



Tharawal Local Aboriginal
Council
Aboriginal Cultural Heritage
Assessment
For
Abbotsford
Group



Abbotsford Group
Picton, C/O Rien & Warry
P.O. Box 662
2/67 Menangle Street
Picton, NSW 2571

Ref: 1086066

**RE: Aboriginal Cultural Heritage Assessment Report for the
Abbotsford Group, 1 Abbotsford Road Picton.**

Attention: Kerry Dunn

Please find attached an Aboriginal Heritage Assessment Report for study area for above mentioned areas which is the subjected areas, of Part 1 Lot 1 DP 1086066. Which are approximately 3 parcels of land that with a combined area of approximately 190 hectares which is situated at the intersection of Abbotsford and Fairley's Roads, Picton NSW. The parcels of land that are identified as allotments A, B, C on the map which

The above mentioned properties where we conducted the Aboriginal Cultural Survey Assessment with Cultural & Heritage Officer Neal Sampson, Elwyn Brown, James Knight

Please ensure that you follow all recommendations as stated by the OEH (Office of Environment and Heritage) in this report.

If you wish to discuss the contents or recommendations of this report please do not hesitate to contact me on the numbers listed below please.

Thanking you

Elwyn Brown
Cultural & Heritage Administration Officer

I can be contacted on 0246810059 or email heritage@tharawal.com.au

Or

June Wilkes
Acting CEO
Tharawal Aboriginal Local Land Council



Contents

Introduction

- **Context & Statutory Requirements**

Background for Report

- **Site Definition**
- **Survey Methodology**
- **Scope of this Study**

Language Groups in Area

Non- Indigenous Heritage in Area

Aboriginal Assessment Report

Photo's of Heritage Buildings

Maps of Study Area

Recommendations

References

Governing Acts



Statutory Requirements for Study

This study has been undertaken in the context of several pieces of legislation that relate to Aboriginal heritage and its protection in New South Wales. National Parks and Wildlife Act (1974) The *National Parks & Wildlife Act 1974*, administered by the OEH provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) under Section 90 of the Act, and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community) under Section 84. The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal Places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is, of special significance to Aboriginal culture.

The Act was recently amended (2010) and as a result the legislative structure for seeking permission to impact on heritage items has changed. An s.90 permit is now the only Aboriginal Heritage Impact Permit (AHIP) available and is granted by the OEH. Various factors are considered by OEH in the AHIP application process, such as site significance, Aboriginal consultation requirements, ESD principles, project justification and consideration of alternatives. The penalties and fines for damaging or defacing an Aboriginal object have also increased.

As part of the administration of Part 6 of the Act OEH has developed regulatory guidelines on Aboriginal consultation, which are outlined in *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010). Guidelines have also been developed for the processes of due diligence - *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (2010), and for investigation of Aboriginal objects - *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) in accordance with the 2010 amendment to the Act.

Heritage Act (1977) The *Heritage Act 1977* is administered by the Department of Premier and Cabinet and protects the natural and cultural heritage of NSW. Generally this Act only pertains to Aboriginal Heritage if it is listed on the State Heritage Register, or subject to an interim heritage order.

Aboriginal Land Rights Act (1983)

The Aboriginal Land Rights Act 1983 is administered by the NSW Department of Human Services -Aboriginal Affairs. This Act established Aboriginal Land Councils (at State and Local levels). These bodies have a statutory obligation under the Act to; (a) take action to protect the culture and heritage of Aboriginal persons in the council's area,



Site Definition

An Aboriginal site is generally defined as an Aboriginal object or place. An Aboriginal object is the material evidence of Aboriginal land use, such as stone tools, scarred trees or rock art. Some sites, or Aboriginal places can also be intangible and although they might not be visible, these places have cultural significance to Aboriginal people.

OEH guidelines state in regard to site definition that one or more of the following criteria must be used when recording material traces of Aboriginal land use:

- ☐ The spatial extent of the visible objects, or direct evidence of their location.
- ☐ Obvious physical boundaries where present, e.g. mound site and middens (if visibility is good), a ceremonial ground.
- ☐ Identification by the Aboriginal community on the basis of cultural information.

For the purposes of this study an Aboriginal site was defined by the recording the spatial extent of visible traces or the direct evidence of their location.

Survey Methodology

The survey was conducted over 4 days (8th - 9th - 15th - 29th October 2012). The study area was covered on foot, apart from areas that were clearly highly disturbed, or were thickly vegetated. A handheld Global Positioning System (GPS) was used to track the path of the surveyors, and to record the co-ordinates of sites, features and location of landform units along the route.

All ground exposures were examined for stone artefacts, shell, or other traces of Aboriginal occupation. Old growth trees were examined for signs of cultural scarring or markings TLALC recorded and detailed these. A photographic record was kept for all sections of the study area. Photographs were taken to represent the landform unit, vegetation communities, and objects of interest and levels of disturbance.

Scope of this Study

The scope of the study is outlined in the recent brief as submitted/told to the Tharawal Local Aboriginal Land Council when applied for and it is understood to be that the objectives of the study would be:

1. The preparation of an Aboriginal Heritage Assessment of known and potential heritage values based on Council's existing mapping for the whole Shire LEP 2011.
2. Develop appropriate strategies and recommendations for further assessments at the Development Application Stage to manage these heritage values for the study areas



It is also to be understood that this property which is divided into parcels of land that are identified as allotments A, B, C on the map. The parcel of land identified has allotment (B) has 3 large old buildings which are heritage listed and at some stage of development will be rejuvenated to its former state. The site itself is covered with cleared wonderful landscape along with steep hills, which as been individually assessed by TLALC Cultural & Heritage team can lay claim to that property being assessed for development purposes and that this property have been subjected to site visits from the TLALC Cultural & Heritage team which the Abbotsford Group have organised and arranged land access from the property owner prior to survey being completed.

Aboriginal Assessment

The aim of the Aboriginal Assessment is to ascertain whether there are any Aboriginal archaeological sites or areas of potential archaeological deposits within the areas that may be impacted by the proposed subdivision/development and to provide recommendations on any heritage opportunities and constraints

When surveying the property we noticed that most of the land allotment (B) has been cleared of any vegetation only for a few areas that cannot be access over a period of time the land was clearly highly disturbed with thickly vegetation under foot therefore there were no signs of any Aboriginal artefacts of any kind. But this means if future building on such lands TLALC would like to inspect the land before any contract work or digging start.

Aboriginal Heritage in the area

Language Groups in Area

There has been considerable debate over the original Aboriginal language groups occupying the wider areas of Camden to Leppington prior to European contact, as well as the extent and nature of territorial boundaries. This is due in part to the absence of ethnographic and linguistic study at the time European contact and scarcity of adequate historical documentation and anthropological interest until well after European settlement of the region. Undoubtedly there was also some confusion due to inability of many European settlers to distinguish between tribal groups. The linguistic evidence for the region indicates the presence of discrete language groups at European contact (key sources and analysis include Capell 1970, Daawes 1790, Mathews 1897, 1901, Mathews & Everitt 1900, Threikeld in Fraser 1892, Tindale 1974, Troy 1990). The "travel corridor" – linking parts of the Cumberland Plain, the Cowpastures and Camden area, the Illawarra and the Blue mountains (McDonald and Haglund). Social and cultural connections, and activities between the different language and clan groups, may have been undertaken within the landscape that encompasses the study area. As such, the distinct set of landforms present could have been a focus for significant cultural activities, which may have resulted in the creation of an identifiable archaeological signature.



Known Aboriginal Peoples, Ceremony and Population Movement

Llert 2005 records an oral account from Jean Steward of La Perouse about "the littlest Gundungaras and their great walk to La Perouse" This story may have occurred around 1890 and was told to Jean by her aunt (Emma Timberley). The story goes that Emma Timberley after hearing that her daughter Jane who was married to a Gundungarra man, had died during child birth and that her grandchildren had been abandoned, walked from La Perouse to the Southern Highlands area to find them. Emma then walked the children back with her to La Perouse where she raised them. This story indicates that some Aboriginal people from the hinterland married people from the coastal clans.

Llert interpreted another story from the Moran Elders Council which describes a fight between the Murrin and moyergully after the death of the King "Mongang in 1845 over the leadership of Gundungarra nation. William Cuneo published Ben Carlton's eyewitness account of the story in 1893 which suggests that this battle was part of an 'ascension' ceremony or organised revenge combat/fight. Such combats involve offenders taking open ground with a shield or long stick while the defendants, the victim or his kinsmen, threw spears or clubs at the offenders in an attempt to harm but not kill. Ritual combats are recorded by early settlers at Farm cove, Rose bay and Parramatta. D'Urville, a French Explorer, recorded a ritual combat between Sydney and Botany Bay which involved Aboriginal people from Parramatta, Kissing Point, Sydney, Liverpool, Windsor, Emu Plains, Broken Bay, Five Islands, Botany Bay and the Hunter River. It recorded that all parties were distinguished by their body painting designs

People not only travelled for ritual combat and initiations, songs were song for a range of reasons including and during daily tasks, corroborees and to people that were sick and also aboriginal people travelled to learn new songs. Barrallier recorded even after the first fleet's arrival, people from as far as Shoalhaven were traveling to Cowpastures to learn new songs.

Camden Park both employed Aboriginal people for workers and allowed a permanent camping place for Aboriginal people to remain on the Camden Park property until the late nineteenth century. James Macarthur and family members have recounted stories of Aboriginal corroborees near Camden Park in 1839, 1846 and 1850. In addition, Hassall recalled witnessing numerous corroborees on the Denbigh property overlooking Cobbitty Creek. Mary Dallas consulting Archaeologists 2003 suggested that a ceremonial ground may have been located to the north of Denbigh Homestead and Glenda Chalker (Cubbitch Barta Traditional owner) records corroborees including local Aboriginal people and visiting groups occurring at the Denham Court estate into the 1850s



Aboriginal Consultation

It is to be noted that limited Aboriginal consultation with the local Aboriginal Land Council and native title claimant group were conducted initially. If it is found that any Aboriginal sites are impacted, Then an Aboriginal Heritage Impact Permit (AHIP) is required, comprehensive Aboriginal consultation would then need to be conducted and that this process would take up to three months, with an additional two months for permit application process and this comprehensive consultation process would take place at the DA stage not during the study.

Local Aboriginal History

In 1795, when Bass and Flinders first explored the Georges River before the colonisation of the Liverpool area, the Darug, Tharawal and Gandangara tribes lived in the area. These three tribal groups were divided into smaller clans or bands - extended family units consisting of up to sixty people. Each of these clans was named after the area of land where they normally resided, and which the people had traditional links.

The suffix 'gal' was added to the place name to distinguish the members of that clan. The clan group around Liverpool was the Cabrogal, named after the cohbra grubs they harvested at the banks of the Georges River, especially near Cabramatta Creek. The main contact between groups was during ceremonial gatherings. There were linguistic and cultural differences, as well as economic ones. There was also a complicated system of kinship and totems which prevented certain types of contact. It is difficult to pinpoint exact language boundaries, as information came from early colonists, explorers and ethnographers trying to interpret Aboriginal languages.

However, it is thought that the Tharawal language was spoken from South of Botany Bay to the area east of the Georges River (Holsworthy area) to as far south as Jervis Bay and the Darug language on the Western side of the Georges River to Appin and Picton and as far west as the Blue Mountains. Gandangara is said to be the language of the 'mountain' people, from the Blue Mountains to the Nattai and Burraborang Valleys and as far south as Goulburn. Current Local Land Council boundaries differ from these 'traditional' boundaries. The Cabrogal clan was recognised as one of the 'woods tribes' by Europeans, together with Aborigines living at South Creek, at Cowpastures near Camden, and at Mulgoa near Penrith. Bass and Flinders' favourable reports pleased Governor Hunter, who named the area Banks Town, and by 1799 he was awarding grants of land in the Holsworthy area and along the Cabramatta Creek.



Assessment Report

An Aboriginal Cultural heritage assessment will be produced during this study which will be done to OEHL requirements and if an s90 is applied for at a later date.

Non –Indigenous Heritage in the area

Picton

The first explorers to come through the Picton area were a party led by ex-convict John Wilson in 1798. Other parties followed in the next 20 years including George Caley in 1802, collecting botanical specimens. Picton has a long European history, being one of Australia's earliest settlements. First contained in the area known as the Cowpastures, then as Stonequarry, Picton as we know it today was not the chosen site for the town. It was in fact, originally, a private town.

The area for a government town, just south of the Picton we know today was first set aside in November 1821. This area is now known as Upper Picton or Redbank. It is on the Redbank Reserve, its southern boundary, Redbank Creek, Stonequarry Creek on the east, Prince Street on the north side and Rumker Street its western boundary.

In the early days of settlement in the colony, a number of cattle went missing from the settlement at Sydney Cove. These were found in 1795 near the Nepean River. The herd had grown and were seen as a hope for the cattle breeding future of the colony. The government decided to leave them in that area. The area was defined by Surveyor General Oxley as lying between the Bargo River on the south, the Nepean and Warragamba Rivers in the north, westerly to the Nattai Mountains and on to the east to the Nepean River. This area was sealed off to allow the cattle to continue breeding without disturbance. This lasted until the 1820s.

Picton was contained in this area and so was first called the Cowpastures, then Stonequarry, until 1841 when the small settlement was re-named Picton. It should be noted that the district was called Picton from as early as 1822 when the grants were made as being in "the district of Picton". Major Henry Colden Antill received the first land grant in 1822.

Though much discussion has been held over the years as to who named Picton and for whom, it is believed the name was probably decided on by Governor Brisbane perhaps in honour of an old soldier friend Sir Thomas Picton. In 1840 George Harper decided to take advantage of the natural development of the private town on Major Antill's land. He advertised in April 1840 that 45 building allotments in the township of Stonequarry would soon be for sale by auction. They would be from one half to one



acre in size and situated on his land on the southern side of Stonequarry Creek on either side of the main road.

His private town never took off. Mr Harper unfortunately died in March 1841 and the property was leased in full. George Harper's property "Abbotsford" extended from the Stonequarry Bridge out along the road that led to The Oaks. The remains of the house are still on the property just past the Abbotsford Bridge. Major Antill, in July 1841 advertised in the Sydney papers, the auction of his sub-division to be called the Village of Picton, late Stonequarry in August that year. He stressed that many blocks had frontages to the main road up which all the wealthy owners from the south travelled with their wool clips.

In 1845 the government made moves to lay out its own town just south of the private town. Surveyor Galloway was employed to survey the area and make half acre blocks for purchase. These blocks were first offered for sale in 1847. They were all sold by 1855. Land was held back for grants to churches and for the school and courthouse. The government town was also called Picton. This led to confusion and it was re-named Upper Picton in 1847.

A petition was made to the government to name its village Redbank but the government decided it was to be called Upper Picton. Even to this day, over 150 years later, local residents still often refer to the area as Redbank. On a number of occasions when money was allocated for a public building, arguments developed on where it was to be located. It seemed each time the government called tenders on a site in its town, the antill family would offer land in its private town and that was where the building would ultimately be erected. The Upper Picton residents who had purchased land in Upper Picton naturally felt cheated. Unfortunately they had no friends in government and though they fought for the government's support in its own town they were unsuccessful.

For many years, the resentment between Upper and Lower Picton festered. It lay like a boil beneath the surface of life. When an issue arose where Upper Picton residents felt they were being placed second to Lower Picton, it would erupt and once again cause disagreement and division. As the years passed, the private town flourished and the government town languished. Though it had some businesses, churches and a school, eventually it subsided into an existence as the poor relation. To-day, those resentments have totally disappeared and many people are not even aware of its happening



This became known as Cowpastures and then Stonequarry until 1841. The name Picton is believed to have been chosen to honour Sir Thomas Picton, an old soldier friend of Governor Brisbane.



In the 1860's the railway system came to Picton and created a building explosion. The area was proclaimed a municipality in 1895, and in 1939 Wollondilly Shire Council (then centred in The Oaks) and Picton Municipality amalgamated to create the Shire that we have today.

Site Description

The "Abbotsford" property is located approximately 1 kilometre from the Picton town centre, in a direct line, and 1.5 kilometres by road. The site in question is Lot DP 1086066 which is a property with a approximately 190 hectares and which are separated into three (3) sections of land on and adjusted to Abbotsford and Fairley's Roads Picton, these sections of land have been determined has:

Parts A, which size of this parcel of land is 4.42 hectares in area to the east of the intersection.

Part B, which size of this parcel of land is 66.6 hectares in the area to the south and west of the intersection, and is bound by the Equestrian Drive Community Title subdivision to the south and west of Fairley Road and to the east of Abbotsford Road and a community title Subdivision located to the north.

This section of land is cleared of most native vegetation

Site Survey

A site visit was required to check the area for any artifacts and other traces of Aboriginal occupation. The site surveys were conducted by Neale Sampson, Elwyn Brown, James Knight who have checked and individually sited the above mentioned 3 allotment of land on behalf of the TLALC for the client the Abbotsford Group, also



we have had assistance from the OEH office with two of there officers assisting with preparation of report and identification of various aboriginal artifacts.

Timing

Due to the restrictions and the negotiation of personal to do this particular survey and the blocks being individually accessed the timing of the first draft was delayed until personal where available to access these sites and also taking in to account of the overall OEH Acts and Statutory requirements these delays could not be avoided

Exclusions

This report will not have any mapping in relation to the Wollondilly Shire Council only the mapping of the area submitted to the TLALC

Aboriginal Assessment Report

When conducting the Aboriginal Cultural Heritage Assessment with Neale Sampson, James Knight, Elwyn brown

Part B allotments which is the flatter lower land within the areas of Picton, this property is 66.56 hectares to the south and west, Fairley's road to the east and Abbotsford Road and as well as abutting the Equestrian Drive Community title development.

The property under the name of the Abbotsford Group is currently on the State Heritage Register, and current consists of a main residence (in dilapidation) a smaller cottage and a demolished goal positioned around a central courtyard with a deliberate axial relationship to the hill, driveway and selected trees

This block is covered with thick vegetation and grass along with a number of trees on and around the property which made it impossible to access the ground due to the disturbance of the soil which at times looked like it was dug up quit a few times for planting vegetables and this made the task impossible to locate any artifacts or martials that would have determined that Aboriginal people existed in this area.

Issues:

- The Aboriginal archaeological resource of the 3 Parcelled blocks is not fully known partly due to a lack of archaeological investigation.
- The potential exists to find archaeological artefacts but not necessarily. Sites may have been disturbed by past land uses, erosion and artefact collection.



- There is a potential for unidentified Aboriginal sites to be impacted by access provision, bush regeneration, informal trails and associated remedial works.

Desired Outcomes:

- Aboriginal sites and places are identified, recorded and protected.
- Impacts on Aboriginal heritage values are minimised.

An Aboriginal Heritage Information Management System (AHIMS) search of the study area was conducted on 29, 30 October 2012. No Aboriginal sites were recorded around the vicinity of the study area.

Recommendations

The following recommendations are based on consideration of:
Statutory requirements under the *National Parks and Wildlife Act 1974* as amended.

The results of background research, site survey and assessment.

The interests of the Aboriginal stakeholder groups.

The likely impacts of the proposed development.

It was found that:

- ☐ No Aboriginal sites were located within the study area.
- ☐ The study area has a low archaeological potential.
- ☐ The study area as a whole has a low archaeological significance.

It is therefore recommended that:

- ☐ No further archaeological work is required within the area of impact
- ☐ If Aboriginal objects are located during works the archaeologist, Aboriginal stakeholders and the Office of Environment and Heritage should be notified and further archaeological work, Aboriginal consultation, and/or an Aboriginal Heritage Impact Permit (Section 90) may be necessary.
- ☐ If human skeletal remains are encountered during excavation, work must cease immediately and the NSW Police, and the OEH must be notified. If the skeletal remains are found to be Aboriginal a process of consultation and investigation in accordance with the OEH guidelines must be implemented.



- A copy of this draft report should be sent to TLALC for their comments.

Management Principles

Management principles aid in the formulation of impact assessments and recommendations on whether further investigation is required. Tharawal LALC outlines the following principles, which have also been used in this assessment.

- Sites and/or landscapes with high archaeological potential or significance (particularly in threatened landscapes) should be identified as worthy of conservation, and development impacts on these should be avoided.
- Sites and/or landscapes with moderate archaeological potential or significance (particularly in threatened landscapes) should be avoided if possible by development proposals. If impacts are unavoidable then these features should be the subject of further investigation to ensure that information is retrieved prior to their destruction;
- Sites and/or landscapes of low or no archaeological potential or significance do not require planning consideration or further archaeological investigation in relation to the proposed development.

As the study area has been assessed as having low archaeological potential further archaeological investigations will not be necessary.



Tharawal Local Aboriginal Land Council and members of the local indigenous community would like to thank you for considering the land when undertaking your project and respecting the indigenous people of Tharawal by notifying us of your plans.

Regards,

June Wilkes

Acting CEO

Tharawal LALC

PO Box 168 Picton NSW 2571

Ph: (02) 4681 0059



Reference Page

[Heritage Trust](#)

[History Page of Picton](#)

[Abbotsford Group](#)

[State Heritage Data Records](#)

[Wollondilly Shire Council, Picton](#)

[Office of Environment & Heritage \(OEH\) Hurstville](#)

[Tharawal Local Aboriginal Land Council](#)

Governing Acts

[The Heritage Act 1977](#)

[Aboriginal Land Rights Act \(1983\)](#)

[National Parks and Wildlife Act \(1974\)](#)

[Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW \(2010\)](#)



Maps of Allotment Block B x 2, 1 Abbotsford Road, Picton

Photo of Old Ice Factory x 2

Photo of Old Milking bales x 2

Photo of the Old goal x 2

























