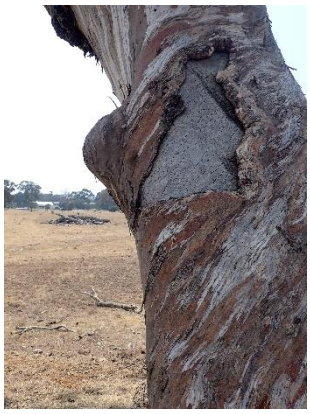

North Watson
Sections 74 and 76 Watson, ACT

Final - Cultural Heritage Assessment

July 2020

A Report to Environment, Planning and Sustainable Development Directorate (EPSDD)

Navin Officer

heritage consultants Pty Ltd

acn: 092 901 605

Number 4
Kingston Warehouse
71 Leichhardt St.
Kingston ACT 2604

www.nohc.com.au

ph 02 6282 9415
fx 02 6282 9416

Document control

Project no.:	200068
Project client:	Environment, Planning and Sustainable Development Directorate (EPSDD)
Project proponent	Environment, Planning and Sustainable Development Directorate (EPSDD)
Document description:	Cultural Heritage Assessment
Project Manager:	Adrian Cressey
Authors:	Jasmine Fenyvesi
Internal review:	Nicola Hayes
Document status:	Final

Document revision status

Author	Revision number	Internal review	Date issued
Jasmine Fenyvesi	1	Nicola Hayes	23/01/20
Jasmine Fenyvesi	2	Following site visit with Wally Bell (BNAC)	6/02/20
Nicola Hayes	3	Following ACT Heritage comments and further RAO consultation	26/02/20
Nicola Hayes	4	Draft version	17/03/20
Jasmine Fenyvesi	5	Following ACT Heritage comments	11/05/20
Jasmine Fenyvesi	6	Following ACT RAO Comments	26/05/20
Jasmine Fenyvesi	7.PUBLIC		10/06/20

- Information which, under Australian law, can be identified as belonging to Indigenous intellectual property; and

- Content which was sourced from and remains part of the public domain.

Cover photographs: NOHC 2019

EXECUTIVE SUMMARY

The proposed North Watson development is to be undertaken within Sections 74 and 76, Watson, within the Central Canberra district, Australian Capital Territory (ACT), see Figure 1.1. The study area is bounded by the Federal Highway to the north. Mount Majura Nature Reserve is 250 metres south east of the study area, Exhibition Park In Canberra (EPIC) is 500 metres to the west. The North Watson blocks are six kilometres from Canberra City. The site covers an area of approximately 175 459 square metres.

The study area, comprised of Sections 74 and 76 Watson, is on the ACT Governments Indicative Land Release Program for future housing, with 400 residential dwellings planned for the blocks. Residential use is not allowed on the sites which are currently zoned CZ6 Leisure and Accommodation. Section 74 is unleased ACT Government land and has a licence for the purpose of grazing cattle. Section 76 is also unleased ACT Government land that is currently unused. The sites have both been used primarily for agricultural purposes. The Preliminary Site Investigation undertaken by Douglas Partners found that Sections 74 and 76 had both been previously used as sites for landfill.

There are no previously recorded Aboriginal sites are located within the North Watson study area. The closest recorded Aboriginal sites are located over 200 metres away from the study area.

There are no listed historical heritage items or places within the North Watson study area. The Starlight Drive-In Theatre Sign, located adjacent to the study area within Section 61 Watson, was heritage listed in 2016 (ACT Heritage Register) as a physical reminder of the iconic drive-in era of the mid twentieth century.

No Aboriginal or historic sites have been previously identified within the study area. During the course of the current investigation two Aboriginal sites were identified in the study area. The sites were:

- North Watson 1 (NW1)
- North Watson Scarred Tree 1 (NWST1)

No sites of historic heritage were located during the current survey.

The current proposal is for the rezoning of the study area to facilitate future development. No impacts are proposed at this stage, however if the site is rezoned then future development projects would involve impacts to the ground surface and subsurface deposits. Impact from future developments could include the demolition of buildings on site and the construction of a residential development including apartments, commercial areas, roads and services.

I It is recommended that:

1. Impacts to sites North Watson 1 (NW1) and North Watson Scarred Tree 1 (NWST1) should be avoided

2. A Statement of Heritage Effects will be required if any impacts are to occur to North Watson 1 and North Watson Scarred Tree 1 (NWST1). This should be undertaken in consultation with the RAOs and should include invitations to the RAOs for an additional field visit to discuss specific impacts.

   If impacts are to occur to site North Watson 1 (NW1), the artefact should be collected prior to any disturbance.

   If impacts are to occur to North Watson Scarred Tree 1 (NWST1) actions should be taken to preserve the tree . The methodology for this should be developed in consultation with the RAOs and be included in the Statement of Heritage Effects for the project.

3. North Watson 1 (NW1) and North Watson Scarred Tree 1 (NWST1) should be added to the Heritage Register as sites of Aboriginal heritage.

4. Consideration should be given to the preservation of the old growth tress existing on the site.

5. The protocols for the unanticipated discovery of archaeological material and suspected human remains (presented in Appendix 2) shall be adopted and complied with during construction activities involving ground surface disturbance and excavation.

6. A copy of this report should be provided to the ACT Heritage

7. One copy of this report should be provided to each of the ACT RAOs.

~ o0o ~

TABLE OF CONTENTS

Tables

Figures

1 INTRODUCTION

1.1 Study Area Location and Description

The proposed North Watson development is to be undertaken within Sections 74 and 76, Watson, within the Central Canberra district, Australian Capital Territory (ACT), see Figure 1.1. The study area is bounded by the Federal Highway to the north. Mount Majura Nature Reserve is 250 metres south east of the study area, Exhibition Park In Canberra (EPIC) is 500 metres to the west. The North Watson blocks are six kilometres from Canberra City. The site covers an area of approximately 175 459 square metres.

This report documents the results of a cultural heritage assessment of Sections 74 and 76 Watson. The report was commissioned by the Environment, Planning and Sustainable Development Directorate (EPSDD).

1.1.1 Description of the Place

There are no previously recorded Aboriginal sites are located within the North Watson study area. The closest recorded Aboriginal sites are located over 200 metres away from the study area.

There are no listed historical heritage items or places within the North Watson study area. The Starlight Drive-In Theatre Sign, located adjacent to the study area within Section 61 Watson, was heritage listed in 2016 (ACT Heritage Register) as a physical reminder of the iconic drive-in era of the mid twentieth century.

1.1.2 Description of Proposed Activity

The study area, comprised of Sections 74 and 76 Watson, is on the ACT Governments Indicative Land Release Program for future housing, with 400 residential dwellings planned for the blocks. Residential use is not allowed on the sites which are currently zoned CZ6 Leisure and Accommodation. Section 74 is unleased ACT Government land and has a licence for the purpose of grazing cattle. Section 76 is also unleased ACT Government land that is currently unused. The sites have both been used primarily for agricultural purposes. The Preliminary Site Investigation undertaken by Douglas Partners found that Sections 74 and 76 had both been previously used as sites for landfill.

1.2 Heritage Status of the North Watson Study Area

There are no previously recorded Aboriginal or historic heritage sites located within the study area.

1.3 This Report

1.3.1 Outline

This report:

- Describes the proposed development/works etc (Section 1);
- Describes the methodology employed in the study (Section 2);
- Describes the environmental setting of the study area (Section 3);
- Provides information relevant to the Aboriginal cultural context of the study area (Section 4);
- Provides a heritage context for the study area (Sections 5 and 6);
- Describes the results of the data review, field survey and Aboriginal consultation program conducted in the context of the assessment (Section 7);

- Assesses the significance of the cultural heritage identified within the North Watson study area (Section 8);
- Provides a statutory information as it relates to the cultural heritage identified within the North Watson study area (Section 9); and
- Provides management recommendations based on the results of the investigation (Section 10).

1.3.2 Restricted Information

Information in this report relating to the exact location of Aboriginal sites should not be published or promoted in the public domain.

No information provided by Aboriginal stakeholders in this report has been specifically identified as requiring access restrictions due to its cultural sensitivity.

1.3.3 Confidentiality

No information in this report has been classified as confidential.

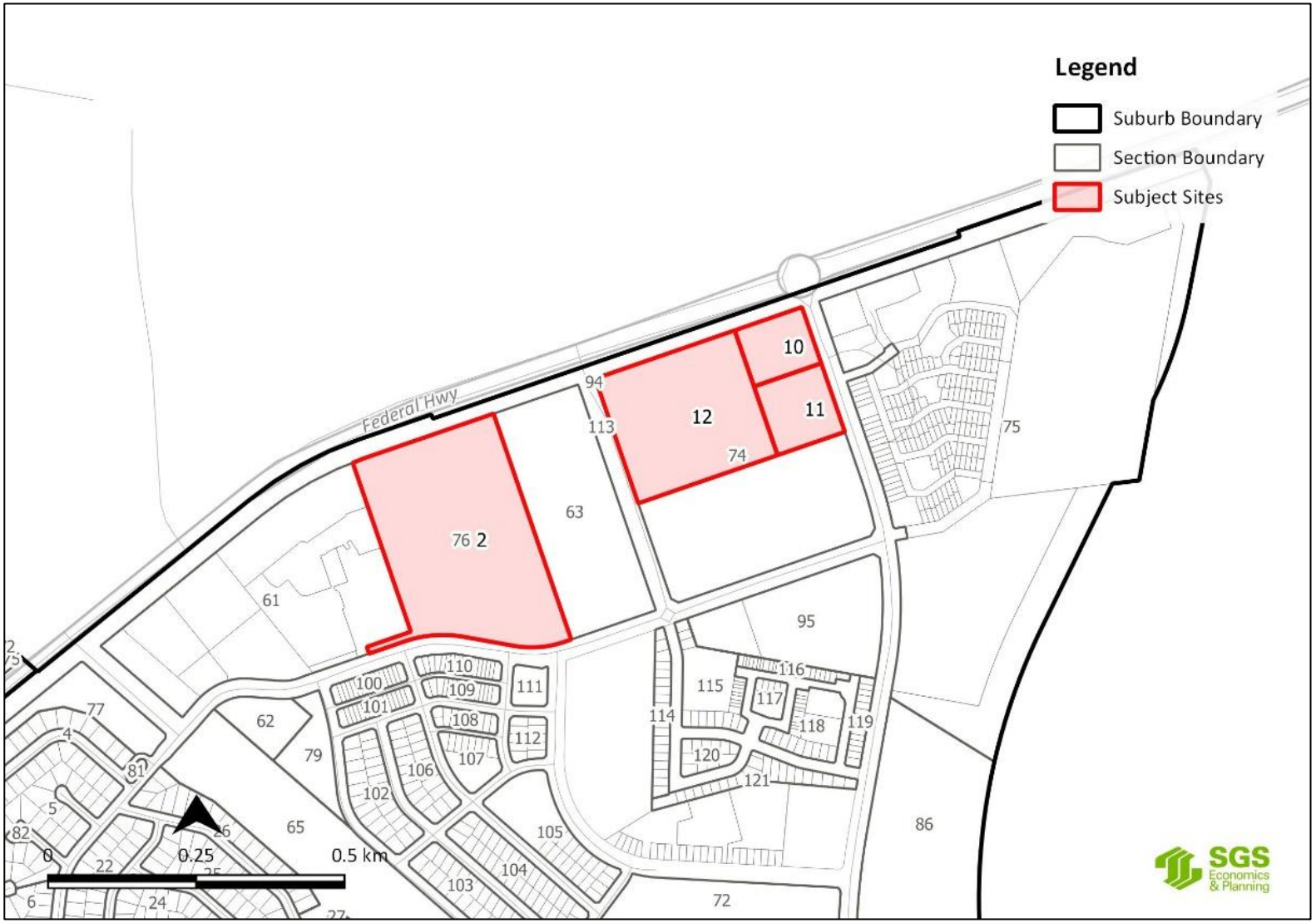

Figure 1.1 Site Boundary, Section 76 and 74 Watson. Map provided by EPSDD

2 RESEARCH DESIGN AND METHODOLOGY

2.1 Literature and Database Review

A range of archaeological and historical data was reviewed for the North Watson study area and its surrounds. This literature and data review was used to determine if known Aboriginal and historical sites were located within the area under investigation, to facilitate site prediction on the basis of known regional and local site patterns, and to place the area within an archaeological and heritage management context. The review of documentary sources included heritage registers and schedules, local histories, and archaeological reports.

Literature sources included the Heritage Registers maintained by the Australian Heritage Council, (Federal) Department of Environment and the Heritage Registers and associated reports held by ACT Heritage, ACT Department of Environment, Planning and Sustainable Development Directorate.

2.2 Fieldwork

A site survey was undertaken by Navin Officer Heritage Consultants (NOHC) staff on the 17th December 2019 (Adrian Cressey and Jasmine Fenyvesi). This involved a walk over of the area proposed to be impacted by proposed housing in North Watson. All areas subject to direct impact were traversed including all access tracks, pipeline alignment and works areas. Field participants walked in transects roughly 5 to 10 metres apart to ensure full coverage of all impact areas, see Figure 2.1.

A foot survey was chosen as the best approach due to the contained nature of the project and the limited area of impact. The survey was aimed at assessing the previously recorded sites in the study area and to determine whether any other historical or Aboriginal sites were evident in the area.

Field recording of sites involved:

- Taking GPS positions for each site;
- Taking one or more digital photographs, showing the general context of the site and each artefact recorded;
- Recording basic technological traits for each artefact; and
- Recording the landscape setting of each site.

NOHC was accompanied by Karen Denny from the Representative Aboriginal Organization Buru Ngunnawal Aboriginal Corporation (BNAC).

Karen identified certain trees as having potential to be culturally modified scarred trees and asked that Wally Bell (BNAC) be consulted with for a second site visit to assess the trees in question. This second site visit was conducted on the 24th January 2020 by Jasmine Fenyvesi (NOHC) and Wally Bell (BNAC).

Figure 2.1 Survey Transects

2.3 Recording Parameters

The archaeological survey aimed at identifying material evidence of Aboriginal occupation as revealed by surface artefacts and areas of archaeological potential unassociated with surface artefacts. Potential recordings fall into two broad categories: sites and potential archaeological deposits.

2.3.1 Aboriginal Sites and PADs

A site is defined as any material evidence of past Aboriginal activity that remains within a context or place which can be reliably related to that activity.

Most Aboriginal sites are identified by the presence of three main categories of artefacts: stone or shell artefacts situated on or in a sedimentary matrix, marks located on or in rock surfaces, and scars on trees.

Frequently encountered site types within southeastern Australia include stone artefact occurrences – including isolated finds and open artefact scatters, coastal and freshwater middens, rock shelter sites – including occupation deposit and/or rock art, grinding groove sites and scarred trees. For the purposes of this section, only the methodologies used in basic site identification are outlined, together with those for the recording types encountered by this investigation.

Stone Artefact Occurrences

Stone artefact occurrences are the most commonly recorded site type in Australia. They may consist of single artefacts – described as isolated finds; or as a distribution of more than one artefact – often described as an artefact scatter or 'open camp site' when recording surface artefacts, or as a subsurface artefact distribution when dealing with an archaeological deposit.

Where artefact incidence is very low, either in terms of areal distribution (artefacts per square metre) or density (artefacts per cubic metre), then the differentiation of the recording from background artefacts counts or *background scatter* may be an issue.

Isolated finds

An isolated find is a single stone artefact, not located within a rock shelter, and which occurs without any associated evidence of Aboriginal occupation within a radius of 60 metres. Isolated finds may be indicative of:

- Random loss or deliberate discard of a single artefact;
- The remnant of a now dispersed and disturbed artefact scatter; and
- An otherwise obscured or sub-surface artefact scatter.

Except in the case of the latter, isolated finds may be considered to be constituent components of the *background scatter* present within any particular landform.

The distance used to define an isolated artefact varies according to the survey objectives, the incidence of ground surface exposure, the extent of ground surface disturbance, and estimates of *background scatter* or *background discard* densities. In the absence of baseline information relating to background scatter densities, the defining distance for an isolated find must be based on methodological and visibility considerations. Given the varied incidence of ground surface exposure and deposit disturbance within the study area, and the lack of background baseline data, the specification of 60 metres is considered to be an effective parameter for surface survey methodologies. This distance provides a balance between detecting fine scale patterns of Aboriginal occupation and avoiding environmental biases caused by ground disturbance or high ground surface exposure rates. The 60 metre parameter has provided an effective separation of low density artefact occurrences in similar southeast Australian topographies outside of semi-arid landscapes.

Background scatter

Background scatter is a term used generally by archaeologists to refer to artefacts which cannot be usefully related to a place or focus of past activity (except for the net accumulation of single artefact losses).

There is no single concept for background discard or 'scatter', and therefore no agreed definition. The definitions in current use are based on the postulated nature of prehistoric activity, and often they are phrased in general terms and do not include quantitative criteria. Commonly agreed is that background discard occurs in the absence of 'focused' activity involving the production or discard of stone artefacts in a particular location. An example of unfocused activity is occasional isolated discard of artefacts during travel along a route or pathway. Examples of 'focused activity' are camping, knapping and heat-treating stone, cooking in a hearth, and processing food with stone tools. In practical terms, over a period of thousands of years an accumulation of 'unfocused' discard may result in an archaeological concentration that may be identified as a 'site'. Definitions of background discard comprising only qualitative criteria do not specify the numbers (numerical flux) or 'density' of artefacts required to discriminate site areas from background discard.

Artefact scatters

Artefacts situated within an open context are classed as an open artefact scatter (or 'open camp site') when two or more occur no more than 60 metres away from any other constituent artefact. The 60 metre specification relates back to the definition of an isolated find (*Refer above*). The use of the term *scatter* is intended only to be descriptive of the current archaeological evidence and does not infer the original human behaviour which formed the site. The term *open camp site* has been used extensively in the past to describe open artefact scatters. This was based on ethnographic modelling suggesting that most artefact occurrences resulted from activities at camp sites. However, in order to separate the description from the interpretation of field evidence, the terms *artefact scatter*, *artefact distribution* or *artefact occurrence* are now more extensively used. The latter two options can also be used to categorise artefacts occurring in sub-surface contexts.

Scarred Trees

Trees with scars of Aboriginal origin form the other major type of artefactual evidence. Each tree is normally considered to be a separate site. The identification of a scar as Aboriginal in origin is dependent on a set of inter-related interpretive criteria. The credibility of alternative causal explanations such as natural traumas and other types of human scarring must be tested for each scar.

A range of diagnostic criteria has been developed to assist in the identification of Aboriginal scarred trees. The following criteria are based on archaeological work conducted by Simmons (1977) and Beesley (1989), and the field manual for Aboriginal scarred trees developed by Long (2005):

8. The scar does not normally run to ground level: (scars resulting from fire, fungal attack or lightning nearly always reach ground level). However, ground termination does not necessarily discount an Aboriginal origin (some ethno-historical examples of canoe scars reach the ground);

1(a). If a scar extends to the ground, the sides of the original scar must be relatively parallel: (natural scars tend to be triangular in shape;

2. The scar is either approximately parallel sided or concave, and symmetrical: (few natural scars are likely to have these properties except fire scars which may be symmetrical but are wider at the base than their apex. Surveyors marks are typically triangular, and often adzed);

3. The scar should be reasonably regular in outline and regrowth: scars of natural origin tend to have irregular outlines and may have uneven regrowth;

4. The ends of the scar should be 'shaped', either squared off, or pointed (often as a result of regrowth): (a 'keyhole' profile with a 'tail' is suggestive of branch loss);

5. A scar which contains adze or axe marks on the original scar surface is likely to be the result of human scarring. Their morphology and distribution may lend support to an interpretation of an Aboriginal origin: (marks produced after the scarring event may need to be discounted);

6. The scar must date to the time of Aboriginal bark exploitation within its region: The traditional Aboriginal exploitation of bark probably ceased in most regions between 100 and 150 years ago. However, in some locations associated with Aboriginal settlement, the Aboriginal removal of bark may have continued to the present day, or restarted as part of new cultural movements.

7. The tree must be endemic to the region: (and thus exclude historic plantings).

Field based identification of Aboriginal scars, is based on surface evidence only and will not necessarily provide a definitive classification. In many cases the possibility of a natural origin cannot be ruled out, despite the presence of several diagnostic criteria or the balance of interpretation leaning toward an Aboriginal origin. For this reason interpretations of an Aboriginal origin are qualified by the recorder's degree of certainty. The following categories were used:

- Aboriginal scar – This is a scar where an Aboriginal origin is considered the most likely. The scar conforms to all of the criteria and a natural origin is considered unlikely and improbable;

- Probable Aboriginal scar – This is a scar that conforms to all of the criteria and where an Aboriginal origin is considered to be the most likely. Despite this, a natural origin cannot be ruled out; and

- Possible Aboriginal scar – This is a scar which conforms to all or most of the criteria and where an Aboriginal origin cannot be reliably considered as more likely than alternative natural causes. The characteristics of this scar will also be consistent with a natural cause.

Potential Archaeological Deposits

A potential archaeological deposit, or PAD, is defined as any location where the potential for subsurface archaeological material is considered to be moderate or high, relative to the surrounding

study area landscape. The potential for subsurface material to be present is assessed using criteria developed from the results of previous surveys and excavations relevant to the region. Where necessary, PADs can be given an indicative rating of their 'archaeological potential' based on a combined assessment of their potential to contain artefacts, and the potential archaeological value of the deposit. Table 3.1 illustrates the matrix on which this assessment is based. Locations with low potential for artefacts fall below the threshold of classification. In such cases the potential incidence of artefactual material is considered to be the same as, or close to that for background scatter. Where there is moderate potential for artefacts, the predicted archaeological potential parallels the potential significance of the deposit. For deposits with high potential for artefacts, the assessed archaeological potential is weighted positively.

The boundaries of PADs are generally defined by the extent of particular micro-landforms known to have high correlations with archaeological material. A PAD may or may not be associated with surface artefacts. In the absence of artefacts, a location with potential will be recorded as a PAD. Where one or more surface artefacts occur on a sedimentary deposit, a PAD may also be identified where there is insufficient evidence to assess the nature and content of the underlying deposit. This situation is due mostly to poor ground surface visibility.

2.3.2 Historical Sites and Features

Historical archaeology refers to the 'post-contact' period and includes: domestic, commercial and industrial sites as well as most maritime sites. It is the study of the past using physical evidence in conjunction with historical sources. The two primary types of places or items that may form part of the historical archaeology context include:

1. Below ground evidence, including building foundations, occupation deposits, features and artefacts; and above ground evidence, including buildings, works, industrial structures and relics that are intact or ruined; and

2. Areas of land that display evidence of human activity or occupation.

Within these broad parameters, an historical archaeological site may include:

- Topographical features and evidence of past environments (that is, resident in pollens and diatoms);

- Evidence of site formation, evolution, redundancy and abandonment (that is, features and materials associated with land reclamation, sequences of structural development, demolition/deconstruction, and renewal);

- Evidence of function and activities according to historical theme/s represented (for example, an industrial site may contain diagnostic evidence of process, products and by-products);

- Evidence associated with domestic occupation including household items and consumables, ornaments, personal effects and toys;

- Evidence of diet including animal and fish bones, and plant residues;

- Evidence of pastimes and occupations including tools of trade and the often fragmentary signatures of these activities and processes;

- Methods of waste disposal and sanitation, including the waste itself which may contain discarded elements from all classes of artefact as well as indicators of diet and pathology; and

- Any surviving physical evidence of the interplay between site environment and people.

The information found in historical archaeological sites is often part of a bigger picture which offers opportunities to compare and contrast results between sites. The most common comparisons are made at the local level, however, due to advances in research and the increasing sophistication and 8tandardization of methods of data collection, the capacity for wider reference (nationally and,

occasionally, internationally) exists and places added emphasis on identification and conservation of historical archaeological resources.

2.4 Study Limitations

Archaeological assessments commissioned for development projects are restricted to the specific footprint that will be impacted by the project. The area of land being assessed is specifically constrained, and in many cases will not representatively sample the different landforms found across the wider region being studied. Therefore, a full picture of the archaeology of an area cannot be gained or assumed by this type of assessment.

These limitations will usually become less pronounced as further assessments are carried out in a region, since additional sites are assessed. A systematic bias in the data can still easily occur, however, if the patches of ground are concentrated in one landform type over another. This could be the case if the assessments relate to development projects which preferentially occur on specific landforms.

Data on uses of the land by Aboriginal groups in the post-contact period, including the present day, might be limited if activities practised by Aboriginal groups have not been reported in the public domain or to NOHC. This could occur if land use practises are associated with knowledge that is culturally restricted.

2.5 Glossary

Aboriginal Object	An object associated with Aboriginal people because of Aboriginal tradition (*Heritage Act 2004*).
Aboriginal Place	A place associated with Aboriginal people because of Aboriginal tradition (*Heritage Act 2004*).
Aboriginal site	A place or location which relates to past or contemporary Aboriginal occupation. Sites can be divided into those identified from archaeological evidence (archaeological sites), and those related to intangible cultural values, such as revealed by oral tradition and lore, or from the historical record. An Aboriginal site may have both archaeological and intangible values.
Archaeological site	A place or location with the confirmed presence of archaeological evidence of Aboriginal occupation, where the context of that evidence can be reliably related to the Aboriginal actions which produced the evidence.
AHIMS	Aboriginal Heritage Information Management System
Artefact	An object, normally portable, made or modified by human hand (see ‘stone artefact’).
Artefact occurrence	A term usually applied to site recordings comprising stone artefacts and which refers to one or more stone artefacts situated within a specified surface area or subsurface deposit. Various measures are used for defining the boundaries of such recordings. Refer also to ‘surface’ and ‘subsurface artefact occurrence’.
Artefact scatter	A formerly used open site-type classification defined as two or more stone artefacts situated no more than a specified distance (such as 60 m) away from any other included artefact. Typically, this category did not include isolated finds. The use of the term *scatter* was intended only to be descriptive and did not infer the original human behaviour

	which formed the site. The term *open camp site* has been used extensively in the past to describe open artefact scatters.
Background discard or scatter	There is no single concept for background discard or 'scatter', and therefore no agreed definition. The definitions in current use are based on the postulated nature of prehistoric activity, and often they are phrased in general terms and do not include quantitative criteria. It is commonly agreed that background discard occurs in the absence of 'focused' activity involving the production or discard of stone artefacts in a particular location. An example of unfocused activity is occasional isolated discard of artefacts during travel along a route or pathway. Examples of 'focused activity' are camping, knapping and heat-treating stone, cooking in a hearth, and processing food with stone tools. In practical terms, over a period of thousands of years an accumulation of 'unfocused' discard may result in an archaeological concentration that may be identified as a 'site'. Definitions of background discard comprising only qualitative criteria do not specify the numbers (numerical flux) or 'density' of artefacts required to discriminate site areas from background discard.
Exposure incidence	The percentage of the ground (i.e. without grass, leaf litter, gravel cover) that can be seen in the overall area.
Isolated find	A single stone artefact, not located within a rock shelter, and which occurs without any associated evidence of Aboriginal occupation within a specified radius, such as 60 m (depending on which archaeological convention is used). Isolated finds may represent single discard events, be constituent components of background scatter, or be indicative of larger obscured, remnant and disturbed sites.
Lithic assemblage (of stone)	Collection of whole and fragmentary stone artefacts and manuports obtained from an archaeological site, either by collecting items scattered on the present ground surface (see lithic scatter) or by controlled excavation (see also 'stone artefact').
Open camp site	A formerly-used site type classification defined as an open context stone artefact occurrence (or artefact scatter), containing two or more artefacts situated no more than a specified arbitrary distance (such as 60 m) away from any other included artefact. The term *open camp site* was based on ethnographic modelling suggesting that most artefact occurrences resulted from activities at camp sites. However, in order to separate the description from the interpretation of field evidence, both open camp sites and isolated finds are now referred to as *artefact occurrences.*
Potential archaeological deposit (PAD)	A discrete location or area, defined spatially either by geomorphological, disturbance or administrative criteria, within which there is a predicted likelihood that subsurface archaeological material is present, and that this material would warrant archaeological investigation in order to determine its scientific, cultural, or statutory value and status.
Study area	The area for which the assessment is being undertaken.
Visibility	Visibility within exposures relates to what can be seen as a percentage of the ground within exposures.

3 ENVIRONMENTAL CONTEXT

Lower Silurian mudstone, siltstone and minor shale and chert belonging to the Canberra Formation typifies the geology of the north Canberra area. The rock base is bedded almost vertically and consists predominantly of platey, soft, weathered shales. Narrow protruding outcrops of more resistant bedrock occur throughout the non-alluvial topography of the area. These are mostly discontinuous or locally isolated outcrops consisting predominantly of shales and variously graded and fractured chert.

The soils developed on ridge and slope topographies are generally thin, with high levels of bedrock gravels. In section they display a regionally typically sequence characteristic of a 'texture contrast' podzolic soil. Soils that have developed on alluvial flats in valley bottom contexts are deeper in section and are characterised by a dark humic and silt rich upper horizon. This typically grades into gravel rich clays which overly bedrock.

Due to Canberra's development and its associated agricultural history, grasslands are the dominant vegetation association of the open space lands. Other vegetation associations within the urban open space include small, disassociated patches of remnant native grassland, open woodland and amenity planted tree and shrub plantations. A mixture of exotic and native amenity plantings is the main mid-storey and upper storey vegetation associations on urban open space land. These consist mainly of constructed landscapes.

Areas that consist of naturally occurring endemic vegetation are few in number and small in area. Although comprising only a small proportion of the overall urban open space, they form a largely disjunct habitat association, and contain species diversity and some rare and endangered flora and fauna. The majority of this natural vegetation is remnant lowland native grassland, which is managed for the habitat of the associated flora and fauna. Habitat associations include dry and wet Kangaroo Grass, Wallaby Grass, Red leg Grass and mixtures of these grasses. Other less common native habitat is regenerated open woodland. This habitat occurs in small parcels of land that are components of larger adjacent areas of similar vegetation within Canberra Nature Park Reserves (Environment ACT 2004).

The Mount Ainslie and Mount Majura Reserves combine to form one of the largest areas within Canberra Nature Park. The majority of vegetation is low open forest to woodland and native grass species form the major understorey species. Much of the present timbered area of Mt Majura stems from plantings in the 1920s. The slopes range from gentle to steep in higher areas. Majura Pine Plantation is a *Pinus radiata* plantation planted between 1986 and 1994 located on the eastern slopes of Mt Majura (Environment ACT 2004).

The study area is situated on the low slopes of Mt Majura grading to the flat plains adjacent to Sullivans Creek, roughly one kilometre from the study area. The landforms within study area are made up of low gradient slopes and flat plains.

Prior to European settlement, the land across north Canberra was predominantly open forest, tending to thinner timber on the flats. Land was progressively cleared however through practices such as ringbarking, which became very common towards the end of the nineteenth-century. (Gillespie 1985). The Federal Territory Feature Map (Figure 3.1) shows most of the study area as open plain, open woodland or ring barked timber. Nevertheless, occasional isolated mature trees occur within the study area. Much of the study area is contained within the Wells Station Paddock.

The study area has been subject to a variety of impacts including original vegetation clearance, ploughing, stock damage, construction of infrastructure associated with grazing and informal vehicle tracks (Figure 3.2). Generally, levels of disturbance across the study area are moderate.

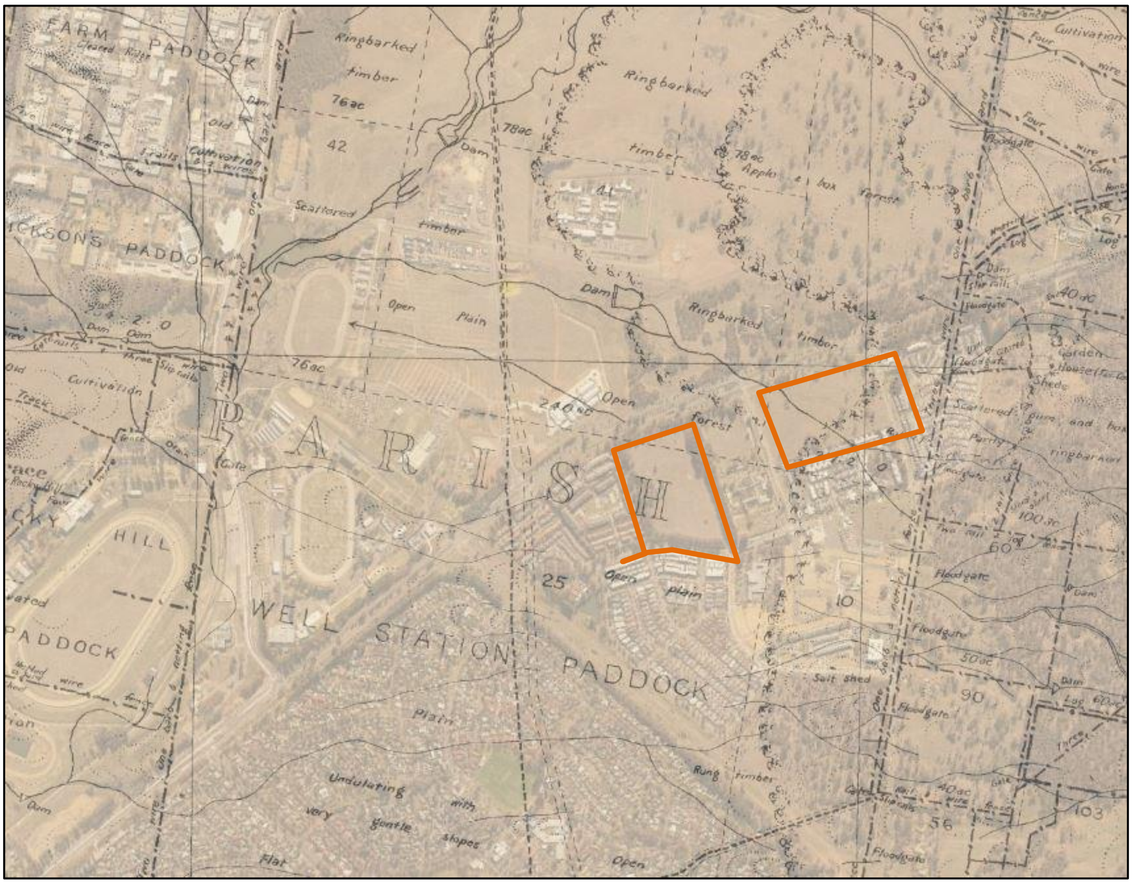

Figure 3.1 Location of the study area (orange outline) relative to the Federal Territory feature map (c.1915) (map courtesy of NLA, Australian Federal Capital Commission, Sheet 4, County of Murray). Overlaying 2019 aerial photo.

Figure 3.2 Location of the study area (orange outline) relative to 1951 aerial image (map courtesy of ACTmapi)

Figure 3.3 Photos of landscape examples

4 ABORIGINAL CULTURAL CONTEXT

4.1 Tribal Boundaries

Tribal boundaries within Australia are based largely on linguistic evidence and it is probable that boundaries, clan estates and band ranges were fluid and varied over time. Consequently 'tribal boundaries' as delineated today must be regarded as approximations only, and relative to the period of, or immediately before, European contact. Social interaction across these language boundaries appears to have been a common occurrence.

A reconstruction of clan boundaries based on Tindale (1974) indicates that the northern Canberra area fell within the tribal boundaries of the Ngunnawal people. There is some uncertainty as to which language was spoken by the Aborigines of northern Canberra. This area appears to have been close to the linguistic boundary between the Gundungurra and Ngunnawal languages. Eades (1976) notes that published grammars for these two languages (Mathews 1900, 1901, 1904) are virtually identical. However according to Eades' boundaries, the Ngunnawal of northern Canberra probably spoke the Gundungurra language.

Jackson-Nakano (2001:xiv) notes that Aboriginal family groups within the Canberra-Queanbeyan district and surrounds were known by many names in the early nineteenth century, but local Europeans who knew them best referred to them as Kamberri – also spelled Kgamberry, Kamberra and even Nganbra (Ngambri). She says the heart of their country was centred on the area now referred to as the Acton Peninsular. Some Kamberri individuals, she says, intermarried with neighbouring Ngunawal families from the 1880s, and some descendants of such marriages re-identify in modern times as Ngunnawal. While maintaining their distinct association with the ACT and surrounds, members of Kamberri-Ngunnawal families might also identify personally as Ngunawal, Walgalu or even Wiradjuri through their familial links to these other groups (Jackson-Nakano 2001:xv).

References to the traditional Aboriginal inhabitants of the Canberra region are rare and often difficult to interpret (Flood 1980, Huys 1993). The consistent impression however is one of rapid depopulation and a desperate disintegration of a traditional way of life over little more than fifty years from initial white contact (Officer 1989). The disappearance of the Aborigines from the tablelands was probably accelerated by the impact of European diseases which may have included the smallpox epidemic in 1830, influenza, and a severe measles epidemic by the 1860's (Flood 1980, Butlin 1983).

By the 1850's the traditional Aboriginal economy had largely been replaced by an economy based on European commodities and supply points. Reduced population, isolation from the most productive grasslands, and the destruction of traditional social networks meant that the final decades of the region's indigenous culture and economy was centred on white settlements and properties (Officer 1989).

By 1856 the local 'Canberra Tribe', presumably members of the Ngunnawal or Ngarigo, were reported to number around seventy (Schumack 1967) and by 1872 recorded as only five or six 'survivors' (Goulburn Herald 9 Nov 1872). Early accounts of Aboriginal lifestyles in and comparable with the current study localities describe aspects of a successful hunting and gathering economy and eventful social life and inter-group contacts. The material culture, which is partly reflected in the surviving archaeological record, included stone and wooden artefacts, skin clothing and bark and bough temporary dwellings (Flood 1980, Huys 1993).

Ngunnawal people today continue to hold strong association with the area and take an active role in retaining their connection to their traditional lands.

4.2 Representative Aboriginal Organisations

Four local Aboriginal organisations have stated an objective to represent traditional Aboriginal cultural values and interests within the ACT. These groups have been recognised by the Minister as Representative Aboriginal Organisations (RAOs) as defined under the ACT *Heritage Act 2004.* These groups are the:

- Buru Ngunawal Aboriginal Corporation (Buru Ngunawal);
- King Brown's Tribal Group Pty Ltd (KBTG);
- Mirrabei; and
- Ngarigu Currawong Clan (Ngarigu).

It is the policy of the ACT Heritage Council that the RAOs should be consulted with regard to the management of, and potential impacts to, Aboriginal cultural values and places within the ACT.

4.3 Evidence of RAO Consultation

Contact was made by phone and email with the RAOs to inform them of this assessment and to organise representation during the field survey.

The following personnel participated in the fieldwork program and represented the interests of their group in the project:

- Karen Denny (BNAC)
- Wally Bell (BNAC)
- Michelle House (Mirrabei)

Records of Aboriginal Consultation are provided in Appendix 1.

Table 4.1 Consultation Log

Date	Type of Contact (email, phone etc)	Group/Individual	Comment/Action
6/12/19	Email (BNAC, KBTG, Mirrabei), dropped into letterbox (Ngarigu)	All groups	Invitations to all groups to participate in the field survey.
17/12/19	Field participation	Karen Denny (BNAC)	Field participation. Karen requested that Wally be asked to view the possible scarred tree to give his opinion.
23/1/20	Phone	Wally Bell (BNAC)	Consultation regarding second site visit
24/1/20	Field participation	Wally Bell (BNAC)	Second visit with Wally to look at the scarred tree as requested by Karen. Wally requested that any old growth trees be avoided by development. Wally Bell has suggested that the preserved scar be incorporated into the development within a green space or park as a teaching resource
10/2/20	Phone	KBTG Mirrabei Ngarigu	Phone calls offering additional field visit to site. Michelle House answered and is available.

Date	Type of Contact (email, phone etc)	Group/Individual	Comment/Action
			No answer from KBTG and Ngarigu. Messages left.
11/2/20	Email	KBTG	Email offering field visit on any day nominated by the group. No answer received.
11/2/20	Phone	Ngarigu	Phone calls offering additional field visit to site. No answer.
12/2/20	Phone	KBTG Ngarigu	Phone calls offering additional field visit to site. No answer.
14/2/20	Field participation	Mirrabei	Field visit with Michelle house to discuss the project and the scarred tree. Michelle was happy with the assessment and recommendations made.
17/2/20	Phone	KBTG	Phone calls offering additional field visit to site. Adrian is available next week will be in contact to let us know availability.
17/2/20	Phone	Ngarigu	Phone calls offering additional field visit to site. No answer.
21/2/20	Email	KBTG	Follow-up on phone call to enquire into availability. No reply.
11/5/20	Email and Mail	All groups	Draft report sent to RAOs for comment with two week notice period
21/05/20	Phone	All groups	BNAC- Wally would like to talk to Karen before giving comments Mirrabei- Paul will get back to me KBTG- no answer Ngarigu- no answer
25/05/20	Phone	All groups	BNAC- no answer Mirrabei- happy with the report and support the recommendations KBTG- no answer Ngarigu- no answer
25/05/20	Email	BNAC	Wally provided comments via email expressing that “For BNACC to endorse the recommendations as made, BNACC have the additional site

Date	Type of Contact (email, phone etc)	Group/Individual	Comment/Action
			management requirements, not presented in the report." See Appendix 1 for all additional site management requirements. Report amended to reflect comments
26/05/20	Phone	BNAC	Clarification sought over comments made. Recommendations endorsed with new changes.

5 ARCHAEOLOGICAL CONTEXT

5.1 Regional Overview

Archaeological surveys and recording work conducted in the central and northern Canberra regions have resulted in the location of numerous archaeological sites.

Stone artefact scatters are the most frequently occurring residue of prehistoric activity in these areas. They are fundamental in documenting the intensity of usage of the landscape and its resources by its past Aboriginal inhabitants. They provide insight into stylistic and technological behaviours.

Such scatters are representative of one or more stages in what is termed a 'reduction sequence'. That is, the entire process from obtaining stone raw material, to manufacture of stone tools and to eventual discard or loss and incorporation into the archaeological record. Other less common site types that have also been identified in the region are scarred trees, grinding grooves, ochre sources and lithic raw material sources.

The Canberra Archaeological Society (CAS) conducted the first archaeological survey in the northern Canberra area in 1975-76. The survey located 'seven sites' and a larger number of 'less significant finds' (Bindon and Pike 1979).

From the 1980s archaeological recording and survey in the ACT became more systematic and comprehensive and the majority of work since then has been conducted in the context of development impact assessment.

Witter (1980) surveyed a 20 m wide easement for a gas pipeline running between Dalton and Canberra. His survey crossed the Yass River and traversed hilly country in the centre of the Upper Yass River catchment. Eleven artefact scatters containing small silcrete flakes and some blades were recorded during the survey. The following year Witter (1981) fully excavated one site (DC2) and collected the surface artefacts from seven sites (DC1, DC3, DC5, DC6, DC9, DC11 & DC12).

More generalised studies were conducted for the EIS prepared for the Gungahlin development release area (Anutech 1984, NCDC 1989) and for the compilation of the Sites of Significance volume on Gungahlin and Belconnen (NCDC 1988).

The Anutech investigation identified several general consistencies in site location. The majority of sites were located on creek banks, on low-lying but well-drained areas, and within 150 m of the junction of two creeks. This was postulated to indicate a preference for topographically confined parts of valley floors where protection from wind is greatest. At the majority of sites, artefactual material was exposed as subsurface material eroding from A horizon sediments (Anutech 1984:24).

Although this model was considered to be incorrect by some researchers (Access Archaeology 1992:8) further comparative work by Officer and Navin (1991, 1992) tended to confirm the locational model proposed by Anutech. The majority of open artefact scatters, particularly larger sites, are situated adjacent to or in close proximity to creek flats or valley bottom contexts, frequently on low gradient basal slopes adjacent to streams.

An archaeological assessment of the proposed route of Clarrie Hermes Drive and adjoining sections of Horse Park Drive and Mirrabei Drive was carried out by Access Archaeology in 1992. This study involved survey of an 80 m wide road corridor for a length of approximately 6.2 km. Eight Aboriginal sites (three artefact scatters, five isolated finds, and five Aboriginal scarred trees) were recorded during the survey (Access Archaeology 1992:10-13). None of the recordings occur within the current Kenny study area.

In 1993, Huys carried out surveys in the Gungahlin district as part of his Honours thesis research at the Australian National University. He recorded approximately ten Aboriginal sites (Huys 1993).

With the release of large areas of land for urban development in north Canberra several larger scale systematic archaeological surveys were undertaken to define the archaeological resource of the subject areas (for example, Officer and Navin 1992; Kuskie 1992a, 1992b; Wood and Paton 1992).

Numerous other archaeological assessments have been carried out for smaller land areas which were likely to be affected by specific proposed developments such as roads, golf courses, water storage facilities, pipelines etc.

5.2 The North Watson Study Area

A number of archaeological studies have been undertaken around the North Watson study area, particularly to the north and east. No studies have been undertaken to date within the North Watson study area.

One of the earliest consultancy studies undertaken in the local region was that conducted by Witter (1980) for a gas pipeline between Dalton and Canberra. The study area for that project was located to the northeast of the study area. Eleven Aboriginal sites were recorded by Witter.

Salvage investigations were undertaken in 1981 by Witter at site DC3 (which had been identified in the 1980 study), at which time it was discovered that the site had already been impacted by preliminary construction activities associated with a meter station and helicopter pad. Artefact collection was conducted across the site and a small number of artefacts including one ground edge axe were recovered (Witter 1981).

The site DC3 was later inspected as part of investigations for the Canberra Archaeological Society (Boot 1990). Boot identified one quartzite flaked piece at the site and revised the original coordinates for the recording, which had initially been provided by Witter to an accuracy level of one kilometre.

The EIS investigations undertaken by Anutech in 1984 identified a series of sites along Sullivans Creek, to the northeast of the Kamberra Estate, including isolated finds, artefact scatters and scatters with *in situ* deposits (AnuTech 1984). These sites are referred to as S1-S3 and are listed in 'Sites of Significance in the ACT' (NCDC 1988) as GH17. These recordings were identified within the Anutech report as containing knapping floors, backed blades and *in situ* deposits that were in danger of disturbance from erosion. I was recommended that salvage and/or test pitting be undertaken at this location. In the listing of the site complex in 1988, GH17 was assessed as being of regional significance. It is understood that some artefact collection has taken place at this site.

The complex of sites at GH17 was further investigated by the Canberra Archaeological Society (Barber 1991). The results of that investigation indicated that 26 artefacts were present within an area 120 x 2 m. No evidence was found of the previously identified knapping floors and backed blades; it was thus concluded that the site had been destroyed by erosion, dam construction and the dumping of rubbish along the western bank of the creek.

During that same investigation, Barber also identified a possible scarred tree on the creek flats to the northeast of the GH17 site complex. The scar was on the underside of a limb, 2.6 m above the ground (Barber 1991).

In 1992, a reconnaissance level archaeological survey was carried out for a proposed release of land for urban infill purposes in north Watson (Navin 1992). The area comprised approximately 200 ha of low gradient slopes and foothills on the western fall of Mount Majura. Spurs and drainage lines in the area were generally broad and poorly defined, and there were no major drainage beds or permanent water sources in the area. Vegetation consisted of open woodland with isolated or relict scatters of mature Eucalypts situated within established pasture. Around 40% of the study area had undergone extensive landscape disturbance as a result of a variety of developments.

The Watson study area was considered to have low archaeological potential. This was based on the lack of permanent water, major drainage lines and economic rock types, and the degree of recent landscape disturbance.

Most of the Sullivans Creek catchment area was surveyed as a component of archaeological assessments for the future suburbs of Mulanggari, Throsby and Kenny which are located to the north of the Kamberra Estate study area (AASC 1995). Three artefact scatters and three isolated finds were identified along Sullivans Creek in the course of that investigation.

Four of these recordings (ASM1, ASM2 IFM1, IFM2) were identified near the previously recorded site complex GH17 (S1-S3). Subsurface testing and artefact collection was recommended at ASM2.

In August 1995, a corridor selection study was undertaken which assessed two possible Federal Highway duplication alternatives (Navin, Officer and Legge 1995) and subsequently further detailed studies were undertaken for the EIS for the duplication (Navin, Officer and Legge 1996). Five Aboriginal sites and four isolated finds were located in the Federal Highway Duplication study area.

Saunders (1995) surveyed a proposed gas pipeline easement from the Federal Highway to Majura Parkway, to the northeast of the Kamberra Estate study area. No sites were located in the course of that survey.

Saunders (1995) also surveyed along the AGL pipeline corridor previously investigated by Witter (1980, 1981). In the course of the 1995 investigations two small artefact scatters and two isolated finds were identified along sections of the pipeline to the north of the current study area. One of these, DCLA8 was recorded immediately adjacent the previously recorded site DC3.

An additional cultural heritage survey of Aboriginal and historical sites was undertaken by Saunders (2000) in the Sullivans Creek catchment area at Gungahlin. Fifteen Aboriginal sites, comprising ten artefact scatters, four isolated finds and one scarred tree were recorded during that survey; four areas of PAD were also identified.

In 2004, a development proposal sought to allow redevelopment of a number of blocks in north Watson (NOHC 2004). NOHC undertook the cultural heritage assessment of the site of the proposed development. Two small artefact scatters were identified in the area during the course of that investigation.

A cultural heritage survey for the youth detention centre to the north of the Kamberra Estate study area was undertaken in 2005 (NOHC 2005). No Aboriginal sites or areas of archaeological potential were identified in the course of investigations for that project.

Cultural Heritage Management Australia (2009) completed a desktop study and survey for the Harrison 4 Residential Estate situated northeast of the Kamberra Estate study area. The boundary of their study was Sullivans Creek. Sites identified by Saunders (2000) were re-identified and additional sites located. Recommendations were made for subsurface testing of PADs along Sullivans Creek and collection of surface sites.

To the north of the Kamberra Estate study area NOHC undertook a cultural heritage assessment of the new suburb of Kenny. Nine Aboriginal sites and four PADs had been previously recorded within the Kenny study area (NOHC 2010). Recordings included seven artefact scatters, one isolated find one possible Aboriginal scarred tree and four areas of potential archaeological deposit. Twenty one (21) Aboriginal sites were recorded in the course of the comprehensive survey conducted across the Kenny study area in 2010. Recordings comprised of four isolated finds and seventeen artefact scatters.

Areas of PAD were identified in association with artefact scatters. Three of the previously identified areas of PAD were re-assessed and discounted as areas of low archaeological potential. The previously identified scarred tree of possible Aboriginal origin was re-assessed and the scar was considered to have most likely resulted from natural limb loss. The previously recorded sites SCCA1 and SCCA2 were not re-found, and the locations in which they were recorded are considered to have low archaeological potential.

Cultural Heritage Management Australia undertook stage two subsurface investigations along the western and northwestern portions of Sullivans Creek in 2010. An additional area of the Harrison 4 Residential Development and an extension of Wells Station Road were surveyed as a part of the 2010 study. The subsurface investigation consisted of grader scrapes and test excavations. A large,

moderate density surface stone artefact scatter, SCCA3, originally recorded by Saunders in 2000 along the western banks of Sullivans Creek was re-found and investigated. It was concluded that SCCA3 represented a low density artefact scatter which extended for 200 m along the western margin of Sullivans Creek (CHMA 2010).

NOHC undertook an assessment of Block 9, Section 64, Watson in 2011. No Aboriginal sites, objects or areas of potential archaeological deposit or sensitivity were identified. One historical feature, a 'salt shed', was recorded within the study area (NOHC 2011).

Biosis (2012) undertook a stage two cultural heritage assessment of Kenny. An attempt was made to re-find sites, collect surface artefacts and to test areas of PAD using a hand excavation methodology. This resulted in the identification of low density artefact scatters across the Kenny study area. One large surface scatter of artefacts associated with subsurface deposits was confirmed along the northwestern margin of Sullivans Creek (Site K7). This site was assessed as being of high significance and various mitigation strategies were employed to prevent impact at this site.

There are no previously recorded Aboriginal sites are located within the North Watson study area. The closest recorded Aboriginal sites are located over 200 metres away from the study area.

5.3 Predictive Archaeological Model – Aboriginal Heritage

As a result of the numerous archaeological surveys undertaken to date in the north Canberra area, qualitative observations regarding indigenous site location parameters may be summarised as follows:

- Artefact occurrences (such as artefact scatters and isolated finds) in open contexts are the most common archaeological recoding type;
- Artefact densities (both on the ground surface and within the soil profile) in open artefact scatters may vary considerably;
- Open artefact scatters are most likely to occur on relatively level ground, in locally well-drained contexts, in relative proximity to a natural fresh-water source. Landforms on which open artefact scatters are likely to occur include elevated creek and river banks, low gradient basal slopes adjacent to creeks and rivers, terrace edges, and the crests of ridges and spurs;
- The majority of open artefact scatters, (particularly larger sites), are situated adjacent to, or in close proximity to, creek flats or valley bottom contexts, frequently on low gradient basal slopes adjacent to streams or wetlands;
- Open artefact scatters which contain relatively large artefact assemblages and densities occur most frequently and consistently within 100-150 m of major and relatively permanent drainage lines;
- Open artefact scatters which occur away from basal valley contexts and major streams and tributaries tend to be small and sparse in artefact content;
- Open artefact scatters may be more likely to be present at major confluences and valley constrictions;
- Most sites located away from major water sources will consist of low density scatters of artefacts, and mostly contain less than 10 visible surface artefacts;
- Artefacts may occur wherever surface exposures of exploited rock occur, rock sources which are known to have been exploited in the ACT include chalcedony, chert, quartz and fine grained igneous rocks such as fine-grained porphyry and fine-grained intrusives within granodiorite;
- Some natural exposures of fine grained siliceous rocks are un-associated with evidence for Aboriginal exploitation of that resource;
- Aboriginal scarred trees may occur anywhere old-growth trees survive. It is probable that the scars on the trees would date to no later than the 1850s. Tree scars with an Aboriginal origin would therefore have to be at least in the order of 200 years old; and
- Arising from the results of the subsurface investigations at several PAD and non-PAD locations in Gungahlin e.g.: North Gungahlin Pond and Roads (NOHC 2010) and Casey 1 (NOHC 2008), it is predicted that:
    - in upper catchment contexts characterised by non-permanent water sources and first or second order streamlines; and in relatively low undulating landforms with open valley floors; the archaeological resource will consist of very low density and discontinuous occurrences of stone artefacts (with a low proportion present in subsurface contexts).

6 HISTORICAL CONTEXT

6.1 Regional Overview

The Canberra region has a history of European settlement dating back to the 1820s when the first settlers and squatters moved into the area in the wake of early exploratory undertakings in search of the Murrumbidgee River. From this time through to the mid-1830s most of the productive country was acquired by squatters and absentee landholders and by the 1850s substantial properties were being established by the likes of Joshua Moore and Robert Campbell (Williams and Barber 1995: 7; Navin, Officer and Legge 1996:13).

While land use up until the late 1850s was focused on sheep runs and some grain production, the establishment of smaller holdings with the passing of the Robertson Land Acts in 1861 heralded the emergence of a closer pattern of settlement. Sheep grazing continued, but with the addition of dairying and smaller scale cereal production. This land use was characterised by the establishment of numerous small field systems and grazing, with limited cultivation and orchards around home paddocks (Farrington and Williams 1992).

During the latter half of the nineteenth century, there was a continuing consolidation of settlement throughout the region. George Campbell, the fourth son of Robert Campbell, came to Duntroon in 1855 and added to the large holdings left to him by his father by purchasing land north of Canberra. George resided at Duntroon until 1876, when he went to England and lived until his death in 1881. Duntroon was managed by Campbell's nephew, Frederick, until the Commonwealth resumed the property (Gillespie 1991).

The ACT was established from land ceded by New South Wales in 1911. Initial development of the ACT was slow, and management of the existing NSW infrastructure was continued by the Commonwealth with only gradual changes. The last 'freehold' properties were not resumed until the 1980s. Names already in use in 1911 such as natural features and locality names were retained. Although some localities have disappeared as a result of urban development, their names have usually been retained in some form.

The Ginninderra area and upper Sullivans Creek catchment are known to contain a number of sites associated with various phases of local European settlement and pastoralism. Site types include homestead complexes, early house sites and ruins, plough lands, yards, rubbish pits, stone cairns and border markers, old fence-lines, tree plantings and old road alignments (Bindon and Pike 1979; Kuskie 1992b; Wood and Paton 1993; Saunders 1995; Williams and Barber 1995; Saunders 2000).

6.2 Related Reports and Information

No previously recorded European sites are located within the North Watson study area. Historical surveys of the surrounds of the North Watson have been undertaken in conjunction with Aboriginal archaeological surveys.

Navin, Officer and Legge (1995, 1996) recorded five historical sites and features as a component of cultural heritage assessments for proposed duplications of the Federal Highway. These recordings comprised tree plantings on either side of the Federal Highway (FHH1), a row of trees located 400 m northwest of 'Canberra Park', on the eastern boundary of the old Portion 11 (site FHH2), an old road alignment (FHH3), old disused road alignments near McLaughlins Creek (4a) and Majura Lane (4b); and a disused sheep dip (FHH5).

Saunders (2000) undertook a cultural heritage survey of the Sullivans Creek catchment area located two kilometres northeast of the study area. Three historical sites were identified in the course of that investigation. The identified sites were a surveyors tree (SCCH1), old timber posts (SCHH2) and the ruins of William Ginn's House (CAS 470).

A comparative assessment of pastoral places in the Gungahlin district was undertaken by Pearson (2002) on behalf of the ACT Heritage Unit. That study aimed to identify and assess pastoral places of

significance beyond the existing limits of suburban development. A series of standing structures, ruins and plough lands were identified by Pearson.

Seven historical sites were recorded by NOHC during the assessment of the new suburb of Kenny in 2010 (NOHC 2010). Recordings comprised of two house ruins (KH1 - the ruins of a house on a knoll in the northeast of the study area [Pearson 2002], and KH2); two stock yard-related items (KH3 and KH6); elements of old fencing (KH4A, KH4B, KH4C and KH4D); a surviving ringbarked tree (KH5); and a row of trees (FHH2), located in the south of the current study area (Navin, Officer and Legge (1996).

In 2010, CHMA undertook an archaeological excavation of KH2 as part of the stage two subsurface investigations along the western and northwestern portions of Sullivans Creek. They concluded that the structure was a constructed farm shed with two wooden walls supporting a light roof, making a small storage area for hay or farm equipment (CHMA 2010).

Additional on-ground recording and historical investigation was undertaken for two historical sites (KH1 and KH2) within the boundaries of the Kenny study area. The study concluded that site KH2 had already been excavated by CHMA in 2010. Site KH1 was identified as a significant house ruin site with moderate significance (Biosis 2012).

The Starlight Drive-In Theatre Sign, located next to the study area within Section 61 Watson, was heritage listed in 2016 (ACT Heritage Register) as a physical reminder of the iconic drive-in era of the mid twentieth century.

There are no listed historical heritage items or places within the North Watson study area. The closest historic heritage item is the Starlight Drive-In Theatre Sign, the current project will not impact this

6.3 Predictive Archaeological Model – Historical Heritage

Unrecorded historic sites and features of heritage significance that may occur within the study area include:

- Old fence lines, such as post and rail fencing; these may occur along road easement boundaries and farmlands.
- Indications of field systems, such as drainage channels and ridge and furrow ploughlands; these are likely to survive in low lying agricultural ground, especially in areas that are now used for grazing, rather than cropping.
- Traces of agricultural and industrial processing or extractive sites, such as dairies, factories, and quarries; these may be found throughout agricultural lands on valley floors and adjacent low ranges;
- Archaeological sites, such as the occupation remains of former dwellings including homesteads, houses and huts; these will be distributed in close association with land settlement patterns, and correlated with favourable agricultural lands, trading nodes and transport corridors;
- Nineteenth-century structures, such as farm dwellings, outbuildings, selector's and timber-getters huts; these may survive as standing buildings, ruins or archaeological deposits and are most likely to survive on less developed rural properties, on early portion numbers, and in or near established farm building complexes;
- Sites associated with early roads; these will be closely associated with early cadastral road reserves, watershed ridgelines, and related to early river and creek crossing points;

Structures of historical interest and heritage significance may be standing, ruined, buried, abandoned or still in use.

7 PHYSICAL INVESTIGATIONS

7.1 Summary

No Aboriginal or historic sites have been previously identified within the study area. During the course of the current investigation two Aboriginal sites were identified in the study area. The sites were:

- North Watson 1 (NW1)
- North Watson Scarred Tree 1 (NWST1)

No sites of historic heritage were located during the current survey.

7.2 Aboriginal Sites

7.2.1 Sites Recorded During the Current Assessment

One new artefact location and a possible scarred tree were recorded during the current assessment.

North Watson 1 (NW1)

This site is an isolated find. Site information and photos have been redacted for the protection of the site.

North Watson Scarred Tree 1 (NWST1)

This site is a possible Aboriginal scarred tree. Site information and photos have been redacted for the protection of the site.

7.3 Survey Coverage and Visibility Variables

The effectiveness of archaeological field survey is to a large degree related to the obtrusiveness of the sites being looked for and the incidence and quality of ground surface visibility. Visibility variables were estimated for all areas of comprehensive survey within the study area. These estimates provide a measure with which to gauge the effectiveness of the survey and level of sampling conducted. They can also be used to gauge the number and type of sites that may not have been detected by the survey.

Ground surface visibility is a measure of the bare ground visible to the archaeologist during the survey. There are two main variables used to assess ground surface visibility, the frequency of exposure encountered by the surveyor and the quality of visibility within those exposures. The predominant factors affecting the quality of ground surface visibility within an exposure are the extent of vegetation and ground litter, the depth and origin of exposure, the extent of recent sedimentary deposition, and the level of visual interference from surface gravels.

The ground visibility in the project area was generally moderate with dry vegetation and some leaf litter and industrial waste covering most sections of the study area. Higher visibility was restricted to exposures associated with vehicle tracks and erosion scalds from lack of vegetation. Overall exposure of the study area was 40% and visibility within those exposures was 60%.

7.4 Discussion

The results of the physical investigation confirmed the predicative model discussed in this report in Section 5.3. As predicted, isolated finds were one of the most common site occurrences within the project area, along with the scarred tree which occurs in an area populated by old growth trees. The artefact occurred on relatively level ground in well drained contexts and as such it is likely that this was a discard event as there is no subsurface potential and no further artefacts were found in the surrounding area. All sites were more than 500 metres away from permanent sources of water. All surrounding old growth trees were inspected for scars of Aboriginal origin but none were located.

The study area as a whole is assessed to have low archaeological potential. This assessment is made as the area is located more than 500 metres from relatively permanent water, the landforms present within the study area, i.e. low slopes and flat plains (see Section 3), are not indicative of Aboriginal sites and the area has been heavily disturbed.

The small study area and low artefact numbers means that no more detailed conclusions can be drawn.

8 ASSESSMENT OF HERITAGE SIGNIFICANCE

8.1 Assessment Criteria

Criteria suitable for the assessment of the heritage values and significance of the archaeological resource within the ACT have been defined in Section 10 of the Heritage Act, 2004 (Republication No. 18).

A place or object has heritage significance if it satisfies one or more of the following criteria:

(a) importance to the course or pattern of the ACT's cultural or natural history;

(b) has uncommon, rare or endangered aspects of the ACT's cultural or natural history;

(c) potential to yield important information that will contribute to an understanding of the ACT's cultural or natural history;

(d) importance in demonstrating the principal characteristics of a class of cultural or natural places or objects;

(e) importance in exhibiting particular aesthetic characteristics valued by the ACT community or a cultural group in the ACT;

(f) importance in demonstrating a high degree of creative or technical achievement for a particular period;

(g) has a strong or special association with the ACT community, or a cultural group in the ACT for social, cultural or spiritual reasons;

(h) has a special association with the life or work of a person, or people, important to the history of the ACT.

The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance defines cultural significance as 'aesthetic, historic, scientific, social or spiritual value for past, present or future generations' (Australia ICOMOS Burra Charter, 2013).

Assessing the Aboriginal cultural significance of a place involves identifying the range of values that are present and assessing them against relevant criteria, in order to define why a place is important and inform future planning and management. Table 8.1 provides definitions of these values and outlines the criteria for assessment.

Table 8.1 Criteria used to assess the cultural significance of a place

Definition of value	Assessment criteria
Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community.	Is the subject area important to the cultural or natural history of the local area and/or region and/or state?

Definition of value	Assessment criteria
Scientific (or archaeological) value refers to the information content of a place and its ability to reveal more about an aspect of the past through examination or investigation of the place, including the use of archaeological techniques (Australia ICOMOS 2013). Sites may meet this criterion because they: contain intact archaeological deposits, have potential to answer research questions on past human behaviour, are very old or contain significant time depth, contain large artefactual assemblages or material diversity, are well preserved, or form part of a larger site complex or cultural landscape.	Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state?
Aesthetic value refers to refers to the sensory and perceptual experience of a place—that is, how we respond to visual and non-visual aspects such as sounds, smells and other factors having a strong impact on human thoughts, feelings and attitudes. Aesthetic qualities may include the concept of beauty and formal aesthetic ideals (Australia ICOMOS 2013).	Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state?
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. Spiritual value is included in the definition of social value, and refers to the intangible values and meanings embodied in or evoked by a place which give it importance in the spiritual identity, or the traditional knowledge, art and practices of Aboriginal people (Australia ICOMOS 2013).	Does the subject area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons?

Thresholds

In understanding the significance of a place or object, there are two key interrelated steps:

1. **determine whether the place has value in relation to a criterion** (this is the basic test). This will sometimes imply the historical or other context of the place or object and might determine whether the place or object is of personal, interest group, local, territory, national or World Heritage significance (its historical context and the community group for whom it is important); and,

2. **apply threshold indicators, to 'test' the degree to which the place or object is significant** and, hence whether it meets a criterion and warrants registration— is it sufficiently rare, unique, important, etc. in the context of the ACT when compared to other places?

8.2 The Study Area

8.2.1 Scientific (archaeological) value

North Watson 1 – Isolated artefact

North Watson 1 is a new Aboriginal site and is an isolated artefact that was recorded in the project area during the current assessment. This site type is common throughout the Canberra region and is evidence of Aboriginal occupation within the area, however due to the lack of rare or defining characteristics this site provides little further archaeological information. This site has no subsurface archaeological potential. The site is assessed as having low scientific significance.

North Watson Scarred Tree 1 –Scarred tree

North Watson Scarred Tree 1 is a new Aboriginal site and is a scarred tree of possible Aboriginal origin that was recorded in the project area during the current assessment. Scarred trees are somewhat rare within the region, however, as an Aboriginal origin cannot be reliably considered as more likely than alternative natural causes it is difficult to accurately assess the significance of this site. This site has no subsurface archaeological potential. The site is assessed as having low-medium scientific significance.

8.2.2 Social or cultural value

All archaeological objects and sites have cultural value for present-day Aboriginal people, as they were created by prehistoric, ancestral Aboriginal people and provide tangible evidence of past occupation of the landscape. All Aboriginal sites within the ACT are regarded by the RAOs as having cultural significance as locations that have direct evidence of the past Aboriginal occupation of the area. It has been communicated to NOHC that the sites at North Watson have cultural value to the RAOs.

Wally Bell from Buru Ngunnawal in particular provided comment on the significance of these sites.

"As is the case in most Aboriginal cultural heritage investigations conducted via archaeological methodology many sites/objects appear to hold low scientific significance. But to the Traditional Custodians on whose land the study is being conducted there is a very strong significance from a cultural perspective because these sites/objects provide a strong rich story and song line of our Aboriginal Traditional practices and our history and connection to Country which we have occupied for a validated tens of thousands of years" (See Appendix 1).

It should be noted that some objects and places might have cultural value that was not communicated to NOHC. This could be the case for objects or places that are associated with information that is culturally restricted.

8.2.3 Assessment against the assessment criteria

Based on the assessment conducted is considered that site North Watson 1 and North Watson Scarred tree 1 have heritage significance according to criterion g.

Criterion g *has a strong or special association with the ACT community, or a cultural group in the ACT for social, cultural or spiritual reasons;*

Based on past assessments by the ACT Representative Aboriginal Organisations (RAOs), comments made by field representatives during the field program, and comments made by RAOs in the review period, sites North Watson 1 and North Watson Scarred tree 1 are considered important to the RAOs as part of local Aboriginal tradition due to the archaeological record they contain and the evidence this record represents for traditional and past patterns of Aboriginal occupation. The sites symbolically represent past patterns of Aboriginal occupation and culture which contributes to a sense of identity for the Aboriginal community.

9 STATUTORY CONTEXT[1]

9.1 Heritage Act 2004

This Act provides for the protection, management and conservation of heritage places and objects in the ACT. The Act establishes a Heritage Register of heritage places and objects and establishes procedures for both provisional and full listing to the Register. The Act establishes the ACT Heritage Council to function as the main advisory body to the Minister on heritage issues. The Council receives administrative support from the ACT Heritage, Environment ACT, Department of Territory and Municipal Services. The Council has the power to provisionally and fully register Heritage places and objects. Under the Act, the ACT Heritage Council is to be responsible for the Heritage Register and the heritage registration process.

An 'Aboriginal Place' and 'Aboriginal Object' are defined as 'a place/object of particular significance to Aboriginal people because of either or both:

(a) Aboriginal Tradition; and/or

(b) The history, including contemporary history, of Aboriginal people (s9).

Under s74 and s75 of the Act a person commits an offence if they engage in conduct that diminishes the heritage significance of a place or object, or engage in conduct that causes damage to an Aboriginal place or object. These offences are graduated according to whether an offender was reckless or negligent 'about whether the conduct would diminish the heritage significance' or 'cause damage' to an Aboriginal Object of Place. To 'cause damage' is inclusive of disturbing or destroying.

The Heritage Council may issue a direction to a person or corporation who owns, looks after, or who does work that damages a heritage place or object to repair any damage to that place or object, if it can be repaired. It is an offence, incurring fines of $80,000 for an individual and $405,000 for a corporation, to disobey a repair damage direction (s67A).

Fines of $1000 to an individual or $5000 to a corporation can incur for damage to heritage places or objects or Aboriginal places or objects, regardless of whether they can be repaired.

It is an offence to contravene a heritage direction, incurring fines of $160,000 to an individual and $810,000 to a corporation. Failure to comply with a direction can be grounds for a Heritage Order made by the Supreme Court (s62).

A person also commits an offence under the Act if they do not report an Aboriginal place to the Heritage Council and has 5 working days to do so (s51). The reporting and offence provisions of the Act apply irrespective of land status or whether registration to the Heritage Register occurs.

The Act provides for the development and application of Heritage Guidelines. These are to be formulated by the Heritage Council and will set the policy for how places and objects are to be conserved, including registered places and objects. The guidelines may control how development is to take place in an area which is a heritage place or contains a heritage object. They will be performance-based but may include mandatory provisions (Part 5). During the transitional phase of the Act a heritage or conservation requirement for a place is taken to be a heritage guideline under the Heritage Act (s129).

The only provisions for legally sanctioned disturbance to an Aboriginal place or object, or the diminution of the heritage value of a Heritage Place or Object is to conform to one of the exceptions listed in s76

[1] The following information is provided as a guide only. Readers are advised to seek qualified legal advice relative to legislative matters.

of the Act. According to this section, the offence provisions of the Act (s74 and s75) do not apply if conduct is engaged in accordance with the following:

(i) a heritage guideline;

(ii) a heritage direction;

(iii) a heritage agreement;

(iv) a conservation management plan approved by the council;

(v) development approval under the Planning and Development Act 2007, chapter 7;

(vi) an excavation permit;

(vii) a statement of heritage effect approved by the council.

Heritage recordings which occur on National Land under the National Land Ordinance 1989 (or subsequent amendments), or which occur in Designated Areas under the National Capital Plan are subject to development approval processes which may be in addition to, or instead of requirements identified as management requirements under the *Planning and Development Act 2007.*

Development approval processes within the ACT can be summarised as follows:

- Work carried out on National Land in Designated Areas is subject to the approval of the National Capital Authority (NCA);
- Work carried out on Territory Land in Designated Areas is generally subject to approval by the NCA but Territory requirements may also apply to development where the Territory is the approving Authority;
- Work carried out on National Land outside of Designated Areas must be in accordance with a Development Control Plan agreed by the NCA that reflects the requirements of the Territory Plan; and
- Work carried out on Territory Land outside Designated Areas is subject to the Territory Plan and Territory Approval processes.

9.2 Implications for the proposed North Watson development

There is the possibility that the construction of the project may 'cause damage' to an Aboriginal place or Aboriginal objects (North Watson 1 and North Watson Scarred Tree 1). The exact nature of the impacts are not yet known, and so more detailed information on impacts to the site cannot be provided at this time.

Aboriginal sites North Watson 1 and North Watson Scarred Tree 1, recorded within the current study, are not yet listed on the ACT Heritage Register.

10 IMPACTS AND RECOMMENDATIONS

10.1 Discussion of Impacts

The current proposal is for the rezoning of the study area to facilitate future development. No impacts are proposed at this stage, however if the site is rezoned then future development projects would involve impacts to the ground surface and subsurface deposits. Impact from future developments could include the demolition of buildings on site and the construction of a residential development including apartments, commercial areas, roads and services.

10.2 Mitigation Strategies

Until the exact nature of the project is known specific mitigation strategies cannot be recommended. In general terms, it is recommended that the detailed design should consider the need to avoid and/ or minimise potential impacts on heritage items and old growth trees wherever possible. Sites located adjacent to any works onsite should be fenced during any construction activities to ensure no inadvertent impact occurs.

If impacts are to occur to North Watson 1 the artefact should be collected prior to any disturbance.

If impacts are to occur to North Watson Scarred Tree 1 actions should be taken to preserve the tree. The methodology for this should be developed in consultation with the RAOs and be included in the statement of heritage effects for the project. Wally Bell (BNAC) has suggested that the scarred section be preserved and incorporated into the development within a green space or park as a teaching resource. NOHC supports this recommendation.

Wally Bell (BNAC) also recommended that any old growth trees should be avoided by the project, this is because they are an important part of the landscape and connection to the landscape's past.

10.3 Recommendations for Further Investigation

It is recommended that:

1. Impacts to sites North Watson 1 (NW1) and North Watson Scarred Tree 1 (NWST1) should be avoided

2. A Statement of Heritage Effects will be required if any impacts are to occur to North Watson 1 and North Watson Scarred Tree 1 (NWST1). The SHE would contain more detailed and specific mitigation strategies reflective of any proposed impacts. This should be undertaken in consultation with the RAOs and should include invitations to the RAOs for an additional field visit to discuss specific impacts.

   If impacts are to occur to site North Watson 1 (NW1), the artefact should be collected prior to any disturbance.

   If impacts are to occur to North Watson Scarred Tree 1 (NWST1) actions should be taken to preserve the tree. The methodology for this should be developed in consultation with the RAOs and be included in the Statement of Heritage Effects for the project.

3. North Watson 1 (NW1) and North Watson Scarred Tree 1 (NWST1) should be added to the Heritage Register as sites of Aboriginal heritage.

4. Consideration should be given to the preservation of the old growth tress existing on the site.

5. The protocols for the unanticipated discovery of archaeological material and suspected human remains (presented in Appendix 2) shall be adopted and complied with during construction activities involving ground surface disturbance and excavation.

6. A copy of this report should be provided to the ACT Heritage

7. One copy of this report should be provided to each of the ACT RAOs.

11 LIST OF REFERENCES

Australia ICOMOS 2013 The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance.

Access Archaeology Pty Ltd 1992 Gungahlin Arterial Roads (Clarrie Hermes Drive) Archaeological Survey. Report to Willing and Partners, agents for ACT Public Works.

Anutech Archaeological Consultancies 1984 An Archaeological Study of Gungahlin, ACT Vols 1 & 2. Report to N.C.D.C. Canberra.

Australian Archaeological Survey Consultants (AASC) 1995 An Archaeological Investigation of Three Proposed Suburb Areas in Gungahlin, ACT. Report to ACT Department of Environment and Planning.

Barber, M. 1991 ACT Sites Inventory Stage Three: Report No. 8 Gungahlin Artefact Scatter and Evatt Cemetery and Church. Report to Canberra Archaeological Society.

Beesley, J. 1989 The Scarred Tree. Unpublished report to the Victoria Archaeological Survey, Melbourne.

Bindon, P. and G. Pike 1979 Survey of Prehistoric and Some Historic Sites of the Gungahlin District, ACT. *Conservation Memorandum No 6, ACT Parks and Conservation Service,* First Edition.

Biosis (2012) Kenny Stage 2: Detailed Heritage Assessment – Aboriginal and Historical Heritage. Report to Environment and Sustainable Development Directorate, ACT Government.

Boot, P. 1990 ACT Sites Inventory Project Stage Three: Fieldwork Report No. 3 Gungahlin, Freshford and Jerrabomberra Sites, 26 August 1990. Report to Canberra Archaeological Society.

Butlin, N. 1983 *Our Original Aggression: Aboriginal populations of south eastern Australia 1788-1850.* Allen & Unwin, Sydney.

Cultural Heritage Management Australia (CHMA) 2009 Harrison 4 Residential Estate Aboriginal and European Cultural Heritage Assessment (Stage 1). Report to the ACT Land Development Agency.

Cultural Heritage Management Australia (CHMA) 2010. Harrison 4 Residential Estate Aboriginal and European Cultural Heritage Assessment (Stage3) Conservation Management Plan. Report to the ACT Land Development Agency.

Eades, D. K. 1976 The Dharawal and Dhurga Languages of the New South Wales South Coast. *Australian Aboriginal Studies Research and Regional Studies No 8.* AIAS, Canberra.

Farrington, I. and D. Williams 1992 Ploughlands and Related Features in the 'Tea Gardens' Area, Gungahlin, ACT. Report to Navin Officer Archaeological Resource Management.

Flood, J. 1980 *The Moth Hunters*. Australian Institute of Aboriginal Studies, Canberra.

Gillespie, L. 1985 Gungahlin Analysis of History. Report to the National Capital Development Commission.

Gillespie, L. 1991)*Canberra 1820 – 1913*. AGPS Canberra

Huys, S. F. 1993 Prehistoric Gungahlin. A Model of Human Occupation. BA Hons thesis, Department of Archaeology and Anthropology, Australian National University, Canberra.

Jackson-Nakano, A. 2001 The Kamberri: A History of Aboriginal Families in the ACT and Surrounds. *Aboriginal History Monograph 8, Weereewaa History Series 1,* Australian National University Press, Canberra, p.xiv

Kuskie, P.J. 1992a. An archaeological investigation of two quarries and an open scatter at Gungahlin, ACT. A report to ACT Public Works. South East Archaeology, Canberra.

Kuskie, P.J. 1992b. A preliminary cultural resource survey of the proposed residential development areas C1, C2, C3 and C4 at Gungahlin, ACT. A report to ACT Department of Environment, Land and Planning. December 1992. report by South East Archaeology P/L, Canberra.

Long, A. 2005 *Aboriginal Scarred Trees in New South Wales: A Field Manual*. Department of Environment and Conservation (NSW).

Mathews, R. H. 1900 The Gundungurra grammar. In The organisation, language, and initiation ceremonies of the Aborigines of the south-east coast of NSW in *Royal Society of NSW Journal and Proceedings*, vol. 34:262-281.

Mathews, R. H. 1901 The Gundungurra language, *American Philosophical Society Proceedings*, vol. 40 no 167:140-148.

Mathews, R. H. 1904 The Ngunawal language, in The Wiradyuri and other languages of NSW. In *Anthropological Institute of Great Britain and Ireland Journal*, vol. 33: 294-299.

Navin Officer Heritage Consultants (NOHC) 2004 Part Block 2 and Block 3, Section 75, Watson, ACT: Cultural Heritage Assessment. Report to McCann Property & Planning.

Navin Officer Heritage Consultants (NOHC) 2005 New Youth Detention Centre Canberra, ACT. Report to Brown Consulting.

Navin Officer Heritage Consultants (NOHC) 2008 Casey 1 Residential Estate, ACT Archaeological Subsurface Testing Program. Report to Cardno Young.

Navin Officer Heritage Consultants (NOHC) 2010 Suburb of Kenny, East Gungahlin, ACT; Cultural Heritage Assessment. A Report to ACTPLA

Navin Officer Heritage Consultants (NOHC) 2011 Block 9, Section 64, Watson, ACT; Cultural Heritage Assessment. A Report to ACT Land Development Agency

Navin, K. 1992 Reconnaissance Level Investigation of North Watson, ACT. Report to Ove Arup and Partners Pty Ltd.

Navin, K., K. Officer & K. Legge 1995 Cultural Heritage Assessment: Proposed Duplication of the Federal Highway, ACT & NSW Corridor Selection Study. Report to Ove Arup & Partners.

Navin, K., K. Officer & K. Legge 1996 Proposed Duplication of the Federal Highway, Stirling Avenue To Sutton Interchange EIS - Cultural Heritage Component. Report to Ove Arup & Partners.

NCDC 1988 Sites of Significance in the ACT: Volume 3: Gungahlin and Belconnen. NCDC Technical Paper No 56, Canberra.

NCDC 1989 Gungahlin Environmental Impact Statement. NCDC, Canberra.

Officer, K and K. Navin 1991 An Archaeological Investigation of Site PH44, Gungahlin. Report to Ove Arup and Partners Pty Ltd.

Officer K. and K. Navin 1992 A Archaeological Assessment of the May 1992 Urban Release Areas, Gungahlin, ACT. Navin Officer Archaeological Resource Management, Report to the ACT Heritage Unit.

Officer, K. L. C. 1989 Namadgi Pictures: The Aboriginal rock art sites within the Namadgi National Park, ACT. Report to ACT Administration, Heritage Unit, and the ACT Parks and Conservation Service.

Parsons Brinckerhoff 2015 Detailed Site Investigation. Elvin Group Pty Ltd Kamberra Winery, Block 8 Section 69 and Block 18 Section 71, Lyneham, ACT. Report to Elvin Group Pty.

Pearson, M. 2002 Gungahlin Pastoral Places Comparative Assessment. Report to the Heritage Unit, Environment ACT.

Saunders, P. 1995 Cultural Heritage Survey of Gas Pipeline from Federal Highway to Majura Parkway, ACT. Report to Navin Officer for AGL Gas Company (ACT) Pty Ltd.

Saunders, P. 2000 Cultural Heritage Survey of Sullivans Creek Catchment Area, Gungahlin, ACT. Report to Structure Planning and Design, Planning and Land Management, Department of Urban Services.

Schumack, J. E. and S. Schumack 1967 *An Autobiography, or Tales and Legends of Canberra Pioneers*. (Edited by L. F. Fitzhardinge), ANU press, Canberra.

Simmons, S. 1977 Hume Freeway - Seymour to Avenel Section; Archaeological Survey Report. Victoria Archaeological Survey, Ministry of Conservation, Melbourne.

Tindale, N. B. 1974 *Aboriginal Tribes of Australia*. ANU Press, Canberra.

Williams, D. and M. Barber 1995. A preliminary cultural resource survey of the Mulligans Flat Nature Reserve, Stage 2. Williams Barber Archaeological Services Report to Canberra Nature Park. May 1998

Witter, D. 1980 An Archaeological Pipeline Survey between Dalton and Canberra. Aboriginal and Historical Resource Section, NPWS, Sydney.

Witter, D. 1981 Archaeological Salvage Investigations on the Dalton to Canberra Pipeline. Aboriginal and Historical Resource Section, NPWS, Sydney.

Wood, V. and R. Paton 1993 Cultural Resource Assessment of Area C5, Gungahlin, ACT: Stage 1. Report to ACT DELP.

~ o0o ~

APPENDIX 1

RECORD OF ABORIGINAL CONSULTATION

6 December 2019

Mrs Tina Brown
King Brown Tribal Group

Navin Officer
heritage consultants Pty Ltd
abn: 28 092 901 605
4 Kingston Warehouse
71 Leichhardt Street
KINGSTON ACT 2604
www.nohc.com.au
ph 02 6282 9415
fax 02 6282 9416
email navinofficer@nohc.com.au

Dear Tina,

Re: Invitation to Participate in Site Inspection for the North Watson Cultural Heritage Assessment

Navin Officer Heritage Consultants have been engaged by the Environment, Planning and Sustainable Development Directorate (EPSDD) to conduct a cultural heritage assessment for Sections 74 and 76 Watson which are on the ACT Governments Indicative Land Release Program for future housing.

As part of this project, Navin Officer, on behalf of EPSDD would like to invite a representative of your organisation to participate in a site inspection to assess the indigenous cultural heritage within the study area, and to provide your organisation's views regarding any Aboriginal sites or cultural heritage issues which may be identified during the project.

Invoices for this work should be sent to NOHC:

Ms Nicola Hayes
Navin Officer Heritage Consultants
nhayes@nohc.com.au

Please note that in order to take up this invitation it is a requirement that your representative is covered by current workers compensation and public liability insurance policies held by your organisation.

We propose to conduct the site visit on **Tuesday 17th December** and to meet on Aspinall Street at **9:00am**. The site inspection is likely to take between 2 and 5 hours. A map of the meeting place is attached.

We would greatly appreciate the participation of your organisation in this program and hope that you will have a representative available for this time period. Could you please contact me on 02 6282 9415 (mobile 0401818908) or by return email, to confirm the attendance of one of your representatives (if you have not already done so), or if you have any questions or issues relating to this program.

Your representative should bring their own personal safety equipment and supplies (sturdy walking boots, safety vest, sun hat, sunburn cream, lunch, and water).

We look forward to working with you,

Yours Sincerely

Adrian Cressey

Adrian Cressey

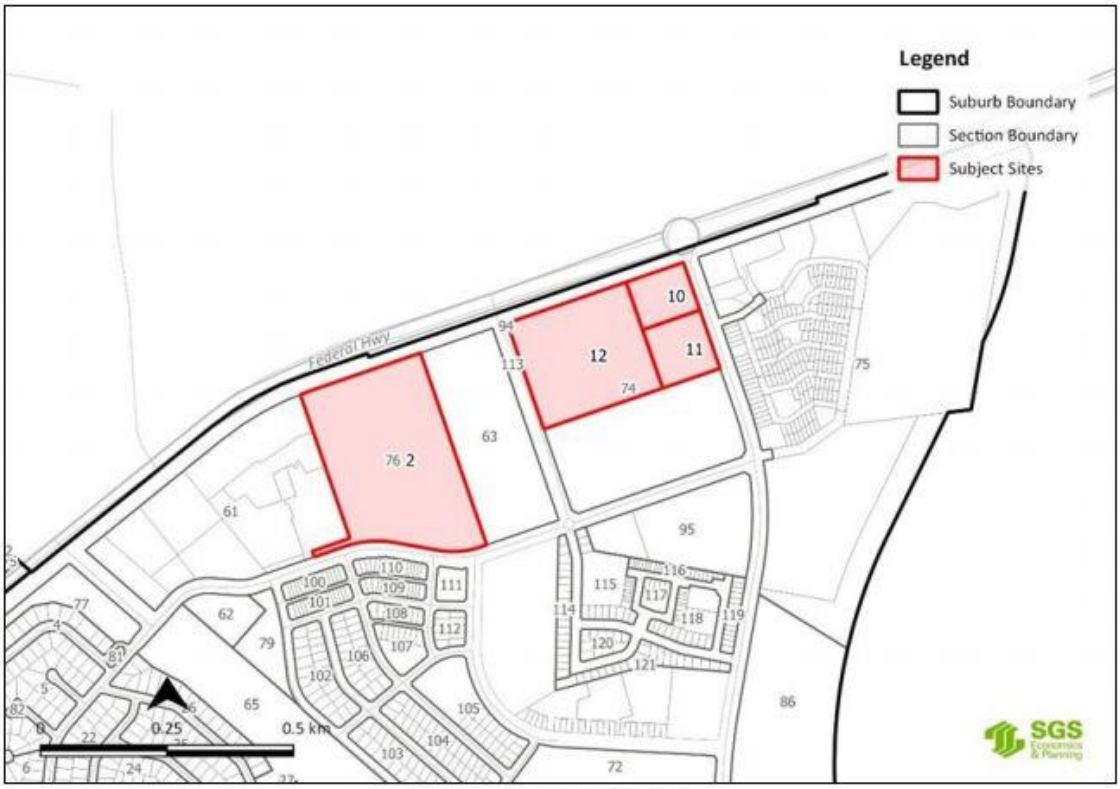

Figure 1 Location of study (red)

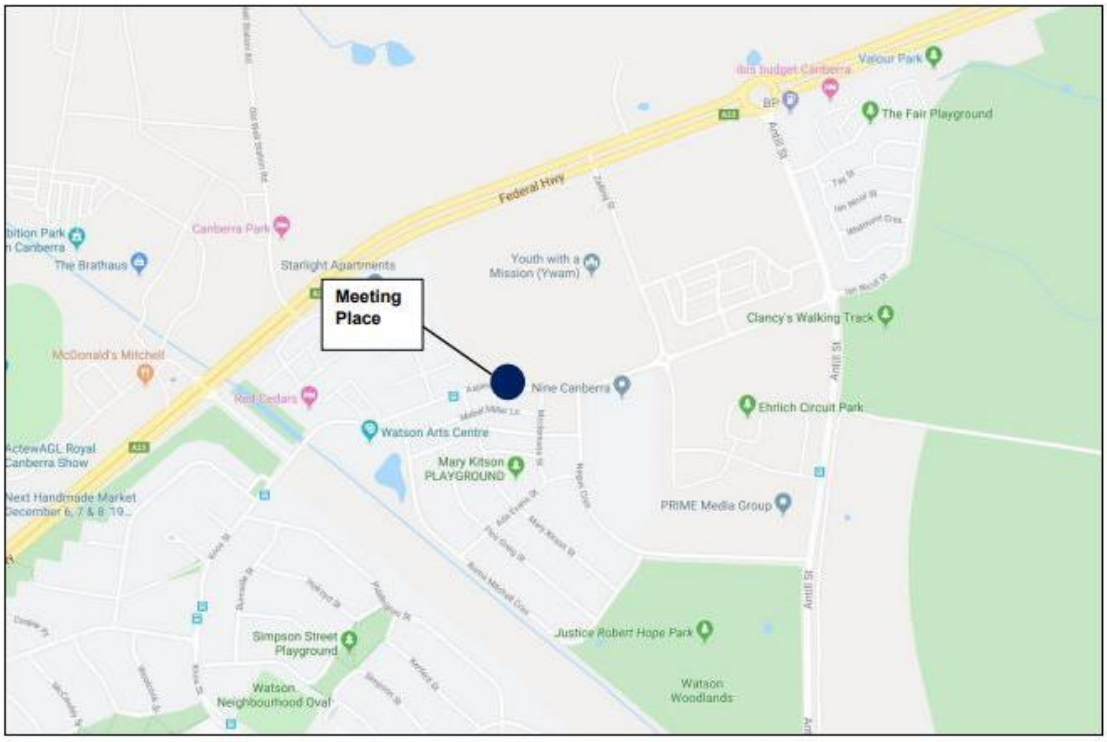

Figure 2 Meeting point for site inspection

Navin Officer
heritage consultants Pty Ltd
abn: 28 092 901 605
4 Kingston Warehouse
71 Leichhardt Street
KINGSTON ACT 2604
www.nohc.com.au
ph 02 6282 9415
fax 02 6282 9416
email:navinofficer@nohc.com.au

11 May 2020

Tina Brown
King Brown Tribal Group
tina.kingbrown@gmail.com

Dear Tina,

Re: North Watson Cultural Heritage Report

We are pleased to provide this copy to your organisation as part of:

- Enabling you/your organisation to provide further information or comment on the site significance assessments as identified within the proposed project area;
- Enabling your organisation to comment on the proposed salvage and impact mitigation actions;
- Enabling you to have input into the development of any cultural heritage management options; and
- To provide an opportunity for your organisation to comment on the report's archaeological findings and recommendations.

Given that an assessment of the Aboriginal cultural values of sites can only be made by the Aboriginal community, we invite your organisation to review the report and provide a written report giving your organisation/group's views and assessments.

Your report could answer the following questions:

- Does your organisation/group agree with the archaeological site significance assessments and does your organisation/group have anything to add regarding the Aboriginal cultural significance of these sites?
- Does your organisation/group endorse the recommendations made? Does your organisation/group have any additional site management requirements, not presented in the report?
- Is there anything else your organisation/group would like to add, or wish to draw attention to?

Could you please provide a response in writing. In order that your organisation/group's views can be taken into account during the development of cultural management options for this project, it would be very helpful if you could provide a response by **26 May 2020** to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9416

or by return email nhayes@nohc.com.au

Please do not hesitate to contact us if you have any questions about the report, or about putting together a written response.

Sincerely

N. Hayes

Nicola Hayes

Associate Director

ABN : 24 059 704 833

Navin Officer Heritage Consultants
Number 4, Kingston Warehouse
71 Leichhardt Street
KINGSTON ACT 2604

Re: North Watson Cultural Heritage Report – Response

Thank you for your correspondence in which you provided a report on the above requesting input from Buru Ngunawal Aboriginal Cultural Consultancy (BNACC) as the Representative Aboriginal Organisation who participated in the Aboriginal cultural heritage survey.

BNACC members are the Traditional Custodians for the ACT and surrounding areas in NSW. We would like to point out that all sites, objects, and lands within our tribal boundary do hold a very significant social, spiritual and cultural importance to us as a direct cultural link to Country.

BNACC have always displayed a reluctance to agree with the archaeological site significance evaluations as a matter of perspective and would like to add the following comment regarding the Aboriginal cultural significance of all sites.

As is the case in most Aboriginal cultural heritage investigations conducted via archaeological methodology many sites/objects appear to hold low scientific significance. But to the Traditional Custodians on whose land the study is being conducted there is a very strong significance from a cultural perspective because these sites/objects provide a strong rich story and song line of our Aboriginal Traditional practices and our history and connection to Country which we have occupied for a validated tens of thousands of years *(which has a scientific basis)*.

For BNACC to endorse the recommendations as made, BNACC have the additional site management requirements, not presented in the report.

In response to the documentation provided, BNACC having participated in the onsite assessment would like to request that because of the presence of Aboriginal cultural sites/objects within close proximity adjacent to the project area and an indication that there is the presence of artefactual sites/objects within the proposed project area measures must be undertaken that will endeavour to minimise potential impacts/damage occurring on those sites/objects. This then will require a more in-depth understanding of the sensitivity and significance of sites and the legislative requirements to preserve such sites/objects from damage.

New recent changes to the ACT Heritage Act provide details of the financial repercussions of damaging cultural sites/objects.

BNACC would also like to request that Appendix 1 be removed from the report as it has no bearing on the outcomes of the report.

BNACC looks forward to progressing the requests made above and to be actively involved in working towards a healthy and productive process in developing a better understanding of Aboriginal cultural heritage significance and its connection with Country and provide an avenue to progress the reconciliation process.

Thank you for the opportunity to provide comment.

Yours faithfully

Wally Bell (Ngunawal TC)

Chair

25 May 2020

APPENDIX 2

UNANTICIPATED DISCOVERY PROTOCOLS

Protocol to be followed in the event that previously unrecorded or unanticipated Aboriginal or non Aboriginal archaeological material (objects, artefacts, deposits or relics) are encountered

1. All ground surface disturbance in the area of the finds should cease immediately the finds are uncovered.

    a. The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted; and

    b. The site supervisor and the development proponent will be informed of the find(s).

2. If there is substantial doubt regarding a human or Aboriginal or historical European origin for the finds, then consider if it is possible to gain a qualified opinion (such as from the project archaeologist) within a short period of time. If feasible, gain a qualified opinion (this can circumvent proceeding further along the protocol for remains which turn out not to be archaeological). If a quick opinion cannot be gained, or the identification is positive, then proceed to the next step.

3. Immediately notify the following authorities or personnel of the discovery:

    a. The ACT Heritage;

    b. Representatives from the Representative Aboriginal Organisations (RAOs) (where appropriate); and

    c. The project archaeologist (if not already present).

4. Facilitate, in co-operation with the appropriate authorities and stakeholders:

    a. The recording and assessment of the finds by a suitably qualified heritage professional. This will include determining if the find(s) are from a new or previously recorded site, RAO participation in the recording and assessment of any Aboriginal heritage discoveries, and lodgement of site information for all new recordings with the Heritage Unit;

    b. Fulfilling any legal constraints arising from the finds. This will include complying with Heritage Council advice, any Conservation Management Plan (CMP) requirements in the case of a previously recorded site; and

    c. The development and conduct of appropriate management strategies. Strategies will depend on stakeholder requirements and the assessed significance of the find(s).

5. Where the management of find(s) involves the salvage excavation or collection of artefacts, this material will be curated according to the provisions of any relevant CMP, or as directed by the Heritage Council.

6. Where the find(s) are determined to have cultural heritage value according to the criteria specified in the *Heritage Act 2004*, any re-commencement of construction related ground surface disturbance may only resume in the area of the find(s) following compliance with any consequential legal requirements, gaining approval under Section 61H of the Heritage Act 2004 and written approval from the ACT Heritage Council.

Protocol to be followed in the event that suspected human remains are encountered

1. All ground surface disturbance in the area of the finds should cease immediately the finds are uncovered.

    a. The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be temporarily halted; and

    b. The site supervisor and the development proponent will be informed of the find(s).

2. If there is substantial doubt regarding a human origin for the remains, then consider if it is possible to gain a qualified opinion within a short period of time. If feasible, gain a qualified opinion (this can circumvent proceeding further along the protocol for remains which turn out to be non-human). If conducted, this opinion must be gained without further disturbance to any remaining skeletal material and its context as possible (Be aware that the site may be considered a crime scene containing forensic). If a quick opinion cannot be gained, or the identification is positive, then proceed to the next step.

3. Immediately notify the following people of the discovery:

    a) The local Police (this is required by law);

    b) The ACT Heritage;

    c) Representatives from the Representative Aboriginal Organisations (RAOs) (where appropriate); and

    d) The project archaeologist (if not already present).

4. Facilitate the evaluation of the find(s) by the statutory authorities and comply with any stated requirements. Depending on the evaluation of the find(s), the management of the find(s) and their location may become a matter for the Police and/or Coroner.

5. Construction related works in the area of the find(s) may not resume until the development proponent receives written approval from the relevant statutory authority: from the Police or Coroner in the event of an investigation; and from the ACT Heritage Council in the case of human remains outside of the jurisdiction of the Police or Coroner.

6. In the event that the proponent continues an active role in the evaluation and/or management of the find(s), via a direction or advice from the Police, Coroner and/or Heritage Council, then all or some of the following steps may be conducted:

7. Facilitate, in co-operation with the appropriate authorities, the definitive identification of the skeletal material by a specialist (if not already completed). This must be done with as little further disturbance to any remaining skeletal material and its context as possible.

8. If the specialist identifies the bone as non-human then, where appropriate, the protocol for the discovery of historical or Aboriginal artefacts (above) should be followed.

9. If the specialist determines that the bone material is human, then the proceeding course of action may be of three types:

    a. The bone(s) are of an Aboriginal and non-Aboriginal person who died less than 100 years ago and where traumatic death is suspected. Such remains come under the jurisdiction of the *ACT Coroner's Act* 1997. All further decisions and responsibilities regarding the remains and find location rest with the ACT Police, and/or the ACT Coroner.

b. The bone(s) are of a non-Aboriginal person who died more than 100 years ago. In this case, and where the Police have indicated that they have no interest in the find(s), the following steps may be followed:

   i. Ascertain the requirements of the ACT Heritage Council, the development proponent, the project archaeologist, and the views of any relevant community stakeholders;

   ii. Based on the above, determine and conduct an appropriate course of action. Possible strategies could include one or more of the following:

      1. Avoiding further disturbance to the find and conserving the remains *in situ* (this option may require relocating the development and this may not be possible in some contexts);

      2. Conducting (or continuing) archaeological salvage of the finds following receipt of any required statutory approvals;

      3. Scientific description (including excavation where necessary), and possibly also analysis of the remains prior to reburial;

      4. Recovering samples for dating and other analyses; and/or

      5. Subsequent reburial at another place and in an appropriate manner determined by the Heritage Council and in consultation with other relevant stakeholders.

c. The bone(s) are of an Aboriginal person who died more than 100 years ago. In this case the following steps may be followed:

   i. Ascertain the requirements of the local RAOs, the ACT Heritage Council, the development proponent, and the project archaeologist;

   ii. Based on the above, determine and conduct an appropriate course of action. Possible strategies could include one or more of the following:

      1. Avoiding further disturbance to the find and conserving the remains *in situ*, (this option may require relocating the development and this may not be possible in some contexts);

      2. Conducting (or continuing) archaeological salvage of the finds following receipt of any required statutory approvals;

      3. Scientific description (including excavation where necessary), and possibly also analysis of the remains prior to reburial;

      4. Recovering samples for dating and other analyses; and/or

      5. Subsequent reburial at another place and in an appropriate manner determined by the RAOs and the Heritage Council.

~ o0o ~