

Belinda Scott  
Senior Planning Officer  
Transport Assessment  
Department of Planning Industry and Environment  
[belinda.scott@planning.nsw.gov.au](mailto:belinda.scott@planning.nsw.gov.au)

Dear Belinda

Heritage NSW (HNSW) have reviewed the Aboriginal cultural heritage assessment commissioned by the Australian Rail Track Corporation (ARTC) for the North Star to Border (NSW/QLD) rail development. Heritage NSW offer the following comments of the assessment relative to the project Secretary's Environmental Assessment Requirements (SEAR).

**Consultation with the Aboriginal community (ARTC 2020:23-27, Appendix E vol. 1)**

The consultation process for the project has been adequately undertaken and documented as per the project SEAR.

**Aboriginal cultural heritage (ACH) assessment**

The assessment of the ACH of the project area has been adequately undertaken and documented as per the project SEAR. The key landscape locations where the project footprint intersects areas where Aboriginal sites are highly probable have been adequately surveyed and details of site contents have been recorded to a professional standard.

Importantly, Heritage NSW note that the proposed easement avoids the significant cultural areas of Boobera and Punboulal Lagoons and the Morella Watercourse connecting both lagoons.

**Cultural heritage management plan (CHMP)**

Section 10.1.2 of the ACH assessment report details the proposed strategy of the post approval Cultural Heritage Management Plan (CHMP) for how harm to Aboriginal sites will be mitigated and or, avoided. The proposed strategy is reasonable and proportionate to the archaeological finds. The proposed management strategy also seems to be acceptable to the Registered Aboriginal Parties (RAPs) based on the responses from the Toomelah community.

Heritage NSW recognise that more information is likely to be gained from the proposed mitigation actions through the proposed salvage excavation program. Although the finer details of the CHMP have yet to be finalised, Heritage NSW advise that any additional lithic analysis of subsurface finds should be included with and measured against the lithic analysis already completed of the surface finds. It is expected a final interpretation of the sites found within the project area will be to a professional standard in order to add to the archaeological record for the region.

The information gathered from the ACH surveys and working with the RAPs has been adequately compiled and provides sufficient information that sets up the foundation from which mitigation and avoidance strategies to reduce harm has been established.

**Cumulative harm (ARTC 138- 142)**

The ACH assessment has concluded that the cumulative harm to ACH is low based on the overall low significance of the sites at threat from the proposed development (ARTC 2010:141). The report does however raise concerns above the effectiveness of reporting on cumulative harm incurred on Aboriginal sites by raising points from a published article which questions the value of cumulative impact assessments to cultural heritage management in Australia (Godwin 2011 cited in ARTC 2020:139). The article argues that the fundamentals necessary for undertaking such assessments simply do not exist.

Heritage NSW response to this view is that ACH assessments of cumulative harm are undertaken across the state for all Environmental Impact Assessment projects where harm to Aboriginal objects is established. The requirements of the *Code of archaeological practice for Aboriginal objects in NSW* (DECCW 2010:6-9) provide clear guidance on how cumulative harm is assessed, by applying robust research using the methods described.

If you have any questions regarding the above advice, please contact Phil Purcell, Archaeologist at Heritage NSW on 68835341 or [phil.purcell@environment.nsw.gov.au](mailto:phil.purcell@environment.nsw.gov.au).

Yours sincerely



**Dr Samantha Higgs**

Senior Team Leader

Aboriginal cultural heritage regulation - North

Heritage NSW

Department of Premier and Cabinet

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