

From: [Russell, Meaghan](#)
To: [Sophie McLean](#)
Cc: [Duarte, Renee](#); [Stu Huys](#)
Subject: RE: Hall Discovery Playground - SHE Submission [SEC=UNCLASSIFIED]
Date: Tuesday, 1 October 2019 2:48:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello Sophie,

Thank you for your email. Please note that your email has been referred to the Chair of the ACT Heritage Council for a further response, which should be provided by the end of the week.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Sophie McLean [REDACTED]
Sent: Thursday, 26 September 2019 1:14 PM
To: Harrison, Kate <Kate.Harrison@act.gov.au>; Russell, Meaghan <Meaghan.Russell@act.gov.au>
Cc: Duarte, Renee <Renee.Duarte@act.gov.au>; Stu Huys [REDACTED]
Subject: Re: Hall Discovery Playground - SHE Submission [SEC=UNCLASSIFIED]

Hello Meaghan and Kate,

Many thanks for the advice on the Hall Discovery Playground. I'm just wanting a little clarification please around a couple of your requests so that I can update the report accordingly.

Point 2 A. You request additional consideration of the Aboriginal cultural landscape of Halls Creek, with reference to the ACT Heritage Register entry, however the register entry only refers to the 'cultural landscape' very broadly with no specifics for me to address. It is clear from the Huonbrook report that any sites within the Aboriginal sites zone are out of context. The Aboriginal community have endorsed the project and are grateful that the proposal will actually be celebrating Aboriginal culture and has included their input. All of this information is included in the report. Are you able to clarify what it is you believe we've overlooked? I'm just unsure what you need from us.

Point 2. B - you comment that the Huonbrook geo arch investigation identified a specific landform as being of cultural value and vulnerable to disturbance ie the podzolic soils formed on late Pleistocene sediments left as elevated surface adjacent to halls cree, and a discussion of whether this landform occurs in the current study area etc. Section 2.3 of the current report refers to the two soil types in the study area, shows their distribution within it and explains that the area with the most potential for materials based on the

geoarchaeological assessment is the Williamsdale SLU, the distribution of which is mapped in Figure 5. The resources statement in section 2.5 details a discussion of the two SLU's and states that occupation sites within the study area are most likely within the Williamsdale SLU comprising the tiny norther edge of the study area which has been previously impacted by the construction of the road, as is visible in Figure 5. Are you able to clarify please what additional information you're asking for here? My reading of the report is that we've identified the Williamsdale SLU as having the most potential based on the Huonbrook results and we've mapped it relative to the current study area and proposed impacts. I'm not sure what additional information you're looking for here?

Point 3. We note of course that minimal impacts are required and should be minimised wherever possible. However we've shown that the impact area has been surveyed twice with no sites found, the geomorphology has shown that 90% of the area has low potential for in situ sites with areas of highest potential outside of the current study area. We've detailed that impacts will be minimal with the removal of a grass layer being the only impacts and all other play areas not resulting in ground disturbance at all. We've detailed that this area was previous used for agriculture and that the upper levels affected by the grass removal are already highly disturbed. So you are asking for us to demonstrate lower impacts to an area that has been twice assessed as having low potential, we are not impact any recorded sites, we have the full support of the Aboriginal community who have been actively involved in the design of the project. Again, I'm not sure what you're looking for here? There are no sites in the area and low potential to identify out of context sites.

Several efforts have been made to reduce impacts to the max. Why do we need to reduce impacts further? We are not impact any sites?

Can you please just clarify these things as I may be missing your points in here somewhere?

Many thanks
Sophie

Dr Sophie Collins
Senior Archaeologist, Lithics Specialist
Cultural Heritage Management Australia

website: chma.com.au

On 18 Sep 2019, at 3:28 pm, Harrison, Kate <Kate.Harrison@act.gov.au>
wrote:

<20190917 - Advice - Hall Village Adventure Trail and Nature Play Space -
SHE Application_DFsign (002).pdf>

From: [Russell, Meaghan](#)
To: [Moore, FionaF](#)
Subject: FW: ACT Heritage Council letter - Halls Creek Adventure Trail and Nature Play Space [SEC=UNCLASSIFIED]
Date: Thursday, 3 October 2019 5:19:00 PM
Attachments: [20191003 - ACT Heritage Council letter - Halls Creek Adventure Trail and Nature Play Space.pdf](#)
[image001.png](#)
[image002.png](#)

Hi Fiona,

As an update, I just spoke with Renee from TCCS – who advised that they will provide the further information as requested next week.

We also discussed ways to minimise heritage impacts within the Aboriginal Sites Zone – given SHE application criteria require consideration of this – and she advised that using geotech and fill to minimise excavation should not be a problem, and that she would discuss this approach with the project team.

Cheers,

Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Russell, Meaghan

Sent: Thursday, 3 October 2019 3:39 PM

To: 'Sophie McLean' [REDACTED]

Cc: Duarte, Renee <Renee.Duarte@act.gov.au>

Subject: ACT Heritage Council letter - Halls Creek Adventure Trail and Nature Play Space [SEC=UNCLASSIFIED]

Hello Sophie,

Please find attached further advice from the ACT Heritage Council on the Halls Creek SHE application – providing clarifications requested on 26 September 2019.

Regards,

Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

File Reference: [REDACTED]
Phone: 13 22 81

Cultural Heritage Management Australia
Dr Sophie Collins
[REDACTED]

CC: Transport Canberra and City Services
Renee Duarte
Renee.Duarte@act.gov.au

Dear Sophie

Hall Village Adventure Trail and Nature Play Space

On 18 September 2019, the ACT Heritage Council (the Council) requested further information from Cultural Heritage Management Australia (CHMA) under Section 61(G)(1) of the *Heritage Act 2004* (the Act).

This information request was in response to a Statement of Heritage Effect (SHE) application to the Council on 20 August 2019, for proposed impacts to the 'Aboriginal Sites Zone' (the Zone) registered on the ACT Heritage Register as part of the Hall Village Heritage Precinct (the Precinct). These proposed impacts are associated with an Adventure Trail and Nature Play Space project (the project) within [REDACTED] Hall.

On 26 September 2019, CHMA requested the following clarifications from the Council:

1. What further information is required to consider the 'Aboriginal cultural landscape' of Halls Creek, as identified in the ACT Heritage Register entry;
2. What further information is required to consider the outcomes of the Huonbrook (2019) geoarchaeological investigation; and
3. Why are measures to minimise construction impacts required, as there are no surface archaeological sites and CHMA (2019) consider the area to be of low archaeological potential.

Clarifications are provided below for each matter.

Consideration of the Aboriginal cultural landscape of Halls Creek

The Council's Statement of Significance for the Precinct sets out that "*the presence of Aboriginal sites within grassy woodland and along Halls Creek demonstrates a relative lack of physical disturbance within these areas, and*

reflects a natural and Aboriginal cultural landscape prior to European settlement”.

The recent Huonbrook (2019) geoarchaeological study also concluded that the Zone is an important cultural landscape, and an example of a cultural landscape rarely conserved in urban areas.

A cultural landscape approach recognises that the present landscape is the product of long term and complex relationships between people and the environment; and considers heritage significance values in a more holistic way instead of focusing only on individually recorded ‘sites’.

In accordance with the ACT Heritage Register entry for the place, the SHE application should consider the effects of proposed development on the Aboriginal cultural landscape of Halls Creek. This could be achieved, for example:

- By recognising the cultural and heritage significance of the Zone, even though no surface stone artefacts have been identified in the proposed development area;
- By describing the extent of and nature of impacts proposed to the Zone, such as the location of proposed works and the physical area of impact; and
- By assessing the effect of these works on the heritage significance of the Zone, including whether the character and landscape setting of the place will be significantly affected.

Consideration of the Huonbrook (2019) geoarchaeological investigation

Huonbrook (2019) identified that, within the Zone, A horizon podzolic soils formed on late Pleistocene sediments may contain relatively undisturbed stone artefact assemblages. This particular landscape context is identified as likely to be of cultural value and vulnerable to disturbance. Huonbrook (2019) also identified that this landscape context may occur in Williamsdale Soil Landscape Unit (SLU), and on the margins of the Ginninderra Creek SLU, as they occur within the Zone.

The SHE application describes the relationship of Williamsdale and Ginninderra Creek SLUs to the proposed development area. However, as set out in Council advice on 18 September 2019, the application does not identify whether this specific landform context occurs within the development area; and this information should be provided.

Consideration of measures to minimise heritage effects to the Zone

As noted above, the Zone is registered on the ACT Heritage Register as an Aboriginal cultural landscape and is subject to provisions of the Act; irrespective of whether any surface stone artefacts have been recorded within the proposed development area.

Section 61(G) of the Act requires all SHE applications to describe why alternatives to the proposed activity are not reasonably practicable, and to describe measures that will be adopted to reduce the heritage impacts of the proposal.

The SHE application states that consideration of alternatives are not necessary as the development would not impact any surface stone artefact sites. The SHE application does identify some measures to reduce heritage impacts, such as works being confined as much as possible to areas of existing disturbance, and excavation being limited to 5-10cm in depth.

The Council considers the proposal to collocate new playground infrastructure with the existing playground to be justifiable, however, it also understands that the proposed 500 metre trail will extend beyond the existing playground area.

From information provided, construction of the trail could impact up to 60 cubic metres of soil within the Zone. Measures to minimise the heritage impact of this construction should be further considered, such as the installation of geotextile membrane and fill for the trail. In accordance with Council advice on 18 September 2019, this measure should be further considered in the SHE application.

Yours sincerely



David Flannery FRAIA MPIA
**Chair (as delegate for),
ACT Heritage Council**

3 October 2019

From: [Russell, Meaghan](#)
To: [Moore, FionaF](#)
Subject: 20191003 - ACT Heritage Council letter - Halls Creek Discovery Playground (A21803329)
[SEC=UNCLASSIFIED]
Date: Thursday, 3 October 2019 1:00:00 PM
Attachments: [20191003 - ACT Heritage Council letter - Halls Creek Discovery Playground.obr](#)

Hello Fiona,

I have drafted a further Council letter on the Halls Creek SHE application – for your review, and then to David as delegate.

This responds to a CHMA email requesting clarifications – see full text below.

Cheers,

Meaghan

Hello Meaghan and Kate,

Many thanks for the advice on the Hall Discovery Playground. I'm just wanting a little clarification please around a couple of your requests so that I can update the report accordingly.

Point 2 A. You request additional consideration of the Aboriginal cultural landscape of Halls Creek, with reference to the ACT Heritage Register entry, however the register entry only refers to the 'cultural landscape' very broadly with no specifics for me to address. It is clear from the Huonbrook report that any sites within the Aboriginal sites zone are out of context. The Aboriginal community have endorsed the project and are grateful that the proposal will actually be celebrating Aboriginal culture and has included their input. All of this information is included in the report. Are you able to clarify what it is you believe we've overlooked? I'm just unsure what you need from us.

Point 2. B - you comment that the Huonbrook geo arch investigation identified a specific landform as being of cultural value and vulnerable to disturbance ie the podzolic soils formed on late Pleistocene sediments left as elevated surface adjacent to halls cree, and a discussion of whether this landform occurs in the current study area etc. Section 2.3 of the current report refers to the two soil types in the study area, shows their distribution within it and explains that the area with the most potential for materials based on the geoarchaeological assessment is the Williamsdale SLU, the distribution of which is mapped in Figure 5. The resources statement in section 2.5 details a discussion of the two SLU's and states that occupation sites within the study area are most likely within the Williamsdale SLU comprising the tiny norther edge of the study area which has been previously impacted by the construction of the road, as is visible in Figure 5. Are you able to clarify please what additional information you're asking for here? My reading of the report is that we've identified the Williamsdale SLU as having the most potential based on the Huonbrook results and we've mapped it relative to the current study area and proposed impacts. I'm not sure what additional information you're looking for here?

Point 3. We note of course that minimal impacts are required and should be minimised wherever possible. However we've shown that the impact area has been surveyed twice with no sites found, the geomorphology has shown that 90% of the area has low potential for in situ sites with areas of highest potential outside of the current study area. We've detailed that impacts will be minimal with the removal of a grass layer being the only impacts and all other play areas not resulting in ground disturbance at all. We've detailed that this area was previous used for agriculture and that the upper levels affected by the grass removal are already highly disturbed. So you are asking for us to demonstrate lower impacts to an area that has been twice assessed as having low potential, we are not impact any recorded sites, we have the full support of the

Aboriginal community who have been actively involved in the design of the project. Again, I'm not sure what you're looking for here? There are no sites in the area and low potential to identify out of context sites. Several efforts have been made to reduce impacts to the max. Why do we need to reduce impacts further? We are not impact any sites?

Can you please just clarify these things as I may be missing your points in here somewhere?

Many thanks

Sophie

Dr Sophie Collins

Senior Archaeologist, Lithics Specialist
Cultural Heritage Management Australia

[Redacted]

[Redacted]

website: chma.com.au

From: [David Flannery](#)
To: [Russell, Meaghan](#)
Subject: RE: Draft ACT Heritage Council letter - Hall Discovery Playground [SEC=UNCLASSIFIED]
Date: Thursday, 3 October 2019 3:36:05 PM
Attachments: [image001.png](#)
[image002.png](#)
[20191003 - ACT Heritage Council letter - Halls Creek Discovery Playground_DFsign.pdf](#)

Signed letter attached.. David

David Flannery

[| website](#)

From: Russell, Meaghan [mailto:Meaghan.Russell@act.gov.au]
Sent: Thursday, October 3, 2019 2:52 PM
To: David Flannery
Subject: Draft ACT Heritage Council letter - Hall Discovery Playground [SEC=UNCLASSIFIED]

Hello David,

Please find attached a draft ACT Heritage Council letter, providing further advice on the Halls Creek Aboriginal Sites Zone SHE application.

This follows Council advice issued on 18 September (attached), which requested further information – and a subsequent email from CHMA on 26 September seeking clarifications (see below).

Please give me a call if you have any questions.

Cheers,

Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

Hello Meaghan and Kate,

Many thanks for the advice on the Hall Discovery Playground. I'm just wanting a little clarification please around a couple of your requests so that I can update the report accordingly.

Point 2 A. You request additional consideration of the Aboriginal cultural landscape of Halls Creek, with reference to the ACT Heritage Register entry, however the register entry only refers to the 'cultural landscape' very broadly with no specifics for me to address. It is clear from the Huonbrook report that any sites within the Aboriginal sites zone are out of context. The Aboriginal community have endorsed the project and are grateful that the proposal will actually be celebrating Aboriginal culture and has included their input. All of this information is included in the report. Are you able to clarify what it is you believe we've overlooked? I'm just unsure what you need from us.

Point 2. B - you comment that the Huonbrook geo arch investigation identified a specific landform as being of cultural value and vulnerable to disturbance ie the podzolic soils formed on late Pleistocene sediments left as elevated surface adjacent to halls cree, and a discussion of whether this landform occurs in the current study area etc. Section 2.3 of the current report refers to the two soil types in the study area, shows their distribution within it and explains that the area with the most potential for materials based on the geoarchaeological assessment is the Williamsdale SLU, the distribution of which is mapped in Figure 5. The resources statement in section 2.5 details a discussion of the two SLU's and states that occupation sites within the study area are most likely within

the Williamsdale SLU comprising the tiny norther edge of the study area which has been previously impacted by the construction of the road, as is visible in Figure 5. Are you able to clarify please what additional information you're asking for here? My reading of the report is that we've identified the Williamsdale SLU as having the most potential based on the Huonbrook results and we've mapped it relative to the current study area and proposed impacts. I'm not sure what additional information you're looking for here?

Point 3. We note of course that minimal impacts are required and should be minimised wherever possible. However we've shown that the impact area has been surveyed twice with no sites found, the geomorphology has shown that 90% of the area has low potential for in situ sites with areas of highest potential outside of the current study area. We've detailed that impacts will be minimal with the removal of a grass layer being the only impacts and all other play areas not resulting in ground disturbance at all. We've detailed that this area was previous used for agriculture and that the upper levels affected by the grass removal are already highly disturbed. So you are asking for us to demonstrate lower impacts to an area that has been twice assessed as having low potential, we are not impact any recorded sites, we have the full support of the Aboriginal community who have been actively involved in the design of the project. Again, I'm not sure what you're looking for here? There are no sites in the area and low potential to identify out of context sites. Several efforts have been made to reduce impacts to the max. Why do we need to reduce impacts further? We are not impact any sites?

Can you please just clarify these things as I may be missing your points in here somewhere?

Many thanks

Sophie

Dr Sophie Collins

Senior Archaeologist, Lithics Specialist

Cultural Heritage Management Australia

[Redacted]

[Redacted]

website: chma.com.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



CULTURAL
HERITAGE
MANAGEMENT
AUSTRALIA

Adventure Trail and Nature Play Space, Hall

Cultural Heritage Assessment and Statement of
Heritage Effect

AUTHORS NAME : Dr Sophie Collins
PO Pox 9463, Deakin, ACT 2600

**CLIENT NAME: TCCSD, Village of Hall and District
Progress Association and the
Rotary Club of Hall
19th August 2019**

Table of Contents

	Page
Executive Summary	1
1.0 Project Outline	5
1.1 Project Description	5
1.2 Consultation with the Representative Aboriginal Organisations	5
1.3 Fieldwork Program	6
1.4 Purpose of this Report	10
2.0 Environmental Context	11
2.1 Landscape and Hyrdology	11
2.2 Geology	12
2.3 Soils and Vegetation	12
2.4 Previous Land Use Impacts	13
2.5 Resource Statement	14
3.0 Aboriginal Occupation Models – Ethnohistory	16
3.1 Background Information	16
3.2 Overview of Ethno-historic Models	16
3.2.1 Environmental Determinants of Social Organisation	17
3.2.2 Aspects of Aboriginal Social Organisation	19
3.2.3 Concepts of Aboriginal Land Ownership	20
3.3 Aboriginal Social Organisation, Customs and Lifestyle in the ACT	21
3.3.1 Population	22
3.3.2 Hunting, Gathering and Settlement	22
3.3.3 Clothing	23
3.3.4 Habitations	23
3.3.5 Customs	24
4.0 Historic Context	25
4.1 Brief Regional History	25
4.2 History of Hall	26
4.3 The Study Area	27
4.4 Previous Historical Studies of Hall Village	27
4.5 Search of the Heritage Register	28
4.6 Predictive Historical Archaeology Statement	29

Table of Contents

		Page
5.0	The Archaeological Context	30
5.1	Previous Archaeological Investigations Within Northern Canberra/Gungahlin	30
5.2	Previous Archaeological Investigations Within the Study Area	34
5.3	Results of the Search of the ACT Heritage Register	38
6.0	Predictive Model	42
6.1	Introduction to Predictive Modeling	42
6.2	Predictive Models: Strengths and Weaknesses	42
6.3	Predictive Model of Aboriginal Site Type Distribution for the Study Area	43
7.0	Field Survey Results	45
7.1	Survey Methodology	45
7.2	Survey Limitations and Effectiveness	45
7.3	Survey Results	45
8.0	Legislation	48
8.1	Australian Capital Territory Legislation	48
8.2	Federal Legislation	51
9.0	Significance Assessments	54
9.1	Overview	54
9.2	ACT Significance Criteria	54
9.3	Rating Site Significance	55
9.4	Significance Criteria Relevant to Aboriginal Sites	56
10.0	Impact Assessment and Statement of Heritage Effects	58
10.1	Description of Proposed Works	58
10.2	Impact Assessment	58
10.3	Minimising Harm and Practical Alternatives	59
11.0	Statement of Heritage Effects	61
12.0	Management Recommendations	62
12.1	Introduction to the Management Recommendations	62
12.2	Management Recommendations	62
13.0	Unanticipated Discovery Plan	63

Table of Contents

References	Page
	66
List of Tables	Page
Table 1. European Sites identified by NOHC 1998:34	28
Table 2. Site Details and Locations	31
Table 3. Stone Material Types Identified in Gungahlin	32
Table 4. Summary details for Sites located within 50m of Hall Discovery Trail	40
List of Figures	Page
Figure 1. Location of Hall Adventure Play Ground and Nature Play Space within broader ACT Region.	7
Figure 2. Location of Study Area within Hall Village	8
Figure 3. Proposed components of the Hall Discovery Playground and Nature Play Space	9
Figure 4. Geology of the Hall Region (image modified from Abell 1993) (Yellow denotes Mount Ainslie Volcanics, white denotes alluvium)	12
Figure 5. Soil Landscapes within the Study Area (image modified from ACTMAPI accessed 25 th July 2019).	13
Figure 6. Vegetation within the study area – (image modified from ACTMAPI accessed 25 th July 2019)	14
Figure 7. ACT Heritage Register Extract as provided by ACT Heritage 5 th April 2019	39
Figure 8. Previously Recorded Sites and Geoarchaeological Profiles located near the Study Area ACT Heritage 5 th April 2019	39
Figure 9. Proposed Layout and activity areas for Adventure Trail	60
List of Plates	Page
Plates 1 and 2 Examples of dense grass cover currently overlying the study area	46
Plate 3. Introduced species within the study area.	46
Plate 4. Areas of previous disturbance	46
Plates 5 and 6. Existing disturbance and landscaping within the study area	46

Executive Summary

Project Description

The Transport Canberra and City Services Directorate (TCCSD) have collaborated with the Hall Village Community (Village of Hall and District Progress Association and Rotary Club of Hall) to construct an adventure trail and nature play space on the corner of Gladstone and Victoria Streets in Hall. The adventure trail and nature play can be used by people of all ages and abilities – including walkers, bike riders and people in wheelchairs. The play space will enhance the existing playground and surrounding parkland, and create a new opportunity for play that enables the Hall community to connect socially and physically. The adventure trail and nature play space is a community-driven and funded initiative to create an inclusive play space for Hall village and provides a relatively low cost, sustainable way to enhance play quality and diversity in Hall.

The site of the works falls within [REDACTED], Hall (see Figures 1 and 2).

CHMA have now been engaged by TCCSD and the Village of Hall and District Progress Association to undertake a Cultural Heritage Survey and Statement of Heritage Effects for the adventure trail and play space (the study area).

Consultation and Involvement of the Representative Aboriginal Organisations

At present there are four Representative Aboriginal Organisations (RAOs) in the ACT. These are:

- Buru Ngunanwal Aboriginal Corporation;
- King Brown Tribal Group;
- Mirrabee (formerly Little Gudgenby River Tribal Council); and
- Ngarigu Currawong Clan.

Representatives from each of the four RAOs were contacted to be involved in this cultural heritage assessment. The fieldwork program for this project was undertaken over 2 hours on the 17th May 2019. The field team included the following personnel:

- Wally Bell (Buru Ngunanwal Aboriginal Corporation);
- Paul House (Mirrabee – formerly Little Gudgenby River Tribal Council);
- Dr Sophie Collins (CHMA Archaeologist);
- Renee Duarte and Naomi Lee (TCCSD);
- Anna Chauval (Place Laboratory);
- Darren Stewart (Makin Trax and representative of the Hall Village Community Group).

Representatives from King Brown Tribal Group and Ngarigu Currawong Clan were invited to attend but were unable to attend on the day. The results of these works were discussed

verbally with Tina Brown and James Mundy on 25th July 2019 for comment and feedback. All representatives present during the field survey and over the phone, contributed to the management recommendations proposed in this report.

The field visit also included consultation with the Representative Aboriginal Organisations on play elements proposed for the playground. Ideas generated during this discussion have since been incorporated into the playground design.

Previously Recorded Sites within the Study Area

As part of the background research for the investigation, a heritage register search was undertaken on the 4th April 2019. The study area falls within the heritage registered area of the Hall Village Heritage Precinct (Citation 20087). The citation is available through the ACT Heritage Register, with pertinent features of intrinsic significance summarized as follows:

- The 'rural village' urban landscape character of the Hall Village
- The informal streetscape character consistent with a rural village
- The landscape setting of Hall Village
- Individually identified built heritage places of collective historic and social value including: War Memorial Grove, Hall Showground and Sportsground, Winarlia, Premier Store, Hall Antiques and Garage, Morris' Bootmakers Shop, St Michael & All Angels Anglican Church, Hall Primary School, Hall education Museum, 'Avoca', 'Cooee', St Francis Xavier Catholic Church, Halls Creek Road Bridge, Village Well, Hall Village Reserve, Cricketers Arms Hotel and Hall Cemetery.

The closest of these sites to the current proposal is the Hall Village Well which occurs over 70m from the proposed study area.

There are no previously recorded Aboriginal sites in the study area. The closest Aboriginal site to the impact area occurs >60m from the proposed trail and is separated from the study area by Halls Creek.

Summary Field Survey Results

The extremely low archaeological visibility present at the site meant that no Aboriginal sites or items of cultural concern were identified during the current investigation. No trees demonstrating potential for Aboriginal scarring were identified.

Despite the poor visibility, however, the study area is assessed as being of low-moderate archaeological potential for cultural material within subsurface contexts. Detailed justification of this is provided in Section 7.3.

Impact Assessment, Minimising Harm and Existing Practical Alternatives

The current proposal will not impact any known heritage sites. Any sites which may exist within subsurface contexts will be protected by the construction of the path above the ground with no ground disturbance involved. To further minimize the potential for inadvertent impacts to artefacts occurring in random subsurface locations or broad background scatter, the current proposal includes the following mitigation measures:

- All impacts will be above ground with no ground disturbance occurring, thereby protecting any unidentified cultural material in subsurface contexts;
- All activities will be brought to the site and placed on the surface of the ground only;
- Is located >60m from areas of higher archaeological potential near Halls Creek and;
- Is confined as much as possible to areas of existing and previous impacts

Statement of Heritage Effect

The proposed discovery trail and adventure play space at hall will not impact any known heritage sites within the area. The study area has been assessed as being of low-moderate archaeological sensitivity with proposed impacts determined to be minimal. The proposal avoids recorded sites in the area by at least 60m and Halls Creek and will not adversely impact heritage values within the study area.

Any sites which may occur within subsurface contexts have been protected by avoiding all ground disturbance. Impacts to the natural landscape of the HCASZ have been limited by the use of natural construction materials and enhancement of existing natural spaces rather than attempts to alter the natural land and the intrinsic design features of producing a nature play space. Cultural values are not being impacted by the current proposal with heritage sites unthreatened, potential sites protected and the contemporary Aboriginal culture celebrated within individual play spaces with input by the RAOs.

Management Recommendations

The proposed discovery trail and adventure play space at hall will not impact any heritage sites. The study area has been assessed as being of low archaeological sensitivity with proposed impacts determined to be minimal. As such, there are no specific further heritage requirements for the study area. The following general recommendations are forwarded:

1. In the event that unanticipated finds occur during construction of the FPF, the Unanticipated Discovery Plan included in section 13.0 must be adhered to.
2. This report must be presented to the ACT Heritage Council (through the ACT Heritage Unit for review and advice.
3. Copies of this report have been provided to the four Representative Aboriginal Organisations. These are:
 - Buru Ngunawal;
 - King Brown's Tribal Group;
 - Mirrabee; and

- Ngarigu Currawong Clan.
4. The RAOs are to be involved in ongoing discussions regarding the name of the park and to act as consultants for the play elements proposed for the playground.

1.0 Project Outline

1.1 Project Description

The Transport Canberra and City Services Directorate (TCCSD) have collaborated with the Hall Village Community (Village of Hall and District Progress Association and Rotary Club of Hall) to construct an adventure trail and nature play space on the corner of Gladstone and Victoria Streets in Hall. The adventure trail and nature play can be used by people of all ages and abilities – including walkers, bike riders and people in wheelchairs. The play space will enhance the existing playground and surrounding parkland, and create a new opportunity for play that enables the Hall community to connect socially and physically. The adventure trail and nature play space is a community-driven and funded initiative to create an inclusive play space for Hall village and provides a relatively low cost, sustainable way to enhance play quality and diversity in Hall.

The adventure trail will be made of natural materials, such as dirt and decomposed granite gravels. There may be some sections that are made from recycled wood sourced from the old Tharwa bridge and other places. Some sections of the trail may have bumps, bridges over logs, or be made from logs.

The adventure trail will be approximately 500m in length and located around the existing playground. It does not extend past the carpark/toilets or cross the creek. Most of the adventure trail and nature play space is intended to be inclusive for use by people of all ages and abilities. The trail can be used by walkers, bikes and wheelchairs.

Consultation with the RAOs led to the following playground element suggestions:

- Bush tucker garden
- Yarn circle
- Smoking ceremony at opening of the playground
- Naming the park and play space signage

Ongoing consultation with the RAOs will result in their active involvement in the design and implementation of each of these cultural elements.

The site of the works falls within Block 1, Section 23, Hall (see Figures 1 and 2). The proposed design for the adventure trail is included in Figure 3.

CHMA have now been engaged to undertake a Cultural Heritage Survey and Assessment and Statement of Heritage Effects for the proposed discovery trail and playground.

1.2 Consultation with the Representative Aboriginal Organisations

At present there are four Representative Aboriginal Organisations (RAOs) in the ACT. These are:

- Buru Ngunanwal Aboriginal Corporation;

- King Brown Tribal Group;
- Mirrabee (formerly Little Gudgenby River Tribal Council); and
- Ngarigu Currawong Clan.

Representatives from each of the four RAOs were contacted to be involved in this cultural heritage assessment. Representatives were involved in all aspects of the project including:

- Participation in fieldwork;
- Provision of advice on culturally appropriate and educational playground elements;
- Input into the interpretation of the potential of the study area
- Input in determining management and impact mitigation recommendations.

The cultural heritage recommendations made in this report directly stem from discussions held in person with the RAO representatives during the field survey on the 25th July 2019.

Copies of this report were issued to all four RAOs on 5th August 2019 with a request for comment and feedback within 14 days. No other written responses were received.

During the field program, discussions were held with the RAOs regarding culturally appropriate educational playground elements. The introduction of the bush tucker garden and yarning circle were outcomes of this discussion. An additional outcome was a request for the park to be named a culturally appropriate name, given Henry Hall's reputation for poor treatment of Aboriginal people. The naming of the park has yet to be finalized but will be heavily influenced by the RAOs and will be the outcome of a program of consultation.

1.3 Fieldwork Program

The fieldwork program for this project was undertaken over two hours on the 17th May 2019. The field team included the following personnel:

- Wally Bell (Buru Ngunanwal Aboriginal Corporation);
- Paul House (Mirrabee – formerly Little Gudgenby River Tribal Council);
- Dr Sophie Collins (CHMA Archaeologist);
- Renee Duarte and Naomi Lee (TCCSD);
- Anna Chauval (Place Laboratory);
- Darren Stewart (Makin Trax and representative of the Hall Village Community Group).

Representatives from King Brown Tribal Group and Ngarigu Currawong Clan were invited to attend but were unable to attend on the day. The results of these works were discussed verbally with Tina Brown and James Mundy on 3rd August 2019 for comment and feedback. All representatives present during the field survey and over the phone, contributed to the management recommendations proposed in this report.

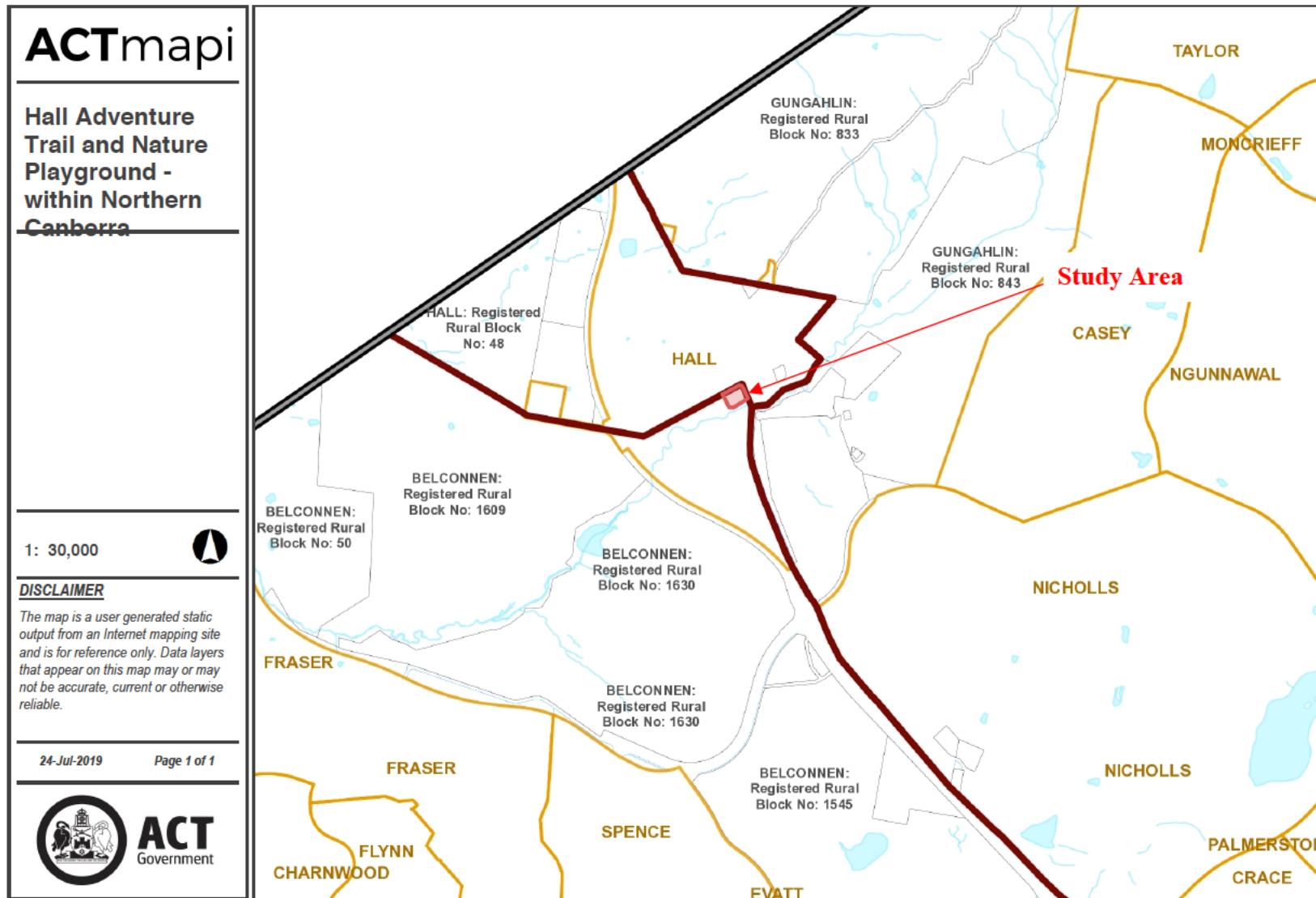


Figure 1. Location of Hall Adventure Play Ground and Nature Play Space within broader ACT Region

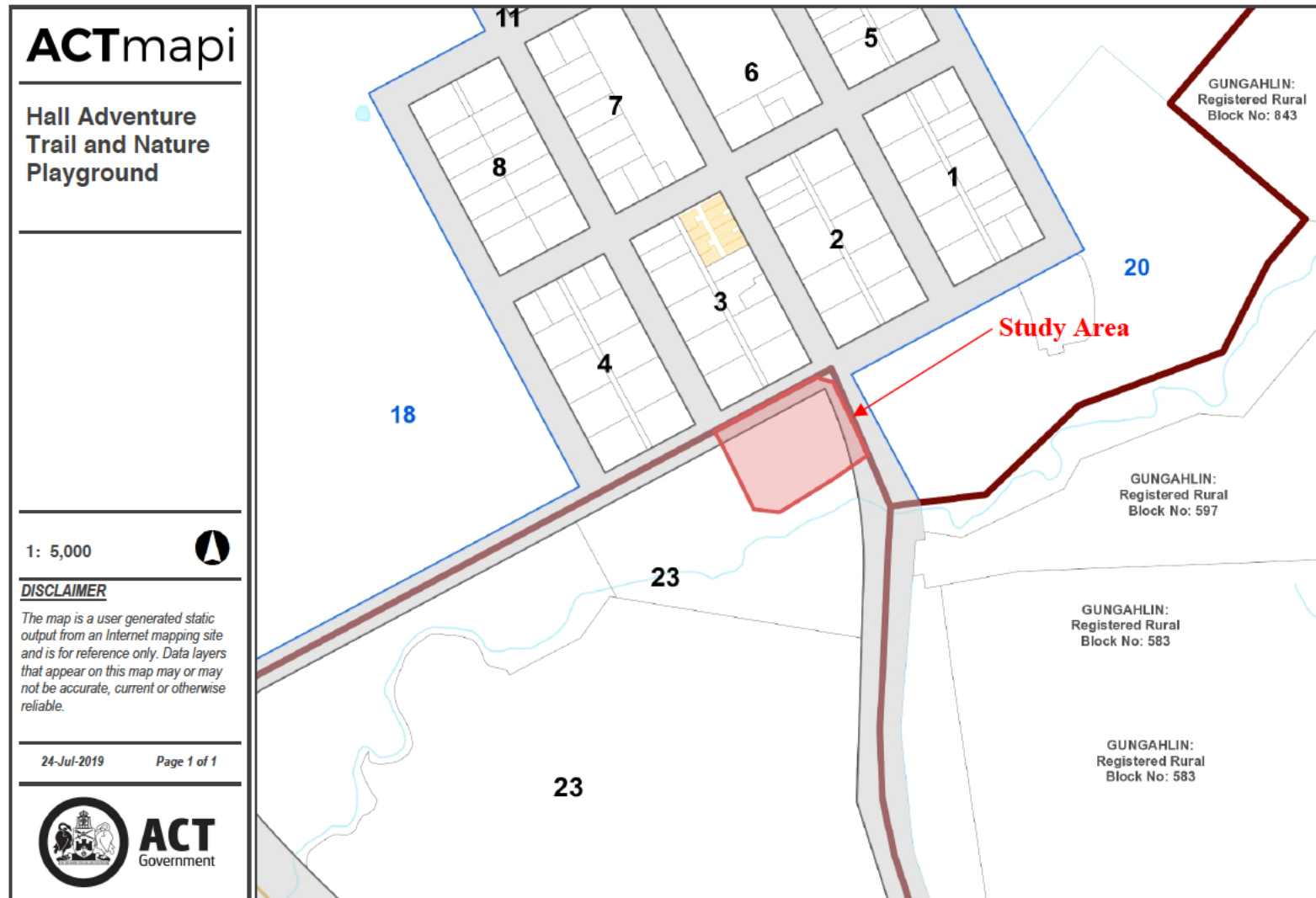


Figure 2. Location of Study Area within Hall Village.



Figure 3. Proposed components of the Hall Discovery Playground and Nature Play Space

1.4 Purpose of this Report

This report details the following:

- Review of the context of the study area, including details of previous archaeological work;
- Details of the field survey methodology and results;
- Significance and impact assessments in relation to the proposed development and the known cultural heritage sites in the study area;
- Management recommendations for cultural heritage sites in the study area; and
- Statement of Heritage Effects for the proposed playground.

This report was written by Dr Sophie Collins.

2.0 Environmental Context

The following is a discussion of the geology, soils, landforms and hydrology within the broader study area. These aspects of environment have influenced past occupation of the area in many ways as well as affecting archaeological site formation processes.

2.1 Landscape and Hydrology

The study area is located immediately adjacent (15-100m) to Halls Creek, which runs approximately east to west across the southern edge of the study area. The proximity of the study area to the middle reach of Halls Creek means the it is entirely occupied by gently undulating floodplains of quaternary alluvium.

A recent assessment of the geomorphic history of the Halls Creek landscape by Huonbrook (2019) showed that prior to European settlement on the floodplains of valleys such as this and similar creeks such as Sullivans Creek, Ginninderra Creek, Gooromon Ponds and Cow Flat Creek, 'had no discernible channels and mainly supported trances of swampland and swampy meadows. Others had discontinuous channels, commonly referred to as chains of ponds.....phases of accumulation of alluvium across these partially to largely unchanneled valley floors lasted thousands of years, separated by shorter intervals (typically decades or centuries) of channel incision and expansion)' (Huonbrook 2019:8).

European settlement of the region from c1820 onwards resulted in the destabilization of many creeks and rivers in the region, through pastoral activities. Chains of ponds, such as those described by Hoddle in 1832 as the 'Ginninginderry Chain of Ponds' were the likely form of the local drainage zones near Hall during early period of European settlement (Huonbrook 2019:8).

Extensive disturbance to the upper soil layers through sheep grazing, rabbit activity, wind and wash and reductions in vegetation cover led to enhanced runoff resulted in the newly mobile upper soil layers accumulating along drainage lines and in downstream reaches of channels (Huonbrook 2019:8). Sediment accumulated in the drainage lines causing downcutting of deeply entrenched channels into valley floor alluvium. Channel erosion was further exacerbated by the destruction of the valley floor vegetation and through a series of floods across the region between 1851 and 1879 (Johnson and Brierly cited in Huonbrook 2019:8).

Halls Creek itself is not reported to have overtopped its banks (i.e. those of the present channel) in more than 50 years, indicating that overtopping of the creek ceased following initial impacts of European settlement and land use in the area (Huonbrook 2019:9).

2.2 Geology

Existing geology within the study area has been identified by Abell (1993) as entirely alluvium (see Figure 4) which surrounds the middle reaches of Hall Creek. The broader region, around Hall and surrounds is underlain by the Mount Ainslie Volcanics of the Hawkins Volcanic Suite. The lithology of the area, specifically around Hall is identified as discontinuous outcrops of shale (Abell 1993:22). Naturally occurring quartz is common within the Mount Ainslie Volcanics amongst dacitic ignimbrite and porphyry.



Figure 4. Geology of the Hall Region (image modified from Abell 1993) (Yellow denotes Mount Ainslie Volcanics, white denotes alluvium)

2.3 Soils and Vegetation

Two mapped soil units occur within the vicinity of the study area. More than 90% of the study area is occupied by the Ginninderra Creek SLU (Jenkins 2000) which occurs over gently undulating flood plains with a local relief <10m developed on Quaternary alluvial sediments. This soil unit is confined to stream courses and riparian zones along creeks and contains imperfectly drained areas. Extensive land clearance as occurred within this SLU with only remnants now remaining of the former riparian woodland that would once have been present. Huonbrook (2019:12) characterize the landform unit as ‘a highly erodible or unstable system likely to exhibit waterlogging, flooding and gully erosion reflecting the fact that these drainage systems have undergone major changes in the historical past’.

The northern fringe of the study area, bordered by Gladstone Street falls within the Williamsdale SLU (Jenkins 2000), which covers an area of undulating rises, fans, valley flats and depressions developed on the Silurian volcanic rocks of the Canberra lowlands. The Williamsdale SLU occurs to both the north and south of the study area, sandwiching the more defined Ginninderra Creek SLU on either side (Figure 5).

A recent geoarchaeological assessment of the archaeological sensitivity of the HCASZ identified late Pleistocene sediments representing slightly elevated surfaces adjacent to the creek line as having the most potential for archaeological material. 'These (podzolic) soils have a pale, bleached grey top layer (the A horizon) overlying a darker firmer lower layer (the B horizon) with yellow, red and brown colours..... A horizons on remnants of (Pleistocene age) higher ground are zones likely to have cultural value' (Huonbrook 2019:22).

The original vegetation of this SLU would have comprised woodland, now cleared to altered grasslands and patches of regrowth woodland. Within the immediate study area, introduced grasses dominate for the creation of the recreational facilities currently in place. Huonbrook (2019:12) determined that 'elevated, well drained areas of the wi SLU adjacent to major creeks such as this [Halls Creek] would have been highly suitable for Aboriginal occupation and use'.

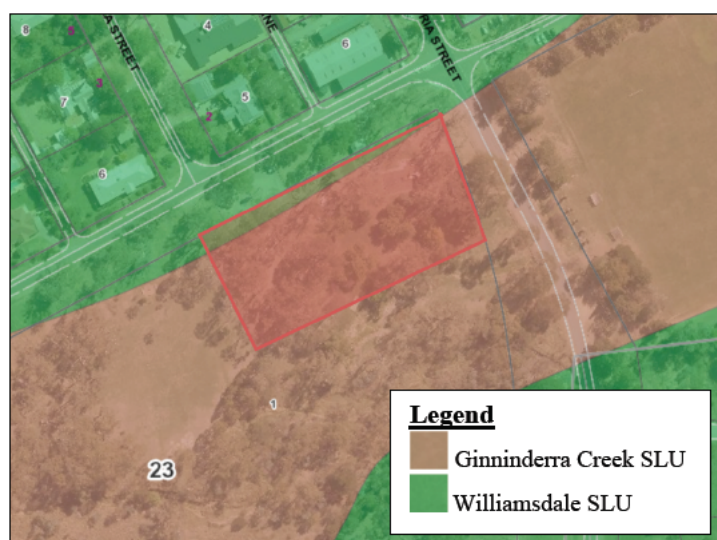


Figure 5. Soil Landscapes within the Study Area (image modified from ACTMAPI accessed 25th July 2019).

2.4 Previous Land Use Impacts

In addition to the alterations reported in section 2.1 to the incision of creek channels and hydrology of the area, the study area has been subject to several kinds of ground disturbing activities since European settlement. The most significant of these is the establishment of the township of Hall to the north of the study area and the existing recreational facilities within the immediate vicinity which include:

- Extensive land clearance and grazing;
- Use for pastoralism, agriculture and repeated cultivation;
- Construction of existing playground, carpark and public toilets;

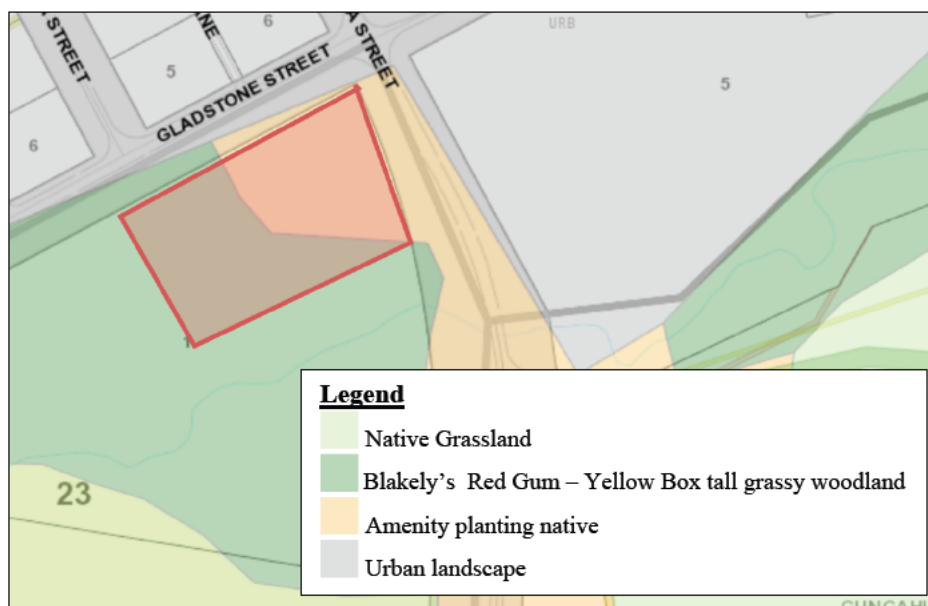


Figure 6. Vegetation within the study area – (image modified from ACTMAPAPI accessed 25th July 2019).

- 1978 sewer line along southern edge of Hall Creek and to the immediate west of the existing carpark;
- Previous concrete slab/hut base;
- Garbage in the form of building material and other rubbish is evident eroding from the surface and parts of the creek bank.

2.5 Resource Statement

Changes to the local channel hydrology from swamp meadows with intermittent chains of ponds to the existing deeply eroded and continuous channel (Huonbrook 2019:10) has important implications for prehistoric Aboriginal occupation and site locations.

From the perspective of occupation, the chains of ponds present prior to European occupation would have held water in the landscape over extended periods, retaining predominantly wet valley bottoms and attracting game and other animals attracted to the wetland margins. The Ginninderra Creek SLU occupying the majority of the current study area would have comprised swampy meadows and swampland, making the area wet and ill-suited to occupation, while providing important riverine and riparian resource zones. It is therefore likely that occupation sites occurred above the wet valley floor bottoms but within sufficient proximity to enjoy the predictable water availability and associated resource rich areas; further north towards the Williamsdale SLU.

Following the landscape becoming drier and the entrenchment of channels, water flows would have become more ephemeral, and precluding the sorts of resources in terms of

game and vegetation that would have originally occupied the wetlands. As such, the current environment is much less attractive than it would once have been.

These changes also had important implications for site patterning. Huonbrook (2019:10) note that ‘this change in the pattern of sediment erosion, transport and deposition will have destroyed ancient campsites in locations where the valley floor alluvium was eroded as the deep channels formed’.

3.0 Aboriginal Occupation Models – Ethnohistory

3.1 Background Information

Ethnohistory entails the use of historical literature as a source for constructing ethnographic analogies and models in the study of the prehistory and contact history of indigenous peoples (McBryde 1979). Although ethnohistoric accounts have been recognised as a valuable source for providing insights into the life-ways of prehistoric people, their application can be problematical. These problems relate primarily to the nature of the sources, their accuracy and/or validity.

Flood (1990) identifies three types of ethnohistoric observations:

- the first hand, eyewitness observations made at the time of first contact with Europeans,
- first hand observations made at a later stage when Aboriginal society had become ‘Europeanised’, and
- second-hand or generalised accounts of Aboriginal life.

Of these sources of information, the most valuable and reliable for the reconstruction of pre-contact Aboriginal life are the first-hand observations made at the time of first contact with Europeans. These include the accounts by explorers, surveyors and pioneer settlers. This does not necessarily mean that other forms of observations should be disregarded. However, caution must be exercised in their application.

3.2 Overview of Ethno-Historic Models

The following provides a brief overview of the nature of pre-contact Aboriginal groupings, Aboriginal concepts of land ownership, and the relationship of both these to pre-contact Aboriginal land use in Australia. While this section does not specifically relate to the study area it does provide a basic framework of understanding regarding Aboriginal social organisation, within which the archaeology of the study area may then be viewed. Such an understanding is an essential prerequisite to any archaeological research analysing the relationship between Aboriginal people and their environment.

The model of Aboriginal society being divided into a series of tribes, based on Tindale’s 1974 publication is now generally considered to be defunct. The tribe is described by the early ethnographers as having rights over a defined tract of land, that included control over entry to people from outside and the right to hunt and extract resources from within the bounds of that area (Keen 2010:46). Several researchers have argued that the concept of a tribe does not account for the complexities of social interaction and organisation found in Aboriginal society (e.g. Keen 2004). The tribal model was used for most of the twentieth century by anthropologists to describe the social organisation of Aboriginal groups and how this related to land ownership. There has been a shift to attempts to describe Aboriginal

society as multi layered and to explore interconnected relationships that operated within broad social groups.

In Australia, the band is generally considered by anthropologists as the basic social and economic unit in pre-contact Australian Aboriginal society (Service 1966, Peterson 1976). The band is described as a small-scale population, comprised of between two to six extended family units, or about 14 – 33 people, which together cooperate in the food quest (Service 1966; Keen 2004:106). The composition of this group (in terms of numbers) was not rigid; group size fluctuated in response to factors such as the availability of resources and visiting kin (Peterson 1975).

Individual bands are seen to occupy and exploit a specific range (Service 1966). The concept of a band's 'range' is not easily defined, and is therefore somewhat problematical to delineate. The ideal method of defining range would be to identify the outermost points of an area used by a group to demonstrate the total area, or range, in which that band operated. Yet, as Peterson (1986) points out, the kind of evidence needed to achieve this, (details of daily movements over several years) is not available for any group within Australia. Nor is such evidence likely to be discernible in the archaeological record. The practical alternative, both from an archaeological and an anthropological perspective, is to identify the base camps used over a period by a group. This provides a rough equivalent of a band's "home range".

3.2.1 Environmental Determinants of Social Organisation

Ecology is, according to Peterson (2008:186) a 'crucial variable' when assessing estate, range and domain. Range normally encompassed the estate, although there were exceptions to this (Peterson 2008:186). In cultures across the world it is impossible to separate natural landscapes from cultural landscapes (White 2003:188). From an archaeological perspective, it is equally impossible to discuss economy and subsistence without reference to the environment.

As Sutton (2008:170) explains, WEH Stanner explored the connectedness of economy, environment and spirituality over forty years ago. Stanner's famous paper 'Aboriginal territorial organisation: estate, range, domain and regime' published in Oceania in 1965 was a benchmark as it provided a new framework within which to define and discuss Aboriginal land ownership (Peterson 2008:185). This framework separated concepts of land ownership from the land that people used. Peterson (2008:185) suggests that this was a fundamental shift that has influenced the last forty years of anthropological debate.

In coastal and riverine environments where a higher population density could be supported compared to desert environments, people could lead more sedentary lives (Keen 2004:103). In these situations, the social organisation of neighbouring groups could become more

individualised; whereas in more arid climates people relied on being able to traverse vast tracts of land to access food and water, requiring closer social relations with neighbouring people (Keen 2004:103).

This argument reflects Louis Binford's model of 'foragers' and 'collector' societies. Foragers are highly mobile groups that move regularly and as a whole to new locations to exploit resources. In contrast, collector societies may move less often but rely on individual members of a society venturing out beyond the camp site location to provide the group with resources to continue residing at the location (Keen 2004:104). Keen (2004:104) suggests that most Australian Aboriginal societies fall within Binford's 'collectors' model – forming home bases and voyaging out from these bases to exploit resources from the surrounding area, which could be very large.

It was economically vital for Aboriginal people to be organised into bands, as this made groups more effective at surviving. Subsistence becomes more efficient and reliable if people are organised into groups that are larger than the nuclear family. This increases the number of 'producers' (people who can actively provide food for a group) and acts as a buffer against the sickness, injury or death of any one individual (Keen 2004:105). However, these groups will never become too large, as increased numbers reduce the mobility of the band, as well as potentially leading to broader social disintegration (Keen 2004:106).

The range of a band had to be capable of providing for the survival of the group for much of the year. Keen (2004) takes an economic view of range and presents a case for the range of a group to be determined by access to preferred food resources. As Keen (2004) argues, availability of foods, food preferences, production techniques and methods of transport all affect how Aboriginal people across Australia could access food resources at varying times of the year. These factors therefore greatly affected mobility; groups had to be able to mobilise and move to where the preferred, available and accessible foods were located (Keen 2004:23).

Keen (2004:126) suggests that seasonal mobility of a particular group is largely influenced by rainfall. In Gippsland where there are clearly defined seasons, but steady year-round rainfall people operated within a broad seasonal migration pattern. However, in the Western desert where rainfall was much less reliable, this was a weaker pattern of seasonal movement. Regular droughts brought on by the El Nino cycles and other more haphazard climatic events all influenced the seasonal movement based on food resources that Aboriginal people required (Keen 2004:79). These affected issues of range, ceremony and interactions with neighbouring groups (Keen 2004:79).

The factors that influence selection of a 'home base' are varied and illustrate the nature of pre-contact Aboriginal societies. Access to fresh water is probably the most fundamental

requirement, and will be common to all home base sites. Distance to food resources is the next consideration. As Keen (2004:104) notes it may be that home sites are better located adjacent to less transportable resources, rather than in areas where there is the highest abundance of food items. The distance that an individual collector can travel within a single day forms an important scope of the range of the home base, and therefore the size of the resource pool available. Keen (2004:104) suggests that in hunter-gatherer societies around the world, 20-30km is considered the maximum foraging distance from a home base. People could then establish smaller temporary camps away from the central home site to enable longer foraging journeys (Keen 2004:105).

Despite the difficulties faced in defining ranges, Peterson (1986) believes there is good evidence for supposing that bands are localised and generally have bounded and exclusive ranges. The most significant evidence is ethnographic accounts recording the elaborate rites of entry accorded to visitors when entering a band's range (see Peterson 1986). However, it appears that the boundaries of a group's 'range' were not necessarily clearly demarcated lines. Trigger describes these overlapping boundaries as 'zones of transition' (Trigger 2010:155).

3.2.2 Aspects of Aboriginal Social Organisation

Individual bands or clans were by no means a social or cultural isolate, but rather interacted with each other in a variety of ways. Typically, these interactions involved visitations, marriage, ceremonies and trade. Through these interactions, links were established or reaffirmed between neighbouring bands. The result was the formation of a cluster of bands, wherein there was some sense of collective identity, often expressed in terms of possessing a common and distinctive language (White & Cane 1986). Most people in pre-contact Aboriginal society were multi-lingual and marriages outside of the language group were common (Keen 2004:134). Indeed, within some totemic groups several languages were spoken (Keen 2004:135).

Linguistic inheritance could be multi-layered. Trigger (1992:104) records how in some northern Australian societies most people were (a) multi-lingual and (b) adopted a primary linguistic label based on where their present circumstances were aligned.

This implies that linguistic affiliation was perhaps a less formal and more adaptive social mechanism. Trigger (1992:105) suggests that this undermines the concept of linguistic groups, which was a characteristic often used in the past to define tribal groups.

Similarly, Keen argues that a shared language did not necessarily indicate shared cosmic beliefs or social customs, nor did language or dialect clearly define social groups (Keen 2004:135). Rather, Keen suggests that broad social groups tended to define themselves more by location, with reference to the type of environment (coastal, hinterland etc.) or

direction (northerners or southerners) (Keen 2004:135). Groups were also sometimes named after and therefore defined by, the name of the leader or a prominent person in that community (Keen 2004:135). Blundell (2003) discusses how the Wandjina rock art sites of the Kimberly formed the cultural and cosmic centres for the 'little countries' or 'dambina' which correlate with the concept of an estate as used by anthropologists (Blundell 2003:162).

Keen (2004:170) presents a model of the complexities of Aboriginal society, where an individual's identity depended largely on context. In some situations, Keen (2004) argues language was the defining factor, in another the broad region to which you claimed affinity, and in yet other circumstances it may be totemic identity that was important. Interestingly, Keen (2004:170) suggests that identity was 'most clearly defined' in areas rich in resources, such as coastal zones, while people in more arid environments had less strongly applied rules governing identity. This reflects the imperative for desert people to be on solid relationships with their neighbours. The following section discusses issues of Aboriginal connection to the land in more detail.

3.2.3 Concepts of Aboriginal Land Ownership

The band was in essence a land using group, but not a land-owning group. Land ownership was vested in 'the clan' or 'corporate group' which is defined as a broad group of people that shared social characteristics, and was often tied to having rights over certain tracts of land, known as an 'estate' (Keen 2004:134; Peterson 1986). It is uncertain whether clans within eastern Australia were strictly patrilineal (as is suggested in other parts of Australia), or whether membership was determined more on the basis of place of birth (White and Cane 1986). Keen (2004:136) argues that across Australia it was common for totems to be patrilineal, where a child took their father's totem, and that this was strongly tied to land ownership. The totem was an important feature of Aboriginal society and was used to define individuals, small groups and larger groups (Keen 2004:135). This was by no means the only form of land connection across Australia; in some parts, a person's place of birth determined which country they were tied to (Keen 2004:137).

Where matrilineal systems operated (where a totem was passed from mother to child) it tended to cause people of the same totemic identity to be dispersed among several land based groups. In this way, matrilineal relations become important when determining marriage and other social ceremonies, but were not generally connected to land ownership (Keen 2004:137).

The system of patrilineal transition of land ownership concepts is reflected in Patterson's 1811 account of Bennelong's sense of ownership of Goat Island (Keen 2010:45). Patterson wrote that Bennelong had 'inherited' Goat Island from his father and that he in turn had the right to pass it on to his companion By-gone (Keen 2010:45). This is supported by Eyre's

1845 observations about the hereditary transmission of Aboriginal land ownership (Keen 2010:46).

Ancestral law was the defining principle that controlled access to country and landmarks, including water sources (Keen 2004:299). Tied to this notion are concepts of cosmology, religion and the ongoing influence of the ancestors (Keen 2004:303). Keen suggests that: ‘ancestral significance integrated country, resources and technologies into the all-encompassing framework of ancestral law, not only as a mode of control, but as a way of being.’ (Keen 2004:303). Myers has also argued that ownership of territory was largely vested in knowledge of the ‘stories, objects, and ritual associated with the mythological ancestors of the dreaming at a particular place (in Peterson 2008:192).

Ethnographic and anthropological research provides a context within which to view the archaeological record. The overview presented here reveals the complexities of Aboriginal societies across Australia. It indicates the interrelated nature of the environment, religion and social structure in pre-contact Aboriginal societies and has implications for discussions of the archaeological record.

3.3 Aboriginal Social Organisation, Customs and Lifestyle in the ACT

According to Tindale (1974), the ACT was primarily occupied by the Ngunnawal (previously the Kamberri), whose country Tindale recorded as extending from Marulan and Goulburn to the Shoalhaven and Molonglo rivers, including Lake George and Queanbeyan, across to the Goodradigbee and Tumut rivers, north to Boorowa and back across to Goulburn. However, arguments have arisen suggesting that this boundary reflects the 20th century developments and not the territory of the Ngunnawal at the time European explorers first arrived at Lake George (see Jackson-Nakano 2001:21). According to Jackson-Nakano, the broader area now known as the ACT was originally occupied by a wide range of Aboriginal groups, including the Pajong, Wallagalooa and Yass Communities, the Kamberri and the Moolingoolah or Molonglo Plains community.

Within the earliest historical documents, the Aboriginal of the Canberra region were variously referred to as the ‘Kamberra’ tribe (William Davis Wright of Lanyon), the ‘Nganbra Pialligo’ tribe and the ‘Kgamburry’ tribe (William Philip Bluett) and the ‘Kembery’ tribe (Dr. John Lhotsky) by the various early European explorers of the region (Gillespie 1984:2). Importantly, the tribal names used by early settlers and explorers rarely mimicked the correct tribal names; instead tribes were regularly referred to by their location with numerous references appearing in early records to the ‘Murrumbidgee blacks, the Lachlan blacks, the Limestone blacks, the Yass blacks and other similar appellations’ (Gillespie 1984:45). Nevertheless, these records provide the best documentation for what is currently known of the customs and lifestyle of the Canberra Aboriginal peoples prior to and at the time of European settlement.

3.3.1 Population

Whilst an accurate count of the Ngunnawal tribal numbers was never made, available records seem to indicate that at the time of settlement Ngunnawal people numbered between 400 and 800, with 500 as the most frequent estimate (Gillespie 1984:2). William Davis Wright of Lanyon wrote in 1923 'From many conversations I had with various members of the tribe I got to know them and their customs pretty well.... It was an ordinary sized tribe, between 400 and 500 at the time of first white settlement', however subsequent reports suggest numbers of between 7 and 800 once existed (cited in Gillespie 1984:2).

More detailed records were made in 1938 by George Augustus Robinson, given his particular interest in Aboriginal people, who recorded a list of 48 Aboriginal people he encountered near Yarralumla. His list included Ong gong and several other members including Jemmy the Rover (Coolup). Robinson described the Limestone natives as 'a fine, sturdy, athletic race, men and women well-proportioned and finely finished' (cited in Gillespie 1984:45).

Early explorers suggest that Aboriginal people generally lived in family groups or sub-groups, with gatherings of larger numbers only occurring on special occasions and involving the meeting of several tribes (Gillespie 1984).

Regardless of exact population counts, it is abundantly clear that Aboriginal people frequented the Canberra region in substantial numbers at the time of European settlement.

3.3.2 Hunting, Gathering and Settlement

The observations of early explorers indicate that, like most Aboriginal tribes, those of the Canberra region were hunter gatherers, with men taking the role of hunting and women gathering food (Gillespie 1984:45). Given the limited ability of tribes to transport and store large quantities of food, food procurement occurred on a daily basis.

Early observations by W.P Bluett indicate that the area surrounding the Limestone plains (prior to European settlement) abounded with bird and animal life including terrestrial animals around the open plains such as kangaroos, emus and brolgas, as well as resources related with the Queanbeyan, Molonglo and Murrumbidgee Rivers which provided excellent aquatic resources as well as scrubby growth and reeds which provided excellent cover and nesting places for aquatic birds. Smaller game included birds, lizards, opossums, native cats, squirrels, fish, birds' eggs, yams, berries, grubs and seed (cited in Gillespie 1984:45). The ready plentiful availability of kangaroos, opossums and wombats meant they were highest on the list of Aboriginal diets, however the smaller game was equally important.

The availability of game and other resources was noted to largely determine the location of campsites. However, the weather and the corresponding seasonal availability of some

resources or droughts would also cause Aboriginal people to move on to more favourable locations. The arrival of the Bogong moths in late spring each year was noted to be a dependable food source, resulting in an annual trek to the mountains (Gillespie 1984). Campsites were usually in areas that provided shelter from the wind, were near water sources.

John Gale, an early arrival in the area recorded the following method of capturing wombats:

'A blackfellow enters the burrow, the roof of which he strikes as he progresses. His companions above ground listen for the sounds and by that means follow the direction of the burrow. When the animal is reached at the end of his burrow a certain signal is made, whereupon they dig down and effect a capture, the wombat being prevented from making his exit by the blackfellow who had pursued him' (Cited in Gillespie 1984:45).

According to Gillespie, the Canberra Aboriginal peoples maximized all resources available to them 'overlooking very little which was tasty and edible' (1984:46).

3.3.3 Clothing

In 1834 Lhotsky encountered a group of 60 Aboriginal people near Gunning, recording that

'They were all naked, excepting that the men wore a girdle with a small sort of apron formed of fringes before and behind.... A few of the strong young men wore a sort of armband upon their left arms, made (as were also the girdles abovementioned) of the twisted hair of kangaroos and which was a sort of distinction for brave warriors' (Cited in Gillespie 1984:47).

Lhotsky later observed the preparation of opossum skins for cloaks and nets by women sitting in gunyahs, however it was noted that the wearing of cloaks was not for all members of the tribe, being reserved for the more privileged of the group.

3.3.4 Habitations

Most reports of the shelters created by Aboriginal people in the area suggest that they were simple structures. Bluett describes their 'gunyahs' as 'flimsy seasonal affairs' (cited in Gillespie 1984:47) constructed from green bushes with leaves sloping downwards against a low branch of a tree or against a pole set between two forks. He also noted furred skins for bedding, along with a few bark dishes vessels for holding water and food.

By comparison, Wright recorded that shelter types and complexity of construction varied with location, ranging between simply bough shelters sufficient to shield the rain to very good bark huts (cited in Gillespie 1984:47).

The Aboriginal people also made use of natural rock shelters wherever possible, with numerous rockshelters retaining rock art and Aboriginal places and objects throughout the broader region.

3.3.5 Customs

Very few first-hand recordings exist of traditional Aboriginal customs. One exception is provided by German Naturalist Dr John Lotsky, who visited the area in 1834, who recorded the following information about a corroboree, which he overheard:

‘Their strain was in 2-4 time, which they marked by beating crotchets and in moments of greater excitement, quavers.....The tones weakened by degrees, the tones died away and grand silence and ethereal clearness filled the plain and all the wilderness about my camp’ (Cited in Gillespie 1984:30).

4.0 Historic Context

4.1 Brief Regional History

The first documented European visitor to the Canberra region was Charles Throsby, who arrived in search of the Murrumbidgee River in 1820. Throsby travelled through the northern section of Canberra, exploring from Lake George to the Murrumbidgee River, which he followed to the Queanbeyan River and further into the eastern part of the limestone plains (Cross 1985:3-8).

Following Throsby, officer of the Supreme Court Joshua Moore, also travelled to the area; liking the agricultural prospects of the region, he became the first squatter/settler by 1824. Moore soon established several employees along the Molonglo River with the aim of farming sheep and establishing crops (ERM 2012). Moore's status as squatter had shifted to landowner by 1827 with the purchase of 1000 acres of land, upon which he established the Acton sheep station on the Molonglo River.

By 1824, Robert Campbell had also arrived in the district, occupying Canberra's Duntroon region. Campbell, a Sydney Merchant, lost his ship 'the Sydney' whilst conducting government services, and was compensated for the loss with the land grant known as 'Pialligo'. He advertised in both Sydney and Britain for tenant farmers to work his estate. Each Tenant Farmer was given a house and an area of land to farm, with a portion of each crop going to Campbell. At its most profitable, Duntroon (a sheep grazing estate) included some 32,000 acres of land, with 27 cottages including 'The Oaks Estate', Blundell's Cottage, several stables, an apple shed, an apiary, a dairy and a woolshed.

In 1826, Palmer acquired four portions of land within the Parish of Canberra. Portions 20, 21 and 22 each comprised 640 acres, with Portion 23 comprising 720 acres. Parts of portions 20 and 22 lie within District of Gungahlin (Gillespie 1985).

Around the same period, Morrissett purchased two portions of land within the Parish of Canberra. These being portion 19 of 728 acres and portion 24 of 640 acres. The majority of both portions lie within the district of Gungahlin (Gillespie 1985).

Probably the earliest free selector to settle in the Gungahlin District was John Gillespie, who acquired portion 28, this being 30 acres at 'Dead Horse Gully'. In 1853, Gillespie built his permanent home, 'Horse Park', on this portion. 'Horse Park' is believed to be one of, if not the earliest homestead to be built in the Gungahlin District (Gillespie 1985).

The passing of Robertson Land Acts in 1861 led to an increase in demand for small areas of land within the Gungahlin District. The predominance of small land holdings tended to be in the poorer parts of country within the district. This is due to the fact that the original

grantees (Robert Campbell, George Thomas Palmer senior and James Thomas Morrissett) had already selected the better portions of land.

By the 1890s, most of the land in the Gungahlin District had been taken up by European settlers. The few areas remaining were mostly rough timbered country.

Settlement of the southern ACT Catchment also began in the 1820s, with homesteads established in close proximity to the natural water courses such as the Murrumbidgee and Cotter Rivers and Tuggeranong Creek. By 1835, all the best land on the Limestone Plains was being rapidly occupied. The Tuggeranong and Lanyon Homesteads were established in 1836 and 1859 respectively and represent two of the earliest properties in the region.

4.2 History of Hall

The first landowner in the broader Ginninderra area was George Palmer Snr who occupied land on 'Ginninderry Creek' in 1826. Three years later Palmer formally applied for permission to bid for 10,000 acres at 'Ginginninderra', obtaining grants in three neighbouring parishes in 1831 (Weetangera Portions 4, 8, 9, 10 & 94; Walleroo Portions 4 & 34 and Canberra Portions 20, 21, 22 and 23). The settlement of Palmerville, run by overseer Duncan McFarlane, a couple of emancipists and several convicts/servants, developed on Portion 20, Parish of Canberra. Subsequent grants were issued to Richard Popham (640 acres), John Langdon (1280 acres, soon bought by Palmer) and Charles Sturt (5000 acres – soon sold to Charles Campbell).

Palmerville later became known as Ginninderra, doubling over time with consecutive ownership by William Davis Jnr and Edward Crace and encompassing additional land at Gungahleen and the purchase of Henry Hall's 'Charnwood'. By 1913 Crace ran 19,424 sheep and had 1500 acres under cultivation. Palmer's village at Ginninderra was the major settlement in the Canberra District prior to the proclamation of Hall Village.

The township of Hall was officially surveyed in 1881, and shows the southern boundaries of Halls Creek near hall as rural portions of between 40 and 79 acres, with the northern side of the creek designated as either 'Reserve for access to water' (the current study area) or 'Reserve for Recreation' (land to the east of Victoria Street). An east to west track through the reserves lead to the Charnwood (marked on the 1881 plan). The township was proclaimed in 1882, some 18 years after the Hotel the Cricketers Arms (also known as One Tree Hill Hotel) received licensing. Wattle Park Church and Ginninderra police station also opened in 1882. The first Hall land sales occurred in 1886, with the post office and first general store opened in 1888 and 1889 respectively. The first village well was dug in 1902, the first telephone exchange opened in 1911 with two subscribers. Following the closure of the Ginninderra School in 1910, the Hall School was opened in 1911. A new Premier Store opened in 1912. In 1924 the Advance Hall and District Association was formed and two

small district shows were held at Hall in 1925 and 1926. In 1925 the Federal Government granted an extension to the Showground area. In 1927, the first Inaugural Canberra Show was held at Hall Showgrounds and remained at this venue until 1963. Electricity was supplied to the town in 1948 and town water connected in 1967.

The township is named after Henry Hall, who was granted 3472 acres of land in the Parish of Ginninderra which he named 'Charnwood' after the forest of Charnwood in Liecestershire, England. Henry and his wife Mary ran 'Charnwood' for 40 years, arriving c1833 and selling the land to Crace c1873. The Halls were well involved in the community, with Henry filling the role of the first church warden at St John the Baptist Anglican Church from 1854-1855 and again between 1857-1861. Hall was also actively involved with the opening and running of the new schools in the district including Ginninderra School and the board of the Glebe School at St Pauls. But despite being known for their hospitality and for wife Mary's gentle, refined and gracious nature, Henry himself was known to be a hard master with convict records showing him dishing out lashings to convicts for trivial infractions. Hall was also known to be violent towards the local Aborigines with Shumack reporting he 'treated them particularly vilely' (Shumack 1965:150). Hall reportedly shot Onyong, a respected Aboriginal warrior and leader, when he caught him spearing a bullock. The wound reportedly stayed with Onyong for the rest of his life (Schumack 1965).

4.3 The Study Area

Leon Smith's *Memories of Hall* (1975:43) describes some use of the current study area; 'A small area of land situated mainly between the store and the Hotel was always referred to as the reserve. It was used as a camping ground by travellers. Sometimes a 'travelling circus' or entertainment show would erect a tent on the ground....any such entertainment at Hall in the early 1900s was very rare....There were no camping facilities or conveniences'.

The Hall Village Well (no 15 marked in Figure 7), located on the western boundary of the current study area supports the earlier suggestion that the study area was used 'Reserved for access to water' in the earliest days of the town's settlement.

4.4 Previous Historical Studies of Hall Village

Several historical surveys have been undertaken within the current suburb of Hall and its surrounds, usually in conjunction with Aboriginal archaeological surveys (see Section 5.1).

In 1998, NOHC undertook an investigation of a 550ha area extending eastward from the NSW-ACT border between One Tree Hill and the Barton Highway, including the proposed Gungahlin suburb of Kingleyside. The study area included the majority of the One Tree Hill range.

The study resulted in the discovery of 12 historic sites displayed in Table 1 below. None of these sites occurs within 400m of the current study area.

Table 1. European Sites identified by NOHC 1998:34

ID	Site Type/Name	Description
HH1	Site of selector's hut (Henry Rolfe c.1870)	Pile of hearth/ chimney stones, may be associated with archaeological deposit
HH2	Agricultural machinery (mid C20 th ?)	15 row tractor drill seeder previously recorded as HSK2
HH3a	'Sunny Corner' (late C19 th or turn of century)	Includes original wood frame and corrugated iron clad house with later alterations, c.1950's addition of SMA house, and reconstructed garage around original separate kitchen?
HH3b	Site of Sunny Corner woolshed	Demolished 1970's?
HH4	Cottage (mid C20 th)	Wooden frame and fibro clad cottage
HH5	Original ACT boundary markers (1910-13)	Four markers consisting of stone alignments with 3 including marked wooden posts (all north of One Tree Hill fire tower)
HH6	Agricultural machinery (mid C20 th ?)	Tractor tandem disc harrows (4 x 8 discs)
HH7	Borrow Pits	Multiple shallow clayey gravel pits
HH8	Bolton's Woolshed (early to mid 1940s)	Wooden frame and corrugated iron clad structure with later additions, incorporating timbers from original Gold Creek homestead, concrete dip constructed 1954
HH9	Site of house (William Rolfe c.1879)	Remnant hearth bricks and ground relief features, may be associated with archaeological deposit
HH10	Remnant stock yards (c1920's)	Post and rail and wire construction, poor condition
HH11	Site of Hall Creamery (1895-1897)	Includes piles of rubble, earth mounds and depressions, and well with dry stone walling, may be associated with archaeological deposit
HH12	Site of former 'well' used as supplementary town water supply	No surviving evidence (location reported in local historical sources). This feature may have been a waterhole rather than a formalised well.

In the same year, NOHC were engaged to undertake heritage investigations ahead of remedial works at the Hall Showground. The study resulted in the identification of several historic sites and features, including the memorial tree grove and fence, the sheep pavilion and old growth eucalyptus trees and other old pine and deciduous trees (NOHC 1998b). None occurs within the current study area.

4.5 Search of the Heritage Register

As part of the background research for the investigation, a heritage register search was undertaken on the 4th April 2019. The study area falls within the heritage registered area of the Hall Village Heritage Precinct (Citation 20087). The citation is available through the ACT Heritage Register, with pertinent features of intrinsic significance summarized as follows:

- The 'rural village' urban landscape character of the Hall Village
- The informal streetscape character consistent with a rural village
- The landscape setting of Hall Village

- Individually identified built heritage places of collective historic and social value including: War Memorial Grove, Hall Showground and Sportsground, Winarlia, Premier Store, Hall Antiques and Garage, Morris' Bootmakers Shop, St Michael & All Angels Anglican Church, Hall Primary School, Hall education Museum, 'Avoca', 'Cooee', St Francis Xavier Catholic Church, Halls Creek Road Bridge, Village Well, Hall Village Reserve, Cricketers Arms Hotel and Hall Cemetery.

The closest of these sites to the current proposal is the Hall Village Well which occurs over 70m from the proposed study area.

4.6 Predictive Historical Archaeology Statement

Given the European history of the study area it is possible that unrecorded historic sites and features of heritage significance may occur within the study area. These may include:

- Indications of historic field systems, drainage channels and/or furrow plough lands;
- Agricultural and transport infrastructure, plantings and evidence of land or animal husbandry;
- Remains of former temporary dwellings, outbuildings, timber-getterers huts etc
- occupational domestic and industrial tools and refuse deposits;
- fence posts and boundary delineators.

5.0 The Archaeological Context

5.1 Previous Archaeological Investigations Within the Northern Canberra/Gungahlin

The Gungahlin area has been the focus of a large number of previous archaeological investigations. The majority of these investigations have been cultural heritage assessments in connection with proposed urban development. These investigations have resulted in the identification of over 300 Aboriginal sites in the Gungahlin area. The vast majority of these sites are classified as open artefact scatters and isolated finds. However, other site types such as scarred trees, stone procurement sites and an ochre quarry have also been recorded.

One of the first archaeological surveys undertaken of the northern Canberra region occurred in 1975-76 and was completed by the Canberra Archaeological Society. The survey located 'seven sites' and a larger number of 'less significant finds' (Bindon and Pike 1979). From the 1980s, archaeological survey and assessment became more systematic in the ACT, with the majority of work being conducted in the context of development impact assessment (NOHC 2013:13).

As large tracts of land became available for urban development within Gungahlin, several large scale archaeological surveys were completed to define the archaeological resource of the release areas (Kuskie 1992a, 1992b; Officer and Navin 1992; Wood and Paton 1993). Numerous other surveys were conducted for smaller areas of Gungahlin ahead of specific developments such as roads, golf courses, storage facilities or pipelines.

As part of his Honours thesis, Huys (1993) collated the available site data for Gungahlin. Although this information is somewhat out of date now, with many archaeological investigations having been subsequently undertaken within Gungahlin, it still remains one of the most comprehensive summaries of Aboriginal site information available for Gungahlin.

At the time that the review was undertaken a total of 149 Aboriginal sites and 125 isolated artefacts had been recorded within the Gungahlin area. The recorded sites comprised:

- 126 open artefact scatters ;
- 5 stone procurement sites ;
- 1 ochre quarry and associated artefact scatter ;
- 2 sets of axe grinding grooves ;
- 15 possible scarred trees.

The required information about site location was available for 117 open artefact scatters and 98 isolated finds. The table below provides a summary of this information.

Table 2. Site Details and Locations

No. of artefacts in site	Sites < 50m of water, on elevated ground	Sites < 50m of water, on flat	Sites 50 to 100m from water, on elevated ground	Sites 50 to 100m from water, on flat	Sites > 100m from water, on elevated ground	Sites > 100m from water, on flat
1 to 9	28	35	22	4	93	3
10 to 49	4	3	7	0	3	1
50 to 99	1	1	2	0	1	0
100 +	0	1	7	0	0	0

The information in the table does not tell us a great deal, other than the fact that the majority of sites are located upon elevated ground. However, when we examine these figures in relation to site size, an interesting pattern emerges.

With smaller sites (those containing less than 10 artefacts) there appears to be no clear relationship between site location and distance to water. Rather, these sites appear to be randomly scattered across the landscape. However, when we look at medium sized sites (10-49 artefacts) a clear pattern emerges with the majority of sites (77%) being located in close proximity to water. With large sites (those containing over 50 artefacts) this pattern is accentuated, the vast majority (over 90%) being located close to water.

It therefore would appear that a clear correlation exists between site size and distance to water, where, as site size increases so to does the percentage of sites located within 100m of water. The same correlation is not apparent with regard to elevation. Rather, it would appear that the majority of sites, regardless of size, are located on elevated ground.

In summary, Huys (1993) found that with isolated artefacts and small artefact scatters, there was no clear pattern of site location in relation to landscape features, except that sites tended to be located on elevated ground. However, with small to medium sized artefact scatters, a very clear pattern of site location was apparent, with the vast majority of sites being located on elevated landscape features, within 100m of a water course. The larger artefact scatters tended to be focused along major creek lines or the raised margins of wetlands (Huys 1993).

In terms of stone artefacts, Huys (1993) reports that at the time of collating the available archaeological information, 2893 stone artefacts had been recorded within the Gungahlin area. Represented in this collection are twelve different material types. The table below provides details of these material types, and the number of artefacts recorded for each type.

Table 3. Stone Material Types Identified in Gungahlin

Material Type	No. of artefacts	% of total
Quartz	1436	49.6%
Chert	941	32.5%
Silcrete	162	5.6%
Volcanic	117	3.8%
Quartzite	109	3.5%
River pebble	50	1.8%
Metamorphic	33	1.1%
Rhyolite	21	0.7%
Jasper	9	0.3%
Chalcedony	6	0.2%
Sandstone	4	0.14%
Basalt	3	0.11%
Glass	2	0.07%
TOTAL	2893	100%

From this table it is clear that the dominant stone material type represented in the artefact assemblage of the Gungahlin area is quartz, followed by chert (tuff). This is significant in terms of the present investigations, given the presence of quartz outcrops in the study area.

There have been a number of archaeological investigations undertaken in Gungahlin since study undertaken by Huys (1993). Several of these investigations have been focused within the Mulligans Flat Nature Reserve which is situated around 2km to the north-east of the present study area. The following provides a summary overview of these investigations.

Wood and Paton (1993) carried out a cultural resource assessment of a 1400ha parcel of land known as Area C5, which incorporated the northern portion of Gungahlin, including the Mulligans Flat Nature Reserve. In the course of their investigations Wood and Paton (1993) identified a total of seventeen (17) Aboriginal sites and thirty three (33) historic features within the area C5. With regard to the Aboriginal sites, eight are classified as isolated artefacts, seven sites are classified as open artefact scatters and two sites are potential scarred trees. Of the seven artefact scatters, three sites comprise two stone artefacts, with the remaining four sites each comprising in excess of twenty stone artefacts. Wood and Paton (1993) noted a strong correlation between site location and water courses, with six of the seven artefact scatters being located within 100m of a water course. Eight of the historic features identified by Wood and Paton (1993), and seven of the Aboriginal sites are located within the bounds of the Mulligans Flat Nature Reserve.

Saunders (1994) was contracted by Canberra Nature Park to undertake an archaeological survey of selected areas within the then newly gazetted Mulligans Flat Nature Reserve. In the course of the investigations, Saunders (1994) identified a total of three open artefact scatters and three isolated artefacts, with a total artefact assemblage for all sites of 21 artefacts.

Williams and Barber (1995) was contracted by Canberra Nature Park to undertake a preliminary cultural resource survey of an area known as Stage 2 within the Mulligans Flat Nature Reserve. The Stage 2 area was located within the southern section of the Nature Reserve, and incorporated an area of approximately 208ha. In the course of investigations within this area, Williams and Barber (1995) identified a total of twenty-one (21) Aboriginal sites and fourteen (14) European Heritage Sites.

With regard to the Aboriginal sites, fourteen are classified as open artefact scatters and eight are isolated artefacts. Of the fourteen artefact scatters, twelve of the sites comprise less than 20 artefacts. The majority of sites were located on elevated landscape features (e.g. spur and ridge crests), with the majority of sites (13) being located within 200m of a water course. The total artefact assemblage for all sites was 150 artefacts. Flakes and flake pieces were the most common artefact types represented in the assemblage, with cores and a broken ground edged axe also identified. Six different stone material types were represented in the assemblage, with chert being by far the dominant material type. With respect to the fourteen identified European heritage sites, the majority (9 sites) are described as being small and unobtrusive. The exceptions are sites WB/H3, WB/H10, WB/H11 (ploughlands), WB/H8 (Dray) and WB/H13 (Hut site).

Williams and Barber (1999) was contracted by ACT Parks and Conservation Service to undertake a preliminary cultural resource survey of areas B and C within the Mulligans Flat Nature Reserve. Areas B and C were located within the northern section of the Nature Reserve, and incorporated an area of approximately 575ha. In the course of investigations within this area, Williams and Barber (1995) identified a total of forty three (43) Aboriginal sites and 15 historic sites.

Of the 43 Aboriginal sites, 31 are classified as open artefact scatters, 11 are classified as isolated finds and one site (WB/A64) is classified as an Aboriginal stone quarry. The vast majority of artefact scatters were small in size, with only two sites (WB/A28 and WB/A47) comprising more than 50 artefacts. Barber and Williams (1999) report that 69% of the Aboriginal sites located were associated with ridge or spur lines, with the larger artefact scatters tending to be located on more gently elevated landscape features.

The total artefact assemblage for all sites identified in Areas B and C was 542 artefacts. Williams and Barber (1999) identified a total of fourteen stone material types within this assemblage, with quartz and metamorphosed tuff being the two dominant material types. Flakes and flaked pieces were again the dominant artefact typologies represented in the assemblage.

AASC (2006) was contracted by Environment and Recreation, Territory and Municipal Services (the Managers of Canberra Nature Park, including the Mulligans Flat Nature

Reserve) to carry out a cultural heritage assessment for the proposed alignment of an 11km long feral proof fence which was to run around the perimeter of the Reserve. In the course of the field investigations, a total of seven (7) Aboriginal heritage sites and one (1) historic site were identified. Of the seven Aboriginal sites identified, three of these sites had been previously recorded. These were sites WB/A2 (1976), WB/A30 (2156), C5/8 (1453). The remaining four sites (MF1, MF2, MF3, MF4) were all newly recorded sites. MF1 and MF2 were both isolated artefacts, while MF3 and MF4 were small artefact scatters comprising less than five artefacts. The one historic site that was identified during the field survey had also been previously recorded, this being site WB/H20 (The Old Coach Road).

5.2 Previous Archaeological Investigations Relevant to the Study Area

Large numbers of Aboriginal sites within the Hall region have been previously recorded through archaeological investigations completed as part of the urban expansion of Canberra; west Gungahlin, west Belconnen and around Hall Village. Reports of sites identified as occurring in stratigraphic contexts consistently place sites in shallow A horizons of local sediments/soils, exposed in creek and gully sections, eroded in by gully and wash processes or in areas disturbed by land use. Instances of artefacts definitively occurring at depth in B horizon or parent material soils are unrecorded (Huonbrook 2019:13).

One of the earliest surveys of Hall was completed in 1975 by the Canberra Archaeological Society (Bindon and Pike 1979, revised 1989); followed by the Gunghalin EIS completed by Anutech in 1984. Both were preliminary investigations and few sites were identified.

In 1995, Huys and Johnston undertook a survey of Kinleyside, a proposed suburb to the east of Hall Village. The study resulted in the identification of six open scatters and four isolated finds, with a total of 31 artefacts recorded between them (Huys and Johnston 1995).

In 1998, Navin Officer (NOHC 1998a) were engaged to survey a proposed Hall Rural Estate, located to the north and east of Hall Village and including the proposed suburb of Kinleyside. The study identified a total of 20 open scatters and 17 isolated finds.

In the same year, Navin Officer (1998b) were engaged to undertake investigations ahead of remedial works at the Hall Showground. The inspection resulted in the identification of two Aboriginal sites, comprising low density artefact scatters. NOHC concluded that 'The location of these two sites indicates that it is very likely a discontinuous and low density scatter of stone artefacts is present along both banks of Halls Creek in this area.

In 1998, Officer and Navin proposed a regionally specific predictive model for Aboriginal sites within their survey area for the proposed Hall Rural Estate. The model was a refinement of previous models proposed by Hughes et al. (ANU Archaeological Consultancies 1984) and included the following key elements:

- Open artefact scatters are most likely to occur on level ground in locally well-drained contexts, such as spur crests, terraces or elevated creek banks in valley floors, low gradient crests and stream-line banks in mid valley slope settings and level crests, shoulders and saddles on major ridgeline spurs;
- Larger sites commonly occur adjacent to or in close proximity of creek flats or valley bottoms, commonly on low gradient footslopes of hills adjacent to streams or wetlands;
- Largest sites occur within 100-150m of major and relatively permanent drainage lines;
- Open scatters away from footslopes or major tributaries tend to be small and sparse with a preference for major confluences and valley constrictions indicated.

In 2019, an investigation was completed by Navin Officer (NOHC 2019) for an earlier version of the current proposed playground. The previous proposal was for a 1km bike track suitable for enjoyment by all ages. The proposal was to include the construction of a low-level crossing over Halls Creek, installation of a steel platform and clearing of the surface of the soil to 50mm and using a mini excavator and some hand excavation. The proposed area of impact for this track included grounds immediately adjacent to the current study area, including a large portion of land to the south of Halls Creek. A field survey undertaken by NOHC in 2017 failed to identify any Aboriginal sites within the study area, however a member of the public subsequently located several Aboriginal artefacts in the vicinity (Site 4, Site 5 and Site 6). These sites consisted of three isolated finds.

The most recent investigations undertaken in Hall and in particular within the current study area, was the Halls Creek Geoarchaeological Assessment Report produced by Huonbrook 2019. The primary objective of the study was to identify archaeologically sensitive areas, by characterizing landscape units and landforms with the greatest potential to contain subsurface archaeological materials in their original locations. The study therefore sought to establish the geomorphological history of the area, with a specific bent towards depositional landforms likely to contain archaeological materials in stratigraphic sequences that reflected their deposition over time (Huonbrook 2019:5).

Huonbrook gathered existing data from the immediate region to determine a pattern of site occurrences within relevant landscapes within the HCSZ, including mapped site locational data and written descriptions from sites identified along or adjacent to Halls Creek, Ginninderra Creek and Gooromon Ponds. These findings were then mapped relative to the locations of Williamsdale and Ginninderra Creek SLU's according to Jenkins (2000). Only sites located within 200m of a creekline were included in the analysis. A total of 17 sites occurred on elevated surfaces within the Williamsdale SLU, with another 13 sites recorded in unspecified landform locations. A total of 9 sites were identified on Pleistocene terraces within the Ginninderra Creek SLU, with another 26 sites included from unspecified landform

locations. Approximately 40% of sites were definitively located on elevated well drained land surfaces above Holocene flood levels, with another 13 determined by Huonbrook to also have been likely to have occurred on well-drained surfaces above flood levels.

Huonbrook subsequently undertook a systematic field survey, examining the entire length of the HCASZ within 200m of both banks of Halls Creek and identifying relevant landform units. Sedimentary soil profiles were inspected wherever possible, with 13 exposed creek bank sections recorded and another 6 locations were excavated set back from the creek banks.

The study determined that at the time of European settlement, the archaeological record of the area would have been largely intact, with late Pleistocene surfaces remaining relatively undisturbed throughout the Holocene. However, with the introduction of European landuse practices and the resulting impact on the land surface, especially close to the existing village, varying degrees of archaeological disturbance have occurred. Areas with the greatest integrity were identified as those located on the southern side of Halls Creek and particularly to the east and west of the village itself, where relatively intact deposits were identified.

By comparison, it was determined to be much less likely that stone artefact assemblages would survive in the Holocene sediments within paleochannels, stating 'any artefacts found in the post (European) settlement alluvium (PSA) in the creek channel will be completely out of their original context' (Huonbrook 2019:22).

However, while subsurface contexts appear to be less fruitful archaeologically, Huonbrook comment that the 'combination of eucalypts mature enough to have cut bark slabs from, at least one visually impressive scarred tree, artefact scatters and artefact-bearing sediments has created a cultural landscape that is rarely conserved in urban areas, making the Halls Creek Aboriginal Sites Zone an important landscape area..... Once a major focus for Aboriginal occupation' (Huonbrook 2019:22).

The study identified Aboriginal sites eroding out of A horizons of podzolic soils or occasionally on the eroded face of the creek bank having fallen from uncertain provenances above (2018:19). Mapped incidents of artefacts and sites show an even distribution along the creek line but predominate on the southern side.

The study resulted in the establishment of 3 broad predictions of site patterning based on the understanding of the geomorphological development of the study area. These predictions are summarized below:

Prediction 1 – late Pleistocene surfaces and sediments

- Artefacts will most commonly occur in A horizon podzolic soils formed on late Pleistocene sediments, especially close to the creek bank;
- Assemblages are likely to be sparse and evenly distributed along the valley floor
- Most artefacts within these A horizons will, to varying degrees, no longer be 'in situ';
- It is unlikely that late Pleistocene assemblages can be differentiated from Holocene assemblages within these A horizons;
- The possibility exists for Pleistocene age artefacts in B horizon podzolic soils, but will be difficult to differentiate from younger artefacts that have moved through the profile by pedogenesis.

Prediction 2 – Holocene surface and sediments

- Contemporary stone artefacts are more likely to have been discarded on elevated Pleistocene surfaces than on Holocene alluvial surfaces due to the episodes of erosion and reburial.

Prediction 3 – Post European Sediments in the present creek channel

- Out of context finds may be expected along creek banks eroded from A horizon podzolic soils within minor inset PSA terraces or active creek bed sediments.

Importantly, Huonbrook observed that 'there was no distinct focus in the HCASZ for Aboriginal occupation and use of this landscape. Instead people foraging along the creek could have stopped at any point on the higher late Pleistocene surfaces along the creek, which are the landscape units that comprise most of the HCASZ. The archaeological record left by this pattern of site occupation is one of numerous single artefacts or dispersed, sparse clusters of stone artefacts' (Huonbrook 2019:21).

Within the current study area, three sections/profiles were recorded:

- S7 - Late Pleistocene alluvium with podzolic soil profile
- P8 – Late Pleistocene colluvium with podzolic soil profile on footslope on Williamsdale SLU.
- P9 – Late Pleistocene alluvium with podzolic soil profile

The locations of these profiles within the current study area are illustrated in Figure 8. The A horizon podzolic soils identified by Huonbrook as containing potential for undisturbed stone artefact assemblages of cultural value and vulnerability to disturbance, have therefore been recorded within the study area, despite no artefacts being specifically recorded within these individual profiles, with the report stating that 'all such areas have the potential to contain buried artefacts' (Huonbrook 2019:3).

Huonbrook determined that the majority of the sites occurring within the creek line are the product of post settlement alluvium and no longer in context, with the much of the Ginninderra Creek SLU likely to have been damp wetlands and ponds during the Holocene. They further indicate that the landforms slightly further away from the creekline on the Williamsdale SLU and on Pleistocene landforms therefore possess greater potential for in situ sites.

5.3 Results of the Search of the ACT Heritage Register

As part of the current assessment, a search was undertaken of the ACT Heritage Register to ascertain whether any previously recorded Aboriginal or historic sites existed within the current study area (5th April 2019). The search identified a total of 27 sites within the broader Hall area, comprising 16 open artefact scatters, 10 isolated finds and a scarred tree (Scarred Tree #1). The closest sites to the current study area are Sites 4, 5 and 6, originally recorded as isolated finds (NOHC 2019) and Sites 19, 20 and 21 recorded by Huonbrook in 2019.

The locations of each of these sites relative to the current study area are mapped in Figure 7 and show the nearest site occurs in excess of 60m from the proposed trail and all are separated from the current study area by Halls Creek, with each occurring on the opposite bank. Summary details for each of these sites is provided in Table 4.

The study area also falls within an area listed as an Aboriginal sites zone as part of the Hall Precinct Listing on the ACT Heritage Register and has been assessed as having moderate potential for Aboriginal sites to occur within the identified zone and moderate potential for those sites to be in-situ below the disturbed and bioturbated 5-10cm zone. This area of moderate potential for Aboriginal sites extends 100-150m either side of the creek line.

The existing Statement of Significance for the Precinct states that *'the presence of Aboriginal sites within grassy woodland and along Halls Creek demonstrates a relative lack of physical disturbance within these areas, and reflects a natural and Aboriginal cultural landscape prior to European settlement'* (Citation ???).

The current study area therefore falls within recognized place of cultural significance and archaeological potential as defined by the existing Register Citation.

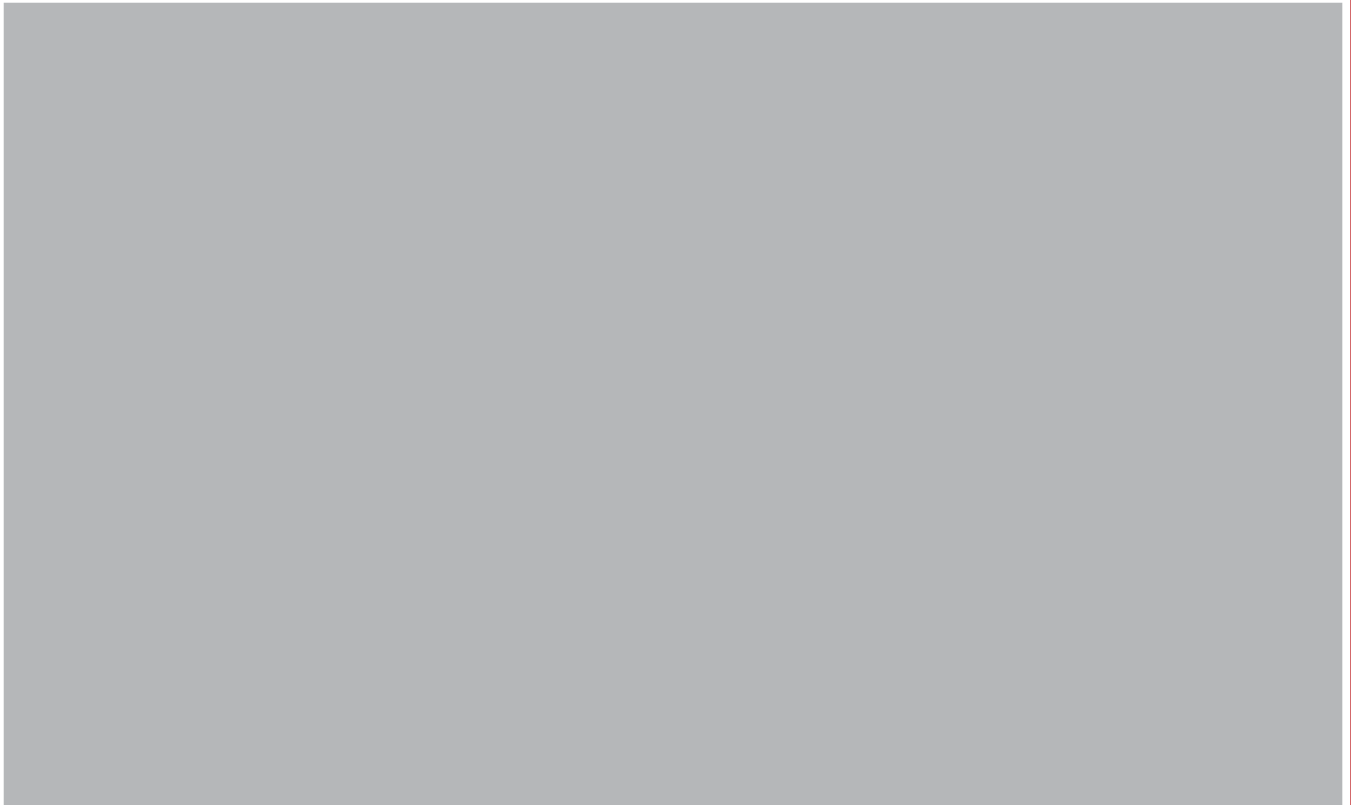


Figure 7. ACT Heritage Register Extract as provided by ACT Heritage 5th April 2019

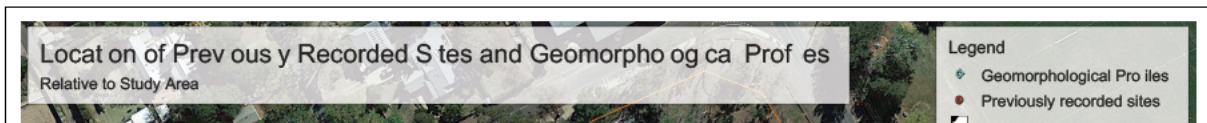


Figure 8. Previously Recorded Sites and Geomorphological Profiles located near the Study Area ACT Heritage 5th April 2019

Table 4. Summary details for Sites located within 50m of Hall Discovery Trail

Site Name	Recorder	Description	Heritage Status and Distance from Study Area
Site 4	Navin Officer 2018	Weathered white chert backed blade [REDACTED]	Remains in place [REDACTED]
	Huonbrook 2019	Scatter of three artefacts including a silcrete backed blade, and two silcrete flakes	
Site 5	Navin Officer 2018	Partly embedded chert flake with bulb protruding from eroding profile at depth of 20cm.	Remains in place [REDACTED]
	Huonbrook 2019	Subsequently an additional 3 artefacts located within the profile manufactured on quartz. Site is assessed as likely to contain further buried artefacts.	
Site 6	Navin Officer 2018	A small quartz laminar chip [REDACTED].	Remains in place [REDACTED]
	Huonbrook 2019	There is a spatial clustering of Sites 5, 6, 19, 20 and 21 that may require aggregation as future finds emerge from the A horizon (pg 9)	
Site 19	Huonbrook 2019	A light grey silcrete flake [REDACTED].	Remains in place [REDACTED]
Site 20	Huonbrook 2019	Site comprises two small flakes [REDACTED] both manufactured on quartz.	Remains in place [REDACTED]
Site 21	Huonbrook 2019	A triangular quartz flaked piece [REDACTED].	Remains in place [REDACTED]

- Natural and Aboriginal Heritage values of the environs around Hall Village listed as follows:
 - Endangered Yellow Box/Red Gum grassy woodland ecological community;
 - Endangered Leek Orchid habitat within the Hall Cemetery;
 - Occurrence of Aboriginal sites within relatively undisturbed woodland areas and along Halls Creek

Conservation objectives 2.2 (d) and (e) of the Hall Village Heritage Precinct refers to the management of the natural and Aboriginal heritage values within the landscape setting of the village:

- (d) The Endangered Yellow Box/Red gum grassy woodland ecological communities to the east and west of the village and the Endangered Leek Orchid habitat within the Hall Cemetery shall be managed in accordance with the relevant ACT Government action plans #4 and #10 respectively.
- (e) Development or management activities necessitating excavation of the ground surface within the Aboriginal Sites Zone shall not be permitted without approval, and shall be consistent with the provisions of the relevant separate (interim) Heritage Place Register for the Hall Village Aboriginal Sites.

6.0 Predictive Model

6.1 Introduction to Predictive Modelling

Predictive modeling, in an archaeological context, is a straightforward concept that has been utilised by archaeologists in Australia for several years as a tool for undertaking research into Aboriginal heritage sites. In summary, predictive modeling involves the collation of information generated from previous archaeological research in each region to establish patterns of Aboriginal site distribution within a given landscape. Based on perceived patterns of site distribution, archaeologists can make predictive statements regarding the potential for various Aboriginal site types to occur within certain landscape settings. This allows preliminary assessments of potential archaeological sensitivity of landscape types to be developed.

6.2 Predictive Models: Strengths and Weaknesses

It should be acknowledged that most, if not all, predictive models have several inherent weaknesses, which may limit their value. These include the following:

- The accuracy of a predictive model is directly influenced by the quality and quantity of the available site data and information for a given region. The more data available and the greater the quality of that data, the more likely it is that an accurate predictive model can be developed.
- Predictive-modeling works very well for certain types, most particularly isolated artefacts and artefact scatters, and to a lesser extent scarred trees. For other site types, it is far more difficult to accurately establish distribution patterns and therefore make predictive statements. Unfortunately, these site types are generally the rarer site types (in terms of frequency of occurrence) and are therefore generally the more significant sites.
- Predictive modeling (unless it is very sophisticated and detailed) will generally not consider micro-landscape features within a given area. These micro features may include (but is certainly not limited to) slight elevations in the landscape (such as small terraces) or small soaks or drainage depressions that may have held water. These micro features have been previously demonstrated to occasionally be focal points for Aboriginal activity.
- Predictive modeling to a large extent is often predicated on the presence of watercourses. However, in some instances the alignment of these watercourses has changed considerably over time. Consequently, the present alignment of a watercourse may be substantially different to its alignment in the past. The consequence of this for predictive modeling (if the alignment of these ancient water courses is not considered) is that predicted patterns of site distributions may be greatly skewed.

6.3 Predictive Model of Aboriginal Site Type Distribution for the Study Area

Previous investigations within the area, and specifically the recent study by Huonbrook (2019) exploring the geoarchaeological potential of the study area has demonstrated the following patterns in site type and locations within the broader study area:

- Open artefact scatters are most likely to occur on level ground in locally well-drained contexts, such as spur crests, terraces or elevated creek banks in valley floors, low gradient crests and stream-line banks in mid valley slope settings and level crests, shoulders and saddles on major ridgeline spurs;
- Larger sites commonly occur adjacent to or in close proximity of creek flats or valley bottoms, commonly on low gradient footslopes of hills adjacent to streams or wetlands;
- Largest sites occur within 100-150m of major and relatively permanent drainage lines;
- Open scatters away from footslopes or major tributaries tend to be small and sparse with a preference for major confluences and valley constrictions indicated;
- Assemblages are likely to be sparse and evenly distributed along the valley floor;
- Excluding movement of sites by geomorphological processes (ie prior to European Settlement) occupation would have been more appealing above the wet valley floor (Gininderra Creek SLU) but with sufficient proximity to enjoy the water such as is provided by the Williamsdale SLU.

The geoarchaeological investigations (Huonbrook 2019) demonstrated:

- Pleistocene surfaces will retain artefacts in A horizon podzolic soils, but will no longer be 'in situ';
- Pleistocene assemblages are unlikely to be able to be differentiated from Holocene assemblages within A horizon soils;
- Contemporary stone artefacts are more likely to have been discarded on elevated Pleistocene surfaces than on Holocene alluvial surfaces due to the episodes of erosion and reburial.
- Out of context finds may be expected along creek banks eroded from A horizon podzolic soils within minor inset PSA terraces or active creek bed sediments.

Artefact densities are expected to be generally low in within the HCA study area with occupation represented by single artefacts or dispersed, sparse clusters of stone artefacts (Huonbrook 2019). Sites such as rock shelters, grinding grooves are unlikely within the study area given existing geology of the site. The potential exists for scarred trees to occur on trees dating to 150 years or older remaining in the study area. A previous scarred tree has been identified in the area.

Within the current study area, it is therefore most likely that sites with the greatest subsurface archaeological integrity would once have occurred along the northern edge of

the study area, adjacent to Gladstone Street where the Williamsdale SLU rises above the Ginninderra Creek SLU. Sites are also likely to occur at random intervals along sections of the creek, however these will most likely be the product of post European settlement as PSA terraces.

Geoarchaeological pits excavated by Huonbrook at P8 and P9 show Late Pleistocene colluvium with pozolic soil profiles at the interface of the Williamsdale and Ginninderra Creek SLUs, suggesting in context but not *in situ* materials may be present within both SLU's within the study area. These sites will be randomly distributed and most likely occur below the more modern deposition of the Ginninderra Creek SLU.

7.0 Field Survey Results

7.1 Survey Methodology

The survey methodology involved pedestrian field survey of the study area and recording of any identified Aboriginal cultural heritage sites. The field survey was undertaken over 2 hours on 17th May 2019, on foot. The survey involved walking the proposed alignment for the discovery track and discussing concepts for play areas with the RAOs. The area had also been previously surveyed by Huonbrook in 2019. The proposed track will measure less than 2m in width, allowing for an excellent level of survey coverage by the field team.

Records were kept of the general context and ground surface visibility of the survey area to provide an assessment of effective survey coverage.

7.2 Survey Limitations and Effectiveness

All archaeological research is subject to certain limitations. In the context of the current field survey assessment the achievement of effective survey coverage is the most pressing limitation to consider.

The combination of survey coverage and surface visibility is referred to as effective survey coverage. This allows the level of effective survey coverage to be assessed.

Survey coverage refers to the estimated proportion of the study area that has been visually inspected as part of the field survey. Given the limited localized area subject to development impacts, 100% survey coverage was able to be achieved by the field team.

Ground surface visibility (GSV) refers to the extent to which the actual soils of a ground surface are available for inspection. GSV has a direct bearing on the ability of a survey team to detect some types of sites including artefact scatters and isolated artefacts. There are many factors that can affect GSV; the main factors affecting the current study area comprised density of grass cover (see Plates 1 and 2 for examples). The main sources of visibility within the study area comprised areas of scuffing and erosion associated with public use of the space. Surface visibility was generally extremely low, with the majority of the area covered in dense grass or obscured by the existing playground.

7.3 Survey Results

The extremely low archaeological visibility present at the site meant that no Aboriginal sites or items of cultural concern were identified during the current investigation. No trees demonstrating potential for Aboriginal scarring were identified.

Despite the poor visibility, however, the study area is assessed as being of low -moderate archaeological potential broadly on the basis of the following characteristics:



Plates 1 and 2. Examples of dense grass cover currently overlying the study area



Plate 3. Introduced species within the study area. Plate 4. Areas of previous disturbance



Plates 5 and 6. Existing disturbance and landscaping within the study area.

- The distribution of sites along the HCLSZ has been previously predicted to be low density and sporadic, with no clear settlement patterns or intensive occupation identified;
- During the Holocene period and prior to European settlement, the majority of the study area would have been occupied by wetlands and strings of ponds, creating a larger inundation area than is currently presented by the incised Halls Creek. Much of the study area would have been damp and poorly drained and ill-suited to occupation;
- During the Pleistocene, two high terraces associated with Gooromon Ponds existed close to Halls Creek, containing strongly differentiated red podzolic soils (A-upper mainly bleached) and B (lower and generally darker in colour), these landforms are likely to remain beneath the more modern PSA layers associated with the Ginninderra Creek SLU;
- Several sites previously recorded along the creek banks to the south of the current study area have been demonstrated to be the product of post settlement sedimentary processes and out of context;
- The Williamsdale SLU, identified as having the greatest potential for Pleistocene landforms occurs in only a small portion of the study area, with the majority of the study area occupied by the Ginninderra Creek SLU (refer Figure 5).
- The majority of sites previously identified within the HCASZ are confined to the creek margins, which have been actively avoided by the current proposal.
- Several previous surveys of the area have been conducted with no evidence of surface artefacts found.
- However, the potential remains for subsurface sites to exist within A horizon podzolic soils formed on late Pleistocene sediments across the study area, in unpredictable locations and beneath the Ginninderra Creek SLU.

The study area is therefore assessed as being of low-moderate archaeological potential for cultural material within subsurface contexts.

8.0 Legislation

Heritage in the ACT is protected, or affected, by a number of Acts, which are summarised in the following section. Whilst every effort has been made to ensure that the information contained here is up to date and legally correct, it cannot be construed as being able to replace comprehensive legal advice provided by a legal practitioner admitted to practice in the relevant jurisdictions.

8.1 Australian Capital Territory Legislation

The ACT Heritage Act 2004

- The *Heritage Act 2004 (ACT)* provides protection to both Aboriginal and non-Aboriginal heritage items within the Australian Capital Territory. The Act aims to identify, register and conserve natural and cultural heritage ‘objects or places’ (collectively referred to as “sites” in this document). The Act also provides instrumentation for the facilitation of the ACT Heritage Council, for the development of heritage agreements to aid in the conservation of heritage items and for the enforcement of provisions within the Act that provide protection for such items.
- Under the Act the ACT Heritage Council has been established as an advisory body to the ACT Government on heritage issues.
- The Heritage Unit of Environment ACT provides secretariat support to the ACT Heritage Council, and is responsible for administration of the Act.
- Amendments to the Act were made in September 2014.

Heritage ‘places’, as defined by the Act include sites, precincts, parcels of land or components of the places, possessing significance, or contributing to the significance, of the place (§8{1}). An ‘object’ is defined as a ‘natural or manufactured object, including an Aboriginal object’ (§8{2}). Aboriginal objects (§9) are defined as being any object associated with Aboriginal people because of Aboriginal tradition. Aboriginal places are likewise any place associated with Aboriginal people because of Aboriginal tradition. In both cases, the term tradition refers to the customs, rituals, institutions, beliefs and/or general way of life of Aboriginal people. The heritage significance of an object or place is assessed against eight criteria. Only one of the eight assessment criteria listed in the Act need be satisfied for the item to be considered significant.

A place or object must be listed on the heritage register or provisional register to gain comprehensive protection under the Act. The process for this registration includes the nomination for provisional registration of the place or object, public notification of this nomination that is then followed by a minimum appeal period of 5 months. If, following the appeal period, no successful appeals are lodged, registration of the item is concluded, also

through public notification. Cancellation of a registered place or object may be considered if the Council is satisfied that an item no longer possesses heritage significance.

The registration of Aboriginal places or objects, in addition to the above registration process, must be undertaken in consultation with the representative Aboriginal organizations. The details of places or objects of Aboriginal significance are restricted from public access and only published or copied after it has been demonstrated that the release of specific site details will not adversely affect the significance of the place or object and with approval from the Council. Discovery of an Aboriginal place or object must be reported to the Council within five (5) working days of the identification.

The Minister issues heritage directions to the owner or occupier of a place or object to assist in the conservation of the heritage significance of the item. Directions issued by the Minister are served to prevent damage, through neglect or action, which may adversely affect the heritage significance of an object or place.

Heritage agreements, contrary to 'directions', are applied following and with the Council's advice and consultation with the owner, or person nominated by the owner. Heritage directions are put in place to assist in the conservation of registered places and objects. Heritage agreements are employed to provide financial, technical or professional advice, to review the valuation of heritage significance, to restrict use of a registered place or object, to apply standards and work requirements or to enable public appreciation and inspection of an object or place.

In accordance with the Act, it is an offence to diminish the significance of a place or object through either neglect or action. Damage to an Aboriginal place or object is also considered an offence under the Act. Exemptions to such offences include official persons acting under the Emergencies Act 2004 (ACT) 'for the purpose of protecting life or property, or controlling, extinguishing or preventing the spread of a fire' (§7(1)).

Excavation Permits

Permits to undertake Excavations (§61(E and F)) at or near a registered Aboriginal place or object need to be provided formally to the ACT Heritage Council for approval. Written notice of a decision about a permit is to be provided within 15 working days after the decision has been made. Permits are required to include the following information:

- a) applicants details
- b) a description of the heritage site and its location
- c) details about the proposed excavation work including the reason for the excavation, the extent and duration of the excavation and any other work of which the excavation forms part;

- d) details regarding the measures the applicant will adopt during the excavation to reduce the risk of diminishing the heritage significance of, or damage to, the site.

Statement of Heritage Effect (SHE)

Where activities are proposed that are likely to diminish the heritage significance of a place or object, requires an application to the council for approval of a *Statement of Heritage Effects* (SHE) (§61(G and H)). The SHE requires the inclusion of details regarding the proposed activity, including the reason for the activity, as well as its extent and duration. The likely effects of the proposed activity on the heritage sites must also be included, with a discussion on any effects that may diminish or damage the heritage significance of the site. It must also include a discussion of the measures the applicant will adopt during the activity to reduce the risk of diminishing heritage significance or damage to the site and whether other reasonably practicable ways of carrying out the activity at the heritage site are available.

Under (§61(H)) Council is required to make a decision on the Statement of Heritage Effect as soon as is practicable with notice of the decision provided to the applicant within 15 working days.

Conservation Management Plan (CMP)

Under (§61(J)) of the amended Act, a person or entity responsible for a heritage site is required to establish an approved Conservation Management Plan for that site. The plan

- a) sets out the conservation measures that must be adopted for, and conditions on future use of the heritage site to preserve its heritage significance; and
- b) identifies any threat, or potential threat, to the heritage significance of the site, and sets out a plan for the management of threats

CMPs must also include a description of the site, its history, details of its heritage significance and any other matter prescribed by regulation.

Under (§61(K)) Council is required to make a decision on a Conservation Management Plan as soon as is practicable with notice of the decision provided to the applicant within 15 working days.

ACT Tree Protection Bill 2005

It should also be noted that in the ACT, some trees are protected under the provisions of the *Tree Protection (interim scheme) Act 2001*, pending commencement of the *Tree Protection Bill 2005*. A scarred tree may therefore have other forms of significance (i.e. natural), which should be taken into account in any management strategy.

ACT Coroners Act 1997

Human remains are firstly dealt with under the Coroners Act. Any human remains located must in the first instance be reported to the Police. If the remains are determined to be prehistoric and of Aboriginal origin then appropriate management strategies can be formulated in consultation with the Coroners office.

8.2 Federal Legislation

There are a number of Federal Legislative Acts that pertain to Aboriginal cultural heritage, and that are directly relevant to this project. The main Acts are:

- *The Australian Heritage Council Act 2003*,
- *The Aboriginal and Torres Strait Islander Heritage Protection Act 1987*, and
- *The Environment Protection and Biodiversity Conservation Act 1999*.

The following provides a review of these pieces of legislation.

Australian Heritage Council Act 2003 (Comm)

The *Australian Heritage Council Act 2003* defines the heritage advisory boards and relevant lists, with the Act's Consequential and Transitional Provisions repealing the *Australian Heritage Commission Act 1975*. The *Australian Heritage Council Act*, like the *Australian Heritage Commission Act*, does not provide legislative protection regarding the conservation of heritage items in Australia, but has compiled a list of items recognised as possessing heritage significance to the Australian community. The Register of the National Estate, managed by the Australian Heritage Council, applies no legal constraints on heritage items included on this list.

The Aboriginal and Torres Strait Islander Heritage Protection Act 1987.

This Federal Act is administered by the Department of Sustainability, Environment, Water, Populations and Communities (SEWPaC) with the Commonwealth having jurisdiction. The Act was passed to provide protection for the Aboriginal heritage, in circumstances where it could be demonstrated that such protection was not available at a state level. In certain instances the Act overrides relevant state and territory provisions.

The major purpose of the Act is to preserve and protect from injury and desecration, areas and objects of significance to Aborigines and Islanders. The Act enables immediate and direct action for protection of threatened areas and objects by a declaration from the Commonwealth minister or authorised officers. The Act must be invoked by, or on behalf of an Aboriginal or Torres Strait Islander or organisation.

Any Aboriginal or Torres Strait Islander person or organization may apply to the Commonwealth Minister for a temporary or permanent 'Stop Order' for protection of threatened areas or objects of significant indigenous cultural heritage.

The Commonwealth Act 'overrides' State legislation if the Commonwealth Minister is of the opinion that the State legislation (or undertaken process) is insufficient to protect the threatened areas or objects. Thus, in the event that an application is made to the Commonwealth Minister for a Stop Order, the Commonwealth Minister will, as a matter of course, contact the relevant State Agency to ascertain what protection is being imposed by the State and/or what mitigation procedures have been proposed by the land user/developer.

In addition to the threat of a 'Stop Order' being imposed, the Act also provides for the following:

- If the Federal Court, on application from the Commonwealth Minister, is satisfied that a person has engaged or is proposing to engage in conduct that breaches the 'Stop Order', it may grant an injunction preventing or stopping such a breach (s.26). Penalties for breach of a Court Order can be substantial and may include a term of imprisonment;
- If a person contravenes a declaration in relation to a significant Aboriginal area, penalties for an individual are a fine up to \$10,000.00 and/or 5 years gaol and for a Corporation a fine up to \$50,000.00 (s.22);
- If the contravention is in relation to a significant Aboriginal object, the penalties are \$5,000.00 and/or 2 years gaol and \$25,000.00 respectively (s.22);
- In addition, offences under s.22 are considered 'indictable' offences that also attract an individual fine of \$2,000 and/or 12 months gaol or, for a Corporation, a fine of \$10,000.00 (s.23). Section 23 also includes attempts, inciting, urging and/or being an accessory after the fact within the definition of 'indictable' offences in this regard.

The Commonwealth Act is presently under review by Parliament and it is generally accepted that any new Commonwealth Act will be even more restrictive than the current legislation.

Environment Protection and Biodiversity Conservation Act 1999 (Comm)

This Act has been amended, through the Environment and Heritage Legislation Amendment Act (No1) 2003 to provide protection for cultural heritage sites, in addition to the existing aim of protecting environmental areas and sites of national significance. The Act also promotes the ecologically sustainable use of natural resources, biodiversity and the incorporation of community consultation and knowledge.

The 2003 amendments to the *Environment Protection and Biodiversity Conservation Act 1999* have resulted in the inclusion of indigenous and non-Indigenous heritage sites and areas. These heritage items are defined as:

‘indigenous heritage value of a place means a heritage value of the place that is of significance to indigenous persons in accordance with their practices, observances, customs, traditions, beliefs or history;

Items identified under this legislation are given the same penalty as actions taken against environmentally sensitive sites. Specific to cultural heritage sites are §324A-324ZB.

The Act also enables the identification and subsequent listing of items for the Commonwealth and National Heritage Lists. The Act establishes the *National Heritage List*, which enables the inclusion of all heritage, natural, Indigenous and non-Indigenous, and the *Commonwealth Heritage List*, which enables listing of sites nationally and internationally that are significant and governed by Australia.

The legislation provides for:

- A National Heritage List (a list of places of national heritage significance);
- A Commonwealth Heritage List (for significant heritage places that are Commonwealth owned or managed or are on Commonwealth land);
- The continuation of the Register of the national Estate (in modified form whereby no new places can be added to the Register); and
- The creation of an expert body, the Australian Heritage Council, to advise the Minister on the listing and protection of heritage places.

9.0 Significance Assessment

Currently, no heritage sites have been identified within the study area and no areas of archaeological potential have been identified. The following is therefore provided for your information only.

9.1 Overview

The ACT Heritage Act 2004 provides the mechanism for assigning heritage significance to a site, under Section 10 of the Act. This acknowledges the value of the site to the community and helps provide protection under the Act. However, in terms of site conservation and management, it is necessary to also assign a relative significance rating to sites. The term 'significance' is sometimes used interchangeably to describe a site's 'conservation value'. This rating helps cultural resource managers to make decisions when considering how a site should be managed, given that to some extent resources for actively conserving sites will be limited. It is also a useful tool for giving an overall view of the body of sites in the ACT when developments occur and pragmatic decisions about site management have to be made.

In the discussion below, the ACT Significance Criteria is briefly reviewed. Ways of deciding on relative significance ratings for sites are then discussed. These are the criteria used to assess the relative significance of sites in the Aboriginal Heritage Guidelines.

9.2 ACT Significance Criteria

Section 10 of the *Heritage Act 2004* state that a place or object has heritage significance if it satisfies one or more of the following criteria:

- (a) importance to the course or pattern of the ACT's cultural or natural history;
- (b) has uncommon, rare or endangered aspects of the ACT's cultural or natural history;
- (c) potential to yield information that will contribute to an understanding of the ACT's cultural or natural history;
- (d) importance in demonstrating the principal characteristics of a class of cultural or natural places or objects;
- (e) importance in exhibiting particular aesthetic characteristics valued by the ACT community or a cultural group in the ACT;
- (f) importance in demonstrating a high degree of creative or technical achievement for a particular period;
- (g) has a strong or special association with the ACT community, or a cultural group in the ACT for social, cultural or spiritual reasons;
- (h) has a special association with the life or work of a person, or people, important to the history of the ACT.

9.3 Rating Site Significance

There are several different ways of defining types of significance, and many practitioners have developed their own system of significance assessment. However, as Pearson and Sullivan (1995) point out, there seems to be a general advantage in using a set of criteria which is already widely accepted. The Burra Charter provides a process for significance assessment for heritage practitioners. More recently, Australian ICOMOS has produced *The Illustrated Burra Charter*, which further defines significance assessment. The guidelines to the Burra Charter comment:

Although there are a variety of adjectives used in definitions of cultural significance in Australia, the adjectives 'aesthetic', 'historic', 'scientific' and 'social' ... can encompass all other values.

The following provides the descriptions given for each of these terms.

Aesthetic Value

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and materials of the fabric; the smells and sounds associated with the place and its use (Marquis-Kyle & Walker 1992).

Historic Value

A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment (Marquis-Kyle & Walker 1992).

Scientific Value

The scientific or research value of a place will depend upon the importance of the data involved or its rarity, quality or representativeness and on the degree to which the place may contribute further substantial information.

A site or a resource is said to be scientifically significant when its further study may be expected to help current research questions. That is, scientific significance is defined as research potential (Marquis-Kyle & Walker 1992).

Social Value

The social value of a place is perhaps the most difficult value for heritage professionals to substantiate (Johnston 1994). However, social value is broadly defined as ‘the qualities for which a place has become a focus of spiritual, political, natural or other cultural sentimental to a majority or minority group’ (ICOMOS 1988:30). In *What is Social Value*, Johnston (1994) has provided a clear definition of social value:

“Social value is about collective attachment to places that embody meaning important to a community, these places are usually community owned or publicly accessible or in some other way ‘appropriated’ into people’s daily lives. Such meanings are in addition to other values, such as the evidence of valued aspects of history or beauty, and these meanings may not be apparent in the fabric of the place, and may not be apparent to the disinterested observer” (Johnston 1994:10).

Although encompassed within the criterion of social value, the spiritual value of a place is a new addition to the Burra Charter (ICOMOS 1999:1). Spiritual value is predominantly used to assess places of cultural significance to Indigenous Australians.

The degree to which a place is significant can vary. As Johnston (1994:3) has stated when trying to understand significance a ‘variety of concepts [are] used from a geographical comparison (‘national’, ‘state’, ‘local’) to terms such as ‘early’, ‘rare’, or ‘seminal’’. Indeed the Burra Charter clearly states that when assessing historic significance, one should note that for:

“any given place the significance will be greater where evidence of the association or event survives in situ, or where the setting are substantially intact, than where it has been changed or evidence does not survive”. (ICOMOS 1988:29)

9.4 Significance Criteria Relevant to Aboriginal Sites

Aboriginal sites and places may have educational, tourism and other values to groups in society. However, their two principal values are likely to be in terms of their cultural / social significance to Aboriginal people and their scientific / archaeological significance. These are the two criteria, which are commonly used in establishing the significance of Aboriginal sites. The following provides an explanation of these criteria.

1) Aboriginal Cultural / Social Significance

This relates to the value placed upon a site or suite of sites by the local or regional Aboriginal community. The identification and assessment of those sites that are significant to Aboriginal people is a matter for Aboriginal people. The appropriate Aboriginal representatives of the relevant communities can only make this assessment.

2) *Scientific (Archaeological) Significance*

Archaeological significance values (or scientific values) generally are assessed on the potential of a site or place to generate knowledge through archaeological research or knowledge. Scientific significance should be assessed according to timely and specific research questions (research potential) and representativeness.

Research potential entails the potential of a site or suite of sites for scientific research and excavation. This is measured in terms of a sites' ability to provide information on aspects of Aboriginal culture. In this respect, the contents of a site and their state of preservation are important considerations.

Representativeness takes account of how common a site type is. That is, it allows sites to be evaluated with reference to the known archaeological record within the given region. The primary goal of cultural resource management is to afford greatest protection to a representative sample of sites throughout a region. The corollary of a representative site is the notion of a rare or unique site. These sites may help to understand the patterning of more common sites in the surrounding area, and are therefore often considered of archaeological significance. The concept of a rarity cannot be easily separated from that of representativeness. If a site is determined to be rare, then it will by definition be included as part of the representative sample of that site type.

The notions of both research potential and representativeness are ever changing variables. As research interests shift and archaeological methods and techniques change, then the criteria for assessing site significance are also re-evaluated. As a consequence, the sample of site types that are used to assess site significance must be large enough to account for the change in these variables.

10.0 Impact Assessment and Statement of Heritage Effects

10.1 Description of Proposed Works

The adventure trail will be made of natural materials, such as dirt and decomposed granite gravels. There may be some sections that are made from recycled wood sourced from the old Tharwa bridge and other places. Some sections of the trail may have bumps, bridges over logs, or be made from logs. A detailed outlay of the project is included in Figures 3 and 9.

The adventure trail will be approximately 500m in length and located around the existing playground. It does not extend past the carpark/toilets or cross the creek. Most of the adventure trail and nature play space is intended to be inclusive for use by people of all ages and abilities. The trail can be used by walkers, bikes and wheelchairs.

There will be no trees removed to create the play space. Some dead trees are to be pruned back to meet OH & S requirements.

Construction of the playground will all occur above ground; there will be no ground disturbance and will involve the following:

- Placement of Biddum Cloth/Geotech fabric along the length of the alignment on top of the existing vegetation;
- Placement of deco granite along the alignment to a minimum thickness of 100mm;
- Use of rocks and logs to form technical trail features which will sit at ground level.

10.2 Impact Assessment

There are no known sites located within the proposed impact area. The study area has been assessed as being of low-moderate archaeological potential, with the surveys showing that surface sites are not present in the area. The proposed impacts will not involve any form of ground disturbance, protecting any sites that may occur in the area within subsurface deposits. It is therefore determined that the proposed adventure play space will not adversely impact on any archaeological values at the site.

The statement of significance for the HCASZ identifies the cultural and heritage significance of the zone, with specific reference to the relationship of recorded sites with the grassy woodland, intact nature of the landscape and articulation of scarred trees with previously recorded cultural sites. The current proposal has been specifically design to have minimal impact on the existing landscape. Play spaces have been designed to maximise visitor interaction with nature and involve only the addition of logs and rocks, ropes and other natural items in order to minimize the visual impact of the playground and encourage visitors to be a one with the nature in the area. For this reason, the proposed playground is considered not to adversely impact the landscape values of the place.

The cultural values referred to in the existing citation speak to the articulation of both scarred trees and Aboriginal sites within a relatively undisturbed landscape that is close to urban development. The current proposal will not impact upon any of these features with all sites and scarred trees untouched, the natural landscape conserved to maximum ability (i.e. no permanent or ground impacts and use of natural materials in construction) and the celebration of Aboriginal culture in the play spaces themselves. The local RAOs have provided this project with their full support and have not identified any reduction in cultural value of the landscape from the proposal. Instead, this proposal seeks to bring people into this natural space, encourage play and activity in the fresh air, enjoy natural materials spaces and celebrate and learn about the contemporary Aboriginal culture within the region.

10.3 Minimising Harm and Practical Alternatives

The current proposal will not impact any known heritage sites. Any sites which may exist within subsurface contexts will be protected by the construction of the path above the ground with no ground disturbance involved. To further minimize the potential for inadvertent impacts to artefacts occurring in random subsurface locations or broad background scatter, the current proposal includes the following mitigation measures:

- All impacts will be above ground with no ground disturbance occurring, thereby protecting any unidentified cultural material in subsurface contexts;
- All activities will be brought to the site and placed on the surface of the ground only;
- Is located >60m from areas of higher archaeological potential near Halls Creek and;
- Is confined as much as possible to areas of existing and previous impacts.

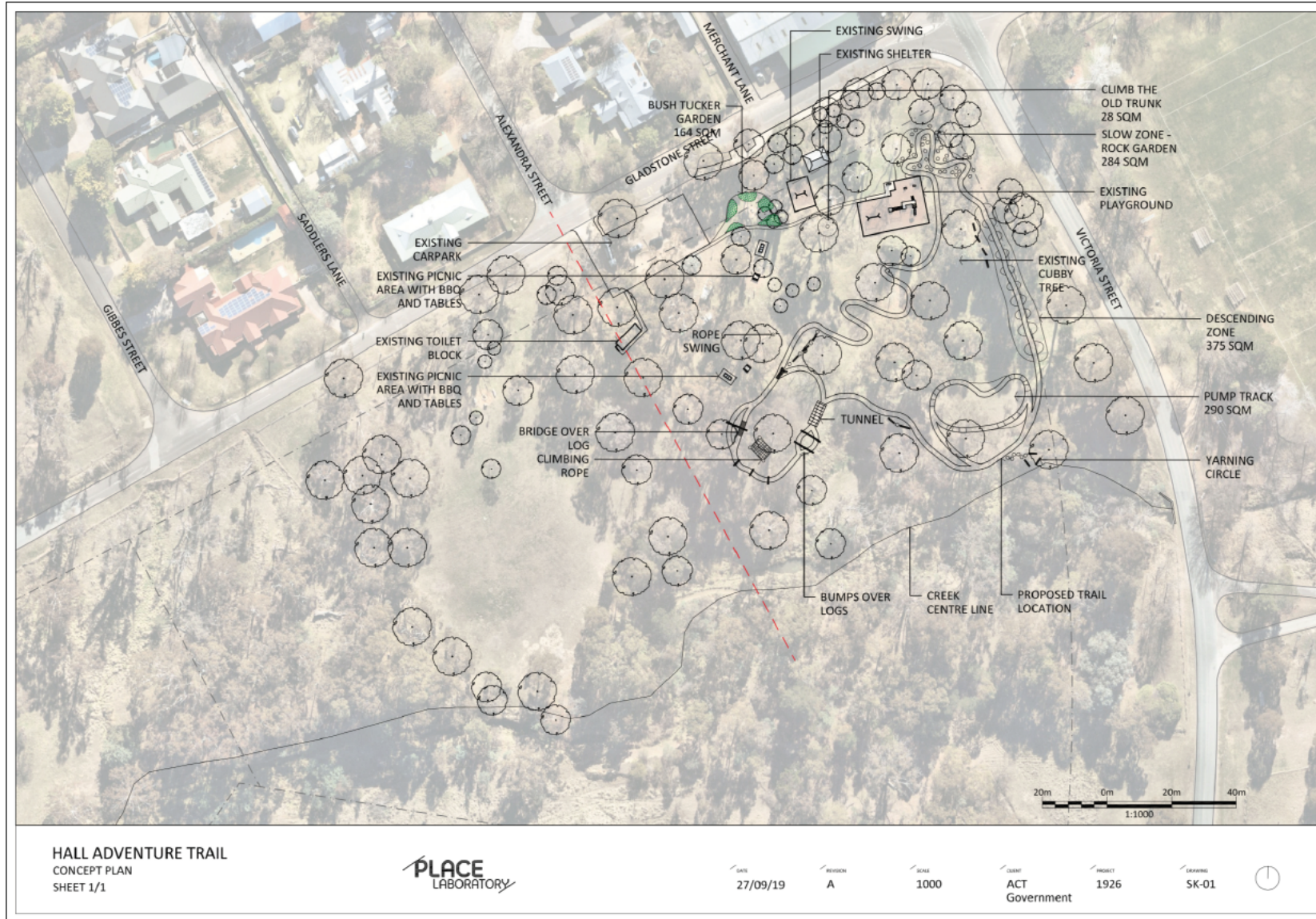


Figure 9. Proposed Layout and activity areas for Adventure Trail

11.0 Statement of Heritage Effect

The proposed discovery trail and adventure play space at hall will not impact any known heritage sites within the area. The study area has been assessed as being of low-moderate archaeological sensitivity with proposed impacts determined to be minimal. The proposal avoids recorded sites in the area by at least 60m and Halls Creek and will not adversely impact heritage values within the study area.

Any sites which may occur within subsurface contexts have been protected by avoiding all ground disturbance. Impacts to the natural landscape of the HCASZ have been limited by the use of natural construction materials and enhancement of existing natural spaces rather than attempts to alter the natural land and the intrinsic design features of producing a nature play space. Cultural values are not being impacted by the current proposal with heritage sites unthreatened, potential sites protected and the contemporary Aboriginal culture celebrated within individual play spaces with input by the RAOs.

12.0 Management Recommendations

12.1 Introduction to the Management Recommendations

The heritage management options and recommendations provided in this report are made on the following basis:

- Consultation with representatives of the Representative Aboriginal Organisations present at the field assessment, and through subsequent phone conversations (17th May and 3rd August respectively) being:
 - Wally Bell (Buru Ngunawal Aboriginal Corporation);
 - James Mundy (Ngarigu Currawong Clan);
 - Paul House (Mirrabee – formerly Little Gudgenby Tribal Council);
 - Tina Brown (King Brown Tribal Council);
- The legal and procedural requirements of Environment ACT;
- The results of the investigation as documented in this report; and
- Background research into the extant archaeological and historic record for the study area and its surrounding regions.

The recommendations are aimed at minimising the impacts of the proposed adventure playground on identified Aboriginal heritage resources.

Copies of this report were issued to all four RAOs on 3rd August 2019 with a request for comment and feedback within 14 days. No written response were received.

12.2 Management Recommendations

The proposed discovery trail and adventure play space at hall will not impact any heritage sites. The study area has been assessed as being of low archaeological sensitivity with proposed impacts determined to be minimal. As such, there are no specific further heritage requirements for the study area. The following general recommendations are forwarded:

1. In the event that unanticipated finds occur during construction of the FPF, the Unanticipated Discovery Plan included in section 13.0 must be adhered to.
2. This report must be presented to the ACT Heritage Council (through the ACT Heritage Unit for review and advice.
3. Copies of this report have been provided to the four Representative Aboriginal Organisations. These are:
 - Buru Ngunawal;
 - King Brown's Tribal Group;
 - Mirrabee; and
 - Ngarigu Currawong Clan.
4. The RAOs are to be involved in ongoing discussions regarding the name of the park and to act as consultants for the play elements proposed for the playground.

13.0 Unanticipated Discovery Plan

The following text describes the proposed method for dealing with unanticipated discoveries of Aboriginal places and objects on this project. The plan provides guidance to project personnel so that they may meet their obligations with respect to heritage in accordance with the Heritage Act 2004.

Unanticipated discoveries include all Aboriginal places and objects. This includes (but may not be limited to) moderate to high-density artefact scatters, scarred trees, stone procurement (quarry) sites, ochre deposits, hearths, scarred trees and skeletal remains (burials).

Please Note: There are two different processes presented for the mitigation of these unanticipated discoveries. The first process applies for the discovery of cultural heritage sites or features, which include all of the site types, mentioned above, with the exception of skeletal remains, burials. The second process applies exclusively to the discovery of skeletal remains (burials).

Discovery of Cultural Heritage Items

Step 1

If any project personnel, contractors or subcontractors believe that they have discovered or uncovered Aboriginal cultural heritage materials, the individual should notify machinery operators that are working in the general vicinity of the area that earth disturbance works should stop immediately. Remember health and safety requirements when approaching machinery operators.

Step 2

A buffer protection zone of 20m x 20m should be established around the suspected cultural heritage site or items. No unauthorised entry or earth disturbance will be allowed within this 'archaeological zone' until such time as the suspected cultural heritage items have been assessed, and appropriate mitigation measures have been carried out.

Step 3

An archaeologist, in consultation with the RAOs should carry out an assessment of the cultural heritage find.

Step 4

Based on the findings of the assessment, appropriate management recommendations should be developed for the cultural heritage find. These recommendations should be submitted to ACT Heritage and the ACT Heritage Council for review and endorsement.

Step 5

Once endorsement has been obtained, the prescribed management recommendations should be carried out by the appropriate personnel.

Step 6

On the completion of the prescribed works, the relevant authorities (ACT Heritage and ACT Heritage Council) should advise the Site Supervisor (or other Project Personnel) that construction works may recommence in the 'archaeological zone'. If there are further constraints to construction works in the 'archaeological zone', then the Site Supervisor should be informed of these. It is the responsibility of the Site Supervisor to inform construction crews of these constraints.

NB. Any additional Aboriginal places or objects encountered must be reported to the ACT Heritage Council within five working days, in accordance with Section 51 of the Heritage Act 2004.

Discovery of Skeletal Material

Step 1

Under no circumstances should the suspected skeletal remains be touched or disturbed. If these are human remains, then this area potentially is a crime scene. Tampering with a crime scene is a criminal offence.

Step 2

Any person discovering suspected skeletal remains should notify machinery operators that are working in the general vicinity of the area that earth disturbing works should stop immediately. Remember health and safety requirements when approaching machinery operators.

Step 3

A buffer protection zone of 50m x 50m should be established around the suspected skeletal remains. No unauthorised entry or earth disturbance will be allowed within this buffer zone until such time as the suspected skeletal remains have been assessed.

Step 4

The relevant authorities (police) will be contacted and informed of the discovery. If the skeletal remains are suspected to be of Aboriginal origin, the authorities may decide to seek the advice of an archaeologist or appropriate expert in relation to the discovery.

Step 5

Should the skeletal remains be declared an Indigenous burial site, the following procedures will be implemented:

- An archaeologist, in consultation with the RAOs should carry out an assessment of the skeletal remains.
- Based on the findings of the assessment, appropriate management recommendations should be developed for the cultural heritage find. These recommendations should be submitted (in the form of a Conservation and Management Plan) to the ACT Heritage Council for review and endorsement.
- Once endorsement has been obtained, the prescribed management recommendations should be carried out by the appropriate personnel.

On the completion of the prescribed works, the relevant authorities (ACT Heritage Council) should advise the Site Supervisor (or other Project Personnel) that construction works may recommence in the 'archaeological zone'. If there are further constraints to construction works in the 'archaeological zone', then the Site Supervisor should be informed of these. It is the responsibility of the Site Supervisor to inform construction crews of these constraints.

References

AASC 2006. *A Cultural Heritage Survey of Mulligans Flat Feral Proof Fence. A Report to Environment and Recreation, Territory and Municipal Services.*

Aboriginal and Torres Strait Islander Heritage Protection Act 1974 (Commonwealth)

Australian Heritage Council Act 2003 (Commonwealth)

Bluett, W.P. 1954. *The Aborigines of the Canberra District at the Arrival of the White Man.* Canberra Historical society : Canberra.

Burra Charter. 1999. *Australia ICOMOS Charter for the conservation of places of cultural significance.*

Coroners Act 1997 (ACT)

Environmental Protection and Biodiversity Conservation Act 1999 (Cth)

Flood, J. 1973. *The Moth Hunters: Investigations towards a prehistory of the south-eastern highlands of Australia.*

Flood, J. 1980. *The Moth Hunters: Aboriginal Prehistory of the Australian Alps.* Australian Institute of Aboriginal Studies, Canberra.

Flood, J. 1990. *Archaeology of the Dreamtime: the story of prehistoric Australia and its people.* Collins Publishers, Sydney

Gillespie, L.L. 1984. *Aborigines of the Canberra Region.* Lyall L. Gillespie: Campbell, ACT.

Gillespie, L. 1985 *Gungahlin: Analysis of History.* Report to the NCDC.

Gillespie, L.L. 1991 *Canberra 1820-1913.* Australian Government Publishing Services, Canberra.

Gillespie, L. 1992. *Ginninderra: Forerunner to Canberra.* The Wizard: Canberra Local History Series, Campbell, ACT.

Heritage Act 2004 (ACT)

- Huonbrook Environment & Heritage Pty Ltd. 2019. *Halls Creek Precinct Aboriginal Sites Zone Geoarchaeological Assessment*. A report to The Hall School Museum and Heritage Centre and ACT Heritage.
- Huys, S. 1993. *Prehistoric Gungahlin: A Model of Human Occupation*. BA Hons Thesis, ANU.
- Huys, S. and D. Johnston 1995. *An Archaeological Investigation of Three Proposed Suburb Areas in Gungahlin*. A Report to the Department of Environment Land & Planning.
- Jenkins, B.R. 2000. *Soil Landscapes of the Canberra*. Department of Land and Water Conservation.
- Johnston, C. 1994. 'What is Social Value: a discussion paper.' *Australian Heritage Commission Technical Publications: Series Number 3*.
- Keen, I. 2004. *Aboriginal Economy and Society: Australia at the threshold of colonisation*. Oxford University Press: Melbourne.
- Keen, I. 2010. *Indigenous Participation in Australian Economies: historical and anthropological perspectives*. ANU E Press: Canberra.
- Kuskie, P. J. 1992a *An archaeological investigation of two quarries and an open scatter at Gungahlin, ACT*. Report to ACT Public Works.
- Kuskie, P. 1992b *A Preliminary Cultural Resource Survey of the Proposed Residential Development Areas C1, C2, C3 and C4 at Gungahlin, ACT*. Report to ACT Department of the Environment, Land and Planning.
- McBryde, I. 1979. Ethnohistory in an Australian Context: Independent Discipline or Convenient Data Quarry? *Aboriginal History* 3 (2):128-150.
- Marchant, P. n.d. *The Aborigines*. Notes held in TNR Aborigines File
- Marquis-Kyle, P. & Walker, M. 1992. *The Illustrated Burra Charter*. Australian ICOMOS Inc.
- Native Title Act 1993 (Comm)*
- Officer, K. and K. Navin 1992 *An Archaeological Assessment of the May 1992 Urban Release Areas, Gungahlin, ACT*. Report ACT Heritage Unit, DELP.
- Navin Officer Heritage Consultants Pty Ltd (NOHC) 1998a. *Proposed Hall Rural Estate, ACT*

Cultural Heritage Assessment. A Report to Leader Real Estate Pty Ltd via Don Fox Planning Pty Ltd.

Navin Officer Heritage Consultants Pty Ltd (NOHC) 1998b. *Hall Showground Remedial Works Feasibility Study Cultural Heritage Component. A Report to Maunsell Pty Ltd.*

Navin Officer Heritage Consultants Pty Ltd (NOHC) 2013. *Stage 1 Investigations, Taylor ACT: Cultural Heritage Assessment. A Report to ACT Land Development Agency.*

Navin Officer Heritage Consultants Pty Ltd (NOHC) 2018. *Cultural Heritage Assessment and Statement of Heritage Effect: Halls Creek Track, Block 1, Section 23, Hall. A report to Place Management, City Presentation Transport Canberra and City Services Directorate.*

Peterson, N. 1976 *The Natural and Cultural Areas of Aboriginal Australia : A preliminary analysis of population groupings with adaptive significance* . In N. Peterson (ed) *Tribes and Boundaries in Australia* . Australian Institute of Aboriginal Studies: Canberra .

Peterson, N. 1986 *Australian Territorial Organization. Oceania Monograph.* University of Sydney .

Peterson, N. 2008. *'Too Sociological'? Revisiting 'Aboriginal Territorial Organisation'*. In *Hinkson, Melinda and Jeremy Beckett (eds). Appreciation of Difference: WEH Stanner and Aboriginal Australia.* Aboriginal Studies Press: Canberra.

Saunders, P. 1994a *Preliminary Cultural Resource Survey of An Area Adjacent to Casey, Gungahlin, ACT.* Report to ACT Planning Authority.

Saunders, P. 1994b *Preliminary Cultural Resource Survey of Moncrieff, Gungahlin, ACT.* Report to ACT Planning Authority.

Tree Protection Bill 2005 (ACT)

Service, E. 1966. *The Hunters.* New Jersey: Prentice, Hall, Inc.

Sutton, P. 2008. *Stanner and Aboriginal Land Use: Ecology, economic change and enclosing the commons.* In M. Hinkson and J. Beckett (eds). *Appreciation of Difference: WEH Stanner and Aboriginal Australia.* Canberra: Aboriginal Studies Press.

Tindale, N.B. 1974. *Tribal boundaries in Aboriginal Australia.* Australian National University

Press, Canberra.

Tree Protection Bill 2005 (ACT)

Trigger, D. 1992. *Whitefell Comin': Aboriginal responses to colonialism in northern Australia*. Cambridge University Press: Cambridge.

Trigger, D. 2010. 'Anthropology and native title: Issues of method, claim group membership and research capacity'. In Bauman, Toni (ed). *Dilemmas in Applied Native Title Anthropology in Australia*. ---

White, N. 2003. *Meaning and Metaphor in Yolngu landscapes, Arnhem Land, northern Australia*. In David Trigger and Gareth Griffiths (eds). *Disputed Territories: Land, Culture and Identity in Settler Societies*. Hong Kong University Press: Hong Kong.

White, I. & Cane, S. 1986. *An Investigation of Aboriginal Settlements and Burial Patterns in the Vicinity of Yass*. A Report to the NSW NPWS.

Williams, D. & Barber, M. 1995. *A Preliminary Cultural Resource Survey of an Area (Stage 2) of Mulligans Flat Reserve, Gungahlin, ACT*. A Report to Canberra Nature Park.

Williams, D. & Barber, M. 1999. *A Preliminary Cultural Resource Survey of Mulligans Flat Nature Reserve, Areas B & C, Gungahlin, ACT*. A Report to Canberra Nature Park.

From: [Russell, Meaghan](#)
To: [Sophie McLean](#)
Cc: [Duarte, Renee](#)
Subject: RE: Hall discovery playground [SEC=UNCLASSIFIED]
Date: Tuesday, 15 October 2019 12:12:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello Sophie,

As discussed yesterday, ACT Heritage Council advice on this issue only requires the following:

- A statement about whether A-horizon podzolic soils formed on late Pleistocene sediments occur within, and would be impacted by, the proposed development.

This information should be included in the amended SHE report for further Council assessment.

Regards,

Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Sophie McLean [redacted]
Sent: Monday, 14 October 2019 6:02 PM
To: Russell, Meaghan <Meaghan.Russell@act.gov.au>
Subject: Re: Hall discovery playground [SEC=UNCLASSIFIED]

Thanks for the chat before

Quick question - Huonbrook have said that A horizon podzolic soils over Pleistocene horizons have greatest potential for in context but no in situ finds.

But they also say that the majority of sites within the creek line in the Ginninderra SLU are the product of post settlement alluvium and no longer in context, with greatest potential for sites occurring on the Williamsdale SLU and Pleistocene landforms associated with them. So you/Council feel that the determination that A podzolic soils Pleistocene soils occur within the Ginninderra SLU outweighs the prediction that these sites are likely to be out of context and of lower archaeological potential than the Williamsdale SLU with Pleistocene landforms in this case?

Or does council feel that both have equal potential for sites, irrespective of the observation of a lower potential within the Ginninderra Creek SLU?

Just want to word it right!!!

Thanks

Dr Sophie Collins

Senior Archaeologist, Lithics Specialist
Cultural Heritage Management Australia

M: [redacted]

E: [redacted]

website: chma.com.au

On 14 Oct 2019, at 3:06 pm, Russell, Meaghan

<Meaghan.Russell@act.gov.au> wrote:

Hi Sophie – am emailing from a meeting, so will give you a call later this afternoon.

Cheers,

Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

<image001.png>@EnvironPlan <image002.png> facebook.com/EnvironPlan

From: Sophie McLean [REDACTED]

Sent: Monday, 14 October 2019 2:46 PM

To: Russell, Meaghan <Meaghan.Russell@act.gov.au>

Cc: Duarte, Renee <Renee.Duarte@act.gov.au>

Subject: Re: Hall discovery playground [SEC=UNCLASSIFIED]

Hi Again,

Just tried calling you again!!

Can you please give me a buzz, I only need 5 mins of your time to put this one to bed please,

Cheers

Sophie

Dr Sophie Collins

Senior Archaeologist, Lithics Specialist
Cultural Heritage Management Australia

M: [REDACTED]

website: chma.com.au

On 14 Oct 2019, at 2:32 pm, Russell, Meaghan
<Meaghan.Russell@act.gov.au> wrote:

Hello Sophie,

I did receive your message, but also spoke with Renee from TCCS at the same time – and understood that the SHE was being amended in accordance with Council advice.

If you have additional questions, could you please email them through?

As you are aware, this application is with David Flannery as delegate, and has also been subject to Aboriginal Taskforce assessment – so I will need to refer any additional questions onto David for a response.

Cheers,

Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate |

ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

<image001.png>@EnvironPlan <image002.png> facebook.com/EnvironPlan

From: Sophie McLean [REDACTED]

Sent: Monday, 14 October 2019 2:21 PM

To: Russell, Meaghan <Meaghan.Russell@act.gov.au>

Subject: Hall discovery playground

Hi Meaghan,

I hope all is well with you?

I called last week and left a message with someone in heritage

there about needing to speak with you urgently about Hall please.
I see the letter you've provided us but it doesn't address several of
my questions and I just really want to get you guys whatever you
need so we can finalise it all!

Can you please give me a call asap?

Much appreciated

Sophie

Dr Sophie Collins

Senior Archaeologist, Lithics Specialist
Cultural Heritage Management Australia

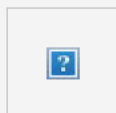
M: [REDACTED]

E: [REDACTED]

website: chma.com.au

This email, and any attachments, may be confidential and also privileged. If you
are not the intended recipient, please notify the sender and delete all copies of
this transmission along with any attachments immediately. You should not copy
or use it for any purpose, nor disclose its contents to any other person.

From: [WeTransfer](#)
To: [Russell, Meaghan](#)
Subject: [REDACTED] sent you files via WeTransfer
Date: Tuesday, 15 October 2019 5:49:18 PM



2 items, 20.7 MB in total · Will be deleted on 22 October, 2019

Hello Heritage,
Please find attached the revised CHA and SHE for Hall Discovery
playground for Council approval, Many thanks Sophie

Get your files

Download link

<https://wetransfer.com/downloads/da871ac422a891d88e4ae38a08c191a320191015064728/ea92912570c0c2a2197e9472e564c3b20191015064728/91e5f7>

2 items

REPORT - Hall Village Adventure Playground CHA and SHE V2.pdf
20.6 MB

Title Page - Hall Playground.pdf
193 KB

To make sure our emails arrive, please add noreply@wetransfer.com to [your contacts](#).

[About WeTransfer](#) · [Help](#) · [Legal](#) · [Report this transfer as spam](#)

To	Aboriginal Taskforce
From	ACT Heritage
Subject	Halls Creek Adventure Trail – SHE application
Critical Date	close of business <u>11 November 2019</u> – email comments

Purpose

To seek Aboriginal Taskforce comments on a Statement of Heritage Effect (SHE) application for an adventure trail at Hall; to inform the ACT Heritage Council (the Council) decision on the application.

Background

The Aboriginal Sites Zone (the Zone) is a feature intrinsic of the Hall Village Heritage Precinct (the Precinct), with the ACT Heritage Register entry for the place describing it as a reflection of the pre-European natural and Aboriginal cultural landscape.

On this basis, the *Heritage Act 2004* affords protection to individual Aboriginal places and objects that occur within the Zone (refer to Figure 1), as well as the overall landscape character of the Zone.

Figure 2: Recorded Aboriginal places within the Zone



On 18 September 2017, Transport Canberra and City Services (TCCS) made a SHE application for a proposed mountain bike track within the Zone, within Block 1 Section 23 Hall.

This proposal was for a 1km track, which included a crossing of Halls Creek (refer to Figure 2), to be constructed through excavation of 60m³. The SHE application for this project identified it as the only reasonably practicable alternative, as the community preferred a location adjacent to the village centre and existing parking.

Figure 2: September 2017 bike track proposal – alignment



Approximate Location of Proposed Track Route

Project: Halls Creek Track

On 17 October 2018, following two requests for further information, the Council decided to not approve the above SHE application.

This decision was informed by an Aboriginal Taskforce assessment in September 2018, in which members advised that the proposal was not justifiable, and that there were reasonably practicable alternatives available, including construction of the bike track at another location. On this basis, the Council was not satisfied that permanent impacts to the Zone were warranted, and recommended further assessment of project alternatives.

In April 2019, ACT Heritage met with TCCS about opportunities to deliver this project in ways that avoided or minimised heritage impacts. At this time, ACT Heritage encouraged opportunities to deliver the project beyond the Zone, and noted that if amended works were to be proposed within the Zone, these should be smaller in scale, collocated with existing park infrastructure near the corners of Gladstone and Victoria Streets, and include minimal excavation.

On 20 August 2019, CHMA made a SHE application for the amended project, being an adventure trail within the Zone, within Block 1 Section 23 Hall.

The amended proposal consists of a 500m track centred around the existing playground and contained to the north of Halls Creek, with nature play spaces along its length (refer to Figure 3), to be constructed on top of geotechnical fabric and introduced fill.

Figure 3: August 2019 adventure trail proposal – alignment



Following a further information request in September 2019, and related correspondence in October 2019, an amended SHE report was submitted on 15 October 2019. This reports sets out the following:

- The project consists of an adventure trail approximately 500 metres in length, located around the existing playground near the corners of Gladstone and Victoria Streets.
- The project will use natural construction materials, such as dirt and decomposed granite gravels, and include surface features such as bumps, log bridges, climbing ropes and above ground tunnels.
- The proposal will allow people of all ages and abilities – including walkers, bike riders and people in wheelchairs – to use recreational infrastructure at this location.
- No individually recorded Aboriginal places and objects occur within, or would be impacted by, the proposed development.
- The Zone is considered to be of low-moderate archaeological potential, reflecting low density, sporadic but extensive cultural use of the river corridor.
- While the project area is not of high archaeological potential, it is noted that A horizon podzolic soils formed on late Pleistocene sediments occur within this area, and in accordance with the findings of Huonbrook (2019), these contexts are of cultural sensitivity.
- To minimise development impacts to Aboriginal places and objects, the project will be constructed on top of the existing ground surface, with no excavation proposed. Instead, geotechnical fabric will be placed along the length of the alignment, and construction materials will be placed on top. Features such as rocks and logs will be placed at ground level, and where dirt and decomposed granite gravels are used, this will be at least 10 centimetres deep.

- On this basis, the proposed construction works are considered unlikely to damage any Aboriginal places and objects, and not result in any significant change to the landscape character of the Zone.
- Should unanticipated Aboriginal sites be encountered during works, the project's Unanticipated Discovery Plan (UDP) will be implemented.
- RAOs have been consulted about the proposal, and – during on site discussions in May 2019 and subsequent phone calls – provided verbal support for the project.
- As a result of RAO input, a bush tucker garden and yarning circle have been included as elements of the proposal, and a commitment has been made to further discuss the name of the playground with RAOs.

Taskforce Actions

The following is requested of each Taskforce member:

1. Complete the Taskforce comment column of the table in Attachment 3, and identify whether the application meets or does not meet *Heritage Act 2004* application requirements; and
2. Make a recommendation for the Council decision on the application, of the following options:
 - a. Approve; or
 - b. Approve with conditions – and identify conditions; or
 - c. Not approve.

Attachments

1. SHE application and report, submitted on 20 August 2019.
2. Further information request, issued by the Council on 18 September and 3 October 2019.
3. SHE application – ACT Heritage review comments.

Document: “Adventure Trail and Nature Play Space, Hall. Cultural Heritage Assessment and Statement of Heritage Effect” (CHMA, 15 October 2019)

Date Received: 20 August & 15 October 2019

Date of ACT Heritage comments: 28 October 2018

Assessment Against <i>Heritage Act 2004</i> Requirements		
<i>Heritage Act 2004</i> requirement	ACT Heritage comment	Taskforce comment
Under Section 61(G)(1)(a) of the Act, a SHE application must describe the Aboriginal place/object to which the application relates (the heritage site).	The SHE application adequately describes the Aboriginal Sites Zone of the Hall Village Heritage Precinct, within which works are proposed. <i>ACT Heritage considers that this application criteria has been met</i>	
Under Section 61(G)(1)(b) of the Act, a SHE application must provide details about the proposed activity, including the reason for the activity and the extent and duration of the activity.	The SHE application adequately describes the proposed activity, including its reason and duration; and provides detailed mapping of the project layout. <i>ACT Heritage considers that this application criteria has been met</i>	
Under Section 61(G)(1)(c) of the Act, a SHE application must describe the likely effect of the proposed activity on the heritage site, including the effects that may	The SHE application describes the likely effects of the proposed activity on the Aboriginal Sites Zone, considering potential impacts to individually recorded Aboriginal places, potential archaeological features and deposits, and the	

Assessment Against <i>Heritage Act 2004</i> Requirements		
<i>Heritage Act 2004</i> requirement	ACT Heritage comment	Taskforce comment
diminish the heritage significance of or damage the heritage site.	<p>landscape character of the Aboriginal Sites Zone.</p> <p>Following review, ACT Heritage concurs with the impact assessment presented within the SHE, noting that:</p> <ul style="list-style-type: none"> • Individually recorded Aboriginal places and objects are unlikely to be damaged – as such sites are located more than 60m from the proposed trail, and also separated from the trail by Halls Creek. • Subsurface archaeological deposits are unlikely to be damaged – as the proposal was amended to eliminate excavation, with geotechnical fabric to be laid and fill introduced for the trail. • The natural and cultural landscape character of the Aboriginal Sites Zone is unlikely to be diminished – as the proposal is relatively small in scale, collocated with existing an existing playground, and utilizes natural construction materials; and therefore will not significantly affect the landscape character of the place. <p><i>ACT Heritage considers that this application criteria has been met</i></p>	

Assessment Against <i>Heritage Act 2004</i> Requirements		
<i>Heritage Act 2004</i> requirement	ACT Heritage comment	Taskforce comment
Under Section 61(G)(1)(d) of the Act, a SHE application must describe the measures that the applicant will adopt during the activity to reduce the risk of diminishing the heritage significance of or damage the heritage site.	<p>The SHE application describes measures that have been adopted to the heritage effects of the proposal, being:</p> <ul style="list-style-type: none"> • The reduction of the original trail from 1km to 500m, and reduction of its western and southern extents. • The elimination of crossings of Halls Creek. • The collocation of the trail with existing playground infrastructure. • The elimination of excavation from the construction method. • The inclusion of measures to minimize ground surface impacts, with the trail to be built with introduced fill placed on top of geotechnical fabric. <p>Following review, ACT Heritage considers that adoption of these measures will significantly reduce the potential effects on the proposal on the heritage values of the Aboriginal Sites Zone.</p> <p><i>ACT Heritage considers that this application criteria has been met</i></p>	
Under Section 61(G)(1)(e) of the Act, a SHE application must	The SHE application presents an alternative to the original proposal, which was a 1km mountain bike	

Assessment Against <i>Heritage Act 2004</i> Requirements		
<i>Heritage Act 2004</i> requirement	ACT Heritage comment	Taskforce comment
describe whether other reasonably practicable ways of carrying out the activity at the heritage site are available.	<p>trail, proposed over a larger area within the Aboriginal Sites Zone, and to be constructed through excavation of 60m³. The current proposal seeks to expand the existing playground in ways with minimal heritage impacts to the landscape character of the Aboriginal Sites Zone, and in ways that are unlikely to damage individual heritage sites and potential archaeological deposits.</p> <p>In this context, ACT Heritage considers that the SHE application presents an alternative to the original proposal that will have minimal heritage impacts.</p> <p><i>ACT Heritage considers that this application criteria has been met</i></p>	
<p>Under Section 61(H)(3) of the Act, the Council must approve a SHE application if it is satisfied on reasonable grounds that <u>all three</u> of the following have been met:</p> <p>(a) The proposed activity is justifiable at, or near, the place.</p> <p>(b) There are no reasonably</p>	<p>ACT Heritage considers that all SHE approval criteria have been met, for reasons described below.</p> <p>Should the Council delegate decide to approve the SHE application, the following standard approval conditions are recommended:</p> <ol style="list-style-type: none"> 1. All heritage management actions are to be undertaken in accordance with the CHMA 	

Assessment Against <i>Heritage Act 2004</i> Requirements		
<i>Heritage Act 2004</i> requirement	ACT Heritage comment	Taskforce comment
<p>practicable alternative ways to carry out the proposed activity at the place.</p> <p>(c) That reasonable steps have been identified to reduce the risk of diminishing the heritage significance of or damage to the place.</p>	<p>(15 October 2019) report;</p> <p>2. A copy of the SHE approval is to be provided to RAOs prior to the commencement of works; and</p> <p>3. The SHE is approved for a period of two years.</p>	

From: [Russell, Meaghan](#)
To: [David Flannery](#) [REDACTED]
Subject: FW: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]
Date: Wednesday, 30 October 2019 1:33:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[20191030 - Aboriginal Taskforce referral - Halls Creek Adventure Trail.docx](#)

Hi David,

FYI – please see the below.

In summary – the Halls Creek bike track project has been amended, and a second SHE application made. The amended proposal is vastly improved, being a 500m trail (instead of 1000m), collocated with the existing playground, with limited western and southern extents, and to be constructed on introduced fill (rather than by 60m³ of excavation).

This was referred to Aboriginal Taskforce members today for assessment, and informed by their comments, draft advice will be provided and provided to you as delegate. I will also include you in the Objective Connect invitation to view application documents.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)
Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au

 [@EnvironPlan](#)  facebook.com/EnvironPlan

From: Russell, Meaghan
Sent: Wednesday, 30 October 2019 12:27 PM
To: Gary Shipp [REDACTED]; Doug Williams
[REDACTED]; Edwina Jans
[REDACTED]
Subject: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]

Hello Aboriginal Taskforce members,

Following last year's Council decision to refuse the Halls Creek bike track SHE application, the project was amended and a second SHE application made – for the Halls Creek Adventure Trail project.

This application is referred for your assessment, prior to a decision being made by David Flannery as the appropriate Council delegate.

To inform your assessment, please find attached a Taskforce referral document, which summarises the application and its context – and which includes preliminary assessment comments by ACT Heritage.

The following will also be provided by Objective Connect in a second email to follow:

- The project SHE report – including the original 20 August 2019 submission and the amended 15 October 2019 version; and
- Council's further information request letters on the 20 August 2019 submission, issued on 18 September and 3 October 2019.

Your assessment comments are requested by close of business 11 November 2019. Comments should be provided in the attached Taskforce review table, against each SHE application criteria and against the SHE approval threshold.

-

Please give me a call if you require any additional information at this stage.

Please also note that, as Ken Heffernan has a declared conflict of interest in this application, he will not participate in this Aboriginal Taskforce assessment.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Objective Connect](#)
To: [Heritage](#)
Subject: Halls Creek Adventure Trail - Objective Connect Workspace Has Been Accessed
Date: Wednesday, 30 October 2019 1:24:44 PM



Workspace Updated

Dear ACT,

Workspace **Halls Creek Adventure Trail** has been accessed:

The following documents were added:

- [20191003 - ACT Heritage Council letter - Halls Creek Adventure Trail and Nature Play Space.pdf](#) by **ACT Heritage** (30 Oct 2019, 1:16 PM)
- [20190820 - SHE Report - Hall Village Adventure Playground SUPERSEDED.pdf](#) by **ACT Heritage** (30 Oct 2019, 1:16 PM)
- [20191015 - Hall Village Adventure Playground SHE Report - V2.pdf](#) by **ACT Heritage** (30 Oct 2019, 1:16 PM)
- [20190918 - Advice - Hall Village Adventure Trail and Nature Play Space - SHE Application.pdf](#) by **ACT Heritage** (30 Oct 2019, 1:16 PM)



Thank you,
Objective Connect

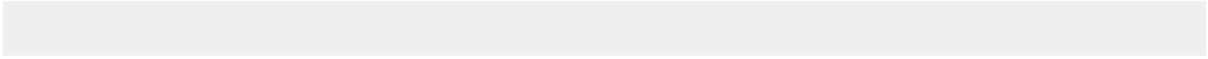
GETTING STARTED

[User Guide](#) | [How To Videos](#) | [FAQs](#) | [Assistance](#)

This email was intended for heritage@act.gov.au

Please do not reply to this email

[Acceptable Use Policy](#) | © 2016 - [Contact Us](#)



From: [David Flannery](#)
To: [Russell, Meaghan](#)
Subject: RE: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]
Date: Wednesday, 30 October 2019 2:12:29 PM
Attachments: [image001.png](#)
[image002.png](#)

Thanks.. noted.
David

David Flannery

| [website](#)

From: Russell, Meaghan [mailto:Meaghan.Russell@act.gov.au]
Sent: Wednesday, October 30, 2019 1:35 PM
To: David Flannery [redacted]
Subject: FW: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]

Hi David,

FYI – please see the below.

In summary – the Halls Creek bike track project has been amended, and a second SHE application made. The amended proposal is vastly improved, being a 500m trail (instead of 1000m), collocated with the existing playground, with limited western and southern extents, and to be constructed on introduced fill (rather than by 60m³ of excavation).

This was referred to Aboriginal Taskforce members today for assessment, and informed by their comments, draft advice will be provided and provided to you as delegate. I will also include you in the Objective Connect invitation to view application documents.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)
Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Russell, Meaghan
Sent: Wednesday, 30 October 2019 12:27 PM
To: Gary Shipp [redacted] Doug Williams
[redacted] >; Edwina Jans
[redacted]
Subject: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]

Hello Aboriginal Taskforce members,

Following last year's Council decision to refuse the Halls Creek bike track SHE application, the project was amended and a second SHE application made – for the Halls Creek Adventure Trail project.

This application is referred for your assessment, prior to a decision being made by David Flannery as the appropriate Council delegate.

To inform your assessment, please find attached a Taskforce referral document, which summarises the application and its context – and which includes preliminary assessment comments by ACT Heritage.

The following will also be provided by Objective Connect in a second email to follow:

- The project SHE report – including the original 20 August 2019 submission and the amended 15 October 2019 version; and
- Council's further information request letters on the 20 August 2019 submission, issued on 18 September and 3 October 2019.

Your assessment comments are requested by close of business 11 November 2019. Comments should be provided in the attached Taskforce review table, against each SHE application criteria and against the SHE approval threshold.

-

Please give me a call if you require any additional information at this stage.

Please also note that, as Ken Heffernan has a declared conflict of interest in this application, he will not participate in this Aboriginal Taskforce assessment.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Objective Connect](#)
To: [Heritage](#)
Subject: Halls Creek Adventure Trail - Objective Connect Workspace Has Been Accessed
Date: Wednesday, 30 October 2019 1:24:44 PM



Workspace Updated

Dear ACT,

Workspace **Halls Creek Adventure Trail** has been accessed:

The following documents were added:

- [20191003 - ACT Heritage Council letter - Halls Creek Adventure Trail and Nature Play Space.pdf](#) by **ACT Heritage** (30 Oct 2019, 1:16 PM)
- [20190820 - SHE Report - Hall Village Adventure Playground SUPERSEDED.pdf](#) by **ACT Heritage** (30 Oct 2019, 1:16 PM)
- [20191015 - Hall Village Adventure Playground SHE Report - V2.pdf](#) by **ACT Heritage** (30 Oct 2019, 1:16 PM)
- [20190918 - Advice - Hall Village Adventure Trail and Nature Play Space - SHE Application.pdf](#) by **ACT Heritage** (30 Oct 2019, 1:16 PM)



Thank you,
Objective Connect

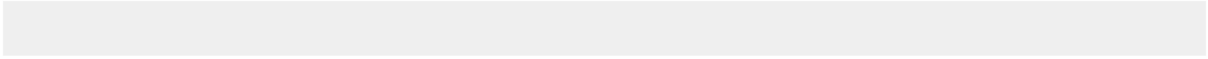
GETTING STARTED

[User Guide](#) | [How To Videos](#) | [FAQs](#) | [Assistance](#)

This email was intended for heritage@act.gov.au

Please do not reply to this email

[Acceptable Use Policy](#) | © 2016 - [Contact Us](#)



From: [Duarte, Renee](#)
To: [Russell, Meaghan](#)
Subject: FW: [REDACTED] sent you files via WeTransfer
Date: Friday, 1 November 2019 3:24:02 PM
Attachments: [image002.emz](#)
[image003.png](#)
[image004.png](#)

UNCLASSIFIED

Hi Meaghan,
Happy Friday!

Just following up on our revised submission to the Heritage Council for the Hall discovery playground that our Heritage consultant sent through on 15 October. Wondering if you could please update me on whether there has been any progress with our application?

Many thanks,
Renee

Dr Renee Duarte | Manager, Open Space Planning and Policy
City Presentation | Transport Canberra and City Services Directorate | ACT Government
Phone: (02) 6205 9253 | Email: renee.duarte@act.gov.au

Level 1, 490 Northbourne Ave, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: WeTransfer <noreply@wetransfer.com>
Sent: Tuesday, 15 October 2019 5:49 PM
To: Duarte, Renee <Renee.Duarte@act.gov.au>
Subject: [REDACTED] sent you files via WeTransfer



2 items, 20.7 MB in total · Will be deleted on 22 October, 2019

Hello Heritage,
Please find attached the revised CHA and SHE for Hall Discovery playground for Council approval, Many thanks Sophie



Download link

<https://wettransfer.com/downloads/da871ac422a891d88e4ae38a08c191a320191015064728/f0dce351819640f22171582fd0585d1720191015064728/67f1e4>

2 items

REPORT - Hall Village Adventure Playground CHA and SHE V2.pdf
20.6 MB

Title Page - Hall Playground.pdf
193 KB

To make sure our emails arrive, please add noreply@wettransfer.com to [your contacts](#).

[About WeTransfer](#) · [Help](#) · [Legal](#) · [Report this transfer as spam](#)

From: [Lulic, Adriana](#)
To: [Edwina Jans](#); [Russell, Meaghan](#)
Subject: RE: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]
Date: Monday, 4 November 2019 8:20:18 AM

Hi Edwina

I have removed you as a participant and then I've sent you a new invitation to join the folder.

Please let me know if that's worked.

Thanks
Adriana

From: Edwina Jans [redacted]
Sent: Sunday, 3 November 2019 1:08 PM
To: Russell, Meaghan <Meaghan.Russell@act.gov.au>
Cc: Lulic, Adriana <Adriana.Lulic@act.gov.au>
Subject: Re: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]

thanks, Meaghan

I've read all this - thanks for such a well presented assessment. Just to let you know that I have been having difficulties with objective connect, I can't seem to log in, even with an invitation, so thanks for sending through the docs.

Adriana, any advice on how to remedy my issues?

thanks

Edwina

On 30 Oct 2019, at 12:26 pm, Russell, Meaghan
<Meaghan.Russell@act.gov.au> wrote:

Hello Aboriginal Taskforce members,

Following last year's Council decision to refuse the Halls Creek bike track SHE application, the project was amended and a second SHE application made – for the Halls Creek Adventure Trail project.

This application is referred for your assessment, prior to a decision being made by David Flannery as the appropriate Council delegate.

To inform your assessment, please find attached a Taskforce referral document, which summarises the application and its context – and which includes preliminary assessment comments by ACT Heritage.

The following will also be provided by Objective Connect in a second email to

follow:

- The project SHE report – including the original 20 August 2019 submission and the amended 15 October 2019 version; and
- Council’s further information request letters on the 20 August 2019 submission, issued on 18 September and 3 October 2019.

Your assessment comments are requested by close of business 11 November 2019. Comments should be provided in the attached Taskforce review table, against each SHE application criteria and against the SHE approval threshold.

-

Please give me a call if you require any additional information at this stage.

Please also note that, as Ken Heffernan has a declared conflict of interest in this application, he will not participate in this Aboriginal Taskforce assessment.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

<image001.png>[@EnvironPlan](#) <image002.png> [facebook.com/EnvironPlan](https://www.facebook.com/EnvironPlan)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

<20191030 - Aboriginal Taskforce referral - Halls Creek Adventure Trail.docx>

From: [Edwina Jans](#)
To: [Gary Shipp](#)
Cc: [Russell, Meaghan](#); [Doug Williams](#); [REDACTED]
Subject: Re: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]
Date: Monday, 11 November 2019 8:50:46 PM
Attachments: [20191030 - Aboriginal Taskforce referral - Halls Creek Adventure Trail-EJ.docx](#)

hi Meaghan

I also agree & attach the SHE assessment with my agreement to all sections.

thanks

Edwina

On 10 Nov 2019, at 3:43 pm, Gary Shipp [REDACTED] wrote:

Hi Meaghan et al
Having read all the documentation associated with the SHE application "Adventure trail and nature play space at Hall, I agree with ACT Heritage comments that the application criteria has been met.
Further, noting that RAO's have been consulted and given verbal approval to support the project.
I therefore, recommend Council approval of the application.

Regards
Gary Shipp

Sent from my iPad

On 30 Oct 2019, at 12:26 PM, Russell, Meaghan <Meaghan.Russell@act.gov.au> wrote:

Hello Aboriginal Taskforce members,

Following last year's Council decision to refuse the Halls Creek bike track SHE application, the project was amended and a second SHE application made – for the Halls Creek Adventure Trail project.

This application is referred for your assessment, prior to a decision being made by David Flannery as the appropriate Council delegate.

To inform your assessment, please find attached a Taskforce referral document, which summarises the application and its context – and which includes preliminary assessment comments by ACT Heritage.

The following will also be provided by Objective Connect in a second

email to follow:

- The project SHE report – including the original 20 August 2019 submission and the amended 15 October 2019 version; and
- Council's further information request letters on the 20 August 2019 submission, issued on 18 September and 3 October 2019.

Your assessment comments are requested by close of business 11 November 2019. Comments should be provided in the attached Taskforce review table, against each SHE application criteria and against the SHE approval threshold.

Please give me a call if you require any additional information at this stage.

Please also note that, as Ken Heffernan has a declared conflict of interest in this application, he will not participate in this Aboriginal Taskforce assessment.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate
| ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

<image001.png>[@EnvironPlan](#) <image002.png> facebook.com/EnvironPlan

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

<20191030 - Aboriginal Taskforce referral - Halls Creek Adventure Trail.docx>

From: [Doug Williams](#)
To: [Gary Shipp](#); [Russell, Meaghan](#)
Cc: [Edwina Jans](#)
Subject: Re: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]
Date: Monday, 11 November 2019 6:50:59 AM

I agree with Gary's comments.
Regards
Doug

On 10 November 2019 15:44:39 Gary Shipp [REDACTED] wrote:

Hi Meaghan et al
Having read all the documentation associated with the SHE application "Adventure trail and nature play space at Hall, I agree with ACT Heritage comments that the application criteria has been met.
Further, noting that RAO's have been consulted and given verbal approval to support the project.
I therefore, recommend Council approval of the application.

Regards
Gary Shipp

Sent from my iPad

On 30 Oct 2019, at 12:26 PM, Russell, Meaghan <Meaghan.Russell@act.gov.au> wrote:

Hello Aboriginal Taskforce members,

Following last year's Council decision to refuse the Halls Creek bike track SHE application, the project was amended and a second SHE application made – for the Halls Creek Adventure Trail project.

This application is referred for your assessment, prior to a decision being made by David Flannery as the appropriate Council delegate.

To inform your assessment, please find attached a Taskforce referral document, which summarises the application and its context – and which includes preliminary assessment comments by ACT Heritage.

The following will also be provided by Objective Connect in a second email to follow:

- The project SHE report – including the original 20 August 2019 submission and the amended 15 October 2019 version; and
- Council's further information request letters on the 20 August 2019

submission, issued on 18 September and 3 October 2019.

Your assessment comments are requested by close of business 11 November 2019. Comments should be provided in the attached Taskforce review table, against each SHE application criteria and against the SHE approval threshold.

-

Please give me a call if you require any additional information at this stage.

Please also note that, as Ken Heffernan has a declared conflict of interest in this application, he will not participate in this Aboriginal Taskforce assessment.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

<image001.png> [@EnvironPlan](#) <image002.png> [facebook.com/EnvironPlan](https://www.facebook.com/EnvironPlan)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

<20191030 - Aboriginal Taskforce referral - Halls Creek Adventure Trail.docx>

Sent with [AquaMail for Android](#)
<https://www.mobisystems.com/aqua-mail>

Statement of Heritage Effect Approval

Heritage Reference: [REDACTED]
Received by Council: 20 August 2019 &
15 October 2019

Under Section 61H of the *Heritage Act 2004*

TO: Cultural Heritage Management Australia
Dr Sophie Collins
[REDACTED]

Block:	Section:	District:	Heritage Place:
[REDACTED]	[REDACTED]	Hall	Aboriginal Sites Zone (Hall Village Heritage Precinct)

Status of Place: Registered Heritage Place
Description of Works: Hall Village Adventure Trail and Nature Play Space
Report Details: “*Adventure Trail and Natural Play Space, Hall - Cultural Heritage Assessment and Statement of Heritage Effect*”
(CHMA, 15 October 2019)
Council Advice provided by: Chair / Heritage Council

Pursuant to Section 61H of the *Heritage Act 2004*, the ACT Heritage Council advises that:

- The Statement of Heritage Effect is approved, with conditions as set out below, on the basis that:
- (a) the proposed activity is justifiable at, or near, the place; and
 - (b) there are no reasonably practicable alternative ways to carry out the proposed activity at the place; and
 - (c) that reasonable steps have been identified to reduce the risk of diminishing the heritage significance of or damage to the place.

Background:

On 20 August 2019, Cultural Heritage Management Australia (CHMA) made an application to the ACT Heritage Council (the Council) for approval of a Statement of Heritage Effect (SHE), for construction of the ‘Hall Village Adventure Trail and Nature Play Space’ within Block 1, Section 23 Hall.

A revised SHE report was also submitted on 15 October 2019, following a further information request from the Council on 18 September 2019.

[REDACTED], Hall is registered on the ACT Heritage Register as part of the Hall Village Heritage Precinct (the Precinct); and also forms part of the ‘Aboriginal Sites Zone’ (Sites Zone), which is a feature of the Precinct’s heritage significance.

Studies of the Sites Zone have identified that it is of cultural significance, moderate to high archaeological potential, and of conservation value, being a rare example of an Aboriginal cultural landscape conserved within Canberra's urban area (Navin Officer Heritage Consultants 2018, Huonbrook 2019). The Sites Zone also contains a number of surface Aboriginal archaeological sites, including three within [REDACTED], Hall, recorded as 'Site 4', 'Site 5' and 'Site 6'.

Within this area, Transport Canberra and City Services (TCCS) proposes to expand the existing playground near the corner of Gladstone and Victoria Streets, by constructing a new 500 metre trail along which several nature play spaces would be located. Construction would use natural materials such as dirt and decomposed granite gravels; and include features such as bumps, log bridges, climbing ropes and above ground tunnels. By adding to the existing playground, the project would allow people of all ages and abilities – including walkers, bike riders and people in wheelchairs – to use the recreational area.

In response to application criteria set out in Section 61(G) of the *Heritage Act 2004*, the revised SHE reports sets out the following:

- No individually recorded Aboriginal places and objects occur within, or would be impacted by, the proposed development;
- The proposed development area is considered to be of low-moderate archaeological potential, reflecting prior disturbance from past grazing, rabbit activity and erosion. However, this part of the Sites Zone does contain A horizon podzolic soils formed on late Pleistocene sediments, which Huonbrook (2019) found to be of archaeological sensitivity and vulnerable to development impacts;
- The project was originally proposed to be a 1000 metre trail within the Sites Zone, to be constructed through excavation of 60 cubic metres and including crossings of Halls Creek. The current proposal is an alternate way of carrying out the activity, and has been amended in the following ways to avoid and minimise heritage impacts:
 - The length of the trail has been reduced from 1000 metres to 500 metres;
 - The location of the trail has been amended, with southern and western extents reduced, Halls Creek crossings removed, and the trail collocated with the existing playground;
 - The use of excavation to construct the trail has been eliminated, with the trail now to be built on top of geotechnical fabric and at least 10 centimetres of introduced fill. Features placed along the trail, such as rocks and logs, will also be placed on the ground without prior ground disturbance;
- On this basis, the proposed development is unlikely to damage Aboriginal places and objects, and will not result in any significant change to the landscape character of the Sites Zone; and
- Should Aboriginal places and objects be encountered during construction works, the project's Unanticipated Discovery Plan (UDP) will be implemented, to manage those finds in accordance with *Heritage Act 2004* provisions.

The SHE report sets out that Representative Aboriginal Organisations (RAOs) were consulted about the amended proposal and SHE application, with recommendations

developed during the 25 July 2019 site visit and subsequent phone calls. RAOs were also provided with the opportunity to review the draft SHE report on 3 August 2019.

The SHE report also sets out that RAOs will provide ongoing advice to TCCS on matters discussed at the 25 July 2019 site visit, including: opportunities to incorporate cultural elements in nature play spaces, such as a bush tucker garden and a yarnning circle; the naming of the recreational area; and a smoking ceremony at the opening of the playground.

Decision:

Following review of the application, the Council is satisfied that the proposed activity is justifiable, and that there are no reasonably practicable alternative ways to carry out the proposed activity, and that reasonable steps have been adopted to reduce detrimental heritage impacts.

On this basis, the Council approves the Statement of Heritage Effect application subject to the following conditions:

1. All heritage management actions are to be undertaken in accordance with the *“Adventure Trail and Natural Play Space, Hall - Cultural Heritage Assessment and Statement of Heritage Effect”* (CHMA, 15 October 2019);
2. A copy of this Statement of Heritage Effect approval is to be provided to RAOs prior to the commencement of works; and
3. The SHE is approved for a period of two years.



David Flannery FRAIA MPIA
**Chair (as delegate for),
ACT Heritage Council**

12 November 2019

From: [Russell, Meaghan](#)
To: [Sophie McLean](#)
Cc: [Duarte, Renee](#)
Subject: ACT Heritage Council advice - SHE approval - Hall Village Adventure Trail [SEC=UNCLASSIFIED]
Date: Tuesday, 12 November 2019 3:21:00 PM
Attachments: [20191112 - SHE Approval - Hall Village Adventure Trail and Nature Play Space.pdf](#)
[image001.png](#)
[image002.png](#)
Importance: High

Hello Sophie,

Please find attached the ACT Heritage Council's decision on the Statement of Heritage Effect (SHE) application for the Hall Village Adventure Trail project.

As set out in the attached, the SHE application is approved with conditions, including that works comply with those described in the 15 October 2019 SHE report, and that RAOs are provided with a copy of the approval prior to the commencement of works.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)
Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [OConnell, Jennifer](#)
To: [Russell, Meaghan](#)
Subject: RE: 20191112 - SHE Approval - Hall Village Adventure Trail and Nature Play Space (A23685314)
[SEC=UNCLASSIFIED]
Date: Tuesday, 12 November 2019 11:28:24 AM

Hi Meaghan

Ready to be progressed to David Flannery for approval.

Cheers
Jen

Jennifer O'Connell I Assistant Director, ACT Heritage
Phone: +61 2 6207 2179 I Email: jennifer.oconnell@act.gov.au
ACT Heritage I Environment, Planning and Sustainable Development Directorate I ACT Government
Dame Pattie Menzies House, Dickson I GPO Box 158 Canberra ACT 2601 I www.environment.act.gov.au

-----Original Message-----

From: Russell, Meaghan
Sent: Tuesday, 12 November 2019 11:17 AM
To: OConnell, Jennifer <Jennifer.OConnell@act.gov.au>
Subject: 20191112 - SHE Approval - Hall Village Adventure Trail and Nature Play Space (A23685314)
[SEC=UNCLASSIFIED]

Hi Jen,

As discussed, please see attached draft Council advice - approving the Halls Creek adventure trail SHE application - which will go to David as delegate.

Aboriginal Taskforce comments are in file for your reference, with Gary, Doug and Edwina all recommending approval with conditions.

Cheers,
Meaghan

From: [Russell, Meaghan](#)
To: [Gary Shipp](#); [Doug Williams](#); [Edwina Jans](#)
Subject: RE: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]
Date: Tuesday, 12 November 2019 11:35:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Hello all,

Many thanks for your comments yesterday – much appreciated.

Reflecting your assessment, I am currently drafting Council advice for David to sign – for approval of the amended proposal with standard conditions. I anticipate that this will be issued today or tomorrow.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)
Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Russell, Meaghan
Sent: Wednesday, 30 October 2019 12:27 PM
To: Gary Shipp; Doug Williams
Edwina Jans
Subject: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]

Hello Aboriginal Taskforce members,

Following last year's Council decision to refuse the Halls Creek bike track SHE application, the project was amended and a second SHE application made – for the Halls Creek Adventure Trail project.

This application is referred for your assessment, prior to a decision being made by David Flannery as the appropriate Council delegate.

To inform your assessment, please find attached a Taskforce referral document, which summarises the application and its context – and which includes preliminary assessment comments by ACT Heritage.

The following will also be provided by Objective Connect in a second email to follow:

- The project SHE report – including the original 20 August 2019 submission and the amended 15 October 2019 version; and
- Council’s further information request letters on the 20 August 2019 submission, issued on 18 September and 3 October 2019.

Your assessment comments are requested by close of business 11 November 2019. Comments should be provided in the attached Taskforce review table, against each SHE application criteria and against the SHE approval threshold.

-

Please give me a call if you require any additional information at this stage.

Please also note that, as Ken Heffernan has a declared conflict of interest in this application, he will not participate in this Aboriginal Taskforce assessment.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Edwina Jans](#)
To: [Russell, Meaghan](#)
Cc: [Gary Shipp](#) [redacted]; [Doug Williams](#) [redacted]
Subject: Re: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE [SEC=UNCLASSIFIED]
Date: Tuesday, 12 November 2019 6:12:59 PM

thanks, Meaghan

And thanks again for the excellent assessment paperwork.

cheers

Edwina

On 12 Nov 2019, at 11:35 am, Russell, Meaghan
<Meaghan.Russell@act.gov.au> wrote:

Hello all,

Many thanks for your comments yesterday – much appreciated.

Reflecting your assessment, I am currently drafting Council advice for David to sign – for approval of the amended proposal with standard conditions. I anticipate that this will be issued today or tomorrow.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

<image001.png>[@EnvironPlan](#) <image002.png> facebook.com/EnvironPlan

From: Russell, Meaghan

Sent: Wednesday, 30 October 2019 12:27 PM

To: Gary Shipp [redacted]; Doug Williams
[redacted]; Edwina
Jans [redacted] >

Subject: Aboriginal Taskforce referral - Halls Creek Adventure Trail SHE
[SEC=UNCLASSIFIED]

Hello Aboriginal Taskforce members,

Following last year's Council decision to refuse the Halls Creek bike track SHE

application, the project was amended and a second SHE application made – for the Halls Creek Adventure Trail project.

This application is referred for your assessment, prior to a decision being made by David Flannery as the appropriate Council delegate.

To inform your assessment, please find attached a Taskforce referral document, which summarises the application and its context – and which includes preliminary assessment comments by ACT Heritage.

The following will also be provided by Objective Connect in a second email to follow:

- The project SHE report – including the original 20 August 2019 submission and the amended 15 October 2019 version; and
- Council’s further information request letters on the 20 August 2019 submission, issued on 18 September and 3 October 2019.

Your assessment comments are requested by close of business 11 November 2019. Comments should be provided in the attached Taskforce review table, against each SHE application criteria and against the SHE approval threshold.

-

Please give me a call if you require any additional information at this stage.

Please also note that, as Ken Heffernan has a declared conflict of interest in this application, he will not participate in this Aboriginal Taskforce assessment.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

<image001.png>[@EnvironPlan](#) <image002.png> [facebook.com/EnvironPlan](https://www.facebook.com/EnvironPlan)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [David Flannery](#)
To: [Russell, Meaghan](#)
Subject: RE: Draft Council advice - Halls Creek SHE application - Adventure Trail [SEC=UNCLASSIFIED]
Date: Tuesday, 12 November 2019 2:53:45 PM
Attachments: [image001.png](#)
[image002.png](#)
[20191112 - SHE Approval - Hall Village Adventure Trail and Nature Play Space_Design.pdf](#)

Meaghan

Signed advice attached... a really good outcome, thanks for your efforts.

David

David Flannery

| [website](#)

From: Russell, Meaghan [mailto:Meaghan.Russell@act.gov.au]
Sent: Tuesday, November 12, 2019 11:42 AM
To: David Flannery [redacted]
Subject: Draft Council advice - Halls Creek SHE application - Adventure Trail [SEC=UNCLASSIFIED]
Importance: High

Hello David,

Please find attached draft Council advice, approving with conditions the SHE application for the amended Halls Creek trail project.

As you are aware, this application was assessed by ACT Heritage and Aboriginal Taskforce members – excluding Ken – who consider that SHE approval criteria have been met. Email comments from Gary, Doug and Edwina are also attached for your reference.

Given the project history, it would be much appreciated if you could review the attached and return today.

Please give me a call if you have any questions during review.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose,

nor disclose its contents to any other person.

Statement of Heritage Effect Approval

Heritage Reference: [REDACTED]
Received by Council: 20 August 2019 &
15 October 2019

Under Section 61H of the *Heritage Act 2004*

TO: Cultural Heritage Management Australia
Dr Sophie Collins
[REDACTED]

Block:	Section:	District:	Heritage Place:
[REDACTED]	[REDACTED]	Hall	Aboriginal Sites Zone (Hall Village Heritage Precinct)

Status of Place: Registered Heritage Place
Description of Works: Hall Village Adventure Trail and Nature Play Space
Report Details: “*Adventure Trail and Natural Play Space, Hall - Cultural Heritage Assessment and Statement of Heritage Effect*”
(CHMA, 15 October 2019)
Council Advice provided by: Chair / Heritage Council

Pursuant to Section 61H of the *Heritage Act 2004*, the ACT Heritage Council advises that:

- The Statement of Heritage Effect is approved, with conditions as set out below, on the basis that:
- (a) the proposed activity is justifiable at, or near, the place; and
 - (b) there are no reasonably practicable alternative ways to carry out the proposed activity at the place; and
 - (c) that reasonable steps have been identified to reduce the risk of diminishing the heritage significance of or damage to the place.

Background:

On 20 August 2019, Cultural Heritage Management Australia (CHMA) made an application to the ACT Heritage Council (the Council) for approval of a Statement of Heritage Effect (SHE), for construction of the ‘Hall Village Adventure Trail and Nature Play Space’ within [REDACTED] Hall.

A revised SHE report was also submitted on 15 October 2019, following a further information request from the Council on 18 September 2019.

[REDACTED] Hall is registered on the ACT Heritage Register as part of the Hall Village Heritage Precinct (the Precinct); and also forms part of the ‘Aboriginal Sites Zone’ (Sites Zone), which is a feature of the Precinct’s heritage significance.

Studies of the Sites Zone have identified that it is of cultural significance, moderate to high archaeological potential, and of conservation value, being a rare example of an Aboriginal cultural landscape conserved within Canberra's urban area (Navin Officer Heritage Consultants 2018, Huonbrook 2019). The Sites Zone also contains a number of surface Aboriginal archaeological sites, including three within [REDACTED], Hall, recorded as 'Site 4', 'Site 5' and 'Site 6'.

Within this area, Transport Canberra and City Services (TCCS) proposes to expand the existing playground near the corner of Gladstone and Victoria Streets, by constructing a new 500 metre trail along which several nature play spaces would be located. Construction would use natural materials such as dirt and decomposed granite gravels; and include features such as bumps, log bridges, climbing ropes and above ground tunnels. By adding to the existing playground, the project would allow people of all ages and abilities – including walkers, bike riders and people in wheelchairs – to use the recreational area.

In response to application criteria set out in Section 61(G) of the *Heritage Act 2004*, the revised SHE reports sets out the following:

- No individually recorded Aboriginal places and objects occur within, or would be impacted by, the proposed development;
- The proposed development area is considered to be of low-moderate archaeological potential, reflecting prior disturbance from past grazing, rabbit activity and erosion. However, this part of the Sites Zone does contain A horizon podzolic soils formed on late Pleistocene sediments, which Huonbrook (2019) found to be of archaeological sensitivity and vulnerable to development impacts;
- The project was originally proposed to be a 1000 metre trail within the Sites Zone, to be constructed through excavation of 60 cubic metres and including crossings of Halls Creek. The current proposal is an alternate way of carrying out the activity, and has been amended in the following ways to avoid and minimise heritage impacts:
 - The length of the trail has been reduced from 1000 metres to 500 metres;
 - The location of the trail has been amended, with southern and western extents reduced, Halls Creek crossings removed, and the trail collocated with the existing playground;
 - The use of excavation to construct the trail has been eliminated, with the trail now to be built on top of geotechnical fabric and at least 10 centimetres of introduced fill. Features placed along the trail, such as rocks and logs, will also be placed on the ground without prior ground disturbance;
- On this basis, the proposed development is unlikely to damage Aboriginal places and objects, and will not result in any significant change to the landscape character of the Sites Zone; and
- Should Aboriginal places and objects be encountered during construction works, the project's Unanticipated Discovery Plan (UDP) will be implemented, to manage those finds in accordance with *Heritage Act 2004* provisions.

The SHE report sets out that Representative Aboriginal Organisations (RAOs) were consulted about the amended proposal and SHE application, with recommendations

developed during the 25 July 2019 site visit and subsequent phone calls. RAOs were also provided with the opportunity to review the draft SHE report on 3 August 2019.

The SHE report also sets out that RAOs will provide ongoing advice to TCCS on matters discussed at the 25 July 2019 site visit, including: opportunities to incorporate cultural elements in nature play spaces, such as a bush tucker garden and a yarnning circle; the naming of the recreational area; and a smoking ceremony at the opening of the playground.

Decision:

Following review of the application, the Council is satisfied that the proposed activity is justifiable, and that there are no reasonably practicable alternative ways to carry out the proposed activity, and that reasonable steps have been adopted to reduce detrimental heritage impacts.

On this basis, the Council approves the Statement of Heritage Effect application subject to the following conditions:

1. All heritage management actions are to be undertaken in accordance with the *“Adventure Trail and Natural Play Space, Hall - Cultural Heritage Assessment and Statement of Heritage Effect”* (CHMA, 15 October 2019);
2. A copy of this Statement of Heritage Effect approval is to be provided to RAOs prior to the commencement of works; and
3. The SHE is approved for a period of two years.



David Flannery FRAIA MPIA
**Chair (as delegate for),
ACT Heritage Council**

12 November 2019

From: [Duarte, Renee](#)
To: [Russell, Meaghan](#); [Sophie McLean](#)
Subject: RE: ACT Heritage Council advice - SHE approval - Hall Village Adventure Trail [SEC=UNCLASSIFIED]
Date: Tuesday, 12 November 2019 3:46:26 PM
Attachments: [image001.png](#)
[image002.png](#)

UNCLASSIFIED

Hi Meaghan,

This is fantastic news, thank you! The Hall community will be very pleased that our application has been approved. We will work with the Hall community to ensure the conditions are met when constructing the adventure trail and nature play space.

Regards,
Renee

Dr Renee Duarte | Assistant Director | Open Space Planning and Policy
City Presentation | Transport Canberra and City Services Directorate | ACT Government
Phone: (02) 6205 9253 | Email: renee.duarte@act.gov.au

Level 1, 490 Northbourne Ave, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Russell, Meaghan <Meaghan.Russell@act.gov.au>
Sent: Tuesday, 12 November 2019 3:22 PM
To: Sophie McLean [REDACTED]
Cc: Duarte, Renee <Renee.Duarte@act.gov.au>
Subject: ACT Heritage Council advice - SHE approval - Hall Village Adventure Trail [SEC=UNCLASSIFIED]
Importance: High

Hello Sophie,

Please find attached the ACT Heritage Council's decision on the Statement of Heritage Effect (SHE) application for the Hall Village Adventure Trail project.

As set out in the attached, the SHE application is approved with conditions, including that works comply with those described in the 15 October 2019 SHE report, and that RAOs are provided with a copy of the approval prior to the commencement of works.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)
Phone: 13 22 81 | Email: meaghan.russell@act.gov.au
ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Sophie McLean](#)
To: [Russell, Meaghan](#)
Cc: [Duarte, Renee](#)
Subject: Re: ACT Heritage Council advice - SHE approval - Hall Village Adventure Trail [SEC=UNCLASSIFIED]
Date: Thursday, 14 November 2019 10:17:50 AM
Importance: High

Many thanks Meaghan,
I have forwarded the approvals on to all RAOs now,
All the best
Sophie

Dr Sophie Collins
Senior Archaeologist, Lithics Specialist
Cultural Heritage Management Australia

website: chma.com.au

On 12 Nov 2019, at 3:21 pm, Russell, Meaghan
<Meaghan.Russell@act.gov.au> wrote:

Hello Sophie,

Please find attached the ACT Heritage Council's decision on the Statement of Heritage Effect (SHE) application for the Hall Village Adventure Trail project.

As set out in the attached, the SHE application is approved with conditions, including that works comply with those described in the 15 October 2019 SHE report, and that RAOs are provided with a copy of the approval prior to the commencement of works.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

<image001.png>@[EnvironPlan](#) <image002.png> facebook.com/EnvironPlan

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

<20191112 - SHE Approval - Hall Village Adventure Trail and Nature Play Space.pdf>