

St Mathews Catholic High School, Mudgee

Aboriginal Cultural Heritage Assessment Report

Report to TSA management

Mid-Western Regional Local
Government Area

April 2020



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EXECUTIVE SUMMARY

The Catholic Education Diocese of Bathurst (CEDB) are proposing to construct a second campus of St Matthews Catholic School at 48 Broadhead Road, Spring Flats Mudgee. The project has been identified as a State Significant Development (SSD) under Schedule 1 clause 15(1) of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The project would be assessed under the *Environmental Planning and Assessment Act 1979*.

TSA Management on behalf of the CEDB (the proponent) has engaged Artefact Heritage Services Pty Ltd (Artefact Heritage) to prepare the assessment of Aboriginal cultural heritage values for the EIS through preparation of the current Aboriginal Cultural Heritage Assessment Report (ACHAR).

It was found that

- No previously recorded Aboriginal sites are located within the study area
- One newly identified site located within the study area (BR IF 01)
- One area of potential archaeological deposit was identified within the study area (BR PAD 01)
- The proposed works will not impact BR IF 01 or BR PAD 01
- Further stages of the proposed development, subject to additional approval processes, may impact BR IF 01 and/or BR PAD 01

It is recommended that

- No impacts to BR PAD 01 and BR IF 01 can occur without further archaeological investigation, consultation with the Registered Aboriginal Parties and approvals.
- A no-go zone should be implemented around the delineated boundary of BR PAD 01 and BR IF 01 prior to construction and during the operational life of the school.
- Where changes to the scope of the proposal result in impacts beyond those indicated in the current report, further archaeological assessment will be required. Note that no ground breaking works can occur within the area of BR PAD 01 and BR IF01 until archaeological test excavation has been undertaken and the required approvals are in place.
- Any interpretive or design elements relating to Aboriginal heritage should be developed in consultation with the Registered Aboriginal Parties.
- An unexpected finds policy must be implemented in the event of Aboriginal archaeological objects being identified during ground disturbing works. An unexpected finds policy would involve the following actions:
 - Stop work within the affected area, protect the potential archaeological find, and inform environment staff or supervisor.
 - Contact a suitable qualified archaeologist to assess the potential archaeological find.
 - If Aboriginal archaeological material is identified, works in the affected area must cease, and the Department of Planning, Industry and Environment (DPIE) must be informed. Further archaeological mitigation may be required prior to works recommencing.

- If any human remains are disturbed in, on or under the land, you must:
 - not further disturb or move these remains
 - immediately cease all work at the particular location
 - notify NSW Police
 - notify the Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location
 - not recommence any work at the particular location unless authorised in writing by DPIE

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ABBREVIATIONS

ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHAR Guide	Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW
ACHMP`	Aboriginal Cultural Heritage Management Plan
AHIP	Aboriginal Heritage Impact Permit
AHIMS	Aboriginal Heritage Information System
ALR Act	<i>Aboriginal Land Rights Act 1983</i>
Artefact Heritage	Artefact Heritage Services Pty Ltd
ASR	Archaeological Survey Report
ATSHIP Act	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>
BP	Before Present (that is 1950)
CEDB	Catholic Education Diocese of Bathurst
CEMP	Construction Environment Management Plan
Consultation Requirements	Aboriginal cultural heritage consultation requirements for proponents 2010
Code of Practice	Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010
DA	Development Application
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water
DPIE	Department of Planning, Industry and Environment
Due Diligence Code of Practice	Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales
EIS	Environmental Impact Assessment
EPBC Act	<i>Environment Protection and Diversity Conservation Act 1999</i>
GPS	Global Positioning System
ha	hectares
km	kilometres
KNC	Kelleher Nightingale Consulting Pty Ltd
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan

LGA	Local Government Area
m	metres
m	metres
mm	millimetres
MCC	Moolarben Coal Complex
Navin Officer	Navin Officer Heritage Consultants
NHL	National Heritage List
NPW Act	<i>National Parks and Wildlife Act 1974</i>
OEH	Office of Environment and Heritage
PAD	Potential Archaeological Deposit
RNE	Register of the National Estate
SEA	South East Archaeology
SEARs	Secretary's Environmental Assessment Requirements
SSD	State Significant Development

1.0 INTRODUCTION

1.1 Background

The Catholic Education Diocese of Bathurst (CEDB) are proposing to construct a second campus of St Mathews Catholic School at 48 Broadhead Road, Spring Flats Mudgee. The project has been identified as a State Significant Development (SSD) under Schedule 1 clause 15(1) of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The project would be assessed under the *Environmental Planning and Assessment Act 1979*.

1.2 Approval framework

The project will be subject to assessment by the Department of Planning, Industry and Environment as SSD 9872. An Environmental Impact Statement (EIS) will be submitted in support of the determination of the project. In relation to Aboriginal heritage the Secretary's Environmental Assessment Requirements (SEARs) for this project are as follows:

- *Identify and describe the Aboriginal cultural heritage values that exist across the site and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation.*
- *Identify and address the Aboriginal cultural heritage values in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).*
- *Undertake consultation with Aboriginal people and document in accordance with Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values of Aboriginal people who have a cultural association with the land are to be documented in the ACHAR.*
- *Identify, assess and document all impacts on the Aboriginal cultural heritage values in the ACHAR.*
- *The EIS and the supporting ACHAR must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH (now DPIE).*

Table 1-1: SEARs requirements

SEARs requirements	Where met
Identify and describe the Aboriginal cultural heritage values that exist across the site and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation	Section 6.0 to Section 10.0
Identify and address the Aboriginal cultural heritage values in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).	Section 10.0
Undertake consultation with Aboriginal people and document in accordance with Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values of Aboriginal people who have a cultural association with the land are to be documented in the ACHAR.	Section 3.0

SEARs requirements	Where met
Identify, assess and document all impacts on the Aboriginal cultural heritage values in the ACHAR.	Section 11.0
The EIS and the supporting ACHAR must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.	Section 12.0

TSA Management on behalf of the CEDB (The proponent) has engaged Artefact Heritage Services Pty Ltd (Artefact Heritage) to prepare the assessment of Aboriginal cultural heritage values for the EIS through preparation of the current Aboriginal Cultural Heritage Assessment Report (ACHAR).

This ACHAR has been prepared in accordance with the following requirements and guidelines:

- Secretary's Environmental Assessment Requirements (SEARs SSD 9442)
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (Code of Practice) (Department of Environment, Climate Change & Water [DECCW] 2010)
- The Burra Charter (ICOMOS 2013).
- Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010) (consultation requirements).
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011) (ACHAR guide)

1.3 Study area

The study area is located at 48 Broadhead Road, Spring Flats (Lot 40 DP 756894) and is comprised of a 12.2 hectare (ha) allotment (Figure 1.1). The study area is fronted by Broadhead Road to the west and Bruce Road to the south. It is located within the Mid-Western Regional Local Government Area (Mid-Western Regional LGA), the Parish of Mudgee and County of Wellington. It is contained within the boundary of Mudgee Local Aboriginal Land Council (Mudgee LALC).

1.4 Description of works

The SSD DA seeks consent for the construction of a new multi-purpose secondary education facility within the Mudgee Region that meets future demands for the developing region.

The new secondary school to be known as St Matthews Catholic High School Mudgee School will cater for 680 secondary school students (4-Stream Year 7-12) and will comprise of a cluster of five low-rise school buildings (1-2 storeys) including;

- Block A - Professional Hub (office and administration)
- Block B - Spiritual Hub (Chapel)
- Block C - Community Hub (Multi purpose hall, Music/Dance Studio and canteen)
- Block D – STEM Research Hub (teaching spaces)
- Block E - Knowledge and Learning Hubs (General Teaching spaces)
- Yarning Circle (Outdoor learning area)
- Outdoor Student Assembly Area and COLA

- Student free play area
- Staff and student amenities
- Associated site landscaping and public domain improvements
- On-site parking and access arrangements off Bruce Road, including:
 - On-grade car park for staff, students and visitors (75 spaces – including 2 accessible spaces)
 - A 12 bay student drop-off and pick-up area
 - A 3-bay bus drop-off and layover area
 - Bus turning area and servicing access
 - Dedicated separate driveway for service vehicles
 - Bicycle parking for 30 bicycles
- Associated earthworks, civil works, perimeter roadworks, fencing, services and utilities connections and augmentation, including:
 - Roadworks to Broadhead Road and Bruce Road to the full extent of the site frontages
 - Roadworks to the Broadhead Road and Bruce Road intersection to cater for bus movements
 - Footpath along the site frontage of Broadhead Road and suitable pedestrian crossing to connect to existing footpath.
 - Stormwater infrastructure upgrades adjacent to and within the site, including new culverts and drains, levee, and bioswale.
 - Connection to existing sewer line within the site
 - Electrical and water connections into the site

1.5 Objectives of this assessment

The objectives of this report are to:

- Assess the Aboriginal cultural heritage values of the study area, including archaeological and community cultural values, and the significance of identified values.
- Identify Aboriginal cultural heritage values that may be impacted by the proposed works, including consideration of cumulative impacts, and measures to avoid significant impacts.
- Ensure appropriate Aboriginal community consultation in the assessment process.
- Identify any recommended further investigations, mitigation and management measures required, should the project proceed.

This report includes:

- A description of the scope of the project and the extent of the study area.
- A description of the Aboriginal community involvement and Aboriginal consultation.
- A significance assessment of the study area including cultural and archaeological values.
- A description of the statutory requirements for the protection of Aboriginal heritage.
- An impact assessment for recorded Aboriginal sites and areas of archaeological potential.

- Provision of measures to avoid, minimise, and if necessary, offset the predicted impacts on Aboriginal heritage values.

1.6 Limitations

This report has been prepared to assess Aboriginal heritage values only.

1.7 Authorship

Josh Symons (Principal, Artefact Heritage) provided management input and technical review. Josh has a Bachelor of Arts (Hons) in Historic and Prehistoric Archaeology (USyd) and has over 15 years' experience in non -Aboriginal and Aboriginal heritage assessments.

Alyce Haast (Senior Heritage Consultant, Artefact Heritage) managed the project and supervised the archaeological survey. Alyce also assisted in report preparation. Alyce has a Master's degree in Professional Archaeology. Alyce has over five years' experience in Aboriginal and Historical archaeology and has completed numerous projects within the Sydney region.

Jennifer Norfolk (Heritage Consultant, Artefact Heritage) completed the archaeological survey. Jennifer has a Masters of Science (Marine Archaeology and Cultural Landscapes) and has five years' experience in cultural resource management and archaeology in NSW.

Anna Darby (Heritage Consultant, Artefact Heritage) wrote this report. Anna has a Bachelor of Science (Honours) and has three years' experience in archaeological fieldwork including Aboriginal cultural heritage surveys across the Sydney Basin.

1.8 Report structure

- Section 2 - Legislative context: outlines relevant legislation for this assessment
- Section 3 – Aboriginal community consultation: outlines the results of comprehensive stakeholder consultation
- Section 4 - Environmental context: Provides a succinct overview of the environmental context of the proposal and an overview of historical land use.
- Section 5 - Aboriginal heritage context: Provides an overview of the Aboriginal history of the area and the results of previous archaeological investigation
- Section 6 - Archaeological survey: Describes the survey conducted for this assessment and the results
- Section 7 – Results: Describes the Aboriginal sites present within the study area
- Section 8 – Analysis and discussion: Provides a discussion of the results of the site survey
- Section 9 – Aboriginal cultural heritage assessment: Provides a summary of identified Aboriginal cultural heritage values
- Section 10 - Significance assessment: Provides an assessment of the archaeological significance of the study area

- Section 11 - Impact assessment: Assesses potential impacts to identified Aboriginal sites and areas of archaeological potential.
- Section 12 - Management measures: Outlines relevant management and mitigation measures for the proposal.
- Section 13 – Recommendations: Outlines recommendations for future assessment as required

Figure 1.1: Study area



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2.0 LEGISLATIVE CONTEXT

2.1 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act), administered by DPIE provides statutory protection for all Aboriginal 'objects' under Section 83 of the Act, and for 'Aboriginal Places' under Section 84. An Aboriginal object is defined 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.

An Aboriginal Place is declared by the Minister, in recognition of its special significance with respect to Aboriginal culture.

Under Section 86 of the NPW Act Aboriginal objects and places are protected. Section 86 provides for two offences relating to Aboriginal objects and one offence concerning Aboriginal places and establishes penalties and fines for the harm or desecration of an Aboriginal object or place. All Aboriginal objects, whether recorded or not, are protected under the NPW Act.

The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal Places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture.

There are no gazetted Aboriginal Places in the study area.

As this project is being assessed as an SSD, permits issued under the NPW Act 1974 are not required (see section 2.4).

2.2 Native Title Act 1994

The *Native Title Act 1994* was introduced to work in conjunction with the Commonwealth *Native Title Act 1993*. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act. There is one Native Title Claim that encompasses the study area, Warrabinga-Wiradjuri #7 (NC2018/002)

2.3 Aboriginal Lands Right Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) established Aboriginal Land Councils (at State and Local levels). These bodies have a statutory obligation under the ALR Act to:

- (a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and
- (b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The study area is within the boundary of Mudgee Local Aboriginal Land Council (Mudgee LALC).

2.4 Environmental Planning and Assessment Act 1979

The proposal will be assessed under Part 4, Division 4.7 of the EP&A Act, which establishes an assessment and approval regime for SSD. Part 4, Division 4.7 applies to development that is declared to be SSD by a State Environmental Planning Policy (SEPP). Section 4.41 (previously section 89J(c)) of the EP&A Act specifies that approvals or permits under section 90 of the NPW Act 1974 are not required for approved SSD.

2.5 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), deals with Aboriginal cultural property (intangible heritage) in a wider sense. Such intangible heritage includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. These values are not currently protected under the NPW Act.

There is no cut-off date and the ATSIHP Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The ATSIHP Act takes precedence over state cultural heritage legislation where there is conflict. The Commonwealth Minister who is responsible for administering the ATSIHP Act can make declarations to protect these areas and objects from specific threats of injury or desecration. The responsible Minister may make a declaration under Section 10 of the Commonwealth Act in situations where state or territory laws do not provide adequate protection of intangible heritage.

Where an Aboriginal individual or organisation is concerned that intangible values within the proposal are not being adequately protected, they can apply to the Minister for a declaration over a place.

No intangible places were identified during the survey or the background research.

3.0 ABORIGINAL COMMUNITY CONSULTATION

Aboriginal community consultation has been conducted in accordance with the Consultation Requirements. A consultation log has been maintained which details all correspondence with the registered Aboriginal parties for the project (see Appendix 1).

Identification of stakeholders and registrations of interest

In accordance with Stage 4.1.2 of the Consultation Requirements, correspondence was sent on 9 January 2019 to the following organisations requesting details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the Mid-Western Regional Council LGA:

- The Registrar, Aboriginal Land Rights Act 1983
- Mudgee Local Aboriginal Land Council
- Mid-Western Regional Council
- Office of Environment and Heritage
- Central Tablelands Local Land Services
- NTSCORP (Native Title Service Corporation)
- National Native Title Tribunal

In accordance with Stage 4.1.3 of the Consultation Requirements, Artefact placed an advertisement in the *Koori Mail* and the *Mudgee Guardian* on 18 January 2019 and 30 January 2019 respectively. The advertisement invited all Aboriginal persons and organisations who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places in the study area to register their interest.

Also, in accordance with Stage 4.1.3, letters and/or emails were sent on 22 January 2019 to all Aboriginal persons and organisations identified through responses from the agencies contacted during Step 4.1.2. The letters provided details on the location and nature of the proposal, as well as an invitation to register as an Aboriginal stakeholder. Fourteen days were allowed for registrations.

Following the completion of Steps 4.1.2 and 4.1.3, the following six Aboriginal stakeholders registered an interest in the project:

- Shaun Carroll - Merrigarn Indigenous Corporation
- Phil Khan - Kamilaroi Yankuntjatjara Working Group
- Debbie Foley - Murong Gialinga Aboriginal & Torres Strait Islander Corporation (Murong Gialinga)
- Lillie Carroll and Paul Boyd - Didge Ngunawal Clan
- Lance Syme - Warrabinga Native Title Claimants Aboriginal Corporation
- Maria Marsh

Mudgee LALC did not register their interest in the project directly but was included in stakeholder consultation as the study area is within their boundaries.

In accordance with Step 4.1.6 of the Consultation requirements, a list of Registered Aboriginal Parties, a copy of the newspaper advertisement, and a copy of the invitation to register an interest, were forwarded to OEH (now DPIE) and Mudgee LALC on 26 February 2019.

Site survey

An archaeological survey of the site was undertaken on the 5 February 2019 with Troy Peterson (Mudgee LALC). The study area was not identified as containing specific cultural values during the survey.

Review of assessment methodology

A copy of the proposed ACHAR methodology was distributed to Registered Aboriginal Parties on 11 March 2019, with a 28-day period for review and comment. The document included project details, and a summary of the proposed ACHAR assessment methodology.

Comments were received from Murong Gialinga who identified the site as being close to a culturally sensitive site. Murong Gialinga recommended a monitoring program be implemented during earth works due to the site's proximity to an area of cultural sensitivity. In addition, they requested to visit the site with an archaeologist to view a potential hammerstone which was previously identified within the site.

Site inspection

A site inspection was undertaken of the site with representatives of Murong Gialinga and Artefact Heritage on 2 April 2019. The potential hammerstone was relocated and recorded as Broadhead Road Isolated Find 01 (BR IF 01).

Discussions were also held confirming that the area of cultural sensitivity was not within the study area, however it was in close proximity on a similar landform.

This is further discussed in Section 7.2.

Review of draft ACHAR

On the 17 May 2019 a copy of the draft ACHAR was sent to RAPs for review and to provide comment or contribute to any further knowledge to the assessment. RAPs were given 28 days to respond with comments requested by 14 June 2019.

Hard copies of the report were requested by two groups, Murong Gialinga and Kamilaroi Yankuntjatjara Working Group.

Murong Gialinga later commented that they have previously stated their concerns and wished for them to be noted in the report.

Kamilaroi Yankuntjatjara Working Group responded confirming that they agree and support the recommendations of the ACHAR.

Incorporation of Aboriginal heritage into design elements

Following issue of the ACHAR a follow up email was sent to all stakeholders requesting an expression of interest in being consulted regarding the landscape design of the proposed development.

Consultation with stakeholders regarding the landscape design was undertaken directly between CEDB and Mudgee LALC separate to the current ACHAR process.

Project updates

A project update was issued to stakeholders on 14 November 2019 confirming that the project was awaiting finalisation and was likely to be submitted for assessment in early 2020.

4.0 ENVIRONMENTAL CONTEXT

The environmental context of the study area is to assist in the prediction of:

- The potential of the landscape over time to have accumulated and preserved Aboriginal objects
- The ways Aboriginal people have used the landscape in the past with reference to the presence of resource areas, surfaces for art, other focal points for activities and settlement
- The likely distribution of the material traces of Aboriginal land use based on the above.

4.1 Environmental background

4.1.1 Geology and soils

The study area is within the NSW South Western Slopes biogeographic region. This is an extensive area of foothills and isolated ranges comprising the lower inland slopes of the Great Dividing Range extending from north of Cowra through southern NSW into western Victoria. This bioregion is dominated by a sub-humid climate characterised by hot summers and low winter temperatures. Mean annual rainfall in the vicinity of the study area is approximately 470 mm.

The bioregion lies wholly in the eastern part of the Lachlan Fold Belt which consists of a complex series of north to north-westerly trending folded bodies of Cambrian to Early Carboniferous sedimentary and volcanic rocks. Granites are common and mostly located in large scale upfolded bodies of rock. Granite landscapes occur either as central basins surrounded by steep hills formed on contact metamorphic rocks, or as high blocky plateau features with rock outcrops and tors. Hilly landscapes developed on the sedimentary and volcanic rocks are controlled by structural features (bedding and faults) and typically form lines of hills extended along the strike of more resistant rocks such as quartzite.

The valleys between ranges are in generally softer rocks such as shale, phyllite or slate. Limited areas of Tertiary basalt with underlying river gravels and sands occur, and as the region becomes lower to the west and north, wide valleys filled with Quaternary alluvium and occasional lakes become the dominant landscape form (King et al. 1998). The study area is primarily underlain by Quaternary alluvium with small areas associated with the Gunnedah basin geology (comprised of Carbonaceous siltstone, quartz lithic sandstone, conglomerate and coal lenses). The study area lies between Mount Frome, 5.3 kilometres (km) to the east and Mount Misery 5.1 km to the west. Sandstone rock formations, including boulders and scarps occur within the region, these features can host evidence of Aboriginal occupation, including deposits of artefacts and cultural material and rock art in and on rock shelters or overhangs, as well as grinding grooves on exposed bedrock.

The soils within the study area consist of the Craigmores soil landscape, which contain alluvial high terraces of the Cudgegong River, Eurundury and Wialdra Creeks. Soils are usually 20 metres (m) above the modern floodplain, with a relief to 40 m on slopes of less than two per cent. Noncalcic brown soils and red earths are located on very old quaternary alluvium, yellow podzolic-solodic soils intergrades on lower lying areas, and some alluvial soils and leached loams on lower terraces adjacent to major streams.

4.1.1 Native flora and fauna

Within areas containing the Craigmores soil landscape the vegetation consists of open eucalypt woodland with a grass understorey and river red gum, yellow box and rough-barked apple (Murphy and Lawrie 1998). Faunal communities throughout the study area consisted of terrestrial mammals

such as Eastern Grey kangaroos, wallabies, wombats and a variety of possums. Freshwater bird species such as ducks and swans would also have inhabited that waterways, along with freshwater fish and shellfish. Insects, reptiles, and tree dwelling birds would also have provided access to a number of subsistence resources.

4.1.2 Hydrology

The region is part of the Macquarie Catchment area with the Cudgegong River, a major tributary of the Macquarie River, located approximately 3.1 km north east of the study area. The study area is dissected by a portion of Sawpit Gully which has previously been formalised through the creation of artificial banks intended to contain creek flooding. Within the study area Sawpit Gully is a fourth order creek.

4.1.3 Conclusions

The study area is well resourced - it is situated on a combination of valley floor and basal slope and is near permanent sources of water. Vegetation in the study area pre European contact would have comprised a varied mosaic of open forest and creek-side species. These would have provided dietary and manufacturing resources, and likely supported a wide range of faunal resources. Substantial resources for stone tool manufacture have been documented within short to medium distance of the study area, adding further to the potential land-use activities in the area.

4.2 Historical background and land use

Gregory Blaxland, William Wentworth and William Lawson were the first Europeans to cross over the Blue Mountains in May 1813. Development quickly followed, with a road over the Blue Mountains constructed by William Cox by January 1815 (Mudgee District history 2012). Later that year, Governor Macquarie used the road to visit a road-building party depot on the western bank of the Macquarie River. Macquarie declared the site suitable for the erection of a town prompting the development of Bathurst (Mudgee District History 2012). European settlement to the west of the Blue Mountains was originally tightly regulated by government officials with limited permits issued to graze the surrounding landscape. Consequently, European development of the central plains immediately following the construction of the Bathurst Road was very slow. (Pearson 1983: 69).

From Bathurst settlers headed west with James Blackman being the first European settler to cross the Cudgegong River in 1821. At this time land grants in the Bathurst area and wider Cudgegong district began to be issued resulting in greater rates of land tenure (Pearson 1983: 69) The sons of William Cox: George and Henry Cox, were the first settlers on the Cudgegong River when they established the Menah run, three kilometres north of the current town (Mudgee District history 2012).

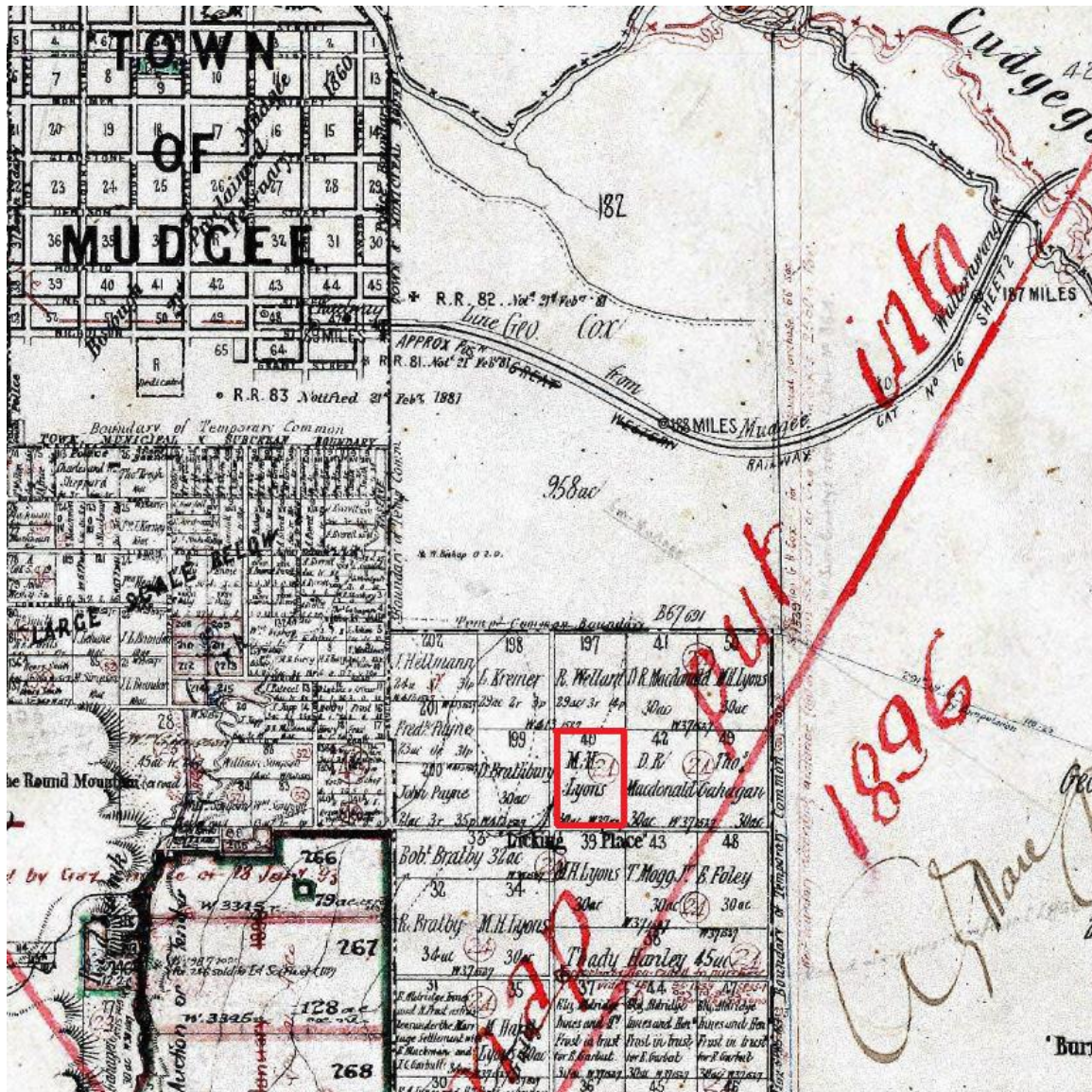
Mudgee was officially gazetted as a town in 1838 and by 1841 there were 36 dwellings, mostly slab huts which included three hotels, a hospital, a post office, two stores and the first Anglican Church (Mudgee District history 2012).

Gold was discovered in the neighbouring town of Hargraves in 1851 by an Aboriginal stockman. The discovery contained approximately 51kg of gold and prompted an extensive rush of prospectors to the wider Mudgee area (Department of Primary Industries 2007). As a result, Mudgee, and many newly forming surrounding townships become a major extraction area for gold, which rapidly increased European settlement and exploitation of the landscape. By 1861 the population of Mudgee reached 1,500. As the largest speculative gold rushes diminished by the latter half of the nineteenth century, the agricultural economy of the Mudgee area was supported by sheep grazing and wool exports. This was further supplemented with the development of wineries in the twentieth century.

The study area is within the grant of M. H Lyons. Lyons was originally a surveyor from Ireland who arrived in Mudgee in 1843 and was one of the first aldermen of the town. He later was appointed a local magistrate (Freeman's Journal 9 September 1876: 10; Hirst 2008). It is uncertain when in the mid-nineteenth century he was granted the land of the study area. It is clear from parish maps and land sale records that Lyons purchased or was granted a number of acreage properties in the Mudgee region and likely wielded considerable influence after his retirement, as his obituary states that "since resigning the position of alderman, he has, nevertheless, always been one of the first to come forward in matters affecting the interests of himself" (Freeman's Journal, 9 September 1876: 10).

There is no evidence that Lyons resided at his property within the study area, and due to the large amount of acreage and parcels he owned in Mudgee and surrounding area by the time of his death in 1876, it is likely the study area was on-sold or tenanted up until that time. As the Mudgee area was known for sheep grazing, it is likely that the cleared property was utilised for this purpose up until the present day, with no direct evidence for permanent residences on the property.

Figure 4.1: 1884 parish map, study area in red. Source: HRLV Viewer



5.0 ABORIGINAL HERITAGE CONTEXT

5.1 Aboriginal histories of the locality

Traditional Aboriginal tribal boundaries within Australia have been reconstructed, primarily, based on surviving linguistic evidence and are therefore only approximations. Social interaction, tribal boundaries and linguistic evidence may not always correlate, and it is likely boundaries and interaction levels varied and fluctuated over time. The study area is within the traditional boundaries of the Wiradjuri language group (Tindale 1974). Clusters of neighbouring clans which shared a common dialect and political and economic interests defined themselves from other clusters by a language name (Barwick 1984). The territories of these clans were often small, consisting of several kilometres of river frontage and some back country.

The Wiradjuri language group is described by Tindale (1974) as the largest tribal grouping in Australia. The territory extends from the Blue Mountains in the east, north to Nyngan and south to Albury.

From ethnohistorical evidence by Gunther, Lawson, Cox and other first settlers to the region, Pearson (1991) inferred that the upper Macquarie was inhabited by large localised groups of Aboriginal people, who in the normal course of life were divided into small groups of up to 20 people. These groups could easily come together for short periods for subsistence, ceremonial or social reasons and form larger groups of 80 to 150 people (SEA 2015).

The Lachlan and Macquarie Rivers were a rich resource that provided food and transport. The food from the rivers was supplemented with kangaroos, wallabies, bandicoots, emus, turkeys, snakes and lizards, especially in those seasons when people moved from the rivers into the ranges or plains. Bulrush roots, grass seeds, daisy yams, along with roots and tubers also formed part of their subsistence (Tindale 1974). Trees in the area not only provided food and fuel but were also used for the manufacture of tools and implements. For example, spears, shields, and digging sticks. Bark was used to build houses, make canoes, coolamons and other containers.


The first recorded contact between the Wiradjuri people and Europeans occurred at Bathurst on the Macquarie River where Governor Lachlan Macquarie met a group of senior Wiradjuri men wearing possum skin cloaks. Settlement in the Mudgee Bathurst area by Europeans, particularly along resource rich areas saw increased conflict between the settlers and the Wiradjuri. Between late May and mid-June of 1824, it was estimated that sixty to seventy Wiradjuri, and twenty Englishmen had been killed in the Bathurst region as a result of a dozen raids. Many of these incidents related to actions by a Wiradjuri leader named Windradyne and his warriors (Navin Officer 2005). This situation prompted Governor Brisbane to declare martial law in August of 1824 for all of the country 'west of Mount York'. Under the command of James Morisset, troops conducted systematic raiding campaigns, attacks and Aboriginal killings across the region. These raids included massacring warrior and family groups in the Capertee, Wattle Flat and Cudgegong River regions. It is estimated that one third of the Aboriginal population of the Mudgee/Bathurst region perished, perhaps more than 1,000 people (Grassby and Hill, 1988)

The gold rush of the 1850s in the eastern Wiradjuri lands saw the local European population around Orange and Bathurst boom, becoming one of the most densely populated areas in the state. The Aboriginal people were susceptible and unprepared for the diseases brought to the area by the Europeans, which would have spread well beyond the new colonist's population centres. This, combined with the pastoral settling of the slopes and plains that had begun some decades earlier, displaced many Wiradjuri and placing pressure on the traditional social systems and economies.

5.2 Aboriginal Heritage Information Management System

The location of Aboriginal sites is considered culturally sensitive information. It is advised that this information, including the Aboriginal Heritage Information Management System (AHIMS) data appearing on the heritage map for the proposal be removed from this report if it is to enter the public domain.

An extensive search of the AHIMS database was undertaken on 4 January 2019 (AHIMS search ID 18282) and updated on 9 April 2020 (AHIMS search ID 496779). An area of approximately four kilometres by four kilometres was included in the search. The AHIMS search provides archaeological context for the area and identifies whether any previously recorded Aboriginal sites are located within or near the study area. The parameters of the search were as follows:

GDA 1994 MGA 55	
Buffer	0 m
Number of sites	36

A total of 36 Aboriginal sites were identified in the extensive AHIMS search area. The frequency of recorded site features is summarised in Table 5-1. DPIE lists 20 standard site features that can be used to describe a site registered with AHIMS. For the 36 sites within the search area, six combinations of site features were recorded. The majority of recorded site features are artefacts (n=30), with Aboriginal ceremony and dreaming (n=2) the second highest feature count.

Table 5-1: Frequency of site features from AHIMS data

Site Feature	Frequency	Percentage (%)
Artefact	30	83.3
Aboriginal Ceremony and Dreaming	2	5.5
Aboriginal Resource and Gathering, Potential Archaeological Deposit (PAD)	1	2.8
Aboriginal Resource and Gathering, Aboriginal Ceremony and Dreaming, Artefact	1	2.8
Aboriginal Resource and Gathering	1	2.8
Potential Archaeological Deposit	1	2.8
Total	36	100

The distribution of recorded sites within the study area are shown in Figure 5.1 and Figure 5.2. Two Aboriginal sites were recorded within the study area as part of the current assessment which are detailed in Section 7.0. In addition, four sites are recorded within 400 metres (m) of the current study area and described in Section 5.2.1.

5.2.1 Sites within the vicinity of the study area

RR-IF-02 (AHIMS ID 36-6-0832)

RR-IF-02 was recorded in February 2013 by Kayandel Archaeological Services within a private property approximately 330 m west of the study area. The site contains a single quartz core with measurements 84 mm in length, 89 mm in width and 50 mm thick.

RR-IF-01 (AHIMS ID 36-6-0831)

RR-IF-01 was also recorded February 2013 by Kayandel Archaeological Services within the private property Lot 2 DP 832290, approximately 340 m west of the current study area. The site is located 155 m south of the northern cadastre boundary and 26 m west of the boundary of Lot 3 DP 812597. The site contained a single flaked piece of quartz.

Saw Pit Gully 2 (AHIMS ID 36-6-0673)

The site was recorded as part of the subdivision of Robertson Road approximately 400 m north west of the study area. The site was located on a low lying terrace located on the bank of Saw Pit Gully Creek. Six stone artefacts were recorded two backed blades, two flakes, a mortar stone, and a grindstone. The site was noted to be damaged in the past by cultivation practices.

Saw Pit Gully 4 (AHIMS ID 36-6-0697)

The site was recorded as part of the subdivision of Roberson Road approximately 336 m north west of the study area. The study area was located within a gently undulating landscape approximately 100m from Saw Pit Gully Creek. The site was located on a stock track five metres from the western boundary fence line and contained a brown quartzite retouched flake and a white quartz core. The artefacts were observed 40 m apart and in a disturbed context.

Figure 5.1: Distribution of AHIMS sites within the extensive search area

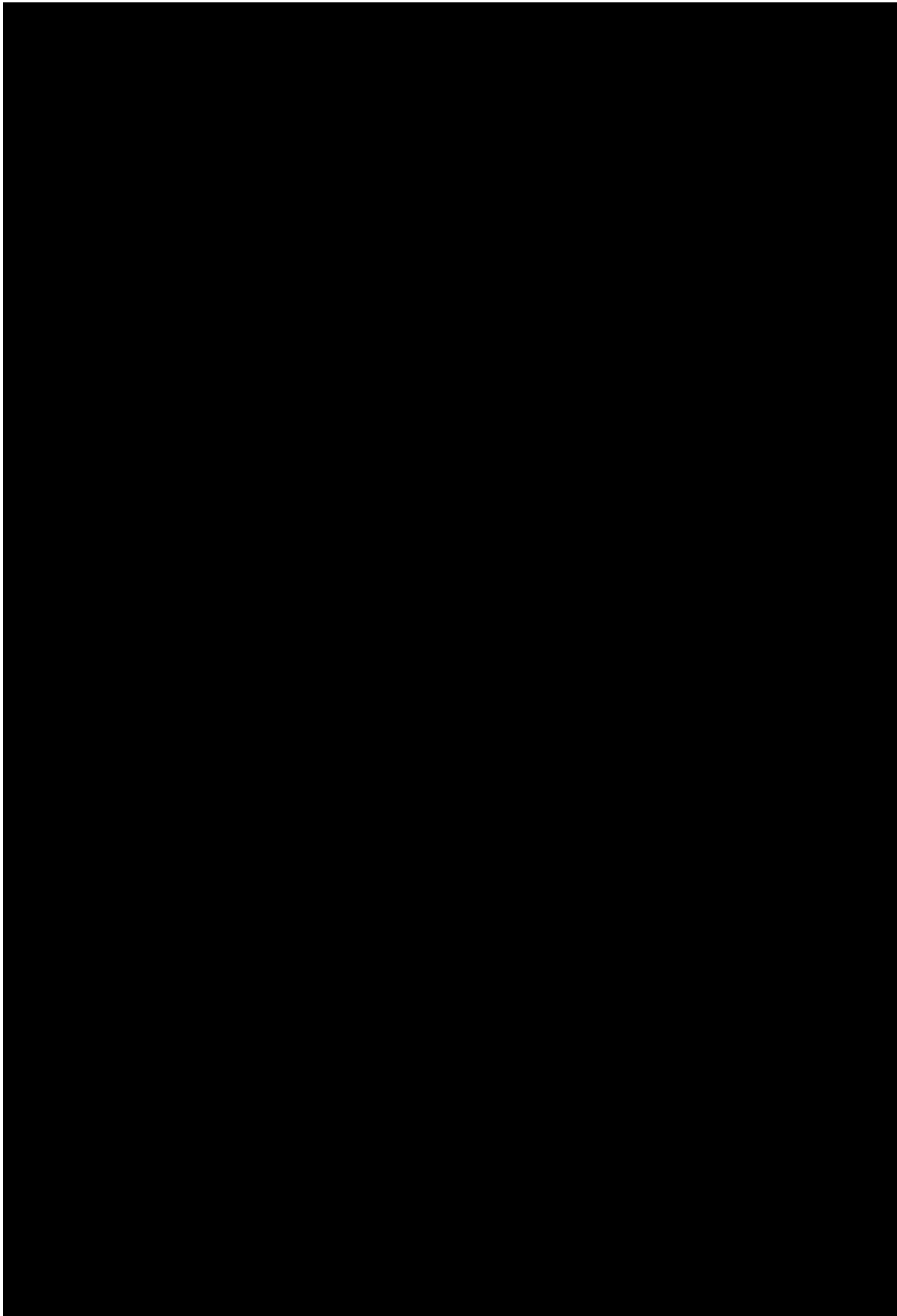
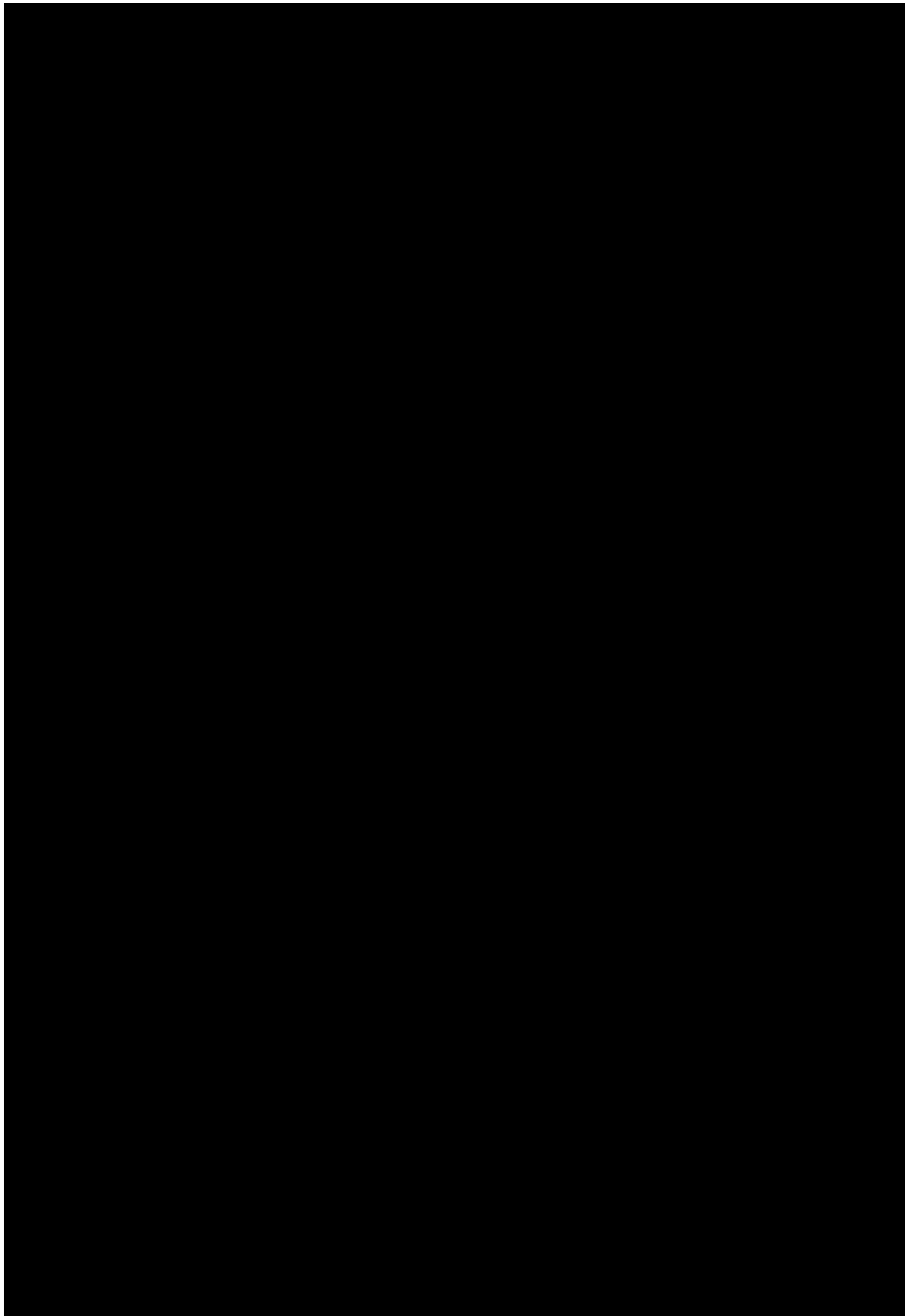


Figure 5.2: AHIMS sites in close proximity to the study area



5.3 Archaeological context

5.3.1 Previous archaeological reports

Niche Environment and Heritage (2017) – Moolarben Coal Complex Cut Optimisation Modification

Niche Environment and Heritage (Niche) was engaged by Moolarben Coal Operations Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment (ACHA) which was prepared to support an Environmental Assessment for the proposed Moolarben Coal Complex Open Cut Optimisation Modification at the Moolarben Coal Complex (MCC), near Ulan in New South Wales, approximately 43 kilometres north of the current study area.

The assessment predicted that foot slopes and undulating plains would contain open sites containing stone artefacts. It was considered likely that these sites could occur anywhere within that terrain type, however that they would be more frequently encountered in favourable occupation areas which may often be associated with differentiation in the landscape (e.g. hill crests and flats) (Niche 2017: 70)

The field survey identified nine new sites and revisited one previously recorded site. The newly identified sites included five artefact scatters, three isolated artefacts and one rock shelter with PAD. The previously recorded site (AHIMS ID 36-6-0949) was identified as an artefact scatter. The identified sites were considered to be consistent with the predictive model with the sites largely identified on elevated terraces, on foot slopes and on the periphery of alluvial flats.

Nine of the sites were assessed as having low scientific significance and one site was assessed as having moderate scientific significance. Consultation undertaken with the Aboriginal community indicated that all Aboriginal heritage sites at the MCC, known or otherwise, have high cultural significance.

South East Archaeology (SEA) (2015) – Wilpinjong Coal Mine, Central Tablelands of New South Wales – Extension project: Aboriginal Cultural Heritage Assessment

The Wilpinjong Coal Mine is an existing open-cut coal mining operation situated approximately 41 kilometres north east of the current study area. A comprehensive field survey conducted across 1,275 hectares (ha) was undertaken over 17 days with a total of 293 sites and areas of PAD identified within or immediately adjacent to the Extension Project Area.

Predictive modelling for the assessment included the following predictions

- Low spurs across the valley floor and within 100m of streams are likely to contain sites with artefact densities higher than those otherwise identified locally.
- A very low density of stone artefacts may occur across valley floor contexts
- Open sites with relatively large numbers of surface stone artefacts are most likely to occur in valley floor contexts on locally elevated, relatively level ground, adjacent to major and permanent streams
- Archaeological deposits are likely to occur in rock shelters of locally elevated topographies adjacent to reliable water sources which have formed on aggrading sediments.

Assessment of previously recorded sites within the assessment area noted that 31% of Aboriginal sites within the region occurred within basal valley slopes contexts which were largely comprised of

scarred trees and open artefact scatters (SEA 2015: 54). Basal slopes included those landform features defined as spurs lines and low crests.

Survey identified 96 Aboriginal sites within areas identified as valley floor including 41 open artefact scatters and 46 isolated finds. Survey of basal valley slopes identified 44 Aboriginal sites including 25 open artefact scatters. Archaeological potential was identified within locally elevated bedrock spurs and benches adjacent to drainage lines and the valley floor. The significance of the Aboriginal heritage evidence was also assessed. It is noted that all Aboriginal heritage is of interest and contemporary value to the Aboriginal community. Two sites, the rock shelter with artefacts and art (WCP578), and rock shelter with artefacts and ochre quarry (WCP579) on the rocky hill were assessed as being of high significance within a local context. One site, the Slate Gully rocky hill site complex, was assessed as having high cultural values. Three sites were assessed as being of moderate significance within a local context. however, much of the identified evidence was assessed as being of low significance within a local context.

Mudgee LALC (2014) – Lot 11 DP 847746 54 Melton Road Mudgee

Mudgee LALC carried out an assessment of the property at 54 Melton Road, Mudgee approximately 1.2 km west of the current study area. The study area was located on an elevated ridgeline overlooking the lower slopes associated with the Redbank Creek area. Areas of disturbance from non-Aboriginal clearing and agricultural practices were noted during the survey. Two previously recorded Aboriginal sites (Sawmill 1 and Sawmill 2) were revisited during survey.

Sawmill 1 was located within a drainage area which had been subject to extensive erosion associated with water run off and use of the site by stock. A total of 34 artefacts were identified within Sawmill 1 which was interpreted as a knapping floor. Artefacts identified within Sawmill 1 primarily consisted of quartz and volcanic artefacts. Sawmill 2 was located within an isolated clump of trees located adjacent within a mid slope landform.

Kelleher Nightingale Consulting Pty Ltd (KNC) (2012) – Mudgee Residential Rezoning

KNC carried out a due diligence assessment of the proposed rezoning of Caerleon located immediately west of Mudgee (approximately five kilometres north west of the current study area). The study area was comprised of the foothills of the surrounding ranges in the southern portion before transitioning to a largely flat undulating plain in the north east. The foothill portion of the assessment area was heavily dissected into a variety of spurs and gullies.

KNC identified flat elevated landforms near significant creek lines as containing archaeological sensitivity. The due diligence assessment identified eight Aboriginal sites including seven Artefact site and one grinding groove site. The assessment also identified that the assessment area would have provided an appealing landscape for long term occupation. The potential for subsurface archaeological deposits was considered to be high.

Navin Officer Heritage Consultants (2005) – Wilpinjong Coal Project, Aboriginal Cultural Heritage Assessment

Navin Officer Heritage Consultants (Navin Officer) on behalf of Wilpinjong Coal Pty Ltd conducted an Aboriginal Cultural heritage Assessment at Wilpinjong Coal Mine approximately 41 km north east of the current study area. A survey was conducted across approximately 2,510 hectares including comprehensive survey of the Project disturbance area and sample survey of other areas adjacent to the project disturbance area.

A total of 224 Aboriginal sites were recorded, with the majority recorded within the Project disturbance area with a density of approximately 1 site per 11.5 ha. Of the sites identified within the Project area majority were open artefact scatters (n=70), and isolated artefacts (n=64), with the dominate stone

material being quartz. Other sites identified include rock shelters with rock art and/or archaeological deposits, Aboriginal Scarred trees, PADs, places of Aboriginal cultural significance, and waterholes.

Pearson (1981)

Pearson completed a PhD thesis on Aboriginal and early European settlement patterns within the Upper Macquarie River region of NSW (Pearson, 1981). Pearson's analysis of the patterns of Aboriginal occupation involved an examination of site location characteristics in four sample areas. It was concluded that site locations had a strong association with water. Sites were identified on hilly or undulating places rather than on river flats or the banks of waterways. Good drainage and views over watercourses and river flats were also considered to be important site location criteria. Ceremonial sites such as earth rings and stone arrangements would have been located away from campsites in isolated places. Based on ethnohistoric information, Pearson suggests that Aboriginal campsites were seldom used for longer than three nights and that large archaeological sites probably represent accumulations of material over a series of short visits.

5.4 Predictive model

Based on the background environment and previous archaeological assessments, the following conclusions can be made regarding the potential archaeological sensitivity of the study area:

- Archaeological evidence will most likely comprise low density scatters of stone artefacts
- These will predominantly be located in proximity to a watercourse
- Stone artefacts where present will reflect the availability of local raw materials from the surrounding hills including quartz, siltstone and igneous elements such as basalt
- Raised landforms included terraces and spurs associated with basal slopes are likely to have been occupied by Aboriginal people.
- Artefacts are likely to occur in low densities or isolated deposits consistent with the modelled use of the study area as a transient or ranging location
- Artefacts may be displaced due to soil deflation resulting from agricultural land use including clearing, grazing, ploughing and cropping
- Mature indigenous trees where present in the study area may be culturally modified.

6.0 ARCHAEOLOGICAL SURVEY

6.1 Survey Methodology

6.1.1 Aims

The aims of the archaeological survey were to:

- Cover a representative sample of the study area that will potentially be impacted by the proposed works
- Reinspect any previously registered sites
- Record any new Aboriginal objects or sites observed during the survey
- Identify areas of PAD that may be present in areas that have had no or minimal disturbance
- Liaise with the Mudgee LALC regarding the proposed works and the archaeological potential of the study area
- Collect information to ascertain whether further archaeological investigation is required.

6.1.2 Site definition and recording

An Aboriginal site is generally defined as an Aboriginal object or place. An Aboriginal object is the material evidence of Aboriginal land use, such as stone tools, scarred trees or rock art. Some sites, or Aboriginal places can also be intangible and although they might not be visible, these places have cultural significance to Aboriginal people.

Office of Environment and Heritage guidelines state in regard to site definition that one or more of the following criteria must be used when recording material traces of Aboriginal land use:

- The spatial extent of the visible objects, or direct evidence of their location
- Obvious physical boundaries where present, e.g. mound site and middens (if visibility is good), a ceremonial ground
- Identification by the Aboriginal community on the basis of cultural information.

6.1.3 Timing and personnel

The archaeological survey was conducted on 5 February 2019. The survey was supervised by Alyce Haast (Senior Heritage Consultant, Artefact Heritage) with Jennifer Norfolk (Heritage Consultant, Artefact Heritage) and Troy Peterson (Mudgee LALC) was also in attendance.

Following initial survey Murong Gialinga Aboriginal & Torres Strait Islander Corporation contacted Artefact Heritage to identify that during former survey of the property a potential hammerstone was located within the study area. A second targeted site inspection was undertaken on the 2 April 2019 by Alyce Haast with Debbie Follie (Murong Gialinga Aboriginal & Torres Strait Islander Corporation) and Larry Follie (Murong Gialinga Aboriginal & Torres Strait Islander Corporation) also in attendance.

6.1.4 Survey methodology

The initial survey included full survey of the study area. All survey units were traversed on foot. A handheld Global Positioning System (GPS) was used to track the path of the survey team, to record the coordinates of survey transects and the location of finds. The coordinate system projection used for all site recording was GDA94 MGA 55.

All ground exposures were examined for Aboriginal objects (stone artefacts, imported shell, or other traces of Aboriginal occupation). Mature trees were examined for signs of cultural modification.

A photographic record was kept during the survey. Photographs were taken of ground visibility vegetation and disturbance in survey units. Photographs were also taken of any identified Aboriginal cultural material. Scales were used for photographs where appropriate.

The secondary inspection focused on survey unit 1 as the identified former location of the potential hammerstone. Survey was limited to the immediate surroundings of the potential hammerstone.

Figure 6.1: Survey units



Document Path: D:\GIS\GIS_Mapping\18282 St Mathews Catholic College\MXD\Survey_units.mxd

7.0 SURVEY RESULTS

7.1.1 Survey Coverage

A summary of survey coverage, in accordance with the Code of Practice, is outlined in Table 7.1 and Table 7.2 below.

Table 7-1: Survey coverage summary

Survey unit	Landform	Survey unit area (sq m)	Visibility	Exposure	Effective coverage area (sq m)	Effective coverage (%)
1	Raised terrace, Artificial dam	16, 149	50	30	15, 881	15 %
2	Flat, drainage line	105,877	75	30	3, 633	22.5%

Table 7-2: Landform survey coverage

Landform	Landform Area (sq m)	Area effectively surveyed (sq m)	% of landform effectivity surveyed	Number of sites
Raised terrace	14,805	2,220	15%	1
Flat	102,789	23,127	22.5%	0
Drainage line	3,088	694	22.5%	0
Artificial dam	1,344	201	15 %	0

7.1.2 Survey unit 1

Survey unit 1 is located on a raised terrace landform located in the north western portion of the study area. The landform appears to form part of a basal slope associated within the mountain ranges located approximately 2km to the west. The survey unit is located adjacent to the modified remains of Sawpit Gully. The survey unit includes a small dam which has been cut into the existing slope leading towards the raised terrace.

Several regrowth eucalypts were present within the study area. These were inspected for cultural scarring with none noted.

With exception of the construction of the dam the survey unit appeared to be relatively intact. Soils within this portion of the study area appeared to be alluvial in nature. Substantial exposures were noted associated with the dam with substantial gravels identified within the dam walls. Exposures were lower across the remainder of the study area with exposures related to the thin grass cover across the survey unit.

No Aboriginal objects were identified within the study area during the initial survey however this portion of the study area was identified as containing subsurface archaeological potential.

During the second survey, one Aboriginal object was identified.

Figure 7.1: Raised landform adjacent to modified creek line, survey unit 1, western aspect (Jennifer Norfolk, 5 February 2019)



Figure 7.2: Raised landform adjacent to modified drainage line, survey unit 1, southern aspect (Jennifer Norfolk, 5 February 2019)



Figure 7.3: Existing regrowth vegetation within survey unit 1 (Jennifer Norfolk, 5 February 2019)



Figure 7.4: Existing dam within survey unit 1. (Alyce Haast, 5 February 2019)



7.1.1 Survey unit 2

Survey unit 2 is located within a valley flat landform which encompasses the remainder of the assessment area (excluding survey unit 1). The survey unit includes the modified extent of Sawpit Gull Soils within this portion of the study area appear to have been subject to substantial soil deflation with soils identified as containing a high clay content during survey. Disturbances within this area appeared limited to the formalisation of Saw Pit Gully and minor disturbance associated with the import of fill for vehicle tracks across the paddock area.

Vegetation within the survey unit was limited to re-growth eucalypts along the southern and western boundary of the survey unit.

Visibility within the survey unit was moderate within the survey unit with sparse grass cover across the majority of the survey unit.

No Aboriginal objects or areas of potential were identified within the survey unit.

Figure 7.5: Flat landscape associated with survey unit 2. (Jennifer Norfolk, 5 February 2019)



Figure 7.6: Evidence of subsurface disturbance associated with sub-surface pipeline (Jennifer Norfolk, 5 February 2019)



Figure 7.7: Modified creek line (Alyce Haast, 5 February 2019)



Figure 7.8: Visibility across survey unit 2 (Jennifer Norfolk, 5 February 2019)



7.2 Newly identified sites

7.2.1 Broadhead Road Isolated Find 01 (BR IF 01) (AHIMS ID 36-6-1018)

Site type: Isolated Find

Centroid: GDA 1994 MGA 55 743706 mE 6387915 mS

Site length: 0.5 m

Site width: 0.5 m

Broadhead Road Isolated Find 01 (BR IF 01) (AHIMS ID 36-6-1018) is located within a raised landform adjacent to the former drainage alignment of Sawpit Gully. BR IF 01 consists of a large hammerstone comprised of volcanic stone measuring 220mm long x 150mm wide x 600mm thick. Pitting was located on one end and measured 20mm x 15mm. No other archaeological material was identified. The site is located within a wider area of archaeological potential identified within survey unit 1.

Figure 7.9: Location of BR IF 01 within study area (Alyce Haast, 2 April 2019)



Figure 7.10: BR IF 01 (Alyce Haast, 2 April 2019)



Figure 7.11: Pitting on surface of BR IF 01 (Alyce Haast, 2 April 2019)



7.3 Areas of potential archaeological deposit

7.3.1 Broadhead Road PAD 01 (AHIMS ID 36-6-1017)

Site type: PAD

Centroid: GDA 1994 MGA 55 743706 mE 6387916 mS

Site length: 225 metres

Site width: 90 metres

Broadhead Road PAD 01 is located within survey unit 1 within the north western portion of the survey unit. The area of PAD is associated with a raised area adjacent to the former alignment of Sawpit Gully. The landform is distinct compared to the remainder of the study area which is comprised of a low lying valley flat. A small drainage line associated separates two portions of the PAD area. The drainage line has been excluded from the mapped PAD extent.

One isolated find was identified within the area of potential comprised of a hammerstone made of a volcanic material. No further Aboriginal objects were identified on the ground surface.

Vegetation within the area of PAD was limited to a small stand of re-growth Eucalypts and manicured grasses.

No significant areas of surface disturbance were noted although localised disturbance was noted related to the adjacent dam and a small area of fill located in the centre portion of the area of potential.

Figure 7.12: Raised landform associated with BR PAD 01 (Jennifer Norfolk, 5 February 2019)



Figure 7.13: Former extent of Sawpit Gully drainage line (Jennifer Norfolk, 5 February 2019)



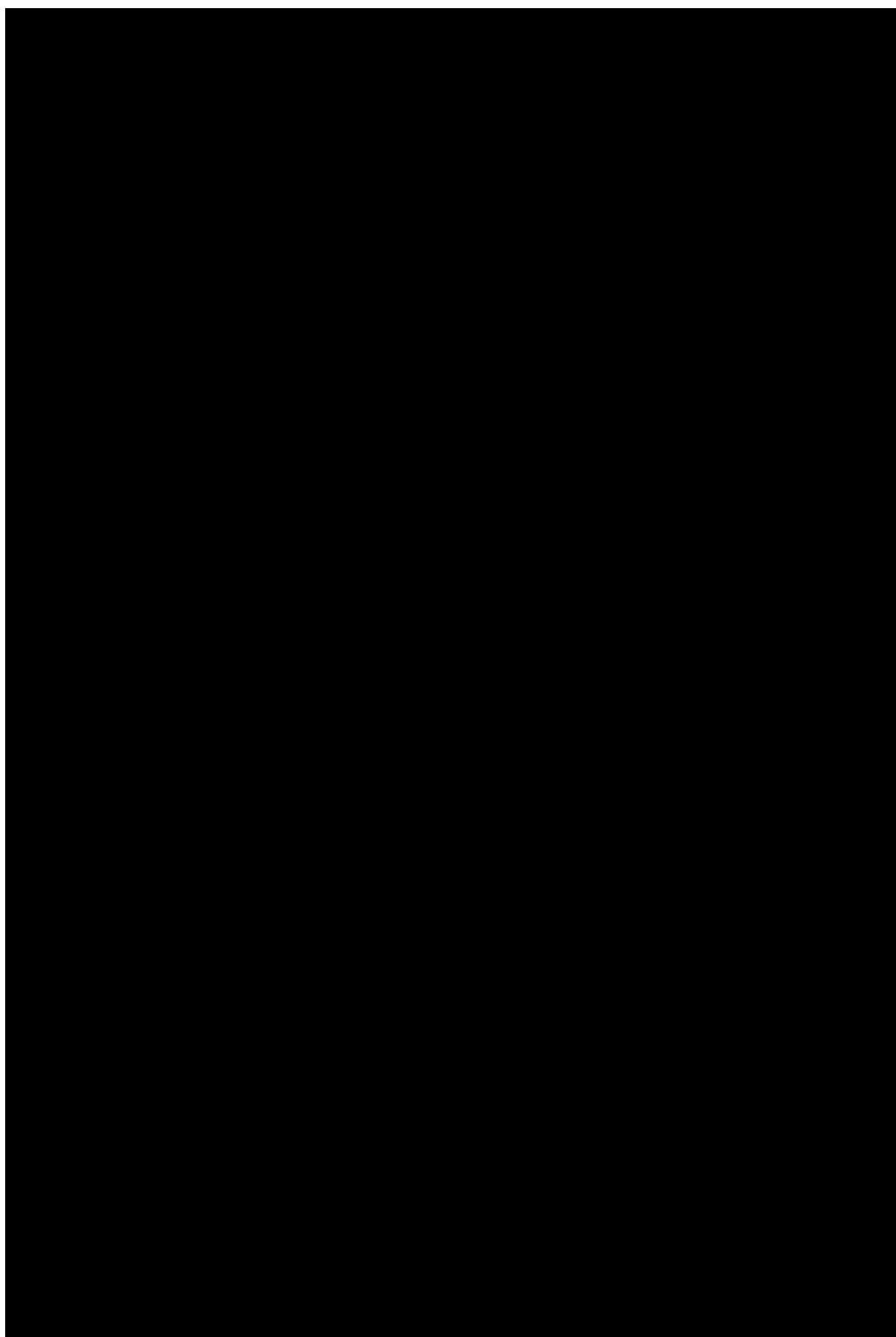
Figure 7.14: Raised flat landform associated with BR PAD 01 (Alyce Haast, 5 February 2019)



Figure 7.15: Fill located within BR PAD 01 (Alyce Haast, 5 February 2019)



Figure 7.16: Survey results



8.0 ANALYSIS AND DISCUSSION

The study area is located within a transitional environment between the valley flats and the surrounding mountain ranges. Landforms within the study area generally comprised of the alluvial plain as well as a raised terrace landform which forms the basal slope of Mount Misery located to the south west of the current study area.

Disturbance was relatively limited across the study area with modifications to the landform associated with the formalisation of Sawpit Gully and the creation of a dam noted. Survey unit 2 was also noted as subject to substantial soil deflation.

8.1 Identified Aboriginal sites and areas of archaeological potential.

One Aboriginal object was identified during survey (BR IF 01) comprised of a large hammerstone with a small level of use noted through the evidence of pitting. The site was located within a raised terrace adjacent to the former alignment of Sawpit Gully. While no evidence of stone procurement activities was noted within the study area, the study area is located within close proximity to geological units which include stone material suitable for knapping including siltstone and mudstone. It is considered possible the artefact may have been used to quarry stone suitable for knapping from stone outcrops in the vicinity of the study area.

The artefact is located within a wider area of archaeological potential. The area of archaeological potential is comprised of the raised landform adjacent to Sawpit Gully. Artefact sites have previously been located in close proximity to Sawpit Gully with a cluster of artefact sites located approximately 1km south of the current study area. In addition, several sites are also located approximately 300m west of the current study which are connected to the current study area through a spur landform. Predictive modelling for the current study area has identified raised landforms included terraces and spurs associated with basal slopes are likely to have been occupied by Aboriginal people.

Further investigation of the area of potential would provide the opportunity to investigate the role of basal slopes and spur lines as a transitional landscape between the valley flats and surrounding mountain ranges.

9.0 ABORIGINAL CULTURAL HERITAGE ASSESSMENT

9.1 Methodology

The cultural assessment in this report includes information collected through desktop assessment, and consultation during the survey and site inspection. This information was collected by Alyce Haast (Senior Heritage Consultant, Artefact Heritage) and Anna Darby (Heritage Consultant, Artefact Heritage).

9.2 Cultural landscape

The World Heritage Convention of United Nations Educational, Scientific and Cultural Organisation (UNESCO) defines a cultural landscape as one which has 'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent' (UNESCO 1991). The relationship between Aboriginal Australians and the land is conceived in spiritual terms rather than primarily in material terms (Andrews et al 2006). Aboriginal cultural knowledge has been defined as:

Accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs and cultural laws and custom (Andrews et al 2006).

Aboriginal cultural knowledge was traditionally bequeathed through oral traditions from generation to generation. Within all Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of colonial settlers. This widespread disruption resulted in much of the detailed knowledge and understanding of many of the elements of the cultural landscape being lost from the Aboriginal community, nonetheless many Aboriginal people maintain a strong connection to the land of their ancestors and collectively possess a wealth of knowledge passed down through the generations.

9.3 Identified Aboriginal cultural heritage values

Information from the desktop assessment for this and other projects in the Mudgee region suggests that the study area is potentially part of a wider landscape of cultural significance largely associated with the Mudgee Valley.

Table 9.1 summarises identified cultural heritage values for the study area and surrounding region.

Table 9-1: Cultural heritage values identified for the study area and surrounds

Cultural heritage value	Description	Source
Proximity to waterways	The primary economic resource zones were the mixed woodland and grasslands which skirted the Bathurst Plains and predominated in the Bell River Valley above Wellington and the Cudgegong River flats and upper Capertee Valley around Mudgee	Person 1984
Mudgee Massacre	The occurrence of massacres in unspecified locations across the broader Mudgee district during the early period of contact with European settlers	Navin Officer 2005
Connection to Diana Mudgee (also known as Diana Rayner/Raynor/Jennings/Knight/ Philips)	Diana was a Wiradjuri woman who was born in Mudgee in the 1820's. Diana married multiple times, the current native title claim across Mudgee sites Diana as an ancestor	Australian Institute of Aboriginal and Torres Strait Islander Studies
Ceremonial bora ground on Wilpinjong Creek	A bora ground was present in the greater Wilpinjong/Ulan area and it was thought that several boras had been held there mid to late nineteenth Century	R.H. Mathews (Mathews, 1894).
Study area within close proximity to wider area of cultural sensitivity	The current study area has been reported to be in close proximity to culturally sensitive site	Murong Gialinga Aboriginal and Torres Strait Islander Corporation

10.0 SIGNIFICANCE ASSESSMENT

10.1 Significance assessment

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. The ACHAR Guide provides guidelines for Aboriginal heritage assessment with reference to the Burra Charter (Australia ICOMOS 2013) and the Heritage Office guidelines (2001). The assessment is made in relation to four values or criteria (Table 10-1). In relation to each of the criteria, the significance of the subject area should be ranked as high, moderate or low.

It is important to note that heritage significance is a dynamic value.

Table 10-1: Heritage criteria.

Criterion	Description
Social	The spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Does the subject area have strong or special association with the Aboriginal community for social, cultural or spiritual reasons?
Historic	Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community. Is the subject area important to the cultural or natural history of the local area and/or region and/or state?
Scientific	This refers to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information. Information about scientific values will be gathered through any archaeological investigation undertaken. 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?
Aesthetic	This refers to the sensory, scenic, architectural and creative aspects of the place. It is often linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use. Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state?

10.1.1 Social Significance

Social/cultural heritage significance should be addressed by the Aboriginal people who have a connection to, or interest in, the area. As part of the consultation process the registered Aboriginal stakeholder groups were asked to provide appropriate information on the cultural significance of the study area.

Preliminary research has identified the Mudgee area as containing significant social value associated with both traditional use of the region and current cultural connection to the region. Historic research suggests that several bora sites were located within the Mudgee region which are associated with cultural activities. Information provided by Murong Gialinga Aboriginal and Torres Strait Islander corporation has identified that the current study area is in very close proximity to a culturally sensitive site. No further information was provided regarding the cultural sensitivity however it was noted that the cultural sensitivity did not extend directly into the current study area.

Social values associated with Mudgee include connections to past events and people within Mudgee including the Mudgee massacre and Diana Mudgee. This connection includes the current native title claim which Warrabinga-Wiradjuri #7 which identifies Diana Mudgee as one of their ancestors.

10.1.2 Historic value

Historic values refer to the association of the place with aspects of Aboriginal history. Historic values are not necessarily reflected in physical objects, but may be intangible and relate to memories, stories or experiences. The following historic people and events have been identified as containing historic values within the Mudgee region:

- Several massacres occurred in the Mudgee region in the 1820's. The massacres had a devastating effect on the Wiradjuri people.
- Diana Mudgee has been identified as a prominent figure in the Mudgee/Piambong region. The mother of ten children who held title to a considerable amount of land in a time where it was unusual for an Aboriginal woman to do so.

10.1.3 Aesthetic value

Aesthetic values refer to the sensory, scenic, architectural and creative aspects of the place. These values may be related to the landscape and are often closely associated with social/cultural values.

While the study area is located within the valley flat with substantial existing views to the surrounding mountain ranges these values are not considered to be distinct within the study area. The study area itself is not considered to contain substantial aesthetic values.

10.1.4 Scientific value

Archaeological values refer to the archaeological or scientific attributes of a landscape or area. These are characterised using archaeological criteria such as archaeological potential, rarity of the archaeological resource, and disturbance.

One Aboriginal site and one area of archaeological potential was identified within the raised landform in the north western portion of the site. A significance assessment of these are provided below.

No Aboriginal objects or areas of archaeological potential were identified within the remainder of the study area. The remainder of the study area is considered to contain low archaeological potential.

Table 10-2: Summary of scientific values

Name (AHIMS ID)	Research potential	Representative value	Rarity	Educational potential	Overall archaeological significance
BR IF 01 (AHIMS ID 36-6-1018)	Low	Low	Moderate	Low	Low
BR PAD 01 (AHIMS ID 36-6-1017)	Moderate	Unknown	Unknown	Unknown	Unknown

BR IF 01 (AHIMS ID 36-6-1018)

BR IF 01 consists of a large hammerstone comprised of volcanic stone located within the north western portion of the study area. While hammerstones have been recorded within assessments within the wider region they are considered to represent a moderately rare artefact type. The hammerstone itself however has a minor level of pitting suggesting that the artefact was not heavily used prior to being discarded subsequently the hammerstone is not considered to be a good example of its type. Due to the lack of pitting or other clearly identifiable features the artefact is also considered to have limited education potential. As an isolated artefact the site is considered to contain limited research potential.

BR PAD 01 (AHIMS ID 36-6-1018)

The area of PAD has been assessed as demonstrating unknown archaeological significance. This assessment is due to the fact that this feature is located within an area with limited surface visibility and that the nature, extent and significance of the feature cannot be determined without further investigation. Further investigation would include test excavation in accordance with the Code of Practice.

10.2 Statement of significance

The current assessment has identified substantial social and cultural values associated with the Mudgee area including the presence of culturally significant sites within the vicinity of the current study area. However, no cultural values have been identified associated with the current study area. Similarly while the Mudgee region is associated with historically important people and events including several massacres and the life of Diana Mudgee, the current study area contains no direct relationship to these historic events. The study area like much of the Mudgee region has substantial views of the surrounding mountain ranges. These views are not considered to be unique in the region and are subsequently of low aesthetic values.

The current study area has been identified as containing Aboriginal scientific values associated with the presence of an artefact site and area of archaeological potential within the study area. Further assessment in the form of test excavation would be required to confirm the scientific significance of the area of potential.

11.0 IMPACT ASSESSMENT

11.1 Proposed development

The SSD DA seeks consent for the construction of a new multi-purpose secondary education facility within the Mudgee Region that meets future demands for the developing region.

The new secondary school to be known as St Matthews Catholic High School Mudgee School will cater for 680 secondary school students (4-Stream Year 7-12) and will comprise of a cluster of five low-rise school buildings (1-2 storeys) including;

- Block A - Professional Hub (office and administration)
- Block B - Spiritual Hub (Chapel)
- Block C - Community Hub (Multi purpose hall, Music/Dance Studio and canteen)
- Block D – STEM Research Hub (teaching spaces)
- Block E - Knowledge and Learning Hubs (General Teaching spaces)
- Yarning Circle (Outdoor learning area)
- Outdoor Student Assembly Area and COLA
- Student free play area
- Staff and student amenities
- Associated site landscaping and public domain improvements
- On-site parking and access arrangements off Bruce Road, including:
 - On-grade car park for staff, students and visitors (75 spaces – including 2 accessible spaces)
 - A 12 bay student drop-off and pick-up area
 - A 3-bay bus drop-off and layover area
 - Bus turning area and servicing access
 - Dedicated separate driveway for service vehicles
 - Bicycle parking for 30 bicycles
- Associated earthworks, civil works, perimeter roadworks, fencing, services and utilities connections and augmentation, including:
 - Roadworks to Broadhead Road and Bruce Road to the full extent of the site frontages
 - Roadworks to the Broadhead Road and Bruce Road intersection to cater for bus movements
 - Footpath along the site frontage of Broadhead Road and suitable pedestrian crossing to connect to existing footpath.
 - Stormwater infrastructure upgrades adjacent to and within the site, including new culverts and drains, levee, and bioswale.
 - Connection to existing sewer line within the site
 - Electrical and water connections into the site

Earthworks associated with the proposed development will be limited to the southern portion of the study area. No works are currently proposed within the vicinity of BR IF 01 (AHIMS ID 36-6-1018) or BR PAD 01 (AHIMS ID 36-6-1017).

It is understood that the Aboriginal design has been incorporated into the design of the school through the development of a yarning circle and a landscape focus on native plantings. The incorporation of these elements was developed in consultation with Mudgee LALC.

11.2 Aboriginal heritage impact

The current impact assessment is based on the likely disturbance caused as a result of the current proposal. Further stages may result in further impacts not identified within the current ACHAR. Impacts associated with these stages would require further assessment and approvals.

A summary of identified impacts is outlined in Table 11-1 below.

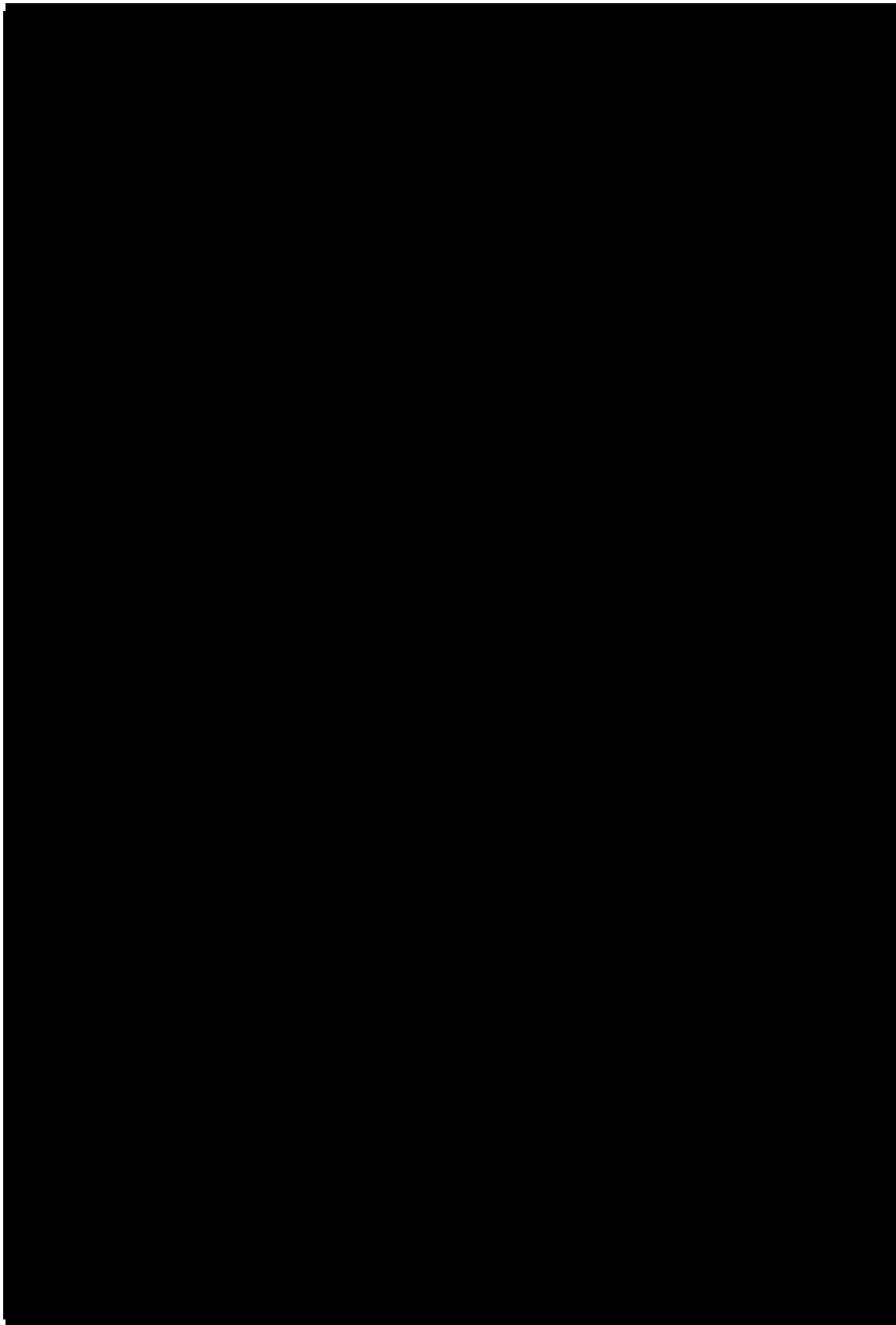
Table 11-1: Summary of impacts associated with the current proposal

Name	Type of harm	Degree of harm	Consequence of harm
BR IF 01 (AHIMS ID 36-6-1018)	None	None	No loss of value
BR PAD 01 (AHIMS ID 36-6-1017)	None	None	No loss of value

Figure 11.1: Proposed development



Figure 11.2: Overlay of proposed development with BR IF 01 (AHIMS ID 36-6-1018) and BR PAD 01 (AHIMS ID 36-6-1017)



11.3 Ecologically sustainable development principles

In accordance with the ACHAR Guide, Ecologically Sustainable Development (ESD) principles have been considered in preparation of this ACHAR, including options to avoid impacts to Aboriginal cultural heritage, assessment of unavoidable impacts, identification of mitigation and management measures, and taking account of Aboriginal community views. The principles of ESD are detailed in the NSW *Protection of the Environment Administration Act 1991*. ESD principles relevant to assessment of the current proposal as it relates to Aboriginal cultural heritage are considered below.

11.3.1 The integration principle

Decision-making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations.

The proposal would comply with the integration principle in regard to Aboriginal heritage. The Aboriginal heritage values of the study area have been considered as part of the planning process for the proposed works.

This report has also identified one Aboriginal site (BR IF 01) and one area of PAD (BR PAD 01) which will not be subject to impact associated with the current proposal.

11.3.2 The precautionary principle

If there are threats of serious or irreversible environmental damage lack of scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principal)

This report has assessed that the current development will not impact known Aboriginal objects or areas of PAD within the study area. This report has recommended the implementation of a no-go zone to ensure that Aboriginal objects or areas of PAD are managed appropriately during construction and operational use of the study area.

11.3.3 The principle of intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. While the current assessment has identified areas of PAD (BR PAD 01) and a site (BR IF 01) within the study area these areas will not be subject to impact as part of the current proposal. The conservation of the portion of the study area associated with BR PAD 01 and BR IF 01 through the implementation of a no-go zone will ensure the preservation of the resource into the future.

12.0 MANAGEMENT AND MITIGATION MEASURES

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved. Avoidance can be achieved through such measures as:

- Buffering and exclusion zones
- Development of an Aboriginal Cultural Heritage Management Plan (ACHMP) for construction and operation of the site
- Cultural heritage awareness training.

Current design for stage 1 of the proposed development does not include any impacts to BR PAD 01 (AHIMS ID 36-6-1017) or BR IF 01 (AHIMS ID 36-6-1018). Based on the lack of identified impact the following management measures are recommended:

12.1 No-Go Zone

A no-go zone should be established surrounding the mapped extent of BR PAD 01 (AHIMS ID 36-6-1017) during the construction and operational life of the school.

The no-go zone should be delineated on construction plans and a physical barrier erected to ensure compliance with the no-go zone during construction. It is understood that a rural fence will be erected between the proposed development and the mapped extent of BR PAD 01 which will function as a permanent barrier during the operational life of the school.

If changes are made to the proposed development which would result in impact to the extent of BR PAD 01 or BR IF 01 further assessment including test excavation would be required. Note that no ground breaking works can occur in that area of BR PAD 01 until archaeological test excavation has been undertaken and required approvals are in place.

12.2 Unexpected finds

An unexpected finds policy to be outlined in the Construction Environment Management Plan (CEMP) must be implemented in the event of Aboriginal archaeological objects being identified during ground disturbing works.

An unexpected finds policy would involve the following actions:

- Stop work within the affected area, protect the potential archaeological find, and inform environment staff or supervisor.
- Contact a suitable qualified archaeologist to assess the potential archaeological find.
- If Aboriginal archaeological material is identified, works in the affected area must cease, and DPIE must be informed. Further archaeological mitigation may be required prior to works recommencing.

12.3 Aboriginal ancestral remains

In all cases, the special importance of Aboriginal ancestral remains must be acknowledged and respected and the wishes of the Aboriginal community must be respected when making decisions regarding ancestral remains.

To avoid doubt, the precautionary principle must be applied to all physical remains suspected to be Aboriginal ancestral remains.

If any human remains are disturbed in, on or under the land, you must:

- not further disturb or move these remains
- immediately cease all work at the particular location
- notify NSW Police
- notify the Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location
- not recommence any work at the particular location unless authorised in writing by DPIE.

12.4 Archaeological test excavation within BR PAD 01

The proposed works assessed in this report do not include impacts within the delineated boundary of BR PAD 01. Where design is changed and it is identified that proposed works will take place within BR PAD 01, or if future works include impacts within that area, archaeological test excavation undertaken in accordance with the Code of Practice and further consultation with RAPs must take place. The results of test excavation will inform the nature and significance of the potential archaeological deposit in that area, and inform further report and approvals that may be required prior to impacts.

13.0 RECOMMENDATIONS

The following recommendations regarding Aboriginal heritage are based on consideration of:

- Statutory requirements under the National Parks and Wildlife Act 1974
- The requirements of the Guide (OEH 2011), Code of Practice (DECCW 2010a) and the Consultation Requirements (DECCW 2010b)
- SEARS (SSD_19_9442)
- The results of the background research, site survey and significance assessment
- Consultation with Registered Aboriginal Parties
- The likely impacts of the proposed development.

It was found that

- No previously recorded Aboriginal sites are located within the study area
- One newly identified site located within the study area (BR IF 01)
- One area of potential archaeological deposit was identified within the study area (BR PAD 01)
- The proposed works will not impact BR IF 01 or BR PAD 01
- Further stages of the proposed development, subject to additional approval processes, may impact BR IF 01 and/or BR PAD 01

It is recommended that

- No impacts to BR PAD 01 and BR IF 01 can occur without further archaeological investigation, consultation with the Registered Aboriginal Parties and approvals.
- A no-go zone should be implemented around the delineated boundary of BR PAD 01 and BR IF 01 prior to construction and during the operational life of the school.
- Where changes to the scope of the proposal result in impacts beyond those indicated in the current report, further archaeological assessment will be required. Note that no ground breaking works can occur within the area of BR PAD 01 and BR IF01 until archaeological test excavation has been undertaken and the required approvals are in place.
- Any interpretive or design elements relating to Aboriginal heritage should be developed in consultation with the Registered Aboriginal Parties.
- An unexpected finds policy must be implemented in the event of Aboriginal archaeological objects being identified during ground disturbing works. An unexpected finds policy would involve the following actions:
 - Stop work within the affected area, protect the potential archaeological find, and inform environment staff or supervisor.
 - Contact a suitable qualified archaeologist to assess the potential archaeological find.

- If Aboriginal archaeological material is identified, works in the affected area must cease, and DPIE must be informed. Further archaeological mitigation may be required prior to works recommencing.
- If any human remains are disturbed in, on or under the land, you must:
 - not further disturb or move these remains
 - immediately cease all work at the particular location
 - notify NSW Police
 - notify the Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location
 - not recommence any work at the particular location unless authorised in writing by DPIE

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15.0 APPENDICES

Appendix 1 – Consultation log

Removed for Public Display

Appendix 2 – Full consultation records

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Appendix 3 – AHIMS search data

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