



Armidale Dumaresq

Development Control Plan 2012

Section 2 Site Analysis and General Controls

Chapter 2.4 Aboriginal Heritage

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Part 1 General provisions

1.1 Introduction

The people of the Anaiwan, Gumbaynggirr and Dhunghutti tribes have lived in the Armidale Dumaresq area for thousands of years prior to European settlement. These traditional custodians of the region engaged in a rich and complex ritual life with language, customs, spirituality and law - the heart of which was connection to country, and have created significant places in the landscape such as bora grounds, open sites, rock shelters, art, scarred and carved trees that have survived to today and warrant appropriate protection from the pressures of development.

While a number of sites of Aboriginal archaeological and heritage significance are known and have been recorded within the local government area (LGA), specific surveys for Aboriginal objects have not been done over much of the area. Therefore, there is potential for Aboriginal objects to exist in many locations even though they have not been formally recorded.

The Aboriginal Heritage Office (North Sydney) prepared the Armidale Dumaresq Aboriginal Site Management Report (2008) and Armidale Dumaresq Aboriginal Potential Areas Report (2008). The information contained in these reports is confidential and subject to a licensing agreement in force between the Culture and Heritage Division of the NSW Department of Environment, Climate Change and Water (DECCW) (now the Office of Environment and Heritage (OEH)) and the Aboriginal Heritage Office. Details of a predictive model that can be used to determine the likelihood of Aboriginal sites occurring and being detectable in our area are outlined below.

This chapter outlines the provisions for the conservation of environmental heritage to which 'Clause 5.10 – Heritage Conservation' of the *Armidale Dumaresq Local Environmental Plan 2012 (LEP 2012)* refers, and provides guidance on conservation of aboriginal heritage.

1.2 Objectives

The objectives of this chapter are:

- O.1 To identify, protect and conserve items and places of aboriginal significance in Armidale Dumaresq for the benefit of the community and future generations.
- O.2 To assist in the implementation of the Armidale Dumaresq Aboriginal Site Management Report (2008) and the Armidale Dumaresq Aboriginal Potential Areas Report (2008).
- O.3 To provide potential developers and the general public with information on Council's requirements for aboriginal heritage conservation.

1.3 Land to which this chapter applies

This chapter applies to land in the Armidale Dumaresq local government area.

1.4 Addressing the guidelines of this chapter

The guidelines for aboriginal heritage are set out in this chapter. The guidelines and objectives of this chapter need to be addressed for each development proposal.

Part 2 Aboriginal heritage

2.1 Assessing the potential for Aboriginal heritage significance

When assessing development applications, Council must consider the likely impact of proposed development on any known or potential Aboriginal object or place of heritage significance. A predictive model is used to determine the potential for sites of Aboriginal significance to occur in a particular location. The three main issues that affect the likelihood of Aboriginal sites occurring and being detectable in an area are:

1. landscapes/land units or the physical setting;
2. the likely range of cultural evidence associated with the landscape; and
3. the landscape history.

The predictive model for Armidale Dumaresq is as follows:

a) Sites associated with rock outcrops will be found wherever rock is outcropping, in particular:

- i) engraving sites on ridge tops, on flat rock surfaces above cliffs and scarps and on isolated outcrops and boulders;
- ii) rock shelters (with art and/or archaeological deposits) on slopes below ridges, cliffs and scarps, and beneath or part of fallen boulders or isolated boulders;
- iii) grinding grooves on fairly level rock surfaces in creeks, swampy areas or isolated areas adjacent to a water source (or former source) or associated with other sites;
- iv) stone quarries in areas of exposed bedrock, particularly at silcrete deposits.



- b) Archaeological deposits, including artefact scatters, will be found within rock shelters as well as level areas near to rivers or creek lines, and in level areas throughout Armidale Dumaresq. Artefact densities will generally be low, but will increase where well-drained, level areas are situated in proximity to diverse environments, larger waterways, sources of raw materials, known cultural sites such as bora grounds and so on. Site and artefact density will be higher on flats, terraces, lower slopes, ridge tops and crests and will be lower on mid-slopes and upper slopes. Site density will increase in flatter country and decrease in steep country. Localised influences that will affect the location of sites include frost hollows or where cold air flows, land subject to inundation and dampness, protection against seasonal winds and weather, outlook over hunting grounds and so on.
- c) Bora grounds and ceremonial grounds will be more common on the tablelands in flatter lands. They are more likely to be found below hills or peaks and above valleys or low lands subject to inundation. They are likely to be associated with carved or scarred trees or other sites. They will be very rare and difficult to detect if in areas subject to clearance and ploughing.
- d) Burials will be found in shelter deposits, archaeological deposits and places where the ground is soft, such as sandy banks. They may also be associated with carved or scarred trees or ceremonial sites. It is unlikely that there will be any visible signs of a burial unless there is active and deep erosion to a deposit.

- e) Scarred trees will be present where there has been less vegetation clearance and less disturbance, such as bushland and travelling stock reserves. Carved trees will be very rare due to their general rarity and their fragility. Other sites, such as fish traps, will be present in areas of minimal previous disturbance and would be very rare. Misidentification of an early colonial or more recent non-Aboriginal activity as an Aboriginal site is possible.



Generally, sites will be relatively common in bushland areas, with the condition of sites improving with distance from roads, walking tracks and more accessible areas. Sites will decrease in frequency in cleared areas and surviving sites will be more disturbed. In built-up areas, sites will be more common where properties adjoin bushland or undeveloped pasture, and less common where the land has been more heavily modified. Artefact scatters will be difficult to detect without sufficient archaeological visibility, which requires erosion or some disturbance to the soil profile to allow stone artefacts to sit on the ground surface above other sediments. Areas where land disturbance has been most intensive will have the lowest frequency of sites.

Note: The predictive model is effective at a general level. Individual and location specific features allow for the presence of sites in places that would otherwise seem quite unlikely. It is therefore important to consider individual developments in their specific environmental context.

Using this predictive model, an assessment can be made of the following matters to determine the potential for Aboriginal objects or sites to exist at a particular location. The following items are also outlined in a Checklist in Appendix 1.

- a) the presence/absence of recorded sites;
- b) the site potential of the broader landscape;
- c) the presence/absence of specific landscape features;
 - i) creek lines/watercourses (even if ephemeral)
 - ii) shorelines of water bodies and former water bodies
 - iii) cliff lines/boulders (higher than 1m)
 - iv) overhangs in any of the cliff lines/boulders
 - v) deep sandy deposits
 - vi) old growth trees
- d) the extent of previous land modification and disturbance; and
- e) whether there has been any previous Aboriginal archaeological survey in the area and what the visibility/access conditions were at that time.

Depending on the particular characteristics of a proposed development site and its potential to contain items of Aboriginal archaeological heritage significance, further assessment of Aboriginal heritage may be required.

2.2 How can you find out if there are recorded Aboriginal objects or places on your land?

The NSW OEH keeps a register of all recorded Aboriginal objects and Aboriginal places in NSW. The register is called the Aboriginal Heritage Information Management System (AHIMS).

You can search the AHIMS to discover if an Aboriginal object has been recorded, or an Aboriginal place declared, on a parcel of land. As indicated above, surveys for Aboriginal objects have not been carried out in many parts of NSW, so Aboriginal objects may exist on a parcel of land even though

they have not been recorded in AHIMS. Further details can be obtained about the Aboriginal Heritage Information Management System on the Office's website (www.environment.nsw.gov.au).

2.3 Proposed development that will impact on items of Aboriginal Heritage

The *National Parks and Wildlife Act 1974* protects all Aboriginal objects and Aboriginal places in NSW. Under provisions of the Act it is an offence to:

- a) disturb or move an Aboriginal object;
- b) excavate land for the purpose of discovering an Aboriginal object;
- c) knowingly destroy, damage or deface an Aboriginal object or Aboriginal place; or
- d) knowingly cause or permit the destruction, damage or defacement of an Aboriginal object or Aboriginal place.

If you are going to disturb or excavate land to discover an Aboriginal object, or disturb or move an Aboriginal object, you may need to apply for an Aboriginal Heritage Impact Permit (AHIP) from the OEH. Further information is available on the OEH website at www.environment.nsw.gov.au.

2.4 Aboriginal Heritage Assessment – Consultation Requirements

OEH have produced a document titled *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the Consultation Requirements) which focuses on the requirements for consultation with Aboriginal people as part of the heritage assessment process.

The Consultation Requirements apply to all activities throughout New South Wales that have the potential to harm Aboriginal objects or places and that require an AHIP. It is also recommended that the Consultation Requirements be used where a proponent may be uncertain on whether or not their proposed activity may have the potential to impact on Aboriginal objects or places, and where the proponent is required to undertake a cultural heritage assessment to establish the potential impact that their proposal may have on Aboriginal cultural heritage.

Details of the Consultation Requirements can be obtained from the OEH web site.

Part 3 Bibliography and additional information

For an up to date list of reference materials, publications and legislative information on Aboriginal heritage issues, please see the OEH website at www.environment.nsw.gov.au/cultureandheritage.htm.

Armidale Dumaresq Shire Aboriginal Site Management Report, Aboriginal Heritage Office (North Sydney), 2008. 2008

Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Department of Environment Climate Change and Water, 2010.

Draft Guidelines for the Protection, Management and Use of Aboriginal and Torres Strait Islander Cultural Heritage Places, Department of Communication and the Arts, Canberra, 1997. Available from the Australian Heritage Commission.

Local Government Heritage Guidelines, NSW Heritage Office, Sydney, 2002 (subject to updating).

Protecting Natural Heritage Places Handbook: using the Australian Natural Heritage Charter, Australian Heritage Commission, Canberra, 2003.

Protecting Local Heritage Places: A guide for communities, Australian Heritage Commission, Canberra, 1999.

The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS, Sydney, 1999. Available at <http://www.icomos.org/australia/charter.html>

Checklist for Aboriginal Heritage Potential Desktop Assessment

Officer:		Date:
Checklist		Desktop Assessment
1.	Check the potential Area and Site Maps if available.	
1a	What category of potential is the proposed development in? Very High High Moderate Low Very Low	
1b	Are there recorded sites in the area or nearby? Immediate vicinity Within 100-200m Not recorded nearby	
2	Check the landscape features.	
2a	Are any of the following features in the impact area? Creek lines/watercourses (even if ephemeral) Shoreline of water body (past or present) Cliff lines/boulders (higher than 1m) Overhangs in any of the cliff lines/boulders Deep sandy deposits Old growth trees	
2b	What is the landscape history? Heavily modified Moderately modified Only limited modification No known modification	
3	Additional information/Comments:	
Assessment: (Your conclusion on why an assessment is/is not necessary)		

Checklist for Staff – Supporting Information

Use this information when fill out the checklist form.

1. Check the Maps

a) What category of potential is the proposed development in?

If potential area mapping is available, check what category the proposed activity is in. The higher the category, the more likely it is that an Aboriginal heritage assessment is required. If Low or Very Low, then it is less likely that an Aboriginal site will be affected by the proposed development, however, a check must still be made using the questions below to make sure.

b) Are there recorded sites in the area or nearby?

If a site is recorded in the immediate vicinity of the proposed development then an Aboriginal heritage assessment *will be required*.

If a site is recorded within 100-200m of the proposal, the exact location of the recorded Aboriginal site needs to be verified, and an Aboriginal heritage assessment *may be required*, depending on the information below.

If a site is not recorded nearby, this does not mean that there are no sites in the area. Further information needs to be considered (below).

2. Check the Landscape Features

a) Are any of the following features in the impact area?

- creek lines/watercourses (even if ephemeral)?
- shorelines of water bodies and former water bodies?
- cliff lines/boulders (higher than 1m)?
- overhangs in any of the cliff lines/boulders?
- deep sandy deposits?
- old growth trees?

If any of these features are present, then there is an increased potential for Aboriginal sites to be present and an Aboriginal heritage assessment should be sought (dependent on previous levels of disturbance). If no such features exist, then the potential for unrecorded sites is low.

b) What has the landscape history been like?

If the area proposed for development (including areas of indirect impacts, such as increased pedestrian access etc.) has been subject to intensive disturbance like quarrying, excavation and levelling and so on where the original ground has been removed or heavily modified, then the potential for Aboriginal sites to be present is low and no assessment is required. If there has been no or minimal disturbance likely to have destroyed all Aboriginal sites, then the other components of the checklist will be the basis for determining whether an assessment is required or not.

3. Additional Information/Comments

There may be additional information suggesting why an Aboriginal site may be in this location. For example, a local resident may know of a site, or there could be documentary evidence or an historical source linking the location with past Aboriginal activity.

There may also be specific information that will influence whether an Aboriginal heritage assessment is required, ranging from information about the scale of the proposed development (eg. it will be confined to an existing building envelope) to any previous examination of the area (eg. the land may have been referred to indirectly by an archaeologist or Land Council representative when referring to a different/neighbouring allotment. All information that can provide an insight for that particular location to have Aboriginal heritage potential should be considered on its merits.

Desktop Assessment

Once the checklist has been completed, there should be sufficient information gathered for either 1) asking the proponent to commission an Aboriginal heritage assessment or, 2) determining that there is no requirement for an Aboriginal heritage assessment.

If you are not sure

You may be able to get additional advice from the Ngayinyaga Committee, archaeologists or Aboriginal Heritage staff of the Department of Environment and Climate Change, or the Sites Officer of the Local Aboriginal Land Council. Only general advice is likely to be given unless there is strong evidence that a site is under threat and will require a formal approval from each organisation. The Aboriginal Heritage Manager can be referred Das, EISs and REFs for advice and comment while the Aboriginal Heritage Office is a partner organisation and this is part of the agreement.

Who to contact for an Aboriginal heritage assessment

If an Aboriginal heritage assessment is required the applicant should be referred to the Ngayinyaga, who will advise on the appropriate Aboriginal community representatives to undertake the cultural and Aboriginal community assessment, and a qualified archaeologist specialising in Aboriginal heritage, who will undertake the archaeological or scientific assessment. Should a site be identified and the proposed development will impact the site, then the development becomes an integrated development and the Department of Environment and Climate Change becomes an approval body of the development (refer *Armidale Dumaresq Site Management Plan* for further information).