

PORT KEMBLA BULK LIQUIDS TERMINAL
FORESHORE ROAD, PORT KEMBLA

ABORIGINAL CONSULTATION REPORT

Report to The Manildra Group of Companies

Wollongong LGA

June 2022





EXECUTIVE SUMMARY

Apex Archaeology have been engaged to assist the Manildra Group of Companies to undertake consultation with the Aboriginal community regarding the proposed Port Kembla Bulk Liquids Terminal. It is understood that an Environmental Impact Statement (EIS) will support a State Significant Development Application (SSDA) for the project to permit the following:

- Storage of ethanol (generally beverage grade) for export;
- Provision for storage of vegetable oil as part of future developments;
- Loading ethanol onto ships;
- Filling ISO Tanks and road tankers for export and some local markets;
- Construction of 4 million litre capacity storage tanks of 16.5m diameter with a 20m wall height;
- Construction of two 300mm stainless steel pipes to facilitate delivery of product to ships as well as system flushing;
- Installation of fire detection and protection systems;
- Inloading of approximately 65 truck loads per week;
- Outloading of approximately 20 loads of ISO tanks per week.

The project is located within the Wollongong Local Government Area (LGA). The study area is located within Port Kembla, NSW (Figure 1). The study area is located on Foreshore Road, approximately 5.7km south east of Wollongong and approximately 72km south west of Sydney. It is located within the Wollongong Local Government Area (LGA). The site is legally defined as Lot 1 DP 88752 and part of Lot 6 DP 1236743 and is bound by Foreshore Road to the south, the ocean to the north, and existing lots to the east and west. The study area itself comprises the location of a proposed bulk liquids terminal and associated pipeline.

The project initially comprised a Complying Development Certificate (CDC) application for Wollongong City Council, but subsequent amendments to the State Environmental Planning Policy (Three Ports) 2013 prohibited development within Port Kembla to be considered Complying Development. As a result, the project was considered State Significant Development (SSD).

Secretary's Environmental Assessment Requirements (SEARs) have been issued for the proposed development to guide the preparation of the required EIS. Heritage NSW advised the following with regard to Aboriginal heritage:

'Heritage NSW understands that as part of the CDC application, specialist investigations were previously undertaken, including Aboriginal cultural heritage. the project is in an existing industrial area and has been subject to extensive earthworks, limiting any potential for Aboriginal sites to [be] present. Heritage NSW notes that the applicant will undertake an assessment of cultural values in consultation with the local Aboriginal community and that the previously completed Outer Harbour Concept Plan will be used where appropriate.

Heritage NSW requires that the assessment of cultural values be conducted in accordance with the *Code of Practice for Archaeological Investigation in NSW*



(2010), and by guided by the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (2011). Consultation with Aboriginal people must be undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010). The significance of any cultural heritage values Aboriginal people identify as part of this process must be documented.

This report has been prepared with consideration to the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (April 2011); the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, April 2010) (the ACHCRs); and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (September 2010) (the Code of Practice).

Consultation with the RAPs has been conducted in accordance with the ACHCRs. A total of fourteen Aboriginal people and organisations registered an interest in being consulted for the project. The following list comprises the registered Aboriginal parties (RAPs) for the project:

- Yurrandaali
- Coomaditchie United Aboriginal Corp
- Corroboree Aboriginal Corp
- Duncan Falk Consultancy
- Gumaraa
- Gunjeewong Cultural Heritage
- Illawarra LALC
- The South Coast People
- Thoorga Nura
- Troy Tungai
- James Davis (Wodi Wodi Traditional Owner)
- Woka Aboriginal Corp
- Woronora Plateau Gundungara Elders Council
- Bellambi Indigenous Corporation Gandangarra Traditional Owners

During the course of the assessment, it was found that:

- There are no previously registered Aboriginal sites within the study area.
- The study area is highly disturbed through past land use practices, including significant land reclamation works.
- The study area itself is considered unlikely to retain any tangible evidence of Aboriginal occupation within the area.
- The study area is a part of a larger cultural landscape, which was occupied by Aboriginal people for thousands of years before colonisation, and well into the early years of European expansion into the area.
- As such, the study area forms part of a highly significant cultural landscape, despite the level of disturbance present.
- Given the level of disturbance already present within the study area, the proposed development is considered unlikely to impact on the cultural values of the wider landscape.



Therefore, the following recommendations have been made.

RECOMMENDATION 1: NO FURTHER ARCHAEOLOGICAL ASSESSMENT REQUIRED

This report details the archaeological potential of the site, which has been assessed as nil. No further archaeological assessment is required for the site. No application for an Aboriginal Heritage Impact Permit (AHIP) is necessary, as no Aboriginal heritage sites would be impacted by the proposed works.

RECOMMENDATION 2: DEVELOPMENT BOUNDARIES

The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate manner.

RECOMMENDATION 3: STOP WORK PROVISION

Should unanticipated archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.

In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police and the Coroner's Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.

This recommendation should be included in any Construction Environmental Management Plan (CEMP) developed for the site.

RECOMMENDATION 4: REPORTING

One digital copy of this report should be forwarded to the AHIMS registrar for inclusion on the AHIMS database.

One copy of this report should be forwarded to each of the registered Aboriginal stakeholders for the project.



Apex Archaeology acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and in whose land this assessment took place, and to the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

DOCUMENT CONTROL

The following register documents the development and issue of the document entitled 'Port Kembla Bulk Liquids Terminal, Port Kembla, NSW: Aboriginal Consultation Report', prepared by Apex Archaeology in accordance with its quality management system.

Revision	Prepared by	Reviewed by	Comment	Issue Date
1 – Draft	Jenni Bate	Leigh Bate	Issue for client review	10 May 2022
2 – Draft	Jenni Bate	Manildra	Issue for RAP review	16 May 2022
3 – Final	Rebecca Bryant	RAPs	Issue of final	16 June 2022



GLOSSARY OF TERMS

Aboriginal Object	An object relating to the Aboriginal habitation of NSW (as defined in the NPW Act), which may comprise a deposit, object or material evidence, including Aboriginal human remains.
ACHA	Aboriginal Cultural Heritage Assessment
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIMS	Aboriginal Heritage Information Management System maintained by Heritage NSW, detailing known and registered Aboriginal archaeological sites within NSW
AHIP	Aboriginal Heritage Impact Permit
ASIRF	Aboriginal Site Impact Recording Form
BP	Before Present, defined as before 1 January 1950.
Code of Practice	The DECCW September 2010 <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i>
Consultation	Aboriginal community consultation in accordance with the DECCW April 2010 <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> .
DA	Development Application
DECCW	The Department of Environment, Climate Change and Water (now Heritage NSW)
Disturbed Land	If land has been subject to previous human activity which has changed the land's surface and are clear and observable, then that land is considered to be disturbed
DPIE	Department of Planning, Industry and Environment
Due Diligence	Taking reasonable and practical steps to determine the potential for an activity to harm Aboriginal objects under the <i>National Parks and Wildlife Act 1974</i> and whether an application for an AHIP is required prior to commencement of any site works, and determining the steps to be taken to avoid harm
Due Diligence Code of Practice	The DECCW Sept 2010 <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>
GIS	Geographical Information Systems
GSV	Ground Surface Visibility
Harm	To destroy, deface or damage an Aboriginal object; to move an object from land on which it is situated, or to cause or permit an object to be harmed
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet; responsible for overseeing heritage matters within NSW
ka	Kiloannus, a unit of time equating to 1,000 years
LALC	Local Aboriginal Land Council
LGA	Local Government Area
NPW Act	NSW <i>National Parks and Wildlife Act 1974</i>
NPWS	National Parks and Wildlife Service
OEH	The Office of Environment and Heritage of the NSW Department of Premier and Cabinet (now Heritage NSW)
PAD	Potential Archaeological Deposit
RAPs	Registered Aboriginal Parties



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1.0 INTRODUCTION

Apex Archaeology have been engaged to assist the Manildra Group of Companies to undertake consultation with the Aboriginal community regarding the proposed Port Kembla Bulk Liquids Terminal. This report has been prepared to meet the Secretary's Environmental Assessment Requirements (SEARs) for the required Environmental Impact Statement (EIS) for the project.

1.1 STUDY AREA

The project is located within the Wollongong Local Government Area (LGA). The study area is located within Port Kembla, NSW (Figure 1). The study area is located on Foreshore Road, approximately 5.7km south east of Wollongong and approximately 72km south west of Sydney. It is located within the Wollongong Local Government Area (LGA). The site is legally defined as Lot 1 DP 88752 and part of Lot 6 DP 1236743 and is bound by Foreshore Road to the south, the ocean to the north, and existing lots to the east and west. The study area itself comprises the location of a proposed bulk liquids terminal and associated pipeline. The proponent for the project is the Manildra Group.

The study area is formed of reclaimed land, with a considerable amount of fill present across much of the study area. A geotechnical assessment undertaken in 1994 and reported by SMEC in 2021 noted that test pits within the study area noted fill depths of up to 2.1m across the study area, overlying natural sand (SMEC 2021:10).

Much of the study area is currently open space, either grassed or covered in hardstand. A large stockpile of rock is present within the western portion of the study area, of more than 20m height. The pipeline route passes through a landscaped area, between existing buildings, and then along an existing wharf adjacent to an existing pipeline.

1.2 PROJECT BACKGROUND

The project initially comprised a Complying Development Certificate (CDC) application for Wollongong City Council, but subsequent amendments to the State Environmental Planning Policy (Three Ports) 2013 prohibited development within Port Kembla to be considered Complying Development. As a result, the project was considered State Significant Development (SSD).

SEARs have been issued for the proposed development to guide the preparation of the required EIS, as part of Application Number SSD-33042483. The SEARs require the following for the assessment of Aboriginal heritage:

Aboriginal Cultural Heritage – an assessment of cultural values in consultation with the Aboriginal community in accordance with the Code of Practice for Archaeological Investigation in NSW (DECCW, 2010), and guided by the Guide to



Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH, 2011). The assessment must:

- Identify, describe and assess impacts on the Aboriginal cultural heritage values that exist across the development
- Provide evidence and details of consultation with Aboriginal people in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010).

Heritage NSW advised the following with regard to Aboriginal heritage:

‘Heritage NSW understands that as part of the CDC application, specialist investigations were previously undertaken, including Aboriginal cultural heritage. the project is in an existing industrial area and has been subject to extensive earthworks, limiting any potential for Aboriginal sites to [be] present. Heritage NSW notes that the applicant will undertake an assessment of cultural values in consultation with the local Aboriginal community and that the previously completed Outer Harbour Concept Plan will be used where appropriate.

Heritage NSW requires that the assessment of cultural values be conducted in accordance with the *Code of Practice for Archaeological Investigation in NSW* (2010), and by guided by the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (2011). Consultation with Aboriginal people must be undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010). The significance of any cultural heritage values Aboriginal people identify as part of this process must be documented.

Further advice was received from Heritage NSW stating that a full Aboriginal Cultural Heritage Assessment Report (ACHAR) was not necessary. This Aboriginal Consultation Report details the results of the consultation undertaken with the Aboriginal community.

1.3 OBJECTIVES OF ASSESSMENT

The consultation was undertaken to meet the requirements of the project SEARs and the ACHCRs. As such, Aboriginal community consultation was undertaken for the project with the aim of:

- Identifying the Aboriginal community members who can speak for Country within which the study area is located;
- Involving the Aboriginal community in making decisions about the management of their cultural heritage;
- Identifying, assessing and recording Aboriginal heritage values within the study area;
- Preparing an assessment of the cultural heritage values in consultation with the Aboriginal community;
- Identifying the potential impact of the proposed development on the assessed cultural heritage values; and



- Developing conservation and mitigation strategies for these values, with the aim of minimising impacts to cultural heritage wherever possible.

In addition, this report provides a significance assessment of the identified Aboriginal heritage values, as defined by the registered Aboriginal stakeholders (RAPs) for the project. Aboriginal people are the primary determinants of the significance of their cultural heritage and therefore Apex Archaeology cannot make a determination on the cultural significance without the input of the RAPs.

1.4 INVESTIGATORS AND CONTRIBUTORS

This archaeological assessment was commissioned by the Manildra Group. Apex Archaeology thanks the Manildra Group for their assistance with the project. Thanks and appreciation are also extended to the registered Aboriginal groups for their participation and assistance with the project.

This report has been prepared by Jenni Bate, Director and Archaeologist with Apex Archaeology. The report was reviewed by Leigh Bate, Director and Archaeologist with Apex Archaeology. Both Jenni and Leigh have over fifteen years of archaeological consulting experience within NSW. Project team roles and qualifications are shown in Table 1.

Table 1: Project team roles and qualifications

Name	Role	Qualifications
Jenni Bate	Project Manager; Report Author; Field Inspection; Review	B.Archaeology; Grad. Dip. CHM
Leigh Bate	Field inspection; Test Excavation; Report Author; Review; GIS	B.Archaeology; Grad. Dip. Arch; Dip. GIS
Rebecca Bryant	Review	B.Science (Arch/Paleo)

1.5 LIMITATIONS

This report relies in part on previously recorded archaeological and environmental information for the wider region. This includes information from AHIMS, which is acknowledged to be occasionally inaccurate, due to inaccuracies in recording methods. No independent verification of the results of external reports has been made as part of this report.

It is recognised that Aboriginal people are the primary determinants of the significance of their cultural heritage, and as such, Apex Archaeology have relied on the Aboriginal community to provide cultural knowledge regarding the site, where they are willing and able to share such knowledge. However, there may be occasions where RAPs are unwilling or unable to share cultural knowledge regarding the site and thus our assessment of significance relies on scientific assessment only.

1.6 REPORT STRUCTURE

This report addresses the requirements of the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (The Guide), the Code of Practice



and the ACHCRs. Heritage NSW have advised that in this instance, a full ACHA is not required (pers. comms. Nicole Davis 1 Feb 2022), and thus this report presents the results of the consultation process, as well as a concise site history, in order to inform appropriate recommendations for the project.

This report should be considered supplementary to the Outer Harbour Concept Plan. Relevant information has been summarised in this report.

1.7 PREVIOUS SITE ASSESSMENT

Aboriginal heritage was included in the *Port Kembla Outer Harbour Development – Environmental Assessment*, prepared by AECOM in March 2010. This included the current study area.

The assessment included an AHIMS search over a 5 x 5km area centred over the study area, which identified a total of 18 known and registered sites, “predominantly located in the coastal strip between the eastern breakwater of Outer Harbour at MM Beach and Windang Park at Primbee. None of the registered Aboriginal sites are located within the footprint of the proposed Concept Plan.”

The assessment was summarised as follows:

The background searches undertaken uncovered no evidence that recorded or unrecorded Aboriginal sites would be impacted by the Concept Plan or Major Project. All previously recorded Aboriginal sites are located well outside the impact area, and there is considered to be little or no likelihood that any intact or undisturbed subsurface Aboriginal heritage material remains in situ within the study area. It is considered that no further Aboriginal heritage assessment is required for the study area prior to development of the Outer Harbour.

No further information regarding Aboriginal heritage was included in the Environmental Assessment.

A geotechnical assessment undertaken in 1994 and reported by SMEC in 2021 noted that test pits within the study area noted fill depths of up to 2.1m across the study area, overlying natural sand (SMEC 2021:10).

An updated AHIMS search was undertaken as part of this assessment, covering the entirety of Lot 6 DP1236743 with a buffer of 50m. No Aboriginal sites were located within this lot. A copy of the basic search is attached in Appendix A.





Figure 2: Proposed development layout – study area outlined in red (Source: Manildra Group 2021)



Figure 3: Proposed bulk liquids terminal layout (Source: Manildra Group 2021)



2.0 ABORIGINAL CONSULTATION PROCESS

This section details the Aboriginal community consultation undertaken for the project. Aboriginal consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (the ACHCRs) was undertaken by Apex Archaeology for this project.

Aboriginal community consultation is a requirement in order to make assessments of Aboriginal cultural values, as Aboriginal people are the primary determinants of the significance of their cultural heritage and therefore Apex Archaeology cannot make a determination on the cultural significance without the input of the RAPs. Aboriginal people have a strong connection to their Country, and to their ancestors, both past and present.

Material evidence of past Aboriginal occupation of an area is a tangible link to the intangible traditions, lore, customs, beliefs and history. These intangible values provide a sense of belonging for Aboriginal people, and cultural heritage and cultural practices are kept alive through being incorporated into everyday life, which helps maintain a connection to the past and to the present. It is a vital part of the identity of Aboriginal people.

Therefore, it is important that Aboriginal people are afforded the opportunity to understand, comment on and have input into projects that may impact areas which may be culturally sensitive, or damage items of cultural significance. The process of Aboriginal community consultation provides this opportunity, and this report details the results of the consultation undertaken for this project. The consultation log registering all consultation undertaken for the project is attached as Appendix B.

2.1 THE CONSULTATION PROCESS

The ACHCRs provide the process for undertaking consultation with the Aboriginal community. This process includes identification, registration, engagement and consultation with those Aboriginal people who may have cultural knowledge which is relevant to determining the cultural significance of Aboriginal objects and places which may be within the study area.

The Consultation Guidelines detail a number of stages for consultation, as follows:

- Identification of those people who should be consulted for the project
- Inviting Aboriginal people to register their interest in being consulted for the project
- Providing information regarding the nature and scope of the project to the Aboriginal people who have registered an interest in being consulted – the registered Aboriginal parties (RAPs)
- Providing opportunities for RAPs to comment on the proposed methodology for cultural heritage consultation



- Presenting information about the potential impacts of the proposed development for the RAPs to comment on
- Providing opportunities for RAPs to comment on the cultural significance of the proposed development area
- Providing opportunities for RAPs to comment on the draft reports detailing the results of the archaeological and cultural assessments for the project

2.2 STAGE 1 CONSULTATION: COMMENCEMENT

Stage 1 requires a list of Aboriginal people who may have cultural knowledge relevant to the area to be prepared from several sources of information. The first step requires enquiries to be made of certain statutory bodies regarding whether they are aware of Aboriginal people or organisations that may have an interest in the study area, and their contact details. Any Aboriginal people or organisations identified in this step must be contacted and invited to register an interest in the project. In addition, a notification must be placed in local print media requesting Aboriginal people or organisations to register their interest in the project. A list of those who register an interest must be compiled. A minimum of 14 days from the date of the letter or newspaper advertisement must be allowed for registrations of interest.

As a result of the Stage 1 activities, a list of Aboriginal people who wish to be consulted for the project is developed. These Aboriginal people become the registered Aboriginal parties – the RAPs – for the project.

Letters requesting the details of Aboriginal people who may hold cultural knowledge relevant to the study area and who may wish to be consulted for the project were sent to several statutory agencies on 24 January 2022. Copies of these letters and responses are attached in Appendix C. These Step 1 letters were sent to the following agencies:

- Heritage NSW
- Wollongong City Council (WCC)
- Illawarra Local Aboriginal Land Council (ILALC)
- Office of the Registrar, *Aboriginal Land Rights Act 1983 (NSW)* (ORALRA)
- Native Title Services Corp (NTSCorp)
- Local Land Services (LLS)

Responses were received from Heritage NSW, LLS, WCC, ILALC and NTSCorp. Heritage NSW provided a list of Aboriginal people and organisations with 67 people or organisations identified. These 67 individuals and organisations were invited to participate in consultation for the project, although it is noted that a number of individuals were contacted via a single email address, resulting in a total of 61 individual invitations issued.



NTSCorp registered on behalf of the South Coast People as the Native Title claimants for the area.

LLS advised that they do not currently coordinate or administer any Aboriginal reference groups for their region and to contact Heritage NSW.

ILALC registered their interest.

WCC provided contact details six potential RAPs from Council's Aboriginal Cultural Development Officer. All were also included on Heritage NSW's list of potential stakeholders and were contacted accordingly.

An online search of the National Native Title Tribunal (NNTT) identified a Native Title Application over the study area on behalf of the South Coast People. The application has been accepted for registration but not yet determined.

The Aboriginal people and organisations identified during this initial stage were contacted via letter (email if provided or via post if no email address given) on 4 February 2021, inviting them to register an interest in the project. Registrations were accepted until 18 February 2022. This is Step 2 of Stage 1 of consultation. Copies of these letters are attached in Appendix D.

In addition, an advertisement was placed in the *Illawarra Mercury* on 4 February 2022, inviting registrations of interest from people who may have cultural knowledge of the project area. A copy of the advertisement is attached in Appendix E.

A total of 14 Aboriginal people and organisations registered an interest in being consulted for the project. The following list comprises the registered Aboriginal parties (RAPs) for the project:

- Belambi Indigenous Corporation Gandangarra Traditional Owners
- Coomaditchie United Aboriginal Corporation
- Corroboree Aboriginal Corporation
- Duncan Falk Consultancy
- Gumaraa
- Gunjeewong Cultural Heritage Aboriginal Corporation
- Illawarra Local Aboriginal Land Council
- James Davis – Wodi Wodi T/O
- South Coast People
- Thoorga Nura
- Tungai Tungai
- Woka Aboriginal Corporation
- Woronora Plateau Gundungara Elders Council
- Yurrandaali Cultural Services

2.3 STAGE 2 & 3 CONSULTATION: PRESENTATION AND GATHERING OF INFORMATION

During Stage 2, information about the proposed project is provided to the RAPs, including location, scale, proposed development plans, timeframes, methodologies and any other relevant details relating to the project. This information can be



provided in writing or at a meeting (or both), and an opportunity for the RAPs to visit the site may also be provided.

During Stage 3, RAPs are invited to share information about the cultural significance of the study area, which can assist in the assessment of the cultural significance of the Aboriginal objects and/or places within the study area. The cultural heritage assessment informs and integrates with the scientific assessment of significance and therefore can assist in the development of mitigation and management measures for the project. A methodology detailing how this information will be gathered must be provided to the RAPs for comment and a minimum of 28 days must be allowed for responses to be received. Any feedback must be considered and implemented as appropriate into the methodology.

Stage 2 and 3 can be undertaken concurrently. The information about the project and the methodology for seeking cultural knowledge can be provided in the same written documentation or at the same meeting.

Details of the proposed project and the proposed methodology for undertaking the cultural heritage and archaeological assessments for the project were provided in writing to each of the RAPs on 25 February 2022. Comments were accepted until 25 March 2022. Responses were received from Illawarra LALC and Gumaraa.

Illawarra LALC provided detailed information, which is presented in Section 4. Recommendations regarding the survey were incorporated into the methodology.

ILALC also advised that ILALC staff were unable to provide direct cultural information, but that their over 300 members included Traditional Owners with cultural knowledge. ILALC is able to assist in undertaking community consultation, including through “assisting registered Aboriginal parties to contribute to the consultation process; for example, assisting in writing submissions.” They further acknowledged that ILALC is “under-resourced and underfunded and is not in a position to be able to provide these services ‘free of charge.’”

The consultation process for this project has been undertaken in accordance with the ACHCRs, as required by Heritage NSW. Additional consultation facilitated by ILALC was outside the scope of the project. Additional discussion around the consultation process more generally was undertaken between Aara Welz of ILALC and Jenni Bate of Apex Archaeology, and is detailed in Appendix F of this report.

Richard Campbell of Gumaraa did not suggest or request any amendments to the methodology.

No other responses were received. The RAP responses are attached in Appendix F.

2.4 STAGE 4: REVIEW OF DRAFT REPORT

Stage 4 sees the preparation of the draft report, which details the results of the cultural heritage assessment. The draft is provided to the RAPs for their review and comment. A minimum of 28 days to comment on the report must be allowed. All comments must be addressed in the final document and the proponent’s response



to RAP comments must be included. Copies of any submissions received from RAPs have been included in the final report as Appendix G.

The draft report was provided to the RAPs on 13 May 2022 for their review and comment. Responses were received from four of the RAPs. Gunjeewong advised they were “happy with the report”, Woronora Plateau Gundungara Elders Council noted receipt of report with thanks and advised they “do not have any further comment”, Illawarra Local Aboriginal Land Council confirmed receipt of the report and that they had noted the due date for comments, and Coomaditchie United Aboriginal Corporation requested a hard copy of the report, which was sent by Jenni Bate of Apex Archaeology the same day. There were no other comments or responses from the RAPs.



3.0 SITE HISTORY

3.1 INDIGENOUS CONTEXT

Ethnohistorical evidence is based on the reports of colonisers and do not tend to include the Aboriginal perspective, leading to a Eurocentric view of Aboriginality. Additionally, historical records can be contradictory and incomplete regarding the exact tribal boundaries and locations of ceremonial or domiciliary activities of Aboriginal people pre-contact within the Illawarra region. Boot (2002:58) notes:

The problem associated with ethnohistoric documents include their tendency to record unusual, rather than everyday events, and their focus on religious behaviour to the exclusion of woman and children (Attenbrow 1976:34; Sullivan 1983:12.4).

Although historical records can be contradictory and incomplete regarding the exact tribal boundaries and locations of ceremonial or domiciliary activities of Aboriginal people pre-contact within the Illawarra and South Coast region, the Wodi Wodi people were considered to have occupied an area extending from around Stanwell Park to the north, to the Shoalhaven River in the south, the coast to the east, and Picton, Moss Vale and Marulan in the west (Tindale 1974).

Aboriginal society was constructed of a hierarchy of social levels and groups, with fluid boundaries (Peterson 1976), with the smallest group comprising a family of a man and his wife/wives, children and some grandparents, referred to as a 'clan' (Attenbrow 2010). The next level consists of bands, which were small groups of several families who worked together for hunting and gathering purposes (Attenbrow 2010). The third level comprised regional networks with a number of bands, and these bands generally shared a common language dialect and/or had a belief in a common ancestor. Networks would come together for specific ceremonial purposes. The highest level is described as a tribe, which is usually described as a linguistic unit with flexible territorial boundaries (Peterson 1976); although Attenbrow (2010) argues that "these groups were not tribes in the current anthropological sense of the word".

The Wodi Wodi were considered to speak Dharawal (or Tharawal) by Tindale, although other sources attribute their language as Gurungada (Howitt 1904). Most sources consider the Dharawal language as part of the Yuin linguistic group, which covered an area from Sydney to the Victorian border. 'Wodi Wodi' was first recorded in 1875 by Ridley, when Lizzy Malone, the daughter of a woman of the Shoalhaven tribe, stated Wodi Wodi was the language spoken by the Aboriginal people of the Illawarra.

The traditional lifestyles of Aboriginal groups such as the Wodi Wodi depended largely on the environment in which they lived. Whilst hinterland groups relied on freshwater and terrestrial animals and plants, coastal groups utilised marine and



estuarine resources. Port Kembla falls within the coastal region, with access to both marine and inland resources. Animals such as kangaroos, wallabies, possums, gliders, bandicoots, wombats, quolls, fruit bats, echidnas, native rats and mice, emus, ducks, tortoises, snakes and goannas (Attenbrow, 2010), played a major role in the subsistence of hinterland groups, while other resources included shellfish such as oysters, crustacea such as crayfish and crabs, and marine animals including dolphins, dugongs and whales. Fishing was conducted from canoes with spears, or collected along the shore (Tench in Attenbrow 2010). Beached whales were eaten, as observed by the British settlers in the late 18th century. Dugong, seal and dolphin bones have been found in shell middens around the Sydney region, with evidence of butchering evident on the bones (Attenbrow 2010).

The different environments of the suburb of Port Kembla and surrounding areas contain a diverse range of plant and animal species. On creek banks and surrounds, a wide variety of game would have been found. The vegetation communities along the creeks and gullies, primarily woodlands, would have provided shelter for numerous animal and plant species that could be eaten or used for other purposes such as providing shelter and medicines.

The Wodi Wodi people utilised a range of hunting and gathering equipment, including fishing and hunting spears made of wood and barbed with shell, flaked stone blades, shark teeth, or sharpened bone; boomerangs and spear-throwers; fishing hooks made from bird talons, bone, wood and shell; ground stone axes; anvils and pounders; stone tools including blades and scrapers; shields, clubs and digging sticks made from wood; baskets made from bark; and wooden canoes (Attenbrow 2010).

Shelter is a basic need for any humans and the Wodi Wodi were reported to make use of either rockshelters or huts constructed from bark, branches and leaves. Coastal groups tended to build larger huts than the hinterland groups, and within the Port Kembla region, huts were likely the dominant choice of shelter due to the limited nature of rockshelters (Attenbrow 2010). There is some discussion regarding whether Aboriginal people moved regularly from place to place, or whether they lived at one campsite for a longer period of time and ranged out for resources, returning to their home base as necessary.

3.2 EUROPEAN SETTLEMENT

Following the establishment of the first European settlement at Sydney Cove, the need for additional agricultural land was identified, as Sydney Cove was considered unsuitable for farming. By November 1788, food supplies were running low for the settlement, and an expedition led by Governor Philip set off up the Parramatta River in search of arable land. An area known as Rose Hill (now Parramatta) was settled by a small group of 11 soldiers and 10 convicts. The grain crops at Sydney Cove failed, and the settlement at Rose Hill was ordered to be used for agriculture. These



crops were luckily successful, and a further settlement comprising a convict farm was established at Toongabbie.

Exploration of the wider region continued, and in 1791, expeditions travelled the Hawkesbury and Nepean areas, identifying them as likely spots for agriculture. The Shoalhaven region had been sighted by Captain Cook in April of 1770, when he observed a protected bay which was later named Port Jervis, and he recorded evidence of smoke along the shoreline just before dark, which may have been related to Aboriginal campfires near the area now known as Bass Point.

Lieutenant James Grant recorded an account of an early meeting of Europeans and local Aboriginal people as being amicable (Grant 1801), with the Aboriginal people they encountered described as 'more robust than Sydney Blacks'.

In March 1796, George Bass and Matthew Flinders landed on Lake Illawarra, which they named 'Tom Thumb's Lagoon' after the ship they were aboard (Kass 2010: 19). Evidence of coal had been noted within the Illawarra region and settlers arrived shortly after.

Dr Charles Throsby travelled to the area with the guidance of Aboriginal people from Liverpool in 1815, utilising an existing Aboriginal trail down Bulli Mountain (Kass 2010: 19). He established a stockyard and a hut within the area that would become Wollongong. This led to further settlers arriving in the area. The first five land grants in the Illawarra area were made in 1816 and were located around Lake Illawarra, likely due to easy access via ship.

3.3 PORT KEMBLA

One of these early grants, made to David Allen in January 1817 (Steele & Barnet 1905:221), deputy Commissary-General of the Colony, comprised 2200 acres at Five Islands, which he named 'Illawarra Farm' (Plate 1). The study area falls within this grant. The farm was leased in 1822 following Allan's departure from the colony, and by 1828 it was offered for sale (SG 22/2/1828:1) as part of a court hearing between the 'Widow Rowe' and 'Allen [sic] and mother'.

The property was eventually sold to Richard Jones and then to William Charles Wentworth, at which point the farm was renamed 'Five Islands Estate' (Niche 2015:9). Some small portions of the land had been let by 1843 according to an advertisement in the *Sydney Morning Herald* (5 September 1843:3; Plate 2). Following Wentworth's death in 1876, the estate was inherited by his son, D'Arcy Bland Wentworth. 500 acres of the estate were resumed as part of the construction of the Port Kembla Harbour in 1899 as shown on Figure 5.



Plate 1: First five land grants in the Illawarra. Approx study area circled (Source: Dowd 1977)

ILLAWARRA.

TO LET, the Five Island Estate, near Wollongong, for two or three years. It contains two thousand two hundred acres of land, (upwards of one hundred and twenty acres of which have been cultivated,) and has the right to a Government Reserve of about two thousand acres adjoining. The estate is well watered, and adapted for both grazing and agriculture, and capable of being made a rich Dairy Farm. Several small portions of the estate are let off on clearing leases, to persons who will soon become a good paying tenantry. The depasturing or agistment of stock will also be a source of certain income to the leaseholder.

A mixed herd of Cattle, including excellent Milch Cows, may be had at a low valuation with the Farm; as also the Growing Crops, Implements, &c.

Terms moderate. For particulars apply to Mr. G. RATTRAY, Bathurst-street West.

Sydney, September 4. 3349

Plate 2: Advertisement for the Five Island Estate in the SMH (5/9/1843:3)

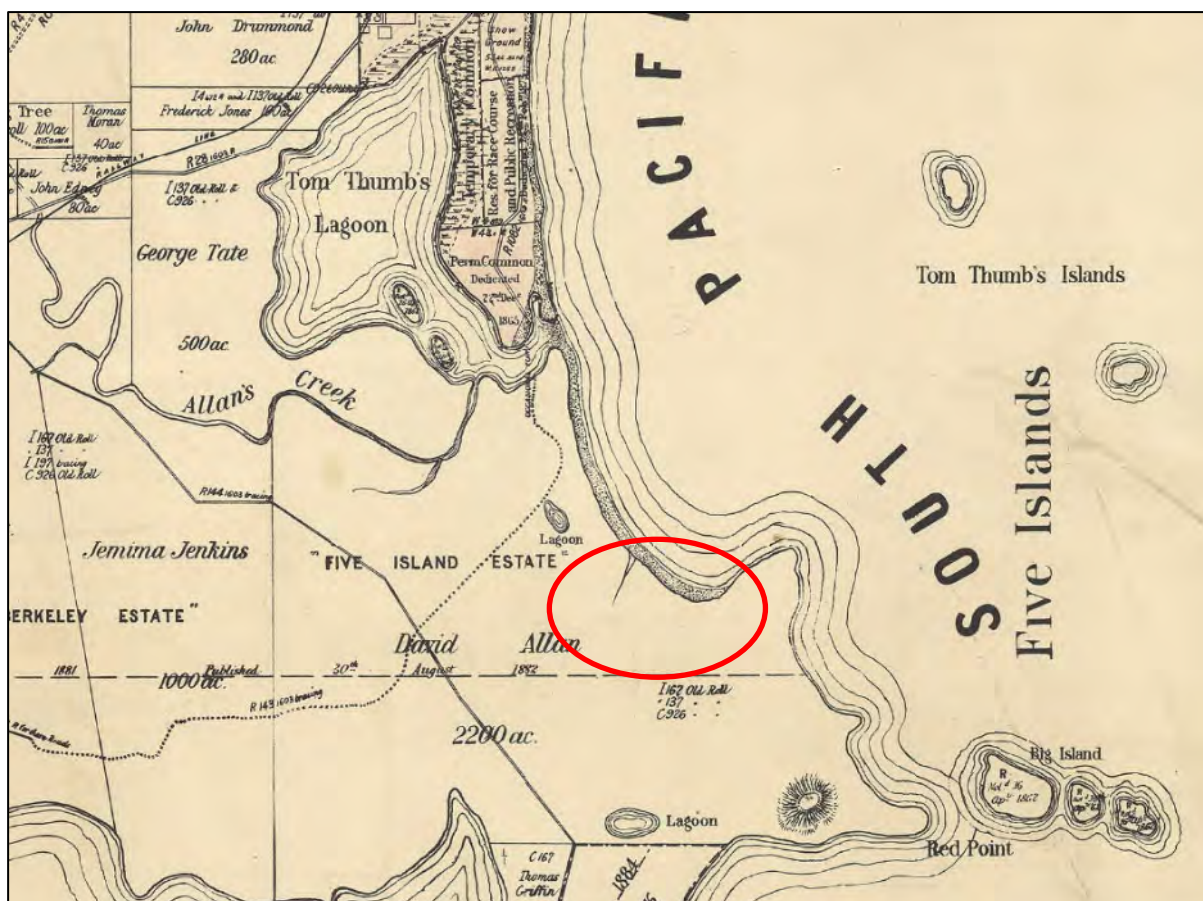


Figure 4: Detail of 1844 Wollongong Parish Map. Study area circled in red



Figure 5: Detail of c.1908 Parish of Wollongong, County of Camden map. Study area circled in red

3.4 STUDY AREA

Figure 7 shows the study area as located within an area marked 'sandy beach' and within the high water mark. There is also a 'drainage swamp' identified within the western portion of the study area. Sometime between 1908 and 1919, the wharf along which the proposed pipeline is located was constructed, according to Figure 5 and Figure 6. A number of wharves visible on the 1938 plan are no longer extant. The 1938 aerial imagery (Figure 7) shows that a bar-built estuary was present within the study area, with a sheltered lagoon forming behind and parallel to the ocean. This appears to be formed in part from the discharge of the canalised drainage line to the south of the study area. It may also have resulted from the reclamation works undertaken to create Port Kembla Harbour. Unfortunately, the 1938 aerial image does not include the eastern portion of the study area through which the pipeline passes.

It wasn't until the threat of WWII loomed in 1935 that areas such as Newcastle, Sydney and Wollongong were recognised as important industrial centres requiring defence (Niche 2015:14). Once WWII broke out in 1939, works in the Port Kembla area began to occur, including the extension of electricity mains to supply the military authorities based at Hill 60, and additional roads were under construction by 1940 in order to provide a safer inland route for access to the Port Kembla defence locations (Niche 2015:15). According to aerial imagery, little occurred within the study area at this time, and by 1951 the site was largely unchanged from the 1930s (Figure 9), although it is possible that the increase in water retained within the study area may have been associated with the commencement of the foreshore reclamation works.

An aerial photograph of a river bend. A red polygon is drawn on the image, highlighting a specific area of the riverbank and the river itself. The area within the polygon appears to be a mix of water and land, possibly a wetland or a floodplain. The river flows from the top left towards the bottom right, forming a sharp bend. The surrounding landscape includes some industrial or agricultural structures on the left and a dark, possibly forested area on the right.

19

The estuary or lagoon is still visible in the 1941 aerial imagery, and Foreshore Road had been realigned to the south of the previous road alignment. Much of the study area contained water as part of the lagoon, and this continues through to the 1950s (Figure 9). By the 1970s, the area had been filled to prevent the inundation of the area, along with construction of the canal along the western boundary of the site. This channelled water out to sea rather than into the lagoon area. The canal had been constructed by 1961 and the majority of the area filled, although the path of the drainage line was still visible in aerial imagery dating to 1961 (SMEC 2021:72).



Figure 8: Detail of 1941 aerial imagery of study area (source: Geoscience Australia)



Figure 9: Detail of 1951 aerial imagery of study area (outlined in red)

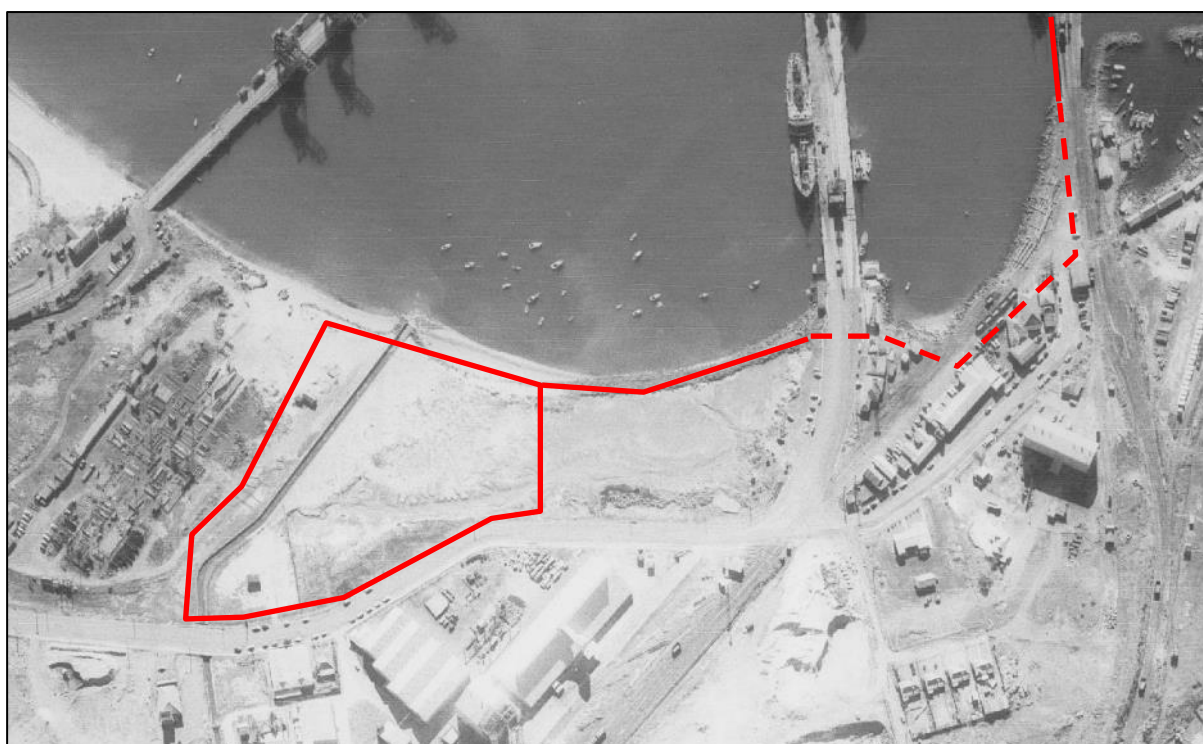


Figure 10: detail of 1961 aerial imagery of study area (outlined in red)

A number of wharves within the Port Kembla Harbour had been demolished by 2002, although these were all outside of the current study area. The western portion of the study area shows use as a hardstand area. It is noted that a quarantine area operated by the Australian Quarantine Inspection Service, a scrap metal yard operated by Frank Franke, and a timber sale yard were located within the study area around the 1980s (SMEC 2021:10). They are still visible in the 1990 aerial imagery (Figure 12) and 2002 aerial imagery (Figure 13) but have since been demolished (Figure 14). A large stockpile is present in Figure 13 across much of the western portion of the study area.

The wharf along which the proposed pipeline would be located appears to have had concrete laid on the original timber structure sometime between 1970 (Figure 11) and 1990 (Figure 12). Part of this concrete decking has been removed by 2002 (Figure 13).

Buildings located to the south west of the current administration buildings on site were apparently constructed between 1951 and 1961 (Figures 11 & 12), were still visible in 1971 (Figure 13) but appear to have been demolished by 1990 (Figure 14). These are located outside of the current study area.

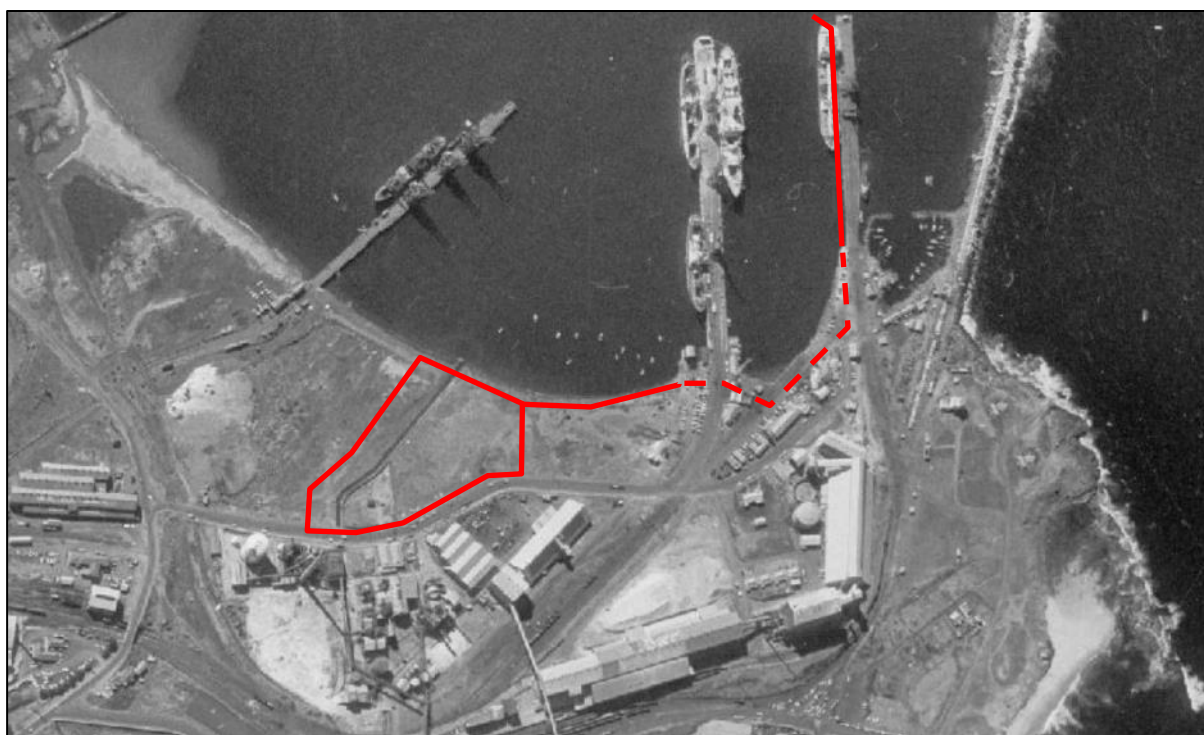


Figure 11: Detail of 1971 aerial imagery of study area (outlined in red)



Figure 12: Detail of 1990 aerial imagery of study area (outlined in red)



Figure 13: Detail of 2002 aerial imagery of study area (outlined in red)



Figure 14: 2022 aerial imagery of study area (source: NearMap)

SITE VISIT

A site visit was completed in April 2022 and the following photographs taken for context.



Plate 3: View to east across study area from western boundary



Plate 4: View north east across study area from western side of canal



Plate 5: View south east across canal



Plate 6: View east along shoreline across mouth of canal



Plate 7: View across seawall



Plate 8: View north east across study area along pipeline route



Plate 9: View south along wooden wharf



Plate 10: View south west with pipeline route in foreground and main study area in background (spoil heap marked in yellow)

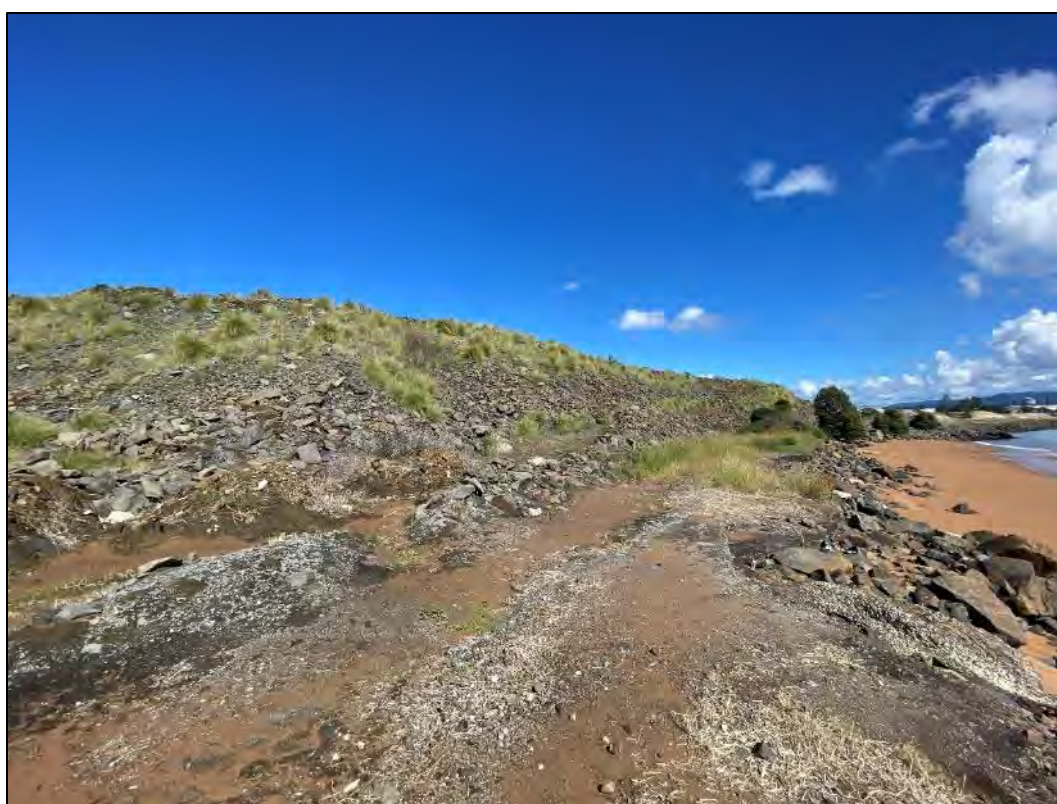


Plate 11: View west across shoreline showing stockpile



4.0 ABORIGINAL CULTURAL ASSESSMENT

This section details the Aboriginal cultural assessment relevant to the study area, including information provided by the Aboriginal representatives, as well as information from documentary sources.

The study area itself has been highly disturbed, as discussed in Section 3. However, extensive Aboriginal sites are known to exist in the area, and Tom Thumb Lagoon, located to the north west of the study area, was a highly significant location for the Aboriginal community.

4.1 HILL 60

Hill 60 is listed on the State Heritage Register (SHR) as an item of Aboriginal significance, due to the extensive midden and artefact deposits present within the area, along with the Aboriginal community living and utilising the area through the early years of colonisation and into the early years of the twentieth century.

A detailed history of Hill 60 is presented within the Hill 60 Conservation Management Plan (CMP) prepared by Dallas in 2000, and in the Supplementary Report for the CMP prepared by Niche Environment and Management in 2015. The statement of significance for Hill 60 captures the importance of the area to Aboriginal people:

Hill 60 and its environs (MM Beach, Boilers Point, Fisherman's Beach and Hill 60 Park) contain a rare suite of Aboriginal sites which demonstrate the evolving pattern of Aboriginal cultural history and the Aboriginal land rights struggle. The quality, extent and diversity of the prehistoric archaeological remains at the place are rare on the NSW coast particularly in the local region. These include extensive shell midden deposits rich in stone artefacts and burials.

There is demonstrated cultural affiliation with the place by the Aboriginal community, through near continuous occupation of the place, a history of struggle to gain land tenure and ongoing association and use of the place. The historic Aboriginal occupation was characterised by a relatively isolated and self-sufficient Aboriginal community that participated in the economic maintenance of the wider community by the provision of labour to local industry and produce (seafood's) at a commercial level. The people also maintained a culturally distinct Aboriginal lifestyle firmly based on the maintenance of family connections over the wider region and traditional economic practices.

Hill 60 Reserve contains remnants of the Illowra Battery established at Port Kembla during World War Two including: tunnels and associate gun emplacements, the observatory deck and gun turrets and a gun emplacement on the northern end of MM Beach. The establishment of the Illowra Battery was a strategic and important installation for the protection of the coal industry at Port Kembla, which was vital for the manufacture of iron and steel for the war effort. Hill 60 was chosen for its 360 degree views of the coast and escarpment. Remnants of the military installations at Hill 60 demonstrate the importance of the reserve during World War Two and are rare to the NSW coast and local area.

Military use and occupation of the reserve during World War Two is within living memory of in the community of Port Kembla and has considerable social significance in the greater Illawarra Region. The military installations within Hill 60 Reserve are of State heritage significance for their historical heritage value and of Local significance for their social value, rarity and archaeological potential (Niche 2015:56).

A large number of Aboriginal sites are registered in the wider Port Kembla area, particularly around Hill 60 and the shores of Lake Illawarra, although none are located within the study area itself. Six registered sites are located within the Hill 60 boundaries, comprising burials, middens, artefact sites and ceremonial/dreaming sites. These demonstrate the importance of the area to Aboriginal people in the past and are a direct tangible link to the occupation of the Hill 60 and wider Port Kembla area.

4.2 STUDY AREA

Illawarra LALC provided detailed information regarding the cultural context of the Port Kembla region, as presented following:

The study area is located on Foreshore Road fronting the Port Kembla Outer Harbour. Old Parish Map's of Wollongong (1884) shows that the study area would have originally been located adjacent to a sandy beach next to a rocky headland (see Attachment 1 below), rather than 'part of Tom Thumb Lagoon' as suggested in the 'Preliminary Geotechnical and Contamination Investigation' as quoted in the current report. A very small lagoon would have been located immediate to the west, Tom Thumb' Lagoon less than one kilometre to the north, Coomaditchy Lagoon 1.5km south, Red Point and Hill 60 several kilometres south-east and Lake Illawarra several kilometres to the south-west. The five Islands are located offshore. Together these locations make up a culturally significant cultural complex.

A search of the AHIMS database indicated a large number of previously recorded cultural heritage sites located within this cultural complex, with tangible heritage sites clustering along the lake and shore margins. Recorded Aboriginal sites are predominantly midden sites, and artefact scatters, although an Aboriginal Resource and Gathering place and burials have also been recorded. There are also three intangible cultural heritage places listed on the AHIMS Database associated with Gooseberry Island, Hooka Island and the Five Islands.

Historical records and observations also demonstrate the importance of this cultural landscape. Lake Illawarra, Tom Thumb's Lagoon and Coomaditchy Lagoon are resource-rich environments that were a focal point of occupation and subsistence (Wakeman 1987, Skinner 1841-1844, Bennett 2003:132-33, Wesson et al. 2005:10, Campell 1897, Organ 1990). Similarly, extensive and rich midden sites associated with rocky headlands and coastal margins also



demonstrate intensive occupation and subsistence activities along coastal and lake margins in the region.

Tom Thumb Lagoon and the surrounding landscape has been associated with intergroup gatherings (Macquarie 1956). Burials are also noted in the historical narratives and include reference to 'The sandbanks, near Tom Thumb lagoon... where many bodies were interred from time to time' (Martin Lynch (in Campbell 1897) and the southern side of the entrance of Lake Illawarra (Illawarra Mercury (March 8 1962).

There are also more recent and contemporary use and connections of Aboriginal people with this area. Red Point, Hill 60, and Coomaditchy specifically have historical and contemporary significance and attachment to Aboriginal people today.

This cultural complex is a place that has spiritual, traditional, historical and/or contemporary associations and values to the local Aboriginal community.

A copy of the complete correspondence is attached to this report. In particular, Attachment 2 of the ILALC correspondence details historical references to Aboriginal use of Tom Thumbs Lagoon in particular, as well as Hill 60 and the general region, and is greatly appreciated information.

4.3 CULTURAL VALUES

It is fully acknowledged that the Port Kembla area, particularly along the shoreline between Tom Thumb Lagoon and Hill 60 and surrounds, would have been an important area for occupation by Aboriginal people. The area would have provided resources for those living in the region and it is likely that the study area fell within a travel route between the two major resource zones of Tom Thumb Lagoon and Hill 60, North Beach, and the open ocean. A detailed analysis of these areas is beyond the scope of this report. The significance of this cultural landscape area to Aboriginal people, both in the past and today, is acknowledged.

Illawarra LALC provided further information, as follows:

ILALC understands that Apex Archaeology seeks cultural knowledge and values associated with the region, specifically concerning the proposed study area. This is to satisfy the requirements of Heritage NSW through the SSD process as detailed below. We support Heritage NSW recommendation and commend them for identifying that this area has the potential to be of high cultural value to Aboriginal people, and for requiring cultural values to be assessed.

Heritage NSW requires that the assessment of cultural values be conducted in accordance with the Code of Practice for Archaeological Investigation in NSW (2010), and be guided by the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (2011). Consultation with Aboriginal people must be undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents



(2010). The significance of any cultural heritage values Aboriginal people identify as part of this process must be documented.

Archaeologically speaking, we can determine that the cultural landscape in which the study area is situated is sensitive. There are many intact cultural heritage sites located in the area. The presence of Bass Point Midden to the south of the area also demonstrated the potential for the broader cultural landscape to have highly stratified archaeological deposits of high scientific significance. However, it is acknowledged that the study area has explicitly been heavily culturally modified, and the potential for remnant soil profiles and associated tangible cultural heritage is unlikely to occur.

Richard Campbell from Gumaraa advised that the site of Tom Thumb is a sacred place for Aboriginal people, but acknowledged the high level of disturbance across the site.

4.4 SUMMARY

In summary, it is understood that the Port Kembla region forms a cultural landscape, which is important to Aboriginal people as it provides tangible evidence of the occupation of the area by their ancestors. The majority of this evidence is evident around Hill 60 and the shores of Lake Illawarra to the south of the study area. The study area itself may have been used as a foraging area by Aboriginal people prior to land reclamation works, and also would likely have passed through the study area while travelling between Tom Thumb Lagoon, the coast to the east, and the shores of Lake Illawarra to the south.

However, the significant level of disturbance across the site, including introduction of fill to depths of up to 2m, would have severely impacted on any evidence of Aboriginal occupation of the site. Additionally, the inundation of much of the study area prior to the canalisation of a small drainage line and reclamation of land would have resulted in the study area being damp and unsuitable for camping activities, particularly when higher, drier elevations were easily accessed to the east and west.

4.5 CULTURAL SIGNIFICANCE ASSESSMENT

Generally, all Aboriginal sites are of high significance and importance to the Aboriginal community, both locally and more broadly. The Aboriginal social or cultural value of the study area can only be determined by the Aboriginal community and to date, no comments have been received regarding the specific social significance of the study area.

It is acknowledged that the overall significance of a site is determined by both the cultural and scientific values of the area; with cultural values potentially extending beyond a specific study area and incorporating cultural landscapes in many cases. The cultural significance of an area can only be determined by the Traditional Owners of that area. The wider landscape has been assessed by the RAPs for the project as having high cultural significance, but the specific study area is considered



to have less cultural significance due to the lack of tangible evidence of Aboriginal occupation of the area and the negligible potential to contain archaeological deposits which might assist in informing further understanding of the Aboriginal use of the area prior to and into the early years of the colonisation of the area.

No further information was received from any of the RAPs for the project.



5.0 RECOMMENDATIONS

The following recommendations are made on the basis of:

- The statutory requirements of the NPW Act 1974;
- The requirements of Heritage NSW;
- The results of the Aboriginal community consultation undertaken in accordance with the ACHCRs;
- Recommendations made for the site by AECOM in 2010; and
- The interests of the registered Aboriginal stakeholders and the cultural heritage record.

It was found that:

- There are no previously registered Aboriginal sites within the study area.
- The study area is highly disturbed through past land use practices, including significant land reclamation works.
- The study area itself is considered unlikely to retain any tangible evidence of Aboriginal occupation within the area.
- The study area is a part of a larger cultural landscape, which was occupied for Aboriginal people for thousands of years before colonisation, and well into the early years of European expansion into the area.
- As such, the study area forms part of a highly significant cultural landscape, despite the level of disturbance present.
- Given the level of disturbance already present within the study area, the proposed development is considered unlikely to impact on the cultural values of the wider landscape.

Therefore, the following recommendations have been made.

RECOMMENDATION 1: NO FURTHER ARCHAEOLOGICAL ASSESSMENT REQUIRED

This report details the archaeological potential of the site, which has been assessed as nil. No further archaeological assessment is required for the site. No application for an Aboriginal Heritage Impact Permit (AHIP) is necessary, as no Aboriginal heritage sites would be impacted by the proposed works.

RECOMMENDATION 2: DEVELOPMENT BOUNDARIES

The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate manner.



RECOMMENDATION 3: STOP WORK PROVISION

Should unanticipated archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.

In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police and the Coroner's Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.

This recommendation should be included in any Construction Environmental Management Plan (CEMP) developed for the site.

RECOMMENDATION 4: REPORTING

One digital copy of this report should be forwarded to the AHIMS registrar for inclusion on the AHIMS database.

One copy of this report should be forwarded to each of the registered Aboriginal stakeholders for the project.



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APPENDIX A: AHIMS SEARCH

Not included in public report



APPENDIX B: CORRESPONDENCE LOG

21186 Port Kembla Facility ACHA - Consultation Log

Date	Type of Consultation	Parties Contacted	Outcome
24/01/2022	Requesting details of Aboriginal individuals or organisations with cultural knowledge of the area and who may wish to participate in consultation (Section 4.1.1 of ACHCRs)	Heritage NSW	4/02/2021 – emailed letter received with list of potential stakeholders.
		Local Land Services	25/01/2022 – emailed letter and email response advising that they do not currently coordinate or administer any Aboriginal reference groups for their region and to contact Heritage NSW
		Wollongong City Council	25/01/2022 – email from Carly Boag, the Heritage Officer, providing 6 names of potential RAPs from Council’s Aboriginal Cultural Development Officer. Advised to also contact the Illawarra Local Aboriginal Land Council and Heritage NSW
		Illawarra LALC	08/02/2022 – email requesting registration.
		NTSCorp	10/02/2022– email requesting registration of native title applicants (South Coast People) and asking if and when they will be involved in field survey, test excavations or any form of cultural heritage monitoring. RBryant from AA replied on the 14/2/2022 to the email and advised the group have been registered for the project and they will be sent more information about the project shortly.
		ORALRA	No response
		National Native Title Tribunal	18/2/2022 conducted a search on the NNTT website map Results provided registration details of a Native Title application for “South Coast People” (NC2017/003). The claim was accepted for registration on the 31 Jan 2018 and is pending outcome.
4/02/2021	Advertisement for registrations of interest for consultation from Aboriginal people or organisations with cultural knowledge relevant to the area	Advertisement placed in the <i>Illawarra Mercury</i>	

4/02/2021	Letters sent to identified individuals and organisations from Section 4.1.1 of ACHCRs Letter sent via email if address provided; and by post where email not available	Badu (Murrin Clan/Peoples)	No response
		Barraby Cultural Services	No response
		Bellambi Indigenous Corporation Gandangara Traditional Owners	2/02/2022– phone call received from Kim Moran requesting registration. Advised we can register the group but cannot extend the date of when comments are due on the information and method document.
		Biamanga (Murrin Clan/Peoples)	No response
		Bilinga (Murrin Clan/Peoples)	No response
		Darryl Caines	No response
		Gary Caines	No response
		Coomaditchie United Aboriginal Corporation	05/02/2022– email registration of interest
		Cullendulla (Murrin Clan/Peoples)	No response
		Darug Land Observations	No response
		James Davis	No response
		Dharug (Murrin Clan/Peoples)	No response
		Duncan Falk Consultancy	09/02/2022– email registration of interest
		Eora Heritage Group	10/03/2022- received email from Joanne Butler requesting registration. RB spoke with Joanne on the 15 th March after sending her an email that the registration had closed in February and that unfortunately the project was too far progressed to register her now and advised Joanne to contact her if she wished to discuss this further. Joanne understood that it was too late to register her group and very much appreciated RB calling her to discuss this.
		Ken Foster	No response
		Clive Freeman	No response
		Gadhu Dreaming	No response
		Raymond Garbutt	No response
		Goobah Development PTY LTD (Murrin Clan/Peoples)	No response

		Gumaraa	08/02/2022– email registration of interest
		Gundungurra Tribal Technical Services	No response
		Gundungurra Tribal Technical Services David Bell Pimmy Johnson Bell Peter Foster Teangi Mereki Foster Larry Hoskins Christopher Payne Sam Wickman	No response
		Gunyuu (Murrin Clan/Peoples)	No response
		Guunamaa Dreamin Sites and Surveying	No response
		Illawarra Aboriginal Corporation	No response
		Illawarra Local Aboriginal Land Council	08/02/2022– email registration of interest
		Jerringong (Murrin Clan/Peoples)	No response
		Karrial (Murrin Clan/Peoples)	No response
		Korewal Elouera Jerrungurah Tribal Elders Council	No response
		Kullila Site Consultants and Koori Site Management	No response
		La Perouse Botany Bay Corporation	No response
		Minnamunnung	No response
		Munyunga (Murrin Clan/Peoples)	No response
		Mura Indigenous Corporation (icn:8991)	No response
		Murramarang (Murrin Clan/Peoples)	No response

		Murra Bidgee Mullangari Aboriginal Corporation	No response
		Murrumbul (Murrin Clan/Peoples)	No response
		NIAC	No response
		Nundagurri (Murrin Clan/Peoples)	No response
		Pemulwuy (Murrin Clan/Peoples)	No response
		Norma Simms	No response
		South Coast NSW Aboriginal Elders	No response
		South West Rocks Corporation	No response
		Three Ducks Dreaming Surveying and Consulting	No response
		Thoorga Nura	04/02/2022– email registration of interest
		Tungai Tonghi	04/02/2022– email registration of interest
		The Wadi Wadi Coomaditchie Aboriginal Corporation (correspondence via NIAC)	No response
		"Walbunja (Murrin Clan/Peoples)	No response
		Walgalu (Murrin Clan/Peoples)	No response
		Warra Bingi Nunda Gurri	No response
		Wingikara (Murrin Clan/Peoples)	No response
		The Wodi Wodi Elders Corporation	No response
		Woronora Plateau Gundungara Elders Council	09/02/2022 – Kayla Williamson telephoned and asked for the group to be registered for the project.
		Wullung (Murrin Clan/Peoples)	No response
		Yerramurra (Murrin Clan/Peoples) and Taste of Tradition Native Aboriginal Corporation	No response
		Yurrandaali Cultural Services	15/02/2022– email registration of interest

		Wori Woilywa	No response
		Wodi Wodi Traditional Owner (James Davis)	05/02/2022– email registration of interest
		Lyndsay Urquhart	No response
		Woka Aboriginal Corporation	17/02/2022– email registration of interest
		Konanggo Aboriginal Cultural Heritage Services	No response
		Gunjeewong Cultural Heritage Aboriginal Corporation	04/02/2022– email registration of interest
	Additional registrations of interest	Corroboree Corp	17/2/2022– email registration of interest
		South Coast People	10/2/2022– email registration of interest via NTScorp
25/02/2022	Provision of project information and methodology	Yurrandaali Cultural Services	No response
		Coomaditchie United Aboriginal Corp	No response
		Corroboree Corp	No response
		Duncan Faulk Consultancy	No response
		Gumaraa	25/2/2022 – email response stating “Hi as the methodology says it’s deemed as a disturbances site it very highly of potentially artefacts will be found due to the position of the site Tom Thumb is highly recommended as a sacred place for our people even though we haven’t been there for years...”
		Gunjeewong	No response
		Illawarra Local Aboriginal Land Council	24/3/2022 – detailed response provided, including recommendations for amending methodology, and details of cultural landscape of Port Kembla. JB responded thanking ILALC for the detailed information and then engaged in further discussion with Aara Welz of ILALC regarding the consultation process more generally.

		South Coast People	No response
		Thoorga Nura	No response
		Troy Tungai	No response
		James Davis (Wodi Wodi Traditional Owner)	No response
		Woka Aboriginal Corporation	No response
		Woronora Plateau Gundungara Elders Council	No response
		Bellambi Indigenous Corporation Gandangara Traditional Owners	<p>28/2/2022– received a call from Kim Moran asking to know more about the Port Kembla project and asking me to send her brother the information. Tried to call her back as noticed she hadn't registered for the project but received no answer. I sent her a copy of the information and method document but advised that I can not change the deadline for responses. Jenni Bate posted a copy of the information and method document to her brother William.</p> <p>1/03/2022 – received a call from Kim Moran at 10.45am advising me that she had received the info and method document and thanking me for forwarding it to her. I confirmed with her that her group has been registered but I can not extend the deadline for responses for the info and method. Kim was understood and was fine with that</p>
13/5/2022	Provision of draft report for review and comment	Yurrandaali Cultural Services	No response
		Coomaditchie United Aboriginal Corp	17/05/2022 – emailed requesting a hard copy of the report. Jenni Bate from Apex Archaeology responded on the same time advising she'll post a copy ASAP.
		Corroboree Corp	No response
		Duncan Faulk Consultancy	No response
		Gumaraa	No response
		Gunjeewong	18/05/2022 – email received from Shayne Dickson advising that Gunjeewong is "happy with the consultation report".

		Illawarra Local Aboriginal Land Council	17/05/2022 – email received from Donna Hiscox confirming receipt of the report and that she has noted the due date for comments.
		South Coast People	No response
		Thoorga Nura	No response
		Troy Tungai	No response
		James Davis (Wodi Wodi Traditional Owner)	No response
		Woka Aboriginal Corporation	No response
		Woronora Plateau Gundungara Elders Council	24/05/222 – Email received from Kayla Williamson thanking Apex Archaeology for providing further information and advising that the group “do not have any further comment”.
		Bellambi Indigenous Corporation Gandangara Traditional Owners	No response



APPENDIX C: STEP 1 LETTERS AND RESPONSES

(Some responses redacted for privacy)



APPENDIX D: INVITATIONS AND REGISTRATIONS OF INTEREST

(Redacted for privacy)



APPENDIX E: ADVERTISEMENT

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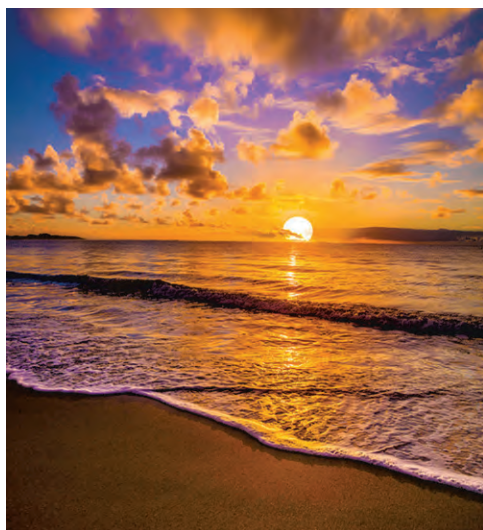
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Deaths & Funerals

VELJANOV Vangel

of Port Kembla

Passed away peacefully on Thursday, 3rd February 2022. Beloved husband of Nevena. Dearly loved father and father-in-law of Michael and Stephanie, and Anita. Much loved Dedo of Aria. Loved brother and brother-in-law of Tom and Ilona, Violeta and Danilo, Budimka and Kire. Vangel will be sadly missed by his loving family and many dear friends here and in Macedonia.

Aged 68 Years
Forever in our hearts
Rest in peace

Prayers will be held in the chapel Rankins Funeral Home, 270 Cowper Street Warrarong, on Monday 7th February 2022 at 4pm.

Relatives and friends are invited to attend Vangel's funeral service to be held at **St Kliment Macedonian Orthodox Church**, cnr Keira and Charles Street Port Kembla on **Tuesday, 8th February 2022 at 10:30 am**. Following the service his funeral will proceed to Wollongong Lawn Cemetery, Wyllie Road Kembla Grange.



In Memoriam

In Loving Memory Jovan Naumovski

03/03/1932 ~ 06/02/2021



My dearest Dad.

A year has passed since God took you away. You are loved beyond words and missed beyond measure. Keep shining brightly in heaven so you can light my way. Love from all your family.

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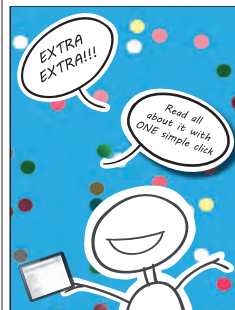
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JESUS answered, If any one love me, he will keep my word John 14:23



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Public Notices

The Manildra Group (the proponent) has engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at **Foreshore Road, Port Kembla (Lot 1 DP 88752 and part of Lot 6 DP 1236743)**. The project is within the Wollongong City LGA. The proponent's representative is Greg Murphy of The Manildra Group, who can be contacted via email at greg.murphy@manildra.com.au.

The assessment will inform a State Significant Development Application under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979* and is required to include Aboriginal community consultation in accordance with the Section 4.1.3 of the NSW Department of Environment, Climate Change and Water's (DECCW 2010, now Heritage NSW) *Aboriginal cultural heritage consultation requirements for proponents*.

The proponent invites Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and places within the study area to register an interest in the process of Aboriginal community consultation

Please note that details of the Aboriginal people or organisations who register an interest in consultation will be forwarded to both Heritage NSW and the Illawarra Local Aboriginal Land Council (ILALC). Please advise at the time of registration if you do not wish for your details to be forwarded to either entity.

Aboriginal stakeholders can register their interest by post to PO Box 236, Nowra, NSW 2541; via phone on 0405 236 821; or via rebecca@apexarchaeology.com.au. Please include the name and contact details of your preferred contact person in your registration.

Registration will be accepted until COB 18 February 2022





APPENDIX F: METHODOLOGY, COVER LETTERS AND RESPONSES

(Responses redacted for privacy)



APPENDIX G: DRAFT REPORT EMAILS AND RESPONSES

Not included in public report