

Mount Darragh Road Sub-Division

Aboriginal Cultural Heritage Assessment

Report to Cobandrah Pty Ltd

Bega Valley Council LGA

Yuin / Djirringanj Country

Final – November 2024





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Project Name

Lot 5 DP750207 and Lot 1 DP130034 Mount Darragh Road Subdivision

Project Reference Number

128-297B

Local Government Area

Bega Valley Council

Djiringanj Country

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1	2/10/2024	M. Lever	Internal review
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EXECUTIVE SUMMARY / PLAIN ENGLISH SUMMARY

Background

Lantern Heritage has been engaged by Cobandrah Pty Ltd (the proponent) to carry out archaeological assessment associated with a planning proposal to enable a proposed rural-residential subdivision of Lot 5 DP750207 and 1 DP130034 into six (6) lots (the proposal) (Figure 1 and Figure 2). This Aboriginal Cultural Heritage Assessment Report builds upon the information accumulated through the Archaeological Report (AR – Appendix 3). It provides an assessment of scientific, archaeological and cultural values associated with the study area and gives evidence that Aboriginal community consultation has taken place as required under the *Aboriginal cultural heritage consultation requirements for proponents* (NSW Department of Environment, Climate Change & Water (DECCW), 2010). This report has been prepared in accordance with the Heritage NSW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) and the *Guide to investigating assessing and reporting Aboriginal cultural heritage in NSW* (NSW Office of Environment & Heritage (OEH), 2011) This report has also been written in accordance with the *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS, 2013a).

Study Area

The study area is Lot 5 DP750207 and 1 DP130034 within the Bega Valley Shire Council (BVSC) Local Government Area (LGA) and in the lands of the Eden Local Aboriginal Land Council (LALC) Figure 1. It is part of the property situated at 299/300 Mount Darragh Road, Lochiel, measuring 12.9 hectares (ha) located 7.5 kilometres (km) southwest of the town of Pambula. The study area is located approximately 210 metres (m) to the west of Mount Darragh Road from the Robinson Road intersection and is bounded to the north by the Pambula River. The study area consists of flat to moderately sloping cleared grazing land with minimal remnant native vegetation.

Proposed Works




Early design of the proposal has been provided by the client and is shown below in Figure 2. These works comprise the sub-division of Lot 5 DP750207 and 1 DP130034 as part of a proposed residential rural sub-division.

Constraints on the proposal

Those parts of the study area within 150metres (m) of the Pambula River are subject to Section 5.7 of the BVSC Development Control Plan (DCP) 2013 (amended 2015). Under Section 5.7 of the BVSC DCP 2013, sites with Onsite Sewage Management (unsewered sites such as the study area), will not be approved for development if they are within 150m of a nominated waterway. Table 5.3 of the BVSC DCP 2013 lists the Pambula River as a nominated waterway. Parts of the study area within 150m of the Pambula River are indicated on Figure 1.

Field survey results

Three survey units were identified and rated for archaeological potential (AR Section 4.8):

-  Survey Unit 1 - Pambula River and meanders (approximately 2.3ha) – low archaeological potential.
-  Survey Unit 2 - elevated floodplain terrace (approximately 2ha) - moderate to high archaeological potential.
-  Survey Unit 3 – mild to moderate toe slope (approximately 7.75ha) – low archaeological potential.

Survey Unit 2 is determined here as Mount Darragh Road Potential Archaeological Deposit (PAD) PAD 02 AHIMS # 62-6-0903 with centroid at GDA 94 MGA 55 Easting: 750782 – Northing 5908071. Mount Darragh PAD 02 AHIMS # 62-6-0903 is wholly within 150m of the Pambula River.

Significance Assessment

Assessment of the scientific significance of Mount Darragh Road PAD 02 AHIMS # 62-6-0903 would require archaeological testing to establish the nature and significance of any deposits within it.

The table below [Table 1] details scientific assessment of significance only.

Table 1: Scientific significance of Mount Darragh Road PAD 02 AHIMS # 62-6-0903

Site ID	Rarity – Undetermined	Representativeness – Undetermined	Archaeological Potential – Moderate- High	Scientific Value – Undetermined
AHIMS #62-6- 0903	Currently undetermined	Currently undetermined	Currently undetermined	Currently undetermined







Impact Assessment

Table 2 assesses potential impacts to Mount Darragh Road PAD 02 AHIMS # 62-6-0903

Table 2: Assessment of potential impacts to Mount Darragh Road PAD 02 AHIMS # 62-6-0903

Action/Works	Impact Type	Degree of Harm	Consequence of harm
Subdivision	None	None	None

Conclusions

-  The study area measures 12.9ha situated at Lot 5 DP750207 and 1 DP130034, BVSC LGA.
-  A desktop review indicates that the study area has not undergone significant development, and that land and soil disturbance is largely restricted to pastoral activities limited to livestock grazing.
-  Parts of the study area that fall within 150m of the Pambula River are subject to Section 5.7 of the BVSC Development Control Plan (DCP) 2013 (amended 2015). The parts of the study area within 150m of the Pambula River will therefore not be subject to development impacts.
-  One Aboriginal Heritage Site (Mount Darragh Road PAD 02 AHIMS # 62-6-0903) was recorded within the study area. Mount Darragh PAD 02 AHIMS # 62-6-0903 is wholly within 150m of the Pambula River.
-  No other Aboriginal objects, or archaeological values have been identified in the balance of the study area outside Mount Darragh PAD 02 AHIMS # 62-6-0903
-  No impacts have been identified to Aboriginal heritage values within the study area.

Recommendations

1. Subject to development remaining constrained to areas under Section 5.7 of the BVSC Development Control Plan (DCP) 2013 (amended 2015), being locations wholly outside of Mount Darragh PAD 02 AHIMS # 62-6-0903, no further formal archaeological assessment is required for the proposal of subdivision to proceed.
2. The proponent may choose to enact further protection for Mount Darragh PAD 02 AHIMS # 62-6-0903 through restricting development on land that is within the Flood Planning Area.
3. Any future applications or proposals for development within Mount Darragh Road PAD 02 AHIMS # 62-6-0903 would require further formal archaeological investigation.

GLOSSARY

Term	Definition
Aboriginal Cultural Heritage Assessment Report (ACHAR)	Distinct from the technical nature of an AR, the ACHAR focusses on collating and integrating Aboriginal community cultural values into the scientific assessment of an identified Aboriginal site, and to reaching consensus for future management of it.
Aboriginal Heritage Impact Permit (AHIP)	Once archaeological and cultural values of an Aboriginal site have been defined through an AR and ACHAR, a proponent may apply for an AHIP under Section 90 of The Parks and Wildlife Act (1974) to allow impacts to that site under proscribed terms and conditions.
Aboriginal Heritage Information Management System (AHIMS)	A government database for the registration of locations and detail of Aboriginal sites in NSW. Access to detailed results is restricted to registered Aboriginal parties and heritage professionals.
Aboriginal Place	These are locations of special significance to Aboriginal people including areas of cultural and spiritual importance. They may or may not have physical expression. These places are proclaimed on the NSW Government Gazette and are legally protected from harm.
Archaeological deposit	A location containing archaeological artefacts beneath the ground surface.
Archaeological Report (Survey & / Excavation) (AR)	This is a technical report, the purpose of which is to investigate and define the scientific archaeological values of a location. Characteristically a survey is first undertaken, depending on the results of which an ACHAR and / test excavation may be required.
Archaeological site	The location of any recorded or unrecorded physical Aboriginal objects including stone tools, culturally modified trees, middens, burials, rock arrangements, engravings and art. These sites are to be registered on the Aboriginal Heritage Management System and are protected by law from any form of interference or harm without permit.
Artefact	Any object that has been modified through human impact. Although in principle this can refer to landscapes and environmental processes, in Australia the term is most often used to refer to lithic artefacts, being stone tools made by Aboriginal people.
Before Present (BP)	This is an arbitrary date (1950 CE), with which radiocarbon (C14) values are expressed, e.g. 3,000BP is 3,000 years before 1950 CE.
Contact archaeology	Archaeological remains dating from first encounters between Aboriginal people and European invaders. This may refer to features such as Aboriginal adaptation of glass or telegraph insulators to make traditional style tools.
Culturally Modified Tree (CMT)	This includes any tree, living, dead, standing or fallen, that has been modified by any Aboriginal person past or present in order that the tree or substance removed from the tree can serve a cultural purpose (not including for modern resale).
Due Diligence Report	A Due Diligence Report is not a formal archaeological assessment. If competently undertaken, it provides defence against prosecution if Aboriginal heritage is unwittingly damaged by the proposed activity.

Term	Definition
Exposure	Exposure relates to landforms or locations where processes have resulted in soils being revealed. Creek banks and erosion channels are examples of exposure.
Geomorphology	From the Latin “Geo” as in geology, and “morph” for body or shape. It refers to the way that geology and other factors such as soils and water combine to produce distinct landforms and environs.
Ground surface visibility (GSV)	The amount of soil surface that could be viewed during survey. This is an important factor in calculating likely artefact presence as a few artefacts identified in an area with low GSV may represent a higher real artefact presence than in other locations where slightly more artefacts have been found under better GSV. Low GSV may also indicate that visual survey has not been sufficient to establish archaeological potential and that test excavation is therefore required.
Holocene	The period 11,600BP-current during which present warmer and wetter climatic conditions have prevailed.
Lithic	Stone
Lithic analysis	The examination of lithic artefacts to derive information including methods of production, local trends and preferences, change in this over time, evidence for trade or interaction, and for disturbance to the site over time.
Lithic artefact	A stone implement for purposes including piercing, cutting, scraping, grinding or pounding. These may be shaped through knapping (chipping) or grinding.
Luminescence dating (OSL / TSL)	Methods to calculate the length of time since a grain of quartz was last exposed to sunlight. These methods provide far longer dating span and often more precise dating than C14.
Manuport	From the Latin “manus” for hand and “port” for move. It refers to any item that is unlikely to have reached its current location without human intervention.
Midden	An accumulation of generally dietary waste sometimes built over hundreds or thousands of years often mainly comprised of shellfish. These are primarily located near marine or fresh water sources, often in sands, and may include human burials.
Munsell	A system of defining colours to ensure uniform description.
Pleistocene	A period from approximately 2.6 million -11,600BP during which climatic conditions were far colder and drier than present.
Potential Archaeological Deposit (PAD)	A location that fits archaeological modelling as likely to contain archaeological deposits, but which has no visible archaeological expression. PAD often result from low GSV during survey.
Radiocarbon dating (C14)	A technique which calculates the extent to which C14, an unstable carbon isotope, has degraded since the object containing it died. C14 dating only operates to approximately 60,000 years ago.

Term	Definition
Residue analysis	The examination of edges or faces of stone tools for traces of the materials they were once used to process, thus informing on daily life activities of their users.
Soil disturbance	Generally used to denote that disturbance to soils has removed the archaeological potential of a location through removal of artefacts, or through greatly destroying the site stratigraphy.
Spit	In order to maintain control over test excavation and to ensure that artefacts can be related to the location they derived, archaeologists often excavate in pre-determined "spits" of set depths, generally 50mm or 100mm.
Stratigraphic layer / unit	A distinct layer within a stratigraphy. Such a layer denotes that some change has occurred in the history of the site formation relative to the soils above or below it.
Stratigraphy	The way in which sub-surface deposits are layered, demonstrating the manner and timing in which changes to soils and deposition of artefacts in them has taken place.
Superposition	The underlying law of stratigraphy – that more recent deposits will overlie older deposits.
Section	A cross-section through stratigraphy. Usually a wall in an archaeological test pit that shows the stratigraphic layers exposed.
Survey	The planned process of inspecting land to determine archaeological potential within it. Survey can take place in a variety of methods, explained below under Survey units.
Survey units	Survey units are the parts into which a single survey is divided in order that survey results can be meaningfully analysed to determine archaeological potential. Depending on questions to be addressed, survey units may be randomly placed, may correspond to discrete landform units, to locations containing different soil or vegetation types, among other variables.
Use wear analysis	This examines the edges of archaeological implements to determine the uses that these artefacts may have been employed in.

ACRONYMS

Acronym	Meaning
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIP	Aboriginal Heritage Impact Permit
AHIMS	Aboriginal Heritage Information Management System
AR	Archaeological Report (Survey & / Excavation)
BP	Before Present
CMT	Culturally Modified Tree
DDR	Due Diligence Report
GSV	Ground surface visibility
OSL / TSL	Optically Stimulated Luminescence dating / Thermally Stimulated Luminescence dating
PAD	Potential Archaeological Deposit
C14 dating	Radiocarbon dating
Code of Practice	NSW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)
ICOMOS	International Council on Monuments and Sites
LALC	Local Aboriginal Land Council
RAP	Registered Aboriginal Party
EPBC Act 1999	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
NPW Act	<i>National Parks and Wildlife Act 1974</i> (as amended) (NSW)
EP&A Act 1979	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation 2000	<i>Environmental Planning and Assessment Regulation 2000</i> (NSW)
SEPP	State Environmental Planning Policies
LEP	Local Environmental Plans
DCP	Development Control Plan
SHI	State Heritage Inventory
The Guide	Guide to investigating assessing and reporting Aboriginal cultural heritage in NSW (NSW Office of Environment & Heritage (OEH), 2011)
Consultation requirements	<i>Aboriginal cultural heritage consultation requirements for proponents</i> (DECCW 2010c)

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1 PROJECT OVERVIEW

1.1 Introduction

Lantern Heritage has been engaged by Cobandrah Pty Ltd (the proponent) to carry out archaeological assessment associated with a planning proposal to enable a proposed rural-residential subdivision of Lot 5 DP750207 and 1 DP130034 into six (6) lots (the proposal) (Figure 1 and Figure 2). This Aboriginal Cultural Heritage Assessment Report builds upon the information accumulated through the Archaeological Report (AR – Appendix 3). It provides an assessment of scientific, archaeological and cultural values associated with the study area and gives evidence that Aboriginal community consultation has taken place as required under the *Aboriginal cultural heritage consultation requirements for proponents* (NSW Department of Environment, Climate Change & Water (DECCW), 2010). This report has been prepared in accordance with the Heritage NSW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) and the *Guide to investigating assessing and reporting Aboriginal cultural heritage in NSW* (NSW Office of Environment & Heritage (OEH), 2011) This report has also been written in accordance with the *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS, 2013a).

1.2 Study area

The study area is within the Bega Valley Shire Council (BVSC) Local Government Area (LGA) and in the lands of the Eden Local Aboriginal Land Council (LALC). It is part of the property situated at 299/300 Mount Darragh Road, Lochiel, measuring 12.9 hectares (ha) and located 7.5 Kilometres (km) southwest of the town of Pambula. The study area is located approximately 210 metres (m) to the west of Mount Darragh Road from the Robinson Road intersection and is bounded to the north by Pambula River within an area that has already undergone significant rural-residential development. The study area consists of flat to moderately sloping cleared grazing land with minimal remnant native vegetation.

1.3 Proposed Development

Client-provided design of the proposal for residential -rural subdivision into six (6) lots is shown below in Figure 2.

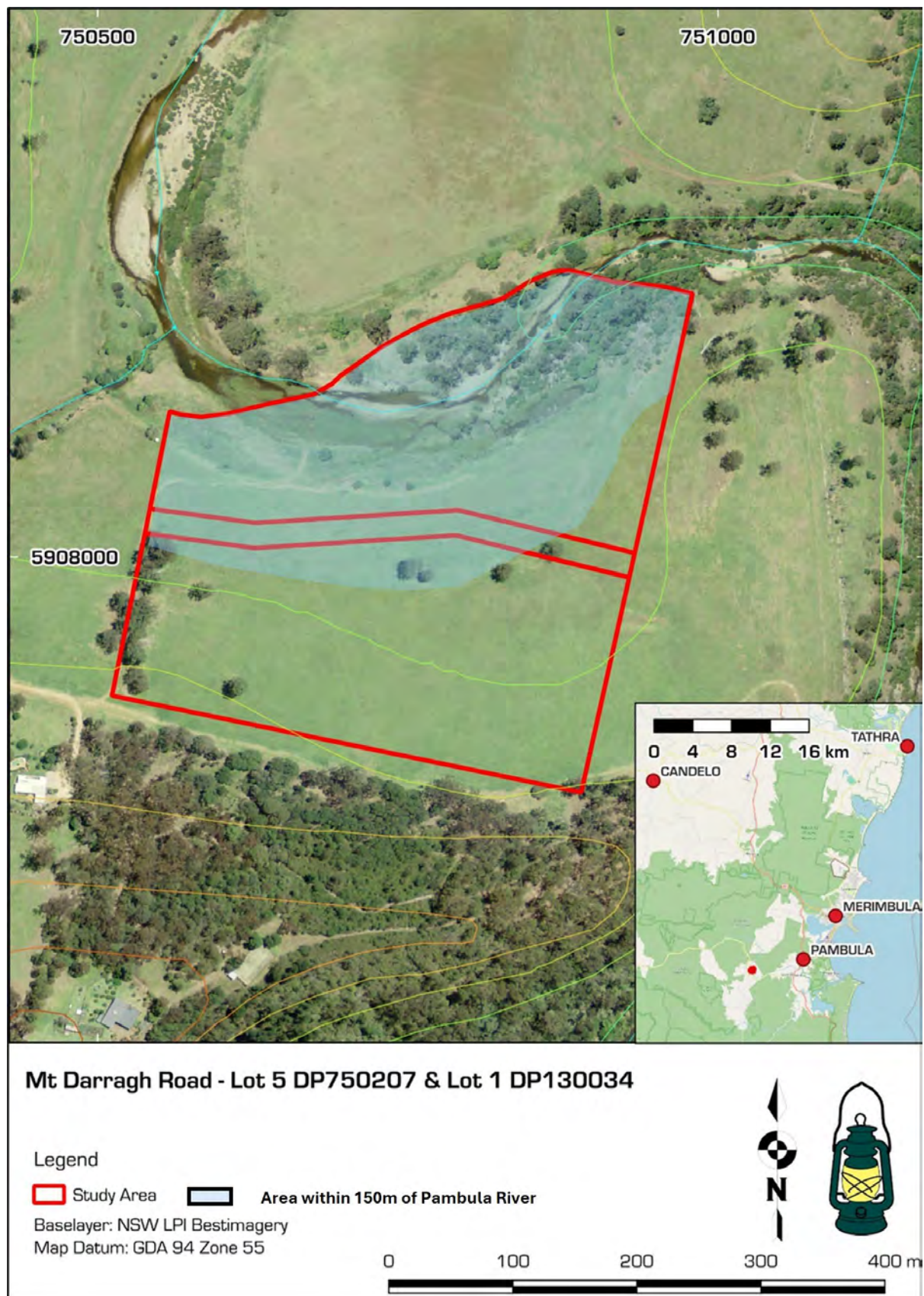


Figure 1: The study area [NSW LPI Bestimagery]



Figure 2: The proposed subdivision – client supplied mapping

1.4 Legislative Framework

1.4.1 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's environment and heritage legislation. The EPBC Act provides protection for items of national environmental significance, including Australia's World Heritage properties, items on the National Heritage List (NHL) and items on the Commonwealth Heritage List (CHL). Any action that will have, or is likely to have, a significant impact on the National Heritage values of a National Heritage place, requires a referral to the Australian Government under the EPBC Act.

1.4.2 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (as amended), administered jointly by Heritage NSW (HNSW) and NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm and associated penalties for harming Aboriginal objects or Aboriginal Places without an Aboriginal Heritage Impact Permit (AHIP), or in contravention of the conditions of an AHIP. Summaries of those offences and their associated penalties are provided below in Table 1.

Table 3: Offences and penalties for harming or desecrating Aboriginal objects and declared Aboriginal Places (DECCW 2010b)

Offence	Maximum Penalty: Individual	Maximum Penalty: Corporation
A person must not harm or desecrate an Aboriginal object that the person knows is an Aboriginal object.	2,500 penalty units (\$275,000) or imprisonment for 1 year 5,000 penalty units (\$550,000) or imprisonment for 2 years or both (in circumstances of aggravation)	10,000 penalty units (\$1,100,000)
A person must not harm or desecrate an Aboriginal object (strict liability offence).	500 penalty units (\$55,000) 1,000 penalty units (\$110,000) (in circumstances of aggravation)	2,000 penalty units (\$220,000)
A person must not harm or desecrate an Aboriginal Place (strict liability offence).	5,000 penalty units (\$550,000) or imprisonment for 2 years or both	10,000 penalty units (\$1,100,000)
Failure to notify Heritage NSW of the location of an Aboriginal object (existing offence and penalty)	100 penalty units (\$11,000). For continuing offences a further maximum penalty of 10 penalty units (\$1,100) applies for each day the offence continues.	200 penalty units (\$22,000). For continuing offences a further maximum penalty of 20 penalty units (\$2,200) applies for each day the offence continues
Contravention of any condition of an Aboriginal Heritage Impact Permit	1,000 penalty units (\$110,000) or imprisonment for 6 months, or both, and in the case of a continuing offence a further penalty of 100 penalty units (\$11,000) for each day the offence continues	2,000 penalty units (\$220,000) and in the case of a continuing offence a further penalty of 200 penalty units (\$22,000) for each day the offence continues

1.4.3 Environmental Planning and Assessment Act 1979 (NSW)

The NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) provide the overarching structure for planning in NSW. The two most commonly used policies that support the EP&A Act and the EP&A Regulation are State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).

SEPPs deal with matters of State or regional environmental planning significance. These policies are made by the Governor on the recommendation of the Minister for the Environment. SEPPs may be exhibited for public comment in draft form before being published as a legal document to allow the public the opportunity to provide feedback.

LEPs are administered by Local government. An LEP is a planning instrument that councils prepare under the EP&A Act, in consultation with their community and approved by the Minister for the Environment (or their delegate). Each local government area has a LEP that guides development and planning decisions as well as providing protection for natural resources. All local councils are required to identify items of local heritage significance in a heritage schedule to their LEP. Items listed on the heritage schedule of an LEP are also listed on the State Heritage Inventory (SHI).

LEPs are normally supported by a Development Control Plan (DCP), which provides detailed planning and design guidelines. The DCP identifies additional development controls and standards for addressing local development issues.

The study area is subject to the BVSC LEP 2013 and DCP 2013 (amended 2015).

The study area is not sewered and is partially within 150m of the Pambula River, a nominated waterway listed in Table 5.3 of the BVSC DCP 2013. Those parts of the study area within 150m of the Pambula River are subject to the following constraints of the BVSC DCP 2013 relating to Onsite Sewage Management (OSM).

 Council will not support the following types of subdivision proposals with OSM:

- Where the proposed land application area/s are within 100m of an environmentally sensitive area; or
- Where the proposed land application area/s are within 150m of a nominated waterway (see Table 5.3)

Those parts of the study area within 150m of the Pambula River and subject to constraints under Section 5.7 of the BVSC DCP 2013 are shown in Figure 1.

1.5 Project framework

1.5.1 Aims and Objectives

This Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared to support a planning proposal to enable a sub-division application to Bega Valley LGA. The Aboriginal cultural heritage assessment detailed in this report was undertaken in order to consult with Aboriginal stakeholders and assess the scientific, cultural and aesthetic values of identified Aboriginal heritage. The report seeks to document impacts of the proposed activities on Aboriginal objects and to clearly set out which impacts are avoidable, and which are not. Where harm to Aboriginal objects cannot be avoided, recommendations are provided for mitigation and management of such harm.

1.5.2 Report restrictions and copyright

None of the information contained in this report has been identified as confidential or restricted.

This report is protected by copyright under the *Australian Copyright Act 1968*. However, intellectual property resides with Lantern Heritage Pty Ltd. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commissions. Unauthorised copying or use of this document in any form whatsoever is prohibited.

2 LANDSCAPE CONTEXT

The study area is located approximately 7.5km southwest of the town of Pambula. It comprises a total area of 12.9ha of flat to moderately sloped grazing land largely cleared of native vegetation. This section will outline the environmental information available for the area and contrast that to the results of recent local archaeological and geotechnical investigations.

2.1 Natural environment

The study area forms part of the southern lower slopes and floodplain of the Pambula River Valley, and in the northern extreme, the Pambula River and its meanders. Land rises to the south, east and west around the study area creating a localised shallow valley in this location. Very few trees are present, other than a potential past windbreak of native species along the western study area perimeter.

The underlying geology across most of the study area consists chiefly of three distinct geological units (Figure 3).

Along the northernmost portion of the study area, the underlying geology consists of Abercrombie Formation sandstones. These were laid down in deep marine conditions between 459 to 479 million years ago (mya). They are characterised by brown and buff to grey, thin- to thick-bedded, fine- to coarse-grained mica-quartz sandstone, interbedded with laminated siltstone and mudstone. Sporadic chert-rich units are present.

In the central portion of the study area the underlying geology consists of alluvial floodplain deposits comprised of silt, very fine-to-medium grained lithic to quartz-rich sand and clay, with a small pocket of Cenozoic era alluvial sediments comprised of alluvial deposits, dominantly friable to unconsolidated sand and gravel that includes some lacustrine deposits and sub-basaltic sediments.

Along the southern boundary the geology consists predominantly of recent alluvial sediments comprising alluvial deposits of sand & gravel; friable to unconsolidated or cemented to sandstone or conglomerate including some lacustrine deposits & sub-basaltic sediments.

The underlying geology surrounding the study area is dominated by Devonian Boyd Volcanic Complex igneous silicic to intermediate volcanic rocks. They are characterised by felsic volcanics, basalt, quartz porphyry, and minor sedimentary rocks that were formed between 419 million years ago (mya) and 359mya.

The soil landform within the study area consists of three separate landscapes (<https://www.environment.nsw.gov.au/eSpade2Webapp/>) (Figure 4). They comprise, from north to south;

Bega River Soils:

Quaternary alluvium of well-drained to poorly drained siliceous sands. Topsoils (A horizon) comprise several metres of loose, coarse sand and gravel.

Towamba River Soils:

Quaternary alluvium consisting of well-drained alluvial soils. Topsoils (A horizon) consist of brownish-black and dark brown silty loams and sandy clay loams with a shallow depth of approximately 30cm over thick (over 100cm) horizons of sandy and gravelly facies.

Quondolo Soils:

Soils comprise moderately deep, well-drained Yellow Earths on crests, and moderately deep, moderately well-drained grey-brown Soloths on slopes on Quondolo Formation sands and gravels. Topsoils (A horizon) consist of very shallow (up to 15cm) deposits of brownish-black sandy loams that overlie yellow-orange sandy clay loams.

The study area is predominately cleared grazing land with some potential remnant arboreal vegetation to the west. Although the original vegetation structure is unknown, it is likely to have encompassed tall open-forest (wet sclerophyll forest) to closed scrub, with tall open-forest of *Casuarina cunninghamiana* (river oak) commonly lining the riverbanks (e-Spade 2024).

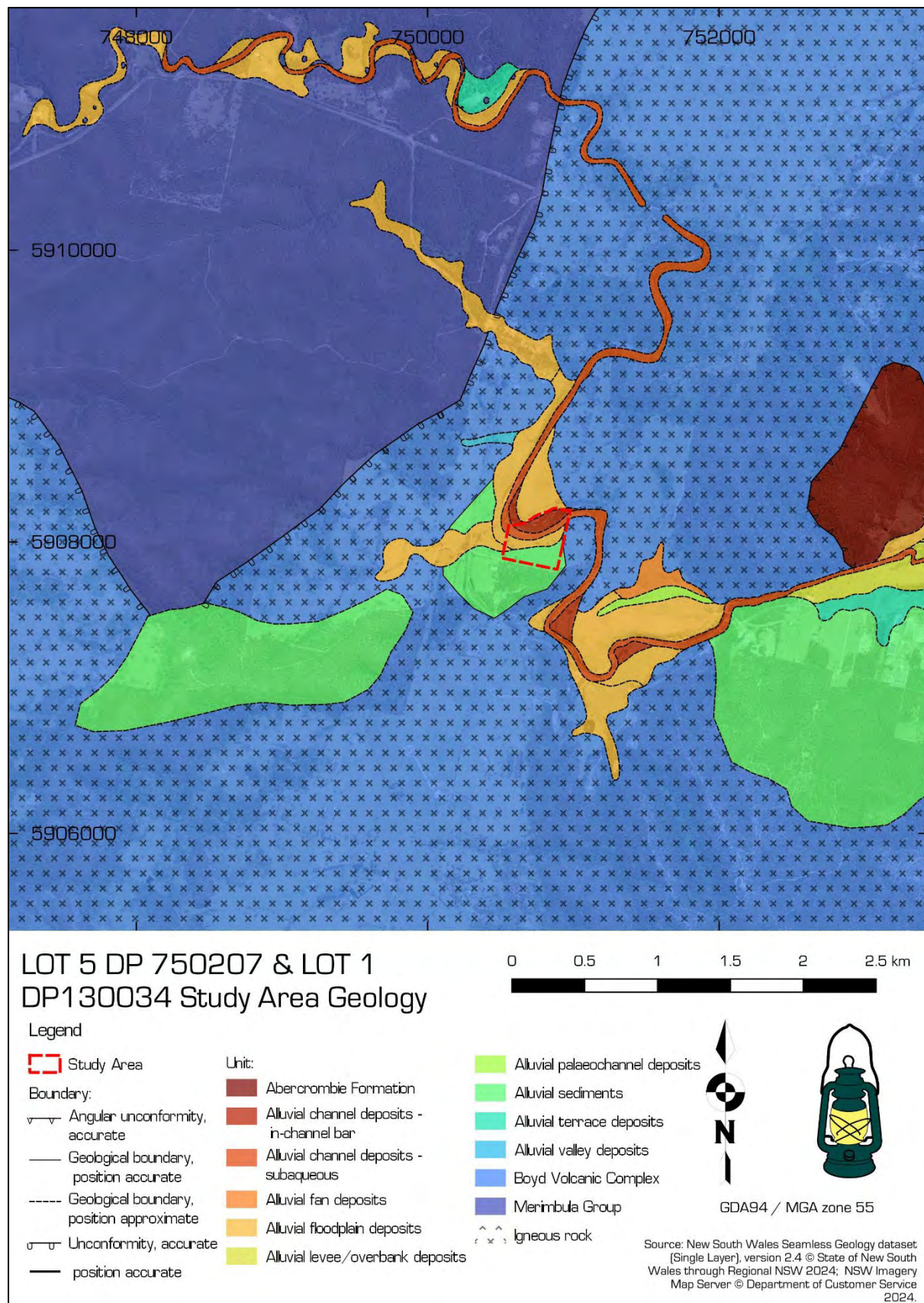


Figure 3: Underlying Geology of the Mount Darragh Road Study Area [source NSW Seamless Dataset; NSW Imagery Map Server].

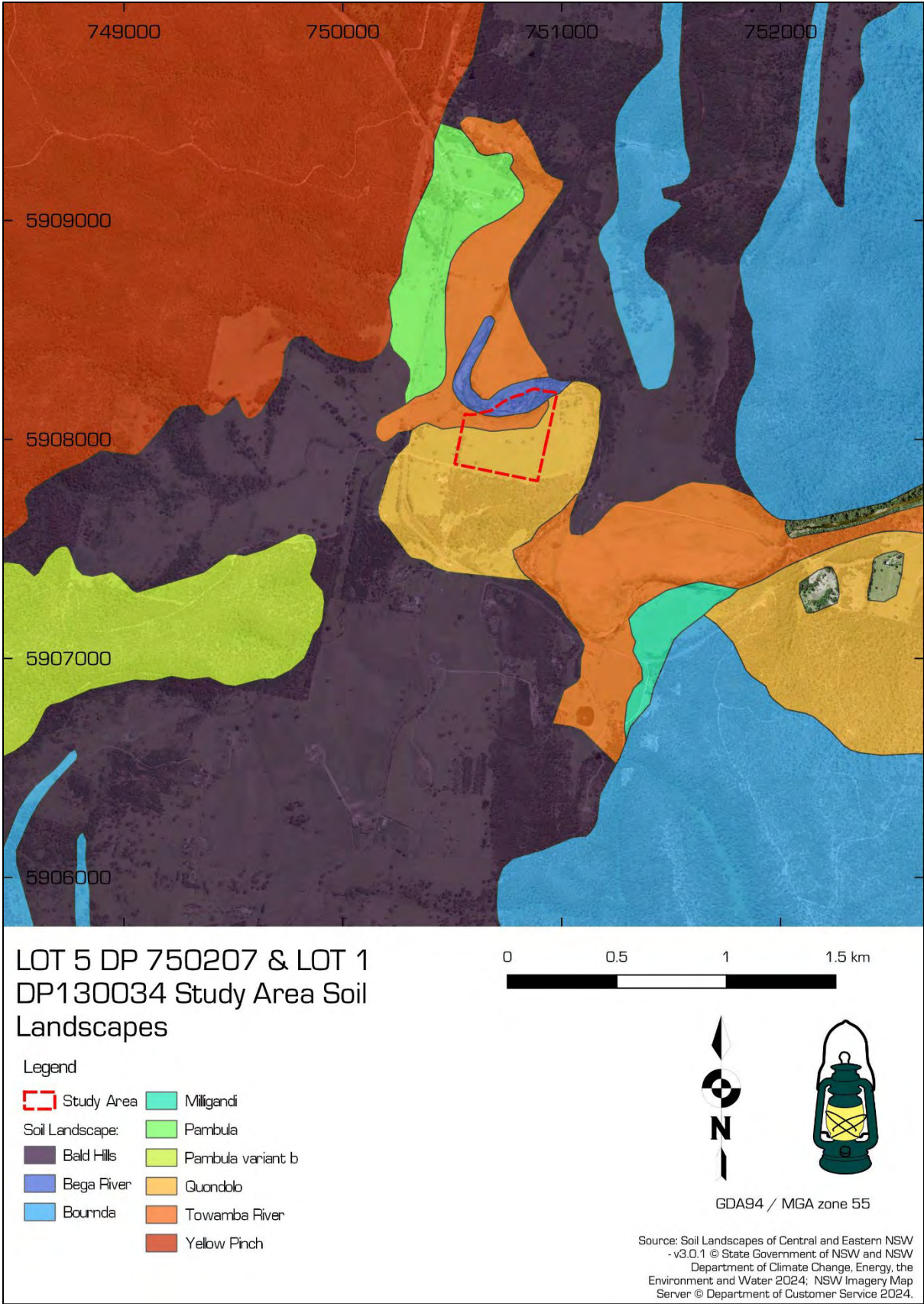


Figure 4: Soil Landscapes of the Mount Darragh Road Study Area [source: Soil Landscapes of Central and Eastern NSW; NSW Imagery Map Server].

2.2 Land-use History

No evidence has been obtained for extensive ground disturbance in the study area beyond pastoral activities and some modern infrastructure. Aerial imagery available from the New South Wales Historical Imagery Viewer and Geoscience Australia Historical Aerial Photography indicates that there has been minimal ground disturbance generated by the construction of farm infrastructure. The main cause of soil disturbance within the study area is likely primarily associated with historic land clearing and livestock grazing with no significant changes occurring to the landscape between 1966 (the earliest satellite imagery available) and 2021.

Vegetation clearance and subsequent use of the study area and its immediate surrounds for pastoral activities is likely to have accelerated the rate of soil erosion, resulting in changes to the landscape and increasing the possibility of exposing previously buried Aboriginal material culture to the surface. Additionally, as the study area has been used historically for livestock grazing of sheep and cattle, there is a high probability that livestock trample and compaction of the ground surface has resulted in the acceleration of soil loss within the study area.

Detailed historical aerial images of the study area are provided in the accompanying Archaeological Report (AR).

2.3 Ethnohistoric context

This section provides ethnohistoric information that offers insight to the cultural lifeways of past Aboriginal people, and a background to current Aboriginal culture.

The south coast of NSW is frequently referred to as within Yuin Country. Aboriginal elders in the Merimbula area take issue with this, and define themselves as Djiringanj People, stating that the term 'Yuin' simply means 'person'¹ Given this, the study area is defined here as within Djiringanj Country. Nevertheless, where historical sources use the term 'Yuin', it is quoted as used, rather than retrospectively alter historical sources.

Howitt (1904: 81-82) identified the south coast region between the Shoalhaven River in the north and Cape Howe in the south to be that of the Yuin tribes. The Yuin were described by Howitt as comprising two large sub-tribes: the Guyungal-Yuin in the south and the Kurial-Yuin in the north. The modern-day district of the Bega Valley corresponds to the area occupied by the Guyungal-Yuin, and more specifically, the clan of the Tadera-manji (Howitt 1904: 82). Howitt also distinguished between the Katungal, those who lived along the coast, and the Paiendra, those who live inland. Wesson (2002: 69) references accounts by Robinson in the 1840s to suggest the Bega River coincided with the boundary between two Yuin language groups: the Thau-aira, which extended down to Mallacoota in the south, and the Jeringan, which extended up towards the Wadbilliga Plateau. The Jeringan may correspond to Djiringanj. Robinson (in Wesson 2002: 178) also refers to the Bega River as a boundary between tribal/clan groups with the Wadder Waddo occupying the coast north of the Bega River.

Ethnohistorical information relating to the south coast of NSW dates back to at least 1770, when James Cook recorded his observations of Aboriginals at Murramarang Point (Blade 1893 in Boot 2002: 56). Accounts of Aboriginal people are available from the records of other early explorers, census records and dedicated ethnohistorical studies throughout the nineteenth century and into the early twentieth century. Information is also available from sources such as newspapers, historical maps (eg parish maps) and government gazettes. Records such as these tend to provide information specific to individuals and/or Aboriginal Reserves, rather than holistic observations of traditional ways of life. Valuable syntheses of ethnohistorical sources relating to the south coast of NSW are available in the doctoral theses of Attenbrow (1976), Boot (2002), Sullivan (1982) and Wesson (2002). More recently, the oral histories of the Aboriginal communities along the coast have started to be recorded. Examples include studies relating to traditional pathways (Blay 2005), histories of

¹ Auntie Glenda Dixon, welcome to country, Spiral Gallery, 18/05/2024.

Aboriginal Reserves (Donaldson and Feary 2012) and the Bega Valley Shire compilation of oral histories (Donaldson 2010).

Estimates of pre-contact Aboriginal populations along the far south coast have been reviewed by Attenbrow (1976), Sullivan (1982), Boot (2002) and Wesson (2002). Debate continues over the probable number of Aboriginal people living along the NSW south coast prior to European settlement. Uncertainties surround the extent to which the numbers recorded by early explorers, settlers and census accounts may have been affected by the spread of disease that preceded them (Boot 2002: 60-65). Attenbrow (1976:49 in Boot 2002) estimated that the pre-contact population of the far south coast was at least 0.06 individuals per square kilometre (ie 6 people per 100km²). Radcliffe-Brown (1930 in Wesson 2002: 33-34) estimated a population in the order of 0.21-0.28 per square kilometre (ie 21-28 people per 100km²), and Boot (2002: 64-65) suggests that the average population across the south coast may have been as high as 1.6 per square kilometre (ie 160 people per 100km²).

Boot (2002: 77) lists a range of plants with ethnohistorical references for use by Aboriginal people for the manufacture of organic implements. The plants listed comprise:

...grass tree (Xanthorrhoea sp.); resin and flower spikes; cabbage tree palm (Livistona australis) leaves; messmate (Eucalyptus obliqua) bark; stringybark (Eucalyptus muellerana) bark and wood; sallee (Eucalyptus stellulata) wood; sedge (Carex sp.) flower stems; native cherry (Exocarpus cupressiformis) wood; blackwood (Acacia melanoxylon) bark; kurrajong (Brachychiton populneus) bark; and grey box (Eucalyptus bosistoana) bark.

In terms of fauna, Boot (2002: 77-78) lists the following animals/ animal parts as being utilised in the manufacture of items of material culture: the teeth, paws, skins and sinew of kangaroo (*Macropus sp.*); the skins of brushtail (*Trichosurus sp.*) and ringtail (*Pseudocheirus peregrinus*) possums; claws of eagle-hawks (*Accipiter sp.*); swan (*Cygnus olor*) feathers; abalone (*Haliotis giganta*) and mussel shell (*Mytilus edulis planulatus*); koalas (*Phascolarctos cinereus*); rabbit rats (*Conilurus albipes*), kangaroo rats or potoroos (*Potorous sp.*); wallabies (various species); and quolls (*Dasyurus maculatus*).

Sullivan (1982: 244-45) references accounts by Brierly and Robinson from the mid-1800s that note the importance of marine foods in the diet of the Aboriginal people on the far south coast of NSW. She also documents accounts of weirs and canoes in catching fish and the use of kangaroo apple, native cherry, macrozamia, cabbage tree, wombat, eel and wild dog as food resources (Sullivan 1982: 245-246). Descriptions are also provided of the bark huts or gunyas that were used in the area as dwellings. Boot's (2002: 66) ethnohistorical research indicates that campsites were typically occupied by between two and 56 people, while over 100 people would gather for ceremonial purposes such as the Bunan initiation ceremony.

Howitt (1904: 518-519) describes protocols surrounding a gathering of Aboriginal people near Bega for initiation ceremonies. His description indicates the gathering took place somewhere to the east of the Bega River "not far from the coast" (presumably at Mumbulla Mountain, which is a well-documented location for male initiation ceremonies), and that people came from as far away as the Queanbeyan, Shoalhaven, and Two Fold Bay districts. The last initiation at Mumbulla recorded by non-indigenous Australians was in 1918 (Boot 2002: 85). Wesson (2002: 189) notes the Ford property, on the headland north of the Bega River, was also an important location for Aboriginal gatherings with people travelling up to 400 kilometres to attend ceremonies there.

Howitt (1904: 462-463) also describes Yuin practices relating to death and treatment of the dead. The description provided by Howitt indicates the deceased was wrapped in "an opossum rug" with articles of clothing and ornament placed under the head. The body was then wrapped in bark and tied up before being placed at the foot of a large tree. It is unclear from Howitt's account whether the body was buried or simply placed at the foot of the tree. Boot (2002:84) notes that trees played an important role within Yuin cosmology as communication paths with the sky world, the underworld, and the spirits of the dead. Accounts of traditional Aboriginal burial practices from further north on

the coast, around the Illawarra, indicate that graves were commonly located in sands on the banks of creeks and lagoons, and that graves were typically three to four feet deep (DEC 2005: 33).

The first recorded interactions between non-indigenous people and Aboriginal people on the far south coast of NSW relates to the survivors of the *Sydney Cove* shipwreck. In 1797, 17 men, including five British and 12 Bengalis made their way from Bass Strait up the coast towards Sydney. It was the assistance they received from Aboriginal inhabitants along the coast that helped save some of them. Following on from the reports and observations of the survivors from the *Sydney Cove*, European exploration around Twofold Bay was initiated and sealing and whaling enterprises started in the area during the early nineteenth century (SCT 2012).

By the 1830s, squatters had started to move into the region. Early accounts of the sealers', whalers' and squatters' interactions with the local Aboriginal people indicate tension and conflict. There are reports of Aboriginal massacres involving both shootings and poisoning (SCT 2012). Aboriginal people were also employed on the European farms, undertaking tasks ranging from shepherding and harvesting crops through to stripping bark from wattle trees (SCT 2012).

While there is no doubt the arrival of Europeans caused significant disruptions to Aboriginal life and the practice of traditional ways of life, there is also evidence to suggest that traditional cultural practices continued throughout much of the nineteenth century (Chittick and Fox 1997). However, the establishment in 1883 of the Aborigines Protection Board (APB) heralded the commencement of policies that aimed to concentrate Aboriginal people on set areas of land (Aboriginal Reserves), which served to further limit their movements and the practice of traditional ways of life.

3 ARCHAEOLOGICAL CONTEXT

3.1 AHIMS and other heritage register searches

3.1.1 AHIMS search results

An extensive search of the Aboriginal Heritage Information System (AHIMS) was carried out on 2 July 2024 (Client #906242 – Appendix 1 – AHIMS Search). The search was conducted for the following parameters:

GDA 94 Zone 55. Eastings 745309-755309, and Northings 5902975-5912975 This constituted a square search area of 10km per side, centred on the study area.

A total of seven (7) AHIMS sites are listed as present within the AHIMS search area. All AHIMS sites in the search area are shown in Figure 5, No AHIMS sites were identified within 500m of the study area. Table 4 provides an overview of AHIMS listed sites categorised according to type and frequency.

Table 4: AHIMS site types in the search area

Site Type	Number of Sites	%
Fish Trap	2	28.5
Artefact[s]	3	43
Artefact[s] - Open Camp Site	2	28.5
Total	7	100

The AHIMS data above can only provide very limited detailed insight to the nature of Aboriginal life in the search and study area. This is because the survival and distribution of known Aboriginal sites depends on a number of variables that include robusticity of material, size and detectability, scale of previous archaeological investigation, availability of local natural resources and the impacts on all these of European settlement, colonisation and the drastic effect this has had on the Aboriginal cultural landscape. Aboriginal objects formed of more durable materials such as stone may survive relatively well, while items such as culturally modified trees are subject to both natural deterioration and destruction through impacts such as land clearing. Further, the lithic sites that form such a large proportion of the archaeological record only reflect a very small proportion of past Aboriginal lifeways. The daily activities of women, children, and also activities by all genders such as ritual or ceremony are rarely if ever reflected in the stone artefact record.

A further major consideration is that our knowledge of Aboriginal site distribution, particularly of archaeological sites, is highly dependent on the amount of archaeological testing that has been carried out in a given location. Such archaeological testing is predominantly triggered by applications for development approval. In settings such as the surrounds of the study area where relatively few development-related impacts have been proposed to date, it is often the case that very little local comparative archaeological evidence is available. This can create a false impression of little to low levels of Aboriginal utilisation of local landscape in the past.

This is reflected in the recent nature of AHIMS site recordings in the study area. It is worth noting that although the Bega area has been long occupied by non-Aboriginal people, no Aboriginal sites were registered in the surrounds of the study area prior to 1987, and the majority of sites (n=4, 57%) were recorded after 2012. This recency indicates the extent to which local identification of sites results from the increased level of modern and compliance-based archaeological assessment, and that the previous lack of identified sites does not reflect low archaeological potential.

As indicated by the available aerial footage provided in the AR, the study area has undergone extensive land clearing to facilitate historic pastoral activity. It is highly probable that the vegetation clearance for pasture has had a two-fold effect on any Aboriginal heritage sites that may be located within the study area. First, that the clearance of native vegetation, particularly in the case of veteran trees, may have resulted in the removal of Aboriginal scarred trees from the landscape. This may contribute to the site type being underrepresented on the archaeological record. Additionally, vegetation clearance and subsequent use of the land for pastoral purposes has the ability to drastically increase the rate of soil erosion. The increased rate of soil erosion can result in changes to the landscape itself through the distribution of silt and sediments. This, combined with intensive livestock grazing can result in ground disturbance caused by trample and soil compaction, accelerating the rate of soil erosion within the study area and potentially contributing to the disturbance of any Aboriginal material culture that may be present by exposing previously buried artefactual material or the opposite. The general study area does not appear to have been subjected to cultivation. Areas subject to cultivation over a long period of time generally exhibit highly disturbed soil profiles due to repeated ploughing. This in turn impacts the overall integrity of a potential archaeological deposit, through vertical movement as well as horizontal drag from ploughs. The study area appears to have largely been used for livestock and it is probable that widescale soil disturbance has been chiefly restricted to the surface, and that any sub-surface deposits remain relatively intact.

Subject to these limitations, and taken as a whole, the nature of sites in the wider area provides evidence of a past Aboriginal lifestyle that utilised the natural environment as they moved through country stopping in short term habitation. The study area includes floodplain terrace landform conducive to potential longer-term habitation. The low-density artefact scatter sites and open camp sites identified within the wider region are typically located along creek terraces within proximity to smaller tributaries of the Pambula River, indicative of short-term, sporadic settlement along the landscape. In contrast, the construction of fish traps at the Pambula River, including those traps containing large boulders would indicate likely local extended habitation, other direct evidence of which has not yet been identified.

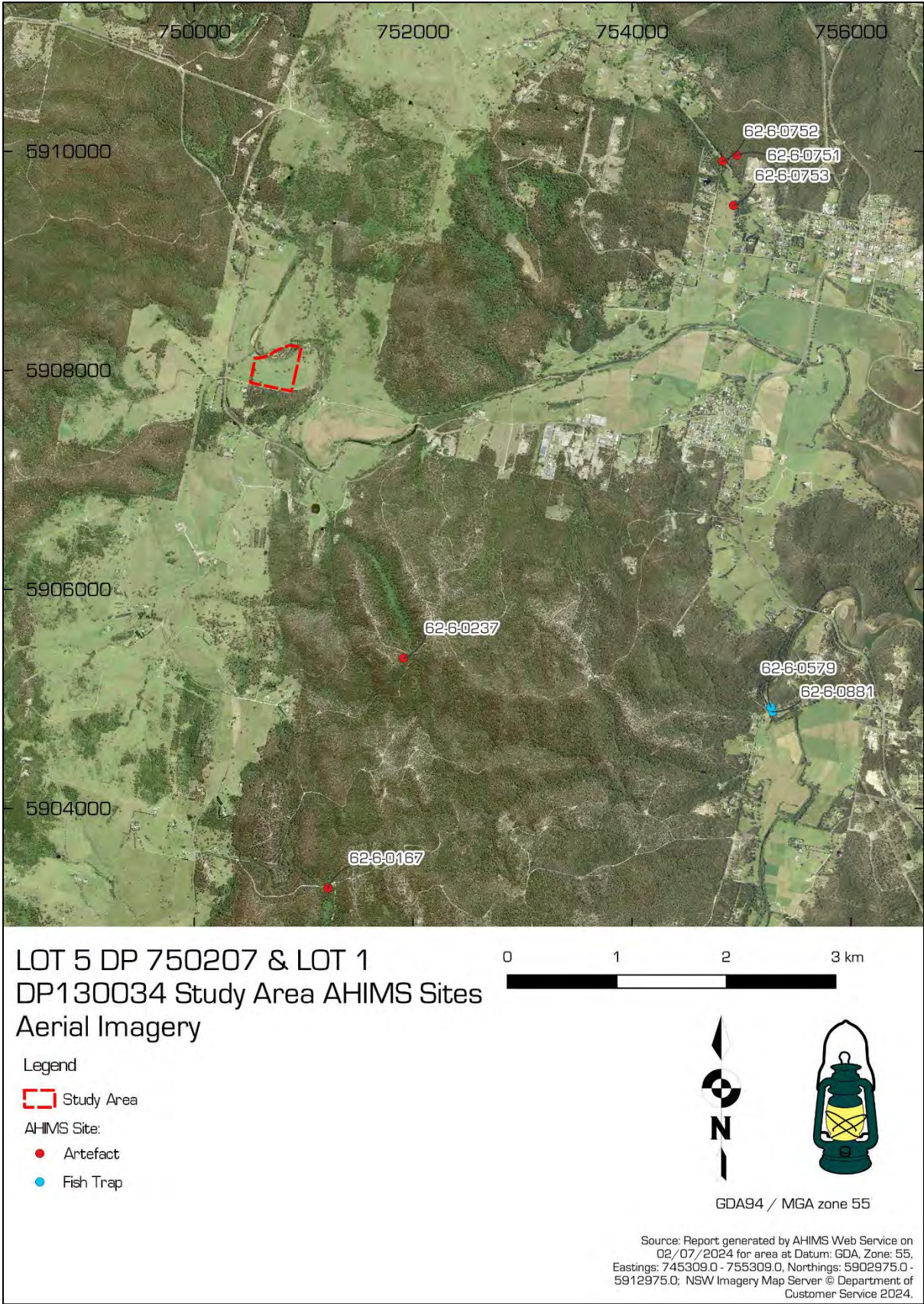


Figure 5: AHIMS sites in the search area (provided by AHIMS 2 July 2024) (source: Report prepared by AHIMS Web Service 02.07.2024; NSW Imagery Map Server).

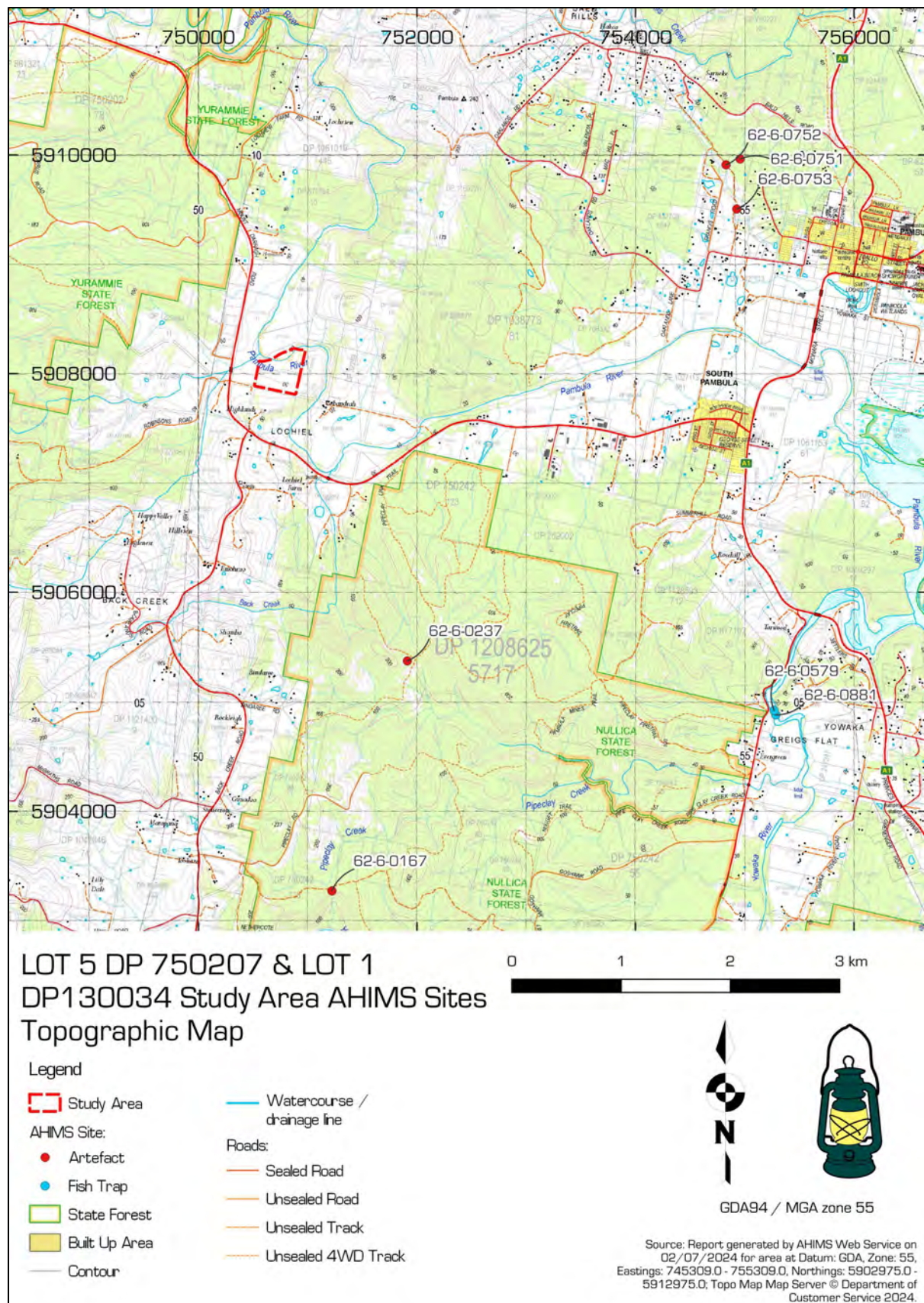


Figure 6: Topographic map of AHIMS sites within 5km of the study area [provided by AHIMS 2 July 2024] [source: Report prepared by AHIMS Web Service 02.07.2024; NSW Imagery Map Server].

3.1.2 Aboriginal Places

A search was made for Aboriginal Places on the NSW State Heritage Register and State Heritage Inventory on 2 July 2024 ("Search for NSW heritage | NSW Environment & Heritage," n.d.). No Aboriginal places or places with identified Aboriginal cultural values are listed on either the State Heritage Register or the State Heritage Inventory within the study area. No Aboriginal Places are listed within the immediate vicinity of the study area.

3.2 Archaeological Evidence of Aboriginal Land Use

Many Aboriginal people propose that their origins are autochthonous – that Aboriginal people did not migrate to Australia from Africa, but that they arose in Australia itself as part of the Dreamtime. The Dreamtime is a non-chronological era, described by Stanner as an 'everywhen', during which Country, landforms, spiritual creatures and humans came into being. Aboriginal occupation of Australia extends back well into the Pleistocene (2.6 million - 11,600BP). Current archaeological theories place the arrival of humans to Sahul, an ancient continent of which Australia formed part, between 47,000 years before present (BP) and 65,000 BP (Clarkson et al., 2017; O'Connell and Allen, 2015, 2004). While archaeological debate continues regarding the earliest arrival in Australia, there is general scientific agreement that all environmental zones across the continent were inhabited by around 35,000 BP (Mulvaney and Kamminga, 1999). Since that time there has been substantial climatic variation, which has influenced the choices that people made regarding the locations in which they lived.

Due to long term climatic variation, human occupation and use of the coastline as we know it today mainly relates to the mid to late Holocene. The potential for earlier (Boot, 2002) and even early Holocene sites (11,600-9,000BP) needs to be understood within the context of a very different geography.

A summary of relevant archaeological reporting, examined at greater length in the Archaeological Report, is provided in Table 5 below:

Table 5: Brief summary of reports provided in the Archaeological Report

Study	Findings	Implications for study area
(Boot, 2002)	Large-scale regional study of south coast, identifying that Pleistocene sites are likely in raised and rocky inland locations, Holocene sites have potential presence across all landforms.	Potential for Aboriginal sites to be present inland within all environments.
(Sullivan, 1976)	Regional study of major river systems of the NSW South and Far South Coast indicated this region experienced intensive resource exploitation.	A number of optimal habitation locations and Aboriginal heritage sites were noted within the hinterland, however the study was largely contained to the coastal region leading Sullivan to conclude (incorrectly) that the coastal region experienced the greatest intensity for resource exploitation.
(Attenbrow 1976)	Ethno-historic and ethnographic study that examined Aboriginal subsistence patterns within the hinterland of the NSW south coast. Attenbrow concluded	The hinterland of the Bega Valley experienced intensive resource exploitation that was heavily influenced by geographical and seasonal distribution of food resources,

Study	Findings	Implications for study area
	that both the coast and the hinterland were exploited to varying degrees.	as well as on topography, vegetation, and climate.
(Knight 1996)	Investigated site distribution patterns encountered from the Batemans Bay Forest Archaeology Project, a large-scale archaeological investigation of the South Coast. Knight concluded that the hinterland was as extensively exploited than the coastal zone.	While all environmental zones were utilised by Aboriginal groups, the frequency of larger artefact sites generally decreased in valley locations, however proximity to permanent water was closely associated with larger site sizes
(Dearling, 2002)	Large-scale archaeological investigation of the hinterland of the NSW south coast with a focus on the Bega Valley region. Dearling's study concluded that Aboriginal inhabitants of the Bega Valley region exploited all areas of the study area.	Habitation areas close to major stream will show a higher level of complexity in the artefact assemblage
(Hiscock 1982)	Analysis of surface and sub-surface materials collected from sites recorded on the coastal plain of the far South Coast of NSW along Mumbulla Creek. Study identified 5 sites on high ground, 10-15m above the creek, within 100m of the river containing local and imported materials.	High quality local quartz was sourced from creek lines, with rhyolite, silcrete, and quartzite materials transported up to 25-30km demonstrating complex movements of stone materials within the Bega Valley region.
(Bryne and Smith 1987)	Investigation of selected locations in the Eden area to assess the impact of planned roads on archaeological sites, Of the five sites identified on creek banks and flats were all identified within 50m of Sheep Station Creek, representing a pattern of Aboriginal land use that concentrated on the resources of the creek and the adjacent flats and swamps.	Findings are consistent with previous investigations conducted in the Wandella-Dampier Forests that yielded low-density scatter sites comprised of local material sourced from creek beds
(Stone 1993)	Archaeological survey conducted as part of the proposed optical fibre cable that extended along a 10m corridor from Bega to Cobargo, and from Cobargo to Galba. Two of these sites were identified on ridgelines, with the third site identified on the flat adjacent to the creek and comprised predominately of quartz material.	High quality local quartz was sourced from creek beds, with suitable, well-drained terraces along the creek lines utilised for habitation.

3.2.1 Summary of Archaeological Report desktop assessment

Regional studies of subsistence patterns in the south coast region of NSW have primarily focused on the littoral and coastal zones with little focus on Aboriginal activity and subsistence strategies in the hinterland. This has subsequently manufactured a strong bias towards a marine focused subsistence model. Regional studies of the hinterland indicate however, that Aboriginal people utilised nearly all environments along the NSW South Coast, and that the hinterland was exploited as intensively as the coastal regions. Archaeological investigations have identified a strong association for open camp sites and artefact scatter sites located along ridgelines that offered access to large, open, and well-drained camping grounds.

Local archaeological investigations have largely concentrated on the south coast and far south coastal zones of NSW primarily driven by the concentration of development occurring along the coastal zones. Local archaeological investigations conducted within the vicinity of the study area have identified open camp sites represented by stone artefacts as the dominant site type within the hinterland. These investigations have recorded site types and locations consistent with the hypotheses posited within the abovementioned regional studies, demonstrating a strong association for camp sites located along high ridgelines. Where artefact scatters were present along valleys and on the banks of creek lines, sites were typically identified within 100m of the creek line along flats adjacent to the banks of the watercourses,

3.3 Predictive Statements and Research Potential

3.3.1 Predictive Statements

Table 6: Predictive Statements and Research Potential of the Study Area

Site Features	Predicted Potential	Sensitivity Within Activity Area
Stone artefacts	Moderate-High	Study area is located in close proximity to a perennial watercourse and includes parts on elevated, relatively level and well-drained ground suitable for camping. The underlying geology consists of basalt, rhyolite, and mudstone which are suitable materials for exploitation and stone tool manufacturing. Soils include deep alluvial deposits.
Potential archaeological deposit (PAD)	Moderate-High	Study area is bounded to the north by Pambula River, with the potential for sediment deposits to aggrade. Soil depths are estimated to be greater than 150cm (eSpade 2024)
Midden	Low	Study area is located in the hinterland approximately 9.5km west of the coastline away from estuaries.
Culturally modified tree – Standing	Low	Study area has been largely cleared of native vegetation with few remnant trees remaining within the study area. Remnant trees are concentrated around Pambula River to the north of the study area and along the southern boundary of the study area with any potential culturally modified trees within the study area likely to be within the vicinity of the river.
Ceremonial/Dreaming	Unknown	Any landform.
Burial	Low	Unlikely to occur.
Stone arrangements	Low	Unlikely to occur, but presence cannot be completely discounted.

3.3.2 Research Potential

The information provided above, summarised from the AR, indicates that there may be significant research potential in AHIMS #62-6-0903 as little test excavation has been carried out in the coastal hinterland near the study area.

3.4 Field survey results

Survey was carried out as follows:


Prior to field survey, the landowner provided Michael Lever (Lantern Heritage senior archaeologist) with a guided tour of the study area. This served as a vehicular reconnaissance / traverse which informed subsequent pedestrian survey in identifying general lack of soil exposure, existing disturbance, providing preliminary understanding of landforms, and informing the development of survey units as based on landform units.

Survey was carried out on 10 September 2024 by Lantern employees Michael Lever (Senior Archaeologist) and Glenn Merrick (archaeological assistant) with Francis Clulow of the Eden Local Aboriginal Land Council. The South Coast People Native Title Claimants were invited to participate but could not attend. Representative samples of all landforms in the study area were inspected on foot. Avenza GIS software was used to log survey units, locations of photographs and points of interest on handheld devices. A photographic and backup written record were taken. All mature trees were inspected for Aboriginal scarring, exposed ground surfaces were inspected for Aboriginal objects, and landforms were assessed for areas of subsurface Potential Archaeological Deposit (PAD). Given lack of ground exposure, participants proceeded spaced approximately 20m apart, other than in locations where access, vegetation or landform necessitated single file.

Detailed results of the survey including mapping of survey units and survey transects are provided in the accompanying AR.

3.5 Summary of field survey

No Aboriginal objects, middens, burials or culturally modified trees were identified through survey. One location of PAD was identified during survey. This is:

 **Mount Darragh Road PAD 02 AHIMS # 62-6-0903 at GDA 94 MGA 55 Easting: 750743 Northing 5908023**

Mapping of Mount Darragh Road PAD 02 AHIMS # 62-6-0903 is provided below in Figure 7 in which the extent of land inside the study area that is within 150m of the Pambula River is shown.

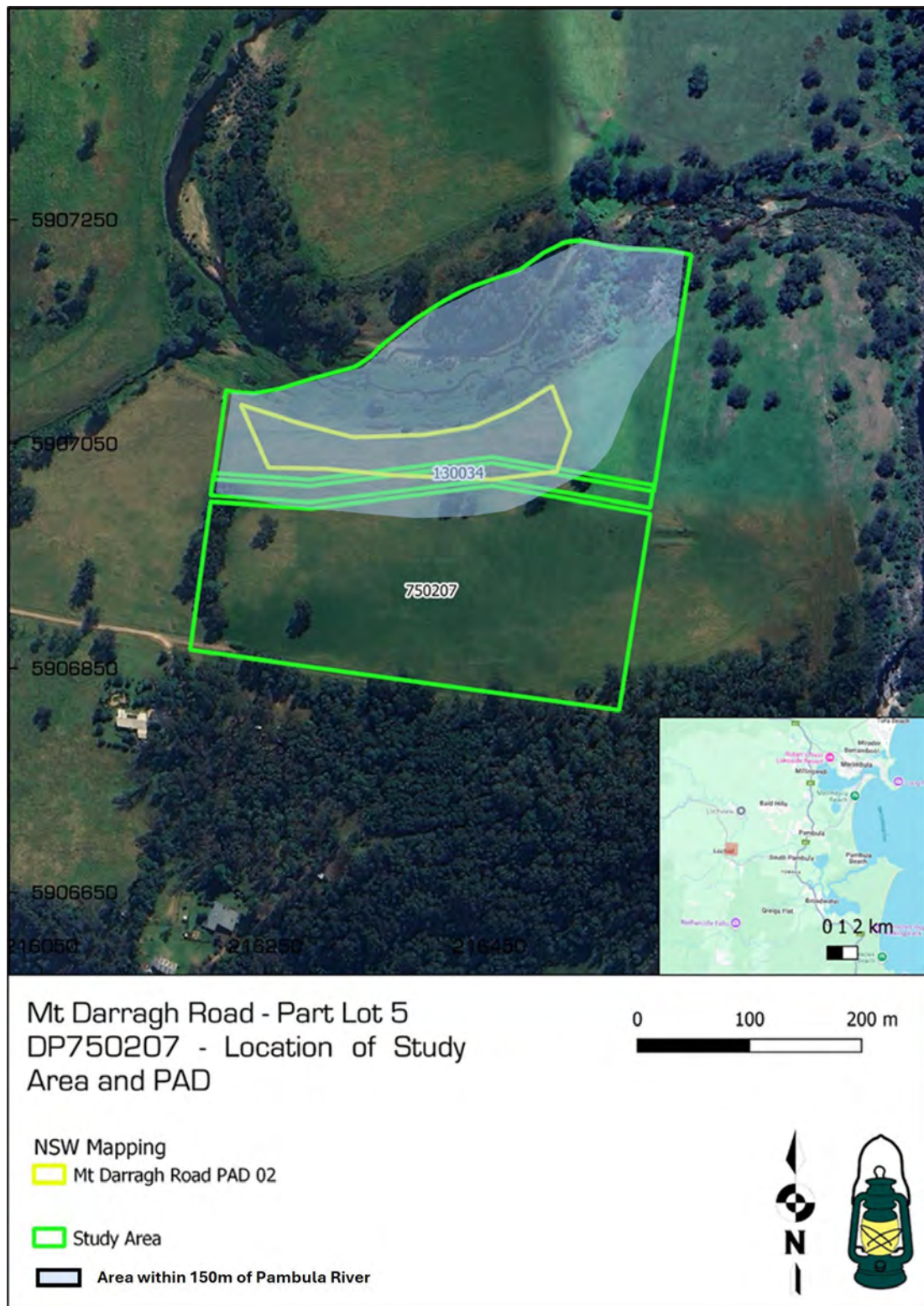
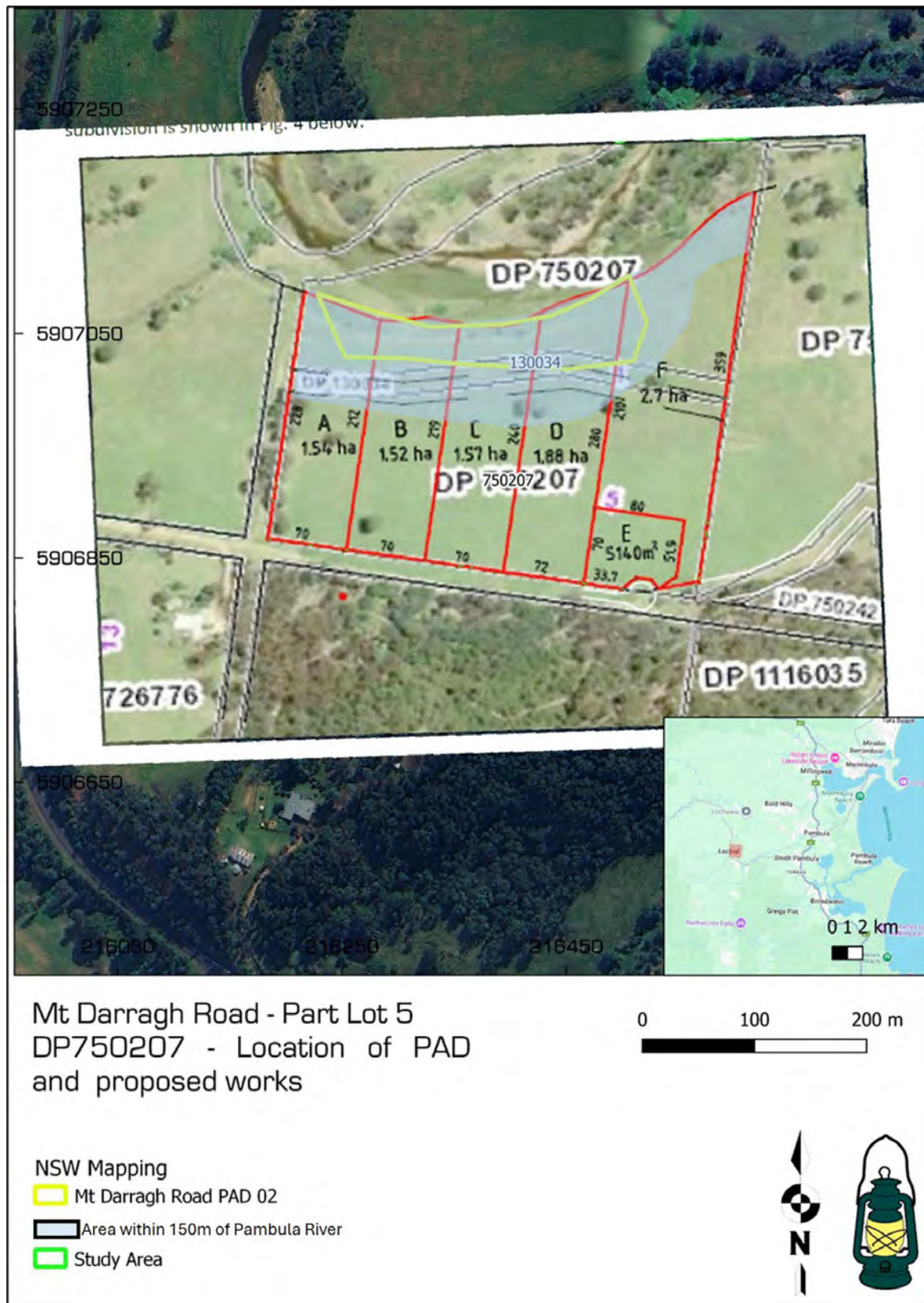


Figure 7: Mt Darragh Rd PAD 02 AHIMS # 62-6-0903 [source: NSW Imagery Map Server].









4 CONSULTATION PROCESS

4.1 Overview

The Heritage NSW *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010c) were implemented by Lantern Heritage on behalf of the proponent. The consultation process started in March 2024. Summaries of the various stages in the consultation process are provided below, together with inputs received to date by registered Aboriginal parties (RAPs). Examples of correspondence and notifications sent out to Aboriginal groups and individuals are provided in Appendix 1 together with a summary log of all consultation. A full record of all correspondence is provided to Heritage NSW separately.

4.2 Stage 1

The first stage (1a) of the consultation process involved the identification of potential stakeholders and invitations to register an interest in the program. This entailed letters (Appendix 1) sent to the following organisations on 4 March 2024:





























-  Native Title Services Corp (NTS Corp).
-  Office of the Registrar Aboriginal Land Rights Act 1983 (Office of the Registrar ALRA);
-  Aboriginal Cultural Heritage Regulation Team, Heritage NSW
-  National Native Title Tribunal Geospatial Services
-  National Native Title Services (NNTS);
-  Bega Local Aboriginal Land Council (BLALC); and

A newspaper advertisement seeking registrations of interest by potential stakeholders (Appendix 1) was placed in the *Merimbula News Weekly*, published on. The closing date for initial registrations of interest was 6 March 2024.

Following receipt of advice from the Office of the Registrar ALRA, NTSCorp, National Native Title Tribunal Geospatial Services and Heritage NSW, letters were sent to the following groups, organisations, and individuals (Stage 1b) on 19 March 2024:

- | | | |
|--|--|--|
|  Badu (Murrin Clan/Peoples) |  Gilay Consultants |  Jerringong (Murrin Clan/Peoples) |
|  Barraby Cultural Services |  Goobah Development PTY LTD (Murrin Clan/Peoples) |  Karrial (Murrin Clan/Peoples) |
|  Bega Local Aboriginal Land Council |  Guntawang Aboriginal Resources Incorporated |  Konanggo Aboriginal Cultural Heritage Services |
|  Bilinga (Murrin Clan/Peoples) |  Gunyuu (Murrin Clan/Peoples) |  Merrimans Local Aboriginal Land Council |
|  Djirringanj Elders Federation |  Guunamaa Dreamin Sites and Surveying |  Munyunga (Murrin Clan/Peoples) |
|  Eden Local Aboriginal Land Council |  Iris White |  Murrumbul (Murrin Clan/Peoples) |
|  Ellen Mundy |  Jason Davison | |
|  Gadhu Dreaming | | |

Lot 5 DP750207 and Lot 1 DP130034 Mount Darragh Road Subdivision - Aboriginal Cultural Heritage Assessment Report (ACHAR)

- | | |
|---|---|
|  Ngarigo and Djiringanj people |  Girragirra Murun Aboriginal Corporation |
|  Ngurambang | |
|  Nundagurri Aboriginal Corporation |  Wingarra Wilay Aboriginal Corporation |
|  Pemulwuy (Murrin Clan/Peoples) |  Gadu chts |
|  South Coast NSW Aboriginal Elders |  Kalthi Consultancy |
|  Steven Holmes |  Gulaga Joint Management Committee |
|  Thauaira |  Biamanga Joint Management Committee |
|  Thomas Brown | |
|  Thomas Dahlstrom Offers ACH value by using 3D Laser and Drone technology |  South Coast People (c/o NTSCorp) |
|  Thoorga Nura | |
|  Twofold Aboriginal Corporation | |
|  Wagonga Local Aboriginal Land Council | |
|  Walbunja (Murrin Clan/Peoples) | |
|  Walgalu (Murrin Clan/Peoples) | |
|  Wingikara (Murrin Clan/Peoples) | |
|  Wullung (Murrin Clan/Peoples) | |
|  Yerramurra (Murrin Clan/Peoples) and Taste of Tradition Native Aboriginal Corporation | |
|  Yukumbruk | |
|  Yurrandaali | |
|  Yurwang Gundana Consultancy Cultural Heritage Services. | |
|  RAW Cultural Healing | |

4.2.1 Registrations of interest

Registrations of interest were received from the following groups and individuals (RAPs):

Organisation	Individual
Bega Local Aboriginal Land Council	Bega Local Aboriginal Land Council
Clive Freeman	Clive Freeman
Djirringanj Elders Federation	John Dixon
Goobah Development PTY LTD (Murrin Clan/Peoples)	Basil Smith
Guntawang Aboriginal Resources Incorporated	Wendy Morgan
Jason Davison	Jason Davison
South Coast NSW Aboriginal Elders	Owen Carriage
South Coast People Native Title Claim	(c/o NTSCorp) Zoe Robertson
Thomas Dahlstrom Offers ACH value by using 3D Laser and Drone technology	Thomas Dahlstrom
Thoorga Thoorga	John Carriage

4.2.2 Draft ACHAR assessment methodology

On 11 April 2024, and in accordance with Stage 2 and Stage 3 of the Requirements, letters were sent to RAPs providing information on the proposal, the assessment methodology, and requesting input from RAPs.

4.2.2.1 Responses to the Draft ACHAR assessment methodology

One response to the Draft ACHAR was received:

Organisation	Date	Comment
Guntawang Aboriginal Resources Incorporated	12/04/2024	As part of our input to the ACHA Guntawang Aboriginal Resources Inc (GARI) agrees and support the Proposed Plan and the preparation of the Archaeological Cultural Heritage Report.

4.2.2.2 Comments during field survey

Francis Clulow of Eden LALC concurred with identification of Mount Darragh Road PAD 02 AHIMS # 62-6-0903, and that the balance of the study area was of low archaeological potential.

4.3 Stage 4 Draft ACHAR to RAPs

Draft copies of this ACHAR were provided to RAPs for 28-day review and comment on 14 October 2024, with a deadline of 11 November 2014 for feedback. No RAPs responded to this part of the consultation process.

5 SUMMARY AND ANALYSIS OF BACKGROUND INFORMATION

A total of seven (7) Aboriginal heritage sites are located within a 6km radius of the study area. Of these, the closest Aboriginal site recorded within the vicinity of the study area consists of an open camp site (AHIMS #62-6-0237), located approximately 3.2km southeast of the current study area. Of the remaining six (6) Aboriginal heritage sites identified within an approximate 6km radius of the study area, two (2) sites are classified as fish traps (AHIMS #62-6-0881; AHIMS #62-6-0579), three (3) sites are classified as artefact sites (AHIMS #62-6-0751; AHIMS #62-6-0752; AHIMS #62-6-0753), and a one (1) site is classified as Open Camp Sites (AHIMS #62-6-0167).

Regional studies of the NSW south coast have primarily focused on the littoral and coastal zones with little focus on Aboriginal activity and subsistence strategies in the hinterland. This has subsequently manufactured a strong bias towards a marine focused subsistence model. Similarly, development, another driving factor of research along the NSW South Coast, has focused primarily along the coastal and littoral zones. This has resulted in a persistent underrepresentation for subsistence patterns within the NSW South Coast hinterland on the archaeological record. This does not correlate to low archaeological potential.

Potential undisturbed Aboriginal objects

Historic landscape use within the study area appears to have largely restricted to livestock and it is probable that widescale soil disturbance has been chiefly restricted to the surface, and that any sub-surface deposits remain relatively intact. Along the margins of the Pambula River within Mount Darragh Road PAD 02 AHIMS # 62-6-0903 soils include deep alluvial deposits and appear to be relatively undisturbed beyond past vegetation clearance. Therefore, there is a moderate-high potential for archaeologically significant and undisturbed lithic material to be present in the study area.

Potential disturbed Aboriginal objects

Aboriginal stakeholders consulted during through heritage assessments have frequently asserted that although the disturbance of Aboriginal objects may reduce their archaeological significance, such disturbance in no way reduces their Aboriginal cultural significance as a tangible connection to the past and to the Old People who formed them.

The proposed subdivision includes AHIMS #62-6-0903, however due to BVSC DCP 2013 constraints, approval will not be issued for development that will cause direct or indirect harm to this site.

6 CULTURAL HERITAGE VALUES AND STATEMENT OF SIGNIFICANCE

This section details the assessment of all cultural heritage values at. It has been compiled in accordance with the processes outlined in the *Burra Charter* [Australia ICOMOS 2013a]. Each of the sub-sections below provides an overview of how different cultural heritage values are defined in the *Burra Charter*, followed by discussion of how these values apply to the study area and the site assessed during field survey. This is followed by statements of significance for areas of anticipated impact.

6.1 Social or Cultural Values

Within the Burra Charter Practice Note on *Understanding and Assessing Cultural Significance* [Australia ICOMOS 2013b: 4] Social Value is defined as follows:

***Social value** refers to the associations that a place has for a particular community or cultural group and the social or cultural meanings that it holds for them.*

Within the context of assessing Aboriginal cultural heritage, spiritual values are often closely tied to social values. Within the Burra Charter Practice Note on *Understanding and Assessing Cultural Significance* [Australia ICOMOS 2013b: 4] Spiritual Value is defined as follows:

***Spiritual value** refers to the intangible values and meanings embodied in or evoked by a place which give it importance in the spiritual identity, or the traditional knowledge, art and practices of a cultural group. Spiritual value may also be reflected in the intensity of aesthetic and emotional responses or community associations and be expressed through cultural practices and related places.*

The qualities of the place may inspire a strong and/or spontaneous emotional or metaphysical response in people, expanding their understanding of their place, purpose, and obligations in the world, particularly in relation to the spiritual realm.

The term spiritual value was recognised as a separate value in the Burra Charter, 1999. It is still included in the definition of social value in the Commonwealth and most state jurisdictions. Spiritual values may be interdependent on the social values and physical properties of a place.

Little is known of a cultural connection to places at Kameruka Lane study area due to the displacement of Aboriginal people in the area following European colonisation. However, during the consultation process RAPs indicated that the site is part of a broader landscape of cultural significance utilised for foraging activities.

6.2 Historic Values

Within the Burra Charter Practice Note on *Understanding and Assessing Cultural Significance* [AICOMOS 2013b: 3] Historic Value is defined as follows:

***Historic value** is intended to encompass all aspects of history—for example, the history of aesthetics, art and architecture, science, spirituality, and society. It therefore often underlies other values. A place may have historic value because it has influenced, or has been influenced by, an historic event, phase, movement or activity, person, or group of people. It may be the site of an important event. For any place the significance will be greater where the evidence of the association or event survives at the place, or where the setting is substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of such change or absence of evidence.*

No specific Aboriginal or other historical values were identified for the study area.

6.3 Scientific/Archaeological Values

Within the Burra Charter Practice Note on *Understanding and Assessing Cultural Significance* (AICOMOS 2013b: 3-4) Scientific Value is defined as follows:

***Scientific value** refers to the information content of a place and its ability to reveal more about an aspect of the past through examination or investigation of the place, including the use of archaeological techniques. The relative scientific value of a place is likely to depend on the importance of the information or data involved, on its rarity, quality or representativeness, and its potential to contribute further important information about the place itself or a type or class of place or to address important research questions. To establish potential, it may be necessary to carry out some form of testing or sampling. For example, in the case of an archaeological site, this could be established by a test excavation.*

The scientific values of Mount Darragh Road PAD 02 AHIMS # 62-6-0903 within the study area cannot be currently appropriately assessed without sub-surface investigations. Currently, there is no immediate threat to Mount Darragh Road PAD 02 AHIMS # 62-6-0903 and sub-surface investigations are not required.

Table 6: Assessment of scientific value

Site ID	Rarity	Representativeness	Archaeological Potential	Scientific Value
AHIMS #62-6-0903	Currently undetermined	Currently undetermined	Currently undetermined	Currently undetermined

6.4 Aesthetic Values

Within the Burra Charter Practice Note on *Understanding and Assessing Cultural Significance* (AICOMOS 2013b: 3) Aesthetic Value is defined as follows:

***Aesthetic value** refers to the sensory and perceptual experience of a place—that is, how we respond to visual and non-visual aspects such as sounds, smells and other factors having a strong impact on human thoughts, feelings and attitudes. Aesthetic qualities may include the concept of beauty and formal aesthetic ideals. Expressions of aesthetics are culturally influenced.*

The site recorded during survey do not themselves display particular aesthetic values. Overall, the aesthetic value of the site is assessed to be low.

6.5 Statement of Significance

The scientific significance of Mount Darragh Road PAD 02 AHIMS # 62-6-0903 is undetermined. As no impacts are proposed to Mount Darragh Road PAD 02 AHIMS # 62-6-0903 through the current proposal, there do not exist triggers to further investigate the archaeological significance of Mount Darragh Road PAD 02 AHIMS # 62-6-0903. The archaeological significance of the balance of the study area is considered to be low, based on landform factors including slope.

7 IMPACT ASSESSMENT

7.1 Potential harm to Aboriginal objects

Mount Darragh Road PAD 02 AHIMS # 62-6-0903 is a location of *potential* archaeological value and any assessment of potential harm to it is speculative without determination of real archaeological values within it. Nevertheless, in the current case it is possible to identify that no harm to Aboriginal objects is possible

The proposal for subdivision contains Mount Darragh Road PAD 02 AHIMS # 62-6-0903. However, Mount Darragh Road PAD 02 AHIMS # 62-6-0903 is wholly within 150m of Pambula River. Development in this location is precluded by BVSC DCP 2013 Section 5.7, therefore no direct or indirect impacts are assessed as likely to Mount Darragh Road PAD 02 AHIMS # 62-6-0903.

7.2 Assessment of Harm

Table 7: Summary of impact assessment.

Action/Works	Impact Type	Degree of Harm	Consequence of harm
Subdivision	None	None	None

7.2.1 Impacts on cultural heritage values

Mount Darragh Road PAD 02 AHIMS # 62-6-0903 is a location of potential scientific archaeological value. No impacts to its scientific values have been identified as a result of the proposal.

8 AVOIDING AND/OR MITIGATING HARM

In Australia, the principal document that provides guidance for the conservation and management of places of cultural significance is the *Burra Charter* (ICOMOS 2013a). The *Burra Charter* is based on the knowledge and experience of Australia ICOMOS members; it “advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained” (ICOMOS 2013a: 1).

The proposed works are not likely to result in any impacts to Mount Darragh Road PAD 02 AHIMS # 62-6-0903. Any future applications or proposals for development within Mount Darragh Road PAD 02 AHIMS # 62-6-0903 would require further formal archaeological investigation.

8.1 Justification for any likely harm







No harm has been identified to Mount Darragh Road PAD 02 AHIMS # 62-6-0903 as a result of the proposal. Mount Darragh Road PAD 02 AHIMS # 62-6-0903 will be protected from harm by the provisions of BVSC DCP 2013 Section 5.7. No Aboriginal archaeological values have been identified in the proposal area outside Mount Darragh Road PAD 02 AHIMS # 62-6-0903.

8.2 Ecologically Sustainable Development

It is not the place of this report to comment on areas outside its expertise such as detailed environmental and ecological impacts, or community preference and council strategy. A separate biodiversity assessment has been prepared in relation to the planning proposal but is not yet available to this report. Nevertheless, in broadest terms, the proposal represents an increase of low-density housing on land that is not feasible for intensive agriculture. The development is situated within 8km of Pambula, a small township currently in population stasis or decline. The proposal will provide lifestyle benefits for a range of demographics to enjoy rural lifestyle without undue sprawl, to benefit from proximity to facilities at Pambula, and to increase the vitality of the locale.

9 CONCLUSIONS AND RECOMMENDATIONS

9.1 Conclusions

-  The study area comprises a total area of approximately 12.9ha situated at Lot 5 DP750207 and 1 DP130034, BVSC LGA.
-  A desktop review indicates that the study area has not undergone significant development, and that land and soil disturbance is largely restricted to pastoral activities limited to livestock grazing.
-  Parts of the study area that fall within 150m of the Pambula River are subject to Section 5.7 of the BVSC Development Control Plan (DCP) 2013 (amended 2015). The parts of the study area within 150m of the Pambula River will therefore not be subject to impacts.
-  One Aboriginal Heritage Site (Mount Darragh Road PAD 02 AHIMS # 62-6-0903) was recorded within the study area. Mount Darragh PAD 02 AHIMS # 62-6-0903 is wholly within 150m of the Pambula River.
-  No other Aboriginal objects, or archaeological values have been identified in the balance of the study area outside Mount Darragh PAD 02 AHIMS # 62-6-0903
-  No impacts have been identified to Aboriginal heritage values within the study area.

9.2 Recommendations

1. Subject to development remaining constrained to areas under Section 5.7 of the BVSC Development Control Plan (DCP) 2013 (amended 2015), being locations wholly outside of Mount Darragh PAD 02 AHIMS # 62-6-0903, no further formal archaeological assessment is required for the proposal of subdivision to proceed.
2. The proponent may choose to enact further protection for Mount Darragh PAD 02 AHIMS # 62-6-0903 through restricting development on land that is within the Flood Planning Area.
3. Any future applications or proposals for development within Mount Darragh Road PAD 02 AHIMS # 62-6-0903 would require further formal archaeological investigation.

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APPENDIX 1 – ABORIGINAL CONSULTATION

Example Stage 1a Letter to Agencies



Lantern Heritage Pty Ltd

PO Box 7039

Tathra

NSW 2550

ACN: 620 582 658

ABN: 30 620 582 658

Mobile: 0414 953 729

Email: consultation@lanternheritage.com.au

Web: www.lanternheritage.com.au

27 June 2024

Heritage NSW
PO Box 733
Queanbeyan, NSW 2620
E: heritagemailbox@environment.nsw.gov.au

Dear Sir/Madam,

To seek Aboriginal knowledge holders to assist with preparation of a Cultural Heritage Assessment Report for the proposed subdivision at Lot 1 DP 130034 & Lot 5 DP 750207 Mt Darragh Road, Lochiel

A subdivision of land is proposed at Lot 1 DP 130034 & Lot 5 DP 750207 Mt Darragh Road, Lochiel (the study area). The proponent has engaged Lantern Heritage Pty Ltd (Lantern) to provide Aboriginal Heritage management to progress the proposal. The study area is within the Bega Valley Shire Council Local Government Area (LGA), and the lands of the Eden Local Aboriginal Land Council (LALC). The study area is shown in Figure 1 below.

During the approvals process it has been identified that the proposal will require an Aboriginal Cultural Heritage Assessment Report (ACHAR) and potential subsequent Aboriginal Heritage Impact Permit (AHIP). On behalf of the proponent Lantern is commencing the *Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)*. The purpose of community consultation is to assist in the identification, assessment and management of Aboriginal objects or places.

Lantern is seeking the names of Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and /or places within the study area and surrounds.

Aboriginal people or organisations identified by your agency will be notified of the project and invited to participate in the assessment process as described in Heritage NSW requirements. Please forward the details of relevant Aboriginal people or organisations to consultation@lanternheritage.com.au before **11 June 2024**.

Please note that unless requested otherwise, names of responders will be provided to Heritage NSW and Eden LALC.

Contact details for the proponent are:

Cobamdrah Pty Ltd
E: bruce.cohen@bigpond.com
M: 0417 313 007

Yours Sincerely,

Majella Hammersley
Archaeologist
Lantern Heritage Pty Ltd

 **Lantern Heritage**
shining a light on people and place



Figure 1: Location of proposed development site at Lot 1 DP 130034 & Lot 5 DP 750207 Mt Darragh Road. (Note Lot 1 is the road reserve between the two highlighted parcels)

Example Stage 1b Letter to RAPs



Lantern Heritage Pty Ltd

PO Box 7039

Tathra

NSW 2550

ACN: 620 582 658

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Mobile: 0414 953 729

Email: consultation@lanternheritage.com.au

Web: www.lanternheritage.com.au

15 July 2024

Bega Local Aboriginal Land Council
Auckland Plaza, 17 Bunyara Dr
PO Box 11 BEGA NSW 2550
E: ceo@begalalc.org.au
Ph: (02) 6492 3950

Dear Sir/Madam,

To seek Aboriginal knowledge holders to assist with preparation of a Cultural Heritage Assessment Report for the proposed subdivision site at Lot 1 DP 130034 & Lot 5 DP 750207 Mt Darragh Road, Lochiel

A subdivision of land is proposed at Lot 1 DP 130034 & Lot 5 DP 750207 Mt Darragh Road, Lochiel (the study area). The proponent has engaged Lantern Heritage Pty Ltd (Lantern) to provide Aboriginal Heritage management to progress the proposal. The study area is within the Bega Valley Shire Council Local Government Area (LGA), and the lands of the Eden Local Aboriginal Land Council (LALC). The study area is shown in Figure 1 below.

During the approvals process it has been identified that the proposal will require an Aboriginal Cultural Heritage Assessment Report (ACHAR) and potential subsequent Aboriginal Heritage Impact Permit (AHIP). On behalf of the proponent Lantern is commencing the *Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)*. The purpose of community consultation is to assist in the identification, assessment and management of Aboriginal objects or places.

Lantern is seeking the names of Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and /or places within the study area and surrounds.

To register your interest to be consulted about this project, please contact consultation@lanternheritage.com.au before 31 July 2024.

Please note that unless requested otherwise, names of responders will be provided to Heritage NSW and Eden LALC.

Contact details for the proponent are:

Cobamdrah Pty Ltd
E: bruce.cohen@bigpond.com
M: 0417 313 007

Yours Sincerely,

Majella Hammersley
Archaeologist
Lantern Heritage Pty Ltd

 **Lantern Heritage**
shining a light on people and place



Figure 1: Location of proposed development site at Lot 1 & 5 DP 750207 Mt Darragh Road. (Note Lot 1 is the road reserve between the two highlighted parcels.)

Example Stage 2/3 Letter



Lantern Heritage Pty Ltd

PO Box 7039
Tathra
NSW 2550

ACN: 620 582 658
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Phone: (02) 6494 5759
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Email: info@lanternheritage.com.au
Web: www.lanternheritage.com.au

2 August 2024

Peter Dixon
Bega LALC
104 Gipps Street
Bega NSW
E: projects@begalalc.org.au
Ph: 02 6492 3950

Dear Peter,

Re: Preparation of Archaeological Cultural Heritage Report
Lot 5 DP750207 and 1 DP130034, 299-300 Mount Darragh Road, Lochiel NSW 2549

Thank you for your registration of interest in the Aboriginal consultation process regarding proposed works at Lot 5 DP750207 and 1 DP130034 299-300 Mount Darragh Road (the study area). In accordance with Stage 2 of the *Aboriginal Cultural Heritage Consultation Guidelines for Proponents* (DECCW 2010a), this letter aims to provide you with details of:

- the proposed works;
- the impact assessment process; and
- previously recorded sites;

It is also the first step in (Stage 3) the process of ongoing consultation with all registered Aboriginal parties to:

- identify, raise and discuss their cultural concerns, perspectives and assessment requirements;
- contribute to the research methodology and culturally appropriate information gathering;
- provide information regarding the cultural significance of Aboriginal objects and/or places in the proposed project area; and
- have input into the development of any cultural heritage management options.

Please provide Lantern Heritage with a response to the Stage 3 consultation matters at consultation@lanternheritage.com.au by 30 Aug 2024. The study area is shown in Figure 1 below.

At this stage, the proponent seeks to complete an Aboriginal Cultural Heritage Assessment Report (ACHAR) as part of development application for the proposed works described below.

Lot 5 DP750207 and Lot 1 DP130034 Mount Darragh Road Subdivision - Aboriginal Cultural Heritage Assessment Report (ACHAR)

Preparation of Archaeological Cultural Heritage Report
Lot 5 DP750207 and 1 DP130034 299-300 Mount Darragh Road, Lochiel 2549

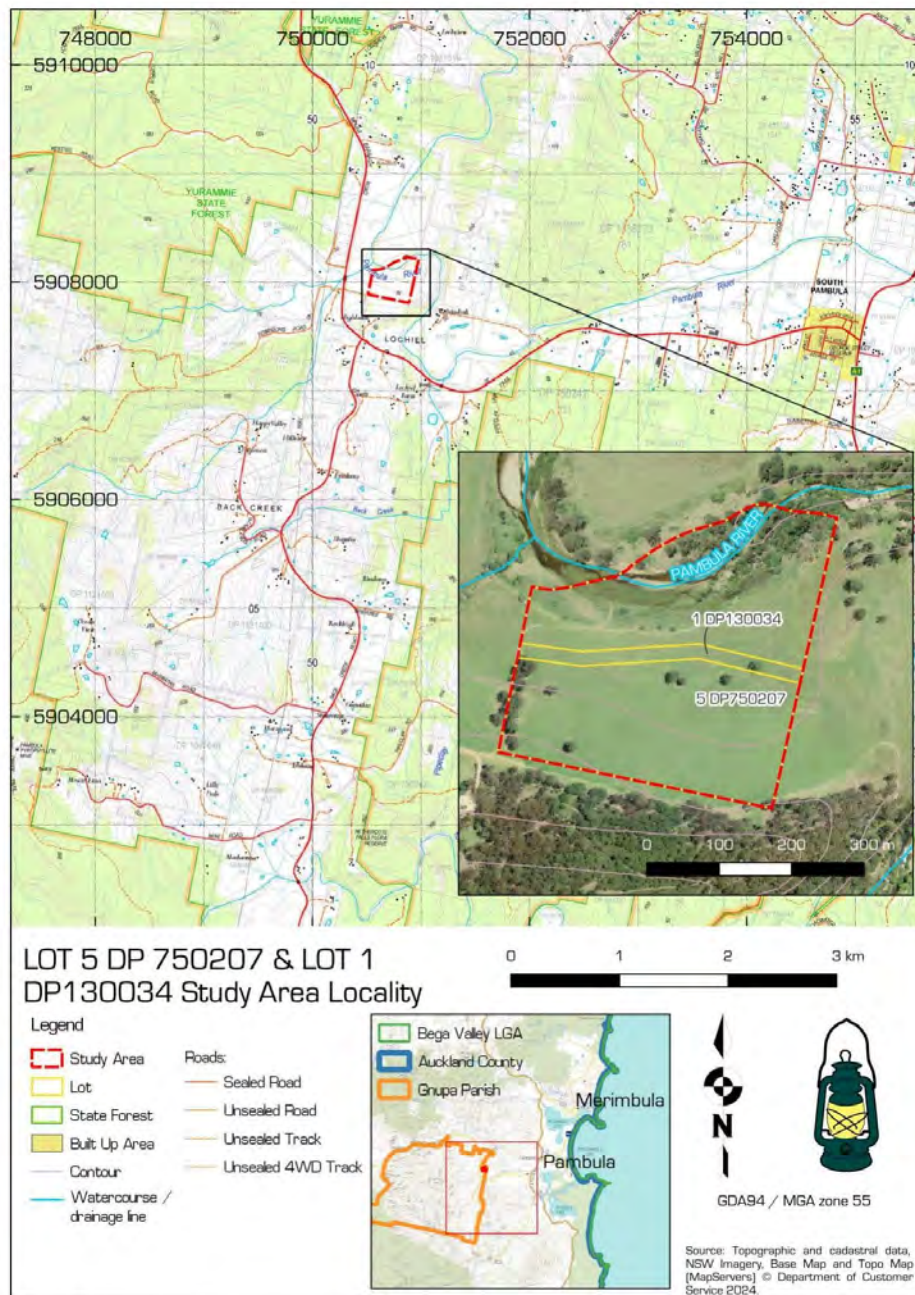


Figure 1: The study area

Proposed works

Cobandrah Pty Ltd (the proponent) propose to undertake the subdivision of land at Lot 5 DP750207 and 1 DP130034, Mt Darragh Road, Lochiel (the proposal).

Contact details for the proponent are:

Cobandrah Pty Ltd
E: bruce.cohen@bigpond.com
M: 0417 313 007

The proposed subdivision is part of the property situated at 299/300 Mount Darragh Road, Lochiel, encompassing an area of approximately 12.9ha, as illustrated below (Figure 2-5).



Figure 2: The study area in broader setting (client provided)



Figure 3: the proposed subdivision



Figure 4: Existing divisions in the surrounding area

Registered Aboriginal Sites in and near the study area

A search of the Aboriginal Heritage Information Management System (AHIMS) revealed that no Aboriginal sites have been registered in or near the study area. A total of seven (7) Aboriginal heritage sites are located within a 6km radius of the study area. Of these, the closest Aboriginal site recorded within the vicinity of the study area consists of an open camp site (AHIMS #62-6-0237), located approximately 3.2km southeast of the current study area. Of the remaining six (6) Aboriginal heritage sites identified within an approximate 6km radius of the study area, two (2) sites are classified as fish traps (AHIMS #62-6-0881; AHIMS #62-6-0579), three (3) sites are classified as artefact sites (AHIMS #62-6-0751; AHIMS #62-6-0752; AHIMS #62-6-0753), and a one (1) site is classified as Open Camp Sites (AHIMS #62-6-0167). A search of the NSW State Heritage Inventory revealed no Aboriginal Places Gazetted in or near the study area.

Preparation of Archaeological Cultural Heritage Report
Lot 5 DP750207 and 1 DP130034 299-300 Mount Darragh Road, Lochiel 2549

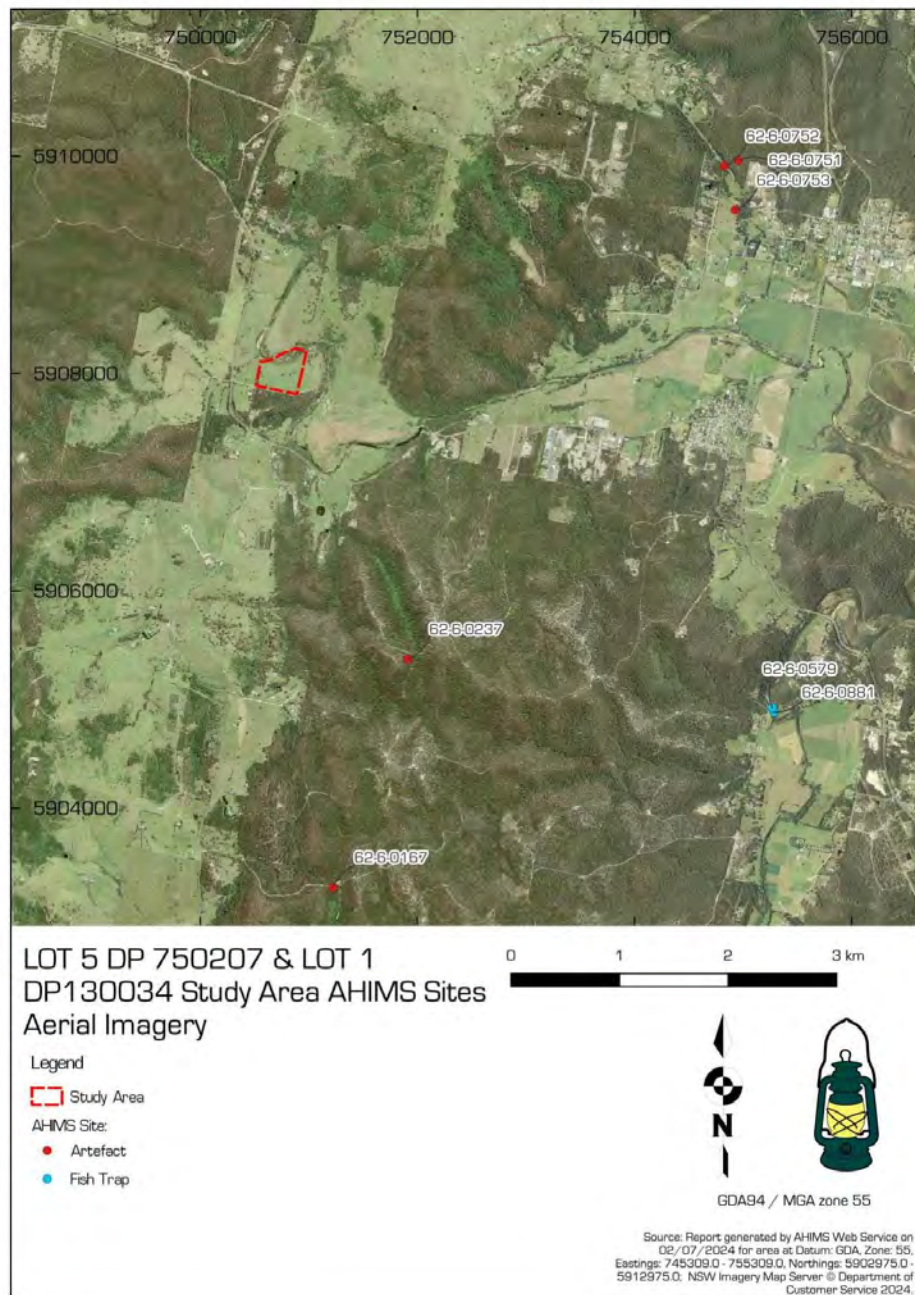


Figure 6: The study area and AHIMS sites

Assessment process

It is proposed that an Archaeological Report and an ACHAR must be carried out prior to any ground disturbing works in order to investigate as far as possible from a desktop and survey perspective what the likely scientific and cultural sensitivities of the study area are, to formulate recommendations for site management and any potential future AHIP requirements.

The assessment process for the project will be conducted in accordance with the guidelines set out in the NSW Office of Environment and Heritage publications:

- *Code of Practice for Archaeological Investigation of Aboriginal Object in New South Wales* [DECCW 2010]
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents* [DECCW 2010a].
- *Guide to Investigating, Assessing and reporting on Aboriginal Cultural heritage in NSW* [OEH 2011]

It will involve background research to identify all known Aboriginal sites in and around the areas of proposed works, and a review of existing reports and publications to establish a predictive model of Aboriginal site location.

Field survey of the proposed impact areas will be undertaken in collaboration with the Bega Local Aboriginal Land Council. The survey will aim to:

- review the condition and extent of all known Aboriginal sites within the project area;
- identify any previously unrecorded Aboriginal objects and/or areas of archaeological potential;
- identify non-archaeological places of Aboriginal cultural value; and
- identify any heritage constraints to the proposed works.

Ongoing consultation will be undertaken with all registered Aboriginal parties in order to gather information regarding Aboriginal cultural values in and around the proposed project areas. Opportunities will be provided throughout the assessment process for registered Aboriginal parties to contribute information in writing, in person, or via telephone, regarding cultural values and preferred options for managing those cultural values and mitigating potential impacts.

This letter is the first stage in that consultation process. All registered Aboriginal parties are invited to:

- contribute to culturally appropriate information gathering and the research methodology;
- provide information that will enable the cultural significance of Aboriginal objects and/or places within the proposed project areas to be determined; and
- have input into the development of any cultural heritage management options.

You are invited to contact Lantern Heritage at any stage during the project, via the contact details provided below, to ask any questions, or provide cultural information, feedback and recommendations regarding the proposed works and long-term management strategies.

Lantern Heritage
consultation@lanternheritage.com.au
(02) 6494 1801
PO Box 7039, Tathra, NSW 2550

If there are any concerns about the cultural sensitivity of information provided, or if for any reason you wish to place restrictions on access to information provided (e.g. information that should not be provided to the public, or information specific to women's/men's business), Lantern Heritage will undertake all necessary measures to ensure that your information remains confidential. Furthermore, in the event that you have concerns or information relating to a women's site, Lantern Heritage has a female archaeologist who you will be put in contact with.

Following completion of the field survey, an Aboriginal Cultural Heritage Assessment Report (ACHAR) will be prepared that documents the results of the background research, field survey, and Aboriginal consultation process. That report will also include a detailed significance assessment of all known Aboriginal objects and/or places, an assessment of potential impacts from the proposed works, and strategies for minimisation and management of potential impacts.

Lot 5 DP750207 and Lot 1 DP130034 Mount Darragh Road Subdivision - Aboriginal Cultural Heritage Assessment Report (ACHAR)

Preparation of Archaeological Cultural Heritage Report
Lot 5 DP750207 and 1 DP130034 299-300 Mount Darragh Road, Lochiel 2549

Copies of the draft report will be provided to all registered Aboriginal parties. You will then have at least 28 days to provide feedback/comment on the draft report. All contributions, comments and recommendations made by registered Aboriginal parties will be incorporated into the final version of the ACHAR. The ACHAR will then be submitted to OEH along with the AHIP application.

Lantern Heritage would like to thank you for your registration of interest in this project. We look forward to working with you in the coming months and encourage you to get in touch with any information you may have relevant to the project, or any concerns you have about cultural heritage values at Lot 5 DP750207 and 1 DP130034 299-300 Mount Darragh Road.

Please feel free to contact Lantern Heritage at any time with any questions you may have regarding this project.

Yours Sincerely,



Michael Lever BA Hons, PhD
Senior Archaeologist
Lantern Heritage Pty Ltd

 **Lantern Heritage**
shining a light on people and place

9

Consultation Log

Organisation contacted	Contact name	Date contacted	Contacted by	Method	Consultation type / Comment
Stage 1a mailout					
NTS Corp		27.6.24	Majella Hammersley	Email sent	invitation letter sent to nominate knowledge holders
Heritage NSW		27.6.24	Majella Hammersley	Email sent	invitation letter sent to nominate knowledge holders
Office of the Registrar Aboriginal Land Rights Act 1983 (NSW)		27.6.24	Majella Hammersley	Email sent	invitation letter sent to nominate knowledge holders
Bega Valley Shire Council		27.6.24	Majella Hammersley	Email sent	invitation letter sent to nominate knowledge holders
Eden Local Aboriginal Land Council	Dean Muscat	27.6.24	Majella Hammersley	Email sent	invitation letter sent to nominate knowledge holders
SE Local Land Services		N/A	N/A	Email not sent	SE Local Land service have advised they do not wish to provide this information
National Native Title Tribunal New South Wales		27.6.24	Majella Hammersley	Email sent	Geospatial search lodged
Stage 1 public notice					
Merimbula News Weekly		27.6.24	Glenn Merrick	lodged online	Lantern Heritage sent a request to publish the Public Notice on the Merimbula News Weekly. Date of publication 3/7/2024
Stage 1a responses					

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Eden LALC	Dean Muscat	28.6.24	Dean Muscat	Email received	Eden Aboriginal Land Council can assist with this. We have a team of Heritage Assessors which previously have been engaged with Lantern Heritage. Please feel free to get in touch.
HNSW	HNSW	28.6.24	Colleen Klingberg	Email received	Response being prepared by team
ORALRA	ORALRA	27.6.24	ORALRA	Email received	Returned geospatial search. South Coast People.
NTSCorp	Maggie Lai	1.7.24	Maggie Lai	Email Received	Registers the South Coast People NT claimants, to be contacted through Sandy Chalmers and Morgan Westley at NTSCorp
HNSW	Barry Gunther	1.7.24	Barrie Gunther	Email Received	Attached stakeholder list for reference
Bega Valley Shire Council	Sarah-Anne Groninger	22.7.24	Sarah-Anne Groninger	Email received	Council does not keep such records
Stage 1b mailout					
Joint Management Coordinator for Biamanga National Park	Annalyss Thompson	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Joint Management Coordinator for Gulaga National Park	Anita Mongta	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Eden LALC	Dean Muscat	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
South Coast People Native Title Claimants	Sandy Chalmers and Morgan Westley	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Badu (Murrin Clan/Peoples)	Karia Lea Bond	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.

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Barraby Cultural Services	Lee Field	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Bega Local Aboriginal Land Council		15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Bilinga (Murrin Clan/Peoples)	Simalene Carriage	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Clive Freeman	Clive Freeman	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Djirringanj Elders Federation	John Dixon	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Ellen Mundy	Ellen Mundy	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Gadhu Dreaming	Gordon Campbell	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Gilay Consultants	Carol Slater	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Goobah Development PTY LTD (Murrin Clan/Peoples)	Basil Smith	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Guntawang Aboriginal Resources Incorporated	Wendy Morgan	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Gunyu (Murrin Clan/Peoples)	Kylie Ann Bell	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Guunamaa Dreamin Sites and Surveying	Richard Campbell	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Iris White	Iris White	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.

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Jason Davison	Jason Davison	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Jerringong (Murrin Clan/Peoples)	Joanne Anne Stewart	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Karrial (Murrin Clan/Peoples)	Karrial Johnson	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Konanggo Aboriginal Cultural Heritage Services	Robert Young	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Merrimans Local Aboriginal Land Council		15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Munyunga (Murrin Clan/Peoples)	Kaya Dawn Bell	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Murrumbul (Murrin Clan/Peoples)	Mark Henry	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Ngarigo and Djiringanj people	John Dixon	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Ngurambang	Robert Monaghan	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Nundagurri Aboriginal Corporation	Newton Carriage	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Pemulwuy (Murrin Clan/Peoples)	Pemulwuy Johnson	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
South Coast NSW Aboriginal Elders	Owen Carriage	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Steven Holmes	Steven Holmes	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.

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Thauaira	Shane Carriage	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Thomas Dahlstrom	Thomas Dahlstrom	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Thoorga Nura	John Carriage	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Wagonga Local Aboriginal Land Council		15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Walbunja (Murrin Clan/Peoples)	Hika Te Kowhai	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Walgalu (Murrin Clan/Peoples)	Ronald Stewart	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Wingikara (Murrin Clan/Peoples)	Hayley Bell	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Wullung (Murrin Clan/Peoples)	Lee-Roy James Boota	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Yerramurra (Murrin Clan/Peoples) and Taste of Tradition Native Aboriginal Corporation	Robert Parson	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Yukumbruk	Serena Williams	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Yurrandaali	Bo Field	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Yurwang Gundana Consultancy Cultural Heritage Services.	Dean Bell and Merekai Bell	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
RAW Cultural Healing	Raymond Weatherall	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.

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Girragirra Murun Aboriginal Corporation	Diana Astin	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Wingarra Wilay Aboriginal Corporation	Raymond Moon	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Gadu chts	Colin Walker	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
Kalthi Consultancy	Derek Hardman	15.7.24	Majella Hammersley	Email sent	invitation letter sent to register for project consultation.
	Thomas Brown	17.7.24	Glenn Merrick	Registered post	invitation letter sent to register for project consultation.
Twofold Aboriginal Corporation		17.7.24	Glenn Merrick	Registered post	invitation letter sent to register for project consultation.
Stage 1b responses					
Eden LALC	Dean Muscat	16.7.24	Majella Hammersley	Email received	Registered interest in consultation for the project. Eden Aboriginal Land Council would be happy to supply our Cultural Heritage officers for this job.
Bega LALC	Peter Dixon	16.7.24	Peter Dixon	Email received	Registered interest in consultation for the project, and assistance in fieldwork and cultural value work
South Coast People via NTSCorp	Maggie Lai	19.7.24	Maggie Lai	Email received	Registered South Coast People in consultation for the project, to be contacted via NTSCorp. Email re-subjected as Armidale Rd Bombaderry ACHA.

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Merrimans Local Aboriginal Land Council	Blaan Davies	21.7.24	Blaan Davies	Email received	Will compile and forward the details of the relevant Aboriginal knowledge holders from within LALC members. Requested approval of information to send out to LALC members
South Coast People via NTSCorp	Maggie Lai	22.7.24	Majella Hammersley	Email sent	As email nominating South Coast People via NTSCorp has a different subject title, email sent to confirm correction of information for the project.
South Coast People via NTSCorp	Maggie Lai	22.7.24	Maggie Lai	Email received	Email confirmed information as correct to the Mt Darragh project
Merrimans Local Aboriginal Land Council	Blaan Davies	21.7.24	Majella Hammersley	Email sent	Reiteration of required contact information for nominated community members. Approval of information for LALC members
Bega Valley Shire Council	Sarah-Anne Groninger	24.7.24	Sarah-Anne Groninger	Email received	Council does not keep records for this

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Guntawang Aboriginal Resources Inc (GARI)	Wendy Morgan	25.7.24	Wendy Morgan	Email received	GARI would like to express an interest in the ACHA for Lot 1 & 5 DP 750207 Stage 1B Mt Darragh Rd Lockiel. Guntawang has an experience cultural and heritage officer who has worked with Sydney University to identify the differences between Indigenous Australian' s bone structure to Non-Indigenous People. He has participated and co-ordinated a repatriation of Aboriginal skeletal remains to the land from which she belonged. He has years of experience in identifying Aboriginal artefacts. He has worked with numerous Archaeologist on similar projects. Guntawang would like to be included in any field work or excavation involved with this project.
Notification response to Heritage NSW and LALC (within 28 days of closing of 1b)					
Heritage NSW		5.8.24	Majella Hammersley	Email sent	Notification of registered parties' response sent
Eden Local Aboriginal Land Council	Dean Muscat	5.8.24	Majella Hammersley	Email sent	Notification of registered parties' response sent
Eden Local Aboriginal Land Council	Dean Muscat	5.8.24	Dean Muscat	Email received	Thanks and receipt of email
Stage 2/3 mailout					
Jason Davison	Jason Davison	2.8.24	Majella Hammersley	Email Sent	Provision of project information and methodology

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Eden LALC	Dean Muscat	2.8.24	Majella Hammersley	Email Sent	Provision of project information and methodology
Bega LALC	Peter Dixon	2.8.24	Majella Hammersley	Email Sent	Provision of project information and methodology
Kalthi Consultancy	Derek Hardman	2.8.24	Majella Hammersley	Email Sent	Provision of project information and methodology
South Coast People via NTSCorp	Sandy Chalmers; Morgan Westley	2.8.24	Majella Hammersley	Email Sent	Provision of project information and methodology
Merrimans Local Aboriginal Land Council	Blaan Davies	2.8.24	Majella Hammersley	Email Sent	Provision of project information and methodology
Guntawang Aboriginal Resources Inc (GARI)	Wendy Morgan	2.8.24	Majella Hammersley	Email Sent	Provision of project information and methodology
Stage 2/3 response/feedback					
<i>None received</i>					
Stage 4 mailout					
Jason Davison	Jason Davison	14.10.24	Majella Hammersley	Email sent	Draft ACHAR sent out for comment/ review
Eden LALC	Dean Muscat	14.10.24	Majella Hammersley	Email sent	Draft ACHAR sent out for comment/ review
Bega LALC	Peter Dixon	14.10.24	Majella Hammersley	Email sent	Draft ACHAR sent out for comment/ review
Kalthi Consultancy	Derek Hardman	14.10.24	Majella Hammersley	Email sent	Draft ACHAR sent out for comment/ review
South Coast People via NTSCorp	Sandy Chalmers; Morgan Westley	14.10.24	Majella Hammersley	Email sent	Draft ACHAR sent out for comment/ review
Merrimans Local Aboriginal Land Council	Blaan Davies	14.10.24	Majella Hammersley	Email sent	Draft ACHAR sent out for comment/ review
Guntawang Aboriginal Resources Inc (GARI)	Wendy Morgan	14.10.24	Majella Hammersley	Email sent	Draft ACHAR sent out for comment/ review
Stage 4 responses					
<i>None received</i>					

APPENDIX 2 - AHIMS SEARCH



AHIMS Web Services (AWS)

Note: This Excel report shows the sites found in AHIMS on the 02/07/2024. If this date is not the same as the original date of the Search Results letter obtained during the Basic Search, then the search results might be different. The PDF version of this report will always coincide with the Basic Search Results letter.

Site ID	Site name	Datum	Zone	Eastings	Northing	Context	Site status	Primary contact	Site features	Site types	Recorders	Reports	Permits	Longitude GDA84	Latitude GDA84
62-6-0237	OFC 1	AGD	55	751800	5905190	Open site	Valid		Artifect :-	Open Camp Site	Doctor Tim Stone	104708		148.83	-36.95
62-6-0881	Yowakia fish trap 2	AGD	55	755286	5904884	Open site	Valid		Fish Trap :-		Comber Consultants Pty Limited	Mr David Nulley		148.87	-36.97
62-6-0579	Yowakia 2	AGD	55	755157	5904742	Open site	Valid	T Russell	Fish Trap :-		Mr Graham Moore			148.87	-36.97
62-6-0751	PAN-AS1	AGD	55	754959	5909966	Open site	Valid		Artifect :-		Mr Shaun Adams			148.86	-36.92
62-6-0752	PAN-AS2	AGD	55	754930	5908913	Open site	Valid		Artifect :-		Mr Shaun Adams			148.86	-36.92
62-6-0753	PAN-AS3	AGD	55	754928	5908508	Open site	Valid		Artifect :-		Mr Shaun Adams			148.86	-36.93
62-6-0757	Yowakia fish trap 1	AGD	55	751110	5905190	Open site	Valid		Artifect :-	Open Camp Site	Laura-Jane Smith	618		148.82	-36.96

Note: This information is not guaranteed to be free from error or omission. Office of Environment and Heritage (OEH) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

APPENDIX 3 – ARCHAEOLOGICAL REPORT