
Appendix M

Indigenous Heritage Assessment

DRAFT REPORT

Proposed Alternative Waste Treatment Facility at Jacks Gully Waste Management Centre: Desktop Indigenous Heritage Report

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For GHD Pty.Ltd.

Introduction

This section on the Indigenous heritage of the site is based on a desktop review of pre-existing EIS coverage and the compilation of an overview of the Indigenous historical documentary heritage of area. No site survey work or stakeholder consultation was undertaken. The proposed expansion site is stated to lie within the area that was field surveyed in 1999 by Navin Officer Heritage Consultants.

Overview Documentary History of Indigenous Heritage

The study area lies within the south western region of the Cumberland Plain in the Nepean River basin. Initial European impact on this site was through intensive grazing. The study area is located within the South Campbelltown mine subsidence district and from the 1950s on activities associated with the mining industry have impacted on the site. During the last three decades the site has been in continuous use for landfill.

The study area lies within the region generally recognised as having been occupied by the speakers of the Dharawal (Tharawal) language, one of the major language groups of the Sydney region. The area falls within the current boundaries of the Tharawal Local Aboriginal Land Council. The Menangle-Camden region within which the study area lies was known to the early European settlers as the Cowpastures and the Aboriginal people of the area were referred to as the 'Cowpastures tribe'. The area acquired the name of Cowpastures when in 1795 a herd of wild cattle were found there, the herd being based on the six head of cattle that had escaped from the Sydney settlement within six months of the First Fleet's arrival. The Dharawal people recorded these early cattle in sketches in a sandstone shelter within the Menangle-Camden area.

Early European activity in the region was focused on attempts to muster the herd of five or six hundred wild cattle that were present in the area by c.1800. In the first decade of the nineteenth century European settlement in the area developed rapidly, focused along the banks of the Nepean River. The period from 1814-1816 was one of frontier warfare in the Hawkesbury-Nepean River area. The years leading up to this period saw prolonged drought followed by heavy flooding, these environmental conditions precipitating increased resource competition between the Indigenous inhabitants of the area and the European settlers. A guerrilla campaign was conducted by the Aboriginal peoples of the area against the European settlers who had taken over their land along the river plains country. In the early months of 1816 Aboriginal people of the area conducted a series of raids on the European farms along the Nepean River. In that same period Governor Macquarie sent approximately seventy four troops, organised in three parties, against the Aboriginal people of the western Sydney region. This expedition has been referred to by the military historian John Conner as, "... one of the most elaborate operations ever carried out by the British Army on the Australian frontier.". The event known as the Appin Massacre occurred during this expedition when on the 17th of April, 1816 one of the three military parties in the area attacked an Aboriginal camp in the early morning hours.

Despite the heavy impacts of the violence outlined above and of introduced disease, the Aboriginal people of the area continued to live in the area and undertake traditional cultural practices. At the neighbouring estate of Camden Park (located on the western side of the Nepean River) held by the Macarthur family, Mrs Macarthur recorded watching ceremonies (corroborrees) in 1839, 1846 and 1850.

The site lies within the original boundaries of the Glenlee estate, one of the early 19th century pastoral holdings of the area. Glenlee estate was formed from a grant of land to William Howe, a Scottish migrant, which was made in 1818. The property was resided on by the Howe family from c.1822 to 1859. Glenlee was developed as one of the earliest dairy farms in the colony of New South Wales making the shift from cereal cropping to dairying in the 1820s and '30s. During the early nineteenth century the estate supported a workforce of over fifty people, the bulk being convict servants. William Howe was a magistrate in the Campbelltown district and in this role would have had contact with Aboriginal people in the area regarding the issuing of blankets and associated matters. In 1859 the property was acquired by the emancipated convict James Fitzpatrick who continued its development as a dairy property, the Fitzpatrick family held the property up to 1968. The property continued to function as a dairy farm, along with varied small scale use for cropping and market gardens, to the mid twentieth century.

There is little documentary historical evidence relating to the Indigenous heritage of the study area after the mid nineteenth century. However, it is clear that Dharawal people continue to express a cultural connection to the general area up to the present day.

Within the general area of the Jacks Gully Waste Management Site several previous developments have impacted on the landscapes integrity. The 1950s saw the construction of a coal washing and transshipment facility at Glenlee by the Joint Coal Board. This facility was built as a result of increasing coal production from the Burraborang/Nattai River mines and the need to transport the resulting coal to the Balmain export loading plant. The coal facility saw heavy use in the 1960s and '70s, although its use was subsequently scaled down due to environmental concerns. In the early 1990s a compost and recycling facility was established within the coal handling facility area. Sand mining has also occurred to the west and north of the site. The northern and eastern portions of the Jacks Gully WMC are existing landfill areas that have been in use for over two decades, associated activities including sedimentation and leachate ponds have impacted to some extent on the southern and western portions of the JGWMC. As a result of these cumulative economic activities there has been extensive landscape disturbance in the study area.

Statutory Considerations

The *National Parks and Wildlife Act, 1974* provides for the protection of Aboriginal relics (commonly referred to as sites) across New South Wales, regardless of significance, land tenure and whether or not they are recorded in the National Parks and

Wildlife Service Sites Register. It should be noted that the *National Parks and Wildlife Act 1974* provides blanket protection for material evidence of Indigenous occupation (objects) and protection for areas of high cultural significance to the Aboriginal community (places). An Aboriginal object under the Act is defined as “any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.”. An Aboriginal place under the Act is defined as “any place declared to be an Aboriginal place under section 84.”. Of relevance to the study area are the provisions of Section 90 and Section 91. Section 90 of the Act states that,

“A person who, without first obtaining the consent of the Director-General, knowingly destroys, defaces or damages, or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place is guilty of an offence against this Act.”

Further to this Section 91 states that,

“A person who is aware of the location of an Aboriginal object that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director-General thereof within a reasonable time after the person first becomes aware of that location is guilty of an offence against this Act unless the person believes on reasonable grounds that the Director-General is aware of the location of that Aboriginal object.”.

The recommendations provided in this report allow for these legislative requirements to be observed in all works undertaken within the study area.

Review of Existing EIS

A cultural heritage assessment study of the area of the proposed expansion of the Jacks Gully Waste Management Centre was conducted in 1999 by Navin Officer Heritage Consultants. This study included an archaeological field survey, conducted with participation by the Tharawal Local Aboriginal Land Council, and a review of the existing documentation. No archaeological sites were recorded within the proposed expansion area and it was stated that, “Given the comprehensive nature of the survey and the low archaeological potential of the study area resulting from extensive landscape disturbance, the survey results are considered to be an accurate reflection of the archaeological resource within the survey area.”. The comprehensive review of existing documentation found no sites recorded within the study area.

The study area is located on a site that has existed as an industrial site, originally a coal facility, since the 1950s. This area has been used as a landfill site for over twenty five years resulting in high levels of disturbance and some landscape modification. It is a

highly disturbed site and as a result there is little likelihood of the existence of any material cultural heritage traces relating to the period predating its development as a coal facility.

Conclusion

On the basis of the desk top review conducted there are no indications of cultural heritage constraints on the proposed expansion works within the Jacks Gully Waste Management Centre. Measures for the safeguarding of any potential cultural heritage impacts are provided for in the following recommendations.

Recommendations

- That the community consultation process, on both material cultural heritage and environmental issues, include representatives of the Aboriginal community including the following groups: Tharawal Local Aboriginal Land Council, Cubbitch Barta Native Title Claimants Aboriginal Corporation, Winga Myamly, Dharawal Education Centre.
- In the event of previously undiscovered Aboriginal sites or relics being located during the proposed works, work in the vicinity would be halted and all potential sites fenced off and reported to National Parks and Wildlife Service (Department of Environment) for its investigation and assessment and to the Tharawal Local Aboriginal Land Council. Such investigation and assessment would result in the development of protection measures appropriate to the assessed significance. This must take place under the National Parks and Wildlife Act, 1974, (Section 90). Work should cease immediately and await advice on appropriate action from the relevant National Parks and Wildlife Service (DEC) staff.

Sources:

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