

Aboriginal Cultural Heritage Assessment Report Goodnight Island, Orient Point NSW

**Proposed Tourist and Commercial Development
Goodnight Island and Greenwell Point**

**MPO6_0034
Preferred Project Report
Department of Planning Issue no.9**



**Prepared for
Milad Investments No. 1 Pty Ltd
c/- studio internationale pty limited
by
Cathy Dunn: Historian & Heritage Consultant
PO Box 52 Milton NSW 2538
May 2009**

Contents	Page
Introduction	
1.1 Purpose of Aboriginal Heritage Assessment Report	3
1.2 What is Aboriginal cultural heritage?	3
1.3 Study Area	5
1.4 Proposed Development at Goodnight Island	5
Purpose & Scope	
2.1 Assessment Process	6
Notification and Registration of Interests	
Reply to all Registered Stakeholders	
Preparation assessment	
Draft Assessment	
2.2 Statutory Information	8
Aboriginal Cultural Heritage Assessment	
3.1 Heritage Significance	9
Summary Statement of Significance of Study Area	
3.2 History & Timeline	10
3.3 Aboriginal Cultural Heritage	11
3.4 Aboriginal Cultural places in the Shoalhaven	12
Conclusions	13
Recommendations	13
Bibliography	14
Appendix	16
1. Department of Environment and Climate Change Guidelines for Aboriginal Cultural Heritage Assessment	
2. Department of Environment and Climate Change, 18 December 2008, AHIMS #24572	
3. Shoalhaven City Council Heritage Inventory no. 2390335 Goodnight Island	
4. Aboriginal Heritage: Architectural Projects Pty Ltd to Studio Internationale Pty Ltd, 31 May 2007	
5. Letter seeking registered parties and reply upon registration	
6. Letter from: Shoalhaven City Council, dated 11 December 2008, Reference 1106-07 (D08/194717)	
7. Letter from: Jerrinja Local Aboriginal Land Council dated 5 February 2009	
8. email from: Stephen Free, Senior Aboriginal Heritage Officer/Archaeologist, Aboriginal Heritage Regulation Unit (AHRU) , Landscape & Aboriginal Heritage Protection Section (LAHPS), Environment Protection & Regulation South Branch, DECC, 28 April 2009.	
9. Letter to: Kim Johnston Senior Environmental Planner: Coastal Assessments, Major Project Assessments, Department of Planning, dated 1 May 2009.	

1. INTRODUCTION

Cathy Dunn: Historian & Heritage Consultant was briefed to respond to key issue number 9 in Department of Planning report dated 17 December 2008, on the Aboriginal Cultural Heritage Assessment of the site.

This assessment has been prepared in accordance with the Department of Environment and Climate Change (DECC) "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation, July 2005".

1.1 Purpose of Aboriginal cultural heritage assessment

The purpose of the DECC Guidelines is to identify matters which are relevant in assessing whether the proposed development at Goodnight Island project, to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies, is likely to have an impact on Aboriginal cultural heritage.

The objective of the assessment process is to provide information to enable decision makers to ensure that developments have considered the following:

- Information regarding the significance to those Aboriginal people with a cultural association with the land of any Aboriginal cultural heritage values on which the proposed activity is likely to have an impact.
- The views of those Aboriginal people regarding the likely impact of the proposal on their Aboriginal cultural heritage.
- Any measures which could be implemented to avoid, mitigate or offset the likely impact(s).
- Any justification for any likely impact(s), including any alternatives considered for the proposal.
- Identify whether the study area has Aboriginal cultural heritage significance and identify appropriate measures to preserve any significance.
- Identify objects and places of significance to the Aboriginal community that may be impacted by the proposal so that these impacts can be avoided wherever possible
- Identify any other items of heritage significance located in the study area and provide measures for conservation.
- Demonstrate that input by affected Aboriginal communities has been considered, when determining and assessing impacts.

Consultation with the local Aboriginal community is necessary to identify the cultural significance attached to heritage sites and the broader landscape. Indigenous Australians are advised that this Heritage Assessment includes names of people who are now deceased.

1.2 What is Aboriginal cultural heritage? ¹

Aboriginal cultural heritage consists of places and items that are of significance to Aboriginal people because of their traditions, observances, customs, beliefs and history. It is evidence of the lives of Aboriginal people right up to the present. Aboriginal cultural heritage is dynamic and may comprise physical (or tangible) or non-physical (non-tangible) elements. As such, it includes things made and used in earlier times, such as stone tools, art sites and ceremonial or burial grounds, as well as more recent evidence such as old mission buildings, massacre sites and cemeteries. Aboriginal people have occupied the NSW landscape for at least 50,000 years. The evidence and important cultural meanings relating to this occupation are present throughout the landscape, as well as in documents and in the memories, stories and associations of Aboriginal people.

For Aboriginal people, the significance of individual features is derived from their inter-relatedness within the cultural landscape. This means that features cannot be assessed in isolation, and that

¹ Department of Environment and Climate Change Guidelines for Aboriginal Cultural Heritage Assessment, see appendix

assessments need to consider the feature and its associations in a holistic manner. This may require a range of assessment methods with the close involvement and participation of Aboriginal people. Assessment will include lands, waterways, landscape features and native plants and animals that are culturally significant to Aboriginal people. As with the heritage of all peoples, Aboriginal cultural heritage provides essential links between the past and present for Aboriginal people. It is an essential part of Aboriginal identity.

The social and cultural information leading to the establishment of social and cultural values includes the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community. Places of social significance have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods or events. Communities can experience a sense of loss should a place of social significance be damaged or destroyed.

Accordingly the New South Wales Department of Environment and Climate Change (DECC) requires consultation with the Aboriginal community because it recognises the following:

- That Aboriginal heritage has a cultural and archaeological significance and that both should be the subject of assessment to inform its decision process.
- That Aboriginal people are the primary determinants of the significance of their heritage.
- That Aboriginal community involvement should occur early in the assessment process to ensure that their values and concerns can be taken into account and so that their own decision making structures can function.
- That the information arising from the assessment allows consideration of Aboriginal community views about significance and impact and allows for management and mitigation measures to be considered in an informed way (NSW DECC 2004).

Aboriginal people's association with the local landscape can be conceptualised in the following ways:²

Intangible (Non – Physical) Dimension

- Non-archaeological places (eg. Events/occupation/use associations)
- As places invested with cultural meaning (eg. Spiritual places)

Tangible (Physical) Dimension

- As natural features (eg. Resources use/procurement places)
- As material traces (eg. Archaeological sites, graves, houses)

² Goulding Heritage Consulting Pty Ltd, *Shoalhaven Local Government Area: Aboriginal Heritage Study NSW: Aboriginal Historical Research Stage 1*, Department of Environment & Conservation: NSW National Parks & Wildlife Service: Cultural Heritage Division, Hurstville, 2005, p. 17

1.3 Study Area

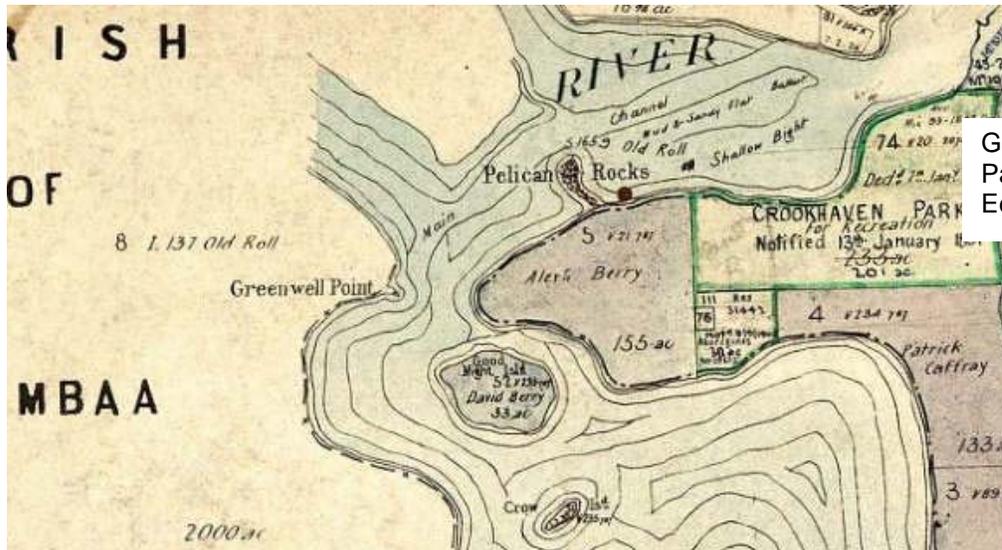
Address: Orama Crescent, Orient Point NSW 2540
(Goodnight Island)
Lot 52 in Deposited Plan 223963, City of Shoalhaven
Parish of Numbaa & County of St Vincent
Site area: 16.54 ha (approx. 40 acres)
Zoning: 1 (d) – Rural “D” General Rural Zone (island)
under Shoalhaven LEP 1985
7 (a) – Environment Protection “A” Ecology Zone
under Shoalhaven LEP 1985 (surrounding wetlands)

Goodnight Island is a freehold island situated in the Crookhaven River estuary, approximately 15 km east of Nowra, midway between Greenwell Point and Orient Point.



Goodnight Island

Goodnight Island is currently predominately undeveloped. The majority of the Island is zoned ‘rural 1(d)’ (general rural), with the remainder zoned as ‘7 (a) Ecology’ which includes mangrove and wetland areas. Approximately 35% of the island is covered in tall eucalypts forest. Existing infrastructure on the island consists of a jetty, small barge, rainwater collection tank and two large storage sheds. Remnants of the historical guest house and entry stairs are located to the north of the site.



Goodnight Island
Parish of Numbaa
Edition 2

1.4 Proposed Development at Goodnight Island

The proposed tourist development consists of the following main features:

- A main resort building, including accommodation of fifteen (15) suites, a tea room and restaurant, day spa, recreation centre with pool and reception facilities.
- Fifteen (15) self-contained cottages each with one(1) bedroom.
- A Five (5) bedroom guest house.
- Eight (8) berth marina, helipad, tennis court and storage shed.
- Central elliptical walking trail with single walking paths branching off

PURPOSE and SCOPE

2.1 Assessment Process

The assessment will identify matters which are relevant in assessing whether a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies is likely to have an impact on Aboriginal cultural heritage. The design of the cultural assessment will consider the following factors:

- Notifying Aboriginal people in sufficient detail about activities which may impact on Aboriginal heritage, so that their concerns can be identified
- Providing the opportunity for Aboriginal people who hold knowledge to contribute to the assessment process

This assessment must demonstrate that input by affected Aboriginal communities has been considered, when determining and assessing impacts, developing options, and finalising the application. In order to fulfil the consultation requirements for this Aboriginal heritage Assessment, the following procedure was undertaken:

Notification and Registration of Interests.

The proponent, actively sought to identify stakeholder groups or people wishing to be consulted about the project and has invited them to register their interest. Written notification about the project with a closing date of 23 December 2008 (see appendix 5) was supplied to the following bodies:

- Department of Environment and Climate Change Parks and Wildlife Group - Nowra area
- Shoalhaven Historical Society
- Shoalhaven City Council
- Southern Rivers Catchment Management Authority
- Greenwell Point Family & History Group Inc.
- Jerrinja Local Aboriginal Land Council (JLALC)
- Nowra Local Aboriginal Land Council
- State Records NSW
- New South Wales Native Title Services

In addition a Public Notice was placed in the 5 December 2008 edition of the *South Coast Registrar*

Aboriginal Cultural Heritage Assessment
Ecotourist Development, Goodnight Island

An Aboriginal Cultural Heritage assessment of Goodnight Island is currently being undertaken. Interested parties may submit their "Registration of Interest" in this project.

Expression of interest close December 23, 2008.

Applications to:-

Goodnight Island Heritage
c/- PO Box 52, Milton 2538 or
cathyd@shoalhaven.net.au

Goodnight Island Development
www.shoalhaven.net.au/goodnightisland/

Expression of Interest was received by the:

- Department of Environment and Climate Change Parks and Wildlife Group - Nowra Area
- Jerrinja Local Aboriginal Land Council (JLALC)
- Shoalhaven City Council although requested not to be an interested party, they expressed appreciation of being informed of the outcomes of the assessment. (See appendix 6)
- An information Letter was sent to all registered stakeholders. (see appendix 5)

Preparation of assessment:

- A historic literature research and review, interviews and communications
- Drafting, review and finalisation of the Cultural Heritage Assessment Report.

Much of the Aboriginal heritage material reviewed was not in the *Goodnight Island Guest House, Orient Point Heritage Assessment*, March 2006.

Included in the preparation of this Aboriginal Heritage Assessment of Goodnight Island was a search of the NSW DECC Aboriginal Heritage Information Management System (AHIMS).

Draft assessment:

A draft copy of this report was made available to all registered for comment and review on 6 January 2009, and they were given 21 days to respond as per DECC guidelines with a time extension given to JLALC.

JLALC provided feedback via email on 11 December 2008, followed by a letter dated 5 February 2009 (Appendix 7). A response to the JLALC letter has been provided in the form of a letter addressed to Kim Johnston, Senior Environmental Planner Coastal Assessments, Major Project Assessments, Department of Planning, dated 01 May 2009 (see appendix 9).

2.2 Statutory Information

Two pieces of legislation provide the primary basis for Aboriginal heritage management in NSW, the National Parks and Wildlife Act 1974 (NPW Act) and the Environmental Planning and Assessment Act 1979 (EP&A Act) (NPWS 1997).

The Environmental Planning and Assessment Act 1979 (EP&A Act), its regulations, schedules and guidelines provides the context for the requirement for environmental impact assessments to be undertaken during land use planning (NPWS 1997).

The NPW Act provides statutory protection for all Aboriginal objects and Aboriginal Places.

An 'Aboriginal object' is defined as 'any deposit, object or material evidence (not being a handicraft for sale) relating to Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'.

Under s90 of the NPW Act a person must not knowingly destroy, damage or deface or knowingly cause or permit the destruction, damage or defacement of an Aboriginal object or Aboriginal Place without first obtaining the consent of the Director-General of the NSW DECC. Consents which enable a person to impact an Aboriginal object are issued by the NSW DECC upon review of a s90 application. Under s87 of the NPW Act a person must not excavate or disturb land for the purposes of discovering an Aboriginal object without first obtaining the consent of the Director-General of the NSW DEC. Permits which enable a person to excavate land for the purposes of determining whether or not an Aboriginal object is present are issued by the NSW DECC upon review of a s87 application.

The *National Parks and Wildlife Act 1974* (NPW Act) is the primary legislation regulating the protection of Aboriginal heritage through the administration of Part 6 of the NPW Act. DECC administers the NPW Act. Part 6 of the Act provides protection for Aboriginal objects and Aboriginal places.

- An **Aboriginal object** is any deposit, object or material evidence (not being a handicraft made for sale) relating to Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains (as defined within the meaning of the NPW Act).
- An **Aboriginal place** is a place which has been declared so by the Minister administering the NPW Act because he or she believes that the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects.

ABORIGINAL CULTURAL HERITAGE ASSESMENT

3.1 Heritage Significance

Cultural heritage comprises important components of the environment that may have aesthetic, historic, scientific and social significance to present and future generations. Cultural heritage includes both Aboriginal and non-Aboriginal history. The Aboriginal community may value a place upon a place in accordance with a variety of factors including contemporary associations and beliefs and historical relationships. Most heritage evidence is valued by Aboriginal people given its symbolic embodiment and physical relationship with their ancestral past.

Heritage significance: Shoalhaven City Council Heritage Inventory no. 2390335 (see copy in Appendix) with Local Significance (Shoalhaven area) as the site of early tourist accommodation in the area

Summary Statement of Significance of Study Area from the *Goodnight Island Guest House, Orient Point Heritage Assessment*³

The site has historical significance for its ability to evidence an early tourist destination in the Shoalhaven Area. The site has historical associative significance because of its association with Alexander Berry, who was the first freehold owner of the island. The site has historical associative significance as land of the Jerringa (sic) tribe. Members of the Jerringa (sic) tribe also worked in the Guest House, travelling from the nearby Roseby Park Aboriginal Reserve in Orient Point.

The site has aesthetic significance as an outstanding example of natural beauty, containing many species of Australian flora and fauna that have largely remained untouched due to the isolation of the island. The site also has aesthetic significance for its ability to evidence remnants of the 1920s Guest House including the coral trees and early pine plantings. The site has aesthetic significance for its landmark qualities, situated between the towns of Greenwell Point and Orient Point.

Goodnight Island has social heritage significance for its community focus with Greenwell Point as a local landmark and as an early tourist destination for honeymooners and important events. The study area also has social significance because of its importance to the Jerringa (sic) People as part of their land.

The site has technical significance for its potential to provide information and insight into a rare collection of Australian wildlife species that have remained largely untouched due to the isolation of the island. The site has rarity significance as it provides evidence of an island that has remained in single ownership and is largely undeveloped. The site has rarity significance as it provides evidence of an early tourist Guest House located on an island setting.

³ Architectural Projects Pty Ltd, *Goodnight Island Guest House, Orient Point Heritage Assessment*, March 2006, p. 31, www.planning.nsw.gov.au/asp/pdf/06_0034_goodnight_ea_appendix_15_heritage_assessment.pdf

3.2 History & Timeline ⁴

Goodnight Island was originally purchased from the government by Alexander Berry in c1830. Goodnight Island is a freehold island situated in the Crookhaven River estuary, approximately 15 km east of Nowra, midway between Greenwell Point and Orient Point. Greenwell Point's name comes from an Aboriginal Doctor "Greenwell", notable for his treatment of snakebites and toothaches.⁵

The Island has early associations with the Baxter and Lonesborough families, and it is recorded that Robert Henry (Bob) Lonesborough (Oyster Fisherman of Greenwell Point) was the first child born at Goodnight Island. Records show that Robert Henry Lonesborough was born 30 November 1866 on Goodnight Island. He married Christina Dixon, an Aboriginal women from Coolangatta, daughter of Thomas Dixon and Mary Carpenter in 1919 Nowra.⁶

George Haiser and his family arrived at Greenwell Point in 1883 and by 1892 he had acquired the Island. Records of the first residence on the island date back to 1905, which was built by Patrick Caffery for George Haiser, who was the founder of the Oyster Industry in the Shoalhaven.⁷ The island was then sold to Mr Robert Nielson in 1912.



Goodnight Island ⁸

Goodnight Island and its residence, was again sold in 1915 to Mr John Monro, who by the mid 1920s, had converted the residence into the 'Goodnight Island Guest House'. The Guesthouse accommodated 46 guests and included a ballroom, lounge room, pianola, wireless etc. Other amenities consisted of a 9 hole golf course and putting green, 2 tennis courts, swimming baths (25 x 30 yards), a large launch for fishing and picnic parties with previous owner Mr Neilson acting as caretaker .

⁴ A more detailed history is in Architectural Projects Pty Ltd, *Goodnight Island Guest House, Orient Point Heritage Assessment*, March 2006, pp. 9 - 13, which gives reference to Robyn Florence, *Goodnight Island*, Shoalhaven Historical Society, no date. Correspondence with Robyn Florence December 2008, states there is no such publication.

⁵ Alan Clark (ed). *Villages of the Shoalhaven*, Shoalhaven Tourism Board, Nowra, 3rd Edition, 1995, p. 14.

⁶ NSW Birth Certificate, 1867/16061, place of registration Shoalhaven and Department of Environment and Conservation (NSW National Parks and Wildlife Service) *Aboriginal Women's Heritage: Nowra*, Department of Environment and Conservation, Hurstville, 2004, p. 38.

⁷ Obituary of George Haiser, *The Shoalhaven Telegraph*, 31 March 1915.

⁸ Goodnight Island, Samuel Cocks Collection, University of Wollongong Archives Accession number D/100/8/6.

After the death of Mr Murno in 1939, the Guesthouse and Goodnight Island was sold to Harold Catlin in 1943. The Emerson purchased the property from Harold Catlin in 1947, and sold to the Goodnight Island Development Company in 1963. The guest house was destroyed by fire in May 1964. The only 'visual' remnants of the Guesthouse are the external entry stairs & coral trees.

In 1986, Goodnight Island was purchased by Mr Ron Ellis. A Development Application for a Tourist Development including accommodation for more than 342 people, restaurants, bar, night club, 25 berth marina, pools, gymnasium, golf course, mainland terminal building, carpark and shops was approved, dated October 1986.

The 1986 DA had lapsed therefore a new application was required for essentially the same scope of the project, which was approved in 1992. This DA was not acted upon and the property was sold in the mid 1990s.

In September 2003 a development application was approved for the construction of a new Dwelling, swimming pool and water tank. The DA was not acted upon at the time of the sale of the property in February 2005 to the current owner, Milad Investments Pty Ltd.

3.3 Aboriginal Cultural Heritage

The Shoalhaven River was identified by Tindale as the boundary between the Wodi Wodi people and the Wandandian people, today's Jerrinja people. The territory of the Wandandian extends south from the Shoalhaven River to the Ulladulla area, and inland to the Shoalhaven River north of Braidwood. The language of the Wandandian people was the Dharawal which was spoken across an area spanning the Shoalhaven District, north across the Illawarra, to Port Hacking. The territory of the Wodi Wodi extends north from the Shoalhaven River to Wollongong and inland to Moss Vale.⁹

The boundaries of the City of Shoalhaven local government area do not share the same as traditional Aboriginal social groupings and patterns, with the defining of exact patterns can be quite complex. eg. Dhurga is the Aboriginal language spoken from Jervis Bay area to Wallaga Lake. Whilst Yuin is the name referred to for the Aboriginal people occupying the coastal area between Jervis Bay and Twofold Bay. With the area of the Budawang people from Conjola in the north, Lake George in the West and the Moruya (Deua) River in the south.

The Crookhaven River area has long been known to Aboriginal people by the traditional name of Jerrinja (Jerrinja), and the traditional owners of Goodnight Island are the Jerrinja Aboriginal People. It has been noted that Aboriginal Charley Goodnight received several blankets in the late 1830s, early 1840s. He seems to have lived on the Numba side of the Shoalhaven River, and may have some connection to Goodnight Island.¹⁰ No other reference to Charley Goodnight was located in the research for this report.

Goodnight Island is adjacent to Roseby Park which was first formally nominated an Aboriginal settlement by Sir David Berry when, in the 1840s and nearing the end of his life, he set aside a section of land on his property for the use of his Aboriginal and Maori workers from Coolangatta.¹¹ Occupation of Roseby Park by the Aboriginal people occurred in 1902.

Mr George Haiser (1835 – 1915), an early leaseholder on Goodnight Island:

... took a most lively interest in the welfare of the aborigines, and was ever ready with sympathy of a tangible kind, and worked zealously to better their conditions,

⁹ Architectural Projects Pty Ltd, *Goodnight Island Guest House, Orient Point Heritage Assessment*, March 2006, p. 5.

¹⁰ Correspondence 15 December 2008, Michael Bennett, For a labourer worthy of his hire: Aboriginal economic responses to colonisation in the Shoalhaven and Illawarra, 1770-1900, Doctor of Philosophy thesis, University of Canberra, 2003

¹¹ *New Dawn*, October 1972, p. 10

alike in his private capacity and as a member of the Roseby Park Aborigines' Board of Control.¹²

Architectural Projects Pty Ltd consulted in 2007 with Adele Hyslop of the Jerrinja Aboriginal Land Council and Sonny Sims of the Nowra Aboriginal Land Council. Sonny Sims confirmed with Architectural Projects Pty Ltd that there were no early Aboriginal Associations with Goodnight Island. Mr Sims also confirmed that Aboriginal maids were employed on the island during the guesthouse period c.1920 –1960. He also confirmed that there are no Aboriginal artifacts or associations on Goodnight Island.¹³

At the time of writing (April 2009) this report, the study area of Goodnight island was not the subject of a Native Title Claim under Commonwealth legislation, nor was it the subject of an Aboriginal Land Claim under NSW legislation.

A search of the DECC Aboriginal Heritage Information Management System (AHIMS) was undertaken in respect of this Heritage Assessment study. The search has shown that one (1) Aboriginal object (midden) and an Aboriginal place is recorded near the site study area, located at Pelican Rocks Orient Point on the mainland, this being not located on the island or visual from the site study area.¹⁴

3.4 Aboriginal Cultural places in the Shoalhaven

DECC is currently undertaking a cultural heritage mapping project and an Aboriginal heritage study encompassing the Shoalhaven Local Government area. The Nowra Aboriginal Cultural Heritage and Mapping Project is part of a new “holistic framework approach to Aboriginal cultural heritage conservation”. It concentrates on Crown Land and new reserves dedicated as a result of the Southern Regional Forest Agreement on the foot slopes and valley floors within the lower Shoalhaven River valley around Nowra.

Some of the culturally important Aboriginal places in the Shoalhaven are Coolangatta Mountain, Bundarwa (Beecroft Headland), Cambewarra Mountain, Didthul (Pigeon House Mountain), Kangaroo Valley, Burrill Lake, and Murramarang Aboriginal Area and environs. This list is not exhaustive but is an indication of the breadth of important places in the cultural landscape of the Shoalhaven LGA. The poor condition of the Shoalhaven River and floodplain is of concern to the local Aboriginal community. The continuing degradation of the riparian zone (bank erosion, lack of vegetation/weeds) is affecting a landscape which is of cultural importance to the community. Mount Coolangatta and Crookhaven Headland are important mythological sites.¹⁵

¹² Obituary of George Haiser, *The Shoalhaven Telegraph*, 31 March 1915.

¹³ Architectural Projects Pty Ltd to Studio Internationale Pty Ltd, 31 May 2007, See copy in appendix.

http://www.planning.nsw.gov.au/asp/pdf/06_0034_goodnight_ea_appendix_15_aboriginal_heritage.pdf.

¹⁴ Department of Environment and Climate Change, 18 December 2008, AHIMS #24572. (see Appendix)

¹⁵ Shoalhaven City Council, *Shoalhaven River Estuary Data Compilation Study: Aboriginal Heritage*, 2006, <http://www.shoalhaven.nsw.gov.au/council/pubdocs/LandManagement/ShoalRiverStudy/default.htm>

Conclusions

The study area of Goodnight Island has an Aboriginal social significance only due to its location within the boundaries of the Jerrinja Local Land Council. An Aboriginal place is a place that is or was of significance to Aboriginal culture. This assessment has not revealed any Aboriginal objects and / or artifacts on Goodnight Island.

Goodnight Island is not listed in:

- Shoalhaven City Council, *Shoalhaven River Estuary Data Compilation Study: Aboriginal Heritage*, 2006
- Goulding Heritage Consulting Pty Ltd, *Shoalhaven Local Government Area: Aboriginal Heritage Study NSW: Aboriginal Historical Research Stage 1*, Department of Environment & Conservation: NSW National Parks & Wildlife Service: Cultural Heritage Division, Hurstville, 2005.
- Aboriginal Heritage Information Management System (AHIMS). Department of Environment and Climate Change.
- Johanna Kijas. *Revival, Renewal & Return: Ray Kelly & the NSW Sites of Significance Survey*, Department of Environment & Conservation, Hurstville, 2005.

The following recommendation is made on the basis of:

The legal requirements as set out under the National Parks and Wildlife Act 1974 (as amended) which states that it is illegal to knowingly destroy, damage or deface or knowingly cause or permit the destruction, damage or defacement of an Aboriginal object in NSW without first obtaining consent of the Director-General of the NSW Department of Environment and Climate Change.

Recommendations

It is unlikely that the proposed Tourist Development at Goodnight Island will have the potential to directly impact any known or unknown Aboriginal archaeological site/s or heritage. However it is recommended that the Jerrinja Land Council Site officers be called if any Aboriginal object is located during construction of the proposed development.

Bibliography

Authorship

Prepared by Cathy Dunn: Historian & Heritage Consultant
PO Box 52 Milton 2538
For Milad Investments No. 1 Pty Ltd April 2009

Acknowledgment

Michael Bennett: New South Wales Native Title Services
Robyn Florence: Shoalhaven Historian
Louise Tucker: CEO, Jerrinja Local Aboriginal Land Council

Information searches have occurred with the following organisations:

Australian Institute of Aboriginal & Torres Strait Islander Studies
Jerrinja Local Aboriginal Land Council
Mitchell Library & State Library NSW
NSW Department of Aboriginal Affairs (DAA)
NSW Department of Environment and Climate Change
New South Wales Native Title Services
National Archives of Australia
Shoalhaven Historical Society
State Records of NSW
University of Wollongong

Abbreviations Used

AHIMS Aboriginal Heritage Information Management System
EP&A Act Environmental Planning and Assessment Act 1979
JLALC Jerrinja Local Aboriginal Land Council
DECC New South Wales Department of Environment and Climate Change

Correspondence

Department of Environment and Climate Change, 18 December 2008, AHIMS #24572
Shoalhaven City Council, 11 December 2008, Reference 1106-07 (D08/194717)
Jerrinja Local Aboriginal Land Council, 5 February 2009
Michael Bennett: New South Wales Native Title Services
Robyn Florence: Shoalhaven Historian
Louise Tucker: CEO, Jerrinja Local Aboriginal Land Council
Australian Institute of Aboriginal & Torres Strait Islander Studies
Stephen Free, Senior Aboriginal Heritage Officer/Archaeologist, Aboriginal Heritage Regulation Unit (AHRU) Landscape & Aboriginal Heritage Protection Section (LAHPS), Environment Protection & Regulation South Branch, 28 April 2009.

Publications and Reports

Architectural Projects Pty Ltd, *Goodnight Island Guest House, Orient Point Heritage Assessment*, March 2006,
www.planning.nsw.gov.au/asp/pdf/06_0034_goodnight_ea_appendix_15_heritage_assessment.pdf
Clark Alan (ed), *Villages of the Shoalhaven*, Shoalhaven Tourism Board, Nowra, 3rd Edition, 1995
Department of Environment and Conservation (NSW National Parks and Wildlife Service)
Aboriginal Women's Heritage: Nowra, Department of Environment and Conservation, Hurstville. 2004
Goulding Heritage Consulting Pty Ltd, *Shoalhaven Local Government Area: Aboriginal Heritage Study NSW: Aboriginal Historical Research Stage 1*, Department of Environment & Conservation: NSW National Parks & Wildlife Service: Cultural Heritage Division, Hurstville, 2005.

Kijas, Johanna, *Revival, Renewal & Return: Ray Kelly & the NSW Sites of Significance Survey*, Department of Environment & Conservation, Hurstville. 2005
Shoalhaven City Council, *Shoalhaven River Estuary Data Compilation Study: Aboriginal Heritage*, <http://www.shoalhaven.nsw.gov.au/council/pubdocs/LandManagement/ShoalRiverStudy/default.htm>

Newspapers and Periodicals

New Dawn

The Shoalhaven Telegraph

Others

Bennett, Michael. For a labourer worthy of his hire: Aboriginal economic responses to colonisation in the Shoalhaven and Illawarra, 1770-1900, Doctor of Philosophy thesis, University of Canberra, 2003.

Appendix

1. Department of Environment and Climate Change Guidelines for Aboriginal Cultural Heritage Assessment
2. Department of Environment and Climate Change, 18 December 2008, AHIMS #24572
3. Shoalhaven City Council Heritage Inventory no. 2390335 Goodnight Island
4. Aboriginal Heritage: Architectural Projects Pty Ltd to Studio Internationale Pty Ltd, 31 May 2007
5. Letter sent to interested parties upon registration
6. Letter from: Shoalhaven City Council, dated 11 December 2008, Reference 1106-07 (D08/194717)
7. Letter from: Jerrinja Local Aboriginal Land Council dated 5 February 2009
8. email from: Stephen Free, Senior Aboriginal Heritage Officer/Archaeologist, Aboriginal Heritage Regulation Unit (AHRU) , Landscape & Aboriginal Heritage Protection Section (LAHPS), Environment Protection & Regulation South Branch, DECC, 28 April 2009.
9. Letter to: Kim Johnston Senior Environmental Planner: Coastal Assessments, Major Project Assessments, Department of Planning, dated 1 May 2009.

DRAFT

**Guidelines For Aboriginal Cultural Heritage
Impact Assessment and Community
Consultation**

Department of Environment and Conservation

July 2005

This Guideline identifies the important factors and/or heads of consideration that needs to be considered by proponents and consultants when assessing potential impacts on Aboriginal cultural heritage for development applications assessed under Part 3A of the Environmental Planning and Assessment Act 1979.

1. PURPOSE AND SCOPE OF THE GUIDELINES

1.1 Background

The purpose of this Guideline is to:

- identify matters which are relevant in assessing whether a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies is likely to have an impact on Aboriginal cultural heritage; and
- list the requirements that the proponent must address in the environment assessment if the project is likely to have such an impact.

The Guideline aims to:

- define Aboriginal cultural heritage for the purpose of the Guideline;
- list the factors that will be considered in assessing whether a project is likely to have an impact on Aboriginal cultural heritage;
- advise on the consultation that should occur with Aboriginal people in assessing this impact; and
- list the requirements the proponent needs to address in the environment assessment if the project is likely to have such an impact

1.2 Guiding principals for Aboriginal cultural heritage assessment and consultation

The objective of the assessment process is to provide information to enable decision makers to ensure that developments have considered the following:

- information regarding the significance to those Aboriginal people with a cultural association with the land of any Aboriginal cultural heritage values on which the proposed activity is likely to have an impact;
- the views of those Aboriginal people regarding the likely impact of the proposal on their Aboriginal cultural heritage;
- any measures which could be implemented to avoid, mitigate or offset the likely impact(s); and
- any justification for any likely impact(s), including any alternatives considered for the proposal.

1.3 What is Aboriginal cultural heritage?

Aboriginal cultural heritage consists of places and items that are of significance to Aboriginal people because of their traditions, observances, customs, beliefs and history. It is evidence of the lives of Aboriginal people right up to the present. Aboriginal cultural heritage is dynamic and may comprise physical (or tangible) or non-physical (non-tangible) elements. As such, it includes things made and used in earlier times, such as stone tools, art sites and ceremonial or burial grounds, as well as more recent evidence such as old mission buildings, massacre sites and cemeteries.

Aboriginal people have occupied the NSW landscape for at least 50,000 years. The evidence and important cultural meanings relating to this occupation are present throughout the landscape, as well as in documents and in the memories, stories and associations of Aboriginal people. Therefore, activity that impacts on the landscape may impact on Aboriginal cultural heritage.

For Aboriginal people, the significance of individual features is derived from their inter-relatedness within the cultural landscape. This means that features cannot be assessed in isolation, and that assessments need to consider the feature and its associations in a holistic manner. This may require a range of assessment methods with the close involvement and participation of Aboriginal people. Assessment will include lands, waterways, landscape features and native plants and animals that are culturally significant to Aboriginal people.

As with the heritage of all peoples, Aboriginal cultural heritage provides essential links between the past and present for Aboriginal people. It is an essential part of Aboriginal identity.

2. FACTORS TO CONSIDER WHEN PREPARING A PROJECT APPLICATION

All project applications must state whether or not the project is likely to have an impact on Aboriginal cultural heritage and must include information about how this assessment was made.

This assessment must demonstrate that input by affected Aboriginal communities has been considered, when determining and assessing impacts, developing options, and finalising the application.

The earlier that Aboriginal cultural heritage issues are addressed in planning and development approval processes and conservation solutions determined, the less likely it will be those same issues will come back during later stages of the development. The impact assessment steps below include a number of mechanisms that will enable Aboriginal cultural heritage issues to be dealt with 'up-front' in the planning process.

3. STEPS IN THE ASSESSMENT PROCESS

This section provides an outline of the assessment process and should be read in conjunction with the DEC's Aboriginal Cultural Heritage Standards and Guidelines Kit.

The Aboriginal cultural heritage assessment process is outlined in the following steps and includes:

- Undertaking a preliminary assessment to determine if the project is likely to have an impact on Aboriginal cultural heritage;
- Identifying the Aboriginal cultural heritage values associated with the area through consulting with Aboriginal people with cultural knowledge or responsibilities for country in which the proposed project occurs, written and oral research and field investigations;
- Understanding the significance of the identified Aboriginal cultural heritage values;
- Assessing the impact of the proposed development on Aboriginal objects and Aboriginal places;
- Describing and justifying the proposed outcomes and alternatives; and
- Documenting the Aboriginal cultural heritage impact assessment and the conclusion and recommendations to afford appropriate protection of Aboriginal cultural heritage.

The close and on-going involvement and participation of Aboriginal people will be needed during the collection of the information and the development of management outcomes. The assessment requirements are described in the following steps and illustrated in the Attached Flow Chart. Further details on each of these steps can be obtained from the DEC.

STEP 1 Preliminary assessment

The main purpose of a preliminary assessment is to identify whether there are Aboriginal cultural heritage values associated with the subject site. The preliminary assessment is primarily a desktop exercise that involves examination and collation of the information required for understanding the cultural landscape. This information will include information detailing the physical setting (landscape); the history of the peoples living on that land (documentation from archival and oral sources, as well archaeological information); the material evidence (archaeological and contemporary) that has been created by and is manifested by the occupation of people/s in that land, and the cultural and social values attached to the land and the material

evidence. Assessment will include lands, waterways, landscape features and native plants and animals and the various types of cultural sites that have been created by Aboriginal people throughout the last 50,000 + years.

Therefore the preliminary assessment should include:

- a description of the location and nature of the proposed development;
- a description of any social and cultural values including the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community; and
- an assessment of which of the Aboriginal cultural heritage values that are known or likely to occur are likely to be directly or indirectly affected by the proposal.

There will be situations where it could be anticipated that an Aboriginal cultural heritage assessment would not be necessary, for example:

- redevelopment of a site where objects are not previously found or have been removed or damaged;
- excavation of a site has previously occurred and there is little likelihood of objects remaining.

If following a preliminary assessment, it is determined that Aboriginal cultural heritage values are not likely to occur on the proposed development site, no further assessment is required. This conclusion, and the rationale for this finding, must be documented in the preliminary information and subsequent application submitted for determination.

If Aboriginal cultural heritage values are likely to be affected by the proposal proceed to next step.

STEP 2 Information Requirements

Aboriginal heritage assessment requires a “multi-value” approach which includes a range of methods to satisfy data/information/reporting needs. The information required for understanding Cultural Landscape includes a range of data sets detailing the physical setting (landscape); the history of the peoples living on that land (documentation from archival and oral sources, as well archaeological information); the material evidence (archaeological and contemporary) that has been created by and is manifested by the occupation of people/s in that land, and the cultural and social values attached to the land and the material evidence. Assessment will include lands, waterways, landscape features and native plants and animals and the various types of cultural sites that have been created by Aboriginal people throughout the last 50,000 + years.

Social/cultural information

The social and cultural information leading to the establishment of social and cultural values includes the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community. Places of social significance have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods or events. Communities can experience a sense of loss should a place of social significance be damaged or destroyed.

This information will be obtained primarily from the Aboriginal community based on a process of community consultation and will involve a range of methodologies, such as cultural mapping, oral histories, archival documentation, and specific information provided by the Aboriginal community for the purposes of the study.

A description of the consultation process and documentation from the Aboriginal community must be included in the final assessment report. Guidance on consultation with Aboriginal people and communities can be found in the Interim Aboriginal Community Consultation Guidelines at <http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places>

Landscape

A description of the landscape (the physical setting of the land to be assessed) and its resources is essential for understanding the nature of the Cultural Landscape, as the opportunities and character of the land has a major influence over the nature of the interaction of the people with that land. This should describe and map landscape and landform units being used for the study (at the different levels of landscape, landscape unit, landform, topographic unit). It should also identify and map landscape features, places and natural resources of interest to the Aboriginal community;

Archival Documentation

This information includes relevant archival, historic and ethnohistoric sources as well as existing data bases such as Aboriginal Heritage Information Management System (AHIMS), Commonwealth and state heritage registers. A field component should be allowed for.

This research will provide the historical narrative of the peoples who have and continue to live in this region, and assist in the identification and mapping of places and landscapes and features of importance which may be affected by the project. It should be noted that Places identified through this process may no longer have physical evidence of their importance (such as structures, planted vegetation or landscape modifications).

Archaeological investigation

This comprises two components, an analysis of previous archaeological work (overview) within the study area and vicinity, and a physical inspection of the proposed development area.

The required intensity and extent of survey will vary greatly depending upon the objects likely to be present, size of the development area, and extent of previous land disturbance. For example, a comprehensive assessment could be required where there is a likelihood of burials being present or levels have not previously been disturbed. Where developments occur over a large area the sampling regime must encompass the geographic extent of the development.

STEP 3 Integration of information and identification of heritage values

The synthesis and integration of the information collected will provide the description of the Cultural Landscape to provide the basis for identifying the range of heritage values present. It will also provide the basis for development of criteria to clearly support the identification of areas/places/landscapes/features and sites of high heritage value to be considered as candidates for conservation/protection and/or the consideration of suitable off-set strategies eg community enhancement projects. This assessment will then also support the decisions regarding which areas/places/landscapes/features and sites will be impacted and any appropriate short and long-term mitigation requirements.

STEP 4 Information regarding the proposed development

This step will identify the nature and extent of the development and impacts on the Aboriginal heritage values across the development area. The extent of impact will include both direct and indirect impacts and their effect on Aboriginal heritage needs to be quantified to ensure that appropriate management in the context of the assessed values can be determined. Indirect impacts may affect sites or features located immediately beyond the development area or within the development area.

Examples of indirect impacts would be increased impact on art in a shelter site from increased visitation; impacts to a landscape or cultural feature from mine subsidence; destruction from increased erosion; changes in waterflows effecting the value of a cultural site; continued collapse of a significant building from lack of maintenance; changes in access to wild food resources.

STEP 5 Integration of assessment with proposed development

This involves using the above information as the basis for assessing the cultural values against the impacts from any proposed development to identify specific outcomes.

This will include consideration of the following:

- justification for any likely impact(s), including any alternatives considered for the proposal;
- any measures which will be implemented to avoid, mitigate or offset the likely impact(s).
- demonstration that the input by affected Aboriginal communities has been considered when determining and assessing impacts, developing options, and making final recommendations to ensure that Aboriginal cultural heritage outcomes can be met by the proposed development.

STEP 6 Management strategy for Aboriginal heritage

This section will set out the specific management outcomes arising from the above assessment stages agreed to by the developer for management of the Aboriginal heritage values. This is to include identification of the final development impacts and the places, sites and landscape areas to be avoided and protected or conserved.

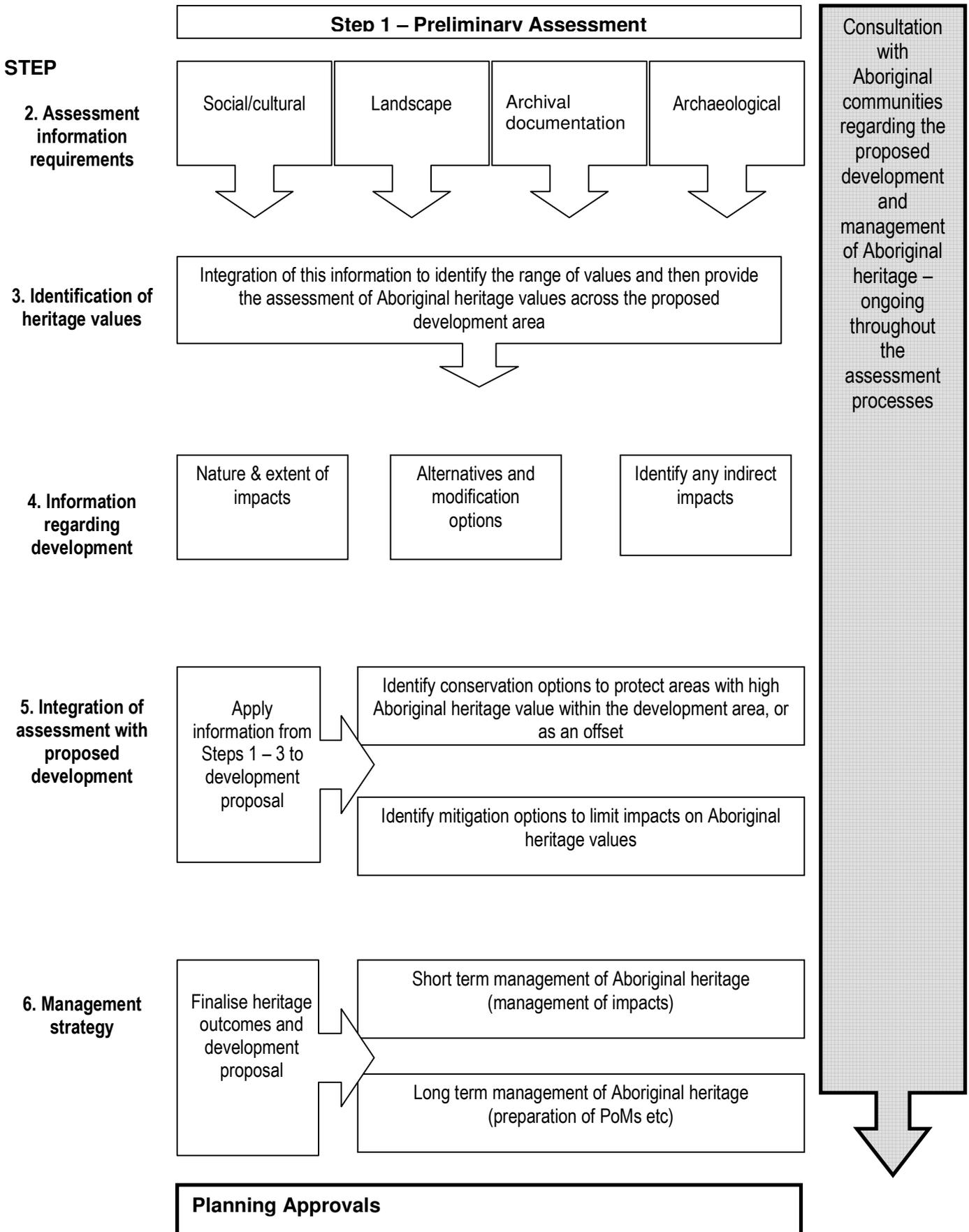
It is also to include the nature of and location of any offsets, requirements for further work such as archaeological salvage or community collection for objects of high archaeological or community value; specific on-going management protocols for both physical conservation outcomes and specific Aboriginal community requirements. This would include a contingency plan that details the measures to be taken in the event that Aboriginal objects of significance or a nature not anticipated, such as burials or ceremonial items, are discovered during the course of works on the development site.

These measures as negotiated with the Aboriginal community are to be included in the Statement of Commitments as part of the Project Application document.

5. CONTACT FOR FURTHER ENQUIRIES

If you have any questions regarding this Guidance, preparing a Aboriginal cultural heritage assessment report, or other Aboriginal cultural heritage matters please contact the DEC's Environment Line on 131555.

ABORIGINAL HERITAGE ASSESSMENTS





List of Sites (List - Short)

Lot 52 in DP 223963 - Orama Cres, Orient Point

Grid Reference Type = AGD (Australian Geodetic Datum), Zone = 56, Easting From = 293041, Easting to = 293783, Northing From = 6133770, Northing to = 6134291, Requestor like 8366%, Service ID = 24572, Feature Search Type = AHIMS Features

Site ID	Site Name	Datum	Zone	Eastings	Northing	Context	Site Features	Site Types (recorded prior to June 2001 Primary)	Recording (Primary)	Reports (Catalogue Number)	State Arch. Box No (for office use only)
52-5-01Z	Orient Point: Pelican Rocks;	AGD	56	293524	6134071	Open Site	AFT : -, ETM : -, SHL : -	ASRSYS	ASRSYS		NRS:17798/1537
	Status Valid										
	Primary Contact								Permit(s)		

Number of Sites : 1

Page 1 of 1

Printed By: Freeburn, Sharlene

18/12/2008 11:23:53

This information is not guaranteed to be free from error omission. The Department of Environment & Climate Change and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omissions.

Architectural Projects

Architectural Projects Pty Ltd., ABN 78 003 526 823., www.architecturalprojects.net.au
tel +61 (0)2 9319-1122., fax +61 (0)2 9319 1128., architects@architecturalprojects.net.au
the Foundry, Studio 1/181 Lawson Street, Darlington NSW Australia 2008

Ref: 1170.02.03 / jh.cm
31 May 2007

Studio Internationale Pty Ltd
Level 1, 47 Queen Street
WOOLLAHRA NSW 2025

Attention: Rita Qasabian

Dear Rita

JOB NO. 1170: GOODNIGHT ISLAND

Using the guidelines outlined in the document 'Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation' issued by the Department of Environment and Conservation, July 2005, we note the following in the assessment of Aboriginal Cultural Heritage on Goodnight Island:

- That developments have considered the Principals For Aboriginal Cultural Heritage Impact Assessment and Community Consultation by ensuring the views and information regarding the significance to those Aboriginal people with a cultural association with the land have been consulted. Architectural Projects Pty Ltd. have consulted with Adele Hyslop of the Jerrinja Aboriginal Land Council and Sonny Sims of the Nowra Aboriginal Land Council, both councils are responsible for the Aboriginal people and the Aboriginal heritage in the Shoalhaven region.
- That Aboriginal Cultural Heritage is a place or an item of Significance to Aboriginal people that can evidence the lives of Aboriginal people. Sonny Sims of the Nowra Aboriginal Land Council confirmed that there were no early Aboriginal Associations with Goodnight Island. Mr Sims confirmed that Aboriginal maids were employed on the island during the guesthouse period c.1920 –1960.
- That all development will not impact on the Aboriginal cultural heritage of a place. Mr Sims of the Nowra Aboriginal Land Council has confirmed that there are no Aboriginal artefacts or associations on Goodnight Island.

As a result of this preliminary assessment and consultation with the respective Aboriginal Land Council, no further assessment is required as stated in the 'Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation' as:

- The advice of the Nowra Aboriginal Land Council indicates that there were no early Aboriginal associations with the island and no associated objects have been previously found on the island. As a result excavation is unlikely to reveal any Aboriginal connections with the island.

Should you have any further queries, please do not hesitate to contact me.

Yours faithfully



Jennifer Hill
Registered Architect No.4811
Architectural Projects Pty Limited

Aboriginal Cultural Heritage Assessment Ecotourist Development, Goodnight Island

An Aboriginal Cultural Heritage assessment of Goodnight Island is currently been undertaken. Interested parties may submit their "Registration of Interest" in this project.

Goodnight Island is situated approximately 15 km east of Nowra in the Crookhaven River estuary, between Greenwell Point and Orient Point. The planned development is for a luxury ecotourism resort to accommodate about 100 people. Plans for the resort include a cafe & restaurant, luxury cabins, swimming pool, helipad and a 10 berth marina.

Expression of interest close Dec 23 2008, applications to Goodnight Island Heritage c/- PO Box 52 Milton 2538 or cathyd@shoalhaven.net.au

Goodnight Island Development <http://www.shoalhaven.net.au/goodnightisland/>

Yours Faithfully
Cathy Dunn

Reply to all Registered Stakeholders:

This was email out to, and receipted:

- Department of Environment and Climate Change Parks and Wildlife Group - Nowra Area, sent 4 December 2008.
- Jerrinja Local Aboriginal Land Council (JLALC) sent 11 December 2008

Thank you for your Registration of Interest in the Goodnight Island Aboriginal Cultural Heritage Assessment. The assessment will identify matters which are relevant in assessing whether a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies is likely to have an impact on Aboriginal cultural heritage;

The design of the cultural assessment will consider the following factors:

- * notifying Aboriginal people in sufficient detail about activities which may impact on Aboriginal heritage, so that their concerns can be identified
- * providing the opportunity for Aboriginal people who hold knowledge to contribute to the assessment process
- * identifying objects and places of significance to the Aboriginal community that may be impacted by the proposal so that these impacts can be avoided wherever possible

More Details on Goodnight Island Development can be found at
<http://www.shoalhaven.net.au/goodnightisland/>

Registered stakeholders may lodge information to the Aboriginal assessment. Should the ***** wish to contribute any resources for the assessment which is only in its early stage please forward them on to us. Once the draft report is completed, notice of its availability will be provided to all the registered stakeholders for comment.

Cathy Dunn
Historian & Heritage Consultant
www.ulladulla.info/historian
Ph: 02 44554780



City Administrative Centre
Bridge Road, Nowra NSW Australia 2541
Phone: (02) 4429 3111 • Fax: (02) 4422 1816 • DX 5323 Nowra
Address all correspondence to
The General Manager, PO Box 42, Nowra NSW Australia 2541

COUNCIL REFERENCE: 1106-07 (D08/194717)
CONTACT PERSON: Marie-Louise Foley

11 December 2008

Goodnight Island Heritage
C/- Cathy Dunn
PO Box 52
MILTON NSW 2538

Dear Ms Dunn

**Registration of Interest – Aboriginal Cultural Heritage Assessment Good Night
Island, Greenwell Point**

With regard to correspondence received by Council on the above matter please be advised that Council is not an interested party.

Listed below are the names of Aboriginal organisations that you may wish to consult with during the heritage assessment process.

- Nowra Aboriginal Land Council
- Ulladulla Aboriginal Land Council
- Jerringa Aboriginal Land Council

Although Council is not an interested party, we would appreciate being kept informed of the outcomes of the cultural assessment. If you need further information about this matter, please contact Marie-Louise Foley, Strategic Planning Group on (02) 4429 3559. Please quote Council's reference 1106-07 in any correspondence.

Yours faithfully

A handwritten signature in black ink, appearing to read "Cinnamon Dunsford".

Cinnamon Dunsford
Senior Strategic Planner/DA Co-ordinator

Letter 5 February 2009



Jerrinja Local Aboriginal Land Council
PO Box 167
Culburra Beach NSW 2540
February 5, 2009

Ms Cathy Dunn
Heritage and History Consultant
PO Box 52
Milton NSW 2538

Dear Cathy

**RE: DRAFT ABORIGINAL HERITAGE ASSESSMENT REPORT
GOODNIGHT ISLAND**

We have reviewed your draft **Aboriginal Heritage Assessment Report, Goodnight Island** and have a number of serious concerns with the report.

- (1) The report is largely a review of previous material with no additional site work
- (2) The previous work did not have any on-site work carried out by Aboriginal Site Officers with both the cultural understanding and training to identify what artifacts exist and what significance the site has to aboriginals;
- (3) There are therefore no actual details on artifacts and consequently no solid foundation on which to base the significance of the site to aboriginals;
- (4) There has been no consultation with the Jerrinja Community on the significance of the island to the Jerrinja People who are both the traditional owners and descendants of the aboriginal peoples who lived in this area;
- (5) The comments provided by members and staff of other Land Councils, while interesting, are not immediately relevant as Goodnight Island is wholly within the Jerrinja Local Aboriginal Land Council boundaries;

It is our view that any development on Goodnight Island should not be considered until a proper on-the-ground assessment of the site is carried out. To assist in that assessment we have provided you with information on the process for the employment of Jerrinja site officers.

Yours Sincerely

Louise Tucker
CEO
Jerrinja Local Aboriginal Land Council

From: "Free Stephen" <Stephen.Free@environment.nsw.gov.au>
Subject: RE: MP06_0034 | Goodnight Island and Greenwell Point | Aboriginal Heritage Assessment
Date: 28 April 2009 11:40:48 AM
To: "Rita Qasabian" <rq@studiointernationale.com>

Hi Rita,

Email purpose merely to confirm discussions and your confirmation of advice request, as per below.

DECC support the recommendation that an "on-the-ground" site inspection by a Jerrinja Aboriginal Officer is not necessary and request that this advice is included in the Preferred Project Report.

I hope this assists.

Regards, Steve

Stephen Free
Senior Aboriginal Heritage Officer/Archaeologist
Aboriginal Heritage Regulation Unit (AHRU)
Landscape & Aboriginal Heritage Protection Section (LAHPS)
Environment Protection & Regulation South Branch
PO Box 733
11 Farrer Place
QUEANBEYAN NSW 2620
Ph. 02 6229 7087/0407 452 376
Fax. 02 6229 7001
stephen.free@environment.nsw.gov.au

From: Rita Qasabian [mailto:rq@studiointernationale.com]
Sent: Monday, 27 April 2009 1:04 PM
To: Free Stephen
Cc: South Coast Promotions; milad raad; christina Markham
Subject: MP06_0034 | Goodnight Island and Greenwell Point | Aboriginal Heritage Assessment

hello Stephen

It was good to talk to you on Wednesday re the approach to the Aboriginal Heritage Assessment Report.

As discussed, our Aboriginal Heritage Consultant, Cathy Dunn, carried out the notification process as required under the DECC Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation, and a letter was received from the Jerrinja Local Aboriginal Land Council (JLALC), recommending an "on-the-ground" assessment be carried out by a Jerrinja site officer.

Cathy Dunn's research for the Assessment (including the DECC AHIMS), shows no items of significance on the island, therefore has recommended to us that "on-the-ground" site inspection by the Jerrinja site officer is not required.

I wonder if I could trouble you for a simple email, confirming your verbal advice, supporting that an "on-the-ground" site inspection by a Jerrinja Aboriginal officer is not necessary (to include in the Preferred Project Report, documenting consultation).

kind regards rita

rita qasabian director studio internationale pty limited
telephone +61 2 9380 9844 facsimile +61 2 9380 9044
ground floor 8-16 soudan lane paddington nsw 2021 australia

Cathy Dunn – Historian & Heritage Consultant

PO Box 52 Milton NSW 2538
1 May 2009

att: Kim Johnston
Senior Environmental Planner (Tuesdays & Wednesdays)
Coastal Assessments | Major Project Assessments
Department of Planning
23-33 Bridge Street
Sydney NSW 2001

Dear Kim

We are writing in response to the letter received from Louise Tucker, CEO of the Jerrinja Local Aboriginal Land Council (JLALC) dated 5 February 2009, regarding feedback on the draft Aboriginal Heritage Assessment Report for Goodnight Island, sent to JLALC on 6 January 2009.

A number of telephone messages were left for Louise Tucker following receipt of the letter, however, no return calls were received.

We have addressed each of the issues raised, as follows.

Items 1 and 2:

The Aboriginal Heritage Assessment follows DECC's Draft "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation", July 2005. The purpose of the Guidelines is to identify matters which are relevant in assessing whether the Goodnight Island project, to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies, is likely to have an impact on Aboriginal cultural heritage.

Our search of the DECC Aboriginal Heritage Information Management System (AHIMS) has shown no items of significance on the Island, with the closest item of significance being one (1) Aboriginal object (midden) and an Aboriginal place, recorded near the site study area, located at Pelican Rocks Orient Point on the mainland. (Department of Environment and Climate Change, 18 December 2008, AHIMS #24572).

Also, the project Heritage Architect Jennifer Hill and her team including a heritage landscape architect and archeologist, carried out a site inspection of the island in mid 2006 and did not reveal any items of Aboriginal heritage significance).

The cultural assessment is designed to provide the opportunity for Aboriginal people who hold the cultural understanding and knowledge to contribute to the assessment process, hence our current contact/consultation with the Jerrinja Local Aboriginal Land Council

Item 3:

As discussed with the JLALC, all our research has shown that there are no known or recorded artifacts on Goodnight Island. The owner/developer has offered to make a 'statement of commitments' as part of the Part3A application, to the effect that, if there are found artifacts during excavation, the Jerrinja people will be notified, and the correct process/protocol will be followed.

It should be noted that no excavation and/or archeological work is being undertaken during this assessment phase.

Item 4:

There have been a number of occasions where consultation has been sought with the Jerrinja Local Aboriginal Land Council.

Jennifer Hill, the Project Heritage Architect consulted with Adele Hyslop of Jerrinja Local Aboriginal Land Council in early 2007, however, no input was offered by the Jerrinja Local Aboriginal Land Council at that time.

Also, from 04 December 2008 we have consulted with the Jerrinja Local Aboriginal Land Council, as part of the process of the Aboriginal Heritage Assessment for Goodnight Island, and requested that the Jerrinja Local Aboriginal Land Council submit a statement about the possible impact of the development at Goodnight Island on the Aboriginal Heritage significance. The Jerrinja Local Aboriginal Land Council submitted: "The Jerrinja people are the traditional owners of Goodnight Island".

Item 5:

We respect that Goodnight Island is wholly within the Jerrinja Local Aboriginal Land Council, and value any contribution by the Jerrinja Local Aboriginal Land Council in sharing knowledge of the Aboriginal Heritage significance in the region.

We appreciate the suggestion by JLALC that an "on-the-ground" assessment of the site is carried out by Jerrinja site officers. However, we consulted with Stephen Free, senior Aboriginal Heritage Officer/Archeologist from the Department of Environment and Climate Change, regarding this recommendation, and were advised that an "on-the-ground" assessment by Jerrinja site officers is not required as Department of Environment and Climate Change have carried out extensive studies of the area and are satisfied that no items of significance exist on the island. (see appendix item 6 of this report) from Stephen Free to Rita Qasabian of studiointernationale).

We trust the above sufficiently addresses the concerns of the JLALC.

Yours sincerely

Cathy Dunn