

APPENDIX A URBAN DESIGN STRATEGY

* Refer to Appendix B of Planning Proposal

APPENDIX B ABORIGINAL SIGNIFICANCE AND CONNECTION TO SACRED SITES

This assessment was carried out by qualified archaeologist Amy Ziesing of NGH. This included background research and the completion of this report. Senior Heritage Consultant Ali Byrne completed a technical and quality assurance review.

B.1 LEGISLATION

National Parks and Wildlife Act 1974

Part 6 of the NPW Act concerns Aboriginal objects and places and various sections describe the offences, defences, and requirements to harm an Aboriginal object or place. All Aboriginal material receives blanket protection under the NPW Act of NSW. The main offences under section 86 of the NPW Act are:

- A person must not harm or desecrate an object that the person knows is an Aboriginal object.
- A person must not harm an Aboriginal object.
- For the purposes of this section, "circumstances of aggravation" are:
 - that the offence was committed in the course of carrying out a commercial activity, or
 - that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.
- A person must not harm or desecrate an Aboriginal place.

Under section 87 of the NPW Act, there are specified defences to prosecution including authorisation through an Aboriginal Heritage Impact Permit (AHIP) or through exercising due diligence or compliance through the regulation.

Section 89A of the Act also requires that a person who is aware of an Aboriginal object, must notify the Director-General in a prescribed manner. In effect, this section requires the completion of AHIMS site cards for all sites located during heritage surveys.

The strict liability offence of harming Aboriginal objects has a number of defences and include the statutory defence of due diligence (Section 2.4) through complying with an adopted industry code of practice, or compliance with the conditions of an AHIP.

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is legislation for the management of development in NSW. It sets up a planning structure that requires developers (individuals or companies) to consider the environmental impacts of new projects. Under this Act, cultural heritage is considered a part of the environment. It provides for the identification, protection, and management of heritage items through inclusion of these items into schedules of planning instruments, such as Local Environmental Plans (LEPs) or Regional Environmental Plans (REPs). This Act requires that Aboriginal cultural heritage and the possible impacts to Aboriginal heritage that development may have are formally considered in land-use planning and development approval processes.

Wagga Wagga Local Environmental Plan 2010

The study area is located within the Wagga Wagga LGA. Schedule 5 of the LEP 2010 details the included environmental heritage items covered by the plan. No Aboriginal sites or places are identified within close proximity to the project area in the Wagga Wagga LEP.

B.2 REGISTER SEARCH AND LANDSCAPE ASSESSMENT

AHIMS Database and Heritage Register Searches

A search of relevant heritage registers for Aboriginal sites and places provides an indication of the presence of previously recorded sites. It is to be noted that a register search is not conclusive, as it reflects only those areas that have been surveyed and that sites recorded are added to the register. As a starting point the search will indicate whether any sites are known within or adjacent to the investigation area. The Aboriginal Heritage Information Management System (AHIMS) provides a database of Aboriginal heritage sites registered previously in NSW. The results of the search are valid for 12 months for the purposes of a due diligence level assessment.

On 30 April 2020 a search of the AHIMS database was undertaken over an area of approximately 5 km x 5 km centred over the project area (from latitude -35.2385, longitude 147.3199 to latitude -35.1455, longitude 147.3751 with a buffer of 1000 m). The AHIMS Client Service Number was 500826. There were 61 Aboriginal sites recorded within this search area and no declared Aboriginal Places. Three of the sites have subsequently been destroyed (AHIMS# 56-1-0101, 56-1-0100 and 56-2-0124) and one duplicate site is listed in the search results (AHIMS# 56-2-0124). Table 1 below shows the breakdown of the site types and Figure 1 provides an overview of registered AHIMS sites in the Wagga Wagga LGA, Figure 2 shows the sites by type in the 5km search area and Figure 3 shows location of the AHIMS sites immediately adjacent to the project area.

Table 1: Breakdown of previously recorded Aboriginal sites within 5 km of the project area

Site Type	Number
Modified Tree (Carved or Scarred)	39
Artefact (1 or more)	22
TOTAL	61

Based upon these search results the main site type in this area are Modified Trees (Carved or Scarred (63.9%), followed by artefact sites (36.1%). Four registered modified trees (AHIMS# 56-1-0559, 56-1-0080 and 56-1-0560 and 56-1-0561) are located within 30-130 m of the eastern assessment boundary lining Plumpton Road. A further modified tree (AHIMS# 56-1-0002) is located within 600-m of the south eastern corner of the assessment area. It should be noted that the majority of sites recorded within the 5 km search area have been recorded independently by members of the local Aboriginal community and are not associated with previous archaeological investigations. None of these registered sites will be impacted by the proposed rezoning.

Preliminary Assessment Report for intended Planning Proposal
456-474 Plumpton Road, Rowan

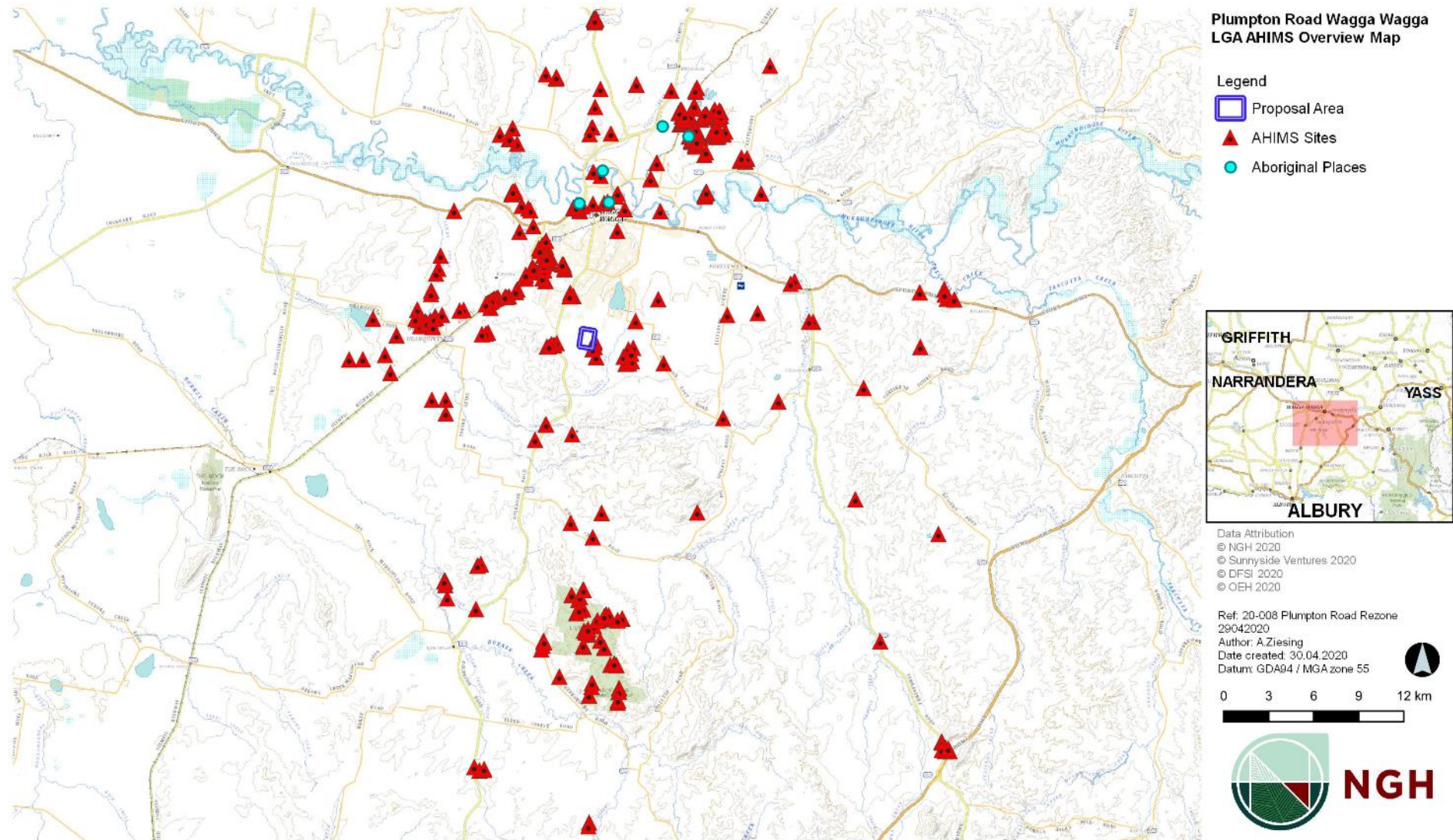


Figure 1 Overview of AHIMS site distribution within the Wagga Wagga LGA (Source: NGH, 2020)

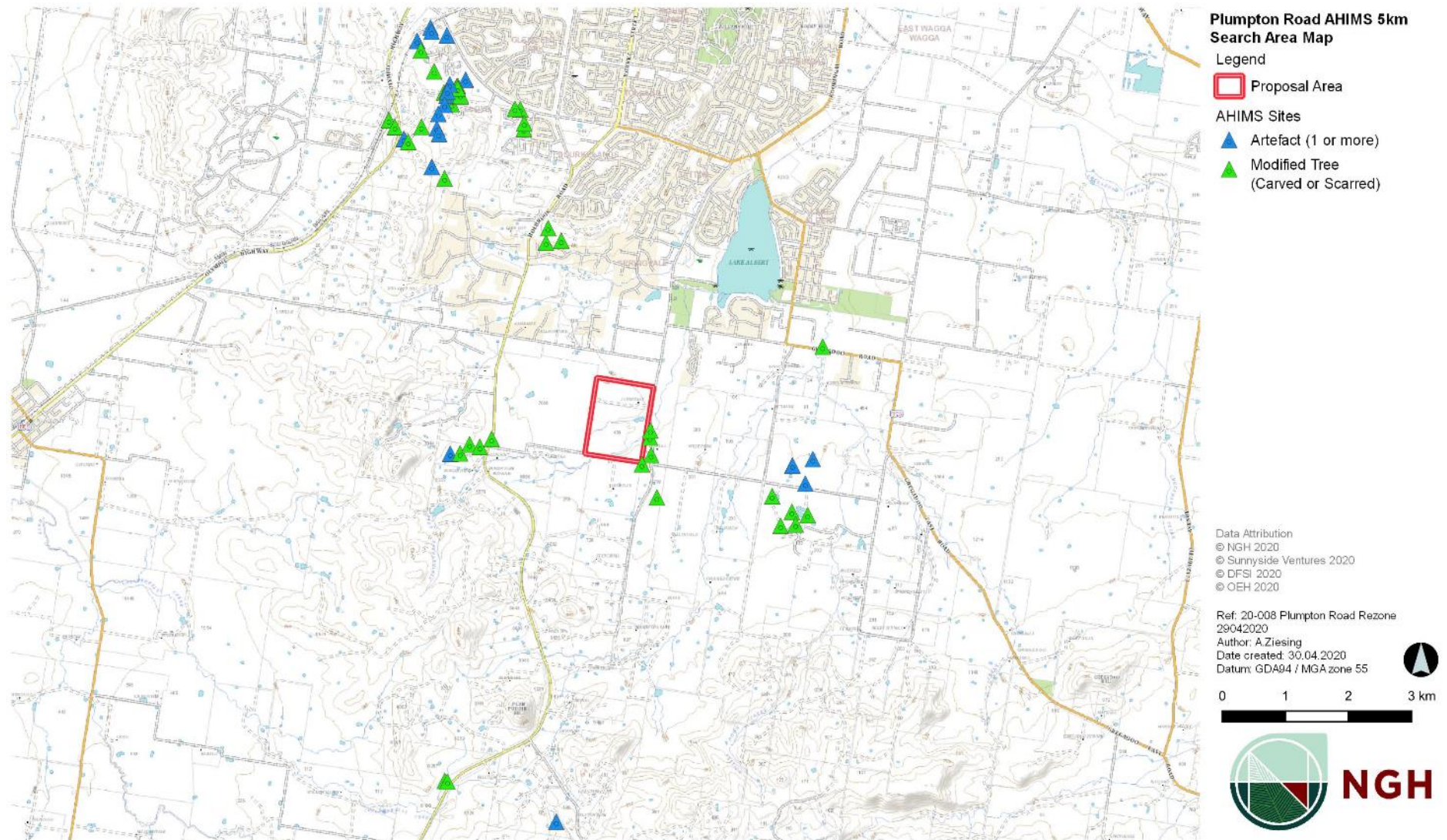


Figure 2 AHIMS sites within the 5km search area (Source: NGH, 2020)

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Figure 3 AHIMS Sites within 1km of the proposal area (Source: NGH, 2020)

Local Archaeological Context

Aboriginal people have occupied what we now know as the Australian continent for at least 40,000 years and perhaps 60,000 years and beyond (Mulvaney and Kamminga 1999, Hiscock 2007). While no regional synthesis of the archaeology has been completed for the Wagga Wagga area several archaeological surveys have been completed for the development of the wider Wagga Wagga region. The following are summaries of those archaeological survey reports that have been completed in the Wagga Wagga area primarily driven by development and infrastructure requirements.

Archaeological Studies within 5 km of the Assessment AREA

Smith (1992) completed a preliminary archaeological survey for the proposed Optus fibre optic cable route from Albury to Cootamundra, passing through Wagga Wagga and approximately 2 km north west of the current proposal area. The purpose of the preliminary survey was to identify areas of archaeological sensitivity along the entire proposed cable route and recommend areas for further heritage investigation. In the Wagga Wagga region, these included the flats, banks, terraces and anabranches of the Murrumbidgee River and ephemeral creek lines. These areas have high potential to contain scarred trees, burials, artefact scatters and subsurface artefacts (Smith 1992: 9). Recommendations suggested avoiding all trees along the proposed route, including damage to root systems, a systematic foot survey of any areas of archaeological potential, subsurface testing of areas of alluvial deposit along creek banks, creek flats and terraces and the relocation of registered sites of Aboriginal cultural heritage.

NOHC (2002) conducted a survey for the Lloyd Neighbourhood Land Release Area consisting of approximately 570 ha and located 3.9 km north west of the current assessment area. The study area is located approximately 1.8 km north west of the current assessment area. Five Aboriginal sites (LN1 to LN5) were located during the survey, including three artefact scatters, one isolated artefact and one probable culturally modified tree. The sites with artefacts were considered not to be rare or unusual and areas surrounding these sites were deemed unlikely to be associated with *in situ* subsurface deposits. It was recommended that the scarred tree site LN5 be avoided and that the root and canopy zone of the tree should be protected. Additionally, three potential archaeological deposits (PADs) were also noted during the survey. The PADs were identified based on the findings of sites in similar location during the survey and during other surveys conducted in the general area, specially within the Kapooka Military Area west of the project area.

Kelton (2006) conducted an Aboriginal archaeological heritage assessment for the proposed Lloyd Residential subdivision over approximately 300 ha located 3.9 km north west of the current assessment area. Kelton noted that five of the sites and three PADs previously recorded by Navin Officer in 2002 were within the 2006 project area. Kelton noted that there were a number of inconsistencies between the AHIMS database, site cards and report locations of sites. Given the issues Kelton had with the AHIMS database and location inconsistencies only one of the five sites previously recorded by Navin and Officer in 2002, an open campsite recorded as LN2, was able to be re-located during the survey. A total of eight new Aboriginal site locations, two isolated stone artefacts (L-IF-1, L-IF-2) and six scarred tree sites (L-ST-1 to L-ST-6) were identified by Kelton. An additional four areas of PAD were also record (PAD 4 to 7). The sites and PADs recorded by Kelton are listed in Table 5 below.

Kelleher Nightingale Consultants (KNC) (2008) completed an Aboriginal heritage assessment as part of the Wagga Wagga City Council's Local Environmental Study to implement the strategic planning of the Wagga Wagga Spatial Plan 2007. As part of this study, assessments were undertaken for eight sites which were subject to rezoning. These included Lloyd, Bomen, Estella West, Edison Road, Hammond Avenue, Copland Street, Boorooma East and Moorong Street, all of which fall within 5 to 10 km of the current assessment area. Based on the desktop and field study of these areas KNC developed a predictive model of archaeological sensitivity that is detailed below in Table 2 on the following page.

Table 2 Archaeologically sensitive zones (KNC 2008:10).

Landform Type	Archaeological sensitivity	Description
Ridgeline crest	Low to Moderate	Limited possibility of extensive archaeological deposit due to skeletal soils
Spurline crest	Low to Moderate	Less exposed to prevailing winds, increased sensitivity with proximity to drainage and open drainage lines/terraces
Upper/Mid hillslope	Low to Moderate	Less possibility of intact archaeological deposits increased sensitivity with gentler slopes and proximity to open drainage lines/terraces
Lower hillslope	Low to Moderate	Increased sensitivity in association with alluvial/colluvial deposits associated with drainage lines
Undulating/Flat colluvial deposits	Moderate to High	Increased sensitivity in association with proximity to drainage lines/terraces
Drainage line and associated alluvial/colluvial deposits	Moderate to High	Increased sensitivity where gentle slope or raised above regular floods

NGH (2018a) conducted an ACHA for the proposed subdivision of the Lloyd area approximately 3.9 km north west of the current assessment area. There were nine previously recorded AHIMS sites and six PAD areas recorded in the proposal area. Four of these sites were relocated during the survey and two previously recorded scarred trees were no longer present in the landscape. The six PAD locations were inspected and reassessed by NGH. Over the course of the 2018 survey, three new artefact scatters, an isolated find, one possible scarred tree and a new PAD were recorded. Several cultural trees were also recorded by Aboriginal community representatives that were unable to be deemed unequivocally Aboriginal in origin by the archaeologists on site.

Also, in 2018, NGH completed an ACHA for the proposed Gregadoo Solar Farm located approximately 5 km west of the current assessment area and covering 124 ha (NGH 2018b). Despite the variable visibility encountered during the survey, seven Aboriginal stone artefacts were found across the proposal area. A single possible modified tree was also recorded. Based on the land use history, an appraisal of the landscape, soil, level of disturbance and the results from the field survey it was concluded that there was negligible potential for the presence of intact subsurface deposits with high densities of objects or cultural material within the proposal area.

NGH (2020a) completed a subsequent subsurface test excavation program for the proposed Lloyd residential subdivision. Four archaeologically sensitive PADs associated with elevated flats on the east and west banks of an unnamed creekline were tested with a total of 36 test pits at intervals of 10 to 20 m spacing. A total of 118 artefacts were retrieved, predominantly of quartz raw material (n=114, 96.6%). Despite previous disturbance to portions of the deposit, high densities of subsurface finds were identified in PAD 7 (n=84, 71.2%), bordering a quarry that is currently undergoing rehabilitation to facilitate the next stage of proposed subdivision construction. Due to the high number of artefacts retrieved from this area on the eastern bank and elevated flat of the unnamed creekline, additional salvage excavation was recommended following the completion of the quarry stockpile removal and rehabilitation, as the stockpile was encroaching on the boundary of the PAD. Discussions between the landowners, Aboriginal stakeholders and archaeologists

concluded that this area would be declared a heritage exclusion zone and no proposed quarry rehabilitation or construction would be permitted in this archaeologically sensitive location.

NGH (2020b) completed an Aboriginal Due Diligence Assessment for the proposed rezoning and future subdivision of land in Springvale approximately 550 m north west of the current assessment area. Due to very low ground surface visibility during the site inspection, no surface finds were identified; however, two PADs were recorded on elevated flats associated with ephemeral drainage lines and it was recommended that an ACHA be completed over the entire proposed rezoning area prior to the commencement of any construction works. Subsurface test excavations of the two PAD areas was also recommended if these archaeologically sensitive landforms could not be avoided by the future proposed development.

KNC (2008: 36) assigned archaeological sensitivity to landforms within the Wagga Wagga and wider region. Based on the landforms present in the current Sunnyside assessment area, the archaeological sensitivity of the drainage lines, associated alluvial/colluvial deposits and the undulating/flat colluvial deposits have moderate to high sensitivity and areas of lower sensitivity are expected further away from the water source. Level terraces, spurs and rises close to low order drainage lines are expected to have lower archaeological sensitivity. The majority of the previously recorded Aboriginal artefact sites in the nearby Lloyd area were noted to be in close proximity to drainage lines or on lower hillslope contexts, suggesting that similar trends are likely in the Sunnyside proposal area.

Summary

Based on the previous archaeological investigations outlined above, it is suggested that the most likely sites to be found in the current assessment area are small low-density artefact scatters and isolated artefacts. These sites will generally be found in archaeologically sensitive landforms, such as elevated terraces and flat land associated with natural watercourses, but may also be dispersed across the wider area, due to previous disturbance, erosion and colluvial processes. Scarred trees may also be present on native old growth isolated paddock trees. The dominant lithology is likely to be quartz and there is some potential for high density intact subsurface deposits of cultural material to be found (NGH 2020); however, any subsurface sites are more likely to consist of low density finds which are common across the remainder of the Wagga Wagga region.

B.3 LANDSCAPE ASSESSMENT

Most of the project area falls within 200 m of water, as highlighted in Figure 6. This proximity to both water and registered AHIMS sites highlights the sensitivity of the landscape across the project area. Desktop analysis has made it possible to identify that there are both disturbed and potentially undisturbed areas of land. Based upon the initial desktop assessment, using satellite imagery and topographic data, it appears that, where land is not previously disturbed, there is some potential for Aboriginal objects to be present including *in situ* artefact deposits. Within the disturbed portions of the project area, there is moderate potential for Aboriginal objects to occur, however, if present, these sites will generally not be *in situ* as a result of the prolonged exposure to pastoral activities. Significantly disturbed landforms across the proposal area will maintain nil to low likelihood for the identification of Aboriginal objects.

The environmental background below is summarised from the soil landscape information obtained from eSpade v0.2 for the Sunnyside proposal area.

Geology

The geology of the Sunnyside proposal area is comprised of thick (>2-3 m) Cainozoic through to present day alluvial and slope-washed sediments derived from granite, Mount Flakney Adamellite and lesser amounts from Ordovician metasedimentary rocks. Also, thick slope-washed alluvial-colluvial sands, clays and gravels derived from Ordovician metasedimentary rocks are present. These gravels may contain suitable knapping material that may have been utilised by Aboriginal people in the past.

Topography

The Sunnyside proposal area consists of a landscape containing ephemeral drainage lines as tributaries of Stringybark Creek (Figure 4). The terrain is of low relief, with no clear ridges but some changes in elevation either side of the drainage lines. Some of the drainage lines are eroded within their channel and some have been modified in association with construction of farm dams. The main landscape features are a wide shallow drainage depression that drains gently from west to east and Stringybark Creek in the south of the proposal area also draining from east to west. The main character of the proposal area is the lack of distinct topographic features except for slightly elevated ground associated with the centre of the proposal area and elevated banks around the natural water sources. These elevated landforms near a water source, containing aquatic resources, would have been attractive to Aboriginal people in the past for short-term camping locations.

Soils

The two soil landscapes present in the Sunnyside proposal area are outlined in Table 3 and shown in Figure 4 below. The presence of deep soil deposits in the area may contain in situ archaeological deposits containing cultural material.

Table 3 Summary of soil landscapes in the Sunnyside proposal area (OEH 2019).

Soil Landscape	Location	Topsoil		Subsoil	Depths
Redbank (rb)	Majority of the proposal area	Brown to dark brown clay loam	Dull brown to dull orange fine, sandy clay loam to silty loam	Bright reddish brown to yellowish brown heavy clays with grey mottling	Moderately deep. A horizon soils from 12 to 28 cm, atop B horizon soils to 85cm depth.
O'Briens Creek variant b (obb)	North eastern portion of the proposal area, directly south of the Becks Lane landscape	Brown to dark brown clay loam	Dull brown to dull yellowish orange fine, sandy clay loam	Bright reddish brown to yellowish brown heavy clays with grey mottling	Moderately deep. A horizon soils from 12 up to 42cm depth, atop B horizon soils to 80cm depth.

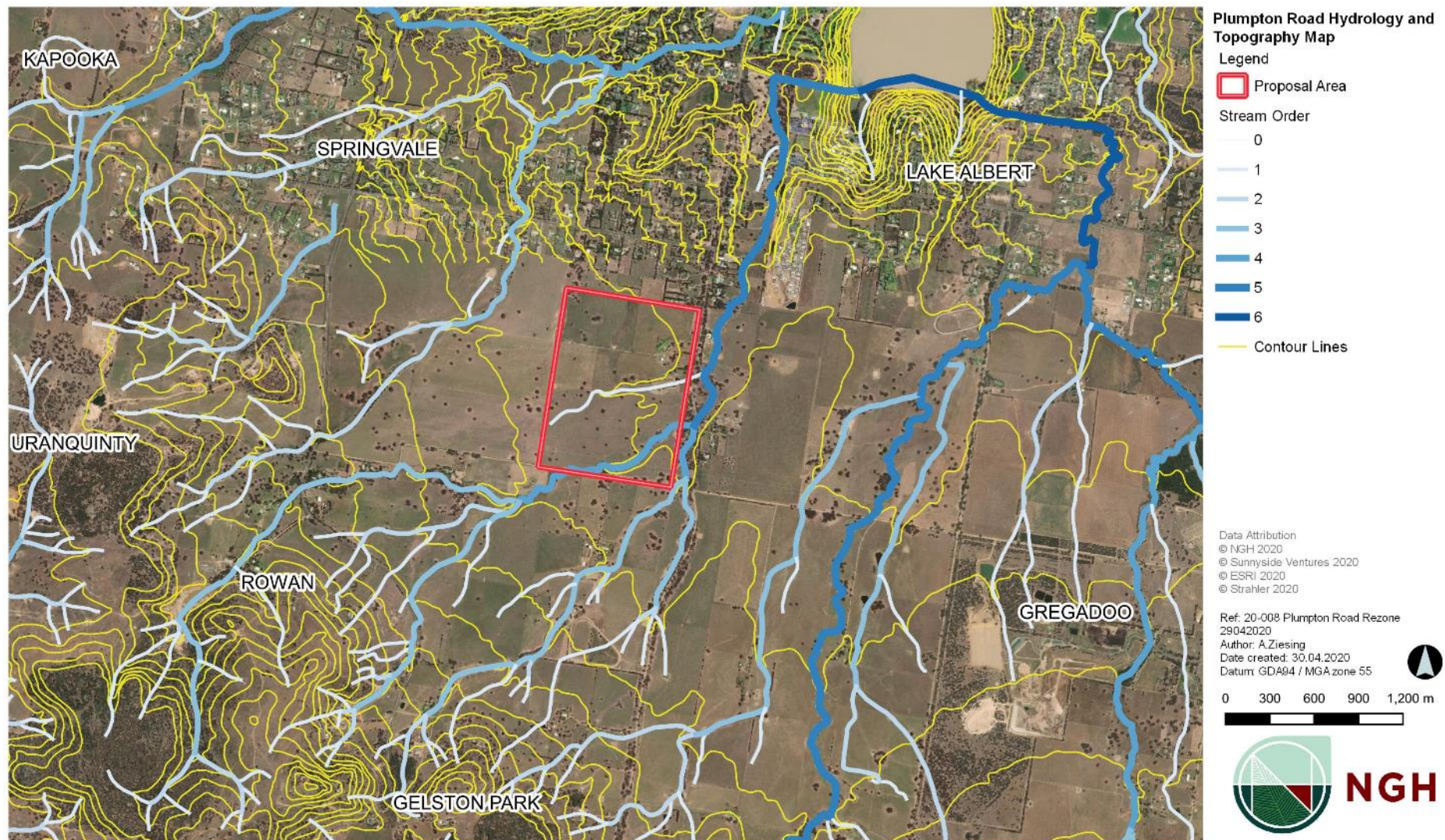


Figure 4 Hydrology and Topography within the proposal area (Source: NGH, 2020)

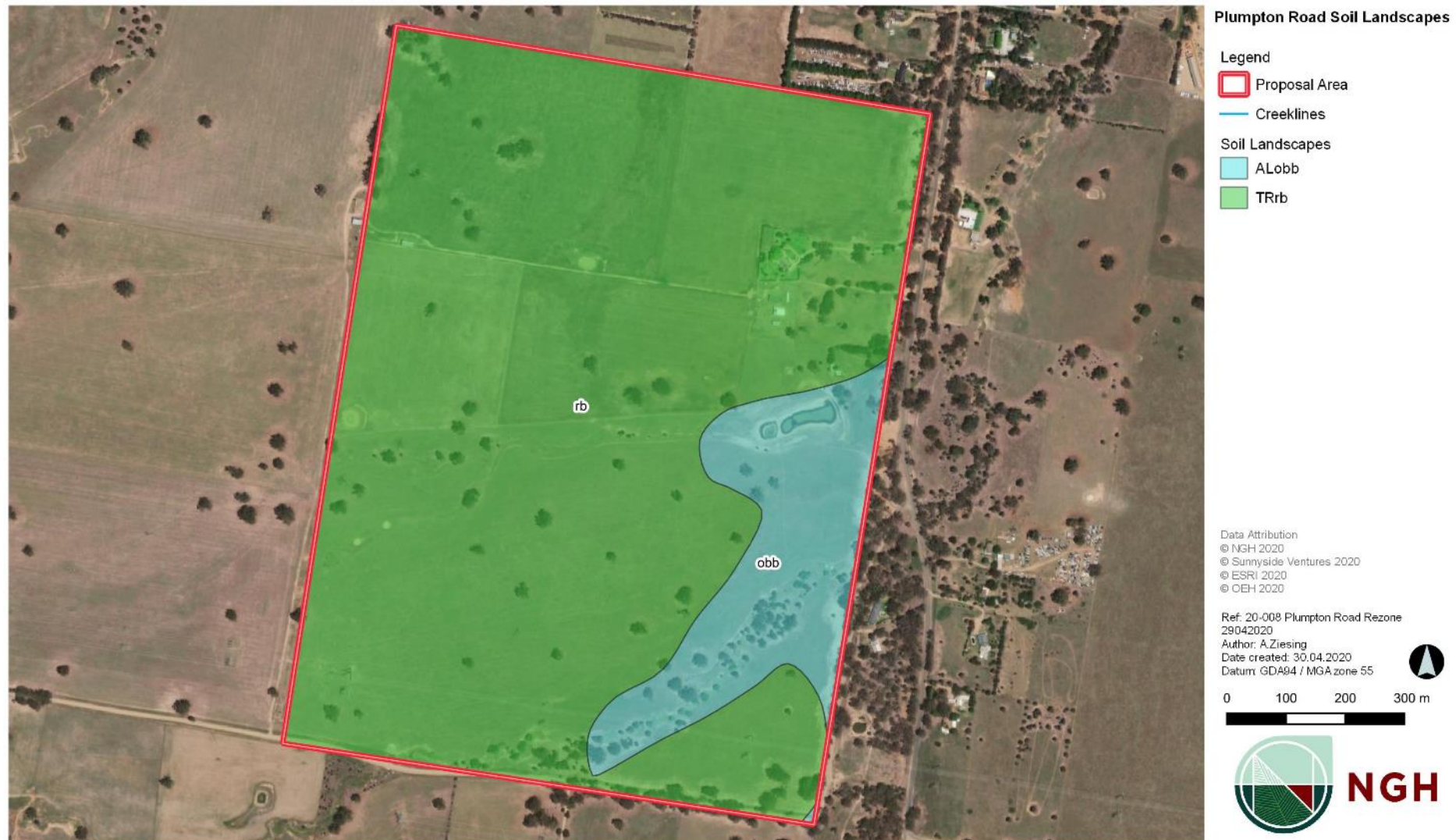


Figure 5 Soil Landscapes within the proposal area (Source: NGH, 2020)

Vegetation

Information provided herein is intended as a generalised summary of the endemic flora and fauna present within the subject site and local area and is not to be used as a substitute for detailed ecological studies and assessments. While the assessment area is now extensively cleared of native vegetation, the vegetation community as mapped by eSpade V0.2 would once have comprised the species outlined below, forming a resource rich area.

The Sunnyside area is predominantly cleared but contains isolated scattered remnant old growth trees. Most common tree species include grey box (*Eucalyptus macrocarpa*), yellow box (*E. melliodora*), white box (*E. albens*), red Marshalls (*E. macrorhyncha*), white cypress pine (*Callitris columellaris*) and river red gum (*E. camaldulensis*).

The understorey comprises predominantly introduced grass species however the original understorey would have included wallaby grass (*Austrodanthonia caespitosa*), tussock grass (*Poa spp.*), kangaroo grass (*Themeda triandra*), plains grass (*Austrostipa aristiglumis*), spear grass (*Heteropogon contortus*), brome grass (*Bromus spp.*), fescue (*Festuca spp.*), barley grass (*Hordeum glaucum*), burr medic (*Medicago polymorpha*), paterson's curse (*Echium plantagineum*), pitted blue grass (*Bothriochloa decipiens*) and clovers (*Trifolium spp.*). In waterlogged areas common species include clustered dock (*Rumex conglomeratus*) and curled dock (*Rumex crispus*).

Any remnant native old growth trees in the proposal area may exhibit evidence of Aboriginal cultural modification.

Historic Land Use

Historical land uses in the Sunnyside area have been restrained to farming and limited urban and rural residential development without agriculture. Extensive clearing of native vegetation has occurred to allow for cattle grazing, which is widespread across the region, although pockets of native grazing vegetation do remain. Horse agistments are also common and areas of cropping exist approximately 1 km south west of the assessment boundary (NSW Land Use 2017).

The proposal area also contains localised disturbances from farm dams, vehicle access track, fencing and several residential structures and associated outbuildings. The land has been cleared of most native vegetation but in recent times formal plantings of Eucalypts and Acacia species have been instigated with some disturbances likely with this activity including ploughing and ground preparation. Areas of undisturbed elevated flat land are present in close proximity to the ephemeral watercourses and expansive areas appear to be relatively undisturbed across the remainder of the proposal area, excluding tree and native vegetation clearance, which does not modify archaeologically sensitive landforms from their original pre-European context.

The lack of historical disturbance suggest that the pre-European landscape has not been significantly modified and is therefore likely to contain an archaeological signature.

Summary

The environmental setting and context for the proposal area shows that there are unlikely to be rock outcrops present that could have been used as a source of stone for flaking. Resources for Aboriginal people in this location would likely have centred on animals and plant materials for food and materials, but the historic clearing of the area indicates that there is a low likelihood of such materials surviving. There is also limited chance of scarring on trees due to the previous land clearance; however, examples of cultural modification may be present on remnant isolated old growth paddock trees.

Topographically, the area contains key features that may have been the focus of Aboriginal occupation such as elevated flats associated with ephemeral drainage lines and Stringybark Creek and portions of these

landforms may remain in undisturbed contexts. The open, broad, and gently sloping nature of the landscape would likely tend to disperse occupation across the area and thereby the archaeological manifestation of such occupation would be typically stone artefacts in low densities.

The soil profile present is likely to support some potential for subsurface deposits where the A horizon is intact and where extensive earth works has not occurred. There are some areas within the proposal area where this may occur, and creek flats are the most likely place. It should be noted that pertinent soil landscapes may or may not yield Aboriginal cultural heritage items, however detailed studies into the correlation between relevant soil landscapes and occurrence of Aboriginal objects have not yet been undertaken for this area.

The historical land use indicates past disturbances that may have affected the integrity of an archaeological site or potential subsurface deposit where they may occur. Despite this, there are areas where less disturbance is likely and such areas may have higher potential to contain Aboriginal objects, most likely stone artefacts or modified trees where remnant old growth native trees are present.

As the desktop assessment indicates a potential for Aboriginal sites to occur, and the nature of the proposed works will involve moderate to significant ground disturbance it is important that a visual inspection be undertaken in the future stages of the rezoning proposal.

B.4 ABORIGINAL SITE PREDICTION STATEMENTS

Based on the assessment of information for the environmental context and results from previous archaeological studies in the region there are several predictive modelling statements that can be made for the potential of finding Aboriginal sites within the project area (Figure 6). These are included in Table 4 below.

Table 4 Aboriginal Site Prediction Statements

Site Type	Site Description	Potential
Stone artefact scatters and isolated artefacts	Artefact scatter sites can range from high-density concentrations through to isolated finds.	High potential to occur in low to moderate densities.
Potential Archaeological Deposits (PADs)	Potential subsurface deposits of archaeological material	Potential to occur within proposal area in areas of elevated flat land associated with ephemeral drainage line and Stringybark Creek.
Modified trees	Trees that have undergone cultural modification.	Potential to occur within the project area in areas where there are remnant mature native trees.

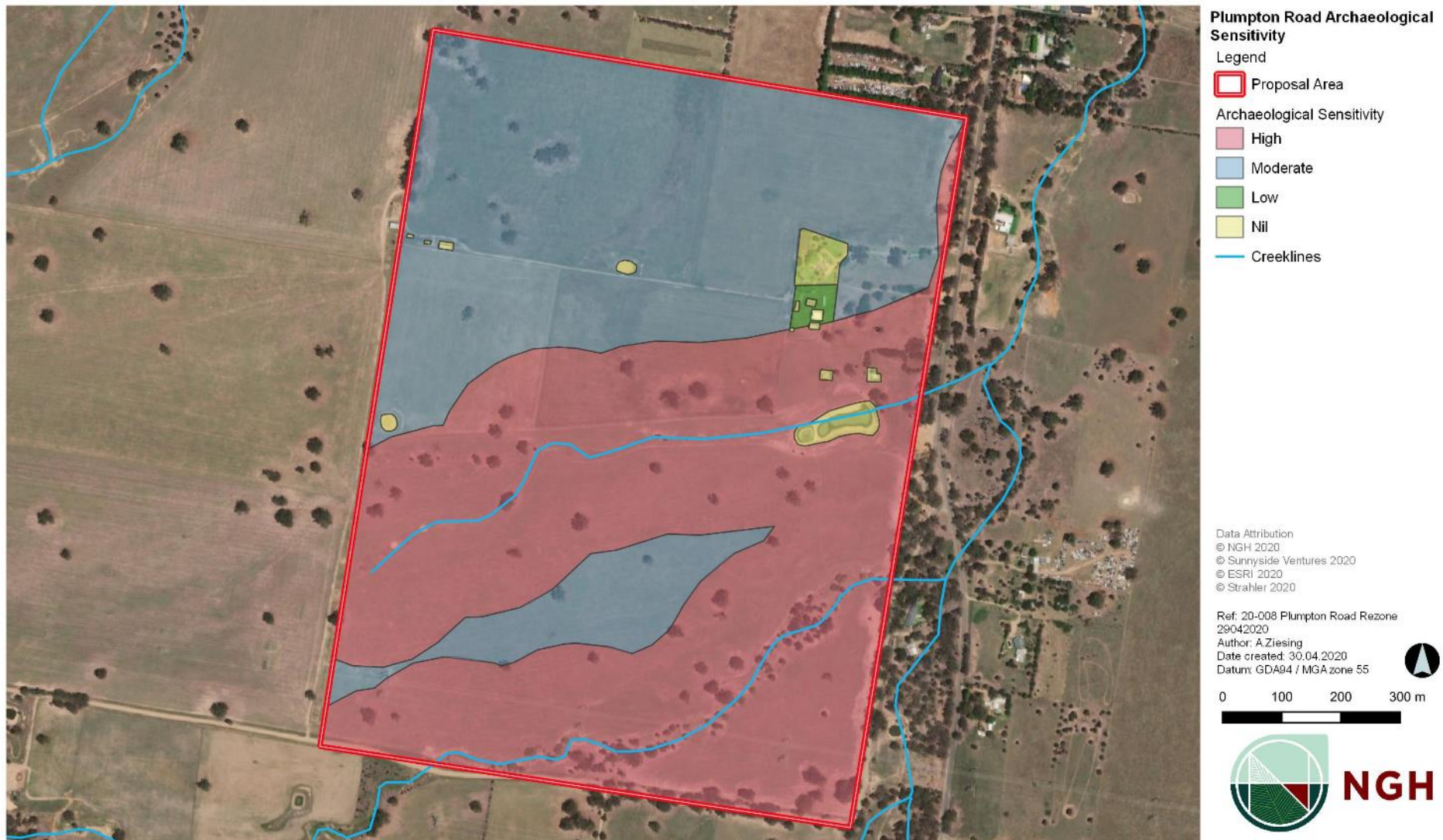


Figure 6 Proposal area, showing areas of potential archaeological sensitivity (Source: NGH, 2020)

B.5 FURTHER ASSESSMENT

This desktop assessment concludes that the proposed rezoning for the project area may proceed, however any subsequent ground disturbance works associated with development of the property through subdivision will require further investigation and assessment. Consideration of the archaeological and environmental context, as well as landscape analysis has concluded that large portions of the project area have moderate to high potential to contain Aboriginal objects on the ground surface and in subsurface deposits associated with an ephemeral drainage line and Stringybark Creek where fewer previous disturbances are present. Areas of potential for surface Aboriginal objects are likely to be present outside of areas of extensive historical disturbance such as previous residential or farming infrastructure. The identification of these areas relates to the overall assessment of the likely distribution of archaeological material, being a low-density scatter of infrequent stone artefacts.

As such, further assessment, in the form of an ACHA report and potential archaeological test excavations, are considered the most suitable approach to address Aboriginal objects and potential archaeological deposits associated with elevated flat ground in close proximity to the two natural watercourses. It is recommended that the ACHA be prepared to address the entire proposal area, due to the potential for surface Aboriginal objects to be present. Test excavations are recommended for any PAD areas identified during the pedestrian survey of the area prior to the commencement of any ground disturbing works that may impact these localised areas of potential *in situ* deposit. The purpose of test excavation would be to determine the presence or absence of Aboriginal objects in a subsurface context, as archaeological deposits are not always indicated by a surface expression of artefacts. The identification of further heritage investigation does not prevent the proposed rezoning of the land, which may proceed without subsequent assessment.

The areas of archaeological potential within the project area are highlighted in Figure 6 above, in association with the ephemeral drainage line, Stringybark Creek and the remaining undeveloped land within the project area.

B.6 REFERENCES

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