

CONNECTING WITH COUNTRY IN THE EUROBODALLA, SOUTH COAST, NEW SOUTH WALES.

EXPLORING THE CONNECTIONS BETWEEN ABORIGINAL PEOPLE, PLACES AND CULTURAL PRACTISES.



By Sue Feary and Susan Donaldson

Prepared for
Eurobodalla Shire Council & the Aboriginal
community.

June 2011

**Warning: Contains references [text and images] of
Aboriginal people who have passed away.**

COPYRIGHT AND ACKNOWLEDGEMENT OF INDIGENOUS CULTURAL AND INTELLECTUAL PROPERTY RIGHTS

© Eurobodalla Shire Council, Individual Indigenous Knowledge Holders, Sue Feary and Susan Donaldson.

The Eurobodalla Shire Council acknowledges the cultural and intellectual property rights of the Indigenous knowledge holders whose stories are featured in this report. Use and reference of this material is allowed for the purposes of strategic planning, research or study provided that full and proper attribution is given to the individual Indigenous knowledge holder/s being referenced.

Information contained in this report was understood by the authors to be correct at the time of writing. The authors apologise for any omissions or errors.

DEDICATION AND ACKNOWLEDGMENTS

This report is dedicated to the late Mary Duroux who passed away during the project period. Aunty Mary's insightful contributions to Aboriginal cultural heritage management across the region leave a legacy for future generations.

The project was made possible with funding from the Commonwealth Department of Sustainability, Environment, Water, Population and Communities as part of their Indigenous Heritage Program. This project would not have been possible without the focus and dedication of the Aboriginal community, the Eurobodalla Aboriginal Advisory Committee, Eurobodalla Shire Council staff - Deb Lenson, Shannon Burt, Gerard Niemoeller, Anita Brunhuber, Rod Connell, Steve Picton, Paula Pollock, Lee Wade and Bruce McPherson, and Eurobodalla Shire Councillors in particular Chris Kowal and Graham Scobie. We would especially like to thank DECCW Archaeologist Jackie Taylor for her cooperation and invaluable role in accessing numerous reports and site cards on AHIMS, which allowed us to cross-check our field and oral history data.

We acknowledge the work undertaken by Norman Russell of Mogo LALC, Mal McCallum of Batemans Bay LALC, Anne Greenaway of Merrimans LALC, Vivienne Mason of Wagonga LALC, Lynne Marlow Bodalla LALC and Athol Callaghan of Cobowra LALC. The enthusiastic participation of elders, sites officers and young people in the field made bush trips rewarding. Thanks to Georgina Parsons, Muriel Slockee, Violet Parsons, Aaron Russell, Adrian Andy, Arthur Andy, Tom Butler, Lionel Mongta, Trisha Ellis, Doris Moore, James Nye, Leonard Nye, Iris White, Ronald Nye Jnr, Michelle Mongta, Allan Brierley, Mary Mongta, Maureen Davis, Donna Kenny, Randell Mumbler, Jessica Mumbler, Max Munroe, Eric Naylor, Loraine Naylor, Alma Campbell, Nicole Andy, Harold Harrison and Shirley Foster for their fieldwork skills and input into the project.

Thanks to Paul Carriage from State Forests NSW; Zac Noel Strang, Brendan Kelaher and Melinda Coleman from Batemans Marine Park and Tony Baxter, Chris Howard, Helen Edwards and Dannielle Towers from the NSW Department of Environment, Climate Change and Water for their support and expertise in the field. A special thank you to Wendy and Eric Simes for granting the research team permission to explore their property and to Doug Williams for providing the project with his research notes on Bendethera. The Moruya Historical Society was also very helpful.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
SECTION ONE: Introduction Connecting with Country in the Eurobodalla.....	
1.1 Eurobodalla Local Government Area: Description.....	6
1.2 Brief Overview of Cultural and Historic Context.....	8
1.3 Project Background	10
1.4 Project Aims and Objectives	11
1.5 Cultural Heritage Management law across NSW and Australia.	17
1.6 Research methodology.....	20
SECTION TWO: Connecting people with places and cultural practises.	32
2.1 Observation Head, Batemans Bay	33
2.2 Batemans Bay High School, Batemans Bay.....	43
2.3 Buckenbowra River, Runnyford.	50
2.4 Tomakin battle and bora grounds.....	58
2.5 Coastal cliff line Lilli Pilli.....	69
2.6 Broulee Island, Broulee.	76
2.7 Bengello Beach, Moruya.....	89
2.8 Glenduart, Moruya.....	95
2.9 Moruya Weir, Moruya.	101
2.10 Malabar Lagoon, Moruya.....	111
2.11 Ryans Creek, Moruya.....	120
2.12 Quandolo Island, Moruya.	128
2.13 Moruya Golf Course, Moruya.	133
2.14 Coila Lake.....	139
2.15 Bendethera	145
2.16 Brou Lake	149
2.17 Jemisons Point.....	157
2.18 Fullers Beach	161
2.19 Mummaga Lake, Dalmeny.....	168
2.20 Smyths Oval, Narooma.....	174
2.21 Mystery Bay	185
2.22 Cemetery Point, Wallaga Lake.	192
SECTION THREE: Summary of recommendations, actions and priorities	202
3.2 Other important cultural heritage issues across the Eurobodalla	226
SECTION FOUR: Reflections.....	228
4.1 The benefits of the CWC project	228
REFERENCES.....	230
APPENDIX 1: CWC INFORMATION AGREEMENT.....	233
APPENDIX 2: Summary of places not visited	235
APPENDIX 3: Preliminary list of burials at Wallaga Lake from a selection of oral and archival records.	239
APPENDIX 4: Minutes of meeting held at Wallaga Lake 23.2.2011	244
APPENDIX 5: Preliminary project outline: Wallaga Lake cemetery rehabilitation.	246

LIST OF TABLES, MAPS AND PHOTOGRAPHS

TABLES

TABLE ONE: Land tenure within the Eurobodalla LGA	7
TABLE TWO: 36 places to be investigated as part of the Eurobodalla Connecting with Country Project.	12-16
TABLE THREE: Fieldwork schedule for 22 Connecting with Country Project assessment sites.	23 - 26
TABLE FOUR: CWC outcomes, recommendations and agencies actions	203 - 227

MAPS

MAP ONE: Eurobodalla Shire Council, NSW.	6
MAP TWO: Local Aboriginal Land Council boundaries within the Eurobodalla Shire.	8
MAP THREE: Connecting with Country – 22 assessment sites.	32
LOCALITY MAPS [X 22] IN SITE CARD SERIES	34 - 201

PHOTOGRAPHS

COVER PHOTO: Arthur Andy, Aaron Russell and Sue Feary, Lilli Pilli.	
PHOTO ONE: Georgina Parsons and Doris Moore, Quandolo Island, Moruya Heads	27
PHOTO TWO: Randell Mumbler, Jessica Mumbler, Lionel Mongta and Sue Feary, Mystery Bay.	27
PHOTO THREE: Aaron Russell and Sue Feary, Lilli Pilli.	28
PHOTO FOUR: Lionel Mongta, Leonard Nye and Chris Howard [DECCW], Broulee Island.	28
PHOTO FIVE: Sue Feary, Melinda Coleman [Marine Parks], Aaron Russell and Ron Nye Jnr, Malabar Lagoon.	29
PHOTO SIX: Iris White, Trisha Ellis and Sue Feary, Glenduart.	29
Photo SEVEN: lunchtime for Arthur Andy at Runnyford – sandwiches.	30
Photo EIGHT: lunchtime for Muriel Slockee at Observation Head – gum!	30
PHOTOGRAPHS IN SITE CARD SERIES	29 - 74

EXECUTIVE SUMMARY

The focus of the Connecting with Country Project has been to determine the location and cultural heritage significance of 36 places identified by knowledge holders during the Eurobodalla Aboriginal Heritage Study as potentially containing cultural materials. The multi disciplinary approach primarily involved an archaeologist, Aboriginal sites officers, an anthropologist, Aboriginal knowledge holders and Aboriginal youth who worked together to integrate the oral, archaeological and historical evidence concerning each of the 36 locations and to pass cultural knowledge onto future generations.

Although many of these places had not been visited for a long time for a variety of reasons (e.g. lack of resources, land tenure and access) they continued to hold cultural heritage values to the Aboriginal community. The project assisted Aboriginal elders and members of younger generations to access and re-visit important Aboriginal cultural heritage places, to facilitate intergenerational cultural knowledge transmission and to identify particular conservation and management needs.

In preparing background information and maps for each country visit, key factors were considered for each place including level of available locational information - did anyone know where the site was? Did the site feature in historical documents? Are people interested / available in visiting the site at this time? And is access into the area permitted [if on private land]? As a result of the above factors, only 22 places could be visited during the CWC project period.

Following extensive background research and Aboriginal consultation, fieldwork took place over 13 days between 7th February and 8th March 2011. Thirty-three [33] Aboriginal people participated in the fieldwork and/or discussions, with staff of State Forests and DECCW attending in relation to places on their lands. The research involved the detailed recording of thirty-three [33] separate archaeological and historical features on 22 site cards [one site card was developed for each place]. Some places had multiple features, including sites not known about prior to field inspections. Recordings were accompanied by ninety-two [92] taped interviews.

Formal archaeological and anthropological recording of culturally significant places in a participatory process has identified critical conservation and management outcomes including improving understandings of cultural heritage values across the Eurobodalla; recording objects associated with each place on Aboriginal Heritage Information Management System (AHIMS)¹; revising information contained within Council's draft LEP Heritage Conservation Area [HCA] and DCP Culturally Sensitive Landscape [CSL] assessments; identifying further research and community consultation needs; developing specific cultural heritage, land management and community development projects; identifying protection and acknowledgement requirements, supporting the transmission of cultural knowledge and enabling Aboriginal people's cultural connections to country across the Eurobodalla.

¹ AHIMS is the NSW Government's Aboriginal Heritage database maintained by the Office of Environment and Heritage (formerly Department of Environment, Climate Change and Water.)

SECTION ONE: Introduction Connecting with Country in the Eurobodalla

This section outlines the historical, legal and cultural context shaping the inception, implementation and outcomes of the Connecting with Country in the Eurobodalla Project. Background to the project, its aims, objectives and the methodology used by the research team is also presented.

1.1 Eurobodalla Local Government Area: Description.

The Eurobodalla Local Government Area (LGA) encompasses the coastal strip between Durras and Wallaga Lake, westwards to the Clyde Mountain in the north and to Dampier Mountain and Belowra in the south [see Map one].



MAP ONE: Eurobodalla Shire Council, NSW.

Whilst the Eurobodalla Shire covers 3,429sq km, the Eurobodalla Shire Council only has jurisdiction over about 25% of the total area; the other 75% is within conservation reserves, State Forest or other Crown land [see Table one].

Tenure type	Area	% of total
National Park	1,363sq km	39.75%
State Forest	1,105sq km	32.22%
Freehold land	691.28sq km	20.16%
Rivers and estuaries	103sq km	3%
Crown Leases	60.8sq km	1.77%
Roads and road reserves	51sq km	1.49%
Crown land and reserves	39.92 sq km	1.16%
Community land	15sq km	0.45%

TABLE ONE: Land Tenure within the Eurobodalla LGA

At the time of the 2006 Census the population of the Eurobodalla Shire was 36,595; the Aboriginal population being 1,683 or 4.6% of the total population². This is considerably higher than the National average of 2.5% and probably reflects high population densities in pre-contact times, the historical existence of major missions and reserves such as the one at Wallaga Lake and the availability of manual work across the region, such as that associated with seasonal farming, fishing and saw milling.

The *NSW Aboriginal Land Rights Act 1983* recognises that the State of NSW was traditionally owned and occupied by Aboriginal people and that land is an integral aspect of Aboriginal culture. It enables Aboriginal Land Councils to make land claims³ over vacant Crown land, not required for any public purpose. Currently 1123 hectares of land in the Shire is owned by local and/or regional Aboriginal Land Councils [Barry and Donaldson 2008: 20].

Under the *NSW Aboriginal Land Rights Act 1983* there are currently six Local Aboriginal Land Councils [LALC] across the Eurobodalla Shire representing land interests of Aboriginal residents [which includes people with traditional as well as historical links to the area]. From north to south the LALCs are Batemans Bay, Mogo, Cobowra [Moruya], Bodalla, Wagonga [Narooma] and Merrimans [Wallaga Lake]. See Map two below.

² Census Statistics from the 2006 census is available at <http://www.abs.gov.au/>

³ The ALR Act recognises the impacts of colonial history on Aboriginal people and the associated legacy of land dispossession. Hence, it is not necessary to demonstrate any cultural associations with the land being claimed under this Act. However, the majority of LALC members see themselves as being culturally associated with the land within their LALC boundary.



MAP TWO: Local Aboriginal Land Council Boundaries within the Eurobodalla Shire.

1.2 Brief Overview of Cultural and Historic Context

In traditional times from around 20,000 years ago⁴ within the Eurobodalla region, Aboriginal people were hunters, gatherers and fishers who sustainably managed the environment with fire and exploited the natural resources through cosmologically determined laws and customs passed on orally through the generations. Once the sea level rose and stabilised at its current level around 5,000 years ago, the marine environment became more important in Aboriginal culture. The traditional lifestyle created a rich archaeological heritage in the form of extensive shell middens, stone artefact scatters and many other site types. These are

⁴ See Mulvaney and Kamminga 1999.

valued today as a repository of information about lifestyles that are no longer practised and for Aboriginal people they are tangible evidence of the activities of their ancestors⁵.

Within the broader geographical area Aboriginal people of the south coast traveled throughout the coastal zone and west into the Monaro tablelands for a variety of reasons such as resource sharing (e.g. whale meat, fish flushes, bogong moths) and ceremonial purposes, including initiation and warfare. Patterns of movement along the coast and between the coast and the Monaro tablelands existed long before European arrival in the area⁶.

Underlying the Eurobodalla Shire an Aboriginal land tenure system has existed for many thousands of years⁷. Aboriginal people's links to the region, in the past as well as in the present, can be described according to a number of social groupings including tribal, sub-tribal, clan and linguistic. The *Yuin* [Djuwin] tribal area as recorded by Howitt in 1904 extends from the Shoalhaven River in the north to Cape Howe in the south and west into the Great Dividing Range. *Yuin* tribal subgroups with traditional links to the Eurobodalla include the *Walbanga* and *Djiringanj*⁸. Howitt recorded another division with the *Yuin* tribal area; the *Guyangal* [guya = south] and *Kurial* [kuru = north] coastal subtribes, together known as *Katungal* [Katung = sea]⁹. Additionally, Howitt recorded a number of clan divisions within the *Guyangal* sub tribal grouping.

Other Aboriginal clan group and / or place names recorded in the Eurobodalla in the early settlement period include *Currowan*, *Mooramorrang* [Murramarang], *Turras* [Durras], *Browley* [Broulee], *Canga* [Congo], *Kiyora* [Kiora], *Gundaree* [Gunday], *Duga* [Dooga], *Mullandurree* [Mullinderry], *Moorooya* [Moruya], *Terosse* [Tuross], *Bowdally* [Bodalla], *Wondeller* [Wandella], *Wokoonga* [Wagonga], *Noorama* [Narooma] and *Wallurga* [Wallaga]¹⁰. On a linguistic level, the Eurobodalla Shire is associated primarily with the *Dhurga* [Thoorga / Durga] language, with the *Djiringanj* language region extending into the study area in the south and the *Thurumba Mudthung* language region extending into the study area in the north¹¹.

Colonial history led to the demise of traditional Aboriginal life on the south coast through conflict, dispossession and the removal of children from their families. Aboriginal people and their cultural practises did survive colonisation and by the early 20th Century many Aboriginal people on the south coast were working for wages in local industries such as bean picking, saw milling and domestic duties. Often it is the memories of this era and the places associated with these times that remain in people's memories and were identified during the Eurobodalla Aboriginal Heritage Study.

Today, Aboriginal people's cultural identity is defined by being part of modern Australian society as well as by links to the past. Alongside the archaeological evidence of past use and occupation, strong links to mythological story places are highly valued as are links to tangible historical camping places, work places and places where natural resources continue to be collected.

⁵ See Donaldson 2007

⁶ Goulding 2005: 23

⁷ See Robinson 1844, Mathews 1902, Morris 1832, Oldrey 1842.

⁸ See Howitt 1904 [1996]; Egloff, Peterson and Wesson [2005]. Note, the description of the *Yuin* tribal area can vary according to context, level of knowledge and personal orientations.

⁹ Howitt 1904 [1996] 82.

¹⁰ S Wesson 2000: 131 – 147.

¹¹ Egloff, Peterson and Wesson [2005]: 17, 20.

1.3 Project Background

The Eurobodalla Shire Council (ESC) in partnership with the Eurobodalla Aboriginal Advisory Committee (EAAC) secured funding for the Connecting with Country [CWC] Project, to implement recommendations from the Eurobodalla Aboriginal Heritage Study (EAHS) from the Commonwealth Department of Sustainability, Environment, Water, Population and Community as part of their Indigenous Heritage Project. The Eurobodalla Aboriginal Heritage Study was a four-stage interagency / community partnership project undertaken between 2005 and 2008 which aimed to develop a better understanding of Aboriginal cultural heritage in the Eurobodalla Shire and to develop better ways to manage, protect and acknowledge the heritage values within the local government-planning framework¹².

The first stage of the EAHS involved the compilation of historical text-based materials relating to the early contact period of the Eurobodalla region [Goulding 2005]. The second stage of the Study built on the historical data through Aboriginal participatory fieldwork and the recording of Aboriginal oral histories [Donaldson 2006]. The third stage combined data from stages 1, 2 and 3 of the study [Donaldson 2007] and the fourth stage investigated ways to management cultural places within the NSW planning framework [Barry and Donaldson 2008].

The four-year EAHS resulted in the documentation of three hundred and thirty six [336] places within the Eurobodalla Local Government Area [LGA] as containing special heritage value to Aboriginal people. Although many of these places had not been visited for a long time for a variety of reasons (e.g. lack of resources, land tenure and access) they continued to hold cultural heritage values to the Aboriginal community.

The places identified in the study have come from historical records and oral history research, with often vague and scanty or no information on their locations. Considerable effort went into further defining the locations and boundaries of significant places, to enable their identification on maps for the Local Environmental Plan. However, a number of places, recognised as being significant, required more in-depth research and consultation in order to clarify their location and cultural values as stated by knowledge holders. It was also apparent that in some cases at least, the places might have objects associated with them that may be recorded on Aboriginal Heritage Information Management System (AHIMS). One of the aims of the CWC project is to determine when, and in what circumstances, there is an integration of oral, archaeological and historical evidence at a single location. These places form a subset of 36, which are the focus for the Connecting with Country Project [see Table two below].

It is noteworthy that a high proportion of these sites are located along the coastal strip of the LGA, with only a few located inland amidst the Great Dividing Range. This coastal focus reflects a number of factors including cultural orientation to the ocean waters, concern for areas subject to development pressures and the maintenance of cultural knowledge pertaining to easily accessible areas.

¹² Other partners of the EAHS were Southern Rivers Catchment Management Authority and the Department of Environment, Climate Change and Water [now the Office of Environment and Heritage - OEH].

1.4 Project Aims and Objectives

Given the identified need to foster the maintenance of Aboriginal cultural connections to country, to undertake formal recording of places to facilitate legislative protection and to build the employment capacity of young Aboriginal people, the objectives of the Connecting with Country in the Eurobodalla project are to:

- Assist Aboriginal elders and members of younger generations to access and re-visit important Aboriginal cultural heritage places;
- Facilitate intergenerational cultural knowledge transmission;
- Undertake formal archaeological and anthropological recording of culturally significant places;
- Identify conservation and management outcomes;
- Provide Aboriginal community members with site recording training and employment and
- Generate positive social and cultural well being benefits associated with being 'on country'.

Further research to locate or re-locate these places is required, together with completion of formal records for inclusion on the Aboriginal Heritage Information Management System database and/or Local Environmental Plan Heritage Schedule. Formal recording of the cultural places identified in the EAHS will ultimately meet legislative management and protection requirements that consider and include participation by the Aboriginal and non-Aboriginal community. The project will deliver another medium for cultural knowledge transmission to the next generation and will inform landowners and managers about cultural heritage places that may be located on their land.

Connecting with Country Aboriginal Heritage Inventory – 36 places to investigate.

Name of place	AHIMS number	Comments	Recommendations	Land Tenure/Access
1. Runnyford, Buckenbowra River fish traps	Not recorded	Nothing known	Locate and record site	Private/Crown
2. Observation Head ochre quarry	Not recorded	58-4-0087 is a midden recorded at Observation Head	Locate and record site	Crown Reserve under ESC control
3. Batemans Bay High School	58-4-1155 (Eurobodalla Heritage Study) 58-4-1267 58-4-1268 [in Holocene beach ridge outside School grounds]	No burials recorded, but scarred tree and middens are present, also a Holocene beach ridge remnant contains sites and is likely to contain burials. Much of this area has been impacted.	Clarify relationship between midden/scarred tree and presence of burials.	58-4-1155 Education Dept.
4. Tomaga River bora ground and battle ground	Not recorded. Possibly connected to Barlings Beach complex 58-4-0057; 58-4-0427 and 58-4-1223.	May refer to bora/ceremonial ground at Barlings Beach. Now partially protected as an Aboriginal Place	Clarify whether a separate bora ground.	Crown Reserve under ESC control, private
5. Lilli Pilli Circuit beach ochre quarry	Not recorded	Middens recorded in vicinity 58-4-0081	Locate and record site	Crown Reserve
6. Broulee Island burial	Not recorded	A few sites recorded on the island but no burials 58-4-0005; 58-4-0053; 58-5-0001.	Further research required, then locate and record burial.	Broulee Island Nature Reserve, NPWS
7. Bengello Beach burial	Not recorded	Scarred tree recorded near Waldrons Swamp 58-1-587	Further research, locate and record site.	Private: Coastal Quarry Developments PIN 27359

Connecting with Country Aboriginal Heritage Inventory – 36 places to investigate.

Name of place	AHIMS number	Comments	Recommendations	Land Tenure/Access
8. Moruya Weir,	Not recorded	No sites recorded	Locate and record sites	Crown Reserve, Crown Reserve under ESC Control, Community Land, Private Land
9. Malabar lagoon	Not recorded	No sites recorded	Locate and record sites	Crown Reserve, Crown Reserve under ESC Control, Community Land, Private Land
10. Glenduart, Moruya artefacts and Richard Piety snr's grave	Artefacts recorded 58-4-1227		Check condition of site, locate grave	Council controlled Cemetery, public land.
11. Ryans Creek fish trap and bora ground.	Possibly 58-4-0045	Grid reference incorrect	Get more information from oral history, Inspect and record site	Crown Reserve under ESC control
12. Quandolo Island middens	Not recorded	Middens on adjacent Moruya Heads	Locate and record	Eurobodalla National Park (Crown)
13. Moruya ceremonial grounds	Possibly 62-3-0060	62-3-0060 site card has minimal information but does refer to a ceremonial ground	Clarify, undertake additional oral history research.	Moruya Golf Club
14. Brou Lake burial	Not recorded	Investigations underway for an AP for Brou lake.	Anecdotal evidence for burials needs further investigation	Bodalla State Forest
15. Jamison Point burial and artefact scatter	Not recorded	Burials are recorded from Blackfellas Point nearby. Artefact scatters and middens are recorded north and south of Jamison's Point	Clarify information re burial location.	Bodalla LALC land
16. Fullers Beach burial	62-7-0100	Discovery and reburial fully documented on AHIMS	Check condition of site	Wagonga LALC land

Connecting with Country Aboriginal Heritage Inventory – 36 places to investigate.

Name of place	AHIMS number	Comments	Recommendations	Land Tenure/Access
17. Mummuga Lake burial	Not recorded	Does not refer to burial of Wagonga Frank	More research required.	Community Land (ESC), Crown Reserve under ESC control
18. Narooma Bar beach burial	Possibly 62-7-0025	Nothing known	Clarify location	Crown Reserve under ESC control
19. Smyths Oval, ochre quarry, scarred tree	62-7-0247 (tree) 62-7-0248 (artefact scatter)	No ochre quarry recorded	Confirm whether scarred tree is still there. Record ochre quarry	Crown Reserve under ESC control
20. Mystery Bay	Multiple recordings of middens 62-7-0026 62-7-0108 62-7-0264 62-7-0263 62-7-0250	No fish traps recorded. Ricky Mullet's Honours Thesis contains descriptions	Review recordings, link to oral history, evaluate thesis for additional information.	Eurobodalla National Park /Crown Land
21. Wallaga Lake burial / cemetery	Not recorded	No burials recorded outside of the cemetery	As above	Merrimans LALC land
22. Durras Beach Cave	58-4-0008	One of the earliest excavated archaeological sites in Australia (Lampert)	Cultural values to be added to AHIMS listing.	Murramarang National Park (Crown)
23. Durras lake reburial	58-4-0169 (burial)	Could be same site	Clarify	Murramarang National Park (Crown NPWS)
24. Thomson's property, conflict site	Not recorded	Needs more information	More research required	Private land
25. Larrys Mountain rock art	Not recorded	No information	Locate and record site	Wandera State Forest

Connecting with Country Aboriginal Heritage Inventory – 36 places to investigate.

Name of place	AHIMS number	Comments	Recommendations	Land Tenure/Access
26. Moruya/Kiora battleground	Not recorded	Several scarred trees recorded, which may have marked a battle ground 58-4-0039; 58-4-0339 and 58-4-0128	More historical research	Private land
27. Yarragee Burial	Not recorded	A scarred tree and a well have been recorded at Yarragee 58-4-1125. A consent to destroy has been issued for the tree (2008).	Need more information	Private
28. Newstead, Moruya	Several middens recorded	Need more information	More research required	Community land ESC, Private
29. Coila, Black Hill conflict site	Not recorded		More research required	Private
30. Horse Island carving and marked trees	Not recorded	No information (Tuross Lake)	More research required	Private (TJ Kennedy) PIN 20099
31. Moruya, white-Aboriginal battle ground	Not recorded	Information appears in historical records.	More research required	Unknown
32. Bendethera Caves/Gins Cave	Not recorded	Cobowra LALC have recorded the sites but no site cards have been submitted to DECCW.	Get copies of Cobowra report and site cards, enter onto AHIMS	Deua National Park (NPWS)
33. Bendethera Burial	Not recorded		As above (see comments for Bendethra caves)	Deua National Park
34. Mynora burial	Not recorded	A few middens recorded in the vicinity	Locate and record site	Private

Connecting with Country Aboriginal Heritage Inventory – 36 places to investigate.				
Name of place	AHIMS number	Comments	Recommendations	Land Tenure/Access
35. Potato Point bush camp and tree carvings	Carvings not recorded.	Middens and artefacts recorded 62-7-0063 and 62-7-0190	Review site cards, further research for carvings.	Eurobodalla National Park (Crown NPWS)
36. Wallaga Beach burial	Not recorded	62-7-0114 and 62-7-0013 may be the middens referred to, but they are further south	Clarify locations. Cricketing ground identified for gazettal as an AP	Crown Reserve under ESC control

TABLE TWO: 36 places to be investigated as part of the Eurobodalla Connecting with Country Project.

1.5 Cultural Heritage Management law across NSW and Australia.

Commonwealth Legislation

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The purpose of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Heritage Protection Act) is the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters that are of particular significance to Aboriginal people in accordance with Aboriginal tradition. Under the Heritage Protection Act the responsible Minister can make temporary or long-term declarations to protect areas and objects of significance under threat of injury or desecration. The Act can, in certain circumstances, override state and territory provisions, or it can be implemented in circumstances where state or territory provisions are lacking or are not enforced. The Act must be invoked by or on behalf of an Aboriginal or Torres Strait Islander organization. The Act is rarely applied and is administered by the Department of the Environment, Water, Heritage and the Arts.

Environment Protection and Biodiversity and Conservation Act 1999 (EPBC Act)

This Act applies if the activity is deemed to be a controlled action under the Act or if it is likely to impact places on the National Heritage list.

NSW Legislation

The Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act [EP&A] 1979* provides a framework for environmental planning and assessment in NSW and requires that consideration be given to environmental impacts as part of the land use planning process. In NSW, environmental impacts are interpreted as including cultural heritage impact.

Local environmental plans (LEPs) are prepared by local councils and approved by the Minister for Planning. LEPs divide the area they cover into 'zones' (such as residential, industrial, commercial, etc) to help guide planning decisions. Councils preparing a draft LEP that affects an Aboriginal object or place must include provisions to facilitate conservation of that object or place (see current s.117 direction no. 2.3 Heritage Conservation, which replaced s.117 direction no. 9 – Conservation and Management of Environmental and Indigenous Heritage, 2005). Relevant sections of the Act are:-

Part 3A Major projects and infrastructure: A declared Part 3A project under s.75B of the EP&A Act does not require an Aboriginal Heritage Impact Permit (AHIP) from DECCW because Part 6 of the National Parks and Wildlife [NPW] Act offences related to those provisions do not apply. However, proponents are required to follow the 2005 (draft) Part 3A EP&A Act *Guidelines for Aboriginal cultural heritage impact assessment and community consultation* (as amended from time to time) when seeking approval under the Part 3A process.¹³

Part 4 Developments: Developments that require development consent (from a local council or the Minister for Planning) are assessed under Part 4 of the EP&A Act. Types of

¹³ The Liberal government in NSW intends to abolish part 3A approvals.

developments include 'complying', 'designated', 'integrated', 'other local', 'exempt development' and 'other development not requiring consent'.

If Aboriginal objects are identified e.g. through an AHIMS search, survey work or cultural knowledge or the proponent/landholder otherwise knows about Aboriginal objects on their land that might be affected, an AHIP may still be required and the proponent/landholder should apply to DECCW where harm is likely to occur to those objects.

Designated developments are generally developments with high environmental impact and need an environmental impact statement (EIS). If the need for an AHIP is known before the development application is made, or the development is on land declared as an Aboriginal Place, the development will also be assessed as 'integrated development'.

Integrated development: Integrated development is development that requires consent but also requires other approvals e.g. AHIP under s.90 of the NPW Act. If a Part 4 development proposal triggers the need for an s.90 AHIP the proposal will be assessed as integrated development. However, this is only the case where:

- The Aboriginal object is known to exist on the land when the development application is made, or the land is a declared Aboriginal place when the development application is made. In such situations, DECCW is an approval body and must provide 'general terms of approval' to the consent authority and any development consent must be consistent with those terms.
- They are required in the course of obtaining integrated development approval.

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act), currently administered by DECCW, is the primary legislation for the protection of Aboriginal cultural heritage in NSW. One of the objectives of the NPW Act is:

The conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: (i) places, objects and significance to Aboriginal people...

Part 6 of the NPW Act provides specific, blanket protection for Aboriginal objects¹⁴ and declared Aboriginal Places¹⁵ by establishing offences of harm. Harm is defined to mean destroying, defacing, damaging, or moving an object from the land, for which substantial penalties apply. Harm can be legally carried out under an Aboriginal Heritage Impact Permit (AHIP) issued by DECCW DG, with specific and general conditions. Following amendments to the NPW Act in 2010, there are new exceptions to the defense of harming an Aboriginal object or place, including adherence to a Due Diligence Code of Practice. This Code of

¹⁴ An *Aboriginal object* is any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).

¹⁵ An *Aboriginal place* is a place declared so by the Minister administering the NPW Act because the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects. This gives legal protection to natural landscape features of cultural significance such as mountains or waterholes by affording them the status of 'object' as defined under the NPW Act.

Practice is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

The *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defense against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

The Code of Practice for Archaeological Investigations of Aboriginal objects in NSW sets out requirements for archaeological investigation in NSW. An AHIP is not required if investigations are conducted in accordance with this Code. However, an AHIP is required if objects are found and are going to be harmed by a proposed development.

DECCW maintains a computerized Statewide register, called the Aboriginal Heritage Information Management System (AHIMS) of recorded Aboriginal sites, now numbering well over 50,000 sites. Although there is no legal definition of a 'site', it is generally understood to be an object or objects and the immediate environment in which it /they are located. A person who finds an object is legally required to notify the Director-General of DECCW, by way of completing a standard AHIMS site card. AHIMS has a number of categories of objects including categories that refer to sites that are not objects, such as places with spiritual significance or places where traditional activities are known to have occurred but for which there is no physical evidence.

Heritage Act (1977)

The *Heritage Act 1977* was enacted to conserve the environmental heritage of New South Wales. Under section 32, places, buildings, works, relics, moveable objects or precincts of heritage significance are protected by means of either Interim Heritage Orders (IHO) or by listing on the State Heritage Register (SHR). Items that are assessed as having State heritage significance can be listed on the SHR by the Minister on the recommendation of the Heritage Council.

Summary of discussion about the current legislative framework

The NPW Act has a strong legislative focus on objects, that is, tangible and physical evidence of traditional Aboriginal occupation and use of NSW, reflecting prevailing social attitudes towards and knowledge of Aboriginal heritage and culture in the 1970s. As a result of increasing Aboriginal participation in decision making on Aboriginal heritage management and a growing understanding of the less tangible, spiritual connections between Aboriginal people and the natural environment, DECCW policies and visions for Aboriginal heritage protection have broadened, to take a more landscape and participatory approach. However, the legislation has not been altered to reflect this philosophical change, and even though a feature or location associated with Aboriginal culture and heritage may be listed on AHIMS, strictly speaking it is not protected by the NPW Act, unless it has been gazetted as an Aboriginal Place.

One of the striking features of the Eurobodalla Aboriginal Heritage Study and indeed the majority of similar regionally based studies is that most of the identified places, from historical and oral history research have no physical expression and are hence not defined by law as objects. Of the 330 places identified in the Eurobodalla study as being culturally significant, the majority are not objects. Thus, if a development proposal is going to impact on a

significant place or feature, it has no legal protection under State legislation¹⁶. One of the great potential values of the Heritage Study therefore, is the protection of significant places and landscapes through instruments other than the NPW Act, such as through the Local Environmental Plan.

It should also be pointed out that although AHIMS is a very useful management tool, much of the locational information is incorrect and can not be relied on for re-locating sites without ground truthing. The database has been in existence since the 1970s, when there were no sophisticated technologies available for accurately recording location information. Furthermore, the transference of the data to metric, change of datum and various other internal machinations, has introduced errors of which not all have been addressed. It must also be remembered that anyone can submit a site card, so the amount of detail, description and analysis can range from a few words to a 100-page report, depending on who has completed the site card. Administrators of AHIMS do not check the accuracy or verify any of the information submitted.

1.6 Research methodology

Guiding principles

The consultants' approach to the Connecting with Country project has been guided by a set of principles derived from professional best practice and experience in working with local Aboriginal people. In undertaking this project, the consultants have drawn on principles and practices from the disciplines of anthropology, history and archaeology. A multidisciplinary approach to the project has been essential because the sources of information are varied and diverse, requiring skills and expertise from more than one research field, although there are many overlaps. Archaeological skills are required to identify record and interpret the archaeological record, which represents traditional Aboriginal life before white settlement. The skills of an Anthropologist enable an understanding of the social organisation and cultural traditions of contemporary and traditional Aboriginal society, which facilitates development of a strong working relationship with Aboriginal people. Because quite a lot of information about significant Aboriginal places occurs in the early written records of white settlers, being able to undertake historical research into archival sources is also an essential skill.

Much of the information on the cultural values of places investigated during this study is held as oral traditions by Aboriginal people. How or even whether, this information is conveyed and ultimately used by non-Aboriginal informants is in accordance with cultural protocols for use of cultural information. Recording of oral traditions relies on an equal and respectful partnership between the consultants and members of the south coast Aboriginal community. Building and retaining these relationships is a critical element of both archaeological and anthropological research.

In light of the above discussion, the guiding principles adopted for this Study are:-

- Recording will not entail any intervention into sites, such as collection or excavation;
- Using a participatory approach, primarily with relevant Local Aboriginal Land Councils and knowledge holders;

¹⁶ Although this is legally the case, in most instances, if a developer is made aware of such places in the assessment process, he/she endeavours to avoid impacts.

- Undertaking work in an inclusive and respectful manner and in accordance with appropriate cultural protocols;
- Appreciating that Aboriginal heritage is about connections with the natural landscape from traditional times until the present and includes tangible and intangible evidence, as well as associated stories, cultural traditions and values;
- Acceptance, that for a range of reasons, some oral information can be imprecise and that accurately details regarding the location of places may never be attained; and
- Making every attempt to record and incorporate into this report, all the comments, opinions and cultural information provided to the consultants during the Study.

Steps in the Process

Although this project is mainly about fieldwork - finding and recording the places people identified – there are many steps to be completed before going into the field, including consultation with knowledge holders, background reading and research on land tenure and determining the accuracy and precision of locational information. There are also many other steps after the recording, such as writing detailed descriptions on the site forms, deciding what can or cannot be made public and formulating management recommendations.

This project began with a list of thirty-six places, which are a subset of the original 330 places identified from archival and oral history research during the EAHS study places. The subset of places required further research and investigation to determine their location, cultural values and current threats to their integrity. The places included archaeological sites not thought to be recorded on AHIMS; places associated with historical activities and places or landscape features associated with spiritual or ceremonial life.

Step 1: Determine if places are already entered on AHIMS.

This step involved cross-checking of the 36 places to determine whether they were on AHIMS. Not surprisingly, 28 of the sites had no record on AHIMS, although some had other types of sites recorded either at the same location, or close to it. In some cases the AHIMS information was not sufficient to ascertain whether it referred to the site in question.

Step 2: Review of level and accuracy of locational information of the 36 places

Since knowing the location of a place is a prerequisite for recording of the objects and/or the surrounding landscape, there needed to be sufficient information to find the site. This step involved doing more research of the historical records, as well as further consultation with relevant knowledge holders, which in the main consisted of the elders who originally provided the information during the Eurobodalla Aboriginal Heritage Study. These consultations were conducted in the weeks prior to commencement of fieldwork, aimed at obtaining more information about the specific location of places and also to find out if the knowledge holder was still willing to visit/discuss the place. See Table two above.

Step 3: Contacting private land holders and relevant land management agencies

Once the locational information was clarified as much as possible, the tenure of the land was identified. Eurobodalla Shire Council wrote letters to private landholders, seeking permission for access to their land. Land management agencies such as State Forests NSW and DECCW were also notified in regard to sites on their land.

Step 4: Prepare a place recording template

A site form was developed specifically for this project [see section two]. It incorporates all information from archaeological, historical and oral sources, and includes detailed site descriptions, access and locational details, management recommendations and excerpts from taped oral history recordings.

Information agreements for future use of oral information were prepared and given to the knowledge holders for their signatures in relation to the information they provided to the project [see Appendix One].

Step 5: Finalise a list of places to visit

This step carefully reviewed all the information and produced a list of 26 places to visit and confirmed that knowledge holders wanted to attend and talk more about the places. Five of the 26 sites were on private property and one of these received access approval.

A list of 22 sites to be visited and recorded in detail eventuated. These are shown in Table three below. All available information about each site was collated from AHIMS site cards and reports, oral history and historical records. A table of places not visited and the reasons why is shown in Appendix two.

Step 6: Prepare a fieldwork schedule

Preparing a fieldwork schedule involved logistical issues such as the best means of access, taking into account such factors as tides and road conditions. A draft fieldwork timetable was drawn up, based roughly on Land Council boundaries and aimed at minimising backtracking to areas already visited. This resulted in a fieldwork programme that began at Batemans Bay and moved systematically south to Wallaga Lake over a period of four weeks. The draft list was sent to LALCs, to enable them to organise sites officers and young people for the appropriate days.

All knowledge holders were subsequently contacted to confirm their availability and willingness to be involved. As a result, some minor changes were made to facilitate attendance of some knowledge holders. See Table three below.

**CONNECTING WITH COUNTRY IN THE EUROBODALLA
DRAFT FIELDWORK / CONSULTATION SCHEDULE**

WEEK ONE: Monday 7th to Thursday 10th February 2011

PLACE NAME	PLACE LOCATION	FIELD WORK	ACCESS / TENURE	LALC AREA
Batemans Bay, Observation Head, ochre quarry.	Westerly facing cliff Observation Head, southern end of Corrigans Beach. 4223150 / 0247316.	Day 1 Monday 7 th February	Public, no permission required. Easy walk from car park.	BATEMANS BAY LALC
Batemans Bay, School [High], midden and scarred tree.	On the banks of Joes Creek. Tree on top of midden. 56 0246244 / 6042635.	Day 1 Monday 7 th Feb	Government (Education Dept) land; seek permission via letter. Visit after 3pm.	BATEMANS BAY LALC
Runnyford, Buckenbowra River, fish traps.	In the vicinity of Runnyford Bridge 238190 /6044370.	Day 2 Tuesday 8th Feb	Public (Crown?) no permission required. Easy drive from Mogo. Visit at low tide 10am.	MOGO LALC
Tomaga River, Bora and intertribal battle grounds.	North side of Tomaga River. May refer to bora /ceremonial ground at Barlings Beach.	Day 3 Wednesday 9th Feb	No permission required – LALC land	MOGO LALC
Lilli Pilli – cliff face, ochre quarry.	Ochre within cliff face immediately below Denise Dv, Lilli Pilli. 56 0248705 /6038112.	Day 3 Wednesday 9th Feb	Public land – no permission required.	MOGO LALC

PLACE NAME	PLACE LOCATION	FIELD WORK	ACCESS / TENURE	LALC AREA
Broulee Island, Broulee burial.	On the hill on Broulee Island	Day 4 Thursday 10 th Feb	No permission required / support from DECCW.	MOGO LALC
Bengello Beach, burial.	Burial ground between Broulee and Moruya Airport [Bengello Beach].	Day 4 Thursday 10 th Feb	Council land – no permission required.	MOGO LALC
WEEK TWO: Monday 14th February to Thursday 17th February 2011				
Moruya, Ryans Creek, fish trap, burial and bora ground.	Fish trap southern side of Moruya River 0236674 / 6022283	Day 5 Monday 14 th Feb	Council land. Go at low tide – easy walk. Get key from council.	COBOWRA LALC
Quandolo Island and surrounding lagoon,	Quandolo Island: 0243000/ 6022000.	Day 5 Monday 14 th Feb	National Park/DECCW	COBOWRA LALC
Moruya Weir,	Shell midden material along northern shores of lagoon and south of weir require identification.	Day 5 Monday 14 th Feb	Public land at shore line – access from road.	MOGO LALC
Glenduart, Moruya	North side of Moruya River, Glenduart.	Day 6 Tuesday 15 th Feb	Council cemetery	MOGO LALC
Malabar lagoon middens / grinding groove.	North shore of lagoon.	Day 6 Tuesday 15 th Feb	Public land to mean high water mark: Permission needed to access above mean high water mark.	MOGO LALC

PLACE NAME	PLACE LOCATION	FIELD WORK	ACCESS / TENURE	LALC AREA
Moruya, Ceremonial grounds.	Two interlinked ceremonial grounds, one previously located in the vicinity of the scarred tree within the Moruya Golf Course and the other where the Moruya TAFE now stands.	Day 7 Wednesday 16 th Feb	Moruya Golf Course; permission required.	COBOWRA
Brou Lake, burial.	North side of Brou Lake	Day 8 Thursday 17 th Feb	State Forest	BODALLA
Jamison Point, burial and artefact scatter.	241682 6000775	Day 8 Thursday 17 th Feb	Bodalla LALC	WAGONGA
WEEK THREE: Monday 21st to Thursday 24th February 2011				
Fullers Beach / Bogala Head burial.		Day 9 Monday 21 st Feb	National Park/ Wagonga LALC land	Wagonga LALC
Mummuga Lake [Dalmeny Lake / 'Brou'] burial.		Day 9 Monday 21 st Feb	Council land	Wagonga LALC
Narooma Bar Beach burial.	In the cliffline above the quarry.	Day 10 Tuesday 22 nd Feb	Private – assess from Rd. No access required.	Wagonga LALC
Narooma, Smyth's Oval ochre quarry, scar tree / shell midden.	Ochre quarry, scared tree and shell midden located on slopes above oval.	Day 10 Tuesday 22 nd Feb	Council reserve	Wagonga LALC

PLACE NAME	PLACE LOCATION	FIELD WORK	ACCESS / TENURE	LALC
Wallaga Lake burial / Cemetery.	Lining the banks of the Wallaga Lake, within Wallaga Lake Koori Village and possibly also within Akolele [once part of the Wallaga Lake Aboriginal Reservation].	Day 11 Wednesday 23 rd Feb	LALC	MERRIMANS LALC
Mystery Bay,	Fish traps within rocky headland.	Day 12 Thursday 24 th Feb	Crown Land, Dept lands	Wagonga LALC Merrimans LALC
WEEKS FIVE: Monday 7th March to 10th March.				
Coila Lake, Bora Ground.	Southwest side of Coila Lake.	Approval granted to access property to assess 'cultural heritage values'.		Bodalla LALC

TABLE THREE: Fieldwork schedule of 22 Connecting with Country Project assessment sites.

Step 7: Undertaking fieldwork

On the day before the allocated fieldwork day, the relevant people were contacted regarding where and when to meet and transport was organised. There was generally an 8.30 start, working through to 4 pm, with a packed lunch in the field.



PHOTO ONE: Georgina Parsons and Doris Moore, Quandolo Island, Moruya.

A typical day would involve meeting up at the LALC office and/or picking up others from their homes; going to the site location, doing an OH & S briefing; doing site familiarisation and orientation; locating any previously recorded sites; recording oral history information through discussions and questions; gathering views on management/protection requirements and undertaking detailed recording of tangible evidence. Land management agencies were contacted and participated as required.



PHOTO TWO: Randell Mumbler, Jessica Mumbler, Lionel Mongta and Sue Feary, Mystery Bay.

Fieldwork took place over 13 days between 7th February and 8th March 2011. The research team generally worked four days each week; weather did not prevent any fieldwork yet we needed to be aware of tides for some places. The fieldwork was guided by Sue Feary and Susan Donaldson and involved detailed recording of thirty-three [33] separate archaeological and historical features on 22 site cards. Recordings were accompanied by ninety-two [92] taped interviews.



PHOTO THREE: Aaron Russell and Sue Feary inspecting a cliff top midden, Lilli Pilli.

Thirty-three [33] Aboriginal people participated in the fieldwork and/or discussions, with staff of State Forests and DECCW attending in relation to places on their lands.



PHOTO FOUR: Lionel Mongta, Leonard Nye and Chris Howard [DECCW], Broulee Island.

Places were accessed in a variety of ways including by foot, vehicle and canoe/kayak.



PHOTO FIVE: Sue Feary, Melinda Coleman [Marine Parks], Aaron Russell and Ron Nye Jnr, Malabar Lagoon.



PHOTO SIX: Iris White, Trisha Ellis and Sue Feary, Glenduart.



PHOTO SEVEN: lunchtime for Arthur Andy at Runnyford – sandwiches.



PHOTO EIGHT: lunchtime for Muriel Slockee at Observation Head – gum!

Step 8: Provide progress report to Advisory Committee

Fieldwork outcomes and preliminary findings were presented at a Eurobodalla Aboriginal Advisory Committee on 14 April 2011.

Step 9: Completing draft report and site forms

Site forms were completed for all the 22 sites visited during the fieldwork. Where possible and appropriate, oral information on a place or landscape from one knowledge holder has been cross-checked with that of another knowledge holder. Sometimes it has been possible to cross check oral information with what is in the historical records. There may also be archaeological evidence to corroborate the oral sources. The site forms contain management recommendations, detailed information on location, access and land tenure information; detailed site descriptions and excerpts from taped oral history recordings.

Step 10: Circulate draft report to stakeholders and Eurobodalla Aboriginal Advisory Committee.

The draft report was circulated in early June 2011 to all Land Councils, participating knowledge holders and relevant government agencies.

The draft report was amended to incorporate any comments and presented at a meeting to which all stakeholders were invited on 20th June 2011 at Council.

Because few Advisory Committee members were present, the comment period was extended until 30th June 2011.

Step 11: Incorporate comments and submit final report to Aboriginal Advisory Committee

Any feedback during the extended period was addressed and a final report was submitted to the Advisory Committee for their endorsement, which was provided on 4 July 2011.

Step 12: Complete AHIMS site forms where appropriate and update ESC Heritage Inventory and LEP descriptions.