

11. Indigenous heritage

This chapter provides a summary of the Indigenous heritage results of the cultural heritage assessment undertaken by Navin Officer Heritage Consultants. A copy of the full report is included in Appendix F.

11.1 Methodology

The Indigenous heritage assessment was prepared in accordance with the requirements of the relevant statutory authorities and included:

- ▶ Consultation with the local Aboriginal community, in accordance with the DECCW's *Interim Guidelines for Aboriginal Community Consultation* requirements. This included participation by three Aboriginal stakeholder groups in the archaeological field survey program;
- ▶ A desktop review of archaeological literature and data for the study area to determine if Aboriginal sites have been previously identified within the area. This included a review of the Aboriginal Heritage Information Management System maintained by the DECC and associated files and catalogue of archaeological reports; and
- ▶ A field survey (described below) to identify visible surface evidence of cultural heritage sites and landforms with a moderate to greater degree of archaeological sensitivity.

11.1.1 Aboriginal consultation

Interim Guidelines for Aboriginal Participation

Due to time constraints associated with the HSP, the DECCW *Interim Community Consultation Requirements* were implemented concurrently with the field investigations for the Environmental Assessment. Nevertheless, every effort has been made to identify and consult with potential stakeholders regarding mitigation measures and development impacts. While the fieldwork was already underway when the consultation process began, all of the registered stakeholders have been consulted regarding potential heritage impacts, development options and mitigation measures, as per the DGRs.

An advertisement was placed in the *Goulburn Post* on 2 December 2009, with a 14 day period for registration ending on the 16 December 2009. Letters were sent to the Pejar Local Aboriginal Land Council (PLALC), Illawarra Local Aboriginal Land Council (ILALC), Office of the Registrar Aboriginal Land Rights Act 1983, NSW Native Title Services, NSW DECCW, GMC and WSC. The closing date for expressions of interest was 16 December 2009.

Responses to the advertisement and letters were received from:

- ▶ Mr Walter R Bell, Buru Ngunnawal Aboriginal Corporation (BNAC);
- ▶ Goulburn Mulwaree Council; and
- ▶ Office of the Registrar Aboriginal Land Rights Act 1983.

Following advice received from DECCW, additional letters were sent to Ngunnawal Elders Corporation, Peter Falk, Ngunnawal Elder, Gundungurra Aboriginal Heritage Association Inc. (GAHAI), Ngunnawal Heritage Aboriginal Corporation, Konaggo Aboriginal Cultural Heritage Services, Dean Bell - Yurwang

Gundana Consultancy Cultural Heritage Services and Carl and Tina Brown. The closing date for expressions of interest was 11 January 2010.

Responses to the letters and additional registrations of interest were received from:

- ▶ Dorothy Carroll, Ngunawal Heritage Aboriginal Corporation;
- ▶ Buru Ngunawal Aboriginal Corporation;
- ▶ Peter Falk;
- ▶ Sharyn Halls, Gundungurra Aboriginal Heritage Association Inc.; and
- ▶ Carl Brown, King Brown Tribal Group Pty Ltd.

A draft copy of this report, accompanied by an invitation for comments, was provided via email to all of the registered stakeholders on 1 February 2010. Responses were received from:

- ▶ Peter Falk (2 February 2010); and
- ▶ Sharyn Halls, Gundungurra Aboriginal Heritage Association Inc. (15 February 2010).

Peter Falk drew attention to the fact that additional information had recently become available on the results of fieldwork undertaken in the Marulan area; the relevant reports have been reviewed and the details of those field results are summarised in Section 5.2 of the Cultural Heritage Assessment (see Appendix F).

Sharyn Halls provided a letter (refer to Appendix F) stating that GAHAI had read the report and supported the management recommendations outlined in the assessment. It was also recommended by GAHAI that monitoring for Aboriginal artefacts be undertaken during construction works along the proposed pipeline.

Methodologies for any future fieldwork will be sent out for review and comment to all registered stakeholders and, a review of groups participating in the field will be undertaken before any additional fieldwork commences.

Aboriginal fieldwork participation

The study area for the Highlands Source Project extends across the boundaries of the Pejar Local Aboriginal Land Council (PLALC) and the Illawarra Local Aboriginal Land Council (ILALC). It also coincides with part of an area that is subject to a native title claim (NC 97/7 – see Appendix F) by the Gundungurra Tribal Aboriginal Corporation (GTAC).

Invitations to participate in the field survey were extended to the PLALC, the ILALC and the Gundungurra Aboriginal Heritage Association Inc. (GAHAI). Representatives from these three organisations participated in various phases of the fieldwork, subject to the location of field investigations and the availability of representatives from the relevant organisations. Copies of the records of Aboriginal participation are provided in the Cultural Heritage Assessment (Appendix F) along with a copy of a field report provided by Nathaniel Kennedy (ILALC).

As stated above, a review of Aboriginal groups participating in the field program will be undertaken before any additional fieldwork is commenced for the Project.

Aboriginal cultural values

Comments and input regarding the Aboriginal cultural heritage values relevant to the Project were invited from the representatives who participated in the field survey. No specific information was provided regarding the Aboriginal cultural values of sites identified during the current survey investigations.

A draft copy of the Cultural Heritage Assessment report was provided to each of the registered Aboriginal stakeholders for their information; it was accompanied by a request for views/comments on the Project. Comments were received in response to the draft report from Peter Falk and GAHAI. Neither of those responses provided details regarding the nature of Aboriginal cultural values for sites potentially impacted by the Project.

11.1.2 Field survey

The study team conducted the field surveys over ten days in November and December 2009 with representatives of PLALC, ILALC and GAHAI.

The field survey involved:

- ▶ Comprehensive inspection on foot, of areas where land access was secured, including sampling of various landforms and environmental contexts with a focus on areas of high sensitivity and/or areas with significant ground visibility; and
- ▶ Systematic assessment of landscape disturbance and archaeological potential across all surveyed areas.

11.2 Existing environment

11.2.1 Aboriginal context

The exact pre-contact and contact boundaries of Aboriginal territories which existed prior to 1788 are impossible to reconstruct because of the lack of reliable data available from that period of time. It is probable that tribal boundaries, clan estates and band ranges were fluid, varying over time.

Consequently, tribal boundaries as delineated today must be regarded as approximations only, and relative to the period of, or immediately before, European contact. The consistent impression is that Goulburn was likely situated on or near to two tribal boundaries – the Gandangara to the north and the Ngun(n)awal to the south (Wyatt, 1941:112; Tindale, 1974; Koettig & Lance 1986:13). The Project area is probably located mostly within the boundaries of the Gandangara tribe, with the eastern area (Wingecarribee) falling within the tribal area delineated by Tindale (1974) as Wodi Wodi.

The Wodi Wodi occupied an area which extended from Wollongong to north of the Shoalhaven, and west as far as Picton, Marulan and Moss Vale. The Wodi Wodi was a subdivision of a larger tribal grouping called the Dharawal (Thuruwal) which appears to have extended from the southern side of Botany Bay to around Jervis Bay (Eades 1976, Sefton 1980). These people spoke the Dharawal language, which was distinct from the language to the south of Jervis Bay called Dhurga (Eades 1976).

11.2.2 Sites identified

The results of the desktop assessment indicate that 77 Aboriginal sites, including 51 artefact scatters, 13 isolated finds, three scarred trees, three PADs, one artefact scatter with associated PAD, one carved

tree, one grinding groove site, one stone quarry and one burial location have previously been identified in the study area.

Based on available data, it appears that the proposed HSP may impact on two of these previously recorded sites:

- ▶ AHIMS Site No. 51-6-0113 – artefact scatter; and
- ▶ AHIMS Site No. 51-6-0115 – artefact scatter.

AHIMS Site No. 51-6-0113 was located during the field survey (HSP10 and HSP11). An isolated find was located within proximity to the recorded location of AHIMS Site No. 51-6-0115; however the original artefact scatter could not be relocated.

A total of 25 Aboriginal heritage recordings were identified during the field survey. These consisted of:

- ▶ 5 isolated finds;
- ▶ 13 artefact scatters (some with associated PADs); and
- ▶ 7 PADs.

Eight of the abovementioned artefact scatters also had areas of PAD associated with the surface distribution of artefacts. Table 11.1 provides a summary of Aboriginal recordings along the pipeline route.

Table 11.1 Summary of Aboriginal heritage recordings

Site type	Site recording ID
Isolated find	HSP1, HSP6, HSP9, HSP18
Artefact scatter	HSP2, HSP4, HSP11 (AHIMS 51-6-0113), HSP12, HSP13, HSP14
Isolate find / artefact scatters and PADs	HSP3, HSP5, HSP7, HSP8, HSP10 (AHIMS 51-6-0113), HSP15, HSP16, HSP17
Potential archaeological deposits (PADs)	HSP PAD1, HSP PAD2, HSP PAD3, HSP PAD4, HSP PAD5, HSP PAD6, HSP PAD7
Possible scarred tree	None recorded

Sites listed in Table 11.2 have a moderate or high archaeological sub-surface potential. For other items, the subsurface potential was low or not recorded.

Table 11.2 Archaeological sub-surface potential

Site type	Sites with moderate archaeological potential	Sites with high archaeological potential
Isolated find	None recorded	None recorded
Artefact scatter	HSP4	None recorded
Isolate find / artefact scatters and PADs	HSP5, HSP8, HSP10 (AHIMS 51-6-0113)	HSP3, HSP7, HSP15, HSP16, HSP17

Potential archaeological deposits	HSP PAD1, HSP PAD3, HSP PAD4, HSP PAD5, HSP PAD6, HSP PAD7	HSP PAD2
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11.3 Significance assessment

The Burra Charter of Australia defines cultural significance as 'aesthetic, historical, scientific or social value for past, present and future generations' (Aust. ICOMOS 1987). The assessment of the cultural significance of a place is based on this definition but often varies in the precise criteria used according to the analytical discipline and the nature of the site, object or place.

In general, Aboriginal archaeological sites are assessed using five potential categories of significance:

- Significance to contemporary Aboriginal people;
- Scientific or archaeological significance;
- Aesthetic value;
- Representativeness; and
- Value as an educational and/or recreational resource.

The significance assessment was undertaken with reference to these criteria. It should be noted that only the Aboriginal community can determine Aboriginal cultural significance, and that confirmation of this significance component is underway with Aboriginal groups.

The scientific significance of the newly identified sites within the NSW section of the study area is provided in Table 11.3. As the scientific significance of a potential archaeological deposit cannot be determined prior to subsurface archaeological testing to determine the nature and extent of any subsurface deposits, these sites are listed as NA by the heritage assessment, and are not included in the table.

The majority of sites identified along the pipeline corridor for the HSP are surface scatters of artefacts, although in some cases a moderate to high potential for associated archaeological deposits has also been identified. A number of areas of PAD unassociated with surface indicators of sites have also been identified.

In general terms, areas of PAD have only been identified at sites that display moderate to high archaeological research potential. The remainder of sites have been assessed to be unlikely to contain significant archaeological deposits. They are characterised by small and/or low density artefact scatters in locations that are unlikely to have been frequented for camping and other similar activities. These sorts of smaller sites are common across the Southern Tablelands and the Southern Highlands, they offer limited educational value and are assessed to be of low scientific significance.

Table 11.3 Scientific significance of sites

Site name	Recording type	Surface aboriginal artefacts	Scientific significance at a local level
HSP1	Isolated find	1	Low
HSP2	Artefact scatter	5	Low

Site name	Recording type	Surface aboriginal artefacts	Scientific significance at a local level
HSP3	Artefact scatter (and PAD)	2	Moderate
HSP4	Artefact scatter	2	Low
HSP5	Artefact scatter (and PAD)	7	Moderate
HSP6	Isolated find	1	Low
HSP7	Artefact scatter (and PAD)	1	Moderate
HSP8	Artefact scatter (and PAD)	2	Low/moderate
HSP9	Isolated find	2	Low
HSP10	Artefact scatter (and PAD)	18	Moderate
HSP11	Artefact scatter	2	Low
HSP12	Artefact scatter	14	Low
HSP13	Artefact scatter	2	Low
HSP14	Artefact scatter	6	Low
HSP15	Artefact scatter (and PAD)	15	Moderate/high
HSP16	Artefact scatter (and PAD)	4	Moderate
HSP17	Artefact scatter (and PAD)	16	Low/moderate
HSP18	Isolated find	1	Low

11.4 Impact assessment

The main risks relate to Aboriginal heritage would occur during the construction phase. The results of the assessment indicate 11 Aboriginal sites, seven sites with potential archaeological deposits and seven potential archaeological deposits have the potential to be directly impacted by construction of the project.

The treated water option runs in close proximity to (within 30 m) but does not directly impact HSP2 and avoids potential impacts to HSP PAD1 and HSP3. The raw water option would not directly impact the artefact scatter at HSP3 however it would directly impact the PAD associated with this scatter and the area of archaeological potential at HSP PAD1.

Sites and PADs that would be directly impacted by the proposed pipeline route, those not directly impacted but within the investigation corridor and those vulnerable to impact by the proposed pipeline route (*i.e.* located within 30 m of the proposed pipeline route) have been identified and listed in Table 11.4 and Table 11.5.

Most of the Aboriginal sites subject to impact are assessed as having moderate or low archaeological significance. Two sites were assessed as having a moderate/high scientific significance (see Table 11.5). The assessment of cultural significance is under way with Aboriginal groups. Section 11.6 describes mitigation measures that would be put into place to minimise the potential impact to Aboriginal heritage sites. These are also under discussion with Aboriginal groups and may be modified slightly before construction commences.

Table 11.4 Number of sites potentially impacted by the Project

Site type	Number directly impacted	Vulnerable	Not impacted
Isolated find	3	1	0
Artefact scatter	0	4 + 1 treated water only	2
Artefact scatter and PAD	6 + 1 raw water only (PAD only)	0	0
PAD	7	0	0
Totals	17	6	2
Aboriginal recordings with moderate or high archaeological subsurface potential	3 PADs 5 open artefact scatter and PAD occurrences	None recorded	1 artefact scatter and PAD occurrences 1 open artefact scatter

Table 11.5 Sites with the potential to be directly impacted by the Project

Site recording ID and location	Site type	Potential impact	Scientific significance
HSP1	Isolated find	Directly impacted	Low
HSP2	Artefact scatter	Raw water - Not impacted Treated water - Vulnerable	Low
HSP3	Artefact scatter and PAD	Raw water - Directly impacted (PAD only) Treated water – Not impacted	Moderate
HSP4	Artefact scatter	Not impacted	Low
HSP5	Artefact scatter and PAD	Directly impacted	Moderate
HSP6	Isolated find	Directly impacted	Low
HSP7	Artefact scatter and PAD	Directly impacted	Moderate
HSP8	Artefact scatter and PAD	Directly impacted	Low/moderate
HSP9	Isolated find	Vulnerable	Low
HSP10	Artefact scatter and PAD	Not impacted	Moderate
HSP11	Artefact scatter	Vulnerable	Low
HSP12	Artefact scatter	Vulnerable	Low
HSP13	Artefact scatter	Vulnerable	Low
HSP14	Artefact scatter	Vulnerable	Low
HSP15	Artefact scatter and PAD	Directly impacted	Moderate/high
HSP16	Artefact scatter and PAD	Directly impacted (PAD only)	Moderate

Site recording ID and location	Site type	Potential impact	Scientific significance
HSP17	Artefact scatter and PAD	Directly impacted	Low/moderate
HSP18	Isolated find	Directly impacted	Low
HSP PAD1	Potential archaeological deposit	Directly impacted	Moderate
HSP PAD2	Potential archaeological deposit	Directly impacted	Moderate
HSP PAD3	Potential archaeological deposit	Directly impacted	Moderate/high
HSP PAD4	Potential archaeological deposit	Directly impacted	Low/moderate
HSP PAD5	Potential archaeological deposit	Directly impacted	Moderate
HSP PAD6	Potential archaeological deposit	Directly impacted	Moderate
HSP PAD7	Potential archaeological deposit	Directly impacted	Moderate

11.5 Summary of findings

The cultural heritage assessment undertaken by Navin Officer has considered potential impacts to both previously identified heritage sites and items identified in the course of survey along the proposed pipeline route. While constraints regarding property access have limited survey in some areas, the survey coverage achieved is sufficient for the purposes of discussing the general heritage constraints applicable to the Project.

The majority of the pipeline corridor has been variously impacted by clearing and pasture development, and track, road and fencing construction. Notwithstanding this, the field survey for the Aboriginal assessment identified a total of 25 sites in the study area. The sites include isolated finds, artefact scatters and potential archaeological deposits. Two sites were previously recorded in the vicinity of the pipeline corridor; however only one could be located during the field survey. Seventeen sites would be directly impacted by the project.

A significance assessment was undertaken with the assessment criteria that apply in NSW. Most of the Aboriginal sites subject to impact are assessed as having moderate or low archaeological significance. Two sites were assessed as having a moderate/high scientific significance, while 10 sites were assessed as having moderate archaeological significance. For other sites, the scientific significance was low or not able to be determined at this stage. The assessment of cultural significance is under way with Aboriginal groups. It is noted that only the Aboriginal community can determine Aboriginal cultural significance and that confirmation of this significance component is dependent on written submissions to the heritage assessment by appropriate representative organisations.

On the basis of previous research and the results of field survey, it is unlikely that with the implementation of the mitigation measures identified in Section 11.6 there are Aboriginal heritage issues that would pose an absolute constraint to the Project. Furthermore it is expected that these mitigation

measures would equally apply to any additional sites that might be encountered during future investigations.

11.6 Mitigation measures

The Aboriginal sites identified in the course of this study fall into four general categories:

- ▶ Sites that would not be impacted;
- ▶ Sites that are in proximity to areas of direct impacts;
- ▶ Artefact scatters that will be directly impacted; or
- ▶ Areas of PAD (associated or not associated with artefact scatters) that will be directly impacted.

The mitigation measures detailed below are applicable to the last three categories of sites.

- ▶ Prior to commencement of any construction works along the pipeline route, a comprehensive archaeological survey be undertaken along those sections of the alignment not inspected during the current survey. Pending the results of that survey it may be necessary to undertake additional archaeological investigations and/or salvage work in some locations;
- ▶ All Aboriginal heritage sites would be clearly marked on all mapping and plans used by the contractors undertaking the pipeline work;
- ▶ In the case of sites located in proximity to areas of direct impacts, the extent of the heritage site would be clearly marked and fenced and where feasible and necessary, the proposed pipeline easement would be reduced to avoid or reduce the impact to identified Aboriginal heritage sites within the construction corridor;
- ▶ In the event that the treated water option is selected:
 - the site HSP2 should be fenced prior to commencement of construction and its location should be clearly marked on all relevant maps and plans;
- ▶ In the event that the raw water option is selected:
 - the artefact scatter at HSP3 should be fenced prior to commencement of construction and its location should be clearly marked on all relevant maps and plans;
 - prior to commencement of construction activities, a program of archaeological subsurface testing should be conducted within the affected sections of PAD at HSP3 and HSP PAD1 and, depending upon the results of that testing, it may be necessary to undertake salvage excavations in these locations;
- ▶ The sites HSP4, HSP9, HSP10, HSP11, HSP12, HSP13 and HSP14 should be fenced prior to commencement of construction and their locations should be clearly marked on all relevant maps and plans (these measures should also be considered for the previously recorded AHIMS sites 51-6-0364 and 51-6-0115, which were not located during the current survey program but are situated in proximity to the proposed pipeline);
- ▶ Prior to commencement of construction activities, salvage of artefacts should be conducted at HSP6 and HSP18;
- ▶ Prior to commencement of construction activities, salvage of artefacts should be conducted at HSP5, HSP7, HSP8, HSP15 and HSP17 and, a program of archaeological subsurface testing should be conducted within the affected sections of PAD at these sites as well as HSP PAD2, HSP PAD3, HSP

PAD4, HSP PAD5, HSP PAD6 and HSP PAD7; depending upon the results of that testing, it may be necessary to undertake salvage excavations in these locations;

- ▶ An Indigenous heritage management plan would be prepared as part of the construction environmental management plan; in consultation with relevant agencies and Aboriginal groups, detailing:
 - Procedures for impacting on identified sites;
 - Measures for the management of any previously unidentified items/areas of potential Indigenous archaeological significance identified during construction works in accordance with NSW and ACT legislative requirements; and
 - Temporary fencing to be erected between the construction zone and all sites classified as vulnerable during the construction phase of the project; and
- ▶ Consultation with the registered Aboriginal organisations would be ongoing.