

LAGGAN LANE ESTATE, LAGGAN, NSW

# ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT

Report to Laterals Engineering and Management  
on behalf of Sutton Park

LGA: Upper Lachlan

February 2023







## EXECUTIVE SUMMARY

Apex Archaeology have been engaged to assist Laterals Engineering and Management on behalf of Sutton Park to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at Peelwood Road, Laggan. The study area is legally defined as Lot 2 DP 1233492, Lot 1 DP 239858 and Lots 21-24 DP 1697 and is within the Upper Lachlan Shire Local Government Area (LGA).

This ACHA has been prepared in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (April 2011); the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, April 2010) (the ACHCRs). A separate report detailing the results of the assessment prepared in line with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (September 2010) (the Code of Practice) is attached as an appendix to this report.

It is proposed to subdivide the subject land within the study area at Peelwood Road into residential lots. A Planning Proposal is required to rezone the land from RU2 (Rural Landscape) to RU5 (Village Zone) and RU4 (Rural Small Holdings). The study area comprises approximately 36 ha and is bound by Peelwood Road and two vacant lots on the east, and farming lots on the southern, western and northern boundaries.

A total of nine Aboriginal people and organisations registered an interest in being consulted for the project. The following list comprises the registered Aboriginal parties (RAPs) for the project:

- Pejar Local Aboriginal Land Council
- Thunderstone Aboriginal Cultural Services
- Yurwang Gundana
- Mulwaree Aboriginal Community
- Maria Williams
- Karlari Ngunnawal Descendants
- Karlari Ngunnawal Pajong Wallabalooa Descendants
- Eva Coe
- Frances Coe

Consultation with the RAPs has been conducted in accordance with the Consultation Guidelines.

While the planning proposal does not include physical impact to the study area, subsequent development of the site would occur if the planning proposal is approved. It is considered appropriate to consider Aboriginal cultural heritage at the planning proposal stage so as to ensure it is managed appropriately during the planning stages.

There are no previously registered or recorded sites within the study area. A previous Aboriginal cultural heritage due diligence assessment of the study area was undertaken by Apex Archaeology in October 2019. The investigation, which included two pedestrian surveys, found that no previously recorded archaeological sites were located with the study area, and no new archaeological material was identified





during the pedestrian survey. A review of historical imagery coupled with the site survey determined that ground disturbance was significant throughout the study area due to historic vegetation clearance and subsequent agricultural development including landscape modification for drainage and dam construction. No areas of potential subsurface archaeological deposits were identified,

However, in order to identify and protect potential Aboriginal cultural heritage values and provide certainty to all parties about any future Aboriginal cultural heritage management requirements, an Aboriginal Cultural Heritage Assessment (ACHA) was undertaken to inform the planning proposal. This included comprehensive Aboriginal community consultation and a full archaeological investigation. As part of the ACHA, an additional pedestrian survey was conducted in August 2022 by Leigh Bate, archaeologist and director of Apex Archaeology, in conjunction with Christopher McAlister Jr from Pejar Local Aboriginal Land Council. The inspection confirmed the findings of the initial assessment outlined in Apex Archaeology's Aboriginal heritage due diligence assessment in 2019 that concluded that there was no evidence of archaeological material within the study area. Furthermore, the land was found to have been significantly impacted over many decades by previous land clearing, ongoing agricultural practices, and modification to drainage lines for the construction of dams.

Based on the results of the cultural heritage and archaeological assessments, the following recommendations have been made for the project:

#### **RECOMMENDATION 1: NO FURTHER ARCHAEOLOGICAL ASSESSMENT REQUIRED**

This report details the archaeological potential of the site, which has been assessed as negligible. No further archaeological assessment is required for the site. No application for an Aboriginal Heritage Impact Permit (AHIP) is necessary, as no Aboriginal heritage sites would be impacted by the proposed works.

#### **RECOMMENDATION 2: DEVELOPMENT BOUNDARIES**

The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate manner.

#### **RECOMMENDATION 3: STOP WORK PROVISION**

Should unanticipated Aboriginal archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.





In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.

#### **RECOMMENDATION 4: REPORTING**

One digital copy of this report should be forwarded to the AHIMS registrar for inclusion on the AHIMS database.

One copy of this report should be forwarded to each of the registered Aboriginal stakeholders for the project.





Apex Archaeology acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and in whose land this assessment took place, and to the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

## DOCUMENT CONTROL

The following register documents the development and issue of the document entitled 'Laggan Lane Estate, Laggan: Aboriginal Cultural Heritage Assessment Report', prepared by Apex Archaeology in accordance with its quality management system.

Revision	Prepared	Reviewed	Comment	Issue Date
1 – Draft	Rebecca Bryant & Jenni Bate	Leigh Bate	Draft for client	17 Nov 2022
2 – Draft	Jenni Bate	Laterals	Draft for RAPs	22 Nov 2022
3 – Final	Jenni Bate	RAPs	Issue of final	10 Feb 2023





## GLOSSARY OF TERMS

<b>Aboriginal Object</b>	An object relating to the Aboriginal habitation of NSW (as defined in the NPW Act), which may comprise a deposit, object or material evidence, including Aboriginal human remains.
<b>ACHA</b>	Aboriginal Cultural Heritage Assessment
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>ACHCRs</b>	<i>Aboriginal cultural heritage consultation requirements for proponents 2010</i>
<b>AHIMS</b>	Aboriginal Heritage Information Management System maintained by Heritage NSW, detailing known and registered Aboriginal archaeological sites within NSW
<b>AHIP</b>	Aboriginal Heritage Impact Permit
<b>ASIRF</b>	Aboriginal Site Impact Recording Form
<b>BP</b>	Before Present, defined as before 1 January 1950.
<b>Code of Practice</b>	The DECCW September 2010 <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i>
<b>Consultation</b>	Aboriginal community consultation in accordance with the DECCW April 2010 <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> .
<b>DA</b>	Development Application
<b>DECCW</b>	The Department of Environment, Climate Change and Water (now Heritage NSW)
<b>Disturbed Land</b>	If land has been subject to previous human activity which has changed the land's surface and are clear and observable, then that land is considered to be disturbed
<b>DPIE</b>	Department of Planning, Industry and Environment
<b>Due Diligence</b>	Taking reasonable and practical steps to determine the potential for an activity to harm Aboriginal objects under the <i>National Parks and Wildlife Act 1974</i> and whether an application for an AHIP is required prior to commencement of any site works, and determining the steps to be taken to avoid harm
<b>Due Diligence Code of Practice</b>	The DECCW Sept 2010 <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>
<b>GIS</b>	Geographical Information Systems
<b>GSV</b>	Ground Surface Visibility
<b>Harm</b>	To destroy, deface or damage an Aboriginal object; to move an object from land on which it is situated, or to cause or permit an object to be harmed
<b>Heritage NSW</b>	Heritage NSW within the Department of Premier and Cabinet; responsible for overseeing heritage matters within NSW
<b>ka</b>	Kiloannus, a unit of time equating to 1,000 years
<b>LALC</b>	Local Aboriginal Land Council
<b>LGA</b>	Local Government Area
<b>NPW Act</b>	<i>NSW National Parks and Wildlife Act 1974</i>
<b>NPWS</b>	National Parks and Wildlife Service
<b>OEH</b>	The Office of Environment and Heritage of the NSW Department of Premier and Cabinet (now Heritage NSW)
<b>PAD</b>	Potential Archaeological Deposit
<b>RAPs</b>	Registered Aboriginal Parties





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## 1.0 INTRODUCTION

Apex Archaeology have been engaged to assist Laterals Engineering and Management on behalf of Sutton Park to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at Peelwood Road, Lagan. The project is located within the Upper Lachlan Shire Local Government Area (LGA).

This report has been prepared in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (April 2011); the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, April 2010) (the ACHCRs); and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (September 2010) (the Code of Practice).

### 1.1 PROJECT PROPONENT

The proponent for the project is Laterals Engineering and Management. The client contact for the project was Robert Mowle.

### 1.2 STUDY AREA AND PROJECT BRIEF

The study area is located on Peelwood Road, Laggan and is legally defined as Lot 2 DP 1233492, Lot 1 DP 239858 and Lots 21-24 DP 1697. It is within the Upper Lachlan Shire Local Government Area (LGA) and is approximately 36 ha in size. The study area is bound by Peelwood Road and two vacant lots on the east, and farming lots on the southern, western and northern boundaries.

The proposed works (Figure 3) will include the subdivision of the subject land into small and large residential lots with access roads. Vegetation zones are also proposed primarily in the eastern and northern sections. These activities and implementation of services such as water, electricity and telecommunications are expected to result in subsurface excavations and modification to the natural landscape. There is also a probability that excavated soil will be removed from the study area or redeposited within it, and other fill may be introduced to the site. It is necessary to identify any Aboriginal archaeological constraints at the Planning Proposal stage so as to ensure appropriate management is put in place during the subdivision works, if the project is approved.

Laggan is identified as a growth area, with a requirement to enhance the distinctive character of the village through careful development that respects the rural nature of the village. The current proposal provides for urban growth while minimising the impact on broad acre agricultural land. The proposal is necessary to attract additional residents to the area to support the continuation of the village.

### 1.3 STATUTORY CONTEXT

The Planning Proposal will need to be determined by the NSW Department of Planning and Environment as part of the Gateway process, and then Upper Lachlan





Shire Council are the approval body for the amendments to the LEP and any subsequent DAs.

### **1.3.1 NATIONAL PARKS AND WILDLIFE ACT 1974**

The *National Parks and Wildlife Act 1974* provides protection for all Aboriginal objects and places within NSW. Aboriginal objects are defined as the material evidence of the Aboriginal occupation of NSW, while Aboriginal Places are defined as areas of cultural significance to the Aboriginal community. All Aboriginal objects are protected equally under the Act, regardless of their level of significance. Aboriginal Places are gazetted if the Minister is satisfied that the location was and/or is of special significance to Aboriginal people.

Following amendments to the NPW Act in 2010, approval to impact Aboriginal cultural heritage sites is only granted under a Section 90 AHIP, which is granted by the Department of Planning and Environment.

### **1.3.2 NSW NATIONAL PARKS AND WILDLIFE REGULATION 2019**

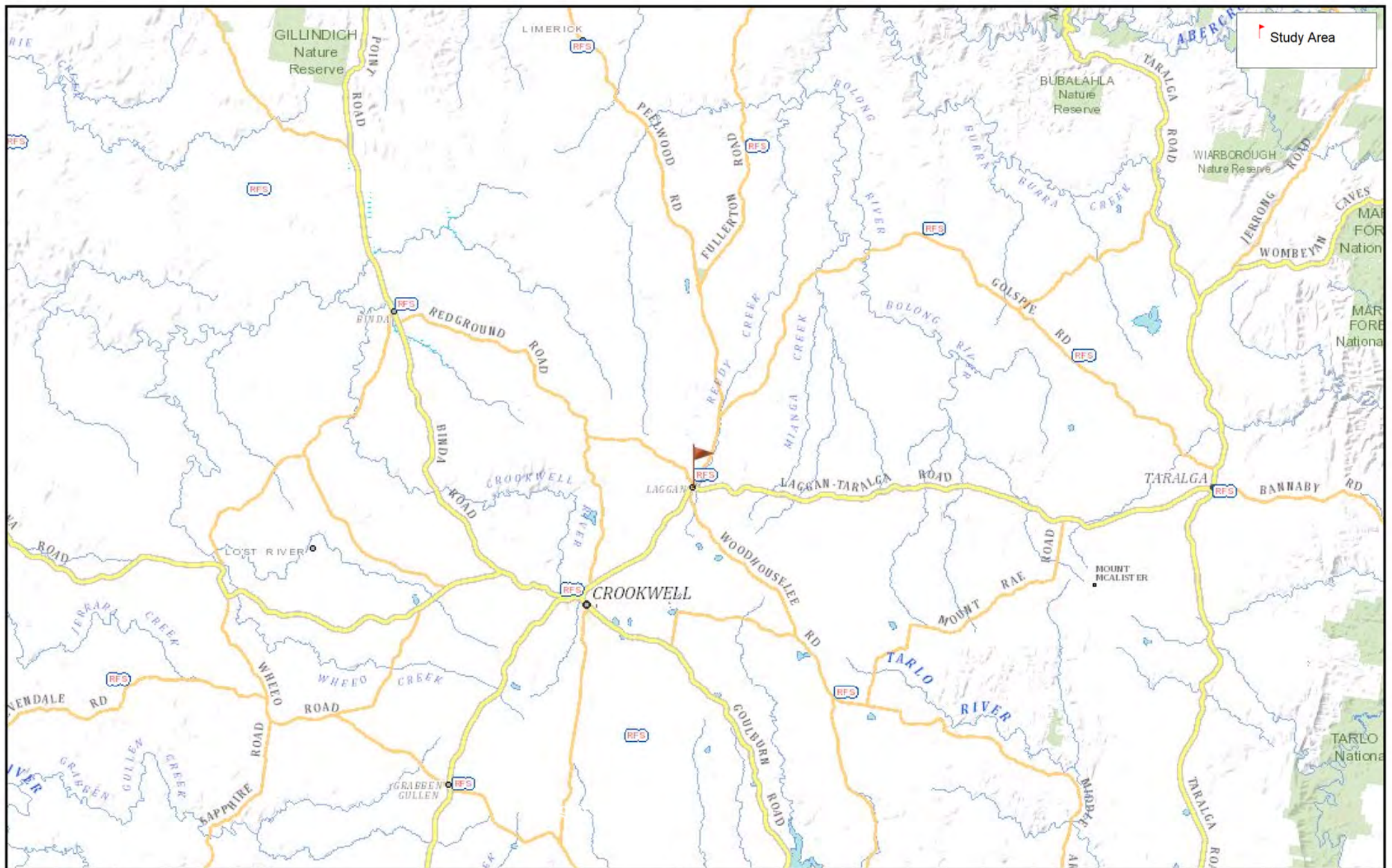
Part 5, Division 2 of the *National Parks and Wildlife Regulation 2019* addresses Aboriginal objects and places in relation to the NPW Act 1974, and outlines how compliance with relevant codes of practice can be met.

Clause 58(1) outlines the defence of low impact acts or omissions to the offence of harming Aboriginal objects, which includes maintenance works on existing roads and fire trails, farming and land management work, grazing of animals, activities on land that has been disturbed that is exempt or complying development, mining exploration work, removal of vegetation (aside from Aboriginal culturally modified trees), seismic surveying or groundwater monitoring bores on disturbed ground, or environmental rehabilitation work (aside from erosion control or soil conservation works such as contour banks).

Clause 58(4) outlines the definition of 'disturbed land', as land that "has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable".

Clause 59 relates to the notification of Aboriginal objects and sites and Clause 60 relates to the requirements for the consultation process to support an AHIP application. The regulation sets out the requirements broadly in line with those outlined in the ACHCRs.







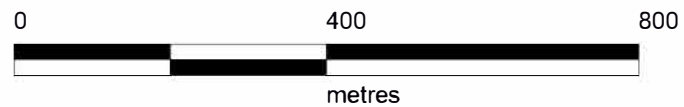


- Study Area
- Lot Boundaries
- Hydrology
- Contours

Laggan



P.O. Box 236  
 NSWRA  
 NEW SOUTH WALES 2541



Projection:  
 MGA Zone 55 (GDA 94)  
 Base Map:  
 Google Earth Pro  
 FINAL - Version 1

Figure 2: Study area in its local context.





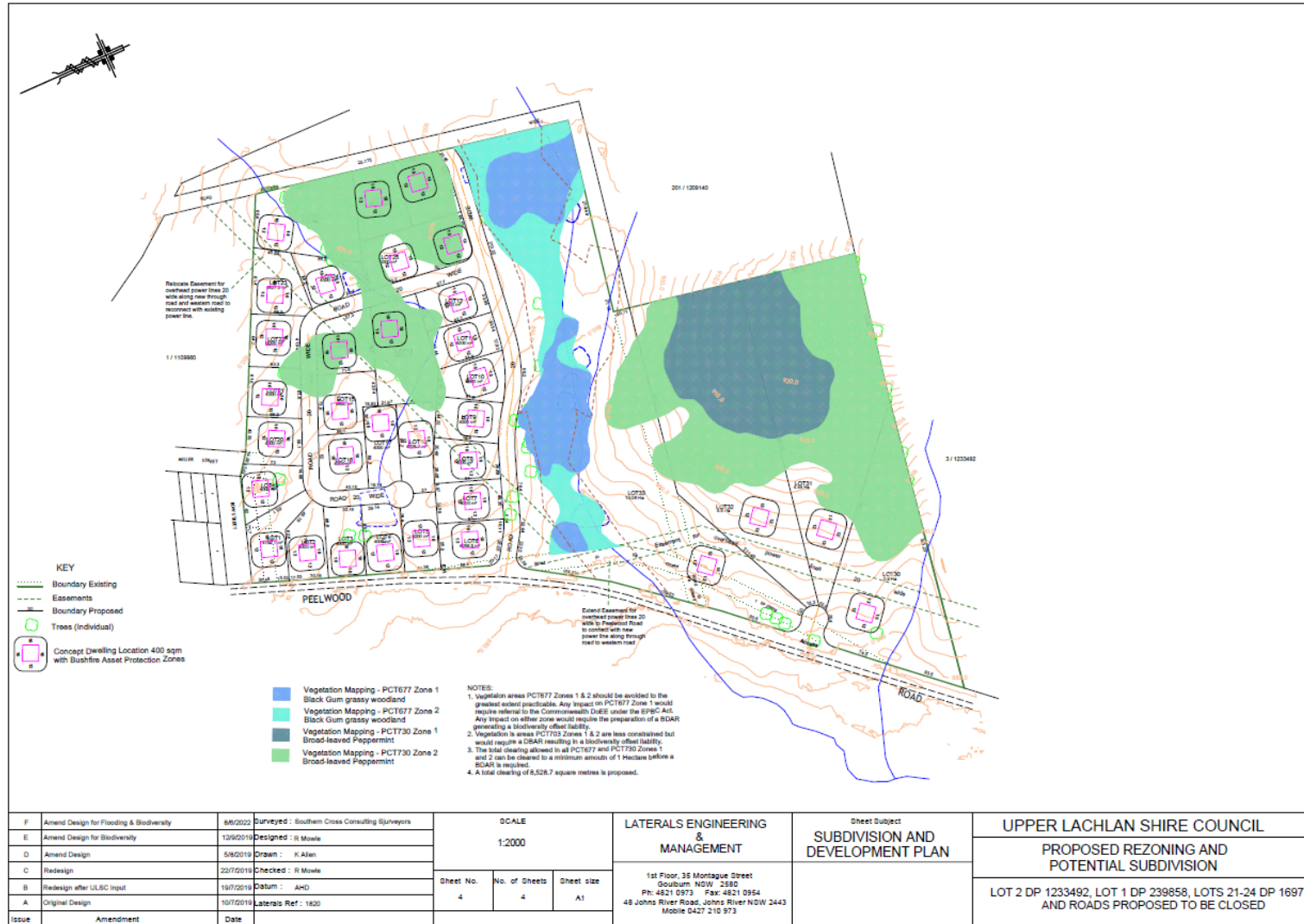


Figure 3: Proposed lot layout (Laterals Engineering and Management 2019)





## 1.4 OBJECTIVES OF THE ABORIGINAL CULTURAL HERITAGE ASSESSMENT

The archaeological investigation was undertaken to meet the requirements of the Code of Practice and ACHCRs.

The purpose of the archaeological investigation is to understand and establish the potential harm the proposed development may have on Aboriginal cultural heritage within the study area, both tangible and intangible.

Aboriginal community consultation was undertaken for the project with the aim of:

- Identifying the Aboriginal community members who can speak for Country within which the study area is located;
- Involving the Aboriginal community in making decisions about the management of their cultural heritage;
- Identifying, assessing and recording Aboriginal heritage values within the study area;
- Preparing an assessment of the cultural heritage values in consultation with the Aboriginal community;
- Identifying the potential impact of the proposed development on the assessed cultural heritage values; and
- Developing conservation and mitigation strategies for these values, with the aim of minimising impacts to cultural heritage wherever possible.

In addition, this report provides a significance assessment of the identified Aboriginal heritage values, as defined by the registered Aboriginal stakeholders (RAPs) for the project. Aboriginal people are the primary determinants of the significance of their cultural heritage and therefore Apex Archaeology cannot make a determination on the cultural significance without the input of the RAPs.

Any development works which disturb the ground surface have the potential to impact Aboriginal archaeological deposits and therefore an assessment of whether the study area contains such deposits is required prior to the commencement of construction works. An assessment of whether the proposed development would impact these deposits (if present) is also necessary, and identification of to what extent the deposits would be impacted is also required. The degree of impact which may be allowable is determined, in part, with consideration of the level of cultural significance attributed to the cultural values of the study area, both tangible and intangible.





## 2.0 ABORIGINAL CONSULTATION PROCESS

This section details the Aboriginal community consultation undertaken to assist in the heritage assessment of the study area. Aboriginal consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* was undertaken by Apex Archaeology for this project.

Aboriginal community consultation is a requirement in order to make assessments of Aboriginal cultural values, as Aboriginal people are the primary determinants of the significance of their cultural heritage and therefore Apex Archaeology cannot make a determination on the cultural significance without the input of the RAPs. Aboriginal people often have a strong connection to their Country, and to their ancestors, both past and present.

Material evidence of past Aboriginal occupation of an area is a tangible link to the intangible traditions, lore, customs, beliefs and history. These intangible values provide a sense of belonging for Aboriginal people, and cultural heritage and cultural practices are kept alive through being incorporated into everyday life, which helps maintain a connection to the past and to the present. It is a vital part of the identity of Aboriginal people.

Therefore, it is important that Aboriginal people are afforded the opportunity to understand, comment on and have input into projects that may impact areas which may be culturally sensitive, or damage items of cultural significance. The process of Aboriginal community consultation provides this opportunity, and this ACHAR details the results of the consultation undertaken for this project.

### 2.1 THE CONSULTATION PROCESS

The *Aboriginal cultural heritage consultation requirements for proponents 2010* (the ACHCRs) provide the process for undertaking consultation with the Aboriginal community. This process includes identification, registration, engagement and consultation with those Aboriginal people who may have cultural knowledge which is relevant to determining the cultural significance of Aboriginal objects and places which may be within the study area.

The ACHCRs detail a number of stages for consultation, as follows:

- Identification of those people who should be consulted for the project
- Inviting Aboriginal people to register their interest in being consulted for the project
- Providing information regarding the nature and scope of the project to the Aboriginal people who have registered an interest in being consulted – the registered Aboriginal parties (RAPs)
- Providing opportunities for RAPs to comment on the proposed methodology for cultural heritage consultation





- Presenting information about the potential impacts of the proposed development for the RAPs to comment on
- Providing opportunities for RAPs to comment on the cultural significance of the proposed development area
- Providing opportunities for RAPs to comment on the draft reports detailing the results of the archaeological and cultural assessments for the project

## 2.2 STAGE 1 CONSULTATION: COMMENCEMENT

Stage 1 requires a list of Aboriginal people who may have cultural knowledge relevant to the area to be prepared from several sources of information. The first step requires enquiries to be made of certain statutory bodies regarding whether they are aware of Aboriginal people or organisations that may have an interest in the study area, and their contact details. Any Aboriginal people or organisations identified in this step must be contacted and invited to register an interest in the project. In addition, a notification must be placed in local print media requesting Aboriginal people or organisations to register their interest in the project. A list of those who register an interest must be compiled. A minimum of 14 days from the date of the letter or newspaper advertisement must be allowed for registrations of interest.

As a result of the Stage 1 activities, a list of Aboriginal people who wish to be consulted for the project is developed. These Aboriginal people become the registered Aboriginal parties – the RAPS – for the project.

Letters requesting the details of Aboriginal people who may hold cultural knowledge relevant to the study area and who may wish to be consulted for the project were sent to several statutory agencies on 23 June 2022. Copies of these letters and responses are attached in Appendix B. These Step 1 letters were sent to the following agencies:

- Heritage NSW
- South East Local Land Services (SELLS)
- Upper Lachlan Shire Council
- Pejar Local Aboriginal Land Council (PLALC)
- Office of the Registrar, *Aboriginal Land Rights Act 1983 (NSW)* (ORALRA)
- Native Title Services Corp (NTSCorp)

Responses were received from Heritage NSW, SELLS and NTSCorp. Heritage NSW provided a list of Aboriginal people and organisations, LLS advised to contact Heritage NSW and NTSCorp forwarded a request from Mr Lewis Burns of Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation to register for the project. These individuals and organisations identified in the above step were invited to participate in consultation for the project.





An online search of the National Native Title Tribunal (NNTT) did not identify any pending or registered Native Title claimants over the study area. No determined Native Title claims exist over or near the study area.

The Aboriginal people and organisations identified during this initial stage were contacted via letter (email if provided or via post if no email address given) on 8<sup>th</sup> of July 2022, inviting them to register an interest in the project. Registrations were accepted until 22<sup>nd</sup> of July 2022. This is Step 2 of Stage 1 of consultation. Copies of these letters are attached in Appendix C.

In addition, an advertisement was placed in the *Goulburn Post* on the 6<sup>th</sup> of July 2022, inviting registrations of interest from people who may have cultural knowledge of the project area. A copy of the advertisement is attached in Appendix D.

A total of nine Aboriginal people and organisations registered an interest in being consulted for the project. The following list comprises the registered Aboriginal parties (RAPs) for the project:

- Pejar Local Aboriginal Land Council
- Thunderstone Aboriginal Cultural Services
- Yurwang Gundana
- Mulwaree Aboriginal Community
- Maria Williams
- Karlari Ngunnawal Descendants
- Karlari Ngunnawal Pajong Wallabalooa Descendants
- Eva Coe
- Frances Coe

## **2.3 STAGE 2 & 3 CONSULTATION: PRESENTATION AND GATHERING OF INFORMATION**

During Stage 2, information about the proposed project is provided to the RAPs, including location, scale, proposed development plans, timeframes, methodologies and any other relevant details relating to the project. This information can be provided in writing or at a meeting (or both), and an opportunity for the RAPs to visit the site may also be provided.

During Stage 3, RAPs are invited to share information about the cultural significance of the study area, which can assist in the assessment of the cultural significance of the Aboriginal objects and/or places within the study area. The cultural heritage assessment informs and integrates with the scientific assessment of significance and therefore can assist in the development of mitigation and management measures for the project. A methodology detailing how this information will be gathered must be provided to the RAPs for comment and a minimum of 28 days must be allowed for responses to be received. Any feedback must be considered and implemented as appropriate into the methodology.





Stage 2 and 3 can be undertaken concurrently. The information about the project and the methodology for seeking cultural knowledge can be provided in the same written documentation or at the same meeting.

Details of the proposed project and the proposed methodology for undertaking the cultural heritage and archaeological assessments for the project were provided in writing to each of the RAPs on 26<sup>th</sup> of July 2022. Comments were accepted until 23<sup>rd</sup> of August 2022. Only one response was received, from Yurwang Gundana Cultural Heritage Services who agreed with the methodology and advised that the group would like to be involved in field work.

No other responses were received regarding the information and methodology and no alternatives were suggested or requested. The RAP responses are attached in Appendix E.

Additionally, no other comments were received from any of the other RAPs for the project, and no specific cultural information pertaining to the study area was received from any of the RAPs for the project during this stage of consultation.

## **2.4 STAGE 4: REVIEW OF DRAFT REPORT**

Stage 4 sees the preparation of the draft ACHAR, which details the results of the cultural heritage assessment. The draft is provided to the RAPs for their review and comment. A minimum of 28 days to comment on the ACHAR must be allowed. All comments must be addressed in the final document and the proponent's response to RAP comments must be included. Copies of any submissions received from RAPs must be included in the final ACHAR.

The draft report was provided to all RAPs for their review and comment on 22 November 2022. No comments were received from any of the RAPs.

Consultation with the Aboriginal community for this project has been conducted in accordance with the ACHCRs. A log of all correspondence is presented in Appendix A of this ACHAR. Copies of all correspondence are included in Appendix G.





### **3.0 SUMMARY AND ANALYSIS OF BACKGROUND INFORMATION**

This section presents information about both the physical and cultural landscape in which the study area is located, as well as previous archaeological and ethnohistorical studies, to provide context and background to the existing knowledge of Aboriginal culture in the area.

#### **3.1 DESCRIPTION OF THE STUDY AREA**

The study area is located at Peelwood Road, Lagan, NSW (Figure 1 and Figure 2) within the Upper Lachlan Shire LGA. The northern portion of the study area falls within the Belmore Parish, and the southern section falls with the Laggan Parish. Both are within the Georgiana County. The land is legally defined as Lot 2 DP 1233492, Lot 1 DP 239858 and Lots 21-24 DP 1697, and it is approximately 36 ha in size.

#### **3.2 EXISTING ENVIRONMENT**

The study area is located within the South Eastern Highlands Bioregion which covers the dissected ranges and plateau of the Great Dividing Range that are topographically lower than the Australian Alps, which lie to the southwest. Laggan was founded for pastoral use which included large-scale clearing of the original vegetation and modification of waterways. It was also used as a stop for convicts during the building of roads between Bathurst and Goulbourn. This extensive clearing of vegetation and modification of the landscape to construct dams for agricultural purposes is evident with current study area.

##### **GEOLOGY, SOILS AND TOPOGRAPHY**

The study area falls wholly within the Blakney Creek soil landscape. The Blakney Creek soil landscape is identified as having shallow topsoil with moderate to severe gully erosion and moderate sheet erosion to occur extensively. The underlying geology is made up of undifferentiated Ordovician and Silurian sediments. Rocks include silty sandstone, siltstone, greywacke, phyllite, shale, slate and quartzite. Elevations in the area are generally from 600 – 900 m. Slope gradients are usually <10%. Local relief between 20 – 50 m.

##### **FLORA AND FAUNA**

The vegetation within the area consists of savannah woodland of yellow box and gum and dry sclerophyll forest dominated by red stringybark. Snow gum is found at higher altitudes and in frost pockets. Although extensive clearing has now taken place throughout the area, many of these species would have provided resources for Aboriginal people, either for dietary needs or to provide tools, or to feed fauna that were hunted.



## HYDROLOGY

The nearest major permanent water source is the Bolong River. The Bolong River is a watercourse that is part of the Lachlan catchment within the Murray–Darling basin. The hydrology of the study area consists of a first order ephemeral drainage line which drains east and connects to a second order ephemeral watercourse called Reedy Creek. Reedy Creek connects to the Bolong River ~20km north of the study area.

Watercourse classification ranges from first order through to fourth order (and above) with first order being the lowest, ie a minor creek or ephemeral watercourse, and fourth or above being a large watercourse such as a river, as defined by the Department of Planning and Environment (DPE; Figure 4).

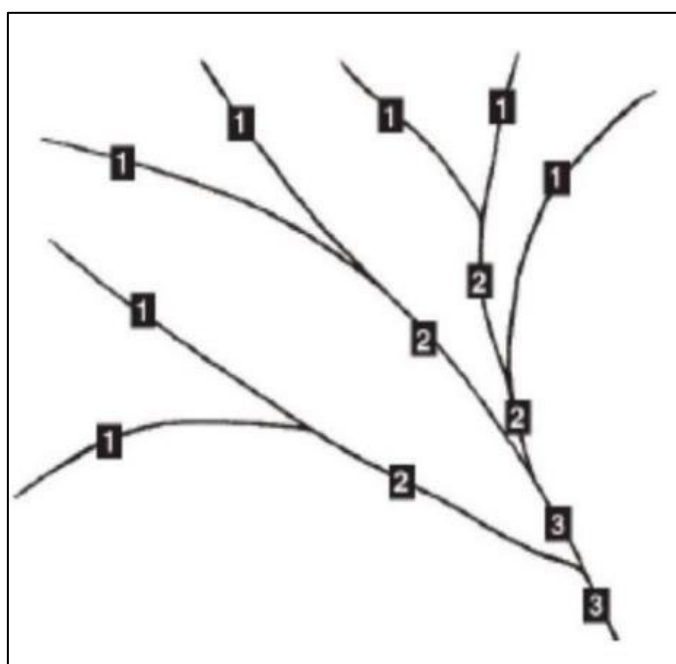


Figure 4: The Strahler system (Source: Department of Planning and Environment 2016).

## 3.3 MATERIAL EVIDENCE OF ABORIGINAL LAND USE

### 3.3.1 AHIMS

An initial extensive search covering a 5km by 5 km was conducted on 16 October 2019 for the Aboriginal due diligence assessment. No sites were identified within the search area. An updated search encompassing the same area to see if any new sites have been recorded during the intervening time period was undertaken. No new sites were identified on the updated search undertaken in November 2022. A copy of the search results is appended in Appendix F.



### 3.3.2 PREVIOUS ARCHAEOLOGICAL ASSESSMENT

Table 6 outlines previous assessments completed within the wider area. Very few archaeological assessments have been completed within the Laggan area in the past.

**Table 1: Previous heritage assessments undertaken by archaeological consultants in the region**

Consultant	Date	Sites Identified/Salvaged	Region
Koettig, M	1982	6669 artefacts salvaged from two sites (C-AB2 & C-AB1)	Collector, NSW
Koettig, M	1983	650 artefacts salvaged.	Goulburn, NSW
Lance, A	1984	1 isolated find identified	Sooley Dam, Wollondilly River, NSW
Stone, T	1986	2 artefact scatters identified	Yass, NSW
Lance and Koettig	1986	Aboriginal Resources Planning Study	Goulburn Area
Silcox, R	1988	3 artefacts scatters identified	Chatsbury, NSW
Fuller, N	1989	17 artefact scatters & 5 isolated finds identified	Goulburn Area
Patton, R	1990	15,257 artefacts salvaged	Goulburn, NSW
Silcox, R	1991	97 artefacts salvaged	Goulburn, NSW
Williams, D	1992	Relocation of 53 artefacts previously recorded by Koettig in 1983.	Goulburn to Campbelltown, NSW
Silcox, R	1993	4 artefacts salvaged	Breadalbane, NSW
Effenberger, S	1994	2 isolated finds identified	Goulburn Racecourse
Silcox, R	1995	2 artefact scatters	Goulburn, NSW
Stuart, I	1995	2 artefact scatters, 2 isolated finds	Goulburn, NSW
Kuskie, P	1996	1 artefact scatter, 1 isolated find	Goulburn, NSW
JMcDCHM	1997	2154 artefacts salvaged	Crookwell, NSW
NOHC	2000	No Aboriginal sites or areas with PAD recorded	Goulburn. NSW
Dominic Steele	2003	1 scarred tree, 2 possible scarred tree and an Isolated find identified	Goulburn, NSW
NOHC	2003	1 artefact scatter identified	Run O Waters, Goulburn, NSW
Dibden, J	2004	A large amount of artefact scatters identified.	Greenwich Park, Goulburn, NSW
Biosis	2004	7 artefact scatters & 8 isolated finds identified	Tarago, NSW
OzArk E&HM	2004	6 artefact sites and 1 scarred tree identified	Taralga, NSW
Dibden, J	2005	4 artefact sites identified	Cullerin, NSW
Austral Archaeology Pty Ltd	2005	No artefacts recovered from salvage excavations	Gunning, NSW
Saunders, P	2007	12 artefact scatters and 2 isolated finds identified	Parkesbourne, NSW
Austral Archaeology Pty Ltd	2007	2 artefact scatters, 3 isolated finds and 6 PAD areas identified	Capitol Wind Farm, Lake George, NSW





Consultant	Date	Sites Identified/Salvaged	Region
Austral Archaeology Pty Ltd	2007	348 artefacts recovered from salvage excavations	Capitol Wind Farm, Lake George, NSW
Dibden, J	2008	116 artefact scatters identified	Yass Valley Wind Farm, Yass, NSW
Anderson Environmental Consultants	2010	10 artefact sites identified	Crookwell, NSW
Dibden, J	2012	13 artefact scatters identified	Rye Park Wind Farm, Yass, NSW
Dibden, J	2013	14 artefacts scatters identified	Bango Wind Farm, Bango, NSW
Dibden, J	2015	3 artefact scatters identified	Collector Wind Farm, Collector, NSW
ERM	2021	7 artefact sites identified	Crookwell, NSW

### 3.4 ETHNOHISTORY

Ethnohistorical evidence is based on the reports of colonisers and do not tend to include the Aboriginal perspective, leading to a Eurocentric view of Aboriginality. Additionally, historical records can be contradictory and incomplete regarding the exact tribal boundaries and locations of ceremonial or domiciliary activities of Aboriginal people pre-contact in the south eastern highland and tablelands.

*The problem associated with ethnohistoric documents include their tendency to record unusual, rather than everyday events, and their focus on religious behaviour to the exclusion of woman and children (Attenbrow 1976:34; Sullivan 1983:12.4).*

According to Tindale (1974) the main Aboriginal groups thought to traditionally occupy the South-eastern Highlands regions were the Gandangara in the north, Ngunawal to the south and the Wiradjuri to the west. The current study area falls within the Gandangara, also known as Gundungarra, language area, but is also close to the Wiradjuri. It is difficult with the available information to define the original boundary between the Gundungarra and Wiradjuri, and it is important to take into consideration that the boundaries were fluid and shifted over time. The study area is considered to fall within a 'zone of interaction' and would have been an area where the Gandangara, Darug and Wiradjuri peoples interacted.

The life of the Gandangara people would have involved constant travel to utilise the spiritual and physical resources along traditional routes and would have had much wider perceptions and associations when looking at the landscape. For example, when observing trees, they would have scanned the branches for hollows which could contain possums (wille), gliders, birds (budyang) and their eggs (gubugan), and goannas (werrier). Trees also had different values for firewood, and the Gandangara preferred the She-oak (bellang) and Angophora branches which smoulder slowly through the night under a coating of white ash and continue to burn





through rain. In contrast, gum tree branches burn up quickly and need to be replenished much more during the night (Smith 2009).

Aboriginal society in general was constructed of a hierarchy of social levels and groups, with fluid boundaries (Peterson 1976), with the smallest group comprising a family of a man and his wife/wives, children and some grandparents, referred to as a 'clan' (Attenbrow 2010). The next level consists of bands, which were small groups of several families who worked together for hunting and gathering purposes (Attenbrow 2010). The third level comprised regional networks with a number of bands, and these bands generally shared a common language dialect and/or had a belief in a common ancestor. Networks would come together for specific ceremonial purposes. The highest level is described as a tribe, which is usually described as a linguistic unit with flexible territorial boundaries (Peterson 1976); although Attenbrow (2010) argues that "these groups were not tribes in the current anthropological sense of the word".

The different environments of the Laggan area contain a diverse range of plant and animal species. On creek banks, along the coast and surrounds, a wide variety of game would have been found. The vegetation communities along the creeks and coast and gullies, primarily woodlands, would have provided shelter for numerous animal and plant species that could be eaten or used for other purposes such as providing shelter and medicines. Kangaroos, emus and reptiles were hunted as source of protein, and a range of roots, including water lily tubers, were roasted and eaten (Miller 1886).

The Aboriginal people of the area would have utilised a range of hunting and gathering equipment, including fishing and hunting spears made of wood and barbed with stone points, flaked stone blades, or sharpened bone; boomerangs and spear-throwers; ground stone axes; anvils and pounders; stone tools including blades and scrapers; shields, clubs and digging sticks made from wood; baskets made from bark; and wooden canoes (Attenbrow 2010).

### **3.5 LIMITATIONS**

This report relies in part on previously recorded archaeological and environmental information for the wider region. This includes information from AHIMS, which is acknowledged to be occasionally inaccurate, due to inaccuracies in recording methods. No independent verification of the results of external reports has been made as part of this report.

It should be noted that AHIMS results are a record only of the sites that have been previously registered with AHIMS and are not a definitive list of all Aboriginal sites within an area, as there is potential for sites to exist within areas that have not previously been subject to archaeological assessment.

Field investigations for this report included survey. The results are considered to be indicative of the nature and extent of Aboriginal archaeological remains within the





study area, but it should be noted that further Aboriginal objects and sites which have not been identified as part of this assessment may be present within the wider area.

It is recognised that Aboriginal people are the primary determinants of the significance of their cultural heritage, and as such, Apex Archaeology have relied on the Aboriginal community to provide cultural knowledge regarding the site, where they are willing and able to share such knowledge. However, there may be occasions where RAPs are unwilling or unable to share cultural knowledge regarding the site and thus our assessment of significance relies on scientific assessment only.





## 4.0 ABORIGINAL CULTURAL HERITAGE SIGNIFICANCE ASSESSMENT

### 4.1 INTRODUCTION

Cultural or social significance can be defined as relating to the spiritual, traditional, historical and/or contemporary associations and values attached to a place or objects by Aboriginal people. Further, the tangible and intangible evidence of their cultural heritage is valued by Aboriginal people as it forms an essential part of their cultural identity and their connection to Country (DECCW 2010a).

The *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a) acknowledge that:

- Aboriginal people have the right to maintain their culture, language, knowledge and identity
- Aboriginal people have the right to directly participate in matters that may affect their heritage
- Aboriginal people are the primary determinants of the cultural significance of their heritage

Undertaking consultation with Aboriginal people ensures that potential harm to Aboriginal objects and places from proposed developments is identified and mitigation measures developed early in the planning process.

### 4.2 CRITERIA

The Burra Charter is considered an appropriate framework for the assessment of cultural heritage, which can be made based on the following assessment criteria:

- **Social value:** Also referred to as cultural value, this criterion considers the spiritual, traditional, historical or contemporary associations an area or place has for Aboriginal people
- **Historic value:** the relationship between a place and people, events, phases or activities of importance to the Aboriginal community
- **Scientific value:** assessment under this criterion considered the ability of a landscape, place, area or object to inform scientific research and/or analysis and to assist in answering research questions
- **Aesthetic value:** the ability of a place, area, landscape or object to demonstrate aesthetic characteristics, or possess creative or technical values

These should be graded so as to allow the significance to be described and compared as high, moderate or low.





## 4.3 SIGNIFICANCE ASSESSMENT

### **SOCIAL VALUE**

The Aboriginal community are best placed to make a determination of the social or cultural value of the study areas. No comments were received from the RAPs regarding the social value of the study area.

### **HISTORIC VALUE**

The study area is not considered to have any specific historical value. The site did not possess Aboriginal cultural material on the ground surface or below the surface. Therefore, the site is considered to have little to no historical value with regard to Aboriginal heritage.

### **SCIENTIFIC VALUE**

The study area is not considered to have any specific scientific value.

### **AESTHETIC VALUE**

The site is not considered to have value under this criterion.

### **REPRESENTATIVENESS**

The site is not considered to have value under this criterion.

### **RARITY**

The site is not considered to have value under this criterion.

### **RESEARCH POTENTIAL**

The site is not considered to have value under this criterion.

### **INTEGRITY/INTACTNESS**

The site is considered to be highly disturbed across the entirety of the study area, and therefore is not considered to have integrity, nor be intact.

## 4.4 CULTURAL SIGNIFICANCE ASSESSMENT

Generally, all Aboriginal sites are of high significance and importance to the Aboriginal community, both locally and more broadly. The Aboriginal social or cultural value of the study area can only be determined by the Aboriginal community and to date, no comments have been received regarding the specific social significance of the study area. No additional comments were received from the RAPs regarding the cultural significance of the area.

It is acknowledged that the overall significance of a site is determined by both the cultural and scientific values of the area; with cultural values potentially extending beyond a specific study area and incorporating cultural landscapes in many cases. The cultural significance of an area can only be determined by the Traditional Owners of that area.





#### **4.5 STATEMENT OF ARCHAEOLOGICAL SIGNIFICANCE**

The archaeological survey undertaken within the study area at Peelwood Road, Laggan did not identify any Aboriginal cultural material on the ground surface in the form of stone artefacts, nor did it identify any areas of archaeological subsurface potential. The scientific/archaeological assessment of the study area has been assessed and the site is considered to have no archaeological and scientific significance.

Despite having no archaeological significance, it is acknowledged that Aboriginal people have intangible as well as tangible links to places, and the removal of physical evidence may not necessarily remove the significance of an area to the Aboriginal people who once inhabited it.





## 5.0 PROPOSED ACTIVITY

This report has been prepared to inform a Planning Proposal for the site, which seeks the following amendments to the Upper Lachlan Shire LEP:

- Rezone Lot 2 DP 1233492 (part) from RU2 Rural Landscape zone to RU5 Village zone and reduce the minimum lot size from 80ha to 4,000m<sup>2</sup> to enable the development of dwelling houses.
- Lot 2 DP 1233492 (part) and Lot 1 DP 239858 from RU2 Rural Landscape zone to RU4 Rural Small Holdings zone.
- Lot 2 DP 1233492 (part) and Lot 1 DP 239858 to reduce the minimum lot size from 80ha to 1ha (part), 2ha (part), and 5ha (part) to enable agricultural small holdings to be created.

This assessment is being undertaken at the planning proposal stage to ensure any Aboriginal cultural or archaeological constraints are identified during the initial planning of the site, so appropriate management and mitigation strategies can be developed and implemented if the project is approved. In the event the proposal is approved, subsequent civil works and residential development would likely occur which would have potential to impact on any Aboriginal cultural objects which may be present within the site.

### 5.1 POTENTIAL IMPACT

No surface artefacts were identified within the study area during the site inspection along with no areas of potential archaeological subsurface deposits. The proposed eventual development of the site would impact on the entirety of the study area. As there were no archaeological deposits or surface sites present within the study area, no further archaeological works within this area are considered necessary. The proposed works are not considered likely to impact on Aboriginal cultural material within the site.

### 5.2 IMPACT TO CULTURAL HERITAGE VALUES

No comments have been received from the RAPs to date regarding the cultural heritage value of the study area, and none were identified during the background research. Additionally, no material cultural in the form of artefacts were identified within study area or surrounding area. Based on the available information, it is considered that the proposed development would have minimal impact on Aboriginal cultural heritage values within the study area.

### 5.3 JUSTIFICATION

The proposed works are necessary to support the increasing demand for residential housing within the area and to ensure the continued survival of Laggan village.





## 6.0 AVOIDING AND MINIMISING HARM

### 6.1 CONSIDERATION OF ALTERNATIVES

No alternatives to the proposed works were considered as part of this assessment as the site was not identified as having Aboriginal cultural heritage potential present that would be damaged or destroyed if the proposed development proceeds.

### 6.2 AVOIDANCE OF HARM

No Aboriginal objects or areas of archaeological potential were identified within the study area and thus there is no requirement to avoid these values during the proposed development, should it proceed.

### 6.3 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

It is a requirement of Section 2A(2) of the NPW Act to apply the principles of Ecologically Sustainable Development (ESD) when considering any impact to Aboriginal objects and places. ESD integrates economic and environmental considerations, which includes cultural heritage, into decision-making processes. In general, ESD can be achieved through consideration and implementation of two key principles, being intergenerational equity and the precautionary principle.

Intergenerational equity refers to the present generation having consideration for the health, diversity and productivity of the environment for those generations to come. In terms of Aboriginal cultural heritage, this relates to cumulative impacts to Aboriginal objects and places within a region. Intergenerational equity therefore relies on the understanding that a reduction in the number of Aboriginal objects and places within a region results in fewer opportunities for Aboriginal people to access their cultural heritage in the future. Thus, it is essential to understand what comprises the Aboriginal heritage resource, both known and potential, when assessing intergenerational equity within a region.

The precautionary principle relates to threats of serious or irreversible environmental damage, and that lack of scientific certainty regarding the degree of potential damage should not be a reason to postpone adequate reasonable measures to prevent harm to the environment. Regarding Aboriginal cultural heritage, the precautionary principle relates to where a proposed development may seriously or irreversibly impact Aboriginal objects or places, or their significance; and where there may be uncertainty relating to the integrity, rarity or representativeness of Aboriginal cultural values. The Code of Practice outlines that a precautionary approach should be taken to avoid or reduce damage to Aboriginal objects or places, with cost-effective measures implemented wherever possible. Additionally, a cumulative impact assessment should be completed to determine how the proposed development would impact the cultural resource in the wider region.

Consideration should be given to the significance of the sites present within an area, and whether they are able to transmit cultural information to future generations, or to act as teaching aids.





The study area is assessed as being of low cultural significance, based on the information provided to date.

### **6.3.1 INTERGENERATIONAL EQUITY**

The cumulative impact of the project on the Aboriginal cultural resource can be assessed in two ways, these being:

1. Utilising AHIMS data to compare the identified cultural heritage resource within the study area to that of the wider region; and
2. Utilising aerial photographs, topographic maps and data drawn from GIS databases to identify the potential regional Aboriginal heritage resource.

As no Aboriginal cultural material was identified within the study area, it is considered that the impact of the development of this site would be negligible with regards to the ongoing transmission of cultural knowledge to future generations. The proposal is not considered to impact on intergenerational equity.

### **6.3.2 CUMULATIVE IMPACTS**

The cumulative impact of the project on the Aboriginal cultural resource must be considered as part of an assessment, and managed appropriately and sensitively. Avoidance of impact is the best practice approach wherever possible, particularly for sites that are intact, contain high numbers of artefacts, or are considered significant to the community.

In terms of cumulative impact, the site does not contain evidence of Aboriginal occupation. Overall, it is considered that the proposal has a negligible impact on the Aboriginal cultural heritage of the region.

## **6.4 ABORIGINAL COMMUNITY INPUT**

No specific comments were received from the RAPs regarding the cultural heritage value of the study area.



## 7.0 RECOMMENDATIONS

The following recommendations are made on the basis of:

- The statutory requirements of the NP&W Act 1974;
- The requirements of Heritage NSW and the Upper Shire Lachlan Council;
- The results of the cultural and archaeological assessment;
- An assessment of the likely impacts of the proposed development; and
- The interests of the registered Aboriginal stakeholders and the cultural heritage record.

It was found that:

- There were no previously registered sites within the study area.
- No surface artefacts were identified during the survey.
- No areas considered to have potential for subsurface archaeological deposits were identified within the study area.
- The area was considered to be disturbed throughout due to historical clearance and land use practices.
- The site is not considered to contain potential for Aboriginal cultural material to be present.

Therefore, the following recommendations have been made.

### **RECOMMENDATION 1: NO FURTHER ARCHAEOLOGICAL ASSESSMENT REQUIRED**

This report details the archaeological potential of the site, which has been assessed as negligible. No further archaeological assessment is required for the site. No application for an Aboriginal Heritage Impact Permit (AHIP) is necessary, as no Aboriginal heritage sites would be impacted by the proposed works.

### **RECOMMENDATION 2: DEVELOPMENT BOUNDARIES**

The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate

### **RECOMMENDATION 3: STOP WORK PROVISION**

Should unanticipated Aboriginal archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.

In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and





the find protected from harm or damage. The NSW Police and the Coroner's Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.

#### **RECOMMENDATION 4: REPORTING**

One digital copy of this report should be forwarded to Heritage NSW for inclusion on the Aboriginal Heritage Information Management System (AHIMS).

One copy of this report should be forwarded to each of the registered Aboriginal stakeholders for the project.





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## **APPENDIX A: CORRESPONDENCE LOG**



22085 297 Peelwood Road, Laggan, ACHA – Consultation Log

Date	Type of Consultation	Parties Contacted	Outcome
23/06/2022	Requesting details of Aboriginal individuals or organisations with cultural knowledge of the area and who may wish to participate in consultation (Section 4.1.1 of ACHCRs)	Heritage NSW	22/06/2022 – Email letter received with Aboriginal Stakeholder list for Upper Lachlan Shire Local Government Area
		Greater Sydney Local Land Services	22/06/2022 – Email received advising they are not the primary source for contacting or managing contact list and to contact Heritage NSW
		Upper Lachlan Shire Council	21/06/2022 – Email received
		Pejar LALC	29/06/2022 – Email received requesting registration
		NTSCorp	No response
		ORALRA	No response
		National Native Title Tribunal	06/07/2022 – searched on NNTT vision. No Native Title Claims within Leppington.
06/07/2022	Advertisement for registrations of interest for consultation from Aboriginal people or organisations with cultural knowledge relevant to the area	Advertisement placed in the <i>Goulburn Post</i>	No responses
	Letters sent to identified individuals and organisations from Section 4.1.1 of ACHCRs  Letter sent via email if address provided; and by post where email not available	Gundungurra Aboriginal Heritage Association Inc. :	No response
		Pejar Local Aboriginal Land Council	29/06/2022 – Email received requesting registration
		Buru Ngunawal Aboriginal Corporation	No response
		Alice Williams	No response
		Gundungurra Tribal Council Aboriginal Corporation.	No response
		Gundungurra Aboriginal Heritage Association Inc.	No response



		Thunderstone Aboriginal Cultural and Land Management Services Aboriginal Corporation	21/06/2022 – Email received requesting registration. The group advised that their qualifications and previous experience included Aboriginal cultural heritage assessment work that has come from over 30 year's experience working on projects that take place within the Ngunawal peoples traditional lands, which is arbitrary, in both urban and rural situations. Furthermore, as Traditional Custodians they have a very strong cultural connection with the proposed project area and hold cultural knowledge relevant to determining the cultural significance of objects and places in the project area.
		Onerwal Local Aboriginal Land Council	No response
		Karlari Ngunnawal Pajong Wallabalooa Descendants	No response
		Ngunnawal Pajong Wallabalooa Descendants	No response
		Janine Thompson	No response
		Ngurambang	No response
		Clorine Lyons	No response
		Oak Hill Enterprises	No response
		Clive Freeman	No response
		Yurwang Gundana Consultancy Cultural Heritage Services.	No response
		Will Carter	No response
		Kamilaroi Yankuntjatjara Working Group	No response
		Timothy Stubbs	No response
		Yurwang Gundana Consultancy Cultural Heritage Services.	08/07/2022 – Email received requesting registration
		Mulwaree Aboriginal Community Inc	10/07/2022 – Email received requesting registration.



		Maria Williams	21/07/2022 – Email received but there was no content. Rebecca Bryant from Apex Archaeology contacted Maria and she advised that there should have been an attachment and she would like to register for the project. Maria would also welcome the opportunity to assist with field work.
	Additional Registrations	Karlari Ngunnawal Descendants	25/07/2022 – Phone call received from Lavinus Ingram requesting registration. Lavinus was made aware of the project by her sister Rebecca Ingram and advised she should have been on the Heritage NSW list of stakeholders. Rebecca Bryant from Apex Archaeology forwarded the contact details for HNSW to Lavinus and registered her group for the project
		Karlari Ngunnawal Pajong Wallabalooa Descendants	25/07/2022 – Phone call requesting registration.
		Frances Coe	25/07/2022 – Phone call requesting registration (see below).
		Eva Coe	25/07/2022 – Phone call received from Eva Coe, a relative of Rebecca and Lavinus Ingram. Eva requested that her and her sister Frances be registered for the project. I advised that the group name she would like to register was already registered under Rebecca Ingram and under the Heritage guidelines there can only be one nominated representative for each group. I advised that her and her sister can register as individuals though. Eva advised she would like to do this.
26/07/2022	Provision of project information and methodology	Maria Williams	No response
		Yurwang Gundana Consultancy Cultural Heritage Services.	03/08/2022 – Email received advising they agree with the methodology.
		Mulwaree Aboriginal Community Inc	No response
		Pejar Local Aboriginal Land Council	No response



		Thunderstone Aboriginal Cultural and Land Management Services Aboriginal Corporation	No response
		Karlari Ngunnawal Descendants	No response
		Karlari Ngunnawal Pajong Wallabalooa Descendants	No response
		Eva Coe	No response
		Frances Coe	No response
22/11/2022	Provision of draft ACHAR for review and comment	Maria Williams	No response
		Yurwang Gundana Consultancy Cultural Heritage Services.	No response
		Mulwaree Aboriginal Community Inc	No response
		Pejar Local Aboriginal Land Council	No response
		Thunderstone Aboriginal Cultural and Land Management Services Aboriginal Corporation	No response
		Karlari Ngunnawal Descendants	No response
		Karlari Ngunnawal Pajong Wallabalooa Descendants	No response
		Eva Coe	No response
		Frances Coe	No response





## **APPENDIX B: STEP 1 LETTERS AND RESPONSES**



23 June 2022

**Establishing a Register of Interest for an Aboriginal Cultural Heritage Assessment – Proposed residential subdivision and development of Laggan Lane Estate, 297 Peelwood Road, Laggan, NSW.**

This letter is sent in accordance with Section 4.1.2 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (ACHCRs) in order to initiate Stage 1 of the Aboriginal consultation process in relation to the above project.

Laterals Engineering and Management of behalf of Sutton Park (the proponent) has engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at 297 Peelwood Road, Laggan, NSW. The land is legally defined as Lot 2 DP 1233492, Lot 1 DP 239858 and Lots 21-24 DP 1697. The project is located within the Upper Lachlan Shire LGA. The ACHA is required to inform a Planning Proposal for the subject land.

A process of Aboriginal community consultation in accordance with the ACHCRs is being initiated by Apex Archaeology on behalf of the proponent. Apex Archaeology will be undertaking a full archaeological assessment under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

In accordance with Section 4.1.2 of the ACHCRs, I am writing to request any information you may have regarding Aboriginal stakeholders who may have cultural knowledge relevant to determining the significance of Aboriginal objects that may be located within the study area. Any identified Aboriginal individuals or organisations will be invited to register an interest in the project and participate in the consultation process.

The project manager is Robert Mowle of Laterals Engineering and Management, who can be contacted via email at [robert@laterals.com.au](mailto:robert@laterals.com.au).

Information regarding Aboriginal stakeholders can be sent to PO Box 236, Nowra, NSW 2541, or [jenni@apexarchaeology.com.au](mailto:jenni@apexarchaeology.com.au). I am available to assist with any inquiries about the process and can be contacted by telephone on 0422 229 179.

We would appreciate a response within 14 days of the date of this letter wherever possible.

Kind regards,

Jenni Bate



Director/Archaeologist  
Apex Archaeology  
E: [jenni@apexarchaeology.com.au](mailto:jenni@apexarchaeology.com.au)  
M: 0422 229 179



**From:** [Jenni Bate](#)  
**To:** [Undisclosed Recipients](#)  
**Bcc:** [adminofficer@oralra.nsw.gov.au](mailto:adminofficer@oralra.nsw.gov.au); [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au); [information@ntscorp.com.au](mailto:information@ntscorp.com.au); [council@upperlachlan.nsw.gov.au](mailto:council@upperlachlan.nsw.gov.au); [LLS Enquiry SouthEast Mailbox](#); [Pejar LALC](#)  
**Subject:** Laggan Lane Estate, 297 Peelwood Road, Laggan - commencement of ACHA process  
**Date:** Thursday, 23 June 2022 12:03:47 PM  
**Attachments:** [297 Peelwood Road Laggan Stage 1 - ACHA.pdf](#)

---

Good afternoon,

I hope you're well. Please find attached a letter requesting contact details for Aboriginal individuals and organisations who may wish to be consulted for the above project.

Thank you for your assistance.

Kind regards,



*Jenni Bate*  
DIRECTOR - ARCHAEOLOGIST

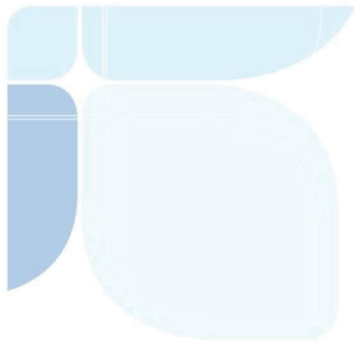
0422 229 179

[JENNI@APEXARCHAEOLOGY.COM.AU](mailto:jenni@apexarchaeology.com.au)

[WWW.APEXARCHAEOLOGY.COM.AU](http://www.apexarchaeology.com.au)

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**South East Local Land Services**

42 Ryrie Street (PO Box 97)

BRAIDWOOD NSW 2622

Tel: 02 4842 3800

[www.lls.nsw.gov.au/southeast](http://www.lls.nsw.gov.au/southeast)

22 June 2022

To whom it may concern,

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.

Please direct your enquiry to Heritage NSW via the central mailbox  
[heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

Kind regards,

per Rebecca Bradley  
Stakeholder and Investment Coordinator  
South East LLS  
PO Box 97 BRAIDWOOD NSW 2622



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Services**

[www.lls.nsw.gov.au](http://www.lls.nsw.gov.au)

We help secure the future of agriculture and the environment for NSW communities.



**From:** [Conor Wakefield](#)  
**To:** [Jenni Bate](#)  
**Cc:** [Rhiannon Brazier](#)  
**Subject:** FW: Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation, ACHA, Dubbo, 12 July  
**Date:** Friday, 8 July 2022 8:51:27 AM

---

Dear Jenni,

Please see below a request from Lewis Burns to register Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation as a RAP in relation to the ACHA ahead of the proposed residential subdivision and development at Narromine and Jannali Roads, Dubbo, NSW.

Please liaise directly with Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation via the contact details below in relation to further information and site work opportunities in connection with this ACHA.

Kind regards,

**Conor Wakefield** | Solicitor



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**I'm working from home. The best way to contact me is on my mobile or by email.**

**t** 61 2 9310 3188 **f** 02 9310 4177

**e:** [cwakefield@ntscorp.com.au](mailto:cwakefield@ntscorp.com.au) | **w** [www.ntscorp.com.au](http://www.ntscorp.com.au)

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**Please consider the environment before printing this email**

---

**From:** Lewis Burns <[lewis.burns@tubba-gah.org](mailto:lewis.burns@tubba-gah.org)>  
**Sent:** Friday, 8 July 2022 3:05 AM  
**To:** Rhiannon Brazier <[RBrazier@ntscorp.com.au](mailto:RBrazier@ntscorp.com.au)>  
**Cc:** Conor Wakefield <[cwakefield@ntscorp.com.au](mailto:cwakefield@ntscorp.com.au)>; Matilda Vaughan <[mvaughan@ntscorp.com.au](mailto:mvaughan@ntscorp.com.au)>; [admin@tubba-gah.org](mailto:admin@tubba-gah.org); [info@tubba-gah.org](mailto:info@tubba-gah.org)  
**Subject:** Re: Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation, ACHA, Dubbo, 12 July

Some people who received this message don't often get email from [lewis.burns@tubba-gah.org](mailto:lewis.burns@tubba-gah.org). [Learn why this is important](#)

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Hello all,

Please consider this an expression of interest.  
We look forward to more information.



On Fri, 1 Jul 2022 at 12:21 pm, Rhiannon Brazier <[RBrazier@ntscorp.com.au](mailto:RBrazier@ntscorp.com.au)> wrote:

Dear Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation,

Please see attached notice of an ACHA.

Apex Archaeology is assisting Bathla Group in preparing an ACHA for a proposed development at [13L Narromine Road](#) and Jannali Road NSW.

Please see attached for further details.

To register please contact the director/archaeologist Jenni Bate

[jenni@apexarchaeology.com.au](mailto:jenni@apexarchaeology.com.au) by **12 July 2022**.

Please provide any questions or comments to project manager Paul Solomon of the Bathla Group at [paul.solomon@bathla.com.au](mailto:paul.solomon@bathla.com.au).

Kind Regards,

**Rhiannon Brazier** | Paralegal

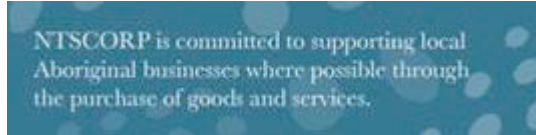


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t 61 2 9310 3188 f 02 9310 4177

e: [rbrazier@ntscorp.com.au](mailto:rbrazier@ntscorp.com.au) | w [www.ntscorp.com.au](http://www.ntscorp.com.au)

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--

Kind Regards,

Lewis Burns

ABN: 91 064 130 844

Working With Children Check - WWC0374734E.

Unit 20, 35 Douglas Mawson Drive

Dubbo, NSW 2830

Australia.

[www.redearth.gallery](http://www.redearth.gallery)

[lewis@redearth.gallery](mailto:lewis@redearth.gallery)

Ph;

Mobile 0418 987 095

Office 02 6881 8283

"I acknowledge and pay my respects to the Tubba-Gah Wiradjuri people, the traditional



custodians of the land I work on and extend my respect globally to elders past and present".

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**From:** [Jenni Bate](#)  
**To:** ["pejar1@bigpond.com"](mailto:pejar1@bigpond.com)  
**Subject:** RE: Stage 1 Peelwood Road Laggan  
**Date:** Wednesday, 29 June 2022 8:33:00 PM

---

Good evening Delise,

Thank you very much for your registration of interest, I will add Pejar LALC to the list of RAPs and will be in touch as the project progresses.

Kind regards,



---

**From:** pejar1@bigpond.com <pejar1@bigpond.com>  
**Sent:** Wednesday, 29 June 2022 9:56 AM  
**To:** jenni@apexarchaeology.com.au  
**Subject:** Stage 1 Peelwood Road Laggan

Good Morning Jenni

Please accept this email as an interest party in the proposed Archaeological works located at Peelwood Road Laggan.

The area falls within the Boundary of the Pejar Local Aboriginal Land Council and we are the Cultural Knowledge Holders for the area. We have been involved in several Heritage inspections that have been carried out in and around the area. The area is located within Wiradjuri Country.

If you require any further information, then please do not hesitate to contact me on the numbers listed below.

Kind regards

*Delise Freeman*

*CEO*

*Pejar Local Aboriginal Land Council*

*80 Combermere Street or*

*PO Box 289*



*Goulburn NSW 2580*

*0417254813 (mobile)*

*02 - 48223552 (phone)*



Our reference: Doc22/513950

Jenni Bates  
Director/Archaeologist  
Apex Archaeology  
PO Box 236  
Nowra, NSW 2541

29/06/2022

Dear Jenni,

**WRITTEN NOTIFICATION OF PROPOSAL AS REQUIRED UNDER DECCW ABORIGINAL  
CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

**Subject: 297 Peelwood Road, Laggan - Lot 2 DP 1233492, Lot 1 DP 239858 and Lots 21-24 DP 1697**

Thank you for your correspondence dated 23 June 2022 to Heritage NSW (Department of Premier and Cabinet) regarding the above project.

Attached is a list of known Aboriginal parties for the proposed development at **Upper Lachlan** local Government Area that Heritage NSW considers likely to have an interest in the activity.

Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties.

Receipt of this list does not remove the requirement of a proponent/ consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (April 2010).

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 Heritage NSW office and Local Aboriginal Land Council (LALC) within 28 days from the closing date for registering an interest.

Please note that the contact details in the list provided by Heritage NSW may be out of date as it relies on Aboriginal parties advising Heritage NSW when their details need changing. If individuals/companies undertaking consultation are aware that any groups contact details are out of date, or letters are returned unopened, please contact either the relevant stakeholder group (if you know their more current details) and/or Heritage NSW. AHIP applicants should make a note of any group they are unable to contact as part of their consultation record.



If you have any questions about this advice, please email:  
[heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au) or contact (02) 9873 8500.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barry Gunther'.

**Barry Gunther**  
**Aboriginal Heritage Planner**  
**Aboriginal Heritage Regulation Branch – South Heritage NSW**

Attachment A: Registered Aboriginal Interests Heritage NSW RAP List for the **Upper Lachlan** local Government Area.





## **APPENDIX C: STEP 2 LETTERS AND RESPONSES**



23 June 2022

**Establishing a Register of Interest for an Aboriginal Cultural Heritage Assessment – Proposed residential subdivision and development of Laggan Lane Estate, 297 Peelwood Road, Laggan, NSW.**

This letter is sent in accordance with Section 4.1.2 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (ACHCRs) in order to initiate Stage 1 of the Aboriginal consultation process in relation to the above project.

Laterals Engineering and Management of behalf of Sutton Park (the proponent) has engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at 297 Peelwood Road, Laggan, NSW. The land is legally defined as Lot 2 DP 1233492, Lot 1 DP 239858 and Lots 21-24 DP 1697. The project is located within the Upper Lachlan Shire LGA. The ACHA is required to inform a Planning Proposal for the subject land.

A process of Aboriginal community consultation in accordance with the ACHCRs is being initiated by Apex Archaeology on behalf of the proponent. Apex Archaeology will be undertaking a full archaeological assessment under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

In accordance with Section 4.1.2 of the ACHCRs, I am writing to request any information you may have regarding Aboriginal stakeholders who may have cultural knowledge relevant to determining the significance of Aboriginal objects that may be located within the study area. Any identified Aboriginal individuals or organisations will be invited to register an interest in the project and participate in the consultation process.

The project manager is Robert Mowle of Laterals Engineering and Management, who can be contacted via email at [robert@laterals.com.au](mailto:robert@laterals.com.au).

Information regarding Aboriginal stakeholders can be sent to PO Box 236, Nowra, NSW 2541, or [jenni@apexarchaeology.com.au](mailto:jenni@apexarchaeology.com.au). I am available to assist with any inquiries about the process and can be contacted by telephone on 0422 229 179.

We would appreciate a response within 14 days of the date of this letter wherever possible.

Kind regards,

Jenni Bate



Director/Archaeologist  
Apex Archaeology  
E: [jenni@apexarchaeology.com.au](mailto:jenni@apexarchaeology.com.au)  
M: 0422 229 179



**From:** [Jenni Bate](#)  
**To:** [Undisclosed Recipients](#)  
**Bcc:** [adminofficer@oralra.nsw.gov.au](mailto:adminofficer@oralra.nsw.gov.au); [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au); [information@ntscorp.com.au](mailto:information@ntscorp.com.au); [council@upperlachlan.nsw.gov.au](mailto:council@upperlachlan.nsw.gov.au); [LLS Enquiry SouthEast Mailbox](#); [Pejar LALC](#)  
**Subject:** Laggan Lane Estate, 297 Peelwood Road, Laggan - commencement of ACHA process  
**Date:** Thursday, 23 June 2022 12:03:47 PM  
**Attachments:** [297 Peelwood Road Laggan Stage 1 - ACHA.pdf](#)

---

Good afternoon,

I hope you're well. Please find attached a letter requesting contact details for Aboriginal individuals and organisations who may wish to be consulted for the above project.

Thank you for your assistance.

Kind regards,



*Jenni Bate*  
DIRECTOR - ARCHAEOLOGIST

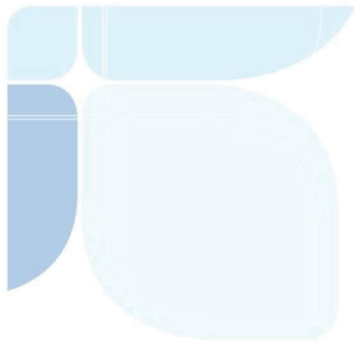
0422 229 179

[JENNI@APEXARCHAEOLOGY.COM.AU](mailto:jenni@apexarchaeology.com.au)

[WWW.APEXARCHAEOLOGY.COM.AU](http://www.apexarchaeology.com.au)

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**South East Local Land Services**

42 Ryrie Street (PO Box 97)

BRAIDWOOD NSW 2622

Tel: 02 4842 3800

[www.lls.nsw.gov.au/southeast](http://www.lls.nsw.gov.au/southeast)

22 June 2022

To whom it may concern,

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.

Please direct your enquiry to Heritage NSW via the central mailbox  
[heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

Kind regards,

per Rebecca Bradley  
Stakeholder and Investment Coordinator  
South East LLS  
PO Box 97 BRAIDWOOD NSW 2622



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Services**

[www.lls.nsw.gov.au](http://www.lls.nsw.gov.au)

We help secure the future of agriculture and the environment for NSW communities.



**From:** [Conor Wakefield](#)  
**To:** [Jenni Bate](#)  
**Cc:** [Rhiannon Brazier](#)  
**Subject:** FW: Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation, ACHA, Dubbo, 12 July  
**Date:** Friday, 8 July 2022 8:51:27 AM

---

Dear Jenni,

Please see below a request from Lewis Burns to register Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation as a RAP in relation to the ACHA ahead of the proposed residential subdivision and development at Narromine and Jannali Roads, Dubbo, NSW.

Please liaise directly with Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation via the contact details below in relation to further information and site work opportunities in connection with this ACHA.

Kind regards,

**Conor Wakefield** | Solicitor



**NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People. We also acknowledge and pay our respect to their Elders past and present.**

**I'm working from home. The best way to contact me is on my mobile or by email.**

**t** 61 2 9310 3188 **f** 02 9310 4177

**e:** [cwakefield@ntscorp.com.au](mailto:cwakefield@ntscorp.com.au) | **w** [www.ntscorp.com.au](http://www.ntscorp.com.au)

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**From:** Lewis Burns <[lewis.burns@tubba-gah.org](mailto:lewis.burns@tubba-gah.org)>  
**Sent:** Friday, 8 July 2022 3:05 AM  
**To:** Rhiannon Brazier <[RBrazier@ntscorp.com.au](mailto:RBrazier@ntscorp.com.au)>  
**Cc:** Conor Wakefield <[cwakefield@ntscorp.com.au](mailto:cwakefield@ntscorp.com.au)>; Matilda Vaughan <[mvaughan@ntscorp.com.au](mailto:mvaughan@ntscorp.com.au)>; [admin@tubba-gah.org](mailto:admin@tubba-gah.org); [info@tubba-gah.org](mailto:info@tubba-gah.org)  
**Subject:** Re: Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation, ACHA, Dubbo, 12 July

Some people who received this message don't often get email from [lewis.burns@tubba-gah.org](mailto:lewis.burns@tubba-gah.org). [Learn why this is important](#)

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Hello all,

Please consider this an expression of interest.  
We look forward to more information.



On Fri, 1 Jul 2022 at 12:21 pm, Rhiannon Brazier <[RBrazier@ntscorp.com.au](mailto:RBrazier@ntscorp.com.au)> wrote:

Dear Tubba-Gah (Maing) Wiradjuri Aboriginal Corporation,

Please see attached notice of an ACHA.

Apex Archaeology is assisting Bathla Group in preparing an ACHA for a proposed development at [13L Narromine Road](#) and Jannali Road NSW.

Please see attached for further details.

To register please contact the director/archaeologist Jenni Bate

[jenni@apexarchaeology.com.au](mailto:jenni@apexarchaeology.com.au) by **12 July 2022**.

Please provide any questions or comments to project manager Paul Solomon of the Bathla Group at [paul.solomon@bathla.com.au](mailto:paul.solomon@bathla.com.au).

Kind Regards,

**Rhiannon Brazier** | Paralegal

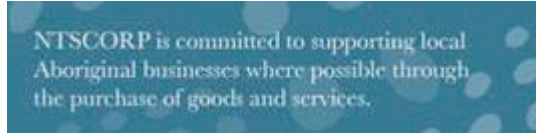


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t 61 2 9310 3188 f 02 9310 4177

e: [rbrazier@ntscorp.com.au](mailto:rbrazier@ntscorp.com.au) | w [www.ntscorp.com.au](http://www.ntscorp.com.au)

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Kind Regards,

Lewis Burns

ABN: 91 064 130 844

Working With Children Check - WWC0374734E.

Unit 20, 35 Douglas Mawson Drive

Dubbo, NSW 2830

Australia.

[www.redearth.gallery](http://www.redearth.gallery)

[lewis@redearth.gallery](mailto:lewis@redearth.gallery)

Ph;

Mobile 0418 987 095

Office 02 6881 8283

"I acknowledge and pay my respects to the Tubba-Gah Wiradjuri people, the traditional



custodians of the land I work on and extend my respect globally to elders past and present".

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**From:** [Jenni Bate](#)  
**To:** ["pejar1@bigpond.com"](mailto:pejar1@bigpond.com)  
**Subject:** RE: Stage 1 Peelwood Road Laggan  
**Date:** Wednesday, 29 June 2022 8:33:00 PM

---

Good evening Delise,

Thank you very much for your registration of interest, I will add Pejar LALC to the list of RAPs and will be in touch as the project progresses.

Kind regards,



---

**From:** pejar1@bigpond.com <pejar1@bigpond.com>  
**Sent:** Wednesday, 29 June 2022 9:56 AM  
**To:** jenni@apexarchaeology.com.au  
**Subject:** Stage 1 Peelwood Road Laggan

Good Morning Jenni

Please accept this email as an interest party in the proposed Archaeological works located at Peelwood Road Laggan.

The area falls within the Boundary of the Pejar Local Aboriginal Land Council and we are the Cultural Knowledge Holders for the area. We have been involved in several Heritage inspections that have been carried out in and around the area. The area is located within Wiradjuri Country.

If you require any further information, then please do not hesitate to contact me on the numbers listed below.

Kind regards

*Delise Freeman*

*CEO*

*Pejar Local Aboriginal Land Council*

*80 Combermere Street or*

*PO Box 289*



*Goulburn NSW 2580*

*0417254813 (mobile)*

*02 - 48223552 (phone)*



Our reference: Doc22/513950

Jenni Bates  
Director/Archaeologist  
Apex Archaeology  
PO Box 236  
Nowra, NSW 2541

29/06/2022

Dear Jenni,

**WRITTEN NOTIFICATION OF PROPOSAL AS REQUIRED UNDER DECCW ABORIGINAL  
CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

**Subject: 297 Peelwood Road, Laggan - Lot 2 DP 1233492, Lot 1 DP 239858 and Lots 21-24 DP 1697**

Thank you for your correspondence dated 23 June 2022 to Heritage NSW (Department of Premier and Cabinet) regarding the above project.

Attached is a list of known Aboriginal parties for the proposed development at **Upper Lachlan** local Government Area that Heritage NSW considers likely to have an interest in the activity.

Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties.

Receipt of this list does not remove the requirement of a proponent/ consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (April 2010).

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 Heritage NSW office and Local Aboriginal Land Council (LALC) within 28 days from the closing date for registering an interest.

Please note that the contact details in the list provided by Heritage NSW may be out of date as it relies on Aboriginal parties advising Heritage NSW when their details need changing. If individuals/companies undertaking consultation are aware that any groups contact details are out of date, or letters are returned unopened, please contact either the relevant stakeholder group (if you know their more current details) and/or Heritage NSW. AHIP applicants should make a note of any group they are unable to contact as part of their consultation record.



If you have any questions about this advice, please email:  
[heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au) or contact (02) 9873 8500.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barry Gunther', with a stylized flourish at the end.

**Barry Gunther**  
**Aboriginal Heritage Planner**  
**Aboriginal Heritage Regulation Branch – South Heritage NSW**

Attachment A: Registered Aboriginal Interests Heritage NSW RAP List for the **Upper Lachlan** local Government Area.





## **APPENDIX D: ADVERTISEMENT**



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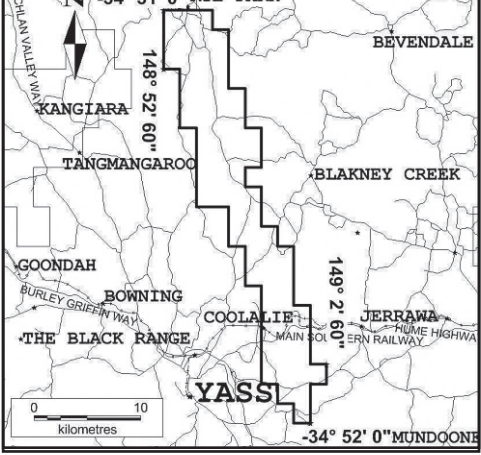
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Mining Notices

**EXPLORATION LICENCE APPLICATION**  
Notice is given in accordance with **Section 13A of the Mining Act 1992 and Clause 15 of the Mining Regulation 2016** that Exploration Licence Application number 6506 for Mineral Group 1 (Metallic Minerals) has been lodged with Department of Regional NSW by Rox 1 Pty Ltd, ACN 649 500 916, over an area of about 186 square kilometres (66 Units) which is located approximately 6 kilometres east (and north) of the town of Yass, as shown on the diagram below. Information regarding this application can be obtained from Michelle Stokes, phone number +61 8 6468 4965. Information about landholder's rights is available on the Department's website: <https://www.regional.nsw.gov.au/meg/community/landholder-rights>



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Public Notices

**Aboriginal Cultural Heritage Assessment: Proposed residential subdivision and development of Laggan Lane Estate, Peelwood Road, Laggan NSW Notification and Registration of Aboriginal Interests**  
Laterals Engineering and Management on behalf of Sutton Park (the proponent) has engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed residential subdivision and development at Peelwood Road, Laggan, NSW. The land is legally defined as Lot 2 in DP 1233492, Lot 1 DP 239858 and Lots 21-24 Section 3 DP 1697.  
The project is located within the Upper Lachlan Shire LGA. The project manager is Robert Mowle of Laterals Engineering and Management, who can be contacted via email at [robert@laterals.com.au](mailto:robert@laterals.com.au). An ACHA is required to support the planning proposal and determining if an Aboriginal Heritage Impact Permit (AHIP) application will be required. As such, a process of Aboriginal community consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* is being initiated by Apex Archaeology. The purpose of consultation with Aboriginal people is to assist the proponent in the preparation of an application for an AHIP and to assist the DPC Secretary in the DPC Secretary's consideration and determination of the application.  
The proponent invites Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and places within the study area to register an interest in the process of Aboriginal community consultation.  
Please note that details of the Aboriginal people or organisations who register an interest in consultation will be forwarded to Heritage NSW and Pejar Local Aboriginal Land Council (PLALC). Please advise at the time of registration if you do not wish for your details to be forwarded to these entities.  
Aboriginal stakeholders can register their interest by post to PO Box 236, Nowra, NSW 2541; via phone on 0405 236 821; or via [rebecca@apexarchaeology.com.au](mailto:rebecca@apexarchaeology.com.au). Please include the name and contact details of your preferred contact person in your registration.  
**Registrations will be accepted until COB Wednesday 20 July 2022.**

**GOULBURN POST 2022 FOOTY TIPPING COMPETITION TERMS & CONDITIONS**  
Promotion: 2022 NRL Footy Tipping  
Promoter: The Promoter is Regional Press Pty Ltd (ABN 20 000 014 700) of Shop 2, 31 Clinton Street, Goulburn NSW 2580, Telephone (02 4827 3500)  
Participating Mastheads: Goulburn Post  
The competition is run over the course of the 2021 NRL season.  
**Start date:** 09-3-2022 at 12:01 am AEDT  
**End date:** 07-09-2022 at 11:59 pm AEST  
**Promotional Period:** from the Start Date until the End Date.  
**Entry:** Entry is only open to readers who register prior to the competition start date through participating mastheads above, prior to 07/03/2022 at 5.00pm. Nominated representatives in the promotion must be Australian residents who are 18 years and over.  
Each eligible person may only enter the promotion once and must nominate only one representative to submit tips  
Directors, employees and their Immediate Family Members of the Promoter, it's related bodies corporate and any agencies or companies associated with the Promoter or the Promotion are not eligible to enter. Immediate Family Member means any of the following: spouse, ex-spouse, de-facto spouse, child or step-child (whether natural or by adoption), parent, step-parent, grandparent, step-grandparent, uncle, aunt, niece, nephew, brother, sister, step-brother, step-sister or 1st cousin.  
**How to enter and participate:** Entrants must register for the competition with participating mastheads - Goulburn Post through entry form published 09/02/2022 to 02/03/2022. Entrants must submit all tips prior to 4pm Thursday Week prior to publication. Any submission after the cut off time will be considered invalid. If tips are not received by the cut off time, the away teams will be automatically generated as the selected tips. Submissions must be validly completed in full to be valid.  
**Winner selection:** The Promoter will maintain a tally of scores throughout the Promotional period based on correct tips submitted by entrants for each NRL game. Results will be published in the participating mastheads on weekly following each round of the NRL season.  
The draw and announcement of 1st place will take place at 3.00pm (AEDT) on Monday, September 07 2022 at 199 Auburn Street, Goulburn NSW 2580.  
In the case of a tie for total season correct tips at the end of the tipping year, the competition winner will be randomly drawn from a hat.  
All reasonable attempts will be made to contact the winner(s). In the event of the winning prize not being accepted or claimed within 4 weeks of the competition conclusion, the prize will be forfeited and no cash or other alternative will be offered to that winner.  
**Prizes:** : 1st - \$250 voucher from for Mitre 10 Goulburn, 2nd - \$150 voucher from for Mitre 10 Goulburn 3rd - \$50 voucher from for Mitre 10 Goulburn

Public Notices

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## **APPENDIX E: METHODOLOGY, COVER LETTERS AND RESPONSES**



PEELWOOD ROAD, LAGGAN, NSW

## METHODOLOGY AND PROJECT INFORMATION

LGA: Upper Lachlan Shire Council

July 2022



**APEX**  
ARCHAEOLOGY





Apex Archaeology would like to acknowledge the Aboriginal people who are the traditional custodians of the land in which this project is located. Apex Archaeology would also like to pay respect to Elders both past and present.

## DOCUMENT CONTROL

The following register documents the development and issue of the document entitled 'Peelwood Road, Laggan, NSW' – Methodology and Project Information', prepared by Apex Archaeology in accordance with its quality management system.

Revision	Prepared by	Reviewed by	Comment	Issue Date
1 – Draft	Rebecca Bryant	Jenni Bate	RAP review	26 July 2022
2 – Final				





## GLOSSARY OF TERMS

<b>Aboriginal Object</b>	An object relating to the Aboriginal habitation of NSW (as defined in the NPW Act), which may comprise a deposit, object or material evidence, including Aboriginal human remains.
<b>ACHA</b>	Aboriginal Cultural Heritage Assessment
<b>ACHCRs</b>	The DECCW April 2010 <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i>
<b>AHIMS</b>	Aboriginal Heritage Information Management System maintained by Heritage NSW, detailing known and registered Aboriginal archaeological sites within NSW
<b>AHIP</b>	Aboriginal Heritage Impact Permit
<b>BP</b>	Before Present, defined as before 1 January 1950.
<b>Code of Practice</b>	The DECCW September 2010 <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i>
<b>Consultation</b>	Aboriginal community consultation in accordance with the DECCW April 2010 <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> . Consultation is not a required step in a due diligence assessment; however, it is strongly encouraged to consult with the relevant Local Aboriginal Land Council and to determine if there are any Aboriginal owners, registered native title claimants or holders, or any registered Indigenous Land Use Agreements in place for the subject land
<b>DA</b>	Development Application
<b>DECCW</b>	The Department of Environment, Climate Change and Water – now Heritage NSW
<b>Disturbed Land</b>	If land has been subject to previous human activity which has changed the land's surface and are clear and observable, then that land is considered to be disturbed
<b>Due Diligence</b>	Taking reasonable and practical steps to determine the potential for an activity to harm Aboriginal objects under the <i>National Parks and Wildlife Act 1974</i> and whether an application for an AHIP is required prior to commencement of any site works, and determining the steps to be taken to avoid harm
<b>Due Diligence Code of Practice</b>	The DECCW Sept 2010 <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>
<b>GIS</b>	Geographical Information Systems
<b>GSV</b>	Ground Surface Visibility
<b>Heritage NSW</b>	Heritage NSW in the Department of Premier and Cabinet, responsible for heritage matters within NSW
<b>Harm</b>	To destroy, deface or damage an Aboriginal object; to move an object from land on which it is situated, or to cause or permit an object to be harmed
<b>LALC</b>	Local Aboriginal Land Council
<b>LGA</b>	Local Government Area
<b>NPW Act</b>	NSW <i>National Parks and Wildlife Act 1974</i>
<b>OEH</b>	Office of Environment and Heritage – now Heritage NSW
<b>RAPs</b>	Registered Aboriginal Parties





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## 1.0 INTRODUCTION

Laterals Engineering and Management on behalf of Sutton Park (the proponent) have engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at Peelwood Road, Laggan, NSW.

A process of Aboriginal community consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (the ACHCRs) has been initiated by Apex Archaeology.

The following document provides information about the project, and outlines the detailed methodology for cultural heritage assessment, field survey and test excavation (as required) that Apex Archaeology will be utilising for this project, along with the proposed heritage management activities. It has been developed to address requirements of Section 4.3 in the ACHCRs. The assessment would also be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code of Practice).

### 1.1 STUDY AREA AND PROJECT BRIEF

The study area is located approximately 52km north west of Goulburn and approximately 200km west of Wollongong City Centre, and is within the Upper Lachlan Shire Local Government Area (LGA). The study area is located at Peelwood Rod, Laggan (Figure 1& Figure 2), and is legally defined as Lot 2 DP 1233492, Lot 1 DP 239858 and Lots 21-24 DP 1697. It comprises approximately 35 hectares. The ACHA is required to inform a Planning Proposal for the proposed rezoning and potential subdivision of the subject land (Figure 3).

The site had been subject to an Aboriginal due diligence assessment undertaken by Apex Archaeology in 2019. The investigation found that no previously recorded archaeological sites were located with the study area, and no new archaeological material was identified during the pedestrian survey. A review of historical imagery coupled with the site survey determined that the landscape had been highly impacted through previous vegetation clearance, farming practices and damming of natural water courses within the study area. No areas of potential subsurface archaeological deposits were identified and it was concluded that given the high level of disturbance there is a low chance of intact sub-surface deposits being present with the area.

However, in order to identify and protect potential Aboriginal cultural heritage values and provide certainty to all parties about any future Aboriginal cultural heritage management requirements, Heritage NSW has recommended an Aboriginal Cultural Heritage Assessment Report (ACHAR) be undertaken to inform the planning proposal. This will include comprehensive Aboriginal Community Consultation and a full archaeological investigation.



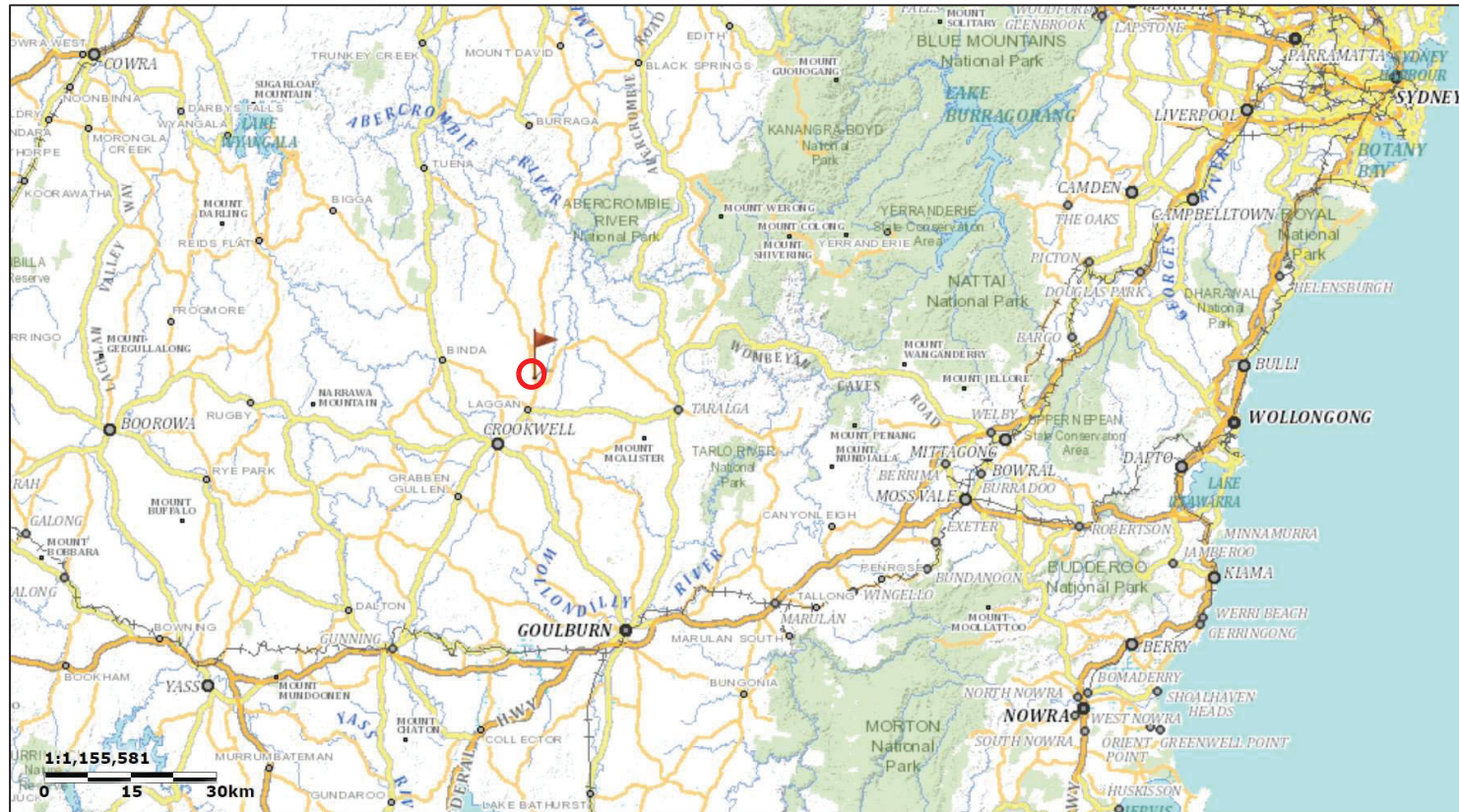


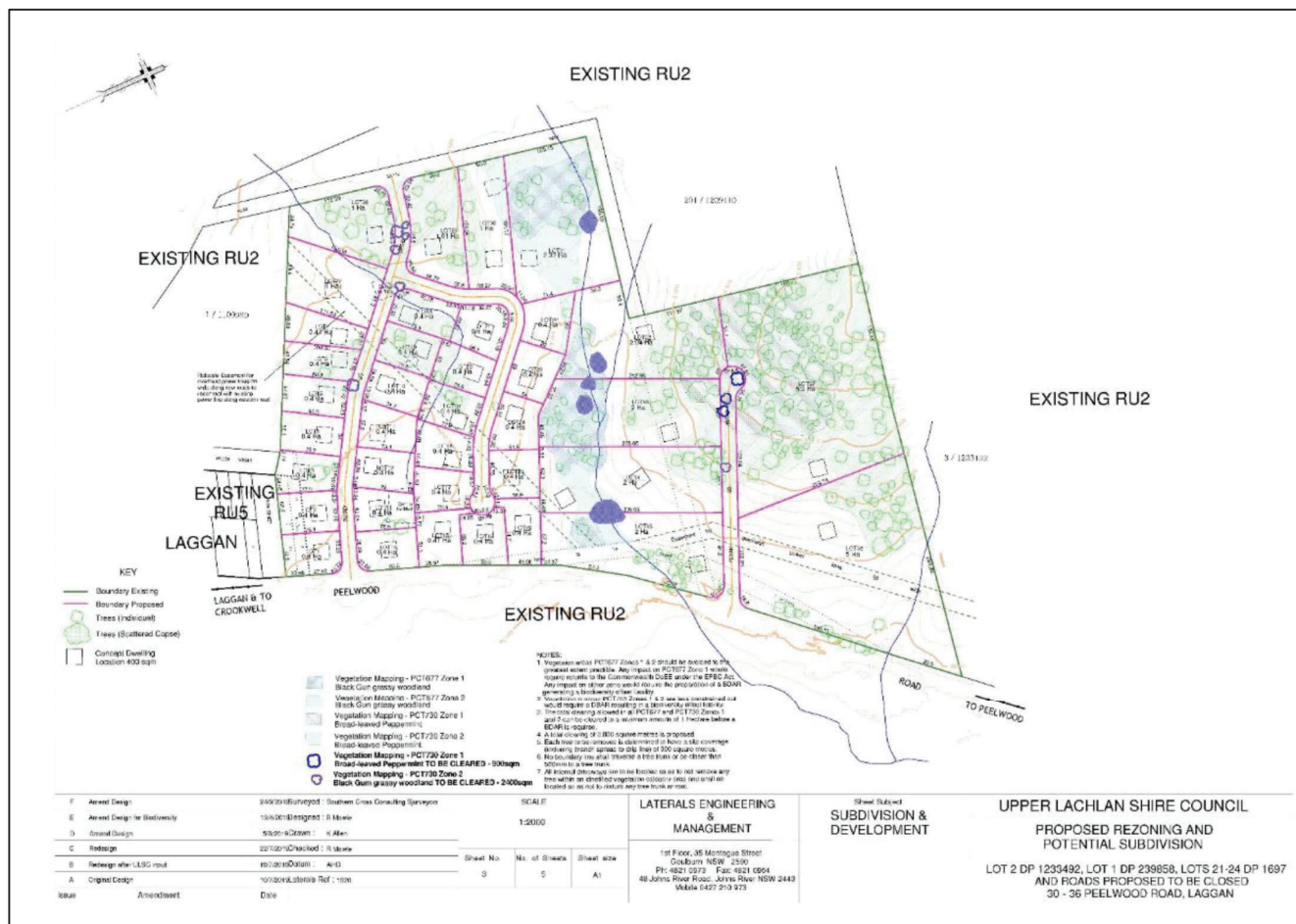
Figure 1: Study area (red circled flag) in its regional context (Source: Six Maps NSW Government 2022)





Figure 2: Study area outlined in blue in its local context









## 1.2 PURPOSE OF CONSULTATION

In accordance with the ACHCRs, the purpose of consultation with Aboriginal people and organisations is to:

- Understand Aboriginal people's views and concerns about the proposed project;
- Understand the Aboriginal cultural heritage values present within the area;
- Assist in gathering relevant information about the cultural significance and values of the area;
- Consider cultural and scientific significance and values as part of the design of the methodology;
- Assist in developing cultural heritage management options and recommendations for the area; and
- To assist the Chief Executive in their consideration and determination of any AHIP application that may be required.

Please note, Section 3.4 of the ACHCRs states the following:

*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 an 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 obligated to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.*

Reasonable costs will be paid by the proponent to any Aboriginal people engaged to assist with site inspections or other activities which may be required, such as salvage excavation. However, these activities are separate to the consultation process and do not form part of the process itself.

## 1.3 COVID POLICIES

Apex Archaeology takes the safety of our staff and the wider community very seriously. All recommendations from both the NSW Government and NSW Health will be implemented as necessary, including social distancing, wearing of masks, limiting the number of participants in meetings, ensuring adequate locations for meetings are selected if they should occur, and any other restrictions that may be implemented. As such, we are encouraging communications via phone, email, post, or video conferencing as appropriate.





## 1.4 SITE ASSESSMENT

Apex Archaeology initially undertook an Aboriginal due diligence assessment in 2019 to support a Development Application for the current study area. The investigation found that no previously recorded archaeological sites were located with the study area, and no new archaeological material was identified during the survey. The survey also established that the landscape had been highly impacted through previous vegetation clearance, farming practices, damming of a natural creek line that runs through the centre of the study area, evidence that communication cables had been installed within the southern portion of the site. At the time of the pedestrian survey inspection the majority of the study area was either being used to grow crops or being utilised for cattle agistment. No areas of potential subsurface archaeological deposits were identified and it was concluded that given the high level of disturbance there is a low chance of intact sub-surface deposits being present with the area.

Apex Archaeology recognises that “Aboriginal people are the primary determinants of the cultural significance of their heritage” (DECCW 2010). As such, Apex Archaeology will undertake consultation with the Aboriginal community to provide an opportunity for cultural knowledge relating to the study area to be recorded and included in the Cultural Heritage Assessment.

## 2.0 CULTURAL HERITAGE ASSESSMENT

Apex Archaeology recognises that “Aboriginal people are the primary determinants of the cultural significance of their heritage” (DECCW 2010). As such, Apex Archaeology will undertake consultation with the Aboriginal community to provide an opportunity for cultural knowledge relating to the study area to be recorded and included in the Cultural Heritage Assessment.

### 2.1 FULL ASSESSMENT

A full assessment would comprise production of an Aboriginal Cultural Heritage Assessment Report (ACHAR) to meet the ACHCRs and an Archaeological Technical Report (ATR) to meet the Code of Practice requirements.

The ACHAR would outline the results of the Aboriginal community consultation, while the ATR would detail the results of the Aboriginal archaeological assessment of the study area. The report would be prepared in order to support any Aboriginal Heritage Impact Permit (AHIP) application necessary. The Consultation Guidelines and the Code of Practice are complementary and work with each other to allow a comprehensive assessment of Aboriginal cultural heritage within an area.

### 2.2 THE ACHCRs

The *Aboriginal cultural heritage consultation requirements for proponents* (ACHCRs) detail how consultation with the Aboriginal community is to be undertaken in order to assess the cultural significance of an area. There are four stages, as detailed





below. Each stage has statutory timeframes associated to ensure sufficient time is allowed for registered Aboriginal parties (RAPs) to provide an appropriate response.

#### **STAGE 1: NOTIFICATION OF PROJECT PROPOSAL AND REGISTRATION OF INTEREST**

Stage 1 requires a list of Aboriginal people who may have cultural knowledge relevant to the area to be prepared from several sources of information. The first step requires enquiries to be made of certain statutory bodies regarding whether they are aware of Aboriginal people or organisations that may have an interest in the study area, and their contact details. Any Aboriginal people or organisations identified in this step must be contacted and invited to register an interest in the project. In addition, a notification must be placed in local print media requesting Aboriginal people or organisations to register their interest in the project. A list of those who register an interest must be compiled. A minimum of 14 days from the date of the letter or newspaper advertisement must be allowed for registrations of interest.

This stage has been completed for this project and a total of nine Aboriginal stakeholders have registered an interest in being consulted for the project.

#### **STAGE 2: PRESENTATION OF INFORMATION ABOUT THE PROPOSED PROJECT**

During Stage 2, information about the proposed project is provided to the RAPs, including location, scale, proposed development plans, timeframes, methodologies and any other relevant details relating to the project.

#### **STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE OF THE PROJECT**

During Stage 3, RAPs are invited to share information about the cultural significance of the study area, which can assist in the assessment of the cultural significance of the Aboriginal objects and/or places within the study area. The cultural heritage assessment informs and integrates with the scientific assessment of significance and therefore can assist in the development of mitigation and management measures for the project. Any feedback must be considered and implemented as appropriate into the methodology.

***In this instance Apex Archaeology is providing this document in fulfilment of Stage 2 and 3 of the Consultation Guidelines.***

#### **STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT REPORT**

Stage 4 sees the preparation of the draft ACHA Report, which details the results of the cultural heritage assessment. The draft is provided to the RAPs for their review and comment. A minimum of 28 days to comment on the ACHAR must be allowed. All comments must be addressed in the final document and the proponent's response to RAP comments must be included. Copies of any submissions received from RAPs must be included in the final ACHAR.





## 2.3 THE CODE OF PRACTICE

The Code of Practice provides a guideline for undertaking the archaeological and scientific assessment of Aboriginal archaeological sites within NSW. There are a number of requirements to be followed which will enable an assessment of the nature and extent of any archaeological deposits within the study area.

Previous archaeological work within an area can provide important information about the archaeological context of an area which can be used in the development of a predictive model for the specific study area, along with the ethnohistorical context of a study area. Sources of information include previous archaeological assessment reports and searches of the Aboriginal Heritage Information Management System (AHIMS), and the results will be included in the ACHAR prepared for the project.

An understanding of the landscape context in which a study area is located can assist in the assessment of the likelihood of archaeological material being preserved (if present), and if it is likely to be present, how well it may have been preserved. It can also assist in predicting how Aboriginal people may have used the area in the past and therefore how any archaeological material may have been distributed across the landscape. A number of factors must be included, such as past land use, landforms present, geomorphic activity within the study area, any erosion, types of soils present and natural resources within the area.

Based on the information identified during the above process, a predictive model of Aboriginal land use of the area will be developed, which considers how archaeological evidence may have been distributed across the landscape. This predictive model will include an assessment of how and why Aboriginal people may have utilised the area in the past (for example, for subsistence activities, camping, ceremonial purposes, etc) and will consider both the spatial and temporal relationships of archaeological sites. Statements about the archaeological potential of specific areas within the study area will be made and presented in the ACHAR.

## 2.4 RAP INPUT

If comments are received from RAPs stating that an alternative method would be preferred for any of the following sections, these will be considered and alternatives may be proposed, with this document updated to reflect the amendments.

RAPs are under no obligation to share any cultural knowledge that they do not wish to share. It should be noted that our ultimate goal is to protect and avoid any known sites of archaeological and/or cultural significance, and if we do not know the location of these, we cannot ensure they are avoided.

This section will be updated upon receipt of comments from the RAPs.





### 3.0 DETAILED METHODOLOGY

Apex Archaeology has prepared the following detailed methodologies for assessment of cultural significance, field survey, preparation of test pit locations, manual excavation of test pits, additional salvage and recording of test pits (if required).

#### 3.1 CULTURAL SIGNIFICANCE

In order to gather information about the cultural significance of the study area, the following methodology will be followed for the project:

Aboriginal people who have registered an interest in being consulted for the project (registered Aboriginal parties – RAPs) may have an opportunity to visit the site and discuss the impacts that have already occurred within the site, and what is proposed as part of the development. During this visit, RAPs may have an opportunity to discuss any cultural knowledge that they may have regarding the site, should they wish to disclose such. RAPs would also have the opportunity to share knowledge either in writing or via telephone if they prefer. Additionally, requests for cultural knowledge may be made in writing.

Wherever possible, we prefer to communicate in writing, generally via email if possible. This is for a number of reasons, as follows:

- It ensures all information shared is recorded appropriately, which can be missed in phone conversations.
- It ensures all participants in consultation are able to provide a measured and considered response, rather than being 'put on the spot' by a phone call, and thus all participants can respond at their leisure within the consultation timeframes.
- It ensures consultation can be undertaken in an appropriately civil manner by all participants.

Any cultural knowledge provided by the RAPs will be treated in the manner determined by the RAPs. Any requests for knowledge to be kept confidential or restricted in terms of who may access the information would be respected. Electronic documents would be password protected where necessary to protect the integrity of the information. Information would only be included in reports where permission to include such is given.

Should you prefer to be consulted in a manner other than in writing (email or letter), please advise as a response to this document and advise your preferred manner of consultation.

#### 3.2 FIELD SURVEY SAMPLING STRATEGY

The field survey will be completed in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW,





September 2010) (the Code of Practice); and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (April 2011) and *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants* (May 2011). The field survey is not intended to be an opportunity for gathering information regarding the cultural significance of the area, but rather is a scientific inspection of the area to determine the current state and archaeological potential of the site. The survey will be undertaken in accordance with the following:

- The study area will be visually inspected by pedestrian survey;
- The study area will be surveyed utilising pedestrian transects, with each participant responsible for inspecting a 2m wide transect on each pass;
- If stone artefacts are identified on the ground each item will have a flag placed at its location;
- The Archaeologist will record each item as per the lithic site recording form and lithic item recording form detailed below;
- The study area will be recorded utilising survey recording forms. The following is a list of attributes that will be recorded for each area surveyed:
  - Survey area;
  - Recorder name;
  - Date;
  - Landform element;
  - Slope;
  - Distance to watercourse;
  - Vegetation;
  - Land surface;
  - Rock outcrops;
  - Detection limiting factors; and
  - Ground disturbance.
- The study area will be divided into survey units based on landform and given ratings in the following categories:
  - Survey area (as defined by the length of area surveyed multiplied by two. A participant in this instance can only see 1m either side at a time. Survey area covered increases when more participants are added);
  - Total area surveyed;
  - Percentage of sample inspected;
  - Archaeological visibility (this is a percentage of potential within the landform);
  - Surface visibility;
  - Exposure type; and
  - Effective survey coverage
- Photos of each survey unit will be taken and identifying photograph file numbers recorded on the survey recording forms.
- Aboriginal lithic site recording forms will be used to record artefact scatters and isolated finds. The following list of attributes will be recorded for each site:
  - Site Number;
  - Survey Area;
  - Date;
  - Recorder name;





- Total number of artefacts recorded;
  - Visible extent of artefacts;
  - Extent of surface exposure;
  - GPS reading;
  - Sub-surface potential;
  - Research potential;
  - Raw stone material available;
  - Ground Disturbance;
  - Vegetation;
  - Photographs of site; and
  - Site plan.
- Each artefact will be recorded using a lithic item recording form with the following attributes recorded:
    - Artefact number;
    - Locus;
    - Colour;
    - Stone material;
    - Lithic item type;
    - Length, Width & Thickness (mm);
    - Cortex Percentage;
    - Cortex type; and
    - Comments.

### 3.3 FURTHER ASSESSMENT

Under the Code of Practice, any archaeological deposits must have their nature and extent understood prior to making management decisions regarding the site, where the site is unable to be avoided. At this stage, test excavation is not proposed within the study area.

The following methodology would only be implemented during the completion of a site survey *if* required:

- Transects will be spaced at 10m, with pits at 20m intervals, in a 'checkerboard' fashion, in accordance with the method described in Orton 2000:90 whereby a staggered square grid is considered more efficient than a square grid for undertaking subsurface sampling;
- Test pits will be oriented north – south using a handheld compass for accuracy;
- Test pits will avoid areas clearly disturbed;
- The location of the north west corner of the first test pit will be recorded by GPS, and following pits will be tied into the transect using the distance and bearing technique. This method requires a 60m or 100m tape measure and compass to measure from the initial test pit. The tape is run out from the first pit and subsequent pits laid out at 20m intervals;
- Each test pit will have a flag placed in the north-west corner with the test square number in sequence and Easting and Northing of its location written on it, taken from the GPS coordinate for the initial pit and extrapolated based on the location of the pit in relation to the initial pit; and





- Each test pit will be planned to scale using 1mm grid paper (additional landscape features including trees, fence lines, creeks and contour lines will also be added).

### 3.4 EXCAVATION METHODOLOGY

In the event test excavation is required, which is not anticipated at this stage of the assessment, the following methodology would be implemented.

- Test pits will be 50 x 50cm;
- All test pits will be excavated in 5cm spits by hand using a shovel, mattock and trowel. Spit depths will be consistently checked with a hand tape measure to ensure accuracy of excavation depth. Once the first test pit has been excavated and an understanding of the stratigraphy has been obtained, following test pits for that transect may be excavated stratigraphically;
- Test pit excavation will cease on reaching basal clay, bedrock or a culturally sterile layer, or at the discretion of the archaeologist;
- Test pits may be combined to form 1m<sup>2</sup> squares by digging four contiguous 50 x 50 cm test pits to determine if artefact concentrations continue;
- If artefact concentrations warrant further expansion (5 or more artefacts) continuation of 1m<sup>2</sup> test pits into a 3m<sup>2</sup> open area may also be necessary. This is the maximum open area allowed for under the Code of Practice. If artefact concentrations are still high once a 3m<sup>2</sup> area has been excavated then this area would be prioritised for salvage under an AHIP;
- If cultural features (e.g. hearths, heat treatment pits, knapping floors) are identified during excavation, excavation with hand tools (e.g. mattock and shovel) will cease and continue with trowel only;
- Locations of identified features will be planned onto 1mm graph paper. X, Y and Z coordinates of individual artefacts from in-situ knapping floors will be recorded prior to removal (where possible) and continuation of excavation;
- The soil from each spit will be placed in 10L plastic buckets and transported to the sieving station;
- To ensure sufficient control of each spit excavated, a bag and tag will be written to accompany the buckets from each spit. The following information will be recorded on each bag and tag: site name, date, pit location (easting & northing) and name of excavator;
- All material from each test pit will be wet sieved through table sieves (1 x 1m) with a wire mesh aperture gauge of 3mm and 5mm depending on the soil matrix;
- All material recovered from the sieving process will be checked by a qualified archaeologist with experience in artefact identification prior to being placed into the spit bag; and
- Artefact counts will be recorded for each spit.

### 3.5 RECORDING

- Each spit will be recorded on a spit sheet with the following information:
  - site name;
  - date;
  - excavator name;
  - spit number;





- spit depth;
  - pit location (easting & northing);
  - start levels & end levels;
  - bucket count and end total bucket count;
  - soil description;
  - description of disturbance;
  - description of artefacts (material type & artefact type if in situ);
  - in situ recording of artefacts where possible (xyz coordinates); and
  - photograph details (from surface and of each spit to base).
- Each test pit will have a section planned on 1mm grid paper.

### **3.6 ARTEFACTS**

Any artefacts that are recovered from the test excavation will be analysed by an archaeologist experienced in artefact analysis and interpretation. At the conclusion of the project all artefacts will be reburied on site in accordance with Requirement 26 of the Code of Practice. Artefacts will be temporarily held at Apex Archaeology's office during the analysis and stored in a lockable cupboard. Once the artefacts are reburied the location will be recorded and provided to AHIMS. It is likely that reburial cannot occur until the development has been completed and a suitable location identified.

### **3.7 CESSATION OF EXCAVATION**

Excavations will cease upon reaching basal clay, bedrock, or at the discretion of the archaeologist (for example, if it becomes unsafe to continue excavation due to depth).

### **3.8 BACKFILL AND SALVAGE EXCAVATION**

At the conclusion of the testing program, all test pits will either be backfilled (by collapsing the sides of the test pit in with a shovel or mattock, and/or filling with spoil or clean fill to return the pit to original ground level). If a test pit has yielded a significant artefact deposit requiring further salvage under an AHIP, then the pit will be securely bunded off with wooden stakes and bunding so that expansion (open area excavation) can be undertaken more easily once an AHIP has been issued.





## 4.0 INFORMATION SOUGHT

As required by Section 4.3 of the ACHCRs, Apex Archaeology are seeking the following information from your organisation:

- feedback on the proposed methodology outlined above;
- any protocols that you would like adopted during this project to obtain and/or use cultural information;
- any Aboriginal objects of cultural significance and/or importance that you are aware of within the study area;
- any places of cultural significance and/or importance that you are aware of within the study area;
- your preference for the management of any archaeological material recovered during works (ie community repatriation, reburial on site, deposition with appropriate museum);
- guidance on the protocols, sensitivity, use and/or distribution of any cultural information that you provide Apex Archaeology; and
- whether you require any further information on the project.

Comments are respectfully requested by Tuesday 23 August, 2022.





## 5.0 REFERENCES

DECCW 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. DECCW, Sydney South.

DECCW 2010. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. DECCW, Sydney South.

DECCW 2010. *Aboriginal cultural heritage consultation requirements for proponents 2010*. DECCW, Sydney South.

OEH 2011. *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*. OEH, Sydney South.

Orton, C, 2000. *Cambridge Manuals in Archaeology: Sampling in Archaeology*. Cambridge University Press, Cambridge.





## RAP CORRESPONDENCE



**From:** [rebecca@apexarchaeology.com.au](mailto:rebecca@apexarchaeology.com.au)  
**To:** ["undisclosed receipt"](#)  
**Bcc:** [lavinusingram@gmail.com](mailto:lavinusingram@gmail.com); [mariawilliams2794@gmail.com](mailto:mariawilliams2794@gmail.com); [mulwareeaboriginalcommunity@gmail.com](mailto:mulwareeaboriginalcommunity@gmail.com); [pejar1@bigpond.com](mailto:pejar1@bigpond.com); [ringram6033@gmail.com](mailto:ringram6033@gmail.com); [thunderstonemg@gmail.com](mailto:thunderstonemg@gmail.com); [Yurwang.Gundana.C.H.S@outlook.com](mailto:Yurwang.Gundana.C.H.S@outlook.com)  
**Subject:** RE: Peelwood Road, Laggan NSW - Invitation to register  
**Date:** Tuesday, 26 July 2022 7:48:53 AM  
**Attachments:** [image001.png](#)  
[22085 297 Peelwood Road, Laggan Information & Methodology-LAPTOP-H6AGQGFU.pdf](#)

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Good morning,

Thank you for your registration of interest in the above project. Please find attached further information about the project, as well as the proposed methodology for the assessment.

Please provide any comments you may have by Tuesday 23 August 2022.

Please get in touch if you'd like to discuss the project further.

Kind regards,



*Rebecca Bryant*  
ARCHAEOLOGIST

0405 236 821

[REBECCA@APEXARCHAEOLOGY.COM.AU](mailto:REBECCA@APEXARCHAEOLOGY.COM.AU)

[WWW.APEXARCHAEOLOGY.COM.AU](http://WWW.APEXARCHAEOLOGY.COM.AU)



**rebecca@apexarchaeology.com.au**

---

**From:** rebecca@apexarchaeology.com.au  
**Sent:** Tuesday, 26 July 2022 8:03 AM  
**To:** bandyone@hotmail.com  
**Subject:** RE: Peelwood Road, Laggan NSW - Information and methodology  
**Attachments:** 22085 297 Peelwood Road, Laggan Information & Methodology.pdf

Dear Eva and Frances,

Thank you for your registration of interest in the above project. Please find attached further information about the project, as well as the proposed methodology for the assessment.

Please provide any comments you may have by **Tuesday 23 August 2022**.

Kind regards,



*Rebecca Bryant*  
ARCHAEOLOGIST

0405 236 821

REBECCA@APEXARCHAEOLOGY.COM.AU

WWW.APEXARCHAEOLOGY.COM.AU



**From:** [yurwang.gundana](mailto:yurwang.gundana)  
**To:** [rebecca@apexarchaeology.com.au](mailto:rebecca@apexarchaeology.com.au); "[undisclosed receipt](#)"  
**Subject:** Re: Peelwood Road, Laggan NSW - Invitation to register  
**Date:** Wednesday, 3 August 2022 5:17:00 PM  
**Attachments:** [image001.png](#)

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Yuma Rebecca, how are you today

Yurwang Gundana agrees with the methodology and wishes to be a part of the fieldwork

Thanks  
Merekai Bell  
Yurwang Gundana Cultural Heritage Services

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---

**From:** rebecca@apexarchaeology.com.au <rebecca@apexarchaeology.com.au>  
**Sent:** Tuesday, July 26, 2022 7:48:39 AM  
**To:** 'undisclosed receipt' <jenni@apexarchaeology.com.au>  
**Subject:** RE: Peelwood Road, Laggan NSW - Invitation to register

Good morning,  
Thank you for your registration of interest in the above project. Please find attached further information about the project, as well as the proposed methodology for the assessment.  
Please provide any comments you may have by Tuesday 23 August 2022.  
Please get in touch if you'd like to discuss the project further.

Kind regards,



*Rebecca Bryant*  
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## **APPENDIX F: DRAFT REPORT EMAILS AND RESPONSES**



**From:** [Jenni Bate](#)  
**To:** [undisclosed recipients](#)  
**Cc:** [rebecca@apexarchaeology.com.au](mailto:rebecca@apexarchaeology.com.au)  
**Bcc:** [pejar1@bigpond.com](mailto:pejar1@bigpond.com); [Tyronne & Bronwyn](#); [yurwang gundana](#); [mulwareeaboriginalcommunity@gmail.com](mailto:mulwareeaboriginalcommunity@gmail.com); [mariawilliams2794@gmail.com](mailto:mariawilliams2794@gmail.com); [lavinusingram@gmail.com](mailto:lavinusingram@gmail.com); [ringram6033@gmail.com](mailto:ringram6033@gmail.com); [bandyone@hotmail.com](mailto:bandyone@hotmail.com)  
**Subject:** Laggan Lane Estate - Draft ACHA/ATR  
**Date:** Tuesday, 22 November 2022 6:02:26 PM  
**Attachments:** [22085 297 Peelwood Road Laggan Draft ATR.pdf](#)  
[22085 297 Peelwood Road Laggan Draft ACHA.pdf](#)

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Good afternoon,

Thank you again for your registration of interest in the above project. In accordance with Section 4.4 of the Aboriginal cultural heritage consultation requirements for proponents 2010, which requires consultants to provide a copy of a draft Aboriginal Cultural Heritage Assessment Report (ACHA) to all registered Aboriginal parties for their review and comment, please find attached a copy of the draft report for the above project. We have also attached a copy of the Archaeological Technical Report (ATR) for your review.

Your comments on the draft report are appreciated and will be incorporated into the final report.

Given the upcoming holiday closure period, and that comments would fall due the week of Christmas, we have extended the due date for comments until 6 January 2023.

Kind regards,



*Jenni Bate*  
DIRECTOR - ARCHAEOLOGIST

0422 229 179

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[WWW.APEXARCHAEOLOGY.COM.AU](http://www.apexarchaeology.com.au)

Apex Archaeology is proud to support the [Immunisation Foundation of Australia](#) through our workplace giving program.