

AMBS Ref: 18584

18 September 2019



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Dear Eric

Condition Report: Beach Road Scarred Tree, AHIMS site #52-5-0886

AMBS Ecology and Heritage has been engaged by Shoalhaven Council to inspect and assess the current condition of an Aboriginal culturally scarred tree within a property at 510 Beach Road, Berry (see Figure 1 and Figure 2). The Aboriginal site is registered on the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) as Site #52-5-0886, and was originally recorded during archaeological survey prepared by AMBS in 2018.

AMBS has been informed that the tree was struck by lightning and caught fire on Saturday 12 January 2019. The landowner subsequently contacted the Rural Fire Service (RFS), who attended the property and extinguished the fire. The current inspection and assessment has been undertaken to identify the current condition of the site and its cultural features, and to reassess the significance and management of the site following the impacts.

AHIMS Site 52-5-0886

The site is located approximately 600m north east of Coomonderry Swamp, on the lower edge of a crest landform (GDA94/MGA Zone 56, 294964 east, 6148121 north). As recorded in 2018, The site comprised two oval-shaped scars on a dead, but still standing, eucalypt. The tree had been dead for a significant period, possibly in excess of 10 years, and did not have seed pods, leaves or other features which would allow its species to be further identified.

The tree retained two cultural scar features. One is located on the eastern facing side of the tree, measuring approximately 55cm high and 20cm wide. The other is on the southern facing side, and is approximately 25cm high by 15cm wide. Another scar is present on the western side of the tree, however the scar is triangular in shape and reaches to the ground, and is likely to be natural in origin.

Current Condition

An inspection of the site was undertaken on 20 February 2019 by AMBS archaeologist Christopher Langeluddecke and Jerrinja Local Aboriginal Land Council (LALC) representative Gerald Carberry, accompanied by landowner Richard Hall. Photographs comparing the current condition of the tree with the originally recorded condition of the site are enclosed with this assessment as Figure 3 to Figure 14.

Fragments of wood are present on the ground up to approximately 30m to the north west the tree as a result of the lightning strike, which is likely to have significantly damaged and destabilised the upper branches of the tree.

The tree shows evidence of extensive fire damage within the trunk and around the natural and cultural scars. The interior of the trunk and edges of the cultural scars have been significantly charred and damaged by the fire (see Figure 6, Figure 8, Figure 10 and Figure 12).

The trunk of the tree, which may have been partially hollow prior to the lightning strike and subsequent fire, has been predominantly hollowed out by the fire. The cultural and natural scars on the tree, which were the thinner and weaker part of its surface, have burnt completely through to the hollow trunk. The burnt through scars appear to have allowed air to enter the lower part of the trunk, which subsequently acted as a chimney and fed the internal fire.

The shape of the cultural scar on the southern side of the tree is still identifiable, however the scar is now completely hollow, and its edges have been charred between 5 to 10cm from the original edge of the scar, with additional charring extending up the trunk from the scar. The charcoal edge of the scar is highly fragile and friable.

The larger cultural scar on the eastern side of the tree is no longer possible to identify, and the entirety of the identifiable extent of the scar has been consumed by the fire. Additional damage to the tree at this point was caused during RFS efforts to extinguish the fire, and it appears that water hoses were placed inside this cultural scar to access fire inside the trunk.

Given the extensive damage to the tree, and the cultural scars, it is likely that exposure to the weather will cause ongoing degradation to the tree, and the remaining visible cultural scar on the southern side of the tree is likely to degrade completely. The damage to the upper branches of the tree from the lightning strike, and the significant fire damage inside the trunk, suggest that the tree is at risk of branches falling, or collapse of the trunk itself.

An arborist report prepared by Leigh Brennan of Tree Management Strategies on behalf of the landowner confirmed that the tree had extensive fire damage, and identified that the presence of an entry point and debris surrounding the tree indicated that the tree had been subjected to a lightning strike. The report stated that the damage had further compromised the tree's stability, and reinforced that the recommendations of their previously prepared Tree Risk Assessment remained valid. AMBS has not had the opportunity to view the Tree Risk Assessment report, and therefore cannot comment on its recommendations.

Reassessment of Significance

The original assessment of the heritage significance of site 52-5-0886 identified that the culturally scarred tree was considered to have high social, scientific and aesthetic value, and moderate historic value, and was therefore considered to have overall high significance for Aboriginal heritage value. This reassessment of heritage significance addresses the current condition of the site, following impacts and observed damage caused by the lightning strike and fire. This assessment has been undertaken in accordance with the OEH Code of Practice, which states that archaeological values should be identified and their significance assessed using criteria reflecting best practice assessment processes as set out in the Burra Charter.

Aboriginal heritage sites are considered to be of heritage significance if they meet one or more of the following criteria:

Does the subject area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons? – social value

Culturally scarred trees representative of past activity by Aboriginal people, and representatives of the Jerrinja LALC consulted with during and following the inspection of the site have indicated that the scarred tree site retains moderate cultural significance to the local Aboriginal community, regardless of its current condition.

Is the subject area important to the cultural or natural history of the local area and/or region and/or state? – historic value

Culturally scarred tree sites are representative of Aboriginal occupation of the landscape, and provide evidence of Aboriginal use of the environment. Scarred tree sites are rare in the local region, and provide direct, visible evidence of the place's Aboriginal history. However, the current condition of the site makes it difficult to visually identify the tree as culturally scarred, and the tree and scar remnants are unlikely to survive exposure to the weather in their current location indefinitely. As such, the culturally scarred tree site has low historic value for Aboriginal heritage.

Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state? – Scientific (archaeological) value

The culturally scarred tree has been significantly impacted by fire, with one of the cultural scars visible but extensively damaged, and one scar destroyed. It is no longer possible to clearly identify the site as an example of Aboriginal tree scarring practices. As such, this site is considered to have low scientific (archaeological) value for Aboriginal heritage.

Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state? – Aesthetic value

The fire damage to the scarred tree is such that one scar has been destroyed, and it is difficult to clearly identify the other scar. The culturally scarred tree site is therefore considered to have low aesthetic value for Aboriginal heritage.

Summary Statement of Significance

Impacts to the scarred tree from the lightning strike and fire have destroyed one cultural scar and significantly damaged the other, and have significantly reduced the heritage values of the site. While the culturally scarred tree is considered by the local Aboriginal community to retain moderate social value, the site is now considered to have low scientific, aesthetic and historic value.

Recommendations

While the culturally scarred tree site has experienced significant impacts and loss of heritage value, it remains an Aboriginal Object protected under the *National Parks and Wildlife Act 1974* (NPW Act). Under Section 90 of the NPW Act, it is an offence to destroy, deface, damage or desecrate an Aboriginal Object or Aboriginal Place, unless an Aboriginal Heritage Impact

Permit (AHIP) has been issued. The Act requires that reasonable precautions and due diligence be undertaken to avoid impacts on Aboriginal Objects.

Given the current condition of the scarred tree and reassessed level of heritage significance, AMBS does not recommend inclusion of the culturally scarred tree site as a heritage item on the Local Environmental Plan, as had been previously recommended.

Consultation with the Jerrinja LALC has indicated that the tree retains moderate cultural significance to the local Aboriginal community, in spite of the significant physical damage and loss of some aspects of its scientific, historic and aesthetic heritage values. The Jerrinja LALC are aware that it is unlikely that the tree will survive indefinitely in its current location, and identified that they were likely to support two management outcomes.

The Jerrinja LALC have identified that their preferred options would be that the tree be made safe, retained in place, and allowed to degrade naturally over time, or that the tree be carefully trimmed and felled, and removed to a keeping place nominated by the community for conservation and ongoing preservation. The Jerrinja LALC indicated that they would discuss the options internally, and identify their preference for inclusion with this report, however to date no feedback has yet been received. A copy of this report should be provided to the Jerrinja LALC for their review, input and feedback, and any additional information received should be appended to this report where appropriate.

In the absence of advice from the Jerrinja LALC and their nomination of a suitable keeping place, AMBS recommends that the culturally scarred tree be trimmed to a height that will render it safe, and the remaining tree trunk be retained in place and allowed to decay naturally. The extent of the trimming of the tree should be limited to that necessary to prevent the risk of limb fall or collapse of the trunk, and should be guided by advice from a suitably qualified arborist, however the portion of the trunk containing the cultural scars should remain.

Future residential development in the study area has potential to impact the Aboriginal heritage site. To avoid the risk of accidental impacts during future development a buffer area around the site should be established during construction in the vicinity of the site. The buffer area should be as wide around as the trimmed tree remains high, and should be clearly demarcated during future development activities to prevent accidental impacts arising from the works, possibly through the use of temporary fencing.

Any impact to the Aboriginal heritage site, including trimming of branches or felling or removal of the tree, will require an approved AHIP granted by OEH. An application for an AHIP is required to be accompanied by an ACHA report specifically assessing the proposed impacts, prepared in consultation with the local Aboriginal community.

Should you require any additional information or if I can be of assistance in any way please contact me on (02) 9507 489 or email chris@ambs.com.au.

Yours sincerely

Chris Langeluddecke
Director Aboriginal Heritage
AMBS Ecology & Heritage

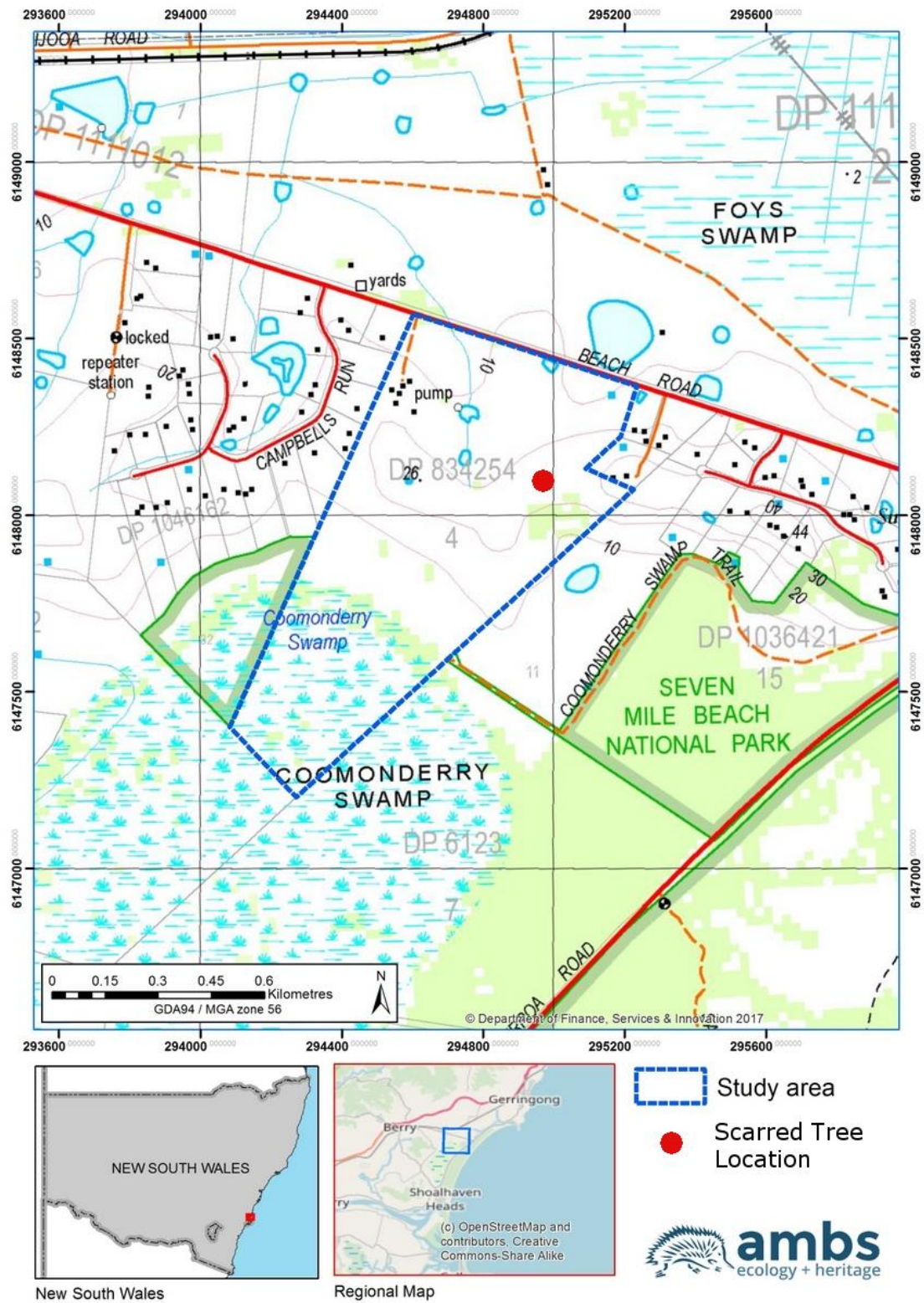


Figure 1 Beach Road Berry Scarred Tree location.

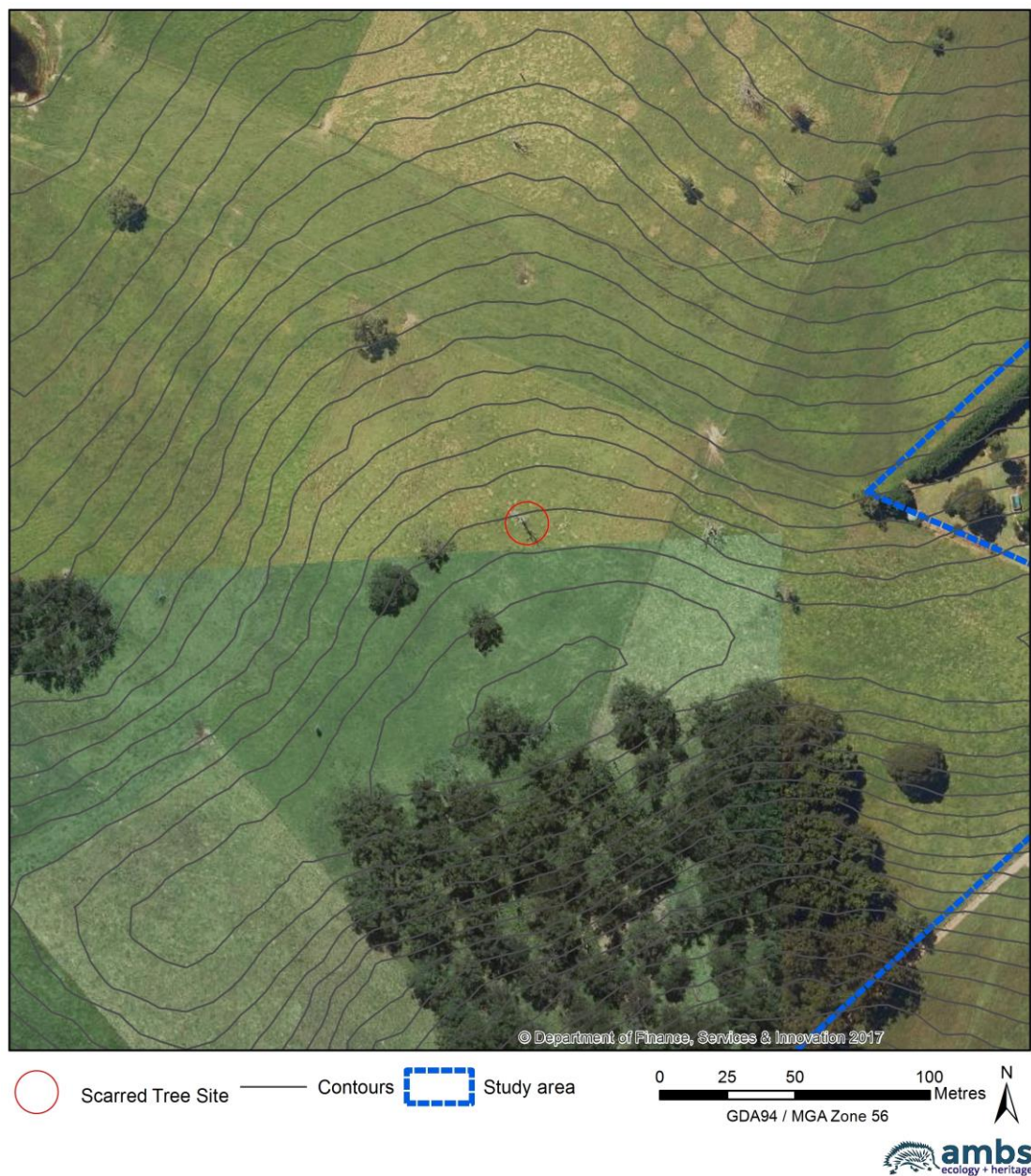


Figure 2 Detailed aerial photo indicating the Beach Road Berry Scarred Tree location.



Figure 3 Scarred tree as recorded during survey on 20/04/2018. View to south west.



Figure 4 Current condition of scarred tree as recorded 20/02/2019. View to south west.



Figure 5 Scar on eastern side of tree as originally recorded on 20/04/2018. View to west.



Figure 6 Current condition of scar on eastern side of tree as recorded on 20/02/2019. View to west.



Figure 7 Detail of scar on eastern side of tree as originally recorded on 20/04/2018. View to west.



Figure 8 Detail of current condition of scar on eastern side of tree as recorded on 20/02/2019. View to west.



Figure 9 Scar on southern side of tree as originally recorded on 20/04/2018. View to north.



Figure 10 Current condition of scar on southern side of tree as recorded on 20/02/2019. View to north.



Figure 11 Detail of scar on southern side of tree as originally recorded on 20/04/2018. View to north.



Figure 12 Detail current condition of scar on southern side of tree as recorded on 20/02/2019. View to north.



Figure 13 View of western side of scarred tree as recorded during survey on 20/04/2018. View to east.



Figure 14 Current condition of the western side of scarred tree as recorded on 20/02/2019. View to east.