# CHAPTER 1

# Aboriginal heritage

**ALBURY TO ILLABO** ENVIRONMENTAL IMPACT STATEMENT





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#### **10**. **Aboriginal heritage**

This chapter provides a summary of the potential impacts of the Albury to Illabo (A2I) section of the Inland Rail program (the proposal) on Aboriginal heritage. The assessment is provided in Technical Paper 2: Aboriginal cultural heritage assessment report.

#### 10.1 Summarv

The proposal falls within the traditional lands of the Wiradjuri language group. Consultation has been undertaken with Registered Aboriginal Parties (RAPs) in support of the Aboriginal cultural heritage impact assessment for the proposal, in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010a). This includes participation in the site inspection and the review of draft Aboriginal cultural heritage assessment report.

The majority of the proposal site has been subject to substantial ground surface disturbance. Based on the desktop assessment and site inspection, two isolated stone artefacts were identified near the proposal site at Yerong Creek and Junee, and one area of archaeological potential was identified at the Murray River bridge enhancement site. The two isolated finds would not be directly impacted by the proposal and controls would be implemented to manage any indirect or inadvertent direct impacts during construction. Likewise, refinements were made to the Murray River bridge enhancement site to avoid and minimise impacts to the area of archaeological potential, including the removal of a proposed temporary creek crossing at Oddies Creek from the reference design, restricting access via Townsend Street to light vehicles only, and limiting any grading works to Townsend Street to the existing zone of surface disturbance. The grading process would only impact a zone of existing surface disturbance and therefore would be unlikely to impact any intact archaeological deposits.

The cultural values were generally related to the importance of Wiradjuri country. There are two aspects from the cultural reporting regarding significance: one specific culturally important place, Doodle Comer Swamp at Henty, and a general concern for impacts to the environment surrounding the proposal based on 'Caring for Country' ideals. The Doodle Comer Swamp would not be directly impacted, and the potential for indirect impacts on sensitive receiving environments (such as impacts to water quality) would be managed through the mitigation measures provided in the EIS.

A heritage sub-plan would be prepared for the proposal to detail measures to be implemented during construction in order to minimise the potential for impacts, manage heritage and the procedures for any unexpected finds.

Direct and indirect impacts to the cultural environment by ongoing operation are not predicted. While the proposal would enable the use of double-stacked container trains, this use would remain within the existing context of the landscape (being a rail corridor) and indirect impacts on watercourses and wetlands with cultural value from the operation of the proposal is negligible.

#### 10.2 **Approach**

#### 10.2.1 Secretary's environmental assessment requirements

The Secretary's environmental assessment requirements (SEARs) relevant to Aboriginal heritage, together with a reference to where they are addressed in the environmental impact statement (EIS), are provided in Appendix A: Secretary's Environmental Assessment Requirements.

#### 10.2.2 Relevant legislation, policies and guidelines

The assessments were undertaken in accordance with the SEARs and with reference to the requirements of relevant legislation, policies and/or assessment guidelines, including:

- the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act), the National Parks and Wildlife Act 1974 (NSW), the Aboriginal Land Rights Act 1983 (NSW), the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act), the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth), the Native Title Act 1993 (Cth)
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010 (Department of Environment, Climate Change and Water (DECCW), 2010c)
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010a)
- Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW. 2010b)
- Skeletal Remains: Guidelines for Management of Human Remains under the Heritage Act 1977 (NSW Heritage Office, 1998b)

• Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (Office of Environment and Heritage (OEH), 2011b).

The SEARs identify a number of forms (such as an Aboriginal site impact recording form). As these forms relate to administrative processes and do not guide an impact assessment, these are not considered further in this chapter (refer to section 2 of Technical Paper 2: Aboriginal cultural heritage assessment report).

# 10.2.3 Methodology

# Study area

The study area for the Aboriginal cultural heritage assessment included the proposal site and the surrounding landscape of the proposal site to provide environmental and cultural value context. For cultural values, the study area considered an area up to 20 kilometres (km) from either side of the proposal site to capture a broad variety of cultural sites for each landform, to assist with the predictive modelling.

In the study area, the proposal site was divided into 14 discrete investigation zones based on geographical proximity. This is discussed further in this section.

#### **Key tasks**

The Aboriginal cultural heritage assessment was undertaken in accordance with the guidelines and requirements described in section 10.2.2 and section 2 of Technical Paper 2: Aboriginal cultural heritage assessment report and involved:

- carrying out a desktop review of archaeological literature and data, including a search/review of:
  - Aboriginal Heritage Information Management System (AHIMS) in January 2021 for the region surrounding the proposal site
  - ▶ EPBC Act Protected Matters Search Tool
  - local environmental plans (LEPs)
  - previous archaeological investigations
- developing a predictive model in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW to identify areas likely to be of cultural sensitivity in the study area that require survey
- developing an Aboriginal Archaeological Research Design (AARD) based on the outcomes of the desktop assessment and predictive modelling
- field surveys (where access was available) of areas considered to be having potential archaeological sensitivity identified from the desktop assessment study (see below)
- consultation with key Aboriginal stakeholders in the area (see below)
- > assessing the significance of sites of potential sensitivity within the proposal site
- > assessing the potential impacts on Aboriginal sites, places and objects
- providing management and mitigation measures.

#### Site survey

Of the 14 investigation zones, a targeted survey was carried out within nine investigation zones between 24 March and 26 March 2021. These areas were identified as having potential archaeological sensitivity based on the desktop assessment and predictive model.

The targeted surveys were undertaken in accordance with the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. The targeted surveys were accompanied by Registered Aboriginal Parties (RAPs) in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Following the completion of the survey, changes to the site investigation zones occurred. These changes were reviewed and were determined to not impact the area targeted for site survey and the assessment. Further information on the targeted survey is available in section 4.2 of Technical Paper 2: Aboriginal cultural heritage assessment report.

### Aboriginal community consultation

Aboriginal consultation has been undertaken in accordance with the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. This included the registration of 11 RAPs, field work participation and review of the assessment findings, as documented in Technical Paper 2: Aboriginal cultural heritage assessment report.

Further information on the consultation process is provided in section 3.7.1 of the Technical Paper 2: Aboriginal cultural heritage assessment report.

#### 10.2.4 Key risks

An environmental risk assessment was undertaken for the proposal (refer Appendix E: Environmental risk assessment). Potential impacts on Aboriginal heritage with an assessed risk rating of medium or above are:

- potential impacts on registered Aboriginal heritage items/sites in the proposal site
- impacts on areas predicted to have archaeological potential.
- impacts on unrecorded Aboriginal sites and/or areas of archaeological sensitivity or cultural value.

The Aboriginal heritage assessment considered the potential risks identified by the environmental risk assessment in addition to potential risks and impacts identified by the scoping report, the SEARs and relevant guidelines and policies (as appropriate).

#### 10.3 **Existing environment**

#### 10.3.1 Aboriginal historical and cultural context

The study area falls within the traditional lands of the Wiradjuri language group. The Wiradjuri group occupies the largest geographic area of New South Wales (NSW) of all Aboriginal groups. Gunnedah and Albury mark the northern and southern boundaries of Wiradjuri Country, while the eastern boundary is the Great Dividing Range, and the western boundary is approximately in line with the present towns of Hay and Nyngan.

The name 'Wiradjuri' means 'people of the three rivers', with these rivers being the Macquarie, Lachlan and Murrumbidgee. These three rivers are key resources and provide a stable and abundant supply of food for the Wiradjuri people. The Wiradjuri people generally moved around in groups, using the river flats, open land and waterways with some regularity through the seasons.

The arrival of Europeans in the areas in the early 1800s had a devastating impact on the traditional Wiradjuri lifestyle: clashes between the new European settlers and the local Aboriginal people were common around the Murrumbidgee and even further north, particularly between 1839 and 1841. As pastoralism spread throughout western NSW, there were fewer places for Wiradjuri people to live. The European pastoralists (originally mostly British and Irish people) would build their properties on Wiradjuri campsites, which were generally in the vicinity of drinking water, were sheltered and safe from flooding. In the early to second half of the 18th century, Wiradjuri men and women worked on pastoral stations, as shepherds and labourers, with the material gains for working on stations (particularly food) being significant to Wiradjuri people as the ever-increasing numbers of livestock diminished traditional food stocks.

From 1883 until the abolition of the Aborigines Welfare Board in 1969, Aboriginal people were forcibly relocated to missions, reserves and stations (such as Warangesda and Brungle missions). The Wiradjuri people were also deeply impacted by the Stolen Generations. The intergenerational impact of the Stolen Generations on Wiradjuri people was highlighted in the 1997 Bringing Them Home report, leading to the then Prime Minster Kevin Rudd's national apology to Australia's Indigenous peoples. This was remembered by Aboriginal people, including Wiradjuri people, as a watershed moment, although little progress has been made by federal governments for further reform since then.

Wiradjuri people continue to occupy their traditional Country, in the townships of Dubbo, Condobolin, Orange, Bathurst, Wagga Wagga, Albury, Young, Narrandera and Griffith. Wiradjuri are continuously involved in—and fight for—the protection of cultural heritage sites.

The richness of cultural life is attested to through the record of significant cultural places in the area including Doodle Comer Wetland, and other Aboriginal places near Albury, The Rock, Wagga Wagga and Bomen. The ongoing cultural connection for the Wiradjuri people is a practiced and living part of that landscape.

Further details on the Aboriginal historic context is provided in section 4.1.2 in Technical Paper 2: Aboriginal cultural heritage assessment report.

#### 10.3.2 Aboriginal sites and places

The results of the AHIMS search indicates that there are no previously recorded sites within the proposal site. There are 925 sites and eight Aboriginal places within 20 km of the proposal site, which has informed the predicted landscape model. The most common site types in the study area are stone artefact sites and modified trees.

Of the Aboriginal places, two are located in the vicinity of the proposal site:

Doodle Comer Wetland, which is located around 1 km to the south-west of the Henty Yard clearances enhancement site. This wetland is an important natural feature of the cultural landscape as a resource zone, as a refuge for wildlife and as a culturally important place. Buckargingah Creek drains to this wetland and is

connected to a locally significant songline. A songline describes features and landmarks to guide travel to important sites and locations. A songline can also have ancestral stories attached to them. Buckargingah Creek is located over 150 metres (m) to the north of the proposal site. In discussions of the cultural landscape, the RAPs did not disclose the specific cultural significance of the wetland and details of the songline.

the Bomen Axe Quarry, which is located around 750 m from the Bomen Yard clearances enhancement site. This site is a rock quarry and traditional axe manufacturing zone. It is an important cultural place for the Wiradjuri people due to its rarity, its demonstration of a range of Wiradjuri cultural practices and its potential as an educational resource. In general discussions of the cultural landscape, this site was not identified by the RAPs in relation to the proposal.

There are no Aboriginal places of heritage significance listed in the LEPs that apply to the study area.

# 10.3.3 Archaeological potential

Nine site investigation zones were identified as having archaeological potential based on the desktop assessment and predictive modelling. The predictive modelling found that stone artefact sites or isolated artefacts are likely to occur across any area that contains undisturbed (or not heavy disturbed) soils, with a greater tendency for sites to occur relatively close to a water source (river, creek or waterhole). Modified trees are also found to occur anywhere where vegetation has not been cleared in recent history.

Among the nine areas that were inspected, two isolated artefacts were identified at Yerong Creek and Junee, and one area of archaeological potential was identified at Murray River bridge.

The two isolated stone artefacts (A2I-1 and A2I-2) do not meet any of the key criteria listed in the Heritage NSW guidelines for assessing scientific values and are therefore considered to have no scientific significance.

At the Murray River bridge enhancement site, archaeological test excavations were not required based on the proposed activity at this location and mitigation measures, as detailed later in this chapter.

# 10.3.4 Cultural values and significance

#### **Cultural places**

The cultural values were generally related to the importance of Wiradjuri country. There are two aspects from the cultural reporting regarding significance: one specific culturally important place, Doodle Comer Wetland at Henty, and a general concern on the environment surrounding the proposal.

Doodle Comer Wetland is a place of both cultural and natural importance, and is considered to be a cultural area of high significance by Wiradjuri people. The wetland is located around 1 km to the south-west of Henty Yard clearances site. While details of the cultural aspects of this significance were not disclosed, RAPs indicated that it was a highly significant place. The Doodle Comer Wetland is fed by a number of watercourses, including Buckargingah Creek, which is connected to a locally significant songline. Buckargingah Creek crosses under the existing rail alignment at the northern end of Henty, over 150 m to the north of the proposal site.

Reedy Creek is located within the Harefield Yard clearances enhancement site and leads to Houlaghans Creek. Houlaghans Creek is part of a significant Wiradjuri site that comprises a number of creeks and wetlands. Houlaghans Creek is located approximately 6 km to the west of the enhancement site.

Cultural places near Illabo include Billabong Creek and its tributary Jeralgambeth Creek, which are both cultural waterways.

Generally, the significance of the natural landscape was expressed by all RAPs during the survey work. This significance revolves around caring for Country and ensuring that the proposal does not inadvertently impact the natural environment. This includes impacts to native fauna and flora, and surface water quality.

# Archaeological objects and sites

The RAPs noted that stone artefact sites are generally significant to them as being tangible evidence of the presence of Aboriginal people in the landscape prior to colonial settlement.

The two isolated artefacts are examples of that tangible evidence, although, due to their locations being devoid of any other cultural context, were not considered to be of high significance.

#### 10.4 Impact assessment—construction

#### 10.4.1 **Direct impacts**

During construction, the ground preparation works for construction compounds and access routes, and from earthworks for permanent infrastructure (including, but not limited to, track modifications, drainage and utility upgrades) have the potential to impact Aboriginal heritage.

This section specifically addresses the enhancement sites that have been identified with Aboriginal heritage values. The potential direct impacts for each area have been listed in Table 10-1.

The remaining enhancement sites assessed had no Aboriginal cultural heritage values identified and had also been subject to substantial ground surface disturbance. No impacts are anticipated at these enhancement sites.

**TARIF 10-1 SUMMARY OF POTENTIAL DIRECT IMPACTS** 

Potential direct impacts			
As outlined in section 10.1, an area of archaeological potential was identified and adjustments were made to avoid and minimise impacts to this area.			
The proposal involves surface grading and covering the unformed section of Townsend Street with geotextile fabric and gravel. The grading process (around 50 millimetres (mm) in depth) would only impact a zone of existing surface disturbance and is therefore unlikely to impact any intact archaeological deposits.			
The gravel cover would provide protection from additional impacts from vehicle movements during construction, which are limited to light vehicles only (refer to section 8.8 of this (EIS).			
The proposal would not impact the isolated artefact (A2I-1), which is located around 200 m from the proposal site.			
There is a one isolated artefact (A2I-2) located within 5 m of a construction compound. Inadvertent direct impacts (e.g. unintentional or accidental disturbance) would be managed by avoiding the immediate location of this artefact through exclusion (refer to section 10.6 for mitigation).  No further impacts are expected as the remainder of the zone had no archaeological potential.			

#### 10.4.2 **Indirect impacts**

Indirect impacts from the proposal are largely centred around the idea that impacts to the broader environment also constitute cultural impacts based on 'Caring for Country' ideals.

There are potential indirect impacts from erosion and sedimentation from the construction work area, including the potential impacts to the water quality of downstream environments that have cultural values. RAP concerns were specifically raised at the following sites:

- Henty Yard clearances enhancement site is located over 150 m to the south of Buckardingah Creek. Buckargingah Creek has cultural values associated with a songline and with the downstream Doodle Comer Swamp to the south-west.
- Harefield Yard clearances enhancement site crosses Reedy Creek, which drains to Houlaghans Creek and is part of a significant Wiradjuri site. Works would be required on the existing bridge crossing as part of the proposal.
- Junee to Illabo clearances enhancement site crosses Jeralgambeth Creek, a tributary to Billabong Creek. Modifications to an existing culvert would be required as part of the proposal.

Potential erosion and sedimentation impacts on all receiving watercourses would be managed through the implementation of standard erosion and sediment controls. Instream works would also be undertaken, where possible, in dry conditions. These controls would be effective in managing any potential impacts to water quality and the cultural values associated with these environments. Further discussion on biodiversity and water quality is provided in Chapter 16: Biodiversity and Chapter 18: Hydrology, flooding and water quality.

Changes in water quality, the removal of riparian or in-stream vegetation and works within a watercourse can impact the aquatic biodiversity of the receiving environment. At Buckargingah Creek (and the receiving Doodle Comer Wetland) and Reedy Creek, the risk of impacts to aquatic biodiversity by the proposal would be low or negligible due to the lack of key fish habitat values, the minor nature of works proposed near or at these watercourses, and the proposed mitigation measures provided in Chapter 18: Hydrology, flooding and water quality. At Jeralgambeth Creek, there is a moderate risk of impacts to aquatic biodiversity due to the culvert modifications, which would require in-stream works, vegetation removal and the temporary blockage of fish passage. These potential impacts would be minimised by appropriate construction mitigation and management measures. This includes erosion and

sediment control measures, and conducting instream works, where possible, in dry conditions (refer to Chapter 16: Biodiversity).

The RAPs noted their concern about the possible impacts to habitat south of the Billy Hughes bridge located between the rail line and the Hume Highway. In doing so, RAPs observed the general value of biodiversity in the broader landscape at this location and impacts to these values by surrounding developments. This patch of habitat has been avoided by the proposal. Indirect impacts to native fauna and retained native vegetation by the proposal have been considered in Chapter 16: Biodiversity. This assessment has concluded that any indirect impacts on biodiversity (and therefore cultural values) would be negligible to low.

Indirect impacts due to construction vibration would not occur as the sites in proximity to the proposal site are not sensitive to vibration. Sites most likely to be sensitive to vibration would be rock shelters and none are located within 20 km of the proposal site. Landforms in the area suggest the likelihood of an undiscovered rock shelter within 200 m would be non-existent.

# 10.5 Impact assessment—operation

Direct and indirect impacts to the cultural environment by ongoing operation are not predicted. While the proposal would enable the use of double-stacked container trains, this use would remain within the existing context of the landscape (being a rail corridor). The additional risk of impact on water quality and aquatic biodiversity in tributaries of watercourses and wetlands with cultural value from the operation of the proposal is negligible. The proposal would be confined to the existing rail corridor and the maintenance regime would not change as a result of the proposal.

# 10.6 Mitigation and management

# 10.6.1 Approach to mitigation and management

Environmental management for the proposal would be carried out in accordance with the environmental management approach as detailed in Chapter 27: Approach to mitigation and management and Appendix H: Construction Environmental Management Plan outline of the EIS.

This would include a heritage sub-plan, prepared as part of the Construction Environmental Management Plan (CEMP). The sub-plan would detail the measures to be implemented during construction to minimise the potential for impacts, manage heritage and the procedures for any unexpected finds. It would include (but is not limited to) the following:

- an unexpected finds procedure
- plans and requirements for exclusion fencing
- induction package for construction workers and supervisors
- measures to protect sites close to the proposal site from inadvertent impacts
- mechanisms for the monitoring, review and amendment of the sub-plan.

#### 10.6.2 **Mitigation measures**

Measures that will be implemented to address potential impacts on Aboriginal heritage are listed in Table 10-2.

**TABLE 10-2ABORIGINAL HERITAGE MITIGATION MEASURES** 

Stage Ref Impact/issue		Impact/issue	Mitigation measure			
Pre-construction, construction	AH1	Avoiding inadvertent impacts	A2I-1 and A2I-2 will be marked on the environmental control maps, site plans, and avoided.			
			Prior to the commencement of construction, the location of A21-2 will be inspected by a suitability qualified person to reconfirm location and to demarcate the exclusion measures (such as fencing).			
Pre-construction, construction	nstruction impacts existing d implemen road. Prior to th bridge en requires g person, a objects. If any Abo		Prior to the commencement of construction at the Murray River bridge enhancement site, the section of Townsend Street that requires grading will be inspected by a suitably qualified person, and the A2I RAPs to confirm the absence of Aboriginal			
Pre-construction, construction	AH3	Avoiding inadvertent impacts	Cultural and historic heritage awareness training will be carried out for all personnel working on the proposal. This training will provide information on known heritage site and places, along with specific requirements to avoid impacts and the heritage unexpected finds protocol.			
Construction	AH4	Unexpected finds	In the event of an unexpected find, the following protocol will apply:  I all ground disturbance work in the vicinity of the find must cease immediately  I the project manager must contact a suitably qualified heritage specialist to inspect the find, and to determine the need for further investigation or management  I if the find Is an Aboriginal object, the project manager and/or heritage specialist will contact the RAPs to attend site to inspect the find and to determine in consultation the next steps for management  I the project manager and/or heritage specialist will also contact Heritage NSW to confirm the next steps for management  I ground disturbance work in the vicinity of the find can only continue under supervision of a suitably qualified heritage specialist, having regard to any advice from Heritage NSW and RAPs.  In the event that the unexpected find Is human skeletal material:  I all ground disturbance work in the vicinity of the find must cease immediately  I the project manager must contact NSW Police  I if the skeletal materials are found to be Aboriginal and historical in nature, the project manager should contact a suitably qualified heritage specialist, the RAPs and Heritage NSW to inspect the find and to confirm a course of action for ongoing management.			
			The heritage unexpected finds protocol will be included in the heritage sub-plan of the CEMP.			

# **Effectiveness of mitigation measures**

The mitigation measures provided in Table 10-2 have been identified as an outcome of the Aboriginal heritage assessment, which has concluded that the proposal would not have a direct impact on Aboriginal heritage. Controls have been identified to avoid any inadvertent impacts on known sites and are known to be effective.

There remains the potential for the discovery of unexpected finds to occur during construction, noting the potential would be low given the disturbed nature of the proposal site. The unexpected finds procedure is partly effective as it relies on the awareness of individuals and can be limited where visibility is low.

Cultural heritage awareness training is considered effective in reducing the potential for anticipated impacts.

# 10.6.3 Interactions between mitigation measures

Mitigation measures in other chapters that are relevant to the management of Aboriginal heritage impacts include:

- Chapter 16: Biodiversity, specifically details measures that address the mitigation and management of impacts on biodiversity during construction
- Chapter 18: Hydrology, flooding and water quality, specifically details measures that address the management of water quality during construction
- Chapter 20: Soils and contamination, specifically details measures that address erosion and sedimentation impacts.

There are no mitigation measures identified in the assessment of other environmental aspects that are likely to affect the assessment of Aboriginal heritage impacts.

#### 10.6.4 Residual risk

Residual impacts are impacts of the proposal that may remain after implementation of the management and mitigation measures detailed in section 10.6.1 and section 10.6.2. These are summarised in Table 10-3. Given the Aboriginal heritage values within the proposal site, the potential for residual impacts is low.

Further information on the approach to the environmental risk assessment, including descriptions of criteria and risk ratings, is provided in Appendix E: Environmental risk assessment.

TABLE 10-3 RESIDUAL RISK MANAGEMENT—ABORIGINAL HERITAGE

Stage	Potential impact	Pre- mitigated rating	Mitigation measures <sup>1</sup>	Residual risk rating	Residual risk management <sup>2</sup>
Construction/ Operation	Potential impacts on known Aboriginal heritage items/sites in the proposal site.	High	AH1, AH3	Medium	The CEMP would include the monitoring and auditing of the mitigation measures during construction to ensure the protection of identified heritage items.
					The heritage awareness training would be provided prior to commencement of construction works to ensure understanding of potential heritage items that may be impacted during the proposal.
Construction	Impacts on areas predicted to have archaeological potential.	High	AH2	Low	
Construction	Impacts on unrecorded Aboriginal sites and/or areas of archaeological sensitivity or cultural value.	Medium	AH3, AH4	Low	
Construction/ Operation	Indirect impacts to Aboriginal heritage items or Aboriginal Place.	Low	AH1, AH2, AH3, HFWQ5	Low	

<sup>1.</sup> As described in Table 10-2.

<sup>2.</sup> For residual impacts with a risk rating of medium or above.