Drive, and to the south by an easement, and the rear of several rural/residential allotments along Cram Road (**Figure 2**).

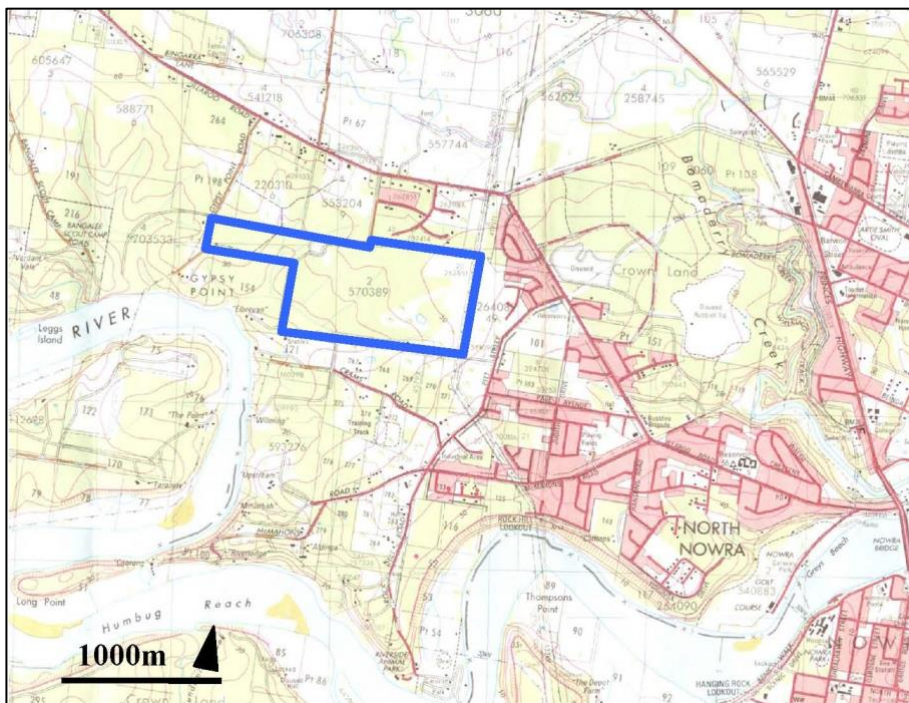


Figure 1. The Berry 1:25,000 Topographic Map showing the Subject Land in its local context.

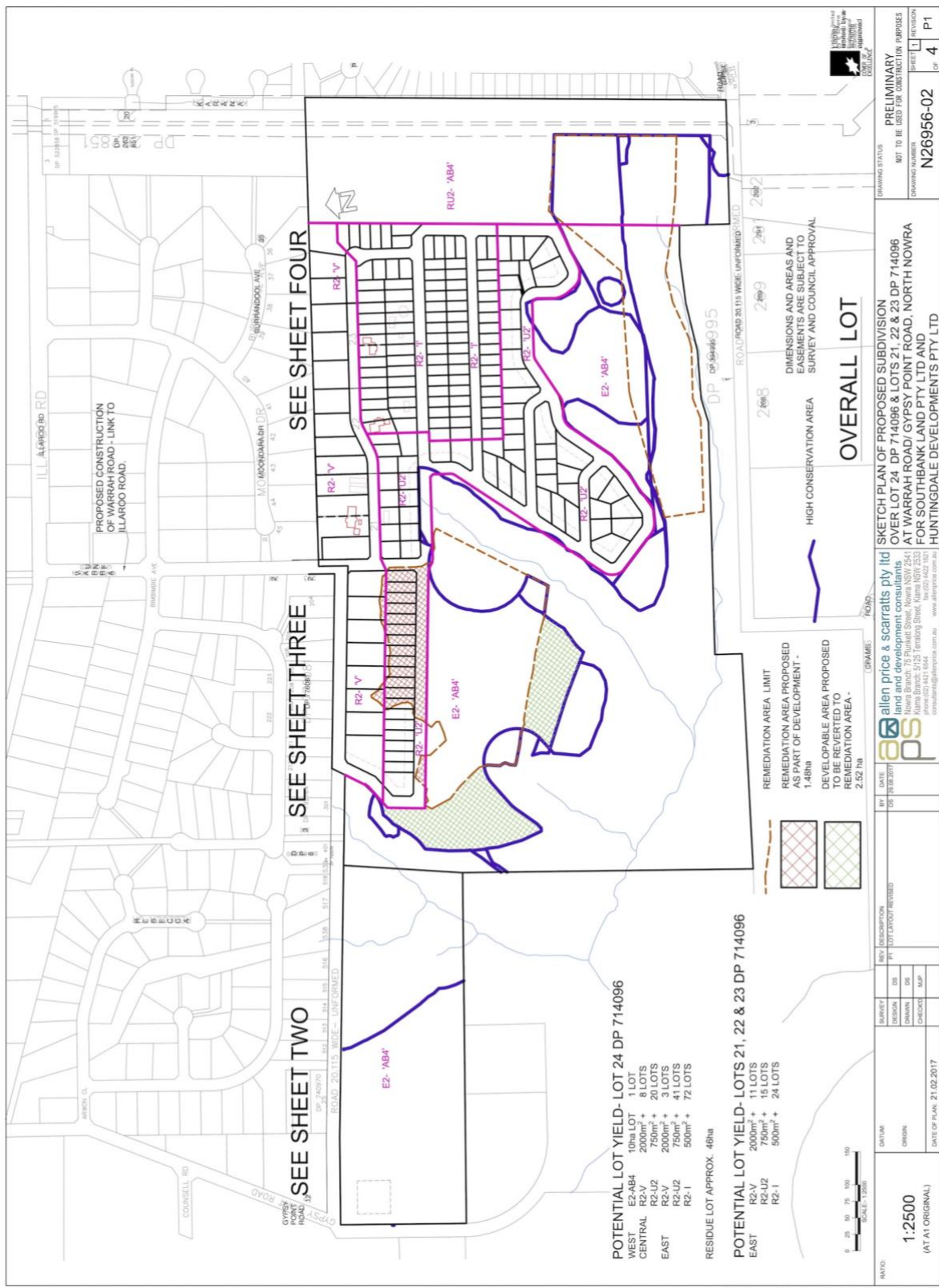


Figure 2. The proposed rezoning of the subject land and possible future lot layout.



The proponent for this project is Southbank Land Pty Ltd and Huntingdale Pty Ltd ² who have engaged MDCA (Mary Dallas Consulting Archaeologists) to prepare an Aboriginal Cultural Heritage Assessment to inform the proposed rezoning. The subject land is currently zoned as P-Protection Lands. Portions of the subject land are proposed to be changed to R2- Low Density Residential, to allow residential development of these portions of the subject land (**Figure 2**). Other portions are proposed to be zoned as RU2- Rural Landscape and E2- Environmental Conservation Zones. Further to this, much of the subject land will be reserved as conservations areas, specifically land around the creeklines and the western portion (see blue outline in **Figure 2**). No impacts are currently proposed to the subject land as part of the rezoning proposal, however, the rezoning would allow future development which could potentially impact any physical remains of past Aboriginal use on or immediately below the current ground surface. The purpose of the current Aboriginal Cultural heritage Assessment is to identify any Aboriginal cultural heritage issues in relation to the re-zoning application and provide appropriate management recommendations for any recorded or potential items of Aboriginal cultural heritage which may occur within the subject land.

The subject land is situated on the southern and western sides of a low roughly east-west trending ridge and raised area respectively formed by the incision of the Tapitallee/Bomaderry Creek system. The subject land slopes gently down (maximum 5%) to the south and west and is incised by several small tributaries of an unnamed creek flowing along the southern boundary of the subject land into the Shoalhaven River at Gypsy Point. Two Aboriginal sites have been previously recorded within the subject land. These are *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372) (**Figure 3**).

EGP-28 (AHIMS #52-5-0307) is a surface scatter of five stone artefacts located in a clearing beside a gravel quarry with low potential for further subsurface artefacts (**Figure 4**). This site was recorded by Kuskie et. al in 1995³ while examining a proposed route of the Eastern Gas Pipeline which ran approximately diagonally northeast across the subject land from Crams Road to the northeast corner of the subject land, where it met with an existing transmission line easement. The survey was restricted to a 20m wide marked corridor along the proposed pipeline route and resulted in the recording this one surface scatter. The pipeline route was subsequently changed to coincide with the transmission line easement along the eastern boundary of the current subject land and the recorded site was therefore not to be impacted. Consequently no recommendations were made in relation to the site.

Duke 7 (AHIMS #52-5-0372) is a surface scatter located in a disturbed context. It was recorded during survey and excavation work undertaken by Australian Archaeological Survey Consultants in 1999 and 2000 ahead of the installation of the Eastern Gas Pipeline. By this stage the route in the vicinity of the subject land had been realigned from that surveyed by Kuskie et al to the existing transmission line easement along the eastern boundary of the subject land. *Duke 7* was located in a disturbed context adjacent to the transmission line easement. Unfortunately there are few details for this site and the extent of survey and excavation work, as no report has been produced to date. No description of the site contents is provided in the site card.

² P.O. Box 315 Wollongong East 2520

³ Kuskie, P., Navin, K. & Officer, K. 1995. An Aboriginal An Aboriginal Archaeological and Anthropological Assessment of the Proposed Eastern Gas Pipeline between Longford, Victoria and Wilton, NSW (Report to the Eastern Gas Pipeline Project).

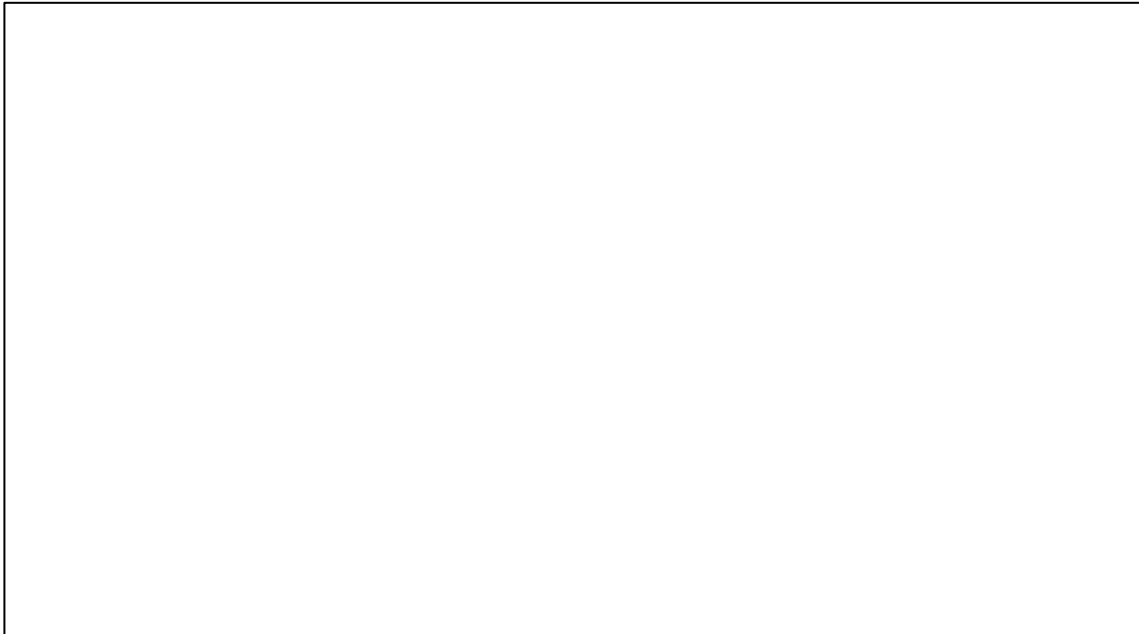


Figure 3. Location of artefact scatters *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372) (red markers) in relation to a indicative subdivision layout within the subject land.

The subject land has been considered in several previous assessments relating to prior proposals to rezone the land. A survey and assessment of the subject land took place in 2006 by MDCA in association with the Nowra Local Aboriginal Land Council (NLALC). Although much of the land was covered with leaf litter and other vegetation, ground was exposed at regular intervals to allow its archaeological potential to be assessed. Reasonable exposure of ground across the majority of the subject land uniformly showed a lack of original topsoil, with exposed lag gravels and subsoil. It was concluded in 2006 that the subject land is moderately to highly disturbed and was considered unlikely to retain any extensive, intact or significant Aboriginal cultural remains or areas of archaeological potential. The subject land has been impacted by trail bike tracks, jumps and ramps, vehicle tracks, two former gravel quarries, ploughing, a training track, rubbish dumping, stockpiling, transmission lines, underground cabling, dams, cut drainage and large scale topsoil removal. This has resulted in the total disturbance of these areas, and has, in conjunction with the initial clearance of the land and subsequent bushfires, mobilised soil deposits downslope across the site such that original topsoil is absent from most if not all of the site. Sections revealed by drainage cuttings etc (**Figure 5**) show an orange/brown clay subsoil immediately beneath the surface.

Some outcropping sandstone was observed along the creekline (**Figure 6**) and in the north-western portion of the subject land but no grinding grooves or engravings were observed. This survey did not result in the identification of any previously unrecorded items of Aboriginal cultural heritage or any areas of sub-surface archaeological potential. The two previously recorded sites within the subject land were not relocated at this time.

An additional reconnaissance survey was undertaken by MDCA in 2013 to provide information on any changes that may have taken place during the intermediate period. At the time of survey the subject land had been selectively cleared and the understory had been completely removed within the areas proposed for subdivision. No cultural material was observed during this site inspection and sites *EPG-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372) were, again, unable to be relocated.

Another inspection was undertaken by MDCA and NLALC on 4 October 2017 for the current Planning Proposal (**Figure 2**) which includes three additional lots at 12A-C Warrah Road. 12A was found to have been heavily modified while 12B & C were found to have undergone low-moderate disturbance relating to residential and commercial market gardening use. No Aboriginal sites or areas of potential were identified during this inspection.



Figure 4. View west down a 4WD track in the area in which *EPG-28* (AHIMS #52-5-0307) was originally recorded.



Figure 5. A cut drain showing soil profile.



Figure 6. Sandstone exposed next to creek.

In summary, it has been concluded that the subject land is moderately to highly disturbed and is considered unlikely to retain any extensive, intact or significant Aboriginal cultural remains or areas of archaeological potential. The various impacts discussed above have resulted in the disturbance of the majority of the subject land, and have, in conjunction with the initial clearance of the land and subsequent bushfires, mobilised soil deposits downslope across the property such that original topsoil is absent from most if not all of the subject land.

All other areas within the subject land are not considered to retain archaeological potential, though there is some possibility that axe grinding grooves may be present in creek bed areas currently obscured by vegetation or creek sand. Any works involving the beds and immediate banks of any of the watercourses within the subject land (e.g. footbridges/paths) should be mindful of the potential for currently obscured axe grinding grooves to be present on sandstone within these areas. If any such grooves are located, works will need to cease and the NLALC be contacted to determine an appropriate management strategy for the site.

The current proposal is to rezone the subject land to allow portions of it to be developed as residential subdivision in future. There will be no impacts to Aboriginal cultural heritage from the current planning proposal, however rezoning will permit future development which could impact Aboriginal heritage. Specifically, registered site *EGP-28* (AHIMS #52-5-0307) may survive within the areas proposed for future subdivision and should be managed on this assumption. If it is not possible to retain the site in any future subdivision proposal, a *National Parks & Wildlife Act 1974* s.90 Aboriginal Heritage Impact Permit (AHIP) will need to be sought for the site, which may include additional Aboriginal community consultation. Registered site *Duke 7* (AHIMS #52-5-0372) may not survive and is outside the area proposed for subdivision, within a transmission line easement. However if impacts to the area in which it was recorded are proposed, it will need to be ascertained whether this site remains, and will necessitate an AHIP permit should this prove to be the case.



2. Project Timing and Aboriginal Community Consultation

The Planning Proposal to which this document relates, is currently being prepared for submission to Shoalhaven City Council. The OEH has recommended that in order to adequately capture the information required to inform the assessment of the Planning Proposal, an Aboriginal Cultural Heritage Assessment (ACHA) report should be prepared, including Aboriginal community consultation. As such, MDCA has undertaken, on behalf of the proponent, public and direct Aboriginal community notification as per the *National Parks and Wildlife Regulation 2009* [Clause 80C]. This has resulted in the compilation of a list of Registered Aboriginal Parties ('RAPs') in relation to the current proposal.

This document has been sent by post and/or email on the 6/12/17 to all RAPs to provide information on the rezoning proposal. It also provides RAPs with an opportunity to comment on the proposed assessment methodology for the Aboriginal Cultural Heritage Assessment report that will be prepared by MDCA.

In addition, RAPs are asked to identify whether they are aware of any objects or places of cultural value to Aboriginal people in the area of the proposed rezoning, and to provide information on these objects or places as well as any information about the Aboriginal cultural significance of *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372).

A response time of 28 days has been provided to RAPs for comments relating to this document. Any comments provided to MDCA will be forwarded to the proponent for their consideration.

These comments will be documented and addressed in the Draft Aboriginal Cultural Heritage Assessment Report ('ACHA Report') which is to be produced subsequent to receipt of any comments from you on the current document. This draft ACHA Report will then be distributed to all RAPs for a further 28 day review and comment period. Subsequent to this, a final ACHA report will be produced, incorporating and detailing any comments received on the draft report from RAPs and is proposed to be submitted to the Shoalhaven City Council. A copy of this final report will also be made available to all RAPs at this time.

Please note that if any information provided by RAPs to MDCA is of a culturally sensitive nature, please inform us so that appropriate protocols of access and use can be developed. It will otherwise be assumed that all information provided can be included and discussed in the Aboriginal Cultural Heritage Assessment report.

In summary, there will be two main opportunities for RAPs to comment on the current proposal and project:

- The first opportunity is in relation to the current document, where input and information is sought on:
 - The proposed assessment methodology.
 - Any objects or places of cultural value to Aboriginal people which may be located within the current subject land, and any other Aboriginal cultural or historical information relevant to the current assessment and proposal.
 - Aboriginal cultural knowledge relating to the objects *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372).



- The second opportunity will be in relation to reviewing and commenting on a draft version of the Aboriginal Cultural Heritage Assessment report, which will incorporate and discuss comments received on the current document.

3. Proposed Assessment Methodology

The following methodology is proposed to be followed in relation to the assessment of archaeological and Aboriginal cultural values as part of the Aboriginal Cultural Heritage Assessment report to be prepared by MDCA on behalf of the proponent.

Archaeological Assessment

The proposed archaeological assessment for the current project will be based on the background research and field inspection undertaken by MDCA for the project and the results of the previous assessments noted above. It will seek to assess the context of the recorded Aboriginal objects *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372). That is, whether they represent typical evidence of past Aboriginal occupation within the local area and the degree to which similar evidence has been preserved or impacted in the local area as a means of providing an assessment of their *archaeological* significance as a basis for appropriate archaeological management decisions.

This process will be fully documented in the draft Aboriginal Cultural Heritage Assessment report.

Aboriginal Cultural Assessment

The Aboriginal cultural assessment is proposed to contain the following two elements:

1. Background research by MDCA into documented Aboriginal cultural and historical associations with the subject land; and
2. Seeking comment from Registered Aboriginal Parties about:
 - the Aboriginal cultural significance of the identified Aboriginal objects (artefact scatters).
 - any other places or objects of cultural significance to Aboriginal people which may be impacted by the current proposal.
 - any other Aboriginal cultural or historical knowledge which is relevant to the Aboriginal cultural assessment of the subject land in relation to the current proposal.

Information received will be considered and included in the draft Aboriginal Cultural Heritage Assessment report for the project and distributed for review and comment by Registered Aboriginal Parties.

4. Potential Management of Aboriginal Objects

As noted above, the current proposal is a rezoning proposal to allow future subdivision. As such, no impacts to Aboriginal cultural heritage are proposed. If impacts are proposed in any future subdivision proposal, options for the management of Aboriginal objects will be considered at that time, in consultation with Registered Aboriginal Parties.



5. Conclusions

The current document has provided project information, a proposed assessment methodology and potential management strategy for the Aboriginal objects that may be impacted by future development proposals within the subject land. In relation to further *archaeological* works within the subject land for the current Planning Proposal, there does not appear to be any *archaeological* grounds for further surface or subsurface investigation.

Comment is sought from Registered Aboriginal Parties on the following matters:

- The proposed assessment methodology.
- Any objects or places of cultural value to Aboriginal people which may be located within the current subject land, and any other Aboriginal cultural or historical information relevant to the current assessment and rezoning for the Gateway Planning Proposal.
- Aboriginal cultural knowledge relating to *EGP-28* (AHIMS #52-5-0307) and *Duke 7* (AHIMS #52-5-0372).

As noted above, where requested and appropriate, protocols can be developed for culturally sensitive information provided to MDCA. It is however essential that comments and information, preferably in writing, be received by MDCA no later than **12 January 2018** if they are to be considered in the draft Aboriginal Cultural Heritage Assessment report.

If you have any questions or require any additional information, please contact Tamika Goward directly on 0488 999 452 or at tamika@mdca.com.au.

Sincerely,

Tamika Goward

Archaeologist

Mary Dallas Consulting Archaeologists



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20th December, 2017

Tamika Goward
Mary Dallas Consulting Archaeologists
PO BOX A281
ARNCLIFFE NSW 2205

Email: tamika@mdca.com.au

Dear Tamika,

RE: 2541 WARRAH ROAD and 12A-C WARRAH ROAD, NORTH NOWRA

Project Information and Methodology – Planning Proposal

Darug Land Observations Pty Ltd has reviewed the project information and methodology, and supports the methodology for the proposed rezoning as part of a Gateway Planning proposal at Lot 24 DP 714096 known as 2541 Warrah Road and Lots 21-23 DP 14096 known as 12A-C Warrah Road, in North Nowra.

In relation to the long-term storage of recovered artefacts, if any, we believe that any recovered artefacts should be re-buried on Country (the study area).

Furthermore, Darug Land Observations Pty Ltd would be involved in the test excavations and all other form of works to be carried out on the site.

Yours sincerely,

Anna O'Hara
Darug Land Observations Pty Ltd

Jamie Workman



APPENDIX A3 : Responses to Draft Report



APPENDIX B : AHIMS Register Search And Site Cards