

The Sea And The Rock Gives Us A Feed



Mapping And Managing Gumbaingirr Wild Resource Use Places



Anthony English

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Ian Brown preparing Cobra (wood worm)
for lunch at Corindi Beach, 2000.
Photo Anthony English

The morning was cold as we approached the creek by driving across a cow paddock. Below a steep slope marked by gums, the water sat inky and black. We were visiting a place used regularly by the Garby Elders thirty years ago to catch fish and collect cobra; long pale wood worms that carve homes in logs and branches. Good tucker according to Bruce Laurie.

With sleeves rolled, small logs were dragged out of the water and moved onto the bank.

The "thunk, thunk" of axes hitting wood began and as if by magic, the split logs revealed the worms sitting fatty inside. Some dangled precariously and were easily plucked, while others were more resistant.

Memories surfaced and the older men commented on how much the creek had changed.

No fish. Not good to drink now, but still a place to find cobra. As the sun crept up the bank, nearby plant foods were noted and teenagers sent off to collect bush lemons.

Eventually, with some worms eaten and the rest collected in buckets, the logs were put back in the water to ensure that this food could be found there again in the future. Everyone bundled back into the cars and we returned through the farm gates to the highway.

Foreword

The New South Wales National Parks & Wildlife Service (NPWS) has been moving for some years now to recognise the link between Aboriginal heritage and the wider landscape. The agency understands that flora, fauna and indeed ecosystems have complex and varied cultural values. These values have been maintained and adapted by Aboriginal communities and are embedded in life histories, identity and aspirations for the future. As an organisation charged with broad environmental management responsibilities, there is an obvious need for the NPWS to respond to these values by working collaboratively with Aboriginal people across a broad range of issues. The management of biodiversity, fire, pest species and landscapes intersects with many contemporary cultural concerns and objectives.

The research documented in this book illustrates one of the ways in which the NPWS is working with Aboriginal people to assess and care for cultural values associated with the land and sea. It represents a commitment to cross-cultural planning and investigation that has the potential to shape the future management of NSW landscapes.

The knowledge and expertise contributed to the project by the Garby Elders and the Yarrowarra Aboriginal Corporation has been significant. It is indicative of the fact that understanding people's attachment to landscape must be based on the recognition of local knowledge. In this case, people's experience of living in the Corindi Beach area has been the primary source of information tapped into by the research. The places and values identified by Gumbaingirr people would in most cases be invisible archaeologically. Instead, identifying the mosaic of places in this study has

required oral history research and detailed cultural mapping, both of which rely on the expression of participants' personal knowledge.

At the same time, the project indicates the value of bringing local knowledge and NPWS expertise together to achieve cultural heritage goals. The result on the one hand is recognition of continuing Aboriginal connections to land and sea, and on the other, the development of planning approaches that respect and provide for community values.



Brian Gilligan
Director-General
NSW National Parks and Wildlife Service

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Contents

	FOREWORD	IV
	ACKNOWLEDGEMENTS	V
	SUMMARY	IX
1	CONTEXT	1
	Introduction	1
	What are Wild Resource Use Places?	2
	Key Concepts	3
	Why Record Wild Resource Use Places?	4
	Project Aims	6
	Project Background	6
2	METHODOLOGY	9
	Introduction	9
	Mapping	9
	Building a Computerised Map In ArcView	10
	Visiting Mapped Places	11
	Conducting the Interviews	11
	Video Recording	12
	Comments On Using the Aerial Photographs	13
	The Place Recording Sheets	13
3	RESULTS	15
	The Historical Context of Land Use at Corindi Beach	15
	Places Identified During the Study	18
	Distribution & Temporal Range of Mapped Places	20
	Categorising Mapped Places	22
	Social Significance of Wild Resource Use Places	24
	Ranking Significance	26
	The Importance of Community Knowledge	26
4	PROTECTING WILD RESOURCE USE PLACES	29
	Heritage Law	29
	VI	

	The National Parks & Wildlife Act 1974 (NSW)	29
	Heritage Act 1977 (NSW)	31
	Protected Areas	32
	Crown Land & State Forest Management	34
	Aboriginal Lands	35
	Alternative Mechanisms	35
	Land Management & the Cultural Values of Biodiversity	35
	Checklist For Land Managers	37
	Local Planning Issues	41
	The Role of Local Councils	41
	Developing Heritage Policies	41
	Using Environmental Planning Instruments	42
	Using Landscape Based Planning Strategies	43
	Expanding the scope of Council Heritage Studies	44
5	ENVIRONMENTAL IMPACT ASSESSMENT - ISSUES & OPTIONS	47
	Implications for EIA	47
	Cross-Tenure Planning & Assessment	48
	Heritage & Health	48
	Multi-Disciplinary Approaches	49
	Creative Conservation Outcomes	50
	Is Change in the Scope of EIA Possible?	50
	The Nexus Between Heritage & Planning Law	51
6	SOCIAL IMPACT ASSESSMENT & WILD RESOURCE USE	53
	SIA - A Way Forward?	53
	SIA & Indigenous People	54
	Social Impacts	55
	SIA, Law & Policy In NSW	56
	Issues of Application	57
	Gaining Support for SIA	57
	A Draft Model for SIA & Cultural Heritage Management	59
	Link to Planning	62

7	SCENARIO: A COASTAL DEVELOPMENT	65
	Setting the Scene	65
	Current Levels of Assessment	65
	Proposed Level of Cultural Assessment	66
	Conservation Options	67
8	ACRONYMS	68
	REFERENCES	69
	APPENDIX 1	73
	APPENDIX 2	83

Summary

This book documents recent research conducted by the Cultural Heritage Division of the NSW National Parks & Wildlife Service (NPWS), and Gumbaingirr people at Corindi Beach on the North Coast of NSW.

It represents a significant shift in Aboriginal heritage management in NSW associated with the aim of documenting the range of cultural values that Aboriginal people associate with the land and sea, and not simply those small points of space occupied by archaeological sites.

The project has considered one aspect of these values. It has focused on mapping and assessing places associated with the use of wild resources in the historic past and the present day. This includes areas used for fishing, hunting, camping and obtaining plant materials.

The cultural values that Aboriginal people ascribe to the environment are many and complex. The active utilisation of wild foods and medicines is but one value, but it is linked to many aspects of contemporary culture and identity. Fishing, plant food collecting and hunting continue to play an important role in many people's lives. Such activities may be viewed as embodying a continuation of cultural practice and as a primary means of passing on ecological knowledge, looking after and observing country, and maintaining links with valued places. The consumption of wild food or medicine is often set within this broader cultural context.



Cheryl Brown laying out the aerial photos prior to an interview with (left to right) Ian Brown, Keith Lardener & Cecil Laurie. Photo Anthony English.

Mapping

It is important to link the values described above to specific places and landscapes. By doing so, we can explore practical options that seek to integrate the values associated with wild foods and medicines into land use planning. This is one step in recognising that Aboriginal heritage is not simply

tioned to the conservation of archaeological sites. Over 100 locations linked to wild resources were mapped during this project. They represent almost a century of land use and range from single food trees to areas of beach and woodland where community members continue to carry out a range of activities. Importantly, the research demonstrates that these types of places are highly valued by Aboriginal people. Other Aboriginal communities across NSW will no doubt value a diverse range of wild resource use and post-contact places that to date, have not been revealed or considered by heritage management processes.

At Corindi Beach, some of the places that were mapped have long been destroyed by urban or rural development. In other cases they are intact, but community members have been unable to access them for many years due to the actions of landowners and managers. Other locations continue to be used. As a group, they form an important part of the informants' lifestyles and sense of identity.

A variety of research tools were employed during this project. The work has involved detailed cultural mapping using enlarged aerial photos, oral history interviews and field trips to a range of valued places. The project has been dependent upon the involvement of numerous Gumbaingirr people who contributed significant time and personal knowledge. Collaboration has been a key component and has helped to ensure that community based outcomes were achieved.

A computer based mapping program, the ArcView Geographic Information System (GIS), has also been used to develop an interactive map of the places identified during this study. Incorporation within a GIS has allowed us to understand the current land tenure and zoning characteristics of mapped places.



Example of a marked aerial photo after an interview. Photo Anthony English

Management

The mapping and assessment of wild resource use places represents a new direction for the NPWS. Prior to this work being carried out, little attention has been provided to such places in NSW, or the values that communities continue to associate with using wild foods and medicines. The NPWS recognises that it needs to conduct this type of research to allow it to develop policies that address the range of cultural values linked to protected areas in NSW. In addition, the agency acknowledges that a similar process needs to influence the design of off-park land use planning processes such as Environmental Impact Assessment (EIA).

There are many challenges that confront any attempt to achieve this. Most importantly, the majority of places that we have mapped at Corindi Beach are not easily protected using heritage law. Those that are not associated with heritage items or archaeological remains have little or no protection under statutes such as the *National Parks & Wildlife Act 1974* (NSW), except where they are formally gazetted as Aboriginal Places. Creative use of other statutes and policies will need to be considered to help address this gap in heritage law.

This complexity is compounded by the fact that the management of wild resource use places raises a number of issues. It focuses attention on intangible

social values associated with concepts like identity, lifestyle and well being. Integrating values, especially intangible ones, into decision making about the environment, has been a constant challenge during the evolution of processes such as Environmental Impact Assessment. As this study makes clear, the NPWS is now exploring ways of achieving this.

In addition, considering wild resource use requires expanding the boundaries of heritage planning. It might require protection of areas of land rather than the simple demarcation of a site such as a scarred tree. In this way it can mirror efforts to protect valued landscape features such as story places. Secondly, in some cases, community members may want to continue or re-establish use of a place. A variety of factors such as tenure, and the type and frequency of desired use, will affect the complexity of managing continued access and interaction.

Despite these challenges, the study argues that opportunities exist in a range of contexts that may allow us to actively consider the cultural values ascribed to biodiversity and environmental health by Aboriginal people. These can be explored by looking at broad scale strategic planning mechanisms, smaller scale land management activities and the complex process of EIA. Importantly, many of these mechanisms are generated at the local government level. This book explores the option of using Environmental Planning Instruments, Rural Lands Studies, Regional Vegetation Management Plans and other tools to account for cultural values that extend beyond those tied to the protection of archaeological sites.

To help guide this process, a series of Checklist Tables are presented for land managers later in this book. These outline key cultural issues that should be considered by managers in contexts like biodiversity research and survey and the management of pest species and fire.

Environmental Impact Assessment

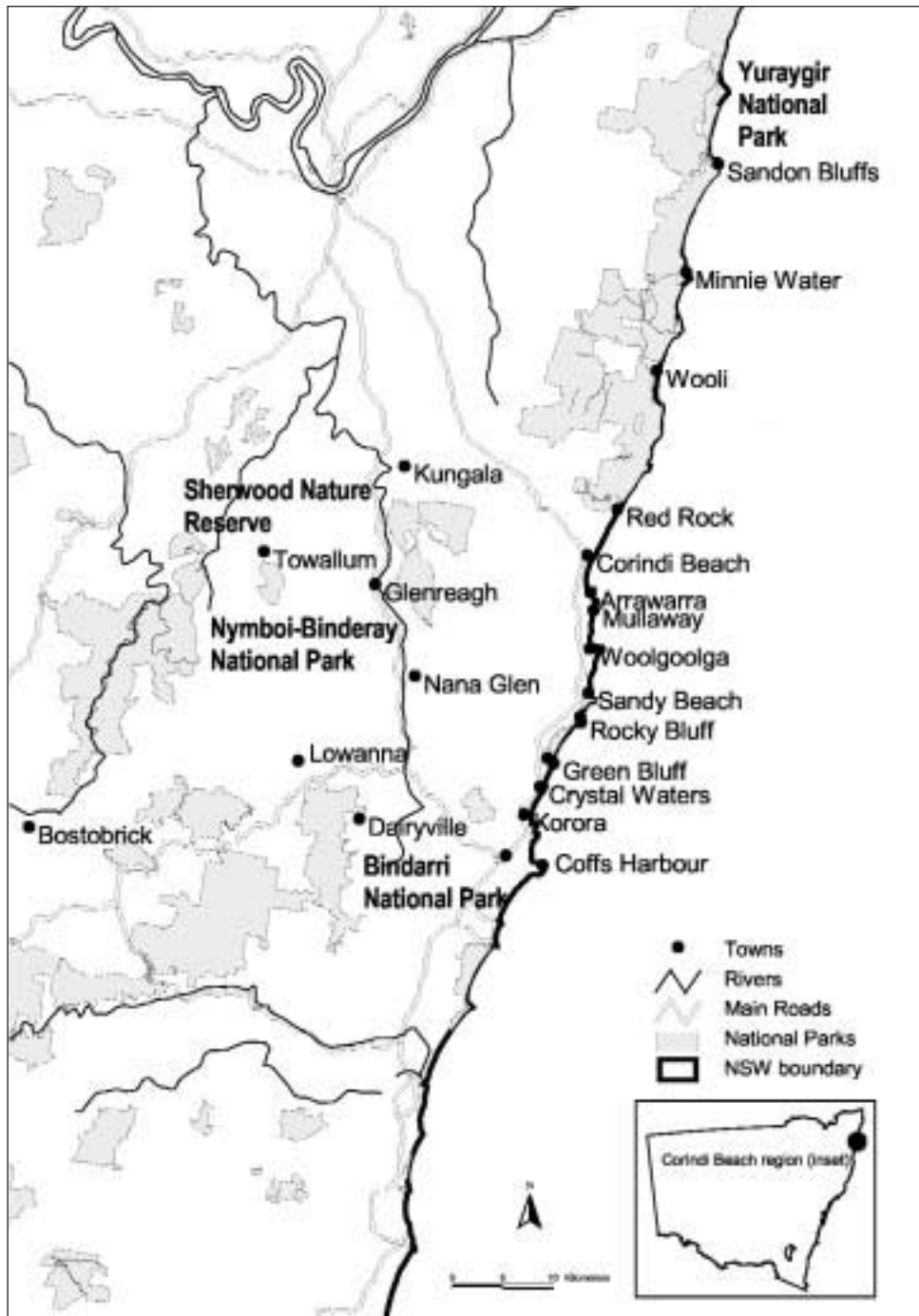
Any attempt to incorporate wild resource use issues into EIA is a complex exercise and this book explores some initial ideas and options. For example, the benefits of developing new policies and guidelines for cultural heritage assessment are investigated.

In particular, the value of adopting elements of Social Impact Assessment (SIA) and utilising the broad provisions of the *Environmental Planning & Assessment Act 1979* (NSW) to achieve better heritage outcomes are discussed.

Outcomes

Fundamentally, the aims of cultural heritage management in NSW need to be reconsidered. It has become clear over the last decade that the historical focus on archaeological issues and assessment processes has not accounted for the broad range of cultural values that have been maintained by Aboriginal people. By actively considering the historic and contemporary interaction between people and landscape, greater social benefits may be generated by land use decision making.

Conservation and planning outcomes that recognise the dynamic nature of Aboriginal people's culture need to be pursued. The development of research, planning and assessment processes that span the artificial divide between "natural" and "cultural" heritage will play an instrumental role in achieving this.



The Study Area

This study focuses on the lands within the Gumbaingirr Nation valued by the Garby Elders at Corindi Beach, 30km north of Coffs Harbour.

The Garby Elders identify with lands between Moonee and Wooli and inland to Glenreagh.¹ The wild resource use mapping project has focused on a section of this area located between Red Rock, 3km north of Corindi Beach, and Arrawarra, approximately 6km to the south. Only a small area inland from the coast has been mapped. These boundaries encompass the key areas that Gumbaingirr people at Corindi Beach have used to obtain wild resources over the last 60 to 100 years.

The Treatment of Cultural Information

The book does not contain detailed spatial information about the places that have been mapped during the study.

The Yarrowarra Aboriginal Corporation at Corindi Beach retains control over this data. Instead, basic information about the history and use of mapped places is presented here to illustrate the range of places and values revealed by this research.



The sea, beaches and landscape are vitally important to the Garby Elders at Corindi Beach. Still from video footage taken by Rob Leggo.

Book Structure

The book commences by outlining the project aims and background. This includes a summary of the research previously undertaken at Corindi Beach during the Aboriginal People & Biodiversity Project between 1998 and 2000. The context of the Coffs Harbour Aboriginal Heritage Study, of which the current research forms a part, is also outlined.

Following this, the project's methodology and outcomes are discussed. The range of places recorded and the types of values that community members ascribe to them are explored. The capacity for these places to be protected using existing heritage law is then assessed.

The study then looks in some detail at how planning tools such as Environmental Planning Instruments and land use strategies developed by local councils might be used to account for Aboriginal people's interests in the management and use of biodiversity.

Finally, an analysis of how the practice of EIA and SIA might be designed to account for wild resource use places is provided. This approach is designed to recognise the link between heritage, identity and community well being. Bound into this is recognition of the relationship between continued use of "heritage places" and their social significance. Appendix 1 provides a summary of existing law and policy relating to the use of wild resources by Aboriginal people in NSW.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

Appendix 2 lists a sample of the places that were recorded during this study.



Paperbarks near the Old Camp at Corindi Beach. People interact with their landscape through continued use and by passing on memories and knowledge. Photo Anthony English.

-
- 1 Perkins, T. 1997 Garby Elders Knowledge and Use of Public Lands. Unpublished report by the Yarrwarra Aboriginal Corporation, p 52 and Dallas, M & Morris, B. 1994 Archaeological and Anthropological Study of an Option of the Corindi Beach Sewerage Scheme. Report to NSW Public Works Department. In this report, Morris states that it is likely that the Aboriginal people living in Corindi Beach today are direct descendants of the groups that occupied the area prior to European invasion.

1 Context

Introduction

Consider a favoured Gumbaingirr² fishing spot now within a Marine Park sanctuary zone, a stand of food plants destroyed by road widening or bag limits governing the amount of pipis that can be taken from the beach.

Picture a swamp, once a rich source of fish, eels, turtles and birds and now polluted by sewage, or the loss of a swimming hole caused by the construction of a bridge.

Are these "cultural heritage" issues? Can the beach, the food plants, the swimming hole and the swamp be considered "heritage" places? What cultural values do Aboriginal people associate with these places and with biodiversity?³ Can fishing or collecting plant foods today be considered a "cultural" activity? Is there a relationship between environmental health⁴ and people's heritage?

These are important questions and this research has explored them in detail. The fact that they are being asked here represents a shift in the NPWS approach to managing Aboriginal heritage. They illustrate growing awareness of the need to view "culture" as being dynamic and linked to complex interactions between people and landscapes.

Today, we are continually reassessing what we mean by the term "cultural heritage". Increasingly, there is awareness that the practice of heritage

management in NSW has been dominated by the technical recording of material remains. While important, this focus has prompted scant attention to other heritage values, including those that derive from peoples historic and contemporary association with places and landscapes.

One vital aspect of this re-evaluation has been exploration of the cultural values that Aboriginal people in NSW ascribe to biodiversity.⁵

This change in approach has been prompted by many different factors. Heritage management is now practiced in a political environment that differs greatly from that which existed even 10 years ago. Important developments such as the recognition of native title have reshaped the context of land management in Australia. Increasing awareness of the link between social values and the environment has also been important and has largely been prompted by greater public scrutiny of government decision making.

In NSW an additional factor has been the increasing attention given to exploring how Aboriginal people have adapted and sustained their cultural identity since the arrival of Europeans. Goodall, writing of Western NSW, states that "Aboriginal people can today sketch out the broader areas to which they are connected, despite locked gates, and recount the ways in which their families are linked to places, the rivers and their stories".⁶ Such connections can be found across the State.

Our understanding of these links has been strengthened by the growth of Aboriginal autobiographies and historical research that has

illustrated the complex patterns of life experienced by Aboriginal people since settlement.⁷ Today we are beginning to acknowledge that Aboriginal people's links with the land and sea have continued to be expressed through story, descent, occupation and use.⁸

These developments have important ramifications for cultural heritage management. They prompt us to consider how planning systems might account for the cultural and social values that Aboriginal people continue to associate with the environment. Consideration of wild resource use places and people's historical and contemporary associations with land and sea can play a role in moving us in this direction.

There are currently few policy or legal tools that allow us to incorporate wild resource use issues and people's concerns about the cultural significance of the environment into land use planning. However, some opportunities have begun to emerge. Regional vegetation planning under the auspices of the *Native Vegetation Conservation Act 1997* (NSW) has begun to consider Aboriginal values, with varying degrees of success. At the time of writing, Catchment Management blueprints in NSW are also beginning to reference the interests and values of Aboriginal people in ways that extend beyond the management of archaeological sites. A similar level of attention is also evident in the terms of some of the recent Regional Forest Agreements in NSW. These Agreements contain references to social and economic values and the need to develop collaborative management of forest environments with Aboriginal communities.⁹

Operationalising these plans and policies however remains a significant challenge. It can be argued that in NSW we are in a period of transition where the work of breaking down narrow definitions of cultural heritage is in its infancy. The issue of how to abandon the now outdated view that "natural" and "cultural" heritage are distinct entities is still being debated. This is best illustrated by the slow

progress being made in communicating across disciplinary boundaries. Developing frameworks in which ecologists, botanists, historians, archaeologists and community members can collaborate represents both an exciting challenge and a source of frustration. The research documented here provides one insight into how more comprehensive assessments of cultural values might be advanced across NSW.

What are Wild Resource Use Places?

Wild resource use places are those locations where people have obtained wild foods, medicines and materials in the historic past, and during the current day. They may range from single food or medicine trees to hunting areas, fishing spots, beaches and patches of vegetation.

During this research, wild resource use places have been defined as locations that have been utilised since European settlement and do not explicitly encompass pre-contact land uses. Clearly however, the landscape in which the project has been conducted was used and occupied for thousands of years before European settlement. This long association plays a major role in shaping Gumbaingirr people's views about contemporary land use and management.

Wild resource use places are a powerful illustration of the historical and continued significance of wild resource use to Aboriginal people in NSW. They represent the application of a considerable body of knowledge about the environment and the ecology of individual species of plant and animal. Understanding their social significance also sheds light on the relationship between environmental health and community life.

Wild resource use and the places where this occurs, form an important component of what can be viewed as a post-contact or contemporary landscape. They can be one of the reasons why environmental features like landforms, vegetation, creeks, estuaries, grasslands and beaches are vested with cultural value. Recognising and providing for the contemporary values that Aboriginal people associate with these features requires blending land management principles with the traditional tools of cultural heritage assessment such as oral history and archaeological survey.

Importantly, because the use of wild resources has been a feature of daily life, it is immediately associated with a wide range of places that were, or are, used and occupied in a variety of ways. For example, resource use may be associated with long-term camps, missions, areas along roadsides where people stop to collect food on an opportunistic basis, and with places of work or recreation. At all of these locations, people may have actively obtained, processed and consumed wild resources.

It is perhaps artificial to draw wild resource use out of this larger context of group and individual history. However, because use of resources and land access are often key issues for Aboriginal people, it is valid to isolate it as a central topic of investigation. Doing so allows us to explore how resource use relates to the planning system and the wide range of government strategies governing environmental management.¹⁰

Over 100 places have been mapped during this project and information collected about their cultural significance, history and condition. Most are primarily associated with obtaining or using wild resources such as foods or medicines. They include locations used for fishing, obtaining woodworm (cobra), wild fruit and plant materials. In some cases, they are associated with activities like hunting that have ceased due to changes in landowner attitudes and the controls established by environmental legislation.

Some of the places mapped during this study have been destroyed by development. Others have been used throughout the post-contact period, while some have only been used in recent years. As a group, they represent a dynamic pattern of interaction with the environment that has been shaped by landscape change, relationships with landowners and evolving community values. When viewed as a map, the network of places demonstrates the ways in which Aboriginal cultural identity has continued to be inscribed on the landscape since the arrival of Europeans.

Key Concepts

"Heritage" can derive much of its meaning from active interaction between people and place. This interaction can be linked to past events or practices, but can also be a facet of contemporary life. Using wild resources is one example.

Four important concepts are dealt with in this study. These underpin much of the ensuing discussion. All relate to the way in which "heritage" is defined, valued and managed:

- 1 The existence of "heritage" places representing the practice of wild resource use can have an important influence on the well being and identity of individuals and groups.
- 2 The ongoing use of heritage places can be intimately linked to the social significance that Aboriginal people ascribe to them.
- 3 The condition of the environment can affect people's ability to access and use heritage places and carry out valued activities.

- 4 In some cases, social impacts can occur if heritage places are destroyed or cultural activities cannot be undertaken. Social impacts encompass negative effects on people's lifestyle, culture, beliefs and use of the land.

The first concept above is especially important. Heritage values are linked to the concepts of community health and well being. As an example, the capacity to find and utilise wild foods has been described by informants during this project as being integral to their sense of identity, morale and their cohesion as family or larger groups. This might include fishing, hunting, plant food collecting, camping, walking along pathways and seemingly innocuous activities like swimming or sitting round a camp fire. It is through these activities that people express and "activate" their associations with place. Such values may not be encompassed by the protection of a midden or the salvage excavation of a stone artefact scatter.

In other words "heritage" management needs to involve much more than the conservation of a rock art's physical fabric, the stabilisation of a mission building or the fencing of a burial or artefact scatter. Such activities should form part of a larger and more complex approach to identifying and managing heritage values. Using wild resources is but one value or issue that needs to be considered.¹¹

The concept of social impacts also forms an important part of this research. The idea that development or land use change can generate social impacts is not new. It has formed an important element of planning theory for many decades. Importantly though, this concept has rarely been linked to the field of cultural heritage management in NSW where an emphasis on material remains has provided limited scope for identifying and managing social impacts.

Why Record Wild Resource Use Places?

There are three main reasons why the knowledge and history of wild resource use needs to be recorded:

- 1 People's environmental knowledge and the places where resource use is carried out are intimately linked to the ways in which Aboriginal people perceive and value the land. They form an important element of people's heritage.
- 2 Contemporary use of resources and landscape features is important to many Aboriginal people for a variety of reasons.
- 3 Incorporating resource use places within the planning system would lead to a more comprehensive approach to identifying heritage issues and gaining planning outcomes that have social benefits for Aboriginal people.

Recording wild resource use places has the potential to produce a number of beneficial outcomes for Aboriginal communities:

Revealing Aboriginal History

Resource use is a valid area of inquiry in any attempt to advance the recording of post-contact history and places in NSW. Valuable historical information can be obtained through this process about the lifestyle and cultural practices of community members. Much of this may not have been previously recorded.

This history can contribute to people's sense of identity and prompt the passing on of cultural and ecological knowledge. Interviews recorded during an earlier NPWS research investigation called the Aboriginal People and Biodiversity Project demonstrated that resource use is at the core of people's sense of connection with the land.

Everyone we talked to, be they young or old, had a story or memory of a place that they valued due to its association with a food or medicine. In most

cases these stories were linked to events shared with other family or community members.¹²

Resource use is often embedded within family and group history. In reality, asking people about their use of wild resources and the land is simply one way of obtaining an understanding of a community's history of interaction with the landscape.

This type of research can reveal detailed local information about relationships with landowners, stories about going on hunting and plant gathering trips, sharing foods and medicines, living conditions and looking after the land. Importantly, such detailed information is rarely collected during standard local council Heritage Studies or EIA funded heritage assessments.

Influencing Joint Management

Where valued places and resources are identified within protected areas, this may have the potential to contribute to a community's request for joint management arrangements under the *National Parks & Wildlife (Aboriginal Ownership) Amendment Act 1996 (NSW) (AOA)*. Joint management has emerged as a potentially important mechanism for recognising Aboriginal people's associations with national parks.¹³

To date only a small number of parks have been returned and it appears that only one lease, for Mutawintji National Park, has been finalised. Despite this, the Act states that additional nominations for hand backs can be made. These will be assessed against a number of criteria that are designed to determine whether the lands nominated are of "cultural significance to Aboriginal people". No test of these criteria has yet been undertaken but the identification of wild resource use places could contribute to an assessment.

A range of other joint management mechanisms have begun to emerge in NSW. Indigenous Land Use Agreements (ILUAs) are now being explored and an agreement has been signed that covers the newly declared Arakwal National Park at Byron Bay. Negotiations over other ILUAs for protected

areas have begun in a number of regions and promise to specifically address Aboriginal people's interests in the broader environment. Other joint management arrangements are also being investigated outside the ILUA framework.

Understanding and managing values associated with wild resource use will be a critical component in establishing effective agreements.

Implications for Native Title Interests

Information collected can potentially have implications for native title claims. Bound into people's use of the land and sea can be evidence of continuous association, the use and observance of cultural rules about sustainability and other issues. Importantly though, legal judgments have emphasised the fact that such activities need to be associated with the continued practice of rules and traditions for them to be considered as evidence of the existence of native title.¹⁴

Influencing Land Use Planning

This book focuses on the potential benefits of integrating wild resource use issues and places into the planning system. Doing so can help identify implications that proposed development, rezoning by local councils or the inclusion of an area within the NPWS Estate, might have on Aboriginal people's ability to obtain resources or to visit valued places. If for example, a place being used or visited today is on vacant Crown land or private property, then rezoning or inclusion within a protected area may have the effect of ending or altering community use. At present, these issues are not taken into account and in some cases, people are losing access to areas that they value highly. Equally, the potential social and conservation benefits that might accrue from contemporary use of these areas by Aboriginal people are not being realised. Identifying wild resource use places creates an opportunity to build them into long term land use planning, policy documents and Environmental Planning Instruments. This has the potential to ensure that future planning

decisions are made with a greater awareness of the importance of a landscape's contemporary and historic significance. This might stem from it being a source of wild foods or medicines, as a teaching place and as an area where families and groups can interact. At present, only known archaeological sites or "story places" are factored into decision making about Aboriginal heritage and this accounts for a fraction of places valued by Aboriginal people.

Project Aims

The study documented here extends the outcomes of initial research undertaken at Corindi Beach between 1998 and 2000 for the Aboriginal People and Biodiversity Project.¹⁵

The study aimed to:

- 1 Further illustrate the historical and contemporary significance of biodiversity to Aboriginal people in NSW.
- 2 Conduct research with the Aboriginal community at Corindi Beach to map and assess the places associated with wild resource use over the last 100 years.
- 3 Assess the ability to use law and policy to ensure that wild resource use places and their associated community values are taken into account during EIA and regional planning.
- 4 Integrate the results of the project into a larger Coffs Harbour Aboriginal Heritage Study.

It is important to note that this project has not focused on the collection of community based ecological knowledge. Instead, the study has been issues based and has sought to avoid being an ethno-botanical exercise. The intent has been to explore the social and cultural role that resource use has played in people's lives. Simply collecting ecological knowledge outside this context would not have allowed such an investigation. It may also have run the risk of being a static document that isolated this knowledge from contemporary life.¹⁶

Project Background

Understanding the Aboriginal Cultural Values of Biodiversity

The earlier Aboriginal People and Biodiversity Project was funded within the Research Unit of the NPWS Cultural Heritage Division. It established a foundation for the current study by providing an overview of the cultural values that Aboriginal people in NSW associate with biodiversity. Two case studies were undertaken during the project. These involved interviewing Aboriginal people about:

- 1 Their use of the land and sea during their lifetimes.
- 2 The cultural value of using wild resources.
- 3 The effects of landscape change on people's identity, culture and well being.
- 4 People's attitudes toward the current scope of EIA and heritage management.

The research was undertaken with Muruwari people in North Western NSW in towns such as Brewarrina, Weilmoringle and Goodooga, and on the North Coast with Gumbaingirr people at Corindi Beach. In both of the case studies, people emphasised the past and continued importance of wild resources to their lifestyle and identity.

One of the key messages conveyed during the earlier project was that flora, fauna and the land are viewed as central elements of people's cultural heritage.

The second key message was that environmental change brought about by development has an impact on Aboriginal people's culture that can extend well beyond the loss of archaeological sites. Some of the key cultural values that people associated with biodiversity are listed in the text box on page 7.

The project report explored these issues and illustrated aspects of the contemporary significance of biodiversity to Aboriginal people in NSW. The report set out numerous recommendations

including the instigation of a wild resource use place mapping project and research into the use of SIA as a tool for addressing the issues raised by communities during the case studies.

The current study at Corindi Beach therefore flows directly from the Aboriginal People and Biodiversity Project. It expands on this earlier project by exploring in more detail how the concept of "place" is associated with wild resource use. Importantly, the study gains further relevance as it forms a central component of a larger Aboriginal heritage study of the Coffs Harbour Land Council area.

Coffs Harbour Aboriginal Heritage Study

In June 2000, the Cultural Heritage Division commenced a Regional Studies program designed to develop methods for assessing Aboriginal heritage values across large areas. The studies seek to create strategies for incorporating these values more effectively into land use planning.

In order to take advantage of the research already undertaken at Corindi Beach, it was decided to commence a study of the Aboriginal heritage values of the Coffs Harbour area.

The Heritage Study was designed to run until mid 2002. The tasks for Year 1 were to:

- 1 Gather background information on the area's Aboriginal history.
- 2 Map post-contact places associated with this history and areas of environmental concern noted by Aboriginal people at Corindi Beach and Coffs Harbour.
- 3 Research and map wild resource use places important to people at Corindi Beach and Coffs Harbour.
- 4 Analyse the potential use of environmental law and policy to support the integration of wild resource use places into EIA and land use planning.
- 5 Seek the views of Aboriginal people, land managers and local councils about issues and opportunities associated with Aboriginal heritage management.

Tasks 1 and 2 have been undertaken by Goulding Heritage Consultants Pty Ltd and are documented elsewhere.¹⁷ Tasks 3 and 4 have been largely addressed by this book. The Heritage Study has now been completed. It was successful in identifying a wide range of places that are associated with Aboriginal people's history in the area.

Some of the key cultural values that Aboriginal people associate with biodiversity include the fact that:

- Flora, fauna and landscape features are integral components of people's cultural construction of "country" or significant lands.
- Individual species can be identified as totems and in turn may be related to family and kinship.
- Social benefits accrue from obtaining, processing and utilising wild foods and medicines including the strengthening of group bonds and identity, passing on and using cultural knowledge, using and inter-acting with valued places, sharing and instilling respect for Elders.
- There are numerous medicinal and health benefits associated with wild resources that are seen as being important for treating health problems such as diabetes, high cholesterol, colds, flu and migraines.
- Wild resources can provide economic benefits that supplement incomes and provide fresh foods, which in remote areas are expensive. People's ecological knowledge can also act as an important foundation for cultural tourism.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

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- 2 Gumbaingirr is a tribal name that relates to an area on the mid-North Coast that roughly extends from Nambucca to Yamba on the coast, and inland to the Northern Tablelands.
 - 3 Biodiversity is defined in the NSW Biodiversity Strategy (NPWS, 1999:70) as "the variety of life forms, the different plants, animals and micro-organisms, the genes they contain and the ecosystems they form."
 - 4 Environmental health refers to the condition of the environment in which people live and on which they rely for their quality of life.
 - 5 English, A.J. and Brown, C. 2000 It's a Part of Us: Aboriginal People's Perspectives on the Cultural Values of Biodiversity. English, A.J. 2000d 'An emu in the hole: exploring the link between biodiversity and Aboriginal heritage in NSW Australia.' IUCN Parks Journal, 10(2), pp.15-25.
 - 6 Goodall, H. 2001 "Renewing Country: Aboriginal People and their lands in rangeland environments." Rangelands Journal, 23(1), pp.99-115.
 - 7 Some examples of historical research which relate to New South Wales include: Goodall, H. 1996 Invasion to Embassy: Land and Aboriginal Politics in NSW, 1770-1972; MacDonald, G. 1997 "Recognition and Justice: the traditional/historical contradiction in NSW, in Smith and Finlayson (eds.) Fighting Over Country, pp.65-8; and Read, P. 2000 Belonging: Australians, place and Aboriginal Ownership.
 - 8 This has been reflected in the NPWS Corporate Plan (NPWS, 1999) which refers to the indivisibility between Aboriginal people's heritage and the environment. This suggests an acceptance of change that shifts the focus away from pre-contact archaeological sites to a more complex view of heritage.
 - 9 Rangan, H. and Lane, M. 2001 "Indigenous people and forest management: comparative analysis of institutional approaches in Australia and India." Society & Natural Resources, 14, pp.145-160.
 - 10 Examples include the NSW Salinity and Biodiversity Strategies and the work being undertaken by Landcare, Catchment Management Committees and Regional Vegetation Committees. All of these strategies and bodies influence the management of landscapes valued by Aboriginal people.
 - 11 Wild resources include native and introduced flora and fauna used for medicinal, subsistence and cultural purposes, as well as the places and landscapes where these resources occur. The concept of use encompasses the physical taking, processing and consumption of foods, medicines and materials. It also includes activities associated with visiting or interacting with a place or landscape, for example in the form of camping in that location.
 - 12 English, A.J. and Brown, C. 2000, op.cit. n5.
 - 13 Smyth, D. 2001 'Joint Management of National Parks' in Baker, R. et al (eds), Working On Country: Contemporary Indigenous Management of Australia's Lands and Coastal Regions, pp.75-89.
 - 14 See for example, Mason v Tritton [1994] 34 NSWLR 572, Yanner v Eaton [1999] HCA 53 and The Members of the Yorta Yorta Aboriginal Community v The State of Victoria & Ors [1998] 1606 FCA.
 - 15 English, A.J. 2000a 'This Continent of Smoke: Analysing the Relationship Between Fire Management and Aboriginal Heritage in NSW,' in the Proceedings of the Red Trucks:Green Futures Conference.,pp.55-65; and English, A.J. and Brown, I. 2001 'Biodiversity, Environmental Health and Aboriginal People: A Challenge for the NSW Planning System,' in the Proceedings of the I Have a Cunning Plan Conference, Sydney.
 - 16 Yarrawarra Aboriginal Corporation has already documented many aspects of their community's ecological knowledge in Perkins (1997). This knowledge is actively built into the Corporation's cultural tourism operations such as the Bush Tucker Walk at Corindi Beach and people's continuing use of the land and sea.
 - 17 Goulding, M. 2001 Cultural places, contested spaces: A study of Aboriginal peoples' historical attachments to landscape. Coffs Harbour Region Cultural Heritage Study. Report to the Cultural Heritage Division, National Parks & Wildlife Service, NSW.

2 Methodology

Introduction

Developing a methodology for the project was guided by three key factors. First, it was essential to gain an understanding of the range of places and values associated with wild resource use in the study area. Second, a consistent approach to collecting, displaying and analysing this information was required. Third, the data collected needed to be assessed to determine whether these places can be taken into account by land use planning processes in NSW. The last step would necessitate exploring planning options at a range of scales. For example, different opportunities and constraints are provided by broad scale strategic planning, the EIA process and localised land management frameworks such as the operation of national parks.

All of these steps needed to be informed by the constraints and opportunities provided by the operation of the planning process in NSW. Time frames are often very tight in this context and professional practice has evolved along very strict sectoral lines. This represents a challenge to any work that seeks to broaden the approach to assessing cultural heritage values.

To understand the range of wild resource use places present in the landscape and assess their cultural values it was necessary to obtain:

- 1 Spatial information about their location, size, tenure and condition.

- 2 Associated information about the activities that occur/ed at each place, who values them and whether they are associated with events and activities that represent an important element of community life and history.

In order to obtain this information, a recording system was developed that combined the use of enlarged aerial photos, follow up oral history interviews and field inspections. The methodology employed has been applied in similar ways in other studies in Australia and overseas. The approach adopted here has links with aspects of participative land assessment conducted in areas such as the Northern Territory and Canada.¹⁸

Mapping

The scale of mapping was an important first consideration. Information capable of supporting EIA or land use planning decisions needs to be detailed. For example, it must allow communities, developers and consent authorities to understand the relationship between valued places and key elements of planning such as development proposals, rezonings and property boundaries.

The interviews conducted at Corindi Beach in 1999 revealed that people possessed detailed knowledge about wild resource use places. A system was required to translate this knowledge into a spatial format while also preserving the integrity of people's information. During the earlier interviews, informants had made reference to features such as good fishing holes in creeks, individual trees or rock platforms and patches of

bush. These features were signposts for people's memories and current activities, and integral to the mapping process. Such features can rarely be distinguished on standard topographic maps. It was clear that even the available 1:25 000 maps did not provide this type of detail. For the same reason, these maps were also seen as a barrier to charting informant's knowledge about landscape change. Alterations in vegetation cover, roads, fencelines, creek lines, dunes and estuaries have all shaped people's use of the landscape over time and needed to be considered.

In contrast, aerial photos had the potential to act as excellent mapping tools. A set of eight enlarged and laminated photos taken in 1996 was prepared for the study. These enabled people to see individual features such as stands of trees, rock platforms, tracks, houses, gates, water features and dunes. This detail also meant that the photos had greater potential to be used as prompts for discussing landscape change. As an example, now disused roads, tracks and fencelines could often be distinguished.¹⁹

The set of joining photographs spanned the coast between Arrawarra and Red Rock, and an area up to 10km inland. This encompassed the key areas of land discussed by the informants during the interviews conducted in 1999. The aerial photos were laid out at the Yarrowarra Aboriginal Corporation's cultural centre and the informants asked to locate and map places associated with wild resource use. The informants included all of those Elders who had been interviewed previously, as well as some additional community members. It did not take long for people to orientate themselves and find key reference points on the photos. Once this had been achieved, the informants quickly began marking places on the photos.

Over the course of two hours, almost 100 locations representing more than a century of land use were marked. Dot labels were used to flag the locations and each was given a number. The informants and the main activities associated with each location,

such as fishing, eeling, or hunting, were noted. This information was collated by Cheryl Brown and used as a reference for further interviews.

Chinagraph pencils were used to plot the location of the tracks and pathways that linked the mapped places. This took more time than marking individual locations, as people had to visualise the pathways and then transfer their twists and turns onto the photos. Despite this, we very quickly began to see a landscape of inter-connecting places.

Many of the locations that people wanted to map could not be represented as points. Woodland where game was hunted, stretches of beach and creeks used for fishing and worming, and dunes where patches of wild cherries are spread over many metres were all best represented as areas. The boundaries of these areas were roughly mapped in consultation with the informants.

Building a Computerised Map in ArcView

The marked aerial photos were taken back to the Cultural Heritage Division NPWS at Hurstville, Sydney. Here, the mapped information was transferred into ArcView GIS. The places were grouped into types such as Fishing Place or Hunting Place and each type was given a distinguishing symbol. Where a range of activities had occurred at a place it was given multiple symbols. The aerial photos served as the map base and had been scanned into ArcView prior to the fieldwork commencing. The photos were rectified and referenced to the Australian Map Grid by using a number of ground control points. This meant that the grid reference for each of the mapped places could be determined and displayed by ArcView.

Next, a set of fields was devised to form a relational database that would be linked to the mapped image. The fields are structured to allow the viewer to sort the places against a number of criteria such as informant, type of place, date range for use and

the types of resources obtained at each location. It is also planned to link each place with its own sheet or summary information that can be viewed by clicking on the place symbols on the map. In addition, photographs and sections of video footage are also being linked to a number of the mapped places. The final product may eventually be used by the Corporation as an educational tool for tourists visiting their Cultural Centre and Bush Tucker Walk.

Visiting Mapped Places

Before conducting the interviews to gather detailed information about the places that had been mapped, a number of them were visited by the study team and the Garby Elders. This allowed people to begin thinking about the places they had identified and also gave us further understanding of the types of information that people possessed about the landscape.

To assist this process, the set of marked aerial photos was taken into the field and we cross-checked the labels on the photos with the location of the places we were visiting. All of these visits prompted people's memories about the past and created a link between the photos and people's personal experiences that greatly assisted the ensuing interviews. All of the visits were recorded on a digital video camera by Rob Leggo so that footage could be captured and hotlinked with the ArcView map at a later stage.

First, we visited a large fish trap at Arrawarra as well as adjoining beaches and headlands. The Elders talked about how they had used this area in the past and pointed out the location of old camps and plant foods, as well as rocks where abalone used to be found. Much of this area is within the Solitary Islands Marine Park. One of the headlands here is known as an excellent fishing location but can no longer be used as it falls within a Marine Park Sanctuary Zone. Other parts of the area have been developed for housing, a caravan park and picnic area.

Further north near Red Rock, we visited a roadside location where a variety of plant foods are obtained by community members during the year.

Finally, the group was able to gain access to Corindi Creek, near the Yarrawarra Corporation's grounds, to obtain cobra or woodworm. The Garby Elders had used the creek over many years between the 1950s and the 1970s. Access had become difficult about 25 years ago due to changes in the ownership of adjoining properties. As a consequence, no one from the community had obtained cobra from this area for a long time.

The Elders met the owner responsible for the creek and he agreed to let the group onto his land. This landowner had allowed access to the area in the past when Aboriginal people worked on the property and he and the Elders know and respect each other. The visit was an enjoyable one. Large amounts of cobra were collected and eaten and bush lemons were also found and brought back to Yarrawarra. Five or six teenagers from Corindi Beach were able to take part in the activities under the guidance of the Elders.

Conducting the Interviews

The interviews were designed to gather detailed information about the history and use of the mapped places. They were conducted by Anthony English and Cheryl Brown with single people and groups of informants. At the beginning of each interview, the marked aerial photos were laid out on the ground and the informants were asked a set of questions about the places they had mapped. Recording Sheets were used to structure the interview questions. Six men and three women were interviewed. This set of people accounted for the main Garby Elders group, as well as staff from Yarrawarra's bushtucker and research unit. The age of the informants ranged from 30 to 60.

Interviews of any sort are obviously guided not only by the informant's knowledge, but also by the types of questions being asked. In the current situation,

there can be no doubt that additional places would be identified if more time was spent with the informants and more detailed questions were asked. For example, it is expected that detailed questioning about the influence of seasonal availability on resource use would have revealed additional information about the use of mapped places and may also have prompted the identification of new locations. In the same way, more intensive questioning about family and personal history would have revealed other places in the landscape that people value or remember.

The informants' gender and age will also have had an influence on the outcomes of the project. The majority of the Elders and community members interviewed at Corindi Beach were male. In addition, many of these informants had grown up together and experienced many shared events. The experiences of female contemporaries may have been very different. They may have different perspectives on the places mapped by the men as well as information about an array of places that the men will not have mapped. Age is also a factor and greater time could be spent at Corindi Beach interviewing teenagers and people in their twenties about their use of the land and sea and their perspectives on the significance of mapped places. To date, there has been an emphasis on interviewing people aged over 30, although some younger people were interviewed during the Aboriginal People and Biodiversity Project.

Video Recording

The use of a video camera during the interviews and field visits proved to be very valuable. All of the interviews were recorded on a digital video camera operated by Rob Leggo and Anthony English. The camera was used as the informants often pointed to the photographs when responding to questions and this process could only be quickly recorded with a camera. This allowed the interviews to flow, with few interruptions required for clarification. New places were identified during a

number of the interviews as the questions and answers prompted people to recall places that they had not previously mapped.

After the interviews were completed all of the video footage was copied to VHS format and referenced to a time code. Logs of each interview were made and these were then used to complete Place Sheets for each of the marked locations.

The video footage of the field trips to mapped places has also been very useful. It allowed us to capture informants talking about how places had changed over time and demonstrating the types of activities that occurred there. For example, detail about finding and eating plant foods could be filmed on location. Once the initial discomfort associated with being in front of a camera faded, it appeared to be generally accepted. People also seemed pleased that events such as the collection of cobra on Corindi Creek were recorded for later viewing. Video provides a format that can be enjoyed by informants, friends and family members as the combination of sound and moving image conveys the atmosphere of interviews and field visits. This is more difficult to capture and convey using still images, audio and written descriptions.



Cheryl Brown laying out the aerial photos in preparation for a joint interview with Ian Brown, Keith Lardener and Cecil Laurie. The camera used to record the interviews is in the foreground. Photo Anthony English.

Comments On Using the Aerial Photographs

The aerial photos provided enough detail to prompt people's memories and allow them to map their knowledge of the landscape. It was common to hear comments during the mapping exercise like "that track went to the left of that group of trees" or "that rock platform there is where we collect shellfish." Significantly, the location of the "Old Farm", an important location occupied by relatives of the informants between 1890/1900 and 1910, was clarified during this process. There had been some doubt about the accuracy of the map used to show this location in an earlier report by Cane.²⁰

The detail visible on the photos also enabled people to discuss and even roughly map aspects of landscape change. For example, areas that had been cleared could be clearly seen and the informants were able to discuss the boundary of original vegetation and when clearing had occurred.

Much of the success of the photos seems to stem from the fact that they prompted strong interest amongst the informants and provided them with a unique perspective on their country. None of the community members had previously seen the photos and so they provided a new way of discussing the land that they associate with.

At this stage, the accuracy of the mapping process is largely untested. This is dependent upon the veracity of people's memories and their interpretation of the aerial photos. The locations of a number of the mapped places were verified using field inspections, but in most cases places are not marked by physical evidence associated with their use by community members. The ArcView maps produced during this phase of research will need to be checked by the informants as part of their use in local planning processes.

The Place Recording Sheets

As noted earlier, a recording sheet was developed to structure the collection of detailed information about each of the locations and pathways that had been mapped. Fields used on the Place Sheet in the box on page 14.

The place recording sheets were designed to allow discussion about a wide range of places such as those containing physical evidence of occupation like huts and fences, or places embodied solely by a single food tree.

The recording process needed to reflect the complex nature of people's attachment to wild resource use places. Understanding their social and cultural significance requires at least a basic knowledge of community and family history and the factors that have affected land use over time.

The place recording sheets cover the following questions:

- 1 Is the place associated with culturally significant events that are valued by community members?
- 2 What occurs/occurred there?
- 3 Who in the community used/uses the place?
- 4 What is/was the land tenure associated with the place and was/is permission required to access it?
- 5 Is the place still utilised today, and if so, what would the implications be if the community lost access to the place?
- 6 Does the place contain material remains associated with use by Aboriginal people?

Fields used on the place recording sheets

- Name of informant(s).
- Name of recorder.
- Place name and number.
- Mapped on aerial photo (Yes/no).
- Place mapped as a point or area.
- Oral history reference (audio or video tape No.)
- Land tenure & owner at the time the place was used.
- Current land tenure and owner.
- What occurred there?
- Date range for use.
- Did people camp there?
- How did people get there?
- Is route to place mapped?
- Was permission required for access?
- Who used the Place?
- How often was/is it used?
- Are there material remains associated with use?
- If use stopped, then why?
- Was/is the Place important for subsistence?
- Has the Place been altered over time?
- Is it significant to people? If so, why?
- Do people want to retain/renew access?
- Can the resources at the Place be obtained elsewhere?

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- 18 See for example Gambold, N. 2001 "Participatory land assessment: integrating perceptions of country through mapping." In Baker, R. et.al. Working on Country. Contemporary Indigenous Management of Australia's Lands and Coastal Regions. Oxford University Press, pp.171-186.
 - 19 The use of aerial photos was inspired by discussions with colleagues John Beattie and Denis Byrne.
 - 20 Cane, S. 1988 The Red Rock Mob: Aboriginal Relationships with the Red Rock, Corindi, NSW. Unpublished report to the Grafton Lands Office.

3 Results

The Historical Context of Land Use at Corindi Beach

One hundred places were mapped during the course of this project. They represent a wide range of activities and events and combine locations associated with both individual and group memory.

A first attempt at developing a classification system for these places is attempted later in this document. This is necessary, as we need to understand the extent to which existing heritage law can encompass the places that have been recorded. This has implications for their ongoing protection and our capacity to argue for their recognition during EIA and land use planning.

To appreciate the range of places identified during this study and their social significance, it is necessary to understand the history of Aboriginal people's land use at Corindi Beach.

Corindi Beach is a small coastal village situated on the coast between the two centres of Coffs Harbour and Grafton. The area around the town has a long history of occupation by Gumbaingirr people that extends from before European settlement to the present day.

The Gumbaingirr nation is widely understood to form a language group that occupied a large area between the Clarence River in the north and the Nambucca River in the south. Goulding notes that there is

debate about the location of the northern boundary with the Yagir people, but that earlier researchers place the western boundary as far inland as west of Ebor and north west of Copmanhurst.²¹

European settlement in the area appears to have commenced in the 1840s with evidence that a pastoral outstation was established at Corindi by 1848. To date, it appears that little information has been collected about the interaction between Gumbaingirr people and Europeans in the local area at this time. There is written historical evidence to suggest conflict in the Corindi area in the 1840s after an attack on a shepherd's hut occurred on a run known as Glenugie. Oral history amongst the Garby Elders indicates that a massacre occurred near Corindi Beach. One informant stated that family knowledge indicated this took place as late as the 1880s.²² A memorial has been recently established to mark this event and lies at Red Rock, not far to the north.

Research conducted with, and by, the Yarrawarra Aboriginal Corporation suggests that after this violence, Gumbaingirr people eventually settled in the 1890s at a camp known as the Old Farm. The camp lies on a property close to the present day site of Yarrawarra's cultural centre and consisted of a small group of timber huts and a well, close to the banks of the Corindi River. Three families are said to have occupied the Old Farm with the permission of the local landholder. They were employed in farming work and appear to have stayed at the camp until sometime between 1910 and the 1920s.²³ Throughout this period, the surrounding region was being steadily modified as European settlement intensified and industries and infrastructure were established.

From the Old Farm, the families moved to another location, even closer to the current site of Yarrawarra's grounds. Eventually, in the 1920's the Gumbaingirr people in the area relocated to lands near Corindi Lake, adjacent to the beach itself. So began a long history of occupation in this area which culminated in establishment of the Old Camp. Occupation around the lake area appears to have been based on a permissive occupancy which allowed people to live on what was then vacant Crown land. The camp was occupied here until the late 1980s and many of the people interviewed during this project had lived much of their lives here, since the 1940s. Houses consisted of tin huts with earth floors, one of which is still standing. Through much of this time until the late 1960s or mid 1970s, people were able to obtain work on local farms, in the forestry industry or at banana plantations in the district.²⁴

The families living near the lake were outside the direct control of the Aboriginal Protection Board and the reserve system. This does not mean that they avoided scrutiny or the effects of government policy. For example, interviewees indicate that the Board removed children from Corindi Beach. However, life here was not linked to the establishment of a mission or reserve as had occurred in many areas of the north coast from the 1880s onward.²⁵

This degree of isolation from direct institutional control was an important factor in shaping the lifestyle of Gumbaingirr people at Corindi Beach. Indeed, occupation of the area represents a significant example of continued attachment to land. People's ability to maintain a degree of independence appears to have been based on the remoteness of the town and relationships with surrounding landowners who regularly used Aboriginal labour until the late 1960s or early 1970s.

In the mid 1980s, the Coffs Harbour Local Aboriginal Land Council attempted to claim the land around the lake but this was refused on the grounds that the area was needed for the essential purpose of coastal management and recreation.²⁶

The permissive occupancy was subsequently revoked and the families living there were moved to successfully claimed land nearby where houses had been constructed on Red Rock Road.

In 1987, the Yarrawarra Aboriginal Corporation was established and the Community Development and Employment Program (CDEP) was used to assist the Corporation to construct a cultural centre and conference building. These were erected across the road from the houses now occupied by the people who had been moved from the Old Camp.

There is no doubt that wild resource use has been an important facet of people's lives at Corindi Beach. The oldest informants involved in this project had grown up during the late 1940s and 1950s and for them, using wild foods and medicines appears to have been vital for subsistence, especially during the 1950s and 1960s. It also played a significant role in the development of their cultural knowledge and in cementing their association with country. The interviews reveal that until the early 1970s, informants had access to a wide range of places to fish, hunt and collect resources, and did so both as individuals and in groups.

Throughout this period, Aboriginal people at Corindi Beach used coastal and hinterland environments close to the Old Camp as sources of food and materials. This continues today, but to an extent that differs markedly from the land use practices of the 1950s and 1960s. Food and materials were obtained in a wide variety of locations. Occasionally, food such as bread, cabbages and eggs were provided by local farmers who employed Gumbaingirr people on their farms. One Elder, Tony Perkins, talked about how some resources were also traded with local shopkeepers, but there appears to have been a major reliance on obtaining wild foods and medicines.

Tony Perkins described a common scene at the Old Camp in the 1950s and 1960s:

*"If you got a wallaby or a kangaroo, when you brought it back you'd skin it and clean it off and then you'd take each family some, see. And we'd have a big fire going all the time in the day. Logs with smoke. We'd hang the leg and all the other meat on the wire and it would smoke all day. It would last for a week. All you did was cut the pieces off when you needed it. You didn't have to have a fridge or anything. But while you were doing that, the women or someone, they might have gone down to get the pipis and fish so that when you came back you were sharing different food."*²⁷

Hunting, fishing and other activities were bound into the daily routine of people living at the Old Camp. Tony Perkins explained that the cooperation involved played a central role in creating a sense of community:

*"Everyone had to do something. Like today, you can write an order out and one person can go into the supermarket while other people are just sitting around. They're not going to do anything ... because you had to you know, you were part of a team, in a group. You had to go out next morning. There might be three or four groups that had to go and collect stuff, you know, because you had no money. It was no good sitting at home. You had to keep going, share it around."*²⁸

Using the land and sea obviously had a strong subsistence or economic basis. However, it was also associated with a deep sense of the cultural significance of the surrounding environment and concern for its condition. Such concern has become amplified as rapid landscape change has occurred over the last twenty or thirty years. Wild foods and medicines were also used by deliberate choice, with many being considered delicious or more effective than Western medicines in treating ailments.

The pattern and scope of land use has altered over time as a range of social, political and economic factors evolved to shape life at Corindi Beach.

Ultimately, the range of places and resources used by Aboriginal people in the area has declined with each passing decade. This has been prompted by reduced access to land as owners have barred entry to their properties and as development has led to changes in land tenure and caused the onset of clearing and pollution. One Elder, Cecil Laurie, commented on the effect of clearing and subdivision in the local area:

*"It's not our paddock, all those paddocks there, but before they cleared that up there, that was all gum trees. That's where we used to go for a good feed through there [hunting]. And the gum trees, we used to get grubs out of them, witchetty grubs."*²⁹

Other factors have also played a role. For example, the appearance of social welfare in the 1960s was noted by informants as having reduced their reliance on wild resources. The need to find foods to supplement diet and income was altered. The passing away of the current Elder's parents and grandparents was also described as having had a significant effect on people's land use practices. At the same time, environmental laws regulating or prohibited the taking of wild resources and the use of firearms emerged. The changing level of acceptance by government and wider society of activities like hunting and gathering has certainly shaped the opportunities available to Aboriginal people to utilise wild resources. It is not without irony that Aboriginal people at Corindi Beach contrast the dramatic environmental degradation caused by development with what they describe as their own sustainable use of wild foods and materials. For example, the Lake near the Old Camp was heavily affected by pollution from the growing town in the 1970s at a time when Gumbaingirr people were still relying on it for a range of resources such as oysters, prawns, crabs, turtles, fish and birds. Cecil Laurie talked with sadness about this:

*"Oh I think they ruined that lake. All that murky water come down from that big drain near the shop there. All run into the swamp there, and from the swamp out into the lake. So we hardly don't take anything from the lake now, clouded up like that ... I don't know how the turtles are getting on in the swamp hole, where they go to, because it runs straight into the swamp and from the swamp straight out to the lake. Big lake. All of it's polluted."*³⁰

All of these influences meshed together to change lifestyles and community aspirations. For the current Elders and younger people, wild resource use appears to be focused on fish, shellfish and coastal plants. Hunting of kangaroo, wallaby, birds or rabbits does not appear to have been carried out since the 1970s. This, and the factors mentioned above, means that many of the mapped places noted during this study have not been used or accessed for many years. Others can still be visited, but in many cases the activities that once occurred there can no longer be carried out.

People born during the 1960s and later have had a very different experience of the land and sea. Some talk of the Elders as having lived a "traditional" lifestyle, which they contrast with their own lives. They see their experience of the land and sea as having been characterised by very different conditions. There appears to be a greater degree of mobility amongst younger people, and they also have very different work or lifestyle opportunities. Despite this, many still utilise wild resources and have memories of doing so with family members when they were growing up.

Today, activities such as fishing are highly valued and some people still seek to use bush foods and medicines on a regular basis. Different individuals place varying emphasis on their use of such resources. This appears to be influenced by their experience when growing up, the time available to them, and their desire to learn and apply cultural knowledge. This history has left a complex web of places across the landscape around Corindi Beach

that are associated with different phases in the community's life.

Places Identified During the Study

A list of the places that were recorded during this study is presented in Appendix 2.

The list includes basic details about the activities associated with each place, their tenure, period of use and the informants responsible for mapping them. From this, it can be seen that there are places associated with:

- The use of beaches and rock platforms where fish, shellfish and a range of food plants are obtained;
- The use of creeks, swamp and woodland including good fishing holes, areas where wood worm can be found, as well as larger hunting areas once used to obtain ducks, wallaby and kangaroo;
- Camps or living areas, for example the Old Camp at Corindi Beach and camps once occupied at Red Rock and Arrawarra;
- Individual food or medicine plants, or patches of such plants;
- Spirits or ghosts; and
- A massacre event.

The places mapped during this study primarily span the years between the 1950s and the present day. This reflects the nature of the mapping exercise, which focused on living people's experience. While the informants were guided by the request to mark locations where wild resources were obtained, this inevitably prompted people to mark camps, spirit or ghost places and areas associated with work and recreation. In part this is because the aerial photos showed the informants a view of landscape that is associated with many events and places.

It also reflects the fact that utilisation of wild resources intersects with many aspects of family life. As people discussed fishing, hunting wallaby

or echidna, and collecting shellfish, their thoughts were entangled with memories of where they lived at the time, where the foods were distributed and consumed and how they accessed such resources. Spatially, places are also linked. For example, individual food trees or patches of wild cherries were mappable as discrete entities, but they are tied to pathways and the places where people lived and worked.

As an example, numerous camps occupied between the 1900s and the 1980s were mapped during this project. They include camps at Arrawarra, south of Corindi Beach, used by Aboriginal people for at least 30 years between the 1920s and the late 1950s. They were visited on weekends by many of the Elders from Corindi Beach when they were young. Camps near Red Rock to the north were also identified. Red Rock is associated with both permanent camps occupied between the early 1900s and the late 1950s, as well as with Christmas camps used by the people living at Corindi Beach. Wild foods were consumed or collected while travelling to these places. In this way, pathways or travel routes are also directly associated with the concept of resource use and were mapped during this study.



Cutting open logs for cobra, or wood worm, on a property near the Yarrawarra Aboriginal Cultural Centre, Corindi Beach. Still from video footage taken in August 2000 by Anthony English.

The places mapped during this study primarily span the years between the 1950s and the present day. This reflects the nature of the mapping exercise which focused on living people's experience.

Individual informants mapped places where they or their families had lived at different times. For example, Tony Perkins mapped the location of his family's house on the outskirts of Corindi Beach and those of other family members that were occupied between the late 1950s and the early 1970s. The Old Camp, a place of central importance to all informants and where many lived for decades, was also indicated.

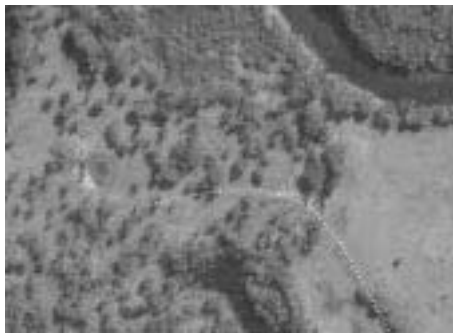
People also mapped places that had been used by close family members. Tony Perkins marked a number of locations around the township of Corindi Beach that had been utilised by now deceased relatives. For example, he mapped a large tree within the township that a relative commonly used to obtain possums and parrots during the 1950s. He had been taken to such places and had been involved in the activities that occurred there.

This knowledge reflects personal experience and family history, which may not have been directly shared by his contemporaries.

As another example, Bruce Laurie mapped an area that his father had used to hunt echidna in the 1950s when Bruce was young. Bruce and his contemporaries were not allowed to visit this area as it was considered the terrain made it too dangerous to visit, especially at night.

In addition, places were mapped that are linked to stories and beliefs. As an example, trees were noted at Corindi Beach that are tied to rules concerning taboos. Two of these trees are associated with spirits and a ghost dog and also demarcate an area where people should not go after dark. They are good examples of the capacity for landscape features to be vested with cultural meaning and significance.

Camps and spirit places however formed a minority of the marked locations. The majority of mapped places were linked primarily with wild resource use. They included individual food or medicine trees and patches of vegetation where fruit can be obtained in season. Holes where turtles and fish were once plentiful, areas used for hunting wallaby and kangaroo, rock platforms where shellfish can be gathered and trees once used for hunting possums and parrots are key examples of the range of places that emerged during this study.



Aerial photo showing a section of track to the Old Farm. The Corindi River is visible in the top right corner.

EXAMPLE OF A MAPPED FEATURE:

The Track to the Old Farm.

The track linking the Old Farm to the Old Camp by Corindi Lake was used by Gumbaingirr people between 1900 and the late 1970s. It started at the Old Red Rock Road, passing through bushland to the Corindi River.

The track was used by the current Elders to access hunting areas and the Old Farm between the 1950s and the 1970s. The track crossed creeks, swamps and woodland vegetation. People using the track would fish for mullet and crabs in the creeks. Elders also have memories of a scarred tree in the area.

In the late 1970s a new landowner barred access with a locked gate. The vegetation has thickened in places since that time and some sections have been cleared, otherwise the landscape appears to have changed little since access was lost.

Distribution & Temporal Range of Mapped Places

Clustering

A number of factors appear to have influenced the distribution of mapped places. What stands out most strongly is that the majority of the places identified are located within 1 or 2 kilometres of the Old Camp and Corindi Beach.

There are a number of possible reasons for this:

- Limited access to vehicles between the 1950s and the 1970s meant that people were restricted to areas within walking distance of their camp.
- The Elders appear to have spent little time living away from the Old Camp and Corindi Beach during their lives.
- Land tenure and relationships with land owners had an effect on where people could go to access and use the land and sea.

The clustering of places close to Corindi Beach has been further reinforced by Goulding's work where people were asked to consider mapping places over a much larger geographic area. This does not mean that the Elders do not associate with places well beyond Corindi Beach, however, it does appear to have been the area where they have lived the greater part of their lives.

Younger informants such as Mark Flanders and Brad Hart who were interviewed during the Aboriginal People and Biodiversity project, talked of places further afield, but again in areas where they had grown up. Both referred to locations in and around Coffs Harbour and Mark talked about a number of areas associated with his use of Coffs Creek during the 1970s.³¹ Ultimately however, the informants who took part in the mapping exercise associate primarily with the immediate area around Corindi Beach and the nearby settlements of Red Rock and Arrawarra.

The Influence of Land Tenure

Many of the mapped places are located on what was vacant Crown land adjoining the settlements of Corindi Beach, Red Rock and Arrawarra. It appears that, in the past, the informants were able to access these areas without the need for permission and with little scrutiny from landowners. This applies to areas along creeklines on the western boundary of Corindi Beach that were once used for catching eels, fish and collecting plant foods. Beaches were accessible in the same way. Here, people could travel freely between camps and access a wide range of resources. The beaches remain a vital area for resource use and recreation and recent declaration of the Solitary Islands Marine Park may have implications for people's continuing use of these areas.

In addition to Crown land, the informants also had access to a number of properties that were owned or leased by non-Aboriginal people. In this way, relationships with landowners also shaped the distribution of places. Many areas used for hunting, and at least one camp, the Old Farm, were used with the express permission of landowners. This included two elderly female dairy farmers who occupied land that now forms the centre of the Corindi Beach township.³² The informants and their families had worked on these properties and had access to most areas for hunting and other activities. The Elders interviewed had used these areas between the 1950s and the 1970s but this use seems to have extended back into the earlier decades of the twentieth century.

All of the informants spoke of the change in their ability to access land and the impact this has had upon their use of the landscape in the area. Over 20 of the mapped places recorded during this project had been barred to Gumbaingirr people when a new generation of landowners bought or took over land in the area in the 1970s. Previous access arrangements were ended by the erection of gates across well worn tracks and paths. In some cases, brief confrontations ensued when

people attempted to visit places they had used for generations. This occurred at the Old Farm and at the Washaway Camp between Red Rock and Corindi Beach which families used all year.

People became increasingly reliant on accessible areas associated with the coast and remaining areas of vacant Crown land around the town. The desire to visit and use barred places is still strong however and remains an important aspect of people's views about their history and identity.

The interviews also revealed that access constraints were compounded by changes in the use and management of Crown lands over time. For example, areas around Red Rock, Arrawarra and Corindi Beach were converted to freehold for residential subdivision progressively from the late 1950s. Tony Perkins indicates that even where this did not directly impinge on people's camps, they nevertheless moved on to avoid conflict with new nearby residents. He cited the case of camps behind Jewfish Point, west of Red Rock as an example of where this occurred.

This situation also influenced the abandonment of a popular permanent camp behind the Red Rock Bowling Club. Known as Tyny's Camp, this area was home to at least 3 families who lived there in tin huts until the late 1950s or early 1960s. People from Corindi Beach such as the current Elders would stay for up to 6 weeks during Christmas holidays at this camp. Goods would be brought up from the Old Camp by the Lake during this time.³³ Today a large fig tree and open space mark the camp.

As Crown land was converted to freehold, use of many wild resource use places located close to these camps appears to have declined. This applies not only to those people who moved on to new camps, but also to people from Corindi Beach.

In more recent times, land management by Reserve Trusts has also affected the lifestyle of Gumbaingirr people at Corindi Beach. Informants pointed to the rules that ban camping at areas

associated with the Washaway and the effects of what community members consider inappropriate fire hazard reduction programs on valued plant foods in these areas.

Relationship to the Age of Informants

People 35 or younger have not used many of the places referred to by the Elders. As discussed, this has been shaped by an array of factors. This does not mean that younger people do not use and value wild resources. As an example, younger people mapped a number of places during the project including areas where they go today to obtain plant foods and materials. These occur on Crown Land, roadsides and land managed by the Coffs Harbour Local Aboriginal Land Council. Beaches and rock platforms are also used regularly.

Importantly, younger informants emphasised that they had a strong desire to visit places used in the past by the Elders and to re-establish ties with these locations. The move by Yarrawarra to purchase the Old Farm camp through the Indigenous Land Corporation is a reflection of this aspiration.

Relationship to the Scope of Ecological Knowledge

The mapped places are distributed across a wide variety of environments. This reflects the broad knowledge base that people possess about resources that has allowed them to effectively utilise areas of coast, woodland and swamp.

Categorising Mapped Places

The mapping process and the ensuing interviews allow us to begin categorising the types of wild resource use places that can exist in the landscape.

These primary categories have implications for the potential to use existing law and policy to incorporate them within EIA and land use planning. For example, existing heritage law has a focus on the protection of physical remains or relics and this has ramifications for place protection.

The following primary types can be defined:

- 1 A place that was used decades ago but not since that time. It may have been associated with activities such as hunting kangaroo, wallaby and goanna and collecting plant foods. It contains no material remains associated with this use. The area has not been altered by development.
- 2 A place identical to (1) above and containing material remains associated with pre and post-contact use by Aboriginal people.
- 3 A place identical to (1) above but without surviving material remains and in a condition that has removed all or most of the resources once obtained there. This could include an area that has been cleared or developed since the community had access to the place.
- 4 A place that has been used continuously by the community for decades and remains in use. It contains material evidence spanning the period from the 1920s to the present including waste dumps, tin huts, wells and pathways in combination with pre-contact middens and scarred trees.
- 5 A place identical to (4) above, but without any material evidence associated with use by Aboriginal people.
- 6 A place that contains valued resources but which has not been used in the past because the same resources used to be obtained elsewhere. The latter have since been destroyed or barred from community access by landowners. Community members now wish to access and use the new location.

Place categories. The following categories are based on examples recorded during this study.

Place Type	Components	Category
Food tree	Single tree	1
Camp & fishing hole	Tin hut remains, bottle dump, living space and fishing hole in creek	2
Wild cherry patch and kangaroo hunting area	Cleared land with little or no remains of the vegetation present when area was used	3
Camp and beach resource use area	Pre-contact shell midden and scarred tree, tin hut remains, bottle dump, pathway to beach, beach and rock platform	4
Beach resource use area	Pathway to beach, beach and rock platform	5
Stand of food plants	Plants	6

The boundaries of these places will also vary in size and shape. For example, some may encompass a range of components, as in the case of the beach resource areas noted in the Table above. In these cases, the boundary may take in a relatively large section of beach, headland and adjoining dunes and creeks. Within this boundary, discrete features such as a hut, tree or pathway may be demarcated. However, the larger boundary may reflect the fact that the whole area is viewed as having cultural or social meaning. In addition, the individual features may be viewed as having temporal or functional relationships that warrant their aggregation within a single boundary.

Other places may be restricted to points, as in the case of single and isolated food trees. The decision to group or separate places could be determined by a range of management, significance, historical and temporal criteria.

This approach challenges the point-based system of archaeological site recording that has dominated heritage management in NSW for the last 30 years. It explicitly allows for the labelling of areas as places of cultural meaning.

More research has to be devoted to developing this classification system. It may be more sensible to develop a list of post-contact and contemporary places that allows us to combine elements or components that reflect the cultural construction and use of such places. Wild resource use places may be identifiable as discrete entities, and in other cases they may be subsumed within more complex classes of place.

At present the NPWS Aboriginal Site Register has only used one category of site type that reflects post-contact Aboriginal history. The term 'Mission' has for many years stood alone as the sole representative of post-contact places in this database. This reflects the scant attention given to recording post-contact places in NSW, and the long-standing emphasis on assessing pre-contact archaeological sites.³⁴

The latest redesign of the Register moves some way toward overcoming this, but it too will need to be revisited to ensure that it reflects the outcomes of research projects such as this.

Social Significance of Wild Resource Use Places

The concept of "significance" is a vital factor in decision making relating to heritage management. Understanding the social significance of wild resource use places can help us ensure that these places are correctly identified and assessed during future heritage assessments.

The social significance attached to the places mapped during this study is complex. The reasons why people value them reflects individual experience and events associated with personal and family history. In many cases, places also appear to be valued as components of a group experience that is talked about by informants in terms such as "the old days", "when we were young", or "where we reconnect with our culture". Unravelling the notion of significance in this context requires being aware of different layers of meaning.

Ultimately, the significance assessment process will influence the way in which wild resource use places are considered as a factor during land use decision making. At present, all archaeological assessments are required to make statements about site significance when framing arguments for or against the conservation of recorded archaeological material. While the value of this process and its underlying philosophy can be questioned, there can be no doubt that "significance" will remain a vital factor in decision making relating to heritage management. This means that we need to begin considering how the social significance of post-contact places, and wild resource use places, in particular, is constructed.

The reasons why wild resource use places are valued by the Yarrowarra Aboriginal community are

listed as points (1) to (8) below. Importantly, the reasons are general in nature and could be applicable to many other Aboriginal communities and individuals located throughout NSW.

Why are Wild Resource Use Places Valued by Aboriginal people?

Some of the reasons why wild resource use places are valued are because they may be associated with:

- 1 Past family, group or individual activities that are remembered by participants or because they feature in stories passed down through generations.
- 2 A highly valued type of food or medicine that is still sought by people today or else remembered as an integral part of people's life and knowledge systems.
- 3 A species that has totemic significance or which features in a story or tradition.
- 4 Independence and self-reliance in the face of economic and social hardship.
- 5 The concept of past or continuing interaction with the landscape in a way that affirms cultural identity.
- 6 Physical remains such as middens, scarred trees or tin huts that bear witness to people's long term and continuing association with the land.
- 7 Enjoyment of the land gained through having access to personal and group space in which to reflect and carry out enjoyable activities such as fishing.
- 8 People's custodial interests in land that are maintained by continuing use and the opportunity to observe change in the landscape's condition.

Places can be valued for a combination of the reasons listed above, and importantly, the social significance attached to a place has the capacity to change with time. For example, a place associated

with an Elder may become more significant after their death. It may in fact become a "memory site" for family and friends that is linked not only with the concept of remembering group history, but also with the life of an individual.

The effects of surrounding landscape change may also raise the significance of a place. If a development removes a location where community members used to obtain a plant or animal resource, places where this resource can still be obtained may become even more important.

In addition, wild resource use places may be valued because the activities that occur there are viewed as providing a tangible link with the past. For example, fishing or plant food collection may be perceived as being a continuation of similar activities that took place in the historic period and even before contact. This is heightened by the fact that in many cases the successful utilisation of wild resources is dependent upon applying ecological knowledge that is tied to people's sense of cultural identity.

Such a link with the past can also have a physical dimension. The presence of pre-contact or historical remains such as middens or huts may add to the significance of a place that is still used by community members. In addition, the spatial, temporal and functional inter-relationships between places may play a role in shaping the significance attached to individual locations by Aboriginal people.

Wild resource use places may be seen as a series of linked spaces that help form a picture of people's history of land use.

Places accessed from the same camp or located along a single pathway may be seen as a series of linked spaces that help form a picture of people's history of land use. This is as true for sites along a Dreaming Track as it is for sites along a pathway between two historic camps. This may have implications for EIA and how we frame conservation options and priorities.

Continued use and the availability of access may also be intimately linked to the significance of the place and also to that of older material remains. In this case, conservation of material remains at a place without the opportunity for continued use of that location may fracture the values that Aboriginal people associate with it. This is an important concept and one that has received little discussion in heritage management literature in NSW. The past emphasis on pre-contact sites or the physical maintenance of post-contact places like mission buildings has generally proceeded without explicit recognition of people's desire to continue interacting with these places, or the land surrounding them. Importantly, this use can be both passive and active. Passive use might involve simply visiting a place with friends and family to talk about the past. Active use might encompass the collection and use of wild resources, camping or the practicing of rituals or traditions. The use does not need to be the same as the activities that occurred at a location in the historic past or pre-contact period.

This use or amenity value needs to be acknowledged as an important part of heritage management. It links the concept of "place" with the idea that culture is active and adaptable. It resists the definition of heritage places as museum pieces that need to be preserved in a static condition or to satisfy a fixed notion of significance. It is this static view of "heritage" that has been partly responsible for limiting Aboriginal people's involvement in land management in NSW to predominantly archaeological site management or assessment projects.

In conclusion, one of the most important messages to emerge from this work has been that people's interests in the land and sea are continually evolving. People's needs and aspirations are influenced by a myriad of factors. This will affect the way in which we might assess the significance of wild resource use places.



Ian Brown explaining how to find and eat cobra (wood worm) on a property near the Yarrawarra Aboriginal Cultural Centre, Corindi Beach. Still from video footage taken by Anthony English in August, 2000.

Ranking Significance

This project has not attempted to assess whether the social significance of places mapped at Corindi Beach can be ranked in terms of their significance. Certainly, people expressed more concern about some places than others. In particular, the Old Farm and Old Camp were noted as being extremely important. The notion of ranking may need to be tackled if any of the mapped places come under threat and if the EIA process is open to allowing these places to be considered during the decision making process. Decisions made about places should rely heavily on the expression of community opinion and knowledge.

The Importance of Community Knowledge

It is clear that community knowledge is the key to both identifying wild resource use places and determining their social significance.

The majority of places mapped during this project could only have been identified by community members. In most cases, they would be invisible to an archaeologist.

It is possible that historical research might unearth details about areas that Aboriginal people have used for camping and gathering resources in the post-contact period. Such information is sometimes provided in station records, diaries, autobiographies and government documents.

It is clear however that many more places would not be mentioned in such documents. Knowledge about these places is embedded instead within the personal histories of Aboriginal community members. This applies especially to those places that were located outside the view of Mission managers, station owners and government employees.

The detailed information that explains why these places are culturally significant would also generally not be contained in historic records. As we have seen, the reasons why a wild resource use place is valued can be complex and dynamic.

It should be clear then that community knowledge is the key to both identifying wild resource use places and determining their social significance. This is important as if land managers accept that these places need to be considered, then we are necessarily stating that the Aboriginal community must shape assessment and decision making processes in ways that exceed their current level of involvement.

Knowledge about wild resource use places is embedded within the personal histories of Aboriginal people. The majority of places mapped during this project could only have been identified by community members.



Talking about bush foods. John Kelly, from Weilmoringle in north western NSW, and Phillip Sullivan (NPWS) discussing "snottygobbles". Still from video footage taken by Rob Leggo in 1999.

"I know sites are important, but sites are only part of the land. The land is the base of your tradition and culture. That's where your food source is. It could be a swamp but it's very valuable. The site may be a very important place, but without a land base you can't teach anything."

Tony Perkins in an interview with Anthony English & Cheryl Brown, March 1999.



Sawing logs to obtain cobra or woodworm, Still from video footage taken by Anthony English in August, 2000.

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- 21 Goulding, M. 2001, op.cit. n17 pp.43-44.
 - 22 Goulding, M. 2001, ibid p.48.
 - 23 Cane, S. 1988, op.cit. n20.
 - 24 English, A.J. and Brown, C. 2000, op.cit. n5, pp.42-45.
 - 25 Goulding, M. 2001, ibid pp.52-53, Murphy, D. et. al. 2000. "No Man's Land" Camps at Corindi Lake South, p 12. University of New England Press, Armidale.
 - 26 Dallas, M. and Morris, B. 1994, op.cit. n1, pp.24-25.
 - 27 English, A.J. and Brown, C. 2000, op.cit. n5 p.31.
 - 28 Ibid, p.58.
 - 29 Ibid, p.55.
 - 30 English, A.J. and Brown, C. 2000, op.cit. n5 p.55.
 - 31 Many of these places, and others in the Coffs Harbour area, have been mapped by Goulding in collaboration with community members and the Coffs Harbour Local Aboriginal Land Council. Mark Flanders acted as one of the community researchers employed during the Coffs Harbour Aboriginal Heritage Study.
 - 32 Tony Perkins Interview with Anthony English and Cheryl Brown, March 1999.
 - 33 English, A.J. and Brown, C. 2000, op.cit. n5.
 - 34 Byrne, D. et.al, 2001 Social Significance: A Discussion Paper. NSW National Parks & Wildlife Service, Hurstville.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

4 Protecting Wild Resource Use Places

Heritage Law

The mapping work at Corindi Beach has clearly revealed a diverse range of places and values that are tied to the concept of past and/or present land use.

The questions remain:

Can these places be encompassed by heritage law and policy?

Can they be granted a status which might allow them to be protected or factored into land use planning?

Protection of wild resource use places has rarely been explicitly considered in NSW and heritage legislation was not designed with this intention. While certain tenures, such as National Parks and Nature Reserves may have the effect of protecting wild resources, they do not automatically provide mechanisms for ensuring that this also takes place during the EIA process. In addition, the provisions sanctioning wild resource use by Aboriginal people in NSW, cited in Appendix 1, do not have any explicit link with the concept of heritage or place protection.³⁵

This section explores these issues by reviewing the scope of existing heritage law and the legal framework behind the management of Crown lands and protected areas.

The National Parks & Wildlife Act 1974 (NSW)

The *National Parks and Wildlife Act 1974* (NSW) (NPW Act) has served as the primary legal basis for Aboriginal heritage management in this State.³⁶ It articulates with the *Environmental Planning & Assessment Act 1979* (NSW) (EPAA), which sets out the framework for EIA and land use planning. Despite the broad scope of the EPAA, the NPW Act has had the dominant role in shaping the development of heritage practice and policy.

Heritage law in NSW currently has an overwhelming emphasis on the protection of material remains and objects and this reflects the wording of the NPW Act. This has been interpreted as stemming from an antiquarian approach to heritage management that has only recently been questioned by the heritage profession.³⁷ Under the NPW Act, Aboriginal objects and Aboriginal Places are granted protection. Aboriginal objects are defined as any deposit, object or material evidence relating to the Aboriginal habitation of the area that comprises NSW, both before and after European settlement (s5(1)).³⁸ The manner in which this is interpreted has implications for the management of wild resource use places. For example, there are limited options for protecting places that are not embodied by material remains or objects. In addition, the Act provides no reference to the concepts of continuing use or amenity that are important when considering resource use places. It appears that the scope of the definition of "relic" (now Aboriginal object) has rarely been examined in court. The most relevant case is *Director of*

National Parks & Wildlife Service v. Histollo Pty Ltd [1995] NSWLEC 132. This case involved alleged damage to the Aboriginal silcrete quarry site on Plumpton Ridge in Western Sydney.³⁹ Here, Justice Bignold determined that a relic was unlikely to include land or real property.

The judgement argues that relics have to comprise material evidence that is directly related to past use of an area by Aboriginal people.

Bignold stated:

"...in the context of the definition of "relic" the deposit, object or material evidence must "relate to the indigenous habitation of the area that comprises NSW." Following from this, it would appear that the deposit, object, or material evidence is something separate from the land that forms part of NSW."

He argued that this was implied by other parts of the Act, in particular by its reference to both relics and Aboriginal Places as separate entities. He saw this as supporting the view that a relic is not a Place, and therefore not land. Bignold also referred to s86(a), that states that no one shall disturb or excavate land for the purpose of discovering a relic without a permit, as reinforcing this distinction.

Having said this, Bignold does acknowledge that the issue is not "free from doubt." The Act does refer to relics as constituting real property in s89(3) and s91. He counters this by stating that to include "land" within the definition of relic would have the result of declaring all land in NSW that relates to indigenous habitation as a relic. This, he argues, cannot have been the intent of the legislation. Bignold does not pursue this inquiry further except to state that perhaps where a relic may comprise land, there must be some additional attribute relating to indigenous habitation. He states that this could be:

"something done by the Aborigines to the land itself, eg: a rock or cave paintings etc which attribute itself constitutes an object, deposit or material evidence."

Bignold's judgement implies that in theory, a landscape can be legally altered if the relics themselves remain unharmed. Under this scenario, vegetation could be removed around a midden and a house constructed, as long as no direct impact occurred to the midden itself.

On this reading, it would appear that the courts would lean in favour of excluding land from the definition of a relic. Bignold's argument does not appear to have been tested in a later case and it is possible that his reasoning could be challenged. We will need to wait for another case to arise.

Based on the existing case law therefore, it would appear that a place used to obtain wild resources in the past or present such as a stand of food plants or a headland would not be classifiable as a relic, or Aboriginal object. Only material evidence associated with these places such as huts, scarred trees and pre-contact material remains are protected by the relic or object provisions. These provisions would not protect valued foods and medicines or vegetation that represents the habitat of hunted species.

Such features may be dealt with under other environmental laws such as those relating to threatened species, native vegetation and water management. However, these statutes do not refer to the potential cultural values of these features and will not require that such values be assessed. Instead they are concerned with "natural" heritage values that at present are viewed as having little link with cultural issues.

Importantly, despite the emphasis on objects, the NPW Act does contain provisions that assist the protection of landscape features valued by Aboriginal people. This is achieved primarily through the Aboriginal Place (AP) mechanism (s84). Material evidence of occupation by Aboriginal people is not required to support declaration of an AP.

The AP concept appears to have been devised to allow the protection of traditional places associated

with stories or legends. It was not designed to cater for the protection of areas whose cultural values are directly linked with past or contemporary wild resource use. In support of this theory, it appears that no APs have been expressly declared in NSW for the purpose of protecting an area on the basis that it has been used, or continues to be used, as an area where people obtain wild resources.

The scope of APs was developed beyond attention to traditional places during the Sites of Significance Survey of the 1970s and 1980s. The survey team actively recorded a number of post-contact or historic places such as missions and nominated them as APs. Despite this, it seems that most successful AP declarations have been focused on recognising ceremonial or spiritual links with place. Certainly, many of the existing APs would encompass lands once used for wild resource use, as in many cases it is difficult to separate out wild resource use from other activities that will have occurred at a valued location. A classic example of this is Saltwater Aboriginal Place near Foster on the mid-North Coast. This area was used by Aboriginal people as a camping and teaching area throughout the period since European settlement. It continues to be used by the Aboriginal community.

In theory, an AP declaration could be used to provide protection for a wild resource use place. The NPW Act states that APs can be declared over any areas that were or are of "special significance to Aborigines." A place used for activities like hunting, gathering, teaching and camping could fall within the scope of this section. If declared on the basis of the presence of valued resources, then presumably, gazettal would provide a level of protection for the valued features at the location. Under the Act, a section 90 permit would be required to damage or destroy vegetation or landforms.

In reality though, only a small number of APs have been declared in NSW. This mechanism has not been effectively integrated into EIA or the planning process. The declaration of APs is a time consuming and potentially costly process requiring

formal gazettal by government. The NPWS has recently placed renewed emphasis on AP declaration but it would appear that the potential to use them regularly within the context of EIA is limited.

In addition, gazettal does not alter the land tenure of the location or mean that access is immediately provided to Aboriginal people. To a large extent, continued or renewed use for gathering wild resources would remain dependent upon permission from landowners. This potentially lessens the value of declaring APs over areas that are associated with past, continuing or desired resource use.

In conclusion, there would appear to be little scope to use the heritage provisions of the NPW Act to account for, or protect wild resource use places.



The fish traps at Arrawarra, south of Corindi Beach, are an example of the type of physical places that can be protected under heritage legislation in NSW. Photo Anthony English.

Heritage Act 1977 (NSW)

The relationship between this Act and the management of places valued by Aboriginal people is a neglected area of research. The Act may have some capacity to provide a level of protection for wild resource use places due to the broad definition it gives to "environmental heritage" and its capacity to link defined places to the planning system through listing on either a Local Environmental Plan (LEP) or the State Heritage Register.

"Environmental heritage" is defined in s4 of the Heritage Act 1977 (NSW) as: "those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance."

Presumably, this definition could encompass a wild resource use place and include a location that contains no relics or physical evidence of use by Aboriginal people. Within the above definition, relic is further defined as "any deposit, object or material evidence relating to the settlement of NSW that is not Aboriginal settlement, and is 50 or more years old". This would discount many places associated with Aboriginal people and creates a problem as it excludes those values that Aboriginal people may link to relics or structures of European origin. However, the definitions of place and precinct are broad. Place is defined as "an area of land, with or without improvements". Under s25, interim heritage orders can be made by local councils on places, buildings, works, relics, moveable objects and precincts of local significance that council considers is being, or is likely to be harmed. Under s32, the Minister can direct that any place of environmental heritage of State significance can be listed on the State Heritage Register. It would appear that areas of land could be protected from development through these processes.

The capacity to use the Act to protect areas associated with Aboriginal people appears to have been rarely considered. Closer assessment of this issue is required.

Protective mechanisms under the Act are enhanced by Part 5 relating to Environmental Planning Instruments. The Heritage Council can direct a local council to prepare an LEP covering land within a precinct covered by an interim heritage order or listing on the Register. This LEP would then need to be taken into account during

any future development assessment process.

Presumably the LEP could also specify the types of cultural or other activities that can occur within the defined area, or at least specify the requirement for a Management Plan for the area that covers these issues. This could then be linked to the s149 certificate covering the land in question.

This last mechanism, or the listing of place on an existing LEP Schedule, is probably more easily pursued than listing on the Register. As noted, the latter requires places to be of State significance and the criteria for judging this appear to require an intensive process of assessment and justification.

In conclusion, the protective powers of this Act need to be considered further.

Protected Areas

Protected areas of all classes result in the conservation of landscapes. These landscapes contain wild resources and places that are valued by Aboriginal people in NSW. In addition, the areas they encompass will in many cases have been utilised by Aboriginal people since European settlement. As an example, Culgoa National Park in north western NSW was created through the purchase of a number of pastoral properties. Local Muruwari people had lived and worked on these stations for generations and continued until declaration, to hunt and gather in this area.⁴⁰

The same situation could apply to many other protected areas in NSW. Where continued use of wild resources is seen as conflicting with the objectives of park management, the declaration of protected areas could restrict people's ability to access and use valued species and places. For this reason, only limited cultural benefits may stem from the protection of places and resources within parks and reserves.

Equally, protected areas may contain resources and culturally valued flora and fauna even where these areas have not had a recent history of use by

Aboriginal people.⁴¹ For example, species within a park may be absent or rare in areas around towns where Aboriginal people reside. This is especially the case in regions that have seen extensive clearing, cropping or urban development. Access to these species may be further restricted by the attitude of landowners to Aboriginal people. A park may therefore be viewed as a source of valued materials, foods or medicines and as an area to carry out cultural activities.

This potential was raised during the recent cultural heritage assessment of Arakoola Nature Reserve in the north-west slopes region by Elders from Toomelah, near Moree.⁴² The Elders indicated that cotton production had severely affected their ability to locate plant foods and medicines around Toomelah where many Aboriginal people live. They pointed to the potential significance of areas like Arakoola as a refuge for valued species that could be utilised by Aboriginal people. The project report recommended that the NPWS and the community consider options for controlled access to plant foods and medicines for educational and cultural purposes and the collection of seedstock by community members to allow plantings at Toomelah.

There are a number of issues associated with Aboriginal people's use of wild resources in NSW protected areas. The legal situation is discussed in Appendix 1 where it is argued that either licensing provisions under the NPW Act, formal joint management or the provisions of s48 of the *Aboriginal Land Rights Act 1983* (NSW) (ALRA), could be used to sanction and control these activities. To date, the NPWS has not produced a policy on this issue and this has hampered assessment of Aboriginal people's options. The NPWS has not incorporated Aboriginal people's interest in fauna and flora into policies relating to fire and pest species management, interpretation and other aspects of park management. However, the Cultural Heritage Division of NPWS has now been given the task of developing policies that address these issues. This study will assist the Division to achieve such a goal. The only protected

areas where wild resource use is specifically sanctioned under law are those that have been returned to traditional owners under a system of joint management set out in the *National Parks and Wildlife (Aboriginal Ownership) Amendment Act 1996* (NSW) (AOA).

In the same way as terrestrial parks conserve areas or at least protect them from direct development, Marine Parks also have the capacity to protect wild resource use places. The scope of this protection however is tempered by the obvious potential restriction on continued use of resources by Aboriginal communities. This has emerged as a difficult issue for the Marine Parks Authority and remains of great concern to those Aboriginal communities affected by the declaration of the Jervis Bay and Solitary Islands Marine Parks.

The *Marine Parks Act 1996* (NSW) supports the emphasis on relics or objects that typifies the NPW Act. Broadening the scope of heritage protection and management in these areas will therefore be dependent upon the creative use of policy and planning, including the use of zoning provisions to balance conservation with sustainable use.

In summary, protected areas could be seen as a protective mechanism for wild resource places. Places that have not been used for many years but which retain their significance to community members can be shielded from development. In situations where the significance of a place is tied to continued or renewed use, then incorporation within a protected area might be problematic for Aboriginal people. Any potential benefits from reservation need to be weighed against the possible diminution of Aboriginal people's ability to access land and resources.



Ada Jarrett, from Toomelah in north western NSW, discussing an orchid in Arakoola Nature Reserve that has medicinal uses, with Karen Moorhouse, NPWS Aboriginal Sites Officer, Anthony English & Robert Potter. Photo taken by Louise Gay during a site survey of the Reserve.

Crown Land & State Forest Management

State Forests are emerging as potentially important locations where Aboriginal people can access wild resources and places. Obviously, these areas have the potential to be impacted or destroyed by forest operations such as logging and the construction of tracks. However, it appears that State Forests may provide an important tenure on which Aboriginal people can interact with, and use the land.

As an agency, State Forests has sanctioned use arrangements with a number of Aboriginal communities in NSW. These include licences to hunt kangaroo and wallaby and collect plant foods, medicines and materials. The Garby Elders at Corindi Beach for example currently have a licence to obtain plant materials from the nearby Wedding Bells State Forest.

Use of forest materials and wild resources is explicitly acknowledged as a management option within the recently released Ecologically

Sustainable Forest Management Plan. The Plan notes that joint management of forest areas would be organised through formal agreements. In other areas, use would be agreed upon via negotiation.⁴³ The Plan for the Upper North East Region flags the employment of Aboriginal people in cultural site management and “other forest management activities”. Rangan and Lane have also noted the potential benefits that will flow from the Regional Forest Agreement relating to the Eden area where Aboriginal values and economic interests have been specifically targeted.⁴⁴

Despite this, the protection and assessment of wild resources and places is still largely governed by the current scope of EIA and heritage management processes. At present, pre-logging surveys appear to retain their emphasis on the identification and ensuing management of relics and sites. State Forests does not appear to have developed broad policy that deals with the management of flora and fauna valued by Aboriginal people. It appears that fire management programs for example, do not address this issue.

Finally, Crown lands are also an important potential source of protection for wild resource use places. Equally, they may serve as potential areas where controlled resource use can be maintained and managed. This is especially the case for many areas managed by local councils. These areas may encompass lands of high conservation value and of direct interest to Aboriginal people wishing to find locations where they can access resources and interact with the land. As was shown at Corindi Beach, Crown lands have a long history of being used for occupation and subsistence by Aboriginal people in NSW and contain places that are highly valued. The protection of wild resource use places may therefore be an unintended result of the existence of Crown lands. Opportunities exist to reassess the management of these areas to determine their potential role in addressing cultural aspirations.

Road reserves and travelling stock routes are also emerging as important locations in which people have a history of wild resource use that continues in many regions today. In these situations, activities like road widening have the potential to impact on such activity.

Aboriginal Lands

Lands successfully claimed or purchased by Aboriginal people also need to be considered. In some parts of the State such as western Sydney, these lands far exceed the area within national parks (pers.comm. Michael Adams, NPWS). Greater attention needs to be given to resourcing Aboriginal people to manage these areas so that cultural objectives can be balanced with conservation outcomes. In many cases these lands may have been degraded by decades of European land use and their capacity to address community interests in wild foods and medicines may be limited. In other situations, their potential in this respect may be high.

Alternative Mechanisms

The previous sections indicated that heritage law might provide limited protection for many types of wild resource use places. This does not mean that other mechanisms or tools cannot be explored. A number of opportunities are assessed here:

- 1 Designing key land management activities such as biodiversity management and the control of fire and pest species to account for the cultural values that Aboriginal people ascribe to the environment.
- 2 Using aspects of planning law such as Environmental Planning Instruments and policies to recognise and provide for these values and wild resource use places.

Both of these approaches require government land managers to accept that these values need to be recognised. While this represents a shift in

thinking, it is already being advocated in a number of contexts like Regional Vegetation Planning.

When looking at opportunities and constraints it is important to do so from two perspectives. First, the broader scale level of planning associated with activities like Rural Lands Studies and Heritage Studies conducted by local councils, or bio-regional plans commissioned by the NPWS need to be examined as avenues for achieving cultural outcomes. This approach is not necessarily dependent upon a reshaping of heritage management during EIA. In fact, the complexities associated with integrating wild resource use issues into EIA need to be set aside initially and dealt with as a separate challenge. This challenge does have to be addressed as most heritage management decision making that occurs in NSW takes place during EIA. By looking first at broader planning tools however, we can seek to shape the environment in which EIA is conducted.

At a smaller scale, common land management activities associated with fire, pest species, water quality and vegetation can be assessed to see whether they too can be used to account for Aboriginal people's interests in the environment.

Land Management & the Cultural Values of Biodiversity

Does taking wild resource use places into account have implications for common land management activities? Would this have an impact on the design and frequency of activities like fire and pest species management? How might it affect the conduct of work such as biodiversity survey and research and reserve selection? Could these activities be designed to account for the cultural values that Aboriginal people ascribe to the environment?

In all cases, these actions could be redesigned to provide cultural outcomes, or at least plan for them. It should be clear that once it is accepted that cultural values are tied to fauna, flora and

environmental health, the activities listed above have potential cultural implications. As an example, fire control activities such as hazard reduction can certainly affect food and medicine plants being utilised by Aboriginal people. Biodiversity survey and research may involve the trapping, killing and handling of totemic species.

Mapping plant and animal resource use places allows us to consider how current land management activities might impact on a place's protection or people's ability to access and use wild resources. These impacts may also affect the "existence value" of places that are no longer used. Fire management can be used to illustrate this. At Corindi Beach, the informants pointed to the effects of fire management by local authorities on foods such as the Five Corners plant in heathland north of the town. Here, the Garby Elders believe that hazard reduction has conflicted with the flowering and fruiting of these and other plants. This was discussed during a visit to a roadside gathering place between Red Rock and Corindi. Other informants also noted that this was a concern on the Trust managed lands surrounding the area where the Garby Elders live.

By mapping the location of wild resources and places, we can factor this into fire management planning on any tenure. This would be especially relevant to those areas where Aboriginal people have, or may obtain, access and use rights. This could occur on Crown lands, private property and within national parks.⁴⁵ In these situations, mapping and discussions with local Aboriginal people would have the benefit of dovetailing the management of fire with the protection of cultural values and potentially the continuation of wild resource use. At present, fire planning only takes relics based, or archaeological issues into account when considering cultural heritage.

The same situation could apply to vegetation clearing applications and licensing. Again, at present, this process only considers the management of archaeological sites. By mapping

the location of utilised species and then matching these to either mapped vegetation communities or specific locations, agencies such as the Department of Land & Water Conservation (DLWC) would be able to take wild resource use issues into account when considering applications. This approach has already been commenced in the Walgett area and maps produced by DLWC show the predicted location and density of bush food plants in different vegetation communities (pers.comm. Peter Dykes, DLWC Vegetation Planner, Cobar).

It is not clear whether this is already having an influence on licensing. The process would probably be strengthened if DLWC also mapped the location of specific wild resource use places and areas that community members wished to access. This would link historical and contemporary social values with individual places rather than just broad vegetation communities. Nevertheless, mapping work done in the Walgett area serves to demonstrate how land management and land use activities can be designed with an awareness of contemporary values associated with wild foods and medicines.

Mapping wild resource and use places should also influence the reserve design and selection process. It would provide NPWS and communities with an opportunity to determine the implications of boundary design for people's access to known wild resources. This would enable assessment of potential social impacts that might accrue from reserving landscapes within protected areas. For example, a mapping process may identify historic and contemporary places that represent different phases in community land use, as well as complex cultural values. The location of a park boundary could then be negotiated with an understanding of the implications of including or excluding wild resource use places from NPWS Estate.

In addition, there are potentially many other values placed on biodiversity that also need to be considered in this context. For example, a species of plant or animal may be associated with a story

or totem and Aboriginal people may have an interest in their management for this reason. The ability to apply ecological knowledge in a custodial manner that brings benefit to the local environment may also be valued by Aboriginal people. For this reason, involvement in land management activities may provide social and other benefits to Aboriginal communities. This too should be considered when devising or changing reserve boundaries.

Checklist for Land Managers

The tables on the following pages highlight key considerations for land managers when seeking to incorporate the interests of Aboriginal people in fire and pest species management and biodiversity survey and research. They would probably be best considered where land management activities are being undertaken by government agencies and local councils. This would allow the issues raised in the Tables to be considered within a structured planning framework. As an example, the tables are potentially useful to NPWS staff involved in developing reserve Plans of Management, Fire and Pest Species Plans and biodiversity research. It might be more difficult for private landholders to actively factor these issues into property management activities.

Checklist for Biodiversity Management

Issue	Questions to Ask
1 Is the research going to involve the mapping, identification, handling, killing, capturing or collection of species of totemic significance to local Aboriginal people?	<ul style="list-style-type: none"> – What species are valued by local Aboriginal people? – Will the research be viewed as involving inappropriate interaction with, or treatment of, valued species?
2 Is the research going to involve the mapping, identification, handling, killing, capturing or collection of species utilised as wild resources by local Aboriginal people?	<ul style="list-style-type: none"> – What species are utilised by local Aboriginal people? – Will the research be viewed as having a negative impact on utilised species?
3 Is the research going to encompass lands or areas actively used by Aboriginal people to obtain wild resources, interact with the landscape or pass on cultural knowledge?	<ul style="list-style-type: none"> – What areas of land and sea are utilised by local Aboriginal people?
4 Is the research going to recommend conservation strategies or actions that may have impacts on valued species or on Aboriginal people's interests in an area?	<ul style="list-style-type: none"> – Will recommendations lead to the loss of access to land eg: via the creation of a protected area? – Will the research prompt bag limits or prohibitions on take that affect wild resources utilised by Aboriginal people? – Will the research prompt the banning of techniques used by Aboriginal people to obtain wild resources? – Will social, cultural and other impacts be faced by Aboriginal people because of such events?
5 Can dual benefits be obtained for researchers and Aboriginal people?	<ul style="list-style-type: none"> – Can Aboriginal people play a custodial role in land management by being involved in the research? – Can employment opportunities be made available for Aboriginal people? – Can collaborative research be undertaken that documents cultural knowledge and transfers information and expertise to Aboriginal people? – Can the research be used to support the health of wild resources in a local area and their sustainable use by Aboriginal people? – Can the research be used to support environmental health of an area and can this have social benefits for Aboriginal people? – Can researchers be enabled to carry out culturally appropriate research practices that also support key aims such as biodiversity conservation?

Checklist for Fire Management

Issue	Questions to Ask
1 Does the fire management activity or Fire Plan have the potential to impact on places used legally by Aboriginal people to obtain wild resources such as foods and medicines?	<ul style="list-style-type: none"> – Can it affect the fruiting or reproduction of utilised plant species? – Can it affect the habitat and distribution of utilised fauna species? – Can it cause visual impacts to a wild resource use place? – Can it cause loss of amenity at a place, for example through the destruction of trees used for shade or vegetation for privacy?
2 Does the fire management activity or Fire Plan have the potential to impact species of totemic or other cultural significance?	<ul style="list-style-type: none"> – Can it cause or prompt the loss of individual animals or plants? – Can it affect the habitat and distribution of valued species?
3 Can Aboriginal people’s knowledge be used to inform fire management activities?	<ul style="list-style-type: none"> – Do Aboriginal people have information about fire history, fire management practices or the effects of fire on flora and fauna?
4 Can dual benefits be obtained by fire mangers and Aboriginal people	<ul style="list-style-type: none"> – Can Aboriginal people play a custodial role in land management by being involved in fire management? – Can employment opportunities be made available for Aboriginal people? – Can collaborative research be undertaken that documents cultural knowledge and transfers information to Aboriginal people? – Can fire be used to support the health of wild resources in a local area and their sustainable use by Aboriginal people? – Can fire managers be enabled to carry out culturally appropriate fire management practices that also support property protection?

Checklist for Pest Species Management

Issue	Questions to Ask
1 Are pest species having an impact on Aboriginal people's ability to use wild resource use places?	<ul style="list-style-type: none"> - Are pest species affecting wild resource use places eg: is bitou bush encroaching on or covering food plants? Are pigs destroying food and medicine plants or affecting water quality?
2 Are pest species having an impact on species of totemic or other cultural significance?	<ul style="list-style-type: none"> - What species in the local area have cultural significance? - Are there concerns within the community about the health and welfare of these species? - Are pests known to have an impact on the habitat or health of valued species?
3 Can a pest species control method have an impact on species utilised or valued by Aboriginal people or the places where use occurs?	<ul style="list-style-type: none"> - Is the control method applied with an understanding of Aboriginal peoples' land use activities? Eg: is aerial spraying of weeds contaminating food or medicine plants used by a community? - Can the control method have impacts on species of totemic or other cultural significance?
4 Can Aboriginal people's knowledge be used to help control pest species?	<ul style="list-style-type: none"> - Do Aboriginal people possess knowledge about the history, distribution, effects, control and characteristics of pest species?
5 Can land managers and Aboriginal people obtain a dual benefit from pest species control programs?	<ul style="list-style-type: none"> - Can Aboriginal people play a custodial role in land management by being involved in pest species management? - Can employment opportunities be made available for Aboriginal people? - Can collaborative research be undertaken that documents cultural knowledge and transfers information to Aboriginal people? - Can pest species management be used to support the health of wild resources and their sustainable use by Aboriginal people?

Local Planning Issues

The key elements of environmental planning analysed here are the strategies and statutory documents that are set in place to manage landscapes or issues over a time span that extends beyond EIA's consideration of individual development consents. These include:

- Protocols and policies established by local government that are designed to tackle important planning issues such as Rural Lands Strategies and Urban Development Strategies.
- Statutory planning documents such as Local Environmental Plans and Development Control Plans.
- Heritage Studies commissioned by councils.

It is currently rare for these documents and strategies to refer to Aboriginal heritage issues and places, except where they make reference to the existence of pre-contact sites listed on the NPWS Aboriginal Sites Register. This is problematic, as they play a significant role in setting land use outcomes and controls which in turn shape decisions made during EIA. These documents illustrate the pivotal role that local councils can potentially play in shaping the introduction of creative approaches to heritage planning at a local or regional level.

The Role of Local Councils

Local government has a central role to play in land use planning and EIA. In recent years, agencies such as the NPWS have called for the State government to require councils to take more involvement in heritage and landscape management. The recent Coffs Harbour Aboriginal Heritage Study has emphasised the need for the local council to be provided with resources to achieve this. It is also seeking to promote greater levels of interaction between Council, the NPWS and the Aboriginal community.

One of the key issues being explored by the Coffs Harbour Heritage Study, is how councils can achieve more effective and collaborative management of cultural heritage. This has involved an analysis of the potential role of discretionary powers and policy creation. These powers can be used to shape the purpose and scope of Environmental Planning Instruments and heritage protocols.

Discretionary powers can be used to overcome the absence in legislation of explicit direction on an issue or concept. This means that they can be used to create flexibility and adapt planning systems to changing values and aims that may have developed after the adoption of legislation. These powers cannot be used to contradict legislation and must be consistent with the aims of associated Acts.

In NSW, there is significant scope for government to use discretionary powers in the area of cultural heritage and environmental management. Policy has already been used in this area to achieve important outcomes. Perhaps the most obvious example of the use of discretionary powers is the NPWS policy stating the requirement for Aboriginal involvement in archaeological investigations and in commenting on Consent to Destroy Applications under the NPW Act. The Act itself makes no provision for Aboriginal community involvement and hence, policy was used to correct this omission.

Developing Heritage Policies

Heritage protocols have been identified by stakeholders in the Heritage Study at Coffs Harbour as potential tools for improving management outcomes and developing a relationship between the community and government. In particular, the view was expressed that councils could seek to develop protocols that establish an agreed approach to assessing Aboriginal heritage during broad scale planning and EIA.

It is argued here that issues that could be covered by these protocols include an agreed approach to:

- 1 Ensuring community input to all plans for rezoning or large scale development, including the planning options suggested by council Urban Development Strategies and Rural Lands Studies.
- 2 Mapping broad areas of cultural concern and sensitivity within the LGA and scoping the level of required cultural assessment in the event of future development.
- 3 Managing cultural information (including site data) in planning documents and forums.
- 4 Defining the range of issues and values that people feel need to be taken into account during land use planning and EIA.
- 5 Reaching agreement on when planning issues and Development Applications will be forwarded to Aboriginal organisations for comment.
- 6 Developing standards for heritage management during fire and pest species programs undertaken or required by councils, as well as during the management of council lands.
- 7 Other issues such as intellectual property rights, tourism and cultural uses of council managed Crown lands.

Some of these issues would require considerable discussion and negotiation and would need to be well thought out. This would represent a major advance in Aboriginal heritage planning at a local level.

In order to support this process, other land managers such as the NPWS and State Forests would also need to be brought into this framework. The aim of this would be to establish consistency across tenures and to also allow the opportunities provided by different tenures to be explored. For example, fire management on park would need to incorporate the same range of heritage issues as the same activity on Crown lands adjoining a park

boundary. The Issues Tables for land managers presented earlier may serve as a good foundation for advancing this aim.

Using Environmental Planning Instruments

Environmental Planning Instruments (EPIs) such as Regional Environmental Plans (REPs), Local Environmental Plans (LEPs) and Development Control Plans (DCPs) could be used more effectively to achieve broader heritage management outcomes. This could include the use, protection and management of wild resource use places.

EPIs are developed under the EPAA and provide a framework for land use planning that is augmented by other provisions of the EPAA and associated heritage and environmental laws. Along with policy, they provide an opportunity to develop and revise approaches to planning. This is perhaps best represented by the fact that occasionally, model provisions for LEPs are developed by Planning NSW and adopted across many Local Government Areas (LGAs).

At present, most EPIs in NSW provide little direct reference to Aboriginal heritage. There is a very strong tendency for LEPs especially, to focus upon the management of historic structures or tree plantings. Items granted protection are usually listed in an attached Schedule.

In contrast, Aboriginal heritage has been perceived as constituting ceremonial sites, story places or pre-contact archaeological remains. Post-contact places are not considered and it is rare to have even a pre-contact site listed in a Schedule. Reference is usually made instead to the provisions of the NPW Act and the fact that all sites are protected and managed by the NPWS. To a certain extent, local councils have viewed Aboriginal heritage as being the preserve of the NPWS. This is reflected and reinforced by the common approach of limiting council Heritage Studies to discussions of European historic themes and places.

Equally, it is rare for a DCP to be made with the intention of conserving or managing a place of Aboriginal heritage significance. DCPs are commonly established to provide more detail about specific areas or types of development. For example, DCPs have been made to apply to defined areas within an LGA and to issues such as car parking, cluster housing and villa development.⁴⁶ Importantly, DCPs are not legally binding and simply establish factors which need to be taken into account during development consent. Despite this, they have the capacity to act as useful tools in heritage management.

The following strategies for improving the use of EPIs need to be explored:

- 1 Establishing model heritage provisions that state that all LEPs have the aim of recognising and providing for a broad definition of heritage that includes Aboriginal people's interests in being involved in land management and accessing wild resources.
- 2 Linking LEPs to standard heritage management protocols and policies such as those discussed in the previous section.
- 3 Using zoning provisions to account for specific Aboriginal heritage issues such as wild resource use.
- 4 Using DCPs as a tool for establishing development controls in areas identified as being valued by Aboriginal people. These values could relate to the cultural importance of biodiversity generated via totems, stories or past and present land use.

In addition, LEPs and DCPs could be used to demarcate areas of land or vegetation that have been identified as valued wild resource use places with the intention of controlling or limiting development in these areas. This could be one mechanism for addressing the limited capacity of heritage law to provide protection for such places. As an example, a patch of vegetation used by the

Aboriginal community on land managed by a local council or even on private freehold, could be demarcated. The EPI could then state that development in this area needs to take this use into account and, where possible, ensure that this use can be integrated into the development. If, for example, a housing estate or sub-division is proposed, then this could prompt the council to require a design that retains this patch and also ensures continued community access.

Using Landscape Based Planning Strategies

Urban Development and Rural Land Studies produced by local councils also need to consider a broad range of cultural issues. These documents seek to provide a framework for controlling and defining the use of rural lands and the extent of future urban development within LGAs. For example, future urban release areas may be identified in these documents.

We can take these studies and explore their implications for Aboriginal heritage management. Wild resource use issues can be assessed by attempting to identify whether the urban release areas:

- 1 May directly affect areas currently used to obtain wild resources and materials, or historical places such as old camps and pathways.
- 2 May have a boundary with Aboriginal lands or areas used to obtain wild resources. This may allow the flagging of potential impacts or issues. For example, if a creek currently utilised by Aboriginal people is going to be bordered by future urban development, then this may affect water quality, people's privacy or their ability to access a valued location.

- 3 May affect known pre-contact places (eg: archaeological and non-material) or areas of archaeological sensitivity.

This process can be used to provide an initial understanding about the types of cultural issues that may be raised if development were proposed in these areas. Having such knowledge ahead of time would allow proper scoping of required assessment, consideration of alternatives and might also be used to shape the design of any proposed development.

The same forward planning approach could be taken to Rural Lands Studies. For example, they could consider the potential heritage implications of changes in zoning, housing density, subdivision or altered landuse. Wild resource use issues could be considered during this process, as could any potential impacts on valued species or landscapes that may affect traditional or historical associations with rural lands.

In both cases, it may be possible to map areas of community interest, list key issues identified by community members, and use a Heritage Policy or Protocol to develop an agreed approach to any future planning for these lands. All of this can be achieved outside the context of short term EIA. In fact, such an approach can help to ensure that the EIA process is streamlined. It may also allow places that represent an array of social values that extend beyond those revealed by pre-contact sites to be considered, and even conserved, into the future.

Expanding the Scope of Council Heritage Studies

The scope of Council funded Heritage Studies also needs to be greatly improved. Often, these studies are focused on the assessment of European heritage places and have a focus on built or architectural items. In cases where Aboriginal heritage is considered, this is usually limited to assessment of pre-contact sites and places.

If heritage studies are to serve as effective and inclusive planning tools, then they need to also consider:

- 1 Aboriginal people's post-contact history and the range of places and values associated with the period since settlement. This requires consideration of the Aboriginal history of an area and can include consideration of a wide range of themes and places.
- 2 Consideration of people's contemporary land use and their aspirations regarding land access, heritage management and environmental protection.

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- 35 The Appendix summarises the existing law and policy operating in NSW that governs the use of wild resources by Aboriginal people. It discusses a variety of statutes such as the *National Parks & Wildlife Act 1974* (NSW), the *Native Vegetation Conservation Act 1998* (NSW), the *Marine Parks Act 1996* (NSW) and the *Native Title Act 1993* (Cth). The scope of primary policy documents such as the NSW Biodiversity Strategy, Issues and Options papers for NSW Marine Parks and emerging Regional Vegetation Management Plans are also discussed. The Appendix updates an earlier paper on this topic (English, 1997).
- 36 English, A.J. 1996 "Legislative & policy frameworks for cultural heritage management in New Zealand and NSW". *EPLJ*, 13(2), pp.103-119.
- 37 Byrne, D. 1998 "Deep Nation: Australia's Acquisition of an Indigenous Past". *Aboriginal History Journal*, 20, pp.20-23.
- 38 The term "Aboriginal Object" has replaced use of the term "relic" under recent amendments to the Act. Changes were also made to the provisions dealing with the consents that govern the destruction of objects and Aboriginal Places.
- 39 Silcrete is a type of stone material favoured for the production of stone tools and implements.
- 40 Veale, S. 1997 Land Use History of Culgoa National Park. Unpublished report by the NPWS, Hurstville and English, A.J. and Brown, C. 2000, op.cit. n5.
- 41 For example, a species of animal or plant may be viewed as a totem, or as a significant figure in a traditional story.
- 42 English, A.J. 2000b Aboriginal Heritage Assessment of Arakoola Nature Reserve, North West Slopes NSW. Unpublished report to the NSW NPWS Glen Innes and Toomelah LALC.
- 43 State Forests of NSW, 2000 Ecologically Sustainable Forest Management Plans (ESFM) for Eden, Lower North East and Upper North East. State Forests of NSW.
- 44 Rangan, H. and Lane, M. 2001, op.cit. n9.
- 45 This is discussed further in Appendix 1.
- 46 Farrier, D. 1993 *The Environmental Law Handbook* 2nd ed. Redfern Legal Centre Publishing pp.59-70.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

5 Environmental Impact Assessment - Issues & Options

Implications for EIA

Food plants, fishing areas and other places recorded during this project do not appear to have ever been considered in the context of EIA in NSW.

The discussion presented here should be read as a first attempt to highlight some of the challenges that would be posed by incorporating wild resource use issues into the complex process of EIA. Doing so would have a number of implications for the conduct of EIA. This issue is linked to the broader question of how post-contact places can be incorporated into the planning process. As yet, this has received little detailed attention in NSW.

Given this situation, the assessment of wild resource use issues and places would represent a major shift in the conduct of EIA. There are currently no guidelines or processes in place that accommodate such an approach.

The potential scale of change required to see a broader range of cultural values considered during EIA can only be understood if the historical treatment of heritage in land use planning in NSW is explained. Since the inception of formal EIA in NSW in 1979, heritage assessment has been focused on the recording and management of pre-contact archaeological remains. This reflected the long standing influence of antiquarianism and entrenched views about what constituted "real" Aboriginal culture. These factors, as well as a "postwar reverence for science"⁴⁷ saw the development in the 1970s of heritage legislation that emphasised the concept of relics.

This focus easily satisfied the early and continued reliance of EIA on technocratic and rational planning theories that give little consideration to cultural values or the concept of social impacts. The rational planning approach remains strong in countries like the United States and Australia and has directly influenced the development of sectoral practice which separates nature and culture into discrete compartments. Review of a sample of NSW Environmental Impact Statements (EISs) from the last twenty years reflects this. In these documents, cultural values are generally restricted to discussions about archaeological sites. This approach ignores the potential to implement a holistic approach to assessing landscape values that is supported by the broad wording of sections of the EPAA.

Before discussing this issue in more depth, it is important to note that many of the places that might be mapped during an exercise like that at Corindi Beach, may not raise any planning implications. For example, many of the places mapped during the current project have already been destroyed or significantly altered by urban or rural landuses. What was most important for community members was that these places, and the events associated with them, were recognised and recorded.

In these cases, the implications for planning and EIA will probably be lessened or non-existent. Issues may arise where a wild resource use place is still used, where it is given a high level of social significance, or where it contains material remains associated with use and occupation. In these cases there are a range of possible implications for the conduct of EIA:

- 1 The identification of these places is usually dependent upon community based knowledge. This could potentially create a new power balance between heritage professionals and Aboriginal people. It might challenge the current primacy in EIA of "archaeological" knowledge shaped by databases and predictive models.
- 2 Conservation decisions may need to be more complex than point or site based outcomes. For example, they may need to involve the protection of larger areas such as a section of vegetation or beach as having a heritage value, and also consider the integration of community land use provisions within development design.
- 3 Heritage planning, including notions of representativeness, rarity and significance, would need to be amended and expanded to account for a wider range of heritage values and places.
- 4 Cross-tenure and cross-development planning might become even more essential as wild resource use issues require consideration of the landscape distribution of resource types and places during decision making.
- 5 The recording and assessment of wild resource use places, either prior to their destruction, or as part of their management, may require a multi-disciplinary approach that combines community based knowledge, historical research, archaeology and an awareness of natural resource management issues and ecology.
- 6 To be successful, cultural heritage management would need to become more closely allied with the concepts of community planning, community health and SIA.

Some of these issues are discussed below.

Cross-Tenure Planning & Assessment

Consideration of wild resource uses and the potential impact of the loss of a utilised place would need to be understood in a landscape context. It may be necessary to assess whether the resources being obtained at a place by community members can be sourced elsewhere, at a location that will not be affected by development. In this situation, vegetation maps may be useful and could allow the identification of areas within State Forests, Crown lands or NPWS Estate where plant foods and medicines have the potential to be found. Using this data, it may be possible to develop a list of alternative use locations. Importantly though, this should be seen as a very utilitarian response which does not necessarily respect the range of cultural values that may be associated with the resource use place under threat.

Heritage & Health

Assessment of wild resource use issues not only requires broadening the notion of "heritage". It also requires considering more closely, the relationship between "heritage" and community health. Community health in this context refers to the well-being and lifestyle of community members. It covers issues such as self-esteem, family and group cohesion, respect for Elders and sense of identity.

Cultural heritage is intimately linked to this concept but this has tended to be down played by the heritage profession, primarily due to the central focus placed on material remains and their technical details. Equally, it reflects the limited complexity and rigour applied to the significance assessment process that has tended to shy away from referencing the relationship between heritage places and community values. The latter has tended to be watered down into generalised

statements about the ability of a site to be indicative of Aboriginal people's association with the land or its suitability for education or tourism.

As greater emphasis is placed on post-contact places, there is the potential for an increased awareness of the linkage between heritage assessment and community life. However, this needs to extend beyond simply documenting oral histories and conducting comprehensive documentary research. Rather, the Aboriginal community needs to be given the opportunity to articulate how recorded places can, or do, play a role in maintaining the strength of their identity and way of life.

This may be most obvious in the case of wild resource use places which can play the important role of sustaining access to foods and medicines that have social, health and economic values. In addition, continued use and access can help to ensure that knowledge is passed on and applied within the community and people's sense of connection with place is maintained. The potential significance of this to people's morale and self-esteem needs to be actively acknowledged and factored into the land use planning process. Failure to do so will continue the current disjunction between the outcomes and purpose of EIA based heritage assessment, and community values. It is argued here that aspects of SIA could provide a methodological basis for considering this issue during EIA.

Multi-Disciplinary Approaches

Understanding the cultural significance of wild resource use places and developing management strategies that balance conservation aims with landscape change will require greater commitment to multi-disciplinary approaches to EIA. At present, the process operates along sectoral lines. Flora and fauna are assessed under the heading of "natural" values, while cultural heritage is restricted largely to the identification of archaeological sites. Moving away from this approach toward holistic

assessments of landscape values would require communication between a range of specialists (archaeologists, ecologists, historians etc), development proponents and Aboriginal people. Ways of co-ordinating the production of integrated assessments that highlight opportunities for more comprehensive outcomes would need to be developed.

The potential benefits of such an approach are great. By adopting this direction, it may be possible to identify strategies that achieve a multiple conservation outcome. For example, by retaining riparian vegetation along a creek, not only may archaeological sites and biodiversity be conserved, but Aboriginal people's ability to continue to use wild resources may also be accommodated. Equally, the intrinsic cultural values of significant lands represented by features such as views, intact vegetation or water quality may also be explicitly identified and catered for.

Recognising and providing for such values may not be achievable through existing mechanisms of natural resource management. Rather, an explicit approach to landscape assessment and community involvement in planning would need to be applied. As an example, a decision to allow destruction of an area of native vegetation may have no perceived negative biodiversity outcomes, but may generate social and cultural impacts. This should shape decision making about such an area.

An holistic approach would require the redesign of current EIA process and reporting systems. Specialists would need to communicate their results to one another and have an awareness of the types of values being considered. Community members would need to be involved in identifying a broader range of potential heritage values, and final reports would need to define the range of landscape values associated with a study area. Project managers, consent authorities, communities and developers would all need to have a common understanding of this process.

Obviously, the scale of input to the assessment process would vary according to the size and location of proposed developments. In many cases, there may be no cultural values associated with a study area and this may become clear early in the assessment process, or even prior to this stage. The suggestion for multi-disciplinary approaches should not therefore be seen as an attempt to complicate even very clear-cut development issues. However, all proposals would need to be judged against a set of criteria or planning options that are based on a commitment to integrated landscape assessment principles.

Creative Conservation Outcomes

If more than archaeological sites are to be taken into account during EIA, this necessarily means that the aims of EIA, and what are seen as acceptable conservation outcomes, must also be altered. The protection and ongoing use of a wild resource use place within or adjacent to a development area requires more than the erection of a fence, the salvage of stone artefacts or the monitoring of rock art. Such a step may require the demarcation of areas of land, as cultural places. This may be a very different outcome from preserving archaeological sites as isolated points within a development area. A stand of bush food plants, a stretch of creek or a beach rock platform, may need to be actively managed or at least excluded from development impacts due to their Aboriginal cultural value. In addition, regulating and allowing ongoing use of such areas will require negotiation between landowners, consent authorities, Aboriginal people and possibly other members of the wider community.



The entrance to the Lake at Corindi Beach, a source of many foods for the Garby Elders until the 1980s when pollution affected the area. Photo Anthony English.

Is Change in the Scope of EIA Possible?

Is the whole idea of tackling the implications noted above too difficult, or could our consideration of cultural heritage be broadened during EIA? After all, we have already determined that heritage law provides little scope for protecting many of the types of wild resource use place that may exist in NSW.

It is argued here that there may be scope to move EIA in this direction in NSW by re-examining the potential of the EPAA. Closer attention to its provisions may help us to overcome the deficiencies of heritage law and its focus on the concept of archaeological sites. The EPAA may contain the key to finding a legislative basis for expanding our assessment of cultural heritage places and values during EIA. The Act contains explicit references to the concept of "social impacts", most noticeably in s79C which sets out matters for consideration by development consent and planning authorities. This concept intersects with many of the values and concerns associated with the management of wild resource use places and the continued use of the land by Aboriginal people. The theory of SIA may provide a theoretical basis for addressing many of the problems created by the existence of restrictive heritage law. EIA is an important context for

considering these issues. For many Aboriginal organisations, EIA is the primary forum in which they are called upon to consider heritage issues. Ignoring EIA processes would leave a large gap in our attempt to establish a more comprehensive approach to heritage management in NSW.

The Nexus Between Heritage & Planning Law

It is clear that heritage law and its application, does not reflect the principles and potential scope of planning law in NSW. Partly, this is a function of chronology as heritage statutes were implemented before the EPAA. It is also a product of a technocratic approach to planning that has dominated the conduct of EIA.

The EPAA sets out the framework for EIA and outlines the key environmental impacts to be considered by development proponents and consent authorities. The EPAA dovetails with other statutes that deal with specific aspects of the environment such as the management of flora, fauna, water quality and archaeological sites.

One of the EPAA's stated objects is to "promote the social and economic welfare of the community and a better environment" (s5(1)(I)). This reflects the principle that EIA and planning generally, are viewed as mechanisms designed to order human use of the environment. Central to this vision is the concept of sustainability which emerged in the late 1980s and early 1990s, and has since become embedded in planning law and policy in international conventions and the planning systems in many countries. Sustainability embodies the concept that human societies have the right to a clean, healthy environment, both now and in the future. The EPAA and later planning statutes and policies developed at Commonwealth and State level, have referred to the aim of sustainable development.⁴⁸

Development of the EPAA followed closely behind the emergence of formal EIA legislation in the United States.

In the United States, EIA was established under the *National Environmental Policy Act* 1969 (NEPA) which quickly prompted development of assessment processes and of course, litigation.

The US model evolved in a complex manner, but importantly, concepts such as community well-being and social impacts emerged at an early stage as relevant concerns.

The wording of the EPAA reflects the United States model. As noted above, its Objects make reference to the aim of promoting the social and economic welfare of the community through the "co-ordination of the orderly and economic use and development of the land". Included as an Object is the provision of increased community involvement in the environmental planning process (s5c).

Where does heritage management fit into this framework? Despite the broad scope of the Act, heritage has not been aligned with concepts of sustainability and "social and economic welfare" in anything but a simplistic manner. A focus on built heritage and material remains served as the main area of concern for planners and heritage professionals.

While the EPAA has the potential to support concepts such as community health and well-being, they have been largely defined in economic terms and avoided as explicit avenues of assessment.

Is there a way forward? Can we explore a more comprehensive approach to planning using the existing wording of the EPAA? In the following section it is argued that SIA may provide some of the answers to these questions.

47 Griffiths, T. 2001 "One hundred years of environmental crisis." *Rangelands Journal*, 23(1), pp.5-14.

48 For example, the Inter-Governmental Agreement on the Environment in 1991 committed all levels of government to the concept of sustainable development. It is of course debatable whether this is being achieved.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

6 Social Impact Assessment & Wild Resource Use

SIA is generally defined as a technique that assesses the potential impact of proposals or developments on the "social environment". This can encompass impacts on people's institutions and values, the way they live and organise their communities and use the environment.

SIA - A Way Forward?

SIA emerged over the last 20 or 30 years as a mechanism designed to measure and avert impacts generated by plans, policies and development on social systems and people's well-being. SIA is not a recent phenomenon. It has been associated with formal EIA law since its inception and there is a vast body of literature available that discusses its methodological challenges and potential. A great deal of this material derives from the United States, but there are many papers or reports that illustrate its application in Australia. However, there is little evidence to suggest that it has been effectively applied in NSW.

SIA is generally defined as a technique that assesses the potential impact of proposals or developments on the "social environment". This can encompass impacts on people's institutions and values, the way they live, organise their communities and use the environment.⁴⁹ SIA has strong links to the theories of community health,

public participation in EIA and environmental justice. It is a tool that can be used by government to help it make socially responsible decisions and requires an understanding of a myriad of factors relating to the structure of communities and the nature of social change.⁵⁰

In summary, SIA involves six major steps. These are scoping, profiling, the formulation of alternatives, the projection and estimation of effects, monitoring and evaluation.⁵¹

SIA formally emerged in the 1970s in the United States as an arm of EIA and had its basis in the framing of the NEPA in 1969.⁵² Early projects emphasised the role of ethnographic approaches to SIA. For example, social anthropologists assessed the impacts of mining on Navajo people's way of life, and the effects of national park creation on rural communities. These projects sought to balance the focus on relics and material remains during EIA with a consideration of impacts on community "folklife", structures, values and "lifeways".⁵³

In New Zealand, "social assessment" was referred to by the *National Development Act 1979*, but initially received limited attention. Over time, it evolved from limited attempts at social profiling into a form of participatory planning that has since been reinforced by the terms of the *Resource Management Act 1991*. Early challenges emerged when Maori people argued for consideration of the impacts of development on valued fisheries and other resources.⁵⁴

Over the last 30 years SIA has received mixed support, even in the United States where there has been significant pressure to ensure that it has a narrow focus on quantifiable economic indicators of social change. There appears to be reluctance amongst governments to adopt SIA because the issues it raises about community values and identity are often intangible. The reaction from other EIA practitioners has also often been negative. As an example, Carpenter, in an article from the United States, argues forcefully that aesthetic, historic, social and cultural impacts are "value laden" and "should not impede investigation of natural science issues" during EIA.⁵⁵ This attitude reflects a long-standing suspicion of the social sciences which has continued in many quarters, despite shifts in environmental management theory away from rigid approaches to defining the "natural" world.

An additional problem in many countries has been the failure of government agencies to employ enough social scientists to support the proper application of SIA. This has led to the use of poor social theory and a continual return to quantifiable factors that have an economic or biophysical focus. Lane argues that physical scientists and many planners are simply not capable of undertaking or overseeing SIA.⁵⁶

The key instruments used for generating a requirement for SIA have been the reliance on broad interpretation of statutory language or the presence of specific requirements for SIA in environmental laws. In both New Zealand and the United States, the law has been supported by the development of regulations and guidelines for those involved in EIA.⁵⁷

Despite the wording of the EPAA, "social impacts" have been defined very narrowly in NSW. Review of a sample of EIS documents produced between 1980 and 2000 indicates that the term has largely been taken to mean socio-economic impacts such as the potential impact of a development on a town's economy or people's property values. The social impacts generated by the loss of places

where people carry out family, cultural or social activities have rarely been addressed. Equally, there appears to have been little or no recourse to the Courts to attempt to make government agencies undertake a broader form of SIA. An on-line keyword search of reported NSW court cases revealed very few references to social impacts and the term was not used in reported cases relating to cultural heritage.⁵⁸

SIA & Indigenous People

Since the 1970s, SIA has been applied in an increasing number of contexts. Many of these assessments have centred on projects that have had the potential to affect Indigenous people. One of the early EIAs in the United States was focused on development impacts on native peoples in Alaska.⁵⁹

SIA has been undertaken to allow consideration of the impacts of large resource development projects on Aboriginal communities in Northern Australia,⁶⁰ Canada,⁶¹ Alaska,⁶² the United States and New Zealand.⁶³ These studies have considered a wide range of potential impacts including the possible effects of mine infrastructure on people's ability to access wild resources and the implications of an influx of construction workers, alcohol and infrastructure into small, remote communities. Practitioners have attempted to assess whether these events might have impacts on community values, belief systems, health and lifestyle.

A high profile example from this country was the use of SIA to consider the implications of proposed mining in the Kakadu Conservation Zone.⁶⁴ At issue was whether mining should take place in "Sickness Country" associated with Coronation Hill. The SIA determined that mining would affect a valued cultural landscape and that a direct consequence of this would be a devaluing of cultural knowledge and belief systems amongst Jawoyn people. The social implications of this for community well-being and the health of Elders were also canvassed.

This type of research has established a growing emphasis on community initiated and controlled SIA. Importantly, earlier work has suggested that SIA has the potential to facilitate community involvement in decision making, promote the recognition of indigenous rights and provide a basis for negotiated outcomes. From this perspective, the value of SIA would seem to be high. The researchers mentioned here have identified a number of features, which characterise effective SIA in indigenous communities:

- 1 A multi-disciplinary approach which combines oral history, social anthropology and sociological methods to identify community values, perceptions and structures.
- 2 A solid understanding of the historical context of a community's development and interaction with the dominant culture.
- 3 Community control and self-determination through the application of participatory democracy, control of research and recognition of community decision making structures.
- 4 Integration of information derived from the above with technical research into demographics, health, income and welfare data.

In contrast, it appears there is no evidence that systematic SIA has been used in NSW. However, land management agencies in this State are giving greater recognition to the link between Aboriginal people and the environment. This change in government perspective is reflected in a number of areas. For example, the DLWC has employed Aboriginal staff in positions designed to facilitate Aboriginal community involvement in regional water and vegetation planning forums. This may prove effective in identifying and mitigating social impacts which stem from landuse decision making.

As a further example, the Western Lands Review conducted by the NSW Government illustrates that there may be an interest in SIA within the context of strategic policy and legislative development. The Review was designed to develop law and policy geared to ensuring sustainable development of the Western Division, which makes up 47% of the State. The need to replace early 20th century law governing the area with a system which recognises its vastly altered economic, environmental and social make up, has entailed a series of assessments which have been undertaken to guide decision making. One of these assessments explored the values and attitudes of residents in the Western Division toward the concept of sustainability.⁶⁵

While not a formal SIA, the report documents Aboriginal people's concerns about environmental change, involvement in landuse planning and access to land and wild resources. It provides recommendations designed to ensure that community concerns are taken into account. Importantly, this is carried through in a separate report that outlines the recommended content of the proposed *Western Division Resources Act*.

These steps are positive but they do not amount to a systematic and accepted use of SIA for indigenous people. They stand as progressive but isolated attempts to recognise the links between Aboriginal people and the environment.

Social Impacts

Wild Resource Use & Environmental Health

The research conducted during the Aboriginal People and Biodiversity project has clearly demonstrated the strong relationship between wild resource use, environmental health and people's sense of identity and way of life. The interviewees at Corindi Beach stated this very strongly during 1999. For example, Cheryl Brown explained the significance of gathering pipis on the nearby beach with family members:

We had a really big pipi gathering day here and we had everybody down there. We had them down from the camp, and Mum and Dad. We had everyone down on the beach and it was really good. It's a good feeling to have everybody doing it and talking while you're doing it, trading stories. People start remembering the old days and what their Mum would have said or what they would have done when they were living. That's how it's passed on. It's very important. I want to be able to teach my kids about it as well. I mean, I'm never going to stop learning about bush tucker. I'm never going to stop learning about who I am. But I want my kids to have that feeling as well ... When I grew up I was made to feel ashamed that I was black and I mean you hate that. You feel like you don't belong anywhere.

Her words demonstrate that there was more to this exercise than the simple collection of shellfish. Rather, the whole activity is framed as a social event that is referenced to and linked with past events, and a desire to ensure that cultural identity is maintained into the future.

The research conducted to date has not sought to quantify the amount of wild food or other resources that individual community members obtain. It has not assessed the economic value of catching fish, or the caloric or health benefits gained by using wild foods. It has focused instead on non-quantifiable concepts such as identity, community cohesion and their relationship with people's ability to access and utilise the landscape. It has found that there are important relationships between these factors and potentially a strong link between the condition of the environment and community well-being.

Any negative effects generated by development or land management programs on people's access to such resources can trigger social impacts. As discussed, losing access to wild resources can have a multitude of social impacts in Aboriginal

communities. These include detrimental effects on the ability of people to apply and pass on cultural knowledge about the land. It can limit the ability to supplement diet and incomes with wild foods and restrict access to the health benefits of using wild foods and medicines. Finally, it can limit people's ability to express their connection with the land.

SIA, Law & Policy in NSW

As stated earlier, review of twenty NSW EISs produced between 1980 and 2000 reveals that the consideration of human communities has been largely restricted to economic factors and the analysis of potential changes to demographics, income and property values. These documents relate to a wide variety of developments including sewerage treatment facilities, mines, pipelines and freeways.

In all cases, biophysical issues such as threatened flora and fauna and water quality were treated as distinct issues, separate from human communities. The link between potential environmental impacts and social change in human communities was not considered and cultural heritage assessment was always restricted to archaeological surveys. Interestingly, the more recent EIS documents contain language that suggests an understanding of the dynamics of social systems. For example, the heading "social environment" is occasionally used to begin sections on cultural heritage values. Despite this, even these sections deal only with archaeological investigations.

The EPAA contains no specific references to indigenous people's interests in the environment and is vague in its referencing of social values. Despite this, the broad definition of the word "environment" in the Act and the coverage in s79C of issues to be considered in an EIS, support the application of SIA. In addition, even without interpretation of the EPAA by the courts, government agencies have the capacity to use

their discretionary powers to implement SIA policy and practice.

However, it appears the reference to social impacts in the EPAA does not create any obligation for consent authorities. Section 79C is titled "Matters for consideration – general". It states that in determining a development application, listed matters are to be taken into consideration where they are of relevance to the subject development. In other words, they do not all have to be considered in every instance. The Act provides consent authorities with the discretion to determine which elements of the Section it will assess a development proposal against.

This decision will be shaped by a variety of factors including comments from government agencies and the scope of existing planning controls. Clearly, SIA can be ignored or addressed in a very limited sense, as is demonstrated by the review of EIS documents. This makes the scope and influence of SIA difficult to determine. However, it is argued here that there is scope for local councils and government agencies to develop a more comprehensive approach to the application of SIA through the development of appropriate policy and guidelines.

Issues of Application

The comprehensive application of SIA dealing with indigenous people would face a number of issues:

- Who would conduct the SIA research? Are there any practitioners in NSW who could grapple with the breadth of assessment required during SIA?
 - What elements of SIA could be used to develop a model approach to assessing values and impacts associated with environmental health and wild resource use?
 - What role would be given to Aboriginal communities during SIA? How would community control of SIA be supported?
- Would intervenor funding be provided to allow this?
 - Which agencies would assess SIA reports and would they have the expertise to do so?
 - How would cross-government use of SIA be engendered, not only in State agencies but also within local government?
 - Would SIA be used only during developments of a particular scale and type?
 - Could SIA become an element of regional planning and hence be used to provide a context to guide smaller scale landuse decision making?

These issues are complex. The adoption of an integrated and multi-disciplinary approach to impact assessment using an SIA model would likely be resisted in some quarters as overly complex and time consuming. Despite this, it is argued that agencies such as the NPWS should seek to develop and promote support for the application of formal SIA.

Gaining Support for SIA

A number of steps could be taken to promote the use of SIA in NSW. They include:

- 1 The development of SIA policies and guidelines by agencies such as the NPWS for application in land use planning, park management, research projects and EIA.
- 2 Integration of SIA principles and procedures into EPIs and local council planning procedures.
- 3 Integration of SIA into large scale conservation planning exercises such as bio-regional planning assessments and Regional Vegetation Plans.
- 4 Encouragement of affected Aboriginal communities and developers to undertake

- SIA investigations when large scale developments are proposed such as mining or urban release areas.
- 5 Legislative amendment to properly integrate SIA into EIA.
 - 6 Encouragement of teaching institutions to build SIA into the training of heritage practitioners, planners, and others involved in EIA and land use planning.

The NPWS is in a position to develop guidelines and assessment processes in collaboration with Aboriginal communities that ensure that links between biophysical and social impacts are considered during EIA. Currently the NPWS plays a major role in setting standards for cultural heritage practitioners involved in EIA and the Integrated Development Assessment (IDA) process. Under the consent authority set out in the NPW Act, the NPWS also has a key role in assessing aspects of many EIA reports.

At present, the NPWS's Aboriginal Heritage Guidelines for practitioners and communities are focused on archaeological processes. This could be changed to include an SIA model that recognises that archaeology should form only one aspect of Aboriginal heritage assessment. A draft model is presented in the next section. This model is currently feeding into a review of the process of Aboriginal heritage assessment during EIA being conducted by the NPWS's Cultural Heritage Division.

Second, local councils and planning bodies need to be prompted to use their EPIs and discretionary powers to build SIA into ongoing planning processes. Documents such as LEPs and DCPs could form an important basis for linking development consent, rezoning and environmental protection with the consideration of social impacts. Again, this could be achieved within the existing legal framework. There is evidence that some councils would support this. For example, Sutherland Shire Council in Sydney has recently undertaken an SIA of its proposed Local Agenda

21 plan (Community Solutions, 1999). While not dealing explicitly with indigenous issues, this project illustrates the potential for SIA to be a valuable tool in local planning.

Third, regional planning exercises need to build SIA into their framework. Planning at this scale has the potential to identify key issues associated with the effects of landuse planning on Aboriginal people. For example, this needs to be a feature of the Vegetation Planning Committees established under the *Native Vegetation Conservation Act 1997* (NSW). There is a danger that without this, a model for understanding and accounting for Aboriginal people's links with biodiversity and landscape will be reduced to archaeological site protection issues and the collection of bush tucker information. SIA has the capacity to ensure that the dynamics of living cultural systems are considered, rather than just isolated fragments of these systems, which are treated as relics of a "traditional lifestyle." SIA methods may also overcome the potentially limited value of guiding regional planning through formal meetings; forums which may not attract representative and effective Aboriginal participation.

Fourth, Aboriginal organisations and developers associated with large scale resource extraction or infrastructure projects could be encouraged to commission and support SIA programs either as part of, or in addition to, the EIA process. Many of the successful SIAs mentioned in the literature point to the value of this approach. As examples, SIA could be applied as part of the mining industry in the Hunter Valley or during the development of large freeways. SIA could be used to consider:

- The social, cultural and economic implications of the loss of archaeological sites, story places and lands used for cultural purposes such as wild resource gathering.

- The influx of workers, tourists, services and new residents on community structures and lifestyles.
- Options for negotiation on land access, employment, environmental protection and the funding of new ventures such as cultural tourism.

Fifth, explicit amendment of legislation and regulations governing EIA could be pursued. Comparison of NSW legislation with countries where SIA is required in law would help guide this process. The current review of Part Three of the EPAA provides an opportunity to raise this issue. Despite this, it is not expected that a review as broad as the process which saw New Zealand produce its *Resource Management Act* 1991 will occur. This creates added impetus for the development of policy reform and guidelines that can be used in its place.

Finally, the manner in which teaching institutions prepare graduates for involvement in EIA needs to be reviewed. The departments that produce archaeologists, anthropologists, ecologists, planners and others who are intimately involved in EIA, have the capacity to promote the application of SIA. The sectoral divisions of EIA are in part supported by the lack of attention given to the mechanics of this process within universities, and the lack of multi-disciplinary contact across departments. This may help to address the identified lack of understanding amongst EIA practitioners and agency staff that has been highlighted by commentators such as Taylor et.al.⁶⁶

A Draft Model for SIA & Cultural Heritage Management

To advance any of the ideas and concepts of SIA, they need to be integrated into the process of cultural heritage management and land use planning.

In 1997, the NPWS released a draft set of Standards and Guidelines for Aboriginal heritage

management. This document was aimed primarily at the EIA context and was intended for an audience of government staff, heritage consultants and Aboriginal people. Since its release, the Cultural Heritage Division has undertaken a number of projects that call for a change in our approach to EIA. These include research on social significance assessment, the need to consider post-contact places and the need to assess the cultural values that Aboriginal people ascribe to land and biodiversity. The recognition of SIA as a possible tool to broaden the scope and relevance of cultural heritage management has emerged as an important topic.⁶⁷

An attempt is made below to develop guidelines relating to SIA and the Aboriginal cultural values of biodiversity. They are presented here for debate, but hopefully, they will eventually contribute to a revision of the EIA process and the Standards and Guidelines Kit. Importantly, any such set of guidelines would not stand in place of local initiatives by councils and communities to improve the quality of long term planning in their areas.

The draft model is based on the outcomes of research during the Aboriginal People and Biodiversity Project and a review of international literature describing how indigenous concerns have been tackled by SIA methodology.⁶⁸

Fundamental to this model is the concept that cultural heritage encompasses a broad range of issues, places and values. It can include:

- People's sense of connection with landscape and place based on cultural identity (eg: the notion of country), family and group history and individual lifestyle practices.
- People's use of the landscape for social and cultural purposes such as obtaining, sharing and using wild resources.
- The places that are linked with group history and identity such as post-contact camps, fishing places, pre-contact sites and story places and areas where people have worked and lived.

Equally important is the concept that cultural heritage is bound into the notion of community health and well-being. Heritage is not an entity that can be separated from the manner in which groups live and interact, both internally and with the landscape around them. The idea of separation has been caused and promoted by the focus on archaeological recording. This has functioned in EIA largely under the premise that, through scientific objectivity, we can assess sites and places in isolation from their social values.

The scope of assessment required would need to respect the scale of development being proposed. A large development that affects a range of landscapes, places and people, would need more detailed assessment than a small development which may in fact be found to pose no threat at all to community heritage values and places. Therefore, while this model would seem to significantly raise the complexity of heritage assessment, it would not need to be applied in its entirety in every case.

The model is based on an holistic approach to assessing the heritage values of a place under threat from a proposed development. It involves taking five main steps:

- 1 Scoping the range of values associated with a development area with community members and organisations.
- 2 Determining the types of investigation that would be required to assess and understand the implications of the development for these values.
- 3 Carrying out appropriate levels of research and information collection.
- 4 Reporting back to community members and development proponents on outcomes.
- 5 Providing recommendations on impact mitigation or avoidance.

Each of these steps is described in detail below.

1. Scoping

Scoping is an exercise that is common to all SIA based studies. The scoping exercise should involve preliminary assessment of the scale of proposed impact. In this case, a checklist of issues and values is provided that can guide the scoping process. This is presented in the Table on page 61.

The main sources of information would include community members, existing reports and literature on SIA/EIA for the region, and available secondary historical sources. Community involvement in scoping is essential and this represents a radical departure from the current approach to cultural heritage assessment in NSW. At present, scoping involves a search of the NPWS Site Register and possibly some contact with the NPWS about the area's archaeological sensitivity.

2. Determining the Scale of Assessment

Having conducted the scoping exercise, it should be possible to define the scale of required assessment. This can include:

- 1 Archaeological assessment (survey & excavation).
- 2 Interviews with community members regarding past use of the area and the location of places associated with this use.
- 3 Background historical research to provide information about the history of the area and identified places within it such as fringe camps, missions, stations, etc.

3. Research & Assessment

This phase of the process needs to be conducted with an awareness of best practice approaches in archaeology, oral history, social mapping and historical research. As an example, assessing the location and importance of wild resource use places will require the following steps:

- 1 A mapping exercise with informants.
- 2 Interviews with informants to assess the significance and level of past or present use.
- 3 Possible field inspections with informants.
- 4 Analysis of the social impacts that could accrue from these places being altered or destroyed, or as a result of loss of community access. Some of these potential impacts are listed in the Table below.

A similar process will be required to identify and assess post-contact places that the scoping exercise indicated might be present in the study area. This may require assessment of local historical information and archives, oral history recording and other research. Importantly, this type of research emphasises a greater level of community involvement than currently occurs during EIA. In fact, much of the mapping and recording process could be undertaken by community members if they were trained and resourced. In the absence of such training, practitioners could seek to employ research assistants from the community to play a role in coordinating the assessment process.

Recommended Scoping Questions

Value	Explanation
Does the area contain places that people have used or continue to use?	– This includes use in pre-contact, post-contact & contemporary periods. It can include areas used for camps, wild resource collection, recreation, teaching, and work.
Does the area contain, or have the potential to contain, physical evidence of this use?	– This can include typical pre-contact remains like scarred trees, middens and artefact scatters, as well as physical evidence of post-contact camps, and work places (eg: Aboriginal built fencing or stockyards).
Does the area contain environmental features that people value or use?	– This can include landforms, vegetation, fauna and water features associated with wild resource gathering activities in the past or present, and/or linked to totems and stories.
Would alteration of the area or changes in levels of access and use have a perceived social impact amongst community members?	– People may cite the impact of losing access to a valued place or resource and indicate that this may affect their ability to carry out activities that have social, cultural or economic significance eg: wild resource use may be a source of community bonding, cultural strengthening and food that is seen as being integral to family or group well-being. Equally, loss of a story place or scarred tree may be viewed as an impact on the cultural landscape.

4. Reporting Back

Once the assessment process has been completed, the study team should produce reports and maps and undertake face to face discussions with the community, either through group meetings or meetings with key representatives. This is designed to ensure that the community is happy with the style of reporting and the representation of information about the study area. If the community has actually been involved in the reporting process, then this will help to ensure that this aspect of the work is supported by informants.

The development proponent and the consent authority should also be provided with information from the assessment in a manner that respects agreed protocols about the handling of cultural information.

If possible, a negotiation stage should take place prior to the lodgement of any Development Application. This should be aimed at establishing options for altering development design to mitigate or prevent social impacts and the loss of valued places and landscapes.

5. Recommendations

Recommendations should then be developed that take into account the results of the research and consultation undertaken.

Link to Planning

In conclusion, this model needs to interact with, and be applicable to, the current processes of Integrated Development and Consent. This means developing a system where SIA and the issues described above can be formally built into the planning system.

The potential key means of achieving this include:

- 1 Incorporating reference to SIA and social impacts in model provisions of LEPS.
- 2 Developing new standards and guidelines for heritage assessment that can be applied during EIA.
- 3 Developing policies and protocols that indicate that consent authorities will take social impacts into account when assessing designated and non-designated developments.
- 4 Developing protocols that ensure that public authorities will take social impacts into account under Part 4 of the EPAA (for example during Reviews of Environmental Factors and EISs).
- 5 Exploring the creative use of other planning mechanisms like Development Control Plans, Plans of Management for Crown lands, Rural Lands Studies and Urban Release Area studies employed by local councils.
- 7 Factoring SIA into Council Heritage Studies and all regional planning exercises.

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- 49 National Environment Protection Agency, USA, 1998, Fact Sheet: What is SIA? (available on-line at <http://www.gsa.gov>).
- 50 Taylor, N., Bryan, H. and Goodrich, C. 1990 Social Assessment: Theory, Practice and Techniques. p.18.
- 51 Ibid p84.
- 52 Burdge, R. and Vanclay, F. 1994 "The practice and future of social impact assessment." In Burdge, R (ed.) A Conceptual Approach to Social Impact Assessment, pp.265-284. Social Ecology Press, Wisconsin.
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- 54 Op.cit. n50.
- 55 Carpenter, R. 1999 "Keep EIA Focused." EIA Review, No. 19, pp.111-112.
- 56 Lane, M. 1997 "Social Impact Assessment." Australian Planner.
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- 58 This review involved a key word search in April 2001 of reported case law on the Austlii web site. Existing references included a case that examined whether the establishment of a pub near a public school would generate social impacts through inappropriate siting, increased traffic and the potential for accidents. No case dealing with cultural heritage involved SIA.
- 59 The term SIA was first used in 1973 during the assessment of the Mackenzie Valley pipeline. The Berger Inquiry set up to investigate the impacts of the pipeline on Inuit people explored the effects of the development on Inuit people's way of life, land use and culture (Burdge, 1994).
- 60 O'Faircheallaigh, C. 1999 "Making SIA count: a negotiation based approach for indigenous peoples." Society and Natural Resources Journal, 12, pp.63-80. Gagnon, C., Hirsch, P. and Howitt, R. 1993 "Can SIA Empower Communities?" EIA Review 13, pp.229-253. Ross, H. 1990 "Progress and prospects in Aboriginal SIA." Australian Aboriginal Studies, 1, pp.11-17. Howitt, R. and Jackson, S. 2000 "Social Impact Assessment and Linear Developments." In Goldman, L.R. (ed.) SIA. An Applied Anthropology Manual. pp.257-294. Berg Press, Oxford.
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- 66 Op.cit n50.
- 67 English, A.J. 2000c "Beyond the artefact scatter: EIA and Aboriginal Cultural Values of Biodiversity in NSW." Paper presented at the Native Solutions: Indigenous Knowledge and Today's Fire Management Conference, Hobart.
- 68 e.g. Stoffle, R. 2000 "Cultural Heritage and Resources." In Goldman, L. (ed.) Social Impact Analysis. An Applied Anthropology Manual, pp.191-232. Berg Press, Oxford.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

7 Scenario: A Coastal Development

This section presents a scenario that attempts to illustrate how the draft model presented above, might be applied. The scenario is based on the types of places identified during the Corindi Beach project.

Setting the Scene

In this scenario the area to be affected by a proposed development contains a beach and rock platform, backed by dunes. A creek and lagoon pass through adjoining woodland to discharge between the frontal dune, close to the beach.

There are a number of specific cultural features in the area. These include a camp occupied by Aboriginal people between the 1920s and 1970s. This lies next to the lagoon and is marked by the remains of bottle dumps and a car body. A series of pathways link the camp to fishing spots on the creek; the lagoon where people obtained fish, eels and prawns; plant food and medicine sites in bush adjacent to the dunes; a rock platform where people obtain fish, shellfish and abalone; and the beach itself. All of these features have been utilised by Aboriginal people living in the area between the 1920s and the present day.

The land within the area is a mixture of vacant Crown land, coastal reserve and private freehold. Local people access the area from an adjoining coastal town by foot and vehicle. Aboriginal people continue to fish in the creek, from the beach and

the rock platform. Some community members also continue to collect plant foods and medicines in the area.

Also in the area is evidence of pre-contact occupation by Aboriginal people in the form of middens, scarred trees and stone artefact scatters.

For the purpose of this discussion, a sandmining proposal has been put forward by a mineral sands company. This would affect the beach, dune and lagoon and also cause impact to vegetation located behind the dune system.

Current Levels of Assessment

Mining is a designated development under the EPAA and would therefore trigger an EIS. Currently the following types of assessment would probably be carried out as part of the EIA:

- Flora and fauna surveys to determine the presence/absence of threatened or protected species and to assess the impact of the proposal on local biodiversity.
- Geomorphological studies to assess the potential impacts of the mine on groundwater and coastal landforms.
- Archaeological survey to determine the presence/absence of pre-contact archaeological sites, and possibly, European historic sites.
- Traffic studies to assess the impact of mining trucks on adjacent townships and roads

From a Aboriginal heritage perspective, the assessment would be directed by a consultant archaeologist operating with an understanding of NPWS Standards and Guidelines regarding survey and excavation. The archaeologist would consult the NPWS Site Register to determine whether any known sites are in the study area and then construct a basic model of site potential based on a reading of survey reports from the surrounding region.

The consultant would then contact the Local Aboriginal Land Council and request a Sites Officer to attend a survey of the area. This would probably identify the middens, artefact scatters and scarred trees and possibly the bottle dump. Areas of archaeological potential might also be identified. For example, the dune system may be defined as an area with a high potential to contain burials.

Based on the predicted scale of impact, and a process of site significance, the consultant would recommend either the protection, salvage or destruction of recorded sites. Monitoring or controlled excavation of pre-contact sites may be recommended. The Land Council would comment on these recommendations.

The archaeological assessment would form one factor to be considered during the larger EIS. This might recommend approval of the proposal, with or without modification, or argue that the impacts would be too great to allow the proposal to go ahead.

Whatever the outcome, the assessment would probably not take into account the current or potential use of the area by Aboriginal people, or the social values that are linked to specific places and activities. This would not shape the decision making process or the design of the final proposal if it was approved to go ahead. These issues may receive anecdotal mention in the consultant's report (in rare cases) or be mentioned by the Land Council in their letter discussing their view of the proposal. However, this would not trigger a more detailed assessment of cultural values or be

pursued by the NPWS and the other consent authorities.

Proposed Level of Cultural Assessment

Under the proposed SIA approach recommended in this book, the following assessment of cultural values would be required:

- Scoping with Aboriginal community members to determine the range of values and activities associated with the study area using a checklist that covers topics such as post-contact and contemporary use, links with family history and traditional stories.
- Initial assessment of the scale of potential impact.
- Decision making regarding the scale of required assessment (oral history, documentary research, archaeological survey, social mapping).
- Research and assessment of impacts and consideration of options and alternatives by community members in collaboration with consultants.
- Reporting and recommendations (either separate or combined from consultant(s) and community).

This process would identify the pre and post-contact places in the study area, assess the social, economic and other importance of continued use of the area by Aboriginal people and discuss the implications of loss of access and the destruction of the landscape in this area. Archaeology would form one component of this assessment but would be subsumed within a broader assessment of the area's cultural values.

The assessment of wild resource use places and values would need to encompass analysis of:

- Levels of use by the community.

- The relationship between land use and community health and well-being.
- The link between land use and specific places within the study area via mapping of pathways, fishing holes and food plants. This analysis would need to be conducted with an understanding of family and group association with the area and the old camp.

This information would then need to be fed into the EIS and linked to the outcomes of the flora and fauna assessment and other aspects of environmental study. Linkages between identified cultural places and "biodiversity" values would need to be explored to determine whether segments of the area have a dual significance.

Ensuing recommendations would need to explore the dovetailing of biodiversity and cultural heritage outcomes. For example, the retention of riparian vegetation or the buffering of the creek system on biodiversity grounds should be linked to the aim of also retaining cultural values associated with past and present use of these features. Equally, where low "biodiversity" or "natural heritage" values are defined, the capacity for identified features to have a high cultural significance should be explicitly considered. For example, the creek and vegetation valued by the community may have little value in an ecological sense, but be extremely important for maintaining cultural practices and community health.

Conservation Options

As discussed earlier, heritage law would provide direct protection only for the relics within the study area such as the bottle dump, middens, scarred trees and artefact scatters. There would also be the option of nominating the area to become an Aboriginal Place under the NPW Act as an attempt to provide broader protection for the entire area of concern.

The other cultural values associated with the area, including continued use of wild resources or visitation of the old camp are not easily

encompassed by heritage provisions. Areas of cultural value may be granted protection tangentially by the operation of statutes governing the protection and management of flora, fauna and ecosystems. However, this would not be a direct recognition of the community's interests.

If however, the EIA system operated with a set of SIA guidelines and policy setting out a broad concept of "cultural heritage", then this would raise the potential to argue for the protection of fishing holes, rock platforms or food plants on purely cultural grounds. As discussed earlier in this report, this is dependent upon a more extensive use of discretionary powers, the terms of s79C of the EPAA, and the development of creative approaches to planning through negotiated outcomes between communities and developers.

Under these scenarios, conditions could be placed on consent that specify the retention of certain areas for continued cultural use, or simply, to ensure that the existence values of the area are protected. Equally, specific agreements between community groups and the developer might be established that govern controlled access to sections of the area and to ensure that impacts to valued features are avoided. The legal status of conditions on consent would provide a formal level of protection for the areas identified as having cultural value.

There is also the potential that if the cultural values associated with continued use and access are rated as significant by consent authorities, this could be one factor in refusing development consent. Equally, community members may not be opposed to the complete or partial development of the area. They may identify strongly with only parts of the area or favour use of other locations for fishing and plant food collecting.

In reality, the options and outcomes under an SIA and broad heritage model are more complex but also potentially more reflective of the interests that Aboriginal communities associate with the land and sea in NSW today.

8 Acronyms

ALRA	Aboriginal Land Rights Act 1983 (NSW)	LMR	National Parks and Wildlife (Land Management) Regulation 1997
ALRC	Australian Law Reform Commission	MPA	Marine Parks Authority
AOA	National Parks and Wildlife (Aboriginal Ownership) Amendment Act 1996 (NSW)	NEPA	National Environmental Planning Act
AP	Aboriginal Place	NSW	New South Wales
DCP	Development Control Plan	NPW Act	National Parks and Wildlife Act 1974 (NSW)
DLWC	Department of Land and Water Conservation	NPWS	National Parks and Wildlife Service
EIA	Environmental Impact Assessment	PoM	Plan of Management
EIS	Environmental Impact Statement	REP	Regional Environmental Plan
EPAA	Environmental Planning and Assessment Act 1979 (NSW)	RFA	Regional Forest Agreement
EPI	Environmental Planning Instrument	RVMP	Regional Vegetation Management Plan
GIS	Geographic Information System	SIA	Social Impact Assessment
IDA	Integrated Development Assessment		
ILUA	Indigenous Land Use Agreement		
LALC	Local Aboriginal Land Council		
LEP	Local Environmental Plan		
LGA	Local Government Area		

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MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

Appendix 1: Law, Policy & Wild Resource Use

Introduction

It is important to understand the legally sanctioned opportunities available to Aboriginal people to obtain wild resources and become involved in land management. These necessarily shape any decisions about community use of wild resources and can also affect the significance placed on individual places during EIA. For example, if a place is wholly associated with an activity that is not legally sanctioned, then this may limit any argument for its protection from development on the grounds of its use value. Equally, if an area is being used legally and is under threat, then this should have an influence on the decision making process. The same should apply to an area that has the potential to be used legally and is under threat.

The legal rights to terrestrial wild resources in NSW were summarised in English (1997). This paper considered State and Commonwealth legislation and policy and argued that there are a number of opportunities present in law for Aboriginal people on a variety of tenures to access and use wild resources. Some of these opportunities are specific to Aboriginal people, while others are available to the wider community.

It is necessary to update and expand this earlier assessment. For example, no assessment was made in this paper of the legal rights to marine resources. In addition, since 1997, a number of new NSW statutes that relate to wildlife management have appeared such as the *Native Vegetation Conservation Act 1997* (NSW) and the *Forest and National Park Estate Act 1998* (NSW).

Arrangements in Joint Managed Parks

The establishment of a system for joint management of protected areas in NSW with traditional owners represents one of the most significant developments in cultural heritage management in the last 10 years. This system is set out in the *National Parks & Wildlife (Aboriginal Ownership) Amendment Act 1996* (NSW) (AOA). Numerous provisions relating to the use and management of wildlife by Aboriginal people are incorporated within the Act.

The AOA is designed to achieve three main functions. First, it provides for Aboriginal ownership of lands reserved under the NPW Act. Second, it amends the *Aboriginal Land Rights Act 1983* (NSW) to allow successful claims of land subject to lease, reservation or dedication under the NPW Act. Third, it provides for Aboriginal ownership of relics and exemptions for custodians from the terms of s90 of the NPW Act.

Existing or proposed protected areas can be nominated for Aboriginal ownership. Those areas in joint management are then listed in Schedule 14 of the AOA. Currently, these include Mutawintji Historic Site and National Park, Mungo National Park, Mount Yarrowyck and Coturaundee Nature Reserves, Mount Grenfell Historic Site and Jervis Bay National Park. Title is vested in the relevant LALC(s) and the lands then leased

back to the NSW Government. Management is undertaken by a Board that has powers to develop the Plan of Management (PoM) for the area and direct cultural use of the lands by Aboriginal people. The autonomy of Aboriginal people is restricted by the fact that law relating to park and environmental management must not be contravened. The Act states that the rights of native title holders are not to be impinged upon by its operation, or by the activities of the Board of Management.

Under the Act, the Board of Management assumes the powers of the Director-General relating to the care, control and management of the land. The Board of 13 people must contain a majority of Aboriginal owners.

The Act contains a number of provisions which relate to the use of wild resources on Schedule 14 lands:

- Amendments are made to s45 of the NPW Act to allow Aboriginal owners or any Aboriginal person who has consent of the Board, to harm an animal within any reserve listed under Schedule 14 for domestic, ceremonial or cultural purposes. No harm can be done to an animal defined as a threatened species or an animal protected by the reserve PoM.
- Amendments are made to allow Aboriginal owners or any other Aboriginal person approved by the Board, to pick timber, vegetation and plants in any reserve listed under Schedule 14 for domestic, ceremonial or cultural purposes. This can include any protected plant but no plant classified as threatened or one protected by the reserve PoM.
- Part 4A 71AD(i) indicates that a matter which must be covered in the lease of the reserve between the Aboriginal Land Council and the Minister, is acknowledgment that the Aboriginal owners and any Aboriginal people who have the consent of the owners, are entitled to enter the reserve for hunting or fishing for, or the gathering of, traditional foods for domestic, ceremonial or cultural purposes. This right is subject to the Act and any other Act applying to the lands and the PoM, and must be in accordance with the tradition of the Aboriginal owners.
- 4A s71AD(i) states that the lease must acknowledge that the Land Councils in which the lands are vested, as well as their employees, contractors and agents, must comply with any laws and the PoM applying to the lands, including those provisions relating to the protection of flora and fauna.
- Part 4A 71AD(2)(c)(i) and (ii) state that the lease must also make provision for the compliance of all parties in respect of any requirements that arise because the land is situated in an area listed as having natural or cultural heritage significance under the *World Heritage Properties Conservation Act* 1983 (Cth) and the Convention for the Protection of the World Cultural and Natural Heritage.
- Part 4A 71AO(2) states that it is the Board's function to consider proposals for the carrying out of cultural activities such as hunting and gathering within the lands and of approving or refusing to approve these activities.
- Part 4A 71BH states that the Director-General, when exercising any power or authority under the Act in relation to Schedule 14 lands, must have regard to the interests of the Aboriginal owners.
- The Board must ensure that if any native title interests, which include rights to hunt and fish, are found to reside in the lands, then the Board must enter into arrangements with the common law native title holders to ensure that these rights are preserved.
- An amendment is made to s72(2) of the NPW Act stating that a PoM may provide for the use of lands for any community development purpose prescribed by the regulations.

- An amendment is made to s72 (2A) of the NPW Act to allow for the PoM to specify the conduct of studies to assess the possible effects of hunting and gathering upon threatened species prior to the exercising of hunting and gathering rights. Ongoing monitoring of the exercising of those rights is also provided for.
- An amendment is made to s117(2) of the NPW Act relating to the picking or possession of native plants indicating that s117(1), which states that it is an offence to pick native plants, shall not apply on lands reserved or dedicated under Part 4A where this is undertaken by an Aboriginal owner or by an Aboriginal person who has the consent of the owner Board members.

A number of points can be made about these provisions. Firstly, the Act provides a framework that seeks to balance the needs of biodiversity conservation with the rights and interests of the Aboriginal owners. Biodiversity conservation is advanced by the fact that threatened species or species protected by the PoM for the reserve cannot be harmed or picked. Equally, any world heritage values associated with the land have to be maintained and this can include protection of flora, fauna and the operation of ecosystems.

Another important element of this approach is the provision to undertake prior assessment and ongoing monitoring of the effects of wild resource use. This has the benefit of promoting the utilisation of indigenous and Western knowledge in partnership to develop effective wildlife management. It also seeks to provide a level of information capable of resolving any disputes between indigenous and non-indigenous interests such as conservationists in this area. This approach has the capacity to assist with rectifying the lack of data currently available on the environmental effects of wild resource use in NSW. Information collected within the park context will be capable of being extrapolated to other land tenures and situations.

A second aspect of the Act is the recognition of Aboriginal decision making. It is the Aboriginal owners on the Board who assess and regulate, within the legal framework, any wild resource use activities. The traditional owners have discretionary powers through the development of the reserve PoM. Under this framework the Board can devise strategies for defining species which may not be taken, setting levels of take, methods employed, the individuals involved and the areas within the park where it may be conducted. Constraints include existing law relating to threatened species and the views of the Advisory Council and the Minister when the latter approves or rejects the PoM. However, if a Board's position is not inconsistent with the terms of the NPW Act, then this cannot be overridden by the Minister.

Further recognition of indigenous authority is provided by the provision in s71AD(i) that the use of traditional foods must be in accordance with the tradition of the owners. This reinforces the legislative recognition of indigenous customs and decision making authority. The duty of care upon the Minister to "have regard to the interests of the Aboriginal owners" when exercising any power or authority in relation to Schedule 14 lands is also significant. This aspect of the Act could have been stronger however by stating that the Minister had to "recognise and provide for" these interests, rather than simply take them into account. To this extent the new legislation and the existing law relating to wildlife do have the potential to create restrictions on the use of wild resources.

National Parks & Wildlife Act 1974 (NSW) - (NPW Act)

It has been argued (English, 1997) that there are a number of opportunities for this Act to be used to regulate and condone use of wild resources by Aboriginal people in NSW. Most of these opportunities stem from the wildlife licensing system in the Act and the associated Land Management Regulation 1997 (LMR). However, apart from the provisions relating to emu farming, the Act does not appear to have been used in this way and this has certainly not been promoted as an option by the NPWS to Aboriginal communities.

The provisions of the NPW Act, the LMR and the ALRA are especially relevant. Under the NPW Act a system of licenses is in place which allows the hunting of protected and non-native fauna on private land and in reserves. Aboriginal people can seek to apply for these in the same way as other members of the community. In addition, it is argued that there is discretion present in s120(1)(a)(iv) to issue licences for hunting and gathering for cultural purposes.

Under s120, licences can be applied to allow a person to take, kill or obtain any protected fauna for scientific or any other specified purpose and to sell or otherwise dispose of this fauna. However s120(2) states that a licence will not authorise such activity in a protected area, unless expressly stated on the licence. If this is authorised then exemption may be provided from s45(1) and 56(1) which make it an offence to take or kill fauna in a reserve, or discharge a weapon in these areas.

Under s122 a game licence can be issued to allow the taking or killing of protected fauna named in an open season or in a proclamation relating to fauna in areas such as wildlife districts and state game reserves. A licence will not allow taking of endangered species or the taking of any fauna in other types of reserves such as national parks and nature reserves.

In addition, the Act includes licences which allow the sale of some wildlife and wildlife derivatives. These licences include a s121 occupier's licence that can be issued to allow the taking of specified fauna (excluding threatened species) for sale. Under s123 a trappers licence can be issued to allow a person to take or kill specified fauna for sale.

These licenses (excluding a game licence) could be used by Aboriginal communities owning land to develop commercial ventures in the sale of protected native plants, specified fauna (not including threatened species) and emus. The NPWS indicates that there are examples of Aboriginal people undertaking emu farming in NSW under the terms of a s120 licence.

In relation to flora, s117(3) states that it is not an offence to pick protected native plants on private land as long as the landowner consents. While any plants that are picked cannot be sold, this allows Aboriginal people to negotiate access and picking rights in order to carry out wild resource use. Similarly under s71(3) a person can pick native plants on lands included in a wildlife refuge, wildlife management area, conservation area and certain wilderness areas if permission is provided by the owner, occupier or lessee.

Under s131 a licence may be issued to allow the picking of protected native plants however it appears that Aboriginal people are exempt from the need for a licence by the National Parks & Wildlife LMR. Sale of plants is provided for by s132 of the NPW Act under which a licence may be issued to an owner or occupier of private land allowing the growing of protected or threatened native plants for sale.

In addition to these licences the LMR provides some exemptions for Aboriginal people from the terms of the NPW Act. Section 37(1) exempts Aboriginal people from s70 of the NPW Act which prohibits the harming of fauna within a wildlife district, wildlife refuge, wildlife management area, conservation area, wilderness area

or area subject to a wilderness protection agreement. Aboriginal people are allowed to hunt fauna for their own domestic purposes. Section 37(3) states that the exemption does not apply to threatened species, populations or ecological communities within the meaning of the TSC. Section 37(4) states that the exemption applies to any Aboriginal or non-Aboriginal dependents of an Aboriginal person.

Exemptions are also provided for picking flora. s38(1) provides an exemption from s71(1) of the NPW Act which states that persons are prohibited from picking or possessing native plants within the categories of areas listed in s37(1). Again, the exemption specifies that the gathering or harvesting of fruit, flowers or any other part of a native plant must be for domestic purposes. Under s38(1) dependents are also covered by the exemption. Finally, s39 provides an exemption from s117(1) of the NPW Act which prohibits the picking or possession of protected native plants. Harvesting must however not harm the plant or interfere unreasonably with its propagation. This exemption appears to apply to all categories of protected areas.

Forest and National Park Estate Act 1998 (NSW)

This Act stems from the Regional Forest Agreement (RFA) process. Its main aims are to transfer certain areas of State Forest or other Crown lands to either Aboriginal ownership or the NPWS Estate, and to establish a system of integrated approvals for forestry operations.

Under the Act, 326 hectares of land in the Bega and Merimbula areas were transferred to Aboriginal Land Councils was recognised. In addition, the Act amends the AOA to include Biamanga National Park within Schedule 14 as a joint managed area.

The Act contains no specific references to use of wild resources in State forests or on Crown lands. Importantly, the Eden and Upper and Lower North East Forest Agreements have also dealt with Aboriginal people's interests in forests. Under these Agreements, the "spiritual importance of the land to the Aboriginal community and the inseparability of natural and cultural heritage to Aboriginal people" was recognised (State Forests of NSW 2000). In the south, a Memorandum of Understanding is being developed between State Forests and the Aboriginal Forest Management Committee. This will cover issues such as cultural tourism, wild food use and employment under joint management arrangements for three identified areas. Under both Agreements, State Forests and the NPWS have agreed to develop a strategy for the involvement of Aboriginal people in forest management in NSW. State Forests is also committed to finalising the policy components of the National Forest Management Strategy.

Aboriginal Land Rights Act 1983 (NSW) - (ALRA)

The ALRA provides for wild resource use on private lands as well as a mechanism for gaining access to lands traditionally used for this activity. Under s47 of the ALRA, a LALC may negotiate agreements with the owner, occupier or person in control of any land to permit Aboriginal people to gain access to that land for the purposes of hunting, gathering and fishing, subject to the provisions of any other Act, rule, by-law, regulation or ordinance. This right however is also available to any other member of the public and cannot be seen as an express right for the Aboriginal community. In 1997, the Department of Aboriginal Affairs indicated that they had no records of any Aboriginal person or group applying for a s47 access licence.

Under s48 of the ALR, where a Land Council desires to gain access to land traditionally used for hunting, to hunt and gather traditional foods for domestic purposes, and where the LALC has been unable to negotiate arrangements to allow this to take place, then the LALC can lodge a submission with the Land and

Environment Court for determination of the issue. Importantly, it would appear that the lands in question can be a protected area such as a national park. It is unclear whether this has been tested.

Section 48 refers specifically to "traditional" lands and "traditional foods" and therefore implies that there must be a cultural link between the applicants and the land in question. Interestingly, no disputes have been lodged with the court in relation to s48. Whether this indicates that the Act has been little used by LALCs or that amicable arrangements have been achieved with landowners cannot be determined.

Morison (1984) argues that there are potentially many problems faced by the courts when dealing with disputes that arise under s48. There are no indications as to how traditional rights are to be defined or recognised, how continuation of these rights is to be measured, whether a landowner is entitled to compensation if conditions are imposed, and if so, how this is to be defined.

In conclusion, s48 provides the opportunity for Land Councils to negotiate with bodies such as the NPWS for hunting and gathering rights to be recognised on reserves that are classifiable as traditional lands. When this is combined with the discretion available under s120 licensing, it is clear that there is considerable scope for Aboriginal people to gain these rights.

Marine Parks Act 1996 (NSW)

This Act makes no specific reference to Aboriginal people's interests in managing the environment or using wild resources. This issue has however been central to the consultation between Aboriginal communities, the NPWS and the Marine Parks Authority (MPA) about park management. A number of phases of consultation have occurred for both the Solitary Islands and Jervis Bay parks (Avery and McClymont, 1998, McConkey and Feary, 1999, MPA, 1999 and NSW Fisheries, 2001). Little headway appears to have been made on this issue, or on the debate about the need for Aboriginal people to obtain fishing licences under the Fisheries Act. The recently released Issues and Options Paper for the Jervis Bay Marine Park (MPA, 1999:43), simply states that consideration will be given to using Special Purpose Zones to allow the continuation of Aboriginal people's commercial and cultural use of marine resources. Gumbaingirr people at Corindi Beach are involved in the consultation process but indicate that they are unsure whether their interests will be taken into account.

The draft Aquatic Biodiversity Strategy being developed by NSW Fisheries recognises that Aboriginal people have both cultural and commercial interests in marine resources and their management. It indicates that the Indigenous Fisheries Strategy will seek to address these issues by the end of 2003. NSW Fisheries have been working on this strategy since at least 1998 but as yet, it does not appear to have led to any solid outcomes.

Native Vegetation Conservation Act 1997 (NSW)

One of the key components of this Act is the establishment of Regional Vegetation Management Committees. These are designed to bring various stakeholders such as farmers, government, Aboriginal people and others, together to develop strategies for the management of native vegetation in defined regions. These strategies are known as Regional Vegetation Management Plans (RVMPs). No consistent policy on Aboriginal people's interests has been developed by the DLWC which manages the Act.

The approach and success of different committees appears to vary considerably when dealing with indigenous interests. Part of this may stem from the reliance on large meetings that do not provide a suitable forum for Aboriginal people to participate in or discuss cultural and other concerns.

The potential for the RVMPs to see the development of effective strategies for the management and recognition of Aboriginal people's interests in native vegetation would seem to be great. For example, Plans may be able to consider:

- 1 The identification of areas of cultural concern and sensitivity where clearing will impact cultural values such as known sites and wild resource use places.
- 2 The development of agreements between land managers, land owners and Aboriginal people about the protection and ongoing use of defined areas for cultural purposes by Aboriginal people.
- 3 The development of an agreed process for Aboriginal community involvement in assessing clearing applications for social and cultural impacts.
- 4 Commitment to key principles such as Ecologically Sustainable Development, biodiversity conservation and the interests of Aboriginal people.

Obviously, the application of any Plan will be dependent upon associated legal and policy based processes governing EIA and the approval of clearing. It is perhaps too early to understand how effective RVMPs may be in the management of Aboriginal heritage values.

Native Title

The principle Commonwealth legislation governing aspects of hunting and gathering in New South Wales is the *Native Title Act 1993* (Cth).

Native title rights are defined in s.223(2) of the Act as including hunting, gathering and fishing rights. It is widely acknowledged (Dodson, 1996) that due to a history of dispossession and activities which have extinguished native title, such title will only benefit a very small proportion of Aboriginal and Islander communities resident in Australia. Native title will not be available for every indigenous person who wishes to use wild resources for subsistence, domestic or cultural purposes.

There has been at least one important case that provides an indication of the relationship between native title rights and the law governing the utilisation of wildlife. This case, *Yanner v Eaton* [1999] HCA 53, dealt with the taking of two juvenile freshwater crocodiles in Queensland by Murrundoo Yanner, a member of the Gunnamulla clan of the Gangalidda tribe. Yanner used a "traditional form of harpoon" to kill the animals and then he and other members of the clan ate some of the meat and froze the remainder. The skins were kept at Yanner's home.

The Queensland government argued that Yanner had committed an offence under the *Nature Conservation Act 1992* which states that a permit is required for the taking or keeping of fauna. The High Court upheld the appellant's argument that his rights as a native title holder exempted him from prosecution.

Only one case, *Mason v Tritton and Another* [1994] 34 NSWLR 572, appears to have been brought by an Aboriginal person in New South Wales arguing for a native title right to hunt and gather. This case was originally heard in the Supreme Court and then in the NSW Court of Appeal. The appellant was contesting a charge under the *Fisheries & Oyster Farms (General) Regulation 1989* that he had illegally harvested 92 abalone at Dalmeny on the South Coast. Harvesting abalone requires a permit under the Regulation and take

must be limited to 10 abalone of a certain size. The appellant argued that the Regulation did not apply to him as he possessed a native title right to harvest abalone based on a long cultural tradition. It was also argued that the Regulation contravened the *Racial Discrimination Act 1975* (Cth).

The appellant lost the case and this illustrates the need to establish very firm evidence of the existence and continued maintenance of customary rules and laws when arguing for a native title right. While it was established that the appellant was of Aboriginal descent and that his family had been fishing in the area since the 1800s, the absence of any customary law recognised by the appellant's community in relation to abalone harvesting ultimately defeated the appellant's argument. Interestingly, both genealogical and archaeological evidence was used by the defence to establish that abalone had been used by the South Coast tribes for at least 3000 years and that the appellant was descended from a relevant tribal group. It was held however that this did not equate with the existence of traditional laws.

Gleeson CJ stated:

"The evidence led by the appellant showed that Aborigines had traditionally taken abalone from the waters in which the appellant was operating, but was silent on the question of what qualifications there might be upon the exercise of any right that was involved"

It was concluded that in line with the decision made by the High Court in *Mabo v Queensland (No2)* and the confirmation of native title rights under the *Native Title Act 1993* (Cth), that there must be:

- Evidence of biological descent from the group who exercised the traditional customary rights at the time when the Crown asserted its sovereignty.
- Evidence that the claimant and group continued to acknowledge customary laws and therefore maintain a traditional connection with the land.

Evidence of the abandonment of traditional laws and customs is fatal to the survival of native title.

Neither the Supreme Court or the Court of Appeal decisions directly discuss the definition of traditional hunting and gathering. It is obvious however that the courts feel that it must be linked to the application of traditional laws and customs. Importantly, Kirby P held that evidence of change to traditional laws and customs is not fatal to a native title claim. Rather, native title will continue to be enjoyed to the extent that traditional laws and customs are currently acknowledged. This conceivably agrees with the ALRC (1986) definition of traditional hunting and gathering which recognises that cultures are dynamic and that hunting and gathering can involve the utilisation of introduced species and modern technology. This was obviously supported in the Yanner case.

Finally, the NSW court's decision agrees with the Australian Law Reform Commission's view that the commercial sale of wildlife and wildlife derivatives does not constitute a traditional activity. In this case there was apparently clear evidence to suggest that the appellant was selling the abalone meat that he had harvested. This was held to be beyond the ambit of traditional laws and customs. Importantly, the case does not consider in detail the impact that the Regulation would have had upon a native title right had it existed, for example by restricting or banning take.

Policy

NSW is characterised by a dearth of policy that deals explicitly with contemporary use of wild resources by Aboriginal people. Heritage and land management policy has tended to emphasise archaeological issues and

assessment processes. However, both the NPWS and the DLWC are beginning to develop policy that deals with recognising and managing Aboriginal people's interest in the environment. At this stage, the NPWS has produced statements in official documents such as the Corporate Plan (NPWS 2000) which state that the agency recognises the indivisibility between Aboriginal culture and the environment. This has not yet been translated into effective policy and practice.

The NSW Biodiversity Strategy (NPWS, 1999) is an important guide to the development of conservation and assessment programs in NSW. This document does reference indigenous people's interests in the environment by repeating the statement on this topic provided in the National Biodiversity Strategy (NPWS, 1999:8-9). This acknowledges that Aboriginal people retain knowledge about biodiversity that can be of benefit to current land management practices. It also recognises that the maintenance of biodiversity on lands and waters that indigenous people have title over, or an interest in, is "a cornerstone of the wellbeing, identity, cultural heritage and economy of Aboriginal and Torres Strait Islander communities (1999:9)".

The summary tables of Objectives make a number of references to Aboriginal people. For example, Objectives 1.1 and 1.2 relating to community involvement and partnerships indicate that Aboriginal groups should be involved in conservation networks (1999:51). The Strategy also states that Aboriginal people should be involved in recovery planning (1999:55), ex-situ conservation, fire management (1999:58) and the development of sustainable tourism (1999:63).

Despite this, none of the initial funded programs under the Strategy had an Aboriginal heritage component. This has been argued by the Cultural Heritage Division and other agencies and seems now to be having an effect on the design of bio-regional planning projects. The notion of "tradition" may have clouded the issue. This term has been used against Aboriginal people and operates with an explicit assumption that indigenous culture is either "pure" or corrupted. The realities of cultural dynamism and adaptation in the face of immense upheaval and change have not influenced the implementation of the Biodiversity Strategy.

Clearly, court decisions and advances in our recognition of Aboriginal people's continued links with the land and sea need to be understood by those involved with "nature" conservation in NSW. This needs to extend beyond the simplistic recognition of ideas like reconciliation, to practical and collaborative approaches to environmental management.

Discussion

Existing law and policy creates circumstances that allow Aboriginal people to access and manage flora, fauna and ecosystems. This must underpin any discussion about the consideration of wild resource issues in EIA. This recognition in law and policy supports the argument that wild resource use is a valid concern and should have some influence upon land management decisions. The effects of this influence may vary according to tenure and circumstance.

Significantly, there does not appear to have been any prior analysis in NSW of the relationship between these legal opportunities to utilise wild resources and the concept of heritage or place protection. The legislation governing these topics does not explicitly reference any linkage. It will be argued however, that such a link does exist in some circumstances and needs to shape the scope of EIA and land management. Realising this will require the creative use of government discretionary powers and policy making.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

The existing law provides opportunities for Aboriginal people to conduct wild resource use on a variety of land tenures. This is generally subject to the principle aim of preserving biodiversity and protecting threatened species from harm.

The licensing system under the NPW Act, primarily under s120(1)(a)(iv), provides discretion to allow both dietary, ceremonial/cultural and commercial utilisation of protected wildlife by Aboriginal people. Similarly, the licensing system has the potential to allow Aboriginal people to develop businesses selling and trading wildlife and wildlife derivatives. It is probably true to argue that the discretion available under the licensing system has not been fully explored by Aboriginal people or the NPWS.

In addition, if access is allowed by landowners, wild resource use can be undertaken on private lands. This is further supported by s48 of the ALR that provides recognition of the importance of gaining access to traditional lands (s48) which, significantly, can encompass the reserve system.

Within the reserve system the AOA is a significant recognition of indigenous connection with reserve environments and allows this to expand through the nomination of further reserves to Schedule 14 of the Act. Again, the licensing system under the NPW Act also has the potential to allow hunting and gathering on other reserves. The ability to pick protected native plants on any reserve is also provided by the LMR.

Existing law and recent court decisions also supports the fact that Aboriginal culture is continually evolving. For example there is no requirement that wild resource use must be performed using pre-contact materials or methods. This is in line with the importance of modern tools and supports the interpretation of Aboriginal culture as dynamic.

Secondly, the LMR exemptions do not specify that the Aboriginal people undertaking wild resource use need to have a traditional link with the land or species involved. This is important as Aboriginal people in NSW have suffered a history of displacement which in many instances prevents people from having the opportunity to conduct cultural practices in their area of origin or attachment. However, they may still desire to conduct activities such as hunting and gathering as a way of affirming their identity and maintaining elements of their cultural tradition which have survived. The LMR supports this and this is significant. Such an approach could also be followed under the NPW Act licensing system although in Schedule 14 reserves it is the traditional owners who have the ultimate authority when determining who will conduct wild resource use.

Perhaps one of the most contentious elements of the law relates to commercial sale of wildlife. This is not encompassed by any of the Acts as being a valid practicing of hunting and gathering, and would probably not be covered by any of the purposes expressed in legislation for which hunting and gathering may be carried out. Rather, relevant licences need to be applied for by Aboriginal people to sell harvested items. Bartering or exchange of items (not including threatened species) within family or community groups is allowed. This is expressed most clearly by the LMR that allows its exemptions to apply to dependents of Aboriginal people.

Appendix 2: List of Mapped Places

LIST OF PLACES MAPPED DURING THE PROJECT

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Old Camp	All	Crown land	Used between 1900 and 1890s. Land now managed by reserve Trust but still accessed by community members.	Main camping and living area at Corindi Beach.
Crab spot	Michael MacDougall	Crown land	Used between 1950 and the 1960s. Use ended due to pollution in the Lake in the early 1970s.	Good location for finding crabs.
Hunting area	Michael MacDougall	Private land	Used from the 1940s to the 1970s. Use ended when access was barred by the landowner in the early 1970s.	Shooting kangaroos with 22s. Permission granted by landowner who did not worry about regulating this activity. Grey kangaroos were shot in areas where grass was plentiful. Groups of 2 or 3 people would go out at a time. Shown the area by their Elders.
Abalone & shellfish	Michael MacDougall	Crown land	Used from the early 1900s to present day. The area now lies within the Marine Park and use may become an issue. Taking of abalone is rare now.	Headland near Old Camp used for generations.
Bush lemon tree	Michael MacDougall	Private land	Used between the 1960s and 1970s. Has not been used since the 1970s.	Michael found this tree in the 1960s when walking near the Morecomb's farm.
Corindi Beach rock platform	Ian Brown & Garby Elders	Marine Park	Used from before European settlement to the present day. Restrictions on bag limits are an issue now, as is the pending management of the Marine Park. There is currently competition for resources with divers and others.	Used for thousands of years. Has been the main spot to obtain shellfish for decades and remains important. There is living memory of people singing to whales and dolphins at or near this location. Also used to get abalone here.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Kangaroo paddocks	Michael MacDougall	Private land	Used from the 1960s to the 1970s. No longer used. Access lost in the 1970s.	Used as a hunting area in the 1960s and early 1970s. Didn't need permission at that time. Hunted with rifles and also shot wallabies and ducks.
Track to Red Rock & tip	Michael MacDougall	Crown land	Used from 1950 to the present day. Rarely used today but still open.	Used as a route to crabbing locations near the Old Farm and to access tip. Numerous plant foods were also obtained along the route if in season.
Porcupine spot	Michael MacDougall	Crown land	Used from the early 1900s to the 1950s. Not used by current Elders.	Used by the Old People when Michael was growing up. He did not use the area himself. Small dogs were used to catch the echidnas.
Witchetty Grubs	Michael MacDougall	Private land	Used primarily in the 1960s. Last used in the late 1960s or early 1970s. Access was lost at that time due to landowner.	Located in the middle of a hunting area. Grubs extracted from the trunks using small pieces of wire.
Work location / ring barking	Michael MacDougall	Private land	Accessed in the early 1970s at the time of the work.	Michael was employed by the McLaughlin's to clear timber in this area for stock. He worked here by himself and returned to the Old Camp at the end of each day.
Fishing area	Michael MacDougall	Marine Park	Used from the 1950s to 1990s. Use is now an issue because of the declaration of the Marine Park.	Best location for catching Jew fish. Long favoured by people at Corindi Beach. Now within the Marine Park.
Old Farm	All	Leased or private land	Used from the 1890s to 1900s. Access denied in the early 1970s by the landowner.	Known living are for families prior to the move to the Old Camp. Lived there with permission of the Taylor family. People employed on that and nearby farms.
Cobra spot	Michael MacDougall	Leased or private land.	Used between the 1950s and 1970s. Access denied in the 1970s by the landowner.	Cobra spot near the Old Farm used by current Elders when growing up.
Track to Old Farm	Tony Perkins	Private land	Used from the early 1900s to late 1970s. Access barred in the late 1970s by the landowner.	Access to the Old Farm, fishing, crabbing and hunting.

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Canoe tree & Honey Tree	Tony Perkins	Private land	Used in the early 1900s. Access barred in the late 1970s. by the landowner	Scar cut by the McDougall brothers.
Wash-away camp	Tony Perkins	Private land & coastal reserve	Used from the early 1900s to the late 1970s. Access to the area barred by the landowner in the early 1980s.	Used by many families throughout the year, especially at Christmas. Good camp with fresh water, lots of bush tucker & good fishing.
Tony's camp	Tony Perkins	Crown land Now private free hold	Used from the early 1900s (?) to the late 1950s. The camp was broken up when housing began to expand at Red Rock.	A group of Aboriginal families lived here in huts. People from Corindi Beach used to visit regularly and spend Christmas here.
Massacre Place and Sea Cave	Tony Perkins	Crown land	Mid to late nineteenth century. Recently commemorated with a plaque at the location.	Massacre of Gumbaingirr people here by military & settlers. People shot here and some jumped off the headland into the sea. Some people escaped by going into the sea cave under the headland.
Exit Cave	Tony Perkins	Crown land	Mid to late nineteenth century. This place is avoided by Gumbaingirr people.	Exit point from sea cave that starts at headland Massacre survivors emerged here.
Martins camp	Tony Perkins	Crown land	Used from the 1920s (?) to late 1950s. broken up when red Rock started to expand in the 1950s.	A "big" permanent camp occupied by a number of families who came originally from Ulmurra.
Taylor's track & house	Tony Perkins	Private land	Used from the early 1900s to the present. People stopped working there in the 1950s or 1960s.	Home of the Taylor family who employed local Gumbaingirr people.
Perkins home & kangaroo & wallaby hunting areas	Tony Perkins	Crown land & private freehold	Used from the mid to early 1970s. House now gone. Only fig tree remains. The town now covers one hunting area and the other was barred from access in the early 1970s.	Perkins' home after moving from the Old Camp. His family used the hunting areas when living there.
Grand-parents house	Tony Perkins	Crown land	Used from the 1950s to 1960s. Shack bulldozed by council in the 1960s. Now a site of the fire station.	Bag wall shack used by Tony's grandparents. Used to be a large wild raspberry bush here.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Parrot & possum tree	Tony Perkins	Crown land	Used in the 1950s. The tree may still be there. Uncle moved away in the 1960s.	Tree used by his uncle who was camped in a nearby shack. He hunted possums in this tree.
Lemon tree	Tony Perkins	Private land, once crown land.	Used up to the present day. Not sure if tree survives as there is no access to the property.	Taboo tree that everyone was told not to approach as it was the home of a spirit. Track to the beach passed nearby.
Macadamia taboo tree	Tony Perkins	Crown land	Used up to the present day. Tree has died and possibly been removed.	Spirit tree near track to beach. Current Elders taught by relatives to avoid approaching it.
Ghost tree	Tony Perkins	Crown land	Used up to the recent past. Not sure if tree still exists.	Spirit tree near track to the beach. The spirit manifests as the shadow of a large dog. Witnessed spirit when younger.
Massacre site	Tony Perkins	Road Reserve	Used up to the present day. This location is avoided and is now crossed by the highway.	Spirit or ghost site associated with nineteenth century massacre. Children were hidden here in reeds beside the creek. The troopers chased people from here to Red Rock headland.
Walking track to Old Camp.	Tony Perkins	Crown & private land	Used from the 1920s to 1970s. Doesn't appear to have been used for some time due to land tenure changes.	Track used by people when living at the Old Camp. Provided access between the town and the camp.
Porcupine spot	Tony Perkins	Private land	Used from the 1950s to early 1970s. Not used since housing and clearing occurred in the 1960s and 1970s.	Used by Tony and his family until clearing and housing created access problems and loss of habitat.
Kangaroo hunting	Tony Perkins	Private land	Used from the 1950s to early 1970s. Not used since housing and clearing occurred in the 1960s and 1970s.	Located on Taylor's land. Used by Tony and his family during this period until access was barred. Area since affected by clearing.

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Arrawarra Camp	Tony Perkins	Crown land, then private land	Used from the 1920s to late 1950s or early 1960s. camp broken up as housing appeared at Arrawarra. This ended people's privacy and security of access.	Permanent camp occupied by a number of families including the Lardeners, Cavanaghs & McDougalls. Freshwater swamp with turtles & eels, good fishing & various plant foods available here. Current Elders used to visit & stay for weekends in the 1950s & 1960s.
Arrawarra Headland & Fishtrap	Tony Perkins	Crown land & Marine Park	Used up to the present day. Use of the area is now limited by presence of a Marine Park Sanctuary Zone which prevents fishing.	Fishtrap used by Gumbaingirr people from Arrawarra & Corindi Beach in past. Headland described men's area & rain increase site. Now within a Marine Park.
Oyster place	Bruce Laurie	Crown land	Used from the early 1900s to late 1950s. Bruce has not been to this location since the 1950s or 1960s.	Bruce used this place as a child with his relatives in the 1950s. It is accessed by walking up the beach from the Old Camp. This area was used when families stayed at Tuny's Camp.
Worming place	Bruce Laurie	Crown land	Used from the early 1900s to the 1960s. Elders and others now use an area situated closer to Corindi Beach.	Good worming spot. First Used with relatives when Bruce was a child. Has changed significantly since last used in the 1960s.
Porcupine spot	Bruce Laurie	Crown land	Used up to the 1950s and 1960s. Appears to have been used last by community members in the 1960s.	Location used by Bruce's father to hunt porcupine with his small dog. He was too young to go with his father and the area was considered too dangerous to navigate for young people.
Corindi Beach	Bruce Laurie	Marine Park & Crown land	Used from the early 1900s to the present. Used regularly but use is affected by bag restrictions on pipis and shellfish, erosion, weeds, horses and 4WDs.	Used by community for decades and still the main fishing spot for Elders and younger people. Rock platform is a good place to get shellfish.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Old Farm	Bruce Laurie	Private land	Used from 1900 to early 1970s. Access barred in the early 1970s by new landowner. Community regularly used the spot until the early 1970s for hunting, fishing and plant food collection.	Camp for Gumbaingirr people with permission of George Taylor in 1900. Moved c.1910 to near the current location on Corindi Beach and then later to the Old Camp at Corindi Lake.
Cobra & fishing	Bruce Laurie	Private	Used regularly from the 1920s to 1960s. Lost access across adjoining paddock in the 1970s. Used in 2000 with McLaughlin's permission.	Area along Corindi Creek used by community until the 1960s or early 1970s for fishing and collecting cobra (wood worm). Current Elders and others worked for landowner, Dick McLaughlin. Elders noted that the creek has silted up & the flow reduced due to irrigation upstream.
Fishing spot	Cecil Laurie	Private land	Used up to the 1960s. Currently no access and creek is felt to be too polluted anyway.	Located on Corindi Creek. Used by current Elders when younger and prior to access being barred. Use also declined with the deterioration of Corindi Creek.
Eel spot	Cecil Laurie	Private land	Used up to the 1960s. Currently no access and creek is felt to be too polluted anyway.	Located on Corindi Creek. Used by current Elders when younger and prior to access being barred.
Lilly Pilly spot	Dee Murphy	Crown land	1960s to present day. Still used regularly when fruit in season.	Roadside collection of Lilly Pilly, Five Corners & Nyum Nyums under the terms of a foraging license from State Forests.
Five Corners spot	Dee Murphy	Crown land	1950s to present day. Still used when in season.	Roadside collection for gathering.
Christmas Bells	Dee Murphy	Private land	Occasional access from the 1960s to the present day.	Used to be largely Crown land. Spot favoured by Michael McDougall. Plants currently affected by poorly timed hazard reduction burns.

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Cherry tree	Dee Murphy	Crown land	1970s to present day. Still used when in season.	On Corindi Trust land & is actively managed to prevent impacts from fire.
Flying Fox Vine	Dee Murphy	Crown land	1990s to present. Still used today.	Land managed by local council. Vine is obtained from here to make baskets and fish traps for display and sale.
Five Corner Plant	Dee Murphy	Crown land	Currently used when in season.	On reserve trust land and known by the Elders. It is a single plant and is rare.
Wedding Bells State Forest	Dee Murphy	State Forest	Currently used under license.	People from Yarrawarra make one trip a year to the forest to obtain Grass tree resin, flying fox vine and other basketry materials and Lilly Pilly.
Pigface	Dee Murphy	Crown land	Used from the 1940s to present day. People are currently concerned that the area is sometimes affected by weed spraying by Council.	Important source near the entrance to the Lake adjacent to the Old Camp & used for many decades.
Raspberries & Pigface	Dee Murphy	Crown land	Used from the 1940s to present day.	Corindi Beach Reserve Trust land. Plants used by people when fishing in the vicinity.
Five Corners	Dee Murphy	Crown land	Used from the 1920s to present day. Used rarely now.	Located near old camps at Arrawarra. Good patch of plants here on Crown land.
Blady grass	Dee Murphy	Crown land	Used from the 1900s to the 1960s. Not used for many years as it is associated with hardship.	Blady grass roots were eaten and the leaves used in pillows by the current Elders when growing up.
Coloured sand	Dee Murphy	Private land	1920s to present day. Use recently re-established when access is possible. Yarrawarra is looking to purchase this land through the ILC.	Coloured sand site near the Old Farm used by Keith Lardener. He was shown this site by his parents. Keith recently relocated the site & obtained sand to make his designs.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Rainforest patch	Dee Murphy	Crown land	Used from the 1920s to present day. Still used today.	Rich in different plant resources. Shown this area by the current Elders. Includes Geebung, Five Corners, parsnips & Three Fingered Grape. Located on Trust land near the pumping station for the town water supply.
Cemetery	Dee Murphy	Private	Date range for use not known. Access currently barred by landowner. Further research needed to precisely define the location and to determine who is buried here.	Elders saw burials here when they were children. The mounds were edged with shell or fencing. Situated near old Corindi township area. Described as possibly including the burials of Clever men who passed away in the nineteenth or early twentieth centuries.
Kangaroo hunting area	Keith Lardener	Private land	Used from the early 1900s to early 1970s. During this time no permission was required to access the area as landowners saw roos as competing with cattle for feed. Access barred by new landowner in the early 1970s and no use of the area since. Elders now buy roo meat.	Taylor's and Morecomb's land(?). People used this area for decades to hunt wallaby, kangaroo, goanna, carpet snake and to obtain native honey. The current Elders did all these activities between the 1950s and 1970s. It was the main hunting area and was used regularly for subsistence purposes. Accessed via track to the Old Farm.
Coloured sands & rocks	Keith Lardener	Private land	Used from the 1950s to 1970s. Access barred by the new landowner in the early 1970s. Keith tried to obtain access but was denied.	Only source of a particular type of red rock that is burned and then crushed before being used in sand paintings. Keith was shown this spot by his parents and used it with them for many years.
Crab spot	Bruce Laurie	Private land	Used from the 1900s to early 1970s. Access denied by new landowner in the early 1970s.	Crab spot located adjacent to the track to the Old Farm. Used by all the families at the Old Camp.

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Camp at Arrawarra	Keith Lardener	Crown land	Used in the late 1950s. Camp abandoned as nearby Arrawarra grew in the late 1950s and 1960s.	Camp where a small number of people lived permanently in huts. The camp was visited by the current Elders on weekends but also during the week.
Wells at Arrawarra	Keith Lardener	Crown land	Used in the 1950s and 1960s. Not used since the 1960s. Now zoned for Environmental Protection as it is a rainforest patch. Heavily overgrown and has changed.	Wells dug to service the camp at Arrawarra. Keith remembers digging the well as a teenager. It was 8 feet deep. The incoming tide pushed the freshwater up. Remembered as a good clean water supply.
Wild Grape	Ian Brown	Private land	Used recently but is a traditional Gumbaingirr source. A temporary access arrangement has been negotiated with the developer of a nearby sub-division.	Located in a small patch of rainforest. Ian & others use the patch to access fruit. However, access will probably cease when the land is sold.
Native Hibiscus	Ian Brown	Coffs Harbour LALC	Used recently but is a traditional Gumbaingirr source.	Ian uses the patch to obtain bark for basket making.
Flax Lilly	Ian Brown	Corindi Beach Reserve Trust	Used recently but is a traditional Gumbaingirr source. Access is not restricted by the Trust and there is a move toward establishing an Aboriginal Board of Management.	Ian uses the Flax Lilly to make baskets. The fruit can be eaten and used as a dye. The plant is also used in the bush tucker walk. Wild grape, sarsaparilla, figs, tubers & other plant resources also occur on the Trust land & are used by numerous people .
Bloodwood	Ian Brown	Corindi Beach Reserve Trust	Used recently but is a traditional Gumbaingirr source. Access is not restricted by the Trust and there is a move toward establishing an Aboriginal Board of Management.	Ian uses the sap for healing wounds or cuts. Also used in the bush tucker walk.
Black Cane	Ian Brown	Private land	Used recently but is a traditional Gumbaingirr source.	Used by Ian Brown for teaching purposes for making baskets. Used prior to that by Elders when younger as material for bows and arrows.

MAPPING AND MANAGING GUMBAINGIRR WILD RESOURCE USE PLACES

PLACE	SOURCE	TENURE	DATE RANGE	ACTIVITIES
Yellow Ochre	Ian Brown	Not determined	Used recently but is a traditional Gumbaingirr source. Viewed as a "one off" find.	Ian found a single large lump of yellow ochre in the trench being dug to install a bio-cycle system. He thinks there is no more ochre at this location. The ochre is being used to teach art.
Red Ochre	Ian Brown	Crown land	Used recently but is a traditional Gumbaingirr source. Access not restricted as it is public land.	Located near the mouth of the Red Rock River. Ian accesses it for teaching purposes. The current Elders remember using ochre to dye clothes in the 1950s and 1960s.

The Sea And The Rock Gives Us A Feed

Consider a favoured Gumbaingirr fishing spot now within a Marine Park Sanctuary Zone, a stand of food plants destroyed by road widening or the loss of a swimming hole caused by construction of a bridge. Picture a swamp, once a rich source of fish, eels and other foods polluted by sewage. Are these “cultural heritage” issues? Can the beach, the food plants, the swimming hole and the swamp be considered “heritage” places? What cultural values do Aboriginal people associate with these places and the health of the environment?

This book looks in detail at these questions. It does so by describing a project that has seen Gumbaingirr people work with the NSW National Parks & Wildlife Service to map and document their history of using wild foods and medicines over the last 50 to 100 years. Conducted at Corindi Beach, a small town on the NSW mid-North Coast, the project revealed a complex web of places associated with fishing, hunting and collecting. These places and the activities associated with them, shed light on the strong attachment between people and their local landscape. They indicate the presence of long standing knowledge about fauna, flora and the environment. Continued use of wild resources plays an important role in the life of the people who collaborated in this research. There is a direct link between the well being and cultural identity of Aboriginal people at Corindi Beach and their ability to access valued places and resources. Such a link can play a valuable role in land use planning processes and approaches to cultural heritage management in NSW.

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