



# **Sealark Road, Callala Bay Planning Proposal Aboriginal Cultural Heritage Assessment**

Prepared by AMBS Ecology & Heritage  
for Shoalhaven City Council

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## Executive Summary

AMBS Ecology and Heritage (AMBS) has been commissioned by Shoalhaven City Council (Council) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for the proposed rezoning of land at Sealark Road, Callala Bay. Council require the assessment to assist the preparation of a Planning Proposal (PP) to rezone the lands, and to provide guidance for the appropriate management of Aboriginal cultural heritage values throughout the planning process.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken on 30 October 2019 which identified 79 previously recorded Aboriginal sites in the local area, but none within the study area itself. The nearest Aboriginal heritage site to the study area is a midden located approximately 1km south. The predictive model of Aboriginal sites for the local area identified that the most common sites previously recorded in the local area are midden, followed by artefact and open camp sites. Midden sites in the local area generally occur adjacent to the foreshore and associated shellfish resources. Artefact and open camp site are the second most common site types and may occur in all landform contexts throughout the study area, although water is often the defining characteristic in distribution patterns. Extensive vegetation clearing has occurred in the study area and as such is unlikely that modified (scarred or carved) trees exist. Previously recorded modified trees in the local area are located in highly vegetated areas. Sites associated with geological features such as stone quarry sites, axe grinding grooves, stone engravings/art and shelter sites are highly unlikely to be present within the study area due to the lack of suitable stone outcrops.

An archaeological survey of the study area was undertaken on 24 January 2020 by AMBS archaeologists Petra Balanzategui and Madeleine Rodwell, and representative of Jerrinja Local Aboriginal Land Council [REDACTED]. No Aboriginal sites, places or objects, or areas of potential Aboriginal archaeological sensitivity were identified within the study area or immediate surrounds during the archaeological survey. The survey identified that the study area has experienced a moderate level of disturbance associated with extensive vegetation clearing and past use of the property. Subsurface disturbance has occurred throughout the study area for the establishment of fence lines, an electrical services easement, wooden barricading, a cement man hole cover and past testing by an auger.

The archaeological assessment and survey identified no Aboriginal objects, sites or areas with potential to retain subsurface archaeological deposits within the study area. No Aboriginal cultural issues or sensitivities associated with the study area were identified by the RAPs consulted with during the assessment. It is therefore considered unlikely that the proposed rezoning of land at Sealark Road, Callala Bay will impact Aboriginal heritage values within the study area. There are no additional constraints to the proposed development arising from considerations of Aboriginal cultural heritage and archaeology, and the proposed rezoning may proceed with due caution.

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# 1 Introduction

AMBS Ecology and Heritage (AMBS) has been commissioned by Shoalhaven City Council (Council) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for the proposed rezoning of land at Sealark Road, Callala Bay (the study area) (Figure 1.1). Council require the assessment to assist the preparation of a Planning Proposal (PP) to rezone the lands, and to provide guidance for the appropriate management of Aboriginal cultural heritage values throughout the planning process.

## 1.1 Study Area & Proposed Development

The study area is located at Sealark Road, Callala Bay and comprises part of Lot 5 DP 1225356. It is within the City of Shoalhaven Local Government Area (LGA), approximately 16.4km south east of Nowra. The study area comprises 1ha of land and is bordered by Monarch Place to the south, Sealark Road and residential development to the west, and Wowly gully to the east. Council have proposed to rezone the lands comprising the study area for residential development and the remainder of the lot for open space uses, and an environmental conservation area (Figure 1.2).

## 1.2 Methodology

This assessment has been prepared in accordance with the principles of the Burra Charter (*The Australian ICOMOS Charter for the conservation of places of cultural significance*), and in accordance with current heritage best practice and the guidelines of Department of Planning, Industry and Environment (DPIE formerly Office of Environment and Heritage, OEH) as specified in the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a; 2010b). As such, the key heritage assessment requirements for this assessment are to:

- undertake a review of existing information on the Aboriginal heritage values and archaeology of the area;
- consult with representatives of the local Aboriginal community to ensure their involvement and input into the Aboriginal heritage assessment, description of Aboriginal heritage values, and heritage impact management and mitigation;
- undertake an Aboriginal heritage assessment of the proposed development area; to include an archaeological survey of the study area; and
- develop appropriate impact mitigation options and recommendations for the development, based on an understanding of scientific and cultural heritage significance, in line with DPIE guidelines and archaeological best practice.

## 1.3 Authorship

This report has been prepared by AMBS Heritage Consultant Petra Balanzategui and AMBS Director Aboriginal Heritage Christopher Langeluddecke.

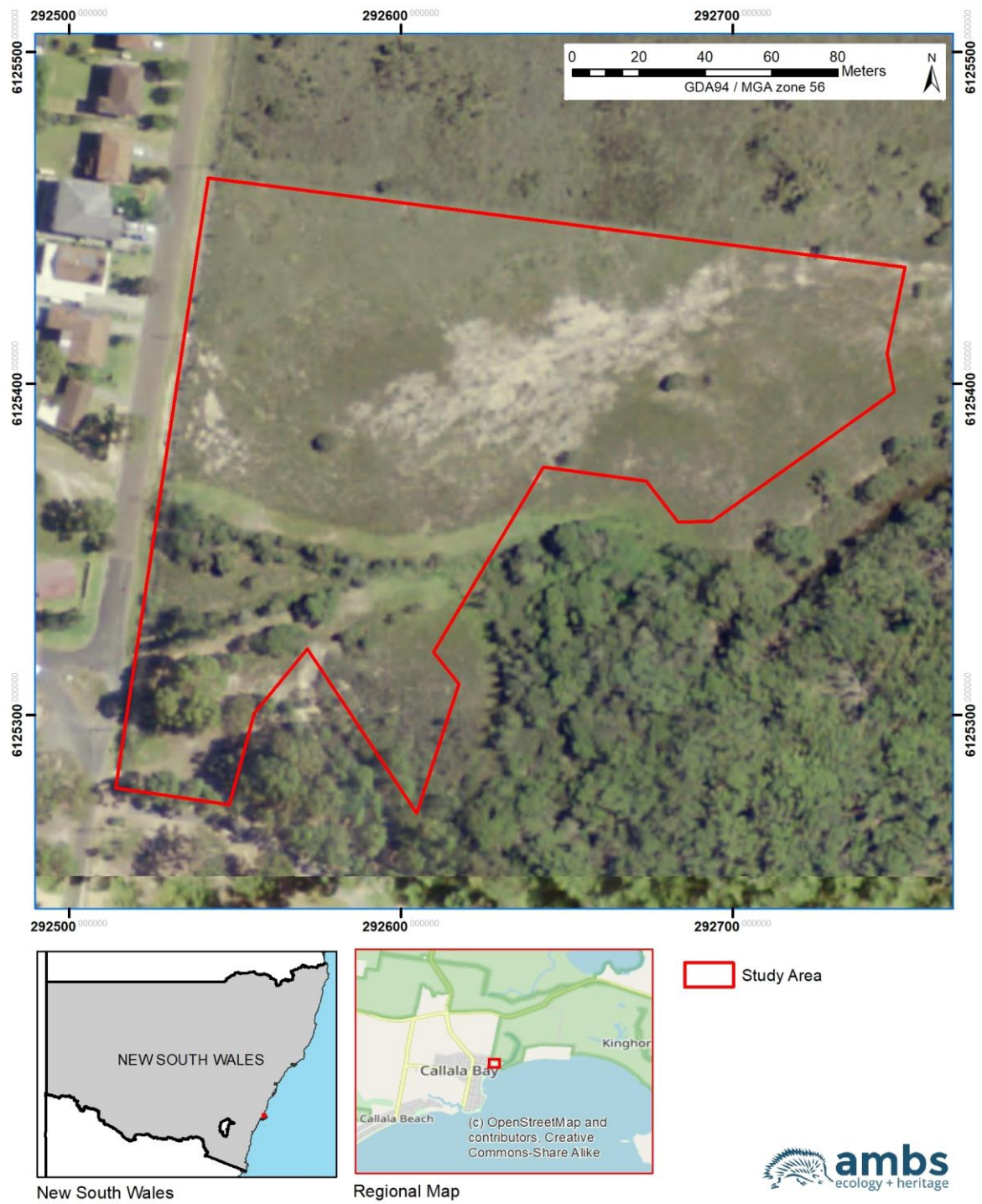


Figure 1.1 The location of the study area.

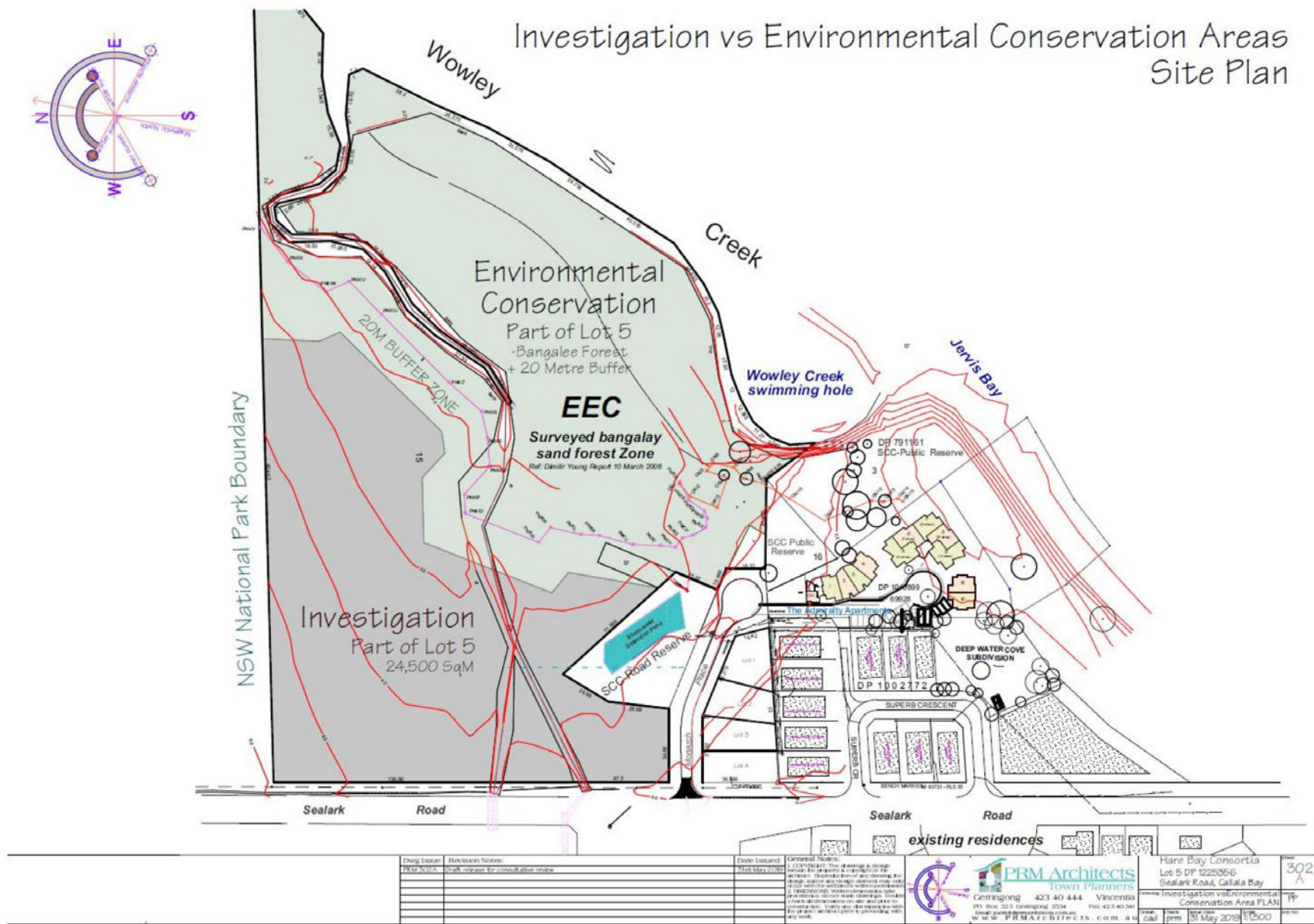


Figure 1.2 The study area, adjacent Environmental Conservation Areas, and surrounds.

## 2 Statutory Context

The conservation and management of Aboriginal heritage items is undertaken in accordance with relevant Commonwealth, State or local government legislation. Listings relevant to the study area are summarised below.

### 2.1 *Environment Protection and Biodiversity Conservation Act 1999*

Under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the Australian Government Department of Environment and Energy is responsible for the implementation of national policy, programs and legislation to protect and conserve Australia's environment and heritage and to promote Australian arts and culture. The National Heritage List (NHL) was established to protect places that have outstanding value to the nation. The Commonwealth Heritage List (CHL) has been established to protect items and places owned or managed by Commonwealth agencies. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the NHL or CHL.

There are no Aboriginal heritage items or places listed on the NHL or CHL within the study area or in its vicinity.

### 2.2 *National Parks and Wildlife Act 1974 & National Parks and Wildlife Amendment Regulation 2010*

Under the provisions of the *National Parks and Wildlife Act 1974* (amended 2010; NPW Act), the Director-General of the National Parks and Wildlife Service (NPWS; now DPIE) is responsible for the care, control and management of all national parks, historic sites, nature reserves, state conservation areas, karst conservation reserves and regional parks. The Director-General is also responsible, under this legislation, for the protection and care of native fauna and flora, and Aboriginal places and objects throughout NSW.

All Aboriginal Objects are protected regardless of their significance or land tenure under the NPW Act. Aboriginal Objects can include pre-contact features such as scarred trees, middens and open camp sites, as well as physical evidence of post-contact use of the area such as Aboriginal built fencing and fringe camps. The NPW Act also protects Aboriginal Places, which are defined as a place that 'is or was of special significance with respect to Aboriginal culture'. Aboriginal Places can only be declared by the Minister administering the NPW Act.

Under Section 90 of the Act, it is an offence for a person to destroy, deface, damage or desecrate an Aboriginal Object or Aboriginal Place without the prior issue of an Aboriginal Heritage Impact Permit (AHIP). The Act requires a person to take reasonable precautions and due diligence to avoid impacts on Aboriginal Objects. AHIPs may only be obtained from the Environmental Protection and Regulation Division (EPRD) of DPIE.

*The National Parks and Wildlife Amendment Regulation 2010* commenced on 1 October 2010. This Regulation excludes activities carried out in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* from the definition of harm in the Act. That is, test excavations may be carried out in accordance with this Code of Practice, without requiring an AHIP. The Regulation also specifies Aboriginal community consultation requirements (*Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*). In addition, the Regulation adopts a due diligence code of practice which specifies activities that are low impact, providing a defence to the strict liability offence of harming an Aboriginal object.

### 2.2.1 *Aboriginal Heritage Information Management System (AHIMS)*

Part of the regulatory framework for the implementation of the NPW Act is the Aboriginal Heritage Information Management System (AHIMS), maintained by DPIE. AHIMS includes a database of Aboriginal heritage sites, items, places and other objects that have been reported to the DPIE. Also available through AHIMS are site cards, which describe Aboriginal sites registered in the database, as well as Aboriginal heritage assessment reports, which contribute to assessments of scientific significance for Aboriginal sites. The AHIMS is not a comprehensive list of all Aboriginal heritage sites in NSW; rather, it reflects information which has been reported to DPIE. As such, site co-ordinates in the database vary in accuracy depending on the method used to record their location. Heritage consultants are obliged to report Aboriginal sites identified during field investigations to DPIE, regardless of land tenure, or whether such sites are likely to be impacted by a proposed development.

The results of an AHIMS site search for the local area are detailed in Section 5.3.5.

## 2.3 *Heritage Act 1977*

The *NSW Heritage Act 1977* (Heritage Act) provides protection for heritage places, buildings, works, relics, moveable objects and archaeological sites that are important to the people of NSW. These include items of Aboriginal and non-Aboriginal heritage significance. Where these items have particular importance to the state of NSW, they are listed on the State Heritage Register (SHR).

There are no Aboriginal heritage items listed on the SHR within the study area or in its vicinity.

## 2.4 *Environmental Planning and Assessment Act 1979*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the main act regulating land use planning and development in NSW. The EP&A Act also controls the making of environmental planning instruments (EPIs). Two types of EPIs can be made: Local Environmental Plans (LEPs) covering local government areas; and State Environment Planning Policies (SEPPs), covering areas of State or regional environmental planning significance. LEPs commonly identify, and have provisions for, the protection of local heritage items and heritage conservation areas. The study area is located within the City of Shoalhaven.

The EP&A Act also requires consideration to be given to environmental impacts as part of the land use planning process. In NSW, environmental impacts include cultural heritage impacts and as such any required Review of Environmental Factors (REF), Environmental Impact Statement (EIS) or Environmental Impact Assessment (EIA) should incorporate an assessment of Aboriginal cultural heritage. The consent authority is required to consider the impact on all Aboriginal heritage values, including natural resource uses or landscape features of spiritual importance, as well as the impact on Aboriginal Objects and Aboriginal Places.

A series of Ministerial Directions issued under section 9.1 of the EP&A Act must be considered and addressed when a relevant planning authority is preparing planning proposals (rezonings). The objective of Direction 2.3 - Heritage Conservation is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance. This Direction essentially requires heritage, including Aboriginal cultural heritage, to be considered as part of the planning proposal (rezoning) process.



#### *2.4.1 City of Shoalhaven Local Environmental Plan 2014*

Part 5, Clause 5.10, 'Heritage conservation' of the Shoalhaven LEP is consistent with current heritage best practice guidelines and provides for the conservation of environmental heritage, heritage items and heritage conservation areas, including associated fabric, settings and views, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. Schedule 5 'Environmental heritage' does not include any Aboriginal objects or places of heritage significance within the study area or its vicinity.

### 3 Aboriginal Community Consultation

Archaeological and heritage management best practice requires that representatives of the local Aboriginal community are included as stakeholders in decisions concerning any heritage objects, archaeological places or Sacred Sites within the study area. In addition, assessments of cultural significance, the values of a site to the Aboriginal community itself, can only be carried out by the relevant Aboriginal communities.

Aboriginal community consultation is an integral part of the Aboriginal cultural heritage assessment process, and has been undertaken for this assessment in accordance with the DPIE *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (see Appendix A). The aims of the consultation process are to:

- provide the opportunity for the local Aboriginal community to provide input into identifying cultural heritage values and be involved in the heritage assessment process;
- provide the opportunity for representatives of the local Aboriginal community to inspect the study area with the aim of identifying Aboriginal sites and areas of archaeological and cultural sensitivity;
- identify the Aboriginal cultural heritage significance of the study area;
- integrate Aboriginal heritage values into the heritage assessment; and
- provide an opportunity for the local Aboriginal community to comment on the heritage management strategy and proposed outcome.

In accordance with DPIE requirements, a public notice was placed in the South Coast Register on 20 November 2019. The advertisement sought expressions of interest for participation in the Aboriginal community consultation process for this project. The closing date for registrations was 04 December 2019.

The following organisations were contacted on 14 November 2019, requesting notification by 28 November 2019 of any Aboriginal organisations who may wish to register as stakeholders, or to pass on contact information regarding the project to any potential stakeholders of whom they may be aware:

- Native Title Services Corporation (NTSCorp);
- Office of the Registrar, Aboriginal Land Rights Act (ORALRA);
- National Native Title Tribunal (NNTT);
- South East Local Land Services (LLS);
- Department of Planning, Industry and Environment (DPIE);
- Shoalhaven City Council; and
- Jerrinja Local Aboriginal Land Council (LALC).

South East LLS responded on 15 November, and recommended contacting DPIE to assist with our investigation. Shoalhaven City Council responded on 22 November suggesting all RAPs listed by DPIE, the South Coast People Native Title Claimants, the Wreck Bay Aboriginal Community Council and Ron Carberry as potential Aboriginal Stakeholders. ORALRA responded on 17 December stating that there were not currently any Registered Aboriginal Owners in the project area.

DPIE identified the following individuals and organisations as potential additional stakeholders. The identified organisations and individuals were contacted by letter or email on 28 November 2019, inviting them to register as stakeholders by 12 December 2019:

- |              |              |
|--------------|--------------|
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |
| • [REDACTED] | • [REDACTED] |



- [REDACTED]
- [REDACTED]
- [REDACTED]
- Darug Land Observations
- [REDACTED]
- Gadhu Dreaming
- Goobag Development
- Gundungurra Tribal Technical Services
- [REDACTED]
- Gundungurra Tribal Technical Services
- [REDACTED]
- Guunamaa Dreamin Sites and Surveying
- [REDACTED]
- Jerrinja Local Aboriginal Land Council
- Karrial (Murrin Clan/Peoples)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Murra Bidgee Mullangari Aboriginal Corporation
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Shoalhaven Elders and Friends Organisation
- South Coast NSW Aboriginal Elders
- South West Rocks Corporation
- [REDACTED]
- Three Ducks Dreaming Surveying and Consulting
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Warra Bingi Nunda Gurri
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Yurrandaali Cultural Services

The following organisations notified AMBS that they wished to be involved in the project as Registered Aboriginal Parties (RAPs):

- Jerrinja Local Aboriginal Land Council
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Murra Bidgee Mullangari Aboriginal Corporation
- [REDACTED]
- [REDACTED]
- Yurrandaali Cultural Services

Information about the proposed project and proposed heritage assessment methodology, along with an invitation to provide any cultural knowledge relevant to the assessment was sent to each of the RAPs on 12 December 2019 requesting feedback and information by 9 January 2020. No replies were received from the RAPs regarding the methodology.

An invitation to fieldwork was sent to Jerrinja LALC, Warra Bingi Nunda Gurri, [REDACTED] and [REDACTED] on 29 December 2019. Jerrinja LALC responded on 2 January 2020 requesting that survey be rescheduled by two weeks, due to their resources being stretched early in the new year. Fieldwork was subsequently rescheduled to 24 January 2020, and notifications were sent to Jerrinja LALC, Warra Bingi Nunda Gurri, [REDACTED] and [REDACTED] on 6 January 2020.

Warra Bingi Nunda Gurri alerted AMBS that they were unable to provide a representative for the archaeological survey on that day. A representative of Jerrinja LALC participated in the archaeological survey with AMBS on 24 January 2020. Due to unforeseen circumstances, representatives of [REDACTED] and [REDACTED] were unable to attend on the day.

A draft of the assessment was sent to all RAPs on 17 February 2020 for their review and comment by 16 March 2020. [REDACTED] and [REDACTED] responded by email on 16 March stating that they had read the assessment, were happy with the process and they looked forward to being

involved in future fieldwork. No further comments or feedback on the recommendations or outcomes of the assessment were provided by the RAPs.

All correspondence exchanged as part of the consultation process along with a log of all communications are attached in Appendix A: Aboriginal Community Consultation

## 4 Environmental Context

The environmental context of the local landscape can inform an understanding of past human occupation of an area. Analysing the nature of the local landscape, specifically factors which affect patterns of past human occupation including topography, geology, soils, hydrology and vegetation, contributes to the development of predictive modelling of archaeological sites, contextualises archaeological material and enables the interpretation of past human behavioural patterns.

### 4.1 Geology & Soils

The study area is underlain by two soil landscapes, with Greenwell Point in the north western half, and Seven Mile in the south eastern half (Figure 4.1). Greenwell Point is a depositional landscape consisting of shallow structured loams or moderately deep Yellow Podzolic Soils on coastal cliffs. On simple slopes and in drainage lines, Red Solodic Soils occur. Soil materials of this landscape are stony, moderately to strongly acidic and highly erodible. The geological formation of this soil landscape is Wandrawandian Siltstone comprising mid grey to dark grey pebbly siltstone to poorly sorted pebbly lithic sandstone (Hazelton 1992:78-80).

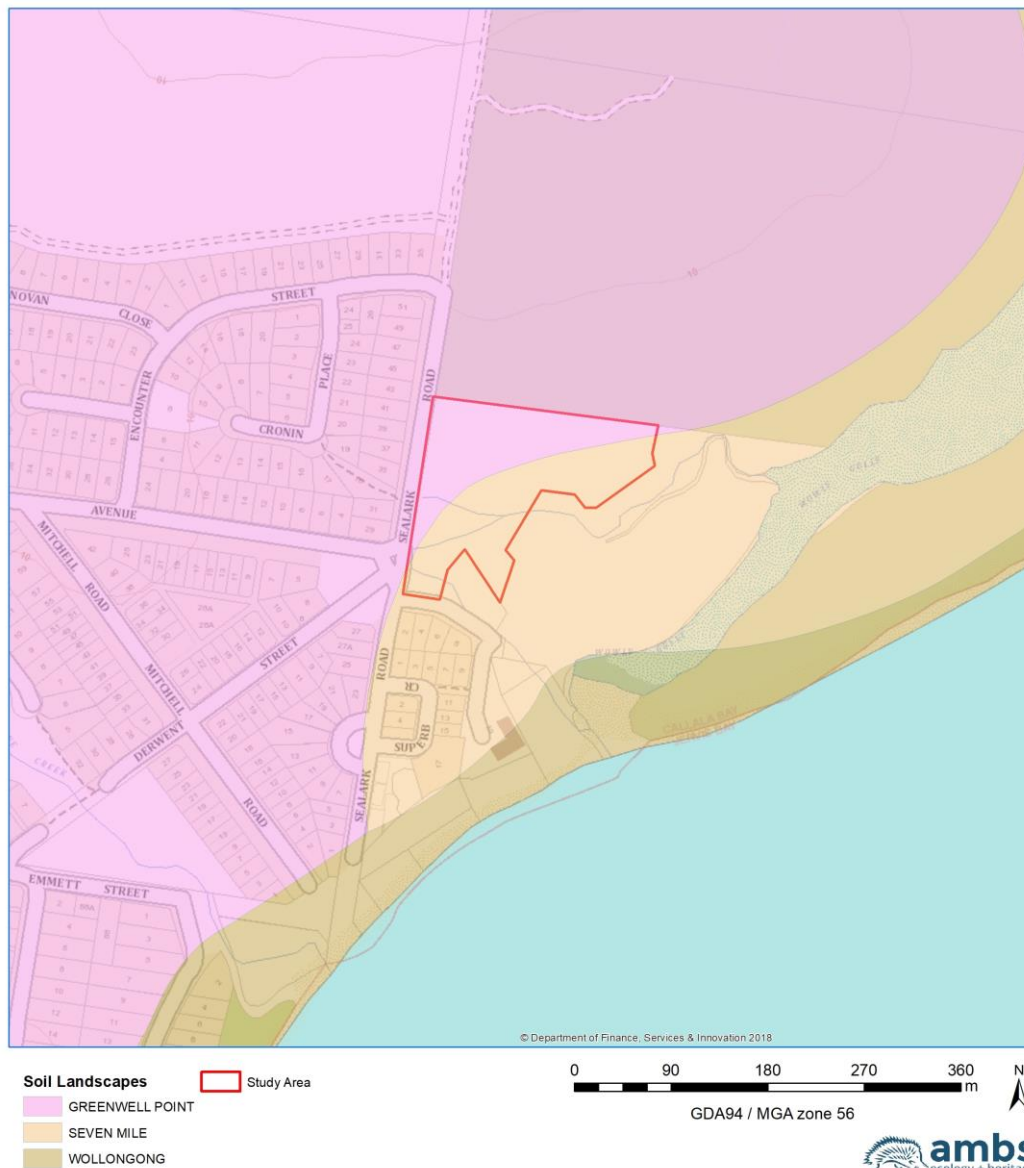


Figure 4.1 Soil landscapes of the study area.



Seven Mile is an estuarine landscape consisting of deep siliceous sands and podzols occurring on ridges, acid peats in swamps, and humus podzols in swales. These soils are saline, low in organic matter, and moderately to strongly acidic. Subsoils are considered highly erodible, and wind and coastal erosion processes occur on unconsolidated sands. The geological formation of this soil landscape includes quaternary marine sands and peat, fine to medium marine quartz sands and quaternary alluvium and peats in swamps (Hazelton 1992:93-95).

## 4.2 Vegetation

Since European contact, native vegetation in the study area has been extensively cleared, and thick weeds and patches of regrowth vegetation currently dominate the area (Figure 4.2 and Figure 4.3). Such vegetation clearing impacts the integrity of any archaeological deposits present and has removed all mature trees on the site which may have been modified (scarred or carved) by Aboriginal people.

Prior to European settlement, the Greenwell Point soil landscape is likely to have been vegetated by scribbly gum (*Eucalyptus sclerophylla*) (Figure 4.3), spotted gum (*Eucalyptus maculate*), red bloodwood (*Eucalyptus gummifera*), blackbutt (*Eucalyptus pilularis*), grey ironbark (*Eucalyptus paniculata*), forest oak (*Allocasuarina torulosa*), turpentine (*Syncarpia glomulifera*), grey gum (*Eucalyptus punctata*) and coastal tea-tree (*Leptospermum laevigatum*). Along drainage lines, swamp oak (*Casuarina glauca*) or river oak (*Casuarina cunninghamiana*) would have dominated. Majority of the Greenwell Point soil landscape remains undisturbed bushland including sections of Currumbene State Forest (Hazelton 1992:78).

Prior to vegetation clearing, the Seven Mile soil landscape of the study area would have comprised open scrub on beach ridges to low open forest to tall open forest. Coastal heath (*Monotoca elliptica*) would have dominated the open scrub, and blackbutt (*Eucalyptus pilularis*) and bangalay (*Eucalyptus botryoides*) would have dominated low open forest and tall open forest. An understorey of coastal banksia (*Banksia integrifolia*), old man banksia (*Banksia serrata*), Sydney golden wattle (*Acacia longifolia*), and burrawang (*Macrozamia communis*) would have occurred. In poorly drained areas swamp mahogany (*Eucalyptus robusta*) and linear paperbark (*Melaleuca linariifolia*) occur and pockets of closed forest including lillypilly (*Acmena smithii*) and red fruited olive plum (*Cassine australia*) occur in shelter areas. In the local region, the Seven Mile soil landscape predominantly comprises National Park land, with some localised sandmining near Seven Mile Beach (Hazelton 1992:93).



Figure 4.2 Thick weeds and grass in the study area. View to north.



Figure 4.3 Scribbly gum in southern extent of the study area. View to north east.

### 4.3 Topography & Hydrology

The topography of the Greenwell Point soil landscape comprises gently undulating rises with relief <20m and slopes <3%. Scattered rock outcrops occur near crests and moderately incised drainage lines with depth <3m are present (Hazelton 1992:78). The topography of the Seven Mile soil landscape comprises a receding barrier with gently to moderately inclined dune ridges, and swales, lagoons or swamps occurring landward of the barrier. The watertable is present at a depth of <200cm and relief measures <5m and slopes <5% (Hazelton 1992:93). The Callala Bay township is located on the western shores of Hare Bay in the northern corner of Jervis Bay. Consistent with the Seven Mile estuarine landscape, a saline coastal lagoon, Wowly Gully, is located to the east of the study area. This lagoon has an intermittently closed entrance and a catchment area of 6km<sup>2</sup> (DPIE 2018). Callala Bay would have been used extensively by Aboriginal people in the past for gathering of food resources such as fish and shellfish. The nearest source of freshwater is Callala Creek, which extends inland from Callala Bay and is located 1.6km south west of the study area. There are three drainage lines within the study area, two extending west from Wowly Gully and one extending west from Callala Bay.



Figure 4.4 Hydrology within the study area and its vicinity.

#### **4.4 Land Use & Disturbance History**

In 1812, Surveyor George William Evans travelled from Jervis Bay to Appin, via Wollongong, and settled the Illawarra district (Organ 1990:35). In 1827, land grants were issued in the Jervis Bay area, and settlers began clearing the land for cedar getting and dairying (Taylor 1988:23). In the 1840s the 'Wool Road' was established from Braidwood to Jervis Bay, for the purpose of transporting wool to the coast, to be shipped to Sydney (Taylor 1988:23). The construction of the road would "save many miles of travel and enable settlers to market their stock and products with greater ease than by sending them by road to Sydney" (Jervis 1936:128). At the time, there was no township at the termination of the road at Jervis Bay, and as such Governor George Gipps instructed a township to be established. Land was surveyed and set aside between Moona Moona Creek and Currumbene Creek, forming the township of South Huskisson (Cho 1995:19). A hotel, wharf and wool store were constructed, and shipments of wool were made to Sydney and London. Over the following decades, Jervis Bay became popular for ship building and this resulted in several hotels and guesthouses being established throughout the local area. By the 1880s, sheep and cattle grazing, and fishing were the main industries and use of land in the region (Wreck Bay Aboriginal Community Council 2015).

At present, Callala Bay comprises residential development close to the bay, with more recent subdivisions developed on higher ground to the north west (Fawcett 1989). The local area has been extensively cleared of vegetation and impacted by urban development. The study area comprises an empty Lot with an electrical services easement located on the western border.



## 5 Aboriginal Heritage Context

This section describes the nature of the known Aboriginal archaeology of the study area, based upon a review of relevant archaeological reports and publications, and a search and review of previously recorded sites in the AHIMS database. This review and discussion allow for the development of a predictive model for potential Aboriginal sites within the study area. Summary descriptions of Aboriginal heritage site types and features are provided in Table 5.1.

**Table 5.1 Description of Aboriginal heritage site features (OEH 2012:8-10).**

Site Type	Description
Aboriginal Ceremony and Dreaming	Spiritual/story places, which may not include physical evidence of previous use of the place, e.g. natural unmodified landscape features, ceremonial/spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places.
Aboriginal Resource and Gathering	Places related to everyday activities such as food gathering or hunting, or collection/manufacture of materials/goods for use or trade.
Art	May be found in shelters, overhangs or across rock formations. Techniques may include painting, drawing, scratching, carving/engraving, pitting, conjoining or abrading. A range of binding agents or natural pigments obtained from clays, charcoal and plants may have been used.
Artefact	Object(s) such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell, which provide evidence of Aboriginal use of the area.
Burial	Pre- or post-contact burial of an Aboriginal person, which may occur outside of designated cemeteries and may or may not be marked by stone cairns/carvings/mounds, e.g. in caves or sand areas, along creek banks etc.
Ceremonial Ring	Raised earth ring(s) associated with ceremony.
Conflict	Sometimes referred to as massacre sites, these are places where confrontations occurred between Aboriginal and non-Aboriginal people, or between different Aboriginal groups.
Earth Mound	Round or oval-shaped mounded deposit containing baked clay lumps, ash and charcoal, and often black or dark grey sediment. Deposit may be compacted or loose and ashy, and may contain various economic remains such as mussel shell, bone or stone artefacts. Occasionally may contain burials.
Fish Trap	Modified area in a watercourse where fish were trapped for short-term storage and gathering.
Grinding Groove	Groove(s) in a rock surface resulting from the manufacture of stone tools such as ground edge hatchets and spears; or rounded depressions resulting from grinding of seeds and grains.
Habitation Structure	Structures built by Aboriginal people for short- or long-term shelter. May include historic camps of contemporary significance. More temporary structures are commonly preserved away from the NSW coastline. Smaller structures may make use of natural materials such as branches, logs and bark sheets, or manufactured materials such as corrugated iron. May include archaeological remains of a former structure such as a chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc.
Hearth	Cultural deposit usually containing charcoal and sometimes marked by hearth stones. May also contain heat-treated stone fragments.
Modified Tree (Scarred or Carved)	Scarred trees show modification marks resulting from cutting of bark from the trunk for foot holds; for use in the production of shields, canoes, boomerangs, burials shrouds etc; or for medicinal purposes. Carved trees have had the heartwood of the tree intentionally carved to form a permanent marker, which may indicate ceremonial use/significance of a nearby area, or which may have functioned as territorial or burial markers.
Non-Human Bone and Organic Material	Object(s) found within Aboriginal cultural deposits such as fish or mammal bones, ochres, or cached objects which may otherwise have broken down such as resin, twine, dilly bags, nets etc.
Ochre Quarry	Source of ochre used for ceremonial occasions, burials, trade and artwork.
Potential Archaeological Deposit (PAD)	Area where Aboriginal objects are considered likely to occur below the ground surface.
Shell	Accumulation/deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption, usually found in association with other objects like stone tools, fish bones, charcoal, fireplaces/hearths or burials. May vary greatly in size and components.

Stone Arrangement	Human-produced arrangements of stone usually associated with ceremonial activities; used as markers for territorial limits; or used to mark/protect burials.
Stone Quarry	Source of (usually) good quality stone, which is quarried and used in the manufacture of stone tools.
Waterhole	Source of fresh water for Aboriginal groups, which may have traditional ceremonial or dreaming significance, and which may also be used to the present day as a rich resource gathering area, e.g. waterbirds, eels, clays, reeds etc.

## 5.1 Historic & Ethnographic Context

At the time of European incursion and settlement, Aboriginal people were organised into named territorial groups. It is generally accepted that the Aboriginal people of the Jervis Bay area were those of the Dharawal-Dhurga language group. Mathews considered that the Thurrawal (Dharawal) speaking people “formerly spread over the south-east coast of New South Wales from Port Hacking to Jervis Bay and extended inland for a considerable distance” (Attenbrow 2010:33).

In April 1770, Jervis Bay was sighted by Captain James Cook aboard the HMS Endeavour. Strong winds prevented them from landing, however they recorded noticing *smoke in several places near the beach* (Cook 1770:203). Lieutenant Richard Bowen passed the bay in August 1791, naming it Jervis Bay after Admiral Sir John Jervis under whom he had served (Taylor 1988:22). Three months after Bowen’s visit, Matthew Weatherhead of the Matilda anchored on the eastern side of Jervis Bay to draw a chart. Also aboard the Matilda was Hydrographer Alexander Dalrymple, who noted:

*[From] the Matilda, many natives were seen and canoes on the beach; the natives were armed with spears, but we could have no communication with them* (Dalrymple cited in Taylor 1988:22).

Governor Lachlan Macquarie and his wife visited Jervis Bay in 1811, observing evidence of Aboriginal occupation:

*Mrs M and myself went to see two native huts close to the beach, constructed in a very superior manner to any we had seen in the Colony, being larger and better secured from the effects of the weather. We expected to have seen a great number of the natives here, but were disappointed, not one having appeared this excursion* (Macquarie 1761-1824:48).

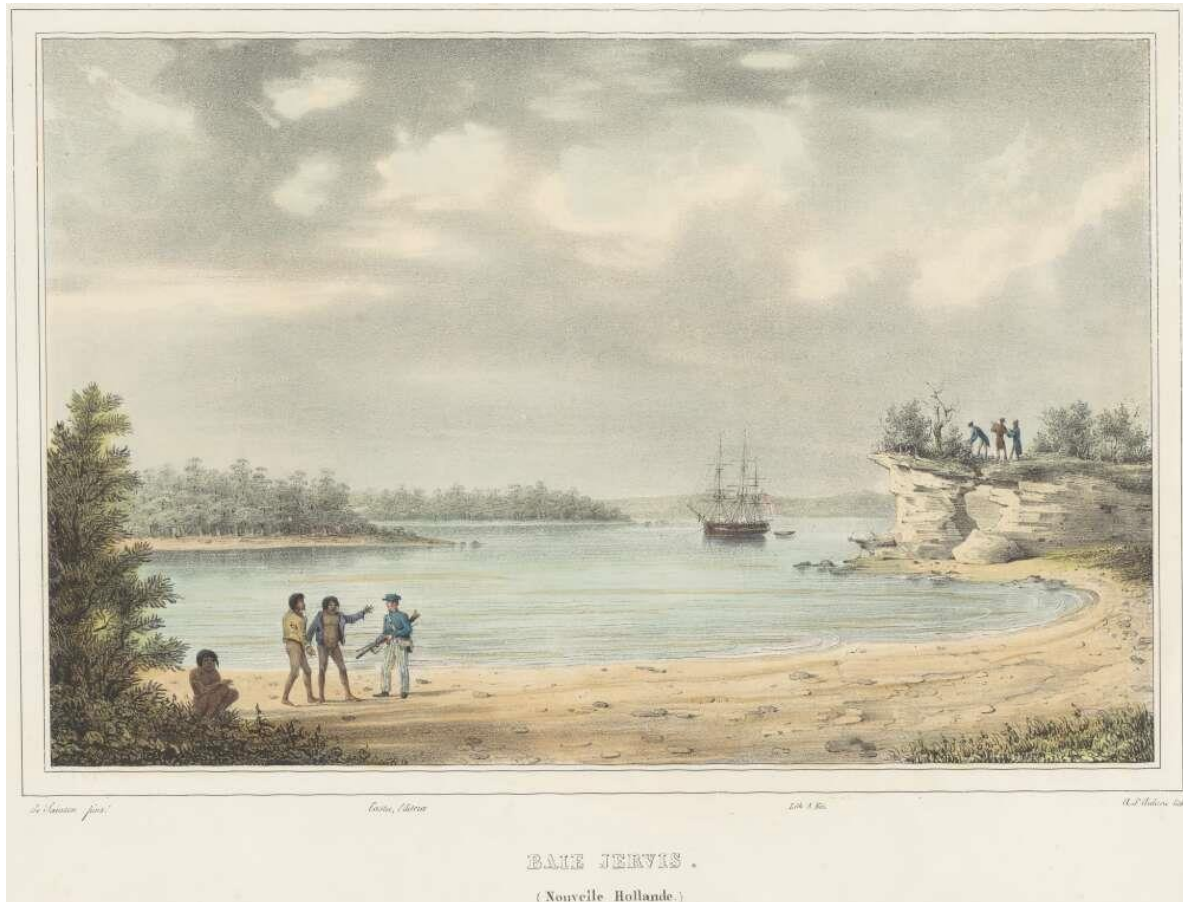
In 1818, when Dr Charles Throsby, Deputy Surveyor Meehan and Hamilton Hume visited Jervis Bay with the help of two Aboriginal guides named Blundell and Broughton, they observed 30 Aboriginal people at Currumbene Creek (Cho 1995:13). On 26 November 1826, the Astrolabe arrived at Jervis Bay and French explorer Jules Dumont d’Urville detailed their first sighting of Aboriginal people:

*The smoke from several fires indicated the presence of natives. It was no time before we saw five of them appear opposite the corvette, carrying some fish; they seemed to be waiting for us to come ashore* (Organ 1990:143).

The next day, he observed that the Aboriginal people of Jervis Bay were similar to those from Port Jackson but were *better looking, stronger and in particular, better proportioned, due probably to a greater abundance of food*. He also noticed that several of them had *a tattoo of scars on their backs, the cartilage of the noses pierced and their hair parted into strands decorated with Kangaroo teeth or paws* (Dumont d’Urville and Rosenman 1987:67). French watercolourist and draughtsman Louis Auguste de Sainson documented several encounters between the Europeans and Aboriginal people through his art (an example shown in Figure 5.1). Particularly impressed by the Aboriginal people, French Doctor and Naturalist Jean Rene Constant Quoy recorded:



*The superior construction of their hut and a canoe for fishing proclaimed a more advanced level of civilisation and a more certain and abundant food supply to which their physique manifestly bore witness (Organ 1990:144).*



**Figure 5.1 The Astrolabe moored in Jervis Bay (“Baie Jervis”) by Louis Auguste de Sainson (source: National Library of Australia).**

Four years prior in 1822, Alexander Berry had acquired a 10,000-acre land grant at Shoalhaven, which over the following decades, led to devastation of the traditional lifestyle of Aboriginal people in the area. Berry employed Aboriginal people to work on his Coolangatta Estate, undertaking a range of jobs including stock management and timber getting (Gibbney and Smith 1987). However, by 1900, Aboriginal people were forcibly moved to a reserve at Roseby Park, Orient Point that had been established by the Aborigines Protection Board (OEH 2012:22; Donaldson *et al* 2017:21). Nellie Mooney (founding member of the Ulladulla LALC), recalled that her father was born at Coolangatta Estate:

*Dad was born on Coolangatta Mountain, out at Shoalhaven Heads. He could remember the move when the Berry family moved all the Aboriginal people away from Coolangatta to Roseby Park, or Orient Point, as the white people call it. Dad was two years old at the time. He could just remember being put up on the horse and dray with all the family's goods and being taken down to the river and rowed across to Roseby Park (Donaldson *et al* 2017:21).*

The Roseby Park Reserve was a managed institution by the Government from 1906-1966 (Kwok 2005:34). The reserve aimed to “inculcate residents with European values and standards” by undertaking strict supervision by a resident manager, controlling coming and going from the reserve, schooling Aboriginal children on site and enrolling the residents in skill training programs (Kwok 2011:161). Roseby Park Reserve was “designed to dismantle Indigenous traditions and effect major moral reforms on Aboriginal people, however it served, in significant ways, to insulate and protect kinship networks and socio-cultural difference, and to shore up group identity

through the creation of a solidarity born of shared oppression” (Kwok 2011:161). When the *Aboriginal Land Rights Act* was instituted in 1983, ownership of the Roseby Park Reserve was transferred to the Jerrinja Local Aboriginal Land Council (Kwok 2011:161).

## 5.2 Regional Archaeological Context

Aboriginal occupation of the NSW south coast has been identified as beginning at least 19,000 years Before Present (BP) (Boot 2002:220). Pleistocene occupation sites have been identified with dates of c. 20,000 BP at Burrill Lake and 17,000 BP at Bass Point. Archaeological and geomorphological investigations have suggested a very low intensity of site occupation during the Pleistocene and early Holocene (Hughes and Lampert 1982:16). Occupation of these sites began to intensify from approximately 7,000 BP onwards (Hughes and Lampert 1982:18). The intensity of occupation at these sites may have been influenced by rising sea levels during the Holocene, which stabilised approximately 6,500 years ago. Older occupation sites along the now submerged coastline would have been flooded, with subsequent occupation concentrating on and utilising resources along the current coastlines and in the changing ecological systems of the hinterland (Attenbrow 2010:55-56). According to Williams this is part of a longer trend in stepwise population growth and diversification of economic activity evident in south east Australia from the Early to Mid-Holocene (Williams 2013:8). Boot however argued that ‘it may not be that intensification first became evident in the mid-Holocene, but instead that evidence of such behaviour in earlier periods is not available or has not yet been found’ (Boot 2002:220). He suggested that research on the coastline and in the hinterland of the NSW south coast still requires further examination and that ‘the archaeological evidence is still not understood well enough to support definitive statements about Aboriginal occupation in the different ecological zones of the hinterland, let alone any alleged changes in subsistence strategies and population levels in the region’ (Boot 2002:21).

Creeks and other water resources, including swamps, were foci for Aboriginal occupation, providing fresh water, fish, shellfish, eels, waterbirds and plant foods, in addition to terrestrial animals drawn to the water (Attenbrow 2010:70-71). Trees provided shade, habitat for animals and birds, and bark for shelters (huts), canoes, paddles, shields, baskets and bowls. Stone outcrops provided material with which to make tools. When overhanging they provided shelter from the elements, and flat stone surfaces and shelters were sometimes engraved or painted by Aboriginal artists (Attenbrow 2010:105, 113-116, 120-122).

Jervis Bay was extensively used by Aboriginal people in the past, and archaeological evidence of past Aboriginal occupation is present in the form of shell midden, stone artefacts and open camp sites. The bay would have provided significant food sources such as fish and shellfish for Aboriginal people. The Sea (Bully) Mullet (Dharawal name, *Murra murra/Dibara*) in particular was an important food source in Jervis Bay (Callala Bay Community Association 2017; Wesson 2009:19). Mathews observed that the Dharawal would throw little pieces of mullet fat into the water, to make the water smoother while they fished (Mathews 1904:254). Lobster traps were built with the vines of white supplejack (*Ripogonum album*) and hoop nets were also used to catch lobsters (Turbet 2001:49). Aside from fish and crustaceans, coastal plants were also a vital part of the south coast diet. Burrawang (*Macrozamia communis* and *M. spiralis*), a poisonous kernel or pine or nut, which required preparation before it was edible, was a staple food around parts of Jervis Bay (Attenbrow 2010:78). Pigface (*Carpobrotus glaucescens*), a ground-covering plant with purple flowers and dark red fruit found on beach dunes and Narrow- Leaved Geebung (*Persoonia linearis*), a shrub with yellow flowers and oval shaped fruit found in dry sclerophyll forest were also part of the south coast diet (OEH 2012:8). To prevent fraying, string and fishing lines were soaked in the Geebung bark infusion (Nash 2004:5).

### 5.3 Local Archaeological Context

There have been a number of archaeological investigations previously undertaken in the vicinity of the study area. The information summarised below is based on reports that have been registered with AHIMS, and which are most relevant and informative to the archaeological background of the current project.

#### 5.3.1 *Callala Bay School, Emmet Street*

In 1998, Mary Dallas Consulting Archaeologists was commissioned by the NSW Department of Public Works and Services to undertake an archaeological survey for the proposed development of Callala Bay School, located approximately 1km south west of the current study area. An archaeological survey undertaken with Jerrinja LALC did not identify any Aboriginal sites within the study area. The property had been disturbed by past vegetation clearing, and the establishment of a number of dirt tracks throughout. Based on the result of the survey, it was concluded that the study area did not provide a likely occupation site location and it was unlikely to contain substantial or significant sub-surface archaeological deposits. Further archaeological investigation was deemed unnecessary and it was recommended that the NSW NPWS and Jerrinja LALC be contacted during the construction phase if Aboriginal objects or sites were identified (Dallas 1998: 1-7).

#### 5.3.2 *Residential subdivision, Griffin Street, Callala Beach*

In 2000, Gunninah Environmental Consultants on behalf of Realty Realisations commissioned Jo McDonald Cultural Heritage Management (CHM) to undertake archaeological test excavations for a proposed residential subdivision at Griffin Street, Callala Beach, 1.7km south west of the current study area. The proposed development area comprised 7.5 hectares and was bordered by residential development to the east and wetlands associated with Callala Creek to the north. A preliminary archaeological survey of the study area was undertaken by Jo McDonald CHM earlier in 2000 which did not identify any new Aboriginal archaeological sites, but reidentified two previously recorded Aboriginal shell middens (AHIMS site #58-2-0312 “Bid Bid Creek” and AHIMS site #58-2-0144 “Callala Bay, Callala Creek”). Both midden sites were located outside of the proposed development area, however Jo McDonald CHM suggested that site #58-2-0144 may extend into it. Jo McDonald CHM assessed the proposed development area as having high archaeological sensitivity and therefore recommended archaeological test excavations. Test excavations were undertaken from 31 July to 4 August 2000, excavating a total of 54 test pits along six transects. One new Aboriginal midden site (Callala Beach 2) was identified in two of the test pits. Test excavations confirmed that midden site #58-2-0312 did not extend into the proposed development area and would therefore not be impacted by proposed works. Based on the results of the test excavations, it was recommended that impacts to new midden site Callala Beach 2 be mitigated by placing a pedestrian boardwalk over the ground surface to prevent erosion and damage to the site from increased visitation. No further archaeological investigation was required for the proposed development area (Garling and Irish 2000:1-35).

#### 5.3.3 *Pedestrian Bridge, Callala Creek*

In 2004, Julie Dibden of New South Wales Archaeology was commissioned by Shoalhaven City Council to prepare an Aboriginal Archaeological Assessment for a proposed pedestrian bridge replacement over Callala Creek, located 1.5km south west of the current study area. The pedestrian bridge was used by pedestrians and cyclists, and crossed the entrance of Callala Creek, linking Callala Bay to Callala Beach. The assessment was required as part of a Review of Environmental Factors (REF) for the proposed replacement works. An archaeological survey of the study area undertaken on 5 March 2004 did not identify any Aboriginal objects or archaeological deposits. The study area had been significantly disturbed by the initial construction of the bridge and ongoing maintenance, and from natural geomorphological processes. Based on the results and observations of the survey, the study area was assessed as having low archaeological potential. As

such there were no Aboriginal heritage constraints to the proposed replacement works (Dibden 2004:1-24).

#### 5.3.4 Shared Path, Callala Bay- Stage 1 & 2

In 2013, Sue Feary was commissioned by Shoalhaven City Council to undertake an ACHA of a proposed shared path at Callala Bay. The proposed location of the shared path was from Sheaffe Street to the footbridge over Callala Creek, and involved the construction of a 1.6km long and 2m wide concrete and gravel path. Two previously recorded AHIMS sites were located within the development corridor, including a midden at Callala Point (#58-2-0145) and a midden on the northern bank of Callala Creek (#58-2-0144). The proposed development aimed to be completed in two stages, with Stage 1 commencing at the issue of an AHIP and Stage 2 dependant on further funding and the outcomes of the archaeological assessment. An archaeological survey of the study area reidentified the two previously recorded AHIMS sites. Two new sites were identified including an isolated stone artefact (quartz flake) associated with scattered shell fragments (Callala Path 1) and an extensive midden of predominantly mud oyster (Callala Path 2). The study area had been disturbed by erosion from vehicle use, the formation of gravel roads and paths, and sub-surface disturbance associated with the installation of underground services. It was predicted that the artefact and scattered shell fragments of Callala Path 1 were the remnants of a highly disturbed midden. The potential for subsurface deposits to occur in association with the Aboriginal site was considered unlikely due to the presence of shallow clay soils and long disturbance history. As such, it was considered to have low archaeological and cultural significance. The archaeological survey confirmed that Stage 1 of the proposed works would directly impact Callala Path 1 and Stage 2 would directly impact Callala Bay Path 2 and AHIMS site #58-2-0145. Due to the fact that Callala Bay Path 1 had low cultural significance, Feary suggested that it would not be a constraint to construction during Stage 1. However, it was recommended that a monitoring programme be undertaken by RAPs at the Aboriginal site during excavation of the path. Feary recommended that Shoalhaven City Council apply for an AHIP to allow harm to Callala Path 1. Feary also provided preliminary recommendations for Stage 2 of construction. To mitigate direct impacts to Callala Path 2 and AHIMS site #58-2-0144, it was suggested that the shared path be constructed above ground. If this was not feasible, archaeological test excavations would be required (Feary 2013:1-66).

In 2015, On Site Cultural Heritage Management was commissioned by Shoalhaven City Council to undertake a Subsurface Archaeological Investigation Report for AHIMS sites #58-2-0144 and #58-2-0443 (originally Callala Path 2). Archaeological test excavations were undertaken from 20 October to 23 October 2014 with a representative of Jerrinja LALC. Sue Feary participated for one day during the excavation of #58-2-0443. Three test pits conducted at #58-2-0144 yielded a total of 19 stone artefacts, 14 species of shellfish and seven animal bone fragments. Three test pits conducted at #58-2-0443 yielded 13 species of shellfish. A detailed analysis of the excavated material concluded that site #58-2-0144 comprised a moderate sized midden, with dense and stratified material. Site #58-2-0443 comprised a large midden, also with dense and stratified material. The middens were determined to have a high level of archaeological significance and it was predicted a background scatter surrounded the sites. Based on these results, the report recommended that an ACHA be prepared to support an AHIP for the proposed works (On Site Cultural Heritage Management 2015:1-31).

In 2017, Feary was commissioned by Shoalhaven City Council to undertake an ACHA for Stage 2 of the proposed shared path, in support of an AHIP. Feary provided the following recommendations:

- no further archaeological investigations were warranted for Stage 2 of the shared path;
- the ACHA be submitted to OEH with an AHIP to allow partial harm to sites #58-2-0144 and #58-2-0443 and harm to #58-2-0466 (originally Callala Path 1) in the alignment of path construction and associated infrastructure and ongoing maintenance;

- Jerrinja LALC be notified regarding #58-2-0466, for the possible relocation of the artefact; and
- a RAP be engaged to record any newly exposed archaeological material near #58-2-0144 and #58-2-0443 when works commence (Feary 2017:2-54).

### 5.3.5 Registered Aboriginal Sites

An extensive search of the AHIMS database was undertaken on 30 October 2019 (AHIMS client service ID #460523) which identified 79 previously recorded Aboriginal sites within the following coordinates: Datum: GDA94 Zone 56, Eastings: 285679-299179, Northings: 6119633-6130633. No Aboriginal heritage sites have previously been recorded on AHIMS within the study area or its near vicinity. The search results are summarised in Table 5.2, presented in Figure 5.2 and detailed in Appendix B.

**Table 5.2 AHIMS Registered Aboriginal sites in the vicinity of the study area.**

Site Type	Number of Sites Present	Percentage
Midden	45	56.96%
Artefact	13	16.46%
Open Camp Site	10	12.66%
Modified Tree (Carved or Scarred)	2	2.53%
Potential Archaeological Deposit (PAD)	2	2.53%
Shelter with Midden	2	2.53%
Water Hole	1	1.27%
Burial; Midden; Open Camp Site	1	1.27%
Midden; Potential Archaeological Deposit (PAD)	1	1.27%
Midden; Shelter with Midden	1	1.27%
Midden; Water Hole	1	1.27%
<b>Total</b>	<b>79</b>	<b>100.00%</b>

There are no Aboriginal heritage sites registered within the study area or within close proximity. The nearest Aboriginal heritage site to the study area is a midden located approximately 1km south. The most common sites previously recorded in the local area are midden, followed by artefact and open camp sites.

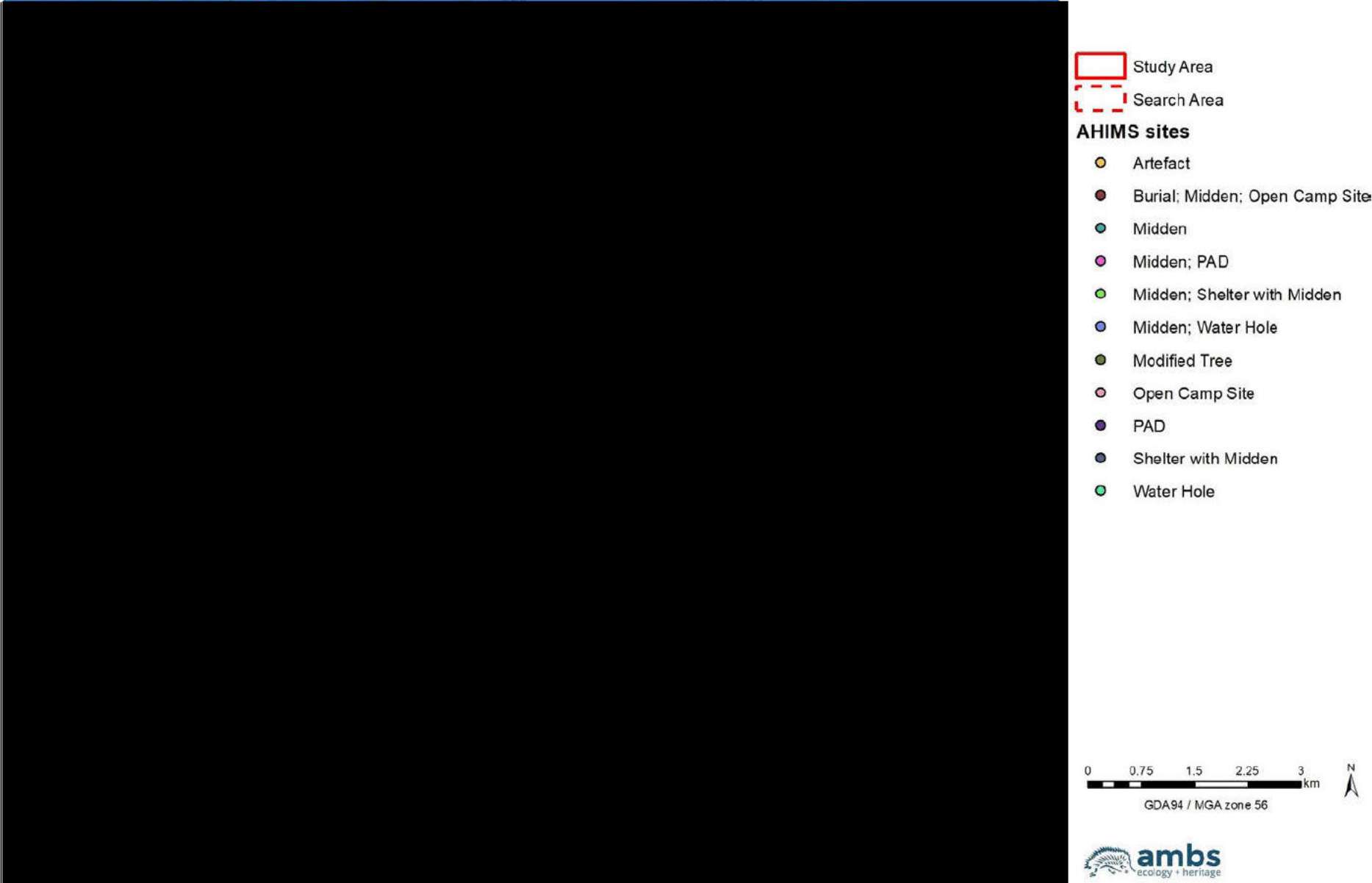


Figure 5.2 Previously recorded AHIMS sites in the vicinity of the study area.

## 5.4 Aboriginal Heritage Site Prediction Modelling

No Aboriginal heritage sites, objects or places have previously been recorded in the study area. The nearest registered Aboriginal site is located approximately 1km south and comprises a shell midden. A review of existing information on the environmental context, Aboriginal heritage values, and archaeology identified that the study area has experienced disturbance associated with extensive vegetation clearing, which is likely to have impacted the survivability and integrity of archaeological sites.

On the basis of the registered archaeological sites in the region and review of previous archaeological studies, the following conclusions can be drawn regarding the potential presence and location of Aboriginal heritage sites within the landscape of the study area:

- Midden sites are the most common site type within the local area, generally occurring adjacent to the foreshore and associated shellfish resources. Previous archaeological assessments undertaken in the local area have identified fragmented shell in areas with history of disturbance. As such, it is possible for shells or shell fragments associated with midden sites to occur in the study area.
- Artefact and open camp site are the second most common site types and are found in all environmental contexts but are most readily identified through surface survey in areas where vegetation is limited, and ground surface visibility is high.
- Artefact and open camp sites may occur in all landform contexts throughout the study area, although water is often the defining characteristic in distribution patterns. From the body of research throughout the region and within the broader state context, it is generally accepted that people tended to camp in proximity to water, resources or vantage points, with camping occurring more frequently the more permanent the water source.
- The study area is located on a gently undulating landscape with water sources located in the vicinity. Previous archaeological assessments undertaken in the local area have identified stone artefacts associated with midden sites. As such, there is potential for artefact and/or open camp sites to be present on landforms within the study area.

On the basis of the archaeological sites registered in the region and review of previous archaeological studies, the following types of sites are unlikely to be present in the study area:

- Modified (scarred or carved) trees are only expected within areas of native, mature vegetation. Previously recorded modified trees in the local area are located in highly vegetated areas. The study area has undergone extensive vegetation clearing and as such it is unlikely that remnant vegetation with trees of appropriate age remain.
- Stone quarry sites, axe grinding grooves, stone engravings/art and shelter sites are highly unlikely to be found in the study area due to the lack of suitable stone outcrops.
- Ceremonial sites (including stone arrangements) are highly unlikely to be present in the area given the disturbance caused by vegetation clearing.



## 6 Archaeological Survey

An Aboriginal archaeological survey and assessment of the study area was undertaken on Friday 24 January 2020 by AMBS archaeologists Petra Balanzategui and Madeleine Rodwell, and representative of Jerrinja LALC Gerald Carberry. RAP representatives of Leanne Tungai and Tungai Tonghi were unable to attend on the day.

### 6.1 Survey Methodology

The archaeological survey comprised a pedestrian inspection of the entire study area, focusing on areas of ground surface exposure. The fieldwork methodology, archaeological context, proposed rezoning and potential impacts were discussed with the Aboriginal community representative during fieldwork, and plans of the proposed rezoning were made available to guide the survey. The survey aimed to identify whether Aboriginal sites, places, or objects are present within the study area, or whether there was potential for areas of Aboriginal archaeological sensitivity to be present.

Photographs of the study area were taken using an Olympus TG-4 digital camera. Track logs and site co-ordinates were recorded using a Garmin Oregon 750t handheld GPS unit. Where Aboriginal artefacts were encountered, notes were to be made regarding their type, size, and material; and descriptions of the site were to be recorded including the environmental setting and details of any disturbance to archaeological material in the site's vicinity.

### 6.2 Survey Results

No Aboriginal sites, objects or places, or areas of potential Aboriginal archaeological sensitivity were identified within the study area or immediate surrounds during the archaeological survey. The survey targeted areas of visibility as is demonstrated by the Survey Units in Figure 6.15.

The study area is located on a gently sloping landform with two drainage lines extending west from Wowly gully. An electrical services easement is located along the western boundary and two old fence lines border the western and northern boundaries. Visibility was consistently low in majority of the study area ranging from 0 to 15% (Table 6.2), mainly due to thick grass and weed coverage as demonstrated in Figure 6.1 and Figure 6.2. Large sandy exposures were frequent in Survey Unit 1 and 2 and small sandy exposures in Survey Unit 3. The exposures were inspected for cultural materials, but none were found. A distinction between soil landscapes was clear during the archaeological survey, with the Greenwell Point section of the study area comprising a drier environment of erodible sandy clay and some of the Seven Mile section comprising a damper environment of waterlogged sandy loam. Given the nature of the local soil landscapes, the study area is historically likely to have experienced wind and coastal erosion processes following land clearing.

Survey Unit 1 (Figure 6.15) comprises a simple slope landform in the northern half of the study area. Ongoing vegetation clearance has occurred throughout the survey unit and regrowth vegetation, thick grass and weeds remain. Consistent with the Greenwell Point and Seven Mile soil landscapes, regrowth coastal tea-tree (*Leptospermum laevigatum*), lillypilly (*Acmena smithii*) and three linear paperbarks (*Melaleuca linariifolia*) are scattered throughout this survey unit. Trees within the survey unit comprise young, immature regrowth vegetation and are therefore not of an age suitable to bear evidence of Aboriginal cultural modification. Four oyster shell fragments were identified in the north western extent of the survey unit (see Figure 6.6), but they were fragmentary and few in number, and are unlikely to be remnants of an Aboriginal shell midden. An old wooden fence borders the northern and western boundaries and an electrical services



easement follows the western boundary. Past use of the property is evident in the form of a vehicle track in the north eastern section of the survey unit. Several auger holes ranging in size and depth are located within the survey unit, suggesting previous testing and subsurface disturbance.

Survey Unit 2 comprises a flat landform and two drainage lines extending west from Wowly Gully. The northern extent of the survey unit has been extensively cleared of vegetation. The natural topography of this section has been modified, and the soil appears uneven and heaped. Past use of the property is evident in the form of a well-used vehicle track, extending east from Sealark Road. Illegal rubbish dumping has occurred throughout the entire survey unit with some of the items including pieces of tarp, plastic, bottles, cans and shoes. Vegetation is very dense along and in the drainage lines comprising regrowth trees, weeds and grass. Between the two drainage lines, a man-made fire has been recently lit, as evident in Figure 6.8. A wooden barricade has been established as a safety precaution where the drainage lines meet Sealark Road, suggesting excavation and subsurface disturbance (Figure 6.11 and Figure 6.12). A concrete man hole cover (Figure 6.13) is also located between the drainage lines, indicating further disturbance.

Survey Unit 3, in the southern extent of study area comprises a flat landform with thick regrowth vegetation. Vegetation of this area is dominated by scribbly gum (*Eucalyptus sclerophylla*) and swamp mahogany (*Eucalyptus robusta*), thick grass and weeds also exist. Visibility was significantly limited due to thick leaf litter and fallen branches. Where visibility allowed, soil was observed to be a dry, sandy clay, similar to that of Survey Unit 1. Small sandy exposures were inspected for cultural materials however none were found. Disturbance is evident in the north eastern section of the survey unit where an environmental containment has been installed. This area is now overgrown by weeds, grass and coastal tea-tree (*Leptospermum laevigatum*). Several auger holes ranging in size and depth are located within the survey unit, suggesting previous testing and subsurface disturbance.



**Figure 6.1 Survey Unit 1. View to east.**



**Figure 6.2 Survey Unit 1 and Sealark Road. View to south.**





**Figure 6.3** Sandy exposure adjacent to fence line in Survey Unit 1. View to west.



**Figure 6.4** Large sandy exposure in Survey Unit 1. No cultural materials were identified. View to south.



**Figure 6.5** Auger hole. Exposed soil comprises sandy clay with lateritic inclusions.



**Figure 6.6** Natural shell comprising four oyster shell fragments.



**Figure 6.7** Obvious change in soil landscapes, damper soil in vicinity of creek. View to west.



**Figure 6.8** Evidence of disturbance in Survey Unit 2. View to south.





**Figure 6.9** Scribbly gum trees in Survey Unit 3. Thick leaf litter limited visibility. View to north east.



**Figure 6.10** Area with environmental containment in Survey Unit 3. View to south east.



**Figure 6.11** Wooden barricade around the drainage line where it meets Sealark Road. View to east.



**Figure 6.12** Wooden barricade around other drainage line covered by thick regrowth vegetation and weeds. View to south east.



**Figure 6.13** Cement man hole cover between the drainage lines. View to south east.



**Figure 6.14** Large auger hole in Survey Unit 3 indicating previous testing and subsurface disturbance.

#### **6.2.1 Survey Coverage Data**

Survey coverage data was gathered during the archaeological survey to allow quantification of ground exposure and visibility, as adverse observation conditions can affect the detection of Aboriginal sites and material. This data does not reflect the extent of the area that was physically

surveyed but represents an estimate of the area of ground surface examined and presents an estimate of the effectiveness of the survey, given environmental conditions and ground visibility. Survey coverage data is presented in accordance with the DPIE guidelines and is presented in Figure 6.15 and detailed in Table 6.1.

**Table 6.1 Landform summary**

Landform	Landform area (m <sup>2</sup> )	Area effectively surveyed (m <sup>2</sup> )	% of landform effectively surveyed	Number of sites	Number of artefacts or features
Simple slope	9760	585.6	6.00	0	0
Flat	3410	51.15	1.50	0	0
Slat	2460	24.6	1.00	0	0



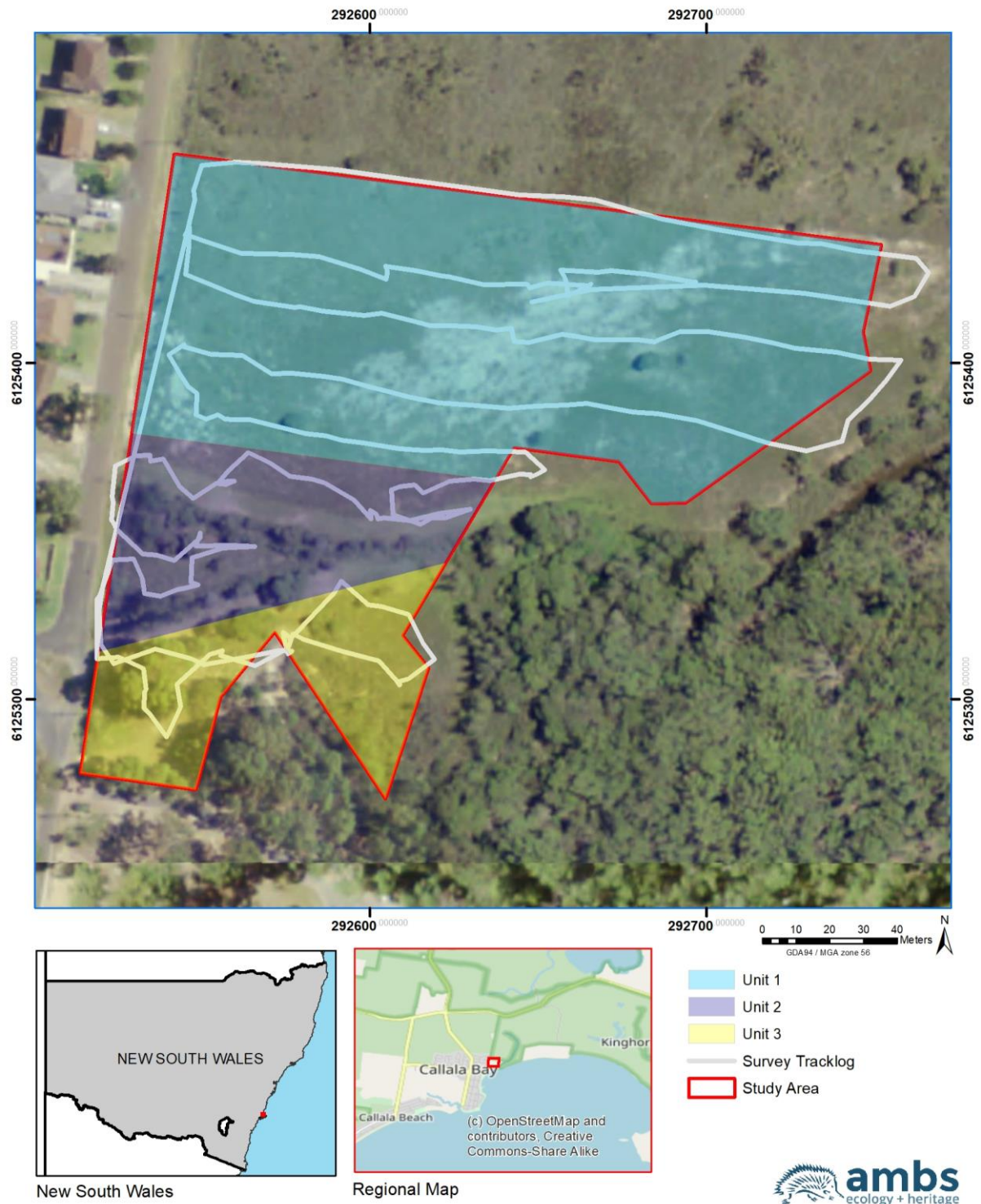





Figure 6.15 Survey units and tracklog within the study area.

Table 6.2 Survey Coverage.

Survey Unit	Landform	Description	Length (m)	Width (m)	Survey Unit Area (m <sup>2</sup> )	Visibility %	Exposure %	Effective Coverage Area (m <sup>2</sup> )	Transect Photograph
1	Simple slope	Simple slope comprising majority of the study area. Vegetation has been extensively cleared. Visibility is significantly limited due to thick shrubbery, grass and weeds. Three linear paperbarks exist but are not of an age suitable to bear evidence of Aboriginal cultural modification. Several large sand exposures are present. No cultural materials were identified in exposures. Disturbance has occurred from vegetation clearing, past use of the property, the establishment of infrastructure and past testing by an auger.	976	10	9760	15	40	585.6	
2	Flat	Flat located to the south of simple slope. Two natural drainage lines extending from Wowly gully are present in survey unit. Visibility is significantly limited by thick grass and weeds, and regrowth vegetation on drainage lines. Several large sandy exposures concentrated near vehicle track. No cultural materials were identified in exposures. Disturbance has occurred from vegetation clearing, past use of the property and the installation of infrastructure around the drainage lines.	341	10	3410	5	30	51.15	



Survey Unit	Landform	Description	Length (m)	Width (m)	Survey Unit Area (m <sup>2</sup> )	Visibility %	Exposure %	Effective Coverage Area (m <sup>2</sup> )	Transect Photograph
3	Flat	Flat comprising southern extent of study area. Vegetation comprises mainly scribbly gum, grass and weeds. Vegetation is thickest in proximity to drainage lines. Thick leaf litter, grass and weeds limit ground surface visibility. Several small sandy exposures are located throughout. No cultural materials were identified in exposures. Disturbance has occurred from vegetation clearing, past testing by an auger and the establishment of an environmental containment.	246	10	2460	5	20	24.6	

### 6.2.2 Disturbance

For the purpose of assessing potential, the level of disturbance within the study area has been estimated. Four categories have been assigned to distinguish levels of disturbance (Table 6.3). The associated impacts of past land use practices on the archaeological resource are summarised for each category.

Following the archaeological survey, it is clear that the study area has been subjected to varying levels of disturbance associated with vegetation clearing, past use of the property and the establishment of infrastructure. Vegetation clearing has occurred throughout the entire study area and the existing vegetation comprises regrowth. Subsurface disturbance has occurred for the construction of infrastructure including fences, an electrical services easement, wooden barricading for the drainage lines and a cement man hole. Several auger holes ranging in size and depth are located throughout the study area indicating past testing and subsurface disturbance. Further disturbance has also occurred from past use of the property as evident by vehicle tracks, illegal rubbish dumping and an environmental containment. As such, the study area is considered to have experienced a moderate level of disturbance.

**Table 6.3 Categories of Disturbance.**

Level of Disturbance	Type of Disturbance	Impact on Archaeological Resource
None	No effective disturbance of natural ground surface	<i>In situ</i> archaeological deposits may be present
Low	Limited vegetation clearance; stock grazing	Archaeological material should retain some spatial integrity although localised displacement may be expected
Moderate	Complete vegetation clearance; pasture/cultivation (ploughing); minor to moderate erosion	Archaeological materials may be present, although localised spatial displacement and artefact damage are likely; if present, <i>in situ</i> deposits may remain below plough zone
High	Removal of topsoil for urban and industrial development; irrigation; road works; infrastructure construction; landscaping; landfill; severe erosion	While archaeological sites may be destroyed, remnant dispersed archaeological material may survive; the context of such material may be unknown.

## 6.3 Survey Discussion

No Aboriginal sites, objects or places, or areas of potential Aboriginal archaeological sensitivity were identified within the study area or immediate surrounds during the archaeological survey. Based on the results of the archaeological survey, the predictive model for Aboriginal heritage sites, and the moderate levels of previous ground disturbance within the study area, it is considered the study area does not have potential to retain Aboriginal objects or subsurface archaeological deposits.

Surface visibility in the study area varied between 0 to 15% with the highest visibility occurring in Survey Unit 1, where large sandy exposures were present. All sandy exposures were inspected for evidence of Aboriginal cultural materials, however none were found. Four oyster shells were identified during the survey, but they were fragmentary and few in number, and are unlikely to be remnants of an Aboriginal shell midden. Trees within the study area comprise young regrowth and are not of an age suitable to bear evidence of Aboriginal cultural scarring.

The study area has been disturbed by extensive vegetation clearing and past use of the property indicated by vehicle tracks, rubbish dumping and an environmental containment. Subsurface disturbance has occurred throughout the study area for the establishment of fence lines, an



electrical services easement, wooden barricading, a cement man hole cover and past testing by an auger. Given the nature of the local soil landscapes, the study area is historically likely to have experienced wind and coastal erosion processes following land clearing.

Given the results of the archaeological survey, the predictive model for Aboriginal sites, and the observed level of disturbance within the study area, it is considered unlikely that *in situ* Aboriginal archaeological deposits are present within the study area, and therefore further archaeological assessment of the site is not likely to increase the current scientific understanding of the local region.

## 7 Assessing Heritage Significance

A primary step in the process of Aboriginal cultural heritage management is the assessment of significance. Heritage significance relating to Aboriginal sites, objects and places in NSW is assessed in accordance with the criteria defined in the DPIE guidelines, and cultural significance is identified by Aboriginal communities. The DPIE Code of Practice states that archaeological values should be identified, and their significance assessed using criteria reflecting best practice assessment processes as set out in the Burra Charter (DECCW 2010:21).

The criteria for assessing Aboriginal heritage significance are derived from the Burra Charter criteria of aesthetic, historic, scientific, social or spiritual value, for assessing cultural significance for past, present and future generations (Article 1.2). Therefore, the DPIE guidelines for assessing significance require consideration of the following aspects of heritage sites:

- *Research Potential: does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?*
- *Representativeness: how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?*
- *Rarity: is the subject area important in demonstrating a distinctive way of life, custom process, land-use, function or design no longer practiced? Is it in danger of being lost or of exceptional interest?*
- *Education potential: does the subject area contain teaching sites or sites that might have teaching potential? (OEH:2011:10)*

Not all sites are equally significant and not all are worthy of equal consideration and management. The significance of a site is not fixed for all time; what is considered as significant at the time of assessment may change as similar items are located, more research is undertaken, and community values change. This does not lessen the value of the heritage approach but enriches both the process and the long-term outcomes for future generations as the nature of what is conserved and why also changes over time (Pearson and Sullivan 1995:7).

### 7.1 Assessment Against Criteria

This assessment of heritage values against the DPIE heritage assessment criteria is informed by the results of the environmental and heritage context, the predictive model for Aboriginal sites in the region, and the results of the Aboriginal heritage field survey. Aboriginal heritage sites are considered to be of heritage significance if they meet one or more of the following criteria:

*Does the subject area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons? – social value*

This criterion concerns the value(s) of a site or feature to a particular community or cultural group, in this case the local Aboriginal community. Aspects of social significance are relevant to sites, items and landscapes that are important, or have become important, to the local Aboriginal community. This importance involves both traditional links with specific areas as well as an overall concern by Aboriginal people for sites and landscapes generally and their future protection. Assessments of social value can only be made by the relevant Aboriginal communities.

Consultation undertaken with representatives of the local Aboriginal community has indicated that the study area does not have any specific cultural significance to the local Aboriginal community. The study area is therefore not considered to have social values for Aboriginal heritage.

*Is the subject area important to the cultural or natural history of the local area and/or region and/or state? – historic value*

No Aboriginal sites, objects or places are present within the study area, and no areas with potential to retain subsurface Aboriginal archaeological deposits have been identified. The study area is therefore not considered to have historical value for Aboriginal heritage.

*Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state?  
– Scientific (archaeological) value*

The study area is not considered to have any archaeological potential for intact or substantial Aboriginal heritage deposits. No Aboriginal sites or areas of Aboriginal heritage sensitivity were identified within the study area. Further archaeological assessment of the study area is unlikely to increase the current scientific understanding of the local region. The study area is therefore not considered to have scientific (archaeological) value for Aboriginal heritage.

*Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state? – Aesthetic value*

No Aboriginal sites, objects or places are present within the study area, and no areas with potential to retain subsurface Aboriginal archaeological deposits have been identified. The natural landscape of the study area has been modified through vegetation clearing and ongoing maintenance, and the establishment of fences and an electrical services easement. The study area is therefore not considered to have aesthetic value for Aboriginal heritage.

#### *7.1.1 Summary statement of significance*

No Aboriginal sites or areas of Aboriginal heritage sensitivity were identified within the study area, and it is not considered to have any archaeological potential to retain intact or substantial Aboriginal heritage deposits. Representatives of the local Aboriginal community indicated that the study area does not have any specific cultural significance to the local Aboriginal community. The study area is therefore not considered to have significance for Aboriginal heritage.

## 8 Conclusions & Recommendations

### 8.1 Assessment of Heritage Impact

The following section assesses the impacts of the proposed development of Sealark Road, Callala Bay on the significance of the Aboriginal heritage values. Implementation of the development should observe the principles of the Burra Charter, which define standards of best practice for the conservation and management of heritage places. The aim of conservation is to preserve the cultural significance of a place.

The archaeological survey identified no Aboriginal objects, sites or areas with potential to retain subsurface archaeological deposits within the study area. The study area has experienced a moderate level of disturbance from vegetation clearing, past use of the property and various subsurface disturbances. Further, no Aboriginal cultural issues or sensitivities associated with the study area were identified by the RAPs consulted with during this assessment. It is therefore considered unlikely that the proposed development will impact Aboriginal heritage values within the study area.

### 8.2 Recommendations

The following recommendations are based on the statutory requirements, the background review of the environmental and Aboriginal heritage context of the study area, predictive modelling, Aboriginal community consultation, the archaeological survey, and current heritage best practice in accordance with the DPIE guidelines and Burra Charter.

No Aboriginal heritage sites, objects or places were identified by archaeological survey of the study area, and no areas with potential to retain subsurface Aboriginal archaeological deposits were identified within the study area. There are no previously identified Aboriginal heritage sites recorded on AHIMS within the study area, and no previously registered Aboriginal heritage sites will be impacted by the proposed development. Given the level of disturbance observed in the study area, it is considered unlikely that evidence of previous occupation by Aboriginal people remains within the study area.

#### **Recommendation 1**

*The level of archaeological assessment undertaken, and the results of the background analysis are such that it is unlikely that further archaeological assessment of the study area will increase the current scientific understanding of the region. No further Aboriginal heritage assessment is required for the proposed development.*

There are no additional constraints to the proposed development arising from considerations of Aboriginal cultural heritage and archaeology. The proposed development may proceed with due caution.

#### **Recommendation 2**

*There are no Aboriginal cultural heritage constraints on the proposed development. No further Aboriginal cultural heritage assessment is required prior to the proposed development works.*

Impacts to Aboriginal heritage sites, regardless of their level of significance or integrity, require the prior written consent of the Director-General of the DPIE, under Section 87 or Section 90 of the NPW Act. Although the assessment has identified that it is unlikely that Aboriginal heritage objects are present in the study area, in the unlikely event that Aboriginal objects are exposed during any future development works should immediately cease, the Cultural Heritage Division of DPIE should be informed, and works should not proceed without the written consent of DPIE.

**Recommendation 3**

*The study area is unlikely to retain Aboriginal objects; however, should any Aboriginal objects be exposed during construction works, disturbance of the area should cease and the Cultural Heritage Division of DPIE should be informed in accordance with Section 89A of the NPW Act. Works should not continue without the written consent of DPIE.*

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## **Appendix A: Aboriginal Community Consultation**

### **Stage 1 Notification of Project Proposal**

Proof of newspaper advertisement  
Agency correspondence  
Correspondence with Aboriginal Parties  
Registration of interest

### **Stage 2 & 3 Presentation of Information about the Project and Stage 3 Gathering information about Cultural Significance**

Proposed Methodology  
Written feedback provided by Aboriginal Parties

### **Stage 4 Review of draft cultural heritage assessment report**

Correspondence with Aboriginal parties  
Draft report feedback provided by Aboriginal parties

### **Aboriginal Community Consultation Log**

## Stage 1: Notification of Project Proposal

*Proof of Newspaper Advertisement- Published 20 November 2019 in the South Coast Register.*



**Notice of  
Aboriginal Consul-  
tation**

Sealark Road, Callala  
Bay NSW

An Aboriginal  
Cultural Heritage  
Assessment is  
proposed for Sealark  
Road, Callala Bay  
(Lot 5 DP 1225356)  
for the rezoning of  
land by Shoalhaven  
City Council  
([eric.hollinger@  
shoalhaven.nsw.  
gov.au](mailto:eric.hollinger@shoalhaven.nsw.gov.au)) and to  
inform and assist  
the preparation of a  
Planning Proposal.  
Aboriginal people  
who hold cultural  
knowledge and wish  
to be consulted for  
this assessment are  
invited to register an  
expression of interest  
by 4 December 2019  
by email to [petra@  
ambs.com.au](mailto:petra@ambs.com.au) or by  
post to Attn: Petra  
Balanategui, AMBS  
Ecology & Heritage,  
Unit 14, 1 Hordern  
Place, Camperdown  
NSW 2050.

Consultation may  
be used to assist  
in the preparation  
of an application  
for an AHIP for the  
development, and  
assist the Director  
General of DPIE in  
consideration and  
determination of an  
AHIP application.

## Agency Correspondence

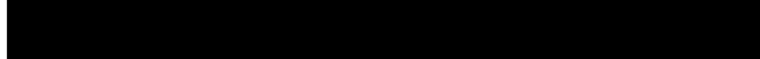


Petra Balanzategui <petra@ambs.consulting>

### Aboriginal Community Consultation Request- Sealark Rd, Callala Bay

Petra Balanzategui

14 November 2019 at 10:20



AMBS Ecology & Heritage has been commissioned by Shoalhaven City Council (nominated contact [eric.hollinger@shoalhaven.nsw.gov.au](mailto:eric.hollinger@shoalhaven.nsw.gov.au)) to prepare an Aboriginal Cultural Heritage Assessment for works associated with the rezoning of approximately 1ha of land at Sealark Road, Callala Bay. The assessment is to be prepared in accordance with Department of Planning, Industry and Environment (DPIE) guidelines and is required to assist the preparation of a Planning Proposal (PP) to rezone lands and to provide guidance for the appropriate management of Aboriginal cultural values throughout the planning process.

Could you please provide AMBS with a list of all known local Aboriginal people who may be interested in being consulted on this project, and who hold knowledge relevant to determining the cultural significance of Aboriginal objects and places, in accordance with the *Aboriginal Cultural Heritage consultation requirements for proponents 2010* by 28 November 2019, to enable us to contact potential stakeholders prior to the close of the notification period.

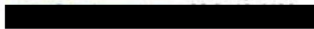
If you are unable to provide such personal information, could you please pass on this letter to any potential local Aboriginal stakeholders of whom you are aware, so that they may register their interest with AMBS directly.

Potential stakeholders are invited to register their interest in the project with AMBS directly by email to [redacted] or by post to: Attn: Petra Balanzategui, AMBS Ecology & Heritage, Unit 14, 1 Hordern Place, Camperdown NSW 2050.

A map indicating the location of the project area is attached for your reference and thank you very much for your time and assistance.

Petra Balanzategui  
Heritage Consultant

ambs ecology & heritage  
Unit 14, 1 Hordern Place Camperdown NSW 2050- <http://ambs.com.au>



Study Area.jpg  
1522K



Petra Balanzategui <petra@ambs.consulting>

## Search of Tribunal Registers- Sealark Rd, Callala Bay

Petra Balanzategui

14 November 2019 at 10:32

To: [REDACTED]

Please find attached a request for a search of the Tribunal Registers, being undertaken to assist Aboriginal community consultation in accordance with the *Aboriginal Cultural heritage consultation requirements for proponents 2010*. The search is being submitted in support of an Aboriginal Cultural Heritage Assessment being carried out by AMBS Ecology & Heritage, and has been commissioned by Shoalhaven City Council (nominated contact [eric.hollinger@shoalhaven.nsw.gov.au](mailto:eric.hollinger@shoalhaven.nsw.gov.au)).

The search is being undertaken in order to identify any known local Aboriginal people who may be interested in being consulted regarding an assessment of Sealark Rd, Callala Bay and who hold knowledge relevant to determining the cultural significance of Aboriginal objects and places.

In addition to the search request, a map showing the location of the study area is attached. Should you require any additional information or if I can be of assistance in any way please feel free to contact us.

Petra Balanzategui

Heritage Consultant

**ambs ecology + heritage**

Unit 14, 1 Hordern Place Camperdown NSW 2050- <http://ambs.com.au>

[REDACTED]



### 2 attachments



**Study Area.jpg**  
1522K



**19675 Search Form\_Request for Search of Tribunal Registers 2019.docx**  
69K



Petra Balanzategui &lt;petra@ambs.consulting&gt;

RE: SR19/232 - Search of Tribunal Registers- Sealark Rd, Callala Bay - SR19/232

Geospatial Search Requests

14 November

To:

UNCLASSIFIED

Native title search – NSW Freehold Parcel – Lot 5 DP1225356

Your ref: 29675 - Our ref: SR19/232

Dear Petra Balanzategui,

Thank you for your search request received on 14 November 2019 in relation to the above area.

Please note: Records held by the National Native Title Tribunal as at 14 November 2019 indicate that the identified parcel appears to be freehold, and freehold tenure extinguishes title.

The National Native Title Tribunal does not hold data sets for freehold tenure; consequently, we cannot conduct searches over freehold. For confirmation of freehold data, please NSW Land and Property Information office or seek independent legal advice.

For further information, please visit our [website](#).

These items not found in NNTT non freehold data:

Parcel ID
5VD1226368

**Cultural Heritage Searches in NSW**

The National Native Title Tribunal (the Tribunal) has undertaken steps to remove itself from the formal list of sources for information about indigenous groups in development area existence or otherwise of native title is quite separate to any matters relating to Aboriginal cultural heritage. Information on native title claims, native title determinations and Ind Land Use Agreements is available on the Tribunal's website.

Interested parties are invited to use Native Title Vision (NTV) the Tribunal's online mapping system to discover native title matters in their area of interest. Access to NTV is available <http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>.

Training and reliable documents are available on the NTV web page under "Training and help documents". For additional assistance or general advice on NTV please contact:

Additional information can be extracted from the Registers available at <http://www.nntt.gov.au/assistance/Registers/Pages/default.aspx>.

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

Regards,

Geospatial Searches

National Native Title Tribunal | Perth

19/24 [REDACTED] 08/0000000000

From: Petra Balanzategui

Sent: Thursday, 14 November 2019 7:32 AM

To: Geospatial Search Requests

Subject: SR19/232 - Search of Tribunal Registers- Sealark Rd, Callala Bay



Petra Balanzategui <petra@ambs.consulting>

**RE: HPE CM: FW: HPE CM: FW: Aboriginal Community Consultation Request-  
Sealark Rd, Callala Bay**

Rose O'Sullivan

14 November 2019 at 17:13

To:

Hi Petra

Thanks for contacting us about the above. Please see our stakeholder information list attached.

Also, for future reference, you can email our Illawarra office at [rog.illawarra@environment.nsw.gov.au](mailto:rog.illawarra@environment.nsw.gov.au) and you are also welcome to contact me directly. The Shoalhaven LGA is managed out of our Wollongong office. (Your request was sent through to Queanbeyan and Sydney). I have attached a map showing the areas each of our offices manages.

Kind regards

Rose

**Rose O'Sullivan**  
Archaeologist

South East Branch (Illawarra) | Biodiversity and Conservation | Department of Planning, Industry and Environment  
84 Crown Street, Wollongong 2520, PO Box 514 Wollongong NSW 2520  
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



**Planning,  
Industry &  
Environment**

*I acknowledge the traditional custodians of country throughout Australia and recognise their continuing connection to land, waters and community.*

**PLEASE NOTE OUR CHANGED POSTAL ADDRESS. OUR NEW POSTAL ADDRESS IS PO BOX 514  
WOLLONGONG, NSW 2520**

**From:** [REDACTED]  
**Sent:** Thursday, 14 November 2019 10:20 AM  
**Cc:** [REDACTED]  
**Subject:** Aboriginal Community Consultation Request- Sealark Rd, Callala Bay

AMBS Ecology & Heritage has been commissioned by Shoalhaven City Council (nominated contact [eric.hollinger@shoalhaven.nsw.gov.au](mailto:eric.hollinger@shoalhaven.nsw.gov.au)) to prepare an Aboriginal Cultural Heritage Assessment for works associated



Planning,  
Industry &  
Environment

14 November 2019

Petra Balanzategui  
AMBS Ecology & Heritage  
Unit 14, 1 Hordern Place  
Camperdown NSW 2050

By email: [REDACTED]

Dear Petra

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

**RE: Aboriginal Cultural Heritage Assessment, Sealark Road, Callala Bay**

Thank you for your request received on 14 November 2019 regarding the above matter. Attached is a list of known Aboriginal parties for the Shoalhaven Local Government Area. The Department believes these groups and individuals are likely to have an interest in the project.

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

This list is not necessarily an exhaustive list of all interested Aboriginal parties and does not remove the requirement of a proponent or consultant to advertise in local print media and contact other groups in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (April 2010).

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

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

PO Box 514 Wollongong NSW 2520  
64 Crown Street, Wollongong NSW 2500  
Email: [rog.iliawarra@environment.nsw.gov.au](mailto:rog.iliawarra@environment.nsw.gov.au)



Page 2

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

If you wish to discuss any of the above matters further please contact Rose O'Sullivan on [REDACTED] or [REDACTED]

Yours sincerely



**Chris Page**  
**Senior Team Leader Planning (Illawarra)**  
**South East Branch**  
**Biodiversity and Conservation Division**  
**Department of Planning, Industry and Environment**

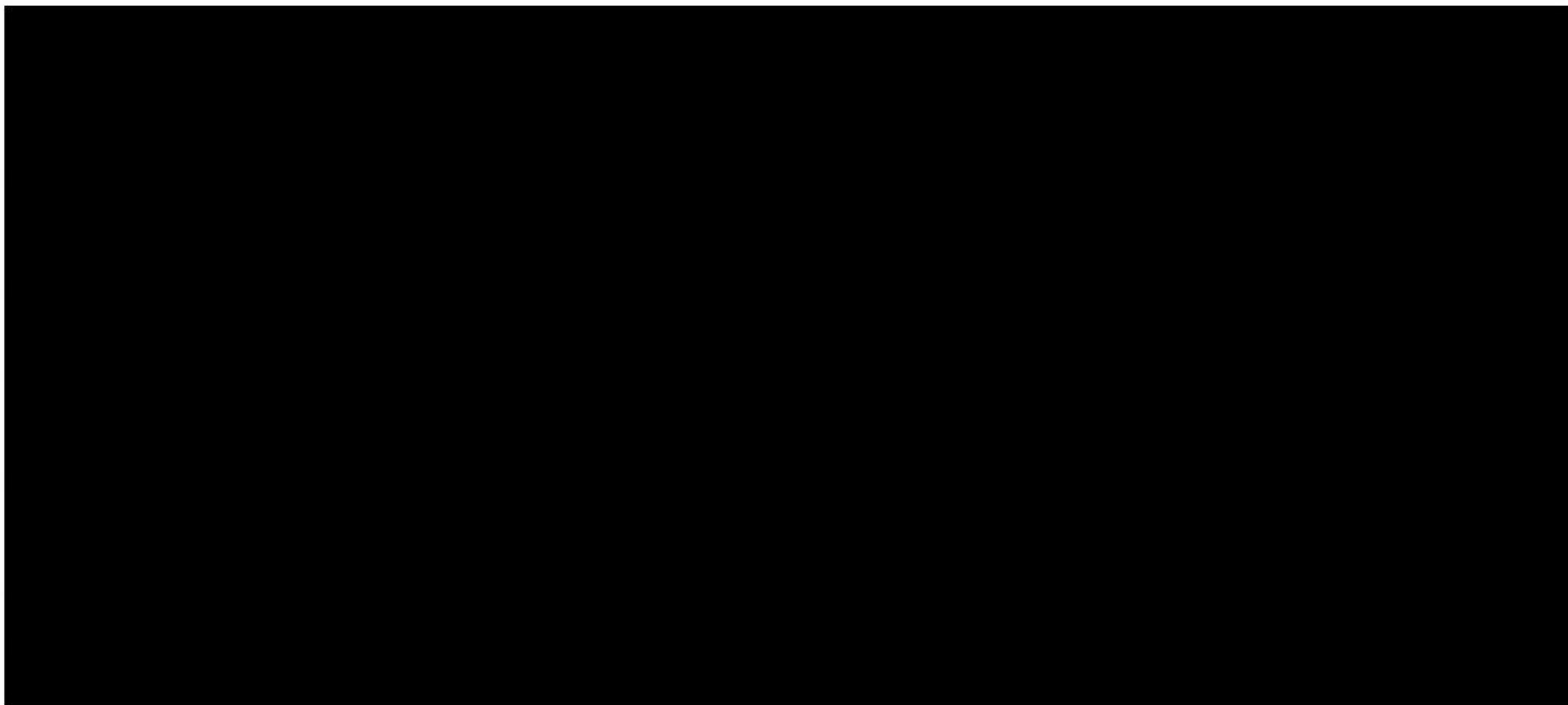
Enclosures: Attachment 1: Shoalhaven LGA Stakeholder List

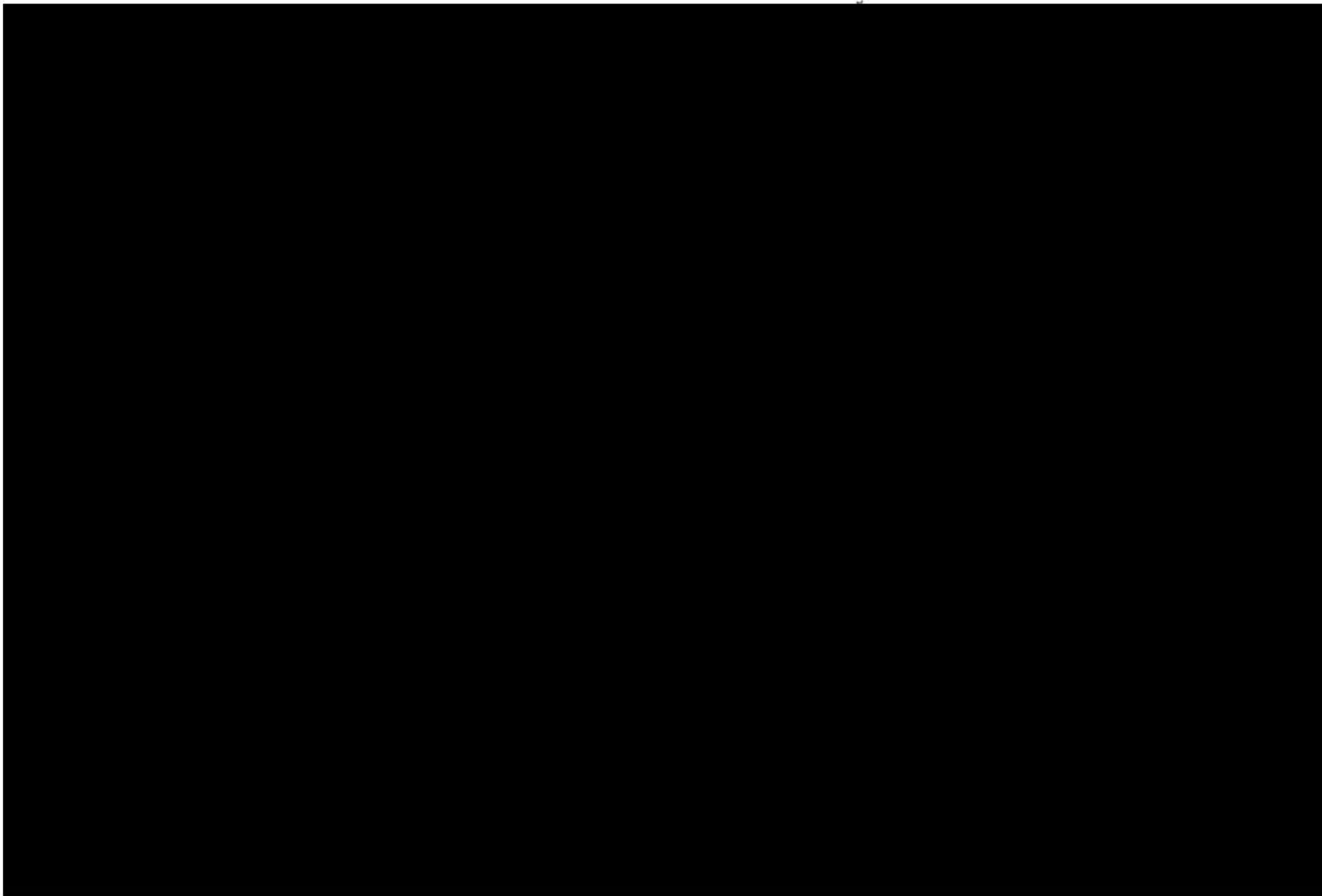


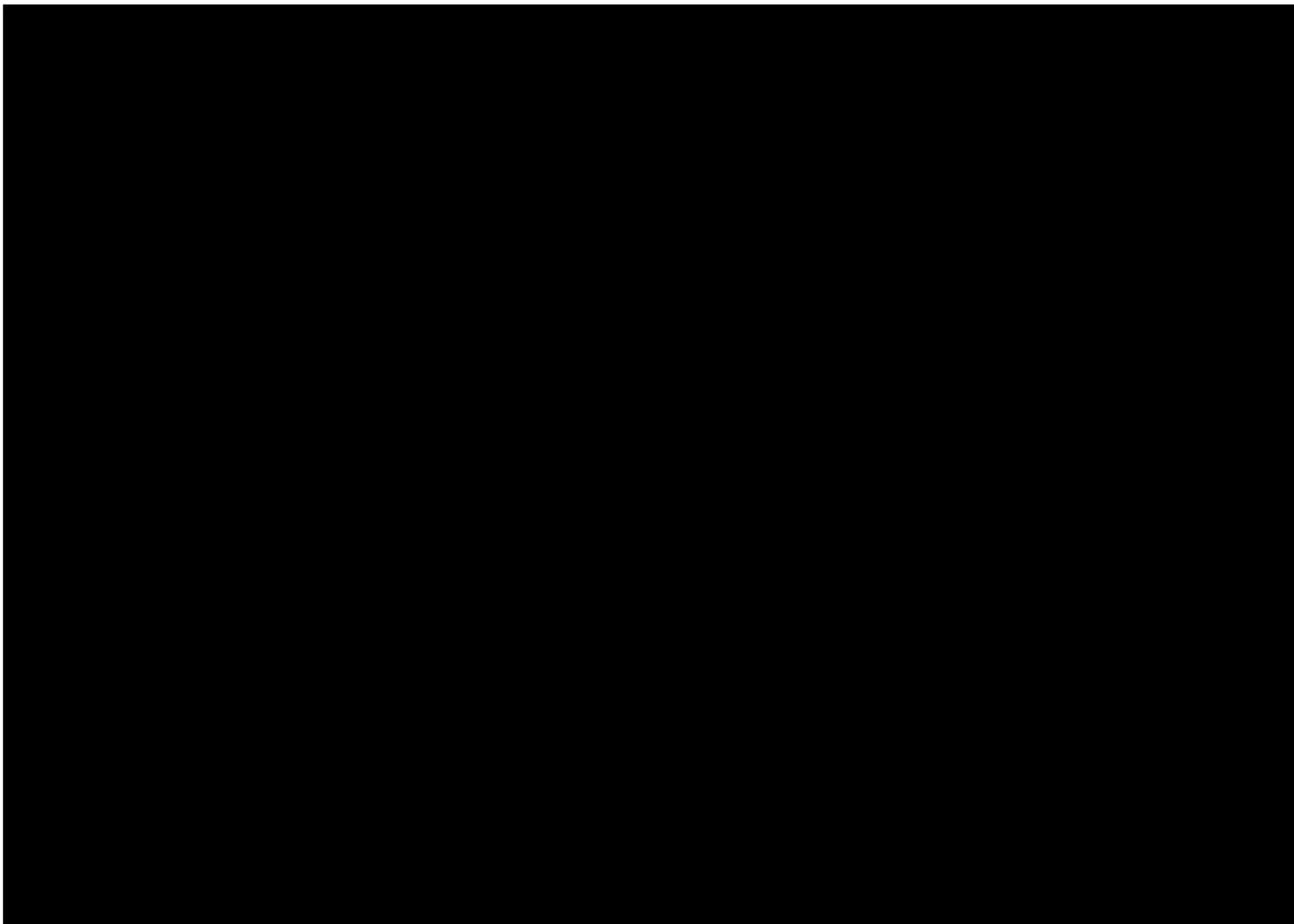


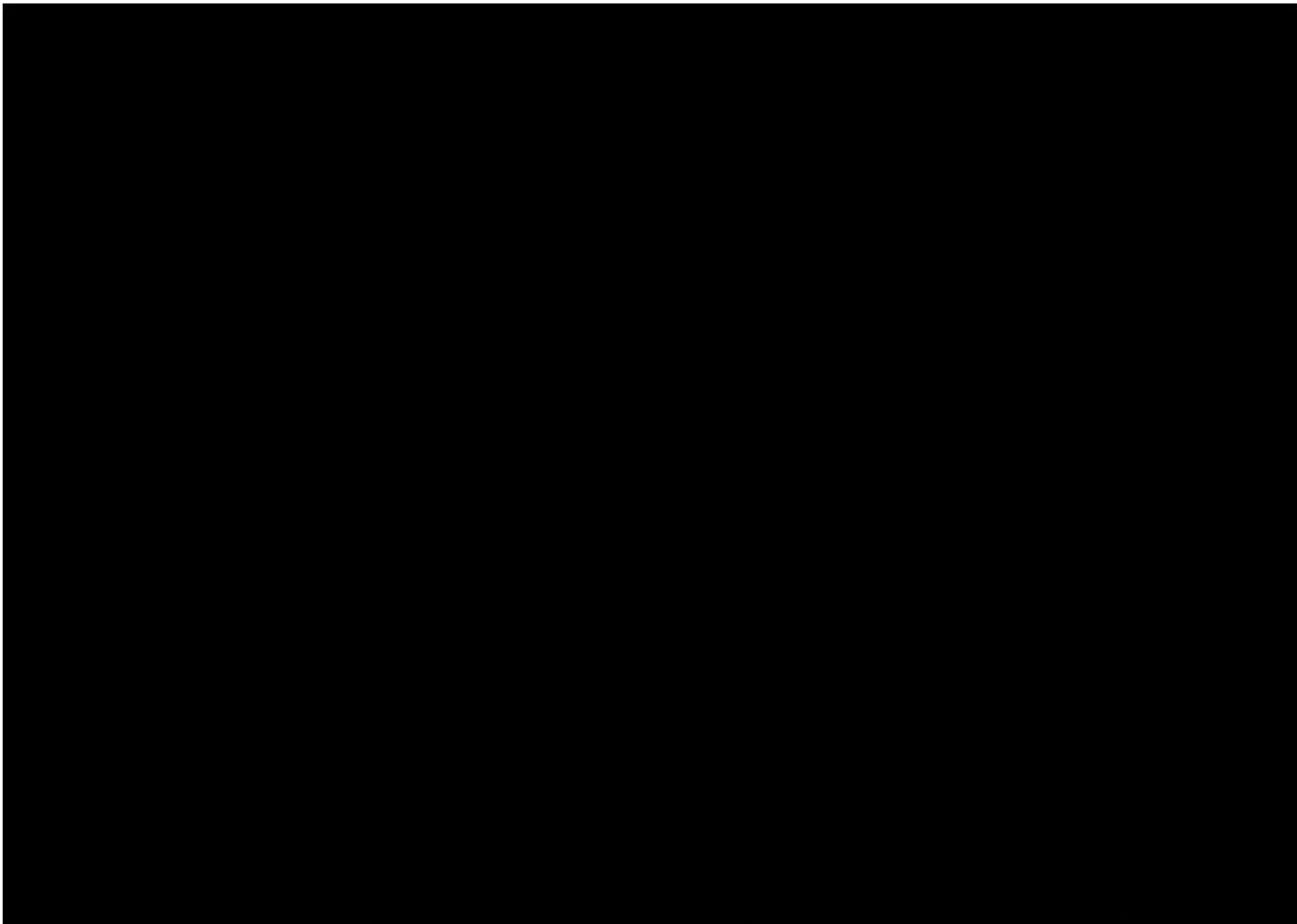
Planning,  
Industry &  
Environment

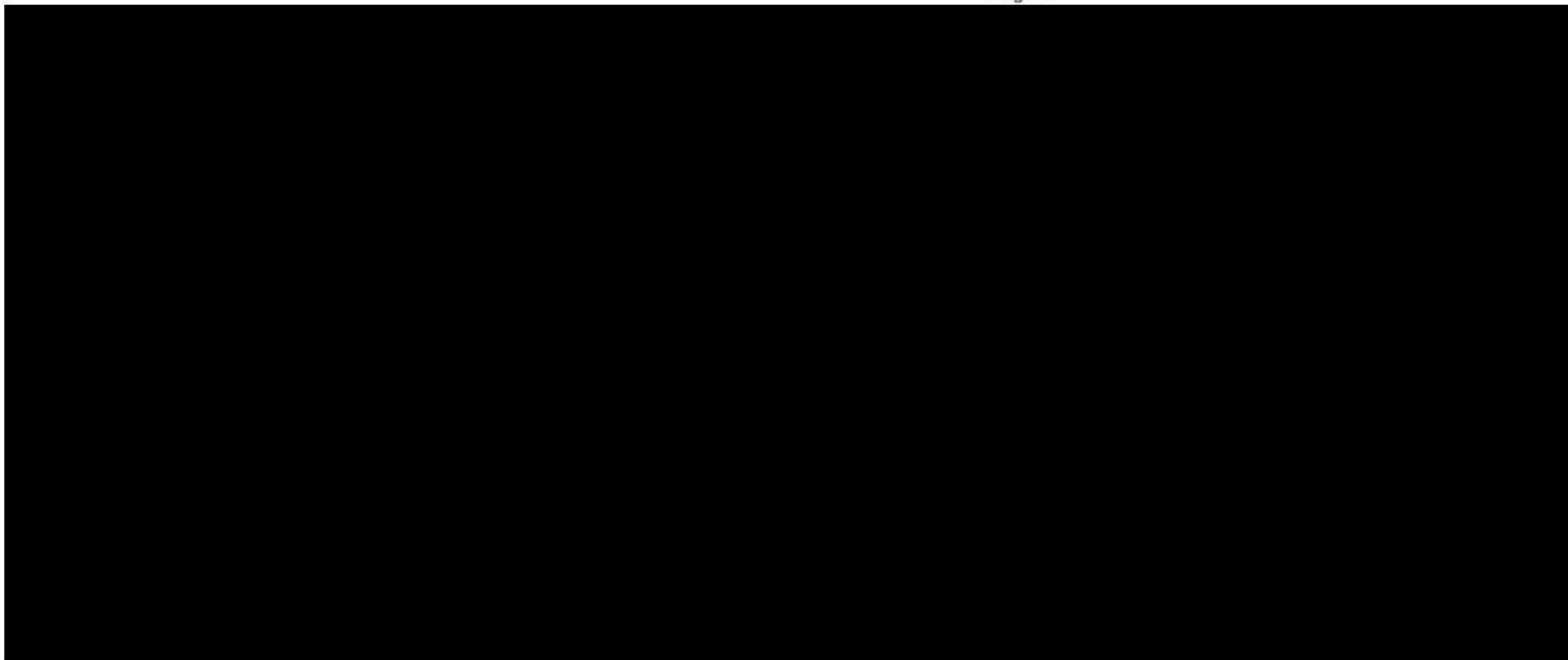
**Attachment 1: Shoalhaven LGA Stakeholder List**

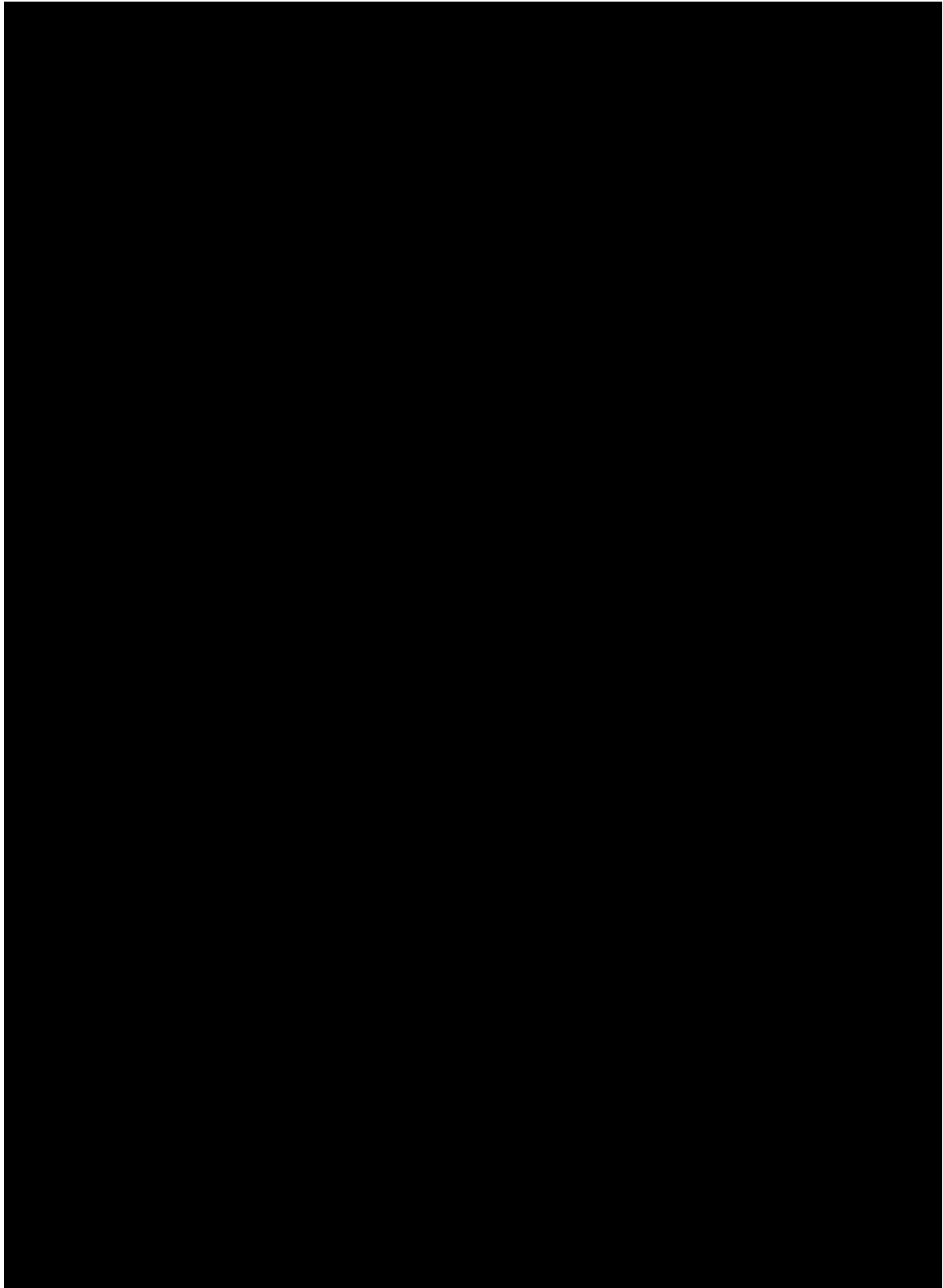




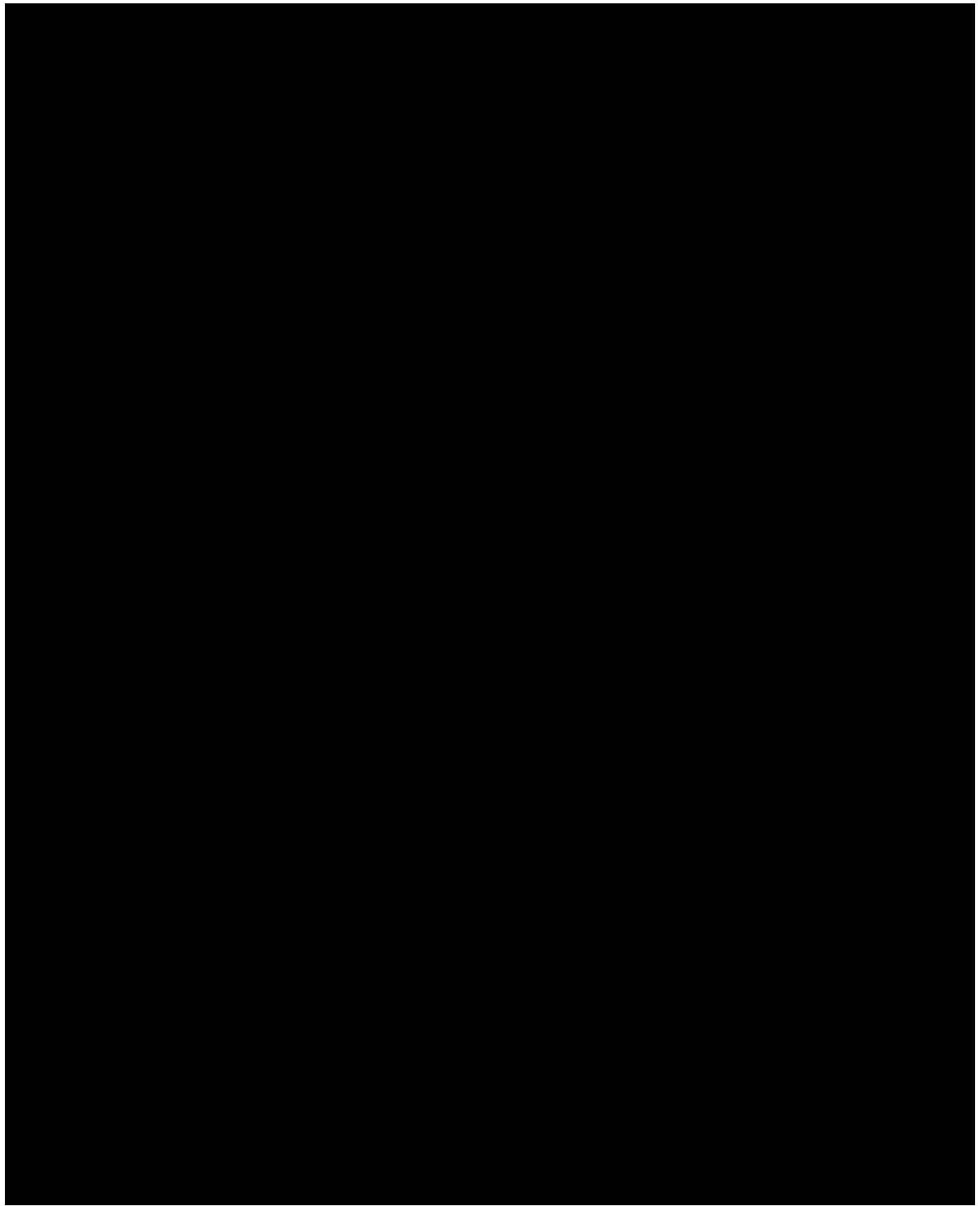


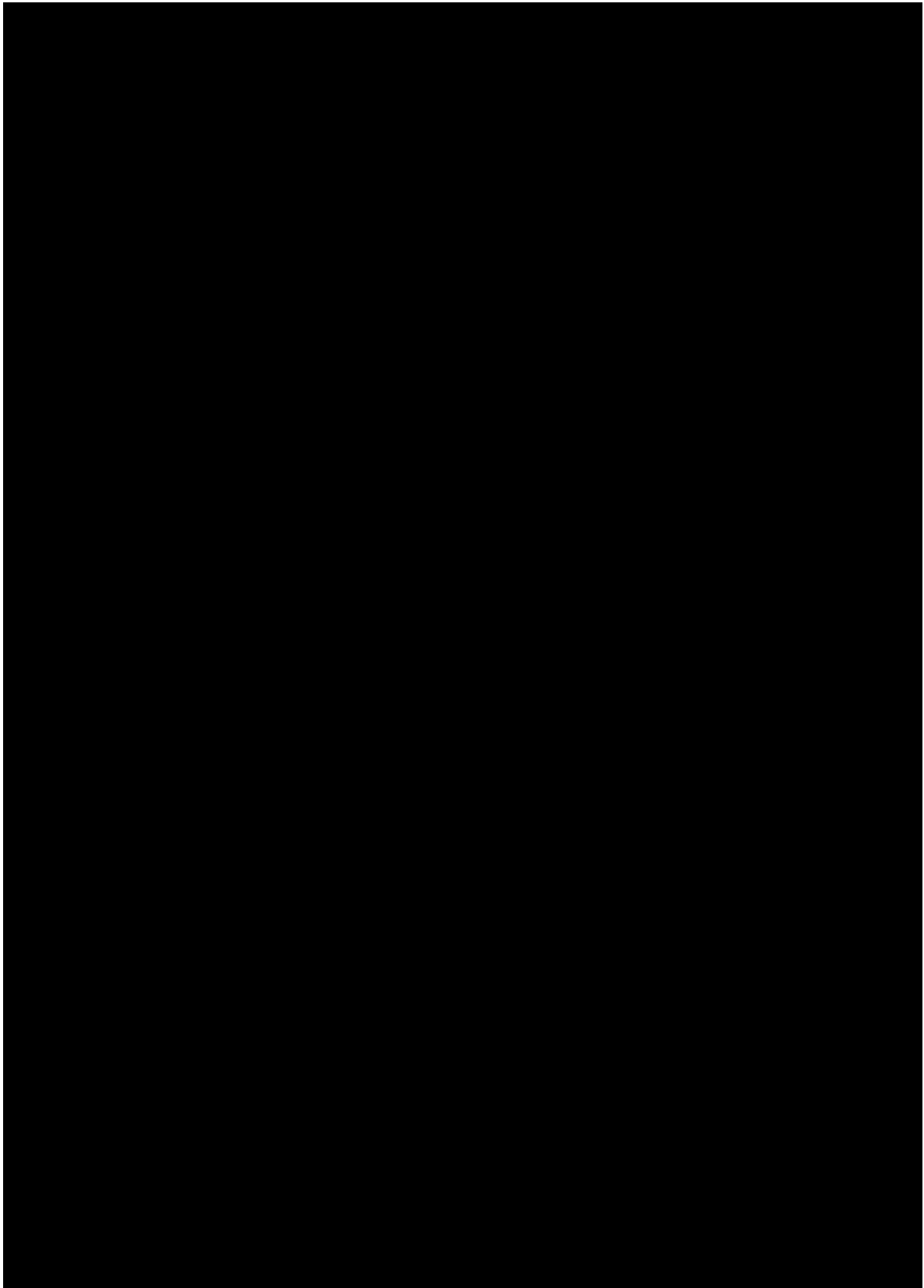


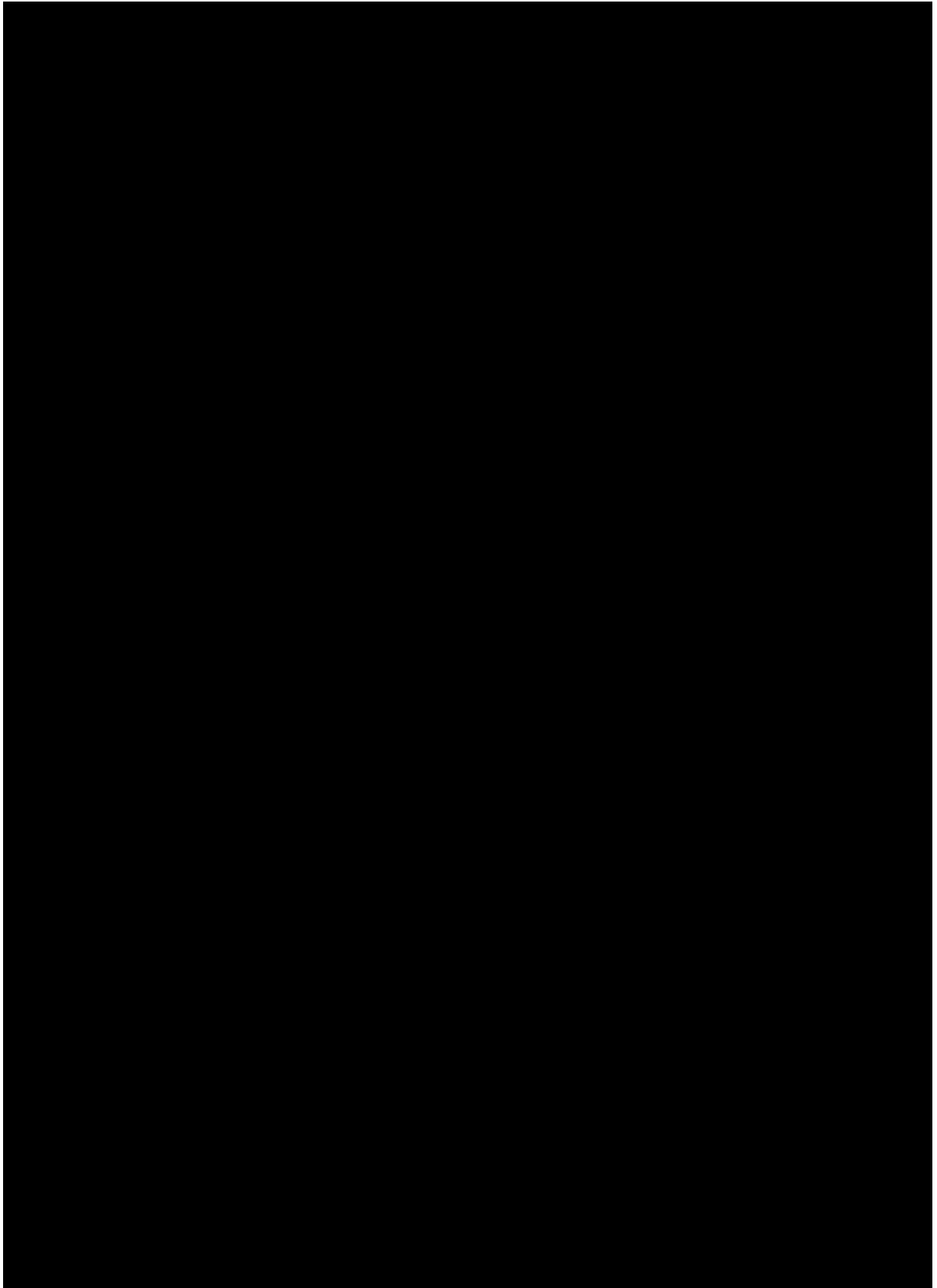




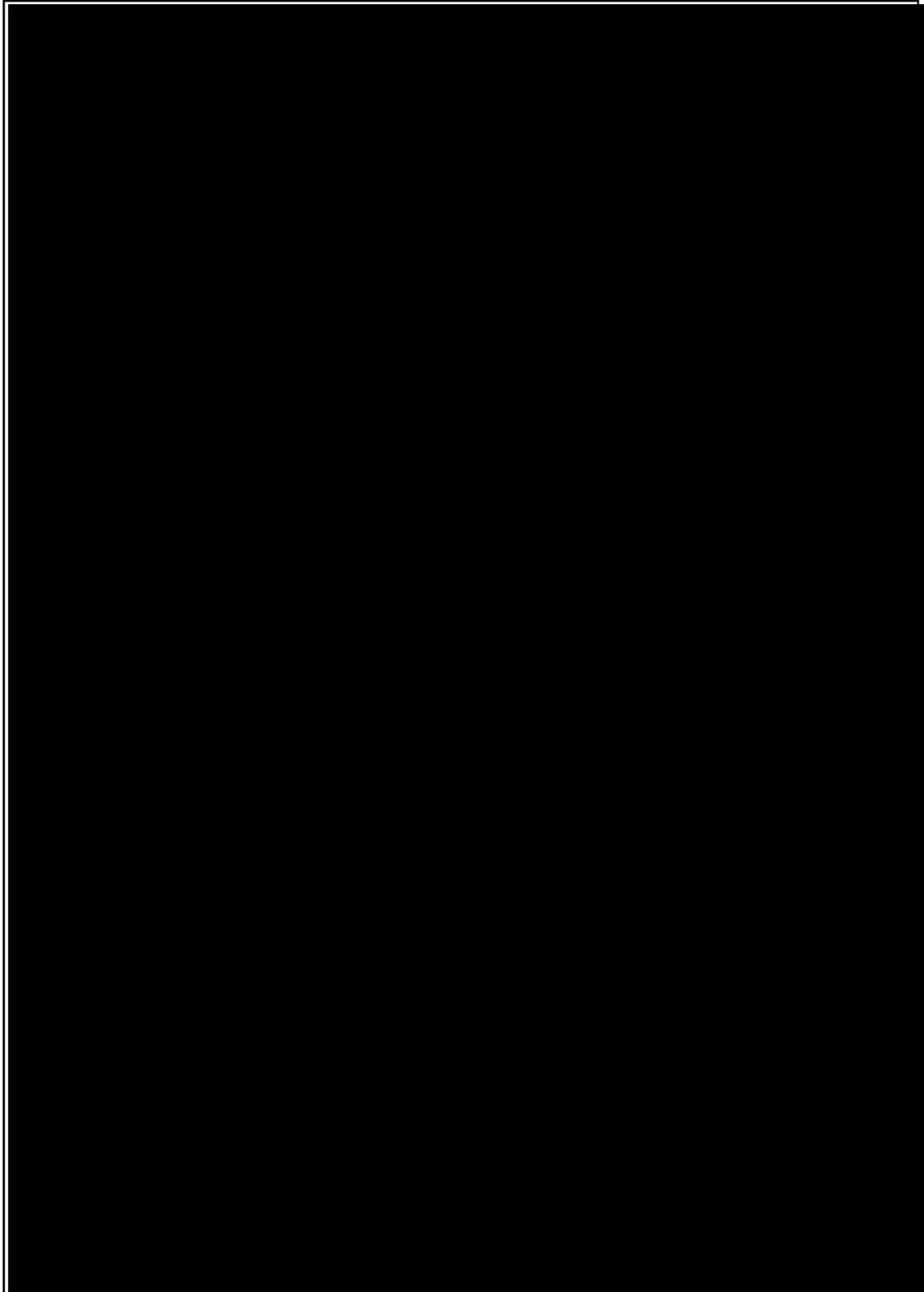


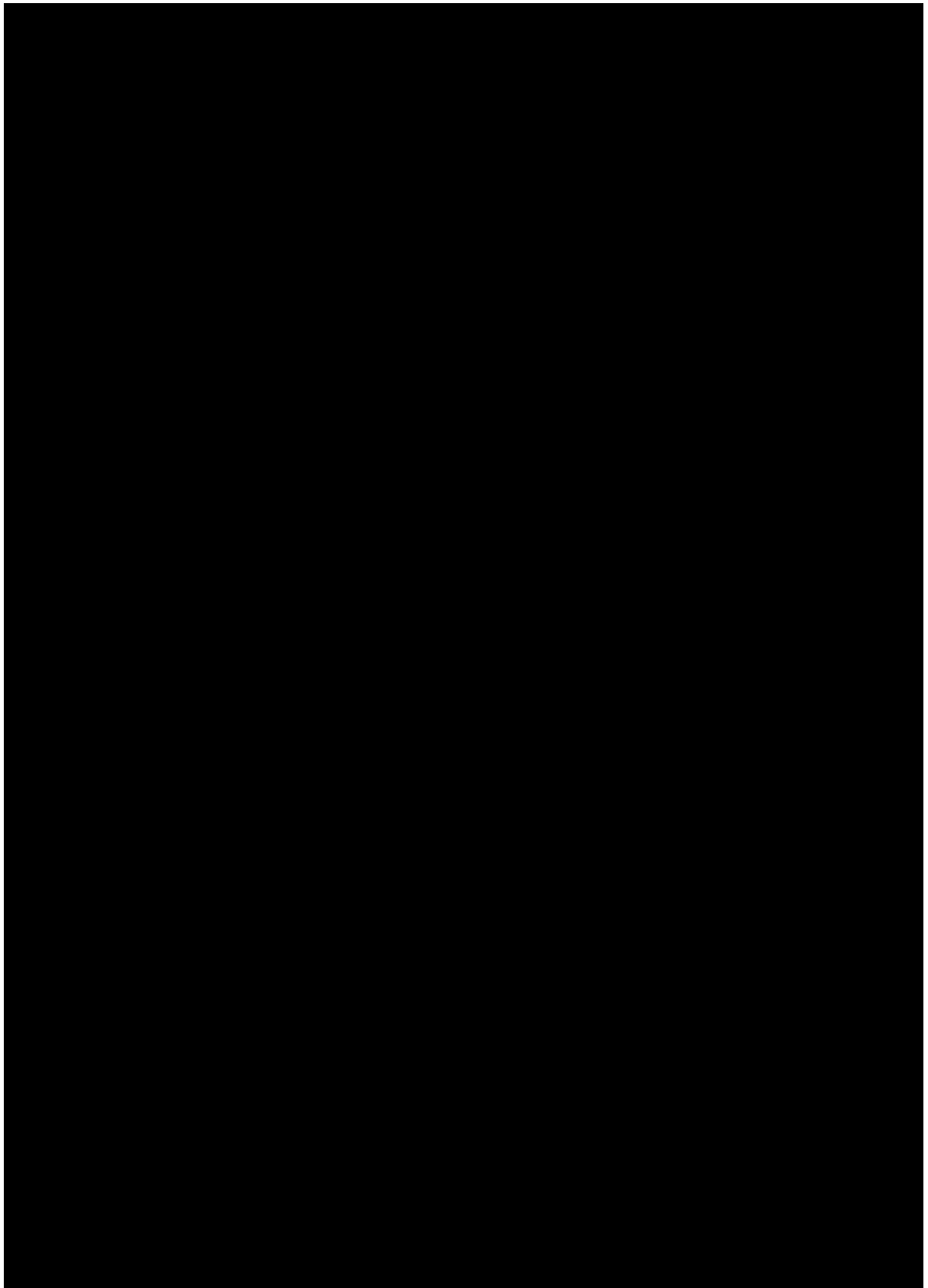


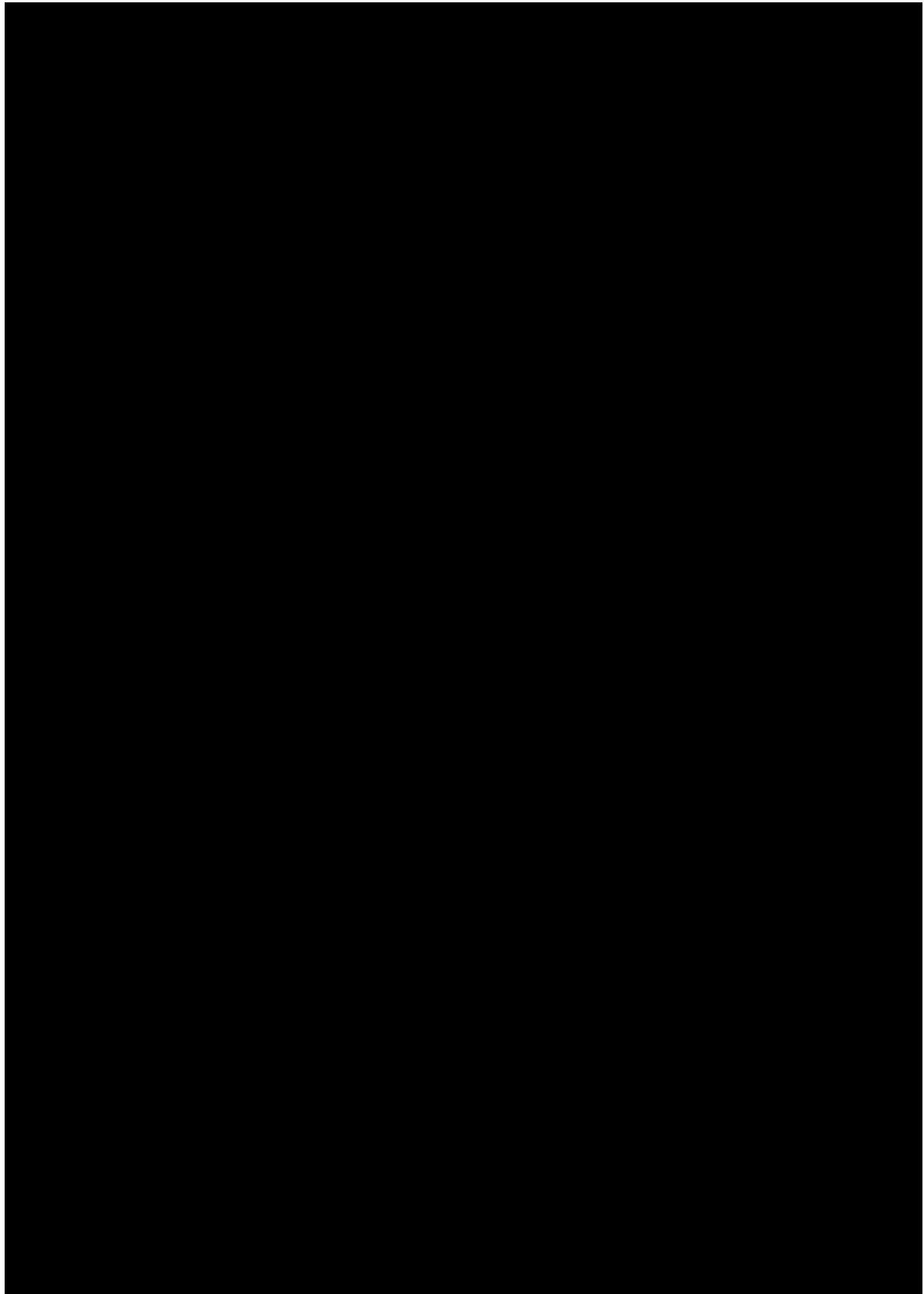


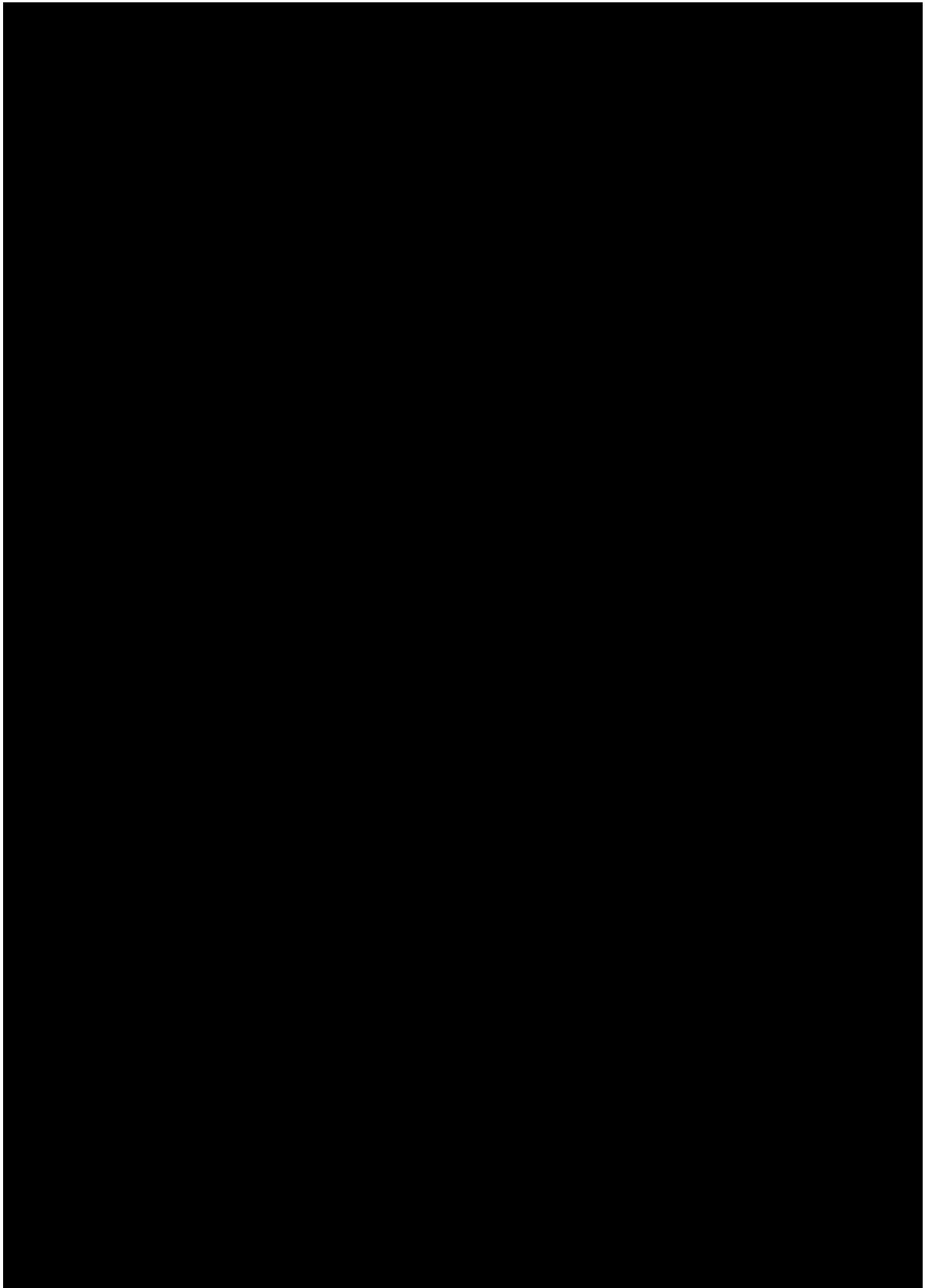


*Correspondence with Aboriginal Parties*

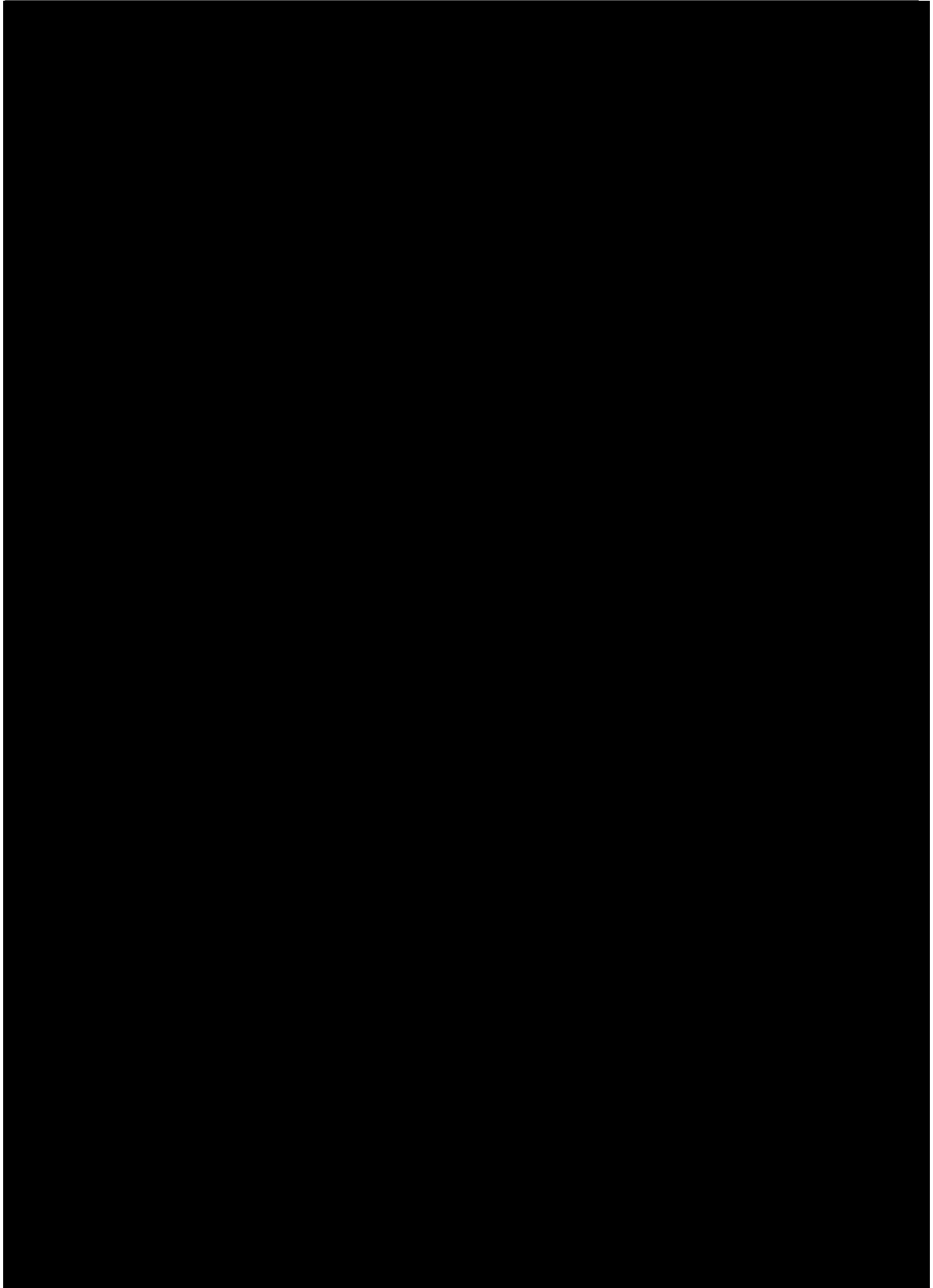




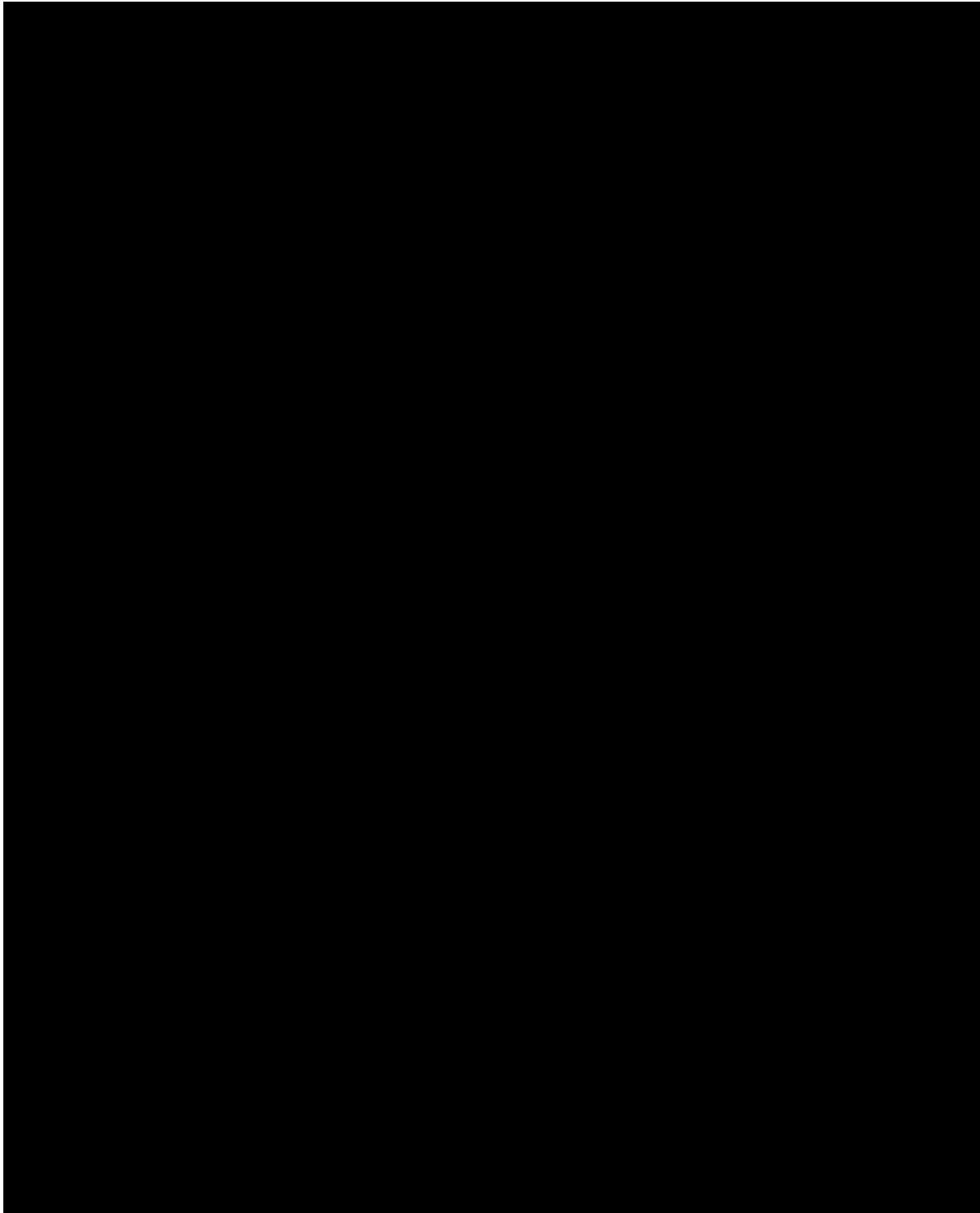


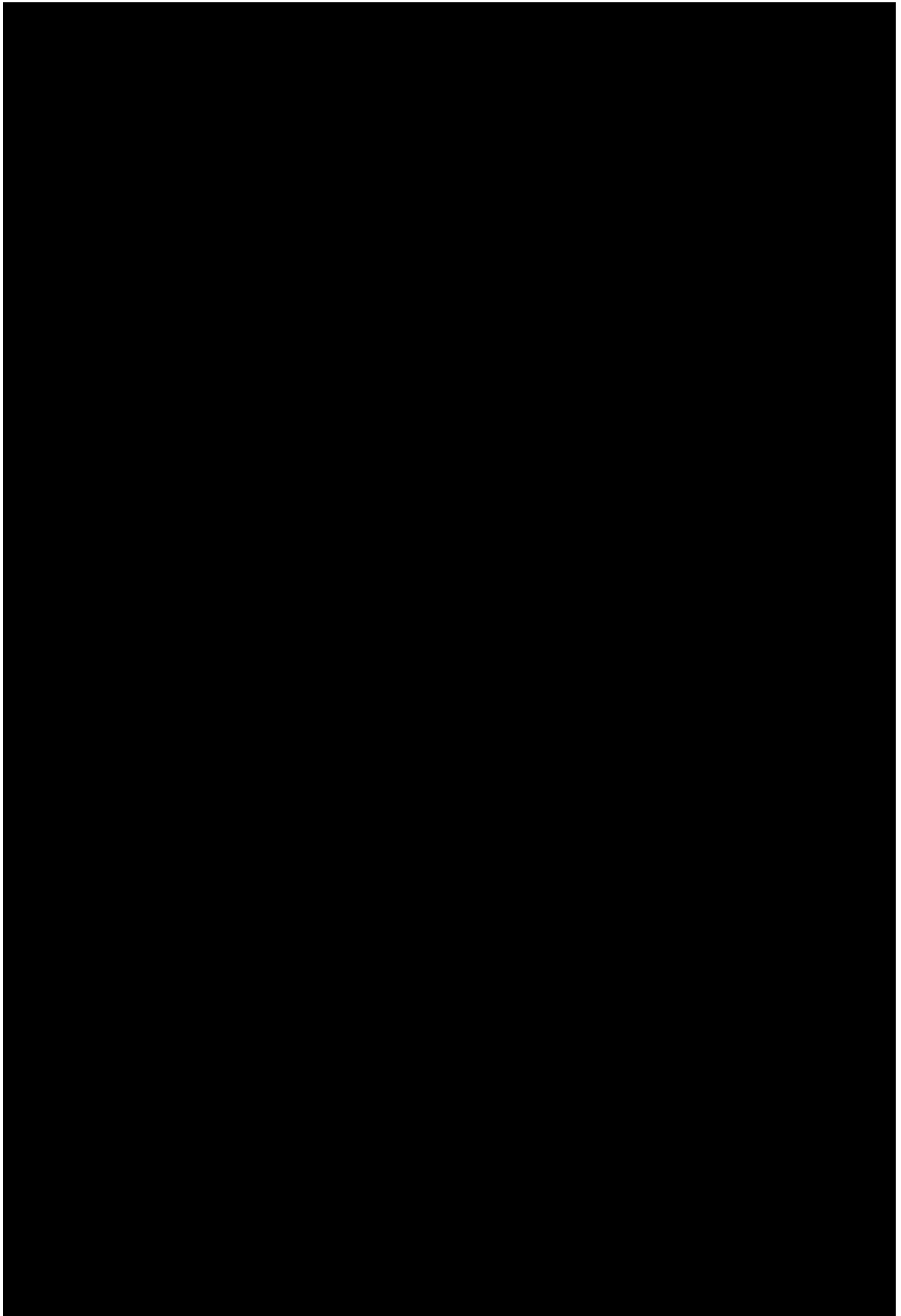


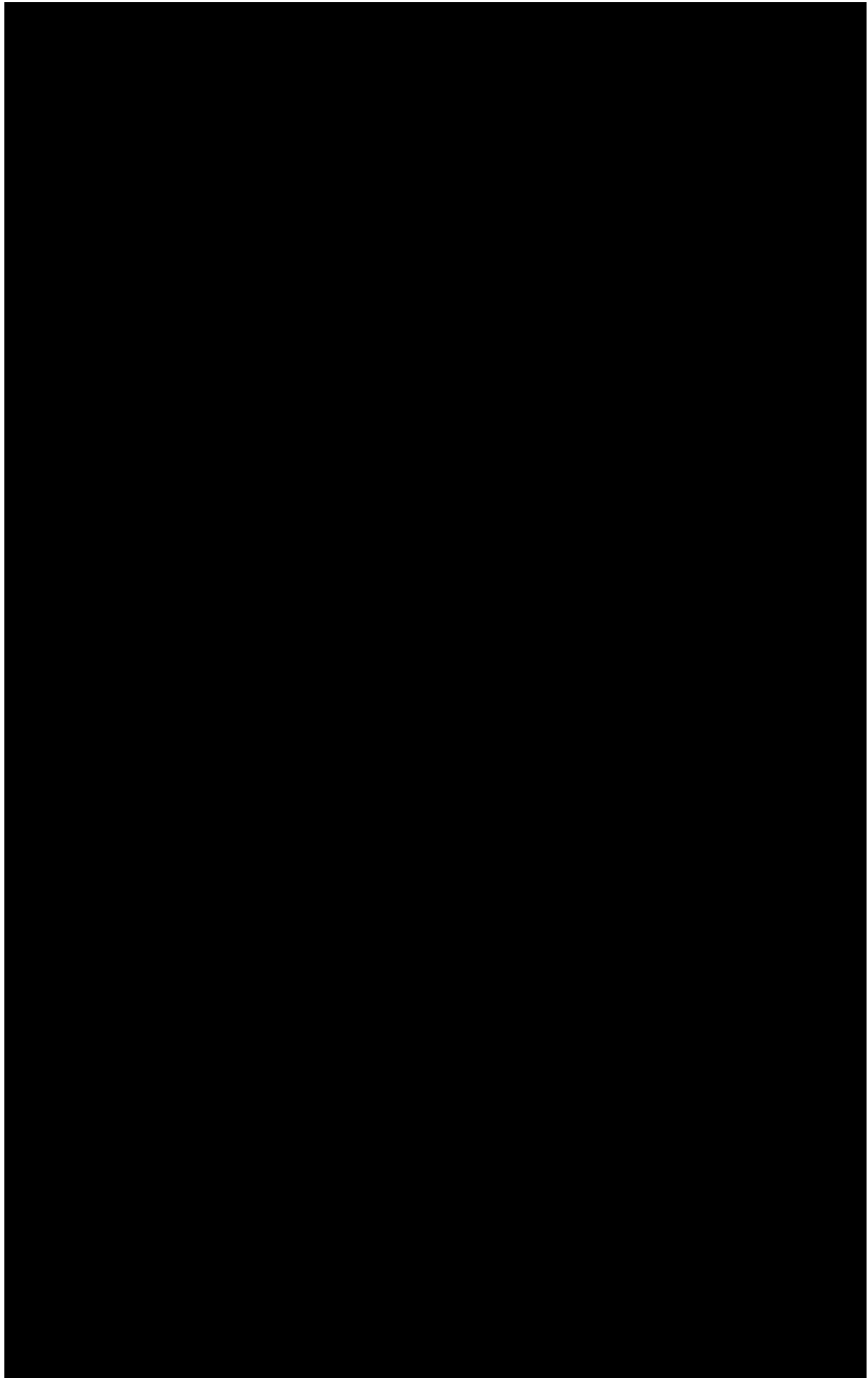


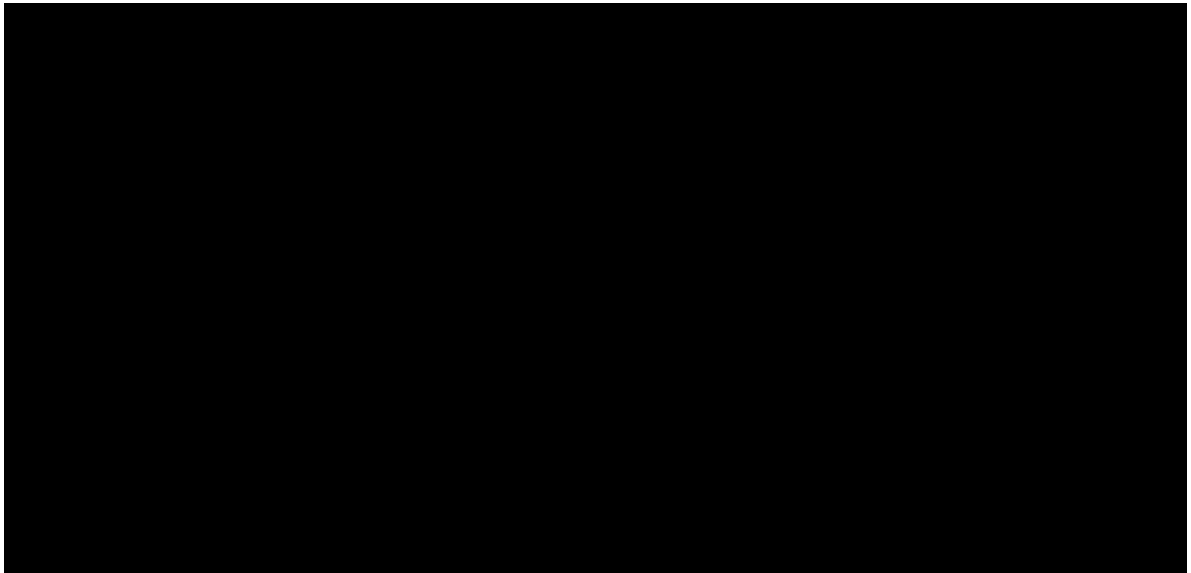


## *Registrations of Interest*







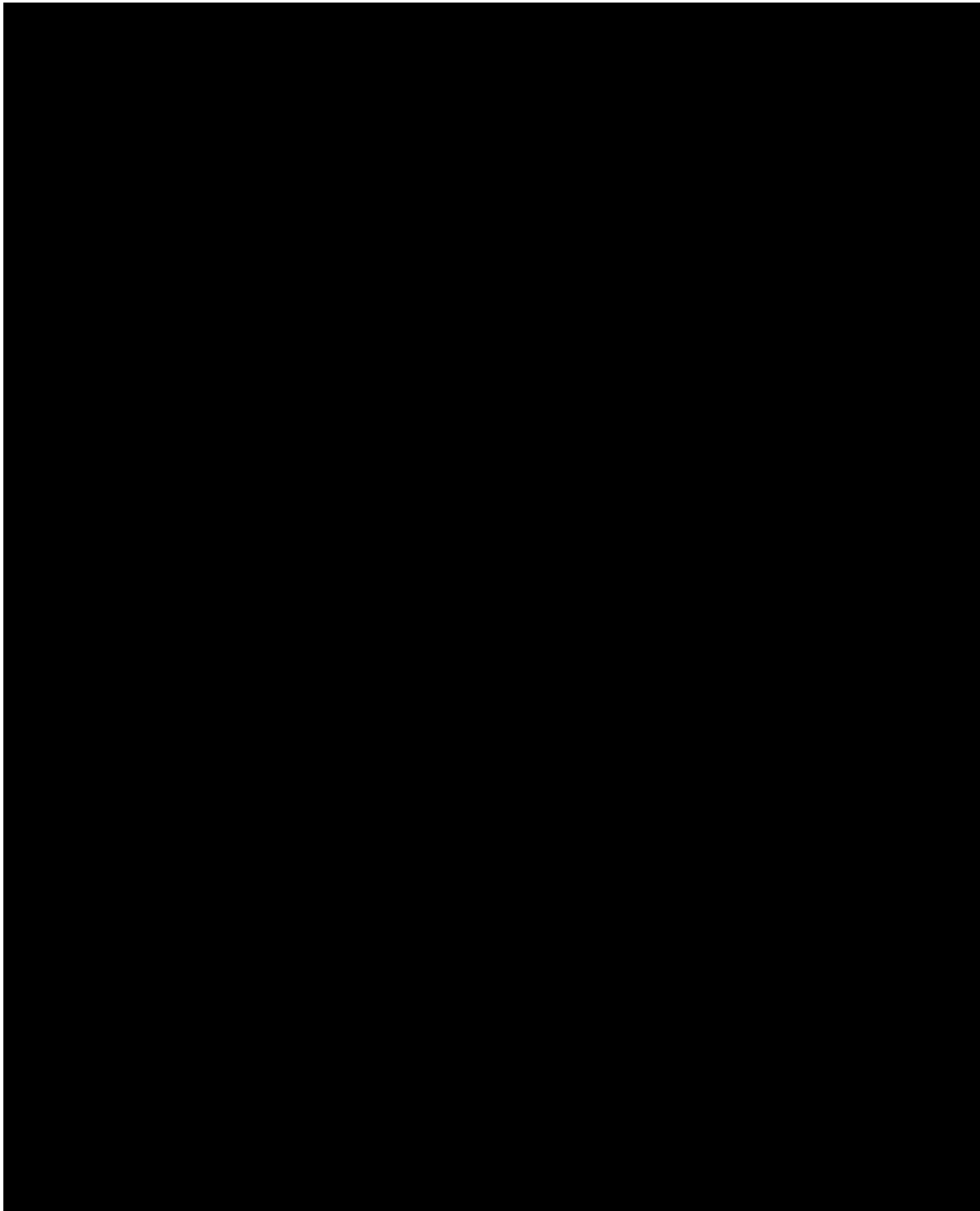


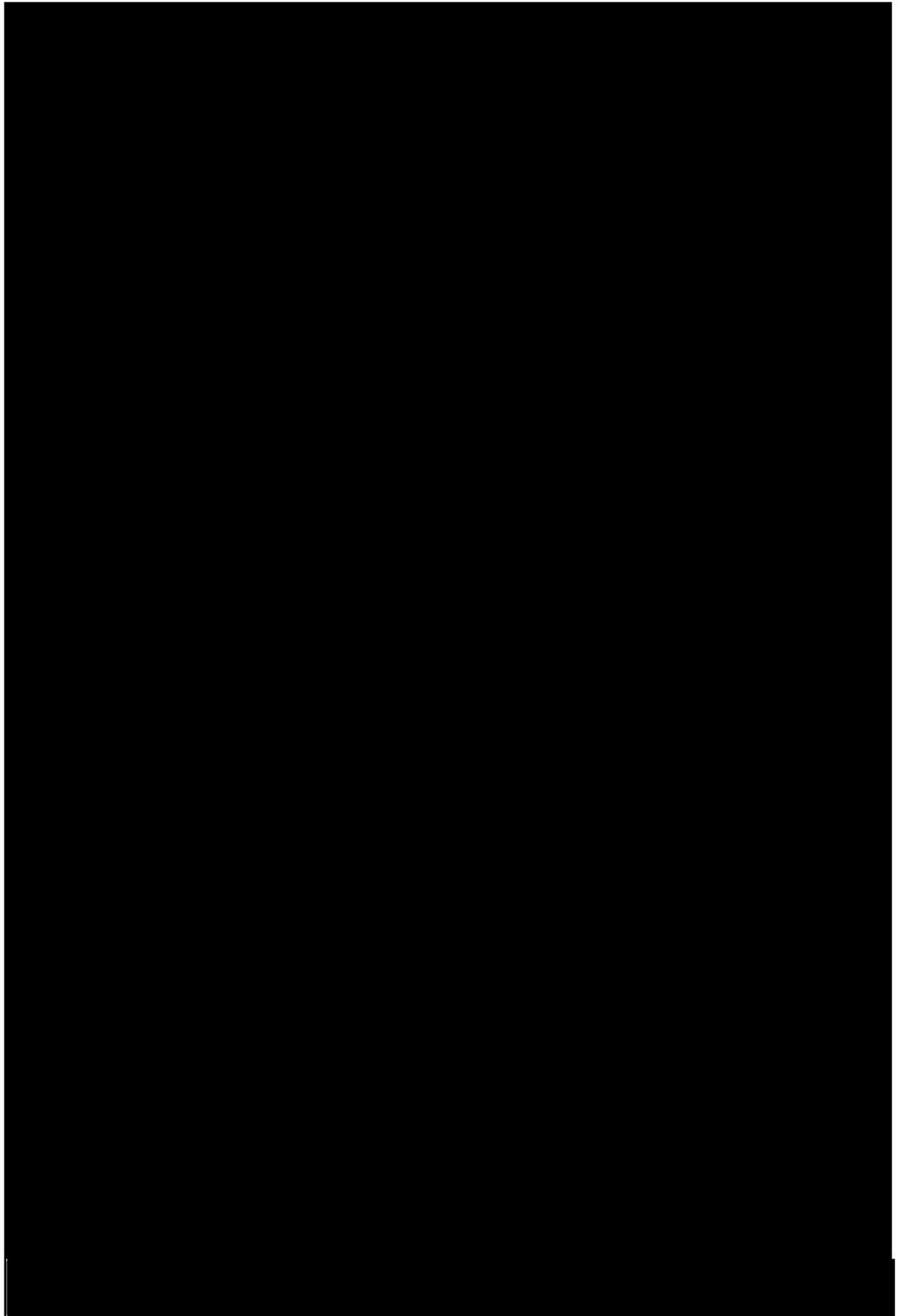
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### *Proposed Methodology*

[REDACTED]



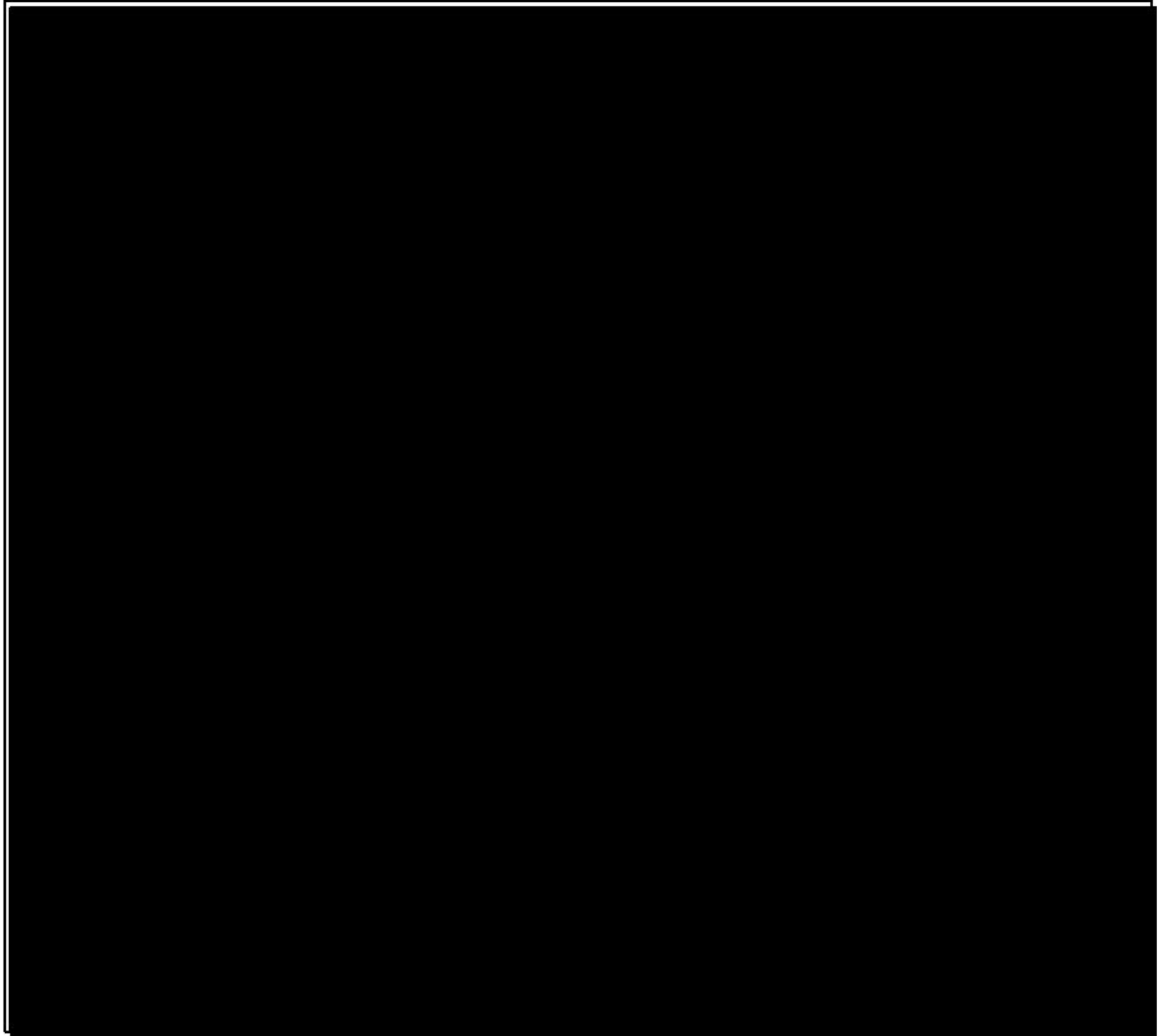


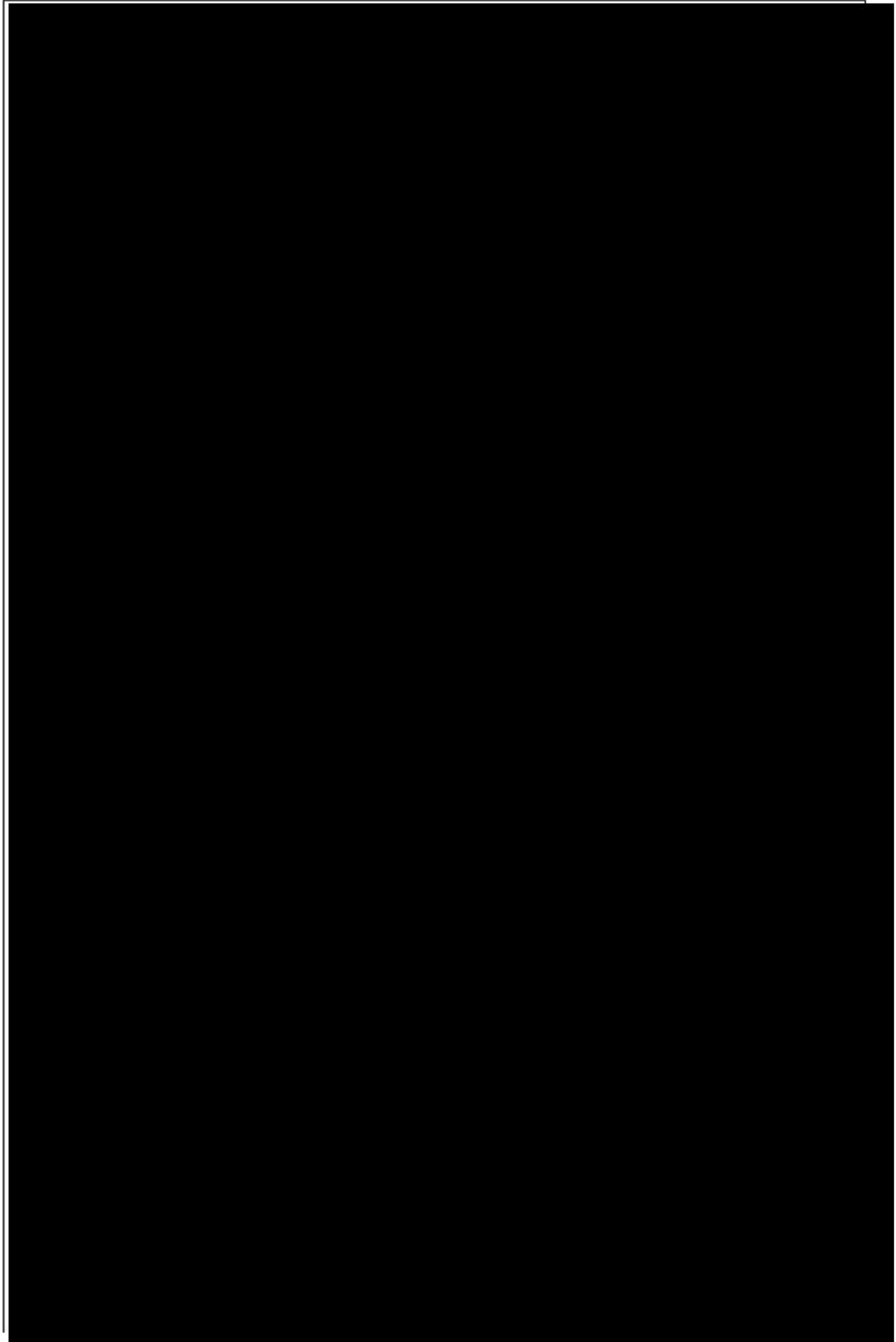


*Written feedback provided by Aboriginal Parties*

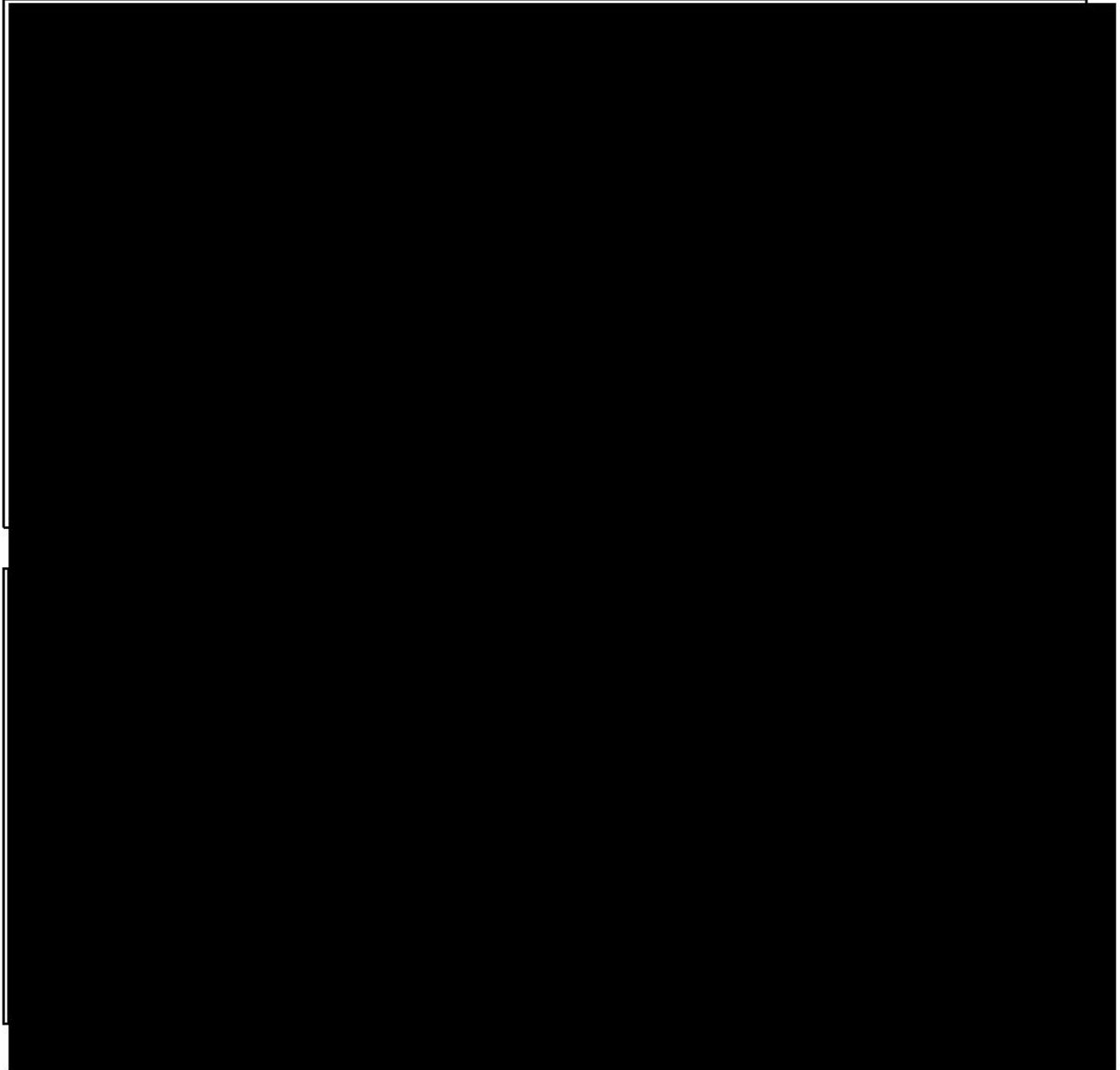
## Stage 4 Review of draft cultural heritage assessment report

### *Correspondence with Aboriginal Parties*





*Draft report feedback provided by Aboriginal Parties*



## Aboriginal Community Consultation Log

Date	Sender	Organisation	Recipient	Organisation	Method	Comment
14/11/2019	P Balanzategui	AMBS		Native Title Services Corporation (NTSCorp)	Email + attachment	Request for stakeholder details.
14/11/2019	P Balanzategui	AMBS		Office of the Registrar, Aboriginal Land Rights Act	Email + attachment	Request for stakeholder details.
14/11/2019	P Balanzategui	AMBS		National Native Title Tribunal	Email + attachment	Request for stakeholder details.
14/11/2019	P Balanzategui	AMBS		South East Local Land Services	Email + attachment	Request for stakeholder details.
14/11/2019	P Balanzategui	AMBS		Shoalhaven City Council	Email + attachment	Request for stakeholder details.
14/11/2019	P Balanzategui	AMBS		Jerrinja Local Aboriginal Land Council	Email + attachment	Request for stakeholder details.
14/11/2019	P Balanzategui	AMBS		Department of Planning, Industry and Environment, DPIE (formerly OEH)	Email + attachment	Request for stakeholder details.
14/11/2019	P Balanzategui	AMBS		Native Title Services Corporation (NTSCorp)	Email + attachment	Request for stakeholder details.
14/11/2019	Geospatial Search Requests	National Native Title Tribunal	P Balanzategui	AMBS	Email	Automated reply
14/11/2019	Geospatial Search Requests	National Native Title Tribunal	P Balanzategui	AMBS	Email	Records held by the National Native Title Tribunal as at 14 November 2019 indicates that the identified parcel appears to be freehold tenure, which extinguishes Native Title. NNTT does not hold data sets for freehold tenure, therefore they cannot conduct a search.
14/11/2019	Rose O'Sullivan	South East Branch (Illawarra) Department of Planning, Industry and Environment	P Balanzategui	AMBS	Email + attachment	Sent through Aboriginal Stakeholder List. I had emailed the wrong regional DIPE branch, so Rose attached a map showing where the offices are located.
14/11/2019	P Balanzategui	AMBS	Rose O'Sullivan	Department of Planning, Industry and Environment	Email	Thanked her for sending through Aboriginal stakeholder list and office location map.



Date	Sender	Organisation	Recipient	Organisation	Method	Comment
15/11/2019	P Balanzategui	AMBS	Public Notices	South Coast Register	Advertisement	Advertisement for publication in Public Notices. Submitted 15/11/2019 for publication 20/11/2019. Closing date of registrations 04/12/2019.
15/11/2019	Noel Webster	South East Local Land Services	P Balanzategui	AMBS	Email	They understand that with the loss of Catchment Management Authorities in NSW such requests are likely to be forwarded to Local Land Services. However, they do not coordinate or administer any Aboriginal reference group for the region. Suggested contacting the Cultural Heritage Division within Office of Environment and Heritage, Queanbeyan for all-inclusive contact lists of persons and organisations that may assist without investigation.
22/11/2019	Geoff Young	Shoalhaven City Council	P Balanzategui	AMBS	Email	In regard to request for list of Aboriginal Stakeholders, Geoff suggested AMBS contact all RAPs listed by OEH, The South Coast People Native Title Claimants; Wreck Bay Aboriginal Community Council; Ron Carberry (if Ron's contact details are not on OEH's list please give me a call)
28/11/2019	P Balanzategui	AMBS	All Aboriginal stakeholders from DPIE list.	Badu; Barraby Cultural Services; Biamanga; Bilinga; Cullendulla; Darug Land Observations; Dharug; Gadhu Dreaming; Goobah Development PTY LTD; Gumaraa; Gundungurra Tribal Technical Services; Gunyuu; Guunamaa Dreamin Sites and Surveying; Jerringong; Jerrinja Local Aboriginal Land Council; Karrial; Minnamunnung; Munyunga; Murramarang; Murra	Email attachment +	Invitation to Register. Closing date of registrations 12/12/2019

Date	Sender	Organisation	Recipient	Organisation	Method	Comment
				Bidgee Mullangari Aboriginal Corporation; Murrumbul; Nundagurri; Pemulwuy; Shoalhaven Elders and Friends Organisation; South Coast NSW Aboriginal Elders; South West Rocks Corporation; Thoorga Nura; Three Ducks Dreaming Surveying and Consulting; Tungai Tonghi; Walbunja; Walgau; Warra Bingi Nunda Gurri; Wingikara; Wullung; Yerramurra; Yurrandaali Cultural Services.		
28/11/2019	Nathanial Kennedy	Warra Bingi Nunda Gurri	P Balanzategui	AMBS	Email	Registration of interest. Requested to be included in further consultation.
28/11/2019	P Balanzategui	AMBS	Gordon Wellington	Shoalhaven Elders and Friends Organisation	Letter	Invitation to register sent by post.
28/11/2019	P Balanzategui	AMBS	Ronald Carberry		Letter	Invitation to register sent by post.
28/11/2019	Leanne Tungai		P Balanzategui	AMBS	Email	Registration of interest
28/11/2019	Richard Campbell		P Balanzategui	AMBS	Email	Registration of interest. Stated her holds traditional cultural knowledge for the area.
28/11/2019	Richard Campbell	Gumaraa	P Balanzategui	AMBS		Registration of interest. Stated that their organisation holds vast knowledge for the area.
29/11/2019	Ryan Johnson	Murra Bidgee Mullangari	P Balanzategui	AMBS	Email	Registration of interest. Stated that his great grandfather was a black tracker and travelled all over country.
29/11/2019	Alfred Wellington	Jerrinja Local Aboriginal Land Council	P Balanzategui	AMBS	Email	Confirmed registration of interest for the project
3/12/2019	Troy Tungai	Tungai Tonghi	P Balanzategui	AMBS	Email	Registration of Interest. Has cultural knowledge of the area, said to not hesitate to call him and provided phone number.
12/12/2019	P Balanzategui	AMBS	All RAPs	Jerrinja Local Aboriginal Land Council; Warra	Email + map + feedback form	Stage 2 & 3 Project Information Gathering

Date	Sender	Organisation	Recipient	Organisation	Method	Comment
				Bingi Nunda Gurri; Leanne Tungai; Richard Campbell; Gumaraa; Murra Bidgee Mullangari Aboriginal Corporation; Tungai Tonghi		
13/12/2019	Gary Caines		C Langeluddecke	AMBS	Phone	Contacted to clarify what the project was, although he said he had received the Stage 2 & 3 email
16/12/2019	C Langeluddecke	AMBS	Gary Caines		Email + map + feedback form	Forwarded Stage 2 & 3 Project Information and Information Gathering
17/12/2019	Elizabeth Loane	Office of the Registrar Aboriginal Land Rights Act	P Balanzategui	AMBS	Email + attachment	A search of the Register of Aboriginal Owners (RAO) has shown that there are not currently any Registered Aboriginal Owners in the project area.
18/12/2019	Bo Field	Yurrandaali Cultural Services	P Balanzategui	AMBS	Email	Registration of Interest
29/12/2019	C Langeluddecke	AMBS		Jerrinja LALC, Warra Bingi Nunda Gurri, Leanne Tungai, Tungai Tonghi	Email + map	Invitation to fieldwork
2/01/2020	Alfred Wellington	Jerrinja Local Aboriginal Land Council	P Balanzategui	AMBS	Email	Formally requested us to put back the fieldwork by two weeks. Their resources are stretched for this early in the new year.
6/01/2020	Nathanial Kennedy	Warra Bingi Nunda Gurri	C Langeluddecke	AMBS	Email	Confirmed that Clint Davis will be attending the survey on Friday at 10am for Warra Bingi Nunda Gurri. Apologised for the late notice and that he would send through insurances and Clint's details this evening. Asked to let him know if there was anything else we required.
6/01/2020	C Langeluddecke	AMBS	Alfred Wellington	Jerrinja Local Aboriginal Land Council	Email	Chris spoke to Council and they have agreed to postpone the survey for a couple of weeks. We are awaiting formal confirmation from the client but in the meantime, we are happy to reschedule the survey for the 24th January at 10am.
6/01/2020	C Langeluddecke	AMBS		Jerrinja LALC, Warra Bingi Nunda Gurri,	Email	Confirmed that the survey was postponed two weeks and would be undertaken on 24 January 2019 at 10am.



Date	Sender	Organisation	Recipient	Organisation	Method	Comment
				Leanne Tungai, Tungai Tonghi		
8/01/2020	P Balanzategui	AMBS	Nathanial Kennedy	Warra Bingi Nunda Gurri	Phone	Missed call – left message alerting that the archaeological survey would not be held this Friday, and instead would be held on 24 January at 10am. Asked him to call me if he had any questions.
13/01/2020	Leanne Tungai		C Langeluddecke	AMBS	Email	Thanked Chris for the email, and she looked forward to hearing from us when work is available on this project.
13/01/2020	C Langeluddecke	AMBS	P Balanzategui	AMBS		Forwarded email from Leanne Tungai and asked to follow up by phone with her to check that she realises that the survey is scheduled for the 24 <sup>th</sup> of January.
13/01/2020	P Balanzategui	AMBS	C Langeluddecke	AMBS	Email	Confirmed that she would contact Leanne Tungai to confirm fieldwork date and attendance.
13/01/2020	P Balanzategui	AMBS	Leanne Tungai		Phone	Missed call- no answer. Left a message asking her to call me back and that I was calling in regard to the survey being held on the 24 <sup>th</sup> of January.
14/01/2020	P Balanzategui	AMBS	Leanne Tungai		Email	Tried to get in contact yesterday but didn't receive a response. In case she didn't see Chris' email, the survey will be undertaken on 24 January at 10am. Asked her to let us know if her representative is able to attend and undertake the survey with us.
15/01/2020	Leanne Tungai		P Balanzategui	AMBS	Email	Confirmed her attendance for the archaeological survey.
15/01/2020	P Balanzategui	AMBS	Leanne Tungai		Email	Said we looked forward to seeing her then.
20/01/2020	P Balanzategui	AMBS	RAPS	Jerrinja Local Aboriginal Land Council; Warra Bingi Nunda Gurri and Tungai Tonghi	Email	A reminder email that AMBS would be undertaking an archaeological survey at Sealark Road, Callala Bay this Friday the 24 <sup>th</sup> of January at 10am and the survey shouldn't take longer than 2 hours. Asked them to confirm their attendance by replying to the email.
20/01/2020	Troy Tunghai	Tungai Tonghi	P Balanzategui	AMBS	Email	Confirmed attendance for archaeological survey.

Date	Sender	Organisation	Recipient	Organisation	Method	Comment
20/01/2020	P Balanzategui	AMBS	Troy Tunghai	Tungai Tonghi	Email	Thanked him for confirming his attendance and that we looked forward to seeing him then.
21/01/2020	Alfred Wellington	Jerrinja Local Aboriginal Land Council	P Balanzategui	AMBS	Phone	Said that he had been away and had just seen the emails about postponing the survey and that it would be held on Friday. He will confirm by lunchtime if they have someone available for the survey.
21/01/2020	Shonte' Rogers on behalf of Alfred Wellington	Jerrinja Local Aboriginal Land Council	P Balanzategui	AMBS	Email	Informed me that Alfred was out of the office today and that Gerald Carberry would be available for the survey on Friday.
21/01/2020	P Balanzategui	AMBS	Shonte' Rogers	Jerrinja Local Aboriginal Land Council	Email	Thanked Shonte' for confirming Gerald's attendance for the survey this Friday and that we looked forward to seeing him then.
21/01/2020	Nathanial Kennedy	Warra Bingi Nunda Gurri	P Balanzategui	AMBS	Phone	He had received our emails and was calling to inform us that his representative would be unable to attend on Friday.
17/02/2020	P Balanzategui	AMBS	All RAPS	Jerrinja Local Aboriginal Land Council; Warra Bingi Nunda Gurri; Leanne Tungai; Richard Campbell; Gumaraa; Murra Bidgee Mullangari Aboriginal Corporation; Tungai Tonghi; Gary Caines; Yurrandaali Cultural Services	Email + attachments	Thanked them for their involvement in the ACHA for Sealark Road, Callala Bay. DRAFT ACHA is attached for their review and comment. As per DPIE requirements, asked if they could provide feedback within 28 days by 16 March 2020.
16/03/2020	P Balanzategui	AMBS	All RAPs	Jerrinja Local Aboriginal Land Council; Warra Bingi Nunda Gurri; Leanne Tungai; Richard Campbell; Gumaraa; Murra Bidgee Mullangari Aboriginal Corporation; Tungai Tonghi; Gary Caines; Yurrandaali Cultural Services	Email + attachments	Thanked them for their involvement in the ACHA for Sealark Road, Callala Bay. Final ACHA is attached for their records.
16/03/2020	Richard Campbell		P Balanzategui	AMBS	Email	Has read the ACHA report and is happy with the process. Asked if he could be part of the fieldwork.

Date	Sender	Organisation	Recipient	Organisation	Method	Comment
16/03/2020	Richard Campbell	Gumaraa	P Balanzategui	AMBS	Email	Has read the ACHA report and they are happy with the process. They look forward to working along side us for fieldwork.



## Appendix B: AHIMS Extensive Search Results

