

This independent review was requested by some residents of Coonabarabran who are very concerned about the proposed Narrabri coal seam gas project. It has been provided free of charge.

The reviewer is an archaeologist and cultural heritage manager with 30 years of experience in the management and protection of Aboriginal heritage in NSW. The reviewer: worked with the National Parks and Wildlife Service for over 20 years; is currently an independent heritage consultant; has a Bachelor of Science, a Bachelor of Arts (Hons) in archaeology and a PhD from the Australian National University; and has published widely on topics around protecting Aboriginal heritage and Aboriginal values in regard to the marine environment, protected areas and forested landscapes.

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## NARRABRI COAL SEAM GAS PROJECT EIS: REVIEW OF ABORIGINAL HERITAGE COMPONENT. May 2017

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The Aboriginal heritage section of the EIS comprises three separate components

- Appendix N1: The Aboriginal cultural heritage assessment report [ACHAR] prepared by Central Queensland Cultural Heritage Management PL [CQCHM].
- Appendix N2: The Cultural Heritage Management Plan
- Chapter 20 in the EIS

It is important to note that because the development is deemed to be of state significance, the Aboriginal heritage protection requirements of Part 6 of the NPW Act have been switched off. In particular the procedures and practices around the issuing of an Aboriginal Heritage Impact Permit [AHIP] to allow harm to an Aboriginal object do not apply. Instead, the management and protection of Aboriginal heritage has been guided by the Secretary of the Department of Planning's requirements and OEH recommendations for the proposed development. The latter, for the most part, are consistent with processes established under the NPW Act and in some cases go beyond what is normally required e.g. ethnobotanical research.

### 1. Appendix N1 of the EIS – the ACHAR

Overall this is a comprehensive and professional report which meets the Secretary's requirements and addresses all the recommendations of OEH. Conversion of information from this report into the CHMP and the main body of the EIS should ensure that Aboriginal values within the subject area, both tangible and intangible, are not diminished. The challenge will be to maintain and continue to follow procedures over the 25 year development period and subsequent mining operations.

Review of the report is divided into five sections

#### *a) Underlying principles*

The cultural heritage assessment is premised on two principles – the avoidance principle and the precautionary principle. The first notes that the proposed infrastructure will directly affect only a very small proportion of the project area and its positioning is sufficiently flexible to allow avoidance of all Aboriginal sites. While this is desirable, the reality is that over a 25 year period, flexibility is likely to be reduced and infrastructure specifications are bound to change, potentially leading to impacts on Aboriginal sites. Without the Part 6 AHIP procedure in place, management and mitigation of Aboriginal sites may not be adequate or appropriate. The assessment should not be placing so much reliance on avoidance as a management tool.

Application of the precautionary principle in this context states that if there is uncertainty over whether a phenomenon is an Aboriginal object it will be assumed that it is, for example, an unmodified piece of quartz or a scar on a tree. An Aboriginal origin for such features can be very difficult to determine without corroborating evidence. A rigorous, scientific approach to identification of Aboriginal objects is archaeological best practice and should be advocated in the assessment. If there is uncertainty and the feature can be easily avoided, the precautionary principle may be appropriate; otherwise, a professional diagnosis of the feature must be made, with dissenting reports if relevant. The recording of erroneous sites undermines both the profession of archaeology and exacerbates the issues already faced by AHIMS.

#### *b) Archaeological and historical context*

There is an excellent review and synthesis of previous archaeological, anthropological and historical records, including oral history records. This has provided a good basis for understanding traditional and historical associations of Aboriginal people and the local landscape.

Other potentially useful sources of information are research conducted on cypress pine forests in the Snowy River valley region of Kosciuszko national park, by John Banks, Ian Pulsford and others particularly the impacts on white settlement and rabbits on forest structure.

Another source of information could be Forestry Corporation NSW records of due diligence surveys for Aboriginal sites in the Pilliga forests managed by the Crown– these are conducted prior to harvesting operations.

The report says little about contemporary connections of Aboriginal people with the subject area and surrounding region, despite the concerns raised by Aboriginal people about loss of access should the gas field be developed. Are there aspirations for getting back on country? What kind of involvement do local communities currently have in management of local protected areas and state forests and/or are they used for gathering resources, culture camps, etc? What is the significance of the two Aboriginal Areas in the region?

### *c) Aboriginal consultation*

This appears to be a complex and drawn out process, which has been well managed and well documented. The proponent made every reasonable effort to communicate with all RAPS and the OEH Aboriginal consultations requirements have been followed. Over 500 RAPS is a large number of groups/individual to be involved in an assessment process and the tables showing how concerns and issues have been addressed were very useful. However, one individual, Dolly Talbot, may not be satisfied with how her concerns were addressed. A face to face discussion could be worthwhile, to identify whether there are underlying cultural factors affecting Dolly Talbot's concerns.

Although due process has been followed, the report provides no real sense of Aboriginal views and perceptions of the proposed development as a whole, for example, its potential impacts on groundwater or on the overall natural and cultural landscape, or its potential social or economic benefits/disadvantages. It would be useful to have an indication of the range of Aboriginal views on the proposed development, in addition to responses framed by the consultation process.

The report could acknowledge the shortcomings of the OEH consultation process *viz.* many Aboriginal people object to the assumption that cultural information will be freely given on request, to facilitate the assessment process [ Stage 3]. Instead many Aboriginal people consider that consultants/developers need to earn the right to receive cultural information by demonstrating they will be respectful and trustworthy.

### *d) Data management, methodology, significance assessment, predictive model*

A detailed quantitative analysis of the reliability of AHIMS data and an audit of same through a pilot study was valuable and useful. The plan to eventually audit all AHIMS sites in the subject area is commendable, providing the amendments to grid coordinates, etc are accepted by OEH.

Trialling the pre-clearance surveys tested the methodology, but a more rigorous quantification of visibility and its impacts on site detectability should be included. Developing a standard recording form for completion by the sites officers, containing all information on methodology, results and analysis is recommended

The significance assessment process focussed on site types rather than on individual sites, on the potentially erroneous assumption that all sites will be avoided hence significance is therefore not a major concern. However, if a site is to be impacted, its level of significance is critical to the decision making process. The significance assessment table did not recognise the contribution of previous archaeological investigations to the current state of knowledge and how the sites in the subject area may contribute to this knowledge. Overall, the significance component of the assessment was not very thorough.

Predictive model – too detailed and difficult to follow and by own admission, is not very reliable.

### *e) Heritage management and mitigation*

As discussed above, avoidance may not always be possible, and other measures must be put in place, with adequate detail. Mention is made of relocation of sites, presumably referring only to stone artefacts, but no detail is provided. Would the process followed be the one described in the OEH code of practice?

## **2. Cultural Heritage Management Plan**

The cultural heritage management plan [CHMP] has been developed from the ACHAR and the comments provided above are relevant to it. Additional comments are provided below

- What is the legal status of the CHMP?
- Cultural Heritage Coordinator to be nominated by Working Group – who is the employer? Is he/she to be paid a wage, is it an identified position, is it a fulltime position? The selection process and decision making for this position must be fully documented
- Concerned that too much emphasis on avoidance; process for artefact reallocation needs a more detailed description or reference to OEH code.
- Zone 1 – what if it is not possible to avoid a site, what technical expertise will be used when deciding on processes for minimising impacts?
- Does the Working Group get an opportunity to comment on proposed works?
- New finds – is 2 days enough time to deal with the matter??
- How will the Working Group represent the views of the wider community – will there be a newsletter or regular community meetings?

## **3. Chapter 20**

Chapter 20 in the EIS is a summary of the ACHAR and the comments provided in regard to the ACHAR are relevant to it. Additional comments are provided below.

Impacts on cultural values associated with water/changing land use/ etc – Aboriginal concerns about these more general values have not been well described and mitigation through monitoring may not be adequate. Proposed mitigation measures may not be reducing the risk to low – very low [ p. 20-29]. The Working Group should be participating and providing opinions in regard to this matter.

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