

Aboriginal Archaeological Due Diligence Assessment

264-270 Mount Vernon Road, Mount Vernon, NSW

Proposed Residential Redevelopment of Lot 156 in DP 32140



Report to
The Bathla Group

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Report details

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Terms and abbreviations

Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010	Guidelines developed by OEH to guide formal Aboriginal community consultation undertaken as part of an Aboriginal Cultural Heritage Assessment (ACHA).
Aboriginal Heritage Impact Permit (AHIP)	Statutory instrument the Director General of the Office of Environment and Heritage issues under Section 90 of the National Parks and Wildlife Act 1974 to allow the investigation (when not in accordance with certain guidelines), impact and/or destruction of Aboriginal objects.
Aboriginal object	A statutory term defined under the National Parks and Wildlife Act 1974 as, 'any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'.
AHIMS Aboriginal Heritage Information Management System (AHIMS)	The Office of Environment and Heritage (OEH) maintains the Aboriginal Heritage Information Management System (AHIMS) which includes: information about Aboriginal objects that have been reported to the Director General, Department of Premier and Cabinet; information about Aboriginal Places which have been declared by the Minister for the Environment to have special significance with respect to Aboriginal culture archaeological reports.
Artefact	Any product made by human hands or caused to be made through human actions.
Department of Environment, Climate Change and Water (DECCW)	Now known as the Office of Environment and Heritage (OEH).
Department of Planning and Infrastructure (DPI)	The Consent Authority for development applications made in accordance with Part 3A of the Environmental Planning and Assessment Act 1979.
Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW	Guidelines developed by OEH; first stage of a two stage process in determining whether Aboriginal objects and/or areas of archaeological interest are present within a subject area. The findings of a due diligence assessment may lead to the development of a ACHA.
Environmental Assessment (EA)	Document assessing environmental impacts of a development which supports an application for approval under the EPA Act 1979.
Environmental Planning and Assessment Act 1979	Statutory instrument that provides planning controls and requirements for environmental assessment in the development approval process.
Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage	Guidelines developed by OEH to inform the structure and content of an Aboriginal Cultural Heritage Assessment (ACHA).
National Parks and Wildlife Act 1974	The primary piece of legislation for the protection of Aboriginal cultural heritage in NSW. Part 6 of this Act outlines the protection afforded to and offences relating to disturbance of Aboriginal objects. The Act is administered by OEH.
Office of Environment and Heritage (OEH)	The OEH is responsible for managing the Aboriginal Heritage (and other) provisions of the National Parks and Wildlife Act 1974.
Potential Archaeological Deposit (PAD)	Areas assessed as having the potential to contain Aboriginal objects. PADs are commonly

	identified on the basis of landform types, surface expressions of Aboriginal objects, surrounding archaeological material, disturbance, and a range of other factors. While not defined in the National Parks and Wildlife Act 1974, PADs are generally considered to retain Aboriginal objects and are therefore protected and managed in accordance with that Act.
Proponent	A corporate entity, Government agency or an individual in the private sector which proposes to undertake a development project.
RAP	Registered Aboriginal Party.

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Report summary

This due diligence Aboriginal archaeological assessment has been prepared in consultation with the *Deerubbin Local Aboriginal Land Council* (DLALC) and completed for *The Bathla Group* to accompany a DA to the *City of Penrith* for the proposed residential redevelopment of an approximately five hectare parcel of land comprising Lot 156 in DP 32140 that is located at 264-270 Mount Vernon Road, Mount Vernon, NSW.

Methods & objectives

This report follows the *Office of Environments & Heritage's* (OEH) *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (2010) with the objectives of identifying potential Aboriginal archaeological heritage constraints that may exist for the proposal and guiding, if they exist, how these matters are to be managed according to the requirements of the *National Parks & Wildlife Act 1974*.

Previous research

AHIMS searches indicate that no Aboriginal archaeological sites have previously been recorded on the property. The nearest known sites are up to and over one kilometre from the study and will not be affected by the proposed development.

Field survey and consultation with the DLALC

Field survey located no Aboriginal sites, objects or isolated finds. The main landscape feature contained within the study area that indicate (or increase the likelihood for) the presence of Aboriginal objects comprises an area of relatively elevated and flat topography located in the southern-central portion of the study area and low order drainage crossing the northern and southern portions of the block respectively. These areas however have been extensively disturbed as a result of past excavation and building works and the remainder of the property comprises largely unremarkable sloping ground.

Recommendations

Based on the conclusion that the proposed land redevelopment will not impact upon any *identified* Aboriginal archaeological sites or objects, and also that the *potential* for undetected Aboriginal archaeological items to occur within the property is assessed to be *low*, it is recommended that there are no Aboriginal archaeological (scientific) constraints to the proposal proceeding as planned but with due caution, and that no further Aboriginal archaeological heritage input is warranted.

1.0 Introduction

1.1 Background

This due diligence Aboriginal archaeological assessment has been prepared in consultation with the *Deerubbin Local Aboriginal Land Council* (DLALC) and completed for *The Bathla Group* to accompany a DA to the *City of Penrith* for the proposed residential redevelopment of an approximately five hectare parcel of land comprising Lot 156 in DP 32140 that is located at 264-270 Mount Vernon Road, Mount Vernon, NSW.

Figure 1.1: Location of the study area at 264-270 Mount Vernon Road, Mount Vernon (Six Maps 2017)



The objectives of this assessment have been to identify existing (known) and potential archaeological heritage constraints that may exist for the proposed land redevelopment, and to guide how future development impacts to any known or potential archaeological sites, objects and areas of sensitivity can be avoided or mitigated according to the requirements of the *National Parks and Wildlife Act 1974*.

1.2 Redevelopment proposal

Subdivision and redevelopment plans for the study area were not available at the time completing this assessment. It is likely that future development of the land will require considerable change to the existing conditions on the site through the demolition of existing structures on the property, general clearance, followed by extensive cut and fill works. It is assumed the development will require earthworks for building platforms, redirecting/filling of drainage, construction involving bulk excavation, service infrastructure provision and landscaping. It is expected that these works in combination disturb or destroy any potential archaeological profiles that may be present and/or survive on the property.

1.3 Statutory protection for Aboriginal cultural heritage

Two pieces of legislation provide automatic statutory protection for Aboriginal heritage and the requirements for its management in NSW and comprise the *National Parks and Wildlife Act* (1974 as amended) and *Environmental Planning and Assessment Act* (1979 as amended). The *Office of Environment and Heritage* (OEH) has the responsibility for the protection and management of Aboriginal sites, objects, places and cultural heritage values in NSW that are defined and managed through the provisions of the *National Parks and Wildlife Act 1974* (NPW Act). The Act was amended through the *NPW Act Amendment Act 2010* and key points of the amended Act that have most relevance to this study are as follows:

- Part 6 of the NPW Act provides protection for Aboriginal objects and places by establishing offences of harm which is defined to mean destroying, defacing, damaging or moving an Aboriginal object. Aboriginal objects are defined by the NPW Act as *'any deposit, object or material evidence (not being a handicraft for sale) relating to Indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'*.
- A declared Aboriginal Place this is of special significance to Aboriginal people and culture is a statutory concept (and may or may not contain Aboriginal objects as physical/tangible evidence) and protection provided to Aboriginal objects and places applies irrespective of the level of their significance or issues of land tenure.
- It is an offence (under Section 86) of the NPW Act to knowingly, or cause or permit harm to an Aboriginal object (or place) without prior written consent from the DG of the OEH. Defences and exemptions to the offence of harm include the carrying out of certain 'low impact activities', prescribed in Clause 80B of the (NPW Regulation 2010) and the demonstration of due diligence, and that harm is carried out under the terms and conditions of an approved Aboriginal Heritage Impact Permit (AHIP).
- AHIP applications are to be supported by archaeological and cultural heritage assessments in accordance with Section 3 of the (OEH 2010) *'Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage'* and an archaeological assessment following Section 2.3 of the (OEH 2010) *'Code of Practice for Archaeological Investigation of Aboriginal Objects'*. AHIPs also require Aboriginal community consultation to be completed in accordance with (OEH 2010) *'Aboriginal Cultural Heritage Consultation Requirements for Proponents'*.

1.4 Method and objectives

This report has been prepared following heritage recording, assessment and reporting guidelines and standards:

- NSW Department of Environment, Climate Change & Water. (DECCW) 2010a (September). Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales. DECCW. Sydney.
- NSW Department of Environment, Climate Change & Water. (DECCW) 2010b (September). Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. DECCW. Sydney.

The due diligence method involves *‘taking reasonable and practical measures to determine whether your actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm’*. The steps in the processes below are addressed in detail in following sections of this report:

1. Step 1 *Determining if the activity will disturb the ground surface or any culturally modified trees*
2. Step 2a *Database search: Aboriginal heritage information management system (AHIMS) and known information sources*
3. Step 2b *Landscape assessment*
4. Step 3 *Impact avoidance assessment*
5. Step 4 *Desktop assessment and visual inspection*

1.5 Aboriginal consultation

The *NSW Aboriginal Land Rights Act 1983* establishes the *NSW Aboriginal Land Council* and Local Aboriginal Land Council’s and the Act requires these organisations to take action to protect Aboriginal culture and heritage in the Council’s area and to promote awareness in the community of the culture and heritage of Aboriginal people in the Council’s area [ALR Act 1983, s52 (1) (m)]. The study area falls within the *Deerubbin Local Aboriginal Land Council’s* administration boundaries.

The fieldwork was completed by Neville Baker (Baker Archaeology) on behalf of DSCA and DLALC Sites Officer Steve Randall on 28 April 2017. A draft copy of this report was provided to the DLALC for review and comment prior to finalisation. A copy of the *Cultural Heritage Statement* that has been prepared for the land by the DLALC is appended (**Appendix 1**).

1.6 Report outline

This report presents the following:

- An introduction to the project (**Section 1.0**).
- An overview of the environmental landscape setting of the study area (**Section 2.0**).
- A review of previous Aboriginal heritage studies undertaken in the local landscape (**Section 3.0**).
- A summary of the findings of the site inspection and recording of the study area (**Section 4.0**).
- An assessment of the archaeological sensitivity of the land, and heritage management conclusions that have been developed for the subdivision proposal (**Section 5.0**).
- Aboriginal archaeological management recommendations (**Section 6.0**).
- Sources and references cited in this report (**Section 7.0**).
- Supporting documentation (**Appendices**)

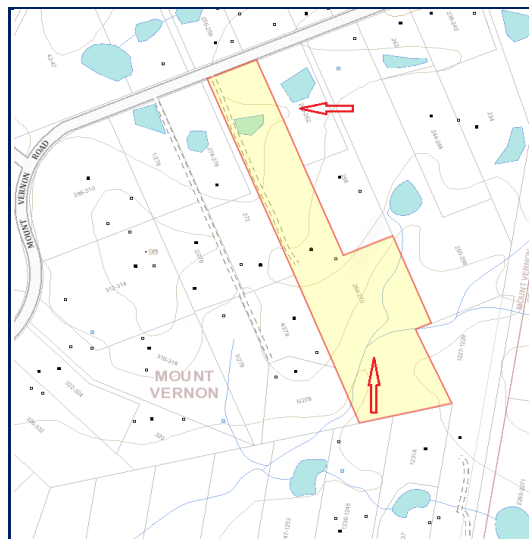
2.0 Environmental context

2.1 Landforms, topography, geology and soils

The *Penrith 1:100,000 Geological Series Sheet 9030* (Clark and Jones 1991) indicates that the study area is underlain by (Rwb) Bringelly Shale. This comprises Triassic period shale, carbonaceous claystone, claystone, laminite, fine to medium grained lithic sandstone and rare coal/tuff. Soils belong to the (residual) Blacktown Soil Landscape with possibly alluvial material associated with drainage that crosses the site. Soils of the Blacktown soil landscape and broadly consist of shallow to moderately deep hard-setting mottled texture contrast soils, red and brown podzolic soils on crests grading to yellow podzolic soils on lower slopes and in drainage lines (Bannerman and Hazelton 1990).

As described and illustrated in following sections of this report, the study area is moderately inclined undulating land with an existing residence that has been constructed on the most elevated portion of the property. A first to second order intermittent watercourse (of Kemps Creek) occurs in the southern part of the site. During the field survey, the land owner advised that the southern watercourse had only had water in it a few times over the many decades that he had lived there. An incipient first order watercourse open depression occurs in the northern part of the land and has been modified by dam construction.

Figure 2.2: Local drainage (Six Maps 2017)



The study area has been almost entirely cleared. The original vegetation across most of the Cumberland Plain prior to European settlement comprised an open eucalypt woodland in which the trees were widely spaced and the ground cover dominated by grasses. The woodland would have been dominated by trees such as Grey Box (*Eucalyptus moluccana*) and Forest Red Gum (*E. tereticornus*) and native grasses will have included *Themeda australis* and *Aristida* spp, with *Lomandra* spp. occurring as a common herb. Along watercourses, forest communities would have included Rough-barked Apple (*Angophora floribunda*), *Casuarina cunninghamiana* and *Acacia* spp (Benson and Howell 1990).

3.0 Aboriginal archaeological context

3.1 Regional overview

Aboriginal people have been living in the Sydney region for at least 20,000 years and probably for far longer. An excavated archaeological site on the Parramatta River at Parramatta (RTA-G1) has shown Aboriginal occupation and use of this area on the river begun at least 9,000 years ago. Concentrations of manuport (and seemingly heat fractured) ironstone, shale and sandstone are likely to be older than the radiocarbon determination (9,280 to 8,900 cal BP – 95.4% probability) that was derived from '*dispersed charcoal found in the vicinity*'. Charcoal was found to be rare in the lower excavation levels and a small sample of dry sieved material was also collected and dated as one sample to c.30,000BP (Wk-17435 – 30,735 +/- 407BP - JMCHM 2005:119). The stratigraphic associations between the lowest Aboriginal artefacts in the vicinity, the dated charcoal materials, and the surrounding sediments from which the finds have provenance and from which the charcoal were collected are not sufficiently secure to assume Aboriginal occupation occurred at this early date, although there is a reasonable probability that archaeological evidence of this antiquity on this river will be identified in the future and securely dated. A terminal Pleistocene date from a comparable riverine deposit on the Hawkesbury River at Pitt Town (Williams et al 2012) has also been reported. Another site at Cranebrook Terrace near Penrith has produced a date of c.41,000 BP (Nanson et al 1987), but the precise association of the deposits from which this date has been obtained and Aboriginal artefacts is subject to some debate.

Dated sheltered occupation sites have been documented to occur in the Blue Mountains and its foothills (see for example Stockton & Holland 1974 and Kohen et al 1984). Two dates ranging from 10,000 to 12,000 years before present have also been reported for an open campsite at Regentville, while a rock shelter on Darling Mills Creek (DMSF 2) at West Pennant Hills has revealed a date of a little over 10,000 years for first occupation. The earliest dated coastal sites are located south of Sydney at Burrill Lake that shows evidence for first occupation approximately 20,000 years ago (see Lampert 1971), and at Bass Point which is dated to some 17,000 years ago (see Bowdler 1970). Both of these sites would have been occupied at a time when the sea level was much lower and the present coastline would have formed part of an inland environment drained by a series of rivers and streams. There are no other coastal Aboriginal sites of comparable age known at present.

Three further sites dated to c.12,000–8,500 years before present that consist of a shell midden at Kurnell (Doughboy Head 1 – Smith et al 1990) that has been dated to c.12,000 BP, an open occupation site that has been dated to approximately 9,300 BP at Discovery Point (close to Tempe House - McDonald CHM 2005:56), and an open campsite (containing a cooking hearth) identified at the Prince of Wales Hospital in Randwick that has returned a date of c.8,400 BP (Godden Mackay Logan 1997:25-26) provide indications about how people may have lived around the time of sea level fluctuations and subsequent stabilisation along the eastern seaboard of New South Wales during this period (see for example Attenbrow 2010).

Evidence excavated from the earliest of these archaeological sites suggest a pattern of the exploitation of a diverse range of terrestrial and aquatic food resources by possibly highly mobile groups of Aboriginal people (Attenbrow 2010:152-54, McDonald 2008:39). The late Pleistocene and early Holocene stone artefacts suggest a preference for silicified tuff that was probably sourced from secondary geological contexts such as from the Hawkesbury/Nepean River gravels. However, there are also some indications of the opportunistic exploitation of other raw material types such as silcrete, quartzite and quartz.

These early occupation sites have been largely found in stratified (layered) rock shelter deposits or within alluvial deposits, particularly on the margins of large river systems such as the Hawkesbury-Nepean and Parramatta Rivers. Some researchers (see McDonald 2007) have argued that early occupation of the Sydney Basin was focused on these primary river systems and was characterised by a high degree of 'residential mobility' (frequent movement between campsites). Over time the territory of occupation expanded and these mobile groups who carried silicified tuff from the Hawkesbury-Nepean River gravels and used the resource sparingly to produce relatively large cores and flake tools. When sea levels rose around 6,500 years BP, coastal groups that previously occupied the now drowned coastal strip are most likely to have moved inland and the population possibly steadily increased to a point when around 4,000 years BP when many new sites were occupied. It is argued that this evidence suggests that for the first time people took up permanent and semi-permanent occupation in different areas of the region.

There also appears to have been an increase in rock shelter occupation at this time, along with major changes in stone tool technology, most notable of which is the use of locally available stone. The raw material that was most commonly used in the local landscape was silcrete and was used for a wide range of tasks. The majority of artefacts at most sites are often small (<5cm) and its probable people prepared stone at or close to stone source and transported selected materials back to residential camp sites.

During the last 1,000 years the use of ground stone appears to have increased although these artefacts are infrequently found in surface or excavated archaeological assemblages (fragmentary evidence often occurs at most sites). An increase in bipolar flaking at this time probably indicates further intensive use of local resources, but backed artefact manufacture declines. This may be due to the fact that there was less need for these tools as result of either changing social networks or less priority being given to their bulky production. In 1788, Sydney Aboriginal groups were living in defined territories and interaction between groups is evident in art sites, with changing frequencies of different raw materials also indicating more restricted social movement, and contact via exchange networks.

Archaeological investigations show changes in the types of stone tools used by Aboriginal people in the Sydney region through time. One sequence of changes in tool types identified by McCarthy 1948 is called the 'Eastern Regional Sequence' (McCarthy 1976: 96-98) after initial excavation and analysis of material from Lapstone Creek rock shelter (Emu Cave) in the 1930s. The sequence was modified by Stockton & Holland (1974: 53-56) who proposed four phases of the ERS with after Capertian, they described the Early Bondaian and Middle

Bondaian phases where Bondi points and other small tools become apparent in assemblages in Eastern NSW. Late Bondaian referred to McCarthy's original Eloueran phase. Capertian assemblages contain tools which are generally larger in size than later items but also contain smaller tools such as thumbnail scrapers and dentate saws. Stockton and Holland's terms are used in the Sydney region today (Attenbrow 2002: 156), and a modified prehistoric Aboriginal landuse framework developed to explain the broad phases of Aboriginal occupation of the Sydney region based on the ERM is summarised below.

Pre-Bondaian (before 9,000 BP)

Preference for the use of silicified tuff for stone tool artefact manufacture, unless the investigated site is too great a distance from known sources and is often augmented with quartz and unheated silcrete materials. Cores and tools vary in size (some are quite large), but there are no backed artefacts, elouera, or ground stone implements. Unifacial flaking is a predominant technique for stone tool production during this period.

Early Bondaian (9,000 to 4,000 BP)

The archaeology suggests a preference for the use of silicified tuff to decline during this period where a greater use is made of local stone materials. Backed artefacts appear sporadically and bipolar flaking widely in use but rarely at individual sites.

Middle Bondaian (4,000 to 1,000 BP)

The use of different raw material types varied between sites and within sites over time. This is the main phase of backed artefact production and the introduction of asymmetric alternating flaking. Substantially smaller cores and tools are prevalent. Ground stone artefacts appear, though infrequently and present at fewer than half the dated sites. Elouera are present but rare.

Late Bondaian (1,000 BP to contact)

The use of different raw material types continued to vary. Backed artefacts decline, becoming rare or absent from most sites. Bipolar flaking techniques are evident at most sites. Ground stone at most dated sites in low frequencies. Elouera continued to be present but rare.

3.2 Archaeology in the Cumberland Plain

The first predictive models developed to explain Aboriginal site location in the Cumberland Plain (such as those by Haglund 1986, Kohen 1986, and Smith 1989 etc) have been progressively refined over time. A summary of ongoing archaeological research in the northern Cumberland Plain by White & McDonald (2010:32-34) highlights the influence stream order, landforms, distance from water, site aspect, geology, and past vegetation regimes are likely to have effected archaeological site location, complexity and composition:

'Stream Order: Water supply is often thought to be a significant factor influencing peoples' land-use strategies. Large and/or permanent water supplies may have supported large numbers of people and/or long periods of

occupation while small and/or ephemeral water supplies may have been able to support only small numbers of people and/or transient occupation.

The stream order method identifies the smallest tributary stream as 1st order, two 1st order streams to join to form a 2nd order stream, two 2nd order stream, two 2nd order streams join to form a 3rd order stream, two 3rd order streams join to form a 4th order stream and so on.

[Aboriginal] artefact distributions varies significantly with stream order.

Landform: 'Creek Flats' are flood plains with flat to gently inclined surfaces, adjacent to streams. 'Terraces' are former flood plains but no longer [are] frequently flooded and occur at higher elevations than flats. 'Ridges' occur at the top of slopes, forming watersheds. 'Hillslopes' are roughly subdivided into lower, middle and upper to describe their relative position in valleys. Lower slopes comprise the lower third of slopes above valley floors, mid-slopes comprise the middle third of valley slopes between valley floors and ridge tops, and upper slopes comprise the upper third of slopes below ridge tops.

Artefact distribution varies significantly with landform.

Distance From Water: Proximity to water was previously thought to be a primary determinant of site location on the Cumberland Plain. Distance from water is considered here in relation to stream order [as described below].

Previous studies on the Cumberland Plain indicated that 'sites' would be clustered within 50m of water.

Aspect: The orientation of open land surfaces may have influenced people's choices of artefact discard locations: north-facing slopes tend to be drier and provide shelter from colder southeast or southwest winds. Slopes facing northeast receive morning sun in winter and are sheltered from hot afternoon sun in summer.

Geology: Geology defines landforms and drainage, influences habitat formation and provides different resources such as sandstone suitable for grinding, and diversity of plant resources. Within the RHDA, the Wianamatta group of shales forms an undulating topography, and overlies Hawkesbury sandstone which is exposed on some lower slopes and along larger streams as platforms, low ledges, boulders and (rarely) rockshelters.

Distance to Silcrete Sources: Silcrete is the predominant artefact lithology in the RHDA, with silicified tuff predominant in only a few stratigraphically deeper [excavated] assemblages which are technologically similar to late Pleistocene or early Holocene assemblages from Parramatta. Numerous studies have shown the effects of increasing distance from stone sources on attributes of lithic assemblages, as people used various strategies to conserve available lithic supplies when distant from quarries – 'distance-decay theory'. One conservation strategy could have been to discard fewer artefacts, therefore resulting in lower artefact densities with increasing distance from known lithic sources'.

3.3 Local archaeological context

3.3.1 Database searches and known information sources

The Aboriginal Heritage Information Management System (AHIMS) is a database operated by the OEH and regulated under section 90Q of the *National Parks and Wildlife Act 1974* that contains information about registered Aboriginal archaeological sites, objects, and declared places as defined under the Act.

Searches of AHIMS (**Appendix 2**) in April 2017 to identify whether any Aboriginal sites are recorded the boundaries of the study area or nearby (within the parameters of the search areas illustrated) indicates that no sites have been recorded on the subject property itself (Lot and DP search) but six sites have been recorded within an approximately 2km x 2km search area. The location of these nearest known sites, all of which are situated well outside the study area and will not be affected by the current land redevelopment proposal at Vernon Road, are illustrated below.

Figure 3.1: Nearest recorded sites on AHIMS



Brayshaw and Rich (1995) conducted an Aboriginal archaeological assessment for the then proposed upgrade of the Western Sydney Orbital (Prestons to Cecil Park) in 1995. The study identified a number of sites including the three artefact scatters coded P-CP8 (AHIMS #45-5-2308), P-CP9 (AHIMS #45-5-2307), and KC/ED2 (AHIMS #45-5-2310) respectively as indicated above.

AHMS (2010) completed an Aboriginal heritage impact assessment for water infrastructure services for the Northwest and Southwest Sydney Growth Centres in 2010 and identified two of the remaining site illustrated above; '2008-4' (45-5-4007) and '2009-5' (AHIMS #45-5-4008). The latter was an isolated find. In 2014, Artefact Heritage (no date) recorded an artefact scatter coded CP AS1 (AHIMS #45-5-4374) along a vehicle access track running parallel to Elizabeth Drive.

3.3.2 Aboriginal land use model & site prediction

Purtill (2012:195) suggests any geographical area can be portioned into one of three categories of space including 1) *action space*; *search space*; and *awareness space*. Action spaces reflect areas in which multiple tasks are undertaken in such a way to be archaeological visible. The domestic setting of a short term or longer duration camp site or the persistent use of non-domestic sites such as ceremonial and burial places would be defined as action spaces. Search spaces are areas where more focused, less intensive activities are undertaken. An example of a search space would be in this North American hunter-gatherer context usage of the term, an area characterised by isolated projectile points reflective of minor hunting activities undertaken away from the main camp(s). Finally, awareness spaces represent areas possibly avoided or at least 'unused' by people although they are aware of its existence, and such spaces in the landscape would have an absence or nearly so of archaeological evidence.

In this context, aspects of models for Aboriginal site distribution on the (northern) Cumberland Plain that appear applicable to the subject site include:

- In the headwaters of upper tributaries (i.e. first order creeks) archaeological evidence will be sparse and represent little more than a background scatter;
- Ridge top locations between drainage lines will usually contain limited archaeological evidence although isolated knapping floors or other forms of one-off occupation may be in evidence in such a location (McDonald 2000: 19).

Sites located in landscapes with more permanent water have often been found to be extensive and complex, with evidence for repeated and overlapping behaviours/activities being reflected in the types and amount of flaked stone artefacts recovered. Sites with more ephemeral water supply, in contrast, are typically found to be sparser and contain evidence suggestive of more localised, 'one-off', behaviour/activity. In addition, spatial patterning in flaked stone artefact distributions can, in certain circumstances, be evaluated within a three-tiered model of 'Activity Overprint Zones' incorporating 'Complex', 'Dispersed', and 'Sparse' Zones whereby:

- Complex zones will most likely exhibit overlapping knapping floors and high density concentrations of artefacts indicative of repeated, long-term occupation events.
- Dispersed zones may include knapping floors. However, these are typically spatially discrete due to less frequent occupation.
- Sparse zones will most likely exhibit consistently low frequencies/densities of artefacts. Artefact discard in these zones is likely to have resulted from discard in the context of use or loss rather than manufacture.

- Flaked stone artefact production and maintenance will generally leave a more obtrusive archaeological ‘signature’ than resource extraction (e.g. food collection and processing). These activities will also most likely occur closer to the residential core while resource extraction will typically occur away from it.

On the basis of these considerations, it can be predicted that the subject site may contain the following types of Aboriginal archaeological evidence. Mindful of the low order drainage that crosses the land, and the fact that the most elevated land on the property that occurs above this drainage has been extensively disturbed by past housing construction, particular emphasis is given to previous modelling whereby:

- Fourth and Fifth order streamlines (typically permanent creeks and small rivers) will be associated with archaeological evidence that is more complex and possibly stratified, reflecting more permanent and repeated occupation.
- Third order streamlines will be associated with evidence of more frequent occupation such as knapping floors. Higher artefact densities will be found in the lower reaches of tributary creeks.
- Second order streamlines will be associated with sparse archaeological evidence which is most likely to indicate occasional use and/or occupation.
- First order streamlines (with only intermittent water flow, typically in headwater contexts) will be associated with sparse archaeological evidence, which may be indistinguishable from, or may define, a background level of artefact incidence.

It is possible the study area may contain the following types of Aboriginal archaeological evidence:

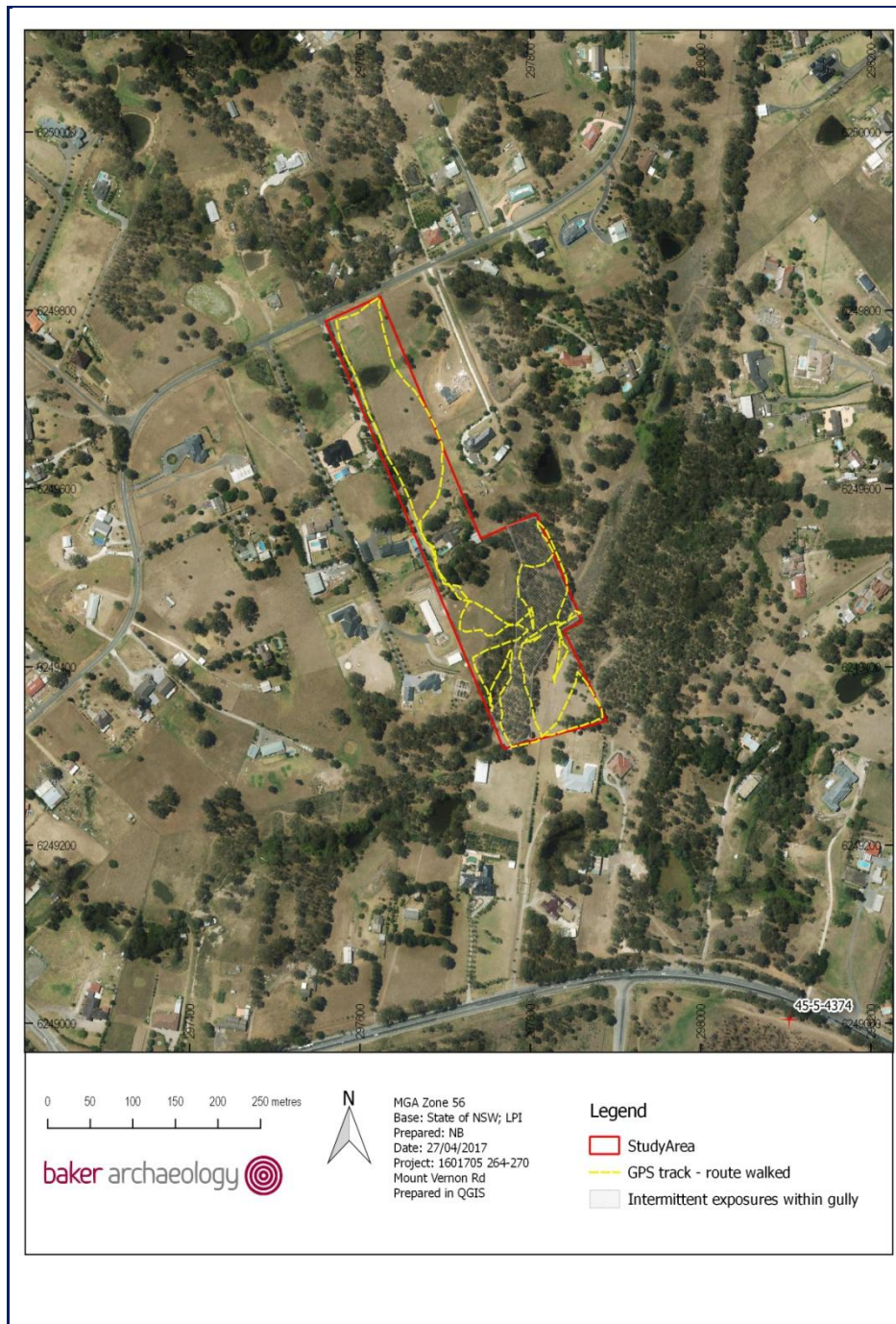
- *Open Camp Sites*: These sites occur on dry and elevated hill and ridge top topographies with favourable sight lines and communication attributes in between drainage. However, repeatedly or continuously occupied sites are more likely to be located on elevated ground situated at principal creek confluences in the local landscape. Surface scatters of flaked stone artefacts (or potentially durable food remains such as animal and fish bone or shell) may be the result of mobile hunting activities, while single or low density occurrences might relate to tool loss, tool maintenance activities or abandonment. These types of sites are often buried in alluvial or colluvial deposits and only become visible when subsurface sediments are exposed by erosion or disturbance.
- *Isolated Artefacts*: These items occur without any associated evidence for prehistoric activity or occupation. Isolated finds can occur anywhere in the landscape and may represent the random loss, deliberate discard or abandonment of artefacts, or the remains of dispersed artefact scatters. Manuports are items consisting of raw materials of stone that do not naturally occur within the soil profiles of a given region. Transported onto a site by Aboriginal people from sources elsewhere, these items will have subsequently been discarded before use as flaked or ground stone tools.

4.0 Site inspection and recording

4.1 Methods

The site inspections reported were undertaken according to accepted field recording methods (OEH 2010) and included observations useful to the assessment of archaeological sensitivity through a consideration of landforms, drainage, topography and terrain, ground exposures/visibility and disturbances.

Figure 4.1: Survey coverage



4.2 Field survey and recording

The images below, excluding the first that places the types of irregular sloping and undulating terrain contained within the property within a broader topographic landscape context, record the existing condition of the site proceeding from south to north. The images show the land is rural residential with a residence on a hill top, extensive mown lawn, gardens and a farm dam on the northern 'front yard' facing Mount Vernon Road, and fenced paddock areas for deer, goat and horse grazing to the rear.

The land is moderately inclined undulating land and a first-second order intermittent watercourse occurs in the southern part of the property and an incipient first order watercourse open depression occurs in the northern part of the land.

The hilltop residence area has been heavily disturbed and modified by house and garden construction. The northern incipient first order watercourse has been modified by dam construction. The south first-second order watercourse gully comprises degrading land with informal vehicle tracks, gully crossings and fences that have had widespread disturbance.

Ground exposure suited to discovering Aboriginal flaked stone artefacts was limited to the southern gully area. All other areas are heavily covered with grass and garden vegetation. The southern gully area includes patchy exposures up to 25 m² along gully sides, vehicle tracks and eroding slopes. In general terms, conditions were well-suited to discovery of Aboriginal stone artefacts if they were present in the soil particular in the southern gully area.

Figure 4.2: Looking west along Mount Vernon Road showing the undulating terrain of the local landscape



Figure 4.3: General view of the extensively disturbed gully crossing over the southern drainage



Figure 4.4: Numerous ground exposures occur adjacent to the gully crossing over the southern drainage



Figure 4.5: It is unknown whether the stockpiled pipes are leftover from previous drainage control works in the locality



Figure 4.6: Sapling regrowth bordering the southern drainage and mown and maintained grass



Figure 4.7: Looking south and upslope towards the existing house on the property



Figure 4.8: Remnant timber and garden plantings surrounding the house



Figure 4.9: Maintained garden and animal paddocks surrounding the house



Figure 4.10: Looking south along the access road leading to the house



Figure 4.11: Low order drainage that is dammed in the northern third of the property



Figure 4.11: Steep slope gradients either side of the minor drainage in the north of the property



4.3 Field observations in summary

The recent inspection of the property has revealed.

- No Aboriginal archaeological sites or objects have been located on the land. Ground exposure suited to discovering Aboriginal flaked stone artefacts was limited primarily to the southern gully area (see below) but can be extrapolated to other parts of the property that comprise landforms (steep slopes, drainage depressions) likely to possess low archaeological potential.
- The northern third of the property is crossed by drainage that comprises an ephemeral first order watercourse that has been dammed. The steep slopes leading up from the drainage and towards the house on the crest of the slope to the south have been cleared and de-stumped historically and may also have been ploughed. In addition, no flat land occurs in this portion of the property above the drainage, it appears unlikely to be a landform that will have attracted frequent Aboriginal use in the past that will have resulted in the deposition of artefacts.
- The construction of the house, garden and driveway configuration on the flatter land at crest of the slope has involved extensive cut and fill and landscaping works, and the construction footprint has no to low potential to retain intact subsurface archaeological profiles.
- The land undulating in the southern third of the property contains a section of a first-second order intermittent watercourse, and this gully is degraded with informal vehicle tracks, crossings and fence line constructions that have had widespread disturbance.
- The probability undetected Aboriginal sites or features of significance are present and survive within the property boundaries is assessed overall to be limited. The areas of the study area with the greatest archaeological potential on the basis of landscape criteria are around the southern drainage and on the slope crest, and these have been extensively disturbed through building and landscaping.
- Allowing for the fact that the site contains some elevated (but now disturbed) topography and low order drainage (now dammed and entirely reconfigured), there are no additional expectations that the property would have specifically been chosen to be used or visited *intensively* or *repeatedly* by people in the past that would have marked the site as a particularly desirable campsite location over others with more favourable attributes or qualities situated in close proximity to the site. It is more likely that the land may have been visited sporadically by people over time as they moved to and from more attractive places in the local landscape in catchments that may have offered more varied and predictable resources.

4.4 Due diligence considerations

Step 1. Will the activity disturb the ground surface?

The subdivision and residential development of the 264-270 Mount Vernon Road property will require filling and bulk earthworks for building over the entire block.

Step 2a. Search the AHIMS database and use any other sources of information of which you are already aware

Prior to the current heritage assessment, there were no known Aboriginal sites or objects on and/or immediately nearby to the property. The nearest known sites are located up to a kilometre or more from the study area and will not be affected by the land redevelopment.

Step 2b. Activities in areas where landscape features indicate the presence of Aboriginal objects

The main landscape feature contained within the study area that indicate (or increase the likelihood for) the presence of Aboriginal objects comprises an area of relatively elevated and flat topography located in the southern-central portion of the study area and (now dammed) low order drainage crossing the northern and southern portions of the block respectively. These areas however have been extensively disturbed as a result of past excavation and building works and the remainder of the property comprises largely unremarkable sloping ground.

Step 3. Can you avoid harm to the object or disturbance of the landscape feature?

No identified Aboriginal objects will be impacted by the proposed land redevelopment.

Step 4: Desktop assessment and visual inspection

The property is largely unremarkable on archaeological grounds in terms of the range of landform it contains and retains minimal potential to retain intact subsurface archaeological profiles as a result of building and drainage control that have disturbed the soil profiles across the vast majority of the property.

Step 5. Further investigations and impact assessment

No further heritage assessment of the property appears to be warranted.

5.0 Significance assessment and conclusions

5.1 Aboriginal archaeological impact statement

The background archaeological research, site inspection, and assessment of the study area indicate that:

- No Aboriginal sites, objects or isolated finds have been identified on the property.
- There are no specific expectations that the property would have attracted intensive or repeated use by people in the past that would have involved activities that would have created substantial archaeological deposits. It is more likely that the land may have been visited sporadically by people over time as they used the ridgeline for travel and used its hills for communication and moved to and from more attractive places in the landscape with a wider range of resources.
- No specific areas of potential archaeological sensitivity have been identified in the course of preparing this report.

5.2 Evaluation

On the basis of the above considerations, it is concluded that the proposed redevelopment of Lot 156 in DP 32140 at 264-270 Mount Vernon Road is not going to have an adverse impact upon the Aboriginal archaeological values of the place and that no Aboriginal archaeological or cultural heritage constraints are apparent for the proposal proceeding as planned subject to the implementation of the management recommendations provided below.

6.0 Management recommendations

6.1 Basis for recommendations

Lot 156 in DP 32140 located at 264-270 Mount Vernon Road contains no documented Aboriginal sites or objects, or any specific areas of potential Aboriginal archaeological sensitivity, and it is concluded there are no Aboriginal archaeological constraints for the proposal proceeding as planned subject to the recognition of the following considerations:

- Recognition of the legal requirements and automatic statutory protection provided to Aboriginal 'objects' and 'places' under the terms of the *National Parks and Wildlife Act of 1974* (as amended), where it is an offence to knowingly damage, deface or destroy Aboriginal sites or relics without the prior consent of the Director-General of the *National Parks and Wildlife Service* (NPWS) that now comprises an administration branch of the OEH.
- The advice that has been provided by the DLALC for the project (**Appendix 1**).

6.2 Recommendations

- I Based on the conclusion that the proposed subdivision and redevelopment project will not impact upon any *identified* Aboriginal archaeological sites or objects, and also that the *potential* for undetected Aboriginal archaeological items to occur within the property is assessed to be *low*, it is recommended that there are no Aboriginal archaeological (scientific) constraints to the proposal proceeding as intended and that no further Aboriginal archaeological heritage input is warranted.
- II In the (largely) unexpected circumstance that any Aboriginal objects are unearthed as a result of residential housing construction works in the future, it is recommended that activities should temporarily cease within the immediate vicinity of the find locality, be relocated to other areas of the subject site (allowing for a curtilage of at least 50m), and the OEH be contacted to advise on the appropriate course of action to allow the DLALC to record and collect the identified item(s).

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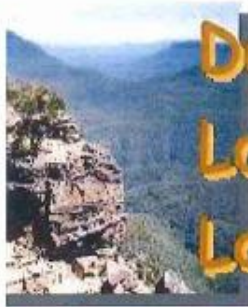
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Appendix 1

DLALC Cultural Heritage Statement



Deerubbin Local Aboriginal Land Council

Level 1, Suite3
291-295 High Street
PENRITH NSW 2750
PO Box 40
PENRITH BC
NSW 2751 AUSTRALIA

ABN: 41 303 129 586
T: (02) 4724 5600
F: (02) 4722 9713
E: reception@deerubbin.org.au
W: <http://www.deerubbin.org.au>

The Bathla Group

137 Gilba Road

GIRRAWEE NSW 2145

Our Ref: 2826

10 May 2017

PROTECTION OF ABORIGINAL CULTURAL HERITAGE

Proposed Residential Development

Lot 156 in DP 32140

264 – 270 Mt Vernon Road, Kemps Creek

Attention: Vandana V.

A representative of Deerubbin Local Aboriginal Land Council inspected 264-270 Mt Vernon Road, Kemps Creek on Friday, 28 April 2017. An Aboriginal cultural heritage assessment was undertaken to evaluate the likely impact the proposed development has on the cultural heritage of the land.

This property has been landscaped and has house, roadway & dam. No Aboriginal cultural materials (in the form of stone artefacts, for example) were located within the study area.

Deerubbin Local Aboriginal Land Council therefore, has no objection to the proposed residential development of 264-270 Mt Vernon Road, Kemps Creek on the grounds of Aboriginal cultural heritage.

Yours Faithfully,

Steven Randall

(Aboriginal Cultural Heritage Officer)

C.c. Miranda Firman – Office of Environment & Heritage

C.c. Dominic Steele – Dominic Steele Consulting Archaeology

Appendix 2

AHIMS Site Searches



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : mt vernon

Client Service ID : 276746

Dominic Steele Archaeological Consulting

Date: 17 April 2017

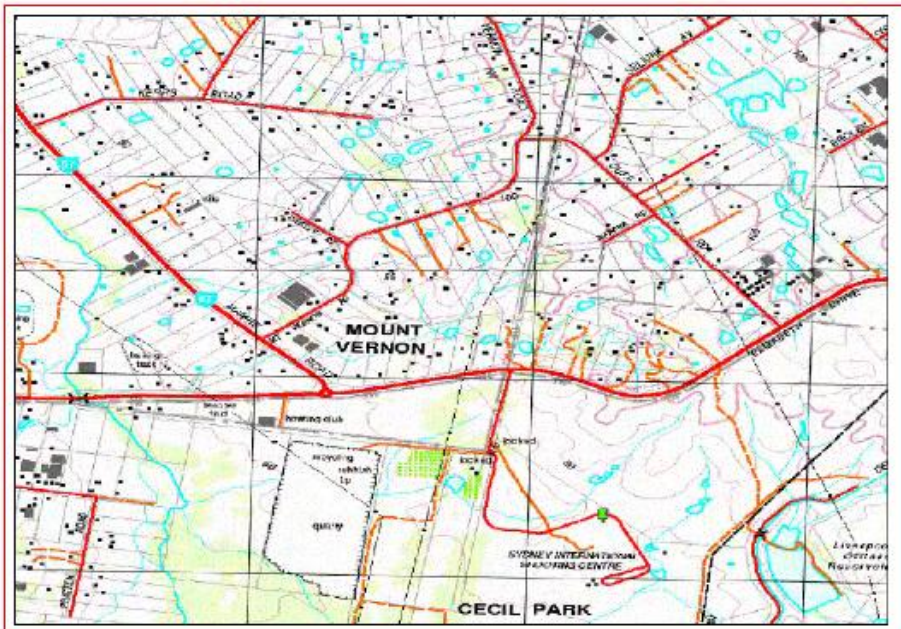
21 Macgregor Street
CROYDON New South Wales 2132
Attention: Dominic Steele

Email: dsca@bigpond.net.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 296200 - 299200, Northings : 6248300 - 6250300 with a Buffer of 50 meters, conducted by Dominic Steele on 17 April 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

11 Aboriginal sites are recorded in or near the above location.
0 Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

3 Marist Place, Parramatta NSW 2150
Locked Bag 5020 Parramatta NSW 2220
Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Mt Vernon 2 x 2

Client Service ID : 276747

Dominic Steele Archaeological Consulting

Date: 17 April 2017

21 Macgregor Street
CROYDON New South Wales 2132
Attention: Dominic Steele

Email: dsca@bigpond.net.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 296700 - 298700, Northings : 6248500 - 6250500 with a Buffer of 50 meters, conducted by Dominic Steele on 17 April 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

6	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
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Web: www.environment.nsw.gov.au

NSW GOVERNMENT		Office of Environment & Heritage		AHIMS Web Services (AWS)		Extensive search - Site list report		Your Ref/PO Number : Mt Vernon 2 x 2 Oct		
Shield	Site Name	Datum	Zone	Easting	Northing	Contact	Site Status	Site Features	Site Types	Reports
45-5-4007	Artefact Scatter 2008-4	GDA	56	297641	6248524	Open site	Valid	Artefact :-		
	Contact	Recorders				Brent Heritage Pty Ltd Doctor Alan Williams				
45-5-4008	Isolated Object 2009-5	GDA	56	297448	6248524	Open site	Valid	Artefact :-		
	Contact	Recorders				Brent Heritage Pty Ltd Doctor Alan Williams				
45-5-2307	P-CP9	AGD	56	298110	6248750	Open site	Valid	Artefact :-	Open Camp Site	
	Contact	Recorders				Heien Brayshaw				
45-5-2308	P-CP9	AGD	56	298590	6248760	Open site	Valid	Artefact :-	Open Camp Site	
	Contact	Recorders				Heien Brayshaw				
45-5-2310	KC/ED 2	AGD	56	297520	6248760	Open site	Valid	Artefact :-	Open Camp Site	
	Contact	Recorders				Heien Brayshaw				
45-5-4374	CP ASI	GDA	56	298104	6249004	Open site	Valid	Artefact : 1		
	Contact	Recorders				Mc Joshua Madden				

Report generated by AHIMS Web Service on 17/04/2017 for Domain: Shield for the following area at Datum :GDA, Zone : 56, Eastings : 296700 - 298700, Northings : 6248500 - 6250500 with a Buffer of 50 meters. Additional info : for an archaeological assessment. Number of Aboriginal sites and Aboriginal objects found is 0
 This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequence of such act or omission.



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Lot 156 in 32140

Client Service ID : 267306

Dominic Steele Archaeological Consulting
21 Macgregor Street
CROYDON New South Wales 2132
Attention: Dominic Steele
Email: dzca@bigpond.net.au

Date: 19 February 2017

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 156, DP:DP32140 with a Buffer of 50 meters, conducted by Dominic Steele on 19 February 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

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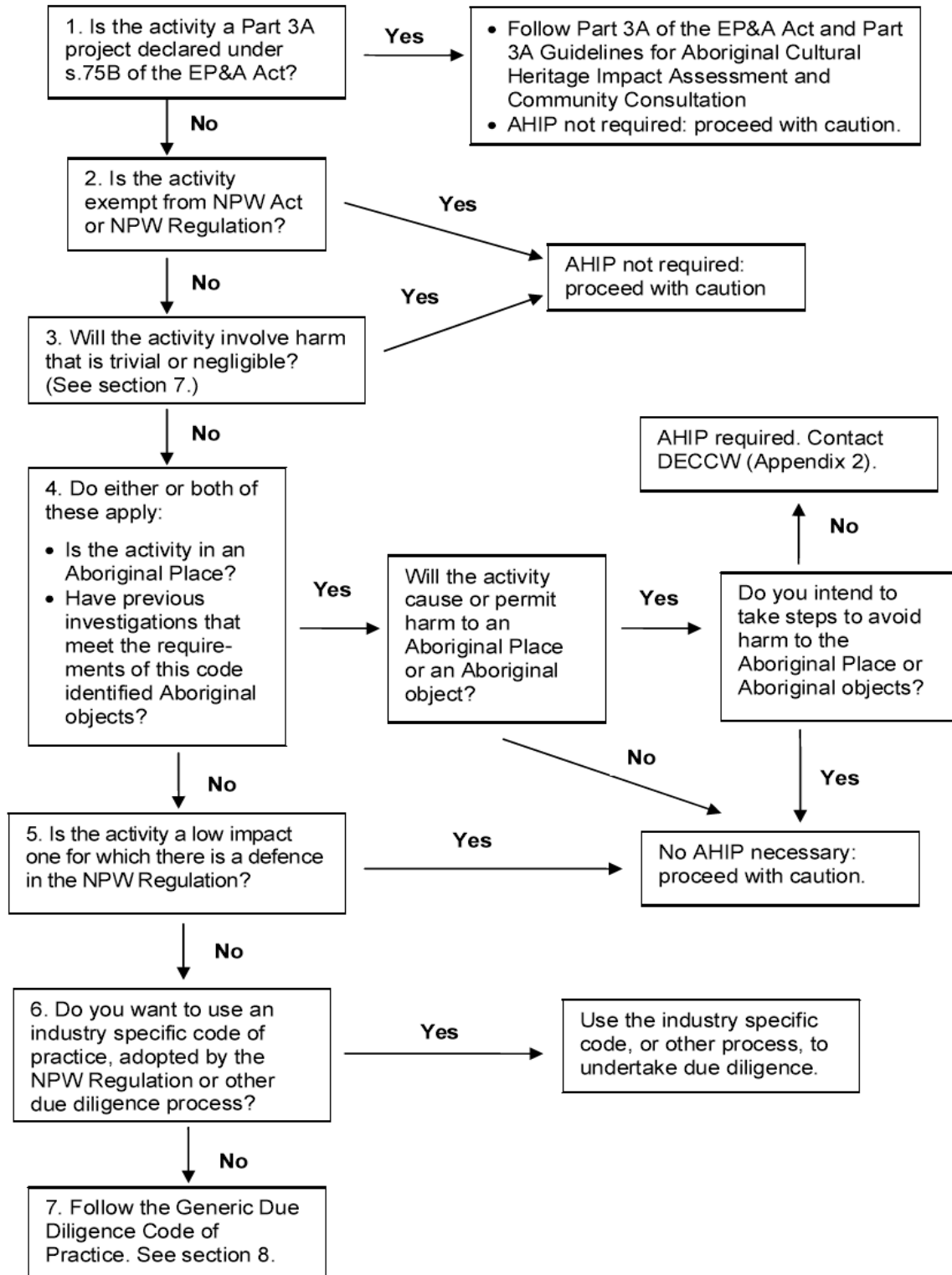
ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au

Appendix 3

OEH Due Diligence Code of Practice

Protection of Aboriginal Objects in NSW – NPWS Act 1974

1 Do you need to use this due diligence code?



8 The generic due diligence process

