

# Appendix E

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## Aboriginal cultural heritage management plan



# **Cultural Heritage Management Plan**

## **Barham-Koondrook Bridge Restoration Work**

March 2016

# Proposed Barham-Koondrook Bridge Rehabilitation Works (Amended)

## Cultural Heritage Management Plan



Cultural Heritage Management Plan No: 14061

Name of Sponsor: NSW Department of Transport  
(Roads and Maritime Services)

Name of Cultural Heritage Advisor: Joanne Bell

Name of Authors: Ashley Edwards, Bridget Grinter and Joanne Bell

Date of Completion: 8 March 2016

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*Aboriginal Heritage Act 2006*  
Section 65

**Cultural Heritage Management Plan – Notice of Approval**

**CHMP NAME:** Proposed Barham-Koondrook Bridge Rehabilitation Works (Amended)

**CHMP NUMBER:** 14061

**SPONSOR:** New South Wales  
Department of Transport  
(Roads & Maritime Services)

**ACN/ABN:** 76 236 371 088


**Cultural Heritage Advisor(s):** Joanne Bell

**Author(s):** Ashley Edwards, Bridget Grinter and Joanne Bell (Jo Bell Heritage Services)

**Cover date:** 8 March 2016

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**Received for approval:** 8 March 2016

<b>TO BE COMPLETED BY THE SECRETARY (OR DELEGATE)</b>	<b>Yes</b>	<b>No</b>
<b>I have considered the Evaluation Report for this CHMP and:</b>		
<i>I am satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of section 53 (in the Aboriginal Heritage Regulations 2007 and the Approved Form).</i>	/	
<i>I am satisfied that the CHMP adequately addresses the matters set out in section 61.</i>	/	
<i>In considering this application, I consulted with and considered the views of Aboriginal persons or bodies I considered relevant to the application.</i>	/	
<i>I have given proper consideration to any relevant human rights</i>	/	
<p>I, Jamin Moon, Acting Director Heritage Services Aboriginal Victoria, acting under authority delegated to me by the Secretary, Department of Premier and Cabinet, and pursuant to section 65(2) of the <i>Aboriginal Heritage Act 2006</i> hereby <b>approve / <del>refuse to approve</del></b> this cultural heritage management plan:</p>		
<p>Signed:  ..... <b>JAMIN MOON</b></p>		
<p>Dated: 6/4/16</p>		
<ul style="list-style-type: none"> <li>• This notice of approval should be inserted after the title page and bound with the body of the management plan.</li> <li>• The recommendations in this management plan are now compliance requirements. Officers from the Department of Premier and Cabinet may attend the subject land to monitor compliance with the recommendations.</li> </ul>		

**Proposed  
Barham-Koondrook Bridge  
Rehabilitation Works (Amended)**

**Cultural Heritage Management Plan**

Activity Size: Medium

Assessment: Standard

Cultural Heritage Management Plan No: 14061

Name of Sponsor: NSW Department of Transport (Roads and Maritime Services)

Name of Cultural Heritage Advisor: Joanne Bell

Name of Authors: Ashley Edwards, Bridget Grinter and Joanne Bell

Date of Completion: 8 March 2016

## EXECUTIVE SUMMARY

This mandatory cultural heritage management plan (CHMP or plan) is prepared for the proposed upgrade work to the Barham Bridge over the Murray River at Koondrook in Victoria (Maps 1-2). This report deals with work on the Victorian side of the river only **and replaces approved CHMP 13364**.

Generally speaking, the proposed work would include repairing the existing timber bridge over the Murray River at Koondrook, including building of new abutments, replacing timber trusses and installing new piles, pile caps, piers and decking on the Victorian side of the Murray River. Additionally, associated utilities works would involve the relocation of two power poles, and the installation of new underground HV cable (Figure 1).

As part of this work, a temporary bridge (Mabey) is proposed to be built at a nearby location.

Cadastral details for the land are Lot 1 TP130477; Crown Allotments 21A and 24A Section E, 2005 and 2019; and Murray Parade and Koondrook-Murrabit Road Reserve in the Parish of Murrabit, in the state of Victoria.

The proposed activity area is located in the Victorian local government area of the Shire of Gannawarra.

The proposed activity area is zoned as Public Conservation and Resource Zone, Road Zone 1, Road Zone 2 and General Residential Zone 1, according to the Gannawarra Shire Planning Scheme.

The sponsor carrying out the proposed activity is NSW Roads and Maritime Services (Roads and Maritime). The CHMP has been commissioned by NGH Environmental on behalf of the sponsor. The project manager is Erwin Budde, Director, NGH Environmental.

The cultural heritage advisor commissioned to prepare this plan is Jo Bell, Director, Jo Bell Heritage Services Pty. Ltd. The archaeological fieldwork was carried out by Jo Bell, Bridget Grinter and Ashley Edwards.

The proposed activity area is crown land managed by Gannawarra Shire, although CA 2019 situated behind the Koondrook Primary School is managed by Parks Victoria.

There is no Registered Aboriginal party (RAP) for the proposed activity area. Wadi Wadi Wamba Wamba Barapa Barapa First Nations Aboriginal Corporation (WWWWBFFNAC) currently have a RAP application before the Victorian Aboriginal Heritage Council. Barapa Barapa Nation Aboriginal Corporation (BBNAC) has also been identified as a group with an interest in the cultural heritage of the area.

A Notice of Intent to Prepare a Management Plan (NOI) was sent to the Secretary of the Department of Premier and Cabinet (DPC) on 22 January 2016 in accordance with s.54 of the Act (see Appendix 2).

Desktop and standard assessments were carried out during the preparation of the plan.

### Desktop Assessment

The proposed activity area has not been investigated as a part of an archaeological assessment in the past.

### Standard Assessment

No Aboriginal places were identified during the standard assessment.

No areas likely to contain Aboriginal cultural heritage were identified within the proposed activity area during the standard assessment, so a complex assessment is not required.

### Impact Assessment

No Aboriginal places were identified during the standard assessment, so no known Aboriginal cultural heritage will be harmed by the proposed activity.

### Recommendations

The specific measures required (recommendations) are set out in Section 9 of the plan. They are reproduced below.

#### **Recommendation 1 - On-site Cultural Heritage Induction**

- All contractors and/or employees of contractors who are supervising work during the proposed activity in relation to earthmoving or ground disturbance must attend an on-site cultural heritage induction
- All ground disturbance work must be supervised by a person who has attended the on-site cultural heritage induction
- The on-site cultural heritage induction must be carried out *before the commencement of work*
- The on-site cultural heritage induction must cover
  - The specific requirements of this CHMP
  - The contingency plans contained in this CHMP
  - Cultural awareness training
- It is the responsibility of the sponsor to ensure that an on-site cultural heritage induction is carried out
- The costs of the on-site cultural heritage induction must be met by the sponsor.

#### **Recommendation 2 - Copy of the Approved Plan must be kept on-site**

A copy of the approved plan must be kept on site at all times during the conduct of the proposed activity.

## **Contingency Arrangements**

If new Aboriginal cultural heritage is found during the proposed activity, relevant contingency arrangements, as outlined in this cultural heritage management plan, must be followed. This applies to both during and after the proposed activity. These contingency arrangements are set out in Part 2 of the plan (Section 8) and include:

- Management of Aboriginal cultural heritage found during the proposed activity
- Notification of the discovery of Aboriginal cultural heritage during the carrying out of the proposed activity
- Custody and management of Aboriginal cultural heritage found during the carrying out of the proposed activity
- Removal and curation of Aboriginal cultural heritage found during the carrying out of the proposed activity
- Notification of the discovery of skeletal remains during the carrying out of the proposed activity
- Dispute resolution
- Reviewing compliance.



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## Acknowledgements

Jo Bell Heritage Services would like to specifically thank Andrew Whitton, Aboriginal Community Heritage Advisor from Roads and Maritime for his assistance during the project. We would also like to thank and acknowledge the assistance and invaluable support of the following people in the completion of the project:

Wayne Webster	Cultural Heritage Officer, BBNAC
Neville Whyman	Cultural Heritage Officer, BBNAC
Jida Gulpilil	Cultural Heritage Officer, WWWWBFBNAC
Andrew Whitton	Aboriginal Community Heritage Advisor, Roads and Maritime
Gemma Barber	Senior Environmental Consultant, NGH Environmental
Erwin Budde	Director, NGH Environmental

The following JBHS staff participated in the completion of the project:

Jo Bell	Archaeologist & Director - Background, Fieldwork, Meetings, Editing
Bridget Grinter	Archaeologist - Background, Fieldwork, Reporting
Ashley Edwards	Archaeologist - Reporting, Mapping, Fieldwork

### Abbreviations in above text

BBNAC	Barapa Barapa Nation Aboriginal Corporation
JBHS	Jo Bell Heritage Services
Roads and Maritime	Roads and Maritime Services
WWWWBFBNAC	Wamba Wamba Wadi Wadi Barapa Barapa First Nations Aboriginal Corporation

## **Part One: Assessment**

## 1.0 INTRODUCTION

This mandatory cultural heritage management plan (CHMP or plan) is prepared for the proposed upgrade work to the Barham Bridge over the Murray River at Koondrook in Victoria (Maps 1-2). This report deals with work on the Victorian side of the river only **and replaces approved CHMP 13364**.

Generally speaking, the proposed work would include repairing the existing timber bridge over the Murray River at Koondrook, including building of new abutments, replacing timber trusses and installing new piles, pile caps, piers and decking on the Victorian side of the Murray River (Figure 1). Additionally, associated utilities works would involve the installation of a new power pole and stay, the relocation of a further power pole, and the installation of approximately 160m of new underground HV cable.

As part of this work, a temporary bridge (Mabey) is proposed to be built at a nearby location.

Cadastral details for the land are Lot 1 TP130477; Crown Allotments 21A and 24A Section E, 2005 and 2019; and Murray Parade and Koondrook-Murrabit Road Reserve in the Parish of Murrabit, in the state of Victoria.

The proposed activity area is located in the Victorian local government area of the Shire of Gannawarra.

The proposed activity area is zoned as Public Conservation and Resource Zone, Road Zone 1, Road Zone 2 and General Residential Zone 1 according to the Gannawarra Shire Planning Scheme.

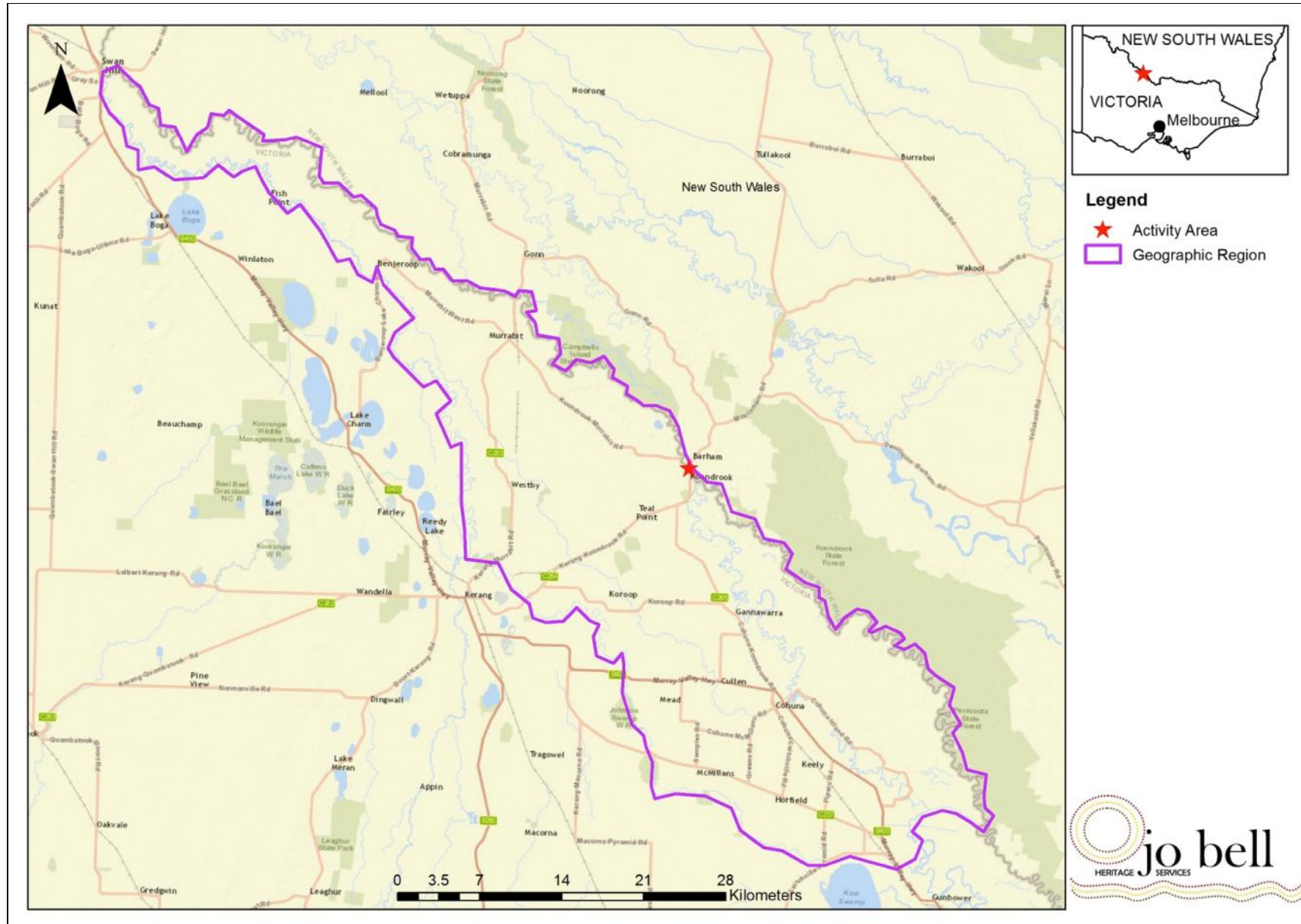
### 1.1 Reason for Preparing the Plan

The CHMP is a mandatory plan under s.46(a) of the *Aboriginal Heritage Act 2006* (the Act). The proposed activity is a high impact activity in accordance with r.44(1)(e) of the *Aboriginal Heritage Regulations 2007* (the Regulations). Land within 200 m of a waterway (the Murray River) is an area of cultural heritage sensitivity pursuant to r.23 of the Regulations. As a result a CHMP is mandatory for the proposed activity pursuant to s.46 of the Act.

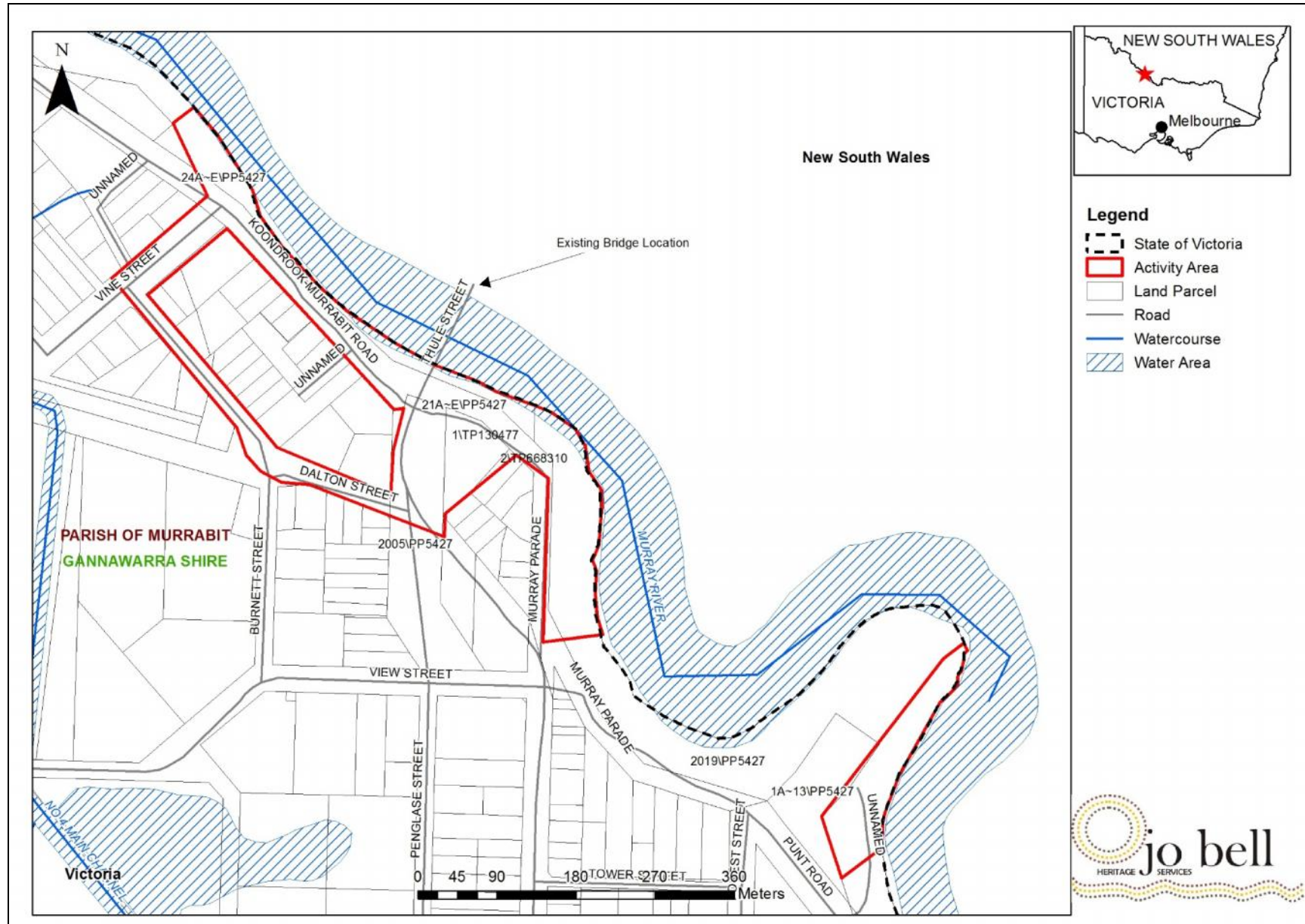
A CHMP (13364) was approved for the proposed works. However, as the activity area needed to change slightly to include a larger area for the site compound, a new CHMP had to be prepared.

### 1.2 Sponsor

The sponsor undertaking the proposed activity is NSW Roads and Maritime Services. The CHMP has been commissioned by NGH Environmental on behalf of the proponent. The project manager is Erwin Budde, Director, NGH Environmental.



Map 1: Geographic Region of the Proposed Activity Area (Gannawarra Shire) (source: ESRI 2014)



Map 2: Parcel Plan of the Proposed Activity Area (source: DELWP 2014)

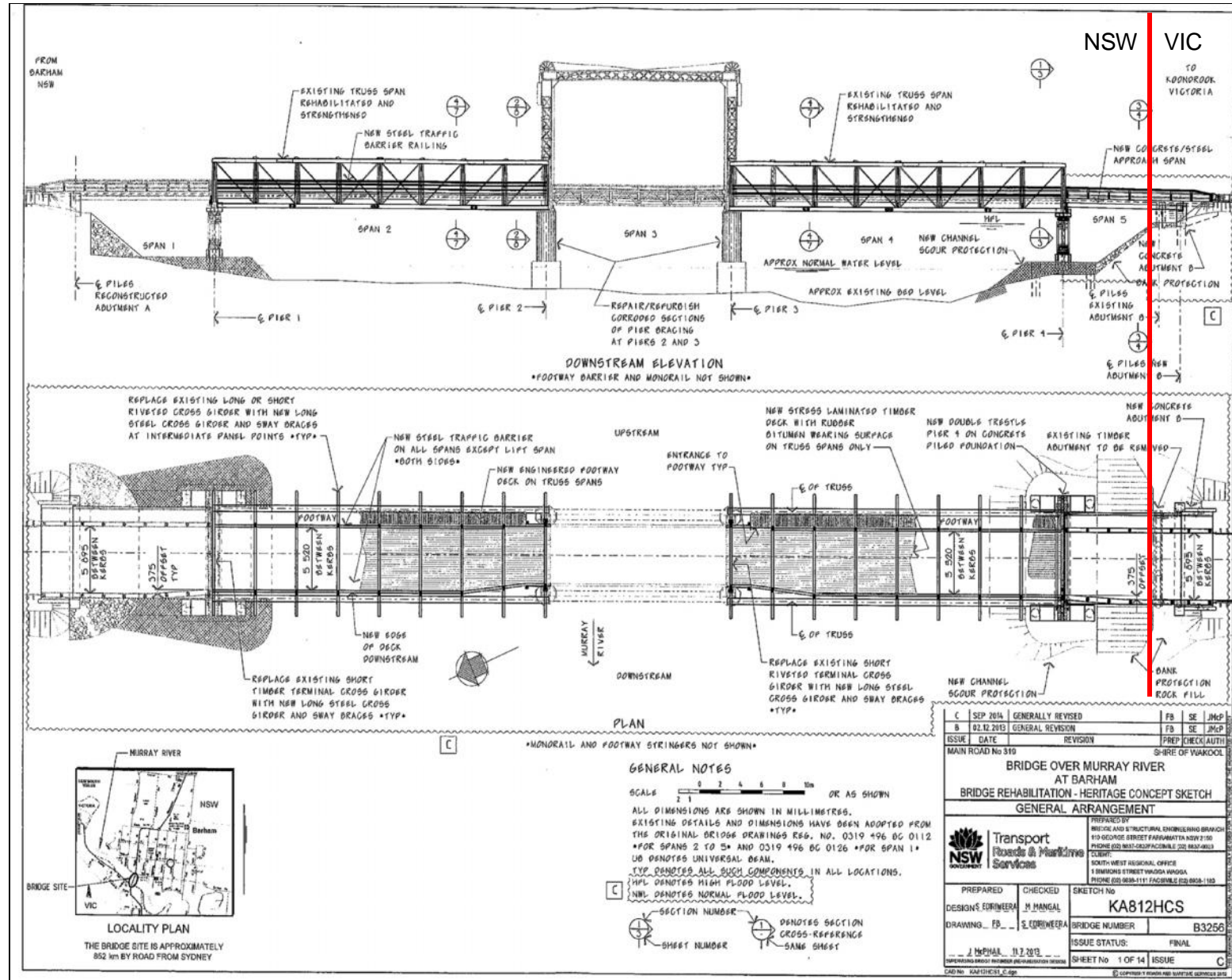


Figure 1: Proposed Design Plan for the Bridge (red line marks border) (source: Roads and Maritime September 2014)



### **1.3 Cultural Heritage Advisor**

The cultural heritage advisor commissioned to prepare this plan is Joanne Bell, Director, Jo Bell Heritage Services Pty. Ltd. The authors of the plan are Ashley Edwards, Bridget Grinter and Joanne Bell. Jo has a BA (Hons) in Archaeology and over fifteen years professional experience in the cultural heritage industry, including the preparation of cultural heritage management plans. Ashley has a BArch (Hons), an MA in Archaeology and over nine years of experience in the cultural heritage industry. Bridget has a BA (Hons) Archaeology and over six years of experience in the cultural heritage industry (see Appendix 1).

### **1.4 Owner / Occupier of Land where the Proposed Activity Area is located**

The proposed activity area is crown land managed by Gannawarra Shire, although CA 2019 situated behind the Koondrook Primary School is managed by Parks Victoria. Lot 1 TP130477 is owned by Geoff and Brenda Molin.

### **1.5 Registered Aboriginal Parties**

There is no Registered Aboriginal party (RAP) for the proposed activity area. Wadi Wadi Wamba Wamba Barapa Barapa First Nations Aboriginal Corporation (WWWBWFNAC) currently have a RAP application before the Victorian Aboriginal Heritage Council. Barapa Barapa Nation Aboriginal Corporation (BBNAC) has also been identified as a group with an interest in the cultural heritage of the area.

### **1.6 Notice of Intent to Prepare a Management Plan**

A Notice of Intent to Prepare a Management Plan (NOI) was submitted to the Secretary of the Department of Premier and Cabinet (DPC) on 22 January 2016 in accordance with s.54 of the Act (see Appendix 2). The project manager sent a copy of the NOI to each of the landowner/occupiers on 29 January 2016.

## **2.0 PROPOSED ACTIVITY DESCRIPTION AND EXTENT OF AREA COVERED BY THE PLAN**

### **2.1 Extent of Area Covered by the Plan**

Cadastral details for the land are:

- Lot 1 TP130477;
- Crown Allotments 21A;
- CA 24A Section E;
- CA 2005;
- CA2019;
- Murray Parade and Koondrook-Murrabit Road Reserves;
- Parish of Murrabit.

The proposed activity area comprises about 7.379 hectares.

The proposed activity area is located in the Victorian local government area of the Shire of Gannawarra.

The proposed activity area is zoned as Public Conservation and Resource Zone, Road Zone 1, Road Zone 2 and General Residential Zone 1 according to the Gannawarra Shire Planning Scheme.

### **2.2 Nature of the Proposed Activity and Ancillary Works**

Generally speaking, the proposed work would include repairing the existing timber bridge over the Murray River at Koondrook, including building of new abutments, replacing timber trusses and installing new piles, pile caps, piers and decking on the Victorian side of the Murray River (Figure 1). Additionally, associated utilities works would involve the installation of a new power pole and stay, the removal of an existing power pole and approximately 120m of overhead powerline, the relocation of a further power pole, and the installation of approximately 160m of new underground HV cable (Figure 2).

As part of this work, a temporary bridge (Mabey) is proposed to be built at a nearby location.

In Victoria, the work would more specifically include:

- Establishment of a site compound on the Victorian side upstream of the bridge in an open area away from trees
- Construction of an access ramp to Pier 4 from upstream and downstream of the bridge (within 10 m of the bridge abutment)
- Establishment of a crane pad close to the river bank
- Removal of trees affected by the works
- Driving of sheet piles and construction of coffer dams in the river for pier four works to enable driving of concrete piles and construction of pile caps
- Driving of concrete pile or in-situ concrete bored piles and construction of pile caps at Pier four and abutment
- Replacing timber pier four with timber trestles on concrete piles and concrete pile caps, similar to what has been done on the NSW side

- Replacing existing timber elements with steel elements in accordance with the requirements of NSW Heritage Office
- Constructing a new concrete abutment three metres behind the existing timber abutment and providing a spill through abutment
- Replace the timber approach span with a steel/concrete composite structure
- Reconstruct the approach road to suit new abutment location and height
- Scour protection of the river bank up and downstream of the existing bridge within the cleared 100 m
- Carry out work on the bridge and within 50 m up and downstream of the bridge
- Construction of a Mabey Bridge, at one of three location options. Alternatively, providing ferry services upstream of the bridge
- Rebuild and strengthen all four trusses
- Replace timber decking and sheeting with a Stress Laminated Timber Decking and surface with asphalt or spray seal
- Replace webbing in both the steel pylons under the lift span
- Blasting and repainting of lift span mechanical components. This work would require removal of lead paint and would be done within a contained space.

The trusses would be manufactured off-site, transported and assembled on-site before being erected. For the erection, large cranes would be required for which crane pads may need to be constructed close to the riverbank. In addition, a barge with a crane may also have to be used to help lift the trusses into place.

For the construction of the Mabey Bridge, work would be carried out on both riverbanks. For the approach spans, work would be on the Victorian side. There are a number of options for the Mabey Bridge location as shown in Figure 3a. The preferred option is Option 3, next to the existing (Thule Street) bridge (see Figure 3b).

## **2.3 Existing Conditions**

Recent aerial imagery shows that the area contains mature trees on the riverbank and some access tracks and roads (see Figure 4).

## **2.4 Likely Impact of the Proposed Activity**

The proposed activity area is comprised of floodplain and plain above flood level landforms.

The depth at which cultural heritage may be buried would depend on the depth to which the disturbance from the clearance of native vegetation, landscaping, residential development and road construction has occurred.

In terms of the proposed development, the majority of the work would be to the bridge itself however, work would also be required to the piers and the Victorian bank, in building the access ramps to Pier 4, the set down area and site compound, and building of the temporary bridge and bridge access. No ground disturbance works will be located in the site compound/set down area.

Furthermore, approximately 160m of underground HV electricity will be installed under the road at Thule Street, which will cross the Murray River attached to the underside of the temporary bridge. Construction will involve both under-boring and open trenching. The conduit diameter will be no greater than 125mm while the open trench will be approximately 1m deep and approximately 200mm wide. A new electricity pole may be relocated by 5m to the east on Grigg Road. 120m of high voltage overhead wire and one electricity pole will be

removed on Murray Parade. This will be replaced by a single new pole and stay, pre-augered (500mm diameter) to a depth of approximately 2.3m. Street lights may also need to be relocated as a part of the works. As a result, the proposed activity is likely to impact on any Aboriginal cultural heritage that may be identified within the proposed activity area.

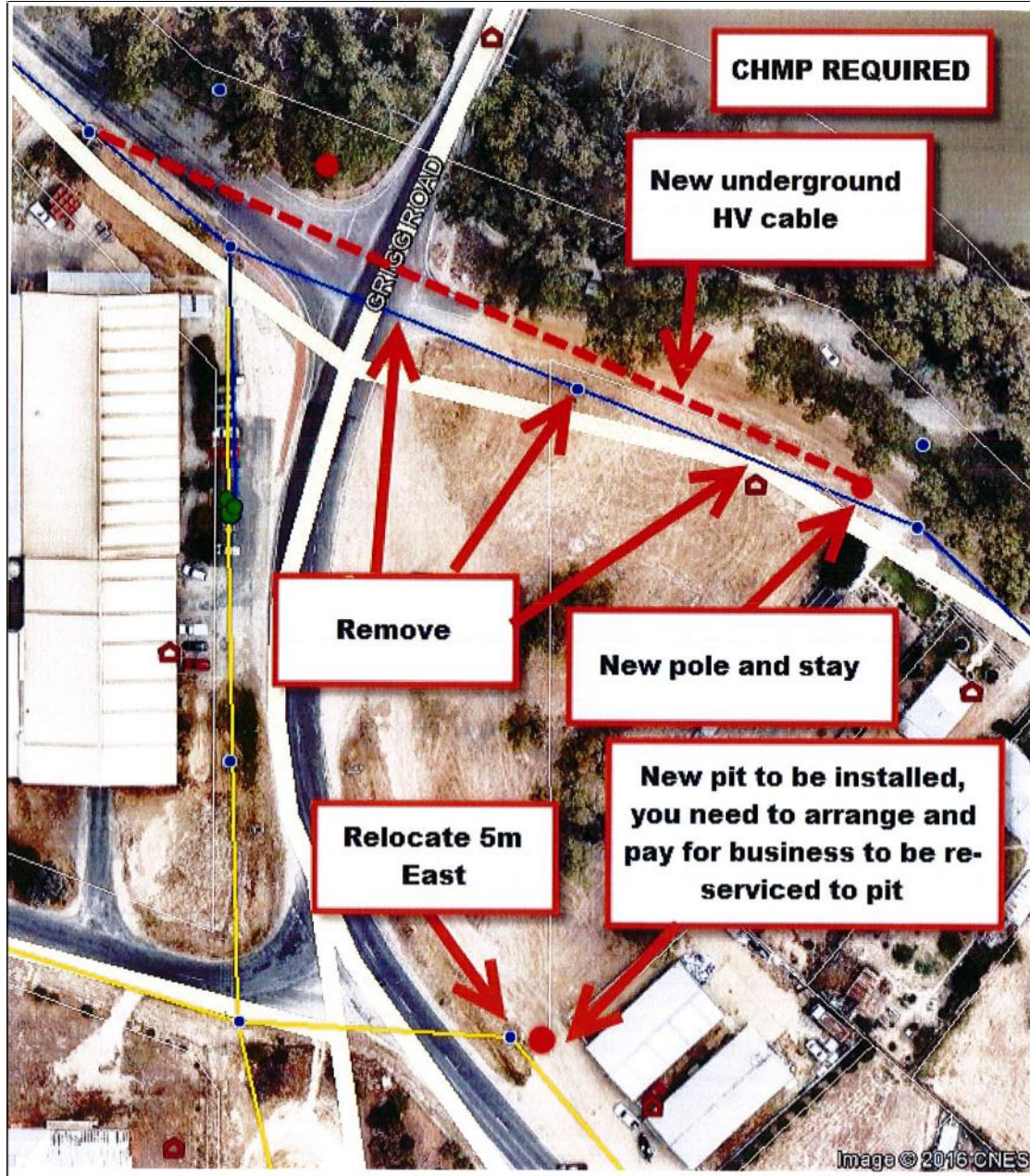


Figure 2: Concept Design for Power Supply (source: RMS 2015)

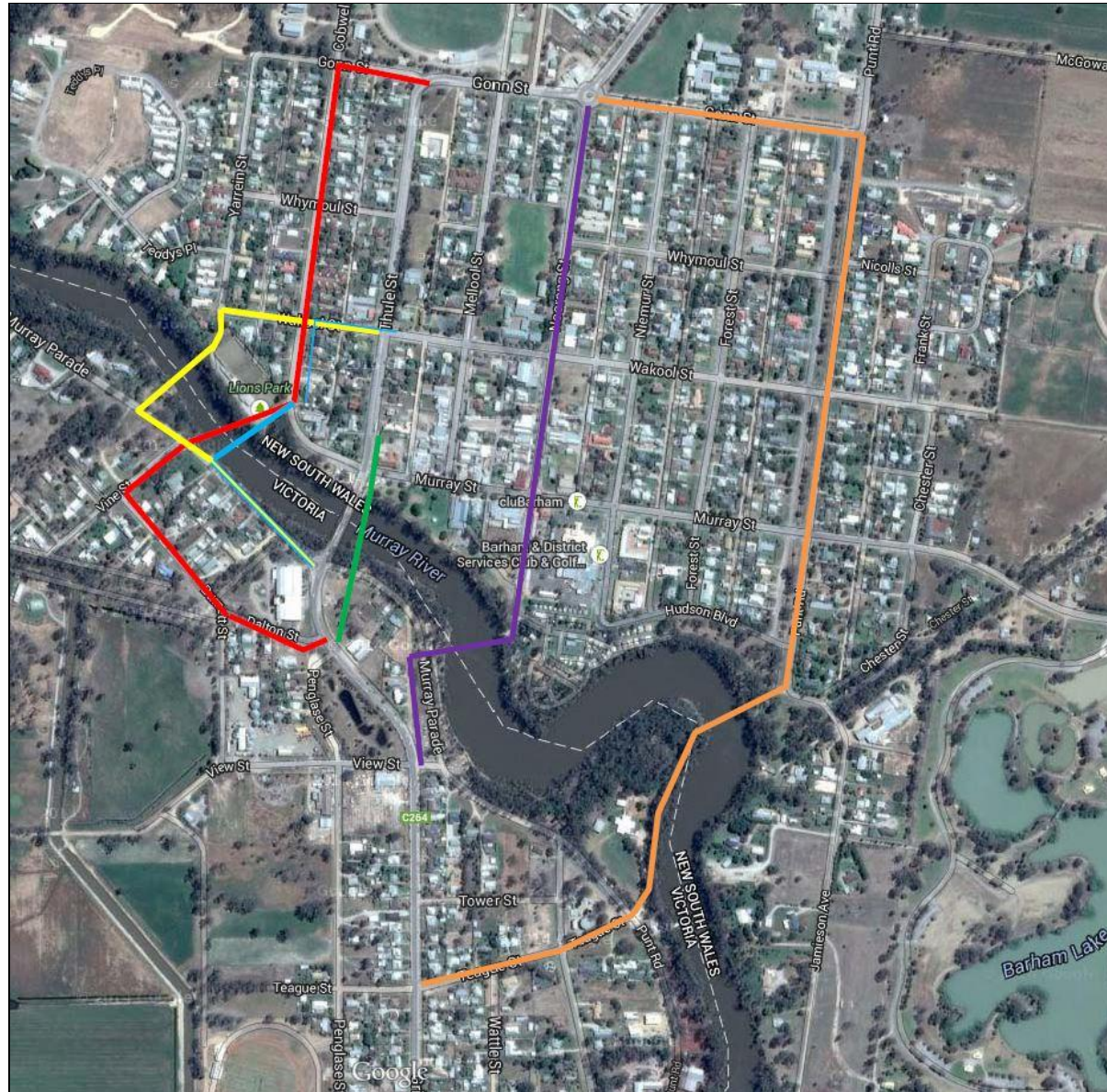


Figure 3a: Options for the Temporary Bridge Location (source: RMS 2015)

Option 3 – Thule Street (next to Barham Koondrook Bridge)

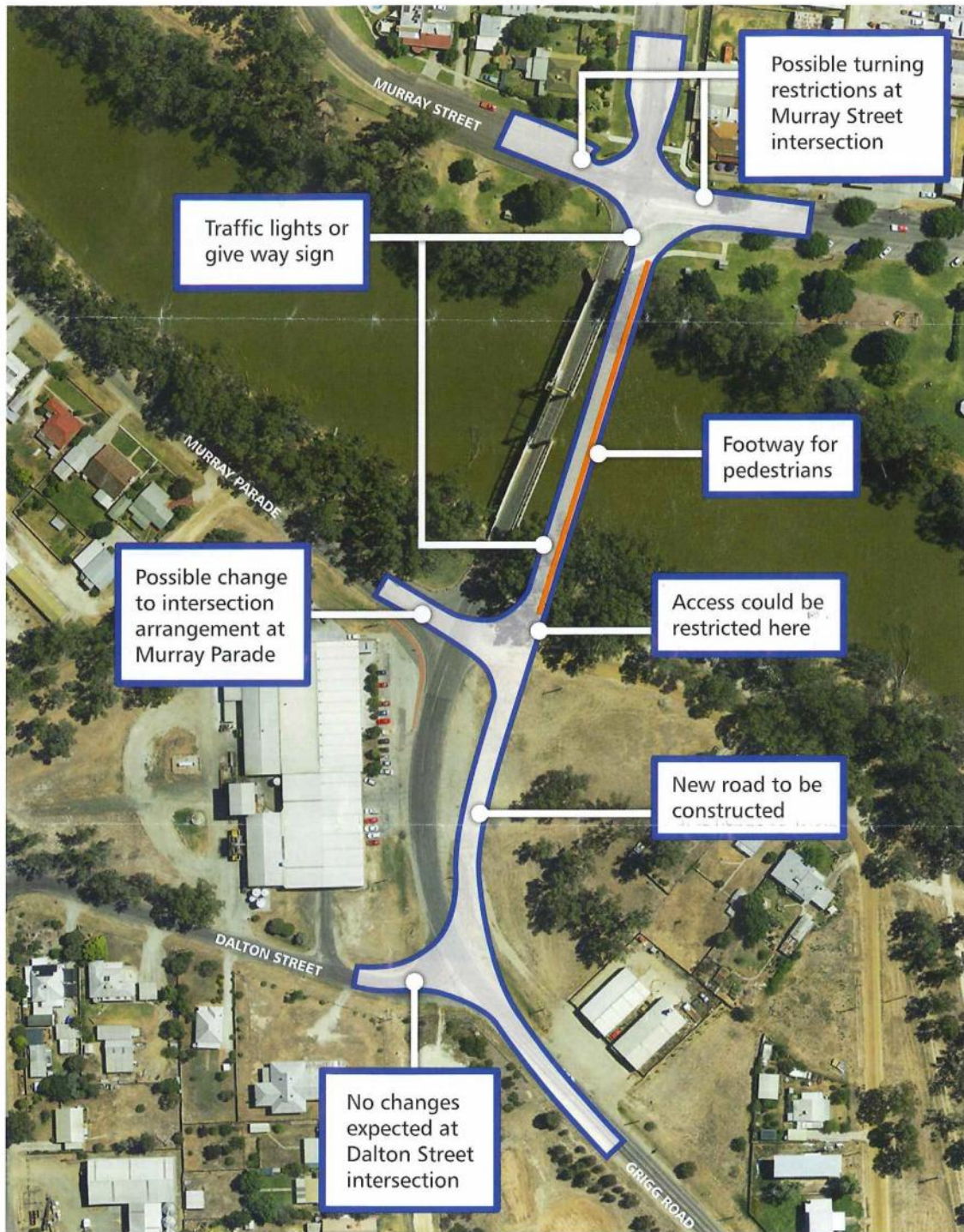


Figure 3b: Preferred Option for the Temporary Bridge, Option 3 (Thule Street), next to existing bridge (source: RMS 2015)



Figure 4: 2013 aerial photography showing existing conditions of the activity area (Source: Google Earth 2014)

### **3.0 DOCUMENTATION OF CONSULTATION**

A Notice of Intent to Prepare a Management Plan (NOI) was submitted to the Secretary of the Department of Premier and Cabinet (DPC) on 22 January 2016 in accordance with s.54 of the Act (see Appendix 2). The project manager sent a copy of the NOI to each of the landowner/occupiers on 29 January 2016.

The following sections refer to the original consultation in relation to CHMP 13364. As this CHMP is simply being prepared to amend the activity area to include a wider area for the site compound and include the underground power, the process was not repeated as further survey was not required. However, an email was sent to both WWWWBFFNAC and BBNAC on 29 January 2016 informing them of the preparation of the new CHMP and the reason behind this. A map was also sent showing the changes to the activity area boundary.

#### **3.1 Consultation in relation to the Assessment**

On 11 December 2014 the cultural heritage advisor contacted BBNAC and WWWWBFFNAC in relation to participating in the project. On 16 December 2014 Wayne Webster (BBNAC) replied that the group wished to be involved in the assessment. On 18 December Jida Gulpilil contacted the CHA saying that WWWWBFFNAC would be involved.

On 24 December the cultural heritage advisor contacted BBNAC and WWWWBFFNAC to let the groups know that the inception meeting for the project and the survey for the standard assessment would be held on 13 January 2015.

The inception meeting and standard assessment took place on 13 January 2015 with Wayne Webster and Neville Whyman representing BBNAC and Jida Gulpilil representing WWWWBFFNAC.

As per the prior arrangement with BBNAC and WWWWBFFNAC, the field work for the standard assessment took place immediately following the inception meeting.

#### **3.2 Fieldwork Participation**

The standard assessment was undertaken on 13 January 2015 by Jo Bell and Bridget Grinter (JBHS) and Wayne Webster and Neville Whyman (BBNAC) and Jida Gulpilil (WWWWBFFNAC).

Before commencing the field assessment, the proposed methodology was discussed with the cultural officers assigned to the project to get their feedback. The proposed activity area was surveyed in systematic transects where possible. On completion of the field survey, an on-site meeting was held to discuss the effectiveness of the methodology and the results of the survey (see Section 5.2).

The cultural representatives from both BBNAC and WWWWBFFNAC expressed concerns that part of the river bank likely to contain Aboriginal cultural heritage could not be effectively surveyed during the standard assessment due to a lack of ground surface visibility and requested that these parts be surveyed by boat.

As a result, a boat survey was undertaken on 31 March 2015.



### **3.3 Consultation in relation to the Recommendations**

On completion of the draft CHMP, a copy of the plan was submitted to WWWWBBFNAC and BBNAC for comment on 13 August 2015 with the request that comments be provided prior to the 21 August 2015. No comments were received.

A copy of the new amended CHMP was sent to both WWWWBBFNAC and BBNAC on 11 February 2016 for further comment, again explaining the need to prepare the updated CHMP. A request was made for comments to be returned by 19 February 2016. No comments were received.

### **3.4 Summary of Outcomes**

Both WWWWBBFNAC and BBNAC have been consulted throughout the project and the preparation of the plan. Recommendations have been developed with the assistance of the representatives of the traditional owner groups.

## 4.0 DESKTOP ASSESSMENT

Part 3 of the Regulations provides standards for the preparation of a cultural heritage management plan. Division 1 relates to assessments. Under the Regulations, a CHMP must include a desktop assessment and if required, also a standard assessment and/or a complex assessment.

As a CHMP is not just a report, but a process, this report is set out to guide the reader through the process undertaken during the assessment to reach the conclusions presented in Part 2 of the plan.

This section of the plan sets out the methodology and results of the desktop assessment.

### 4.1 Methodology

The aim of a desktop assessment is to produce an archaeological site prediction model. Site prediction models are then used to assist:

- The design of fieldwork strategies
- The interpretation of fieldwork results
- The assessment of cultural significance
- The design of management recommendations.

In order to produce an archaeological site prediction model, the cultural heritage advisor must review relevant background information.

As part of the desktop assessment, the following tasks were undertaken:

- Review of the Office of Aboriginal Affairs Victoria site registry to identify any previously recorded Aboriginal places recorded within or near the proposed activity area
- Review of archaeological reports previously undertaken in the geographic region of the proposed activity area
- Review of local histories of the region, including any documentation of written or oral history regarding Aboriginal people in the region
- Review of relevant reference texts on the local geology and geomorphology, and flora and fauna studies to identify the resources that would have been available to Aboriginal people in the past
- Standard ethnographic sources to identify the likely traditional owners
- Historic archival plans
- Aerial photography
- The land-use history of the area, particularly evidence for the extent and nature of past land disturbance.

The background research was undertaken by Jo Bell, Bridget Grinter and Ashley Edwards. The Victorian Aboriginal Heritage Register (VAHR) was searched originally by Bridget Grinter on 9 December 2014 and again on January 2016.

## 4.2 Results

This section of the plan provides the results of the desktop assessment.

### 4.2.1 Geographic Region

The geographic region is described as the alluvial plain of the Murray River between Swan Hill and Gunbower/Leitchville. It stretches from the Murray River in the north, to Swan Hill at the confluence of the Little Murray River and the Murray, southeast to Loddon River, then Pyramid Creek and finally Deep Creek back to the Murray (see Map 1).

### 4.2.2 Geology, Landforms and Geomorphology

The south-western part of the proposed activity area is situated on Shepparton Formation (Nws) geology, which is comprised of fluvial silt and minor gravel dating to the Pleistocene (DEDJTR 2014).

The north-eastern part of the proposed activity area is situated on unnamed alluvium (Qa1), which is comprised of fluvial/lacustrine clay, sand and sandy clay dating to the Holocene and represents the active floodplain (Figure 5).

The proposed activity area is located in the *Older Alluvium – Shepparton* geomorphic unit on a Plain above flood level landform (relative relief <9m). This Quaternary (<1.4my) landform comprises fine textured unconsolidated deposits of red duplex soils.

The climate of the general area is persistently dry semi-arid and characterised by hot summers and cool winters with mean annual rainfall of 374mm (BOM 2015).

Maximum (average) temperatures in summer are warm (31.6°C). The winters are cool to cold (on average 4.0°C) (BOM 2015).

The proposed activity area is situated next to the Murray River.

### 4.2.3 Vegetation

The proposed activity area falls within the Murray Fans Bioregion.

Pre – 1750 the vegetation within the proposed activity area comprised Riverine Grassy Woodland (EVC 295). This vegetation type occurs on the floodplain of major rivers, in slightly elevated positions that rarely flood, on deposited silts and sands, forming fertile alluvial soils. River Red Gum and Black Box woodland overlays a grassy and sometimes lightly shrubby ground layer (DELWP 2014).

According to the updated 2005 mapping of the area only remnant patches of the original native vegetation remains.

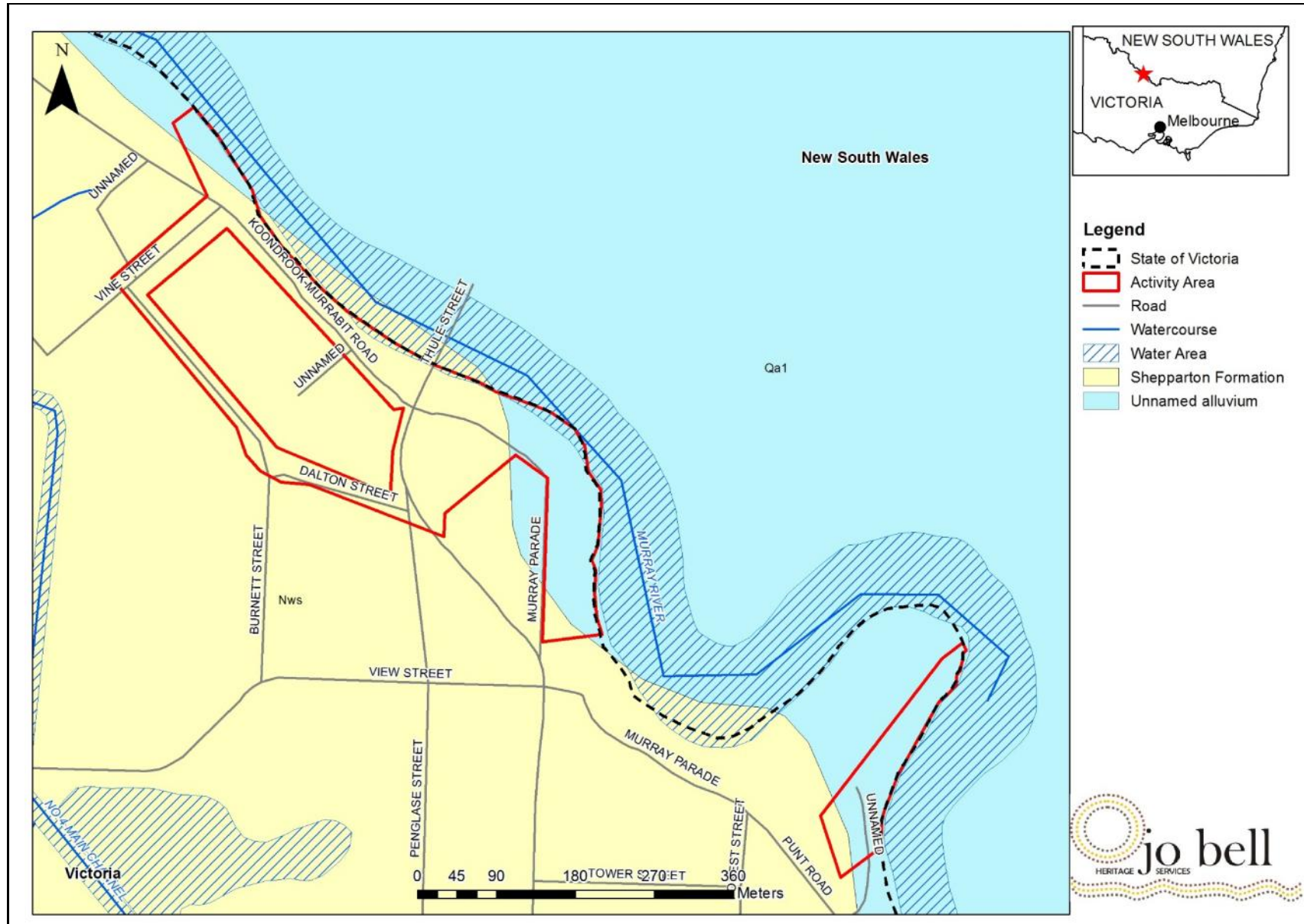


Figure 5: Stylised Geology of the Proposed Activity Area (Source: DEDJTR 2014)

#### 4.2.4 Ethnographic Information

Aboriginal groups occupied the entire Victorian landscape by the time European settlement took place. Aboriginal social organisation was complex with marriage, social and intergroup organisation based on tribe (language group), descent, clan and moiety. The tribe was a group of people who shared a common language. Language groups shared the same rules of descent (either matrilineal or patrilineal) and claimed ownership of a particular area. Clans were groups with a common ancestry and also held particular tracts of land. Moieties divided the entire language group into two separate but complementary social groups, controlling social and ceremonial status of individuals and marriageability. Intermarriage of persons within the same moiety was not allowed (Coutts 1981:viii, after Howitt 1904 (1996)).

##### Ethnography and Languages

Compared with other parts of South-eastern Australia, the documented Aboriginal ethnographic record for the Barham-Koondrook region is quite fragmentary, due to the rapidity with which introduced diseases such as small pox, measles and influenza spread through the Aboriginal populations at the time of European colonisation. Disease and pastoral expansion (and associated violence) decimated entire populations of people throughout South-eastern Australia, severely disrupting and in many cases, destroying traditional Aboriginal culture.

According to Clark's 2005 mapping, the proposed activity area lies within the *Barababaraba* language group, which forms a part of the West Kulin language area (see Figure 6).

Clark (1990) lists over 50 variations of the language name, which is derived from the word 'no'. The Barababaraba language was nearly identical to the neighbouring language, *Wembawemba* (93%).

The *Baraparapa* language was spoken over about 9,400 square kilometres (Tindale 1974). According to Tindale (1974:191) the *Baraparapa* area was situated 'on southern tributaries of the Murrumbidgee River from above Hay in New South Wales, to Kerang in Victoria, at Cohuna, Gunbower, Brassi, Conargo, and across the river from Carrathool'.

According to Clark (1990:387), the primary sources for the reconstruction of Barapa Barapa clans include G.A. Robinson, Chief Protector of Aborigines (Journal and Papers), E.S. Parker, Assistant Protector of Aborigines (Journal, Correspondence and Reports), A.M. Campbell (Correspondence), W. Thomas (Papers), and Howitt (Papers).

According to Clark, Barapa Barapa consisted of eight clans ranging across the larger language group area, which was situated across both Victoria and New South Wales.

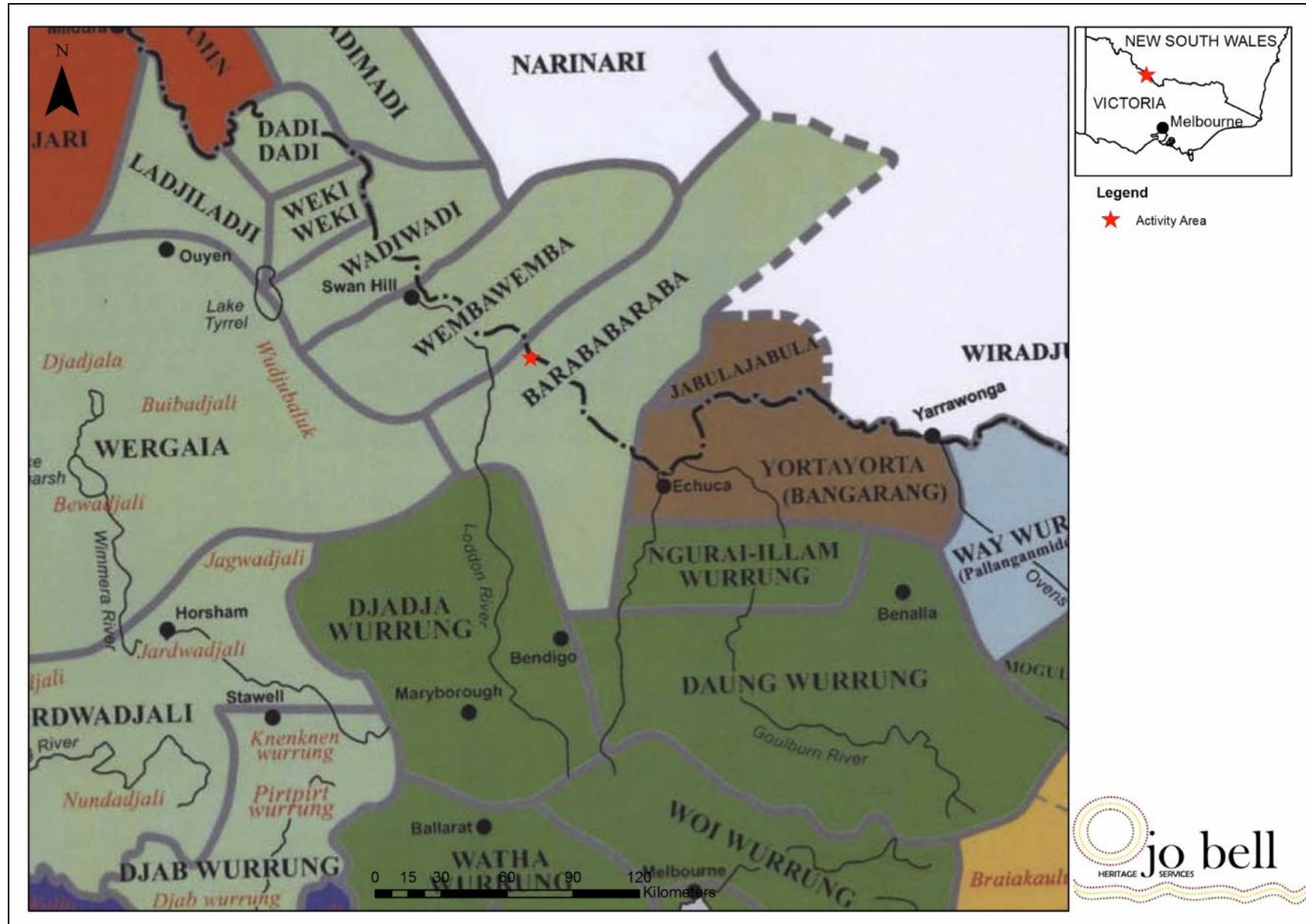


Figure 6: Aboriginal Language Areas (source: Clark 2005)

The *Mially Water* clan was situated around Koondrook/Barham. Information about the clan comes from A. M. Campbell (Bride 1983:350 in Clark 1990:391) of Gannawarra Station.

In 1846 Mr Campbell told G. A. Robinson that the Aboriginal people were good workers. Campbell also told Robinson that the first thing that he did when he arrived was to make a sign of a man on a tree and fire at it with a rifle in front of 'the natives'. Robinson also noted that 'native women were allowed at Campbell's'.

In 1853 Campbell noted that the 'natives' were friendly and that he found them 'inoffensive and obedient'. According to Campbell, the clan population was 32 at that time (Bride 1983:350 in Clark 1990:391).

### Economy

Barapa Barapa economy would have focused very much on the major rivers (such as the Murray), larger creeks and their associated resources.

In terms of subsistence, irrespective of inferences of higher populations along the major river systems, people remained hunter-gatherers, exploiting the natural resources available in the area and using trade networks to obtain those items that were not available locally.

Locally sourced raw materials for making flaked stone tools would have included the high quality crystal quartz and fine-grained volcanic material from Mt. Terrick, quartz and quartzite from Mt. Hope and Pyramid Hill in Victoria.

The generally open plains surrounding the proposed activity area would have supported such animals as kangaroo, emu and wallaby, which would have been hunted; the river and creek systems of the proposed activity area and the larger geographic region would have provided habitat for birds, reptiles and fish, all of which would also have been caught and utilised by people living in the area. Terrestrial plant resources such as the River Red Gum, herbs and grasses; and aquatic plant resources such as Cumbungi all would have provided specialised food or utilitarian items.

### Contact, Conflict & Disease

Relations between the Aboriginal people and the incoming squatters were often violent however it was disease that caused the greatest decline in the population of the local Aboriginal people. By the 1830s, diseases such as influenza, smallpox and syphilis had ravaged the Aboriginal communities of the Riverina (HO and DUAP 1996 in NPWS 2003:95).

### Missions, Reserves and Honorary Correspondent Depots

In 1883 the Aborigines Protection Board of New South Wales (the Board) was established to manage reserves and control the estimated 9,000 Aboriginal people living in NSW at the time. According to Thinee & Bradford (1998), during the early years there was no legislation to authorise the actions of the Board, the churches, or private landholders in their attempts to 'centralise Aboriginal people onto missions and reserves and begin the removal of children from Aboriginal families'.

Missions were compounds established by churches as a sanctuary to 'protect' Aboriginal people from mistreatment by European settlers. They were institutions that 'arguably' had a detrimental influence on the people that they were supposed to protect (Thinee & Bradford 1998). The Board controlled these missions.

Reserves were established by the Government, although they had the same purpose as missions (Thinee & Bradford 1998). There were only ten actual missions established in New South Wales (Thinee & Bradford 1998).

According to Thinee & Bradford (1998), there were over 180 reserves in New South Wales by 1939, most of which were small with housing that consisted of 'humpies made from iron roofing'. Reserves that were established near Barham-Koondrook included Balranald, Moama, Moulamein, Calino and several near Deniliquin in NSW (Thinee & Bradford 1998). Many reserves were revoked between the 1930s and 1960s, including the one at Balranald (Thinee & Bradford 1998).

Following European settlement, a number of missions and Aboriginal reserves were also established across Victoria. In 1839 the Port Phillip government set up an Aboriginal Protectorate system under G.A. Robinson. According to a historical landscape case study, 'Government Superintendent Charles La Trobe called on the German based Moravian church to establish a mission station to save the surviving Aboriginal population, and Lake Boga was selected for the first Moravian mission in Victoria in 1851' (Heritage Victoria 2010).

Lake Boga is situated within the traditional country of the 'Gourmjanuk' (meaning along the edge of trees) clan of the Wamba Wamba people.

According to Heritage Victoria (2010)

At Lake Boga, the Moravians established their mission in 1851 on the south-eastern shores of the lake, where they planned to attract the local Wamba Wamba populations to take up permanent residence. They also hoped to establish gardens, keep livestock and open a school. However, after being unable to attract many local Aboriginal people, and with difficulties experienced with local authorities and landholders, the mission closed in 1856, leaving behind little physical evidence of its former existence.

Evidence of the early European settlers and those who travelled through the area can still be seen in the fragments of glass, ceramic and metal which are scattered over a wide area within the boundaries of the former mission reserve.

Until the early 20th Century, many Wamba Wamba people lived on the eastern side of Lake Boga and would walk around the lake dunes to shop in town and to attend school. However, a settlement was established on the western side of the township, and shortly after many moved into the bigger nearby rural settlement of Swan Hill.

In 1858 the Victorian Government recommended the formation of a Central Board to replace the Protectorate system and take over responsibility for the protection of Aboriginal people within the colony. In 1860 the *Central Board Appointed to Watch Over the Interests of Aborigines in the Colony of Victoria* (CBA) was established. The CBA also appointed Honorary Correspondents in districts where Aboriginal people lived. The role of these Honorary Correspondents was to report to the CBA and later the Board for the Protection of Aborigines (BPA) on the health and population of the Aboriginal people. The Honorary Correspondent was also responsible for distributing supplies such as flour, sugar, tea, tobacco, soap, tomahawks, blankets and clothing to Aboriginal people in the area (CBA Reports 1866 & 1869). According to Clark (1990:349) a depot was set up for one Aboriginal person at Koondrook in 1906 after the closure of Ebenezer Mission in 1904.

Today the Aboriginal people of the area are represented by the Moama Local Aboriginal Land Council in NSW and Wadi Wadi Wamba Wamba Barapa Barapa First Nations Aboriginal Corporation (WWWBFFNAC) and Barapa Barapa Nation Aboriginal Corporation (BBNAC) in Victoria.



It should be noted that the heritage advisor has attempted to provide relevant ethnographic information from many sources. This may not represent the perspective of the relevant Aboriginal groups with an interest in the Aboriginal cultural heritage of the region today.

#### **4.2.5 Victorian Aboriginal Heritage Register**

The Victorian Aboriginal Heritage Register (VAHR) was searched by Bridget Grinter on 27 January 2016.

##### Previous Investigations

The geographic region has been the subject of 81 archaeological investigations, including 28 survey reports, 16 desktop/due diligence/papers, 23 standard CHMPs, nine complex assessment CHMPs, three site-specific investigations and two test excavations.

The proposed activity area has been subject to archaeological survey or assessment in the past, as the entire area was surveyed as a part of CHMP 13364 (Edwards, Grinter & Bell 2015). No Aboriginal cultural heritage was identified in the activity area during pedestrian and boat surveys. One shell midden was located 75m to the south and outside of the activity area and a preliminary report form was submitted to OAAV. The CHMP found that “given the highly disturbed nature of the proposed activity area, the likelihood of finding subsurface Aboriginal heritage values within the proposed activity area is low, and of identifying intact, *in situ* Aboriginal cultural heritage is extremely low”.

Several reports are of relevance to the preparation of the current CHMP.

During 1994, Van Waarden reviewed Aboriginal places registered on the Victorian Aboriginal Heritage Register (VAHR) in the Loddon Valley catchment area. Close to the current proposed activity area is a complex of mounds (VAHR 7726-0009) excavated by Walcott, French and Spencer in 1898 (Spencer 1918). Possible burnt clay balls were recovered and five of the mounds contained human remains.

In 1996, Rhodes surveyed a sample of Gunbower Island in conjunction with the Echuca Aboriginal Co-operative and the Victorian Archaeological Survey (VAS). As a result 84 scarred trees, 55 mounds, one shell midden and one hearth were recorded. Rhodes attributes the dearth of culturally scarred Red Gums (compared to scarred Box species) to extensive logging of Red Gum forests along the Murray during the late 19<sup>th</sup> to early 20<sup>th</sup> centuries. Most of the mounds were located in Red Gum forest, and six were associated with shell material.

Wood (1997) surveyed a 25 km long water pipeline alignment between Koondrook and Kerang by vehicle with sensitive areas targeted on foot. No Aboriginal cultural heritage was found in the alignment.

Edmonds (2002) conducted a survey of 43 km of water pipeline branching from Koondrook toward Kerang, and from Koondrook toward Murrabit. The alignment was largely within road reserve. A vehicle survey was undertaken with sensitive landforms and mature eucalypts inspected on foot. All potentially sensitive areas were found to be highly disturbed. No Aboriginal cultural heritage was found within the alignment.

Bell (2009) completed a CHMP for a 13km walking/bicycle track at Gunbower Island. Five places were recorded during the foot survey (one shell midden, three mounds and one scarred tree) and 14 areas of potential cultural heritage sensitivity were identified. The

complex assessment undertaken at these 14 sites did not recover any further Aboriginal cultural heritage.

Vines and Cavanagh (2013) completed a CHMP for the mitigation of various activities (i.e. recreational use of land, pest control, grazing and track maintenance) and flood damage mitigation on Aboriginal cultural heritage places on the crown land between Gunbower Island and Swan Hill. They identified 81 Aboriginal places already existing within their proposed activity area. Aboriginal places were inspected if possible and recommendations for protecting sites were formulated.

Since the original VAHR search, there has been an additional investigation conducted in the geographic region that is relevant to the activity area. A standard CHMP (13119) was prepared by Wood and Houghton (2015) for the redevelopment of the historic Koondrook wharf site, located on the Murray River bank, near the corner of Punt Road and Station Street, in Koondrook, southeast of the Barham-Koondrook bridge. The desktop assessment for CHMP 13119 identified 'a history of disturbances through construction of the historic wharf, tramway, associated buildings, and the turntable (all part of the Koondrook Tramway Complex)'. The standard assessment identified 'further disturbances...including erosion from the river, landscaping, removal of the wharf, a rest area and construction of a pergola, and a walking track' (Wood and Houghton 2015:ii). No Aboriginal cultural heritage or areas likely to contain Aboriginal cultural heritage were identified.

#### Registered Aboriginal Places

The proposed activity area is in an area of cultural heritage sensitivity associated with the Murray River.

There is one registered Aboriginal place within 200m of the proposed activity area. This is the shell midden that was identified during the assessment for the original CHMP (13364).

There are 540 Aboriginal places within the geographic region. The components include:

- Twenty four human remains/burials (ancestral remains)
- Fifty eight artefact scatters
- Two hundred and thirty eight earth features
- Three object collections
- Two hundred and seventeen scarred trees.

There are nine historical reference reports for the geographic region, including:

- One property where people are known to have worked
- One pre-contact food resources/areas where people continued to procure food
- One spiritual place
- One land owned by Aboriginal people
- Three places of recreation
- One location of 'Board for the Protection of Aborigines' depots
- One location of burials within cemeteries.

#### **4.2.6 Land Use History**

##### Pastoral History

The proposed activity area was originally part of the Gannawarra (No. 63) pastoral run, which was gazetted on 4 October, 1848 with an estimated area of 103,680 acres

(Spreadborough & Anderson 1983; Figure 7). However, it was licensed 12 months prior to A. M. Campbell. In April of 1855 the lease was in the hands of A. M. Campbell and A. R. Cruikshank followed by James Magerey in 1858, J. B. Hughes in 1860, the National Bank of Australasia in 1863, Henry Miller in 1866, Benjamin Rochfort in April of 1870, William John Turner Clarke in June of 1870 and then Charles Brown Fisher of Melbourne in 1873 before it was forfeited in 1879.

#### Historic Plans

Township of Koondrook, Parish of Murrabit, County of Gunbower, 1890(?)

The proposed activity area is shown as being situated within crown land along the Murray River. On the plan, the area is marked as 'saw mills' and 'goods shed' (Figure 8).

#### Historic Aerial Photography

The proposed activity area has been partially cleared in the 1945 aerial, with little development close to the river on the Koondrook side (Figure 9). In 1967 (Figure 10) some development is shown close to the river and the tree cover appears denser compared with 1945. A road is shown traversing the south-eastern extent of both aerial images.

### **4.2.7 Oral History**

No oral history information was received during the desktop assessment.

### **4.2.8 Obstacles Encountered in Completing the Desktop Assessment**

No obstacles were encountered in completing the desktop assessment.

### **4.2.9 Site Prediction Model**

Generally speaking, Aboriginal places would be expected to be situated close to either an ephemeral or permanent water source, provide adequate shelter from both the elements, and rising floodwaters and have access to a food source. Additionally, for Aboriginal places to remain in these situations through time, the landscape would not have sustained significant ground disturbance activities.

The results of the desktop assessment indicate that the proposed activity area is comprised of floodplain and plain above flood level landforms. Scarred trees and artefact scatters are the Aboriginal place type most likely to be found in association with these landforms.

Historic plans and aerial mapping indicates the clearance of native vegetation from the general area for agricultural and later residential development and associated uses.

While the proposed activity area has been subject to some disturbance, the proposed activity area contains landforms that are known to contain Aboriginal cultural heritage. As a result of the desktop assessment, it was determined that a standard assessment was required to further investigate the potential for Aboriginal cultural heritage to be located within the proposed activity area and verify the results of the desktop assessment.

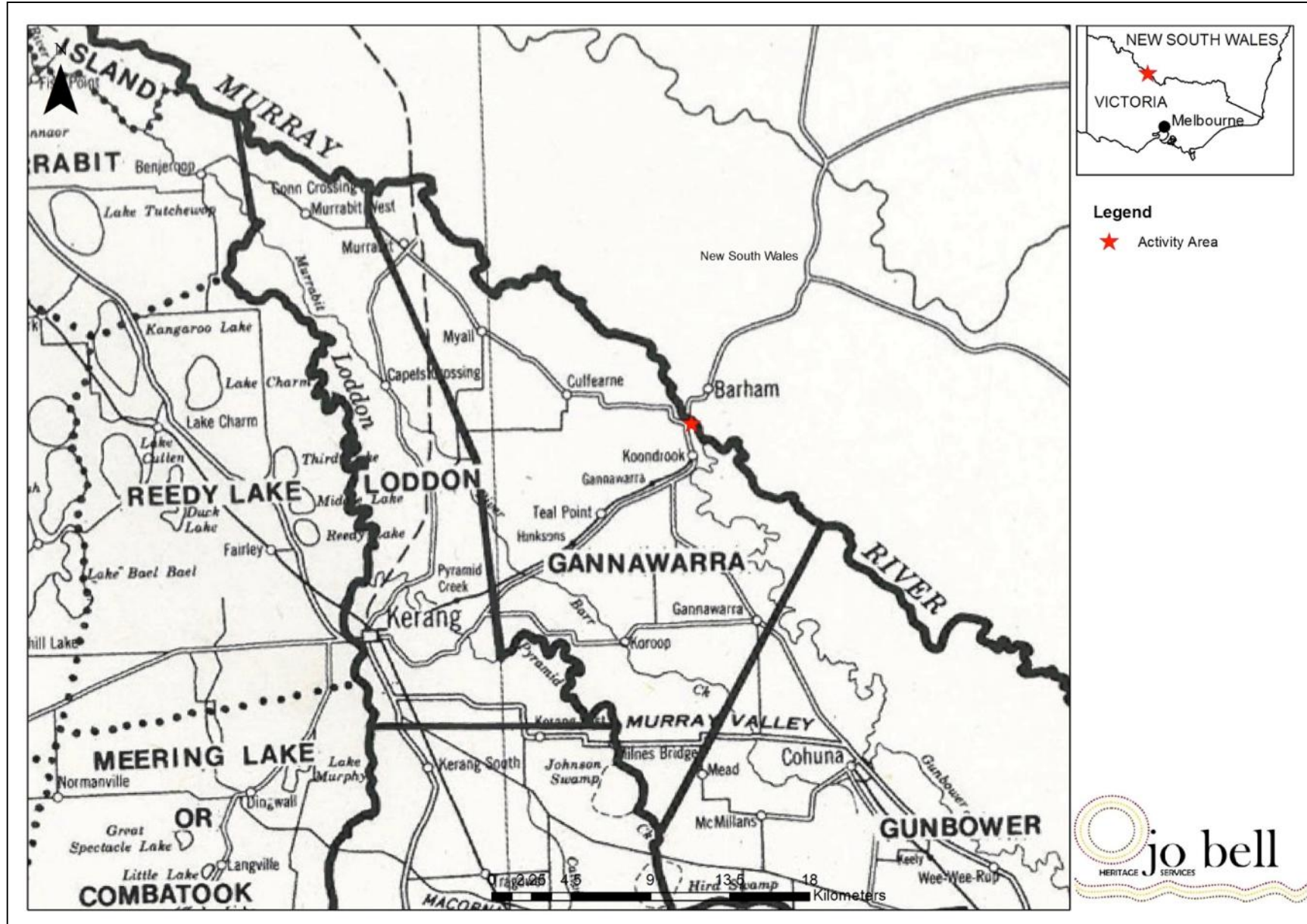


Figure 7: Relevant squatting runs in the district (source: Spreadborough & Anderson 1983)

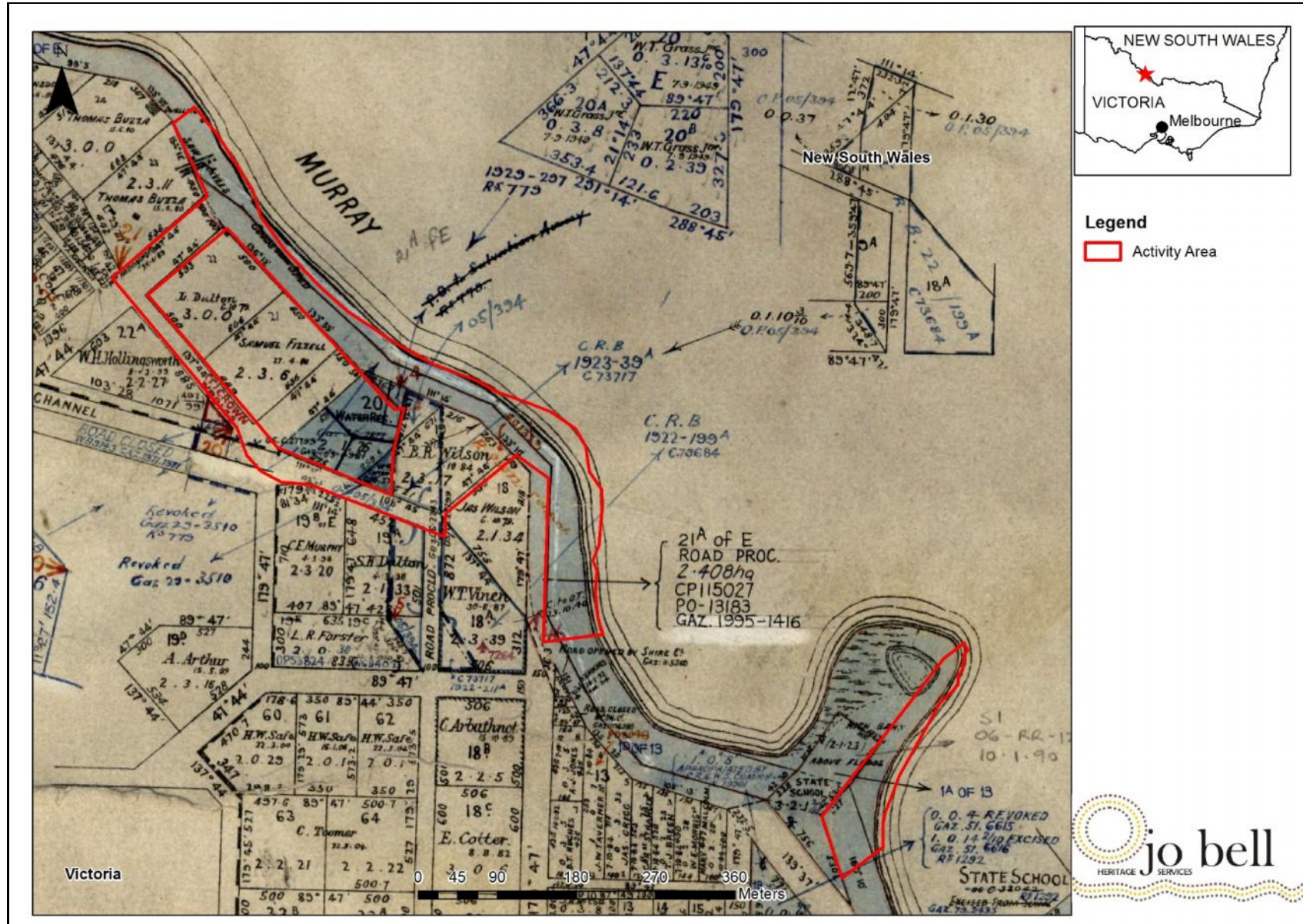


Figure 8: Parish Plan from 1890(?) (source: SLV 2014)

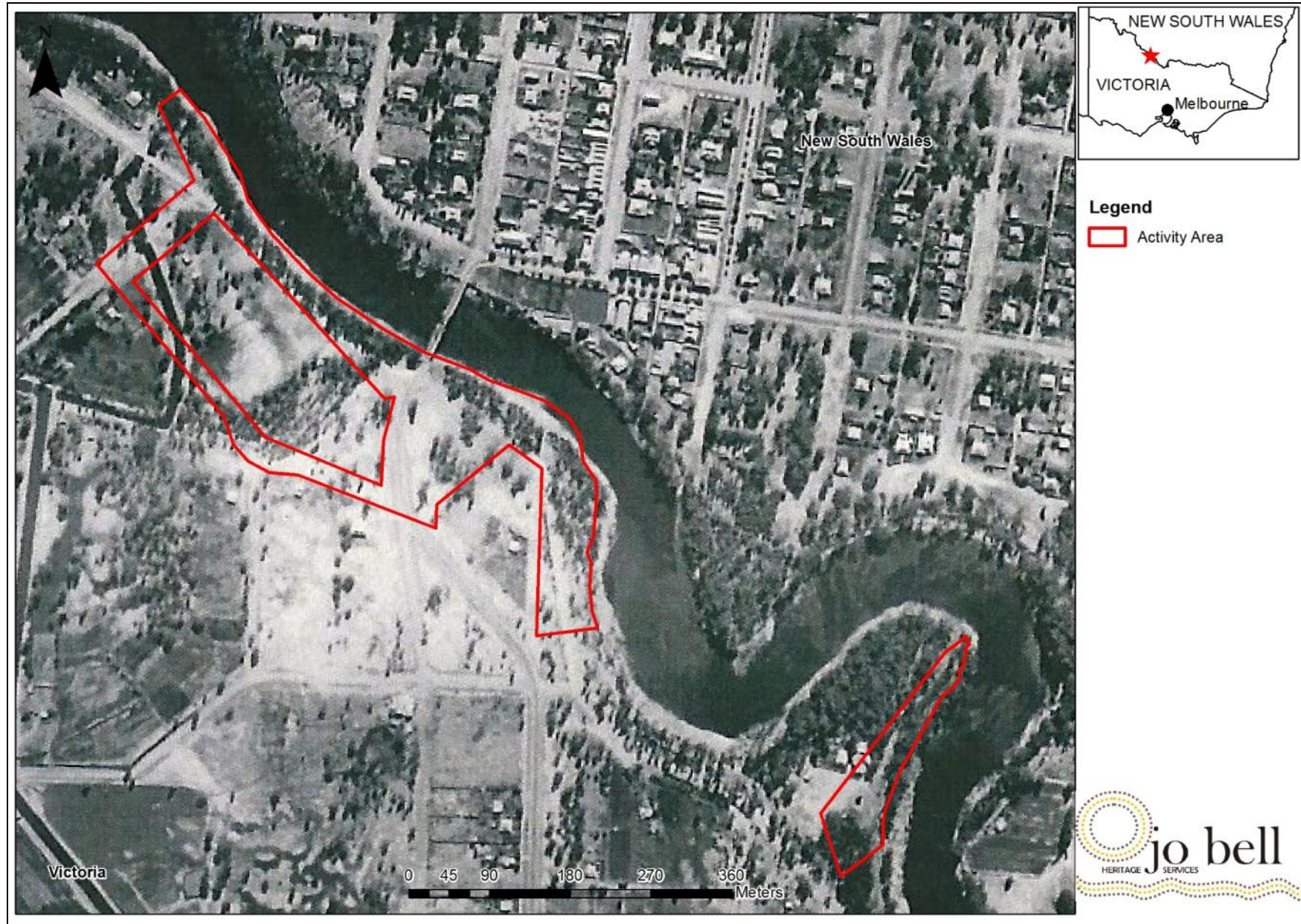


Figure 9: Aerial Photography from 1945 (source: Land Victoria 2014)



Figure 10: Aerial Photography from 1967 (source: Land Victoria 2014)

## 5.0 STANDARD ASSESSMENT

The results of the desktop assessment indicated that a standard assessment was required to further investigate the potential for Aboriginal cultural heritage to be located within the proposed activity area and verify the results of the desktop assessment.

### 5.1 Methodology

The proposed activity area was to be systematically walked by the survey team (after Burke & Smith 2004). This survey methodology was to include the inspection of all mature Eucalypts and landforms known to be sensitive for Aboriginal cultural heritage, such as terraces, lower slopes and high ground overlooking watercourses.

It was proposed to record any Aboriginal cultural heritage places directly onto VAHR record forms. Areas of potential Aboriginal cultural heritage sensitivity identified during the surface assessment were to be noted for further investigation during a complex assessment (if required).

### 5.2 Results

The standard assessment was undertaken over two days. The first day of the assessment was carried out on 13 January 2015 by Jo Bell and Bridget Grinter (JBHS); Wayne Webster and Neville Whyman (BBNAC); and Jida Gulpilil (WWWWBBFNAC). The second day of the assessment was carried out on 31 March 2015 by Bridget Grinter and Ashley Edwards (JBHS); Wayne Webster and Neville Whyman; and Jida Gulpilil (WWWWBBFNAC). Andrew Whitton and Craig Thomas (Roads and Maritime) were also present.

The results of the survey are summarised in Map 3.

#### Day One

The reserve between the Murray River and the road (as indicated in Map 3) was surveyed on foot by the field team spaced between one and three metres apart.

The proposed activity area comprised a Plain above flood level landform consisting of the high bank of the Murray River, and the alluvial flats of the present floodplain. The proposed activity area contains some native vegetation, however the majority of this is regrowth with very few mature eucalypts present.

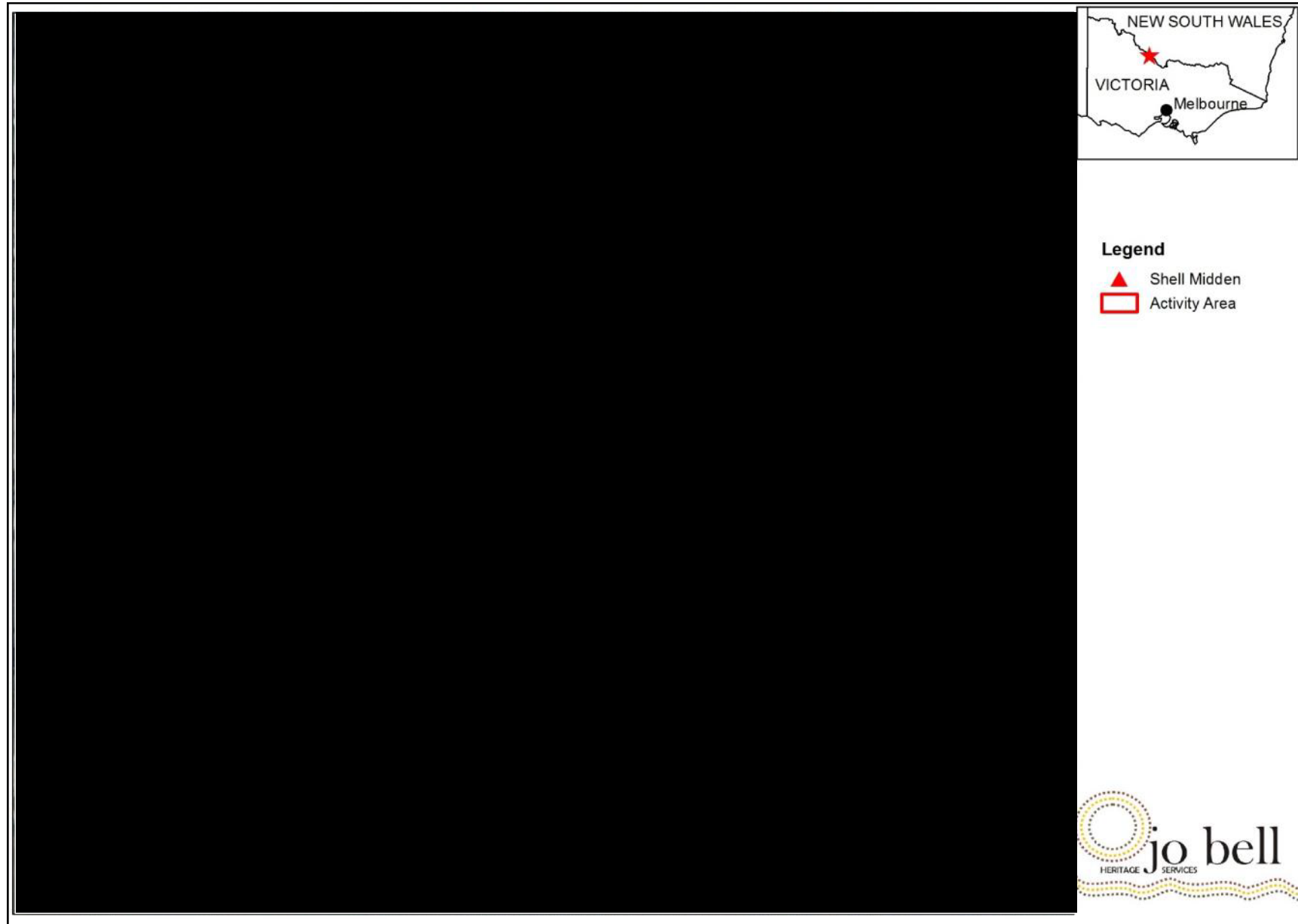
The western end of the proposed activity area includes the riverbank and the Murray Parade roadside verge. The verge was disturbed by vehicle use of the roadside (Plate 1).

The riverbank was eroded and undercut in places, and disturbance has been caused by tree removal, installation of a pump station as evidenced by gravel and rubbish in the bank (Plates 2-4).

The construction of the bridge has caused significant disturbance to the area, including erosion (Plate 5).

East of the bridge is a picnic area with a bench table, grassy area and car park (Plates 6-7). A walking track runs parallel to the river (Plate 8).





Map 3: Survey Results (source: Google Earth 2014)

The increased area for the site compound/ material set down was adjacent the allocated compound area within the activity area in approved CHMP 13364. This new area was surveyed at the same time as the original compound area, and was found to be contiguous with the original area. The land contains young Red Gum trees and has undergone similar disturbance to the original compound area, i.e. vegetation removal, landscaping and has also been used for vehicle access to the Murray River. No ground disturbance works will be undertaken within this area.

The old punt crossing was examined as a possible location for the temporary (Mabey design) bridge, west of the existing bridge. The area was a highly disturbed raised track surrounded by eucalypts and weed species (Plate 9).



**Plate 1: Road side verge at Murray Parade, facing 310° (Photo: J.Bell 13/1/15)**



**Plate 2: Eroded river bank, facing 130° (Photo: J.Bell 13/1/15)**



**Plate 3: Undercut bank, facing 0° (Photo: J.Bell 13/1/15)**



**Plate 4: Pumping station, facing 90° (Photo: J.Bell 13/1/15)**



**Plate 5: Barham bridge, facing 300° (Photo: J.Bell 13/1/15)**



**Plate 6: Picnic area, facing 100° (Photo: J.Bell 13/1/15)**



**Plate 7: Car park, facing 295° (Photo: J.Bell 13/1/15)**



**Plate 8: Walking track, facing 165° (Photo: J.Bell 13/1/15)**



**Plate 9: Punt approach, facing 20° (Photo: B. Grinter 13/01/15)**

A detour route for the possible eastern location was surveyed, including Dalton Street, Burnett Street, Vine Street and Murray Parade (Plate 10).



**Plate 10: Dalton Street, facing 75° (Photo: B. Grinter 13/1/15)**



The entire exposed bank at river level could not be examined due to the sheer cut of the bank in various locations. BBNAC requested that further survey be undertaken using a boat in order to effectively survey the bank.

No Aboriginal cultural heritage or areas likely to contain Aboriginal cultural heritage were discovered in the proposed activity area during the standard assessment.

All mature trees were examined for cultural scarring, however no scarred trees were identified.

No caves or rock shelters were present within the proposed activity area. While there were no areas identified along the riverbank that had not been disturbed, there were sections of the river bank that could not be observed due to the steep nature of the high bank.

### Day Two

A further survey was carried out to inspect the exposed riverbank from a boat in the river. Bridget Grinter, Wayne Webster, Neville Whyman and Jida Gulpilil conducted the survey from the boat while Ashley Edwards, Andrew Whitton and Craig Thomas assisted from the bank.

An area of disturbance was identified in association with a pump on the riverbank west of the bridge (Plate 11, Plate 4). A discrete area of burnt clay was observed next to the area of disturbance, however this was determined to be the result of natural processes (such as burnt tree roots). The riverbank was deeply incised and allowed for good visibility (up to 100%).

No Aboriginal cultural heritage or areas likely to contain Aboriginal cultural heritage were discovered in the proposed activity area during the further standard assessment.



Plate 11: Disturbance from pump station, facing 210° (Photo: B. Grinter 31/3/15)

## 5.3 Oral History

No oral history information was provided during the standard assessment.

## **5.4 Obstacles Encountered in Completing the Standard Assessment**

While the vertical banks and access to exposed deposits caused some difficulty during the first day of fieldwork, this was rectified by utilising an alternative method for survey.

## **5.5 Summary**

While no Aboriginal cultural heritage was discovered in the proposed activity area during the initial standard assessment, some areas could not be adequately surveyed by the team.

The cultural representatives from BBNAC and WWWWBBFNAC expressed concerns that part of the riverbank likely to contain Aboriginal cultural heritage could not be effectively surveyed during the standard assessment due to a lack of ground surface visibility. They requested that these parts be surveyed by boat.

A further survey was carried out to inspect the exposed riverbank from a boat in the river. No Aboriginal cultural heritage or areas likely to contain Aboriginal cultural heritage were discovered in the proposed activity area during the standard assessment.

The results of the desktop and standard assessments have indicated that the proposed activity area has been cleared of most of its native vegetation and parts have been disturbed by the building of the original Barham Bridge. The punt crossing area and the detour route have also been significantly disturbed by previous and current land use.

Given the highly disturbed nature of the proposed activity area, the likelihood of finding sub-surface Aboriginal heritage values within the proposed activity area is low, and of identifying intact, *in situ* Aboriginal cultural heritage is extremely low.



## 6.0 IMPACT ASSESSMENT – SECTION 61 MATTERS

In accordance with the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2007*, an assessment must be made as to whether the proposed activity would be conducted in a way that avoids harm to Aboriginal cultural heritage, or be conducted in a way that minimises harm to Aboriginal cultural heritage.

The purpose of the Act is to provide for the protection of Aboriginal cultural heritage in Victoria. In the first instance, harm to Aboriginal cultural heritage should be avoided. This may be achieved through appropriate management strategies (or specific measures) in relation to the Aboriginal places and the proposed activity, the use of protective fencing during construction or restricting access, in addition to cultural awareness training for contractors. In the second instance, harm to Aboriginal cultural heritage must be minimised. This may be achieved through re-aligning infrastructure, locating public open space areas over cultural values (if appropriate) or using less invasive construction methods. The final resort is the salvage of cultural heritage where appropriate.

This mandatory cultural heritage management plan is prepared for the proposed upgrade works to the Thule Street bridge over the Murray River at Koondrook in Victoria (Maps 1-2).

Desktop and standard assessments were undertaken in order to investigate the nature of the Aboriginal cultural heritage values of the proposed activity area and to mitigate the risks to these Aboriginal places through appropriate management strategies.

No Aboriginal places were identified during the standard assessment.

No areas likely to contain Aboriginal cultural heritage were identified within the proposed activity area during the standard assessment.

No known Aboriginal cultural heritage values would be impacted by the proposed activity.

## **Part Two: Cultural Heritage Management Recommendations**

These recommendations become compliance requirements once the cultural heritage management plan is approved.

## 7.0 SPECIFIC MANAGEMENT MEASURES

The *Aboriginal Heritage Act 2006* requires a CHMP to set out recommendations for measures to be taken before, during and after the proposed activity to manage and protect the Aboriginal cultural heritage identified during the cultural heritage assessment. These are set out below.

### 7.1 On-site Cultural Heritage Induction

1. All contractors and/or employees of contractors who are supervising work during the proposed activity in relation to earthmoving or ground disturbance must attend an on-site cultural heritage induction
2. All ground disturbance work must be supervised by a person who has undertaken the on-site cultural heritage induction
3. The on-site cultural heritage induction must be undertaken *before the commencement of work*
4. The on-site cultural heritage induction must cover:
  - a. The specific requirements of this CHMP
  - b. The contingency plans contained in this CHMP
  - c. Cultural awareness training.
5. It is the responsibility of the sponsor to ensure that an on-site cultural heritage induction is undertaken
6. The costs of the on-site cultural heritage induction must be met by the sponsor.

### 7.2 Copy of the Approved Plan must be kept on-site

A copy of the approved plan must be kept on site at all times during the conduct of the proposed activity.

## 8.0 CONTINGENCY PLANS

In the event that Aboriginal cultural heritage is found during the conduct of the proposed activity, contingency measures are set out below. The contingency measures set out the sponsor's requirements in the event that Aboriginal cultural heritage is identified during the conduct of the proposed activity.

### 8.1 Management of Aboriginal Cultural Heritage found during the Proposed Activity

In the event that new Aboriginal cultural heritage is found during the conduct of the proposed activity, then the following must occur:

- The person who discovers Aboriginal cultural heritage during the proposed activity will immediately notify the person in charge of the proposed activity
- The person in charge of the proposed activity must then suspend any relevant work at the location of the discovery and within a 10 m radius of the relevant place extent
- In order to prevent any further disturbance, the location will be isolated by safety webbing or an equivalent barrier and works may recommence outside the area of exclusion
- The person in charge of the proposed activity must contact the cultural heritage advisor and the relevant Aboriginal group/s immediately
- Within a period not exceeding 5 working days a decision/ recommendation will be made by the cultural heritage advisor and the relevant Aboriginal group/s as to the process to be followed to manage the Aboriginal cultural heritage in a culturally appropriate manner, and how to proceed with the work
- Options for management may include:
  - If the Aboriginal cultural heritage is considered to be an isolated or dispersed scatter of stone artefacts (less than 5 artefacts) in a disturbed context (not *in situ*), once recorded, no further management is required
  - In the event that other Aboriginal cultural heritage is identified (stratified shell midden deposits, hearths, high density artefact scatter):
    - The cultural heritage must be recorded in detail
    - A meeting must then be convened with the relevant Aboriginal group/s to discuss strategies for avoiding further harm to the cultural heritage and if not possible, minimising harm to the cultural heritage. Further discussions can take place including the option for the Aboriginal cultural heritage to be salvaged
    - An appropriate salvage methodology will be developed by the cultural heritage advisor and the relevant Aboriginal group/s based on the type of Aboriginal cultural heritage uncovered
    - The salvage excavations must be implemented by a suitably qualified archaeologist and the relevant Aboriginal group/s
    - A report on the salvage excavations must be prepared and submitted to the Office of Aboriginal Affairs Victoria within 6 months of completion of the salvage excavations.
  - A separate contingency plan has been developed in the event that suspected human remains are discovered during the conduct of the proposed activity.

### **8.1.1 Protocols for handling sensitive information**

Aboriginal cultural heritage encompasses all aspects of Aboriginal culture, including tangible evidence such as stone artefacts, shell middens and ancestral remains, intangible evidence such as oral histories and song lines as well as living culture. While not all aspects of Aboriginal culture is considered sensitive, especially evidence of activities of daily living, there are some aspects that may relate to ceremony, ritual or ancestral remains that are of a particularly sensitive nature. Culturally-sensitive information is inherently bound up with cultural significance. 'If we accept that cultural significance is not an inherent quality of a place, but a social outcome resulting from people's interactions with a place, then the community itself must be the most important source of significance' (Burke & Smith 2004:245).

However, in the event that additional Aboriginal cultural material is identified during the conduct of the proposed activity, the cultural heritage advisor must ensure that any investigations undertaken in relation to the cultural heritage are carried out in a culturally-sensitive manner, which may include limiting access to the cultural heritage during investigations and further advising the sponsor / contractors / employees of their obligations in relation to the culturally-sensitive nature of the heritage and their obligations in relation to the Act.

### **8.2 Notification of the Discovery of Aboriginal cultural heritage during the carrying out of the Proposed Activity**

Where Aboriginal cultural heritage is found during the proposed activity, the cultural heritage advisor must take the lead role in investigating, reporting, and facilitating an appropriate outcome.

Where Aboriginal cultural heritage is found during the proposed activity, the cultural heritage advisor must complete Victorian Aboriginal Heritage Register (VAHR) forms and submit these to the Office of Aboriginal Affairs Victoria (reporting the discovery to the Secretary).

### **8.3 Custody and Management of Aboriginal cultural heritage found during the carrying out of the Proposed Activity**

In the event that Aboriginal cultural heritage is recovered or salvaged from the proposed activity area, it is the responsibility of the cultural heritage advisor to:

- Catalogue the Aboriginal cultural heritage
- Label and package the Aboriginal cultural heritage with reference to provenance
- Arrange storage, in consultation with the relevant Aboriginal group/s, of the Aboriginal cultural heritage in a secure location together with copies of the catalogue and assessment documentation.

Custody of Aboriginal cultural heritage discovered during or after an activity must comply with the requirements established by the *Aboriginal Heritage Act 2006* and be assigned according to the following order of priority, as appropriate:

- Any relevant RAP that is registered for the land from which the Aboriginal heritage is salvaged
- Any relevant registered native title holder for the land from which the Aboriginal heritage is salvaged
- Any relevant native title party (as defined in the *Aboriginal Heritage Act 2006* for the land from which the Aboriginal heritage is salvaged
- Any relevant Aboriginal person or persons with traditional or familial links with the land from which the Aboriginal heritage is salvaged
- Any relevant Aboriginal body or organisation which has historical or contemporary interests in Aboriginal heritage relating to the land which the Aboriginal heritage is salvaged
- The owner of the land from which the Aboriginal heritage is salvaged
- The Museum of Victoria.

### **8.4 Removal and Curation of Aboriginal cultural heritage found during the carrying out of the Proposed Activity**

In the event that the relevant custodian, as set out in Section 8.3 of this plan does not have the capacity to curate any Aboriginal cultural heritage identified during the carrying out of the proposed activity, the cultural heritage advisor must identify alternative arrangements for the curation of the cultural heritage before the salvage commencing.

In the event of salvage work being undertaken during the activity it is the responsibility of the cultural heritage advisor to:

- Catalogue the Aboriginal cultural heritage
- Label and package the Aboriginal cultural heritage with reference to provenance
- Arrange storage in consultation with the relevant Aboriginal group/s, of the Aboriginal cultural heritage in a secure location together with copies of the catalogue, assessment documentation, CHMP and the results of the analysis of the cultural heritage.

## 8.5 Notification of the Discovery of Skeletal Remains during the carrying out of the Proposed Activity

### 1. Discovery:

- If suspected human remains are discovered, all proposed activity in the vicinity must **stop** to ensure minimal damage is caused to the remains
- The remains must be left in place, and protected from harm or damage.

### 2. Notification:

- Once suspected human skeletal remains have been found, the Coronial Admissions and Enquiries Office must be notified immediately on **1300 309 519**
- If there are reasonable grounds to believe that the remains could be Aboriginal, the State Control Centre (SCC) must be immediately notified on **1300 134 488**
- All details of the location and nature of the human remains must be provided to the relevant authorities
- If it is confirmed by these authorities that the discovered remains are Aboriginal ancestral remains, the person responsible for the proposed activity must report the existence of the Aboriginal ancestral remains to the Secretary, DPC in accordance with s.17 of the Act.

### 3. Impact Mitigation or Salvage:

- The Secretary, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal ancestral remains, will determine the appropriate course of action as required by s.18(2)(b) of the Act
- An appropriate impact mitigation or salvage strategy as determined by the Secretary must be implemented.

### 4. Curation and Further Analysis:

- The treatment of salvaged Aboriginal ancestral remains must be in accordance with the direction of the Secretary.

### 5. Reburial:

- Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked and all details provided to the Office of Aboriginal Affairs Victoria
- Appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.

## **8.6 Dispute Resolution**

### **8.6.1 Dispute Resolution in relation to the evaluation of the plan**

Pursuant with Part 8, Division 1, Subdivision 1 of the Act, 'dispute' means a dispute between two or more registered Aboriginal parties arising in relation to the evaluation of a CHMP (s.111); and provides the RAP or the sponsor of a CHMP (or both) avenues to seek alternative dispute resolution by referral to the Chairperson of the VAHC.

As there is no RAP yet appointed for the proposed activity area, there is no *requirement* for a contingency plan under s.61(d) of the Act, which relates to disputes, delays and other obstacles that may affect the conduct of the proposed activity.

However, in accordance with s.116(2) of the Act, the sponsor of a cultural heritage management plan may apply to VCAT for review of a decision of the Secretary under s.65 to refuse to approve the plan. Under s.116(3) an application for a review must be made within 28 days of the day on which the applicant is notified of the decision.

### **8.6.2 Dispute resolution in relation to the Implementation of the plan**

Disputes that arise in other contexts, such as during the implementation of the plan or during the conduct of the proposed activity, must be carefully considered in terms of the intent of the plan, the significance and/or cultural heritage value of any Aboriginal cultural heritage over which a dispute arises, and the proposed activity being undertaken.

In the event that such arises, the cultural heritage advisor should act as mediator. Refer also to Sections 8.1-8.4 of this plan.

## **8.7 Reviewing Compliance**

In order to review compliance with the CHMP and remedy any non-compliance, a checklist is provided in Appendix 7 to be used by the sponsor or sponsor's delegate (on-site supervisor) during the conduct of the proposed activity.

Compliance checks must be undertaken by the sponsor or the sponsor's delegate at appropriate times during the conduct of the proposed activity.

In the event that a non-compliance with the CHMP is identified, then all works within the proposed activity area must cease until compliance with the Management Plan is gained.

Remedying the non-compliance may require:

- \* An on-site meeting between the sponsor or sponsor's delegate, on-site supervisor or Project Manager, the relevant Aboriginal group/s and the cultural heritage advisor.
- \* It is the role of the cultural heritage advisor to facilitate an appropriate outcome, which may include consultation with any relevant stakeholders.
- \* Revisiting the requirements and implementation of the CHMP.



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## **10.0 APPENDICES**

## **Appendix 1: Qualifications of Cultural Heritage Advisor**

**Joanne Bell**  
**Director**  
**Jo Bell Heritage Services Pty. Ltd.**

**Qualifications:**

BA (Hons) Archaeology, La Trobe University, Bundoora, 2000  
Cert. IV Training and Assessment, ECEC 2006

Joanne is qualified in Indigenous Australian prehistory and non-Indigenous historic archaeology. She has more than fifteen years professional experience in heritage management, including development and research projects. Fields of research include Australian Indigenous archaeology, Australian historic archaeology, stone artefact analysis, cultural heritage management and heritage training.

**Ashley Edwards**  
**Project Archaeologist**  
**Jo Bell Heritage Services Pty. Ltd.**

**Qualifications:**

Master of Arts (Archaeology), University of New England, Armidale, 2010  
BArch (Hons), La Trobe University, Bundoora, 2006

Ashley is qualified in Indigenous Australian prehistory and non-Indigenous historic archaeology. She has more than nine years of professional experience in heritage management, including development and research projects. Fields of experience include Australian Indigenous archaeology, Australian historic archaeology, stone artefact analysis and cultural heritage management.

**Bridget Grinter**  
**Project Archaeologist**  
**Jo Bell Heritage Services Pty. Ltd.**

**Qualifications:**

BA (Hons) Archaeology, La Trobe University, Bundoora 2008

Bridget is qualified in Indigenous Australian prehistory and non-Indigenous historic archaeology. She has six years of experience in the industry including survey, background research, artefact analysis and cultural heritage management.

**Appendix 2: Notice of Intent to Prepare a Cultural Heritage Management Plan**



Department of Planning  
and Community Development



## Notice of Intent to prepare a Cultural Heritage Management Plan for the purposes of the *Aboriginal Heritage Act 2006*

This form can be used by the Sponsor of a Cultural Heritage Management Plan to complete the notification provisions pursuant to s.54 of the *Aboriginal Heritage Act 2006* (the "Act").

For clarification on any of the following please contact Victorian Aboriginal Heritage Register (VAHR) enquiries on 1800-726-003.

### SECTION 1 - Sponsor information

Sponsor: Roads and Maritime Services  
ABN/ACN: 76 236 371 088  
Contact Name: Sam Millie  
Postal Address: 1 Simmons St Wagga Wagga NSW 2650  
Business Number: 02 6938 1194 Mobile: 0429 665 954  
Email Address: sam.millie@rms.nsw.gov.au

### Sponsor's agent (if relevant)

Company: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
Business Number: \_\_\_\_\_ Mobile: \_\_\_\_\_  
Email Address: \_\_\_\_\_

### SECTION 2 - Description of proposed activity and location

Project Name: Ancillary Works for Barham-Koondrook bridge over Murray River, Koondrook  
Municipal district: Gannawarra Shire Council

Clearly identify the proposed activity for which the cultural heritage management plan is to be prepared (ie. Mining, road construction, housing subdivision)

VOLUNTARY PLAN

### SECTION 3 - Cultural Heritage Advisor

Bridget Grinter Jo Bell Heritage Services Pty Ltd bridget.grinter@jobellheritageservices.com  
*Name* *Company* *Email address*

### SECTION 4 - Expected start and finish date for the cultural heritage management plan

Start Date: 22-Jan-2016 Finish Date: 25-Jan-2017

Submitted on: 22 Jan 2016





**SECTION 5 - Why are you preparing this cultural heritage management plan?**

- A cultural heritage management Plan is required by the Aboriginal Heritage Regulations 2007  
*What is the high Impact Activity as it is listed in the regulations?*  
VOLUNTARY PLAN  
Is any part of the activity an area of cultural heritage sensitivity, as listed in the regulations? Yes
- Other Reasons (Voluntary)
- An Environmental Effects Statement is required
- A Cultural Heritage Management Plan is required by the Minister for Aboriginal Affairs.

**SECTION 6 - List the relevant registered Aboriginal parties (if any)**

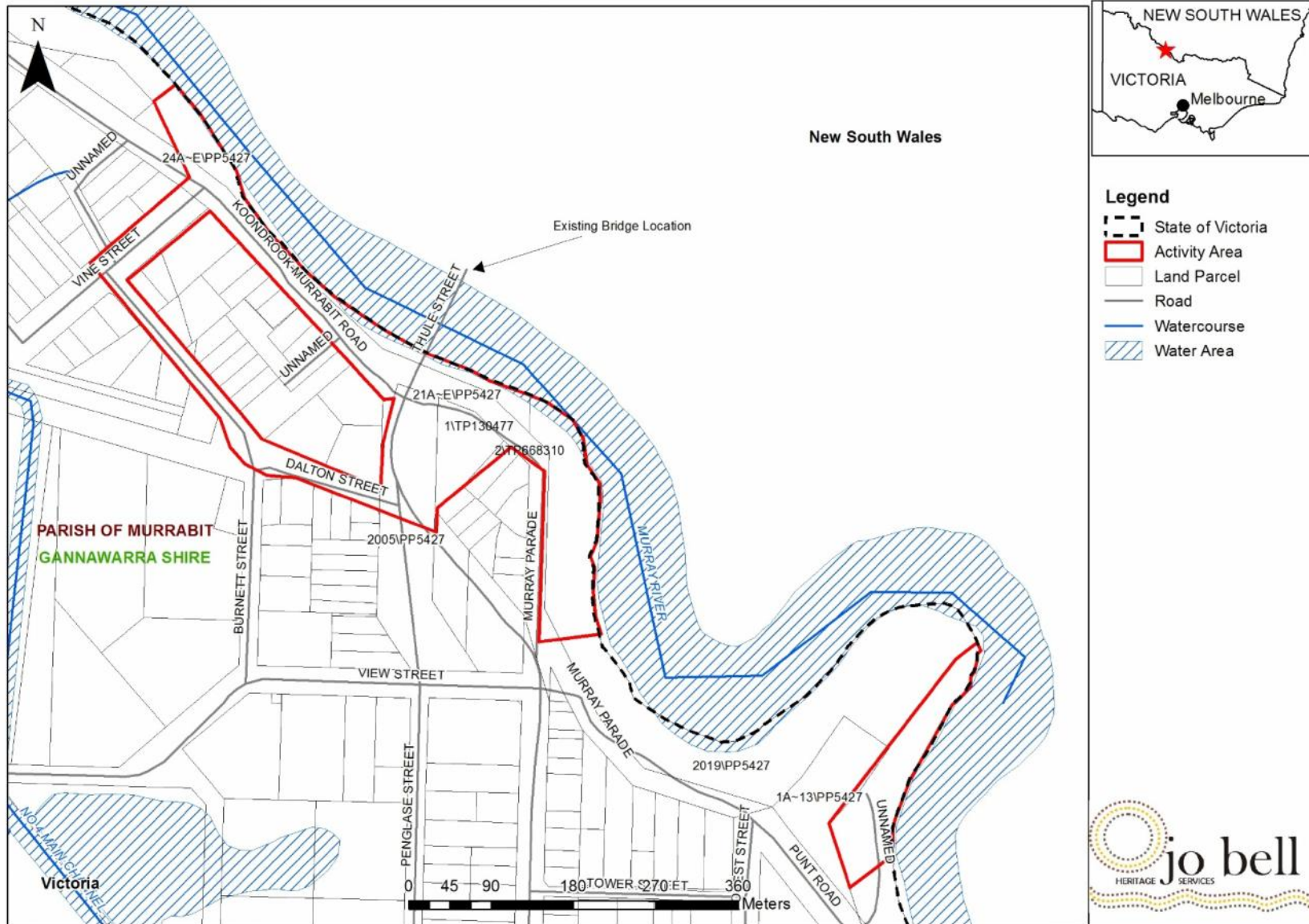
*This section is to be completed where there are registered Aboriginal parties in relation to the management plan.*

**SECTION 7 - Notification checklist**

Ensure that any relevant registered Aboriginal party/s is also notified. A copy of this notice with a map attached may be used for this purpose.  
(A registered Aboriginal party is allowed up to 14 days to provide a written response to a notification specifying whether or not it intends to evaluate the management plan.)

In addition to notifying the Deputy Director and any relevant registered Aboriginal party/s, a Sponsor must also notify any owner and/or occupier of any land within the area to which the management plan relates. A copy of this notice with a map attached may be used for this purpose.

Submitted on: 22 Jan 2016



## **Appendix 3: Compliance Checklist**

## COMPLIANCE REVIEW CHECKLIST

Item	Date Checked	Compliance (C) Non-Compliance (NC)	Signature / Designation	Remedy	Date Remedied	Signature / Designation
<b>General</b>						
Is the CHMP approved?						
Has a cultural heritage advisor been appointed and contact details provided to on-site supervisor?						
Have all relevant contractors (associated with supervising ground disturbance works) undertaken the on-site heritage induction?						
Has a copy of Part 2 of the CHMP been included in all relevant works manuals?						
Is a copy of the approved plan kept on site at all times during the conduct of the proposed activity?						
<b>Specific Recommendations</b>						
Has a copy of the approved plan been kept on-site at all times during the conduct of the proposed activity?						
Has an on-site cultural heritage induction been undertaken before the proposed activity taken place?						
<b>Contingency Plans</b>						
<b>Cultural heritage found during the proposed activity</b>						
Has the discoverer notified the works co-ordinator?						
Have works ceased within 10m of the relevant cultural heritage?						
Has the relevant area been isolated?						
Has the cultural heritage advisor been notified within 2 working days?						

Item	Date Checked	Compliance (C) Non-Compliance (NC)	Signature / Designation	Remedy	Date Remedied	Signature / Designation
Has a decision been made in relation to an appropriate management process within 5 working days? <i>Document process</i>						
<b>Notifications</b>						
Have VAHR forms been completed and submitted to OAAV?						
<b>Custody and Management</b>						
If cultural heritage is found, identify appropriate custodian and document.						
<b>Removal and Curation</b>						
Has the cultural heritage advisor catalogued, labelled and packaged and arranged storage for the cultural heritage found and salvaged?						
<b>Discovery of Human Remains</b>						
Have works ceased in the vicinity of the remains and have they been protected from harm?						
Have Victoria Police and the Coroner been notified?						
If suspected Aboriginal remains, has the Victorian State Control Centre (SCC) must be immediately notified on 1300 344 444?						
<b>Reviewing Compliance</b>						
Has the sponsor or the sponsor's delegate carried out compliance checks at regular intervals during the conduct of the proposed activity?						

## **Appendix 4: Glossary**

**Activity**

The development or use of land

**Activity Area**

The area or areas to be used or developed for an activity

**Archaeology**

The study of the past through the systematic recovery and analysis of material culture.

**Artefact Scatter**

A group of stone artefacts found scattered on the ground surface.

**Assemblage**

A collection of artefacts that are derived from the same Aboriginal place.

**Burial (Human skeletal remains)**

Usually represented by a concentration of human bones or teeth. Burials can be associated with charcoal or ochre, shell, animal bone or stone tools. They tend to be located in sandy areas, which were easy to dig or in rock shelters or tree hollows. They are usually exposed through earthworks or erosion.

**Earth Feature**

Includes mounds, rings, hearths, post holes and ovens.

**Excavation**

The systematic recovery of archaeological data through the exposure of buried sites and artefacts.

**Material culture**

The tangible evidence or cultural remains that are produced by human activity.

**Quarry**

A location from which Aboriginal people have extracted stone for making stone artefacts or mineral such as ochre for use in painting.

**Rock Art**

Paintings or engravings on the surface of caves or rockshelters, created by Aboriginal people in the past.

**Scarred Tree**

Trees from which bark has been removed for the manufacture of utilitarian items such as containers, shelter sheets, canoes or medicine.

**Shell Midden**

A midden is the remains of a meal. In the case of shell middens, marine or freshwater molluscs are the dominant component.



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Customer feedback  
Roads and Maritime  
PO Box 484  
Wagga Wagga NSW 2650  
[barhambridge@rms.nsw.gov.au](mailto:barhambridge@rms.nsw.gov.au)