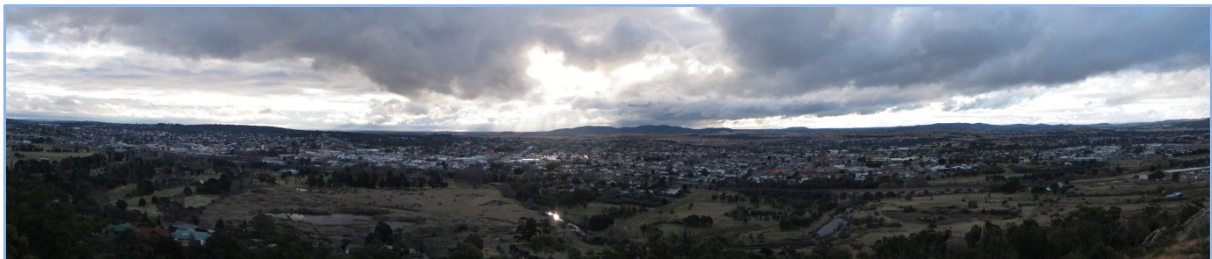


# Goulburn Mulwaree LGA Aboriginal Heritage Study



Prepared by Australian Museum Business Services  
for Goulburn Mulwaree Council

Final

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## Executive Summary

Australian Museum Business Services (AMBS) was commissioned by Goulburn Mulwaree Council (Council) to prepare an Aboriginal Heritage Study for Goulburn Mulwaree Local Government Area (LGA). The heritage study will inform future management of Aboriginal cultural heritage within the existing relevant New South Wales (NSW) and Commonwealth Statutory frameworks. The aim of this Study is to identify places of significance, record those places and develop recommendations for their management and conservation, which will assist Council to develop strategies to manage Aboriginal sites and places and develop a protocol for ongoing Aboriginal community liaison. This Study will inform Council's updated Local Environmental Plan (LEP) and Development Control Plan (DCP).

Consultation with local Aboriginal community members was undertaken to ensure that their views and opinions were included in the identification and recording of any objects or places of Aboriginal cultural or archaeological significance within the study area. A summary of the Aboriginal consultation that has occurred is provided in Section 3.

The Goulburn Mulwaree Aboriginal community would prefer not to have detailed information about Aboriginal site locations included in a publically available document. It was therefore understood that not all heritage sites should be mapped or identified in detail, but that general areas that are important to the community, or where archaeological sites are present, should be indicated. However, historical research and consultation with the local Aboriginal community indicated that there are areas of Aboriginal heritage sensitivity within the LGA that Council should be made aware of when considering applications for development. These areas of Aboriginal heritage sensitivity are summarised in Section 5.

The environmental planning instruments that protect Aboriginal heritage in the Goulburn Mulwaree Local Government Area are the Goulburn Mulwaree Local Environmental Plan 2009, and the Goulburn Mulwaree Development Control Plan 2009, Amendment No 1. They are intended to be applied in conjunction with Council policies such as the Aboriginal Archaeological Survey policy, currently in draft. These planning instruments require Council to consider the impact of proposed development on known or potential Aboriginal heritage places and archaeological sites within the Goulburn Mulwaree LGA.

A number of recommendations to Council are provided in Section 6, and are summarised as follows:

In considering applications for development, Council should determine whether an Aboriginal Heritage Assessment has been undertaken, and whether there is any potential for an Aboriginal object, place or site to be affected by the development. If no such assessment has been undertaken by the proponent, and there is reasonable potential for an Aboriginal object, place, site or area to be affected, then Council should request that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEHS's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, before development consent is issued.

Any Development Application (DA) which proposes harm to an Aboriginal object or Aboriginal place must be dealt with as Integrated Development under Section 91 of the EP&A Act. Such applications must be forwarded to OEHS to determine whether the Director General of OEHS is prepared to issue an Aboriginal Heritage Impact Permit. Ultimately the DA cannot be approved by Council without the approval of OEHS, if an Aboriginal Heritage Impact Permit is required to enable the development to proceed.

It is recommended that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in cases of Integrated Development.

In some instances, the Goulburn Mulwaree DCP allows development to proceed using a precautionary approach, without detailed field studies to assess potential impacts to Aboriginal cultural heritage. It is recommended that Council should require a due diligence process for assessing potential harm to Aboriginal objects to be undertaken as part of this approach, in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) or an industry specific code of practice adopted by the NPW Regulation.

Aboriginal heritage site mapping is to be treated confidentially by Council, and is only to be used to assist in consideration of the adequacy of the Aboriginal heritage components of development applications. The information should be considered as need-to-know, and should not be made publically available. Specific site location information should not be included on any publicly accessible media or websites.

The local Aboriginal community of the Goulburn Mulwaree Council comprises a number of organisations. In the first instance, in liaising with the community, Council should contact the CEO of the relevant Local Aboriginal Land Council. Council should also consider establishing a mailing list to disseminate information to members of the Aboriginal community, and facilitate participation in the ongoing identification, assessment and management of Aboriginal cultural heritage within Goulburn Mulwaree LGA.

The Aboriginal community should be approached by Council for their input when the LEP and DCP are updated, and for comment prior to finalisation of the Goulburn Mulwaree Council Aboriginal Archaeological Survey Policy. The Aboriginal Heritage Significance map in the DCP should be updated to reflect the findings of recent Aboriginal cultural heritage assessments.

This Aboriginal Heritage Study should be reviewed and updated, as appropriate, within ten years.

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# 1 Introduction

## 1.1 Preamble

Australian Museum Business Services (AMBS) has been commissioned by Goulburn Mulwaree Council (Council) to prepare an Aboriginal Heritage Study for the Goulburn Mulwaree Local Government Area (LGA). The heritage study will inform future management of Aboriginal cultural heritage within the existing relevant New South Wales (NSW) and Commonwealth Statutory frameworks. The aim of this Study is to identify places of significance, record those places and develop recommendations for their management and conservation, which will assist Council to develop strategies to manage Aboriginal sites and places and develop a protocol for ongoing Aboriginal community liaison. This Study will inform Council's updated Local Environmental Plan (LEP) and Development Control Plan (DCP).

## 1.2 Study Area

The study area comprises the whole of the Goulburn Mulwaree LGA, covering an area of 323,180 ha (Figure 1.1). This area includes the townships and localities of Goulburn, Marulan, Bungonia, Lake Bathurst, Parkesbourne, South Marulan, Tallong, Tarago, Tirranville, Towrang, Windellama, Brayton, Brisbane Grove, Bronte, Bullamalito, Cooper, Currawang, Greenwich Park, Gundry, Inverloch, Mayfield, Middle Arm, Mummel, Norwood, Oallen, Quialigo, Run-O-Waters, Tarlo, Waxo, Wollongorang and Yarra.

It is principally within the County of Argyle, which is bounded to the north by Guineacor Creek, to the west by the Cullarin Range, to the south by part of Lake George, and to the east by Uringalla Creek and the Shoalhaven and Wollondilly Rivers.

## 1.3 Methodology

This report is broadly consistent with the principles of the Burra Charter (*The Australia ICOMOS charter for the conservation of places of cultural significance*), and has been prepared in accordance with current heritage best practice and the requirements of the relevant statutory authorities, including the Office of Environment and Heritage, Department of Premier and Cabinet (OEH, formerly Department of Environment, Climate Change and Water [DECCW] and Heritage Branch, Department of Planning).

The report is consistent with the requirements of the *National Parks and Wildlife Act 1974*, the *Heritage Act 1977*, the *Environmental Planning & Assessment Act 1979*, and current archaeological best practice. Aboriginal community consultation has been undertaken in accordance with the process required by Council, which is broadly consistent in principle with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010). This report has been completed in accordance with current heritage best practice guidelines as identified in the Heritage Office *Heritage Manual* and associated publications including *Assessing Heritage Significance* (2001) and the Australian Historic Themes (Australian Heritage Commission 2001). AMBS have undertaken the following tasks for the Aboriginal Heritage Study:

- consultation with local Aboriginal groups, in accordance with Council requirements;
- preparation of a thematic history of the LGA, with particular emphasis on Aboriginal history;
- identification and recording of those Aboriginal heritage places within the LGA in accordance with the wishes of the local Aboriginal community;
- recording information obtained during the Aboriginal Heritage Study; and
- development of management policy and recommendations.

## 1.4 Authorship & Acknowledgements

This report has been prepared by AMBS Project Officer Ngaire Richards. AMBS Project Manager, Christopher Langeluddecke reviewed the Aboriginal components of this report. AMBS Senior Project Manager, Jennie Lindbergh reviewed the report for consistency and quality and provided technical assistance and advice.

Ngaire Richards and Christopher Langeluddecke participated in the Aboriginal community consultation meetings.



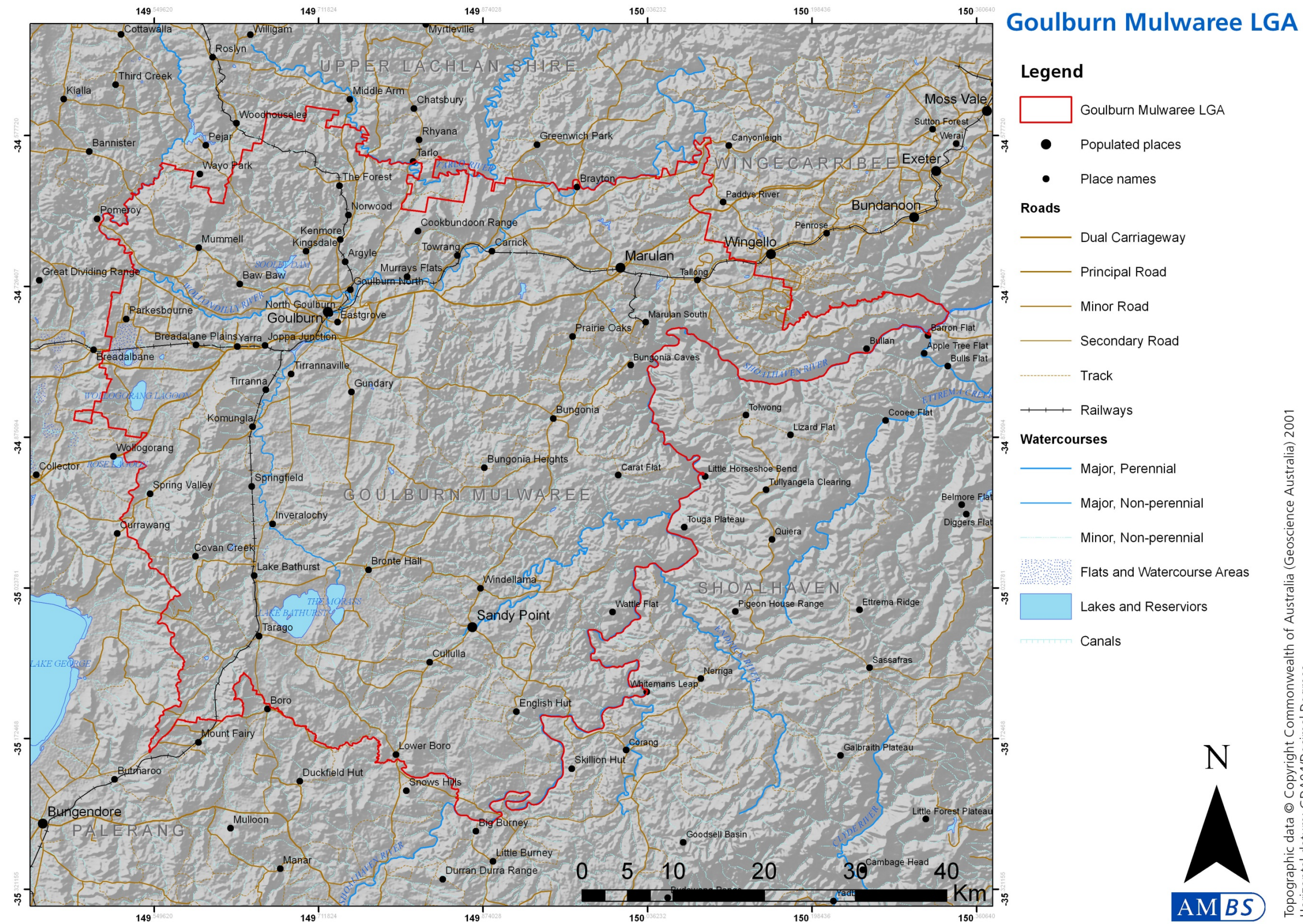


Figure 1.1 Goulburn Mulwaree Local Government Area

## 2 Statutory Context

Aboriginal sites within NSW are protected under the *National Parks and Wildlife Act 1974* (amended 2010) and in some cases may be protected under the *Heritage Act 1977*. The investigation and assessment of Aboriginal heritage is triggered by provisions under the *Environmental Planning and Assessment Act 1979* along with other environmental planning instruments, as detailed below.

### 2.1 Environment Protection & Biodiversity Conservation Act 1999

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

There are no Aboriginal heritage places or sites within Goulburn Mulwaree LGA recorded on the NHL or CHL.

#### 2.1.1 Register of the National Estate

The Register of the National Estate (RNE) was originally established under the *Australian Heritage Commission Act 1975*. Since the establishment of the NHL and CHL, there is now a significant level of overlap between the RNE and heritage lists at the national, state and territory, and local government levels. To address this situation, the Register has been frozen since February 2007, meaning that no places can be added or removed. The RNE should be understood as an information resource only. Where an action has been referred to the Minister, in accordance with the EPBC Act, concerning World Heritage, National Heritage, Wetlands, endangered communities, or Commonwealth lands, the RNE may be used as a reference, where appropriate.

The RNE lists Bungonia State Recreation Area, which is identified as having Indigenous heritage value, and Badgerys Lookout View which is identified as having potential Indigenous heritage value.

**Table 2.1 Heritage items listed under the RNE identified as having Indigenous heritage value or potential heritage value**

ID	Name	Primary Address	Status	Significance
17092	Bungonia State Recreation Area	Lookdown Rd, Bungonia, NSW, Australia	Registered	Natural
100911	Badgerys Lookout View	Tallong, NSW, Australia	Indicative Place	Natural

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

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

Aboriginal Objects can include pre-contact features such as scarred trees, middens and open campsites, as well as physical evidence of post-contact use of the area such as Aboriginal built fencing and fringe camps. The NPW Act also protects Aboriginal Places, which are defined as 'a place that is or was of special significance to Aboriginal culture'. It may or may not contain Aboriginal objects, and may only be declared by the Minister administering the NPW Act.

Under Section 90 of the Act, it is an offence for a person to destroy, deface, damage or desecrate an Aboriginal Object or Aboriginal Place without the prior issue of an Aboriginal Heritage Impact Permit (AHIP). The Act requires a person to take reasonable precautions and due diligence to avoid impacts on Aboriginal Objects. AHIPs are issued by the Director-General, on submission of an AHIP application to the Environmental Protection and Regulation Division (EPRD) of OEH.

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

### 2.2.1 Aboriginal Heritage Information Management System

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

An AHIMS enquiry was made in September 2010, and the AHIU advised that as there were over 200 registered Aboriginal sites within Goulburn Mulwaree LGA, an Aboriginal Heritage Information License Agreement (AHILA) was required before further information could be released. Endorsement of the AHILA was sought from Local Aboriginal Land Councils (LALCs) with an interest in the study area, including Pejar LALC, Batemans Bay LALC, Illawarra LALC, Ngambri LALC, Nowra LALC, Onerwal LALC, and Ulladulla LALC; however, they indicated that they would not agree to the release of this information. As such, mapping is based on information derived from historical research and unpublished Aboriginal heritage assessment reports held by OEH; and from a meeting with representatives of Pejar LALC on 25 May 2011, in which general areas of Aboriginal cultural heritage sensitivity were described for inclusion in this report.

## 2.3 Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal act regulating land use planning and development in NSW, and requires consideration to be given to the environment as part of the land use planning process.

A Review of Environmental Factors (REF), Environmental Impact Statement (EIS) or Environmental Impact Assessment (EIA) considers environmental impacts as part of the land use planning process. In this context the environment includes Aboriginal and historic cultural heritage. The consent authority is required to consider the impact on all Aboriginal heritage values, including natural resource uses or landscape features of spiritual importance, as well as the impact on Aboriginal Objects and Aboriginal Places.

The EP&A Act also controls the making of environmental planning instruments (EPIs). Two types of EPIs can be made: Local Environmental Plans (LEPs), covering local government areas; and State Environment Planning Policies (SEPPs), covering areas of State or regional environmental planning significance. LEPs commonly identify and have provisions for the protection of local heritage items and heritage conservation areas.

### 2.3.1 Goulburn Mulwaree Local Environmental Plan 2009

Clause 5.10 'Heritage conservation' of the Goulburn Mulwaree Local Environmental Plan (LEP) provides protection for items of environmental heritage within the LGA, including heritage items, heritage conservation areas, archaeological sites and places of Aboriginal heritage significance (cl. 5.10(1)). Heritage items are defined as buildings, works, archaeological sites, trees, places or Aboriginal objects, and can include Aboriginal and non-Indigenous heritage.

Development without consent is prohibited in the vicinity of any known heritage item or archaeological site (cl. 5.10(2)), unless the work is minor in nature and would not adversely affect the heritage item (cl. 5.10(3)). However, before granting permission, the consenting authority must consider the heritage significance of the item (cl. 5.10(4)), and may require the applicant to provide a heritage impact assessment (cl. 5.10(4)), and/or a heritage conservation management plan (cl. 5.10(5)). With respect to Aboriginal sites, the consenting authority must consider the significance of the site, the effect the proposed development would have on its significance, notify local Aboriginal community groups of the proposed development, and take any response from them into consideration before any decision is made (cl. 5.10(8)).

No Aboriginal sites are identified in Schedule 5 'Environmental heritage' of the LEP.

### 2.3.2 Goulburn Mulwaree Development Control Plan 2009, Amendment No 1

Clause 3.2 'Indigenous heritage and archaeology' of the Goulburn Mulwaree Development Control Plan 2009, Amendment No 1 (DCP) identifies the criteria that Council use to determine if an Aboriginal heritage impact assessment is required, in accordance with Clause 5.10 of the Goulburn Mulwaree LEP. Under Section 3.2.1 of the DCP, a development or project is considered to have the potential to impact upon Aboriginal cultural heritage values if it involves one or more of the following:

- *disturbance to the ground surface or to sediments below the ground surface, except where disturbance will be strictly limited to:*
  - *man-made manufactured surfaces (such as bitumen and concrete).*
  - *deposits of imported land-fill or waste material.*
  - *extremely disturbed contexts such as quarries or quarried areas (where there is no trace of the original soil and subsoil deposits, or of buried former soils and subsoil deposits).*
- *disturbance to the roots, trunk or branches of old growth trees up to and more than 130 years old, which are native to the Goulburn Mulwaree local government area;*
- *impact or disturbance to the content, or immediate surrounds (up to 100 metres away) of a known or previously recorded Aboriginal site; and*

- *occurs within, or in close proximity to, a place of special or high Aboriginal cultural significance (such as an identified cultural landscape, an existing or former ceremonial ground, a burial ground or cemetery, a story place or mythological site, a former Aboriginal reserve or historic encampment, or an archaeological site of high significance).*

Under Section 3.2.2 of the DCP, an Aboriginal heritage impact assessment is required if one or more of the following factors apply, or are likely to apply, as summarised below:

- the development or works area has not been subject to a comprehensive level of Aboriginal heritage assessment within the last 5 years;
- the development area includes archaeologically sensitive landforms;
- the development area includes previously identified Aboriginal sites or places of Aboriginal cultural heritage value;
- the development or works area includes all or part of an identified Aboriginal cultural landscape; and/or
- the development area is likely to include old-growth native trees up to and more than 130 years old.

Appendix A of the Goulbourn Mulwaree DCP outlines Council's Aboriginal heritage impact assessment process. It contains a map defining places of Aboriginal significance within the LGA; with an accompanying matrix table that nominates the level of detail that is required for development applications or works proposals, depending on the type of development, local topography and Aboriginal heritage significance of the area (Figure 2.1 and Figure 2.2).

## **2.4 Heritage Act 1977**

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

There are no Aboriginal heritage items, places or sites within Goulburn Mulwaree LGA, that are listed on the SHR or that are the subject of an active Interim Heritage Order.

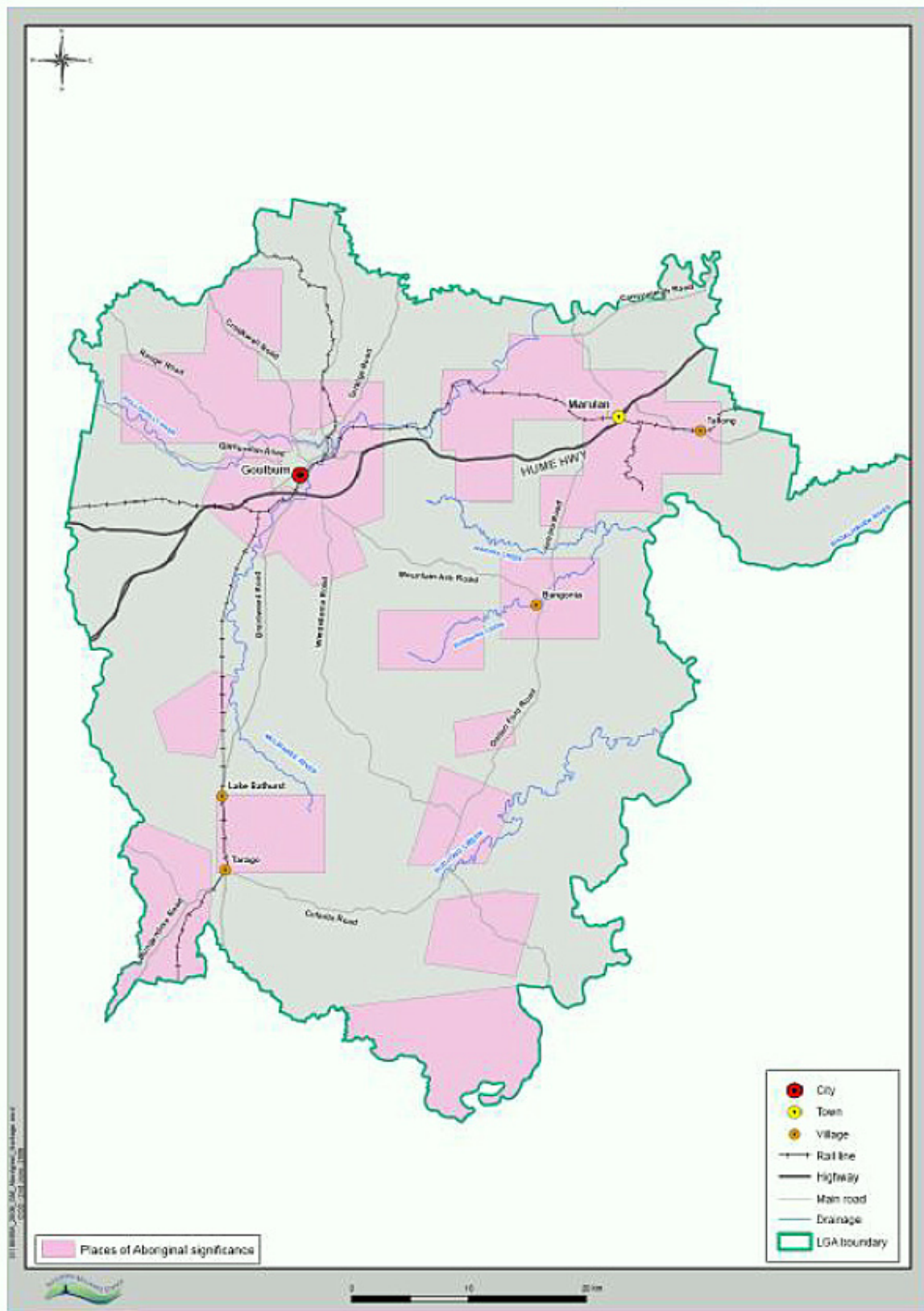


Figure 2.1 Places of Aboriginal significance (Goulburn Mulwaree DCP 2009:Figure 3-3)



Aboriginal archaeology matrix

	Development/Land Use Type	Alterations/Additions	Awnings	Carports	Commercial/Industrial Buildings	Complying Development	Dams	Domestic Shed (less than 12m <sup>2</sup> )	Dwelling	Exempt Development	Recreational Establishment	Recreational Facility	Rural Sheds (greater than 12 m <sup>2</sup> )	Services/Infrastructure	Subdivision (no new road)	Subdivision (new road)	Tanks	Extractive Industry	Intensive Agricultural/Horticulture	
Topography Type / Map Reference																				
Aboriginal Sensitive Land (refer to Map)		2	1	1	2	1	2	1	1 <sup>A</sup>	1	2	2	1 <sup>A</sup>	2	2	3	1	3	2	
Exempt Land (refer to Map)		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Flat Land		1	1	1	2	1	2	1	1	1	2	2	1	1	2	2	1	3	2	
Lower slopes adjacent to water course		1	1	1	2	1	2	1	2	1	2	2	1	2	2	2	1	3	2	
Ridge lines/Hill tops		1	1	1	2	1	2	1	2	1	2	2	1	2	2	2	1	3	2	
Undulating hills and plains predominately vegetated		1	1	1	2	1	2	1	2	1	2	2	1	2	2	2	1	3	2	
Undulating hills and plains predominately grazing land		1	1	1	2	1	2	1	1	1	2	2	1	2	2	2	1	3	2	
Water courses (within 40 metres)		2	1	1	2	1	2	1	2	1	2	2	2	2	2	3	1	3	2	

- 1 Precautionary Approach
- 2 Pejar Local Aboriginal Land Council Assessment or Archaeological Survey or Risk Assessment Report
- 3 Archaeological Survey
- A Precautionary approach if the development is proposed within a building envelope nominated at subdivision stage. If proposed outside an approved envelope a type 2 assessment is required.

Figure 2.2 Aboriginal archaeology matrix (Goulburn Mulwaree DCP 2009:A-1).

## 3 Aboriginal Community Consultation

Consultation with local Aboriginal community members was undertaken to ensure that their views and opinions were included as stakeholders in the identification and recording of any objects or places of Aboriginal cultural or archaeological significance within the study area.

Although there is no requirement for the project to be undertaken in accordance with the DECCW *Aboriginal cultural heritage consultation requirements for proponents 2010*, as the project will not include an application for a permit, Council requires a process of Aboriginal community consultation which is broadly consistent in principle with the requirements. The consultation process that was undertaken is outlined below.

### 3.1 Identifying Aboriginal People with Rights and Interests in the Area

The following organisations were contacted in order to identify appropriate Aboriginal people to consult:

- Heritage Branch, Department of Planning;
- DECCW Environmental Planning and Regulation Group South Regional Office, Landscape and Aboriginal Heritage Protection Section (DECCW);
- National Native Title Tribunal;
- Native Title Services Corporation Ltd (NTSCorp);
- Office of the Registrar, Aboriginal Land Rights Act 1983 (NSW);
- NSW Aboriginal Land Council;
- Pejar Local Aboriginal Land Council (Pejar LALC);
- Batemans Bay Local Aboriginal Land Council (Batemans Bay LALC); and
- Ngambri Local Aboriginal Land Council (Ngambri LALC).

### 3.2 Agreeing on a Process

Based on contact with the above organisations, the following Aboriginal parties were identified as likely to have an interest in the Aboriginal Heritage Study:

- Delise Freeman, Pejar LALC;
- Sharralyn Robinson, Illawarra LALC;
- Col Williams, Ngambri LALC;
- Mal Maccallum, Batemans Bay LALC;
- Shane Carriage, Ulladulla Local Aboriginal Land Council (Ulladulla LALC);
- Cherie Carroll Turrise, Gunjeewong Cultural Heritage Aboriginal Corporation (GCHAC);
- Carl and Tina Brown;
- Dean Bell, Yurwang Gundana Consultancy Cultural Heritage Services (YGCCHS);
- Robert Young, Konanggo Aboriginal Cultural Heritage Services (KACHS);
- Dorothy Carroll, Ngunawal Heritage Aboriginal Corporation (NHAC) (also identified by DECCW as a Ngunawal Elder);
- Sharyn Halls, Gungungurra Aboriginal Heritage Association Inc. (GAHA);
- Wally Bell, Buru Ngunawal Aboriginal Corporation (BNAC);
- Peter Falk (Peter Falk Consultancy);
- Arnold Williams, Ngunawal Elders Corporation (NEC); and
- Gundungurra Tribal Council Aboriginal Corporation (GTCAC).



Each of these organisations, or their representative/s, was contacted to discuss the Aboriginal Heritage Study. An explanation of the Study was provided, and each party was invited to be consulted and involved in the Study. Not all of the identified parties responded to the invitation; however, those that did are:

- Delise Freeman, Pejar LALC;
- Sharralyn Robinson, Illawarra LALC;
- Shane Carriage, Ulladulla LALC;
- Dorothy Carroll, NHAC;
- Wally Bell, BNAC; and
- Peter Falk, Peter Falk Consultancy.

A public meeting was organised, to which all interested Aboriginal parties were invited. The aims of the project, the manner, timing and level of consultation were described and discussed. Following discussion with the identified Aboriginal parties, the meeting was organised for Wednesday, 25 May 2011, at 6:00pm at the Goulburn Mulwaree Council Chambers. All organisations and individuals who had Aboriginal contacts were informed of the meeting time and place by telephone or email, and asked to pass these details on to any of their Aboriginal contacts who may be interested in the Study.

The following community members attended the meeting on 25 May 2011:

- Delise Freeman, Pejar LALC;
- Jodie Freeman, Pejar LALC;
- Wally Bell, BNAC;
- Karen Denny, BNAC;
- Graeme Dobson, NHAC;
- Tammy Channel, NHAC;
- Peter Falk, Peter Falk Consultancy; and
- Jeanette Lim, Peter Falk Consultancy.

### **3.3 Establishing Protocols**

Relevant protocols were established for the project through telephone and email consultation and at face-to-face meetings with the Aboriginal community.

A letter was sent in response to feedback received during the public meeting on Wednesday, 25 May 2011, providing the registered Aboriginal stakeholders with information regarding the methodology for this study, the type of information that will be included in the report, and the ways in which their organisations could contribute. It was agreed that AMBS would produce a map of the Goulburn Mulwaree LGA, showing place names, homesteads, and major watercourses within the study area, as well as an overlay of areas identified as having Aboriginal archaeological potential in the Goulburn Mulwaree Development Control Plan 2009. A copy of the map was given to each of the registered stakeholders to be used as a memory aid to assist in identifying places, people and events associated with the Aboriginal history of the area.

It was made clear to AMBS that the Goulburn Mulwaree Aboriginal community would prefer not to include detailed information about site locations in a publically available document. It was therefore understood that not all heritage sites should be mapped or identified in detail, but that general areas that are important to the community, or where archaeological sites are present, should be indicated.

## 4 Thematic History

### 4.1 Preamble

The Commonwealth and State government authorities have developed a series of Historic Themes to provide a framework for identifying and understanding heritage places. These themes focus on the human activities that produced the places we value, and the human response to Australia's natural environment. The major historic themes that are identified as applying to the study area are discussed below.

### 4.2 Peopling Australia

#### 4.2.1 *Living as Australia's Earliest Inhabitants*

The earliest dated excavated archaeological site in the vicinity of Goulburn Mulwaree LGA is Birrigai rock shelter in the northern foothills of the Australian Alps, approximately 80km south east of the study area. Radiocarbon dates obtained from charcoal in occupation deposits at this site have established that Aboriginal people have lived in this region for at least 21,000 years (Flood 1996:33-35). Late Pleistocene occupation sites have also been identified to the east of the study area in what is now Morton National Park, at Bulee Brook 2 (18,810 ± 160 years Before Present (BP) [ANU-9375], Boot 1996:288) and Bob's Cave (10,850 ± 300 BP [ANU-8313], Boot 1994:330). The climate during the Last Glacial Maximum (around 20,000 years ago) was cooler and drier than the present day, and average temperatures would have been up to 6 degrees Celsius lower. However, the majority of archaeologically excavated sites in the region date to within the last 3,000 to 5,000 years, when the local climate and environment would have approached modern conditions (Flood 1980:3,18). These include the open camp site of Nardoo on the eastern side of Lake George (760 ± 110 BP [ANU-1060]), and Sassafra 1 rock shelter in Morton National Park (3770 ± 150 BP [ANU-743]) (Flood 1980:249).

According to the anthropologist Norman Tindale, two major language groups were identified within the Goulburn Mulwaree region at the time of European contact; the Gandangara (also known as the Gundungurra, Gundungari, Gurra-gunga, and Burragorang) to the north of Goulburn, and the Ngun(n)awal (also called the Ngunuwal, Ngoonawal, Wonnawal, Nungawal, Yarr, Yass tribe, Lake George, Five Islands tribe or Molonglo tribe) to the south. Tindale's 1974 map of tribal boundaries is based on the distribution of language groups, which are derived largely from linguistic evidence published from 1840 to 1956; however, the boundaries are approximate, and probably varied over time (Tindale 1974). Linguistic anthropologists have observed that word lists of the Ngunnawal and Gandangara languages are virtually identical (Koettig and Lance 1986:13). One explanation for this may be that Mathews, one of Tindale's main sources of anthropological information, did not begin working in the region until the 1890s, when Aboriginal groups and their traditional way of life had already undergone many changes (Flood 1980:27). Charles MacAlister, who grew up in the County of Argyle in the 1830s, notes that *the greater communication brought by the invasion of Europeans caused a wider currency and general adoption of various words and phrases* (MacAlister 1907:89).

The historian Jackson-Nakano suggested that Tindale's tribal boundaries incorporated a number of distinct Aboriginal communities with their own dialects, who were probably linked by kinship networks, common belief systems, ceremonies, and customs (Jackson-Nakano 2001:xxi-xxiii). MacAlister recorded that there were *three fairly numerous tribes* in the district; the Cookmai or Mulwarrie (Mulwaree), the Tarlo, and the Burra Burra (MacAlister 1907:82). Blanket distribution lists from this period connect the 'Mulwaree tribe' with the Tarlo, Wollondilly and Lake Bathurst areas (Jackson-Nakano 2001:13).

Aboriginal people from the district maintained contact with surrounding groups, and an absence of natural physical barriers in the district meant that travel was relatively easy (Smith 1992:3). Large gatherings of Aboriginal people took place in Goulburn, with records of corroborees being held at Rocky Hill near the East Goulburn Church of England, the old railway quarry on the Wollondilly River, and Mulwaree Flats near the bridge at the brewery, as well as where the All Saints' Church in Eastgrove and Goulburn railway station are now located (Tazewell 1991b:243; Wyatt 1972:111-112).

After crossing the Breadalbane Plains in 1834, the naturalist John Lhotsky met a group of approximately 60 Aboriginal people camping at Fish River. He was told that they travelled *as far as Goulburn [sic], and Yass Plains, but not so far as Limestone [Canberra]* (Lhotsky 1979 [1835]:104-105). This information is corroborated by MacAlister, who claimed that people travelled from the Lachlan River to visit Goulburn (MacAlister 1907:82). There was a walking track between Goulburn and a meeting place on the Lachlan, and another connecting Goulburn and Lake George, which was a spiritual area and meeting place for a number of different groups (R. Bell pers. comm. 25/07/2011).

The alluvial flats along the Wollondilly River, near the junction with the Nattai River, were reported to be places where groups would gather, including those from Goulburn and the Shoalhaven district. However, by the time that Etheridge visited this area in 1893, this was no longer the case (Etheridge 1893a:50). A connection between the Goulburn and Shoalhaven groups is illustrated by a Gandangara dreaming story about Gurangatch and Mirrigan the fisherman, which describes how the Wollondilly River and Wombeyan Caves were created. The story ends at the boundary of Goulburn Mulwaree LGA, where a Shoalhaven River story starts (D. Freeman pers. comm. 25/05/2011).

Aboriginal people from Goulburn were present at an intertribal meeting and corroboree held in the Bathurst district in c.1837, which was also attended by people from Coal River (now called the Hunter River) and Maneroo (Monaro) (Boswell 1890:7-8).

It is also likely that the Ngunawal travelled south to attend large gatherings in the Bogong Mountains into the 1850s, where feasts and corroborees were held during the Bogong Moth hunting season (Flood 1980:71-73) (Section 4.3.1).

### *Early European Exploration and Interaction with Aboriginal Cultures*

The region was first visited by Europeans in 1798, when John Wilson and two other men were sent by Governor John Hunter on an expedition to the southern tablelands of NSW (Chisholm 2006). The exploratory party reached Mt Towrang; although, they reported that *we really believe that there was never a native in this part of the country* (Flood 1980:30). However; in August 1820, Joseph Wild travelled south of the Cookbundoon Range to find a large lake (Lake George), which according to Aboriginal informants was near Lake Bathurst (Watson 1931). From the hills to the north-east of Lake George, he saw *the Fires of the Natives who appeared numerous*, indicating the presence of Aboriginal people camping in the area (Flood 1980:35).

Introduced diseases, including smallpox, influenza and measles, had an effect on the Aboriginal population. It is possible that the effects of a smallpox epidemic originating around Sydney in 1789 may have preceded contact with Europeans in the Goulburn region (Flood 1980:32). In the early 1830s, the surgeon George Bennett observed several Aboriginal people on the Gundry Plains with small-pox scars (Bennett 1967 [1834]:148). In 1845, Francis Murphy of Bungonia reported that the formerly numerous Aboriginal population had declined to an estimated 20-100 individuals, and the survivors had joined up with other people from the Goulburn district (Koettig and Lance 1986:14). The influenza epidemic in 1846-7 also had a disastrous impact; and in 1848, the bench of Magistrates estimated that the local Aboriginal population consisted of only 25 people (Tazewell 1991b:244).

Although a number of local histories repeat the claim that European settlement in the region was *remarkable for being one of the few at which there was no feud between black and white races* (Young Folks 31/08/1897, cited by Smith 1992:17; Wyatt 1972:110), there were a number of violent incidents between Aboriginal people and European pastoral settlers recorded in the 1820s. Charles Throsby wrote a letter to Governor Macquarie in September 1824, reporting that two Aboriginal girls had been abducted by servants of Captain Richards Brooks of Bungendaw (Bungendore), approximately 10km south east of the study area. Throsby reported that the men refused to give the girls up, and that their relatives were assembling with large numbers of spears (Jackson-Nakano 2001:25; Smith 1989:12).

In 1826, Governor Darling sent a detachment of troops to the County of Argyle when two stockmen were killed at Lake Bathurst, and unusually large numbers of Aboriginal people from different tribes began to assemble at Lake George and Inverary Park (the residence of David Reid, one of the Magistrates of the County of Argyle). The groups dispersed on the arrival of the troops, and an Aboriginal man was later gaoled for murder (Revitt and Revitt 1979:46-48; Jackson-Nakano 2001:25-26; *The Australian* 6/05/1826, pp2-3). One of the murdered men, Thomas Taylor, was described in a newspaper as a *quiet, harmless hut-keeper* from Lake Bathurst; however, Christiana Brooks, wife of Captain Brooks, noted in her diary that Aboriginal people *evinced some hostility to the stock keepers of particular stations* (*The Monitor* 29/11/1827, p6; Jackson-Nakano 2001:25-26). A Government Notice regarding the incident made it clear that the hostility likely stemmed from the actions of the stockmen:

*The Governor is concerned to think, from the Reports He has received, that the Proceedings of the Natives are the Effect of Resentment at the Outrages committed upon them by Stock-keepers, who interfere with their Women, and by such, and other Acts of Aggression, provoke them to retaliate* (The Sydney Gazette and New South Wales Advertiser 10/05/1826, p1).

According to oral tradition passed down from Gandangara elders there are undocumented massacre sites at Narrambulla Creek and the Eastgrove sporting ovals (D. Freeman pers. comm. 25/05/2011). Although the tradition and locations of the sites are unverified, this was an issue raised by Pejar LALC as being an important aspect of the interactions between Europeans and the local Aboriginal community.

## 4.3 Utilising Natural Resources

### 4.3.1 Using Indigenous Foodstuffs

The Wollondilly and Cookbundoon river systems were home to a variety of wildlife, including eels, black swans, ducks and other water birds. Swans and other water fowl nested on the rocky isles in Lake Bathurst (Govett 1977 [1836-7]:22-23). Animals in the area that would have been used by Aboriginal people as food resources included kangaroos and wallabies, possums and other small marsupials such as bandicoots, emu, wild turkey, echidna, native ducks, fish and eels, freshwater mussels, snakes, native bees and ants (Bennett 1967 [1834]:173,301; Govett 1977 [1836-7]:29,32,34-35,37; MacAlister 1907:88; Wyatt 1972:107; Koettig and Lance 1986:18).

In 1836, William Romaine Govett published a series of articles in *The Saturday Magazine* describing the Aboriginal people of the County of Argyle, and their customs. He noted that when hunting, they would occasionally set grass fires to ensnare kangaroos, which were then speared. This practice is known as 'fire-stick farming'. It encouraged regrowth of sweet young herbage, which in turn attracted kangaroos back to the area (Bennett 1967 [1834]:290; Govett 1977 [1836-7]:23). Possums were caught by climbing trees notched by tomahawks (axes), cutting a hole in the limb where the possum

was, and killing it with a blow from the axe with when it emerged (Govett 1977 [1836-7]:33-34). Some insects were eaten alive and whole, including native bees, ants and ant eggs (Govett 1977 [1836-7]:37).

The Ngunawal were among the Aboriginal groups that travelled to the south-eastern highlands to hunt Bogong moths (*Agrotis infusa*) in summer. Bogong moths migrate to the Bogong Mountains, Tumut and the Kosciusko region, where they aestivate at high altitudes in large numbers. Aboriginal groups gathered in the high ranges, and over the course of a couple of months feasted on moths roasted over hot ashes. There are accounts of moth feasts taking place into the 1850s; however, the practice of moth hunting had ceased by 1878 (Flood 1980:68-73,112; Helms 1890:14-15).

Bulrushes (*Typha* sp.) were collected from river and stream banks during spring. The starchy roots were baked, and the outer skin removed before eating (Bennett 1967 [1834]:183; Gott 1999). In 1836, James Backhouse, a naturalist and Quaker missionary, saw an Aboriginal woman eating raw sow-thistle as a salad (Backhouse 1843:441; Trott 1966). Koettig and Lance suggested that the plant he described was probably from the family Asteraceae (Koettig and Lance 1986:18). Govett described an 'apple-tree' (possibly *Eucalyptus bridgesiana*, R Falconer pers. comm. 29/11/11), which grew on the rich soil of the alluvial flats. He observed an Aboriginal man using an axe to make an incision in the tree, releasing a clear, watery potable fluid that possessed acidity reminiscent of cider (Govett 1977 [1836-7]:25). Sweet nectar was obtained from whitish deposits formed by insects on various trees, such as the Manna Gum (*Eucalyptus viminalis*/*E. mannifera*) (Aslanides 1983:2; Bennett 1967 [1834]:115,319-321).

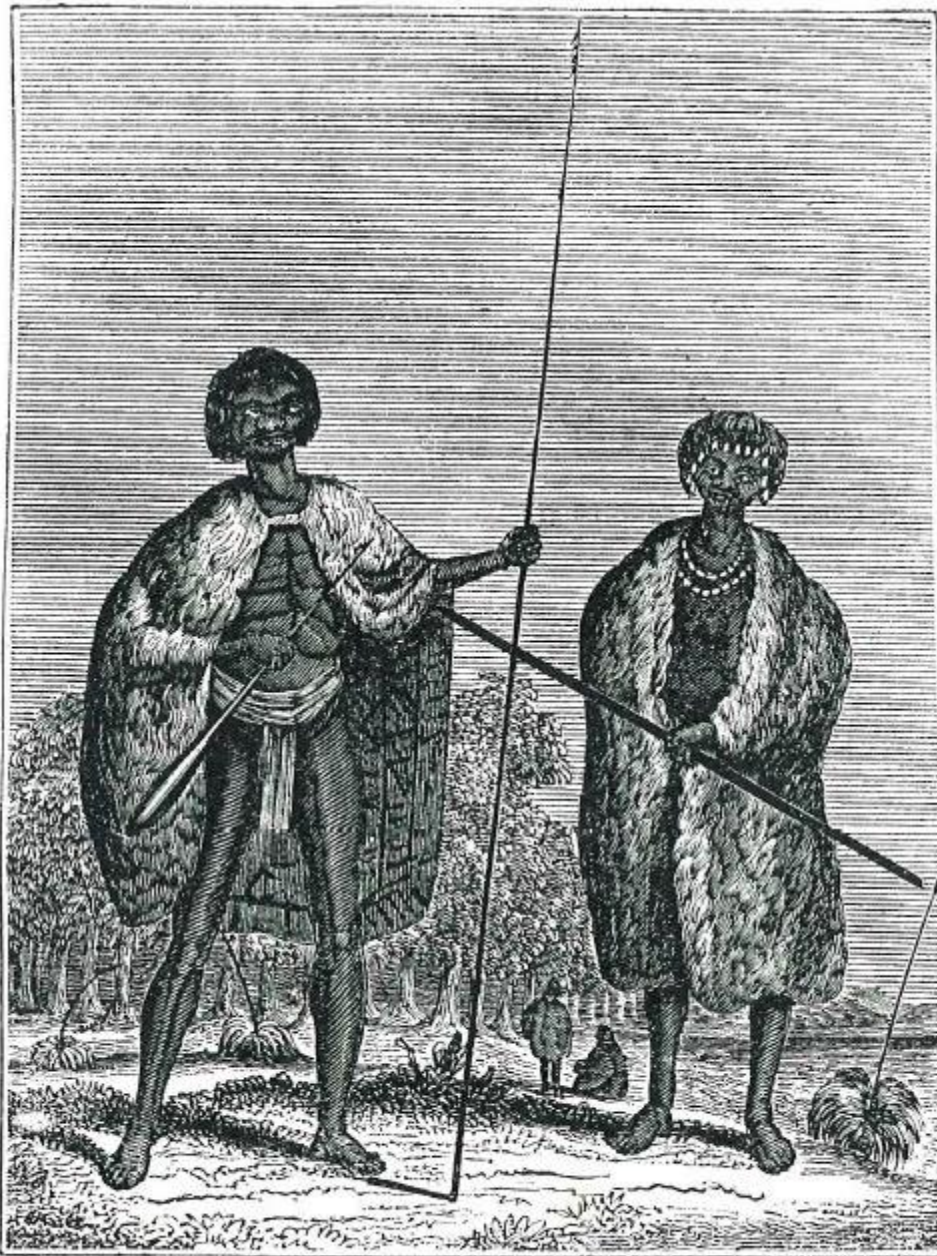
From the 1820s onwards, farms and cultivation were established over what was once open forest, disrupting the traditional ways of life (NPWS 2003:206). The change in land use had a serious impact on the availability of once abundant natural resources:

*The kangaroos have either been killed, or have fled in search of more retired forests. Sheep and cattle have taken their place, the emu and turkey are seldom seen, the millions of parrots have even become scarce [...] (Govett 1977 [1836-7]:26)*

#### 4.3.2 Aboriginal Clothing and Ornamentation

An illustration of Aboriginal people from the Mulwaree Plains in traditional dress was published in *The Saturday Magazine* in 1836, and shows a man and woman wearing possum skin cloaks. The cloaks were worn for protection rather than modesty, with the fur turned inward during cold and wet weather. The man is also wearing a string belt, which were made out of possum or kangaroo hair (Bennett 1967 [1834]:175; Govett 1977 [1836-7]:8; Jackson-Nakano 2002:10) (Figure 4.1).

Approximately thirty to forty possum skins were required to make a *good sized* cloak (Boswell 1890:6). The skins were stretched by securing them on the ground or on small sheets of bark with wooden pins, and then set out to dry in the sun or near a fire. The raw side was cleaned and softened by scraping it with a stone or shell, and marked with decorative patterns. The skins were then rubbed with grease, pierced with a sharp bone, and sewn together with a bone needle using fibres of stringybark or small sinews taken from the tail of a kangaroo or other animal. Following contact with Europeans, the process was adapted to incorporate new materials. By the 1830s, glass was sometimes used to scrape the skins, which could be sewn together more rapidly using large needles and whitey brown thread (Govett 1977 [1836-7]:8; Boswell 1890:9).



MALE AND FEMALE NATIVES OF NEW SOUTH WALES.

**Figure 4.1** A sketch of Aboriginal people from the Mulwaree Plains ‘dressed in their usual manner’, 1836 (Govett 1977 [1836-7]:9)

In 1832, Bennett observed a number of Aboriginal groups gathered on the Goulburn Plains (now known as the Gunday Plains) to celebrate Christmas Day. People wore a mix of traditional dress and European-style clothing. The hair of the women was decorated with grease and red ochre, and their heads were adorned kangaroo incisors, possum tails, and *the extremities of other animals*. Some wore fillets (head-bands), called *Cambun* or *Bolombine*, bound around their foreheads and daubed with pipe-clay (kaolin). Pipe-clay was also used to decorate the upper body, including the upper face, breast and arms. Some of the men wore red ochre and fillets, while others hung yellow Sulphur-crested Cockatoo feathers from their beards (Bennett 1967 [1834]:323-326).

At an Aboriginal encampment at Tarlo in the 1830s, Govett observed two women wearing kangaroo teeth as head ornaments. One of them had a necklace made of small pieces of yellow reed, and her nasal septum was pierced with a small bone (Govett 1977 [1836-7]:29). Straw, sticks and emu bones

were worn by both men and women in septum piercings, which were regarded as highly ornamental (Bennett 1967 [1834]:176).

One of the men at the Tarlo camp was wearing a crescent-shaped brass breastplate, which hung from a chain around his neck (Govett 1977 [1836-7]:29). Breastplates were introduced by Governor Macquarie, to mark the chief of a tribe who could act as an intermediary with the government. They were given to Aboriginal people by Europeans as symbols of authority, although by the 1850s they were also awarded as badges of merit (Kaus 2010; Tazewell 1991a:2). According to a local history by Charles McAlister, breastplates were presented to the more noted chiefs in the County of Argyle, including Yarraginny, Kugolgong, Miranda, and Mulwarree Tommy (Brunton 1981 [1903]:4; MacAlister 1907:83). The breastplate of Mulwaree Tommy was found in the late nineteenth century at The Meadows, a property south east of Taralga. The breastplate belonging to *King John Cry Chief of the Duedolgong tribe, Argyle*, was found in 1901 in a field near the Tirranna Church, Tirranna (Smith 1992:32-34).

### 4.3.3 Aboriginal Tools and Equipment

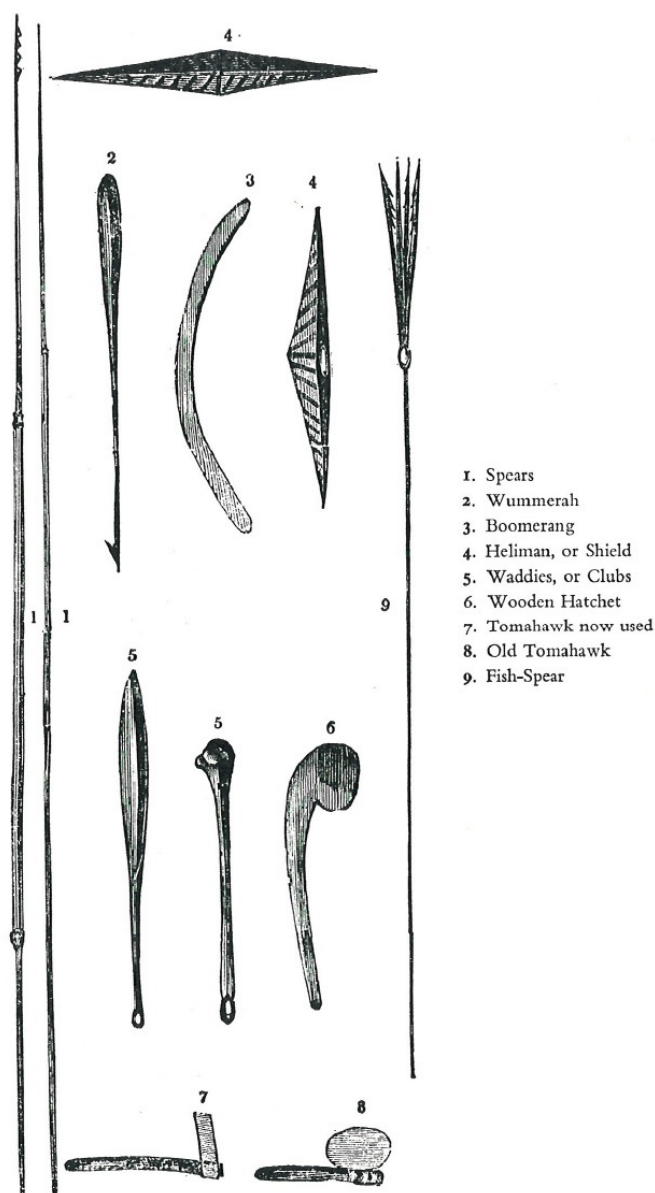
Contact between Aboriginal groups was not always peaceful, and raids and fights occurred between neighbouring groups. MacAlister quotes a report by the Reverend Benjamin Hurst, a Methodist Missionary stationed in Goulburn in 1842, that mentions frequent quarrels between Aboriginal tribes, and unsuccessful attempts by the missionaries to *induce them to associate peacefully for any length of time* (MacAlister 1907:90).

According to information provided by Mrs. Ruth Bell, there was a war in the vicinity of Lake George, and possibly Collector, between the Ngunnawal and the Wiradjuri, over Ngunnawal women who were kidnapped by the Wiradjuri to be wives (R. Bell pers. comm. 25/07/2011). The traditional country of the Wiradjuri is to the west of Goulburn Mulwaree LGA, in central NSW (Kabaila 1998:8).

Traditional weapons included spears, which were fashioned from reeds approximately 2-2 1/2 m long, or from sharpened hard wood generally 3.6- 4.2m long (Govett 1977 [1836-7]:36; Flood 1980:50). Spears were *tipped to a point*, and some were *barbed at the end with pieces of iron-bark* fixed in place with hardened wattle and other gum (MacAlister 1907:87) (Figure 4.2). They were used as weapons, as well as for hunting and fishing (Flood 1980:50-51).

Spear throwers (known as *wummerah* or *woomerah*), were *much used by the Argyle tribes*, and could double as a paddle when fishing in canoes. They were approximately 1m long, with a flat handle and hook at the end (MacAlister 1907:87; Govett 1977 [1836-7]:11). Boys practised throwing reed spears from a young age, by aiming at each other and parrying the missiles with a short stick (Govett 1977 [1836-7]:36). Knowledge of how to use traditional equipment, such as boomerangs, was still taught to young men at Yass in the twentieth century (R. Bell pers. comm. 25/07/2011).

Hatchets or axes (also called tomahawks by European observers) had a ground stone head made of *sharpened stone or flint*, fastened to a wooden haft. Iron-headed axes were adopted following contact with Europeans (Govett 1977 [1836-7]:11).



1. Spears
2. Wummerah
3. Boomerang
4. Heliman, or Shield
5. Waddies, or Clubs
6. Wooden Hatchet
7. Tomahawk now used
8. Old Tomahawk
9. Fish-Spear

**Figure 4.2 Aboriginal weapons (Govett 1977 [1836-7]:12)**

Distinctive grinding grooves up to 5cm wide and 20cm long were formed in soft stone, where the edges of stone tools such as axes, chisels and knives were sharpened. Slabs of fine-grained sandstone were transported over long distances, and were used as whetstones in areas where there were no suitable natural stone outcrops (Flood 1980:200). An example of a portable sharpening stone was found at Shaws Creek in 1901 (Smith 1992:42).

Women carried one or two nets, which they used to carry necessary items. Lhotsky observed nets being made of Kurrajong fibres at Fish River. Govett records that a child could be *seated in one of these nets, and carried behind the mother's shoulders*. Women also carried wooden digging sticks, which were approximately 1.5m long, which had been burnt at one end to create a hardened point. The women had a *constant habit of stooping and digging for sweet potatoes, roots, and a sort of ground-nut*, which they gathered and kept in their nets for the evening meal (Govett 1977 [1836-7]:8,13; Lhotsky 1979 [1835]:41).

The bark of stringybark and box trees (*Eucalyptus* sp.) was used for making gunyas (shelters), and was also torn into strips to be used as rope. Gunyas were made by placing a sheet of bark over a fire, so it would expand and flatten in the heat. The bark was bent double, and fixed to the ground against the



direction of the wind (Figure 4.3). Cooking fires were tended in front of the gunyas; and in winter, an additional sheet of bark was added to the back (Bennett 1967 [1834]:168; Govett 1977 [1836-7]:14,23).



NIGHT SCENE—THE GUNYAS, OR HUTS, OF THE NATIVES.

Figure 4.3 Gunyas at night, based on a description of an Aboriginal camp site at Tarlo (Govett 1977 [1836-7]:28)

## 4.4 Marking the Phases of Life

### 4.4.1 Being an adult

The Aboriginal community met periodically for initiation ceremonies, for the purpose of introducing boys to manhood (Howitt 1904:512). During the ceremony, young men had one of the incisors from their upper jaw removed (known as tooth avulsion), and were presented with a possum skin belt (MacAlister 1907:87; Bennett 1967 [1834]:176-177; Govett 1977 [1836-7]:10; Mathews 1896:338-339,340). On attaining manhood, they were permitted to marry, attend corroborees, and participate in tribal assemblies *when any marauding or war expedition is in contemplation, or when the tribe is about to remove from one part of the country to another* (MacAlister 1907:86; Bennett 1967 [1834]:177). Mathews noted that in the historic period, coastal and inland tribes attended each other's ceremonies. Informants from the Shoalhaven told him that they attended ceremonies on the Tumut River, and people from Yass stated that they were present at ceremonies in Queanbeyan or Braidwood (Mathews 1896:327).

In a letter to the Daily Telegraph, Mary Gilmore identified the top of Rocky Hill near the Goulburn War Memorial as a 'bora ground' where initiations occurred. Two stone rings were still visible at this location in 1923, although by 1926 the larger one had been partially destroyed by a road (Smith 1992:35, 43). It is likely that ceremonial activities took place in this location, and that there may be burials in the vicinity (R. Bell and K. Denny pers. comm. 25/07/2011). MacAlister notes that initiation ceremonies were also performed on a little red hill opposite Kenmore Hospital (MacAlister 1907:85). There are a number of hills in the vicinity of the hospital that MacAlister may be referring to. The nearest hills are located between the rail line and Gorman Road, approximately 1km to the

south east; adjacent to Taralga Road, approximately 1km to the north east; and near a bend in the Wollondilly River, approximately 1.5km east north east. The little red hill was not described in detail, and based on currently available evidence its location cannot be identified with more precision beyond this general area.

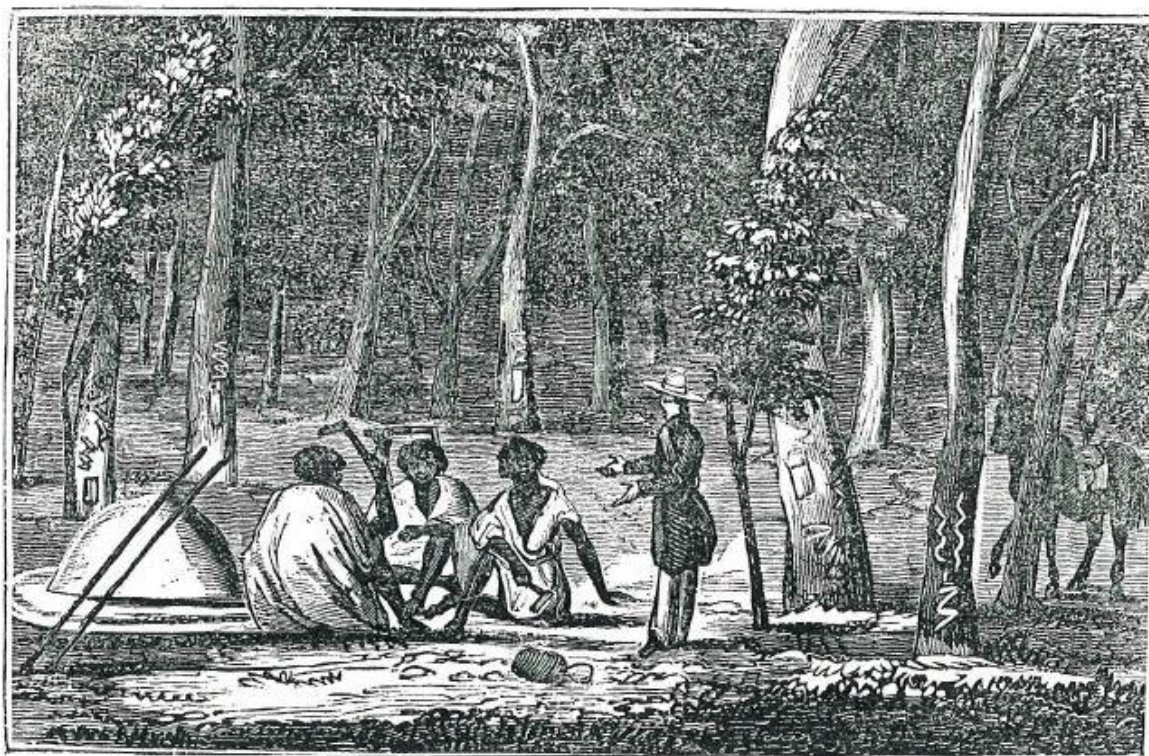
#### 4.4.2 Dying

##### *Mourning the dead*

Few European people witnessed traditional Aboriginal funerary customs (Byrne 2007:8). In the 1830s, Govett encountered three women sitting at the graveside of an unknown individual near Mount Wayo, immediately north of the study area. They mourned by making small cuts on the back of their head with axes, and wept and lamented until they were exhausted (Govett 1977 [1836-7]:44-45). In 1849, Macalister described a similar public demonstration of grief at the funeral of Miranda, who was one of the chiefs in the County of Argyle. His funeral took place near Abercrombie, approximately 165km north of the study area. On that occasion, the women also wore knots of white pipeclay smeared in their hair and on their faces (MacAlister 1907:84-85). Men were observed mourning by *shout[ing] furiously* and making *wild exclamations, with fierce countenances and violent gestures* (Govett 1977 [1836-7]:44). In at least one case, the Aboriginal community remembered the location of a burial on the Mulwaree Plains which had been destroyed by European settlers, and the custom of women weeping at the burial site was still observed, even though the grave was no longer extant (Govett 1977 [1836-7]:45). Lhotsky noted that *to mention even the name of a dead person, give a deep apprehension to all Papuas [Aboriginal people] I met with* (Lhotsky 1979 [1835]:106).

##### *Dealing with human remains*

Aboriginal burial methods changed over time (Byrne 2007:11). There are only a few descriptions of earthen burial mounds in the Goulburn Mulwaree region, and according to Govett this type of burial was not common. This type of grave was sometimes marked with carved trees, and Etheridge suggested that only notable, initiated men were accorded such treatment; for example, *celebrated warriors, prominent headmen, and powerful wizards or “doctors”* (Etheridge 1918:11-12). The grave at Mount Wayo was a dome-shaped mound approximately 3 feet (90cm) high, surrounded by a flat gutter or channel that had an outside edge of clay. Trees around the grave had been incised with stripes, zigzags and other designs (Govett 1977 [1836-7]:45) (Figure 4.4).



**Figure 4.4 Three women mourning at a grave near Mount Wayo (Govett 1977 [1836-7]:44)**

Near Goulburn, Kugulgong and other Aboriginal people are known to have been buried in raised graves on the hill to the east of Lansdowne House (MacAlister 1907:85; Tazewell 1984:4). Some of these graves could still be seen in the 1860s; and interred remains may still be present, although this general area has since been disturbed by the construction of a dam, electricity substation, and housing subdivision (Hughes 1984:8; Wyatt 1972:110). In 2004, two hundred and ninety eight stone artefacts were identified during an archaeological survey of the Tall Timbers subdivision, to the north of Lansdowne House (Williams 2004:18). It was recommended that the surface artefacts be collected and a sample of the sub-surface artefacts salvaged through excavation (Williams 2004:24). This is one reason that this area was identified as culturally sensitive during consultation for this study, and it is believed that further archaeological material may be present in the immediate locality (K. Denny pers. comm. 25/07/2011).

An example of a different type of burial was found at Bungonia Caves, now part of Bungonia State Recreation Area. The skull of an Aboriginal child had been placed in a small chamber deep within a limestone cave, approximately 400 yards (365 m) north of Bungonia Lookdown. The skull was found resting on a skin, beneath a string net. A layer of stringybark and pile of flat stones had been placed over the top. No other human remains were found in the cave, although there were some smaller bones that were probably wallaby. The burial has not been dated; however, the skin was old and rotting with age when it was found, some time before it was described by Etheridge in 1893 (Etheridge 1893b:128-130).

## 4.5 Leisure

During Lhotsky's journey from Sydney to the Australian Alps, he camped on the grassy banks of the Fish River. He observed male Aboriginal youths playing with a ball of wool, which they *threw to a great height, catching it with much dexterity* (Lhotsky 1979 [1835]:105). At Tarlo, Govett saw a young man playing a version of cat's cradle (Govett 1977 [1836-7]:29):

[He was] *employed with two double sets of strings, which by twisting and changing in a very intricate manner, he constantly drew out with the back parts of his hands into a variety of forms and shapes, such as diamonds, squares and circles.*

Music and dancing were performed at corroborees. Songs were also commonly chanted at camp, before going to sleep at night. When three or four people were together, they all joined in the chorus, and kept time *by striking two sticks together* (Govett 1977 [1836-7]:29). Lhotsky described the music he heard at a corroboree as *majestic* and *melancholy* (Lhotsky 1979 [1835]:109):

*Their strain was in 2-4 time, which they marked by beating crotchets, and in moments of greater excitement, quavers.*

Aboriginal people also adopted some European holidays and pastimes. Bennett records that Christmas Day was regarded as a festival. In the 1830s, Aboriginal people gathered for a feast at Tirranna, and other smaller farms on the Gundry Plains, where settlers customarily distributed provisions and spirits among the collected tribes (Bennett 1967 [1834]:322-324).

The Goulburn races were first held in 1839 on the Old Township course, now beneath commercial and residential development in Goulburn. MacAlister described the spectators, and Aboriginal people supposedly outnumbered everyone else *by ten to one or more*, although it is possible that these numbers are exaggerated as MacAlister would have been a child when this event occurred (MacAlister 1907:30).

Govett claimed that Aboriginal men, women, and even children had become *exceedingly fond* of tobacco since its introduction. It could be stored in a bladder purse converted into a tobacco bag, and carried under a traditional string belt (Govett 1977 [1836-7]:8, 29) (Figure 4.3). In the early 1830s, Lhotsky was perplexed by the demand for tobacco, and could not satisfy the numerous requests he received for it: *I gave some bits to the first askers, and so on, but soon every tongue was loudly clamouring for tobacco* (Lhotsky 1979 [1835]:106). During this period, tobacco was among the goods given to Aboriginal farmhands as payment for labour (Tallong Community Focus Group 2010:62) (see Section 4.6.1).

## 4.6 Working

### 4.6.1 *Surviving as Indigenous People in a White-Dominated Economy*

Governor Macquarie began a policy of distributing blankets to Aboriginal people in 1814, and over time people became increasingly dependent on the annual government issue (State Library of New South Wales 2011). As access to traditional lands for hunting became more difficult and game became scarcer, blankets began to replace the traditional possum skin cloak as a means of keeping warm. Alternatively, they could be sold or exchanged for other goods (Tallong Community Focus Group 2010:33). Blankets were distributed at properties such as Lumley, Inverary Park and Reevesdale (originally named Parramarragoo) near Bungonia until 1843, and Tirranna to the south of Goulburn until c.1837. In 1843, government blanket distribution was centralised at Goulburn (Jackson-Nakano 2001:11-12, 15; Tracey and Tracey 2004:28). One local history states that blankets and rations were distributed by William Bradley at Lansdowne, where Aboriginal people camped on the hill near the homestead in the 1840s and 1850s (Wyatt 1972:110).

There is evidence that from the 1830s, Aboriginal men were employed as farm labourers and stockmen at rural properties such as Caoura, Bosworth, Glenrock and Bumballa. They undertook tasks such as *hunting for wild cattle* and *stripping bark*, and were paid with clothing or rations such as tobacco, beef and flour (Tallong Community Focus Group 2010:34-35, 62). In 1836, Backhouse encountered a tribe of Aboriginal people camping at a chain of ponds near Goulburn, two of whom

worked for a European settler *hewing wood* and *drawing water* (Backhouse 1843:440). Such activities continued in the 1840s, at which time the Reverend William Hamilton reported that local Aboriginal people were occasionally employed to strip bark, cut up fire-wood, gather potatoes, carry messages and ride after cattle (Report from the Select Committee on the Condition of the Aborigines, NSW Legislative Council Votes and Proceedings 1845 & 1846, cited in Smith 1992:27-28).

In the early years of European exploration and settlement, Aboriginal people worked as guides and trackers, and carried messages between camps and towns (Tallong Community Focus Group 2010:32; MacAlister 1907:86, 91). Their bush skills continued to be recognised, with trackers employed by the police force in the Goulburn and Yass districts in the early twentieth century. Other occupations during this period included breaking wild horses at Yass, and driving them overland through Goulburn to Sydney; and working as a linesman for the electricity commission (D. Delponte pers. comm. 18/07/2011; *Western Argus* 15/06/1926, p31; R. Bell pers. comm. 25/07/2011).

## 4.7 Governing

### 4.7.1 Administering Indigenous Affairs

In 1883, the Board for the Protection of Aborigines was established to provide recommendations concerning the welfare of Aboriginal people and to manage Aboriginal Reserves in New South Wales. The responsibilities of the Board included organising housing, and distributing rations and clothing (NSW Government State Records 2010; Thinee and Bradford 1998:20). The Board reported to the NSW Legislative Assembly on Aboriginal population numbers; which in the Goulburn area had apparently declined to between one and four people in the 1910s (Smith 1992:31).

Between 1875 and 1961, Aboriginal reserves and camps were established in places such as Boorowa, Brungle, Cootamundra, Yass, Oak Hill and in the Rye Park district near Blakney Creek, Brickney's Creek and Flakeney Creek (Thinee and Bradford 1998:345-346,350,371; Kabaila 1998:14; R. Bell pers. comm. 25/07/2011). Although these reserves are outside the boundaries of Goulburn Mulwaree LGA, many Aboriginal people moved between settlements and jobs, influenced by wide-ranging kinship networks and the availability of seasonal work including fruit picking and shearing. Others married into non-Aboriginal communities and moved into towns (Kabaila 1998:11, 13-14). Traditional knowledge and skills were passed down to members of the younger generation at places such as Hollywood Mission, a government-run reserve that operated near Yass between 1934 and 1960 (R. Bell pers. comm. 25/07/2011; Kabaila 1998:31). In the 1950s and 1960s, a Government policy of assimilation resulted in compulsory resettlement of some families into Yass, where the building of a small number of homes in town was sponsored by the Aborigines Welfare Board, the successor agency to the Board for the Protection of Aborigines (Kabaila 1998:30; NSW Government State Records 2010).

By the start of the twenty first century, official government records indicate that Indigenous people constituted approximately 2.2% of the total population of Goulburn Mulwaree LGA (575 people according to the 2006 census). There are a number of reasons for the apparent increase in Aboriginal population, including changes to the way in which the Indigenous population is counted, an increased birth rate, and an increase in the number of people identifying themselves as being of Aboriginal or Torres Strait Islander origin (Australian Bureau of Statistics [ABS] 2008;2006). The figures also showed that Aboriginal people in Goulburn Mulwaree are currently employed in a range of industries, including retail trade, public administration, and social services (ABS 2007).

## 5 Aboriginal Heritage Places

### 5.1 Introduction

The Local Aboriginal Land Councils whose boundaries are within or adjacent to Goulburn Mulwaree LGA made it clear to AMBS that they would prefer that detailed information about site locations available through the OEH AHIMS database was not publically released. However, historical research and consultation with the local Aboriginal community indicated that there are areas of Aboriginal heritage sensitivity within the LGA that Council should be made aware of when considering applications for development.

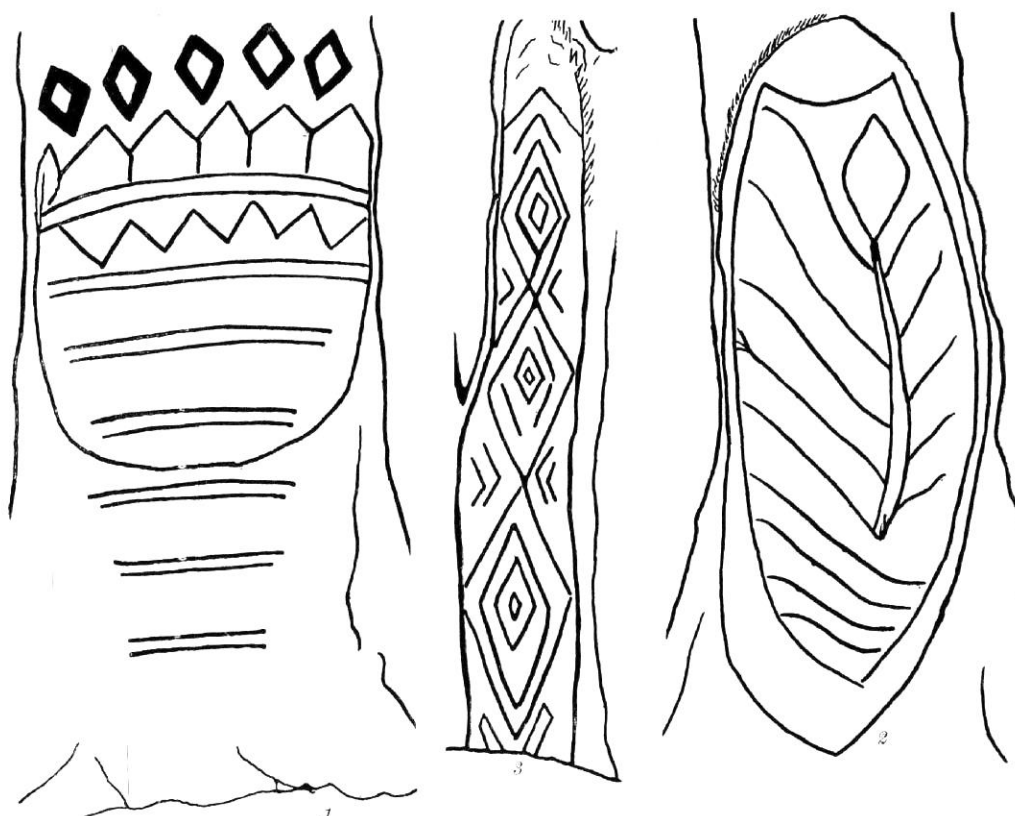
### 5.2 Aboriginal Archaeological Context

This section describes the nature of the known Aboriginal archaeology of the study area and is based on a review of relevant archaeological reports and publications.

#### 5.2.1 Regional Archaeological Investigations

Two major regional archaeological investigations have been undertaken in Goulburn, and which are relevant to the current study. Koettig and Lance (1986) undertook a preliminary Aboriginal resources planning study for the City of Goulburn. They identified areas of known or potential Aboriginal cultural and archaeological significance, and analysed the distribution of sites in the landscape in relation to environmental variables such as landform, bedrock geology, and distance from water (Koettig and Lance 1986:26). Koettig and Lance proposed the following general trends in regional site distribution:

- Artefact scatters are the most common type of site in the region, and have been identified in all environmental contexts. They are most likely to occur on gentle, well-drained lower slopes within 100m of water. Artefact scatters at the junction of watercourses tend to be large, with high densities of stone artefacts. Underlying geology does not appear to be a significant factor in the location of this type of site;
- Quarries may be present on outcrops of raw stone materials suitable for artefact manufacture, many of which occur within the study area as localised, discrete outcrops of siliceous rocks (pebble beds, quartz veins or outcrops). Types of stone used in the manufacture of tools include chert, silcrete, quartz, quartzite and fine-grained volcanic rocks;
- Burial sites are rare, and historical sources indicate that they are most likely to be found on ridges and hill tops, in hollow trees, and in caves. In some cases they may also occur in sand bodies. Burials may be difficult to identify, as features that were used by Aboriginal people to mark graves, including carved trees and earth mounds, are unlikely to be preserved;
- Modified trees (scarred or carved) are rare, as scars are only likely to be present on trees at least 80-100 years old, and natural vegetation in the Goulburn region has been altered by fire and forest clearance. Most of the recorded modified trees in the study area have been destroyed in bushfires or removed to museums, such as the carved trees that were recorded at Yarra railway station and Armstrong's Paddock, Bungonia (Figure 5.1);
- Bora grounds are rare, and based on available site information and historical sources are most likely to be located on hill tops; however, their location cannot be predicted accurately;
- Shelters with art or deposit are found only in areas with suitable rock overhangs, such as sandstone outcrops with cavernous weathering. Large granite boulders and limestone rock shelters were also used as shelters; and
- Grinding grooves are most commonly found near creek lines with suitable sandstone outcrops. Sandstone slabs were also transported into areas where there was no suitable stone.



**Figure 5.1 Drawings of carved trees which used to be located near Yarra railway station (left), and Armstrong's Paddock, Bungonia (centre and right) (Etheridge 1918:Plate XIX)**

Fuller (1989) undertook a field investigation to test the site distribution model proposed by Koettig and Lance, surveying a representative sample of environmental zones within the city of Goulburn. Seventeen stone artefacts scatters and five isolated artefacts were identified during the study. Two sites, located within 150m of an intermittent watercourse, also contained fragmented midden material, comprising mussel shell and shell from an unidentified species (Fuller 1989:5-6). Sites occurred in all environmental zones, including those identified by Koettig and Lance as having low potential archaeological sensitivity. The results of the field investigation were used to refine the Aboriginal site distribution model for Goulburn (Table 5.1):

**Table 5.1 Aboriginal archaeological sensitivity of landforms in Goulburn**

Landform		Potential Archaeological Sensitivity	
		(Koettig and Lance 1986:29-32)	(Fuller 1989:31-34)
Alluvial flats adjacent to major watercourses		High	High
Undulating hills and plains	Lower slopes adjacent to watercourses	High	High
	Gently undulating land, or plains	Not assessed	Low
	Hills – low (<700 metres above sea level [asl])	Low	Medium
	Hills – moderate (700-750 metres asl)		Low
	Hills – high (>700 metres asl)		Low
Hill tops		Low	Low
Built-up areas (residential areas, Sooley Dam)		Moderate	Moderate

### 5.2.2 Local Archaeological Investigations

Many archaeological assessments have been undertaken within Goulburn Mulwaree LGA, comprising small scale studies in response to proposed developments (for example, see Koettig 1988; Navin Officer 2003; Williams 2004); linear surveys for infrastructure projects such as proposed roads, transmission lines and water supply schemes (for example, see Koettig 1983; Navin Officer 2010; Silcox 1995); and surveys over larger areas for a variety of purposes including proposed quarries, subdivisions, mining leases and State Recreation Area management (for example, see ERM 2006; McBryde 1975; Hughes 1984; Haglund 1986; Silcox 1988).

Although the Aboriginal site distribution model proposed by Koettig and Lance (1986), and refined by Fuller (1989), was specific to the City of Goulburn, it has informed background research and survey methodologies for Aboriginal cultural heritage assessments across the LGA. To date, the findings of these investigations have been generally consistent with the site location predictions in the model, with stone artefacts scatters of varying densities the most commonly recorded site type (Williams 2004:15; Navin Officer 2003:12).

The distribution of registered Aboriginal sites within Goulburn Mulwaree LGA forms the basis for Aboriginal archaeological sensitivity mapping in the Goulburn Mulwaree DCP. Concentrations of sites have been identified in the vicinity of cities and towns such as Goulburn and Marulan, as well as in proximity to riverine resource zones such as Mulwaree Ponds and the Wollondilly River, and lacustrine resource zones including Lake Bathurst and The Morass (Figure 2.1). However, the site distribution pattern is partly the result of intensive surveys triggered by proposed developments, rather than accurately reflecting the nature of Aboriginal land use; and there is still potential for sites to occur outside these areas in the LGA.

## 5.3 Aboriginal Heritage Site Types

Previously recorded Aboriginal sites within the Goulburn Mulwaree LGA generally occur in the vicinity of watercourses, in elevated areas, and in areas with suitable geology or mature vegetation. Table 5.2 identifies and describes the types of Aboriginal sites which are known to, or potentially may, occur in the Goulburn Mulwaree LGA, and where such sites are usually located.



**Table 5.2 Summary of known and potential Aboriginal site features for Goulburn Mulwaree LGA.**

Site Feature	Details
Aboriginal Ceremony and Dreaming	Aboriginal ceremonial sites are locations that have spiritual or ceremonial values to Aboriginal people. Aboriginal ceremonial sites may comprise natural landforms and are usually identified by the local Aboriginal community as locations of cultural significance. They may not necessarily contain material evidence of Aboriginal associations with the place.
Bora/Ceremonial	Aboriginal ceremonial sites are locations that have spiritual or ceremonial values to Aboriginal people. They may comprise natural landforms and, in some cases, will also have archaeological material. Bora grounds, also known as Kuringal grounds, are a ceremonial site type. They usually consisted of a cleared area around one or more raised earth or stone circles, and often comprised two circles or ovals a short distance apart that were connected by a pathway. They can be accompanied by an anthropomorphic figure in the centre of the smaller circle, representing an ancestral or supernatural being (Flood 1980:143-145). Bora grounds are most often cited as being used for male initiation ceremonies (Howitt 1904; Mathews 1896). Unfortunately, raised earth features are easily destroyed by agricultural and pastoral activities, vegetation growth and exposure to weather, and are not visible on aerial photographs (Flood 1980:146). Bora/ceremonial sites have been recorded in the Goulburn Mulwaree LGA.
Burials	Aboriginal burial of the dead often took place relatively close to camp site locations. This is due to the fact that most people tended to die in or close to camp (unless killed in warfare or hunting accidents), and it is difficult to move a body long distances. Soft, sandy soils on, or close to, rivers and creeks, or near ant hills, allowed for easier movement of earth for burial; however, burials may also occur within caves, rock shelters or middens. Aboriginal burial sites may be marked by stone cairns, carved trees or a natural landmark, or may be identified through historic records, or oral histories. Burial sites have been recorded in the Goulburn Mulwaree LGA.
Contact/ Historical Sites	These types of sites are most likely to occur in locations of Aboriginal and settler interaction, such as on the edge of pastoral properties or towns. Artefacts located at such sites may involve the use of introduced materials such as glass or ceramics by Aboriginal people, or be sites of Aboriginal occupation or employment in the historical period.
Grinding Grooves	Grinding grooves are the physical evidence of tool making or food processing activities undertaken by Aboriginal people. Grinding grooves may be present portable sharpening stones, or on suitable outcrops of soft rock, such as sandstone. The manual rubbing of stones against each other creates grooves in the rock, which are often found on platforms near creek beds and other water sources to enable the wet-grinding technique. Grinding grooves have been recorded in Goulburn Mulwaree LGA.
Modified Trees (Scarred Trees/Carved Trees)	Tree bark was utilised by Aboriginal people for various purposes, including the construction of gunyas, canoes, paddles, shields, baskets and bowls, fishing lines, cloaks, torches and bedding, as well as being beaten into fibre for string bags or ornaments (Attenbrow 2010:114). The removal of bark exposes the heart wood of the tree, resulting in a scar. Over time the outer bark of the tree grows across the scar (overgrowth), producing a bulging protrusion around the edges. Trees may also have been scarred in order to gain access to food resources (e.g. cutting toe-holds so as to climb the tree and catch possums or birds), or to mark locations such as graves, tribal territories or ceremonial sites. Modified trees (scarred or carved) are rare, as scars are only likely to be present on trees at least 80-100 years old; therefore these sites most often occur in areas with mature, remnant native vegetation. Many of the modified trees recorded in Goulburn Mulwaree LGA have been destroyed in bushfires or removed to museums (Koettig and Lance 1986:20).
Middens (Non Human Bone and Organic Material)	Shell middens result from Aboriginal gathering and consumption of shellfish, in marine, estuarine or freshwater contexts. Middens may also include faunal remains such as fish or mammal bone, stone artefacts, hearths, charcoal and occasionally, burials. They are usually located on elevated dry ground close to the aquatic environment from which the shellfish has been exploited and where fresh water resources are available. Deeper, more compacted, midden sites are often found in areas containing the greatest diversity of resources, such as river estuaries and coastal lagoons. Accumulations of shell have been recorded within Goulburn Mulwaree LGA, and include freshwater shellfish and other riverine or estuarine species. Middens have been identified on the shores of lakes including The Morass and Lake Bathurst, as well as in association with stone artefact scatters identified in Goulburn City (McBryde 1975; Fuller 1989).
Shelter Sites with Art (Engraving, Painting or Drawing) or Occupation Deposit	Shelters are located in areas where suitable rock outcrops and surfaces occur, where weathering has resulted in suitable overhangs or recesses in boulder outcrops or cliff-lines. There are few rock outcrops within the study area that are suitable for use as art surfaces (Tracey and Tracey 2004:14); however, painted figures have been identified on Hawkesbury Sandstone at Marulan

	and Tallong, in the east of Goulburn Mulwaree LGA (Tallong Community Focus Group 201030-31).
Stone Arrangements	Stone arrangements usually consist of geometric arrangements of portable stone on prominent rock outcrops, such as vantage points along escarpments where other key landmarks are visible. Some stone arrangements also include circles and pathways. They are thought to be ceremonial in nature, but may also have been used to mark territorial boundaries or to protect burials (Flood 1980:117,146-152).
Stone artefacts (Open Camp Sites/Stone Artefact Scatters/Isolated Finds)	Open camp sites represent past Aboriginal subsistence and stone knapping activities, and include archaeological remains such as stone artefacts and hearths. This site type usually appears as surface scatters of stone artefacts in areas where vegetation is limited and ground surface visibility increases. Such scatters of artefacts are also often exposed by erosion, agricultural events such as ploughing, and the creation of informal, unsealed vehicle access tracks and walking paths. These types of sites are often located on dry, relatively flat land along or adjacent to rivers, creeks and lakes. Camp sites containing surface or subsurface deposit from repeated or continued occupation are more likely to occur on gentle, well-drained slopes near reliable fresh water sources, at the junction of watercourses. Flat, open areas associated with water bodies and their resource-rich surrounds would have offered ideal camping areas to the Aboriginal inhabitants of the local area. Isolated finds may represent a single item discard event, or be the result of limited stone knapping activity. The presence of such isolated artefacts may indicate the presence of a more extensive, in situ buried archaeological deposit, or a larger deposit obscured by low ground visibility. Isolated artefacts are likely to be located on landforms associated with past Aboriginal activities, such as low hills that would have provided ease of movement through the area, and level areas with access to water, particularly creeks and rivers. Stone artefacts have been identified across Goulburn Mulwaree LGA.
Stone Quarries	Aboriginal quarry sites are sources of raw materials for the manufacture of stone tools. Such sites are often associated with stone tool artefact scatters and stone knapping areas. Raw material was obtained from suitable pebble beds, quartz veins or stone outcrops. Loose or surface exposures of stone or cobbles may be coarsely flaked for removal of portable cores. It is sometimes possible for raw materials to be sourced to quarry sites and provide evidence for Aboriginal movement and/or exchange.

## 5.4 Areas of Aboriginal Heritage Sensitivity

As discussed in Chapter 2, it was made clear by the Aboriginal community that not all cultural heritage sites should be mapped or identified in detail, but that general areas that are important to the community, or where archaeological sites are present, could be indicated. A summary of areas of Aboriginal heritage sensitivity within the Goulburn Mulwaree LGA indicated by the historical research and through consultation with the local Aboriginal community is provided in Table 5.3. Table 5.4 identifies areas which have significance to the local Aboriginal community, but which are located outside of Goulburn Mulwaree LGA. It is important to note that this information should be used in conjunction with the mapping, as not all of the areas were able to be accurately located for mapping.

**Table 5.3 Summary of areas of Aboriginal heritage sensitivity within Goulburn Mulwaree LGA mentioned in the thematic history**

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
All Saints' Church, Emma Street, <b>Eastgrove</b> : corroboree site.	Wyatt (1972:111)
<b>Armstrong's Paddock</b> , Bungonia: scarred trees which are no longer extant.	Etheridge (1918:53,Plate XIX)
<b>Badgerys Lookout View</b> , Tallong: indicative natural heritage place with potential Indigenous heritage value.	Register of the National Estate (ID 100911)
<b>Bosworth</b> : place of employment for Aboriginal people in the historic period.	Tallong Community Focus Group (2010:34)
<b>Bumballa</b> : place of employment for Aboriginal people in the historic period.	Tallong Community Focus Group (2010:34)
<b>Bungonia Caves</b> , approximately 365 m north of Bungonia Lookdown: burial in cave.	Etheridge (1893b:128-130)
<b>Bungonia State Recreation Area</b> , Lookdown Rd, Bungonia: registered natural heritage place with Indigenous heritage value.	Register of the National Estate (ID 17092)
<b>Caoura</b> : place of employment for Aboriginal people in the historic period.	Tallong Community Focus Group (2010:34)
<b>Eastgrove sporting ovals</b> : reportedly a massacre site.	D. Freeman pers. comm. 25/05/2011
<b>Glenrock</b> : place of employment for Aboriginal people in the historic period.	Tallong Community Focus Group (2010:34)
<b>Goulburn</b> : blanket distribution centre.	Jackson-Nakano (2001:11)
<b>Goulburn railway station</b> : corroboree site.	Wyatt (1972:112)
<b>Inverary Park</b> : blanket distribution site.	Jackson-Nakano (2001:11) Smith (1992:22)
St Josephs Girls Home, <b>Kenmore</b> : camp site on banks of Wollondilly River	R. Bell pers. comm. 25/07/2011
Little red hill <b>opposite Kenmore Hospital</b> : ceremonial site.	MacAlister (1907:85)
<b>Lansdowne House</b> , Goulburn (Lansdowne Estate): blanket distribution site, camp site and burial site on the hill to the east.	MacAlister (1907:85) Tazewell (1984:4) Wyatt (1972:110)
<b>Lumley Park</b> : blanket distribution site.	Jackson-Nakano (2001:11) Smith (1992:22)

Near <b>Mount Wayo</b> : Aboriginal burial and carved trees which are no longer extant.	Govett (1977 [1836-7]:45)
<b>Mulwaree Flats</b> near the bridge at the brewery: corroboree site.	Tazewell (1991b:243)
<b>Narrambulla Creek</b> : reportedly a massacre site.	D. Freeman pers. comm. 25/05/2011
<b>Parramarragoo</b> , Bungonia (name changed to Reevesdale): blanket distribution site.	Jackson-Nakano (2001:11)
<b>Old Railway quarry site</b> on the Wollondilly River: corroboree site.	Tazewell (1991b:243)
<b>Reevesdale</b> , Bungonia (originally named Parramarragoo): blanket distribution site.	Jackson-Nakano (2001:11)
<b>Rocky Hill</b> near the Goulburn War Memorial / East Goulburn Church of England: bora ground/ceremonial site.	Tazewell (1991b:243) Smith (1992:35,43) R. Bell pers. comm. 25/07/2011
<b>Shaws Creek</b> : portable sharpening stone with grinding grooves.	Smith (1992:42)
' <b>Tall Timbers</b> ', Goulburn: camp site/open artefact scatter, area of Aboriginal heritage sensitivity near Lansdowne House.	K. Denny pers. comm. 25/07/2011 Williams (2004:18-23)
<b>Tarlo</b> : camp site.	Govett (1977 [1836-7]:29)
<b>Tirranna</b> : blanket distribution site, camp site	Jackson-Nakano (2001:12) Bennett (1967 [1834]:322-324)
<b>Walking track</b> between Goulburn and the Lachlan River: track to meeting place	R. Bell & K. Denny pers. comm. 25/07/2011
<b>Walking track</b> between Goulburn and Lake George: track to meeting place	R. Bell & K. Denny pers. comm. 25/07/2011
<b>Wollondilly River</b> : described in Gandangara creation story	D. Freeman pers. comm. 25/05/2011
<b>Yarra railway station</b> : scarred tree which is no longer extant	Etheridge (1918:53, Plate XIX)

Table 5.4 Summary of areas of Aboriginal heritage sensitivity outside Goulburn Mulwaree LGA.

Area of Aboriginal Heritage Sensitivity	Reference/Source of Information
<b>Collector</b> : reportedly the site of a conflict between the Ngunnawal and Wiradjuri.	R. Bell pers. comm. 25/07/2011
<b>Fish River</b> : camp site.	Lhotsky (1979 [1835]:104-105)
<b>Hollywood Mission</b> : government-run reserve near Yass from 1934-1960, burials.	R. Bell pers. comm. 25/07/2011 Kabaila (1998:31)
<b>Lake George</b> : meeting place, area with spiritual value, reportedly the site of a conflict between the Ngunnawal and Wiradjuri.	R. Bell pers. comm. 25/07/2011
<b>Oak Hill</b> , north Yass: Aboriginal settlement and historic period camp site, burials including infants.	R. Bell pers. comm. 25/07/2011 Kabaila (1998:30-31)

## 6 Protecting Aboriginal Heritage

The following recommendations are based on the statutory requirements, heritage best practice and consultation with the local Aboriginal community.

### 6.1 Statutory Provisions

The environmental planning instruments that protect Aboriginal heritage in the Goulburn Mulwaree Local Government Area are the Goulburn Mulwaree LEP 2009, and the Goulburn Mulwaree DCP 2009, Amendment No 1. They are intended to be applied in conjunction with Council policies such as the Aboriginal Archaeological Survey policy, currently in draft. These planning instruments require Council to consider the impact of proposed development on known or potential Aboriginal heritage places and archaeological sites within the Goulburn Mulwaree LGA.

#### 6.1.1 Development Applications

When considering applications for development, Council should determine whether an Aboriginal Heritage Assessment has been undertaken, and whether there is any potential for an Aboriginal object, place or site to be affected by the development. If no such assessment has been undertaken by the proponent, and there is reasonable potential for an Aboriginal object, place, site or area to be affected, then Council should request that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, before development consent is issued. A flowchart outlining the assessment process and how it relates to current planning instruments, policies and guidance documents is included below (Figure 6.1).

#### *Integrated Development*

Any Development Application (DA) which proposes harm to an Aboriginal object or Aboriginal place must be dealt with as Integrated Development under Section 91 of the EP&A Act. Such applications must be forwarded to OEH to determine whether the Director General of OEH is prepared to issue an Aboriginal Heritage Impact Permit. Ultimately the DA cannot be approved by Council without the approval of OEH, if an Aboriginal Heritage Impact Permit is required to enable the development to proceed.

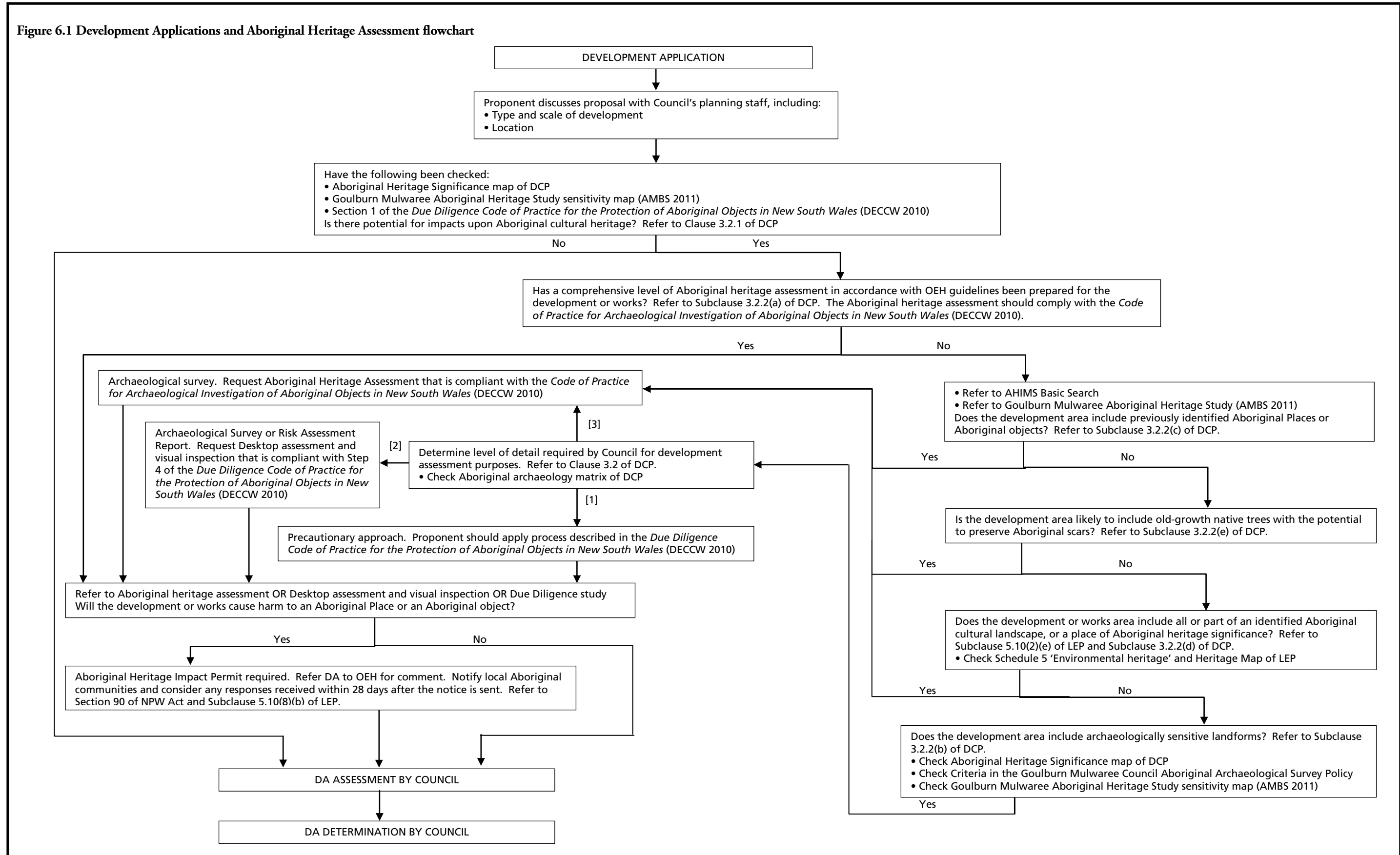
It is recommended that an Aboriginal Heritage Assessment be undertaken, in consultation with the local Aboriginal community in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in cases of Integrated Development.

#### *Due Diligence and a Precautionary Approach*

In some instances, the Goulburn Mulwaree DCP allows development to proceed using a precautionary approach, without detailed field studies to assess potential impacts to Aboriginal cultural heritage. If artefacts are uncovered during works, all activities are required to cease until all relevant approvals have been obtained.

Council should require a due diligence process for assessing potential harm to Aboriginal objects to be undertaken as part of this approach, in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) or an industry specific code of practice adopted by the NPW Regulation. Should a person later unknowingly harm an Aboriginal object without an AHIP, following a due diligence process will constitute a defence against prosecution for the strict liability offence under Section 86(2) of the NPW Act.

Figure 6.1 Development Applications and Aboriginal Heritage Assessment flowchart



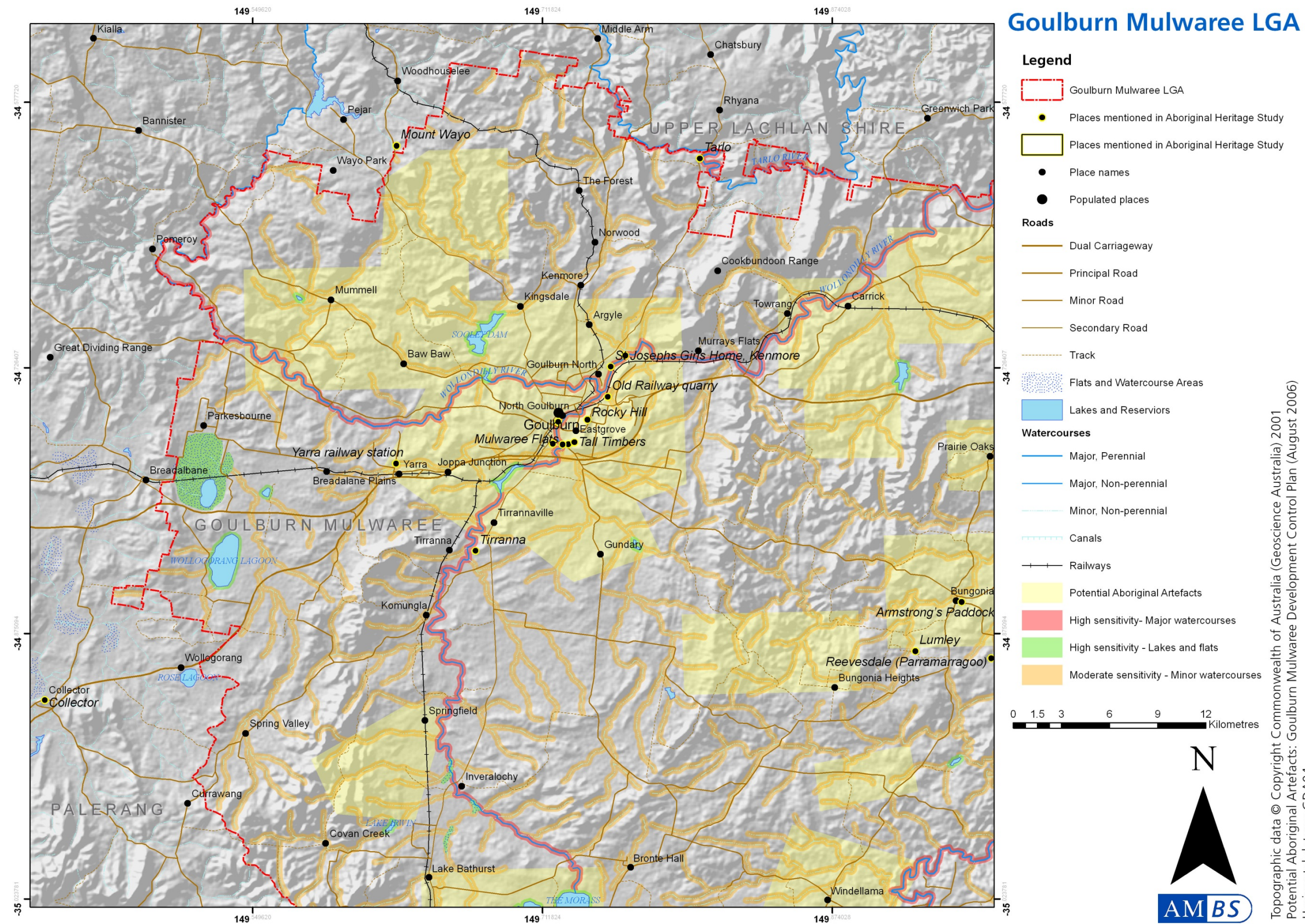


Figure 6.2 Areas of Aboriginal heritage sensitivity in the north west section of Goulburn Mulwaree LGA.

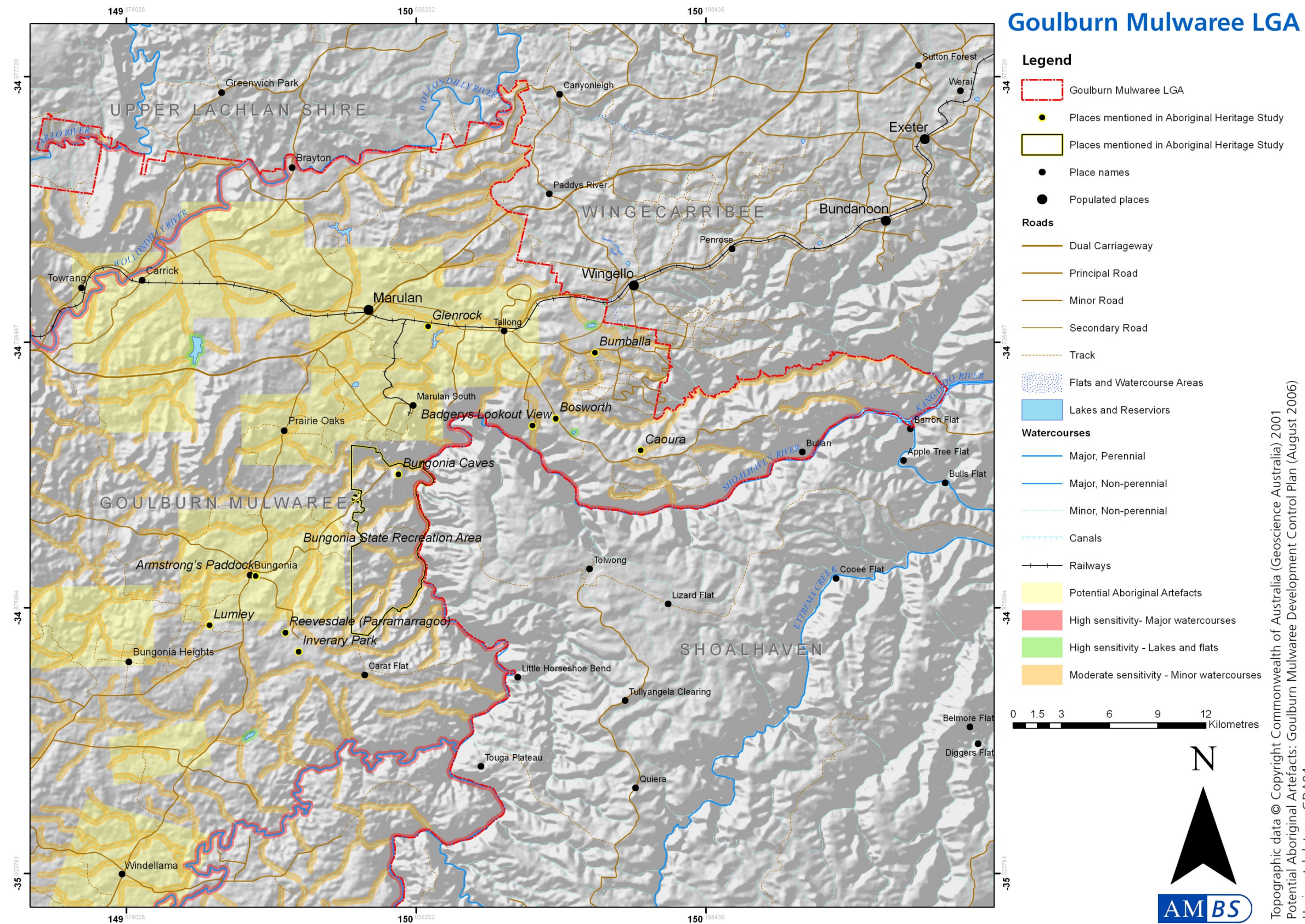


Figure 6.3 Areas of Aboriginal heritage sensitivity in the north east section of Goulburn Mulwaree LGA.



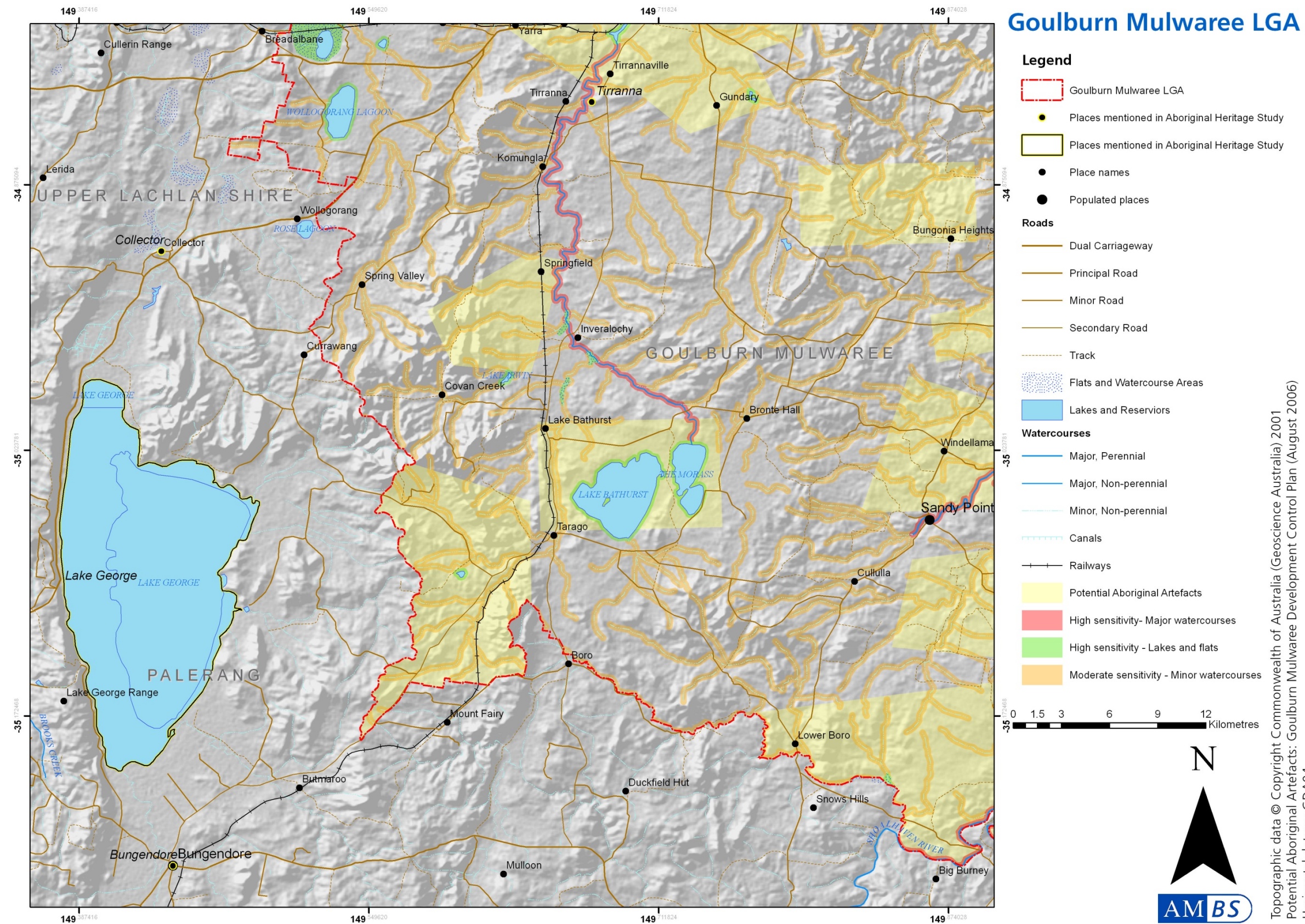


Figure 6.4 Areas of Aboriginal heritage sensitivity in the south west section of Goulburn Mulwaree LGA.

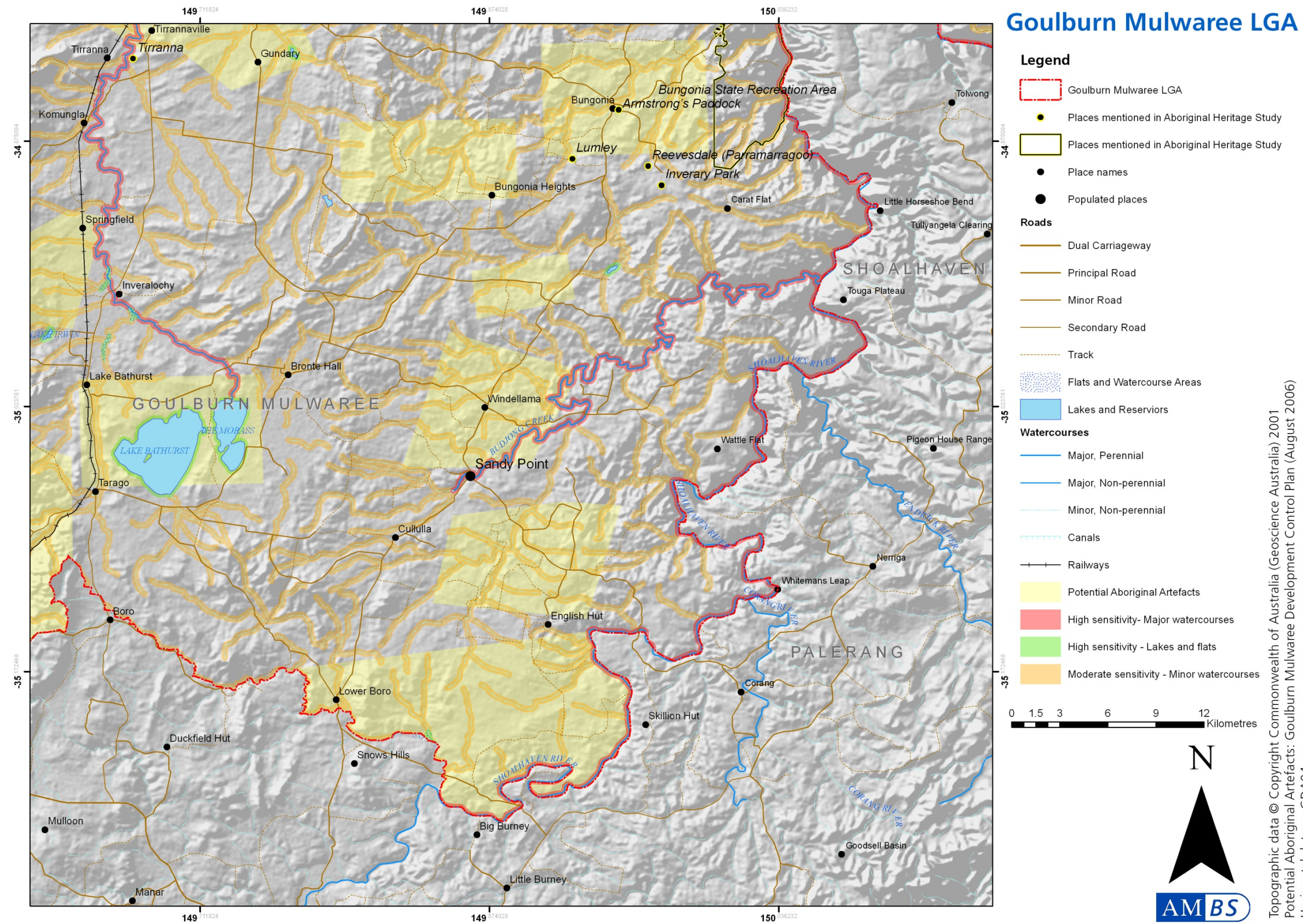


Figure 6.5 Areas of Aboriginal heritage sensitivity in the south east section of Goulburn Mulwaree LGA.

## ***Confidentiality***

Council is to treat Aboriginal heritage site mapping as confidential. Aboriginal heritage site mapping is only to be used to assist when considering the adequacy of the Aboriginal heritage components of development applications. The information should be considered as *need-to-know*, and should not be made publically available. Specific site location information should not be included on any publicly accessible media or websites. The report AMBS has provided to Council contains general Aboriginal heritage sensitivity mapping only, with buffers around sensitive areas, and as such can be treated as a publicly available document.

## **6.2 Protecting Aboriginal Cultural Heritage**

### ***6.2.1 Aboriginal Liaison***

The local Aboriginal community of the Goulburn Mulwaree Council comprises a number of organisations. In the first instance, in liaising with the local Aboriginal community, Council should contact the CEO of the relevant LALC. Current contact details are:

Pejar Local Aboriginal Land Council  
PO Box 289 GOULBURN NSW 2580  
Phone: (02) 4822 3552  
Fax: (02) 4822 3551

Illawarra Local Aboriginal Land Council  
3 Ellen Street WOLLONGONG 2500  
Phone: (02) 4226 3338  
Fax: (02) 4262 2981

Batemans Bay Local Aboriginal Land Council  
PO Box 542 BATEMANS BAY NSW 2536  
Phone: (02) 4472 7390  
Fax: (02) 4472 8622

Council should consider establishing a mailing list to disseminate information and facilitate participation in the ongoing identification, assessment and management of Aboriginal cultural heritage within Goulburn Mulwaree LGA. Members of the Aboriginal community who may wish to be involved could include (but should not be limited to) representatives of:

- Local Aboriginal Lands Councils;
- Traditional Owners/Native Title Holders;
- Elders Groups;
- Community Groups; and
- Aboriginal Corporations.

### ***Aboriginal Community Feedback on the Aboriginal Heritage Study***

Feedback from the Aboriginal community indicates that they are happy with the consultation process for this project; and wish to continue to be consulted regarding Aboriginal cultural heritage in Goulburn Mulwaree LGA.

The DCP includes an Aboriginal archaeology matrix and sensitivity mapping to determine the level of detail that is required for development applications or works proposals, and as such Pejar LALC have stated that they are satisfied with Council's current system of assessment.

This report has been provided to the local Aboriginal community for their review and comment. The feedback received is attached, and has been incorporated into the report where relevant. The Aboriginal community should be approached by Council for their input when the LEP and DCP are updated, and for comment prior to finalisation of the Goulburn Mulwaree Council Aboriginal Archaeological Survey Policy. The Aboriginal Heritage Significance map in the DCP should be updated to reflect the findings of recent Aboriginal cultural heritage assessments.

#### *6.2.2 Review of the Aboriginal Heritage Study*

This Aboriginal Heritage Study should be reviewed and updated, as appropriate, within ten years.

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# Appendix A

## *Aboriginal Community Feedback*



3 Ellen Street WOLLONGONG NSW 2500 Ph: 42263338 Fax: 42263360

11 January 2012

AMBS  
Attn: Ngaire Richards  
6 Collage Street  
SYDNEY NSW 2010

Dear Ngaire

**GOULBURN MULWAREE ABORIGINAL HERITAGE STUDY-DRAFT REPORT**

I write to thank you for forwarding the Goulburn Mulwaree Aboriginal Heritage Study- Nov 2011 draft report. It is a comprehensive report with much detail; I commend you on your hard work and thorough research. This report clearly outlines the high Aboriginal Significance of the whole Goulburn Mulwaree Local Government Area.

I agree with the recommendations of the report, it is imperative that in the first instance the Goulburn Mulwaree Council contacts the local Aboriginal Community and the CEO of the relevant Land Councils.

If you require any further comments, please don't hesitate to contact me on the number listed below.

Yours in Unity

Sharralyn Robinson  
CEO  
PH: 42 26 3338  
FAX: 42 26 3360  
M: 0410 125 463



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Signed by *Jack Miller Project Manager*  
 (Please print the name of the person authorised to sign)

Signature *J Miller* Type your name here OR print document, sign and re-scan

Date *29 March 2012*



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Signed on behalf of company/organisation *Goulburn Mulwaree Council*  
(if applicable)

Signed by *Jack Miller Project Manager*

(Please print the name of the person authorised to sign)

Signature *J Miller*  
Type your name here OR print document, sign and re-scan

Date *29 March 2012.*