

A stylized topographic map with contour lines in shades of green and grey, located on the left side of the page.

New Primary School in Murrumbateman: Aboriginal Cultural Heritage Assessment

School Infrastructure NSW

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Template 2.8.1

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Abbreviations

ACHA	Aboriginal Cultural Heritage Assessment
AHIP	Aboriginal Heritage Impact Permit
AHIMS	Aboriginal Heritage Information Management System
ARD	Archaeological Research Design
ATR	Archaeological Technical Report
DECCW	(Former) Department of Environment Climate Change and Water
DPIE	Department of Planning, Industry and Environment
ELA	Eco Logical Australia Pty Ltd
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
OEH	(Former) NSW Office of Environment and Heritage
PAD	Potential Archaeological Deposit

ACHA	Aboriginal Cultural Heritage Assessment
RAP	Registered Aboriginal Party
SHI	State Heritage Inventory
SHR	State Heritage Register

Executive Summary

Eco Logical Australia (ELA) was engaged by School Infrastructure NSW to prepare an Aboriginal Cultural Heritage Assessment (ACHA). This report supports a State Significant Development Application (SSDA) pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The SSDA is for the proposed development of a primary school in Murrumbateman located at 2 Fairley Street, Murrumbateman NSW.

This application is by way of Part 2 and Schedule 1 (Clause 15) under State Environmental Planning Policy (State and Regional Development) 2011 on the basis that the development is for the purpose of a new school (regardless of the capital investment value).

This report has been prepared having regard to the Secretary's Environmental Assessment Requirements (SEARs) issued for the project by the Department of Planning, Industry & Environment (DPIE), ref no SSD-11233241 issued on 08 December 2020.

The ACHA has identified that no Aboriginal heritage sites will be harmed by the proposed development. No archaeological mitigation measures are required. Based on the findings of this ACHA and the archaeological investigation the following is recommended:

Recommendation 1 – Works may proceed with caution

General measures will need to be undertaken to ensure unexpected finds of Aboriginal sites or objects are not harmed. These general measures include:

- Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds.
- If the finds are found to be Aboriginal objects, the DPIE must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.
- In the extremely unlikely event that human remains are found, works should immediately cease, and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, the DPIE may also be contacted at this time to assist in determining appropriate management

Recommendation 2 – Submit ACHA to AHIMS

- In accordance with Chapter 3 of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) the ACHA should be submitted for registration on the AHIMS register within three months of completion.

1. Introduction

This Aboriginal Cultural Heritage Assessment (ACHA) accompanies an Environmental Impact Statement (EIS) pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in support of an application for a State Significant Development (SSD-11233241).

The development is for a new primary school located at 2 Fairley Street, Murrumbateman.

This report addresses the relevant Secretary's Environmental Assessment Requirements (SEARs), namely: SSD-11233241 (Table 1).

1.1 The Proposal

The proposed development is for construction and operation of a new primary school with Core 21 facilities in Murrumbateman that will accommodate up to 368 students.

The proposed development includes:

- A collection of 1-2 storey buildings containing 14 home base units, 2 special education learning units, hall, administration facilities and library.
- On-site parking lot with 40 spaces and kiss-and-ride area.
- Outdoor sports court and play area.
- Integrated landscaping, fencing and signage.

1.2 Site Description

The site is located at 2 Fairley Street, Murrumbateman, in the local government area of Yass Valley Council. The site is formally described as Lot 302 DP1228766 (Figure 1). The site is irregular in shape and has an area of 15,434.92m².

The site is located at the northern end of the Murrumbateman village, which is characterised by a mix of uses including low density residential and some commercial.

Immediately surrounding development includes a tourist hotel to the north across Fairley Street, Murrumbateman Library (located in the former Murrumbateman schoolhouse, a local heritage item) to the south, a medical centre and childcare centre to the west, and rural land and equestrian facilities to the east across Barton Highway. There is also a cycling and equestrian pathway to the south between the site and library.

The site contains an existing parking lot in its northern end and a driveway along its western boundary. There is also a mound of soil at the southern end of the site. The site is otherwise cleared and vacant.



Figure 1: Site aerial photograph (Source: Nearmap)

2. Background

Murrumbateman is the second largest settlement in the Yass Valley Local Government Area (LGA) with a population of approximately 3,200. As identified in the Councils Local Strategic Planning Statement, Murrumbateman is expected to grow into a major town / large district with an expected population of 10,000. Despite Murrumbateman's prominent role in the LGA, there is currently no primary school in the village.

2.1 Desktop heritage assessment summary (ELA 2020)

In August 2020, ELA undertook a desktop heritage assessment of the proposed location of the school (hereafter referred to as 'the study area' (Figure 2). The assessment included a search of the Aboriginal Heritage Information Management System (AHIMS) maintained by Heritage NSW, searches of relevant databases such as the State Heritage Register and the Yass Valley Local Environment Plan (LEP) 2013, and an examination of available historic and current visual imagery of the study area.

It was determined through the database searches that no Aboriginal archaeological sites or heritage items were recorded within the study area. It was also determined through historic and current visual imagery that the study area has been significantly impacted by past and current landscape use.

Regardless of the findings of the desktop assessment, an ACHA is required in order to meet the SEARs requirements as part of the SSDA.

2.2 Purpose and aims

According to Heritage NSW, the investigation and assessment of Aboriginal cultural heritage is undertaken to explore the harm of a proposed activity on Aboriginal objects and declared Aboriginal places and to clearly set out which impacts are avoidable, and which are not.

Harm to significant Aboriginal objects and declared Aboriginal places should always be avoided wherever possible. Where such harm cannot be avoided, proposals that reduce the extent and severity of this harm should be developed.

This ACHA has been carried out in accordance with the guidelines outlined in *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011). This ACHA presents the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment.

The project is subject to assessment by the Department of Planning and Environment as a State Significant Development (SSD 10385). An EIS must be prepared to identify the potential environmental impacts associated with the development. In relation to Aboriginal heritage the SEARs for this project are shown in Table 1.

Table 1: SEARs requirements

SEARs requirements	Section of report
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 1.0 to Section 9.0
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 the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (DECCW 2010)	Section 1.0 to Section 9.0
Undertake consultation with Aboriginal people and document in accordance with the 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 to Section 5.0
Identify, assess and document all impacts on the Aboriginal cultural heritage values in the ACHAR	Section 6.0
demonstrates attempts to avoid any impact upon cultural heritage values and identify any conservative outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts	Section 6.0 & Section 7.0
demonstrates attempts to interpret the Aboriginal cultural heritage significance into the development	Section 7.0

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

- SEARs SSD 10385
- *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).
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (Office of Environment & Heritage [OEH] 2011)
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) (OEH consultation requirements).

2.3 Authorship

This ACHA has been prepared by ELA Senior Archaeologist Tyler Beebe with review by Karyn McLeod, ELA Principal Archaeologist.

Tyler holds a BA (Anthropology *cum laude*) from Hamline University in the USA and a MA (Cultural and Environmental Heritage) from Australian National University. Karyn holds a BA (Archaeology *hons*) from the University of Sydney and a MA (Cultural Heritage) from Deakin University.

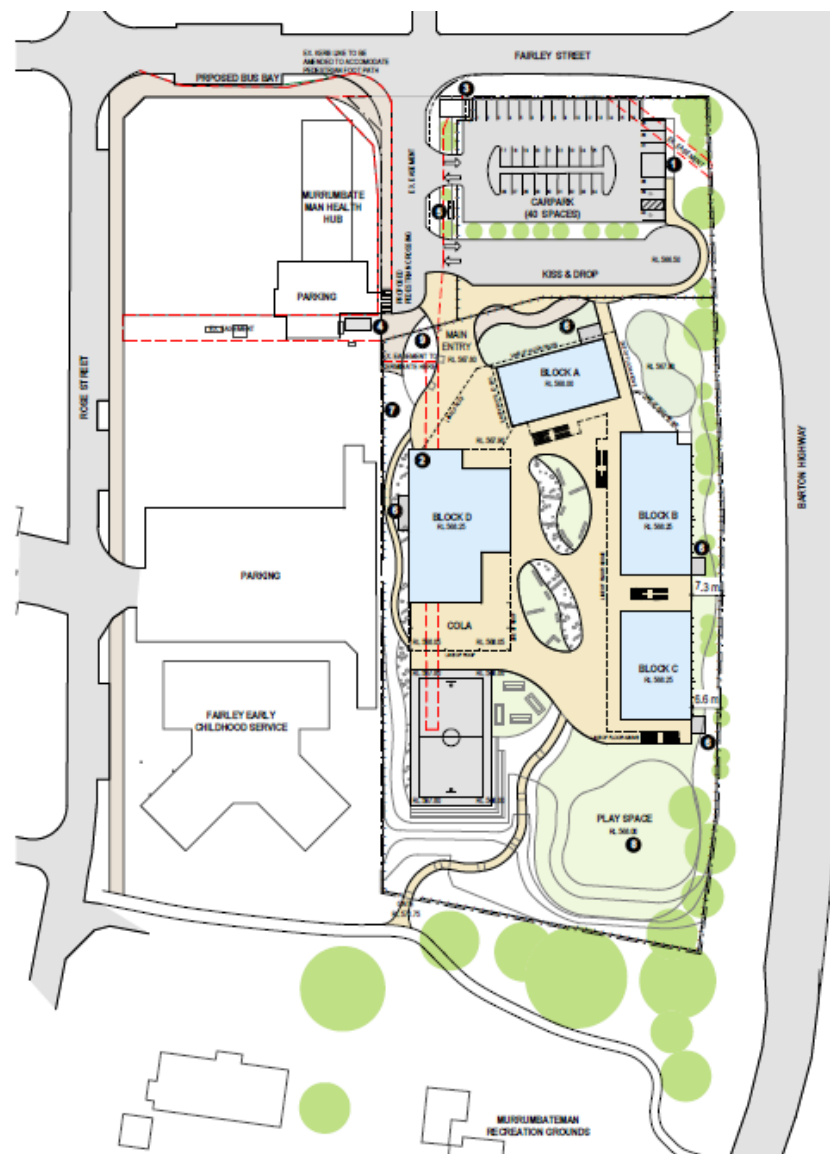


Figure 2: Study area location

14 MAY 2021 12:22:37 PM

SITE PLANNING

1. Waste Pad
2. Main Switchboard Room
3. Substation
4. Existing Substation
5. Pumps / Meters
6. Plant with Screen
7. Bicycle Parking
8. Playing Field
9. Main School Sign



PRELIMINARY

NO.	DATE	REVISIONS	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			



OVERALL SITE PLAN

NEW PRIMARY SCHOOL IN MURRUMBATEMAN
FAIRLEY STREET MURRUMBATEMAN



SCALE	1:500 @ A1
DATE	APRIL 14 2021
PROJECT	MURR - SK - SDR_001
DESIGNER	A

Figure 3: Overall site plan (Source: Hansen Yuncken)

3. Statutory control and development context

3.1 National Parks and Wildlife Act 1974 (NSW)

Aboriginal cultural heritage in NSW is afforded protection under the provisions of the *National Parks and Wildlife Act 1974* (NSW) [NPW Act]. The Act is administered by DPIE which has responsibilities under the legislation for the proper care, preservation and protection of 'Aboriginal objects' and 'Aboriginal places'.

Under the provisions of the NPW Act, all Aboriginal objects are protected irrespective of their level of significance or issues of land tenure. Aboriginal objects are defined by the Act as any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains). Aboriginal objects are limited to physical evidence and may be referred to as 'Aboriginal sites', 'relics' or 'cultural material'. Aboriginal objects can include scarred trees, artefact scatters, middens, rock art and engravings, as well as post-contact sites and activities such as fringe camps and stockyards. DPIE must be notified on the discovery of Aboriginal objects under section 89A of the NPW Act.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to destroy, deface, damage, or move them from the land. The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010c) as adopted by the National Parks and Wildlife Regulation 2009 (NPW Regulation) made under the NPW Act, provides guidance to individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects. This Code also determines whether proponents should apply for consent in the form of an AHIP under section 90 of the Act. This code of practice can be used for all activities across all environments. The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an Aboriginal Heritage Impact Permit (AHIP). However, if an Aboriginal object is encountered in the course of an activity work must cease and an application should be made for an AHIP.

The *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010a) assists in establishing the requirements for undertaking test excavation as a part of archaeological investigation without an AHIP, or establishing the requirements that must be followed when carrying out archaeological investigation in NSW where an application for an AHIP is likely to be made.

Heritage NSW recommends that the requirements of this Code also be followed where a proponent may be uncertain about whether or not their proposed activity may have the potential to harm Aboriginal objects or declared Aboriginal places.

3.1.1 AHIMS database

The AHIMS database is a statutory register managed by Heritage NSW under section 90Q of the NPW Act. The AHIMS manages information on known Aboriginal sites, including objects as defined under the Act.

3.2 Heritage Act 1977 (NSW)

The *Heritage Act 1977* (NSW) is a statutory tool designed to conserve the environmental heritage of NSW and is used to regulate development impacts on the state's heritage places, buildings, works, relics, moveable objects or precincts that are important to the people of NSW. These include items of Aboriginal and non-Aboriginal heritage significance. Where these items have particular importance to the state of NSW, they are listed on the State Heritage Register (SHR).

Identified heritage items may be protected by means of either Interim Heritage Orders (IHO) or by listing on the SHR. Proposals to alter, damage, move or destroy places, buildings, works, relics; moveable objects or precincts protected by an IHO or listed on the SHR require an approval under section 60.

Archaeological features and deposits are afforded statutory protection by the 'relics provision section 139^[1]' of the Act (as amended in 1999). Under this section it is illegal to disturb or excavate any land knowing or suspecting that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. In such cases, an excavation permit under section 140 is required. Note that no formal listing is required for archaeological relics; they are automatically protected if they are of local significance or higher.

3.2.1 Heritage registers

The Heritage Division of the Department of Premier and Cabinet maintains registers of heritage sites that are of State or local significance to NSW. The SHR is the statutory register under Part 3A of the *Heritage Act 1977* (NSW). The State Heritage Inventory (SHI) is an amalgamated register of items on the SHR, items listed on LEPs and/or on a State Government Agency's Section 170 register and may include items that have been identified as having state or local level significance. If a particular site does not appear on either the SHR or SHI this does not mean that the site does not have heritage significance as many sites within NSW have not been assessed to determine their heritage significance. Sites that appear on either the SHR or SHI have a defined level of statutory protection.

Key Aboriginal sites, including post contact sites, can be protected by inclusion on the SHR. The Heritage Council nominates sites for consideration by the Minister for Environment and Heritage.

Searches of the Australian Heritage Database, the State Heritage Register and Yass Valley LEP 2103 utilising the term "Murrumbateman, NSW" was conducted on 26 August 2020 in order to determine if any places of archaeological significance are located within the study area.

The search identified that two historical heritage items listed on the Yass Valley LEP 2013 are located adjacent the study area (Item no: I100 'Hillview Homestead and Garden' and Item no: I111 'Murrumbateman School and schoolhouse (former)').

This ACHA focusses solely on the Aboriginal heritage potential and cultural values of the study area. It is outside of the scope of this report to address the historical heritage items located adjacent to the study area.

3.3 Environmental Planning and Assessment Act 1979 (NSW)

The *Environmental Planning and Assessment Act 1979* (NSW) [EP&A Act] requires that consideration is given to environmental impacts as part of the land use planning process. In NSW, environmental impacts are interpreted as including cultural heritage impact. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 5.1 and State Significant Infrastructure under Part 5.2), requiring the approval of the Minister for Planning and Public Spaces.
- Minor or routine developments, requiring local council consent, are usually undertaken under Part 4. In limited circumstances, projects may require the Minister's consent.
- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

The EP&A Act also controls the making of environmental planning instruments (EPIs) such as (LEPs) and State Environmental Planning Policies (SEPPs). LEPs commonly identify and have provisions for the protection of local heritage items and heritage conservation areas.

The proposed primary school is a State Significant Development, assessed under Part 5.2 of the EP&A Act.

3.4 State and Regional Development SEPP 2011

The State and Regional Development SEPP 2011 aims to identify development that is State significant development, identify development that is State significant infrastructure and critical State significant infrastructure and to identify development that is regionally significant development. In accordance with Part 2 and Schedule 1 (Clause 15) of the State and Regional development SEPP, development for the purpose of a new school (regardless of capital investment value) is State significant development.

4. Description of the area

4.1 Environmental context

The study area is located within the Murrumbateman subregion characterised by undulating plateau with rounded hills and peaks, containing entrenched meandering streams with chain of pond tributaries.

Typical soils found within this region are characterised as mottled yellow and brown texture contract soils with strongly bleached topsoils, with dark organic loams and clay loams deposits located primarily within valley floors.

The study area is situated within 100 m of a third-order portion of the Murrumbidgee River, a major water source and landscape feature in the area. Additionally, a first-order, ephemeral creek line runs through the northern portion of the study area. Ephemeral creek lines have no identifiable channel and would only potentially contain water after periods of sustained rains.

Google Earth aerial imagery of the study area from 2012 suggests that the study area was used predominantly for agricultural / pastoral purposes in the past, with a large dam located within the northwest portion of the property and furrowing visible in the surrounding area (Figure 4). More recent imagery dated to 2020 shows that significant subdivision and development within the area has occurred, and the entirety of the study area has been impacted by landscaping as well as the construction of a carpark in the northern portion of the property and an access road along the western border of the property (Figure 5).

Study Area - 2012



Figure 4: The study area 2012 (Source: Google Earth)

Study Area - 2020



Legend

Study Area

0 10 20 40
Metres

Datum/Projection:
GDA 1994 MGA Zone 56

N
eco logical
AUSTRALIA
A TETRA TECH COMPANY
Prepared by: DC Date: 26-Aug-20

Figure 5: The study area 2020 (Source: Google Earth)

4.2 Archaeological context

It is now well established that Aboriginal people have been living in eastern Australia for at least 40,000 years with compelling evidence to suggest that they arrived in Australia as early as 65,000 years ago (Clarkson *et al* 2017).

The known Aboriginal history of south eastern Australia has been dated to at least 20,000 years from sites at Burrill Lake (Lampert 1971), Bass Point (Bowdler 1970); and Bulee Brook 2 (Boot 1994) which yields an occupation date 18,000 years ago. Whilst Pleistocene evidence is relatively scant, there are numerous recorded sites dating from the mid to late Holocene. It is certainly likely that the Yass region was occupied and utilised by Aboriginal people from the late Pleistocene onwards.

There are few examinations of the available archaeological data that provide an insight into how Aboriginal people lived in the Yass region. Witter (1980) proposes a model of site distribution based on an examination of the Aboriginal site data for the area between Canberra and Dalton (an area that could be argued is broadly similar in terms of climate and topography to the Yass region). Witter believes that larger 'lowland' camps (artefact scatters) would be found exclusively in river valleys or on gently sloping ground above the valley floor. Medium sized 'lowland' camps will be found along escarpments and in association with saddle landforms. In terms of seasonality, Witter argued that the annual movement of Aboriginal people likely entailed the occupation of valleys of third and fourth order streams and associated lower slopes during winter, which allowed people to take advantage of elevated positions above the cold air drainage level but below the exposed colder heights. In the warmer summer months, the larger open valleys of second and third order streams and higher elevated area would have been occupied.

Further afield in the Upper Macquarie River area, Pearson (1981) undertook a regional investigation of Aboriginal and early European settlement patterns. His consideration of the way Aboriginal people might have lived in the region was, in part, based on excavations he completed at three rock shelters that produced solid evidence of Aboriginal people living in the region for at least 7000 years. Pearson concluded that:

- There was a strong relationship between Aboriginal sites and proximity to water sources and that larger sites were more commonly found closer to water sources.
- Sites were most often found on elevated and undulating landforms and less often on river flats or the margins of drainage lines.
- there seemed to be a preference for locations with good drainage and views.
- open woodlands were preferred to grasslands or forests.
- Burial sites were situated close to habitation sites.
- Ceremonial sites were located away from habitation sites.
- Stone arrangements were associated with both discreet hill and knoll landforms as well as level ground.
- Quarry sites were dependant on accessibility as well as geology.

Supplemented by early historical observations of Aboriginal people, Pearson (1981) concluded that the region was inhabited by a small number of 'clans' each potentially composed of between 80 to 150 individuals. These groupings were then divided into smaller 'daily' units of up to 20 people. He suggested

that these small groups were highly mobile and likely moved every two to five days – an economic strategy that is expressed archaeologically in elongated sites such as continuous artefact scatters along drainage lines. This was in part, based on ethnographic evidence indicating that camp sites were rarely used for more than three nights and that large sites – in terms of area and artefact numbers likely represented long term aggregations of short term visits.

In considering other economic factors, Pearson (1981) believed that rather than a reliance of a singular food source, Aboriginal people practiced a broad-based hunting and foraging strategy recognising that a non-specialised or diversified economy offered the best protection against unforeseen periodic shortfalls in certain foods.

4.3 Ethnographic Information

For a range of reasons, early settlers to the Yass region made few written records of their sightings and interactions the Aboriginal community. The most common observations are contained in the reports and journals of government surveyors and explorers. Colonial identities including Lhotsky, Currie, Backhouse, Bennet and Robinson had all recorded details of observations and interactions with Aboriginal people in the wider region around Yass and Goulburn by the early 1840s. An account from Bennett (1834: 173) records that Aboriginal people enjoyed a diverse and varied diet that included:

- | | | |
|-----------------------------|------------|----------------|
| • flying squirrel (gliders) | • duck | • fish |
| • kangaroo | • swan | • mussels |
| • wallaby | • platypus | • yabbies |
| • wombat | • snake | • plant tubers |
| • koala | • goanna | • berries |
| • possum | • ant eggs | • seeds |
| • emu | • insects | |

Charles MacAlister provides some information on the names of the Aboriginal groups living in the region in the 1830s. According to MacAlister, three Aboriginal tribes were living in the region between Yass and Goulburn during the 1830s – he identified these people as the *Cookmai*, *Tarlo* and the *Burra Burra* (MacAlister 1907:82). Research done by Smith (1992) suggests that the general region was a gathering place for Aboriginal groups, including the *Cookmai*, *Gandangara*, *Ngarigo* and *Pajong* people. Whilst Tindale (1974) suggests that the Aboriginal people of the wider Yass area were likely associated with the *Gandangara*, *Ngarigo*, *Wiradjari* and *Walgalu* communities.

The rapid expansion of European settlement in the region around the same time would have meant that the traditional economy and secular and spiritual practices of Aboriginal people are likely to have been altered by the colonial occupation. This would have included dislocation and displacement from hunting grounds, water sources and other resources and would have encountered colonial goods and foodstuffs which were incorporated into the traditional economy and diet to varying degrees. It is likely too, that they would have been exposed to European diseases. (Flood 1980, Butlin 1983 and Lea-Scarlett 1986). By the 1880s, when more systematic records of the Aboriginal community were conducted in the region, the inevitable consequences of colonial settlement had had a significant impact on the traditional Aboriginal way of life (Flood 1980: 26).

There are also accounts indicating that Aboriginal people regularly came together to participate in ceremonies and there are records of large gatherings (3000 people or more) occurring at several places (particularly along the Yass River) (Tazewell 1991: 243; Wyatt 1972: 112).

With the colonial settlement, the region and the development of the Yass township Aboriginal people began to gravitate towards the townships and with this movement came the desire of the colonial authorities to regulate the way Aboriginal people lived. Three Aboriginal reserves were established in the Yass district between 1888 and 1960. They were established at the instigation of the Aboriginal Protection Board in an attempt to formalise the *ad hoc* settlement of Aboriginal people who were drawn to the township of Yass in the late nineteenth century. The reserves were North Yass (Oak Hill) (1888-1910); Edgerton (1910-1916), North Yass (Oak Hill) (1917-1934) and Hollywood (1934-1960) (Mulholland, 1995: 6-8). The North Yass (Oak Hill) reserve is adjacent to the study area and a portion of the Aboriginal Place declared over the reserve site encroaches on the study area (Lot 2 DP503391).

5. Consultation

Consultation with registered Aboriginal parties for this Aboriginal cultural heritage assessment has been conducted in line with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents'* (DECCW 2010b). This has ensured that Aboriginal stakeholders have been able to register and therefore be fully engaged on all aspects relating to cultural heritage for this project.

In accordance with the guidelines, the consultation requirements follow four clear consultation stages. The following chapter outlines the process ELA used to fully consult with Aboriginal people on this development proposal.

5.1 Notification of project proposal and registration of interest

5.1.1 Placement of advertisement in local newspaper

An advertisement was placed in the Bungendore Regional Independent by ELA on 11 January 2021, inviting interested Aboriginal stakeholders to register to be consulted in relation to the proposed works (**Appendix A**).

5.1.2 Written request for information about Aboriginal organisations

ELA on behalf of the proponent undertook a registration process for Aboriginal people with knowledge of the area. ELA wrote to the following organisations (as per *4.1.2 Aboriginal Cultural Heritage Consultation Requirements for Proponents' guidelines* (DECCW 2010b) on 01 December 2020, in order to identify Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects:

- Heritage NSW, Department of Premier & Cabinet
- Onerwal Local Aboriginal Land Council
- The Registrar, Aboriginal Land Rights Act 1983
- The National Native Title Tribunal
- Native Title Services Corporation Limited (NTSCORP Limited)
- Yass Valley Council
- The Southeast Local Land Services.

Details of the letters and organisational responses are included in **Appendix A**. It is noted that the proposed layout has been updated since the issue of these letters. The current proposal is included in Figure 3.

5.1.3 Letters to Aboriginal organisations

As per 4.1.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents' guidelines* (DECCW 2010b), ELA wrote to the Aboriginal organisations identified through the above process on 21 December 2020, inviting them to register an interest in the project. The registration closing date was set as 11 January 2021.

Section 4.1.4 of the DECCW's *Aboriginal cultural heritage consultation requirements for proponents 2010* only requires a minimum of 14 days for Aboriginal stakeholders to register their interest to be consulted

for an ACHA However, it has always and will continue to be ELA's policy to register all individuals/groups regardless of the mandatory closing date of registration.

Details of the letters, advertisement, and responses are included in **Appendix A**. It is noted that the proposed layout has been updated since the issue of these letters. The current proposal is included in Figure 3.

Registrants became the Registered Aboriginal Parties (RAPs) for the project. Table 2 below details the RAPs for the project.

Table 2: Registered Aboriginal Parties

Organisation Identified by DPIE	Contact Name
Onerwal Local Aboriginal Land Council	None available
Yurwang Gundana Consultancy Cultural Heritage Services	Dean Bell
Buru Ngunawal Aboriginal Corporation	Wally Bell
Alice Williams	Alice Williams
Ngunawal Consultancy	Peiro Delponte
Will Carter	Will Carter
Clive Freeman	Clive Freeman

5.2 Stage 2 and Stage 3 - Presentation of information about the proposed project and gathering information about cultural significance

5.2.1 Project information and methodology

Following the registration of Aboriginal parties, ELA presented the proposed project information and archaeological survey results. This information was sent to the RAPs for the project on 18 February 2021 with a closing date for review set for 05 April 2021.

No responses were received from the RAPs

5.2.2 Archaeological Survey

Site survey of the study area was undertaken by ELA Archaeologist Jennifer Norfolk and Charlotte Bradshaw, on the 29th of January 2021. Section 6.2 of the ACHA describes in full detail the findings and results of the site survey.

5.3 Review of draft ACHA

A copy of the draft ACHA was provided to Aboriginal stakeholders on 15 April 2021 for a 28-day review and comment period.

No comments from the RAPs in regard to the ACHA were received.

6. Summary and analysis of background information

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken by ELA on the 26 August 2020 using the following search parameters:

Table 3: AHIMS Search parameters

Search Parameters	
GDA Zone	55
Eastings	684351 - 686351
Northings	6127790 - 6129790
Buffer	1000 m

Four (4) registered Aboriginal sites or places were identified to be within the search area (Appendix B). The distribution of recorded Aboriginal sites surrounding the study area is shown in Figure 6. The frequencies of site types and contexts recorded within the AHIMS database search area are listed in Table 5 below.

Table 4: Site Type Frequency

Site Features	Number	%
Artefact	3	75%
Potential Archaeological deposit (PAD)	1	25%
Total	4	100%

No AHIMS sites identified during this search are within or adjacent to the study areas



Figure 6: Previously identified AHIMS sites

6.1.1 Previous archaeological studies

Numerous Aboriginal heritage investigations of the wider Yass region surrounding the study area have been undertaken in the past 35 years. Examination of a selection of these investigations allows for a characterisation of the nature, extent and variety of Aboriginal heritage places and values that may be present. Reports prepared by Koettig and Silcox (1983, 1985 and 1988), Witter and Hughes (1983), Koettig (1986), Kuskie (1992), Saunders (2003), Navin Officer (2001), Thompson (2003) and Dibden (2009) provide a sample of assessments that includes:

- linear and block coverage;
- a diversity of landforms ranging from riparian to rolling hills and dissected terrain; and
- near and distant proximity to the subject land.

Table 5: Aboriginal archaeological assessments within the Yass region

Assessment	Key Findings
Koettig & Silcox (1983)	<p>A 14km corridor for one of the routes for the proposed Yass bypass of the Hume freeway to the west of the subject land. The alignment of the proposed route takes in portions of the subject land and the area identified by Sullivan (1982) as potentially containing Aboriginal burials.</p> <p>Eight artefact scatters and 50 isolated artefacts were recorded. All of the artefact scatters exhibited low artefact density with the majority of sites located on low ridges and slope terminations within 200m of watercourses. Quartz was the dominant artefact material recorded.</p> <p>No attempt was made to undertake any additional assessment of the potential burial sites other than discussions with Aboriginal community informants (Ms Ruth Bell and Mr Don Bell).</p> <p>None of the new sites recorded in the course of this study were within the current study area.</p>
Koettig & Silcox (1985)	<p>Corridor for proposed alternate Yass freeway bypass route. The corridor is approximately 1km west of the subject land.</p> <p>Nine artefact scatters and six isolated artefacts were recorded. The majority of sites were recorded on slopes associated with ridgelines or hill crests and all were within 200m of a drainage line. The artefact assemblage was dominated by unmodified flakes and flaked pieces of quartz.</p>
Koettig & Silcox (1988)	<p>Archaeological survey and test excavations in a 6km corridor for the proposed extension of the Barton Highway to meet the Yass freeway bypass. To the east of the subject land.</p> <p>Three moderate to high density artefact scatters and five isolated artefacts were recorded. The artefact assemblage was dominated by flakes and flaked pieces but also included cores and retouched flakes. Silcrete was the dominant stone type followed by quartz, mudstone, unspecified volcanics and chert.</p>
Witter & Hughes (1983)	<p>An archaeological survey of a proposed transmission line corridor from Wagga Wagga to Yass.</p> <p>Nine artefact scatters, 21 isolated artefacts and three culturally modified trees were recorded. Quartz was the most common stone type although unspecified volcanics and chert artefacts were also present. The authors found that archaeological sites were rare in mountainous and dissected terrain and more frequent in open valley contexts especially in close proximity to drainage lines.</p>

Assessment	Key Findings
Koettg (1986)	<p>An Aboriginal cultural assessment for a proposed water pipeline corridor between Bowning and Yass.</p> <p>Two stone artefact scatters and two culturally modified trees were recorded approximately 100m from the banks of Derringullen Creek. Subsequent subsurface investigations confirmed that the site was a low-density artefact scatter.</p>
Kuskie (1992)	<p>Archaeological assessment of a proposed optical fibre corridor between Cootamundra (NSW) and Hall (ACT).</p> <p>One artefact scatter consisting of three flakes (one retouched) was located on an open terrace above the southern banks of Yass River.</p>
Saunders (2003)	<p>An archaeological survey of a 60ha block for a residential subdivision to the south east of the study area.</p> <p>One stone artefact scatter and one area of potential archaeological deposit was recorded. The artefact scatter is described as being on a knoll on the crest of a ridgeline, of low numerical density with all artefacts being quartz flakes.</p>
Navin Officer (2001)	<p>Archaeological assessment for a proposed electricity substation to the east of Booroo Ponds, a tributary of the Yass River. Approximately five kilometres to the south of the subject land.</p> <p>One small artefact scatter of four flakes of volcanic, Silcrete and chert were recorded on a low gently sloping spur crest.</p>
Thompson (2003)	<p>Archaeological survey of a proposed residential subdivision at Yellow Creek Road (now Cooks Hill Road), Yass. Adjacent and to the west of the subject land.</p> <p>Three culturally modified trees and three isolated artefacts were recorded. All of the stone artefacts were made of quartz and located on gently sloping to level ground.</p>
Dibden (2009)	<p>Archaeological assessment for the Yass Dam Raising Project immediately to the south east of the subject land.</p> <p>Four isolated artefacts – three chert and one quartz were recorded. Fractured glass fragments were also noted however it was not possible to determine whether or not they were artefactual. The sites were recorded on ridge/spur crests and in riparian contexts.</p>

6.2 Field survey

Site survey of the study area was undertaken by ELA Archaeologists Jennifer Norfolk and Charlotte Bradshaw, on the 29th of January 2021.

The field survey employed the following methods:

- A pedestrian survey method was employed. Areas of ground surface visibility and exposures were closely inspected.
- The methodology for recording any identified Aboriginal sites and / or PADs within the project area were recorded using a GPS and photographed, details were recorded using standardised recording forms based on the Code of Practice requirements.
- Any new Aboriginal sites would require the completion of an Aboriginal heritage site recording form (AHIMS Site Card) as mandatory under s89A of the NPW Act.

- Notes were taken on identified landforms, areas of archaeological sensitivity, vegetation coverage, land use and disturbance activities which formed the basis of the field notes for the survey.

6.2.1 Summary of field survey

The survey was completed in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010). The entire study area was walked on foot and areas of disturbance were noted. The entire area was found to be significantly disturbed. The entire study area was flat and cleared of trees. All exposed soils had been scraped down to the basal clay horizon. The northern portion of the study area contained an existing hardstand car park, while the southern portion contained a remnant landform however no artefacts were observed and the A horizon appeared to be extremely shallow making it unlikely that an archaeological deposit would be present. Figure 7 to Figure 10 provide photographic evidence of the site conditions.

In accordance with the OEH Code of Practice the study area was surveyed according to survey units, landforms, and landscapes.

Table 6: Survey coverage

Survey Unit (SU)	Landform	Survey Unit Area (SUA) (m ²)	Visibility (V) %	Exposure (E) %	Effective coverage area (ECA)	Effective coverage %
1	Flat	15,600	80	20	2,496	16

Table 7: Landform summary - sampled area

Landform	Landform Area	Area effectively surveyed	% of landform effectively surveyed	Number of sites	Number of artefacts or features
Flat	15,600 m ²	2,496	16	0	0



Figure 7: Existing disturbance, exposed clays



Figure 8: Exposed clays



Figure 9: Existing car park in the distance



Figure 10: Remnant landform

7. Cultural heritage values and statement of significance

The *Australia ICOMOS Burra Charter 1999* provides guidance for the assessment, conservation and management of places of cultural significance. Cultural significance is defined in the Burra Charter as ‘a concept which helps in estimating the value of places. The places that are likely to be of significance are those which help an understanding of the past or enrich the present, and which will be of value to future generations’ (ICOMOS Burra Charter 1988:12). The Burra Charter provides a definition of cultural significance as “aesthetic, historic, scientific, social or spiritual value for past, present or future generations”. Aboriginal cultural heritage sites can be assessed through the application of these five principle values.

- Social or cultural value (assessed only by Aboriginal people);
- Historical value;
- Scientific/archaeological value (assessed mostly by archaeologists/heritage consultants);
- Aesthetic value;
- Spiritual value.
- This section presents an assessment of Aboriginal cultural heritage values based on these principles.

7.1 Description of cultural heritage values

The review of background information and information gained through consultation with Aboriginal people should provide insight into past events. These include how the landscape was used and why the identified Aboriginal objects are in this location, along with contemporary uses of the land. The following descriptions of cultural heritage values are drawn from the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011).

Social or cultural value refers to 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.

Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community. Historic places do not always have physical evidence of their historical importance (such as structures, planted vegetation or landscape modifications). They may have ‘shared’ historic values with other (non-Aboriginal) communities and include places of post-contact Aboriginal history.

Scientific (archaeological) value 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 (Australian ICOMOS 1988).

Aesthetic value refers to the sensory, scenic, architectural and creative aspects of the place. It is often closely 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 (Australian ICOMOS 1988).

Spiritual value is a more recent inclusion in the Burra Charter, dating from 1999. Australia ICOMOS has not defined this value.

7.2 Aboriginal Cultural Values Assessment

7.2.1 Social significance

Aboriginal cultural values can only be determined through consultation with the Aboriginal community. All Aboriginal sites are considered to have cultural significance to the Aboriginal community as they provide physical evidence of past Aboriginal use and occupation of the area. Aboriginal cultural significance may include social, spiritual, historic and archaeological values, and is determined by the Aboriginal community.

Consultation with registered Aboriginal parties did not identify social significance associated with the study area.

7.2.2 Aesthetic significance

As noted above aesthetic significance is often closely linked to social and cultural significance. Generally aesthetic significance is considered to mean the visual beauty of a place. Examples of archaeological sites that may have high aesthetic values include rock art sites or sites located in visually pleasing environments (NSW NPWS 1997: 11).

The study area does not meet this criterion. The study area has been heavily modified.

7.2.3 Historic significance

No historic associations with 'place' were identified during the course of the background research and field survey.

No historic associations were identified following Aboriginal Consultation.

7.2.4 Scientific significance

As with cultural, historic, and aesthetic significance; scientific significance can be difficult to establish. Certain criteria must therefore be addressed in order to assess the scientific significance of archaeological sites. Scientific significance contains four subsets; research potential, representativeness, rarity and educational potential. These are outlined below.

RESEARCH POTENTIAL

Is the ability of a site to contribute to our understanding of Aboriginal occupation locally and on a regional scale? The potential for the site to build a chronology, the level of disturbance within a site, and the relationship between the site and other sites in the archaeological landscape are factors which are considered when determining the research potential of a site.

The study area does not meet this criterion.

REPRESENTATIVENESS

Is defined as the level of how well or how accurately something reflects upon a sample. The objective of this criterion is to determine if the class of site being assessed should be conserved in order to ensure that a representative sample of the archaeological record be retained. The conservation objective which

underwrites the 'representativeness' criteria is that such a sample should be conserved (NSW NPWS 1997: 7-9).

The study area does not meet this criterion.

RARITY

This criterion is similar to that of representativeness, it is defined as something rare, unusual, or uncommon. If a site is uncommon or rare it will fulfil the criterion of representativeness. The criterion of rarity may be assessed at a range of levels including local, regional, state, national and global (NSW NPWS 1997: 10).

The study area does not meet this criterion.

EDUCATIONAL POTENTIAL

This criterion relates to the ability of the cultural heritage item or place to inform and/or educate people about one or other aspects of the past. It incorporates notions of intactness, relevance, interpretative value and accessibility. Where archaeologists or others carrying out cultural heritage assessments are promoting/advocating the educational value of a cultural heritage item or place it is imperative that public input and support for this value is achieved and sought. Without public input and support the educative value of the items/places is likely to not ever be fully realised (NSW NPWS 1997: 10).

The study area does not meet this criterion.

SPIRITUAL SIGNIFICANCE

The study area does not meet this criterion.

7.3 Statement of significance

The study area contained no Aboriginal archaeological sites as defined under the *National Parks and Wildlife Act 1974*.

Site inspection revealed a high degree of disturbance across the entirety of the study areas associated with the soil removal/scraping, clearance and an existing car park. Further investigations of the area would not contribute to our understanding of Aboriginal landscape use in the area. Based on the intactness, representativeness, and research potential, the site is determined to have nil to low archaeological significance.

8. Development proposal activity

8.1 Overview

School Infrastructure NSW is proposing the development and construction of a new primary school in Murrumbateman NSW. The proposed primary school includes the construction of core facilities (administrative building, school hall, library, etc.), vehicle parking area, outdoor play area and hardstand ball courts.

It has been assessed that the proposed development will not impact any Aboriginal heritage sites.

8.2 Consideration of Ecologically Sustainable Development

8.2.1 Principles of ESD

The NSW *Guide to Investigating, Assessing, and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011) specifies that Ecological Sustainable Development (ESD) must be considered when assessing harm and recommending mitigation measures in relation to Aboriginal objects and sites.

The ESD principles listed below are relevant to the current assessment, and are outlined in Section 3A of the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*:

- a) The integration principle – decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
- b) The precautionary principle — namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- c) The inter-generational equity principle — the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- d) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- e) improved valuation, pricing and incentive mechanisms—environmental factors should be included in and considered during the valuation of assets and services.

8.2.2 The integration principle

The proposed development would comply with the integration principle in regard to Aboriginal heritage. This assessment, in partnership with the project RAPs, has identified and considered the Aboriginal heritage values present within the proposed development area, and sufficient assessment / investigation has been undertaken. Due to the low significance of the study area, the measures taken in this ACHA to recover as much information as possible through consultation is considered acceptable in integrating the conservation of Aboriginal heritage values into the proposed development.

8.2.3 The precautionary principle

The proposed development adheres to the precautionary principle, in that sufficient assessment has been undertaken to determine that serious / irreversible damage to the Aboriginal archaeological record of the region will not occur if the proposed development is to proceed. A due diligence assessment

determined that the area had been significantly disturbed and possessed low/nil archaeological potential.

8.2.4 The principle of intergenerational equity

The proposed works adhere to the principle of intergenerational equity as close as practicable by collating scientific and cultural information on former Aboriginal occupation of the study area RAP review of the ACHA for this project. The collation of this data has enhanced the intergenerational equity of this proposal and benefits future generations.

8.2.5 Conservation of biological diversity and ecological integrity

Cultural values and their relation to biodiversity are intertwined with the lives of Aboriginal people and their use of the landscape. RAP groups have been provided the opportunity to comment on these cultural values throughout the ACHA process for this project. However, it is beyond the scope of this assessment to directly assess the biological impacts of the proposed development.

8.2.6 Improved valuation, pricing and incentive mechanisms

The proponent for this project is bound by the development and planning controls enforced by the Yass Valley Council. Cultural heritage protection requirements constitute a key component of these planning controls, and privately-owned developments within the Yass LGA are required to assess all environmental / cultural heritage impacts, avoid said impacts (where possible), work with the community / relevant stakeholder groups, and implement mitigation and management measures which strike a balance between a proposed development and protecting Aboriginal cultural heritage values.

8.3 Cumulative Impact Assessment

Cumulative impact of any development on Aboriginal sites assesses the extent of the proposed impact on the site and how this will affect both the proportion of this type of Aboriginal site in the area and the impact this destruction will have on Aboriginal cultural heritage values generally in the area. For example, if an artefact scatter is destroyed in the course of a proposed development, how many site artefact scatters are likely to remain in that area and how will the destruction of that site affect the overall archaeological evidence remaining in that area. If a site type that was once common in an area becomes rare, the loss of that site (and site type) will affect our ability to understand past Aboriginal land uses, will result in an incomplete archaeological record and will negatively affect intergenerational equity.

Effect on the Proportion of this Type of Aboriginal Site in the Area

One method of calculating the proportion of this site type remaining in the area is to use the results of an AHIMS search. A search of the AHIMS register was undertaken by ELA on the 26 August 2020. A search parameter covering Eastings: 684351 – 686351 and Northings: 6127790 – 6129790 with a buffer of 1000 metres resulted in the identification of four (4) AHIMS sites. A breakdown of site features is presented in Table 8 below.

Table 8: AHIMS site features

Site Features	Number	%
Artefact	3	75%
Potential Archaeological deposit (PAD)	1	25%
Total	4	100%

Of the previously registered sites within the search parameters of the study area, all four sites are listed as valid. No registered Aboriginal sites will be impacted by the proposed works.

All principles of ESD have been considered in advance of the proposed development.

9. Avoiding or mitigating harm

The ACHA has identified that no Aboriginal heritage sites places, or cultural values will be impacted by the proposed development.

9.1.1 Changes to the proposed works

This ACHA is based upon the most recent information made available to Eco Logical Australia as of the date of preparation of this report. Any changes made to the proposal should be assessed by an archaeologist in consultation with the registered Aboriginal stakeholder groups. Any changes that may impact areas not assessed during the current study may warrant further investigation and result in changes to the recommended management and mitigation measures.

9.1.2 Unexpected finds

Unexpected Aboriginal objects remain protected by the *National Parks and Wildlife Act 1974*. If any such objects, or potential objects, are uncovered during works, all work in the vicinity should cease immediately. A qualified archaeologist should be contacted to assess the find and Heritage NSW and LALC must be notified.

9.1.3 Heritage interpretation

The key aim of heritage interpretation would be to connect to contemporary experience of students and the public with the Aboriginal cultural values associated with the Yass region. Heritage interpretation elements at the site may include:

- Engaging Aboriginal artists to develop designs/artworks that could be incorporated into the built form through design features such as:
 - Paving
 - Murals
 - Artwork
- Incorporating local words from the Aboriginal local Aboriginal language group into naming conventions within the building (room names, floor names), in consultation with the LALC and RAPs.
- Incorporating native plant species into any plantings.
- Providing interpretive information regarding the Aboriginal history of the site within common areas, developed in consultation with LALC and RAPs

10. Basis for cultural heritage management

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past, and to lived experiences ... they are irreplaceable and precious (Australia ICOMOS Burra Charter 2013:1).

Traditionally, heritage and archaeological assessments have focused on the significance of the tangible elements of cultural heritage (Brown 2008). Items such as structures and archaeological artefacts have been considered predominantly in terms of their scientific/research potential and representativeness (New South Wales Heritage Office 2015:20-24). By focusing on the scientific qualities of heritage, many of the intangible qualities of heritage were not considered. This is especially crucial when participating in the management and protection of Aboriginal cultural heritage. By nature, Aboriginal cultural heritage is multi-faceted: it consists not only of tangible structures and objects of value for scientific investigations, but also of a deeply complex array of intangible expressions, such as stories, memories, and traditions. Many of the rights and interests of Aboriginal communities in their own heritage is formed on the basis of this intangibility. It stems from their spirituality, customary law, original ownership, and continuing custodianship (Australian Heritage Commission 2002:5). These intangible expressions often share a strong link with the landscape. Byrne *et al.* (2003:3) describe this connection in the form of a map, where individuals:

Carry around in [their] heads a map of the landscape which has all these places and their meanings detailed on it. When we walk through our landscapes the sight of a place will often trigger the memories and the feelings [that] go with them ... it is the landscape talking to us.

Crucially, those who are not connected to the landscape in question will not be able to discern these intangible meanings embedded in the landscape; they can only come to recognise the significance by consulting with local knowledge holders (Byrne *et al.* 2003:3). And, even so, they may vary between individuals, reflecting unique experiences.

By recognising the rights and interests of Aboriginal knowledge holders and community members in their cultural heritage, all parties involved in the identification, conservation, and management of this cultural heritage must acknowledge that Aboriginal people (Australian Heritage Commission 2002:6):

- Are the primary source of information on the value of their heritage and how this is best conserved;
- Must have an active role in any heritage planning processes;
- Must have input into primary decision-making in relation to their heritage so that they can continue to fulfil their obligations towards this heritage; and
- Must control the intellectual property and other information relating specifically to their heritage, as this may be an integral aspect of its heritage value.

As such, cultural heritage sites and objects are fundamental elements of Aboriginal peoples' identities, connections, and belonging to their communities. The careful protection and management of this heritage is essential for the preservation of connection between past, present, and future.

11. Management recommendations

The following recommendations are based on consideration of:

- Statutory requirements under the *National Parks and Wildlife Act 1974*.
- The results of the background research, site survey and assessment.
- The likely impacts of the proposed development.

It was found that:

- No previously unrecorded Aboriginal sites were identified within the study area.
- All sections of the study area have been subjected to high levels of ground disturbance.
- All sections of the study area were found to have a low archaeological potential.
- No impacts from the project on Aboriginal cultural heritage have been identified.

Based on the findings of this Aboriginal Cultural Heritage Assessment (ACHA) and the archaeological investigation the following is recommended:

Recommendation 1 – No further assessment warranted, works may proceed with caution

No further archaeological assessment is warranted for the study area. Although general measures will need to be undertaken. These general measures include:

- Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds.
- If the finds are found to be Aboriginal objects, the DPIE must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.
- In the extremely unlikely event that human remains are found, works should immediately cease, and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, the DPIE may also be contacted at this time to assist in determining appropriate management

Recommendation 2 – Submit ACHA AHIMS

- In accordance with Chapter 3 of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) the ACHA should be submitted for registration on the AHIMS register within three months of completion.

References

- Bennett G, 1834. Wanderings in New South Wales, Batavia, Pedir Coast, Singapore and Chine: Being the Journal of a Naturalist in those Countries During 1832, 1833 and 1834. Two Volumes. Bently. London.
- Boot P, 1994. Recent Research into the Prehistory of the Hinterland of the South Coast of New South Wales. In Sullivan M, Brockwell S and Webb A (Eds.) Archaeology in the North: Proceedings of the 1993 Australian Archaeological Association Conference. NARU. Darwin.
- Bowdler S, 1970. Bass Point: The Excavation of a South-East Australian Shell Midden Showing Cultural and Economic Change. Unpublished Bachelor of Arts (Honours) thesis, University of Sydney.
- Butlin N, 1983. Our Original Aggression: Aboriginal Population of Southeastern Australia 1788-1850. Allen & Unwin. Sydney.
- Clarkson C, et al. 2017. Human Occupation of Northern Australia by 65,000 Years Ago. *Nature*. Volume 547.
- Department of Environment, Climate Change and Water (DECCW), 2010a. Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Hurstville, NSW.
- DECCW, 2010b. Aboriginal cultural heritage consultation requirements for proponents 2010. Hurstville, NSW.
- DECCW, 2010c. Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, Hurstville, NSW.
- DECCW, 2010. Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales.
- Dibden J, 2009. Yass Dam Rising, Yass NSW. Indigenous and Non-Indigenous Cultural Heritage Assessment. A report to NSW Department of Commerce.
- ELA, 2020. Cultural Heritage Overview – Murrumbateman Public School (Site 2). Letter prepared for School Infrastructure NSW.
- Flood J, 1980. The Moth Hunters: Aboriginal Prehistory of the Australian Alps. AIATSIS, Canberra.
- International Council on Monuments and Sites (ICOMOS), 2013. The Burra Charter
- Koettig M, 1986. Survey for Aboriginal Sites along the Proposed Water pipeline Between Bowning and Yass. Report to Public Works Department, NSW.
- Koettig M, 1986a. Assessment of Aboriginal Sites in the Yellow Creek Road Area, Yass, Southern Tablelands, report to the Public Works Department, New South Wales.
- Koettig M & Silcox R, 1983. Survey for Archaeological sites along the Proposed Yass By-Pass. Report to NSW Department of Main Roads.

Koettig M & Silcox R, 1985. Survey for Aboriginal and Historic Sites along the Proposed Alternative Yass By-Pass Route, NSE. Report for Department of Main Roads.

Koettig M & Silcox R, 1988. Barton Highway Extension at Yass: Survey and Test excavations on the Proposed Alternate Route. Report to Kinhill Stearns Pty Ltd.

Kuskie P, 1992. An Archaeological Assessment of the Proposed Route of Optus Commission's Fibre Optic Cable Between Cootamundra, NSW and Hall, ACT. Report to Landscan Pty Ltd.

Lampert R, 1971. Burrill Lake and Currarong: Coastal Sites in Southern New South Wales. Terra Australis 1. Department of Prehistory, Australian National University. Canberra.

MacAlister C, 1907. Old Pioneering Days in the Sunny South. C MacAlister Book Publishing Committee.

Navin Officer Heritage Consultants, 2001. Yass 330/132kV Substation Reconstruction Project Archaeological Assessment. Report to Pacific Power.

NSW Heritage Office 2001, Assessing Heritage Significance.

Office of Environment and Heritage. 2011a. Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.

Pearson M, 1981. Seen Through Different Eyes: Changing Landuse and Settlement Patterns in the Upper Macquarie River Region of NSW from Prehistoric Times to 1860. Unpublished PhD thesis. Department of Prehistory & Anthropology, Australian National University.

Pedavoli Architects 2021. New Primary School in Murrumbateman Design Analysis Report Issue 4.

Saunders P, 2003. East Yass Proposed Residential Subdivision: Aboriginal and European Cultural Heritage Assessment. Report for David Richardson Environmental Planning.

Thompson L, 2003. Yellow Creek Estate - Aboriginal Archaeological Survey. Report for Bluebush Holdings Pty Ltd.

White I & Cane S, 1986. An investigation of Aboriginal Settlements and Burial Patterns in the Vicinity of Yass. Unpublished report to the NSW NPWS.

Witter D, 1980. An Archaeological Pipeline Survey Between Dalton and Canberra. Aboriginal & Historical resources Section – NSW National Parks & Wildlife Service.

Witter D & Hughes P, 1983. Stage 1 of an Archaeological Survey of the Murrumburrah-Yass and Murrumburrah-Wagga Wagga Electricity Transmission Lines. ANUtec report to NSW National Parks & Wildlife Service.

Websites

<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/> - accessed 26 August 2020

Appendix A Consultation Log

Contact	Organisation	Organisation	Method	Comment/ response
	National Native Title Tribunal	ELA	Email	Section 4.1.2 Letter requesting list of potentially interested stakeholders
	NTS Corp	ELA	Email	Section 4.1.2 Letter requesting list of potentially interested stakeholders
	Heritage NSW	ELA	Email	Section 4.1.2 Letter requesting list of potentially interested stakeholders
	Office of the Registrar	ELA	Email	Section 4.1.2 Letter requesting list of potentially interested stakeholders
	Southeast Local Land Services	ELA	Email	Section 4.1.2 Letter requesting list of potentially interested stakeholders
	Onerwal Local Aboriginal Land Council	ELA	Email	Section 4.1.2 Letter requesting list of potentially interested stakeholders
	Yass Valley Council	ELA	Email	Section 4.1.2 Letter requesting list of potentially interested stakeholders
4.1.3 Advertisement				
Bungendore Regional Independent		ELA	Online	Published Ad 8 January 2021 with a response date of 27 January 2021
Agency Responses				
C. Bradshaw	ELA	Heritage NSW	Email	Provided a list of Aboriginal stakeholders for the area

Contact	Organisation	Organisation	Method	Comment/ response
C. Bradshaw	ELA	National Native Title Tribunal	Email	Thank you for your search request received on 01 December 2020 on relation to the above area. Based on the records held by the National Native Title Tribunal as at 02 December 2020 it would appear that there are no native title Determination Applications, Determination of Native Title, or Indigenous Land Use Agreements over the identified area
C. Bradshaw	ELA	Office of the Registrar	Email	Under Section 170 of the Aboriginal Land Rights Act 1983 the Office of the Registrar is required to maintain the Register of Aboriginal owners (RAO). A search of the RAO has shown that there are currently no Registered Aboriginal Owners in the project area.
Invitation to Register				
	Onerwal Local Aboriginal Land Council	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
	Yass Valley Indigenous Consultative Committee	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Mrs Dorothy Carroll	Ngunawal Heritage Aboriginal Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Mr Arnold Williams CEO	Ngunnawal Elders Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Dean Bell	Yurwang Gundana Consultancy Cultural Heritage Services.	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Wally Bell	Buru Ngunawal Aboriginal Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021

Contact	Organisation	Organisation	Method	Comment/ response
Tina Brown	Tina Brown	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Alice Williams	Alice Williams	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Darleen Johnson	Murri Bidgee Mullangari Aboriginal Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Shaun Carroll	Merrigarn Indigenous Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Krystle Carroll	Ginninderra Aboriginal Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Jesse Johnson	Muragadi Heritage Indigenous Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Tyronne Bell	Thunderstone Aboriginal Cultural and Land Management Services Aboriginal Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Rebecca Ingram	Karlari Ngunnawal Pajong Wallabalooa Descendants	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Lavinus Ingram	Ngunnawal Pajong Wallabalooa Descendants	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Caine Carroll	Goodradigbee Cultural and Heritage Aboriginal Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Matthew Glass	Ngunnawal Pajong Wallabalooa Descendants	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Janine Thompson	Janine Thompson	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021

Contact	Organisation	Organisation	Method	Comment/ response
Robert Monaghan	Ngurambang	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Clorine Lyons	Clorine Lyons	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Peiro Delponte	Ngunawal Consultancy	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Phillip Carroll	Mura Indigenous Corporation	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Valentine Wright	Ngurambang	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Will Carter	Will Carter	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Sonia Shea	Oak Hill Enterprises	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Clive Freeman	Clive Freeman	ELA	Email	Section 4.1.3 Letter regarding invitation to register for project, response requested by 11/01/2021
Registered Aboriginal Stakeholders				
T Beebe	ELA	Onerwal Local Aboriginal Land Council	Email	Registered interest in the project
T Beebe	ELA	Yurwang Gundana Consultancy Cultural Heritage Services	Email	Registered interest in the project
T Beebe	ELA	Buru Ngunawal Aboriginal Corporation	Email	Registered interest in the project
T Beebe	ELA	Alice Williams	Email	Registered interest in the project
T Beebe	ELA	Ngunawal Consultancy	Email	Registered interest in the project

Contact	Organisation	Organisation	Method	Comment/ response
T Beebe	ELA	Will Carter	Email	Registered interest in the project
T Beebe	ELA	Clive Freeman	Email	Registered interest in the project
Notification of RAPs				
	Heritage NSW	ELA	Email	Notification of RAPs for project sent 28 January 2021
	Onerwal LALC	ELA	Email	Notification of RAPs for project sent 28 January 2021
Methodology – sent 18 February with a comment closing date of 5 April 2021				
No responses were received from the RAPs				
ACHA – sent 15 April with a comment closing date of 14 May 2021				
No responses were received from the RAPs				



1 December 2020

Our ref: 20CAN - 17853

Heritage NSW, Department of Premier and Cabinet
via: heritagemailbox@environment.nsw.gov.au

Aboriginal Cultural Heritage Assessment – Monaro Cluster, Site 1: Murrumbateman, NSW – Request for list of potential Aboriginal Stakeholders

Eco Logical Australia (ELA) has been engaged by NSW Department of Education to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for the development of a primary school at Lot 302, DP1228766, Murrumbateman, NSW (Figure 1).

As the proposed school is declared State Significant Development (SSD) for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with the Minister for Planning to consent authority for the project, preparation of an Aboriginal Cultural Heritage Assessment (ACHA) is mandatory. As part of the ACHA process, Aboriginal consultation will be undertaken in line with Heritage NSW, Department of Premier and Cabinet (Heritage NSW) guidelines for *Aboriginal cultural heritage consultation requirements for proponents 2010*. Proponents must provide the opportunity for Aboriginal people who hold cultural knowledge relevant to the proposed project area to be involved in the assessment process.

As per Section 4.1.2 of the Aboriginal cultural heritage consultation requirements for proponents 2010, we would appreciate if you would provide us with a contact list of Aboriginal people who may hold cultural knowledge relevant to the project area identified above. The study area falls within the Onerwal Local Aboriginal Land Council (LALC) and Yass Valley Local Government Area. ELA will be contacting Onerwal LALC directly as part of this consultation.

If you have any further questions in relation to the upcoming Aboriginal consultation process, I can be contacted on 02 9259 3794. Please forward your response to Charlotte Bradshaw (email charlotteb@ecoaus.com.au). I thank you for your attention in this matter.

Regards,

A handwritten signature in dark ink, appearing to be 'Charlotte Bradshaw', written in a cursive style.

Charlotte Bradshaw
ELA Heritage Consultant



The study area outlined in red, overlaid with the proposed scope of works

Client Contact Details:

Max Shahin

School Infrastructure NSW

Level 8

259 George Street

Sydney, NSW 2000

E: max.shahin@det.nsw.edu.au

GOVERNMENT AGENCY RESPONSES

DPC RAP list for the Monaro Cluster, Site 1- Lot 302, DP1228766, Murrumbateman

BG

Barry Gunther <Barry.Gunther@environment.nsw.gov.au>

To

Bradshaw, Charlotte

Reply

Reply All

Forward

...

Wed 02-Dec-20 9:28 AM

MurrumbatemanHeritageNSW.pdf

.pdf File

RAP list request for Monaro Cluster, Site 1- Lot 302, DP1228766, Murrumbateman.docx

.docx File

Attachment A - DPC RAP list for Yass local government area.docx

.docx File

⚠ CAUTION: This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Hi Charlotte,

Please find attached the DPC RAP list for the Monaro Cluster, Site 1- Lot 302, DP1228766, Murrumbateman - Yass Valley Local Government Area.

regards

Barry Gunther, Aboriginal Heritage Planner Officer
Heritage NSW, Community Engagement, Department of Premier and Cabinet
Level 6, 10 Valentine Ave, Parramatta | Locked Bag 5020 Parramatta 2124
T: 02 9995 6830 | barry.gunther@environment.nsw.gov.au

Please lodge all Applications to Heritagemailbox@environment.nsw.gov.au

I acknowledge and respect the traditional custodians and ancestors of the lands I work across.



Premier
& Cabinet

RE: Request for list of potential Aboriginal stakeholders - Murrumbateman

RR

Rachel Rewiri <rachel.rewiri3@oralra.nsw.gov.au>

To

Bradshaw, Charlotte

Reply

Reply All

Forward

...

Tue 12-Jan-21 4:51 PM

Eco Logical Australia Pty Ltd - Reply Letter 12012021.pdf

.pdf File

⚠ CAUTION: This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Good Afternoon Charlotte,

Please find attached, results as per your Aboriginal Cultural Heritage Assessment request.

I apologise for the delay in my reply.


Kind Regards

Rachel Rewiri
Project Officer (Aboriginal Owners)
Office of the Registrar, *Aboriginal Land Rights Act 1983*

Ph: 8633 1266
www.oralra.nsw.gov.au

Bradshaw, Charlotte

From: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Sent: Tuesday, 1 December 2020 6:26 PM
To: Bradshaw, Charlotte
Subject: RE: SR20/1289 - Request for Search form - Murrumbateman - SR20/1289

 **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments.

UNCLASSIFIED

Native title search – NSW Parcel – Lot 302 on DP1228766
Your ref: 14015 - Our ref: SR20/1289

Dear Charlotte Bradshaw,

Thank you for your search request received on 01 December 2020 in relation to the above area. Based on the records held by the National Native Title Tribunal as at 01 December 2020 it would appear that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- Native Title Determinations
- Indigenous Land Use Agreements (Registered and notified)

At the time this search was carried out, there were no relevant entries in the above databases.

Cadastral Data as at: 01/07/2020

Parcel ID	Feature Area SqKm	Tenure	NNTT file number	Name	Category
302//DP1228766	0.0154	FREEHOLD	No overlap		

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our [website](#).

Information on native title claims and freehold land can also be found on the Tribunal's website here: [Native title claims and freehold land](#).

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

1

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is not confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

The Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

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

Regards,

Geospatial Searches

National Native Title Tribunal | Perth

Email: GeospatialSearch@nntt.gov.au | www.nntt.gov.au



12 January 2021

By email: charlotteb@ecoaus.com.au

Charlotte Bradshaw
Eco Logical Australia Pty Ltd
Level 3, 101 Sussex Street
SYDNEY NSW 2000

Dear Charlotte,

Request - Search for Registered Aboriginal Owners - Ref: 20CAN - 17853

We refer to your email dated 01 December 2020 seeking the identification of Aboriginal organisations and people who may have an interest in the proposed development of a primary school at Lot 302/DP1228766 Murrumbateman, New South Wales.

Under Section 170 of the Aboriginal Land Rights Act 1983 the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are currently no Registered Aboriginal Owners in the project area.

We suggest you contact the Onerwal Local Aboriginal Land Council on (02) 6226 5349 or via email onerwal1@gmail.com as they may wish to participate.

Yours sincerely

Rachel Rewiri
Project Officer
Office of the Registrar, Aboriginal Land Rights Act 1983

Notice of Aboriginal Stakeholder Consultation

Eco Logical Australia (ELA) has been engaged by the NSW Department of Education to conduct an Aboriginal Cultural Heritage Assessment (ACHA) for the construction of Murrumbateman Public School, NSW. This notice is an invitation for Aboriginal organisations or people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed works to register an interest in a process of community consultation with the proponent regarding the proposed activity. Interested Aboriginal organisations are invited to contact ELA in writing to: Charlotte Bradshaw, Eco Logical Australia, Level 3, 101 Sussex Street, Sydney, NSW, 2000 E: charlotteb@ecoaus.com.au P: (02) 9259 3794

Expressions of interest should include current contact details. Closing date for registration is 27th January 2021. Please note Aboriginal people who register an interest will have their details forwarded to Heritage NSW, Department of Premier and Cabinet and Local Aboriginal Land Council (LALC) unless they specify that they do not want their details released.

Please note that under Heritage NSW guidelines registration for consultation does not guarantee employment.

Client contact details: Max Shahin, NSW Department of Education, GPO Box 33, Sydney, NSW, 2001.

STAKEHOLDER INVITATION LETTER



21 December 2020

2 Fairley Street, Murrumbateman - Notice of Aboriginal Stakeholder Consultation

Eco Logical Australia (ELA) has been engaged by NSW Department of Education to conduct an Aboriginal Cultural Heritage Assessment (ACHA) for the development of Murrumbateman Public School at 2 Fairley Street, Murrumbateman, NSW (**Figure 1**). Please refer to the bottom of this letter for client contact details.

Under the *Environmental Planning and Assessment Act 1979* with the Minister for Planning to consent authority for the project, the preparation of an ACHA is a mandatory requirement for a State Significant Development (SDD). Consultation will be undertaken in line with Heritage NSW guidelines for *Aboriginal cultural heritage consultation requirements for proponents 2010*.

This letter is an invitation for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places in the area of the proposed project to register an interest in a process of community consultation with the NSW Department of Primary Industries and Environment. Your contact details have been provided to ELA by Heritage NSW, Department of Premier and Cabinet (Heritage NSW) as a person / or group who may have a cultural interest in the proposed project.

Interested Aboriginal organisations or people having cultural knowledge relating to this area are invited to register their interest to be consulted in writing to: Charlotte Bradshaw, Eco Logical Australia, Level 3, 101 Sussex Street, Sydney NSW 2000 – E: charlotteb@ecoaus.com.au - T: 02 9259 3794 by: **11 January 2021**.

Please note under the consultation requirements your details will be forwarded to Heritage NSW and the Local Aboriginal Land Council (LALC) upon receipt of your registration of interest. If you do not wish to have your details forwarded on to these organisations, please notify ELA when registering your interest in the proposed project. In addition, also note that under Heritage NSW guidelines registration for consultation does not guarantee employment.



2 Fairley Street, Murrumbateman, NSW (Lot 302 DP1228766)

Regards,

Charlotte Bradshaw
Archaeologist

Client Contact Details

Max Shahin (NSW Department of Education)
Schools Infrastructure NSW
Level 8, 259 George Street
Sydney NSW 2000
Max.Shahin@det.nsw.edu.au


ABORIGINAL STAKEHOLDER RESPONSES

Level 3 101 Sussex Street Sydney
NSW 2000

Bradshaw, Charlotte

t: (02) 9529 3800

From: Clive Freeman [REDACTED]
Sent: Sunday, 3 January 2021 9:12 AM
To: Bradshaw, Charlotte
Subject: Re: Notice of Aboriginal Stakeholder Consultation - Murrumbateman

 **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments.



Morning Charlotte,

We at Freeman&marx PtyLtd would like to register our interest in the project. Please feel free to contact us at any time if you require anything further.

We look forward to working with you and the team on this project.

Kind regards


Clive Freeman

Managing Director

Freeman&marx PtyLtd

Bradshaw, Charlotte

From: alice williams [REDACTED]
Sent: Monday, 21 December 2020 1:03 PM
To: Bradshaw, Charlotte
Subject: Murrumbateman Public School Aboriginal Cultural Heritage Assessments

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Hi Charlotte

I would like to registrar my interest in the proposed Aboriginal Cultural Heritage Assessment - Murrumbateman Public School

I do hold cultural knowledge for this area which I am willing to share for this development.

Regards Alice Williams

[REDACTED]

Bradshaw, Charlotte

From: Peiro Delonte [REDACTED]
Sent: Monday, 21 December 2020 12:43 PM
To: Bradshaw, Charlotte
Subject: Registration of Interest for Murrumbateman Public School, 2 Fairley Street, Murrumbateman

⚠ CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.
⚠

Good afternoon.

PD Ngunawal Consultancy is pleased to express our interest in participating in the proposed Murrumbateman Public School, 2 Fairley St, Murrumbateman Project.

Our consultants are passionate about their Aboriginal heritage and dedicated to working with Governments, proponents, archeologists and other Aboriginal organisations to ensure that Aboriginal objects and places with Aboriginal cultural heritage significance are appropriately protected.

Our consultants have extensive experience in Aboriginal heritage assessment work, having worked on a variety of sites around the Canberra and South Eastern NSW region and have helped to identify many different types of objects and places with Aboriginal cultural heritage significance.

We look forward to your response.
If you require any further information, please do not hesitate to contact me.

Kind regards,
Peiro Delonte
[REDACTED]



ABN: 24 059 704 833

REGISTRATION OF INTEREST

Charlotte Bradshaw,
Eco Logical Australia,
Level 3, 101 Sussex Street,
Sydney NSW 2000

Buru Ngunawal Aboriginal Corporation wish to register an interest for:

Murrumbateman Public School, 2 Fairley Street, Murrumbateman, NSW

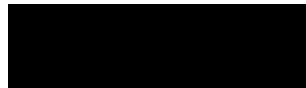
We offer the following information in support of our expression of interest:

Organisation: Buru Ngunawal Aboriginal Corporation (BNAC)

Name: Mr Walter (Wally) R Bell

Contact Details:

Postal Address:
Mb:
Email:



Connection & Knowledge

BNAC's members, the NGUNAWAL people, are the Traditional Custodians for this area covering approximately 17,000 square kilometres and all are of direct Ngunawal descent. BNAC is an incorporated organisation whose constitution and rules of governance state that we as an organisation will endeavour to protect our Aboriginal culture and heritage to the best of our collective abilities. Being part of the consultative/planning process will ensure that the proper protection and preservation of our culture and heritage continues. As the Traditional Custodians we possess knowledge of all aspects of local Ngunawal Aboriginal cultural heritage. Our organisation has cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) within the project area.

BNAC being Ngunawal people are the Traditional Custodians and are recognised as such by the Australian Capital Territory Government and Department of Premier and Cabinet, Heritage NSW. This recognition is also forthcoming by Local Government Agencies and Shire Councils within the Ngunawal Ancestral boundary.

The Ngunawal people, have had in place a Native Title claim that has been registered with the National Native Title Tribunal which requires stringent guidelines to be met for registration as Native Title claimants. The most important of which is a proven connection to country as the Traditional Custodians.



Consultation Expertise

The qualifications and previous experience that we have in Aboriginal cultural heritage assessment work has come from over 35 years' experience working on jobs such as the Eastern Gas pipeline, Gas pipeline and Water Sewerage pipeline at Goulburn NSW, Towrang NSW road widening for the RTA, Yass NSW Bypass, Coolac NSW Bypass for the RTA, Galong Lime Mine Bypass, Transgrid power easement regeneration at Tidbinbilla, Woodlawn Windfarm at Tarago NSW and the Department of Defence HQJOC and the gas feeder main connecting HQJOC to Eastern Gas main pipeline. We have also been engaged in survey work for residential development that takes place within the Ngunawal Ancestral boundary in both urban and rural localities.

BNAC holds information in relation to the Aboriginal cultural values of this project area and all other areas within our ancestral boundary. BNAC has a proven track record for providing the proponent, the archaeologist and the Government direction in formulating management recommendations in relation to any Aboriginal cultural values, sites and places both tangible and intangible within our ancestral boundary.

During our years of carrying out Cultural heritage management type work we have engaged with numerous archaeologists who have indicated that they are more than pleased to support us in our endeavours to preserve our cultural heritage.

Regards,




Mr Wally Bell (Ngunawal Traditional Custodian)
Chair

On behalf of BNAC members

3 January 2021

Bradshaw, Charlotte

From: Will Carter [REDACTED]
Sent: Monday, 21 December 2020 6:00 PM
To: Bradshaw, Charlotte
Subject: Re: Notice of Aboriginal Stakeholder Consultation - Murrumbateman

 **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments.



Thank you Charlotte, I would like to register my interest in being consulted.

Cheers,

Will Carter
[REDACTED]

Yurwang Gundana Cultural Heritage Services
ABN: 20741884763

Address of business:

MOBILE

Email

4th of January 2020

**RE: 2 Fairley Street, Murrumbateman - Notice of Aboriginal Stakeholder
Consultation**

Dear Charlotte

in reference to above consultation, I wish to register as a Registered Aboriginal
Party (RAP)

Thanking you

Dean Bell
Consultant

Yurwang Gundana Cultural Heritage Services

HERITAGE NSW AND LALC NOTIFICATION

RAP List in accordance with 4.1.6 of the consultation guidelines



Beebe, Tyler

To heritagemailbox@environment.nsw.gov.au



Notice of Aboriginal Stakeholder Consultation - Murrumbateman.pdf
426 KB

To Whom It May Concern,

In accordance with section 4.1.6 of the consultation guidelines I am providing you with a list of the Registered Aboriginal Parties who have registered there interest for a particular project (please see attached).

Organisation	Contact Name
Onerwal LALC	-
Yurwang Gundana Consultancy Cultural Heritage Services	Dean Bell
Buru Ngunawal Aboriginal Corporation	Wally Bell
[REDACTED]	[REDACTED]
Alice Williams	Alice Williams
[REDACTED]	[REDACTED]
Ngunawal Consultancy	Peiro Delponte
Will Carter	Will Carter
Clive Freeman	Clive Freeman

Kind Regards,

Tyler

Tyler Beebe

Senior Archaeologist

BA Honours; Master of Cultural and Environmental Heritage (Australian National University)

Eco Logical Australia - A Tetra Tech Company

T +61 2 4910 3402

RAP List in accordance with 4.1.6 of the consultation guidelines



Beebe, Tyler

To onerwal@gmail.com



Notice of Aboriginal Stakeholder Consultation - Murrumbateman.pdf
426 KB

To Whom It May Concern,

In accordance with section 4.1.6 of the consultation guidelines I am providing you with a list of the Registered Aboriginal Parties who have registered there interest for a particular project (please see attached).

Organisation	Contact Name
Onerwal LALC	-
Yurwang Gundana Consultancy Cultural Heritage Services	Dean Bell
Buru Ngunawal Aboriginal Corporation	Wally Bell
[REDACTED]	[REDACTED]
Alice Williams	Alice Williams
[REDACTED]	[REDACTED]
Ngunawal Consultancy	Peiro Delponte
Will Carter	Will Carter
Clive Freeman	Clive Freeman

Kind Regards,

Tyler

Tyler Beebe

Senior Archaeologist

BA Honours; Master of Cultural and Environmental Heritage (Australian National University)

Eco Logical Australia - A Tetra Tech Company

T +61 2 4910 3402

ACHA METHODOLOGY SENT 18 FEBRUARY 2021



18 February 2021

Our ref: 20CAN 17853

To Whom It May Concern,

RE: Methodology – Murrumbateman Public School Aboriginal Cultural Heritage Assessment

Eco Logical Australia Pty Ltd (ELA) has been engaged by School Infrastructure NSW to prepare an Aboriginal Cultural Heritage Assessment (ACHA in accordance with the Secretary's Environmental Assessment Requirements (SEARs). This report supports a State Significant Development Application (SSDA) submitted to the Minister of Planning pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act), for the proposed construction of a primary school facility at 2 Fairly Street, Murrumbateman NSW (Lot 302 DP1228766).

This application is SSD by way of clause 8 and schedule 1 under *State Environmental Planning Policy (State and Regional Development) 2011* on the basis that the development is for the purpose of an existing school and has a Capital Investment Value of more than \$20 million.

A survey of the proposed site was completed by ELA archaeologists Jennifer Norfolk and Charlotte Bradshaw on 29th January 2021. The survey was completed in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (OEH 2010). The entire study area was walked on foot and areas of disturbance were noted. The entire area was found to be significantly disturbed. The entire study area was flat and cleared of trees. All exposed soils had been scraped down to the basal clay horizon. The northern portion of the study area contained an existing hardstand car park, while the southern portion contained a remnant landform however no artefacts were observed and the A horizon appeared to be extremely shallow making it unlikely that an archaeological deposit would be present. (Figures 1-4 below)

Because of the prior subdivision of the lot and the presence of an existing carpark, it is likely that this area has been assessed previously although no record of a previous assessment has been identified.

As a result of the survey it was determined that **no** archaeological excavations would be required as part of the ACHA.

The methodology of the assessment for Murrumbateman Public School includes the following:

- Registration of Aboriginal Stakeholders
- Invitation for the participation of Aboriginal cultural knowledge holders
- Comprehensive archaeological and cultural heritage management assessment
 - Archaeological survey
 - Aboriginal Cultural Heritage Assessment

- Opportunity to review and provide feedback regarding the assessment, management and salvage excavation reports (minimum of 28 days per methodology)
- Consideration of all Aboriginal stakeholder comments

As a registered Aboriginal stakeholder, you are invited to review and provide comment on this Project Information / Methodology report. I would invite any comment by phone at 02 4910 3402 or by email at tylerb@ecoaus.com.au. This comment period will close **Monday 22 March 2021**.

Regards,



Tyler Beebe
Senior Archaeologist



Existing disturbance, exposed clays



Exposed clays



Existing car park in the distance



Remnant landform



Study area location

There were no responses from the RAPs regarding the Methodology

There were no responses from the RAPs regarding the draft ACHA

Appendix B AHIMS Extensive Search Report



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : 16114 - Murrumbateman

Client Service ID : 530638

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
51-5-0181	BH30 (Murrumbateman)	GDA	55	685616	6129851	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		103061,10306 2
	<u>Contact</u>	<u>Recorders</u>	Doctor.Alan Williams							
51-5-0184	BH38 (Murrumbateman)	GDA	55	685667	6129398	Open site	Valid	Artefact : 1		103061,10306 2
	<u>Contact</u>	<u>Recorders</u>	Doctor.Alan Williams							
51-5-0182	BH31 (Murrumbateman)	GDA	55	685921	6128376	Open site	Valid	Artefact : 1		103061,10306 2
	<u>Contact</u>	<u>Recorders</u>	Doctor.Alan Williams							
51-5-0183	BH32 (Murrumbateman)	GDA	55	685994	6128940	Open site	Valid	Artefact : 1		103061,10306 2
	<u>Contact</u>	<u>Recorders</u>	Doctor.Alan Williams							

Report generated by AHIMS Web Service on 26/08/2020 for Daniel Claggett for the following area at Datum :GDA, Zone : 55, Eastings : 684351 - 686351, Northings : 6127790 - 6129790 with a Buffer of 1000 meters. Additional Info : Due Diligence. Number of Aboriginal sites and Aboriginal objects found is 4
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