Macquarie Point Multipurpose Stadium
Project of State Significance – Pre-Stadium Cultural and Landscape Values Assessment (AHA690)

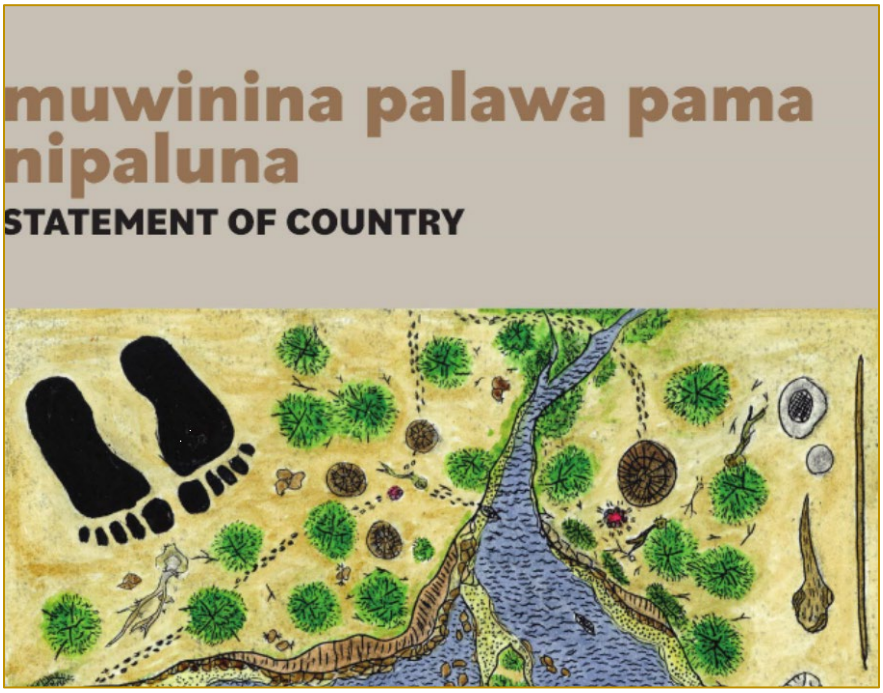

Figure 1: "As it Was" collagraph by Allan Mansell. Source: Tasmanian Aboriginal Community Engagement Seeking Views and Guidance Document 2024.

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1 Quality assurance

Table 1 shows the quality assurance for this report.

Item	Date	Comment
Version		Version 1, Draft 4 (AHA690).
Reason for review		Ensure standards of reporting are met
Status		Draft 4
Prepared by		Darren Watton Principal Archaeologist Southern Archaeology
Reviewed, edited and recommended by		James Puustinen (Macquarie Point Development Corporation). Colin Hughes (AHO), Caleb Pedder (AHO), Sarah Wilcox. Darren Watton on behalf of Southern Archaeology.
Authorised by		Darren Watton
Issued Date	28th June 2024	Issued to John Dent and Sam Diprose Adams for independent editing and review 20th July 2024. Issued to Colin Hughes and Caleb Pedder for review and editing 20th July 2024. Not yet completed - Issued to James Puustinen on behalf of the Macquarie Point Development Corporation for review – 23rd July 2024 as a guide only. Issued to John Dent and Sam-Diprose Adams for general editing 7th August 2024. Issued to James Puustinen (MPDC), Colin Hughes (AHO), Caleb Pedder (AHO) and Sarah Wilcox review 7th August 2024. Edits received John Dent and Sam Diprose-Adams 9th August 2024. Updated 12th August 2024. Sent to Sam Beattie for independent review 12th August 2024. Sent to AHT and Sarah Wilcox for preliminary review 12th August 2024. Assessment and recommendations sent to Caleb Pedder and Colin Hughes for review 12th August 2024. Issued to Sarah Wilcox (Communications and Engagement Consultant Cooee Tunapri) for review July and re-issued 23rd August 2024. Reply received 23rd August 2024 and added to report.

Table 1: Quality assurance table.

Importance of listening to Aboriginal people's views (Tessa Atto 2024)

It's important that Tasmanian Aboriginal people's ideas are listened to from the beginning, not just once a project is underway.

That's when we get the most benefit. Because they're involved through the whole process, it doesn't mean it's a decision being made about them – it's a decision that they are involved in, and it's an idea that came from them

2 Acknowledgements

Southern Archaeology acknowledges the sovereignty of *lutruwita*'s traditional owners. We appreciate being provided permission to work on traditional lands and thank the Aboriginal community. For this report Southern Archaeology worked on the traditional lands of the *mouheneenner* clan (part of South East Nation). This area is known as *nipaluna* (Hobart) and *timtumili minanya* (the Derwent River) with *kunanyi* (Mount Wellington) also sitting prominently within this country. This is and always was an important and spiritual place for Aboriginal people of *lutruwita* (Tasmania).

The contributors to this work are:

- Colin Hughes - Aboriginal Heritage Officer (AHO).
- Caleb Pedder - Aboriginal Heritage Officer (AHO).
- Sarah Wilcox - Communications and Engagement Consultant Cooee Tunapri.

The report format and extra (analysis) content contributed by:

- Darren Watton – Principal Archaeologist (Southern Archaeology).

The contact for this work is James Puustinen from the Macquarie Point Development Corporation (MPDC - hereafter the Proponent). Southern Archaeology would like to thank James for his time, support, and assistance.

Southern Archaeology also acknowledge Aboriginal Heritage Tasmania (AHT) for their methodology advice, reporting support and the preparation and supply of information, reports and Aboriginal heritage site cards relevant to the study area.

3 Opportunities

This has been a difficult process – there are few examples of Aboriginal cultural landscape value assessments in Tasmania. The results of this assessment have highlighted the need for a more nuanced and respectful approach to Aboriginal understanding of place. This process has also been difficult because there are dangers in providing a western approach to the topic of Aboriginal landscape values. There is an opportunity to learn from this process.

There have been difficulties in this assessment in capturing the Aboriginal cultural and landscape values in such a time-conscious report. Every effort has been made to come to terms with this in the assessment and recommendations by striking a balance between community consultation and feedback, and time management but there is an opportunity to gain more feedback during the development.

While Southern Archaeology makes every effort to examine and investigate the place it will not be held accountable for previous inaccuracies or approaches that may not be in line with current best practice.

All maps orientate north unless otherwise specified.

Special note on overlays

Southern Archaeology uses QGIS software for all overlays and GIS work. This is the most updated version at the time of writing this report. Datum relates to GDA2020, Zone 55. Maps and development plans have been provided by MPDC.

There are considerations (limitations and constraints) in relation to the use of overlays and historic plans.

Early plans can be difficult to overlay and rely upon various georeferenced points that are consistent with known points in modern times. The main points, in order of preference, used in overlays are:

1. Common boundaries – these are the most accurate especially if correctly surveyed on old plans.
2. Coastal or other known landscape features – these may, however, vary over time.
3. Common houses and other structures – these may, however, vary over time and may not have been correctly surveyed at the time being placed as a general feature for identification by the surveyor on old plans.
4. Other features such as fences and wells etc as may appear on plans.

It must also be remembered that survey conditions in the 1800s were not always ideal and mistakes were made (as they can be today). For this reason, overlays are treated as a guide only (albeit usually a very good guide).

Victorian Traditional Owner Cultural Landscapes 2023
The knowledge is there, we just don't have the access to country to put it into practice and for everything to come together. 100% we are the knowledge holders in this space.

4 Glossary and Abbreviations

4.1 Glossary of terms

Definitions of specific terms relevant or used in this report are contained below in **Section 4.3** below. The following is a general glossary of terms (and abbreviations) applicable in Tasmania.

Table 2 is a glossary of terms used in this report.

TERM	DESCRIPTION
Aboriginal community consultation	communication between the proponent and the Aboriginal community (usually via the Aboriginal Heritage Officer or AHO) in relation to any potential impact/s of a proposed development on Aboriginal heritage site/s, and how they might be avoided, mitigated or managed.
Aboriginal Heritage Assessment Report (AHAR)	an AHAR aims to determine whether Aboriginal heritage sites are present in a proposed area. Aboriginal Heritage Assessment Reports are usually carried out by Aboriginal Heritage Officer (AHO) and qualified Archaeologist.
Aboriginal heritage	refers to everything covered by the term "relics" as defined in Section 2(3) of the *Aboriginal Heritage Act 1975* (Tas) (the Act).
Aboriginal Heritage Council (AHC)	the Aboriginal Heritage Council is established under Part 2 of the Act to advise the Minister on Aboriginal heritage matters. One of its key roles is to provide advice on new permit applications, development or research proposals, and relevant documentation including policies and the Guidelines. The Council anticipates discussion with proponents regarding significant proposals.
Aboriginal Heritage Officer (AHO)	a Tasmanian Aboriginal community member who is recognised by the Tasmanian Aboriginal community as being able to liaise with the community on Aboriginal heritage matters and who also possesses the skills and knowledge required to carry out Aboriginal heritage assessment reports.
Aboriginal Heritage Register (AHR)	the Aboriginal Heritage Register (AHR) was launched in November 2014 to replace a number of internal systems, including the Tasmanian Aboriginal Site Index (AH). The AHR records information about Aboriginal Heritage (AH) sites and supports many of Aboriginal Heritage Tasmania's business processes. Information recorded for an AH site may include site recording forms/site cards, photographs, slides, spatial data, site composition and associated Aboriginal heritage assessment reports.
Aboriginal heritage site	any site that bears signs of the activities of the original inhabitants of Australia or their descendants. This includes, but is not limited to, any artefact, painting, carving, engravings, arrangement of stones, midden, modified landscape, and human remains within the site.
Aboriginal Heritage Tasmania (AHT)	Aboriginal Heritage Tasmania is part of the Department of Premier and Cabinet and is responsible for administering the *Aboriginal Heritage Act 1975* (Tas) and maintaining the Aboriginal Heritage Register (AHR). Aboriginal Heritage Tasmania also provides secretariat support to the Aboriginal Heritage Council.
***Aboriginal Heritage Act 1975* (Tas)**	this is the new title of the *Aboriginal Relics Act 1975* (Tas) and is sometimes referred to in this report as 'the Act'. The Act provides the legislative basis for the protection and management of Aboriginal heritage in Tasmania. Also applicable are the Guidelines and the Standards and Procedures.
Artefact	an object made by a human being, typically one of cultural or historical interest. This includes contact material which is worked ceramics, glass or other European objects typically made during 'contact period' in Tasmania – 1803 to 1835 (it is acknowledged that this material may exist outside this range).
Best Practice	commercial or professional procedures that are accepted or prescribed as being correct or most effective.

Cultural (or Aboriginal) heritage	heritage relating to Aboriginal people or created by Aboriginal people, i.e., stone artefacts, middens, art sites etc.
Due Diligence	means the detailed investigations of a proposed site to confirm its suitability for development.
GIS	a geographic information system (GIS) is a system that creates, manages, analyses, and maps all types of data. GIS connects data to a map, integrating location data (where things are) with all types of descriptive information (what things are like there). This provides a foundation for mapping and analysis that is used in science and almost every industry. GIS helps users understand patterns, relationships, and geographic context. The benefits include improved communication and efficiency as well as better management and decision making.
Ground surface visibility (GSV)	an assessment of how much of the ground surface in a survey area is visible and what other factors, like introduced gravel or leaf litter, might limit the detection of artefacts (Burke and Smith 2006:79).
Historical Development	refers to changes in the unfolding of history.
Historical Heritage	means places of significance to people on account of historical, physical (i.e., technological, archaeological, architectural) and cultural values. Historic heritage is often referred to as cultural and historic heritage or simply 'historic places'.
***Historic Cultural Heritage Act 1995* (Tas)**	an Act to promote the identification, assessment, protection and conservation of places having historic cultural heritage significance and to establish the Tasmanian Heritage Council
lutruwita	Tasmania - in palawa kani, the language of Tasmanian Aborigines.
nipaluna	Hobart - in palawa kani, the language of Tasmanian Aborigines.
Potential Area of Sensitivity (PAS)	these are areas considered by the AHO and Archaeologist to have increased sensitivity for Aboriginal heritage material and is generally based upon landform considerations (such as availability or access to water and other resources), location (such as discrete rises and ridges that may have increased drainage) and proximity to workable stone sources, proximity to hunting and forging areas, predictive analysis and other factors. While (low) GSV is not generally considered a determining factor, it is an important consideration especially in locations where all other factors suggest increased sensitivity.
Permit	under Section 14 of the Act, permits may be granted by the Minister, (at the recommendation of the Director of Parks and Wildlife) to "destroy, damage, deface, conceal or otherwise interfere with a relic" (s14(1)(a)). Permits may be granted for other actions such as research. Avoidance is the preferred course of action when Aboriginal heritage sites are under threat. If avoidance is not possible, mitigation is required to demonstrate all possible consideration has been given to minimising the impact of the project activity on Aboriginal heritage before a permit is considered by the Minister.
Project investigation area or Study Area	the project area subject to an Aboriginal Heritage Assessment Report. A development footprint (see Project Activity Area) may be within an assessed investigation area.
Proponent	means the person or entity which has commissioned the assessment. This may be the client, landowner or their agent.
Qualified Archaeologist	Archaeologist with at least two years' experience and/or holds a minimum of Honours at a recognised University.
QGIS software	QGIS is a GIS program. The latest update is 2023.
Significant archaeology	Significant archaeology in terms of European heritage refers to any potential remains of human use of the land such as drains, cesspits, cellars, footings, foundations, surfaces, landscape and topographical features, materials, artefacts, post holes, road surfaces, floors, fences or the like that are of an archaeological nature. Significant archaeology requires assessment by a qualified archaeologist. Significant Archaeology in relation to materials (artefacts) in this report means over five artefacts clustered in a 2 metre by 2 metre radius – it should be noted however that any material (artefact) of a unique, rare or is completely intact should be kept by any person for analysis by a qualified archaeologist. Typical artefacts found on Tasmanian sites include but are not limited to complete and fragments of ceramics (stoneware, earthenware and porcelain), glassware (including bottles, tableware, window glass and other glass fragments), metal (barrel hoops, nails, screws, bolts, tools, harness and other metal), personal items (jewellery, buttons, buckles and clay pipes), leather (harness and belt), coins and tokens, domestic and commercial items and any other artefacts related to everyday life.

	Significant archaeology in terms of Aboriginal heritage refers to any Aboriginal heritage material (or places) as all Aboriginal relics and material are protected under the Act. The most common sites in this area are generally isolated artefacts and artefact scatters. All these sites can contain lithic or contact materials such as worked glass and ceramics.
Site and cultural site	means the part of the allotment of land on which an historic site, archaeological site or Aboriginal site is located or where a building stands, or a development is to occur or is proposed. It may also refer to an area that is being assessed or surveyed in response to a particular outcome. A Cultural site means a site of archaeological, historical, cultural, or ceremonial significance.
Study Area	refers to the entire area within the boundary of the assessment area and includes the proposed development area.
Taphonomic processes	the processes that contribute to the formation of an archaeological site over time. These processes include: Cultural processes (resulting from human activity) essentially involving two types: - the formation of the site itself by humans, i.e., the occupation of the site and the material laid down by this occupation. - the mechanical (physical) processes undertaken by humans that contribute to the site after its establishment such as changes in technological processes or methods over time (for example improvements or changes in mining techniques), road building, urban expansion, agriculture, changes in grazing intensity etc. Natural processes which include: - physical processes from agents such as water, wind and gravity. The degree to which the landform is active geomorphologically plays a large part in this. For example, high energy or exposed coastlines may be more influenced by weathering, erosion, sea level rise and storm surges than low energy or less exposed coastlines. - biological processes – include the influence on a site of organisms and can range from macroscopic (animals burrowing or grazing on a site) to microscopic (insects and other small animal action). - chemical processes which include the interaction between chemical components of an artefact or feature and the context in which it occurs. A good example is the rusting of ferrous metal artefacts within soils or the breakdown of bone or shell within acidic soils.
timtumili minanya	Derwent River - in palawa kani, the language of Tasmanian Aborigines.
Unanticipated discovery plan (UDP)	an Unanticipated Discovery Plan (UDP) is a plan that the Aboriginal heritage practitioner provides in the Aboriginal Heritage Assessment Report (AHAR). It is a contingency plan detailing the process and procedures that should be followed if Aboriginal heritage including skeletal material is located during any stage of project works.

Table 2: Glossary of terms used in this report.

4.2 Abbreviations

Table 3 is a list of abbreviations used in this report.

ABBREVIATION	DESCRIPTION
AHT	Aboriginal Heritage Tasmania
AHAR	Aboriginal Heritage Assessment Report
AHC	Aboriginal Heritage Council
AHR	Aboriginal Heritage Register
GIS	Geographic Information System
GPR	Ground Penetrating Radar
HT	Heritage Tasmania
THC	Tasmanian Heritage Council (historic)
LIST	Land Information System Tasmania

LU	Landform unit
PAS	Potential Areas Sensitivity – Aboriginal.
PHAS	Potential Historic Archaeological Sensitivity [Zones] – Historical.
SA	Southern Archaeology
THR	Tasmanian Heritage Register
HHAR	Historical Heritage Assessment Report

Table 3: Abbreviations used in this report.

Figure 2 a copy of Meehan's c1811 plan of Hobart done under the instruction of Governor Macquarie.

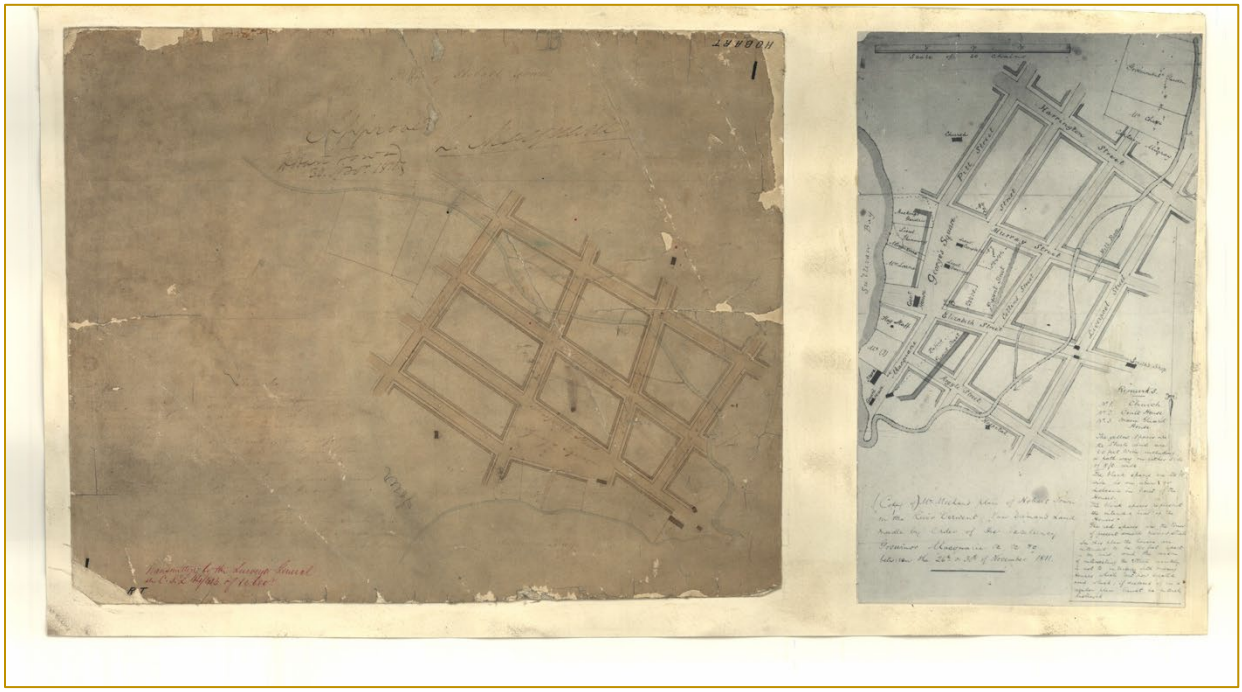

Figure 2: Copy of Meehan's c1811 plan of Hobart done at the direction of Governor Macquarie. Source: Libraries Tasmania Ref: AF394-1-1 accessed 2024.

4.3 Definition of key terms

The following definitions have been achieved through engagement in this work and are relevant in terms of the following assessment and recommendations.

- Cultural landscape –
    - The result of the interaction of humans with their environment over many years[1].
    - The term 'cultural landscape' embraces a diversity of manifestations of the interaction between mankind and its natural environment. Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics

[1] Burra Charter 2013.

and limits of the natural environment they are established in, and a specific spiritual relation to nature[2].
    - These are valued by communities because they show the evolution of settlement and societies, hold myths, legends, spiritual and symbolic meanings are highly regarded for their beauty tell us about societies' use of natural resources, past events and sustainable landuse display landscape design and technology achievements[3].

- Cultural values – The value of a place specifically in terms of Aboriginal connections to the place.

- Aboriginal tradition - The body of traditions, knowledge, observances, customs, and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people; and…Any such tradition, knowledge, observance, custom or belief relating to particular persons, areas, objects or relationships[4].

- Historical landscape – The historical evolution or development of a place particularly in terms of European or post-contact times. Historic value is intended to encompass all aspects of history – for example, the history of aesthetics, art and architecture, science, spirituality and society. A place carries historical value by association with or having been influenced by a historical person or event[5].

- Landscape values – means the connection, attachment or emotional bond that people develop with places. Landscapes are part of who we are. The following are good descriptions of this key concept[6]:

  Landscape values are the natural systems on which we depend, how we live with our land, and the meaning and pleasure we take from our surroundings. They are part of our identity. Landscapes are important to us all. It is no surprise, then, that landscapes are often at the heart of statutory planning matters. Landscape values are the various reasons a landscape is valued — the aspects that are important or special or meaningful. Values may relate to each of a landscape's dimensions — or, more typically, the interaction between the dimensions. Values can relate to the landscape's physical condition, meanings associated with certain landscape attributes, and landscape's aesthetic or perceptual qualities. Importantly, landscape values depend on certain physical attributes. Values are not attributes but are embodied in attributes.

  And,

  Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country.

[2] UNESCO 2024.
[3] Burra Charter 2013.
[4] AHA Act 1975.
[5] Burra Charter 2013.
[6] Te Tangi a te Manu 2022; Victorian Traditional Owner Cultural Landscapes Strategy 2023.

- Aesthetic values – The wider aesthetic appeal of a place and how the place is viewed within the landscape. Aesthetic value relates to the sensory and perceptual experience of a place. Aesthetic value encompasses how a place feels, and considers its place in the broader landscape, and may include consideration of visual perception, smells, scale colour, texture and material fabric[7].

- Aboriginal cultural heritage - Indigenous cultural heritage is the relationship people have with country (sea and land), kin, ways of living, objects and beliefs and this is expressed through knowledge, law, language and symbols which arise from Indigenous spirituality[8].

- Social and spiritual value - encompasses the cultural significance of a place and considers associations and particular attachments that a place has for a particular community or cultural group and the social or cultural meanings that it has for them[9].

The values need to consider how the new stadium looks and will be placed within the wider landscape and the social connections people have with the area.

Defining the cultural landscape (UNESCO website accessed 2024)

The term 'cultural landscape' embraces a diversity of manifestations of the interaction between mankind and its natural environment. Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature.

This report (Southern Archaeology 2024)

In some ways this is a new and novel approach for Tasmania but in others it follows very western approaches to assessment. A major aim of this report has been to try to redirect this assessment back to the Aboriginal people who own the stories and connections to this place. It remains to be seen if this is successful or not, but it is hoped this may be a starting point for Aboriginal recognition and engagement in the process.

Victorian Traditional Owner Cultural Landscapes Strategy 2023

Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country.

[7] Burra Charter 2013.
[8] Ask First 2012.
[9] Burra Charter 2013.

5 Preamble

Southern Archaeology have been independently engaged to provide an Aboriginal cultural and landscape Values Report as per the Guidelines – Macquarie Point Multipurpose Stadium Project of State Significance (Tasmanian Planning Commission February 2024 – hereafter also known as the Document). The following is taken from the Document as an outline for the requirements of this report:

Introduction:

A proposal by the Crown in Right of Tasmania for the development of a multipurpose stadium at Macquarie Point has been declared a Project of State significance, by order (the order) of the Governor. The order was approved by both Houses of the Tasmanian Parliament on 8 November 2023 and took effect on 9 November 2023.
Under the Order, the proposal for a stadium to be developed includes:

a. *A stadium that is suitable for a range of entertainment, sporting, cultural, corporate and community uses.*
b. *The related infrastructure and services necessary to support the stadium and its operations.*
c. *A public concourse adjacent to the stadium.*
d. *Any other facility or thing necessary, or convenient, for the implementation of the project.*

A Ministerial Direction from the Premier dated 16 October 2023 (Appendix A) directs the Tasmanian Planning Commission (the Commission) to undertake an integrated assessment of the Macquarie Point Multipurpose Stadium project (the proposed project), in accordance with the State Policies and Projects Act 1993 (the Act).

The Proponent of the proposed project is the Crown in Right of Tasmania. The Premier has advised that the Macquarie Point Development Corporation will be responsible for progressing the project. Where the guidelines refer to the Proponent it is referring to the Crown in Right of Tasmania.

Background

The Commission must undertake an integrated assessment of the proposed project in accordance with Part 3 of the State Policies and Projects Act. The Act specifies that the integrated assessment by the Commission must:

a. *Seek to further the objectives set out in Schedule 1 of the Act.*
b. *Be undertaken in accordance with State Policies, and,*
c. *Take into consideration the matters set out in any representations made following public exhibition of the draft integrated assessment report.*

The Ministerial Direction requires the Commission to comply with the following requirements (subject to the terms of the Act):

1. *The integrated assessment is to address the environmental, social, economic and community impacts of the proposed project.*
2. *As part of the integrated assessment, the Commission is to specifically consider the extent to which the proposed project:*

- *Is consistent with and supports the urban renewal of the Macquarie Point site (as defined in the Macquarie Point Development Corporation Act 2012) as provided for in the Mac Point Precinct Plan prepared by the Macquarie Point Development Corporation established under section 5 of that Act.*
- *Impacts on the surrounding area and uses, and,*
- *Could generate social, economic, and cultural benefits to the region and the State of Tasmania.*

The order supplants the approval processes otherwise required by legislation concerning the use and development relevant to the proposed project under the Resource Management and Planning System of Tasmania, specifically:

- *Land Use Planning and Approvals Act 1993.*
- *Environmental Management and Pollution Control Act 1994.*
- *Historic Cultural Heritage Act 1995.*

Section 20(2B) of the Act empowers the Commission to prepare and publicly exhibit guidelines to be followed in the preparation of reports to be presented to the Commission for the purposes of the integrated assessment. The reports will inform the Commission's integrated assessment.

The Ministerial Direction requires the Commission to prepare guidelines within four months of the Commission receiving the direction. In this document those guidelines are called 'the final guidelines'.

Specifically, a requirement has been identified in the report for an Aboriginal Cultural Values and Landscape Values Report. This is outlined as follows in Section 5 of the Document:

5.0 Aboriginal cultural values and landscape

5.0.1 *The reports are to describe the character of the landscape and any Aboriginal cultural values relating to the use, associations and meanings linked to the landscape character of the place. The reports are to analyse and assess the effects of the proposed project on the landscape character and the associated Aboriginal cultural values.*

5.0.2 *Without limiting the scope of the reports, the reports are to include discussion and provide information relating to:*

- *Identification of existing, historical and potential Aboriginal cultural values associated with the distinct combination of physical, associative and perceptual attributes of the landscape (both tangible and intangible).*
- *A description of the methodology used to identify the landscape character and associated Aboriginal cultural values, to be developed in consultation with Aboriginal Heritage Tasmania.*
- *Analysis of both the nature and degree of effects on the attributes of the landscape character and on Aboriginal cultural values associated with the landscape character, and,*
- *Consideration of any measures to avoid, remedy or mitigate potential adverse effects and to promote positive effects.*

5.0.3 *The reports are to be informed by:*

- *Ask First - a guide to respecting Indigenous heritage, places and values, Australian Heritage Commission.*
- *Australian ICOMOS Practice Notes on cultural landscapes and intangible cultural heritage.*
  Aboriginal Heritage Standards and Procedures, Aboriginal Heritage Tasmania, and
- *Relevant processes and procedures of Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.*

The following three maps have been provided by the Macquarie Point Development Corporation (MPDC). **Figure 3** is the most up to date depiction of the study area and the stadium and development footprint. The second two are from the *Tasmanian Aboriginal Community Engagement Seeking Views and Guidance* document 2024. They are the result of previous consultation work, background historical and other research and archaeological works completed to date at the study area. **Figure 4** shows the Aboriginal Culturally informed zone and **Figure 5** shows the old shoreline and the reclaimed areas at the study area. **Figure 6** is an image by John Skinner Prout titled 'Hobart Town: From the Government Paddock' near the study area (this shows the surrounding landscape to the north but not the study area specifically).

Figure 3: Study area footprint. Source: MPDC 2024.

Figure 4: Aboriginal Culturally Informed Zone. Source: Tasmanian Aboriginal Community Engagement Seeking Views and Guidance Document 2024.

Figure 5: The old shoreline (light brown) and the reclaimed areas. Source: Tasmanian Aboriginal Community Engagement Seeking Views and Guidance Document 2024.

Figure 6: John Skinner Prout 'Hobart Town: From the Government Paddock' – shows the area from the Domain but does not show the study area but the surrounding landscape. Source: State Library of New South Wales Ref: SLNSW_FL19105924 accessed 2024.

6 Executive summary – assessment and recommendations

6.1.1 Introduction

Defining the cultural landscape (UNESCO website accessed 2024)

The term 'cultural landscape' embraces a diversity of manifestations of the interaction between mankind and its natural environment. Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature.

Victorian Traditional Owner Landscape Values Strategy (2023)

Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country.

None of the previous reports for this area have addressed wider Aboriginal cultural and landscape values directly and there is currently no working precedent for this in Tasmania. This report has attempted to address the wider understanding of how this may be undertaken as well as apply an understanding of cultural values and landscape values to the new stadium development (and the wider area – the landscape).

In some ways this is a new and novel approach for Tasmania but in others it follows very western approaches to assessment. A major aim of this report has been to try to redirect this assessment back to the Aboriginal people who own the stories and connections to this place. It remains to be seen if this is successful or not, but it is hoped this may be a starting point for Aboriginal recognition and engagement in the process.

Cultural (and historical values) have been somewhat addressed in the previous archaeological works and consultation that have been completed to date. Public comment forums have given opportunities for wider comment resulting in both negative and positive responses many of these around addressing Aboriginal values regarding the development. The Macquarie Point Development Corporation has also attempted to facilitate response and comment on the project. They have, however, been somewhat unsure as to how to adequately address the Aboriginal cultural and landscape values of the place in terms of the development and how to engage effectively with relevant community groups.

In general, the usual approach is to rely on public and organisational comment and process approaches which can be flawed and fail to adequately address these values or to engage communities effectively. This is especially true in terms of Aboriginal cultural and landscape values which require a nuanced and

specific approach to consult effectively. Modern approaches also suggest that this should be undertaken by Aboriginal people for Aboriginal people and that control of Aboriginal history should be vested with Aboriginal people. Aboriginal approaches to this can also be very different to western approaches but must be allowed to run their course.

This raises three important questions in relation to this assessment:

1. Has consultation and the addressing of Aboriginal cultural and landscape values been done effectively to date?
2. Have community issues been adequately addressed?
3. Have all Aboriginal people been given adequate time or agency to provide input into the design and process?

6.1.2 Assessment and recommendations

The purpose of this report is to provide an assessment of the Aboriginal cultural values and landscape. While Southern Archaeology can provide some advice and/or overview of this, a key finding of this report is that it is the Aboriginal people themselves that should provide the answers to this. Effective consultation and ownership of the process by Aboriginal people is critical.

The key concepts involved in fulfilling this purpose in this report have been to assess the relevant literature and approaches to assessing Aboriginal cultural values and landscape. Several key pieces of literature and legislation have been identified by the Tasmanian Planning Commission to be consulted in this report. These include (but are not limited to):

- The Ask First document.
- The ICOMOS Practice Notes on cultural landscapes and intangible cultural heritage
- The Aboriginal Heritage Standards and Procedures, Aboriginal Heritage Tasmania, and,
- The relevant processes and procedures of Te Tangi a Te Manu: Aotearoa New Zealand Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

Several other key concepts and reports were also reviewed in this document to supplement or provide further examples and approaches to assessing Aboriginal cultural values and landscape for this report and its approach. These are:

- The Engage Early document.
- The concept of Co-design.
- International Association for Public Participation Australasia.
- The Victorian Traditional Owner Cultural Landscape Strategy.
- The Lowitja Institute ‘knowledge translation’ approach.

Also, in support of this process the following has been provided:

- An updated and detailed background history of the site has been provided. This ‘paints’ a picture of the landscape and how it got to this point.

- A summary of the archaeological works completed at the site.
- An assessment of the consultation completed to date.
- A review of overlays showing the original Macquarie Point shoreline using historical plans and plans provided by MPDC.

A key part of this assessment has been input from AHOs Colin Hughes and Caleb Pedder and from Sarah Wilcox (Communications and Engagement Consultant Cooee Tunapri). A brief completed by them has been included in this report (reproduced in section below). These briefs are a key piece of this process and provide a very concise and practical approach to how Aboriginal people view the place and what should occur there.

Finally, an assessment of the Aboriginal cultural values and landscape based upon all the above has been completed along with recommendations.

Note: The following preliminary assessment and recommendations have been prepared for the site in regard to Aboriginal cultural and landscape Values. Currently they are provided in draft form and are subject to review by the Aboriginal Heritage Officers (AHOs) engaged in this project, the proponent, AHT and independent editors. Review of the Aboriginal heritage items recorded during the archaeological investigations still needs completion and this will inform the final outcomes of this report. There are also several pending reports which will be useful to the outcomes of this document. These are:

- *The results of the CHMA consultation for the project. The importance of this document to the understanding of community response to the project cannot be underestimated and will form some basis for Aboriginal input into the place.*
- *A review of the glass fragments from the most recent excavations by AMAC by Colin Hughes and Caleb Pedder.*
- *A Consultation Plan to be prepared by Sarah Wilcox if required. The aim of this report is to provide independent advice regarding consultation on the project and to potentially provide guidance on consultation moving forward.*
- *A review of a report being supplied by Caleb Pedder regarding boats on the Derwent River that he has requested be included in this document.*

This Aboriginal cultural and landscape values report is currently not for public dissemination until adequately revised, edited and completed as per above. Southern Archaeology do, however, look forward to input from the relevant parties mentioned above on the report content.

However, the key findings, considerations and recommendations of this assessment in terms of Aboriginal cultural values and landscape to date are:

- The definitions in **Section 4.3** are adopted in regard to this report.
- The area be recognised for its unique landscape values including Aboriginal cultural and landscape values, aesthetic landscape values and historical landscape values.
- Cultural and landscape values include the wider landscape and its relationship to this area including other sites and places in the area and the intangible (unseen aspects of the place). The definition of Aboriginal cultural and landscape values should not be limited to Macquarie Point alone.

- According to Sarah Wilcox, the IAP2 standards have not been met on this occasion due to the changing scope and limited timeframes directed by the organisation and multiple contractors doing similar work. This has led to confusion and a lack of clarity, resulting in disengagement in the community. It is recommended that Sarah Wilcox be engaged to provide a Consultation Plan for the project in due course and if required.
- Also pointed out by Sarah Wilcox - meaningful engagement with the Aboriginal Community requires at least three to six months to facilitate. It should include Elders, cultural knowledge holders and family groups rather than a singular focus on organisations. Due to the timeframe provided by the organisation, this has not been achieved. It will however, be interesting to see the results of the consultation being undertaken by CHMA.
- As Colin and Caleb point out - Aboriginal landscape values are not necessarily about the environment created by our ancestors. All land has Aboriginal value irrespective of condition or what has been constructed on it. Country is country and has always been and continues to be 'our' country. Aboriginal landscape values can be determined by Aboriginal people experiencing country in the present.
- Aboriginal people have an intrinsic and spiritual connection to their land, created through thousands of years of relationship with it. Regardless of the quantity of steel, concrete, glass, and bricks that are brought onto the land, it retains value to Aboriginal people. The value of this land goes beyond its physical properties. The heart and spirit of the land has survived the impact of Europeans.
- Aboriginal people have visited the region for thousands of years interacting with it, shaping it and enjoying the resources of the place. There is evidence of this in the landscape through the numerous sites in the area and the less visible spiritual and intangible connections to the place. These can be seen in the naming of places such as *nipaluna* (Hobart), *timtumili minanya* (Derwent River) and *kunanyi* (Mt Wellington) all of which hold sacred and special meaning to Tasmanian Aboriginal people. These make up the cultural landscape.
- The original landscape of this area has not been lost but exists below the concrete and asphalt covering this area. This is evidenced by the sites known in the region but also in the artefacts discovered during recent archaeological works – these are the stone tools and contact material (evidence also of the people visiting the area after colonisation) and are very important as they show very tangible evidence of Aboriginal connections to the place. In Caleb and Colins words - These artefacts tell a strong story of our Ancestors use of the area and provide a strong connection to contemporary Aboriginal people to the country they were found on. This connection to country has been stated over many years and is an integral part of past and contemporary Aboriginal culture. Colin and Caleb (accompanied by Darren Watton – Archaeologist) have requested that they inspect the glass artefacts as part of this process and the results of this inform this report.
- There is historical evidence of Aboriginal people continuing to visit, interact with and use the Macquarie Point and wider landscape after contact. These visits continued despite the changes occurring at the place and the grief and displacement this caused. This insight has been gained through the western approach of gathering primary source information on the site and while important, is intrinsically known by Aboriginal people through connections to the place.

- The study area has continued value as a gathering place for people from all around *lutruwita*. Today Aboriginal people live within, work within and continue to visit the Hobart area – these connections to place have not been lost, but, instead, continue to grow.
- Western approaches to assessment have tended to focus on past landscapes and this has tended to ignore, remove or reduce Aboriginal cultural and landscape values.
- Only Aboriginal people can truly speak to and understand the Aboriginal cultural and landscape values of this place – The story of this place should be told by Aboriginal people and the truth telling of the place undertaken by Aboriginal people for Aboriginal people – More broadly as a community we can gain insights through this alternative history and learn from the stories of those who live on following the footsteps as their Ancestors.
- All land has value to Aboriginal people irrespective of the current condition or what has been constructed on it. In Colin and Caleb's words - Aboriginal cultural and landscape values should be determined by Aboriginal people experiencing the present.
- A key and critical part of this process will be the consultation and this needs to be done correctly and be inclusive of as many Aboriginal people that want to be involved. The opportunity to consult should be available to all individuals and groups recognising that not all will have the same approach or views on issues. Importantly, Aboriginal people should lead this consultation process. In the words of Caleb and Colin - CHMA is currently undertaking a comprehensive consultation process, and this is important. We should wait for the results of this consultation before making further decisions on this place.
- Further to this and according to Sarah - The Palawa Community is overwhelmed with multiple engagement requests and campaigns that strive to improve the overall approach to land management, identity protection, cultural and heritage landscape protection and self-determination aspirations. There has been minimal availability or opportunity for appropriate engagement to occur.
- Also, in the words of Caleb and Colin - If the CHMA consultation process does not provide an indication on the Aboriginal communities' position on the area, then a consultation program can be revised specifically for the determination of landscape values.
- Further to this, Sarah points out that there are several experienced and respected Palawa cultural landscape interpretation professionals that would be able to assist in developing a more culturally appropriate values assessment in collaboration with Aboriginal Heritage and archaeology practitioners. A more in-depth and robust community engagement alongside this process would add deeper insights into the evaluation and would avoid reputational risk for the organisation.
- Some management and/or mechanism should be put in place for Aboriginal people to have ongoing connections to this place and some ownership over their history of the place. This may be through knowledge translation and input into the design, interpretation, artist connections (the engagement of Dean Greeno in the design is inspiring), a place for people to visit and engage with the place and/or other way that is developed by Aboriginal people to maintain some sovereignty vested in the development. The photograph below (**Figure 7**) is Colin Hughes at the football in Melbourne.
- Decisions around Aboriginal cultural values and landscape must be done with consideration of Aboriginal ways of being and doing. Time should be allowed for Aboriginal people to have a voice in the design and concepts of the stadium. Aboriginal people should maintain sovereignty in the process.
- Some management and/or mechanism should be put in place for Aboriginal people to have ongoing connections to this place and some ownership over their history of the place. This

may be through input into the design, interpretation, artist connections, a place for people to visit and engage with the place and/or other way that is developed by Aboriginal people to maintain some sovereignty vested in the development.

- There may be other Aboriginal cultural material located on this site and this should be considered during construction and in ongoing management of the place.
- Input into this project should be ongoing and revised at regular intervals to maintain Aboriginal interests in the development and place. The development of an Aboriginal Advisory Panel with a vested interest in the area may be appropriate but this should be for Aboriginal people to decide.
- Colin Hughes and Caleb Pedder have requested that the glass from the AMAC excavations be re-assessed by them to establish if any further contact material showing potential evidence of usewear is contained within the collection. Any material that shows potential of usewear should be further assessed by Simon Munt as was undertaken previously.
- The area has wider heritage values, landscape values and connections for many Tasmanians. There is an opportunity for these to interact within this place.

In summary, the current consultation process should be allowed to "run its course" and the results inform whether new approaches or more consultation is required. A plan should be put in place for Aboriginal people to be assess the values of the area in their terms and to provide input into the project in all phases of the development.

The photograph below (**Figure 7**) is Colin Hughes at the football in Melbourne.

Figure 7: Colin Hughes at the football in Melbourne. Photograph reproduced with permission 2024.

Inspiration for woven design of the stadium concept (Dean Greeno website biography accessed 2024)

My arts practice centres primarily on sculpture, it draws heavily upon my pakana cultural connections to Country and the traditional practices that spiritually connect me to my artwork. These connections began early when my great grandfather took me into the bush and swamps of the East coast of Flinders Island to show me traditional hunting and crafting techniques. This background is combined with the stoicism derived from the journey of my ancestors and people who have continued to practice the oldest living culture from precolonial to current times despite the many horrific challenges they faced on that pathway not excluding war, assimilation and cultural theft. An important aspect of the future pathway within my work is the effects of climate change on traditional Tasmanian Aboriginal resources and recognizing how these effects are being felt not only by the pakana and palawa people themselves but Sky, Land and Sea Country. I have help support the creation of a handful of films and documentaries, further to this I have enjoyed guiding and exploring informed talks, fire pit yarns and sharing knowledge walks through the cataract gorge in Launceston or on the beaches of Flinders Island, each presentation focused in part on highlighting the immediacy of healing and caring for Sea Country.

6.1.3 Caleb Pedder and Colin Hughes - *Consultation and Landscape Values Macquarie Point 2024*

The request is for an understanding of the Aboriginal landscape values for the Macquarie Point development area.

When assessing the Aboriginal landscape values there is a tendency to focus on the past landscapes that existed before the British arrived in lutruwita, those landscapes generated by our Ancestors over the last 40 thousand years. There is an assumption that the intervening 220 years of non-Aboriginal occupation has reduced or removed the Aboriginal landscape values from lutruwita. If we accept this assumption, then there are no surviving Aboriginal values for Macquarie Point because of the impact of the use of the area over the last 220 years.

Aboriginal landscape values are not necessarily about the environment created by our ancestors. All land has Aboriginal value irrespective of condition or what has been constructed on it. Country is country and has always been and continues to be our country. Aboriginal landscape values can be determined by Aboriginal people experiencing country in the present.

The Macquarie Point area has been severely impacted by the last 220 years of the built environment, but the land underneath is Aboriginal land and always will be. There are no environments that reflect the area as it was 220 years ago, but there is evidence of past Aboriginal use and enjoyment of the area with the Aboriginal artefacts identified during the two excavations undertaken within the area. These artefacts tell a strong story of our Ancestors use of the area and provide a strong connection to contemporary Aboriginal people to the country they were found on. This connection to country has been stated over many years and is an integral part of past and contemporary Aboriginal culture.

There is a significant consultation process that is being undertaken by CHMA. This consultation program is a lot more comprehensive than previous consultation and should be allowed to run its course. The CHMA consultation should encompass the Aboriginal communities' position on the Macquarie Point location and the development proposals being proposed. Undertaking an exclusive consultation process on the landscape values is not recommended. If the CHMA consultation program does not provide an indication on the Aboriginal communities' position on the area, then a consultation program can be revisited specifically for the determination of the landscape values.

Landscape values (Te Tangi a te Manu 2022)

Landscape values are the various reasons a landscape is valued — the aspects that are important or special or meaningful. Values may relate to each of a landscape's dimensions — or, more typically, the interaction between the dimensions. Values can relate to the landscape's physical condition, meanings associated with certain landscape attributes, and landscape's aesthetic or perceptual qualities. Importantly, landscape values depend on certain physical attributes. Values are not attributes but are embodied in attributes.

6.1.4 Sarah Wilcox – *Consultation and Landscape Values Macquarie Point 2024*

The IAP2A Quality Assurance Standard outlines the essential elements of any engagement process and sets the engagement approach standard and evaluation framework for quality engagement.

Meeting the IAP2 standards is crucial for a significant project like the Pre-Stadium Cultural and Landscape Values Assessment. This project, which focuses on a significant cultural landscape for Aboriginal people, underscores the need for quality engagement.

The standards were not met on this occasion due to the changing scope and limited timeframes directed by the organisation and multiple contractors doing similar work. This has led to confusion and a lack of clarity, resulting in disengagement in the community.

Meaningful engagement with the Aboriginal Community requires at least three to six months to facilitate. It should include Elders, cultural knowledge holders and family groups rather than a singular focus on organisations. Due to the timeframe provided by the organisation, this has not been achieved.

The Palawa Community is overwhelmed with multiple engagement requests and campaigns that strive to improve the overall approach to land management, identity protection, cultural and heritage landscape protection and self-determination aspirations. There has been minimal availability or opportunity for appropriate engagement to occur.

Several experienced and respected Palawa cultural landscape interpretation professionals would be able to assist in developing a more culturally appropriate values assessment in collaboration with Aboriginal Heritage and archaeology practitioners. A more in-depth and robust community engagement alongside this process would add deeper insights into the evaluation and would avoid reputational risk for the organisation.

IAP2 2015

It is well established now that engagement is no longer a singular dimension practice where an expert is employed to ask a question of the community. The practice of community and stakeholder engagement has matured substantially and now extends to a broader range of purposes and across a range of organisational contexts.

Perhaps the most significant shift in thinking about community engagement has come with recognition that the engagement may now be motivated from within the community or even led by the community itself rather than the one-way path from government or organisation to community. Similarly in the commercial context it may arise from within the business or even be led by the staff and members.

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Figure 8: Silcrete stone artefact found at the study area. Source: AMAC 2024.

Cultural Tokenism (Primary Health Matters 2024)

Cultural tokenism is a merely symbolic act that gives the impression of inclusiveness or cultural awareness and is only surface level.

7 Overview of approach

7.1 Methodology

7.1.1 Introduction

In their 2013 report on Macquarie Point Austral provided the following overview and image of the Macquarie Point area[10]:

> *With such intensive land clearance, reclamation and built development, it is difficult in the present to visualise what Sullivans Cove and the foreshore area might have looked like before the arrival of Europeans.*
>
> *Early descriptions noted forested slopes leading down to the Derwent, with low cliffs and narrow beaches separating land from water. A watercourse, later known as the Hobart Rivulet entered the estuary at a cove, its wide mouth flanked by dense tea-tree and gums. In the centre, was a small islet, which could be reached at low tide by a sand spit (**Figure 9**). In stark contrast to its existing hard edged industrial character, Macquarie Point was said to be covered with ancient trees and dense scrub.*

Figure 9: 1804 watercolour of Sullivans Cove, showing Hunter Island. The view was probably painted from a vantage point on land later known as Macquarie Point. Source: Mitchell Library, State Library of NSW, SV6B/Sull C/1, View of Sullivan [sic] Cove 1804, watercolour possibly by George William Evans, copied from an original sketch by George Prideaux Harris.

[10] Austral 2013.

This landscape has changed greatly since European's first settled in the area in 1803. The vast areas of asphalt, buildings, wharves (and ships) and other infrastructure do little to assist in understanding how this place may have looked prior to 1803. This is the reasons settling on a methodology for the assessment of contemporary cultural and landscape values for the study area is difficult. Despite the landscape that now exists, through a range of approaches and analysis this document aims to provide some assessment of these values. The historical values have been addressed in previous reports on the area and have not been addressed in this report except to provide background to changes to the place - emphasis placed on the Aboriginal perspective which is that Aboriginal people value all land in *lutruwita* regardless of any changes that have occurred[11].

Arrival of the Europeans – Wooraddy to Robinson 1831 (Plomley 2008ed.; Austral 2013)

When they saw the first ship coming at sea they were frightened…; that when the first people settled they cut down the trees, built houses, dug the ground and planted; that by and by more ships came, then at last plenty of ships; that the natives went to the mountains, went and looked at what the white people did, went and told other natives and they came and looked also.

7.1.2 Keeping it with community

A key consideration of this report's methodology has been to involve relevant Aboriginal people in order to ensure their voice is heard and recognised. Colin Hughes (AHO), Caleb Pedder (AHO) and Sarah Wilcox (Communications and Engagement Consultant Cooee Tunapri) have been engaged to facilitate this Aboriginal voice within this report.

This is designed to complement previous and (future) consultations and engagement, and to seek a streamlined approach to understanding, engaging with and managing the Aboriginal cultural and landscape values at Macquarie Point. It has also been suggested that consultation at present is being undertaken in multiple directions and this is a core consideration in this report and those that have contributed to it[12].

It should also be mentioned that the Proponent (MPDC) have also identified a need to better understand and streamline their approach to this project's consultation process.

Additionally, because this report in terms of Aboriginal cultural and landscape values is reliant upon the recommendations made by the above representatives and a consultation plan developed by Sarah Wilcox it will be focussed towards developing advice in line with this principle. For this reason, the report will only be contributing a background in this report, overlays, overviewing relevant literature as identified in the scope of works, identifying other relevant literature and assisting in pulling together the relevant material developed in this framework. An assessment and recommendations of Aboriginal cultural and landscape values is made but is focused on input from the AHOs and Sarah Wilcox. The report also recognises that consultation is being undertaken by CHMA at present and this is important to the outcomes of this report.

[11] Based on discussions with Caleb Pedder and Colin Hughes 2024.
[12] Caleb Pedder and Colin Hughes 2024.

Aboriginal huts (Caleb Pedder pers comm 2023)

If you see shell concentrated in a half circle, then it might be the location of a hut. Huts on the east coast tended to be half circular and shells from meals are likely to have been deposited around the hut walls.

7.1.3 Approach adopted

The following methodology has been developed for this project based upon the below considerations:

- A relevant approach document summary and review of the current literature around assessing Aboriginal landscape and cultural values and engaging community – this includes the core reports presented in the scope of works such as:
    - Ask First (2002)
    - The Burra Charter (2013)
    - The *Aboriginal Heritage Act 1975* (Tas)
    - The Te Tangi a te Mangu (2023).

- Some extra documents and approaches considered useful and/or relevant have also been assessed – these include an overview of the concept of Co-design, the Engage Early report, International Association for Public Participation Australasia, The Victorian Traditional Owner Cultural Landscape Strategy and the Lowitja Institute knowledge translation concept (as a case study only) – see **Section 8**.
- An overview of the geographical and environment setting at the study area – see **Section 9**. For context purposes.
- A review of the ethno-histography for the study area – see **Section 10**. For context purposes.
- A review of the history of the area especially in respect to landscape changes including post-contact Aboriginal connections – see **Section 11**. For context purposes.
- A summary overlays prepared for the area from historic plans and imagery – see **Section 12**. For context purposes.
- A relevant document summary and review of the recent archaeological works at the site – see **Section 13**. This includes a review of the relevant sites identified in the study area and around the region – see **Section 13.6**. In particular the Aboriginal heritage material identified during these works are important.
- A summary of the consultation undertaken to date – see **Section 14**. For context purposes and to understand some of what community may want addressed.
- A presentation of the results of discussions with the representatives – see **Section 15**. Important to the outcomes of this report.
- A preliminary assessment and some recommendations section in relation to the Aboriginal cultural and landscape values for the area – see **Section 16**.

Figure 10 is an image of the Hobart Town wharf area from 1827 (by De Sainson and published 1833). The study area is in the far right of this image.

Figure 10: Hobart in 1833. The study area can be seen in the far right of the image. Source: National Library of Australia Ref: 1833 VUE DE HOBART TOWN PRISE DE LA RADE, ILE VAN DIEMEN [PICTURE] / DE SAINSON PINXT.; ST. AULAIRE LITH. Accessed 2024.

Knowledge Translation (Lowitja Institute website accessed 2024)

A key concept of the KT process is that Indigenous peoples may use traditional methods of disseminating knowledge which may not be in line with accepted process of evidence-based research and formal academic publication – this may include yarning, storytelling and many other methods (interpreted as ways of knowing, being and doing). Indigenous knowledge translation is about sharing knowledge in context and focusing on knowledge that is both relevant and valued while promoting researchers and users to share all information throughout the research process.

8 Relevant document summary

8.1 Introduction

The following documents have been consulted in relation to this analysis and represent best practice approaches to understanding and assessing Aboriginal cultural and landscape values and engaging Aboriginal people (and others) in the process. Emphasis in this assessment has been on consultation with Aboriginal groups and individuals as this has been identified as a critical part of the Aboriginal cultural and landscape values approach and ensuring the social licence of the stadium project. It is one that involves time, respect, and consideration.

The core documents for this consultation include:

- Ask First - a guide to respecting Indigenous heritage, places and values, Australian Heritage Commission.
- Australian ICOMOS Practice Notes on cultural landscapes and intangible cultural heritage.
- Aboriginal Heritage Standards and Procedures, Aboriginal Heritage Tasmania; and
- Relevant processes and procedures of Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

The following sections will review and summarise these core documents as a starting point.

What has also become clear through the application of this methodology is that there are several documents (outside those listed above) that have become available in recent years and that are designed to assist in engagement of Aboriginal people in projects or within potentially contentious spaces. Some of these have been initiated at the state and federal level – some are supported by community and others are not. For completeness, a sample has been added to the above core documents (in summary) to assist with this process. A couple of these are also reviews or updates of the process, particularly for the Ask First document which has now been in operation for over two decades. The additional documents include:

- The Engage Early document.
- The Co-design concept.
- International Association for Public Participation Australasia.
- The Victorian Traditional Owner Cultural Landscape Strategy.
- The Lowitja Institute – Knowledge Translation concept as a case study and run by and for Indigenous people.

8.2 Ask First

The Ask First was prepared by the Australian Heritage Commission in 2002. It has been a leading document in promoting Indigenous heritage conservation and management in Australia over the last two decades. The Ask First document is summarised in the following text box (**Figure 11**).

Ask First – Guide to respecting Indigenous Heritage Places and Values 2002

Overview

The Ask First document was prepared by the Australian Heritage Commission in 2002. The purpose of this document is to promote Indigenous heritage conservation and management which aims to sustain the relationship between Indigenous people and their heritage places in such a way that the heritage values of each place are maintained for the present and future generations of all Australians.

The *Ask First*'s consultation guidelines are divided into five sections as follows:

1. Background to the publication and definitions for some of the terms used.
2. The purpose of Indigenous heritage conservation including providing a few key principles on Indigenous heritage conservation.
3. The consultation and negotiation process. This is the main part of the document and is divided into three major stages:
    a. Initial Consultation.
    b. Identifying Indigenous Heritage Places and Values.
    c. Managing Indigenous Heritage Places.

Each stage is divided into smaller actions with the issues that need to be considered. In addition, there are some hints to help people address issues and examples of Indigenous heritage management practices.

4. A bibliography.
5. The relevant Commonwealth, State and Territory heritage contacts.

Initial Consultation

Key steps:

- Identify traditional owners and other indigenous people with rights and interests in the area.
- Identify non-indigenous people with rights and interests in the area.
- Meet with relevant indigenous people to describe the project or activity.
- Agree on a process for addressing indigenous heritage matters.
- Arrange a meeting of all stakeholders to discuss the project or activity and agree who will undertake work.

Identifying Indigenous heritage places and values

Key steps:

- Background research.
- Ensure the relevant Indigenous people are actively involved and identify their heritage places and values.

Managing Indigenous heritage places

Key steps:

- Identify any special management requirements with relevant Indigenous people.
- Meet with all stakeholders to identify constraints on managing identified heritage places and values.
- Implement and review outcomes with relevant Indigenous people and other stakeholders.

These principles provide a number of further steps for undertaking this process, suggestions on how to settle disputes and how to facilitate inclusive and relevant consultation. There are also some examples of Indigenous heritage management practices that may be appropriate depending on the project or activity such as maintenance (restricting access, monitoring, recording and passing on stories etc), restoration (repairing, preventing erosion of, recovering etc of material), removal (relocation or excavating material etc) and interpretation.

Figure 11: The Ask First document in summary.

In more recent years this document has been reviewed for relevance. This has occurred through independent reviews. It would be outside the scope of this assessment to review all such documents, but one example is the "Ask First: A Guide to Respecting Heritage Places and Values – Issues and Gaps Analysis" by Collett and Pocock (from the University of Southern Queensland). This report was prepared for the Department of Sustainability, Environment, Water, Population and Communities Canberra in 2012 who were considering revising the document. The main outcomes and potential issues are summarised as follows (Collett and Pocock 2012):

> *Overall, the analysis showed that Ask First is a remarkably robust approach to consulting Aboriginal and Torres Strait Islander people about their heritage. There were no elements in the approaches to consultation adopted by the different jurisdictions that were not present in Ask First. Rather, Ask First had some elements that were not found in the approaches to consultation found elsewhere in Australia.*
>
> *The review compares the contents of each section of Ask First with statutory approaches used elsewhere in Australia. Where there are discrepancies, it recommends that the views of stakeholders should be sought. The main areas that are likely to be contentious are as follows:*
>
> - *The purpose of Aboriginal and Torres Strait Islander heritage conservation in Ask First because it focuses on the intangible elements that create attachment and not just the physical elements of a place. This is not seen as an important purpose of heritage conservation in some jurisdictions and may be seen as a difficulty by miners and industry.*
> - *The precautionary principle in Ask First states that uncertainty about heritage values at the place should not be used as justification for proceeding with an activity. This may be seen as a difficulty by miners, developers and by some jurisdictions. It recognises that it may take some time for people to disclose why a place is important. It recognises the issues raised by the Hindmarsh Island bridge case where the development went ahead, but the final judgement in the Federal Court recognised that the place was significant in accordance with Aboriginal tradition.*
> - *The inclusion of other Aboriginal and Torres Strait Islander people with interests in a place may be seen as undermining the rights of traditional owners. Ask First does suggest, however, that the interests of other Aboriginal and Torres Strait Islander stakeholders should be clearly identified and that their involvement in making decisions should be confined to these identified interests.*
> - *Ask First recommends that independent mediation should be provided when there are disagreements amongst Aboriginal and Torres Strait Islander people about their heritage. This approach may be seen as interfering with statutory process for arbitrating native title disputes and some miners and developers may see it as a restriction on their right to negotiate.*
> - *The suggestion that the consultation process should be used to build skills in Aboriginal and Torres Strait Islander communities may be controversial among some miners and developers who see provision of opportunities for employment that serves their industry as the primary way of assisting communities.*

In terms of recognising Indigenous heritage and values the Ask First document identifies intangible heritage as well as tangible heritage which is in line with Indigenous views of links between people, ancestors and country. Corbett and Pocock (2012) argue this could be more simply defined to say that 'Indigenous cultural heritage is the relationship people have with country (sea and land), kin, ways of living, objects and beliefs and this is expressed through knowledge, law, language and symbols which arise from Indigenous spirituality'. Emphasis in many approaches has been on physical remains and this is seen as a narrow view which the Ask First document attempts to address. Here it is important to get Aboriginal views on the definitions of heritage.

The document also addresses that Indigenous people have obligations to care for their country and that there is a difficulty from a western perspective in understanding this (one example is, the understanding that a place is important even when there is no obvious evidence of 'sacred sites' or other physical values). The key here is to get views on whether the purpose of conservation is to be confined to the protection of places and physical heritage or to maintaining the relationship that Aboriginal people have with places.

Also highlighted by Collett and Pocock (2012) was that the Ask First document identifies:

> *A number of principles that should be incorporated in any process used by miners, developers, archaeologists, anthropologists and heritage professionals when consulting Aboriginal and Torres Strait Islander peoples about their heritage places. These can be summarised as follows:*
>
> 1. *That Aboriginal and Torres Strait Islander people are the primary source of information about their heritage places and therefore must be consulted if these places and their values are to be adequately identified and appropriately managed and conserved for future generations.*
> 2. *Aboriginal and Torres Strait Islander people must have an active role in managing their heritage if they are to fulfil their obligations to 'care for country'; and,*
> 3. *There may be cultural restrictions on the sharing of information about some places and breaches of these restrictions may adversely affect the heritage values of some places.*

Here the main point made is that views need to be obtained from Indigenous people on the need to formally recognise the existence of, and the need to protect, culturally restricted information. Collett and Pocock (2012) also suggest that it may take time for Aboriginal people to disclose why some places are important and that this should not be taken as a sign that a place has limited heritage value.

Collett and Pocock also raise a few more things such as:

- The importance of consulting with Aboriginal people on their thoughts about consulting with other groups.
- The need to obtain views on whether they support identifying opportunities to build skills in the Aboriginal community during the consultation process.
- The need to obtain views on whether they want mediation between groups when disputes occur.
- The need to obtain stakeholder views on whether gathering information about the values of a place is an appropriate role for Aboriginal people surveying places of heritage.
- That ceremony and burning (cleansing) country should be explicitly mentioned as special management requirements.
- The need to obtain stakeholder views on whether there are any management issues that are not included in the list in the hints box suggested in the Ask First document.
- The need to obtain stakeholder views on whether all stakeholders should agree on the frequency of reviews of management arrangements.
- Obtain stakeholder views on whether there are additional Aboriginal and Torres Strait Islander heritage management practices that should be included.

While the validity of all the principles of the Ask First document may be questioned today, it remains a valuable document especially in regard to approaches to consultation and engaging with community. Many policies and approaches in Australia have found root in the Ask First document. The main take home message from this is that you must always ask, and it must never be assumed that an approach will be correct. Intangible things must also be considered, and the process may take time and there may be lack of understanding, difficulties or issues.

This is important in considering cultural and landscape values from an Aboriginal perspective as these are ultimately the place of Indigenous people to decide.

8.3 Burra Charter (ICOMOS 2013)

8.3.1 Introduction - The Burra Charter

The Burra Charter (2013) is the document that underpins heritage management in Australia. It has become internationally recognised and has been used over the last 40 years. It is a probably the major document in Australia in regard to conservation of heritage places.

The five values identified in the Burra Charter (1999:80) are based on the concept of cultural significance. Cultural significance is defined within the Burra Charter (1999: 11 and 2013) as meaning 'the aesthetic, historic, scientific, social or spiritual value (the five values) for past, present or future generations' and that cultural significance is 'embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects'. Furthermore, the charter suggests that 'places may have a range of values for different individuals or groups' (Burra Charter, 1999:11 and 2013). A key concept in this Charter is that when managing a heritage place, it is important to understand its cultural significance and to prepare a statement of significance based on the place's aesthetic, historic, scientific, social, or spiritual values (Logan, 2004:4).

The following outlines some of the key aspects and concepts of the Burra Charter (2013) in relation to cultural landscapes that are relevant in this assessment (**Figure 12**). **Figure 13** defines the principles of cultural landscapes as discussed in the Burra Charter (2013).

Figure 14 is a chart showing the Burra Charter process and the steps in planning for and managing a place of cultural significance and **Table 4** provides explanations on how to apply the Burra Charter (2013) to the assessment of cultural landscapes.

Also included here is a stone artefact (**Figure 15**) from the AHI investigations found at the study area in 2023.

Cultural Landscapes – ICOMOS 2013

Definition

These are the result of the interaction of humans with their environment over many years.

Cultural landscapes are valued by communities because they:

Show the evolution of settlement and societies, hold myths, legends, spiritual and symbolic meanings are highly regarded for their beauty tell us about societies' use of natural resources, past events and sustainable landuse display landscape design and technology achievements.

Cultural landscapes include:

- Designed landscapes, those that are created intentionally such as gardens, parks, garden suburbs, city landscapes, ornamental lakes, water storages or campuses.
- Evolved landscapes, those that display a system of evolved landuse in their form and features. They may be 'relict' such as former mining or rural landscapes. They may be 'continuing' such as modern active farms, vineyards, plantations or mines.
- Associative landscapes, that are landscapes or landscape features that represent religious, artistic, sacred or other cultural associations to individuals or communities.

A cultural landscape may represent more than one of these three groups.

Cultural landscapes can be recorded and protected by:

- Researching the important stories associated with a region and identifying the landscapes that best express the stories.
- Documenting features such as mountains, hills, rivers, topography, soils, skyline ridges, patches of forest, natural water courses.
- Noting aesthetic qualities such vistas, quietness, natural sounds, birdlife, colour, particular forms and landscape patterns.
- Recording how the landscape has been used, its sustainability and conservation needs.
- Talking to communities to ascertain meanings and stories associated with the landscape.
- Mapping and photographing the landscape.
- Noting any threats to the landscape and devise management guidance.
- Publicising findings and submitting them to Local Council or State Government Heritage Agency for protection.

Cultural landscapes and the Burra Charter process

The Australia ICOMOS Burra Charter Process outlines the steps in planning and managing a place of cultural significance. This process is represented in the Burra Charter flow chart. While the Charter recognises that place is inclusive of cultural landscapes, cultural landscape planning and management nevertheless require additional considerations than those set out by the Burra Charter Process. The figure below displays the applications of the Burra Charter Process to cultural landscapes and their relationships with the Charter's steps. The list is not exhaustive, and different landscapes will require specific tailored analysis.

The Burra Charter process can be represented as a cyclical adaptive management process engaging the local communities in all its steps. Adaptive management involves implementing a management strategy, closely monitoring its effects, and then adapting future actions based on the observed results.

Figure 12: Key aspects and concepts of the Burra Charter (2013) in relation to cultural landscapes.

Principles of Cultural Landscapes – ICOMOS 2013

Place

- The Australia ICOMOS *Burra Charter* recognises that cultural landscapes are geographically defined places, and encompass flora, fauna, geology, hydrology, cultural features, and their wider geographic, social, economic, and political dimensions.
- The importance of a cultural landscape is determined by identifying and assessing its significant attributes (or features) and values.
- The *Burra Charter* process can be applied and adapted to recognising, managing, and safeguarding cultural landscapes as heritage places.

Practice

- Cultural landscapes are the result of the combination of cultural practices, on-going biological and land use processes, and history.
- The meanings of cultural landscapes derive from the ordinary interactions of people and nature in the landscape and the ecological knowledge expressed by Indigenous and local communities

Process

- Cultural landscapes are socially constructed living entities, and are the product of change, dynamic processes, and diverse interactions between people and nature through time.
- The connection between people and nature in the landscape is complex, multifaceted, and cumulative. Thus, human–nature connections are distinctive to each place and time.
- Australia's cultural landscapes (inclusive of waterscapes) are continuing living landscapes that retain connections, associations, and meanings with communities of people.

Management

- People's rights, values, and ownership of traditional knowledge systems and intellectual property are recognised, respected, and central to understanding and managing cultural landscapes in Australia.
- Contextual, integrated, and participatory frameworks, including transparent decision-making and community engagement, are critical for the effective and sustainable management of cultural landscapes.
- The thorough analysis and mapping of the strengths, opportunities, threats, and vulnerabilities of cultural landscapes identifies challenges and benefits to present and future generations of local stakeholders.

Figure 13: Principles of cultural landscapes.

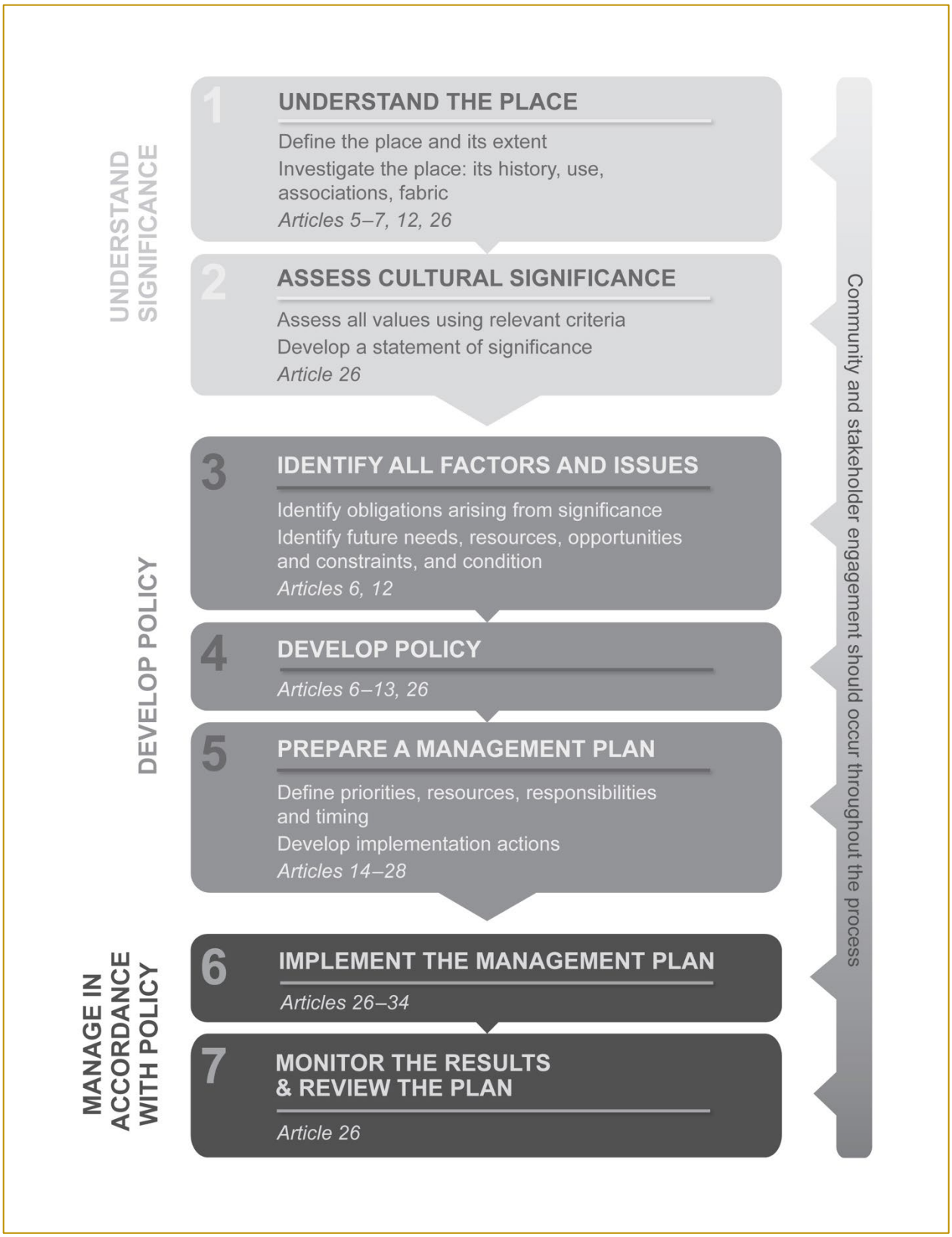


Figure 14: The Burra Charter Process: Steps in planning for and managing a place of Cultural significance. Source: Burra Charter 2013.

Burra Charter Process	*Burra Charter* Steps	Additional Considerations	Tools and Techniques
Understand significance	**1.Understand the place** Define the place and its extent Investigate the place: its history, use, associations, fabric	○ Identify character, important cultural and natural attributes (tangible and intangible components), and values ○ Understand the connections between landscape attributes and values, including associations ○ Understand the ways cultural and natural attributes and values interconnect ○ Understand quality of life and other benefits (e.g., socio-economic) ○ Understand the wider setting and social, environmental, economic, and political context of the landscape	○ Community engagement ○ Online engagement ○ Background studies ○ Field survey ○ Overlay mapping ○ Cultural mapping ○ GIS tools
	2. Assess Cultural Significance Assess all values using relevant criteria Develop a statement of significance	○ Assess cultural and natural values in an integrated way ○ Incorporate Indigenous & local community perspectives ○ Where values are contested, incorporate multiple viewpoints ○ Incorporate landscape integrity and authenticity ○ Reach a reasonable degree of consensus through participatory planning and stakeholder consultations regarding what values to conserve and which attributes carry values	○ GIS mapping ○ Landscape capability analysis ○ McHargian analysis ○ Viewshed analysis
Develop policy	**3. Identify all Factors and Issues** Identify obligations arising from significance Identify future needs, resources, opportunities & constraints & condition	○ Consider wider landscape factors which can positively and negatively impact on significance ○ Determine boundaries ○ Analyse limits of acceptable change ○ Assess the vulnerability of attributes to socio-economic pressures and impacts of climate change	○ SWOT analysis
	4. Develop Policy	○ Integrate values and their vulnerability status into a wider framework of urban and regional development, including indicating what requires careful attention to planning, design, and implementation of development projects ○ **Decide limits of acceptable change** ○ **Conservation policy should address the whole landscape as well as significant components, connections, associations**	
	5. Prepare a Management Plan Define priorities, resources, responsibilities & timing Develop implementation actions	○ **Develop a plan which incorporates long-term (>30 years) aspirations, including conflict resolution methods and management of change** ○ **Prioritise policies and actions for conservation and development**	

Manage in accordance with policy	**6. Implement the Management Plan**	○ **Establish the appropriate partnerships and local management frameworks to deliver actions and develop mechanisms for the coordination and funding of the various activities between different actors, public, private, and civic**	○ PPGIS ○ EoH 2.0 (international management effectiveness tool)
	7. Monitor the Results & Review the Plan	○ **Take baseline measurements from which to monitor and assess change at specified intervals** ○ **Respond to change with adaptive management** ○ **Analyse results in relation to UN SDGs**	○ UN SDGs

Table 4: Applying the Burra Charter process to cultural landscapes. Source: Burra Charter 2022.

Figure 15: Stone artefact from the study area. These such artefacts reinforce the presence of aboriginal people in the study area prior to European arrival. Source: AHI 2023.

That the Burra Charter has been widely used successfully in Australia (and inspired other places) and that it is a very straight forward and universal approach the heritage conservation is not in debate. There have, however, over the years there have been some criticisms worth noting here as follows[13]:

- The charter has provided a professional approach to the heritage process, but some have argued that it has isolated non-professionals, particularly local communities from having a legitimate and respected role in heritage conservation.
- The charter has focused on fabric and has failed to adequately recognise and conserve intangible values especially around Aboriginal cultural heritage. This was an aspect that was raised in the review and some changes were made, however, it is noted that no Aboriginal representatives were part of the review panel).
- There has been a focus on process and many management systems have become process orientated.
- The charter has failed to find a presence in other less obvious but important aspects of public policy such as those around economic theory, environment, social health and identity.

Despite these criticisms, the true value of the charter can be seen in its workability, its effective conservation of many places and the way in which the process can be applied to a wide variety of places both tangible and intangible.

In relation to this project the Burra Charter provides a definition of the cultural landscape as follows[14]:

> *These [cultural landscapes] are the result of the interaction of humans with their environment over many years. And,*
>
> *Cultural landscapes are valued by communities because they:*
>
> *Show the evolution of settlement and societies hold myths, legends, spiritual and symbolic meanings are highly regarded for their beauty tell us about societies' use of natural resources, past events and sustainable landuse display landscape design and technology achievements.*

As noted, a key concept here is that cultural landscapes include what you can see (tangible) and things that are not immediately able to be seen (intangible). This is consistent with the Ask First approach and the Burra Charter provides an approach to conservation which seeks to address all values[15]. However, on its own the Burra Charter does not provide ways in which to directly engage communities, simply that it should occur[16]. For this reason, more specific approaches are necessary on a case-by-case basis.

Importantly, the Burra Charter distinguishes between tangible and intangible things. The Burra Charter defines intangible heritage as meaning[17]:

[13] Allen 2004; Review of the 1999 Burra Charter 2013 – it is acknowledged that some of these are quite broad and may have since been addressed.
[14] Burra Charter 2013.
[15] Burra Charter 2013.
[16] Burra Charter 2013.
[17] Burra Charter 2013.

> The non-material aspects of culture that are valued. Expressions of intangible heritage include traditions, practices, performance, use, knowledge and language. Place and objects are tangible expressions.

It cites both intangible and tangible heritage through its reference to cultural significance and heritage values, especially through social and spiritual values.

Methods of assessing cultural heritage must go beyond 'purely physical traces (the sites and artefacts), to also incorporate the intangible traces of people's attachments to place'[18].

Tangible heritage simply means things that can be seen, touched and observed. These area physical remains such as buildings and objects. Archaeological remains, while not always able to be seen in the landscape are tangible remains.

8.4 Aboriginal Heritage Law and Policy in Tasmania

8.4.1 Introduction

Aboriginal heritage management in Tasmania is underpinned by four key elements:

1. The *Aboriginal Heritage Act (AHA) 1975* (TAS) (the Act).
2. The Aboriginal Heritage Council (AHC).
3. Aboriginal Heritage Tasmania (AHT).
4. *Guidelines* issued by the Minister.

Aboriginal heritage sites, places, or objects, whether on private or public land in Tasmania are governed and protected by the *Aboriginal Heritage Act 1975*. The Department of Premier and Cabinet (DPAC), through Aboriginal Heritage Tasmania (AHT), administer this Act. This government department is responsible for enforcing the Act and providing liaison between the public, developers, Aboriginal groups, the Government, and other parties.

The AHC is an autonomous statutory body established under Part 2 of the Act and the key function of the Council is to advise the Minister on Aboriginal heritage matters (See section 3 of the Act).

The *Standards and Procedures* document provides proponents with the way to navigate the statutory processes for identifying risks to Aboriginal heritage and appropriate impact management. It covers important terminology, technical requirements for submissions and the responsibilities of key parties, including proponents, consulting Aboriginal heritage practitioners, the Aboriginal Heritage Council and Aboriginal Heritage Tasmania. This document is outlined below.

The *Guidelines* (issued by the minister) summarise the steps towards compliance for proponents of significant projects, i.e., farmers; and householders and private citizens; persons entering "protected sites" declared under section 7 of the Act; as well as the documents adopted under section 21A(3)(b) of the Act. This document is also outlined below.

[18] Burke and Smith, 2004:245.

8.4.2 The *Aboriginal Heritage Act 1975* (Tas)

The *AHA* 1975 was reviewed and amended in August 2017. The following points were the key changes made to the Act[19]:

- The Act was previously named the *Aboriginal Relics Act 1975*.
- References to 1876 being a 'cut-off' point for what is considered as Aboriginal heritage have been removed.
- Increased penalties for damage to Aboriginal heritage.
- Introduction of scaled offences, in association with the removal of the ignorance defence.
- Removal of the 6-month time limit for prosecuting offences.
- Establishment of a statutory Aboriginal Heritage Council of Aboriginal people to advise the Minister, and
- Setting a statutory timeline for further review of the Act.
- The elevation of the significance of Aboriginal tradition within the Act.

The *Aboriginal Heritage Act* 1975 is the key Tasmanian Act for the preservation of Aboriginal 'relics'.

The Act defines a 'relic' as (Section 2 (3)):

(3) For the purposes of this Act, but subject to the following provisions of this section, a relic is –

(a) Any artefact, painting, carving, engraving, arrangement of stones, midden, or other object, made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants, which is of significance to the Aboriginal people of Tasmania; or

(b) Any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants, which is of significance to the Aboriginal people of Tasmania; or

(c) The remains of the body of such an original inhabitant or of a descendant of such an inhabitant that is not interred in–

(i) Any land that is or has been held, set aside, reserved, or used for the purposes of a burial-ground or cemetery pursuant to any Act, deed, or other instrument; or

(ii) A marked grave in any other land.

Section 14 of the Act sets out the provisions for the protection of 'relics':

(1) Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director –

(a) Destroy, damage, deface, conceal, or otherwise interfere with a relic.

(b) Make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting, or other means that involve direct contact with the carving or engraving.

(c) Remove a relic from the place where it is found or abandoned.

(d) Sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to be likely to deceive or be capable of being mistaken for a relic.

(e) Take a relic, or cause or permit a relic to be taken, out of this State; or

[19] AHT website 2024.

(f) Cause an excavation to be made or any other work to be carried out on Crown land for the purpose of searching for a relic.

Section 10 (3) of the Act states that:

(3) A person shall, as soon as practicable after finding a relic, inform the Director or an authorized officer of the find.

Aboriginal Heritage Tasmania (AHT) requires a permit to proceed with works or activities under s14 (1) of the Act, if works or activities impact Aboriginal heritage sites or material.

Section 2 (8) refers to Aboriginal tradition:

Aboriginal tradition *means:*

(a) the body of traditions, knowledge, observances, customs, and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people; and
(b) any such tradition, knowledge, observance, custom or belief relating to particular persons, areas, objects or relationships.

Aboriginal tradition also now needs to be considered in relation to assessment of Aboriginal sites.

Therefore, significance is considered in relation to:

Significance*, of a relic, means significance in accordance with:*

(a) the archaeological or scientific history of Aboriginal people; or
(b) the anthropological history of Aboriginal people; or
(c) the contemporary history of Aboriginal people; or
(d) Aboriginal tradition.

8.4.3 Aboriginal Heritage Standards and Procedures document

The following text box in **Figure 16** overviews the Aboriginal Heritage Standards and Procedures document and the text box in **Figure 17** overviews the Standards and Procedures Management Framework.

Aboriginal Heritage Standards and Procedures Summary

The Aboriginal Heritage Tasmania Standards and Procedures document assists:

Proponents to navigate the statutory processes for identifying risks to Aboriginal heritage and appropriate impact management. It covers important terminology, technical requirements for submissions and the responsibilities of key parties, including proponents, consulting Aboriginal heritage practitioners, the Aboriginal Heritage Council and Aboriginal Heritage Tasmania.

- ***Part A** of the Standards and Procedures introduces the Aboriginal heritage management framework that applies to activity proposals on public and private land and describes the tools for determining whether Aboriginal heritage is present and whether proposed activities will impact it. This part is most useful for project proponents, to understand the end-to-end process of assessment.*
- ***Part B** details the technical requirements for conducting heritage assessments, community consultation standards and any specific information required in different assessment contexts. This part is most useful for consultant Aboriginal heritage practitioners, to ensure surveys and assessment reports are conducted in accordance with minimum standards for consideration by Aboriginal Heritage Tasmania and the Aboriginal Heritage Council.*

Under section 21A of the Act, the Minister for Environment, Parks and Heritage has issued the Guidelines. These Guidelines assist proponents to act responsibly in accordance with the Act and provide a defence in the unfortunate event that Aboriginal heritage is harmed despite following best practice.

The Act provides for the Guidelines to adopt supporting documents that provide additional, practical information to landowners and proponents. Thus, the Aboriginal Heritage Standards and Procedures have been adopted to provide practical guidance on the conduct of Aboriginal heritage identification, assessment and management, in the context of activity proposals.

Proponents are strongly encouraged to take a risk management approach to avoid non- compliance with the Act.

Figure 16: Overview of the Aboriginal Heritage Standards and Procedures document. Source: Aboriginal Heritage Standards and Procedures accessed 2024.

Aboriginal Heritage Standards and Procedures Management Framework

Aboriginal heritage management is underpinned by:

- The *Aboriginal Heritage Act 1975* (the Act).
- *Guidelines* issued by the Minister; and
- The Aboriginal Heritage Council.

Aboriginal Heritage Tasmania is responsible for administering the provisions of the *Aboriginal Heritage Act 1975* and providing executive support to the Aboriginal Heritage Council.

The Aboriginal Heritage Council:

The Aboriginal Heritage Council (AHC) is an autonomous statutory body established under Part 2 of the Act. Membership comprises up to 10 Aboriginal persons appointed by the Governor on the recommendation of the Minister. The key function of the Council is to advise the Minister on Aboriginal heritage matters.

The AHC plays a key role in the consultation process with Tasmanian Aboriginal people. For large and/or significant projects, proponents should consult the AHC during the pre-design stage. Early consultation will ensure there is a strong framework for assessing options and avoiding Aboriginal heritage sites and avoid delays or additional costs to the project.

The AHC considers Aboriginal heritage permit applications and provides a recommendation (to support or not support) to the Minister, along with recommended permit conditions. The Minister then considers the AHC advice, along with advice provided by the Director of National Parks and Wildlife to make their decision.

The Guidelines issued by the Minister

Under section 21(A) of the Act, the Minister must issue *Guidelines* setting out "the actions to be undertaken by a person for the purpose of establishing a defence [against alleged contraventions of the Act]".

If a proponent complies with the Guidelines, or with any adopted document identified in the Guidelines (including this *Standards and Procedures* document), they can be confident they are acting in accordance with the Act.

The other documents that have been adopted under the *Guidelines* include the Forest Practices Authority Procedures for managing Aboriginal cultural heritage when preparing forest practices plans and Mineral Resources Tasmania Mineral Exploration Code of Practice.

Figure 17: Aboriginal Heritage Standards and Procedures Management Framework summary. Source: Aboriginal Heritage Standards and Procedures accessed 2024.

8.4.4 Aboriginal Heritage Guidelines overview

The following text box in **Figure 18** provides a summary of the Aboriginal Heritage Guidelines.

Aboriginal Heritage Guidelines summary

All persons remain subject to the general obligations that have existed since the *Aboriginal Relics Act 1975* came into force in 1976 – that is:

- Under section 10(3) of the Act, they are to report findings of relics.
- They must not harm relics through acts including "destroy, damage, deface, conceal or otherwise interfere with" relics, and the other acts outlined in section 14(1) of the Act.
- Under section 9(1) they must not harm relics (and/or what are defined as "protected objects") in protected sites; these sites are limited in number and extent.

The following outlines the processes that must be followed to comply with the Act under the guidelines (specifically regarding protected sites, farmers, householders and private citizens and proponents of significant projects:

1. Identify whether a proposed activity is:
    a. Appropriately covered by a document that has been adopted by the Guidelines and if so, follow the procedures laid down in the adopted document and/or,
    b. Whether an activity is 'normal' (i.e., normal farming practice, normal domestic or recreational activity), and/or,
    c. Whether the place is a protected site under the Act – in this case signage should be sought out to understand the appropriate way to act in the place (especially in relation to prohibited actions, activities or behaviour) and to respect the sensitivities and wishes of the Aboriginal people in regard to appropriate actions in the protected site.
2. If not (in the case of a. and b. above), reference to the "Aboriginal Heritage Standards and Procedures" published by Aboriginal Heritage Tasmania is required to comply with its prescriptions or advice.
3. In all cases, contact Aboriginal Heritage Tasmania as early as practicable, once the area of land likely to be impacted has been identified.
4. In any case where an on ground Aboriginal heritage assessment is necessary, ensure that the process is undertaken in accordance with the "Aboriginal Heritage Standards and Procedures".
5. If at any time you believe that a relic has been found, report that finding to Aboriginal Heritage Tasmania.

Figure 18: Summary of the Guidelines. Source: Aboriginal Heritage Guidelines accessed 2024.

8.4.5 Assessment process overview

Figure 19 is a flowchart detailing the assessment process for Aboriginal heritage in Tasmania.

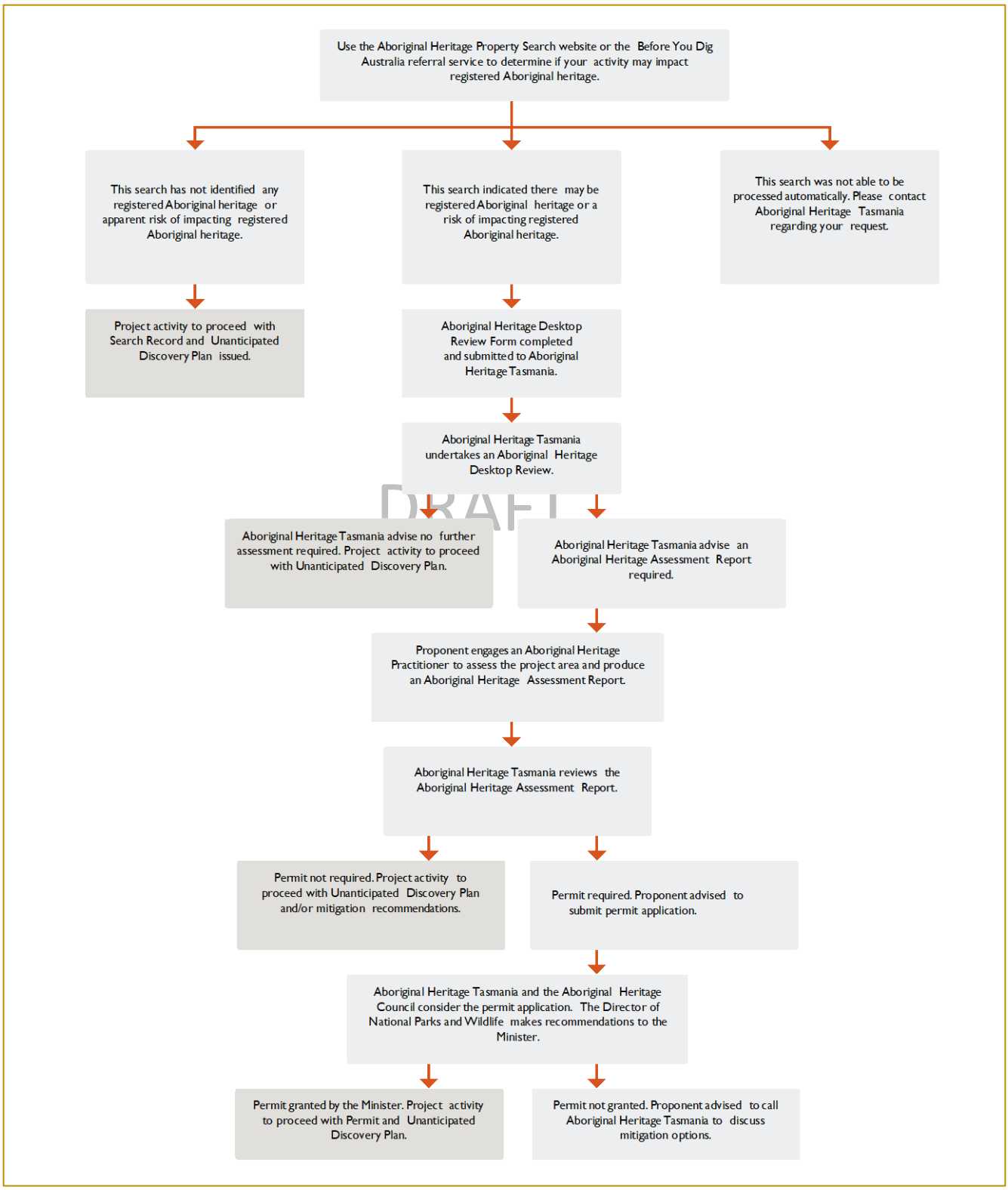


Figure 19: Flowchart for Aboriginal heritage assessment procedure. Source: Aboriginal Heritage Standards and Procedures accessed 2024.

8.4.6 Aboriginal Heritage Tasmania response

AHT were contacted in regard to this work. AHT suggest that this is a new approach to a development in Tasmania and that there is little scope presently within the Act to conduct this assessment. However, AHT are interested in the approach and wish to assist and provide guidance where possible to facilitate the approach and to review the report.

8.4.7 Summary and relevance – Landscape and Cultural values

In general, the process (outlined above in **Figure 19**) addresses Aboriginal heritage by requiring that the proponent establish if the development is likely to impact a relic, and if so, that the proponent then through a heritage consultant (archaeologist) and Aboriginal Heritage Officer undertake an assessment (involving the writing of an Aboriginal Heritage Assessment Report). The process does not address cultural landscapes (although interestingly 'place' is recognised) more generally or landscape values but does require that an assessment of social significance (generally undertaken by the AHO who contacts Aboriginal community groups and individuals) and traditional significance (generally undertaken by the AHO and the Archaeologist). These mechanisms, in combination with requirements of consultation with the Aboriginal Heritage Council do go some way to addressing intangible values of "traditions, knowledge, relationships, observances, customs, and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people" but essentially fall short in allowing for assessment of cultural and landscape values more broadly.

8.5 Te Tangi a te Manu

The Te Tangi a te Manu document has been widely adopted in New Zealand and seeks to adopt a collaborative approach (between western and Māori concepts) to managing 'landscapes'. **Figure 22** summarises the document and the concepts addressed. While the approach is focused on New Zealand the document has a lot to offer for the current project. For example, it addresses the concept of landscape values and how to approach assessing and managing these with the aim of not just protecting and managing the landscape values as they are but improving them for the future. This is also outlined in **Figure 23 and Figure 24** below.

Figure 20 shows the study area looking south-east from the cenotaph and the painting in **Figure 21** shows the study area and Hobart in 1826.

Figure 20: Study area from Cenotaph looking south-east. Image by Darren Watton using Mavic Pro 3 Classic Drone 2024.

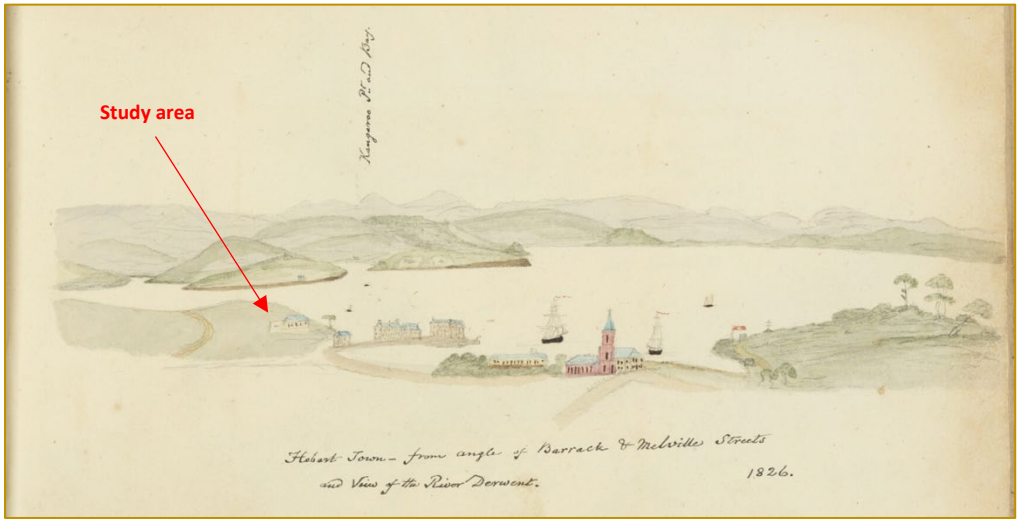


Figure 21: Artist unknown – Hobart 1826. Source: Unknown possibly Thomas Scott 1821.

Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines 2022

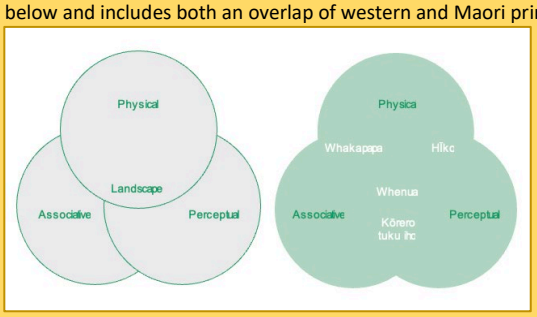
Concept of landscape

Landscapes are part of who we are. They are the natural systems on which we depend, how we live with our land, and the meaning and pleasure we take from our surroundings. They are part of our identity. Landscapes are important to us all. It is no surprise, then, that landscapes are often at the heart of statutory planning matters.

The current professional practice of conceptualising landscape as three overlapping dimensions provides a bridge between Te Ao Pākehā and Te Ao Māori meanings:

- Physical (tangible): the physical environment—its collective natural and built components and processes
- Associative (intangible): the meanings and values we associate with places; and
- Perceptual (intangible): how we perceive and experience places.

This is reproduced diagrammatically as below and includes both an overlap of western and Maori principles:



Landscape conceptualised as the intersection of three overlapping dimensions (left). Whenua conceptualised as the intersection of three overlapping dimensions and an overlay that integrates mātauranga (right).

The Te Tangi a te Manu recognises that landscapes are complex and that may differ to modern constructs when considered through a cultural lens.

Purpose and scope

The following is outlined in the document regarding its purpose and scope:

- The purpose of Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines is to improve landscape assessment within a statutory planning context. The role of landscape assessment in this context is to assist decision-makers and others to manage and improve landscape values.
- The Guidelines promote an Aotearoa New Zealand approach. They seek alignment between Te Ao Māori and Te Ao Pākehā streams of landscape assessment. They recognise mātauranga Māori and the importance of tāngata whenua values alongside concepts and values inherited from Western and other cultural traditions. Combining such perspectives is key to understanding and appreciating our landscapes.

Approach

The following diagram outlines the approach to landscape values assessment. This is elaborated on in the following text box below which overviews the process of defining and assessing landscape values.

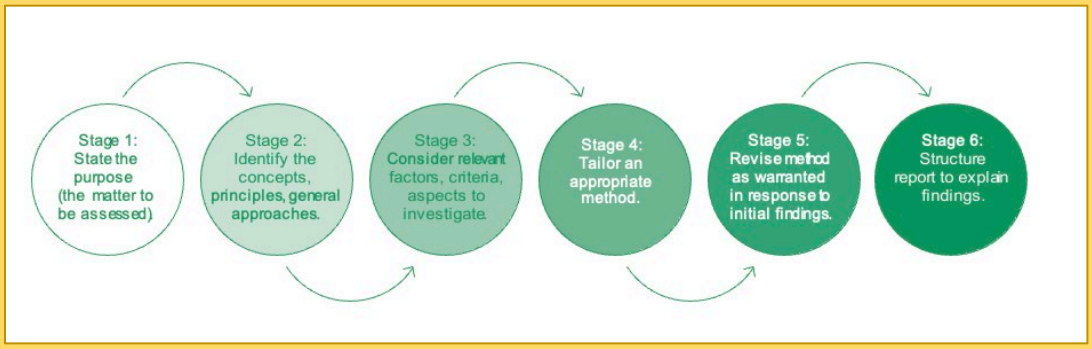


Figure 22: Summary of the Te Tangi a te Manu document.

Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines 2022

Landscape values

Importantly the Te Tangi a te Manu defines Landscape values as follows:

Landscape values are the various reasons a landscape is valued — the aspects that are important or special or meaningful. Values may relate to each of a landscape's dimensions — or, more typically, the interaction between the dimensions. Values can relate to the landscape's physical condition, meanings associated with certain landscape attributes, and landscape's aesthetic or perceptual qualities. Importantly, landscape values depend on certain physical attributes. Values are not attributes but are embodied in attributes. The following breaks this down further:

Value

Refers to:

- The regard that something is held to deserve; the importance, worth, or usefulness of something.
- The importance or worth of something for someone.
- The value of something such as a quality…is its importance or usefulness. If you place a particular value on something, that is the importance or usefulness you think it has.

All landscapes have values

Landscape values are not limited just to special landscapes. Ordinary landscapes, where we mostly live our lives, have value to those who live in them and pass through them. Such 'everyday landscapes' collectively contribute to New Zealand's overall landscape quality. Landscape management requires managing the values of all landscapes.

Potential values

Landscape values include potential values. Landscape management is not limited to maintaining existing values but includes realising new values and restoring those values that have been lost or degraded.

Values are ascribed

Values are ascribed by people. Even natural values, which may be referred to as 'intrinsic', are ascribed by people. Contested landscape values are often at the heart of resource management issues. Differences in how landscape values are perceived can reflect different interests and perspectives. The role of landscape assessors is to provide an impartial assessment of landscape character and values (and effects on values) to assist decision - makers and others. Decision-makers will use the information provided by landscape assessors in conjunction with submissions and the relevant statutory provisions.

Assessing landscape values

The process of assessing landscape values can be described as having the following steps although, in practice it is often non-linear:

- Identify the relevant landscape (its extent and context).
- Describe and analyse the attributes.
- Interpret how the attributes come together as the landscape's character.
- Revaluate and explain the landscape's values and the attributes on which the values depend.

An important part of the process is also engaging with the relevant Indigenous group/s and the Te Tangi a te Manu sets out the guidelines for this. Importantly, it makes the point that, while it is for tāngata whenua to describe their cultural values, perspectives, and associations with respect to their whenua, a landscape architect should weave such matters—as far as they are known—into a broad understanding and appreciation of a landscape. Identify gaps where information cannot be obtained. As a guide, it is useful to remember that a landscape architect's role in this context is to assist decision-makers within your landscape expertise, not as an expert in tāngata whenua matters (unless you are).

Landscape effects

The Te Mangi a te Manu also considers landscape effects. A landscape effect is an outcome for a landscape value. While effects are consequences of changes to the physical environment, they are the outcomes for a landscape's values that are derived from each of its physical, associative, and perceptual dimensions. Change itself is not an effect - landscapes change constantly. It is the implications of change for a landscape's values that is the effect. To assess effects, it is therefore necessary to first identify the landscape's values—and the physical characteristics that embody those values. There is a direct link between assessing landscape character and values, assessing landscape effects and managing such effects. Effects can be adverse or positive.

Figure 23: Understanding and assessing landscape values.

Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines 2022

Managing landscape values

The ultimate purpose of landscape assessment is to manage landscape values.

While landscape assessment may traditionally have tended toward maintaining existing values, or mitigating adverse effects, current practice and the Te Tangi a Te Manu guidelines aspire towards improvement of landscape values. It is not enough to sustain the status quo if the landscape values are already diminished. Hence, these Guidelines highlight assessment of landscape effects in terms of outcomes on landscape values rather than in terms of mere change. They look beyond avoiding, remedying, and mitigating adverse effects to the greater imperative of positive outcomes for landscape values.

The following principles are important:

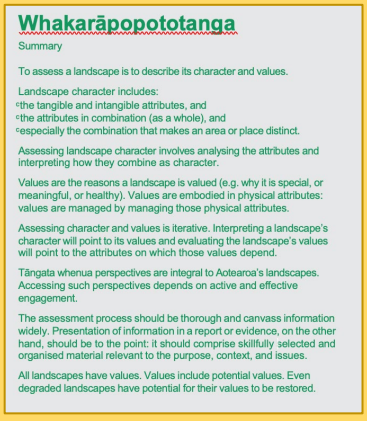
- Integrate landscape assessment and design - Improvements are best realised when assessment and design operate in tandem. Such an approach helps ensure that positive effects, and avoidance of adverse effects, are 'designed-in' to projects.
- Describe the design process - Describe, as part of the landscape assessment, how potential adverse effects were identified, avoided, remedied, and mitigated through the integrated assessment and design process.
- Explain design in terms of landscape values.
- Devise conditions - Devise conditions to ensure that the design's intended outcomes are achieved in fact, and to ensure that the claimed benefits are given weight in the statutory planning process.
- Maintain impartiality.
- Design frameworks - Frameworks set out the principles that guide the project through different phases of a project (e.g. project inception, planning, design, consenting, procurement, construction, maintenance) — each phase at an increasing level of certainty and detail. Design frameworks maintain continuity through successive phases which may run over many years.
- Co-design - Co-design is a way to integrate tāngata whenua and/or community involvement in landscape planning and design processes. It is a further expression of the principle of integrating assessment, design, and outcomes. Co-design is typically a joint process to develop a project. It is both 'co' and 'design'.
- Avoid vs remedy vs mitigate - It is commonplace for landscape assessments to include a section on mitigation of adverse effects. The first preference of "avoiding, remedying and mitigating any adverse effects" is to avoid (i.e. through such things as site selection and design). This requires the consultant to be an active participant in project design from its inception, not brought in after the design has been determined to mitigate effects. Mitigation should be a last resort.

Assessment format (guide only)

An assessment of landscape and visual effects for a resource consent application might comprise the following structure. Such a structure echoes typical formats for an assessment of environmental effects.

- Executive summary
- Introduction
- Methodology
- Existing landscape
- Proposal
- Statutory provisions
- Issues (the relevant matters having regard to the context, nature of the proposal/potential effects, and the statutory planning provisions, including any other matters)
- Landscape effects (including visual effects)
- Recommendations
- Conclusion (overall landscape effects).

The following is a summary from the document:



Whakarāpopototanga

Summary

To assess a landscape is to describe its character and values.

Landscape character includes:
- the tangible and intangible attributes, and
- the attributes in combination (as a whole), and
- especially the combination that makes an area or place distinct.

Assessing landscape character involves analysing the attributes and interpreting how they combine as character.

Values are the reasons a landscape is valued (e.g. why it is special, or meaningful, or healthy). Values are embodied in physical attributes: values are managed by managing those physical attributes.

Assessing character and values is iterative. Interpreting a landscape's character will point to its values and evaluating the landscape's values will point to the attributes on which those values depend.

Tāngata whenua perspectives are integral to Aotearoa's landscapes. Accessing such perspectives depends on active and effective engagement.

The assessment process should be thorough and canvass information widely. Presentation of information in a report or evidence, on the other hand, should be to the point: it should comprise skillfully selected and organised material relevant to the purpose, context, and issues.

All landscapes have values. Values include potential values. Even degraded landscapes have potential for their values to be restored.

Figure 24: Managing landscape values.

The Te Tangi te a Manu approach is new but appears to have been adopted and applied quite successfully in New Zealand. It aims to go beyond merely protecting a landscape but to improving it as well through effective mechanisms tailored to each project. One such mechanism might be to avoid rather than mitigate effects of the development – not a new approach but in this document, it is emphasised as a first pass approach and that management should go beyond this – aiming to improve landscape values.

The main criticism so far from this project's perspective has been that some have questioned its relevance to Tasmania and to Aboriginal people. However, a couple of key things can be drawn from this document as follows:

- The concept of landscape and Landscape values are defined as:

  Landscapes are part of who we are. They are the natural systems on which we depend, how we live with our land, and the meaning and pleasure we take from our surroundings. They are part of our identity. Landscapes are important to us all. It is no surprise, then, that landscapes are often at the heart of statutory planning matters

  Landscape values are the various reasons a landscape is valued — the aspects that are important or special or meaningful. Values may relate to each of a landscape's dimensions — or, more typically, the interaction between the dimensions. Values can relate to the landscape's physical condition, meanings associated with certain landscape attributes, and landscape's aesthetic or perceptual qualities. Importantly, landscape values depend on certain physical attributes. Values are not attributes but are embodied in attributes.

- The value of landscape can be defined as:

  Refers to:
  - *The regard that something is held to deserve; the importance, worth, or usefulness of something.*
  - *The importance or worth of something for someone.*
  - *The value of something such as a quality…is its importance or usefulness. If you place a particular value on something, that is the importance or usefulness you think it has.*

- A key approach for this document and what it aspires to is:

  While landscape assessment may traditionally have tended toward maintaining existing values, or mitigating adverse effects, current practice and the Te Tangi a Te Manu guidelines aspire towards improvement of landscape values. It is not enough to sustain the status quo if the landscape values are already diminished. Hence, these Guidelines highlight assessment of landscape effects in terms of outcomes on landscape values rather than in terms of mere change. They look beyond avoiding, remedying, and mitigating adverse effects to the greater imperative of positive outcomes for landscape values.

While this document may be somewhat distant from a Tasmanian perspective; the approach is in line with expectations community have for management of landscape values. Some of the concepts may be applicable (such as the definition of the landscape values and management ideas) to this project.

8.6 Other documents in Australia

8.6.1 Introduction

Listed here are other key documents or approaches within Australia which are often cited and may assist in defining and managing cultural and landscape values through engaging with community and other stakeholders. This assists in understanding approaches and concepts more fully.

8.6.2 The 'Engage Early – Guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act' (the Guidelines) 2016

This document aims to improve how proponents engage and consult Indigenous peoples during the environmental assessment process under the *EPBC Act 1999*. It also references that this document should be read in conjunction with the *Ask First: A guide to respecting Indigenous heritage places and values* (2002) document.

The basic principles of this document are that best practice consultation includes:

- Identifying and acknowledging all relevant affected Indigenous peoples and communities.
- Committing to early engagement at the pre-referral stage.
- Building trust through early and ongoing communication for the duration of the project, including approvals, implementation and future management
- Setting appropriate timeframes for consultation, and
- Demonstrating cultural awareness.

More recently, the *EPBC Act 1999* has come under criticism as being outdated and in need of reform. In particular, it has been stated that[20]:

> *The operation of the EPBC Act has failed to harness the extraordinary value of Indigenous knowledge systems that have supported healthy Country for over 60,000 years in Australia. A significant shift in attitude is required, so that we stop, listen and learn from Indigenous Australians and enable them to effectively participate in decision-making.*

The following key points have come from this document[21]:

> *The Review considers that the EPBC Act is not fulfilling its objectives as they relate to the role of Indigenous Australians in protecting and conserving biodiversity, working in partnership with and promoting the respectful use of their knowledge.*
>
> *The key reasons why the EPBC Act is not fulfilling these objectives are:*
>
> - *There is a culture of tokenism and symbolism. Indigenous knowledge or views are not fully valued in decision-making. The Act prioritises the views of western science, and Indigenous knowledge and views are diluted in the formal provision of advice to decision-makers.*

[20] Samuel 2020.
[21] Samuel 2020.

- *Indigenous Australians are seeking stronger national protection of their cultural heritage.*
- *The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act) provides last-minute intervention but does not work effectively with the development assessment and approval processes of the Act. The national level arrangements are unsatisfactory and out of step with community expectations.*
- *The Act does not meet the aspirations of Traditional Owners, where they lease their land to the Commonwealth. The settings for the Director of National Parks and the joint boards means that, ultimately, the Director makes decisions for these areas.*

The key reforms recommended by the Review are:

- *The co-design of policy and implementation to improve outcomes for Indigenous Australians.*
- *The National Environmental Standards should include specific requirements relating to best-practice Indigenous engagement and participation, to enable Indigenous views and knowledge to be incorporated into regulatory processes.*
- *A recommended National Environment Standard for Indigenous engagement and participation in decision-making, developed in detail by the Review through an Indigenous-led process, should be adopted in full and immediately implemented.*
- *The role of the Indigenous Advisory Committee should be substantially recast as the Indigenous Engagement and Participation Committee. The role of this Committee is to provide leadership in the co-design of reforms and advise the environment minister on the development and application of the National Environmental Standard for Indigenous engagement and participation in decision-making.*
- *Indigenous knowledge and western science should be considered on an equal footing in the provision of formal advice to the environment minister. The recommended Ecologically Sustainable Development Committee should be responsible for ensuring advice provided to the environment minister incorporates the culturally appropriate use of Indigenous knowledge.*
- *The national level settings for Indigenous cultural heritage protection need comprehensive review. This process should consider how comprehensive national level protections are given effect, including how they interact with the development assessment and approval process of the EPBC Act. This review should explicitly consider the role of the Act in providing protections.*
- *Where aligned with their aspirations, transition to Traditional Owners having more responsibility for decision-making in jointly managed parks. For this to be successful in the long term there is a need to build capacity and capability, so that joint boards can make decisions that effectively manage risks and discharge responsibilities.*

This has led (in 2023 – Commonwealth of Australia) to the formation of the *Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999* which provides interim guidelines while[22]:

> *A National Environmental Standard for First Nations engagement and participation in decision-making is being developed through a co-design process as part of a broader regulatory reform program responding to the findings of the review.*

These guidelines are summarised and stated as follows[23]:

> *Broadly, the department considers that respectful and effective engagement includes (but may not be limited to):*

[22] Commonwealth of Australia 2023.
[23] Commonwealth of Australia 2023.

- *Ensuring cultural safety.*
- *Building and maintaining trust.*
- *Engaging early and often.*
- *Negotiating suitable timeframes.*
- *Negotiating suitable submission formats.*

What is clear from this is that it is important to get it right and that each project should engage on a level particular to the project.

8.6.3 Co-design – a key concept?

Much has been made of the concept of co-design in recent years but is it relevant here and what does it mean? It is increasing being used by government and the community sector to describe a range of activities and processes used in the design of services and products that involve people who use or are affected by that service or product[24]. It has been proposed in this project but how this can be used as a process and how it is relevant to Aboriginal people has not yet been defined. It is also difficult to understand what this will mean in practice. For it to be effective there needs to be consensus between all parties on what it is and how it works[25].

According to the New South Wales Council of Social Service (NCOSS)[26]:

> *Co-design is a process not an event. It is also known as generative design, co-creation, participatory design or co-operative design. Co-production may also be used but it is more about the delivery rather than the design aspects of the process.*
>
> *Co-design originally referred to a process involving customers and users of products or services in their development. It combines generative or exploratory research, which helps to define the problem that requires a solution, with developmental design.*
>
> *The community services sector has adapted co-design to combine lived experience and professional expertise to identify and create an outcome or product. It builds on engagement processes such as social democracy and community development where all critical stakeholders, from experts to end users, are encouraged to participate and are respected as equal partners sharing expertise in the design of services and products.*

NCOSS also provides the following flowchart (**Figure 25**) for the process:

[24] New South Wales Council of Social Service 2017.
[25] New South Wales Council of Social Service 2017.
[26] NCOSS 2017.

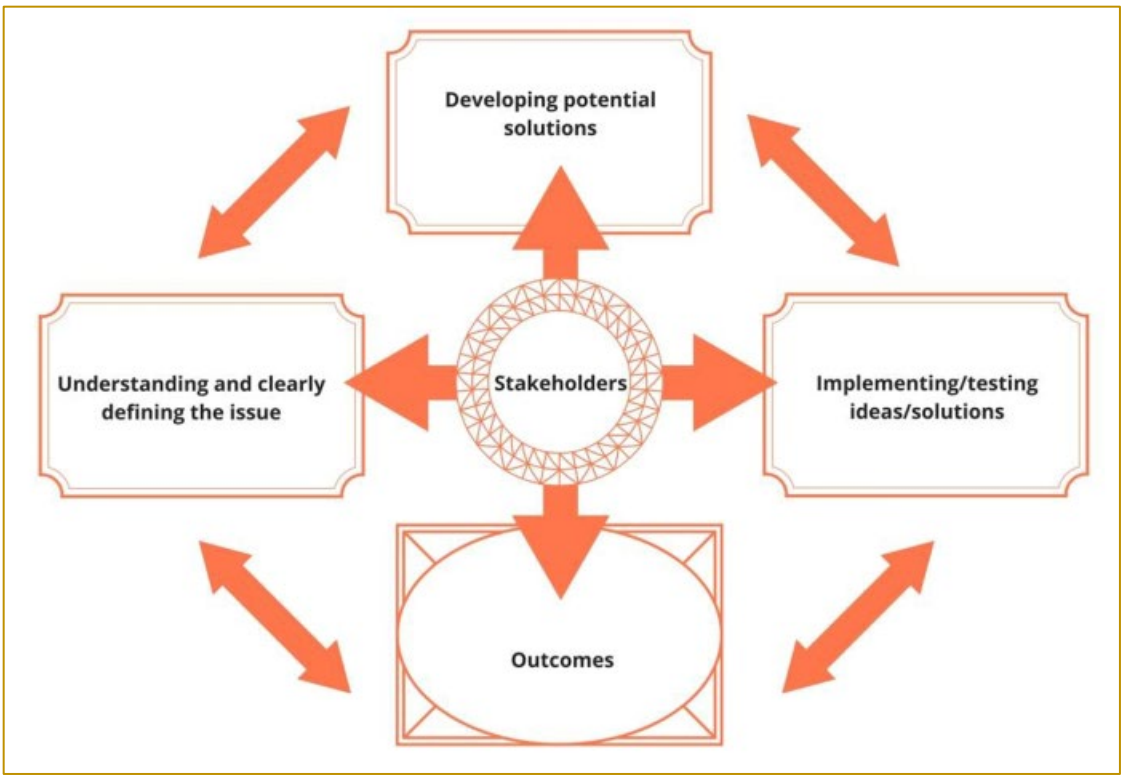


Figure 25: Flowchart for co-design process. Source: NCOSS 2027:1.

NCOSS states that it "is not a linear process and cannot be rushed" and the Victorian Government website agree[27]. They state that the method is that '"co-design brings citizens and stakeholders together to design new products, services and policies" with the following purpose[28]:

- *To explore both problems and solutions collaboratively.*
- *To connect stakeholders with citizen groups in a meaningful way.*
- *To design solutions that are grounded in both community needs and government constraints.*
- *To open up the project's goals and outcomes to citizen input.*

The Victorian government also identifies the following strengths, weaknesses and tips[29]:

Strengths:

- *Great at building confidence, consensus, ownership, leadership and accountability within a stakeholder group.*
- *Great at producing "community-led" products, services or policies.*

Weaknesses:

- *Co-design can rely on the availability of people with different schedules. Projects need to build in ample time for collaboration.*
- *Participatory mindsets can be difficult to foster in groups of experts.*

[27] NCOSS 2017; <VIC.GOV.AU> accessed 2024.
[28] <VIC.GOV.AU> accessed 2024.
[29] <VIC.GOV.AU> accessed 2024.

- *Co-design will fail if inclusion strategies are not adopted. Getting the right people together, under the right conditions, is vital to its success.*
- *It can be difficult to build consensus within large groups, especially if experts dominate the process.*

Tips:

- *Co-design relied upon experienced facilitators and co-design leaders to guide participants through the design process successfully.*
- *Designers should consider and create the conditions that allow safe, respectful and productive collaboration.*

According to the NCOSS the following (**Figure 26**) are the principles of effective Co-design[30]:

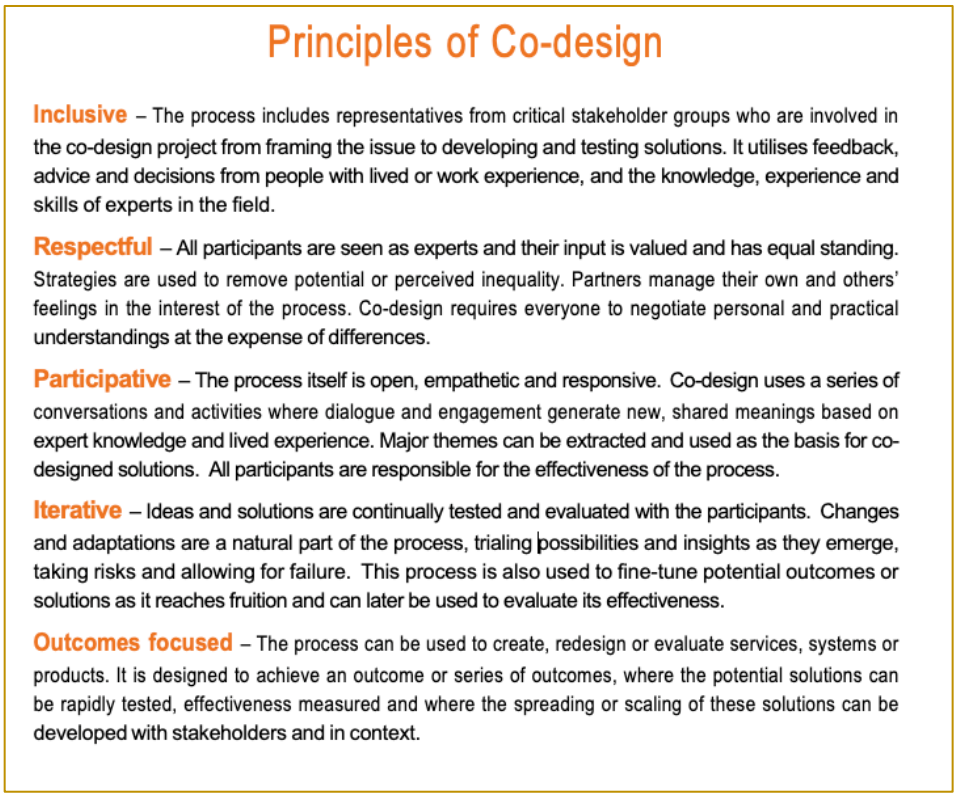


Figure 26: Principles of Co-design. Source: NCOSS 2017.

The Co-design approach has been used successfully in many industries such as within the health industry and in recent years an Experience Based Co-design Toolkit for Australia (known as the EBCD Toolkit for Australia) has been set up by the Australian Healthcare and Hospitals Association. This toolkit was used by Samantha Beattie (Nurse Practitioner, Diabetes Educator and Nurse Unit Manager at Launceston General Hospital) to facilitate a consumer-based response to diabetes care. The EPBD Toolkit for Australia provides the following definitions for terminology used in this process[31].

[30] NCOSS 2017.
[31] EPBD Toolkit for Australia page 8.

Co-production (Osborne)	Co-production is defined as the voluntary or involuntary involvement of users in the design, management, delivery and/or evaluation of services.
Co-Creation	Collaborative knowledge generation by academics working alongside other stakeholders. This was described in a research context, but the authors noted that the concept emerged independently in several fields: • value co-creation – business studies • experience-based co-design - design science • technology co-design - computer science • participatory research – community development.
Co-design	Co-design is an approach to participatory design (although traditionally of a new product) that seeks to actively involve all stakeholders (e.g. staff, patients, citizens) in a process to help ensure the result meets their needs and is usable. Designing and delivering services and systems in an equal and reciprocal relationship between professionals, people using services, their families and their community. (New Economics Foundation)
Experience Based Design (EBD) Experience Based Co-Design (EBCD)	Experience based design was the initial terminology used but was later modified when it was observed there was insufficient focus on the co-design element. Experience-based co-design involves gathering experiences from patients and staff through in- depth interviewing, observations and group discussions, identifying key "touch points" (emotionally significant points) and assigning positive or negative feelings. A short edited film is created from the patient interviews. This is shown to staff and patients, conveying in an impactful way about how patients experience the service. Staff and patients are then brought together to explore the findings and to work in small groups to identify and implement activities that will improve the service or the care pathway. The NSW Agency for Clinical Innovation defines it as a way of bringing consumers, carers, families and health workers together to improve health services. Giving people an equal voice as active partners in health care improvement leads to better outcomes for all.

Table 5: Definition of terms. Source: EPBD Toolkit for Australia accessed 2024.

This document also identifies a number of principles for effective Co-design as shown in **Figure 27**.

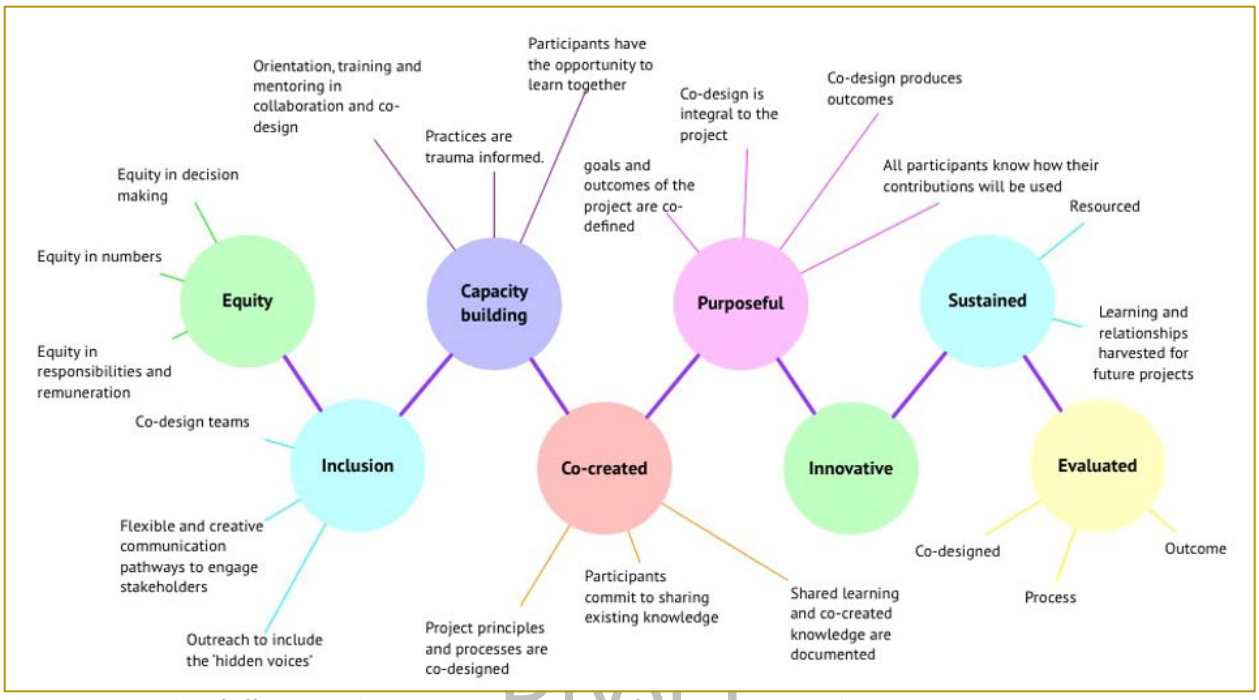


Figure 27: Principles of effective Co-design. Source: EPBD Toolkit for Australia accessed 2024.

Importantly, the EPBD Toolkit for Australia identifies that many Co-design projects fail because they do not involve the following key components:

Participation

- *Co-design is a collaborative process in which as many stakeholders as possible have input.*

Development

- *Co-design evolves as a process, maturing and adapting as it takes place.*

Ownership and power

- *Co-design involves a transformation of ordinary power relations between stakeholders and aims to generate collective ownership.*

Outcomes and intent

- *Co-design has a practical focus, notwithstanding that unplanned processes and transformations are likely to occur as collateral effects of the process.*

Many approaches to Co-design have worked in certain situations but the question remains – is this process 'fit for [this] purpose'? The most likely answer is that - while this has worked in many places, it may be suitable from a western perspective and there are a few concepts that can be drawn from this process that may be used (such as the need for a level playing field and the need for a collaborative approach) - this is another concept that the Aboriginal community may be wary of and, therefore, is possibly not appropriate in this situation without it being led by and tailored to Aboriginal community

needs. This because it can be very systems orientated, 'expert' driven and rely upon bringing many people together with different agendas or needs within the process.

8.7 International Association for Public Participation Australasia 2015

8.7.1 Introduction

The International Association for Public Participation Australasia produced the IAP2A in 2015. This document provides guidelines for the international standards for public participation and as such is a very relevant document for this project especially as it guides Sarah Wilcox's approach for consultation.

The Core Values of IAP2 drive community and stakeholder engagement globally. This is achieved by:

- Promoting the right of individuals who are affected by a decision to have a say in the decision-making process.
- Highlighting the benefits of this to organisations, governments and individuals.
- Advocating for members and providing high quality training programs.

IAP2 developed the following public participation spectrum model (**Figure 28**):

IAP2'S PUBLIC PARTICIPATION SPECTRUM

iap2 international association for public participation

The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process.
The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISES TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Figure 28: IAP2 Public participation spectum.

8.7.2 The approach

The following statement outlines the IAP2 approach[32]:

> *It is well established now that engagement is no longer a singular dimension practice where an expert is employed to ask a question of the community. The practice of community and stakeholder engagement has matured substantially and now extends to a broader range of purposes and across a range of organisational contexts.*
>
> *Perhaps the most significant shift in thinking about community engagement has come with recognition that the engagement may now be motivated from within the community or even led by the community itself rather than the one-way path from government or organisation to community. Similarly in the commercial context it may arise from within the business or even be led by the staff and members.*
>
> *A community engagement model was developed by IAP2 Australasia in 2014 and has identified 7 key drivers of contemporary engagement:*

1. *The level of connectedness that exists in communities*
2. *Greater access to information*
3. *Increased visibility*
4. *Increased pressure to deliver value for money*
5. *Complex or "wicked" problems*
6. *Commercial pressure to innovate*
7. *Mobility affecting pace and form of communication*

> *These drivers increase the use of engagement approaches and an expansion of the engagement purpose.*

The following engagement model was developed by IAP2 (**Figure 29**):

[32] International Association for Public Participation Australasia 2015.

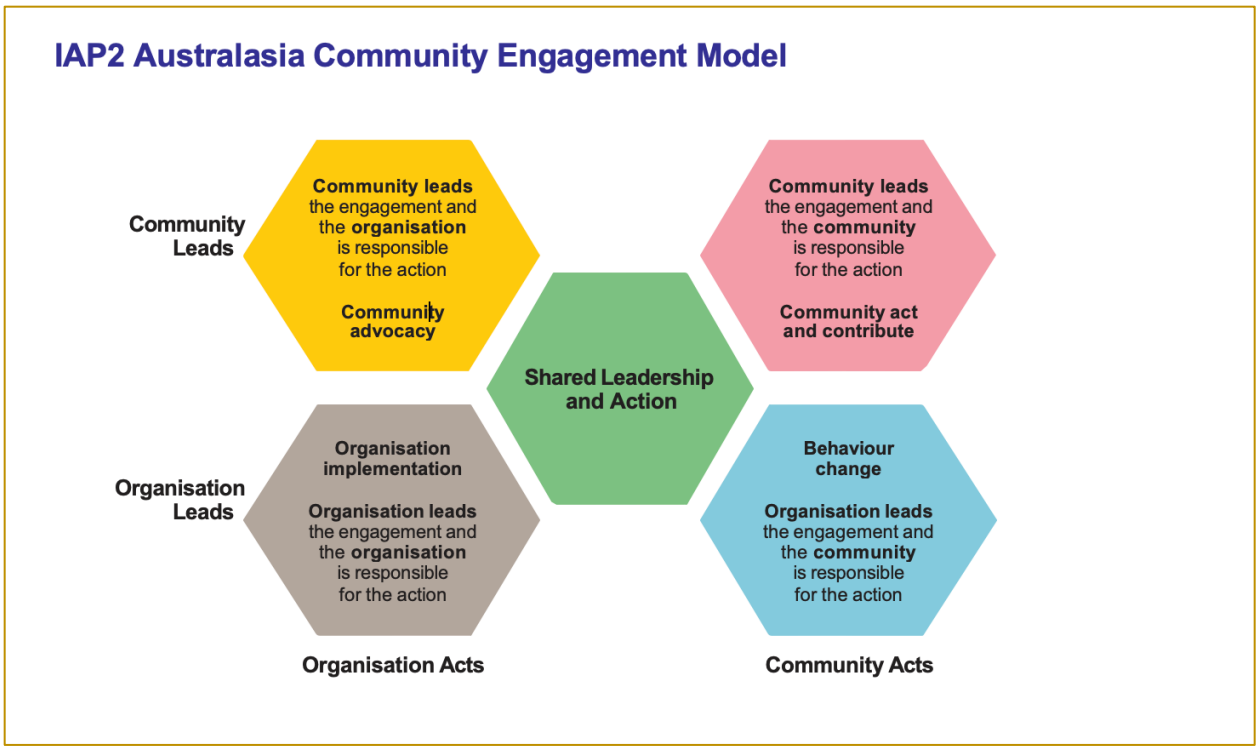


Figure 29: IAP2 Australasia Community Engagement Model. Source: International Association for Public Participation Australasia 2015.

8.8 Victorian Traditional Owner Cultural Landscapes Strategy 2023

8.8.1 Introduction

The Victorian Traditional Owner Landscape Values Strategy (2023) is an attempt to define how a cultural landscape values assessment might be undertaken and how landscape values might be managed in Victoria. This makes this 'how to' document very relevant to the current study. The main concepts centre around the process engaging Aboriginal people, being essential for the well-being of Aboriginal people and that it needs to be led by Aboriginal people.

The development of the Victorian Traditional Owner Cultural Landscapes Strategy (The Strategy) was funded by the Department of Environment, Land, Water and Planning and Parks Victoria to support Traditional Owner rights and interests in managing Country according to their Lore and Customs. Facilitated by the Federation of Victorian Traditional Owner Corporations (Federation), the project was led by Victorian Traditional Owners, Elders and Knowledge Holders and Traditional Owner Corporation Staff. The Strategy development was overseen by a Traditional Owner Technical Working group and a Co-Governance Group, where representatives of partners met to discuss the Strategy as it was developed and to ensure the effectiveness of the institutional arrangements for strategy development.

This strategy adopts a co-design approach.

Victorian Traditional Owner Cultural Landscapes 2023

Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country.

8.8.2 Methodology adopted

The following outlines the methodology adopted in the strategy.

The engagement approach

Through partnership in a co-design process, the Federation, with Parks Victoria and DELWP worked in self-determination mode with Traditional Owners to understand how Traditional Owners wish to express their cultural values, practices, interests and knowledge associated with planning and management for all Countries in Victoria.

A collaborative governance model was created that built upon the learning from the development of the Victorian Traditional Owner Cultural Fire Strategy.

Cultural landscapes strategy

The Strategy document formed part of three discrete documents that together make up the Cultural Landscapes Strategy. The three documents are:

1. *the Strategy (the document),*
2. *the Poster (a short graphical presentation of the main Strategy content) and,*
3. *the Technical Papers (providing additional context and rationale for the Strategy).*

The basis of this were the following core values:

Traditional Owners actively managing Country must be able to strengthen their identity, individual and collective.

The Strategy provides a pathway for Traditional Owners to repatriate management practices and begin the complex task of restoring and redressing harms to Country and, in doing so, bring healing to Country and community. This is an important step towards reconciliation, treaty and to Traditional Owners, once again, caring for Country.

Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country.

Table 6 shows the principles that guide how partnerships are to function operationally, strategically and for the long term.

Principle 1 Traditional Owners leading management	Traditional Owners lead the development and application of land and water management practices on Country, the responsibilities and authority of Traditional Owners is recognised and respected. Traditional Owners' knowledge and practice and connection with Country will define a cultural approach to planning and management, governance, decision making rights and intellectual sovereignty (IK/ICIP) as the foundation for leading management.
Principle 2 Traditional Owners working together	Cultural practice is living knowledge. Indigenous knowledge and practice is shared for continual learning and adaptive management. Traditional Owners will work together on each other's Country to heal Country and guide practice development. Knowledge and practice are shared.
Principle 3 Monitoring and evaluation supports Traditional Owners	Monitoring, evaluation and research supports Traditional Owner cultural objectives and enables adaptive learning. This will be used to build a body of evidence that allows Indigenous knowledge and practice to occur and grow.
Principle 4 Manage Country holistically	Traditional Owners manage Country holistically to address multiple values and objectives, healing both Country and culture. Partnership arrangements and management objectives are tailored to each Country and cultural landscape context. This includes analysis of the tenure, regulatory and operational arrangements to support beneficial Indigenous management practices, together with a process of learning to continuously improve planning, management and action.
Principle 5 Managing Country is healing	There are substantial positive impacts to Traditional Owner wellbeing and confidence through providing access and authority to practice on Country.
Principle 6 Traditional Owner centred governance	Governance structures are purposefully designed to enable Traditional Owner groups to drive strategy direction and content. Traditional Owners co-design projects and programs that meet their rights and interests, including actions to improve the situation through implementation.
Principle 7 Agency partnership	Partnership arrangements and management objectives are tailored to the context of each Country, including the tenure, regulatory and operational arrangements to enable beneficial Indigenous management practices, together with a process of learning to continuously improve planning, management and action.
Principle 8 Agency resourcing	Traditional Owner Corporations are operating at the interface of Aboriginal and western worldviews, governance systems and healing Country/NRM programs. Agency sourced resourcing of Nations through their Corporations is tailored and sufficient for self-determined Nation outcomes. This will enable: • partnerships to be effective and respectful of cultural governance. • developing co-capacity (including Corporation systems, staffing and skills) to enable effective delivery of NRM programs. • funding models that reduce transaction costs associated with multiple project level reporting, prospectus development and partnering.

Table 6: principles guiding how partnerships will function operationally, strategically and for the long term. Source: Victorian Traditional Owner Cultural Landscapes Strategy 2023.

Victorian Traditional Owner Cultural Landscapes 2023

It's not about 'forests' it's about honouring the dreaming stories …
It is a cultural landscape, [we] need to enable cultural management practices.
Emu country, we're going to manage for that emu. Cultural objectives [need]
To be reintroduced into landscape. A living bio-cultural landscape.
All of the actions [cultural and other land management practices] are undertaken with the aim of returning a culturally recognisable landscape, like the old fella says …
'it used to look like this and that's what we are working towards, or it was this bit of country (that) was managed for this (totemic) species and now you look at it …and you've got your road map.'

Figure 30 is the poster developed for the initiative and **Figure 31** shows the five concepts developed in the initiative.

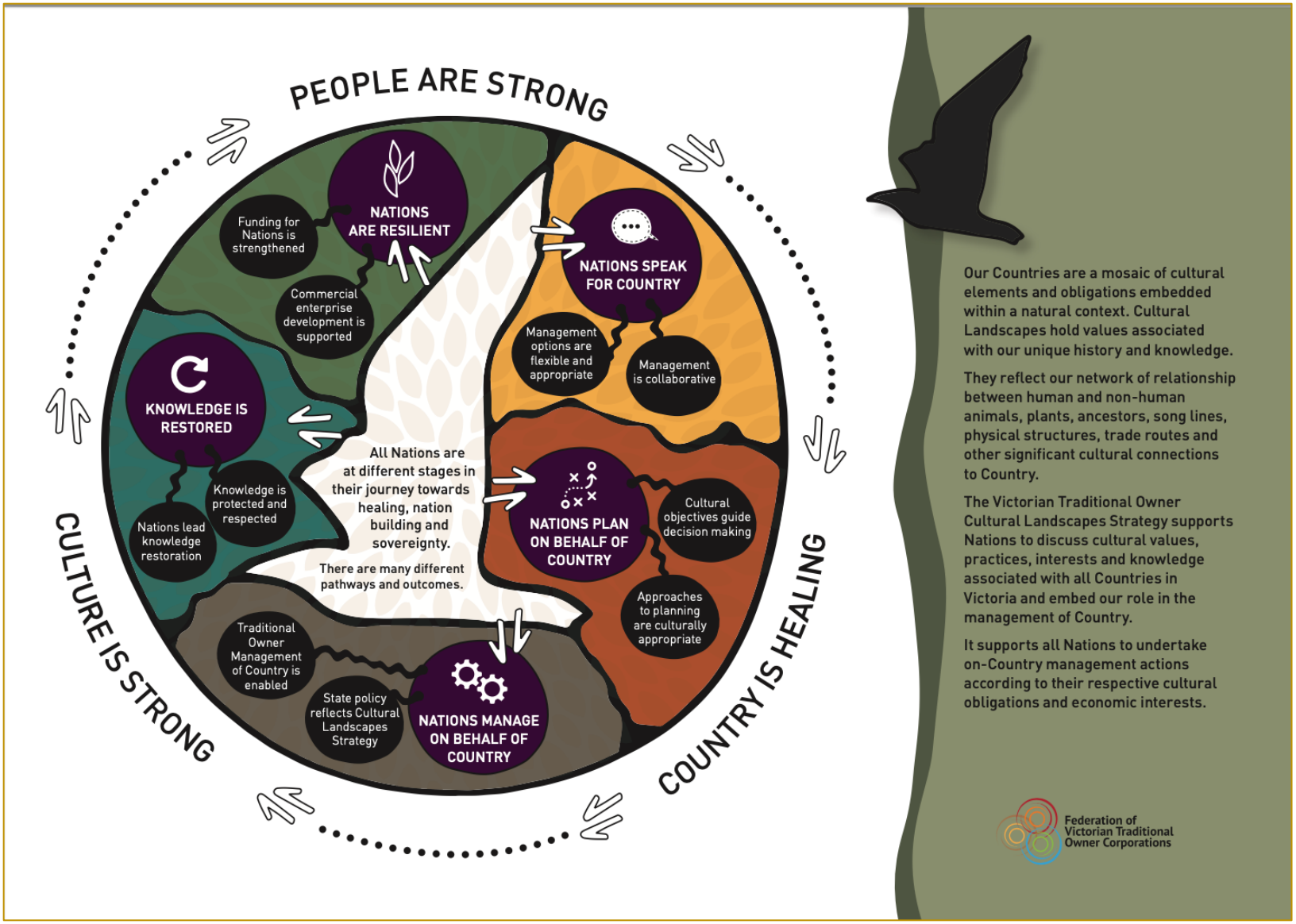


Figure 30: Poster produced for the Victorian Traditional Owner Cultural Landscapes Strategy 2023.

1. RESTORING THE KNOWLEDGE SYSTEM

COMPONENT OBJECTIVES
To restore and protect the Traditional Owner knowledge system
COMPONENT AREAS
Reading Country Programs
Traditional Owner led research partnerships
Traditional Owner knowledge and practice networks
COMPONENT OUTCOMES
Traditional Owner led practices are rejuvenated and knowledge protected and applied to meet cultural objectives that include social, ecological and economic co-benefits

2. STRENGTHENING TRADITIONAL OWNER NATION RESILIENCE

COMPONENT OBJECTIVES
To strengthen Traditional Owner Nation resilience to enable delivery of our contemporary role as custodians of Country
COMPONENT AREAS
Strengthening the government funding model for Traditional Owner Corporations and Nations
NRM based Economic Development
Diverse Self Determination Pathways for Diverse Nations
COMPONENT OUTCOMES
Traditional Owner Nations are enabled to lead the process to heal and strengthen Country through their governance systems and with active, adaptive management

3. TRADITIONAL OWNER CULTURAL LANDSCAPES PLANNING

COMPONENT OBJECTIVES
To enable Traditional Owner cultural landscapes planning
COMPONENT AREAS
Cultural governance guides decision making
Development of planning frameworks that are tailored and appropriate to each group's pathway
System development for assessing health of Country
COMPONENT OUTCOMES
Cultural landscapes are the basis for land management planning

Figure 31: The five concepts. Source: Victorian Traditional Owner Cultural Landscapes Strategy 2023.

8.9 Case study – Lowitja Institute approach

8.9.1 Introduction

During the course of this assessment several concepts aimed particularly at Aboriginal and Torres Strait Islanders have come to light. One of these worth mentioning as a case study specifically, is the Lowitja Institute. According to the Lowitja website[33]:

> *Lowitja Institute is Australia's only national Aboriginal and Torres Strait Islander community-controlled health research institute, named in honour of its patron, Dr Lowitja O'Donoghue AC CBE DSG.*

The following information has been sourced as a result of the contribution of Samantha Beattie (*ngunnawal* woman whose ancestors are originally from Limestone Plains in the ACT) who is currently studying through the institute (the introductory course has also been undertaken by Darren Watton 2024).

While specifically aimed at the research for the health industry there are several concepts within the knowledge translation model that could assist in this assessment in relation to Aboriginal consultation and contributions to the project.

Note: the author acknowledges that this report has a western perspective but provides this overview as a case study in very general terms and purely as an example of an Indigenous approach to research philosophy and understanding of 'country'.

8.9.2 The institute – Knowledge Translation (KT)

The basis of the Lowitja approach is Knowledge Translation (KT). It is defined in broad terms as (and it is accepted there is no specific or confined definition of KT)[34]:

> *Getting the right information, to the right people, at the right time and in a format they can use, so as to influence decision making.*

The concept of KT is not new and has been used in places around the world as a key concept in relation to many projects. The Knowledge to Take Action Process Framework from the Lowitja Institute is shown below in **Figure 32**. This model is dependent on the Indigenous research being done by, for and with Indigenous peoples and suggests that previously western research has often treated peoples as passive subjects rather than active participants which has usually failed to translate into meaningful results for Indigenous people[35].

[33] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.
[34] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024 quoting Research Impact Academy.
[35] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.

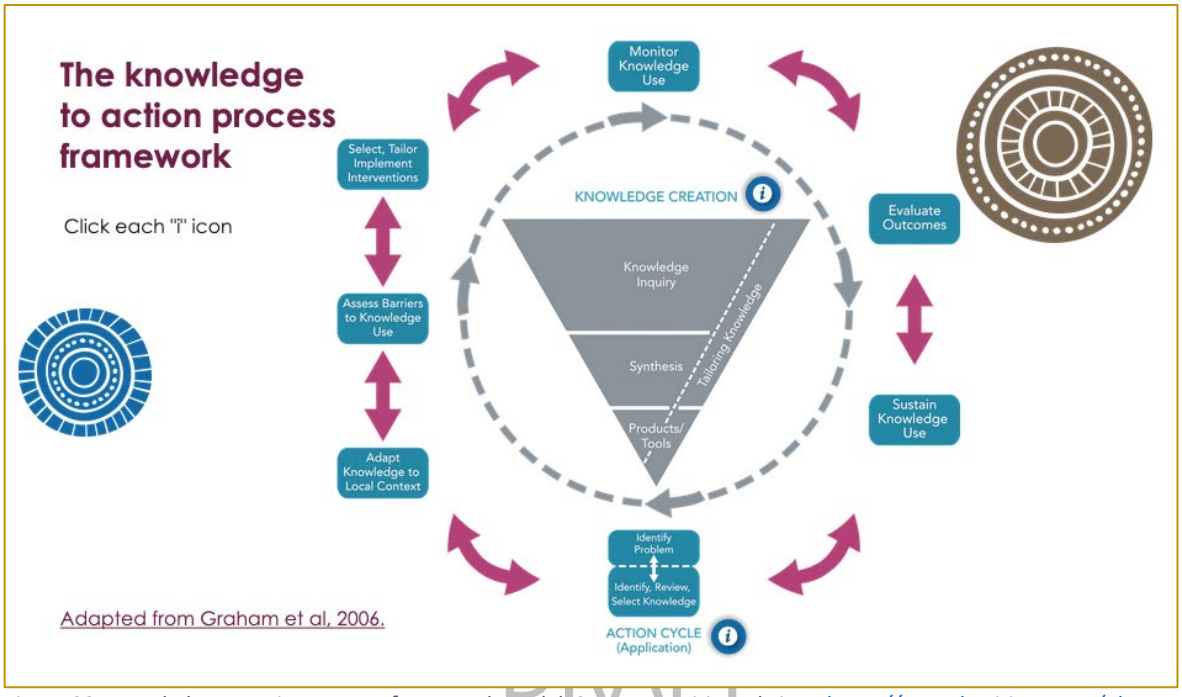


Figure 32: Knowledge to action process framework model. Source: Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.

A key concept of the KT process is that Indigenous peoples may use traditional methods of disseminating knowledge which may not be in line with accepted process of evidence-based research and formal academic publication – this may include yarning, storytelling and many other methods (interpreted as ways of knowing, being and doing). Indigenous knowledge translation is about "sharing knowledge in context and focusing on knowledge that is both relevant and valued" while promoting "researchers and users to share all information throughout the research process"[36]. This process acknowledges that not all people will have the same knowledge, ideas, approach and expected outcomes and that this may be negatively influenced by bias, fear, politics, power, poorly constructed data and poorly constructed methodologies[37]. It is, therefore, the role of the researcher (using appropriate tools, information from other researchers, information from previous research and stakeholders) to be the facilitator and collector of the information for translation. In addition to this, Indigenous concepts of storytelling, meeting and talking about the outcomes can provide a way of overcoming the negative influences listed above, while still allowing the diffusion of ideas without people losing their history or integrity[38]. Indigenous led sharing of culturally relevant and useful information and practices can also improve Indigenous outcomes.

The following diagram in **Figure 33** below shows the Research and Knowledge Translation Ecosystem as devised by the Lowitja Institute[39]. This model is based on the fact that knowledge production and sharing is part of and has always been critical to Indigenous life, survival and learning. While this model is geared towards the Lowitja Institute the process offers some key concepts translatable into other areas. For example, the conference phase would equate to meeting to yarn about outcomes, the commission phase could equate to funding of key themes and outcomes and the milestone phase could

[36] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.
[37] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.
[38] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.
[39] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.

equate to the inception of these themes. However, a key part of this and every phase is collaboration with stakeholders (community), and this is illustrated in the Collaboration Model in **Figure 34**. The process reiterates that, if knowledge or ideas are co-produced, they are more likely to be taken up and used by the end users – the Indigenous people.

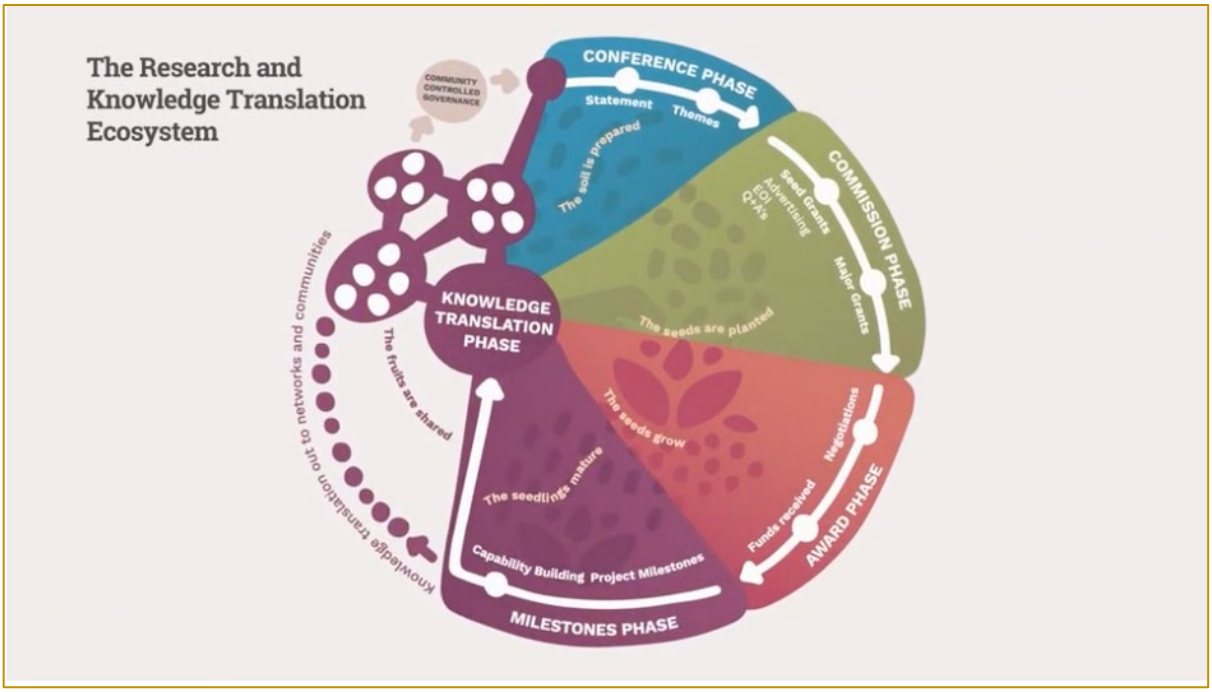


Figure 33: The Research and Knowledge Translation Ecosystem. Source: Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.

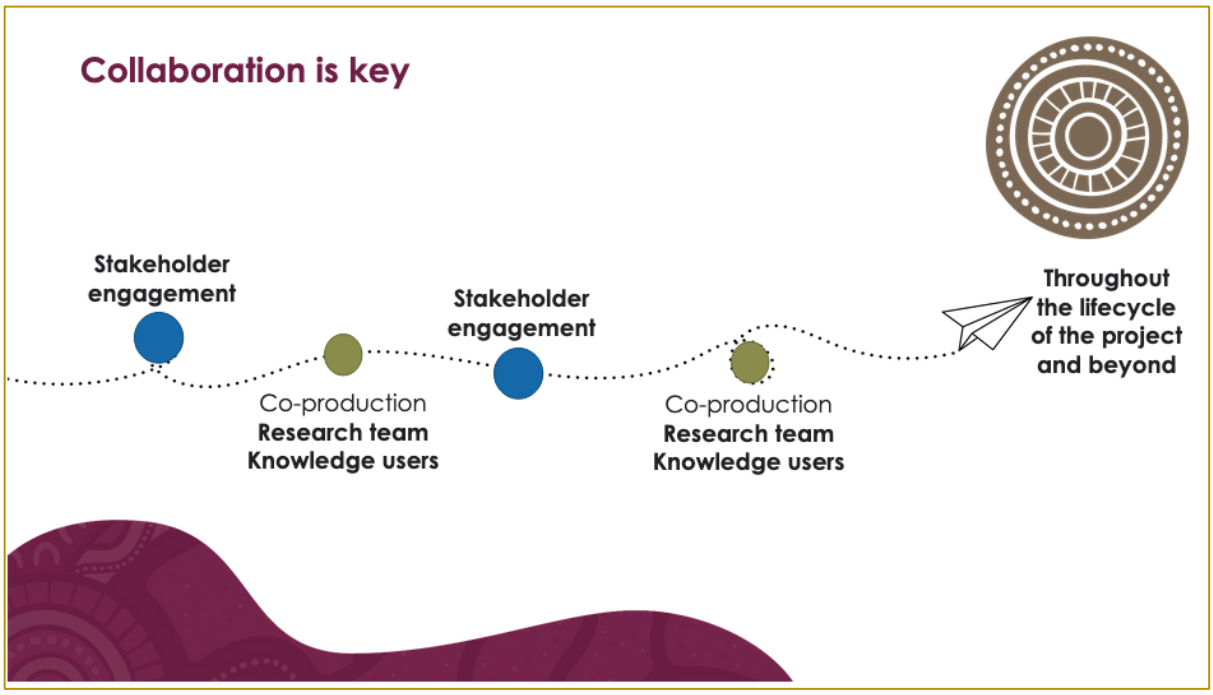


Figure 34: Collaboration model. Source: Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.

The Lowitja Institute suggests that Indigenous knowledge translation needs to be collaborative, participatory and engaging of knowledge users in the research, and needs to be lead and driven by Indigenous people with results that are able to be used in decision making[40].

Also, knowledge translation should include Indigenous views on[41]:

- What constitutes knowledge.
- Whose knowledge is shared.
- How knowledge is shared.
- In what contexts particular knowledge is relevant and valued.

Additionally, the key parts of this process are seen to be[42]:

- Knowledge translation being about putting research into action.
- Indigenous knowledge translation being about sharing knowledge in contexts where the knowledge is both relevant and valued, and where both researchers and participants (Indigenous knowledge users) exchange information throughout all stages of the research process.
- Indigenous knowledge translation needing to include Indigenous views on what constitutes knowledge and evidence, how it is shared and what is relevant and valued.
- Indigenous knowledge translation is of limited value unless it helps to achieve a desired improvement and leads research impact and benefit for Aboriginal and Torres Strait Islander communities.

This concept emphasises that Indigenous people should be:

- The ones that drive research and approaches in a manner that is suited to ways in which Indigenous people see the world (i.e., traditional processes).
- Indigenous people should be in charge of how knowledge or research is shared and disseminated.
- That the outcomes should be useful to Indigenous people and reflect their beliefs.
- Research and approaches should be relevant to Indigenous people.
- That Indigenous views and approaches may not necessarily reflect western concepts.
- Indigenous people should have ownership of their knowledge, approaches and outcomes.

[40] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.
[41] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.
[42] Lowitja website < https://www.lowitja.org.au/about-us/ > accessed 2024.

8.10 Conclusions based upon the above concepts and guidelines

8.10.1 Introduction

The following is a collection of useful concepts drawn from the above assessment for broad use in this report. The following includes a key concept, learning and/or discussion for each.

8.10.2 The Burra Charter approaches

According to the Burra Charter, cultural landscapes may be defined as[43]:

> *The result of the interaction of humans with their environment over many years.*

Furthermore, they are valued by communities because they [44]:

> *Show the evolution of settlement and societies, hold myths, legends, spiritual and symbolic meanings are highly regarded for their beauty tell us about societies' use of natural resources, past events and sustainable landuse display landscape design and technology achievements.*

The concept of the cultural landscape may include[45]:

- *Designed landscapes, those that are created intentionally such as gardens, parks, garden suburbs, city landscapes, ornamental lakes, water storages or campuses.*
- *Evolved landscapes, those that display a system of evolved landuse in their form and features. They may be 'relict' such as former mining or rural landscapes. They may be 'continuing' such as modern active farms, vineyards, plantations or mines.*
- *Associative landscapes, that are landscapes or landscape features that represent religious, artistic, sacred or other cultural associations to individuals or communities.*

Some key points from the Burra Charter are[46]:

- Researching the important stories associated with a region and identifying the landscapes that best express the stories.
- Documenting features such as mountains, hills, rivers, topography, soils, skyline ridges, patches of forest, natural water courses.
- Noting aesthetic qualities such vistas, quietness, natural sounds, birdlife, colour, particular forms and landscape patterns.
- Recording how the landscape has been used, its sustainability and conservation needs.
- Talking to communities to ascertain meanings and stories associated with the landscape.
- Mapping and photographing the landscape.
- Noting any threats to the landscape and devise management guidance.
- Publicising findings and submitting them to Local Council or State Government Heritage Agency for protection.

[43] Burra Charter 2013.
[44] Burra Charter 2013.
[45] Burra Charter 2013.
[46] Burra Charter 2013.

Key Concept 1:

The Burra Charter may provide a guide in understanding the concept of the Aboriginal cultural landscape in broad terms and its importance to various stakeholders. The dividing of these definitions into the three types is also useful in providing a more nuanced understanding of landscape, a consideration of all the landscapes at a place as part of the evolution of the place and how these landscapes might apply to different people.

In terms of colonial history, this may be quite straight forward as physical and documented evidence is easily defined within the various reports completed for this project over the years but may be less easy to define in terms of intangible or less visual aspects of the place such as those connected to Aboriginal understandings and connections to the place.

Key Concept 2:

The danger of this approach (and many others) is having it lost within western and expert orientated approaches to understanding cultural and landscape values.

8.10.3 Te Tangi a te Manu approach

For landscape values the Te Tangi a te Manu definition and approach may be considered (as a starting point)[47]:

> *Landscapes are part of who we are. They are the natural systems on which we depend, how we live with our land, and the meaning and pleasure we take from our surroundings. They are part of our identity. Landscapes are important to us all. It is no surprise, then, that landscapes are often at the heart of statutory planning matters.*
>
> *Landscape values are the various reasons a landscape is valued — the aspects that are important or special or meaningful. Values may relate to each of a landscape's dimensions — or, more typically, the interaction between the dimensions. Values can relate to the landscape's physical condition, meanings associated with certain landscape attributes, and landscape's aesthetic or perceptual qualities. Importantly, landscape values depend on certain physical attributes. Values are not attributes but are embodied in attributes.*

Key Concept 1:

While the Te Tangi a te Manu document may not seem relevant in a Tasmanian (or Australian) context, the basic principle of landscape and landscape value may be relevant as an appropriate starting definition in this instance.

Key Concept 2:

The document allows a very strong Indigenous input into management and promotes a collaborative approach to landscape management which may be seen as a quite inclusive and a shifting of the power towards Indigenous ownership and input of the approaches to management.

[47] Te Tangi te Manu 2023.

Key Concept 3:

The underlying principle of not only avoiding impact to landscape values important to Indigenous peoples and others when managing landscapes, while aiming to improve landscapes that have been damaged or impacted by change seems a good one and a valid approach especially for those landscapes apparently lost in this area.

Key Concept 4:

Tasmanian Aboriginal people may not want to use this document and want to develop their own approach to landscape values.

8.10.4 The *Aboriginal Heritage Act 1975* including the Standards and Procedures and the Guidelines

In terms of the *Aboriginal Heritage Act 1975*, the concept of tradition is important. It is defined as follows:

> *The body of traditions, knowledge, observances, customs, and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people.*

Key Concept 1:

The Act, the Guidelines and the Standards and Procedures are process driven and the implementation has historically been somewhat reactive in approach but are the key documents presently driving Aboriginal heritage protection in Tasmania.

Key Concept 2:

The use of these documents has not generally allowed for the consideration of cultural landscapes and landscape values but does offer a definition of tradition which may be applied or useful in understanding Aboriginal values for a 'place'.

Key concept 3:

The interpretation of these documents has not allowed the consideration of the area outside of a designated site extent or the management of the wider cultural landscape.

8.10.5 Ask First and Engage Early documents:

Both the 'Engage Early' and the 'Ask First' documents provide guidance on how to approach consultation in the hope that the above concepts can be encapsulated effectively within a project. These documents provide the following advice:

The Engage Early document provides the following in regard to engaging Indigenous people[48]:

- *Identifying and acknowledging all relevant affected Indigenous peoples and communities.*
- *Committing to early engagement at the pre-referral stage.*
- *Building trust through early and ongoing communication for the duration of the project, including approvals, implementation and future management*
- *Setting appropriate timeframes for consultation, and*
- *Demonstrating cultural awareness.*

The Ask First document suggests a number of steps to effective engagement as follows[49]:

- *Identify traditional owners and other indigenous people with rights and interests in the area.*
- *Identify non-indigenous people with rights and interests in the area.*
- *Meet with relevant indigenous people to describe the project or activity.*
- *Agree on a process for addressing indigenous heritage matters.*
- *Arrange a meeting of all stakeholders to discuss the project or activity and agree who will undertake work.*

When Identifying Indigenous heritage places and values you must[50]:

- *Do the background research.*
- *Ensure the relevant Indigenous people are actively involved and identify their heritage places and values.*

When managing Indigenous heritage places[51]:

- *Identify any special management requirements with relevant Indigenous people.*
- *Meet with all stakeholders to identify constraints on managing identified heritage places and values.*
- *Implement and review outcomes with relevant Indigenous people and other stakeholders.*

When reviewed in 2012 the Ask First document was found to be robust, but a few changes were suggested as follows:

- It identified intangible heritage as well as tangible heritage which is in line with Indigenous views of links between people, ancestors and country, although it was argued the definition could be simplified to say that 'Indigenous cultural heritage is the relationship people have with country (sea and land), kin, ways of living, objects and beliefs and this is expressed through knowledge, law, language and symbols which arise from Indigenous spirituality'.
- The importance of consulting with Aboriginal people on their thoughts about consulting with other groups.
- The need to obtain views on whether they support identifying opportunities to build skills in the Aboriginal community during the consultation process.
- The need to obtain views on whether they want mediation between groups when disputes occur.

[48] Engage Early 2016.
[49] Ask First 2002.
[50] Ask First 2002.
[51] Ask First 2002.

- The need to obtain stakeholder views on whether gathering information about the values of a place is an appropriate role for Aboriginal people surveying places of heritage.
- That ceremony and burning (cleaning) country should be explicitly mentioned as special management requirements.
- The need to obtain stakeholder views on whether there are any management issues that are not included in the list in the hints box suggested in the Ask First document.
- The need to obtain stakeholder views on whether all stakeholders should agree on the frequency of reviews of management arrangements.
- Obtain stakeholder views on whether there are additional Aboriginal and Torres Strait Islander heritage management practices that should be included.

Key Concept 1:

Both documents, especially the Ask First document have played a key role in way in which consultation with community has been undertaken in recent years. The basic elements in these documents have shifted approaches towards Indigenous inclusion in heritage management.

Key Concept 2:

Both documents have been around for some time and possibly require a re-evaluation as to relevance and context. The Engage Early document, in particular, has been criticised for being overly simplistic and ineffective in recent years particularly in respect to its attachment to the EPBC Act.

Key Concept 3:

The approach of these documents may be seen as being overly expert driven and not going far enough in allowing Indigenous people in having input and control regarding how a project is approached.

Key Concept 4:

Particularly in relation to this project, the question of how to engage with community groups or individuals who have not engaged previously and to work out how these groups or individuals feel about engaging with others remains a difficult issue. This is raised in the Ask First document but how to facilitate this is not defined.

8.10.6 Co-design

The concept of co-design offers a similar approach to the above but is more broadly applied in collaborative approaches in many fields and not necessarily within the Indigenous areas which may require special consideration in terms of how Aboriginal people view the cultural landscape.

Co-design primarily promotes an approach where stakeholders are invited to co-produce, provide input or assist in management or production of a product, system or service. It relies heavily upon participation, inclusion, respect, being iterative and being outcomes focused. It usually fails based upon not enough participation, poor development of the project, feelings of ownership and power and/or inadequate outcomes and intent.

The Co-design process often incorporates alternative methods of sharing information such as a video or other visual aide.

Key Concept 1:

The basic principles of collaboration, respect, inclusiveness and being outcome focused are good.

Key Concept 2:

Stakeholders, particularly Aboriginal people, need to retain ownership of the outcomes and to feel genuinely included in the process for it to be successful.

Key Concept 3:

This concept (as do many others) raises the question of the need to tailor a project to the individual needs of the stakeholders.

8.10.7 International Association for Public Participation Australasia 2015

The Core Values of IAP2 drive community and stakeholder engagement globally. This is achieved by:

- Promoting the right of individuals who are affected by a decision to have a say in the decision-making process.
- Highlighting the benefits of this to organisations, governments and individuals.
- Advocating for members and providing high quality training programs.

Key Concept 1:

Provides quality assurance and a standard approach to consultation.

Key concept 2:

Promotes that those who are affected by a decision should be the ones who have a say in the decision.

Key Concept 3:

Promotes the benefits of having key stakeholder input to organisations, governments and individuals.

8.10.8 The Victorian Traditional Owner Landscape Values Strategy

The Victorian Traditional Owner Landscape Values Strategy was developed:

> *Through partnership in a co-design process, the Federation, with Parks Victoria and DELWP worked in self-determination mode with Traditional Owners to understand how Traditional Owners wish to express their cultural values, practices, interests and knowledge associated with planning and management for all Countries in Victoria.*

It is based on the following core values:

Traditional Owners actively managing Country must be able to strengthen their identity, individual and collective.

The Strategy provides a pathway for Traditional Owners to repatriate management practices and begin the complex task of restoring and redressing harms to Country and, in doing so, bring healing to Country and community. This is an important step towards reconciliation, treaty and to Traditional Owners, once again, caring for Country.

Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country.

The principles that guide the process are:

1. Traditional Owners leading management.
2. Traditional Owners working together.
3. Monitoring and evaluation support Traditional Owners.
4. Manage Country holistically.
5. Managing Country is healing.
6. Traditional Owner centred governance.
7. Agency partnership.
8. Agency resourcing.

Key Concept 1:

While the concept of evaluating Aboriginal landscape values may be new for Tasmania it has been undertaken in other places in Australia and there are key learnings that may be useful here.

Key Concept 2:

While the Victorian model has been undertaken on a much bigger scale, the key concepts of Aboriginal people leading the process, tailoring the project to individual needs etc are the same for any project.

Key Concept 3:

Aboriginal involvement in the process is healing and confidence building.

Key Concept 4:

The basis of this project has been co-design which may or may not allow community to control the outcomes.

8.10.9 Lowitja Institute – knowledge translation

The Lowitja Institute provides an example of an approach which is designed for by Aboriginal people, for Aboriginal people. The general concept has been used in various places around the world but in Australia has been used in the health industry with success.

The basic premise is that knowledge remains with Aboriginal people, for Aboriginal people and they decide how this knowledge is shared. The approach is also focused on using Aboriginal methods of traditional storytelling and understanding of place and may not reflect western concepts.

Key Concept 1:

The basic principles of the concept are useful in that the approach is relevant in the Indigenous context and retains ownership of the knowledge and approach by Aboriginal people.

Key Concept 2:

This concept raises the issue of allowing Indigenous people to control at least some of the project outcomes and to tailor the project, so it allows Indigenous people to have a useful and substantial input.

Key Concept 3:

The concept is based upon a health model and will need some changes to be effective in this project.

Key Concept 4:

The approach to landscape value understanding will only be effective if researched and discussed between Aboriginal people who are given time and the resources to undertake it.

Key Concept 5:

The question of who undertakes the project and how it is funded still remains. Without considering these questions and acceptance of the process it will not succeed.

8.10.10 Summary

What has become abundantly clear during assessment is that the assessment is that this should involve direct input from Aboriginal people and that control of the process should rest with the Aboriginal people themselves.

While a background study of this area is able to be completed, an assessment of the 'historical' landscape values is able to be completed, and a wide range of literature and geographical reviews are able to be made[52]:

[52] Sam Beattie pers comm. 2024.

The sovereignty of this information [the information regarding Indigenous connections to the place belongs to the Traditional Owners.

Engaging effectively with Aboriginal people on their terms is fundamental in projects such as this – it must be done properly and not rushed.

For this reason, the assessment of the Aboriginal cultural and landscape values in this instance is being assessed in terms of general background research and a summary of work completed so far, but the ultimate say in regard to this will be undertaken by the AHOs (Caleb Pedder and Colin Hughes). Comment has also been requested from Sarah Wilcox to assist them and the proponent in facilitating approaches to the ultimate owners of this information – the representative Aboriginal community groups and individuals. To facilitate this, Sarah may be able to prepare a Consultation Plan for the project.

The responses from Caleb Pedder, Colin Hughes and Sarah Wilcox are contained at the end of this report (and in the Executive Summary of this report). What follows is an assessment of the geographical context, a review of the work so far and an historical and ethnographic background designed to assist in understanding the place, its more recent history, our current understandings and what work has been done to provide context for the place and a starting point for the process.

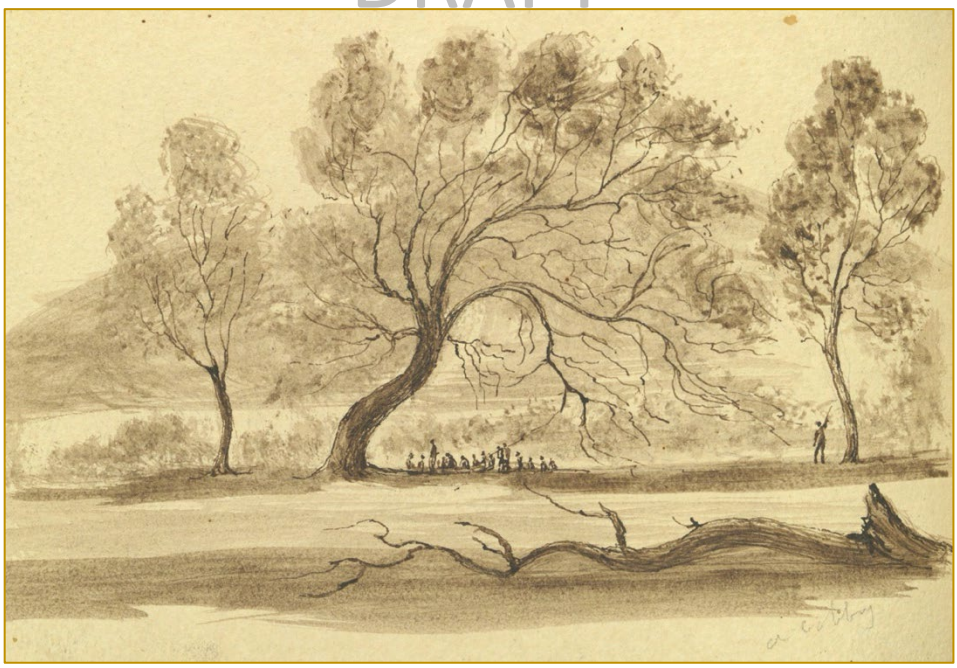


Figure 35: William Ashburner painting of Tasmanian Aboriginals in the early 1800s. Source: Libraries Tasmania Ref: 144583010_20 accessed 2024.

9 Geographical overview

9.1.1 Introduction

Critical to understanding this area and its landscape values is in providing a geographical overview. This has been addressed in many documents for the site in recent years and will be only summarised here with particular relevance to this assessment.

9.1.2 Environmental setting

9.1.2.1 Introduction

In order to understand the location and characteristics of the study area it is necessary to provide a brief overview of the area's environmental and geographical setting. This includes an assessment of local geomorphology, geography, climatic factors, geology, soils and flora/fauna. Analysis of the local environmental and geographical features help to contextualise the location and assist in understanding where heritage sites may be located in the landscape, how the area may have looked and how the land may have been utilised prior to European invasion and after this time.

Geology creates and shapes landscapes in ways that support the establishment of communities in specific places, creating ideal conditions for living, forming necessary hydrological conditions, and generating ideal materials for stone tool manufacture. The geological conditions of the place are important in understanding environmental aspects such as landform evolution and soil formation.

Geomorphology is important in the context of Aboriginal and historical sites as it accounts for landform changes over a more recent timescale. What we see today may be quite different to a landscape at the time of Aboriginal or early colonial occupation. This is very true of the study area which has undergone massive landscape changes since 1803.

Also, Aboriginal people were known to have occupied vastly different landscapes in Tasmania, at different times. Some sites are known to have been abandoned for very long periods, and then returned to during more favourable conditions. Geomorphology helps understand more specific aspects of site formation and change over time, essential to the present-day understanding and interpretation of sites. Geomorphology has particular relevance to movement and deposition of artefacts. Climate change and impacts of fluvial (water) and aeolian (wind) action, and the influence of human activity can have a profound impact on geomorphological events and can significantly alter Aboriginal and other sites over time. Changes in rainfall can impact movements of sand and soils and influence lagoon, river and creek locations and flow rates, and cause erosion. Shifts in temperature and wind over time impact location of dunes and distribution, deposition, and general movement of soils. Temperature and wind can contribute to drought, alter seasonal behaviours and, most importantly, affect liveability of locations.

Archaeological analysis of landscapes considers the possible implications of these often-unseen environmental histories, and helps understand site formation and change, and the resultant movement of artefacts. Environmental analysis assists in defining landform units, to help understand and interpret larger sites by dividing them into manageable sections.

9.1.2.2 Landscape and geomorphology

The geography of the study area has been highly modified by development, reclamation of the shoreline, diversion of the Hobart Rivulet (and the Park Rivulet) and modifications since 1803. This makes assessment of the landscape and its values extremely difficult. However, one way to do this is to consult early references, plans, maps and sketches and this is the approach in this report. The accompanying sections on Aboriginal occupation of the area and Land Use in **Sections 9 and 11** below look at this.

In general terms, the original Macquarie Point shoreline is believed to have been a rocky and muddy shore gently to moderately sloping towards what is the elevated rise known as the Domain today. To the south the Hobart Rivulet (with the Park Rivulet entering it close to the coast) flowed into the Derwent Estuary forming a widish mudflat area at its mouth on the northern side (along the study area at Macquarie Point) and a narrow isthmus leading to Hunter Island in the south. This isthmus was exposed at low tide and to the south was the bay known as Sullivan's Cove. Several reefs existed – one at the end of Hunter Island, of which the island was able to form, and this reef was an extension to it) and one out from Macquarie Point which was later used to form the Engineer's Wharf. The Derwent River itself is actually a ria or drowned river valley open to the sea formed by sea level rise flooding the area over the last 10,000 years or so. As an aside, this suggests that Aboriginal sites in the area may be found submerged in the area as suggested by Caleb Pedder[53].

A beach existed on Sullivan's Cove behind which "The Camp" (as Hobart was initially called) was established by Collins upon settlement (see **Figure 45** further on). The area is quite hilly and Meehan's original survey plan of the area (shown below in **Figure 37**) has little good to say about the land in the area with his overall description (taken from this plan) is:

> *Table Hill [Mt Wellington] - 3/4 of a mile high, forms several ridges detached in every direction from the principal hill – all bad ground and the land on back side of this stream [Hobart Rivulet] is highly barren.*

The ground at Macquarie Point is also described as 'not good' but despite this inauspicious assessment, Hobart Town grew here with settlers establishing themselves along the rivulets (fresh water being one of the key elements to establishing the settlement here along with deep water access with Hunter Island becoming a natural wharf of sorts) and at Newtown where Meehan's plan already shows several grants.

The landscape in the area may be described as being gently (on the shoreline) to steeply sloped beyond the immediate shore and relatively rocky with poor soils in most areas along the Derwent on the western side where the study area is. As a result, settlers mainly ran livestock at the study area (as many of the early images depict with cattle a key component in several images – see land use section below) with localised gardens established (for example, around Fosbrook's and later Lord's cottages) and broader agriculture becoming established at key locations of better land such as at Newtown and at Herdsman's Cove further up the Derwent.

Austral looked at the topography of the study area in their 2015 report and provide the following map shown below in and some useful comments regarding this also as follows[54]:

[53] Caleb Pedder pers comm 2024.
[54] Austral 2015:11.

The majority of the study area consists of relatively flat ground as a result of the various phases of reclamation during the 19th and 20th centuries. Outside of the study area to the north-west, the headland demonstrates the original topography of the area with an increasingly sharp slope down towards the former shoreline. However, the hillslope on the north-western boundary of the study area has been cut away to form an embankment for two railway tracks and associated infrastructure. The embankment is approximately 10 metres wide, before the ground again sharply drops down towards the concrete decking.

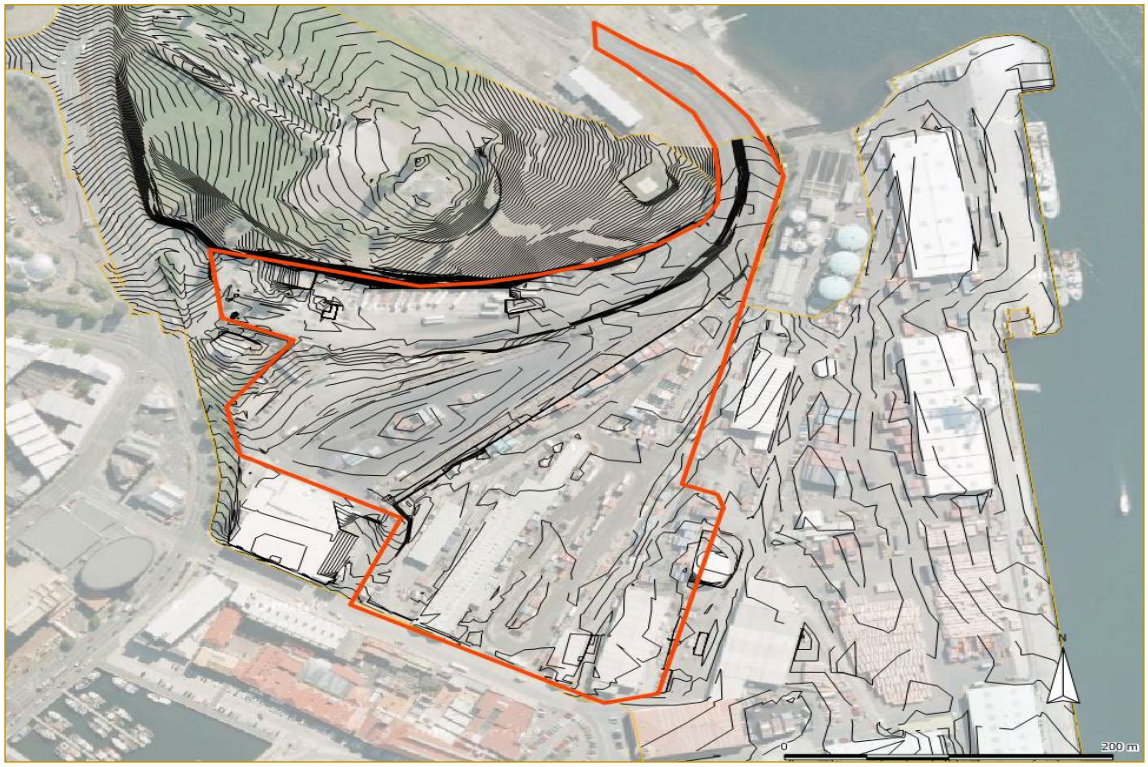


Figure 36: Topography of the study area. Source: Austral 2015.

In response, in 2015 Austral made the following synopsis:

While it is likely that the original ground level may be preserved in the south-western part of the study area, near to the site of Lord's house and the Engineer's Yard (see the accompanying historical archaeological assessment), the ground modification in the northern part of the study area may have removed much of the evidence for the original slope of the land down to the shore.

Certainly, towards the rivulet and on the upper slope area exist where the original surface may be located under fill material, and this was shown to be the case in recent excavations[55].

Tidally, the area is low energy, relatively deep, microtidal (not exceeding 2m fluctuations) estuary highly affected by strong seasonal influences – temperatures, coastal currents, winds and other factors which ultimately effect water quality – a problem that has been identified in recent years in some sections of the estuary. In fact, many early references and images describe the changeability of the river accidents and drownings on the river and the problems with the water quality of the rivulet (due to the population

[55] AHI 2023 and AMAC 2024.

along its course) and the issues with toxicity from gas lines, the slaughterhouse and other industry in the area. More recently archaeological excavations and other developments and works have had to deal with soil contaminants and other toxic issues during works (including petrochemicals).

Immediately in front of the study area were extensive mudflats which were inundated at high tide in historic times. We know this from images, plans and accounts from the early period (for example, see the plan in **Figure 60** further on). The problems of navigating this mudflat (and the reef) are well documented and there were difficulties landing ships at Macquarie Point itself with the engineer's wharf built here projected out into the bay but still being described as difficult to navigate. Despite these difficulties Macquarie Point is noted as a landing place for illegal shipping and smuggling in the early period (see the land use section). This was alleviated in more recent years by the massive reclamation works and seawalls built here which have formed the wharves and industrial area located here today.

Recent monitoring and test pitting works by Austral and Southern Archaeology have confirmed these mudflats to be composed of sandy silts in the foreshore area and along the old rivulet course[56]. Below this is heavy bedrock (dolerite).

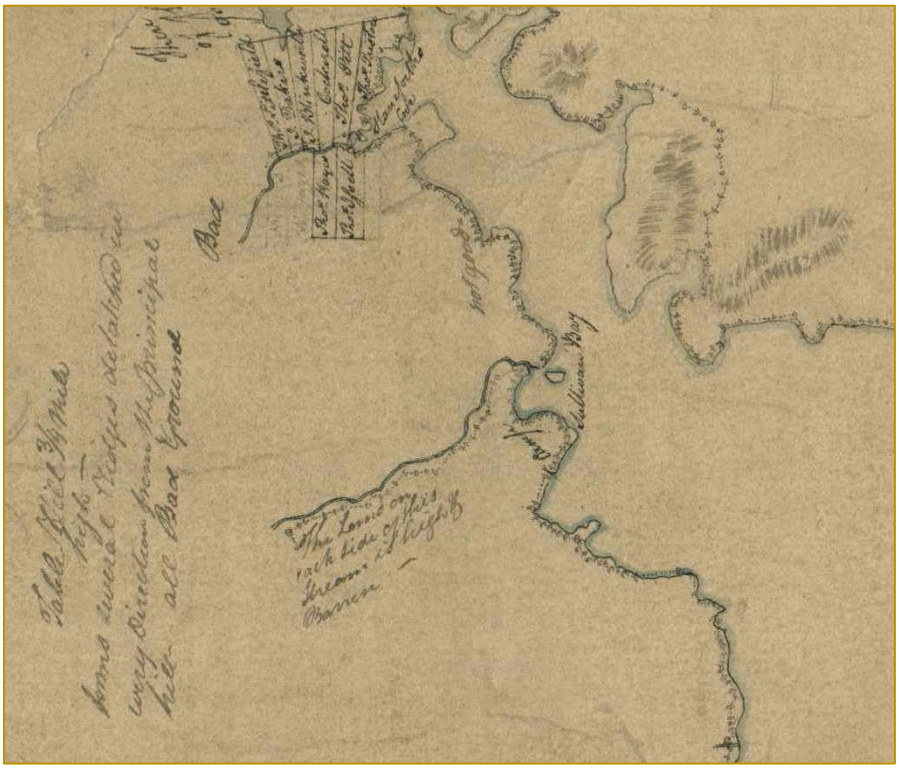


Figure 37: Section of Meehan's early survey plan of the area. Source: Libraries Tasmania Ref: AF396-1-206 accessed 2024.

9.1.2.3 Climate

lutruwita (Tasmania) has a modified marine Mediterranean climate, where heat absorption and storage by the surrounding ocean produces abnormally mild winters and cool summers[57]. On the coast,

[56] Austral 2015; Southern Archaeology 2024.
[57] Reid et al. 2005:14.

maximum temperatures rarely fall below 10°C but in the mountains (above 1000m) temperatures can fall below 10°C for greater than six months of the year[58]. Tasmania lies near the upper margin of the zonal wind system, the 'Roaring Forties' and this produces a marked precipitation gradient from west to east[59]. Mountains in both the east and the west produce a rain shadow effect for the midland's region with some areas in the west receiving over 3600mm of rain per year and some areas in the east receiving less than 500mm per year. Rainfall in the east is highly variable, while in the west it is more reliable.

The study area has a cool temperate climate and low rainfall compared to other areas in the state especially the southern and west coasts, with a total annual rainfall average of 750-1000mm per year[60]. The mean average temperature is 10-11°[61]. This makes for a very mild and pleasant place for camping and living. An abundance of resources and a mild climate meant that the Aboriginal people living in this area travelled the least compared to other areas in Tasmania[62].

9.1.2.4 Geology and soils

The Macquarie Point area and the Domain and Botanical Gardens area behind and to the west are formed from Jurassic dolerite and related rocks formed between 205 and 141 mya[63]. This dolerite can be seen in outcrops around the area. The reclaimed foreshore is simply described as Quaternary man-made deposits. As mentioned above, monitoring and test pitting has confirmed that sandy silts and dolerite bedrock are located beneath these man-made deposits generally anywhere from quite close to the surface (<1m) to many metres (up to 16m) below the surface.

Soils on the original foreshore were poor as described by Meehan (above) in the study area. CSIRO described them as being Brown Sodosols and these are typically form on a variety of parent materials but essentially in this area have formed on dolerite[64]. Sodosols have a clear and abrupt textural B horizon with a high sodium content in the upper layer. They are not typically acidic and may have a seasonal perched water table and bleached A horizon due to the high clay content with low permeability in the B horizon[65]. Interestingly, they are generally associated with grazing rather than cropping for which the study area was known to have been used in historic times.

9.1.2.5 Flora and Fauna

Flora and fauna of the coastal margins in this area have been significantly impacted historically by urban activity. The best image for the study area in regard to what it may have looked like prior to Europeans arriving is shown in **Figure 9** earlier on. It shows dense vegetation in the area right to the foreshore. It is

[58] Reid et al. 2005:14.
[59] Reid et al. 2005:15.
[60] Reid et al, 2005:xvii.
[61] Reid et al. 2005:xvii.
[62] Ryan 2016:17-18.
[63] Triassic Solutions accessed 2024.
[64] Cotching et al. 2009.
[65] Cotching et al. 2009.

also likely that Aboriginal burning practices influenced vegetation with some areas described as parklike by settlers and this may have been the case in some areas around this location especially on the gentle and flatter slopes[66]. Descriptions of Aboriginal people hunting kangaroo at Risdon support this.

Today, surrounding inland areas are predominantly dry sclerophyll forest and woodland, dominated by white gum (*Eucalyptus viminalis*), white peppermint (*E. pulcella*), the occasional blue gum (*E. globulus*) and Drooping she-oak (*Allocasurina verticallata*)[67]. Other common species in this landscape might have included stringybark (*E. obliqua*), black peppermint (*E. Amygdalina*) and swamp gum (*E. Ovata*), while the understorey may have consisted of grasses including kangaroo grass (*T. triandra*) and other species from *Austrodanthonia, Austrostipa* and *Poa*, with low trees including silver wattle (*Acacia dealbata*), black wattle (*A. mearnsii*), blackwood (*A. melanoxylon*), boxthorn (*Bursaria spinosa*) and the sticky hop bush (*Dodonaea viscose*)[68]. There are remnants of these forests in the Domain and the hinterlands. The understory was probably composed of *Themeda triandra* grassland which also features in some areas of the Domain today[69]. Larger trees in the coastal margin of this area were likely harvested in the very early years of European settlement – exploiting the convict industry and utilising newly established coastal transport networks. Closer to the coast tea tree scrub probably prevailed as it does on the northern and north-east sides of the Domain today. Later timber was brought in for the lumber yard.

Aboriginal people would have utilised a variety of plant species, including estuarine varieties of seaweed and pigface, and bush plants such as native cherry, tree fern, sedge, bracken, fungi and numerous others[70].

Grassy areas fringing the river, creeks and forests would likely have provided ideal hunting grounds for kangaroo and wallaby, and smaller varieties such as wombats, echidnas, reptiles, and possums (see above). The study area may have been a useful travelling route along this section of the estuary. As mentioned, Europeans quickly depleted marsupials in the region in the early part of the colony bringing them into immediate competition with Aboriginal people.

David Collins describes the Camp (Hobart Town 1804) (Collins 2007:14)

The presence of a "run of clear fresh water", [in the form of Hobart Rivulet] … "very advantageous" [soil and] "timber and stone in sufficient quantity and quality to answer all purposes.

[66] Gamage 2012.
[67] Austral 2015:12.
[68] Austral 2015.
[69] Austral 2015.
[70] Brown 1991:17.

10 Ethno-histography

10.1 Introduction

Much information has been provided in reports for this area and, therefore, once again, this will only briefly be described here. For more information and detail please refer to Austral, AHI, Huys, Jackman and Southern Archaeology[71].

10.2 Overview

Aboriginal social structure generally comprised of:

- The Nation based mostly upon language similarities - there are thought to have been nine at the time of European settlement in c. 1803.
- The Clan of which there were around four in the South-East Nation (the study area) and around 48 in Tasmania.
- The Family Group comprising around two to eleven individuals.

The characteristics of these are summarised in **Table 7** below and based upon the best information available from Ryan[72]. The location of the Nations is shown in **Figure 38** below.

Social Unit	Approx. Size in 1803	Characteristics
Family Group	Two to eleven individuals	- Husband, wife, children, relatives and sometimes friends
Clan	48 known clans in Tasmania	- Clans were made up of a chief, his family and other family groups who controlled a foraging area.
Nation	Approx. Nine Nations; Conservative estimated population in Tasmania in 1803 – 2500-5000	- Agglomeration of clans that lived in a contiguous region. - Usually shared a common language or dialect (although this could be shared by other nations), cultural traits, usually intermarried, similar pattern of seasonal movement, met together habitually for economic and ceremonial reasons and who shared a common relationship with outside groups for conflict, trade or other reasons.

Table 7: Social organisation of Aboriginal groups at time of European settlement (1803). Source: Ryan 2012.

[71] Austral 2013, 2014, 2014, 2015 and 2019; AHI 2022; Huys 2021; Jackman 2023 and Southern Archaeology 2024.
[72] Ryan 2016.

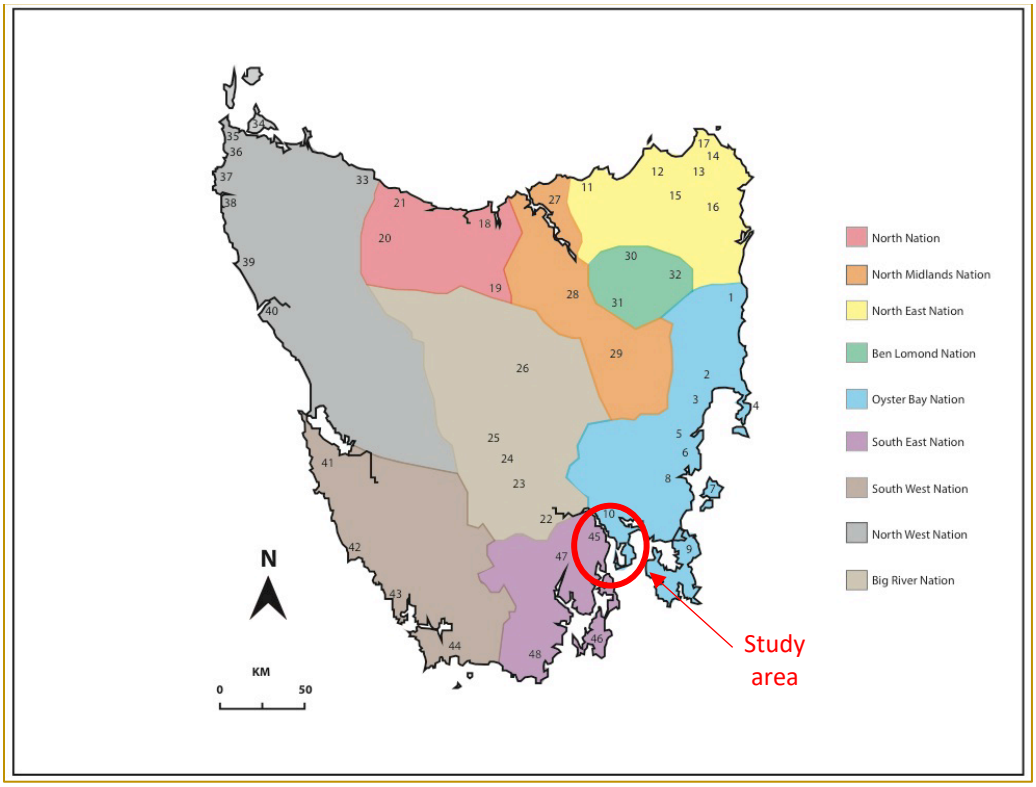


Figure 38: Approximate locations of Nations and Clans in Tasmania. Source: Adapted from Ryan, 2012:13. See also Jones in Tindale, 1974, Australia S.E Sheet: Tribal Boundaries Map.

10.3 Aboriginal occupation and the study area

The study area is located within the territory of the South-East Nation (**Figure 39**). The boundaries of clans overlap in this area and territory lines as historically interpreted were not necessarily clearly defined[73].

A boat awarded to Wooraddy (Plomley 2008ed.:483 and 716)

Robinson also recommended in February 1831 that Black Tom, his wife and Wooraddy for, "the unremitting exertion and uncommon fidelity displayed by the Aborigines throughout the undertaking", receive a boat and clothing
Later a boat was awarded to them (in November 1832) and was let on hire at the Derwent

[73] Ryan 2016:17-18; Plomley 2008ed.:342-345.

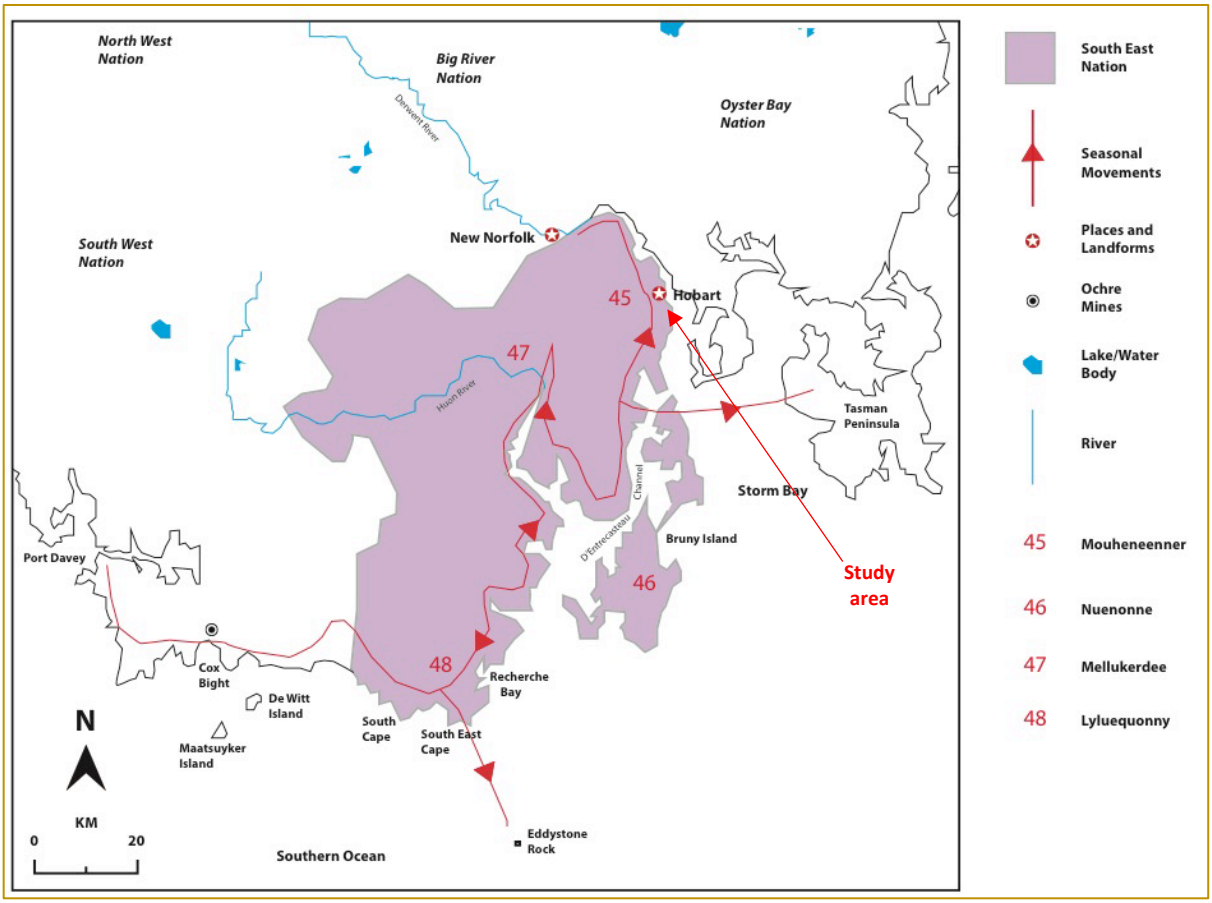


Figure 39: General location of the South-East Nation. Adapted from Ryan 2012.

South East Nation	Min. est. population – 200-300 individuals. Clans in this area operated in large groups around an extensive coastline rich in shellfish, birds and macropods. In winter clans concentrated on the coast, in November at Bruny Island for mutton birds and in summer at Recherche Bay to hunt seals, seabirds, kangaroos and possums, and to gather shellfish and sea/terrestrial vegetables. Known to have visited Bruny Island frequently and to travel over to the Tasman Peninsula on occasion to acquire women. Made summer visits to Maatsuyker and De Witt Islands to hunt seals. Covered an area of more than 3500 square hectares with around 555kms of coastline. Seven clans in the area.	Ryan (2012:40) has suggested that there were possibly 3 other clans in this area suggesting a population up to 600 individuals. Used canoes extensively and were the most marine focused nation in Tasmania. Built bark huts in inclement weather, but these were less substantial than the beehive huts built further west. Truganini was from this region.

Table 8: Summary of the characteristics of the South-East Nation. Adapted from Ryan 2012.

The study area is within the traditional territory of the *mouheneenner* clan of the South-East Nation but there was probably considerable trade, gathering of groups and overlap of territory here. Wooraddy who traveled with Robinson and knew the *mouheneenner* well, was from the South-East nation (from the *nuenonne* [Bruny, Brune or Bruni Island] clan a little to the south of Hobart) and a great storyteller. On one occasion he described to Robinson in detail the beliefs of his people and gave numerous accounts of the *mouheneenner* and their country around Hobart and the Derwent – [this is worth following up for an understanding in terms of cultural and landscape values in this area and the reader is

urged to do so with the following references footnoted here][74]. According to Wooraddy (or at least Robinson's interpretation of him) the Hobart area was called *nibberloone* or *linghe* by the *mouheneenner* and at Little Sandy Bay (called *kreewer*) there was a large native village – here Wooraddy also relates some of the burial customs of his people[75]. Wooraddy (sometimes Woorady, Wurati, Woreddy, Woreddy or Mutteely [in Robinson]) is shown below in **Figure 40** as painted by Thomas Bock in 1833.

Figure 40: Wooraddy by Thomas Bock 1833. Source: Aboriginal Launceston website accessed 2024.

More generally, in winter, clans concentrated along the coastline and in November they congregated on Bruny Island for the mutton bird harvest. In summer Recherche Bay was another important gathering place for seal, seabird, kangaroo and possum hunting as well as for gathering shellfish. Ryan also suggests that a variety of marine and terrestrial vegetables were collected as well as shallow-water scale fishing conducted at night with lighted torches was undertaken[76].

Journeys between Bruny Island and the mainland were undertaken regularly and Wooraddy chief of the *nuenonne* clan on Bruny Island told Robinson that men frequently made the journey (by canoe) to the Tasman Peninsula, sometimes directly across Storm Bay to visit the *pydairrerme* clan there to acquire women (Ryan 2012:41). They also used their canoes to travel to Maatsuyker and De Witt Islands to hunt seals.

Aboriginal people in this area built semi-circular bark huts or windbreaks. There are good references to this in Robinson and two examples (one described as a wind break) of these huts are shown in drawings down by Petit in the expedition in 1802 reproduced here in **Figure 41 and Figure 42**. While direct evidence for these huts is scant on the east coast other than in descriptions such as this and on an 1821 plan of the East Coast by Thomas Scott, they were probably common and erected in places where

[74] Plomley 2008ed.:17, 197, 199, 349, 395, 405-409 and 411 are good examples.
[75] Plomley 2008 ed.:349.
[76] Ryan 2012:41

Aboriginal people expected to stay for some time collecting resources from the area. The relatively mild environment here only required very basic construction compared with the larger sturdier huts constructed on the west coast. These pictures probably pretty accurately reflect what Scott saw a little further north in 1821. It is also known that in this area abundant resources meant that the South-East nation did not have to move inland in spring and summer, unlike other groups. Consultation with Caleb Pedder also provides some useful insight regarding identifying these are where huts may have been located today as follows[77]:

> *If you see shell concentrated in a half circle, then it might be the location of a hut. Huts on the east coast tended to be half circular and shells from meals are likely to have been deposited around the hut walls.*

Roth draws upon some references for huts built by Aboriginal people on the east coast and suggests these were as follows concluding that huts were built in varying fashions around the area[78]:

> *The boughs of which their huts are from either broken or split, tied together with grass in a circular form, the largest stuck in the ground, and the smaller parts meeting at a point at the top and covered with fern or bark, so poorly done that they will hardly keep out a shower of rain. In the middle is a fireplace, surrounded with heaps of mussel, pear scallop and crayfish shells…*
>
> *Their huts, of which seven or eight were frequently found together like a little encampment, were constructed of bark, torn in long strips from some neighbouring tree, after being divided transversely at the bottom, in such breaths as they judge their strength would be able to disengage from its adherence to the wood, and the connecting bark on each side. It is then broken into convenient lengths and placed, sloping wise, against the elbowing part of some dead branch that has fallen off from the distorted limbs of the gum tree and a little grass is sometimes thrown over the top.*
>
> *Mr Ross saw some huts in V D Land which he compared to a teacup broken in half… The wigwams or huts were built entirely of bark, supported here and there by a piece of two of dry wood. The bark had been stripped of the trees, was piled in upright lengths close to each other, rudely joined together at the top; the whole forming a segment of a globe, open to the east.*

The descriptions while quite critical in general resemble the pictures by Petit below. It is known these structures were common in the region of the study area prior to European arrival and there are several more very good references in Robinson including construction and locations[79].

[77] Caleb Pedder pers. Comm. 2023.
[78] Roth 1899:107-108 quoting first Furneaux, then Bass, then Collins.
[79] For a good reference see Plomley 2008ed.:826 which includes a rough drawing by Robinson and 563, 595 and 603 more generally. Previous mentioned or further on are several references to huts in the Hobart Town area more specifically. Thomas Scott also drew huts on his 1821 plan of the East Coast at Spring Beach near Orford.

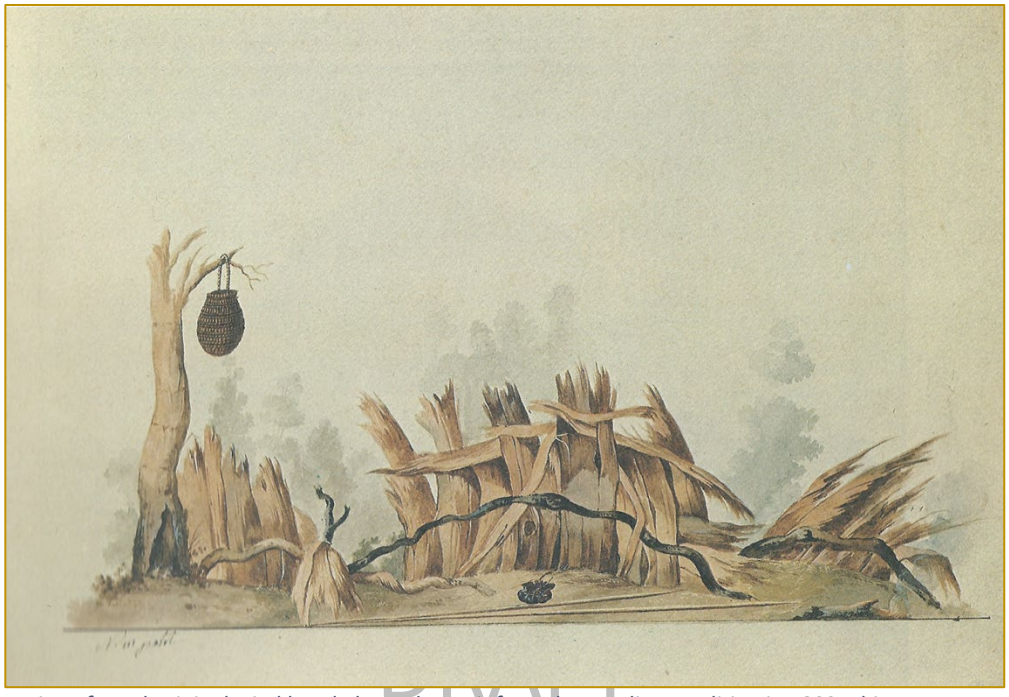


Figure 41: Drawing of an Aboriginal wind break drawn by Petit from the Baudin Expedition in 1802. This was constructed of bark and branches and provided protection from prevailing weather conditions. Baskets and shell necklaces were typically found around these sites. Source: Plomley 1993:53.

Figure 42: Drawing of an Aboriginal dwellings on the east coast of Tasmania by Petit from the Baudin Expedition in 1802. This was constructed of bark and branches and provided protection from prevailing weather conditions. Source: Stone and Tyson 1978:27.

After contact, evidence of huts and use of the area by Aboriginal people is recorded by colonial chaplain Robert Knopwood in his diary as follows[80]:

> *'a great many native hutts [sic] and the fires they made' on the western shore of the Derwent, north of Hobart. Two days later he noted many Aboriginal people were around the camp at Sullivans Cove but could not be persuaded to enter. On numerous occasions, Knopwood wrote of the fires lit by the Aboriginal people for both land management and hunting*

There are also records of huts further up the river at Herdsman's Cove recorded by the Baudin expedition in 1802[81].

Visitations to Hobart itself by Aboriginal people prior to 1824 were possibly sporadic but there are, however, a few good reference. One such record is again from Knopwood as follows[82]:

> *Knopwood was granted land at Battery Point. Here, he established a house and garden called Cottage Green, near what is now Montpelier Retreat. In April 1806 he wrote that an Aboriginal girl, about 17 years old came to his garden seeking fire. Nine years later, a group of seven Aboriginal people came to his house. They spent the evening, camping in the garden, and gathering oysters and mussels from the nearby shore.*

Another by Bonwick tells a slightly different story of an interview of a girl who lived near Hobart in 1804 and suggests that visits to Hobart were common as follows (after telling the story of being well treated by Aboriginal people while lost in the bush near Mount Wellington)[83]:

> *She furthermore told me that when a girl she often met them in the Camp, as Hobart Town was then called, and they were always quiet and well conducted.*

Sometimes people came for food from the Europeans and at other times they continued with traditional practices such as gathering shellfish as shown above. It is likely that the contact materials (worked glass) found in recent excavations come from this period of uneasy peace between the Aboriginal people and the Europeans now quickly changing and taking over the area (see **Figure 44** below for an example). Certainly by 1808 much of the area had been cleared and the smaller mammals such as wallabies and kangaroos hunted out of the immediate region. This began issues of competition between the settlers and Aboriginal people and Bonwick attests that much of this was through poor treatment instigated by the settlers and bushrangers who lived in the bush[84].

In 1813, a newspaper reported that a party of 'natives' were brought to Hobart Town given clothing and shown around the town[85]. The rest of the 'tribe' was then tracked down on Betsey Island and brought to town as well – they were then returned to Betsey Island sometime later[86].

[80] Austral 2013:7-8 and Knopwood in Nicholls 1977:46.
[81] Alison Alexander 2006:3.
[82] from Austral 2013.
[83] Bonwick 1870:56.
[84] Bonwick 1870:56-59.
[85] Bezzant 1985:80; Bonwick 1870:58-59.
[86] Bezzant 1985:80; Bonwick 1870:58-59.

Another account told by Bonwick relates specifically to the study area and tells of when Governor Sorell invited a number of Aboriginal people to Hobart Town. He relates that they were gathered at the Government Paddock (Macquarie Point) and were exercising themselves before the settlers when a spear was thrown at one of the soldiers by a young girl causing Sorell to ask them to leave the area – Bonwick says that this was an 'affront' to the Aboriginal people and this party never again visited Hobart Town[87].

In 1814, Bonwick also tells us that a group of Aboriginal people "accustomed to pay visits to the Camp at Hobart Town" were given ration flour but had their children stolen by some "white monsters" leading them to leave the town (after trying to recover the children and being brutally treated by the settlers) and not to return for some years[88]. This appears to have been a turning point in visitations to Hobart Town with widespread clashes between Aboriginal people and colonists intensifying to a degree after this point.

In 1825 it is reported that Aboriginal people came to Hobart Town to plead for the pardon of the Aboriginal resistance leader, Musquito (who had once been a servant of Edward Lord and helped capture the bushranger Howe), but "returned to the bush with bitterer feelings"[89].

After c1824 violent clashes were occurring all over the state and by this time the area around Hobart was being visited much less by Aboriginal people. This area had now been occupied by Europeans for around two decades and was vastly changed. The *mouheneenner* were one of the first to be displaced by the tide of settlement and to have their region highly modified by European developments. All along the Derwent, houses, inns, roads and farms sprang up. In fact, one reference is made to Mr Earle's inn (Austin Ferry) saying that in 1824 15-20 Aboriginal people arrived at the inn and were surprised by their reflections in a mirror there[90]. Apparently, the group were given clothing in Hobart but had discarded it immediately after leaving, preferring to be naked as was usual.

The abundance of the area and evidence of the occupation of region by Aboriginal people can be easily seen in the landscape and while the development cited above has been unending it is sometimes surprising how such richness has survived.

In the immediate area from Sullivan's Cove to Self's Point there are over 39 sites recorded with some of these being quite small, dispersed middens and artefact scatters and others being larger high-density middens and artefact scatters. Many of these are disturbed by development while others remain relatively intact. For example, in recent assessment and test pitting works Southern Archaeology recorded large midden sites within the Regatta Grounds and the Domain. Test pitting also suggested that even in the old Beaumaris Zoo area and in the Botanical Gardens middens with associated artefact scatters were extensive and relatively intact at depth despite large modification to the landscape.

Encroaching on the Macquarie Point area (on the slopes around here) middens and other sites exist and these may also exist at depth (and be interspersed with early European sites) along the original foreshore on the southern side of the site. Stone artefacts, shell (which is difficult to determine if cultural) and contact materials (predominantly worked glass at this point) has been identified in fill

[87] Bonwick 1870:60-61.
[88] Bonwick 1870:73.
[89] Bonwick 1870:108.
[90] Bonwick 1870:110.

deposit layers during recent works. While it is difficult to determine where this material has originated the following comments by Caleb Pedder (AHO) in 2022:

> *Their location at Mac Point in historic heritage deposits is not an unusual situation. Many historic heritage places within Hobart (nipaluna) have contained evidence of Aboriginal use and enjoyment of this country. They tell a story that needs to be recognised and valued across Tasmania (lutruwita).*

This further supported and further added to by Alan Hay (Archaeologist) also in 2022:

> *Mr Pedder has pointed out this significance inheres within these artefacts and is not dependent on the disturbed context from which they have been recovered. Therefore, it can be considered that the disturbance and collection of these artefacts is likely to only have an impact on this disturbed context and not their social significance which is unbreakably linked to these objects.*

An interesting reference from the lumber yards on the foreshore found in the Austral 2019 report was as follows[91]:

> *Throughout its relatively brief life, the lumber yard was subject to intense criticism and inquiry. Complaints were varied: that the convicts could be better used elsewhere; that their labour was misappropriated; and that their work was counterproductive to private industry. Ridiculed as 'that worse than useless establishment', 'slumber yard' or 'plunder yard', calls for its closure began as early as 1831. Probably in response to these public criticisms, in 1833 James Simmons the Director of the King's Yard was charged to provide weekly reports on the productivity of the convict workforce. Two such reports continue to exist, and the following summarises production from the 1st to the 6th of April 1833:*
>
> - *10 blacksmiths had fabricated 76 road hammers, four boat hooks, 56 quarry picks and a range of equipment for carriages, ploughs and the ship the Tamar;*
> - *Five nailors had made 10.6 kilograms of nails;*
> - *One copper and tinsmith had made five boxes for seals and money scoops for the Treasury;*
> - *Six cabinet makers had made a level to be used for constructing steps, chairs for the judges branch and a table for the secretary's office;*
> - *The chair maker had finished six chairs ready for carving;*
> - *Two turners had made legs for the judge's chairs, as well as equipment for schools, and the Tamar;*
> - *Three sail makers were making a jib for the Tamar and were also in the process of making the jib and mainsail for a boat belonging to **'an Aboriginal native'.** Flags were also being made or repaired for the harbour pilot and the flag at Mulgrave Battery;*
> - *Six sawyers had cut 210 metres of pine, 34 metres of stringy bark and 3 metres of cedar;*
> - *15 wheelwrights had repaired a timber carriage, made 72 axe handles and finished 6 wheelbarrows;*
> - *One painter had painted a boat; and*
> - *Eight labourers had been employed in sanding and stacking timber.*

[91] Austral 2019.

Private industry was also occurring nearby. In 1838, the first full-rigged ship was built in Tasmania on the sandy beach at Macquarie Point. The Maria Orr was 289 tons and was constructed for William M Orr as a whaling vessel.

Who may have received this boat and why has not been established but it is interesting to note that Teague (who captured Musquito in 1825) was promised a boat which he after not receiving returned to the bush for some years (allegedly being involved in attacks on settlers himself in that time) and later returned to Hobart Town and received his boat[92]. Robinson also recommended in February 1831 that Black Tom, his wife and Wooraddy for, "the unremitting exertion and uncommon fidelity displayed by the Aborigines throughout the undertaking", receive a boat and clothing[93]. Later a boat was awarded to them (in November 1832) and was let on hire at the Derwent[94]. It seems that this was not the only occasion a boat in Hobart Town was connected with an Aboriginal people in Hobart and it is interesting to speculate whether the above boat mainsail was connected to either of these references.

In 1832, George Augustus Robinson arrived in Hobart (with much celebration) with the last of the Big River and Oyster Bay people – 26 in all (sixteen men (including chief Montpeilliatter), nine women and one child)[95]. Before going to Flinders Island, "they camped about his premises" [Robinsons] presumably in Elizabeth Street[96]. In 1833, Robinson arrived with thirty from the west coast and they also went to Flinders Island from here[97].

All these references contribute to the understanding, history and conception of the study area. These are the connections that contribute to the cultural and landscape values of the area and there are more such examples listed in the following land use history. Plomley also suggests that visits to Hobart were generally friendly and not uncommon[98]. He states that Robinson records several such visits before he began his mission and while living in Hobart[99]:

- One occurred in November 1824 which has been partly related in the next section but also includes a reference that on the 4th of November:

  Tribe of Aborigines (the Oyster Bay Tribe) went out of town to a hut 3 miles out. Saw them begging for bread and dancing &c. Naked about the shoulder which was kangaroo skin over the shoulder. Very tall and straight some 6ft, but scabby [sic]…

- One which occurred in October 1825 which he gives little information on other than to say that "50 Abg [Aboriginals] came into HT [Hobart Town] this morning".

Figure 43 shows a stone artefact with marine adhesions found at the study area and **Figure 44** shows a worked black bottle base core from the study area[100].

[92] Bonwick 1870:109.
[93] Plomley 2008ed.:483.
[94] Plomley 2008ed.:483 and 716.
[95] Bonwick 1870:214.
[96] Bonwick 1870:215.
[97] Bonwick 1870:220.
[98] Plomley 2008ed.:49.
[99] Plomley 2008ed.:118.
[100] AMAC 2024; AHI 2023.

Figure 43: Stone artefact with marine adhesions from the study area. Source: AMAC 2024.

Figure 44: Black bottle base core from the study area. This base shows signs consistent with working for use as a core by Aboriginal people. Known as contact glass. Source: AHI 2023.

11 Land use history and change

11.1 Introduction

The following section captures as best as possible the original landscape at the study area relying on historical sketches, maps and photographs. All of these images have been discussed in reports for the area completed previously but these are usually in the context of historical excavations and the history of the European development of the place. In this instance the focus or the aim is to provide a more relevant discussion about what the landscape here may have looked like prior to the reclamation works which have now obscured most of the original landscape. In terms of cultural and landscape values this is much more appropriate.

This section should also be considered alongside overlays, maps and historical and Aboriginal occupation discussions further on in this report.

Canoes in the Derwent (Roth 1899:155)

...seven to nine feet [2.1 to 2.7 metres] long, equally flat above and below. Their width was from three to four feet in the middle, diminishing to each of their two extremities, which ended in a point. They were made of a very thick bark of trees, joined parallelly [sic], and fastened together with reeds, or other fibrous grasses.

11.2 The original foreshore – discussions and images – building a landscape

11.2.1 Summary Aboriginal occupation before 1803

The likely focus of Aboriginal occupation of the area was the foreshore and rock shelves along the Derwent estuary immediately within the study area. These places have become obscured by later historical development and overlays further on in this report show the scale of changes that have occurred here.

Having said this, however, extensive sites have been recorded at the Domain, the Botanical Gardens and along the Derwent foreshore, many still existing in the area and in many cases remaining remarkably intact despite development. This area would have provided a good source of resources, and the surrounding area would have provided hunting, foraging and other resource opportunities. The area was clearly used for extended camping and gatherings with over 40 sites (usually middens and artefact scatter some substantial) recorded in the immediate area. That there is a cultural landscape here and that the place has cultural 'value' is not debated.

Now, as the quote from the Austral report in the beginning of this report attests, this area has undergone massive change in the last 200 years. Little of the original coastline is visible within the study area and this would challenge any assessment of landscape values as defined in a modern context.

How the original foreshore looked is best documented in sketches and plans from the period prior to c1900. Presented here are some of the best early depictions of the area which graphically show the place and the landscape as it was prior to the substantial changes that we now see there.

Arrival of the Europeans – Wooraddy to Robinson 1831 (Plomley 2008ed.; Austral 2013)

When they saw the first ship coming at sea they were frightened…; that when the first people settled they cut down the trees, built houses, dug the ground and planted; that by and by more ships came, then at last plenty of ships; that the natives went to the mountains, went and looked at what the white people did, went and told other natives and they came and looked also.

11.2.2 The post-1803 landscape through plans and images

11.2.2.1 When Europeans arrived – 1803-1820

In 1804, Lieutenant-Governor David Collins arrived at the site of Today's Hobart with a party of convicts, military and free settlers. The site was chosen because the area offered fresh water (the Hobart and Park Rivulets), a deep-water anchorage and a natural location suitable for unloading supplies and setting up early administration and storage of goods (Hunter Island connected at low tide by an isthmus to the mainland). Collin's own words describe Hunter Island as one of the main reasons the Hobart location was preferred to the Risdon location (the original site chosen by Bowen further up the river)[101]:

> *A small island, connected with the mainland at low water, admirably adapted for the landing and reception of stores and provisions.*

Collins also said of the place that[102]:

> *The presence of a "run of clear fresh water", [in the form of Hobart Rivulet] … "very advantageous" [soil and] "timber and stone in sufficient quantity and quality to answer all purposes.*

The location was also well protected by Mount Wellington, accessible to the ocean to the east and defendable but the first few years were hard as the settlement became established.

The earliest plan of the Hobart area is by George Prideaux Harris. It shows Collins' camp in 1804 and lacks a lot of detail but does show Hunter Island and the Hobart Rivulet. This plan is shown in **Figure 45** below. While it is difficult to visualise the area at the time of the Europeans arrival, it is likely that Collins and those with him encountered a pristine well wooded area around the Hobart Rivulet (a good source of fresh water, at least for a small encampment). Early descriptions of the landscape at the time of settlement suggest that settlers[103]:

> *Noted forested slopes leading down to the Derwent, with low cliffs and narrow beaches separating land from water. A watercourse, later known as the Hobart Rivulet entered the estuary at a cove, its wide mouth flanked by dense tea-tree and gums. In the centre, was a small islet, which could be reached at low tide by a sand spit (Figure 2). In stark contrast to its existing hard edged industrial character, Macquarie Point was said to be covered with 'ancient trees' and dense scrub.*

This is very much the scene that is shown in the painting in **Figure 9** at the beginning of this report. This image is discussed a little more a bit further on.

The convenience of Hunter Island (a short distance from the shore and accessible at low tide) served the immediate needs of the colonists for the loading and unloading of stores and equipment. It also provided a staging area for transport to the settlement beginning to be established on the western shore of the rivulet (see **Figure 45**) and no doubt, a place that could be protected should the convicts want to raid the vital stores in the early period.

[101] AMAC 2024; Collins 2007:13.
[102] AMAC 2024; Collins 2007:14.
[103] Austral 2013.

The most pressing immediate issue would have been shelter and security followed by food which would prove to be a problem for many years to come. For many thousands of years this area had been utilised by Aboriginal people without exploiting the resources, but this was not the European experience in those early years. Austral describes the area in terms of Aboriginal occupation as follows[104]:

> *The coastal fringe provided rich food resources - both plants and animals. The coasts provided a wide range of shellfish: large and small whelks, warreners, abalone, mussels, periwinkles, limpets, chitons, oysters, crayfish and crabs. Shellfish were gathered along the shoreline, but also from deeper water, with Aboriginal women noted for their diving skills.*
>
> *In the hinterland, birds, possums, kangaroos and wallabies could be found, as too were edible plant and fungus species. Land management through regular burning encouraged 'green pick' (new growth and grasslands) that in turn, supported native game in numbers.*

Initially the colonists probably had little effect on the local Aboriginal people being more a curiosity, better to avoid but as the settlers became established, they began to clear land for agriculture and to push further into the hinterlands to hunt food and explore the area[105]. They quickly outgrew the Hobart area and began to put pressure on supplies and local resources.

Wooraddy, a local *mouheneenner* man, was camped at Sandy Bay when the Europeans arrived and described the scene later to George Augustus Robinson in 1831[106]:

> *When they saw the first ship coming at sea they were frightened…; that when the first people settled they cut down the trees, built houses, dug the ground and planted; that by and by more ships came, then at last plenty of ships; that the natives went to the mountains, went and looked at what the white people did, went and told other natives and they came and looked also.*

Wooraddy's description is telling and a portent to the changes that were occurring very quickly. Changes that were to be tragic for the Palawa people. Early contact was sporadic and usually between small bands and Europeans in the surrounding bush – they are described as mostly friendly but as to the true nature of the Aboriginal opinion of the Europeans in that time there is little information[107]. Certainly, the incident at Risdon Cove where there was a violent clash between the settlers and Aboriginal people was far from friendly and a sign of the conflict that was to come and was already occurring in places. It was also at this time (around 1804) that a few encounters are recorded near the study area by Reverend Knopwood (this is described above).

Austral records that by January 1805[108]:

> *The Aboriginal people were visiting outlying huts in areas that are now Kingston, Taroona and New Town, where in return for bread and potatoes, they offered the Europeans kelp and crayfish.*

A major resource required in Hobart in the earliest times was lime and there are some references to it being exploited in the area as early as 1804. There were five lime burners at work in Sullivan's Cove at

[104] Austral 2013.
[105] Alison Alexander 2006:1-3.
[106] In Plomley 2008ed.: example part reference 408; Austral 2013.
[107] Austral 2013.
[108] Austral 2013.

this time[109]. It is possible they were burning shells and, if so, these likely came from Aboriginal midden material, a practice common in the early decades of the colony. While Macquarie Point is not mentioned specifically, at this time it was not known by this name and is likely to have been included in the generic naming of Sullivan's Cove. If there were dense deposits of shell here, as are known from other locations close by, it is likely that the early settlers exploited them at this time, at least until better sources were found (natural shell lime was known to be inferior to good natural lime rock deposits).

In 1814, limestone was discovered near Hobart which suggests that a major source had not been found previously in the area[110]. By 1820, there was shell lime being obtained from Ralph's Bay (South Arm) and a limestone quarry near the town, but no location is given (this is possibly from the source found in 1814)[111].

By 1808 at least, people were established at Newtown, along the Derwent and as far as Herdsman's Cove[112]. This was due mainly to the relocation of Norfolk Islanders to Van Diemen's Land which had intensified by 1807. There was a need for land for agriculture and for areas further afield to hunt kangaroo especially as the local populations of kangaroo became over-exploited and numbers dwindled.

In 1807, a party lead by Laycock crossed the Island to explore a track between Hobart and Launceston (in the north) and soon travellers, hunters, speculators and those looking for a suitable lot of land were navigating the interior[113]. This put the colony in direct competition with Aboriginal people and disrupted established seasonal travelling routes. An uneasy co-existence (mainly because by this time the European population was still small and somewhat vulnerable) was established by the 1810s but one that would erupt in violence in the 1820s.

Finding water (Caleb Pedder (AHO) pers comm 2023)

There are none [evidence of waterholes dammed or accessed by Aboriginal people and regularly flowing streams] now. My ancestors would have created some [waterholes or dams] when required and they have subsequently been filled in or covered over. My ancestors also had water carriers, used for carrying water to places where there was none. Water is important but does not restrict or define the use and enjoyment of country by my ancestors.

[109] HRA3/1:258.
[110] HRA3/2:107.
[111] HRA 3/3:241 and 331.
[112] Alison Alexander 2006:3.
[113] Knopwood 126-127; HRA 3/3:831-833; HRA 3/1:745-747; Stancombe 1968:2-3.

Figure 45: Section of the 1804 George Prideaux Harris plan showing Hobart and Hunter Island. Source: Libraries Tasmania Ref: AF394-1-9 accessed 2024.

One of the earliest depictions of the Hobart area is shown above in **Figure 9**. Who painted this watercolour is contentious – Stone and Tyson say the painter is unknown and Austral attributes it to George Evans from a sketch by George Prideaux Harris[114]. AMAC attribute it straight to Harris[115]. Regardless of who painted it, it shows Sullivan's Cove and Hunter Island in 1804, soon after the arrival of Europeans. The 'Camp' can be seen as a group of tents in the forest to the right of the image and really show the basic conditions of this settlement in the first year. While not specifically showing the study area but rather the area to the south the untouched beauty and grandeur of the area is evident in this rare watercolour from a time before extensive development occurred across the study area. The area is shown as densely wooded right to the foreshore and initially the camp was to the south of the study area (as shown above in **Figure 45**).

Harris also painted the following (**Figure 46**) rare painting of Hobart Town in 1806. It shows Hunter Island from the southern side. Clearly there is dense woodland in the area and the beginnings of clearing the area of vegetation are graphically depicted. A new wooden store is replacing the tents that once held the stores, and a three poled hoist can be seen for moving stores from boats. While the study area cannot be seen directly, the imposing nature of the area is evident as settlement begins.

[114] Stone and Tyson 1978; Austral (2015).
[115] AMAC 2024.

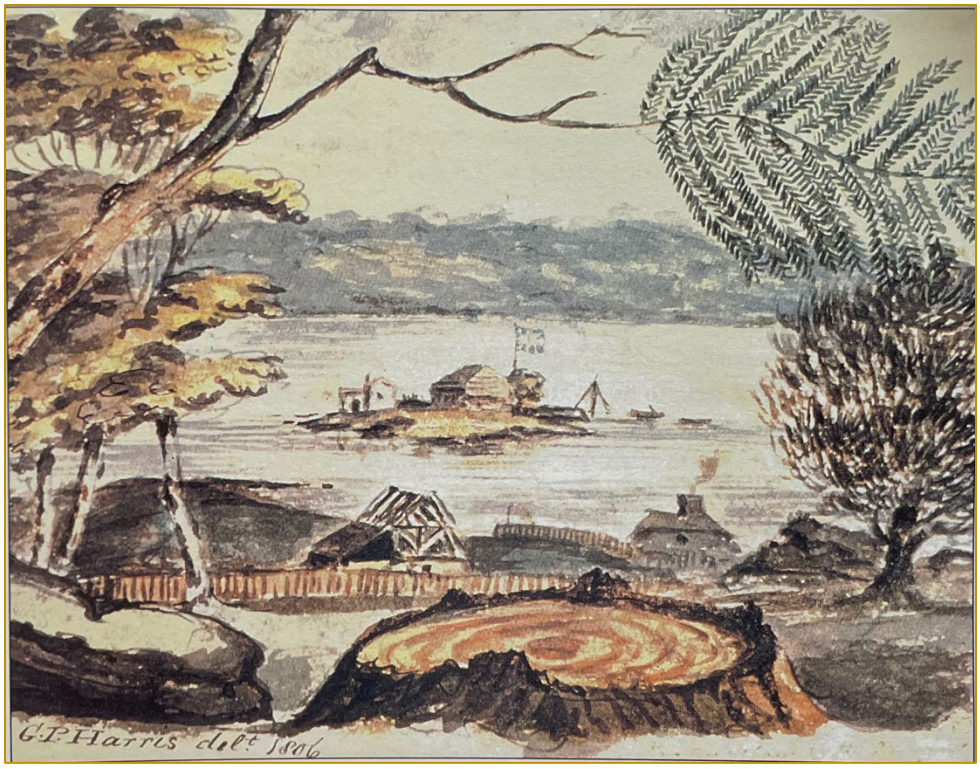


Figure 46: G P Harris painting of Hunter Island completed in 1806. Source: Bolt 2004:255.

Changes within the study area would not have taken long to occur as the image above shows. Also, (probably) by Harris, the sketch below (**Figure 47**) shows the study area looking from the east back towards the fledgling settlement of Hobart around 1805. By this time several buildings are established and, in this sketch, clearing has occurred along the foreshore. According to records, the first grants at the study area were in 1806 but as shown by the sketch in **Figure 47**, there were probably buildings in this area prior to this (it is also possible that this sketch post-dates 1805). These grants were 14 acres to Leonard Fosbrook (the Assistant Commissary – who established the first commissariat store - a tent on Hunter Island in 1804) and 24 acres to George Guest[116]. Fosbrook built a small cottage, cleared the vegetation and stones and farmed the area. Guest (a Norfolk Islander) did not live on the land. For a time, the area was even known as Fosbrook's Point but by at least 1811 was officially named Macquarie Point (named by Macquarie after himself in 1811)[117]. In the early period, the shore to the north appears to have been named Hangan's Point (or sometimes Hangan's Farm)[118].

Detailed in this sketch, in this area (north of the Hobart Rivulet - the study area) there is a commissary cottage (Fosbrook's cottage), a guard house and a couple of other buildings (further up the hill) shown in this area. Large areas of bushland are still evident in the area, but it is clear the settlers have been busy. This and the next few images show the landscape largely as it was when Aboriginal people occupied the area. What is known is that the area is culturally rich with middens and artefact scatters recorded in the Domain area and along the *timtumili minanya* foreshore in this area. In the immediate area, at least 34 sites are documented, surviving in the landscape – see sections further on in this report. The area may also have included, as Caleb Pedder suspects, stone quarries or other sources of stone.

[116] HRA 3/2:763 and 45; AMAC 2024:39 and 40.
[117] HRA 3/2:763 and 45; HRA 3/2:45 (1813).
[118] HRA 3/2:703 (1819).

Of importance here and of particular relevance to this report, is also the unseen landscape – the connections and uninterrupted and deep (over many thousands of years) attachments to a place the *mouheneenner* people lived and continue to live. These connections remain despite changes to the landscape and have not been lost. In fact, some references from the time show the efforts of Aboriginal people to maintain these connections despite the presence of the often openly aggressive, indifferent and/or mildly curious or openly unsympathetic colonial settlers.

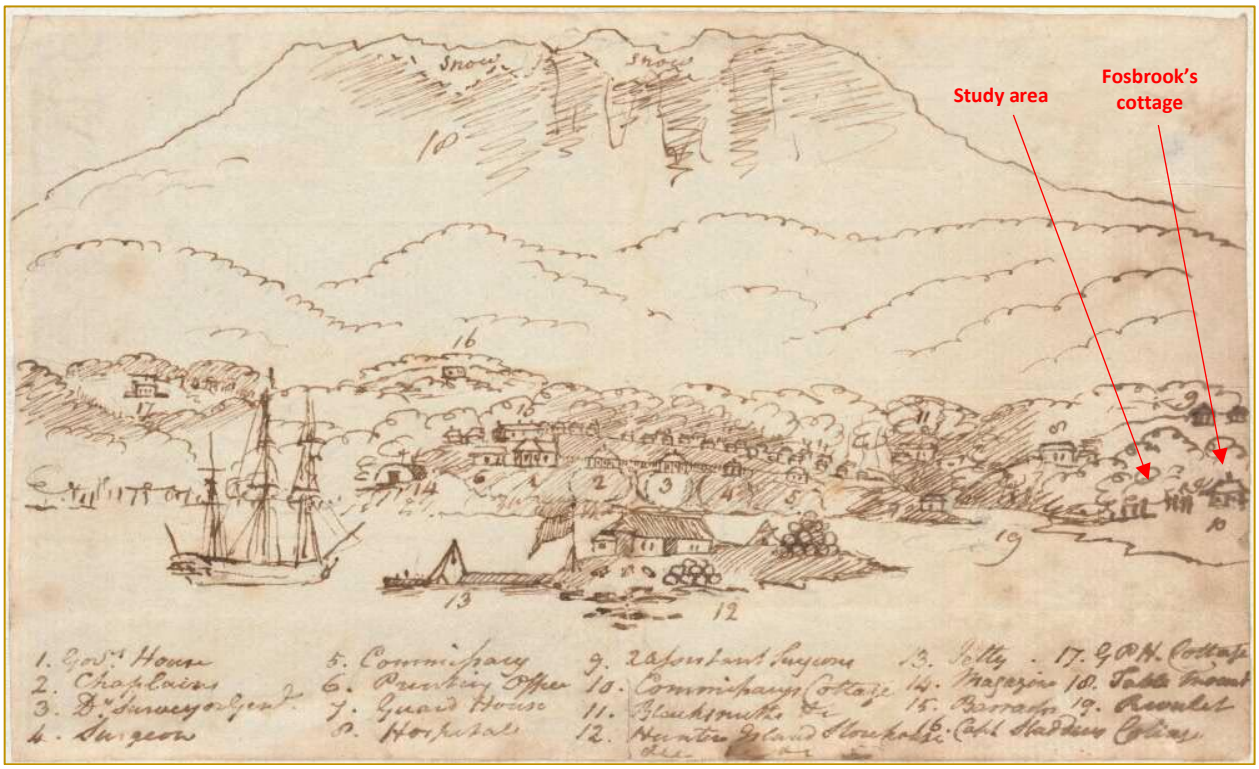


Figure 47: c1805 drawing of Hobart probably by George Prideaux Harris. Source: National Library of Australia Ref: 135224422 accessed 2024.

The following two references are provided by Austral and describe some of the few references to Aboriginal people visiting Hobart prior to 1820[119]:

> *Newspapers of the day also wrote of occasional visits. In September 1818, the Hobart Town Gazette and Southern Reporter described how:*
>
> > *On Saturday afternoon as some labourers were employed in ploughing a small allotment of ground in Argyle-street, the plough unexpectedly came in contact with a large root of a fungous [sic] nature. Several natives being on the spot, eagerly ran after one of the men, who from motives of curiosity was anxious to know what he had found, exclaiming "Bringally," (for bread-root); they quickly devoured large pieces of it. The owner of the ground (William Ashton in Liverpool-street) has some of this extraordinary production of nature in his possession, where it has been viewed and tasted by several persons, who esteem it very palatable.*
>
> *At least two of the individuals central to the early European history of Macquarie Point also had documented contact with Aboriginal people. In July 1804, Knopwood wrote:*

[119] Austral 2013, HRA 3/2:763.

He [William Collins] sees many of the natives and was conducted to the town by some of them. Where there were about 20 families, he stayd [sic] all night with them; they were all very friendly. He sees 3 of their cattemerans [sic] or small boats made of bark that will hold about 6 of them.

The 'cattemerans' described by Collins were probably similar to those drawn during the Baudin expedition in 1802 as shown below in **Figure 48**. Robinson make numerous references to them and Wooraddy who travelled with Robinson was known to be a great boat builder[120]. These canoes are noted by several early explorers in this area. References include [121]:

The Aboriginal people of the South-East Nation were known to build canoes, which were well documented by both La Billardière, on the 1791 expedition to search for the missing explorer La Pérouse, and again by Péron and Freycinet, sailing aboard La Naturaliste in 1802. The canoes are variously described as:

made of the bark of trees...held together by cords, made of the leaves of grasses, forming a texture of very large meshes.

...seven to nine feet [2.1 to 2.7 metres] long, equally flat above and below. Their width was from three to four feet in the middle, diminishing to each of their two extremities, which ended in a point. They were made of a very thick bark of trees, joined parallelly [sic], and fastened together with reeds, or other fibrous grasses.

Three rolls of Eucalyptus bark formed the body...These three bundles, which bore a fair resemblance to a ship's yards, were fastened together at their ends; this made them taper and formed the whole of the canoe. The scarfing was made fairly compact by means of a sort of grass or reed...Five or six savages can get into these canoes, but generally the number is limited to three or four at a time. Their paddles are simple sticks from 2.5 metres...to 4 and 5 metres...long, by 2 to 5 centimetres...thick. Occasionally when the water is shallow, they make use of these sticks to propel themselves as we do with poles. Generally, they sit down when working their canoes and make use of a bundle of grass as a seat; at other times they keep standing...They always place a fire at one end of their canoes, and in order to prevent the fire from spreading they place underneath it a sufficiently thick bed of earth or cinders.

Mutatayna and the resources of the Derwent (Austral 2013)

The coastal fringe provided rich food resources - both plants and animals. The coasts provided a wide range of shellfish: large and small whelks, warreners, abalone, mussels, periwinkles, limpets, chitons, oysters, crayfish and crabs. Shellfish were gathered along the shoreline, but also from deeper water, with Aboriginal women noted for their diving skills.

In the hinterland, birds, possums, kangaroos and wallabies could be found, as too were edible plant and fungus species. Land management through regular burning encouraged 'green pick' (new growth and grasslands) that in turn, supported native game in numbers.

[120] Plomley 2008ed.:examples 340 and 399 (includes drawing by Robinson).
[121] Austral 2015:30-31; Roth 1899:155 (quoting La Billardiere, Peron and Freycinet).

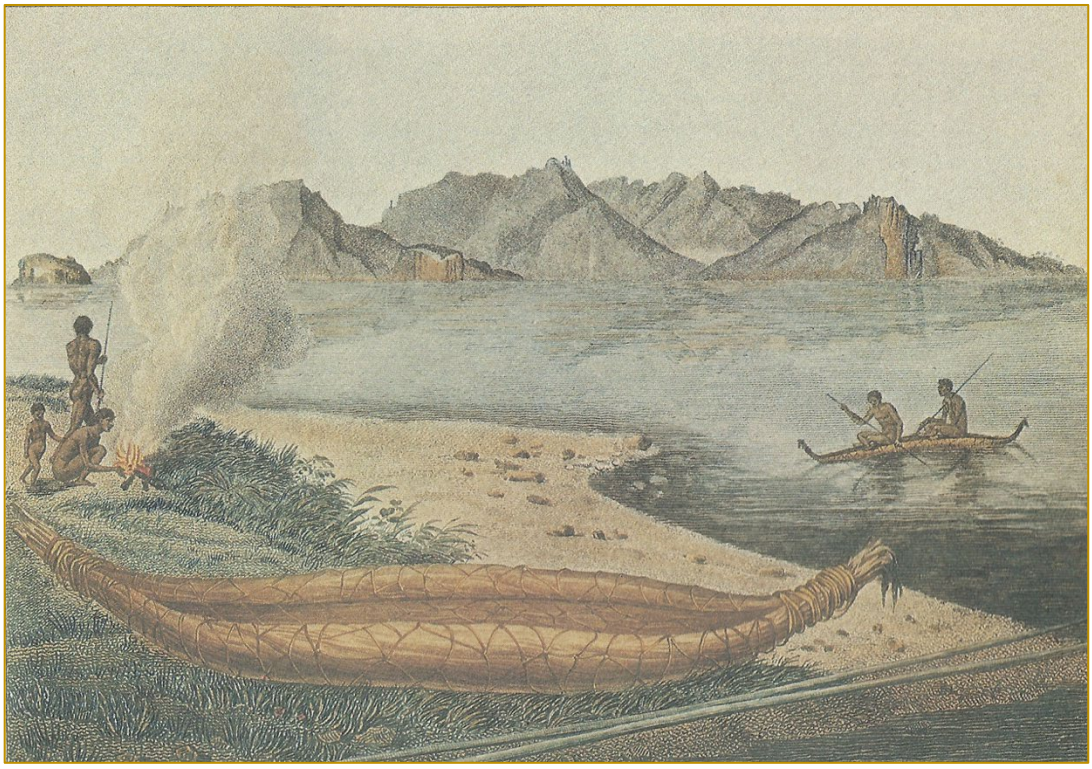


Figure 48: Drawing of a canoe-raft from the Baudin expedition (1802). Canoes were used to travel to Islands and to navigate around estuaries such as the Derwent using long timber poles. Canoes were constructed of reeds or bark tied together in three parts. Source: Plomley 1983:147.

In 1810, William Collins (Harbour master for a time, then businessman and involved in the whaling industry) acquired land to the south of Fosbrook fronting the rivulet[122]. He built a small cottage and a wharf (seen in the next few images of the area). He died at sea in 1819 leaving his wife and children destitute in this cottage.

In 1811, Governor Macquarie arrived in Hobart Town, named Macquarie Point (he was impressed with the location for the establishment of the new Government House which was not to be built for several decades and then further inland than he planned) and was instrumental in keeping the area as public land[123]. Macquarie, dissatisfied with the lack of civil progress in Hobart Town to that time instructed James Meehan to commence a plan for the formal layout of Hobart Town and for a number of buildings to be constructed including Anglesea Barracks[124].

In 1814, Fosbrook left Van Diemen's Land after a disagreement with Lieutenant-Governor Collins and being found guilty of gross and criminal neglect and dismissed from his positions[125]. He sold his property at the study area to Edward Lord who also acquired Guest's land (from Samuel Terry of Sydney who had bought it from Guest)[126]. Lord prospered (both financially and politically) in the colony and had

[122] Hope 2020:48-49.
[123] Austral 2013; AMAC 2024:39; HRA 3/4:459 (1812). As mentioned above Macquarie named the point as well after himself and the Government House was built in the Queens domain in 1855.
[124] Bolt 2004:314-318.
[125] Austral 2013; AMAC 2024:40-41.
[126] Austral 2013; AMAC 2024:39 and 42; HRA 3/4:338 (1825).

thousands of acres around Van Diemen's Land by this time. The following plan (**Figure 49**) shows the grants at the study area by the 1820s[127].

Lord rebuilt Fosbrook's cottage replacing it with a stone and brick house and introducing a circular drive and store building at the rear[128]. There is no doubt that these developments altered the landscape and impacted any Aboriginal middens and other sites that were most likely located there but essentially the general landscape remained the same and this impact was minimal comparatively to what was to come later. It is known from contemporary records (those mentioned above), that Aboriginal people probably still visited the area or at least camped nearby.

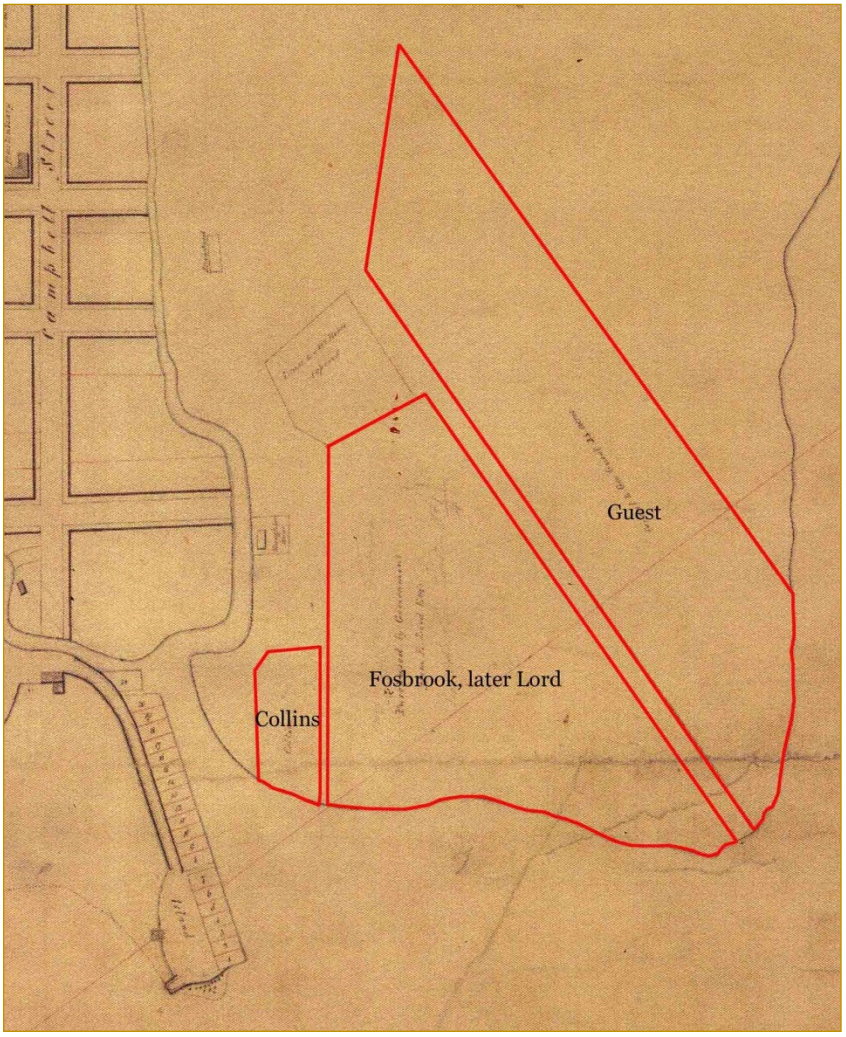


Figure 49: The grants at the study in 1824. Source: Austral 2013.

By around 1817 the scene had changed dramatically from the images above (**Figure 9 and Figure 47**) on the southern side of the rivulet – this was really the focus of the settlement at this time mainly because the north side was reserved for the government and as a farming area to supply the growing needs of the populous. Also, the south side was closer to the rivulet, an important source of water.

[127] Austral 2013.
[128] Austral 2013.

The closest parts to the coast and along the rivulet were now cleared (as were areas to the north-east and around Newtown), stone and brick buildings had replaced the rudimentary earlier structures (just as Lord had replaced Fosbrook's cottage). Even the northern side of the rivulet (the study area) had been cleared towards the coast (and developed along the rivulet), but woodland still existed on the hills behind (today's Domain and Botanical Gardens area).

The sketch below (**Figure 50**) is from 1817 and by Lieutenant Jeffreys. The scene in this sketch is not to scale and probably somewhat inaccurate but is informative regarding the scale of development which had occurred by this time. The cottages along the rivulet are depicted.

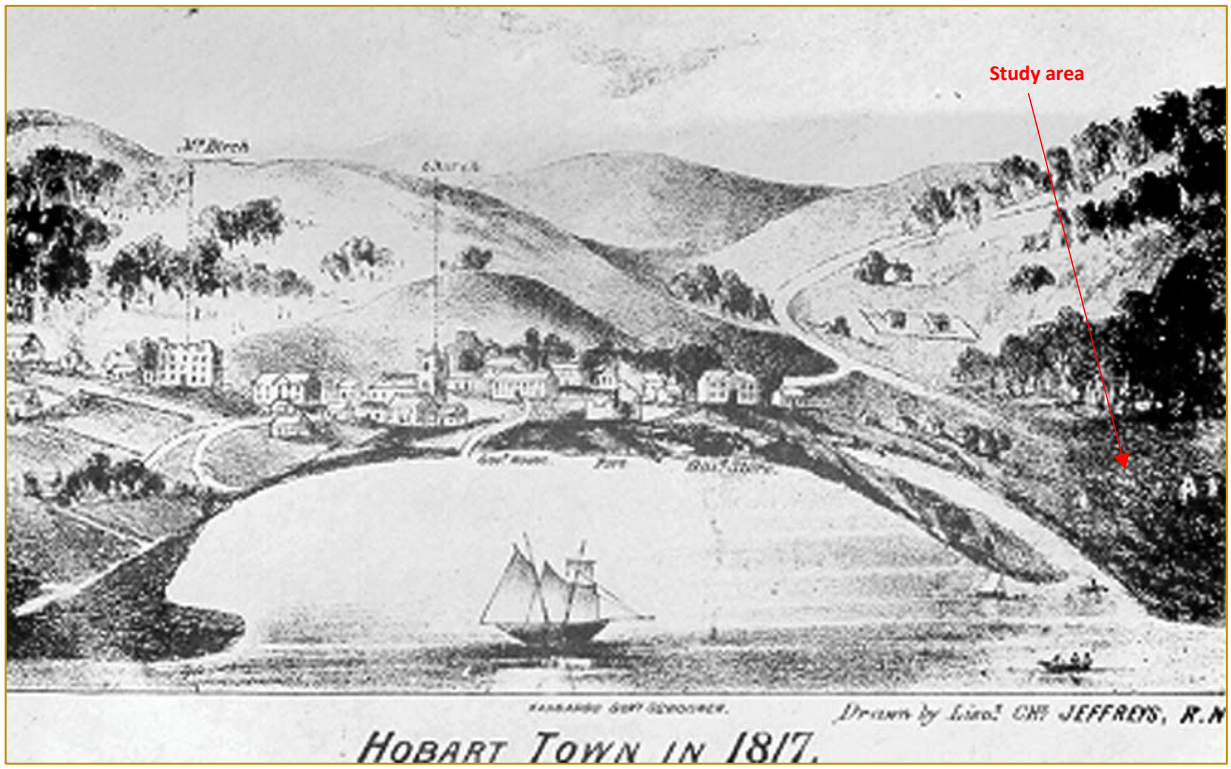


Figure 50: 1817 sketch of Hobart Town by Copy of sketch by Lieutenant Jeffreys. Source: Libraries Tasmania Ref: PH30-1-2653 accessed 2024.

The next two images (**Figure 51 and Figure 52**) completed by the surveyor GW Evans in c1819 and c1820 are similar showing the Hobart Township by the end of the 1810s. They are some of the first of many artist renditions of Hobart from this time and perhaps the elevated open country behind the study area provided just the right vista for a sketch or painting of Hobart. It is also important to note that the openness of this area probably also allowed the occasional visit by Aboriginal people to camp and collect shellfish in traditional ways without entering Hobart itself. Evidence from sites in the area and archaeological work shows extensive gathering in the Domain and Botanical Gardens area with materials (worked glass – see **Figure 44** above) featured in materials at the study area. Middens are the prominent site type identified in the area and while often described as areas where shellfish have been discarded it is perhaps better to consider these sites as Caleb Pedder and Colin Hughes have described them – as living places, where people have gathered, camped, eaten and gone about their daily lives.

In contrast to the image above, the following images by Evans are very detailed and show the study area cleared of trees with a parklike appearance. At this point the Hobart Rivulet is still entering the Derwent via its natural course and Hunter Island remains an islet connected through its natural isthmus. It is believed that the image in **Figure 51** pre-dates the other because there are less buildings shown, particularly in Hobart itself.

Figure 51: GW Evans c1810s image of the study area. Source: Stone and Tyson 1978.

Figure 52: c1819 view of Hobart by Evans showing the study area. Source: State Library of New South Wales Ref: FL3260004. Accessed 2024.

It is interesting that around 1820, there are several reports of boats landing illegally at Macquarie Point and around this area[129]. It appears that smuggling (often of liquor) was a problem at the time and Macquarie Point was potential landing place for these illegal activities[130].

11.2.2.2 The Europeans become established, and the Government acquires the study area – 1820-1840

In 1821, the government began acquiring the study area for farming, public and industrial purposes. This is described as follows[131]:

> *Lieutenant-Governor Sorell granted Edward Lord 7,000 acres in exchange for his 14-acre waterfront allotment. Shrewdly, Lord purchased the adjacent 24 acres owned by George Guest, for which he was granted a further 3,000 acres, which combined to form the Lawrenny Estate in the central highlands.*

Lord certainly was shrewd (and a later report suggested that this was overly extravagant – i.e., the amount of compensation in land, Lord was given for the land), and the government used the area for a variety purposes – as a livestock yard, public area and other purposes[132]. This reference also suggests that Lord had prevented access to the government quarries at Macquarie Point by fencing his land, implying he forced the government to pay extra for the land and that there was a scandalous affair in which Mrs Lord was involved which muddied the waters of the sale for some years!

[129] For example, HRA 3/2:70 and HRA 3/4:64 (1822).
[130] HRA 3/3:337 (1820).
[131] Austral 2013; AMAC 2024:42-43; HRA 3/4:35 (1821); HRA3/4:785 (1818).
[132] HRA 3/4:338.

The lovely water colour in **Figure 53** below completed by Lycett in 1824 paints a rather 'romantic' view (as are the ones above somewhat) of the study area shortly before major changes to the Hobart Rivulet and Hunter Island occurred. This image shows a large parklike area along the northern foreshore at the study area. Clearly by this time clearing of this area had occurred and writers from the period do describe areas in Tasmania as being like an estate which Gammage argues was as a result of Aboriginal land management practices (burning etc)[133]. This was probably not the case here as the image in **Figure 9** attests. Bushland (notably taller eucalypts and woodland) dominates the area behind but a vision seemingly evocative of an English country estate is certainly what Lycett is reminiscing here.

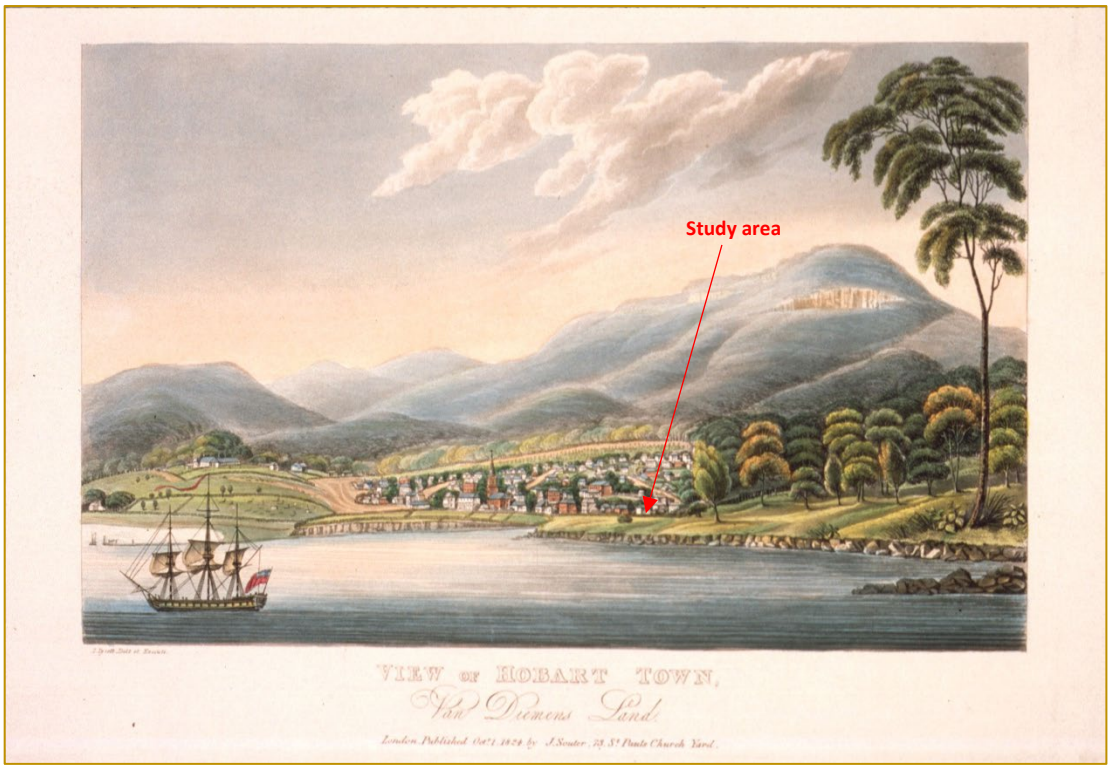


Figure 53: 1824 View of Hobart by Joseph Lycett. Source: Libraries Tasmania Ref: AUTAS001124073024w800 accessed 2024.

The following reference, again from Austral records encounters with Aboriginal people in the 1820s[134]:

> *Notwithstanding the increase in conflict, groups of Aboriginal people continued to occasionally visit Hobart into the early 1820s. One such group were known by the Europeans as the 'Hobart-Town tribe', visiting the growing town for food and other items.*
>
> *Robinson wrote of groups of Aboriginal people visiting Hobart Town in November 1824 and October 1825. Of the latter, he described:*
>
> > *At ½ 3 pm 64 black natives came into town. They were naked. Under the protection of the government. Went to see them. At 8 pm they were placed in the market house. They were formed into 3 circles with a fire in the middle of each. On one side of each circle elevated about 3 feet above the rest sat a person whom I supposed were their chief. One out of the 3 of*

[133] Gammage 2012.
[134] Austral 2013 – the second half of this reference was related in the section above and can be found in Plomley 2008ed.:118 n. 3.

these chiefs could speak broken English. They were all committed to the care of Mr Mansfield the Wesleyan missioner [sic]. One of them had a white feather stuck in his ear.

This compelling reference suggests that at this time large groups of Aboriginal people were still visiting Hobart at a time of growing uneasiness. It also speaks to the resilience of the local people and a maintenance of traditional values at a time when displacement from areas commonly visited by Aboriginal people was at a climax through a relentless expansion throughout Van Diemen's Land by the settlers.

The following three images (**Figure 54 to Figure 56**) probably dating to the 1820s with the first two by Augustus Earle and the third once again by Evans. These are some of the most detailed of the actual study area prior to 1830 and show a rocky and muddy shore in this area consistent with early descriptions. While there has been development and clearing of this area, these depictions probably show the best illustrations of what the foreshore at the study area looked like in Aboriginal times (with the possible exception of the image in **Figure 9** which does not show the study area proper).

Importantly, a major change in landscape occurred around the time of these three images and at least some of these and the ones before are that last images to show the true course of the Hobart Rivulet. In 1825 the 'New Cut' redirected the mouth of the Hobart Rivulet to behind the Hunter Street causeway – this narrowed and defined the channel to smaller area and allowed reclamation and further development to occur on Hunter Island. The causeway was also built up to allow better movements along it to Hobart Town proper and to facilitate better loading and unloading of ships and cargo.

Aboriginal people visiting Hobart Town (Austral 2013; Plomley 2008ed:118 n.3)

At ½ 3 pm 64 black natives came into town. They were naked. Under the protection of the government. Went to see them. At 8 pm they were placed in the market house. They were formed into 3 circles with a fire in the middle of each. On one side of each circle elevated about 3 feet above the rest sat a person whom I supposed were their chief. One out of the 3 of these chiefs could speak broken English. They were all committed to the care of Mr Mansfield the Wesleyan missioner [sic]. One of them had a white feather stuck in his ear.

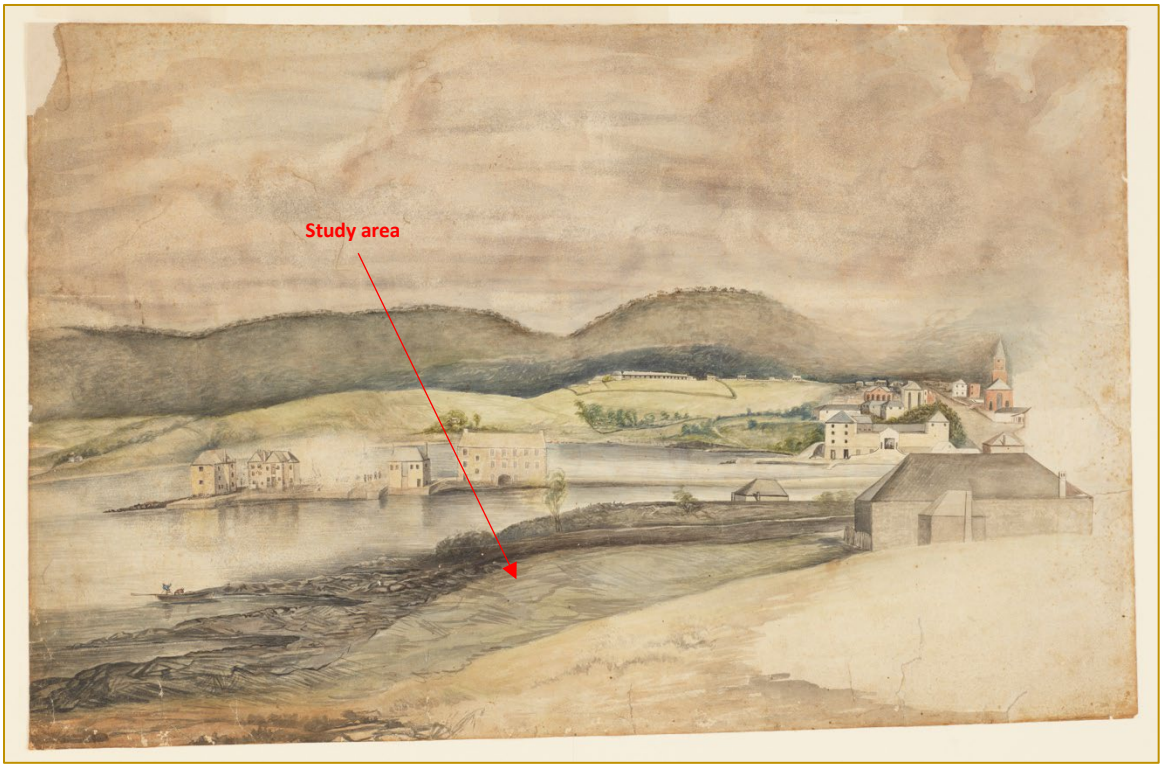


Figure 54: Augustus Earle painting dating to the c1825. Source: State Library of New South Wales Ref: FL19868805 accessed 2024.

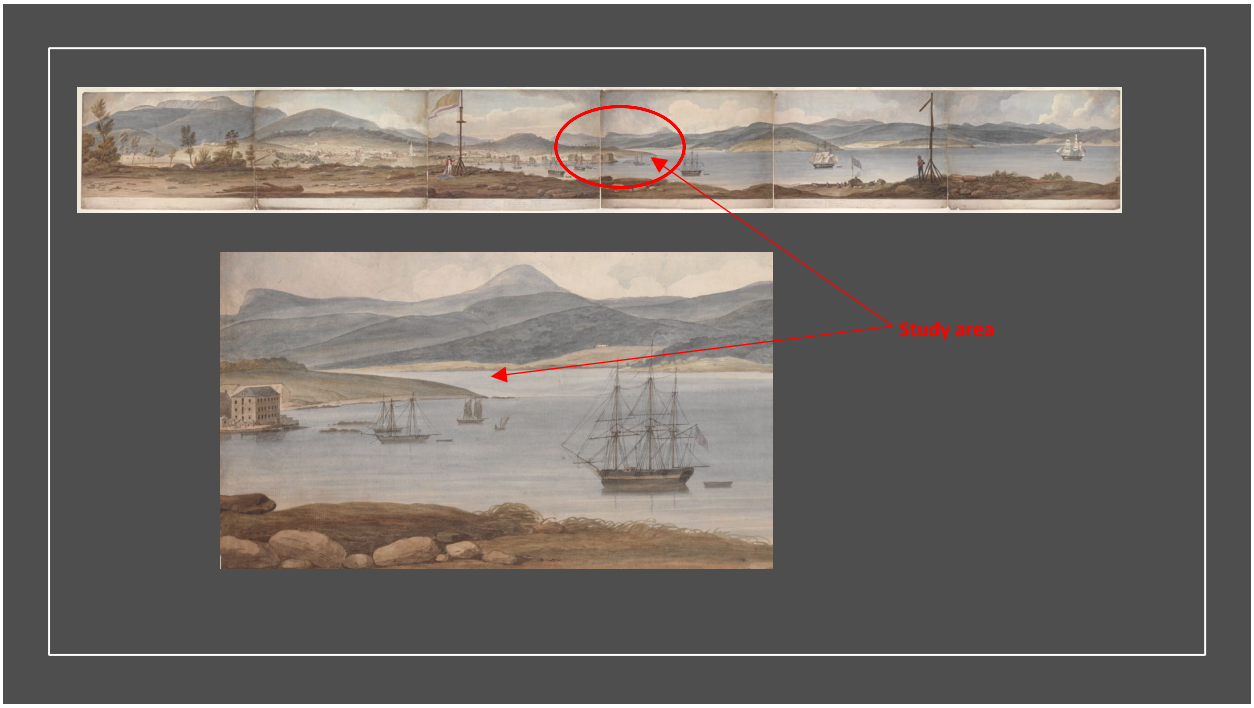


Figure 55: Augustus Earle painting from c1825. Source: Libraries Tasmania Ref: State Library of New South Wales Ref: FL15182180 accessed 2024.

Figure 56: Evan's c1826 painting of the study area. Source: State Library of New South Wales Ref: FL3144061 accessed 2024.

The following three images (**Figure 57 to Figure 59**) are after Louis Augustus de Sainson (who was the head draftsman on the French expedition under Dumont d'Urville in the ships the *Astrolabe* and *Zelee* visiting Van Diemen's Land in December 1827[135]. Like the images above, these depict the study area but in a little less detail (for the coastal section). However, they confirm the landscape of the original shoreline at prior to more extensive development. In particular, the image in **Figure 59** graphically shows a shore sloping gently to the coast with low shrubs on the upper section – probably regrowth.

Aboriginal people using canoes in the Derwent River (Southern Archaeology 2024)

He [William Collins] sees many of the natives and was conducted to the town by some of them. Where there were about 20 families, he stayd [sic] all night with them; they were all very friendly. He sees 3 of their cattemerans [sic] or small boats made of bark that will hold about 6 of them.

[135] Collins 1992.

Figure 57: 1827 After De Sainson painting Vue d'Hobart-Town prise de l'Est – CHECK BSI. Source: Libraries Tasmania Ref: AUTAS001139586754 accessed 2024.

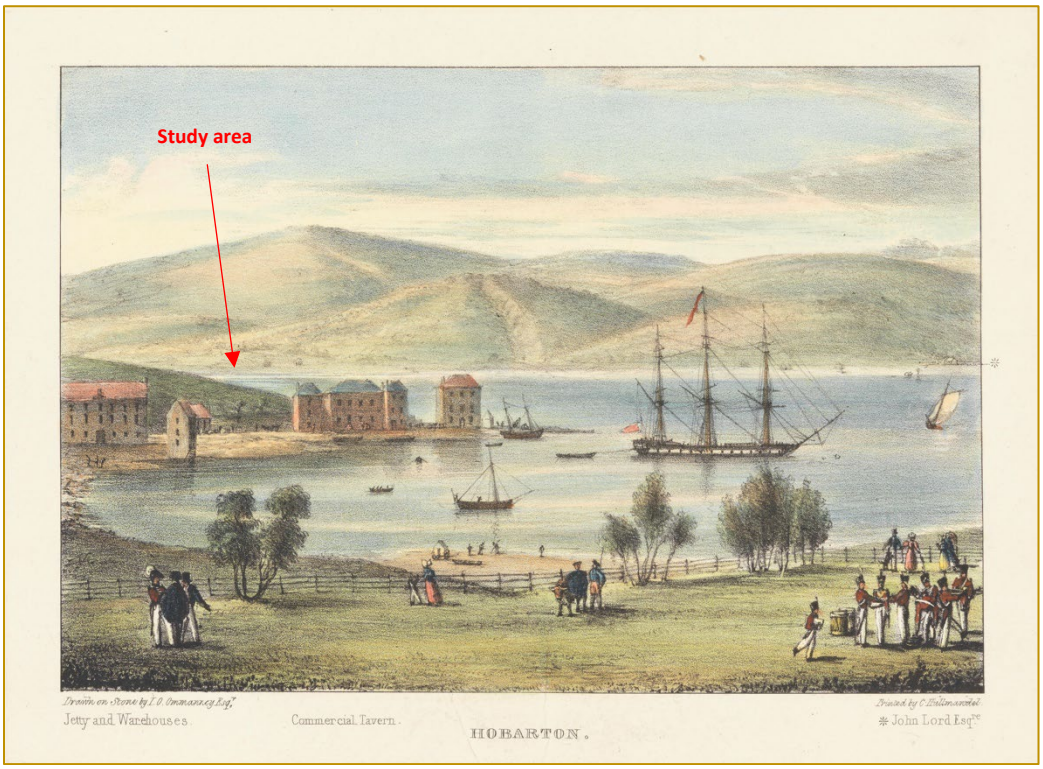


Figure 58: After De Sainson 1827? Source: Libraries Tasmania Ref: AUTAS001139593909 accessed 2024.

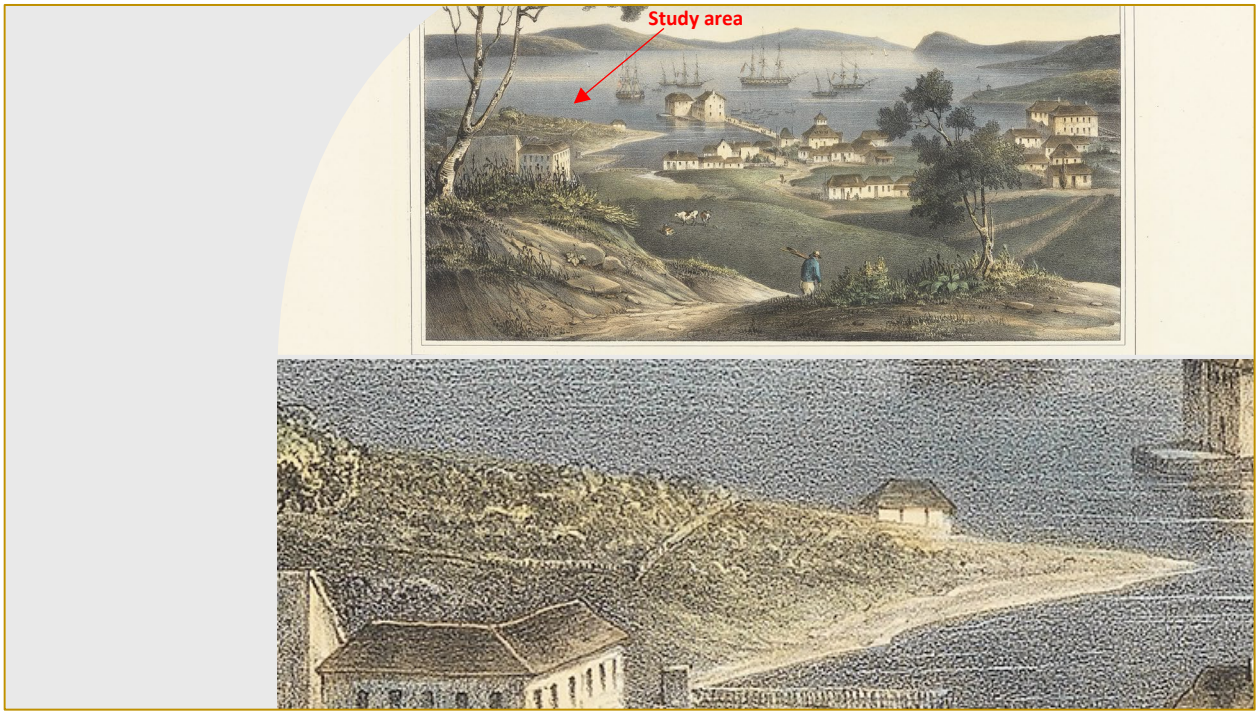


Figure 59: After De Sainson 1827? Source: Libraries Tasmania Ref: AUTAS001131821043 accessed 2024.

In 1826-1827 the government lumber yards were moved to the point and John Lee Archer moved into Lord's house for use for his home and offices and by 1836 the Royal Engineers were in charge of the lumber yard[136]. The engineer's wharf was also built. It became the Royal Engineer's headquarters in 1846, and the larger impressive Engineer's building was built to the south. Lord's House became a barracks. This area known at different times as the Lumber Yard, the King's Yard, the Queen's Yard and the Engineer's Yard, was far more than just the location for the storage of timber. It became the government's most prominent works depot in the colony. The yard was located between Lord's former house and *timtumili minanya*. It consisted of a large open square flanked by buildings which enclosed the space. Timber was brought to the site via a jetty and slipway connecting the buildings with the river. The jetty is depicted further on in the images in **Figure 62 and Figure 65**.

The lumber yard also had workshops for convict nailors, blacksmiths, turners, furniture makers, tin smiths, wheelwrights, sawyers, carpenters, armourers, painters, glaziers, coopers, saddlers and harness makers. Masons, bricklayers and stone cutters also had stores there. Recent excavations by AHI and AMAC have uncovered remains of the area with extensive walls, drains and other features[137]. However, the use of this yard was short lived, and it ceased to operate when the Royal Engineer's arrived.

One of the best plans showing the area in 1828 was completed by John Lee Archer who was living in Lord's house at the study area by this time. A section of this plan is shown in **Figure 60**. It shows the plans for the Lumber Yard, the Engineer's Cottage (with stable and garden – originally Lord's house) and Mrs (Charity) Collin's cottage. Importantly, it shows the extensive mudflats and the reefs on the end of the engineer's slipway, wharf and Hunter Island. The upper slopes are the Government paddock.

[136] Austral 2013; AMAC 2024:44-45.
[137] AHI 2023 and AMAC 2024.

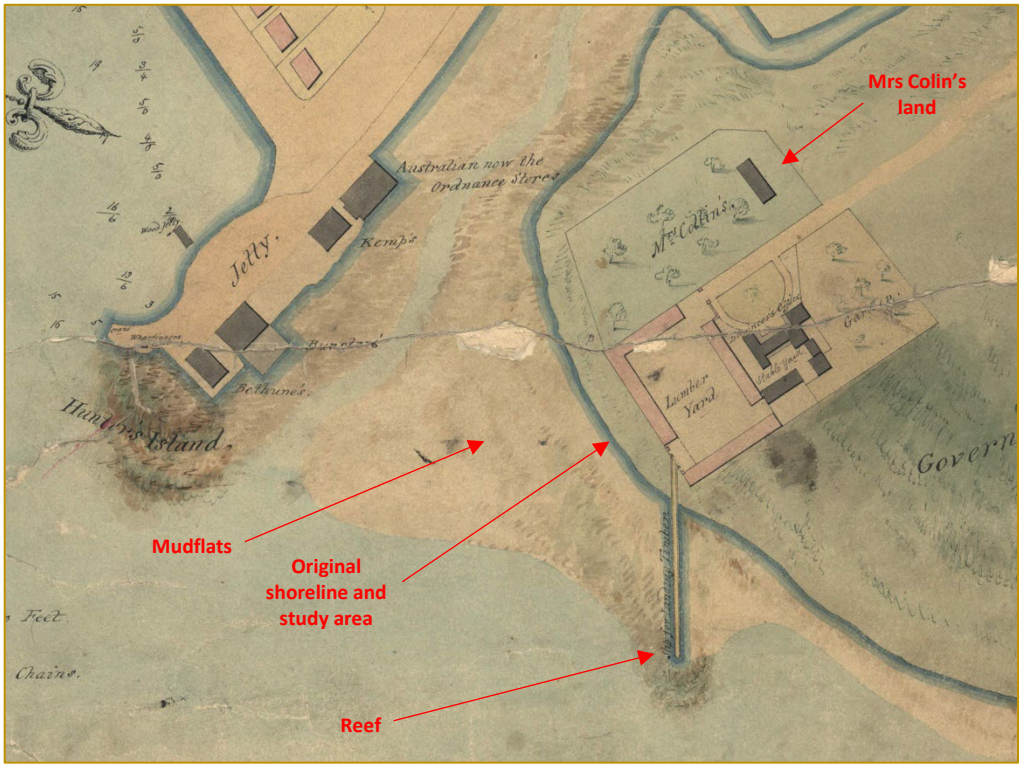


Figure 60: Section of surveyor John Lee Archer's 1828 plan of Hobart. Source: Libraries Tasmania Ref: AF394-1-169 accessed 2024.

The Royal Engineers were responsible for the design, construction and maintenance of all convict and military buildings, fortifications and hospitals[138]. They worked all over Van Diemen's Land from Hobart to Launceston, including the towns of Ross, Campbell Town, George Town, Westbury, Richmond, New Norfolk and the penal settlements on the Forestier and Tasman Peninsulas. Later works were expanded to include all government civil works. The 1830s was a period of major expansion and growth in Van Diemens Land, with Solomon suggesting it was a period of the highest growth per capita of any time in Tasmania's history[139]. The Royal Engineers were responsible for managing and administering the civil works in the colony at this time including managing the convicts to undertake the work. Works included building and upgrading roads and bridges (such as those at Perth over the South Esk and the road between Launceston and Westbury), building convict stations to undertake the work (all over the island), constructing water supplies (such as the Evandale to Launceston Water Scheme), building churches and barracks (such as those at Maria Island and Port Arthur) and many other works.

Ensign Kemp's sketch, dated to 1844 is a great image of the foreshore probably drawn from upslope from the shoreline and possibly from the area in front of the old lumber yard building, now administered by the Royal Engineers - Lord's house as it became a barracks around this time and Kemp calls this sketch 'From Behind My Quarters'. It shows, once again a gentle slope and marvellous detail for Hunter Island to the south. The drawing is reproduced below in **Figure 61**. The foreshore is still relatively intact and the landscape, while a cleared and well-trodden foreshore is relatively naturally sloped.

[138] Austral 2013.
[139] Solomon 1976.

Figure 61: 1844 Drawing of Hobart titled From Behind My Quarters by Ensign WH Kemp. Source: Libraries Tasmania Ref: SD_ILS:82865 accessed 2024.

In 1847, Stanley painted the image in **Figure 62** showing the study area foreshore and Engineers Wharf. This wharf or jetty appears relatively simply made, crude and probably constructed of timber, taking advantage of a natural reef a little offshore (parts of this reef appear to be visible to the rear). The structure is in contrast to the larger stone structure that replaced it in 1852 and is shown further on in the image by Samuel Prout Hill in **Figure 65**.

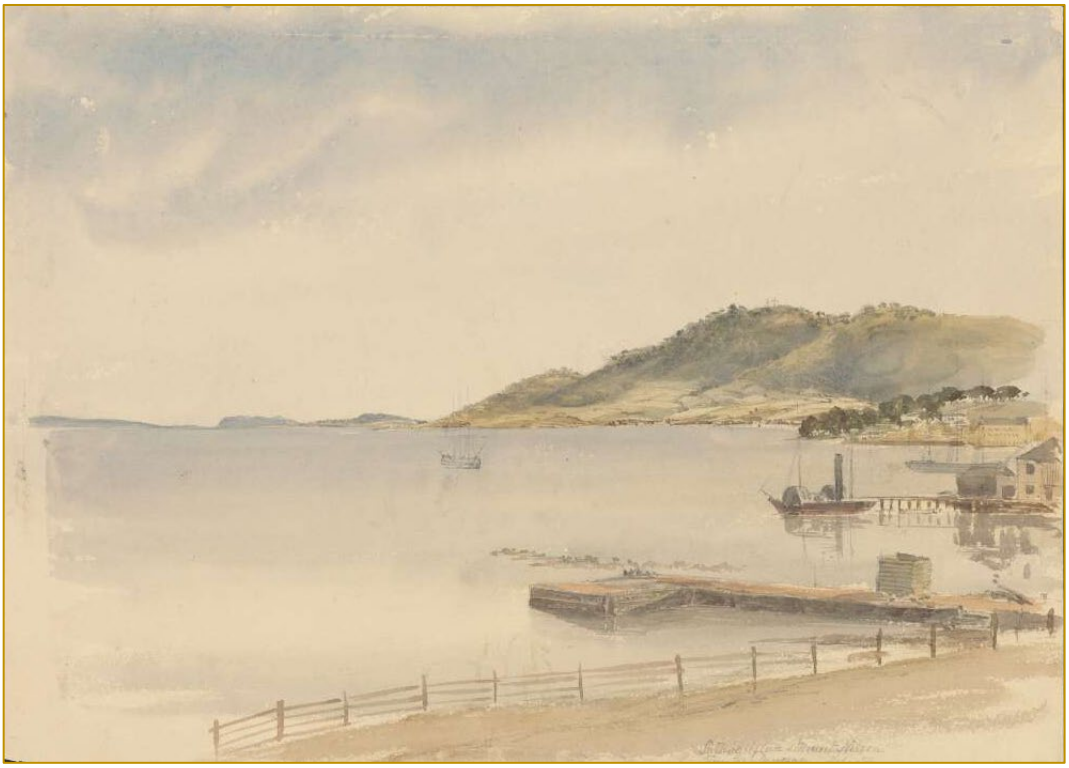


Figure 62: 1847 watercolour by Stanley showing the Macquarie Point foreshore and with the Engineers Jetty in the foreground. Source: In Austral 2019 and from National Library of Australia, Stanley, CE, Sullivan's Cove & Mount Nelson from the Demesne (i.e. Domain) Hobarton, NLA, nla.obj-134676120-1.

The pleasant image in **Figure 63** was painted by Simpkinson de Wesselow in 1848. By this time development in the area is quite intensive along the Hobart Rivulet foreshore. Many changes were occurring but mostly to the east of Hunter Island where new sea walls and wharves were quickly springing up to cater for the growing need. The buildings in the foreground of this image are those uncovered in recent archaeological excavations by AHI and AMAC – the old lumber yard and others[140]. The still existing Royal Engineers building can be seen on right of this image.

The Oyster Bay Nation (Roth 1899:168)

"The Oyster Bay Tribe or group of tribes occupied the East Coast and extended inland to the central valley. They took their name from Oyster Bay (Great Swanport). The long extent of the coast, following the islets and peninsulas from north of Schouten Main (Freycinet's Peninsula) to Risdon on the Derwent, abounds in crayfish and in oysters and other shellfish, affording an abundant supply of their favourite food. On the East Coast the hills lie some distance back from the sea, and the country yielded a supply of game. Here the natives were numerous, especially at certain season. It is said that as many as 300 have been seen in one mob. Robinson mentions two tribes on the coast – the Oyster Bay proper and the Little Swanport tribes" [sic].

[140] AHI 2023; AMAC 2024.

Figure 63: Simpkinson de Wesselow 1848 Hobart Town. Source: AMAC 2024.

This rare image (**Figure 64**) by Samuel Prout Hill shows the immediate foreshore at the study area. It shows a muddy, tidal and somewhat dreary landscape and was completed in 1848. Hill is known for his paintings of the area in the 1840s and 1850s that were similar in style to Prout and Simpkinson de Wesselow. He, however, never gained the same popularity as these other two painters.

Figure 64:1848 image titled Old Wharf and Town Creek by Samuel Prout Hill. Source: Stone and Tyson 1978.

Also by Samuel Prout Hill is the image in **Figure 65**. Like the image in **Figure 62**, it shows the Engineer's wharf and is reminiscent of images done by John Skinner Prout and Simpkinson de Wesselow. This image shows the newly made stone engineer's wharf at the study area. Here timber from the lumber yards would have been loaded and unloaded along with other supplies. Remains of this jetty likely exist in the muds below the reclaimed area here.

Figure 65: Samuel Prout Hill post 1852 image titled From the Paddock by the Kings Yard. Source: Stone and Tyson 1978.

Knut Bull did a painting of Hobart in 1855 which shows the study area from a distance. It is shown in **Figure 66** below. Around this time (1854) the Hobart Gas Company was established, and initial development was on Mrs Collin's Land (see **Figure 60** above) and eventually expanded right around the mouth of the rivulet. This was, like the railway later, a major development in the area.

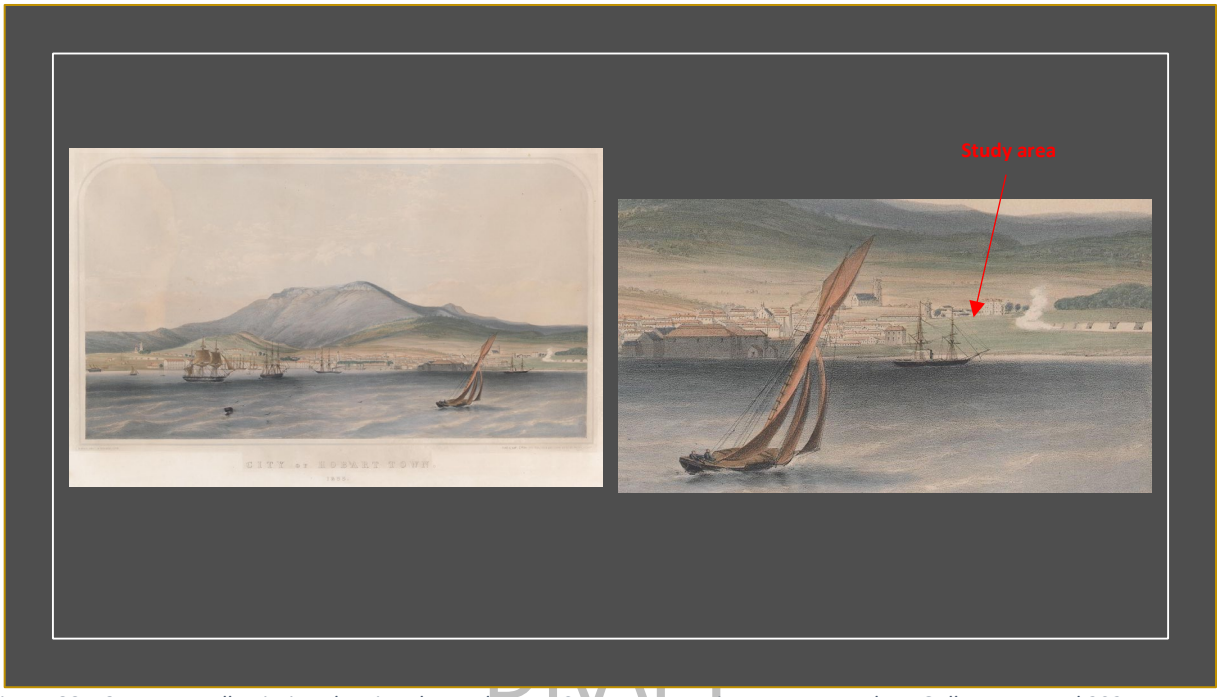


Figure 66: 1855 Knut Bull painting showing the study area. Source: Tasmanian Museum and Art Gallery accessed 2024.

Henry Gritten painted the study area landscape as it was in 1856. This is shown in **Figure 67**. The foreshore is consistent with previous images – gently sloping to a muddy beach. The old lumber yard building is the large red coloured building and the engineer's wharf is also shown.

Figure 67: Henry Gritten 1856 image of Hobart and the study area. Source: Henry GRITTEN Hobarton 1856-HobartTasm-Dd100776 accessed 2024.

The following two photographs in **Figure 68 and Figure 69** are reportedly from 1857 and are the first photographs of the area recorded. These rare images show the foreshore before development obscured the original landscape. The first is by Abbott (who took a few early photographs in Tasmania around this time) and the second by Sharp. Obviously, some development in the form of a deeply cut road has been added to the area at this time. Shortly after this in 1858, new slaughter yards, stock and sale yards and landing jetties were constructed here resulting in the reclamation of large amounts of land in this area. This was the beginning of the serious changes to the foreshore at the study area and the covering of the original foreshore areas. Also, around this time (1861) rifle butts were installed off the shore for target practice and the engineer's yard was converted for use as a drill yard for the Southern Volunteers Unit[141]. A plan showing these rifle butts is shown below in **Figure 70**.

Figure 68: 1857 panorama by Alfred Abbott showing the study area. Source: Libraries Tasmania Ref: AUTAS001136186327 accessed 2024.

Aboriginal huts (Caleb Pedder pers comm 2023)

If you see shell concentrated in a half circle, then it might be the location of a hut. Huts on the east coast tended to be half circular and shells from meals are likely to have been deposited around the hut walls (Caleb Pedder pers comm. 2023).

[141] Austral 2013.

Figure 69: Reputedly 1857 photograph of the study area by J Sharp. Source: Libraries Tasmania Ref: NS1013-1-991 accessed 2024.

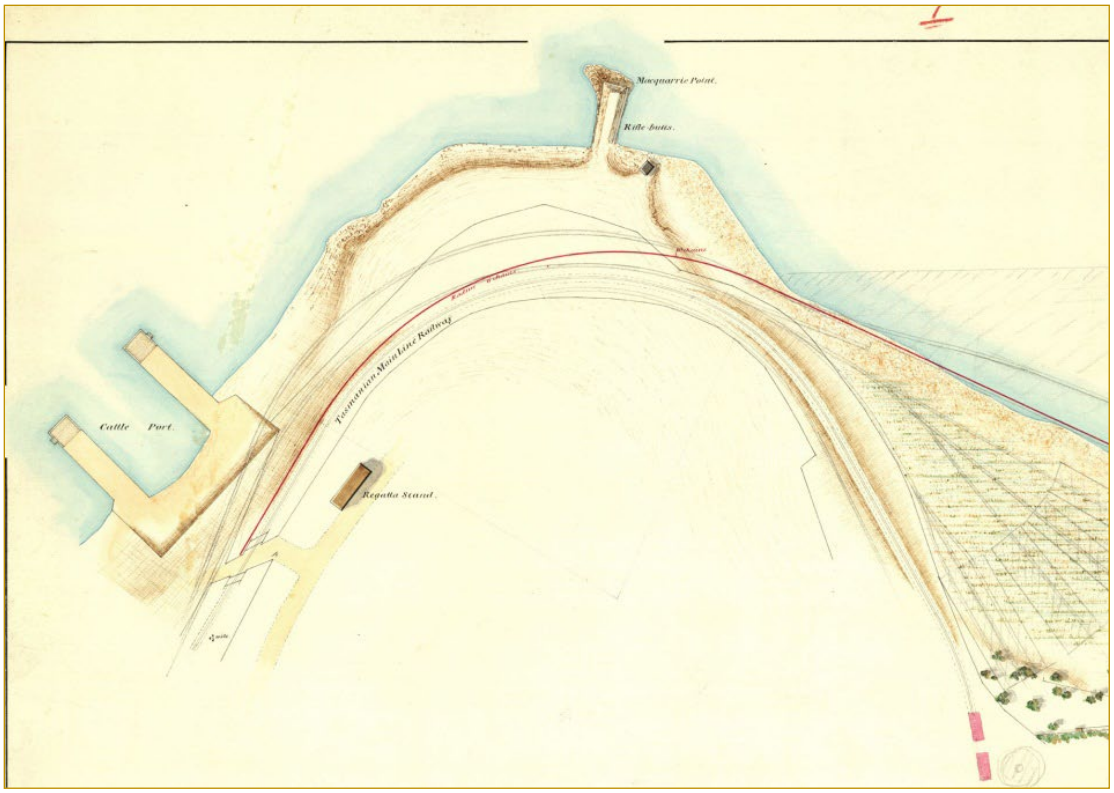


Figure 70: 1883 plan showing the rifle butts at the study area. Source: Austral 2013.

By the 1850s the Royal Engineers were becoming less responsible for government projects - this coincided with the end of convict transportation. The engineer's yard became a drill yard in 1864 for the Southern Volunteer's Unit as mentioned above. In the early 1870s the Royal Engineers ceased to exist.

In 1872 construction of the railway began which was opened by 1876. This was a major development in the area with extensive yards and the main terminus. In the 1880s and 1890s a large seawall was constructed, and huge amounts of refuse and fill was used to reclaim the area. The 'Bird's Eye' map below in **Figure 71** shows this major development of the seawall, basin and the beginning of huge reclamation works that were occurring at the study area. The railway and other extensive industrial development now dominated the area. The International Exhibition buildings can also be seen on the Regatta Ground area to the centre-right of the image.

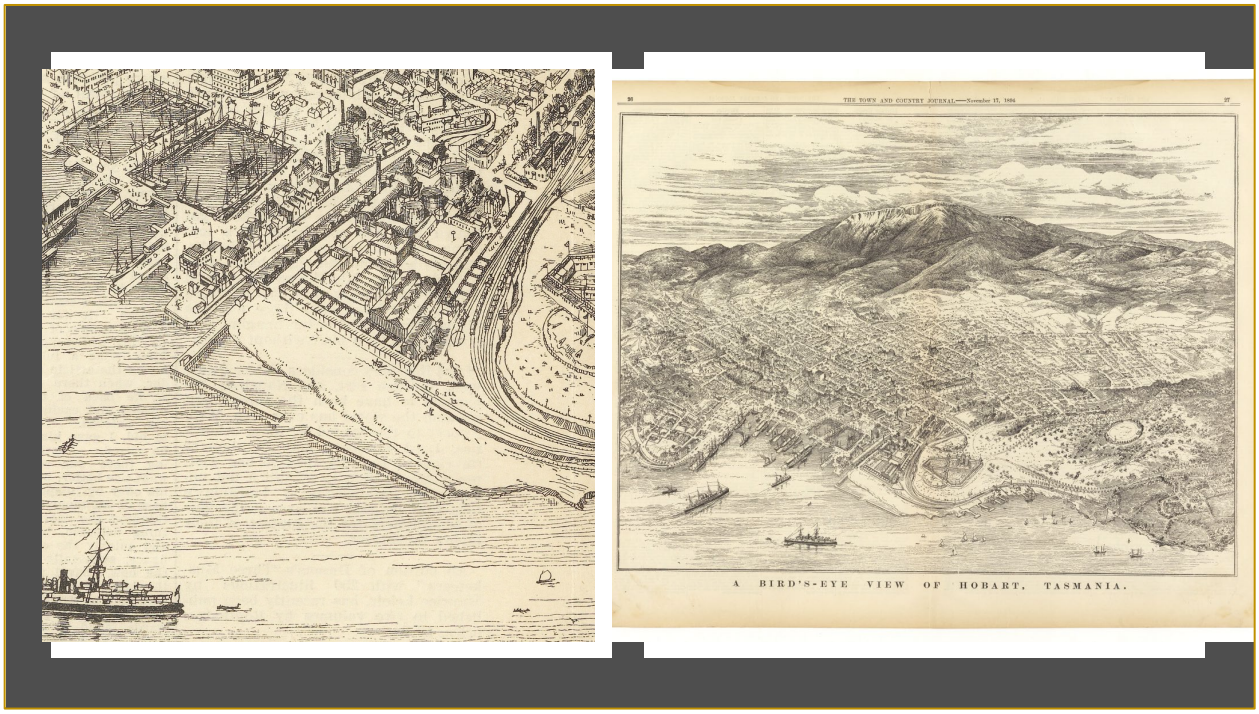


Figure 71: Bird's Eye View of Hobart 1894. Source: Libraries Tasmania Ref: AUTAS001131820995 accessed 2024.

The following photograph in **Figure 72** confirms the development depicted in the above and probably pre-dates the plan. After this time the foreshore becomes obscured and there is little of the original landscape. The large seawall is in the centre-background.

Figure 72: c.1900 photograph of study area. Source: AMAC 2024 and Austral 2013.

After this time many industrial developments and other events occurred in the area including sanitary works, the Tasmanian International Exhibition in 1894-1895, the closure of the slaughter yards in 1909, expansion of the railways, diversion of the Hobart Rivulet through a tunnel and reconstruction of the gas

works. In 1950-1978, massive reclamation works were undertaken to construct the Macquarie wharf complex. This created the visual landscape we see today as depicted in **Figure 79 to Figure 81** below.

In their 2015 report, Austral asserted that construction of the railway may have resulted in ground modification that had removed much of the evidence of the original shoreline in the northern part of the study area[142]. Testing of the area by Austral seems to have confirmed this with results suggesting that this area had been subject to much cutting and filling as depicted in the following diagram in **Figure 73**[143]. Austral also postulated that some natural ground may exist at depth below the fill on the lower embankment[144]. However, in the area of the old lumber yard to the south Austral proposed that original ground surfaces may not have been subject to the same cutting processes, and this has been shown to be correct in recent excavations[145]. Whether Aboriginal sites and material have survived outside of upper fill deposits has yet to be shown.

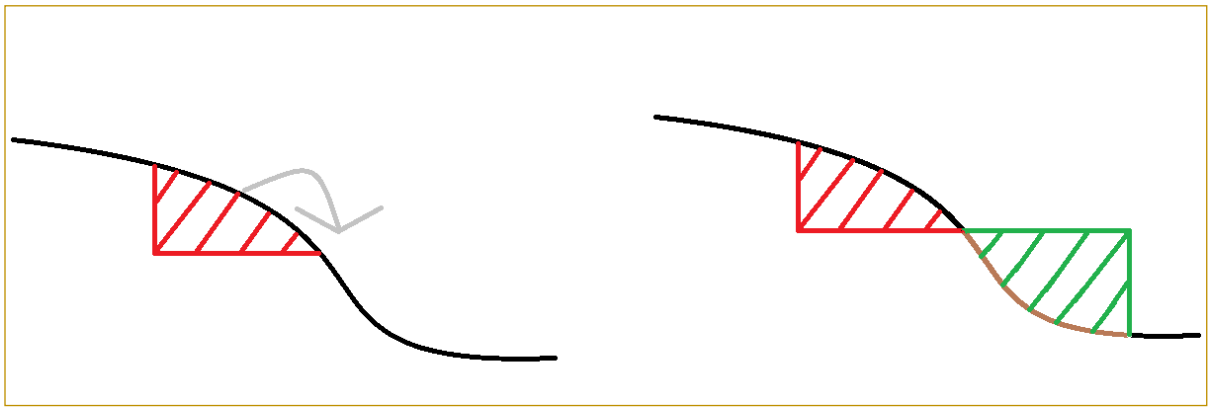


Figure 73: Diagram illustrating the potential destruction and preservation of the original ground surface with regards to the cut and deposit of material. If the material cut out of the slope (marked in red) was deposited further downslope (marked in green), it was considered that the original ground surface may have survived underneath (marked in brown). Source: Austral 2015.

Reclamation and change in this area occurred at least as early as the 1820s with the diversion of the Hobart Rivulet. Huge amounts of cutting and filling (especially to the north for the railway), infilling and reclamation works continued almost to this day obscuring the original coastline, bays, drainage lines, mudflats and tidal areas. While it has been shown that original surfaces do exist in the area (at depth), the visual landscape today is one of concrete, asphalt and industrial constructions that obscure the original aesthetic landscape appeal. It may be said that this is an evolving historical landscape but in terms of the cultural landscape - one must dig deeper past what is at the surface here and/or turn to the intangible values inherent in the place to find meaning.

[142] Austral 2015.
[143] Austral 2015.
[144] Austral 2015.
[145] Austral 2015, AHI 2023 and AMAC 2024.

12 Overlays

12.1 Introduction

12.2 Notes on overlays

Southern Archaeology uses QGIS software for all overlays and GIS work. This is the most updated version at the time of writing this report. Datum relates to GDA2020, Zone 55.

There are considerations (limitations and constraints) in relation to the use of overlays and historic plans as sometimes surveys can be unreliable or on some occasions, inaccurate.

Early plans can be difficult to overlay and rely upon various georeferenced points that are consistent with known points in modern times. The main points, in order of preference, used in overlays are:

1. Common boundaries – these are the most accurate especially if correctly surveyed on old plans.
2. Coastal or other known landscape features – these may, however, vary over time.
3. Common houses and other structures – these may, however, vary over time and may not have been correctly surveyed at the time being placed as a general feature for identification by the surveyor on old plans.
4. Other features such as fences and wells etc as may appear on plans.

It must also be remembered that due to survey conditions in the 1800s were not always ideal and mistakes were made (as they can be today). For example, Southern Archaeology recently discovered through archaeological investigation that the plan for the Kings Meadows Convict Station was originally drawn with the north arrow facing the wrong direction, making interpretation of the site difficult until this fact was identified through archaeological investigation. Many of these plans were also compilations made over a long period of time (as new surveys were completed and sometimes containing material done over the preceding decade), and general features such as houses, and roads were added or placed as references only and not necessarily accurately surveyed. For example, the Hundred of Launceston plan (Cornwall 51) probably completed between the 1820s and the mid-1830s. For this reason, overlays are a guide only but having said this they are usually a very good guide and have been used very successfully by Southern Archaeology in targeting work over the years in a range of environments.

12.3 Plans used in overlays

The following historic plans were consulted for overlays in this assessment:

The Southern Archaeology overlay:

- Sharland 1827 Hobart 4 plan. Source: Libraries Tasmania Ref: Sharland Hobart 1827 AF394-1-4 accessed 2024.

The relevant section showing the coastline at the study area as depicted in Sharland's 1827 plan is shown below in **Figure 74**.

Figure 74: Section of Sharland's 1827 plan showing the study area. Source: Libraries Tasmania Ref: Sharland Hobart 4 1827 AF394-1-4 accessed 2024.

The compilation plan overlay supplied by MPDC used a number of plans as follows[146]:

- 1810s_CPO_Hobart_Plan6_stitch.
- 1811, interpretation of Meehan Survey notes, Bolt, 1981_Volume_115_Map_between_pages_16-17.
- 1820s_CPO_Hobart_Plan12_1_stitch.
- 1826January_AOT_Map82_1.
- 1828-30_CPO_Hobart_Plan5.
- 1828, TAHO, AF394-1-169, Map - Hobart 9 - Chart of Sullivans Cove and part of Hobart Town showing the intended improvements, surveyor John Lee Archer.
- 1838 - circa January_AOT_Map85_1.
- 1839 Frankland 200714 – Hobart.
- 1840_AOT_PWD266-782.
- 1841-45, TAHO, CSO8-1-192, Plan - Hobart Streets.
- 1852_Jan_CPO_Hobart_Plan34_1 copy – stitch.
- 1854_Jan7_CPO_Hobart_Plan37_1JPG copy – stitch.
- 1858_TasmanianaLibrary.
- 1870s _CPO_Hobart_Plan94.

[146] MPDC 2024.

- 1870s-80s, SLNSW, Z-M2 881.11-1872-1, IE8784567, Walch's Plan of the city of Hobart Town and Suburbs.
- 1870s-80s, TAHO AF394-1-95, Map - Hobart 94 - Plan of Queens Domain, Hobart - surveyor Hall (Field Book 936).
- 1872_NAA_Hobart.
- 1891 NAA, P1330, 654, 7812383, TGR, Hobart Railway Station - plan of proposed extension.
- 1891_NAA_Hobart_MAC1.
- 1896, CPO, Hobart 2.
- 1909, TAHO AF394-1-131, Map - Hobart 129 - Plan of Hobart Town from the River Derwent to Davey Street - surveyor Hall.
- 1911, TAHO P1330-1-1540, Plan 8826166 (11764) Tasmanian Government Railway - Main Line - Hobart Terminus Improvements - proposed reclamation and railway - [tag number 1 red square] - [ink and wash].

Two of these plans (one from the 1810s and one from 1828) showing the study area are featured below in **Figure 75 and Figure 76**.

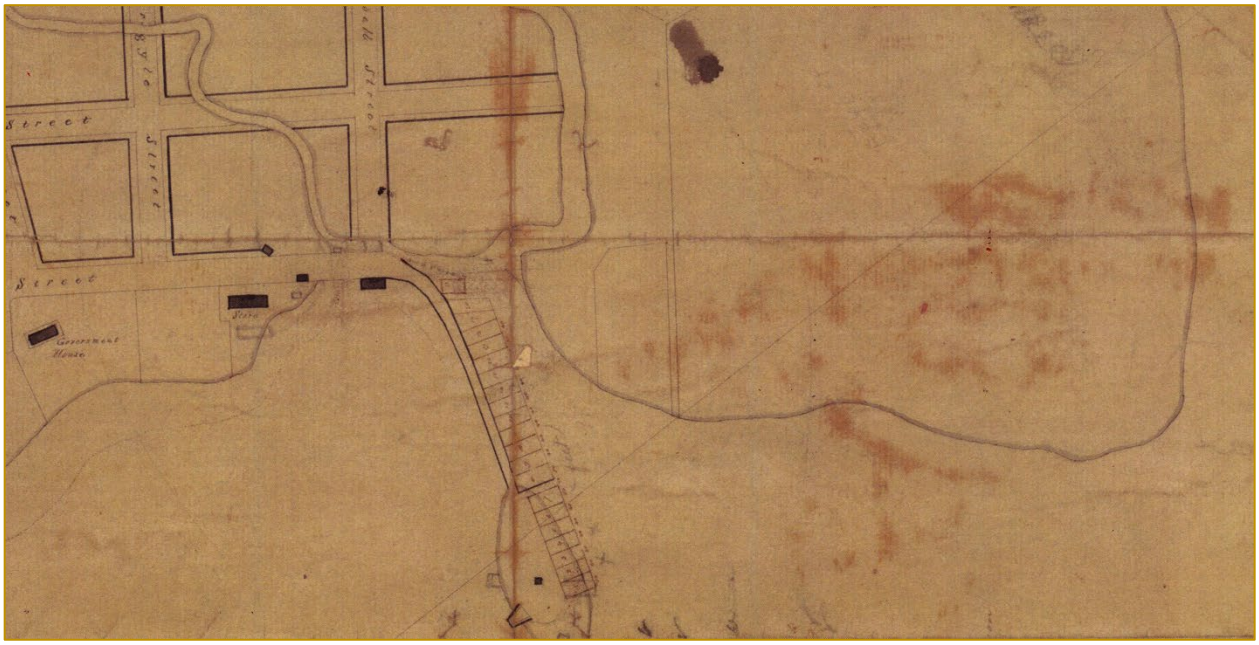


Figure 75: Section of the 1810s Hobart plan showing the original coast at the study area. Source: MPDC Ref: CPO_Hobart_Plan6_stitch assessed 2024.

Figure 76: Section of the 1828 Hobart 9 plan of showing the study area. Source: Libraries Tasmania Ref: AF394-1-169 accessed 2024.

12.4 Overlays and drone imagery

The following overlays have been developed for this area and show the historic shorelines at the study between around 1810 and 1830. The first (**Figure 77** below) was developed by Southern Archaeology for this project using a plan by Sharland from 1827 and the plan supplied by the Macquarie Point Development Corporation which has developed an historic shoreline for the area using a number of historic plans – it is known as the compilation plan in this assessment.

The second shown in **Figure 78** shows the historic shoreline based upon the compilation plan only.

Both indicate that the original shoreline in this area was located quite a distance inland (approximately between 300-500m based upon the shore rather than mudflats) from the foreshore (wharf area) today. Much of the area is now covered in fill and developed in a major industrial and wharf area. This is shown really well in the drone images below in **Figure 79** to **Figure 81**. In particular, the drone image looking south in **Figure 81** below shows the area where recent archaeological works have occurred and where the current Culturally Informed Zone is located (see **Figure 4** at the start of this Document). This represents the only actual area where both Aboriginal sites and historical (European) sites may be located in this area. The balance is reclaimed and of little value from a landscape values perspective particularly in an Aboriginal heritage sense – however, these areas may still cover Aboriginal heritage sites and still have intangible value as suggested by the deposits found and interpreted by AHI (2023) – i.e., the artefacts sourced in the area and evidence of continued use after contact.

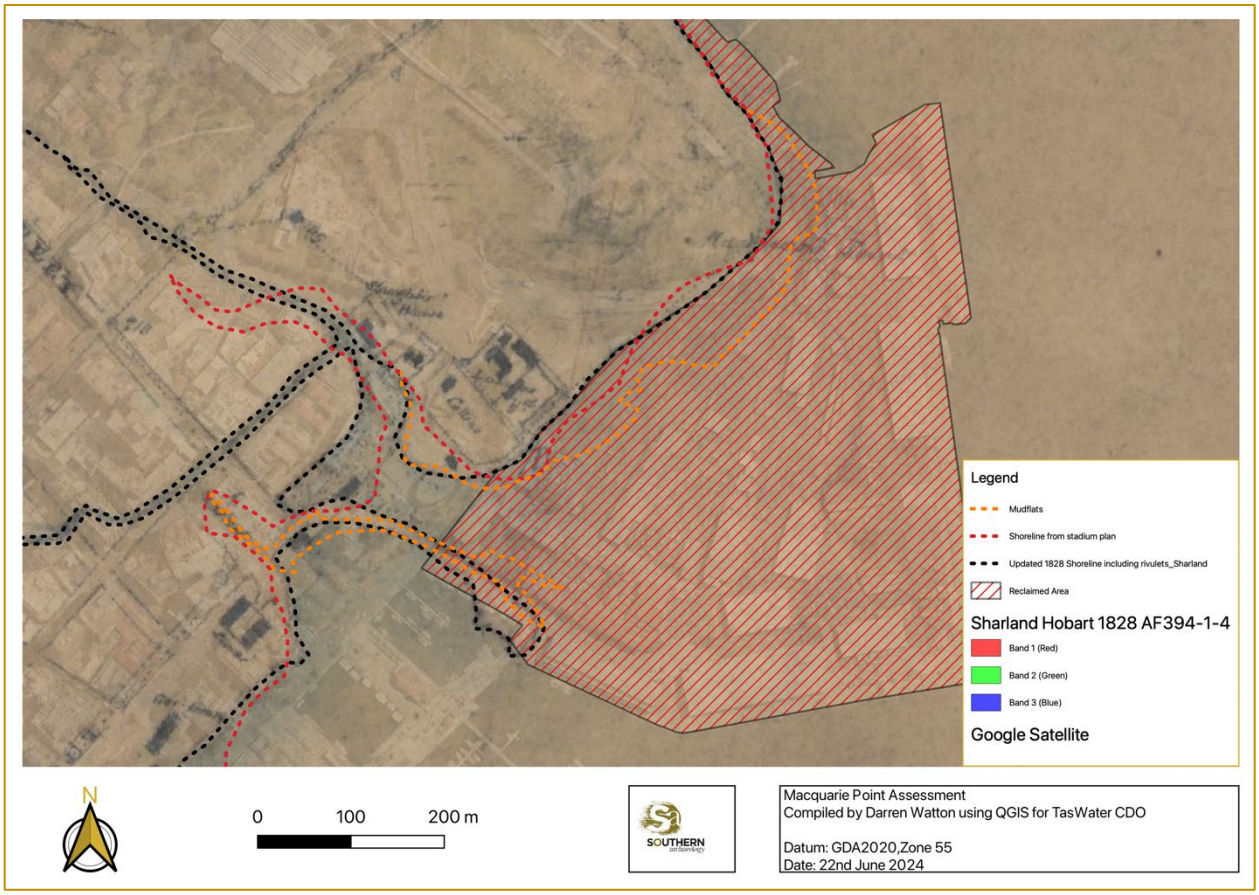


Figure 77: Overlay using a plan by Sharland from 1828, and the compilation plan developed by the Macquarie Point Development Corporation. Complied by Darren Watton using QGIS 2024.

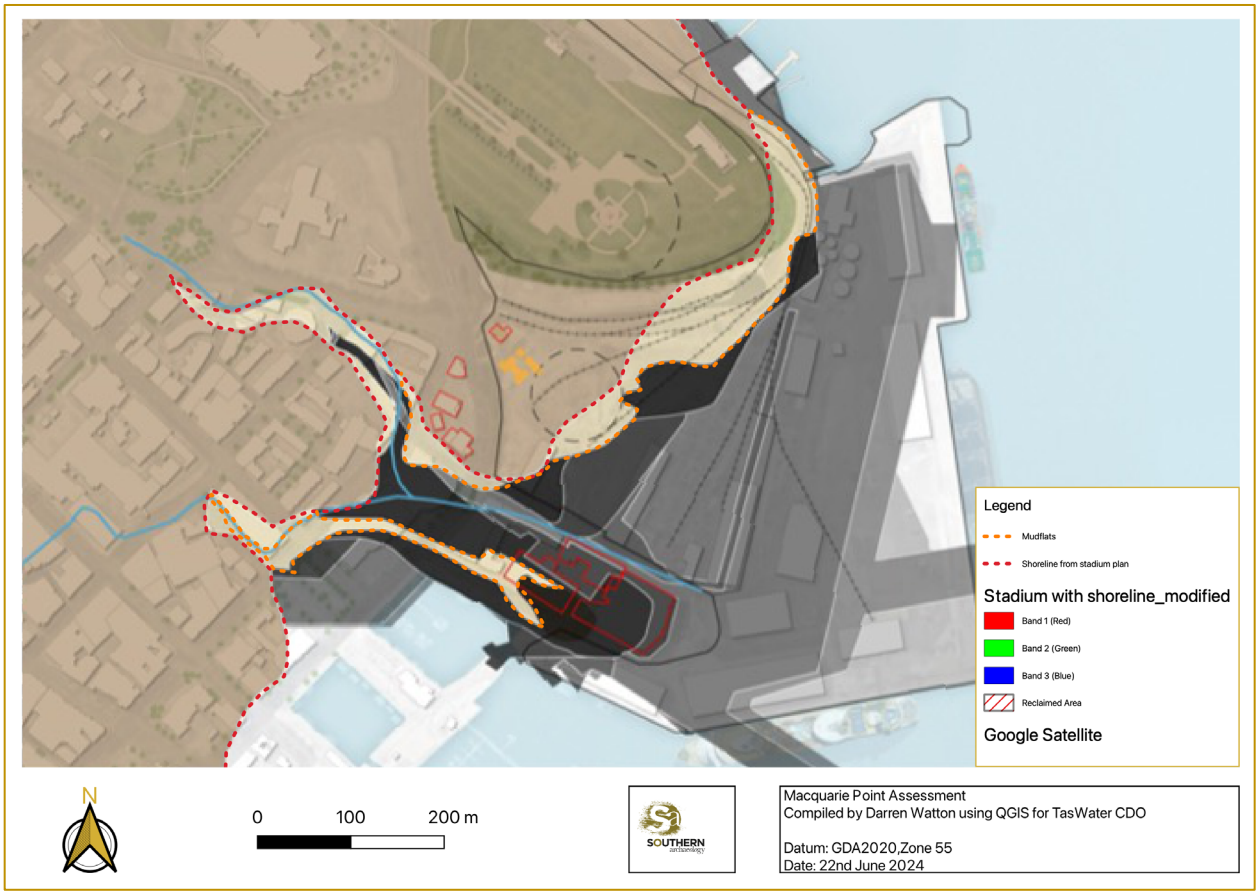


Figure 78: Overlay using the Macquarie Point Development Corporation compilation plan. Compiled by Darren Watton using QGIS 2024.

Figure 79: Drone image looking south-east across Macquarie Point showing industrial and wharf development over the study area. Photograph by Darren Watton using Mavic Pro Classic 3 drone 2024.

Figure 80: Drone image looking east across Macquarie Point showing industrial and wharf development over the study area. Photograph by Darren Watton using Mavic Pro Classic 3 drone 2024.

Figure 81: Drone image looking south across Macquarie Point showing industrial and wharf development over the study area. Photograph by Darren Watton using Mavic Pro Classic 3 drone 2024.

12.5 Conclusions regarding overlays and drone imagery

The overlays and drone imagery in **Figure 77** to **Figure 81** above serve to emphasise the changes that have occurred in the area in the last 200 years or so. In terms of Aboriginal cultural and landscape values there is little to be seen of the original landscape which has been much altered since European settlement. However, Caleb Pedder and Colin Hughes maintain that Aboriginal cultural and landscape values still exist in the area despite changes to the landscape. This is easily evidenced in the many sites recorded in the area that have survived development and, in the artefacts, found in recent archaeological excavations in the area (and there are likely to be more located in areas where the stadium development is planned), but is also evidenced in Aboriginal ongoing connections to the place and the intangible (spiritual) connections and values of the place.

13 Impacts to known Aboriginal heritage

13.1 Introduction

The following section overviews the various reports and archaeological excavations that are relevant to the study area. The purpose of this section is to assess what has been found and how this may contribute to understanding the cultural and landscape values as they relate to today.

13.2 AHI Phase 1 and Phase 2 investigations (2023)

This is known as the Phase I and 2 archaeological investigations and apart from the most recent Phase 3 investigation conducted by AMAC (and detailed below) are considered the most relevant to this assessment[147]. These investigations were completed in 2023, and the following text boxes summarise the results and are taken from the AHI report[148].

The first text box (**Figure 82**) summarises and overviews the previous archaeological work completed by Austral at the study area. It is from Aboriginal Heritage Investigations conclusions[149].

The second text box (**Figure 83**) is an overall summary of the results from the 2023 investigations. **Figure 84** is a text box summarising in more detail the historical results of investigations and **Figure 85** summarises in more detail the Aboriginal cultural material results for the investigations. **Figure 86** is a plan showing the location of the investigations in relation to the original foreshore area.

[147] AMAC 2024.
[148] AHI 2023.
[149] Alan Hay 2023.

Previous archaeological works in the area – taken directly from AHI 2023.

Two previous phases of archaeological excavation have taken place in and around the current area of excavation, as well as several minor phases of monitoring associated with late nineteenth and twentieth century features that were also encountered in the current stage of excavations.

The earliest archaeological excavation at the site took place by AMAC in 2008 with eight widely spaced trenches placed throughout the entire Macquarie Point project area. Three of these sites corresponded with the 'Royal Engineers Headquarters and Kings Yard.' The remaining five test sites were located to the east and outside of the listed boundaries of this place of archaeological sensitivity, but instead investigated phases of development associated with land reclamation. The investigations located what is believed to be an interior portion of Edward Lord's 1815 house, later modified by the Royal Engineers on the north-west side of the former amenities building at 8A Evans Street, at the far western end of the site. The remaining two trenches within the listed boundaries of the 'Royal Engineers Headquarters and Kings Yard' did not locate significant nineteenth century archaeological features or deposits related to the Lumber/Engineers Yard or Slaughter Yards but were able to provide additional information to the depth and disposition of archaeological features at the site.

The description of each of these three trenches was accompanied by a detailed record of the height of archaeological features and deposits within each trench. Even though there was no direct evidence of features or deposits associated with the lumber yard, the regularity with which certain deposits, that share some similarities with strata identified in the lumber yard trench, is able to indicate a height range in which the archaeological features and deposits are likely to occur. The trenches in Table 2.3.1 shows the height of these key deposits, there is an evident fall in the landscape from Trench One, Trench Two and Trench Four.
The natural or sterile soil throughout all three of these trenches was a termed 'natural clay' or 'natural- dolerite with some clay' (AMAC 2008:91, 108) and appeared to be a highly plastic grey clay that is present within the soil profile between the dolerite bedrock and the loamy, plastic black clay above. There is no evidence of a pre-colonisation topsoil or A horizon present in any of these trenches and it is likely that these soils were modified very early during colonisation as whatever features are present, primarily in Trench One, are bedded into these lower strata.

The band of archaeological material varied between 6.9m a.h.d. and 4.99m a.h.d. across all three trenches although no trench had a profile much deeper than 1m below the current ground surface, the variance in overall height reflects the underlying slope of the topography. While there were also some changes in the character of the deposits in each trench it is possible to characterise the fills in Trench One, Trench Two and Trench Four as similar to one another and to other test excavations in this area.

All three of the trenches also contained sandstock brick rubble, and in the case of trench one, evidence of internal structural elements associated with Lords House. It is clear that in the case of Trench One and Trench Two that twentieth century disturbance has removed a large number of earlier strata. The extent of this disturbance was to later be further investigated and defined by Austral Tasmania in 2015.

Austral Tasmania (2015) excavated four 20 x 3m trenches to confirm the findings of the historical heritage assessment that had taken place for this portion of the site and to shed further light on the findings documented by AMAC several years earlier. These trenches were (Austral Tasmania 2015:ii- iii):

Continued next page.

Previous archaeological works in the area – taken directly from AHI 2023 (cont.).

Trench 1: on the south-eastern side of the Corporation's office building to locate Lord's House/Barracks.
Trench 2: to the north-east of the Corporation's office building to locate the c. 1815 store building, later used for housing female convicts before being converted into two houses.
Trench 3: in the centre of the study area to investigate the relationship between the Lumber/Engineers Yard and the later round house turntable, and to test the levels of disturbance within the yard area which were hypothesised in the 2008 report; and
Trench 4: to the south-eastern of the Corporation's office building, to investigate the Lumber/Engineers Yard.

Based on the results of the archaeological testing, a fifth trench was also excavated which extended westwards from the northern end of trench 1 for the purposes of determining if any archaeology from Lord's House/Barracks continued to exist in this location. Approval for the excavation of a fifth trench was provided by Hobart City Council (email B Ikin, HCC, 11 December 2014).

The archaeological testing confirmed that the majority of the study area is highly disturbed and contained no in situ Aboriginal cultural material. However, of the five historic archaeological test trenches excavated, historic archaeological material was identified in test trenches 1, 3, 4 and 5. The material has been identified as belonging variously to part of the late 19th, early 20th century sewage system for Lord's house (test trench 1), a roadway which was ran adjacent to the Engineers Yard (test trench 3), a wall relating to either the Engineer's Yard or the earlier Lumber Yard (test trench 4) and the footings of an outbuilding and brick yard area associated with Lord's house (test trench 5).

While missing the substantial deposits of Aboriginal cultural material that were present, this testing did identify a number of features including the walls of the Lumber Yard, which were to form a core part of the current excavation.

These five test trenches demonstrated that remnant and discrete areas of archaeological potential remained within the boundaries of this place. Evidence of Lord's house and outbuildings was located to the north of the former amenities building, but had been destroyed on the south-east side, whilst discrete evidence of the south-western corner of the Lumber/Engineers Yard was found. To the north-east, the excavation located an historic road alignment which had followed the boundary of the Lumber/Engineers Yard. This testing also critically identified the extent of disturbance caused by the later rail yard construction on the nineteenth century features that were present at the site in a much more precise manner than had been recorded during the 2008 excavations.

Later (Austral Tasmania 2020) environmental test excavation at the former roundhouse site was archaeologically monitored in accordance with the testing methodology presented in 'AT0286 Macquarie Point Development Corporation Roundhouse Remediation Testing Works. Archaeological Methodology.' A single long trench identified the structural remains of several maintenance bays associated with the roundhouse and further defined the extent and high level of intactness of the turntable well.

While these three phases of testing and monitoring were limited in the interpretative power owing to the small scope inherent in the testing programme, they did effectively define the extent of disturbance that had affected early and sensitive areas of the site. It is unnecessary to recapitulate the findings of these reports in detail as they either documented materials outside of the current area of investigation and wholly different to them or they documented small elements of material that was recorded in full during the open area excavation. However, these excavations will be referred to in the discussion and interpretation section of the report as the full picture of the archaeological materials recorded at this site is considered and elaborated.

Figure 82: Text box summarising previous works at the study area by AHI (2023).

Overview and summary – Taken directly from AHI 2023

Excavation produced results that were consistent with the predicted historical archaeological remains in the three trenches but encountered Aboriginal material culture in Trench One, the potential for which was identified in only some earlier assessments, such as Stanton 2000 (Stanton's zoning was again summarised by Austral Tasmania in 2013) who predicted that the current areas of excavation held potential to contain Aboriginal archaeological material. The nineteenth century road surface in Trench Three was similar to the section of road earlier investigated during the historical testing of the site and confirms its continued presence throughout that area. The excavation of the turntable well in Trench Two has allowed the recording of the remains of that structure and the detailed documentation of the details of its construction. Trench Two and Trench Three contained high levels of disturbance and demonstrated extremely low potential for the presence of any earlier surfaces.

In the case of the Lumber Yard, partly excavated in Trench One, not only were the anticipated structural remains present but a significant assemblage of Aboriginal cultural material as well. The intensive Aboriginal occupation of the site is likely from at least in the early Holocene and extends into the early colonial phase. As no historical record exists of an Aboriginal presence at Macquarie Point during the early colonial period, and very rarely for Hobart in general, the complex knapped glass artefacts recovered are highly significant within the context of both the historical and Aboriginal heritage management frameworks.

A total of 6,596 items (MNI=7967, 9,034.79gm) were excavated and catalogued, all from Trench One. This included 31 lithic artefacts (296.5gm), eight knapped glass artefacts (301.5gm) and 2,345 historical artefacts (MNI=540, 870gm), 759 of which were faunal items. The count of shell fragments was 4,212 (MNI=218, 7, 566.2gm) and this was accompanied by a large amount of shell fragments that were not counted individually but rather quantified according to weight. The items recovered from this excavation were primarily from disturbed nineteenth century deposits and were highly fragmented.

Figure 83: Summary results from the AHI (2023) report.

Summary of historical results – taken directly from AHI 2023.

Lumber Yard

Although the majority of structural features associated with this area of the site were present and in good condition, including the wall footings, courtyard surface and work station footings, there was a dearth of archaeological deposits containing artefacts from the occupation of this site from the 1820s through to the early twentieth century. Except within the deposits predating the construction of the lumber yard few artefacts were present within this excavation area. What artefactual evidence was from the occupation of this site from the 1820s onwards was primarily associated with the occupation of this site by the volunteer defence forces in the late nineteenth century. These early deposits contained not only Aboriginal cultural material but a range of early artefacts representative of the domestic European occupation of this site prior to 1826 and included Chinese export porcelain, shot, gunflint and buttons.

The structural evidence revealed in this trench was substantial and represented the use of the site from the construction phase through to the operation of the rail yard in the twentieth century. The cut into the natural clays, where cultural deposits had been removed to create a level building surface, that formed the first step of lumber yard construction was present across the entire excavation trench. Set on to this levelled natural surface was the dolerite footings of the wing of the lumber yard, which formed the dominant feature in this trench. To the south of these footings the crushed dolerite courtyard surface was extant and in good condition with a dolerite cobble drain feeding a subsurface brick box drain. These drain features had undergone some modification, likely during the late nineteenth century, and appear to match the apparently *ad hoc* construction of two small buildings on the southwestern extent of the lumber yard footing.

The brick footings of these two small additional buildings best represent the changing use of the site. Not only are these footings examples of clear additions to the original lumber yard structure but have themselves undergone several subphases of development with services and drains being added to what would have been fixtures in the interior. As elsewhere in this trench scant artefactual evidence associated with the operation of these structures remained to be excavated.

The majority of nineteenth century features and deposits within this trench were located at a depth of 1,000 - 1,500mm below the current car park surface and were thus in a shallow 500mm band across the site. The upper portions of the lumber yard features and, on the balance of probability, the majority of any occupation deposit that would have been present had been removed during the clearance of the site in the early twentieth century for the construction of the roundhouse and ancillary structures.

The features and deposits associated with the roundhouse were limited to three key types; the concrete and brick wall footing below the eastern baulk of the trench, a 100-250mm thick deposit of ash, boiler scale and gravel representing redeposition of railway material during deposition and some deeper services that had been sunk into the earlier deposits below. It is likely that the rail yard features had been largely demolished and removed in the late twentieth century.

There is strong evidence that the construction of the roundhouse has removed earlier features and deposits within its footprint, confirming the findings of earlier test excavations completed at the site. This is especially the case as the band of earlier cultural material is relatively shallow, 500mm, and would have been readily destroyed by the construction of the roundhouse footings present at the western edge of the Lumber Yard Trench.

Continued next page.

Summary of historical results – taken directly from AHI 2023 (cont).

Nineteenth Century Road Formation

The nineteenth century road formation was found to be present, similar to that recorded in earlier test excavation and severely truncated by services and features associated with the railway phase of occupation. No unexpected features or deposits were encountered within this area of excavation. Twentieth century fill deposits were present above the road surface and planed dolerite bedrock present below.

Turntable Well

The turntable well was present at its predicted location and the wall and floor of this feature were mostly intact although the majority of the metal equipment associated with this feature had been removed. This feature has been filled with concrete rubble from the demolition of the roundhouse structure and contained a small amount of ferrous railway furniture associated with the operation of the railway, such as structural fittings, tracks or components of rolling stock.

Figure 84: Summary of historical results from the 2023 investigations. Source: AHI 2023.

Aboriginal Cultural Material – Taken directly from AHI 2023.

The contact deposits present within the Lumber Yard Trench had a complex taphonomic history, that includes a substantial contribution of material by Aboriginal people both before and after colonisation. These deposits began as shell material and lithic artefacts discarded by Aboriginal people at this location during the early Holocene, forming a midden of a type common to the Derwent Estuary. With the occupation of the site by a colonist in 1806, these earlier deposits were heavily disturbed and reworked through gardening and agricultural activity, with very early colonial artefacts also being added at this time. It is probable that it was also during this period that the knapped glass and earthenware artefacts were also left here by Aboriginal people, who continued to be present on site even after the beginning of colonisation. These deposits were once again heavily disturbed through the construction of the convict buildings in the 1820s. Although the deposits that comprise this soil were recorded as three separate contexts [034, 066, 076] they are similar in character and stratigraphic position, separated only by their horizontal location within the site and are clearly different areas of redeposition of the same material.

The shell material present in the garden soil deposits is highly fragmented and a comparatively small proportion yet it is highly likely that these shell materials were deposited by Aboriginal people. This is not only the case given the location of the excavation, the pattern of sites in the surrounding landscape and the presence of associated stone tools but also is indicated by the composition of shell species that are present within the midden. Mussel (*Mytilus planulatus*) is the dominant shell species represented, and oyster (*Ostrea angasi*) follows this but in a lesser amount. Small amounts of other species, such as periwinkle (*Bembicium auratum*) were also present. This conforms to other middens that have been excavated around nipaluna and the comparative absence of cockles (*Anadara spp.*), a favoured food source for colonists is further indicative that this material is associated with the Holocene occupation of this site by Aboriginal people.

With 32 artefacts recovered and identified at this stage of analysis silcrete and chert dominate the assemblage,

Figure 85: Summary of Aboriginal cultural material identified from the 2023 investigations. Source: AHI 2023.

Using contact material (George Augustus Robinson 1830s)

They [Aboriginal people] skin their animals with shell or a piece of glass bottle.

Figure 86: The pre-colonisation shoreline shown around the excavation area, with areas of shallow water, reef and deep water also shown. Source: AHI 2023 (basemap supplied by client).

The following recommendations were made for the study area by AHI (2023) after the 2023 archaeological excavations:

1. *Consultation should be undertaken with the, the Hobart City Council and the Tasmanian Museum and Art Gallery regarding the ongoing care and conservation of the historical artefacts in the collection.*
2. *Ongoing consultation with Aboriginal community groups, the Aboriginal Heritage Council and Aboriginal Heritage Tasmania should determine the management of Aboriginal cultural materials.*
3. *Copies of this final excavation report must be lodged separately with the Tasmanian Aboriginal Centre, weetapoona, Karadi, Pungenna Community, South-East Tasmania Aboriginal Corporation, the Tasmanian Aboriginal Centre, Hobart City Council, Aboriginal Heritage Tasmania, the Aboriginal Heritage Council, the State Library of Tasmania and the Tasmanian Museum and Art Gallery.*
4. *Where practicable, effort should be made to identify any other contact artefacts in the current historical archaeological assemblage as well as in future excavated materials. Until such a time as this is able to take place, a precautionary approach towards the historical component of this assemblage should be adopted. This would include Aboriginal community consultation as part of the decision-making process for management decisions regarding the historical items in this assemblage.*

13.3 The AMAC investigations (2024)

13.3.1 Introduction and location of investigations

The most recent archaeological investigations were carried out by AMAC in 2024 and follow directly on from the investigations conducted by AHI in 2023. The location of these investigations is shown in **Figure 87** below.

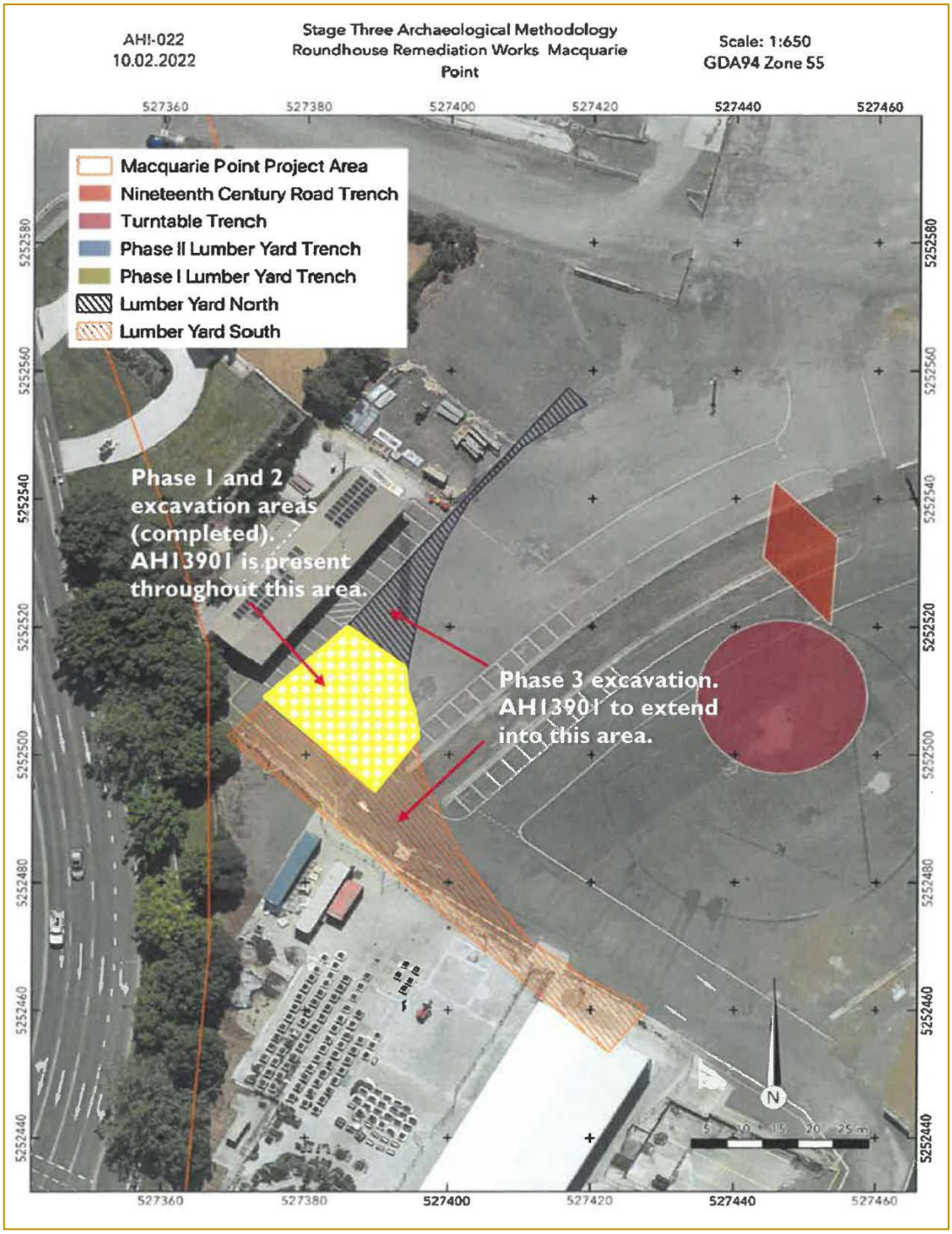


Figure 87: Plan showing the location of the AMAC 2024 archaeological investigations. Source: AMAC 2024.

13.3.2 Summary of Historical Salvage Excavation Results

The following is a summary as provided in the AMAC report[150]:

[150] AMAC 2024.

The excavation revealed substantial areas of yard deposit within two areas (Areas 1 and 2) archaeologically excavated. Dolerite and sandstock brick footings were discovered in Area 1 consistent with the c1821-1835 convict lumber yard phase. Sandstock brick box drain, a barrel drain and several postholes were also identified.

In Area 2, more dolerite and sandstock brick walls were found which included the identification of a gateway area. Several more drains, appearing to connect to a central sump were also identified.

13.3.3 Summary of Aboriginal Heritage Salvage Excavation Results

The following overviews the results of the Aboriginal heritage salvage component of the investigations[151]:

A total of 2063 buckets of material were sieved from all contexts deemed to have the possibility of containing Aboriginal cultural objects or material. This would back an approximate total of 20630 kg of material that was wet sieved by the Aboriginal Heritage Officer (Mr Reginald Burgess) and the other Aboriginal representatives on site in accordance with the methodology (Austral, 2022). All potential Aboriginal artefacts were collected, bagged and labelled including potential flaked glass and these were then washed and sorted by the Aboriginal representatives present on the day. These were then examined by Mr Colin Hughes and Mr Benjamin Streat and sorted into raw material and artefacts. All material was photographed and recorded on a database for future analysis and no Aboriginal material left the site.

All contexts that contained Aboriginal material were historical contexts and no intact pre- settlement soil horizons were located. 82 Aboriginal artefacts were located from historic contexts including two pieces of potential flaked glass, a variety of historic artefacts, shell, animal bones and teeth.

A total of 82 Aboriginal artefacts and 96 pieces of raw material were located which include:

Raw material types:

- *31 Silcrete artefacts*
- *12 Mudstone artefacts*
- *13 Chert artefacts*
- *1 Quartzite artefact*
- *Artefact types*
- *32 Complete Flakes (1 showing retouch)*
- *24 Broken Flakes*
- *16 Debitage Flakes*
- *5 Angular fragments*
- *Cores (2 Bifacial)*
- *2 pieces of 20th century glass*
- *1 Flakes piece*
- *1 Complete Scraper.*

13.3.4 Initial Analysis of Artefacts

Initial analysis of the Aboriginal artefacts was as follows[152]:

[151] AMAC 2024.
[152] AMAC 2024

The high percentage of debitage, broken flakes and angular fragments (54.8%) indicates a moderate level of reduction and this in turn may indicate a moderate availability of raw material. It may also indicate post settlement breakage. 19.5% of the artefacts showed some form of marine adhesion indicating prolonged submersion in an estuarine environment, in addition to this the largest deposit containing Aboriginal material was a loam matrix with between 20% - 30% shell which would also indicate it originates from an estuarine environment; this is consistent with the findings of the 2021 excavations. The presence of two bifacially flaked cores may indicate advance flaking techniques, the presence of retouch on one artefact may also indicate advance flaking techniques, however it is a small percentage. Evidence of advance flaking may be reduced by use wear as well as immersion in a tidal environment and post contact damage. Use wear analysis could shed some light on this matter. The presence of significant amounts of shell in very small fragments, considerable animal bone and European refuse has led to the working hypothesis that the Aboriginal artefacts have been removed from the original environment and placed in a European context possibly a garden.

13.3.5 Archaeological potential as per the final report

Archaeological potential was defined as follows[153]:

The Phase III works have largely confirmed what was understood about the archaeological potential from previous works at the site. The northeast end of Area 1 was heavily truncated, and this part of the site retains little archaeological evidence. Area 2 revealed that the southeast end of the trench retained relatively robust structural remains from the Lumber Yard. The impact of the Round House on these remains was not as significant as the ground naturally drops away at this end of the site. It is anticipated that more of the southeast boundary wall [149], and thus more of the Southeast Wing of the Lumber Yard, survives below the foundations of the Round House in this area.

Based on these finds, as well as the results of previous archaeological investigations, including Trench 1 excavated in 2008, there is also a moderate – high potential for remains associated with Lord's House and later Engineer's Office modifications (as well as possibly Fosbrooks' cottage), and further garden deposits to survive in the area adjacent to the Phase I – III investigation area and below the building at 8a Evans Street.

All archaeological resources within Area 1 and Area 2 were fully archaeologically excavated and recorded. Archaeological remains were covered in geofabric and reburied.

13.3.6 Recommendations and Future Works as per the summary report

The following preliminary recommendations were made as follows[154]:

Based on the summary of results from the combined historical and Aboriginal salvage excavation works that were carried out by AMAC Group in October to December 2023, a number of preliminary recommendations for management of the site, archaeological resource and future works have been listed below. As noted, only the forthcoming Final Archaeological Report is for submission to approval authorities which will provide final recommendations following extensive analysis of the collected data and stratigraphy [This has since been completed but provides little in terms of further recommendations – see below].

[153] AMAC 2024.
[154] AMAC 2024.

- *Potential for interpretation of the robust Lumber Yard built structures within Area 2.*
- *It is recommended that two teeth identified as sus scrofa in the field, in a European context amongst other animal bone, are analysed by an accredited specialist in animal bone and/or human bone, as there are some similarities between juvenile sus scrofa and some human teeth. Tasmania Aboriginal Council (TAC), MPDC and Heritage Tasmania were advised of these finds during site works. Formal advice should be provided by the specialist.*
- *Further detailed analysis of the artefact assemblage based on data already collected.*
- *Soil testing of a variety of contexts to establish the precise origin of the material and to aid in determination of extraction source - i.e. estuarine, midden, other.*
- *Use wear analysis of the lithics by Dr Simon Munt of artefactual material is recommended.*
- *Further use wear analysis of the potentially worked glass, however, is not considered necessary as only a limited sample was uncovered.*
- *Interpretive display process as part of the future redevelopment of the site should be started involving Aboriginal representatives.*
- *Continued consultation with Aboriginal Representative including Tasmanian Aboriginal Council and Mr. Reginald Burgess.*
- *Submission of the forthcoming Final Archaeological Report to Heritage Tasmania, Heritage Council, Aboriginal Heritage Tasmania, Tasmanian Aboriginal Centre, weetapoona, Karadi, Pungenna Community, South East Tasmania Aboriginal Corporation, Hobart City Council, State Library of Tasmania, Tasmanian Museum and Art Gallery and the local library of Hobart as a matter of public information.*

13.3.7 Recommendations as per the final report

It is recommended that any future development on the site should consider including interpretation of the archaeological resource that has been recovered from the site and include all phases of archaeological investigation dating back to 2008. For this reason, an interpretation strategy is recommended.

Such a strategy may include interpretive elements such as static displays and signage as well as potentially a digital, web based or even 3D experiences.

Any future impacts proposed in the area of the Southeast Wing of the Lumber Yard should consider the archaeological potential of this zone and for the continuation of the boundary wall. As the location of 8a Evans Street also retains archaeological potential for the Lord's House complex, any proposed redevelopment of this area should be subject to an Archaeological Sensitivity Report.

13.4 Austral Reports (2013, 2014, 2015, 2019)

A series of reports were prepared for the study area by Austral between 2013 and 2019. These provide the background for later projects associated with the Macquarie Point Development. Of particular note was test pitting along the original coastal fringe areas to the north around the area containing the Cenotaph. The following plan shows the location of the test pits (**Figure 88** below).

33 test pits were completed. The purpose of these test pits was to establish if any intact middens or other sites had survived in this area.

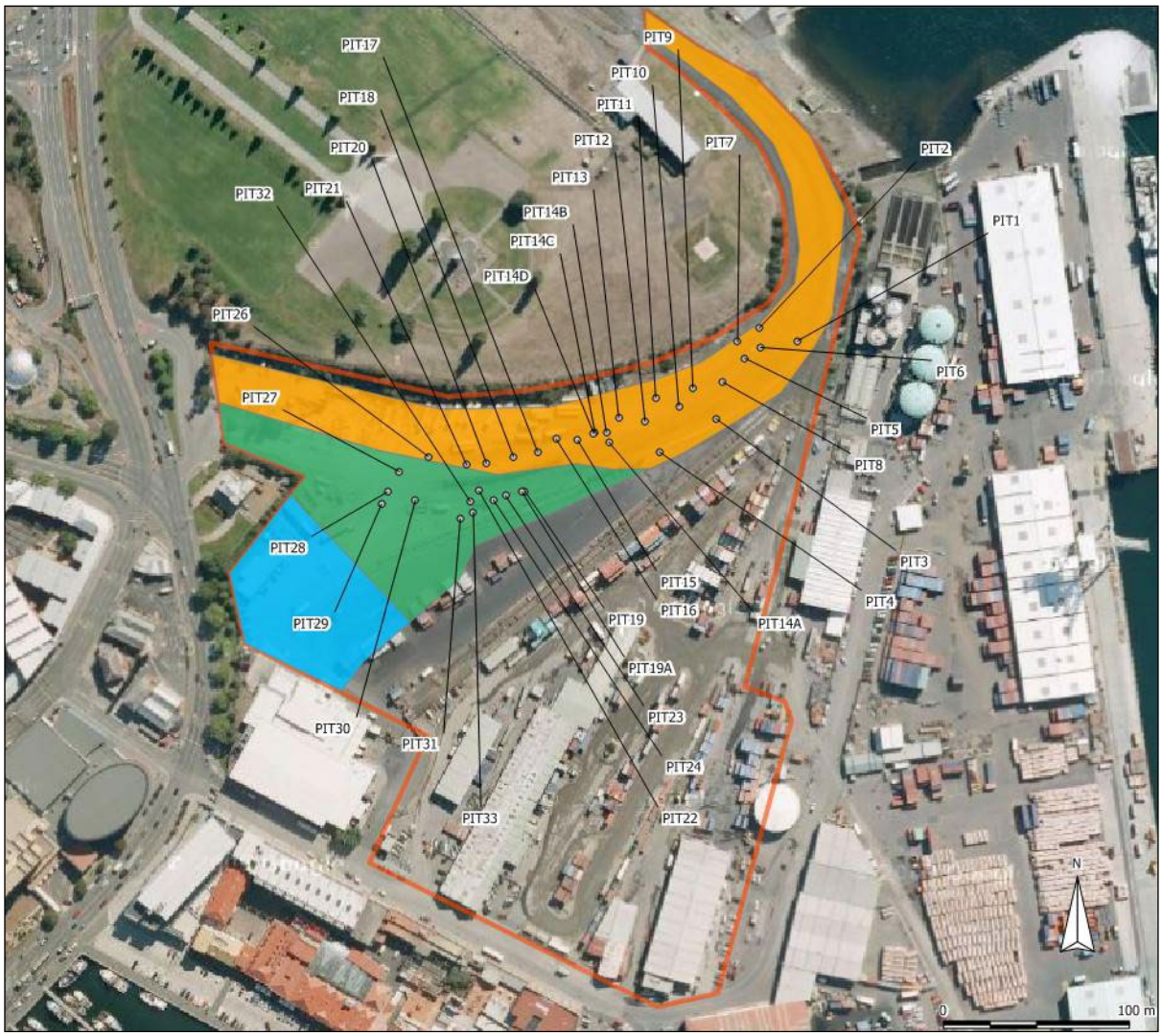


Figure 88: Location of numbered test pit in relation to the embankment area (marked in orange), the area of known historical disturbance (marked in blue) and the area of no known disturbance (marked in green). Source: Austral 2015.

The following are the conclusions reached based upon the testing[155]:

[155] Austral 2015.

Prior to the commencement of the archaeological testing, two scenarios were considered regarding the archaeological potential of the study area. In the first instance, the reclamation of the headland would have resulted in material being dumped over the site, burying the original shoreline but potentially leaving intact any middens or camp sites protected beneath the levelling fills. The second scenario was that the headland had been shaped prior to much of the early reclamation occurring, and all evidence of Aboriginal occupation of the headland was lost.

Unfortunately, the test excavations have confirmed that the second hypothesis is more likely and that no evidence of any Aboriginal cultural heritage is present within the study area. The natural shoreline of the headland is known to have been rocky, and a similar, undulating bedrock deposit was identified from several of the test pits. However, as other test pits demonstrated, the natural bedrock was also subject to levelling events, and a pit was also cut into the base of the rock, probably during the early to mid-20th century. As such, it is considered that levelling works were extensively undertaken across the site and have removed almost all traces of the original shoreline within the Macquarie Point promontory.

The lack of any Aboriginal cultural material is not seen as suggesting that Aboriginal people did not utilise the site in the past and is instead interpreted as being solely a result of post-European disturbance and modification of the site.

The predictive model stated that areas of undisturbed land within the immediate vicinity of the River Derwent have high archaeological potential to contain archaeological materials. In this instance, it was considered that this material would include stone artefacts and shells, forming part of a midden deposit. By inference, the opposite statement is also true; that highly disturbed areas have no archaeological potential. Again, unfortunately, the test excavations documented in this report are only able to confirm this part of the predictive statement.

In summary, it is not considered that any part of the site contains known or potential heritage sensitivity, and that no proposed works threaten Aboriginal cultural material.

13.5 Southern Archaeology monitoring of bore holes for TasWater CDO (2024)

In 2024, Southern Archaeology monitored four exploratory bores holes for TasWater CDO along Evans Street at Macquarie Point and six exploratory bore holes were undertaken at the sewerage station at Macquarie Point. These were to test if any historic or Aboriginal heritage exists within these areas which may be impacted by an upcoming pipeline and sewerage station development at the site.

No significant historic (European) heritage features and only limited historic (European) material (artefacts – 1800s to 1900s) was encountered in fill deposits. No Aboriginal heritage material was encountered.

13.6 Registered sites at the study area

As a result of the above works the following Aboriginal sites are defined within the study area or close by as is the case with the sites at the Regatta Grounds (**Table 9**):

Number	Site Types	Description and relevant detail
13000	Artefact Scatter, Shell Midden	40x15m shell midden (oyster and mussel) with associated artefact scatter (3 silcrete, 1 chert, 1 chalcedony and 1 quartzite artefact). Site located

		north of study area near the cenotaph and around 100m inland.
13001	Shell Midden, Isolated Artefact	
13002	Shell Midden	10x5m shell midden (oyster and mussel) with associated quartzite flake. This site is near the above site and 70m from the coast.
13899	Isolated Artefact	Isolated hornfels broken flake. This artefact was found in material during archaeological investigations in 2021. Within study area.
13900	Isolated Artefact	Isolated quartzite broken flake. This artefact was found in material during archaeological investigations in 2021. Within study area.
13901	Shell Midden, Artefact Scatter	152m^2 shell midden and associated artefacts (32 identified including stone, worked ceramic and worked glass). Importantly, AHI suggested these were from the site but had been reworked into garden material in historic times. AHI also suggested that Aboriginal people had worked ceramics and glass on this site in the contact period when people continued to visit the area after colonisation.
14249	Shell Midden	6x8m shell midden (mussel) in Regatta Grounds.
14250	Shell Midden	8x8m shell midden (mussel) in Regatta Grounds.
14257	Shell Midden	15x1m shell midden (mussel) in Regatta Grounds.
14258	Shell Midden	40x18m fragment and discrete shell midden (mussel and oyster) with associated silcrete artefact. Located just to the north of the study area on the Macquarie Point foreshore. Huys suggested the midden was in a secondary context and possible originated further upslope being redeposited during railway construction.
14278	Artefact Scatter, Shell Midden	30x15m shell midden (mussel) in Regatta Grounds.

13000, 13001, 14278, 13002, 14249, 14257, 14258, 14250 amalgamations	Artefact scatter, shell midden	The Regatta ground sites have now been amalgamated into one larger site. This was confirmed by Southern Archaeology in 2024.
AMAC site card	Stone artefacts	Aboriginal stone artefacts were identified at the study area in the recent excavations by AMAC (2024). Site card not supplied but see excavation summary, this report.

Table 9: Sites located within or near the study area.

The site listed above include a large site at the Regatta Grounds (shell midden with associated artefacts scatter). This is typical of the site types identified in this area and recent work for TasWater by Southern Archaeology (in conjunction with Greg Jackman form Gondwana Solutions) between Macquarie Point and Self's Point (including extensive test pitting) shows that there are over 34 sites in this area and a further six recorded at Self's Point and Cornelian Bay[156].

Within the study area itself, many stone artefacts, shell material and some contact materials have been identified as being of Aboriginal origin. These were identified during both the AMAC and the AHI excavations[157]. These artefacts were recorded in deposits associated with lower layers of the site and the origin of these materials are contentious. AHI asserts they are likely to have been mixed in with garden material associated with pre-c1830 contexts suggesting this was from the site and contains evidence of contact material associated with Aboriginal visitations to the site after settlement[158]. AMAC assert they are within garden material possibly deposited from outside the site at some later date[159].

In regard to this, Alan Hay and Caleb Pedder are very experienced in the Tasmanian context and upon reading the reports and talking to Caleb Pedder it seems that the AHI conclusions are robust. It is likely that Aboriginal material located at depth and within early (pre-1830) mixed garden deposits would have come from a location very close by, if not within the area of the deposit itself. Also, usual predictive analysis techniques adopted in Tasmania would support sites in this area – for example, elevated, well-drained locations near rock shelves suitable for shellfish collection close to potable water (the Hobart and Park Rivulets) and other resources[160]. There are also many sites in the area that offer similar locations and visages. The argument for this is academic but the fact remains, Aboriginal people were here as the background research shows, there was contact material identified and there is reason to believe people visited and camped in the area after European settlement and there were sufficient, if not abundant as is more likely, resources in this area to facilitate Aboriginal use and occupation on a continued basis.

As a final note, the many artefacts found in the excavation represent a significant and potentially the only record of the people who lived on the site and for this reason represent a very important record of these people. Caleb Pedder and Colin Hughes have requested that they view and analyse (with Darren

[156] Southern Archaeology 2023 and 2024.
[157] AMAC 2024; AHI 2023.
[158] AHI 2023.
[159] AMAC 2024
[160] Jackman 2023; Southern Archaeology 2023/2024.

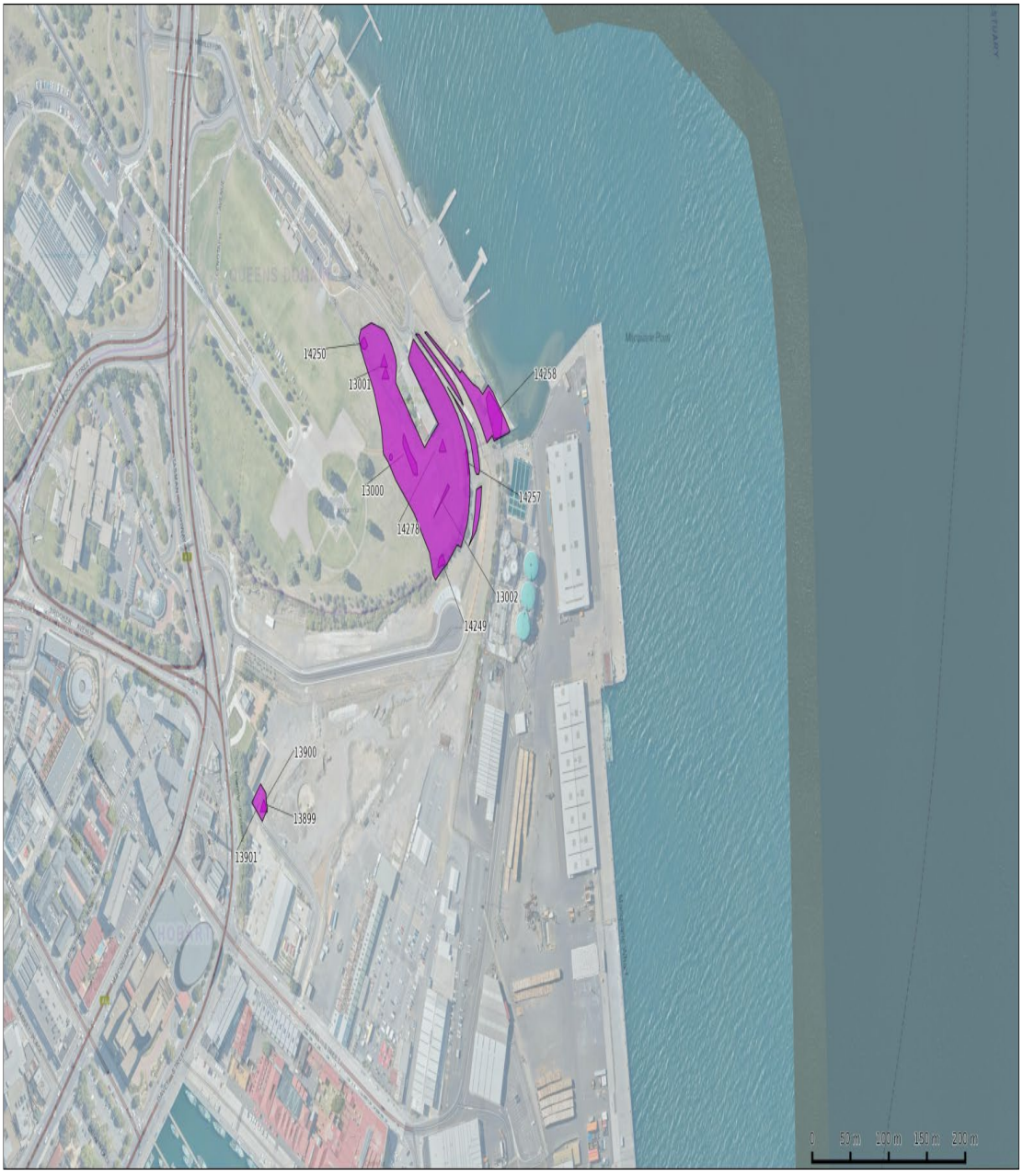
Watton present) these artefacts as part of their assessment of the site and recommendations going forward prior to this report being made final.

Figure 89 shows one of the stone artefacts (ventral surface - quartzite proximal flake) identified at the study area by AHI in 2023.

Figure 89: Quartzite proximal flake from the study area. Source: AHI 2023.

Ongoing consultation (AHI 2023)

Ongoing consultation with Aboriginal community groups, the Aboriginal Heritage Council and Aboriginal Heritage Tasmania should determine the management of Aboriginal cultural materials.



Aboriginal Heritage Tasmania
Community Partnerships and Priorities

Department of Premier and Cabinet
134 Macquarie Street Hobart TAS 7000
GPO Box 123 Hobart TAS 7001
Phone: 1300 487 045

E: aboriginalheritage@dpac.tas.gov.au
W: www.aboriginalheritage.tas.gov.au | www.dpac.tas.gov.au

Legend:
- AH Item
- AH Instrument

N
GDA94 - Zone 55
1:4K

Macquarie Point Multipurpose Stadium

Aboriginal Cultural Values and Landscape Assessment

Darren Watton (Southern Archaeology)
Created on 12/07/2024
Created by Claire Keating

Figure 90: Location of Aboriginal sites recorded in and around the study area. Source: AHT 2024.

13.7 Summary and conclusions

The recording of Aboriginal material during the recent excavations and the large of number of Aboriginal sites registered around the area are important. They show how culturally rich the area is and are evidence of Aboriginal 'use and enjoyment' of the place[161]. They are also tangible things that Aboriginal people (and others) can see, feel and experience as evidence of Ancestors living in this place. Along with other less obvious things, these items are very important parts of this cultural landscape. This evidence also suggests that other items are likely to exist in this area and this must be considered during further development and management of the place.

Ownership of knowledge (Sam Beattie pers comm 2024)

The sovereignty of this information [the information regarding Indigenous connections to the place] belongs to the Traditional Owners.

[161] Caleb Pedder and Colin Hughes 2024.

14 Consultation completed to date

14.1 Introduction

The following is a summary of consultation conducted to date by CHMA in 2021 for the study area. It is acknowledged that further consultation is being completed by CHMA and the results of this are not currently available.

Also included is a social (cultural) significance statement prepared for the 2023 archaeological excavations by Caleb Pedder for AHI and included in Permit Application No. AHTP4159[162].

Consulting with the AHC (AHT 2024)

The AHC plays a key role in the consultation process with Tasmanian Aboriginal people. For large and/or significant projects, proponents should consult the AHC during the pre-design stage. Early consultation will ensure there is a strong framework for assessing options and avoiding Aboriginal heritage sites and avoid delays or additional costs to the project.

14.2 CHMA – Macquarie Point – The Park Initial Tasmanian Aboriginal Community Consultation Program 2021

In 2021 CHMA was engaged by Cumulus to undertake consultation with Aboriginal organisations and individuals across Tasmania, seeking their view regarding the creation of a 1.3ha area of public open space known as The Park. This was to be the centre piece of a Master Management Plan for the Macquarie Point site and is the responsibility of the Macquarie Point Development Corporation (the corporation).

The following methodology was developed by CHMA[163]:

> *CHMA nominated four team members to implement the Aboriginal Engagement and Consultation Program. These personnel included three members of the Tasmanian Aboriginal community. The team encompasses a broad range of skills and experience and has strong enduring ties with the community. The involvement of these team members is seen as being a crucial component in ensuring a meaningful and comprehensive engagement of the local Aboriginal community and other identified key stakeholders. The project team was also comprised of males and females, which means that any gender specific issues that may have arisen in the course of the assessment of cultural values could be dealt with in an appropriate manner. The team members are listed below.*
>
> - *Vernon Graham.*
> - *Rocky Sainty.*

[162] AHI 2022 Permit Application No. AHTP4159.
[163] CHMA 2021.

- *Zoe Rimmer.*
- *Stuart Huys.*

The consultation program with the Tasmanian Aboriginal Community was carried out in four phases.

Phase 1 (Macquarie Point Design Workshop)

On the 21/7/2021 an invitation letter was sent out to a wide range of Aboriginal organisations and individuals to attend a design workshop to discuss the Macquarie Point Urban Landscape Design Principles.

The Design Workshop was held at Macquarie Point on the 11/8/2021 and was attended by a number of Aboriginal community members. Three members of the CHMA team (Rocky Sainty, Stuart Huys and Zoe Rimmer) were in attendance at the workshop to address any specific issues or queries that may be raised with respect to Aboriginal values.

Phase 2 (Initial Contact and Information Letter)

A project information letter was sent out to a range of Aboriginal community organisations and individuals from across the State. The letter provided a summary overview of the project and detailed the objectives of the project. A copy of this letter is provided in Appendix 1 of this report. The CHMA team then attempted to contact a number of these Aboriginal community organisations to ascertain if they would be willing to participate in the consultation process and to arrange meeting times.

Phase 3 (Meetings with Aboriginal Community Groups)

Phase 2 of the consultation process involved meeting with those individuals and representatives from Aboriginal organisations that responded to the initial engagement letter.

The meetings were held between the 8-9-2021 and the 27-10-2021. Each meeting was attended by a minimum of two members from the CHMA consultation team. Those team members with strong ties to specific regions or communities undertook the consultation for these areas. If information specifically relating to Women's issues arose during the meetings, CHMA arranged for team member Zoe Rimmer to attend to these issues.

Phase 4 (Provision of the Draft Report)

A report has been prepared by Stuart Huys from CHMA, in conjunction with Rocky Sainty and Vernon Graham, which documents the outcomes of the consultation program. A summary of the key issues raised through the consultation program (as detailed in section 2 of the report) has been distributed to the Aboriginal community organisations that were consulted for this project.

This information has also been sent to the Aboriginal Heritage Council (AHC). The AHC is established under the Aboriginal Heritage Act 1975. The members of the Council are from

the Tasmanian Aboriginal community who have extensive knowledge and experience in Aboriginal heritage management. The Council provides advice and recommendations to the Director of National Parks and Wildlife, the Minister for Aboriginal Affairs and stakeholders on the protection and management of Aboriginal heritage in Tasmania.

In response to Phase 3 of the process, CHMA facilitated a meeting with the following representatives from eight Aboriginal organisations/individuals that responded to the initial engagement letter. These were as follows:

- South-East Tasmanian Aboriginal Corporation (SETAC).
- Weetapoona Aboriginal Corporation.
- Circular Head Aboriginal Corporation.
- Six Rivers Aboriginal Corporation.
- Flinders Island Community Members.
- Cape Barren Island Association.
- Kooporoona Niara Aboriginal Mob Representing the Aboriginal community of Deloraine.
- Ruth Langford.

The purpose of this meeting was to discuss the development and gain input into the project as stated above.

It is important to note that 14 organisations were invited to the initial consultation process and six either did not respond or declined to attend the meeting.

The key finds of this assessment were[164]:

Summary Overview of the Key Findings for this Project:

Support for the Establishment of the Park

There was broad support for the establishment of The Park and the location of The Park at Macquarie Point was viewed as an ideal centralised CBD location. However, there was a strongly held view that The Park should be solely dedicated to the recognition and representation of Tasmanian Aboriginal culture. There was also almost universal opposition to the proposed terminology of a "Reconciliation Park". Instead, it was suggested that The Park should be focused around the concept of Truth Telling and Healing.

Establishment of a Palawa Cultural Centre

The establishment of a palawa cultural centre has been a long-held aspiration for the Tasmanian Aboriginal community. Most of the Aboriginal organisations and individuals that were consulted as part of this project confirmed that this is still the case, and that the development of Macquarie Point presents the ideal opportunity and location for the establishment of the cultural centre and would be an integral link with The Park. The

[164] CHMA 2021.

Government commitment to the funding of the palawa cultural centre is seen as being critical to the successful establishment of The Park.

Ongoing Consultation Throughout the Design Process

There was positive feedback regarding the implementation of a Statewide Tasmanian Aboriginal community consultation process early in the design phase for The Park. This provided the opportunity for the community to ensure that key themes and concepts would be considered in the preliminary designs. However, all the organisations and individuals that were consulted expressed the strong view that this should represent the beginning of the Aboriginal community consultation program and that there should be on-going consultation throughout the design and construction phases of The Park. This would ensure that Tasmanian Aboriginal community views and concerns were being accurately and appropriately incorporated within The Park.

The Naming of the Park and Features within the Park

Because The Park is to be solely dedicated to the recognition and representation of Tasmanian Aboriginal culture, the use of palawa kani language for the naming of key features within The Park is critical. This was strongly supported by the consulted organisations. However, in addition, it was recommended that Macquarie Point itself should be re-named with an appropriate palawa kani name. There was strong support for a single palawa kani name to be adopted as opposed to the implementation of dual naming protocols. The implementation of a palawa kani naming program for The Park and Macquarie Point will necessitate ongoing consultation with the Tasmanian Aboriginal community to ensure broad based support for adopted naming protocols.

Aboriginal Cultural Interpretation Material for the Park

A detailed Aboriginal cultural interpretation plan should be developed for The Park. At a minimum, the interpretation plan should address what cultural information is appropriate to present within The Park, what the most appropriate forms of delivery are for this information, and where within the park is the appropriate location for placement of information. The Interpretation plan should be developed in consultation with the Tasmanian Aboriginal community and Tasmanian Aboriginal community members with the appropriate levels of skills and experience would be engaged to assist with the development of the plan.

Design Themes for the Park

- *The Park should be solely dedicated to the recognition and representation of Tasmanian Aboriginal culture.*
- *The Park should acknowledge the Traditional Aboriginal occupation of Tasmania but should also celebrate the contemporary Tasmanian Aboriginal community and culture.*
- *The central concept of The Park should be "Truth Telling and Healing".*

- *The Park should reflect the timeline of occupation of Tasmania by the original inhabitants (40 000 + years) compared with 200 years of non-Aboriginal occupation.*
- *A key design theme for the park is the Hobart Rivulet as a connection between kunanyi, and the River Derwent. The rivulet should be a central feature that flows through The Park and would act as the main wayfinding navigation feature.*
- *The night sky plays an important role in cultural beliefs and there are several traditional stories relating to features of the night sky. This could be reflected within the park either through audio-visual representation (story telling) and/or in lighting design.*
- *At the entrance and exit points of The Park there could be welcome messages in palawa-kani delivered via audio visual format.*
- *At selected locations throughout The Park there could be audio-visual messages delivered by senior Tasmanian Aboriginal community representatives.*
- *The Park should incorporate some quiet spaces dedicated to contemplation.*
- *The Park needs to incorporate larger spaces for family interactions and specifically child friendly play areas.*
- *There needs to be the flexibility within The Park to facilitate larger community gatherings for specific events.*
- *Throughout The Park there should be the installation of local species of native plants, with a focus on those plant food species that are important bush and medicine plants.*
- *Artwork developed by local Tasmanian Aboriginal artists should be featured throughout the park.*

Employment Opportunities

The consultation program identified that the design, construction and on-going maintenance and management of The Park presents an ideal employment opportunity for Tasmanian Aboriginal people. Particularly given that the park is a recognition and celebration of Tasmanian Aboriginal culture. It is recommended that a dedicated Aboriginal employment framework be developed for The Park. This framework would identify specific employment opportunities for the Tasmanian Aboriginal community, which would include the following components.

- *Concept design work for The Park.*
- *Landscaping works for The Park.*
- *On-going maintenance of the native vegetation plantings within The Park.*
- *Creation and installation of artworks.*
- *Development and installation of cultural interpretation materials.*

The framework should also identify mechanisms to ensure that preference is given to the engagement of appropriately skilled individuals and business organisations from the Tasmanian Aboriginal community.

14.2.1 Summary and conclusions – CHMA 2021 consultation

Fourteen Aboriginal representative groups and individuals were contacted and eight responded. While this was a good outcome, significantly, six organisations either did not respond or did not participate.

Outcomes from the process seem to have been generally good and CHMA seems to have been able to facilitate much discussion around the subject. It is also understood that consultation is currently being undertaken by CHMA for the stadium so there may be further outcomes from this in the future.

14.3 Social significance (Caleb Pedder) from Permit application - AHTP4159 MPDC - AHA 1975 Permit Application Phase III V4 - 28 April 2022.

14.3.1 Overview

The following information was provided in the 2022 Permit application (submitted by Alan Hay) regarding the social (cultural) significance of the Macquarie Point site in view of historical excavations at the site at that time. This Social (Cultural) significance statement was provided by AHO, Caleb Pedder[165]:

> *The social significance of the identified items and potentially other items from disturbed contexts, should be determined by the Aboriginal community, who can establish the cultural meanings or values the place has to the community. The current phase of Aboriginal community consultation was begun by Caleb Pedder on the 04.04.22 and concluded on the 22.04.22. Mr Pedder considers that the statement of cultural significance that he has previously provided for Stage II of the excavation is still pertinent for the current excavation: Therefore, the statement of cultural significance provided by Mr Pedder is as follows:*
>
> > *All Aboriginal heritage is important to Aboriginal people. The two artefacts found during historic heritage excavations at Mac Point have value and are an important link to our Ancestors. The context where they are found is irrelevant. They have been crafted by an Aboriginal Ancestor and they are a direct link to that Ancestor. In whatever context they are found they need to be protected and dealt with in a respectful way.*
> >
> > *The artefacts at Mac Point are in a disturbed context. They are mixed in with historic heritage deposits and are likely brought in from somewhere else. This is a minor issue as the artefacts are of importance as described above. Their location at Mac Point in historic heritage deposits is not an unusual situation. Many historic heritage places within Hobart (nipaluna) have contained evidence of Aboriginal use and enjoyment of this country. They tell a story that needs to be recognised and valued across Tasmania (lutruwita).*
> >
> > *All the artefacts collected during the historic heritage excavations at Mac Point should be identified, recorded, collected, and kept in a secure and protected environment until it is determined what happens to them at the end of the excavations. Any in situ Aboriginal heritage material must not be impacted by the excavations until the Aboriginal community determines what should happen to it.*

[165] Caleb Pedder 2022.

Mr Pedder's consideration of significance constitutes the attribution of social significance considered as part of the formal site significance statement and, as with the first application, is the foundation for the methodology presented in this document.

These artefacts can therefore be considered to have high social significance, however as Mr Pedder has pointed out this significance inheres within these artefacts and is not dependent on the disturbed context from which they have been recovered. Therefore, it can be considered that the disturbance and collection of these artefacts is likely to only have an impact on this disturbed context and not their social significance which is unbreakably linked to these objects.

In response to this significance, Aboriginal community members will be employed as a significant part of the excavation team.

14.4 Current consultation

It is understood that CHMA are currently undertaking extensive consultation for this project. The exact nature and extent of this consultation is not known but should provide sufficient information for the project moving forward and inform how consultation should be undertaken at all levels.

Knowledge translation (2024)

Getting the right information, to the right people, at the right time and in a format, they can use, so as to influence decision making.

A key concept of the KT process is that Indigenous peoples may use traditional methods of disseminating knowledge which may not be in line with accepted process of evidence-based research and formal academic publication – this may include yarning, storytelling and many other methods (interpreted as ways of knowing, being and doing). Indigenous knowledge translation is about sharing knowledge in context and focusing on knowledge that is both relevant and valued while promoting researchers and users to share all information throughout the research process.

14.5 Summary – consultation to date and landscape values

Consultation has occurred on most projects that have been undertaken to date for the study area. This has been through the usual processes associated with heritage assessments and archaeological investigations. In general, this has been through the engagement of an Aboriginal Heritage Officer (AHO) by the heritage and/or archaeological consultant. The process in this instance is generally to send an email (sent by the AHO) to the relevant Aboriginal community groups and individuals regarding the assessment followed by a report detailing any results of the consultation (if any). The AHO also completes a social (or cultural) significance statement which overviews the process and the opinion on the cultural significance of the place from an Aboriginal perspective. This process, while widely adopted, in general, often fails to directly and widely engage community and individuals or to get results for a project which may reflect community views especially on big projects. Often no comment is received.

The exception in this project has been the previous consultation conducted by CHMA which did attempt to engage community more directly and resulted in a meeting involving eight of the groups out of the fourteen consulted[166]. The results were good and much came from this meeting but significantly six groups did not respond or get involved.

The current consultation being undertaken by CHMA is critical to this project and the key places contacted with responses has been provided below in (note this has been provided recently and only reflects consultation so far by CHMA and not results of consultation).

Organisation	Response	Meeting Date
Tasmanian Aboriginal Centre (TAC)	No response received	
Aboriginal Land Council of Tasmania (ALCT)	No response received	
melythina tiakana warrana (Heart of Country) Aboriginal Corporation	Meeting Confirmed	Meeting held on work of the 15.7.2024
Parrdarrama Pungenna Aboriginal Corporation	No response received	
South East Tasmanian Aboriginal Corporation (SETAC) Weetapoona Aboriginal Corporation	Emailed response confirming receipt. No meeting confirmed as yet.	
Six Rivers Aboriginal Corporation	Meeting Confirmed	Meeting scheduled for week of the 5.8.2024
Circular Head Aboriginal Corporation (CHAC)	Meeting Confirmed	Meeting scheduled for week of the 5.8.2024
Cape Barren Island	Meeting Confirmed	Meeting held on the 29.7.2024
Flinders Island Community Members Aunty Vickie Green Aunty Colleen Wheatly and Aunty Gwen Wheatly And others	Meeting Confirmed	Meeting held on the 30.7.2024
Flinders Island Aboriginal Association	Meeting Confirmed	Meeting held on the 30.7.2024
Aboriginal Elders Council of Tasmania	Meeting Confirmed	Meeting scheduled for week of the 5.8.2024
Karadi Aboriginal Corporation	Meeting Confirmed	Meeting held on the 10.7.2024
Kooporoona Niara Aboriginal Mob Representing the Aboriginal community of Deloraine	Meeting Confirmed	Meeting scheduled for week of the 5.8.2024

Table 10: Consultation conducted by CHMA to date (August 2024). Source: MPDC 2024

[166] CHMA (2021).

Cultural significance (Colin Hughes (AHO) 2024)

The area that the sites encompass, shows evidence of these past activities, and as such the living places, the recently located middens, stone tools and all the sites in the area make this area Highly significant to the Aboriginal community, as the landscape and its resources surrounding this area would have been utilised and lived upon by my ancestors for generations.

15 This report - consultation and landscape values

15.1 Combined statement from Caleb Pedder (AHO) and Colin Hughes (AHO) regarding consultation and landscape values

The following statement has been provided [in full and without alteration] for this report by Caleb Pedder and Colin Hughes in relation to the cultural and landscape values of Macquarie Point and the need for Aboriginal community consultation in regard to the New Stadium Project.

Consultation and Landscape Values Macquarie Point 2024

The request is for an understanding of the Aboriginal landscape values for the Macquarie Point development area.

When assessing the Aboriginal landscape values there is a tendency to focus on the past landscapes that existed before the British arrived in lutruwita, those landscapes generated by our Ancestors over the last 40 thousand years. There is an assumption that the intervening 220 years of non-Aboriginal occupation has reduced or removed the Aboriginal landscape values from lutruwita. If we accept this assumption, then there are no surviving Aboriginal values for Macquarie Point because of the impact of the use of the area over the last 220 years.

Aboriginal landscape values are not necessarily about the environment created by our ancestors. All land has Aboriginal value irrespective of condition or what has been constructed on it. Country is country and has always been and continues to be our country. Aboriginal landscape values can be determined by Aboriginal people experiencing country in the present.

The Macquarie Point area has been severely impacted by the last 220 years of the built environment, but the land underneath is Aboriginal land and always will be. There are no environments that reflect the area as it was 220 years ago, but there is evidence of past Aboriginal use and enjoyment of the area with the Aboriginal artefacts identified during the two excavations undertaken within the area. These artefacts tell a strong story of our Ancestors use of the area and provide a strong connection to contemporary Aboriginal people to the country they were found on. This connection to country has been stated over many years and is an integral part of past and contemporary Aboriginal culture.

There is a significant consultation process that is being undertaken by CHMA. This consultation program is a lot more comprehensive than previous consultation and should be allowed to run its course. The CHMA consultation should encompass the Aboriginal communities' position on the Macquarie Point location and the development proposals being proposed. Undertaking an exclusive consultation process on the landscape values is not recommended. If the CHMA consultation program does not provide an indication on the Aboriginal communities' position on the area, then a consultation program can be revisited specifically for the determination of the landscape values.

Ask First and community (Collett and Pollock 2012)

There are number of principles that should be incorporated in any process used by miners, developers, archaeologists, anthropologists and heritage professionals when consulting Aboriginal and Torres Strait Islander peoples about their heritage places. These can be summarised as follows:

1. *That Aboriginal and Torres Strait Islander people are the primary source of information about their heritage places and therefore must be consulted if these places and their values are to be adequately identified and appropriately managed and conserved for future generations.*
2. *Aboriginal and Torres Strait Islander people must have an active role in managing their heritage if they are to fulfil their obligations to 'care for country'; and,*
3. *There may be cultural restrictions on the sharing of information about some places and breaches of these restrictions may adversely affect the heritage values of some places.*

15.2 Assessment of Aboriginal material – Caleb Pedder, Colin Hughes and Darren Watton

Caleb Pedder (AHO) and Colin Hughes (AHO) have requested that they, along with Darren Watton (Archaeologist) are provided with the opportunity to assess the Aboriginal heritage material recorded during recent archaeological investigations as part of the process of this work. This has been requested because they wish to familiarise themselves with the artefacts and establish how they may be related to the wider understanding of the area.

A review of the Aboriginal heritage items was conducted on 9th August 2024. A digital microscope was used to assess the material, particularly for signs of usewear – i.e., striations, rounding, polish and edge scars as per a document produced by Simon Munt (Usewear Analysis Specialist)[167]. While this cannot take the place of professional analysis it was useful in providing Caleb, Colin and Darren with:

- An overview and familiarisation with the material present especially in relation to the material present and how it may reflect cultural and landscape values of this Hobart place.
- An understanding of the types of material present and where this may have been derived. Silcrete, quartzite and chert were noted and some of these materials showed some similarities to material known from local quarries such as quartzite from Brighton and material from Bedlam Walls.
- An understanding of the worm and coral concretions on some of the material which Caleb has suggested may indicate a quarry close by.
- An understanding of the contact material from the AMAC excavations in 2024. Three glass pieces were identified by AMAC and on inspection by Caleb Pedder it was identified that at least one of these showed potential signs of usewear. However, Caleb and Colin have suggested a re-assessment by them is required of all the glass material from this excavation as the amount identified by AMAC does not reflect the high density of worked glass found in the AHI assessment from 2023.

[167] Simon Munt Use Wear Analysis Field Book 2024.

Figure 91 shows a couple of magnified silcrete flakes from the collection.

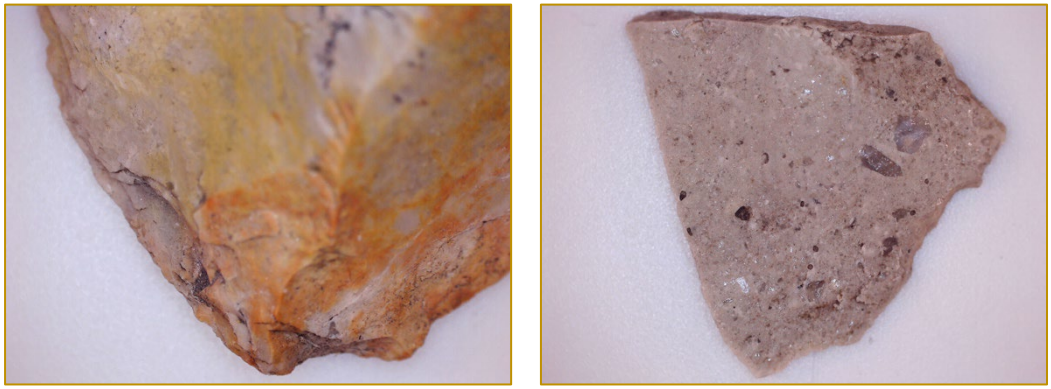


Figure 91: Edge of a silcrete flake and a silcrete flake under microscope from the collection. Photograph by Darren Watton 2024.

15.3 Consultation plan – Sarah Wilcox

The following was provided by Sarah Wilcox for this assessment:

> *The IAP2A Quality Assurance Standard outlines the essential elements of any engagement process and sets the engagement approach standard and evaluation framework for quality engagement.*
>
> *Meeting the IAP2 standards is crucial for a significant project like the Pre-Stadium Cultural and Landscape Values Assessment. This project, which focuses on a significant cultural landscape for Aboriginal people, underscores the need for quality engagement.*
>
> *The standards were not met on this occasion due to the changing scope and limited timeframes directed by the organisation and multiple contractors doing similar work. This has led to confusion and a lack of clarity, resulting in disengagement in the community.*
>
> *Meaningful engagement with the Aboriginal Community requires at least three to six months to facilitate. It should include Elders, cultural knowledge holders and family groups rather than a singular focus on organisations. Due to the timeframe provided by the organisation, this has not been achieved.*
>
> *The Palawa Community is overwhelmed with multiple engagement requests and campaigns that strive to improve the overall approach to land management, identity protection, cultural and heritage landscape protection and self-determination aspirations. There has been minimal availability or opportunity for appropriate engagement to occur.*
>
> *Several experienced and respected Palawa cultural landscape interpretation professionals would be able to assist in developing a more culturally appropriate values assessment in collaboration with Aboriginal Heritage and archaeology practitioners. A more in-depth and robust community engagement alongside this process would add deeper insights into the evaluation and would avoid reputational risk for the organisation.*

15.4 Other feedback and the concept designs – an overview

The stadium is expected to host the Australian Football League (AFL), Big Bash League, A-League, International Cricket, International Rugby and the National Rugby League (NRL). This development proposes a 23,000-seat stadium building on the Macquarie Point foreshore and a design concept has been proposed. This is shown below in **Figure 92**. This may have positive affects in terms of financial benefits, sponsorship, Tourism, business and branding but not all agree it will (as reading through the many comments on the MacPoint website public comment page will attest).

Figure 92: New stadium concept. Source: MacPoint website < https://www.macpoint.com/stadium > accessed 2024.

Much has also been made of the roof design and the timber features which will showcase Tasmanian timbers. A culturally informed zone is planned and a 'woven-style', First Nations artist's design has been factored into the façade (inspired by Dean Greeno engaged by Cox Architects). **Figure 93** shows the proposed stadium from the entrance.

Figure 93: Concept design showing the entry to the proposed stadium. Source: MacPoint website < https://www.macpoint.com/stadium > accessed 2024.

The Mac Point official website says that the stadium will include[168]:

- A 1,500-person function room with views to kunanyi/ Mount Wellington.
- A design informed by modelling cricket ball trajectory data to ensure we are ready to host the best quality cricket games.
- A stage pocket in the northern stand to support concerts and events, which will minimise impact on the field and reduce costs for event operators.
- Easy to follow and accessible design features – including a single continuous concourse that services the whole stadium, which means you can enter any gate and easily find your seat.
- A seating bowl design that will bring crowds closer to the action.
- Separated back of house and catering facilities with a below ground service road to separate vehicles and stadium visitors and users.
- A carefully designed cutting-edge design including a timber and steel framed fixed ETFE transparent roof, which will see Tasmania leading the world in structured timber roofing solutions.

The stadium development has been generally supported by both the major political parties in Tasmania and has federal backing However, the issue has been somewhat divisive with some representatives openly supporting the development, while others have come out in opposition to it (with some members resigning form the Liberal Party to sit as independents).

Similarly, the general public community feedback has been mixed – but a key theme has been Aboriginal involvement in the process.

[168] MacPoint website < https://www.macpoint.com/stadium > accessed 2024.

Negative feedback has included and is not limited to the effects the stadium design will have on the aesthetic and historical appeal of the place. Some say that the immense size of the stadium building is not in keeping with Hobart's historic waterfront, that it will ruin the historic aesthetic of the area. Furthermore, it is said that it is out of scale and sympathy with the waterfront. **Figure 94** shows a concept design from constitution dock. Issues of cost, budget and construction practicality at this location have also been raised as well as the impact of the stadium for other critical lines of sight such as the cenotaph. **Figure 95** is a concept view from the cenotaph.

Cultural landscapes include (Burra Charter 2013)

- *Designed landscapes, those that are created intentionally such as gardens, parks, garden suburbs, city landscapes, ornamental lakes, water storages or campuses.*
- *Evolved landscapes, those that display a system of evolved landuse in their form and features. They may be 'relict' such as former mining or rural landscapes. They may be 'continuing' such as modern active farms, vineyards, plantations or mines.*
- *Associative landscapes, that are landscapes or landscape features that represent religious, artistic, sacred or other cultural associations to individuals or communities.*

Figure 94: Stadium from constitution dock. Source: MacPoint website < https://www.macpoint.com/stadium > accessed 2024.

Figure 95: Concept view from the cenotaph. Source: MacPoint website < https://www.macpoint.com/stadium > accessed 2024.

The government has said that "the maritime heritage [and history as a railyard] of the broader area has also been taken into account, and culturally informed under the guidance of Aboriginal community members" [169]. The design itself has been said to have taken inspiration from the "former railway roundhouse which was part of the old Hobart Rail Yard from 1915 until the 1980s"[170]. This is illustrated below in **Figure 96**.

[169] Fox news quoting Tasmania Sports and Events Minister Nic Street < https://www.foxsports.com.au/afl/hideous-horrible-images-of-proposed-new-tasmania-stadium-divide/news-story/d0725548561014ec30aa020f8e5e880b > accessed 2024; also <https://www.abc.net.au/news/2024-07-07/new-images-hobart-proposed-afl-macquarie-point-stadium-released/104034208 > accessed 2024; also AFL news < https://www.afl.com.au/news/1166552/afl-welcomes-new-concept-designs-for-hobart-stadium-at-macquarie-point

[170] ABC news website <https://www.abc.net.au/news/2024-07-07/new-images-hobart-proposed-afl-macquarie-point-stadium-released/104034208 > accessed 2024.

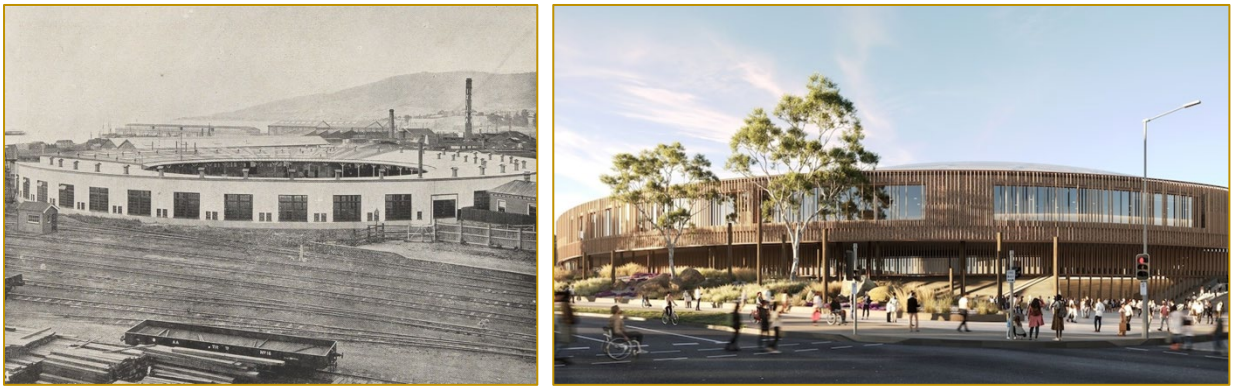


Figure 96: Weekly Courier image showing the railway roundhouse and concept design. Source: ABC news website <https://www.abc.net.au/news/2024-07-07/new-images-hobart-proposed-afl-macquarie-point-stadium-released/104034208 > accessed 2024 and MacPoint website < https://www.macpoint.com/stadium > accessed 2024.

Sporting communities and organisations have also generally supported the design. Cricket organisations who initially showed some concerns for the design, have supported the design of the roof which allows all weather and night matches. The official AFL news website has also praised the design[171]. **Figure 97** shows the internal concept design.

Despite whether the proposed stadium is supported or not it will have an effect of the landscape values and the aesthetic appearance of the place. The result of public comment is available on the MacPoint website.

Aboriginal tradition (AHA 1975)

Aboriginal tradition means:

The body of traditions, knowledge, observances, customs, and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people; and

Any such tradition, knowledge, observance, custom or belief relating to particular persons, areas, objects or relationships.

[171] AFL news < https://www.afl.com.au/news/1166552/afl-welcomes-new-concept-designs-for-hobart-stadium-at-macquarie-point >.

Figure 97: Internal concept design. Source: MacPoint website < https://www.macpoint.com/stadium > accessed 2024.

16 Assessment of the Aboriginal cultural and landscape values for this report

16.1 Introduction

It is clear that over the past two centuries the landscape of the study area has changed significantly. Where rocky and muddy shores once met thick scrub and ancient trees, the waves now crash on concrete wharfs and fiberglass and steel hulls. There is no doubt that this landscape is no longer the way it was when Europeans arrived and will be changed further by the addition of a stadium at the site. The Aboriginal cultural and landscape values of the area are important and remain regardless of extensive development.

Despite these significant changes, it is fundamental to note that from an Aboriginal perspective the value of land lies in more than just the individual elements. There is intrinsic value to the land, fostered by the spiritual connection carried on by the ancestors of those who walked the land for thousands of years before any settler or convict stepped foot on it.

Similarly, the historic values of the place are also high and should not be lost within this development.

There have been difficulties in this assessment in capturing these values in such a short and time-conscious report. The adequacy of addressing this has been somewhat compromised in the process but an attempt has been made to come to terms with this in the following assessment and recommendations.

Figure 98 shows an example of a landscape values assessment model.

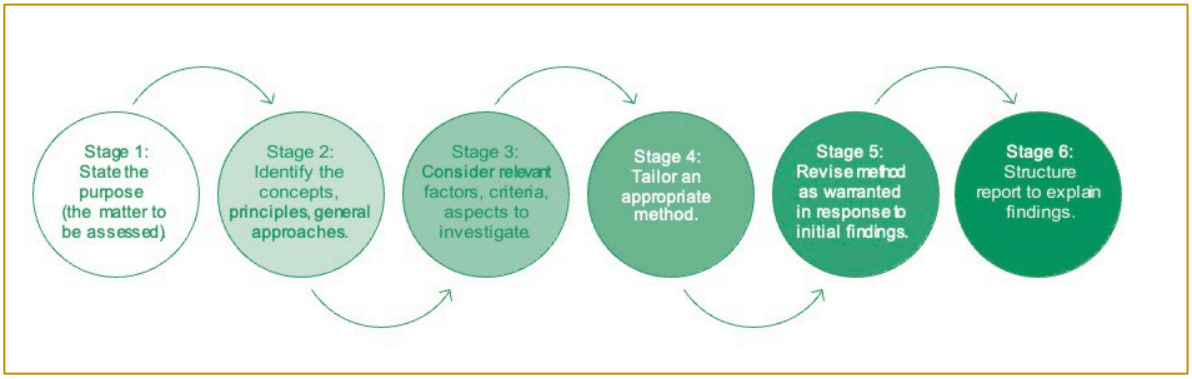


Figure 98: Example of a landscape values assessment model. Source: Te Tangi a te Manu 2022.

Avoidance and improvement (Te Tangi te a Manu 2022)

While landscape assessment may traditionally have tended toward maintaining existing values, or mitigating adverse effects, current practice and the Te Tangi a Te Manu guidelines aspire towards improvement of landscape values. It is not enough to sustain the status quo if the landscape values are already diminished. Hence, these Guidelines highlight assessment of landscape effects in terms of outcomes on landscape values rather than in terms of mere change. They look beyond avoiding, remedying, and mitigating adverse effects to the greater imperative of positive outcomes for landscape values.

16.2 Definition of key terms

The following definitions have been achieved through engagement in this work and are relevant in terms of the following assessment and recommendations.

- Cultural landscape –
    - The result of the interaction of humans with their environment over many years[172].
    - The term 'cultural landscape' embraces a diversity of manifestations of the interaction between mankind and its natural environment. Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature[173].
    - These are values by communities because they show the evolution of settlement and societies, hold myths, legends, spiritual and symbolic meanings are highly regarded for their beauty tell us about societies' use of natural resources, past events and sustainable landuse display landscape design and technology achievements[174].

[172] Burra Charter 2013.
[173] UNESCO 2024.
[174] Burra Charter 2013.

- Cultural values – The value of a place specifically in terms of Aboriginal connections to the place.

- Aboriginal tradition - The body of traditions, knowledge, observances, customs, and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people; and…Any such tradition, knowledge, observance, custom or belief relating to particular persons, areas, objects or relationships[175].

- Historical landscape – The historical evolution or development of a place particularly in terms of European or post-contact. Historic value is intended to encompass all aspects of history – for example, the history of aesthetics, art and architecture, science, spirituality and society. A place carries historical value by association with or having been influenced by a historical person or event[176].

- Landscape values – means the attachment or emotional bond that people develop with places. Landscapes are part of who we are.

  The following provide good descriptions of this key concept[177]:

  Landscape values are the natural systems on which we depend, how we live with our land, and the meaning and pleasure we take from our surroundings. They are part of our identity. Landscapes are important to us all. It is no surprise, then, that landscapes are often at the heart of statutory planning matters. Landscape values are the various reasons a landscape is valued — the aspects that are important or special or meaningful. Values may relate to each of a landscape's dimensions — or, more typically, the interaction between the dimensions. Values can relate to the landscape's physical condition, meanings associated with certain landscape attributes, and landscape's aesthetic or perceptual qualities. Importantly, landscape values depend on certain physical attributes. Values are not attributes but are embodied in attributes.

  And,

  Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country.

- Aesthetic values – The wider aesthetic appeal of a place and how the place is viewed within the landscape. Aesthetic value relates to the sensory and perceptual experience of a place. Aesthetic value encompasses how a place feels, and considers its place in the broader landscape, and may include consideration of visual perception, smells, scale colour, texture and material fabric[178].

[175] AHA Act 1975.
[176] Burra Charter 2013.
[177] Te Tangi a te Manu 2022; Victorian Traditional Owner Landscape Values Strategy 2023.
[178] Burra Charter 2013.

- Aboriginal cultural heritage - Indigenous cultural heritage is the relationship people have with country (sea and land), kin, ways of living, objects and beliefs and this is expressed through knowledge, law, language and symbols which arise from Indigenous spirituality[179].

- Social and spiritual value - encompasses the cultural significance of a place and considers associations and particular attachments that a place has for a particular community or cultural group and the social or cultural meanings that it has for them[180].

The values need to consider how the new stadium looks and will be placed within the wider landscape and the social connections people have with the area.

16.3 Assessment and recommendations

16.3.1 Introduction

Defining the cultural landscape (UNESCO website accessed 2024)

The term 'cultural landscape' embraces a diversity of manifestations of the interaction between mankind and its natural environment. Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature.

Victorian Traditional Owner Landscape Values Strategy (2023)

Traditional Owner cultural landscapes are both material and symbolic and include Traditional Owner societies' unique worldview, ontology, history, institutions, practices and the networks of relationships between human and non-human animals, plants, ancestors, song lines, physical structures, trade routes and other significant cultural connections to Country.

None of the previous reports have addressed wider Aboriginal cultural and landscape values directly and there is currently no working precedent for this in Tasmania. This report has attempted to address the wider understanding of how this may be undertaken as well as apply an understanding of cultural values and landscape values to the new stadium development (and the wider area – the landscape). In some ways this is a new and novel approach for Tasmania but in others it follows very western approaches to assessment. A major aim of this report has been to try to redirect this assessment back to the Aboriginal people who own the stories and connections to this place. It remains to be seen if this is successful or not, but it is hoped this may be a starting point for Aboriginal recognition and engagement in the process.

Cultural (and historical values) have been somewhat addressed in the previous archaeological works and consultation that have been completed to date. Public comment forums have given opportunities for

[179] Ask First 2012.
[180] Burra Charter 2013.

wider comment resulting in both negative and positive responses many of these around addressing Aboriginal values regarding the development. The Macquarie Point Development Corporation has also attempted to facilitate response and comment on the project. They have, however, been somewhat unsure as to how to adequately address the Aboriginal cultural and landscape values of the place in terms of the development and how to engage effectively with relevant groups.

In general, the usual approach is to rely on public and organisational comment and process approaches which can be flawed and fail to adequately address these values or to engage communities effectively. This is especially true in terms of Aboriginal cultural values which require a nuanced and specific approach to consult effectively. Modern approaches also suggest that this should be undertaken by Aboriginal people for Aboriginal people and that control of Aboriginal history should be vested with Aboriginal people. Aboriginal approaches to this can also be very different to western approaches but must be allowed to run their course.

This raises three important questions:

Has consultation and the addressing of Aboriginal cultural and landscape values been done effectively to date?

Have community issues been adequately addressed?

Have all Aboriginal people been given adequate time or agency to provide input into the design and process?

Importance of listening to Aboriginal people's views (Tessa Atto 2024)

"It's important that Tasmanian Aboriginal people's ideas are listened to from the beginning, not just once a project is underway".

"That's when we get the most benefit. Because they're involved through the whole process, it doesn't mean it's a decision being made about them – it's a decision that they are involved in, and it's an idea that came from them"

16.3.2 Assessment, considerations and recommendations

The purpose of this report is to provide an assessment of the Aboriginal cultural values and landscape. While Southern Archaeology can provide some advice and/or overview of this, a key finding of this report is that it is the Aboriginal people themselves that should provide the answers to this. Effective consultation and ownership of the process by Aboriginal people is critical.

The key concepts involved in fulfilling this purpose in this report have been to assess the relevant literature and approaches to assessing Aboriginal cultural values and landscape. Several key pieces of literature and legislation have been identified by the Tasmanian Planning Commission to be consulted in this report. These include (but are not limited to):

- The Ask First document.

- The ICOMOS Practice Notes on cultural landscapes and intangible cultural heritage
- The Aboriginal Heritage Standards and Procedures, Aboriginal Heritage Tasmania, and,
- The relevant processes and procedures of Te Tangi a Te Manu: Aotearoa New Zealand Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

Several other key concepts were also reviewed in this document to supplement or provide further examples and approaches to assessing Aboriginal cultural values and landscape for this report and its approach. These are:

- The Engage Early document.
- The concept of Co-design.
- International Association for Public Participation Australasia.
- The Victorian Traditional Owner Cultural Landscape Strategy.
- The Lowitja Institute 'knowledge translation' approach.

Also, in support of this process the following has been provided:

- An updated and detailed background history of the site has been provided. This 'paints' a picture of the landscape and how it got to this point.
- A summary of the archaeological works completed at the site.
- An assessment of the consultation completed to date.
- A review of overlays showing the original Macquarie Point shoreline using historical plans and plans provided by MPDC.

A key part of this assessment has been input from AHOs Colin Hughes and Caleb Pedder and from Sarah Wilcox (Communications and Engagement Consultant Cooee Tunapri). A brief completed by them has been included in this report (reproduced in section below). These briefs are a key piece of this process and provide a very concise and practical approach to how Aboriginal people view the place and what should occur there.

Finally, an assessment of the Aboriginal cultural values and landscape based upon all the above has been completed along with recommendations.

Note: The following preliminary assessment and recommendations have been prepared for the site in regard to Aboriginal cultural and landscape Values. Currently they are provided in draft form and are subject to review by the Aboriginal Heritage Officers (AHOs) engaged in this project, the proponent, AHT and independent editors. Review of the Aboriginal heritage items recorded during the archaeological investigations still needs completion and this will inform the final outcomes of this report. There are also several pending reports which will be useful to the outcomes of this document. These are:

- *The results of the CHMA consultation for the project. The importance of this document to the understanding of community response to the project cannot be underestimated and will form some basis for Aboriginal input into the place.*
- *A review of the glass fragments from the most recent excavations by AMAC by Colin Hughes and Caleb Pedder.*

- *A Consultation Plan to be prepared by Sarah Wilcox if required. The aim of this report is to provide independent advice regarding consultation on the project and to potentially provide guidance on consultation moving forward.*
- *A review of a report being supplied by Caleb Pedder regarding boats on the Derwent River that he has requested be included in this document.*

This Aboriginal cultural and landscape values report is currently not for public dissemination until adequately revised, edited and completed as per above. Southern Archaeology do, however, look forward to input from the relevant parties mentioned above on the report content.

However, the key findings, considerations and recommendations of this assessment in terms of Aboriginal cultural values and landscape to date are:

- The definitions in **Section 4.3** are adopted in regard to this report.
- The area be recognised for its unique landscape values including Aboriginal cultural and landscape values, aesthetic landscape values and historical landscape values.
- Cultural and landscape values include the wider landscape and its relationship to this area including other sites and places in the area and the intangible (unseen aspects of the place). The definition of Aboriginal cultural and landscape values should not be limited to Macquarie Point alone.
- According to Sarah Wilcox, the IAP2 standards have not been met on this occasion due to the changing scope and limited timeframes directed by the organisation and multiple contractors doing similar work. This has led to confusion and a lack of clarity, resulting in disengagement in the community. It is recommended that Sarah Wilcox be engaged to provide a Consultation Plan for the project in due course and if required.
- Also pointed out by Sarah Wilcox - meaningful engagement with the Aboriginal Community requires at least three to six months to facilitate. It should include Elders, cultural knowledge holders and family groups rather than a singular focus on organisations. Due to the timeframe provided by the organisation, this has not been achieved. It will however, be interesting to see the results of the consultation being undertaken by CHMA.
- As Colin and Caleb point out - Aboriginal landscape values are not necessarily about the environment created by our ancestors. All land has Aboriginal value irrespective of condition or what has been constructed on it. Country is country and has always been and continues to be 'our' country. Aboriginal landscape values can be determined by Aboriginal people experiencing country in the present.
- Aboriginal people have an intrinsic and spiritual connection to their land, created through thousands of years of relationship with it. Regardless of the quantity of steel, concrete, glass, and bricks that are brought onto the land, it retains value to Aboriginal people. The value of this land goes beyond its physical properties. The heart and spirit of the land has survived the impact of Europeans.
- Aboriginal people have visited the region for thousands of years interacting with it, shaping it and enjoying the resources of the place. There is evidence of this in the landscape through the numerous sites in the area and the less visible spiritual and intangible connections to the place. These can be seen in the naming of places such as *nipaluna* (Hobart), *timtumili minanya* (Derwent River) and *kunanyi* (Mt Wellington) all of which hold sacred and special meaning to Tasmanian Aboriginal people. These make up the cultural landscape.

- The original landscape of this area has not been lost but exists below the concrete and asphalt covering this area. This is evidenced by the sites known in the region but also in the artefacts discovered during recent archaeological works – these are the stone tools and contact material (evidence also of the people visiting the area after colonisation) and are very important as they show very tangible evidence of Aboriginal connections to the place. In Caleb and Colins words - These artefacts tell a strong story of our Ancestors use of the area and provide a strong connection to contemporary Aboriginal people to the country they were found on. This connection to country has been stated over many years and is an integral part of past and contemporary Aboriginal culture. Colin and Caleb (accompanied by Darren Watton – Archaeologist) have requested that they inspect the glass artefacts as part of this process and the results of this inform this report.
- There is historical evidence of Aboriginal people continuing to visit, interact with and use the Macquarie Point and wider landscape after contact. These visits continued despite the changes occurring at the place and the grief and displacement this caused. This insight has been gained through the western approach of gathering primary source information on the site and while important, is intrinsically known by Aboriginal people through connections to the place.
- The study area has continued value as a gathering place for people from all around *lutruwita*. Today Aboriginal people live within, work within and continue to visit the Hobart area – these connections to place have not been lost, but, instead, continue to grow.
- Western approaches to assessment have tended to focus on past landscapes and this has tended to ignore, remove or reduce Aboriginal cultural and landscape values.
- Only Aboriginal people can truly speak to and understand the Aboriginal cultural and landscape values of this place – The story of this place should be told by Aboriginal people and the truth telling of the place undertaken by Aboriginal people for Aboriginal people – More broadly as a community we can gain insights through this alternative history and learn from the stories of those who live on following the footsteps as their Ancestors.
- All land has value to Aboriginal people irrespective of the current condition or what has been constructed on it. In Colin and Caleb's words - Aboriginal cultural and landscape values should be determined by Aboriginal people experiencing the present.
- A key and critical part of this process will be the consultation and this needs to be done correctly and be inclusive of as many Aboriginal people that want to be involved. The opportunity to consult should be available to all individuals and groups recognising that not all will have the same approach or views on issues. Importantly, Aboriginal people should lead this consultation process. In the words of Caleb and Colin - CHMA is currently undertaking a comprehensive consultation process, and this is important. We should wait for the results of this consultation before making further decisions on this place.
- Further to this and according to Sarah - The Palawa Community is overwhelmed with multiple engagement requests and campaigns that strive to improve the overall approach to land management, identity protection, cultural and heritage landscape protection and self-determination aspirations. There has been minimal availability or opportunity for appropriate engagement to occur.
- Also, in the words of Caleb and Colin - If the CHMA consultation process does not provide an indication on the Aboriginal communities' position on the area, then a consultation program can be revised specifically for the determination of landscape values.
- Further to this, Sarah points out that there are several experienced and respected Palawa cultural landscape interpretation professionals that would be able to assist in developing a more culturally appropriate values assessment in collaboration with Aboriginal Heritage and

archaeology practitioners. A more in-depth and robust community engagement alongside this process would add deeper insights into the evaluation and would avoid reputational risk for the organisation.

- Some management and/or mechanism should be put in place for Aboriginal people to have ongoing connections to this place and some ownership over their history of the place. This may be through knowledge translation and input into the design, interpretation, artist connections (the engagement of Dean Greeno in the design is inspiring), a place for people to visit and engage with the place and/or other way that is developed by Aboriginal people to maintain some sovereignty vested in the development. The photograph below (**Figure 7**) is Colin Hughes at the football in Melbourne.
- Decisions around Aboriginal cultural values and landscape must be done with consideration of Aboriginal ways of being and doing. Time should be allowed for Aboriginal people to have a voice in the design and concepts of the stadium. Aboriginal people should maintain sovereignty in the process.
- Some management and/or mechanism should be put in place for Aboriginal people to have ongoing connections to this place and some ownership over their history of the place. This may be through input into the design, interpretation, artist connections, a place for people to visit and engage with the place and/or other way that is developed by Aboriginal people to maintain some sovereignty vested in the development.
- There may be other Aboriginal cultural material located on this site and this should be considered during construction and in ongoing management of the place.
- Input into this project should be ongoing and revised at regular intervals to maintain Aboriginal interests in the development and place. The development of an Aboriginal Advisory Panel with a vested interest in the area may be appropriate but this should be for Aboriginal people to decide.
- Colin Hughes and Caleb Pedder have requested that the glass from the AMAC excavations be re-assessed by them to establish if any further contact material showing potential evidence of usewear is contained within the collection. Any material that shows potential of usewear should be further assessed by Simon Munt as was undertaken previously.
- The area has wider heritage values, landscape values and connections for many Tasmanians. There is an opportunity for these to interact within this place.

In summary, the current consultation process should be allowed to “run its course” and the results inform whether new approaches or more consultation is required. A plan should be put in place for Aboriginal people to be assess the values of the area in their terms and to provide input into the project in all phases of the development.

The photograph below (**Figure 99**) is Colin Hughes at the football in Melbourne.

Figure 99: Colin Hughes at the football in Melbourne. Photograph reproduced with permission 2024.

Inspiration for woven design of the stadium concept (Dean Greeno website biography accessed 2024)

My arts practice centres primarily on sculpture, it draws heavily upon my pakana cultural connections to Country and the traditional practices that spiritually connect me to my artwork. These connections began early when my great grandfather took me into the bush and swamps of the East coast of Flinders Island to show me traditional hunting and crafting techniques. This background is combined with the stoicism derived from the journey of my ancestors and people who have continued to practice the oldest living culture from precolonial to current times despite the many horrific challenges they faced on that pathway not excluding war, assimilation and cultural theft. An important aspect of the future pathway within my work is the effects of climate change on traditional Tasmanian Aboriginal resources and recognizing how these effects are being felt not only by the pakana and palawa people themselves but Sky, Land and Sea Country. I have help support the creation of a handful of films and documentaries, further to this I have enjoyed guiding and exploring informed talks, fire pit yarns and sharing knowledge walks through the cataract gorge in Launceston or on the beaches of Flinders Island, each presentation focused in part on highlighting the immediacy of healing and caring for Sea Country.

Landscape values (Te Tangi a te Manu 2022)

Landscape values are the various reasons a landscape is valued — the aspects that are important or special or meaningful. Values may relate to each of a landscape's dimensions — or, more typically, the interaction between the dimensions. Values can relate to the landscape's physical condition, meanings associated with certain landscape attributes, and landscape's aesthetic or perceptual qualities. Importantly, landscape values depend on certain physical attributes. Values are not attributes but are embodied in attributes.

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