

8 – Aboriginal Due Dilligence & Historic Heritage Assessment Report

Planning Proposal – SP16097 – Apollo Fabrications (June 2023)



View west across the study area.

ABORIGINAL DUE DILIGENCE & HISTORIC HERITAGE ASSESSMENT REPORT

2–20 TELEGRAPH ROAD, YOUNG

MARCH 2021

Report prepared by
OzArk Environment & Heritage
for Premier National on behalf of Apollo Fabrication Group

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Acknowledgement

OzArk acknowledge Traditional Owners of the area on which this assessment took place and pay respect to their beliefs, cultural heritage and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

EXECUTIVE SUMMARY

OzArk Environment & Heritage (OzArk) has been engaged by Premier National (the client), on behalf of Apollo Fabrication Group (Apollo; the proponent) to complete a heritage assessment to support a planning proposal at 2–20 Telegraph Road, Young (the proposal). The Planning Proposal intends to amend planning provisions relating to land holdings, currently owned and controlled by Apollo Fabrications, that will enable the use of the land for industrial purposes, specifically steel fabrication. The Planning Proposal will also help inform the draft Hilltops Local Environmental Plan that has received Gateway approval from NSW Department of Planning Industry & Environment (DPIE) and is currently on public exhibition.

This report assesses both Aboriginal cultural heritage values and historic heritage values that may be impacted by the proposal. The proposal is in the Hilltops Local Government Area (LGA).

The study area for the assessment consists of Lots 1 & 2 DP736225, Lots 3 & 4 DP845187, Lot 1171, 1154 & 1199 DP754611, and Lot 3 DP374948. The relevant lots are currently zoned as R1 – General Residential and RU4/RU1 – Rural Small Holdings and Recreational Use on the Young Local Environmental Plan (LEP) 2010 (under Hilltops Council). The study area is approximately 1.5 kilometres (km) east of Young.

The visual inspection of the study area was undertaken by OzArk Cultural Heritage Specialist, Harrison Rochford, on Wednesday 24 February 2021. A walkover of the study area was also held on Wednesday 3 March 2021 by OzArk with Keith Freeman, an elder representing the Young Local Aboriginal Land Council (LALC), and Marnie Freeman, also representing Young LALC.

No Aboriginal objects or archaeologically sensitive landforms were identified during the visual inspection. No Aboriginal cultural values relating specifically to the study area were recorded during the walkover with the Young LALC members. No historic heritage sites were recorded during the inspection of the study area.

The undertaking of the Due Diligence process resulted in the conclusion that the proposal will lead to impacts to the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed by the proposal. This moves the proposal to the following outcome:

Aboriginal Heritage Impact Permit (AHIP) application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify Heritage NSW (131 555 or info@environment.nsw.gov.au). If human remains are found, stop work, secure the site, and notify NSW Police and Heritage NSW.

To ensure the greatest possible protection to the area's Aboriginal cultural heritage values, the following recommendations are made:

Aboriginal cultural heritage

- 1) The proposal may proceed at the study area without further archaeological investigation under the following conditions:
 - a) Potential land and ground disturbance activities must be confined to within the study area, as this will eliminate the risk of harm to Aboriginal objects in adjacent landforms. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.
 - b) All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.
- 2) This assessment has concluded that there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage objects or cultural values. However, if during works, Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the *Unanticipated Finds Protocol* (**Appendix 2**) should be followed.
- 3) Inductions for work crews should include a cultural heritage awareness procedure to ensure they recognise Aboriginal artefacts (see **Appendix 3**) and are aware of the legislative protection of Aboriginal objects under the NPW Act and the contents of the *Unanticipated Finds Protocol*.
- 4) The information presented here meets the requirements of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. It should be retained as shelf documentation for five years as it may be used to support a defence against prosecution in the event of unanticipated harm to Aboriginal objects.

Historic heritage

No historic heritage values or objects with heritage significance were identified within the study area. However, the study area is on Victoria Gully, which is associated with the item Blackguard Gully that is listed on the State Heritage Register. The following management measures are recommended to reduce the risk of harm to the heritage values of the surrounding area:

- 5) The proposal may proceed at the study area without further archaeological investigation under the following condition:
 - a) Potential land and ground disturbance activities must be confined to within the study area, as this will eliminate the risk of harm to landforms with higher potential to contain historic archaeological deposits at Victoria Gully. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.
- 6) Although the assessment has concluded that there are unlikely to be impacts to historic heritage as a result of the proposal, the *Unanticipated Finds Protocol* (**Appendix 4**) should

be followed in the event that items of potential heritage significance are encountered at the study area.

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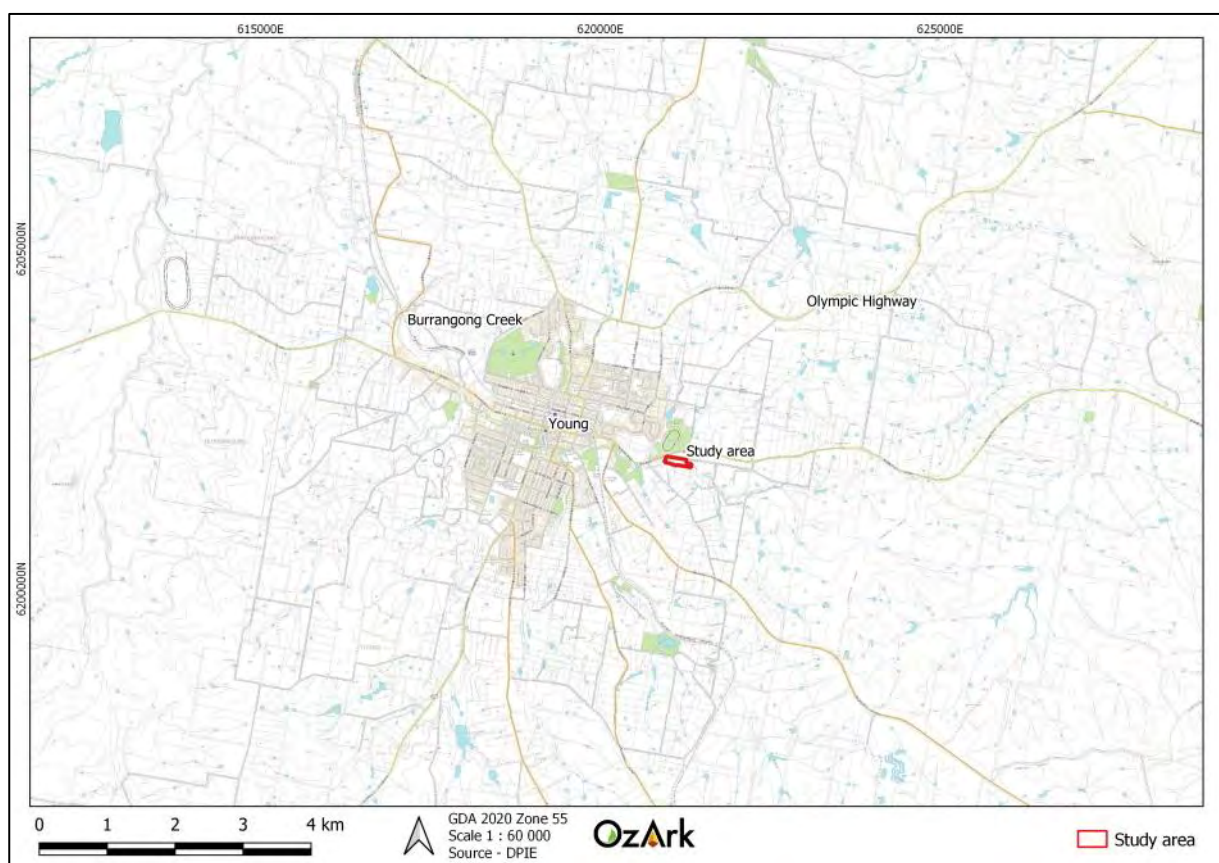
1 INTRODUCTION

1.1 BRIEF DESCRIPTION OF THE PROPOSAL

OzArk Environment & Heritage (OzArk) has been engaged by Premier National (the client), on behalf of Apollo Fabrication Group (Apollo; the proponent) to complete a heritage assessment to support a planning proposal at 2–20 Telegraph Road, Young (the proposal). This report assesses both Aboriginal cultural heritage values and historic heritage values that may be impacted by the proposal. The proposal is in the Hilltops Local Government Area (LGA) (**Figure 1-1**).

The Planning Proposal intends to amend planning provisions relating to land holdings, currently owned and controlled by Apollo Fabrications, that will enable the use of the land for industrial purposes, specifically steel fabrication. The Planning Proposal will also help inform the draft Hilltops Local Environmental Plan that has received Gateway approval from NSW Department of Planning Industry & Environment (DPIE) and is currently on public exhibition.

Figure 1-1. Map showing the location of the proposal.



1.2 STUDY AREA

The study area for the assessment consists of Lots 1 & 2 DP736225, Lots 3 & 4 DP845187, Lot 1171, 1154 & 1199 DP754611, and Lot 3 DP374948. The relevant lots are currently zoned as R1 – General Residential and RU4/RU1 – Rural Small Holdings and Recreational Use on the Young

Local Environmental Plan (LEP) 2010 (under Hilltops Council). The study area is approximately 1.5 kilometres (km) east of Young.

The study area consists of 1.42 hectares (ha) of land on which the existing Apollo Fabrication Group operates. The proposed rezoning also includes 1.97 ha of land adjacent to Apollo Fabrication Group's operations. This area consists of empty lots on a low slope fronting Victoria Gully to the south. This area also includes a small portion of Crown Land fronting Victoria Gully that is leased by the proponent. The study area is shown on **Figure 1-2**.

1.3 ASSESSMENT APPROACH

Aboriginal cultural heritage

The desktop and visual inspection component for the study area follows the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Due Diligence; DECCW 2010). The field inspection followed the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (OEH 2011).

Historic heritage

This assessment applies the Heritage Council's *Historical Archaeology Code of Practice* (Heritage Council 2006) in the completion of a historical heritage assessment, including field investigations.

Figure 1-2: Aerial showing the study area.



2 ABORIGINAL DUE DILIGENCE ASSESSMENT

2.1 INTRODUCTION

The National Parks and Wildlife Regulation 2009 (NPW Regulation) made under the *National Parks and Wildlife Act 1974* (NPW Act) advocates a Due Diligence process to determining likely impacts on Aboriginal objects. Carrying out Due Diligence provides a defence to the offence of harming Aboriginal objects and is an important step in satisfying Aboriginal heritage obligations in NSW.

2.2 DEFENCES UNDER THE NPW REGULATION 2009

2.2.1 Low impact activities

The first step before application of the Due Diligence process itself is to determine whether the proposed activity is a “low impact activity” for which there is a defence in the NPW Regulation. The exemptions are listed in Section 80B (1) of the NPW Regulation (DECCW 2010: 6).

The current planning proposal includes rezoning of land, which has no direct impact to the ground surface. However, the current assessment is working on the assumption that the ground surface will be impacted by industrial development in the future. These potential construction projects would not be considered low impact activities under the legislation.

2.2.2 Disturbed lands

Relevant to this process is the assessed levels of previous land-use disturbance.

The NPW Regulation Section 80B (4) (DECCW 2010: 18) define disturbed land as follows:

Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.

Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.

Sections of the study area can be classed as disturbed land. These areas include the current Apollo Fabrication Group's operational area, the levelled hard stand/ car park to the east of the Apollo offices, and areas with clear disturbances such as sheds and stockpiles. However, the proponent has elected to follow the precautionary principle and conduct the Due Diligence assessment over the study area as a whole.

In summary, it is determined that the proposal must be assessed under the Due Diligence Code. The reasoning for this determination is set out in **Table 2-1**.

Table 2-1: Determination of whether Due Diligence Code applies.

Item	Reasoning	Answer
Is the activity a Part 3A project declared under section 75B of the EP&A Act?	The proposal is assessed under Part 5 of the EP&A Act.	No
Is the activity exempt from the NPW Act or NPW Regulation?	The proposal is not exempt under this Act or Regulation.	No
Do either or both of these apply: Is the activity in an Aboriginal place? Have previous investigations that meet the requirements of this Code identified Aboriginal objects?	The activity will not occur in an Aboriginal place. No previous investigations have been conducted.	No
Is the activity a low impact one for which there is a defence in the NPW Regulation?	The proposal is not a low impact activity for which there is a defence in the NPW Regulation.	No
Is the activity occurring entirely within areas that are assessed as 'disturbed lands'?	The proposal is not entirely within areas of high modification and the proponent has elected to assess the entire study area under the Due Diligence process.	No
Due Diligence Code of Practice assessment is required		

2.3 APPLICATION OF THE DUE DILIGENCE CODE OF PRACTICE TO THE PROPOSAL

To follow the generic Due Diligence process, a series of steps in a question/answer flowchart format (DECCW 2010: 10) are applied to the proposed impacts and the study area, and the responses documented.

2.3.1 Step 1

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

Yes, the proposal will impact the ground surface but will not impact culturally modified trees.

If the planning proposal and rezoning are approved, proposed construction activity would impact the ground surface. Construction would involve excavation, earthmoving and clearing. However, the study area has been cleared of remnant native vegetation, so culturally modified trees will not be harmed.

2.3.2 Step 2a

Are there any relevant confirmed site records or other associated landscape feature information on AHIMS?

No, there are no previously recorded sites within the study area.

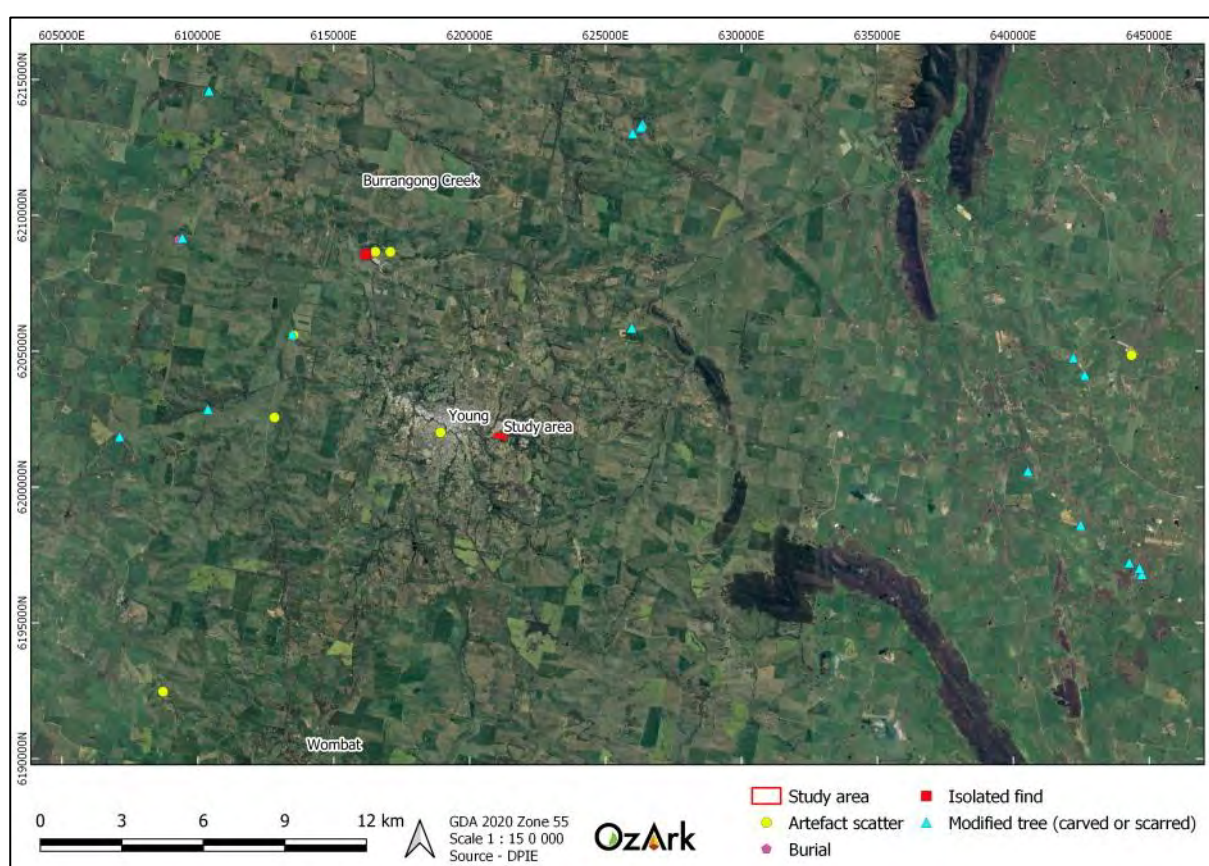
A search of the Aboriginal Heritage Information Management System (AHIMS) conducted on 17 February 2021 returned 27 results in a 50 km x 50 km search area centred on the study area.

Figure 2-1 shows all previously recorded sites in relation to the study area and **Table 2-2** shows the types of sites that are close to the study area.

Table 2-2: Site types and frequencies of AHIMS sites near the study area.

Site Type	Number	% Frequency
Modified tree (carved or scarred)	18	66.66
Artefact scatter	7	25.92
Isolated find	1	3.7
Burial	1	3.7
Total	27	100

Figure 2-1: Previously recorded sites in relation to the study area.



Modified trees are the most frequent site type recorded in the search area (66.66%) followed by artefact scatters (25.92%). The relatively small total number sites (27) recorded in the search area suggests that there have been few large-scale archaeological surveys conducted in the area surrounding Young.

Based on the search results, the site types most likely to be identified within the study area are stone artefact sites (artefact scatters or isolated finds), as the most common site type (modified trees), will not be present due to previous clearing.

2.3.3 Step 2b

Are there any other sources of information of which a person is already aware?

No, there are no other sources of information that would indicate the presence of Aboriginal objects in the study area.

The study area is at the southwestern limit of the area associated with the Wiradjuri language group. Areas within the Hilltops LGA to the south and east are more commonly understood to be within the area of the Ngunnawal people (Horton 1994; Kass 2009: 8). Ethnographic information available for the Wiradjuri and Ngunnawal people tends to be focused on areas on the rivers further west for the Wiradjuri and those to the south for the Ngunnawal. Oxley encountered a Wiradjuri hunting party on the Lachlan River in 1817, over 100 km northwest of the study area. This group wore possum skin cloaks, ochre on their faces and carried stone hatchets. Oxley noted that they were not surprised to encounter white people and quickly departed (Whitehead 2003: 105).

Sarah Musgrave, the niece of James White, one of the first colonial settlers of the Young area, records that there were thousands of Aboriginal people living around Burrangong Creek in the early-19th century (HGC 2008: 11). Musgrave recorded cooking practices at a large ceremony at Burrangong, and that Wiradjuri men from the area travelled west to the bora ground at Wyalong for their initiation rites. While James White reportedly developed a good relationship with a prominent man from the Burrangong Wiradjuri, Cobborn Jackie, who assisted the colonial settlers with building shelters and roads, violence against the Aboriginal population from the settlers became common as the white population in the area increased (HGC 2008: 11–12).

Archaeological studies covering the Young area and surrounds have argued that its steep country and distance from a large river do not necessarily indicate that the country was only used sporadically or in particular environmental scenarios (such as flooding of the low-lying areas to the west or for seasonal food sources). Witter argues that the plateau between Junee and Young was conducive to habitation on ridges and slopes near water, and that there was a localised food resource, acacia beans (a legume), that were harvested in the area (Witter 1980: 11). Knight suggests that the Weddin Mountain hinterland, 20 km north of the study area, was not only used when Bland Creek was in flood, but that the Lake Cowal/Lachlan River back country was a key part of local habitation strategies (Knight 2001).

There have been few archaeological surveys in the Young area and the archaeological record of the Hilltops LGA, in terms of site distribution and subsurface characteristics, is relatively poorly understood (OzArk 2021: 69). As such, regional level modelling studies provide the most relevant information for predictive modelling of Aboriginal site location and features.

For example, OzArk (2016) undertook an assessment of Travelling Stock Reserves (TSRs) in the Central West Local Land Services (CWLLS) area. The waterways of the CWLLS area were

divided into two stream orders: major waterways (normally named rivers) and minor waterways (normally named creeks and their larger tributaries). Based on the evidence of site location obtained by a previous study on a smaller scale within the Dubbo LGA (OzArk 2014), two buffers were established for each waterway type, namely:

- 200 m either side of a major waterway (Drainage 1)
- 100 m either side of a minor waterway (Drainage 2).

According to the results of the 2014 OzArk study, the 200 m buffer on either side of named rivers would capture most sites, while the 100 m buffer on either side of named creeks would capture most sites associated with smaller waterways.

The OzArk 2016 study then developed a high-level classification derived from Mitchell landscapes to describe the landscapes within the CWLLS area. The study divided various landscape types into:

- Channels and floodplains
- Alluvial Plains
- Slopes
- Uplands
- Downs.

When previously recorded sites were plotted against these gross landscape types, the following observations were made:

- A high number of sites (n=876) have been recorded in slope landscapes. This is perhaps biased by the fact that Dubbo is located within this landscape type and the highest number of sites in the CWLLS area have been recorded in and around Dubbo
- The highest concentration of sites is within channel and floodplain landscapes (n=927)
- Alluvial plains landscapes have the third highest concentration of sites (n=770)
- Relatively small numbers of sites are recorded in uplands (n=5) or plateau landscapes (n=34)
- A reasonable number of sites have been recorded in downs landscapes (n=255). These recordings are largely due to three or four clusters of sites that may have skewed the data slightly. If the veracity of all site recordings in this category was able to be verified, it is suspected that the actual number of sites in downs landscapes would be lower.

The result of mapping AHIMS sites against landform type indicates that sites should be most frequently recorded in channels and floodplain landscapes, alluvial plains landscapes and downs landscapes. Conversely, sites should be infrequently recorded in uplands landscapes and plateau landscapes. Overriding this observation is the fact that AHIMS recordings are not an

accurate indicator of Aboriginal site distribution and therefore cannot be used to accurately describe site distribution within landscape types. For example, as noted, the concentration of sites in Slopes landscapes may be skewed due to the location of Dubbo in this landscape type where many sites have been recorded largely because this is where assessments have taken place. If other landscape types were assessed to the same level, then the prominence of sites within Slopes landscapes may not seem so extraordinary. However, in gross terms, it appears that sites were more likely to be in areas of lower elevation (Plains/Channels/Downs) and in areas of more moderate gradient (Slopes).

It was noted that these results broadly agree with the observations of OzArk (2014) that the higher density of sites are in landforms in closer proximity to water.

The current study area is situated within a Slopes landscape within 100 m of a minor waterway, placing it in one of the higher sensitivity categories according to the modelling of OzArk 2016.

2.3.4 Step 2c

Are there any landscape features that are likely to indicate presence of Aboriginal objects?

Yes, portions of the study area contain landforms with identified archaeological sensitivity.

The study area is on the Young Hills and Slopes Mitchell landscape category (Mitchell 2002: 101). This landscape is characterised by rounded granite hills with some areas of steep slope. The soil profile of the upper slopes is variable and red coloured, while yellow, stony soils with poor drainage are predominant on lower slopes. The remnant vegetation in the area has largely been cleared, but white box, yellow box and red stringybark.

The study area is on a low slope, from north to south, toward Victoria Gully, a first-order ephemeral waterway. Victoria Gully converges with both Garabaldi Gully and Blackguard Gully approximately 350 metres (m) west of the study area.

As land within 200 m of waters, the study area has identified archaeological sensitivity under the Due Diligence code. As such, the available landform information suggests that sites are most likely to be located on landforms elevated above Victoria Gully.

2.3.5 Step 3

Will Aboriginal objects listed on AHIMS or identified by other sources of information and/or archaeologically sensitive landscape features be impacted?

Yes, landforms with identified archaeological sensitivity may be impacted by the proposal.

The proposal is located on a landform within 200 m of waters and will include ground disturbance. Therefore, the assessment progresses to a visual inspection of the study area.

2.3.6 Step 4

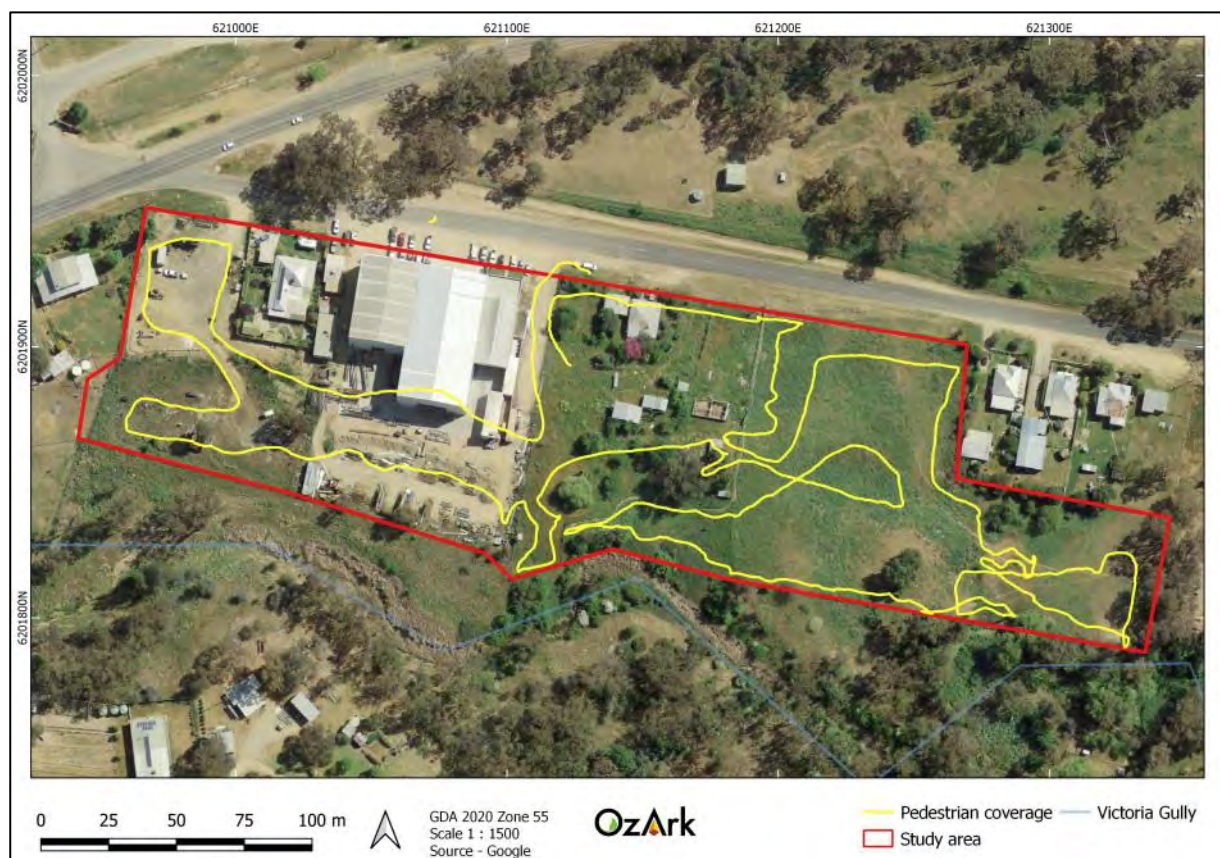
Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?

No. There were no Aboriginal objects identified within the study area and their presence is assessed as unlikely.

The visual inspection of the study area was undertaken by OzArk Cultural Heritage Specialist, Harrison Rochford, on Wednesday 24 February 2021. A walkover of the study area was also held by OzArk with Keith Freeman, an elder representing Young Local Aboriginal Land Council (LALC), and Marnie Freeman, also representing Young LALC, on Wednesday 3 March 2021.

Ground surface visibility (GSV) was entirely obscured in sections that had been levelled by earthworks and covered by imported fill (**Plate 1**). Paddock areas of the study area had higher GSV and some large erosion exposures (**Plate 2**). The Apollo Fabrication Group operations area also had areas with modified ground surfaces (**Plate 3** and **Plate 4**).

Figure 2-2: Survey coverage within the study area.



Discussion

No Aboriginal objects or archaeologically sensitive landforms were identified during the visual inspection. There was no remanent, native vegetation suitable for cultural use at the study area, indicating that the most frequent site type in the wider Young area, modified trees, are not present.

While the modelling of OzArk 2016 suggested that a Slope landscape adjacent to a waterway would have high archaeological sensitivity, this wide-scale modelling does not capture some geographic details that could affect site distribution. The study area fronts relatively steep banks of Victoria Gully near its headwaters, an area which may not have as reliable or convenient access to water as the wider areas of the creek further downstream.

The absence of sites is also attributable to a range of disturbances to the landforms of the study area. The western section of the study area has been used for Apollo Fabrication Group operations and has been levelled and covered with fill. The eastern section of the study area is currently in use as a paddock, but once had a house and other residential infrastructure that have now been cleared (Keith Freeman pers comm 3 March 2021). Even prior to these recent land-uses, the incised banks of Victoria Gully and the water eroded scalds at the study area indicate that significant topsoil loss has occurred. It is possible that this is related to the known gold-digging locations at Garabaldi Gully and Blackguard Gully 300 m west (downstream) of the study area.

A 'no' answer for Step 4, results in the following outcome (DECCW 2010):

AHIP (Aboriginal Heritage Impact Permit) application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify Heritage NSW (131 555 or info@environment.nsw.gov.au). If human remains are found, stop work, secure the site, and notify NSW Police and Heritage NSW.

2.4 CONCLUSION

The Due Diligence process has resulted in the outcome that an AHIP is not required. The reasoning behind this determination is set out in **Table 2-3**.

Table 2-3: Due Diligence Process application.

Item	Reasoning	Answer
Will the activity disturb either of the following: <ul style="list-style-type: none"> the ground surface where archaeological deposits are likely mature, native trees that may be culturally modified. 	The proposal will allow works that could disturb the ground surface through excavation and construction, however, it is assessed that these landforms do not contain archaeological deposits. The proposal will not impact mature, native vegetation.	Yes
Are there any relevant records of Aboriginal heritage on site (AHIMS or from other sources), or landscape features that are likely to indicate presence of Aboriginal objects?	AHIMS indicated that no Aboriginal sites have been recorded within the study area and there are no known landscape features in the study area (such as unique topographical features) that would indicate the likely presence of Aboriginal objects.	Yes
Will the activity impact Aboriginal objects or landforms with archaeological potential?	There are no known items of Aboriginal significance present in the study area, however, landforms with potential archaeological sensitivity were noted to be present at a desktop level.	Yes
Does the desktop and/or visual assessment confirm that Aboriginal objects will be harmed?	The visual assessment did not identify any Aboriginal objects. It is assessed that there is a low likelihood of there being subsurface archaeological deposits within the study area.	No
AHIP not necessary. Proceed with caution.		

3 HISTORIC HERITAGE ASSESSMENT: BACKGROUND

3.1 INTRODUCTION

The current assessment will apply the Heritage Council *Historical Archaeology Code of Practice* (Heritage Council 2006) in the completion of a historical heritage assessment, including field investigations.

3.2 BRIEF HISTORY OF THE YOUNG AREA

As a colonial settlement, Young was first known as Burrangong, a pastoral station associated with James White. White was an ex-convict who was assigned to the station, which was beyond the limits of the colony at the time, in the early 1820s. Until the goldrush of the 1860s, the Burrangong area was home to low-density pastoral operations that also grew wheat, which became a major product of the region.

In 1861, gold was discovered at Lambing Flat. This led to a 1,500 person increase in population by the end of that year and a 10,000 person increase by April 1861 (HGC 2008: 39). Competition over mining claims, diverse migration, and xenophobia at the Burrangong goldfield culminated in a series of escalating anti-Chinese riots throughout 1861. A mob of European, North American, and Australian miners attacked the Chinese miners at the goldfield and clashed with the police who came from Sydney to end the violence.

The returns from the Burrangong goldfields rapidly became uneconomical and the mining population mostly moved on, although some settled on smaller landholdings that became viable after the Robertson Land Act in 1861. This included a large population of Chinese migrants who became locally celebrated for their market-gardening skills in a region of limited water supply (Wilton 2004: 29–30). However, it is a Croatian immigrant, Nicole Jasprizza, who is credited with planting the first commercial cherry orchard in the region in 1878, which was thought to be the largest in the world by 1933 (Heritage Office 1996: 45).

The town of Young became focal point of the Burrangong area from the 1860s onward and was incorporated in the 1870s. Wheat agriculture, flour milling and transportation, fruit orchards and wool production were the hallmark industries of the Young area through the 20th Century.

3.3 LOCAL CONTEXT

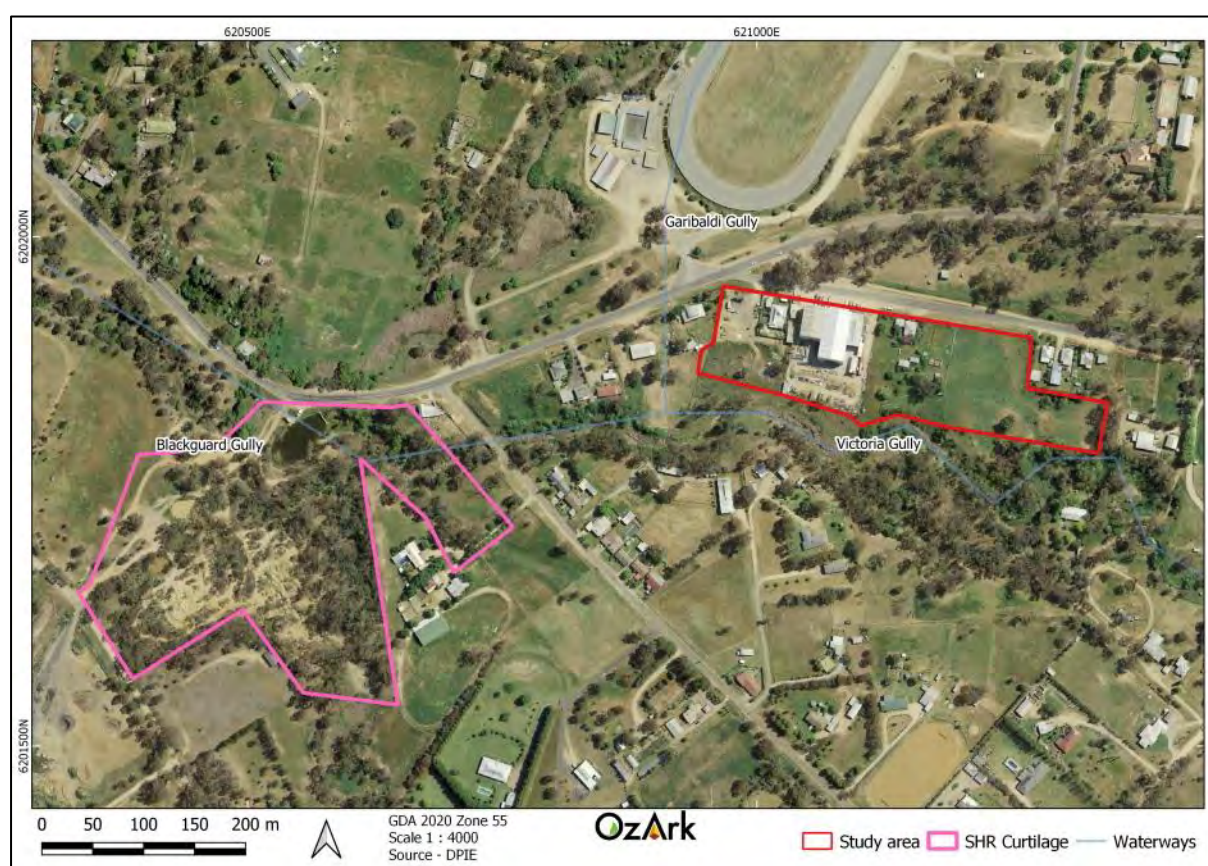
3.3.1 Desktop database searches conducted

A desktop search was conducted on the following databases to identify any potential previously-recorded heritage within the study area. The results of this search are summarised in **Table 3-1**.

Table 3-1: Historic heritage: desktop-database search results.

Name of Database Searched	Date of Search	Type of Search	Comment
National and Commonwealth Heritage Listings	17/2/21	LGA	No results
State Heritage Register (SHR)	17/2/21	LGA	Two results in Young: Young Railway Station (SHR 1973) and the Blackguard Gully gold diggings (SHR 903)
Local Environmental Plan (LEP)	17/2/21	Study area	No results

A search of the Heritage Council of NSW administered heritage databases and the Young LEP returned no records for historical heritage sites within the study area. The State Heritage Register (SHR) item for the Blackguard Gully gold diggings is located 280 m west of the study area (**Figure 3-1**).

Figure 3-1: Study area in relation to SHR curtilage.

3.4 SURVEY METHODOLOGY

Standard archaeological field survey and recording methods were employed in this study (Burke & Smith 2004). The visual inspection of the study area was undertaken by OzArk Cultural Heritage Specialist, Harrison Rochford, on Wednesday 24 February 2021.

There were no significant constraints to the visual inspection.

3.5 RESULTS OF HISTORIC HERITAGE ASSESSMENT

No historic heritage sites were recorded during the inspection of the study area.

3.6 DISCUSSION

The land-use history of the study area, as described to the author by current landholders and local Aboriginal elder Keith Freeman, was residential and commercial in the recent past. However, after changes of ownership, the previous residence and shop at the study area was demolished and the land has been covered with fill. There are no known heritage values associated with the previous residence.

The study area is 280 m east of the SHR listed Blackguard Gully gold diggings. Blackguard Gully was a focal point of the 1861 gold rush at the Burrangong fields and retains the characteristic visual properties and some heritage fabric of 19th century alluvial mining sites (HGC 2016: 55). The Blackguard Gully diggings were one of the sites of the Lambing Flat riots in 1861 and became the area assigned to the Chinese miners after the goldfields were segregated.

While the study area is adjacent to Victoria Gully, upstream of the Blackguard Gully diggings, mining related activities in this area are likely to have been confined to the banks and channel of Victoria Gully itself. There are areas of erosion on the slopes in the study area, but nothing to indicate that these disturbances are mullock heaps or sluicing banks that would reflect the heritage values of the area.

3.7 LIKELY IMPACTS TO HISTORIC HERITAGE FROM THE PROPOSAL

There are not anticipated impacts to the heritage values of the area as a result of the proposal.

4 MANAGEMENT RECOMMENDATIONS

4.1 ABORIGINAL CULTURAL HERITAGE

The undertaking of the Due Diligence process resulted in the conclusion that the proposal will lead to impacts to the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed by the proposal. This moves the proposal to the following outcome:

AHIP application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify Heritage NSW (131 555 or info@environment.nsw.gov.au). If human remains are found, stop work, secure the site, and notify NSW Police and Heritage NSW.

To ensure the greatest possible protection to the area's Aboriginal cultural heritage values, the following recommendations are made:

- 1) The proposal may proceed at the study area without further archaeological investigation under the following conditions:
 - a) Potential land and ground disturbance activities must be confined to within the study area, as this will eliminate the risk of harm to Aboriginal objects in adjacent landforms. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.
 - b) All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.
- 2) This assessment has concluded that there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage items or sites. However, during works, if Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the *Unanticipated Finds Protocol (Appendix 2)* should be followed.
- 3) Inductions for work crews should include a cultural heritage awareness procedure to ensure they recognise Aboriginal artefacts (see **Appendix 3**) and are aware of the legislative protection of Aboriginal objects under the NPW Act and the contents of the *Unanticipated Finds Protocol*.
- 4) The information presented here meets the requirements of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. It should be retained as shelf documentation for five years as it may be used to support a defence against prosecution in the event of unanticipated harm to Aboriginal objects.

4.2 HISTORIC HERITAGE

No historic heritage values or objects with heritage significance were identified at the study area. However, the study area is on Victoria Gully, which is associated with the SHR item Blackguard

Gully. The following management measures are recommended to reduce the risk of harm to the heritage values of the surrounding area:

- 5) The proposal may proceed at the study area without further archaeological investigation under the following conditions:
 - a) Potential land and ground disturbance activities must be confined to within the study area, as this will eliminate the risk of harm to landforms with higher potential to contain historic archaeological deposits in Victoria Gully. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.
- 6) Although the assessment has concluded that there are unlikely to be impacts to historic heritage as a result of the proposal, the *Unanticipated Finds Protocol* (**Appendix 4**) should be followed in the event that items of potential heritage significance are encountered at the study area.

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PLATES



Plate 1: View south across imported fill at the study area.



Plate 2: View west from the eastern edge the study area showing erosion scalds and disturbances on the slope toward Victoria Gully.




Plate 3: View east at the Crown Land lots fronting Victoria Creek (right).



Plate 4: View southeast across levelled area with Victoria Gully in the background.

APPENDIX 1: AHIMS SEARCH RESULTS



Office of Environment & Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Telegraph Rd

Client Service ID : 568707


SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
50-3-0023	Old Rosedale 1	GDA	55	609435	6209169	Open site	Valid	Modified Tree (Carved or Scarred) : 1		
	Contact Mr.Graham Moore									
	Recorders Mr.Graham Moore									
50-3-0024	Old Rosedale 2	GDA	55	609292	6209094	Open site	Valid	Burial : 1		
	Contact Mr.Graham Moore									
	Recorders Mr.Graham Moore									
50-3-0031	APA-AS1-11	GDA	55	617082	6208655	Open site	Valid	Artefact : -		
	Contact									
	Recorders Mr.Luke Kirkwood									
50-3-0032	APA-AS2-11	GDA	55	616533	6208655	Open site	Valid	Artefact : -		
	Contact									
	Recorders Mr.Luke Kirkwood									
50-3-0034	APA-IA1-11	GDA	55	616184	6208559	Open site	Valid	Artefact : -		
	Contact									
	Recorders Mr.Luke Kirkwood									
50-3-0035	APA-ST1-11	GDA	55	613485	6205632	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact									
	Recorders Mr.Luke Kirkwood									
50-3-0056	Hilltops Aboriginal Artefact Site	GDA	55	618928	6202009	Open site	Valid	Artefact : -		
	Contact									
	Recorders GML Heritage Pty Ltd + Context - Surry Hills, Miss.Lara Tooby									
50-3-0001	Brett's Trees	AGD	55	626250	6213180	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	102779
	Contact									
	Recorders Tom Knight									
50-3-0002	BY 12 Young	AGD	55	613413	6205397	Open site	Valid	Artefact : -	Open Camp Site	738,102549
	Contact									
	Recorders ASRSYS									
50-3-0003	BY 13 Stoney Creek	AGD	55	612711	6202374	Open site	Valid	Artefact : -	Open Camp Site	738,102549
	Contact									
	Recorders ASRSYS									
50-3-0004	Wombat BY 14 Tumbleton Creek	AGD	55	608608	6192283	Open site	Valid	Artefact : -	Open Camp Site	738,102549
	Contact									
	Recorders ASRSYS									
51-1-0061	MR-ST 1	AGD	55	644620	6196600	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact									
	Recorders Central West Archaeological and Heritage Services Pty Ltd									
51-1-0062	MR-ST-3	AGD	55	644530	6196830	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact									
	Recorders Central West Archaeological and Heritage Services Pty Ltd									

Report generated by AHIMS Web Service on 17/02/2021 for Harrison Rochford for the following area at Datum :GDA, Zone : 55, Eastings : 598732 - 644940, Northings : 6188940 - 6216192 with a Buffer of 0 meters. Additional Info : DD. Number of Aboriginal sites and Aboriginal objects found is 27

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Office of Environment & Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Telegraph Rd

Client Service ID : 568707

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
51-1-0064	MR-ST-5	AGD	55	642370	6198410	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Central West Archaeological and Heritage Services Pty Ltd					Permits		
51-1-0065	MR-ST-4	AGD	55	644160	6197030	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Central West Archaeological and Heritage Services Pty Ltd					Permits		
51-1-0011	Reedy Creek	AGD	55	644240	6204665	Open site	Valid	Artefact : -	Open Camp Site	98836
	Contact	Recorders	ASRSYS					Permits		
50-3-0009	Cudgell Park	AGD	55	610300	6214400	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	2936
	Contact	Recorders	Giles Hamm Archaeology					Permits		
50-3-0027	Rodney Freeman Tree1	GDA	55	626274	6213226	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Norma Freeman					Permits		
50-3-0028	Rodney Freeman Tree 2	GDA	55	626001	6213020	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Norma Freeman					Permits		
51-1-0060	MR-ST-2	AGD	55	644530	6196830	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Central West Archaeological and Heritage Services Pty Ltd					Permits		
51-1-0063	MR-ST-6	AGD	55	640430	6200400	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Central West Archaeological and Heritage Services Pty Ltd					Permits		
50-3-0014	Manton Station	AGD	55	610260	6202680	Open site	Valid	Modified Tree (Carved or Scarred) : 2		98226
	Contact	Recorders	Archaeological Risk Assessment Services (ARAS), Mr.Giles (dup ID#12832) Hamm					Permits		
50-3-0030	RPS ST1 & 2	GDA	55	626309	6213272	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Mrs.Deborah Farina					Permits		

Report generated by AHIMS Web Service on 17/02/2021 for Harrison Rochford for the following area at Datum :GDA, Zone : 55, Eastings : 598732 - 644940, Northings : 6188940 - 6216192 with a Buffer of 0 meters. Additional Info : DD. Number of Aboriginal sites and Aboriginal objects found is 27

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APPENDIX 2: ABORIGINAL HERITAGE: UNANTICIPATED FINDS PROTOCOL

An Aboriginal artefact is anything which is the result of past Aboriginal activity. This includes stone (artefacts, rock engravings etc.), plant (culturally scarred trees) and animal (if showing signs of modification; i.e. smoothing, use). Human bone (skeletal) remains may also be uncovered while onsite.

Cultural heritage significance is assessed by the Aboriginal community and is typically based on traditional and contemporary lore, spiritual values, and oral history, and may also take into account scientific and educational value.

Protocol to be followed in the event that previously unrecorded or unanticipated Aboriginal object(s) are encountered:

1. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - a. Not further harm the object;
 - b. Immediately cease all work at the particular location;
 - c. Secure the area so as to avoid further harm to the Aboriginal object;
 - d. Notify Heritage NSW as soon as practical on 131 555, providing any details of the Aboriginal object and its location; and
 - e. Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
2. In the event that Aboriginal burials are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.
3. Cooperate with the appropriate authorities and relevant Aboriginal community representatives to facilitate:
 - a. The recording and assessment of the find(s);
 - b. The fulfilment of any legal constraints arising from the find(s), including complying with Heritage NSW directions; and
 - c. The development and implementation of appropriate management strategies, including consultation with stakeholders and the assessment of the significance of the find(s).
4. Where the find(s) are determined to be Aboriginal object(s), recommencement of work in the area of the find(s) can only occur in accordance with any consequential legal requirements and after gaining written approval from Heritage NSW (normally an Aboriginal Heritage Impact Permit).

APPENDIX 3: ABORIGINAL HERITAGE: ARTEFACT IDENTIFICATION

	
Retouched blades (scale = 1cm)	Flakes
	
Microliths (scale = 1cm)	Scraper (scale = 1cm)
	
Flake characteristics (scale = 1cm)	Core from which flakes have been removed (scale = 1cm)

APPENDIX 4: HISTORIC HERITAGE: UNANTICIPATED FINDS PROTOCOL

A historic artefact is anything which is the result of past activity not related to the Aboriginal occupation of the area. This includes pottery, wood, glass and metal objects as well as the built remains of structures, sometimes heavily ruined.

Heritage significance of historic items is assessed by suitably qualified specialists who place the item or site in context and determine its role in aiding the community's understanding of the local area, or their wider role in being an exemplar of state or even national historic themes.

The following protocol should be followed if previously unrecorded or unanticipated historic objects are encountered:

1. All ground surface disturbance in the area of the finds should cease immediately, then:
 - a) The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted
 - b) The site supervisor will be informed of the find(s).
2. If finds are suspected to be human skeletal remains, then NSW Police must be contacted as a matter of priority.
3. If there is substantial doubt regarding the historic significance for the finds, then gain a qualified opinion from an archaeologist as soon as possible. This can circumvent proceeding further along the protocol for items which turn out not to be significant. If a quick opinion cannot be gained, or the identification is that the item is likely to be significant, then proceed to the next step.
4. Notify Heritage NSW as soon as practical on 131 555 providing any details of the historic find and its location.
5. If in the view of the heritage specialist or Heritage NSW that the finds appear not to be significant, work may recommence without further investigation. Keep a copy of all correspondence for future reference.
6. If in the view of the heritage specialist or Heritage NSW that the finds appear to be significant, facilitate the recording and assessment of the finds by a suitably qualified heritage specialist. Such a study should include the development of appropriate management strategies.
7. If the find(s) are determined to be significant historic items (i.e. of local or state significance), any re-commencement of ground surface disturbance may only resume following compliance with any legal requirements and gaining written approval from Heritage NSW.