

Our Ref: 1646/PJ/ARG/041212

4 December 2012

Mr David Kitto
Director, Mining & Industry Projects
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear David

**Re: Mackas Sand Project - Access Road Modifications (08_0142 MOD1)
Response to submissions**

Thank you for the provision of submissions received during the public exhibition period for Mackas Sand Access Road Modifications (08_0142 MOD1). Note that 'the EA' refers to the Environmental Assessment exhibited from 7 November 2012 to 21 November for the current modification, and 'the original EA' refers to Umwelt 2009, *Environmental Assessment of Sand Extraction Operations from Lot 218 DP 1044608 and Lot 220 DP 1049608, Salt Ash*

This response addresses matters raised within:

- Submission received from Hunter Water Corporation (HWC) (ref:2009-457);
- Submission received from Office of Environment and Heritage (OEH) (ref:DOC12/46540; LIC11/367);
- Submission received from Port Stephens Council (PSC) (ref:25-2009-2-3);
- Submission received from Roads and Maritime Services (RMS);
- Submission received from the Environmental Protection Agency (EPA) (ref:DOC12/48807 LIC08/1532-02); and
- 25 submissions received from community members and representatives, including 13 unnamed submissions.

1.0 Submission from HWC

- No objections or requirements

Noted.

- Further comments

Consideration of variation to Schedule 2 Condition 7(b), and consideration of HWCs intention with relation to the potential for development to the emergency borefield easement is noted.

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2.0 Submission from OEH

- **Appropriately timed targeted flora survey for *Cryptostylis hunteriana*, *Diuris praecox*, and *Angophora inopina***

Umwelt has previously recorded Charmhaven Apple hybrids (*Angophora inopina* x *floribunda*) in vegetation communities proximate to the project area. As a result, this species was actively targeted during vegetation surveys and as the species is a small tree, surveys are not considered to be season dependent. Umwelt considers that adequate survey was undertaken to determine the presence of Charmhaven apple in the project area and the species was not recorded. While the species was not recorded during surveys, the presence of adjacent records and the identification of potential habitat in the project area determined that the precautionary principle should be applied and an assessment of significance was undertaken that determined the loss of 0.37 hectares of potential habitat for the species is unlikely to be significant.

It is noted that flora surveys for the project area were not undertaken during the prescribed flowering period for *Cryptostylis hunteriana*, however Appendix 1 of the Ecological Assessment notes that potential habitat was identified for the species in the project area. The precautionary principle was similarly applied to *Cryptostylis hunteriana* and an assessment of significance was undertaken for this species that determined the loss of 0.37 hectares of potential habitat for the species was unlikely to be significant. Further targeted survey for this species is not considered to be required to adequately determine the impacts of the project on this species.

Targeted surveys were conducted for *Diuris praecox* in 2011 flowering season (see Figure 2.1 of Appendix 3 of the EA) and on 6 September 2012 which occurs within the known flowering period for the species. Approximately 250 *Diuris praecox* were identified in the vicinity of the proposed haul route in the 2011 survey period; however none were identified along the proposed haul route alignment during 2011 or September 2012. Prior to the conduct of field surveys in the project area, a known reference site on the Tomaree Peninsula approximately four kilometres east of the proposal site where *Diuris praecox* has previously been recorded was inspected to determine if the species was flowering on 26 August 2012. No flowering plants were recorded at the known reference site and as a result surveys were delayed for 11 days (i.e. until 6 September 2012) at which time a survey of the haul road was undertaken.

Umwelt botanists consider that the flowering period of this species in 2012 was considerably reduced compared to recent years and flowering was not recorded at reference sites, including immediately adjacent to the project area where the species was recorded in September 2011. While the species was not recorded, despite an appropriately timed, targeted survey, the species was considered likely to occur in the project area and was assessed accordingly. The presence of a relatively large population of the species in proximate habitats was sufficient to determine the project area as likely habitat and therefore the entire project area was determined to provide habitat for the species.

An assessment of significance was undertaken for *Diuris praecox* which determined that the project was unlikely to result in a significant impact on the species.

It is considered that survey was undertaken at an appropriate time for *Diuris praecox*. Nonetheless, an Assessment of Significance were undertaken regarding *Cryptostylis hunteriana* and *Diuris Praecox* which concluded that the proposed development will not have a significant impact on these species. Further detail regarding *Cryptostylis hunteriana* and *Diuris Praecox* is present within Umwelt 2012, *Ecological Assessment of Alternate Haul Route to Lot 218 DP 1044608, Salt Ash*, including additional Assessments of Significance under Part 3A of the EP&A Act. Documentation is available through the DPI Major Project Register under the withdrawn Mackas Sand 'Modification 1 - Access Road'.

Survey undertaken during September 2012 did not identify *Angophora inopina* or the hybrid form previously identified in the local area within the proposed alignment of the alternate access road. Specimens of *Angophora inopina* that had been previously identified are plotted within Figure 2.1 of the Modification EA. A detailed Assessment of Significance is present within Appendix D to the Ecology Assessment contained within the current assessment. Further detail regarding *Angophora*

inopina is present within Umwelt 2012 *Ecological Assessment of Alternate Haul Route to Lot 218 DP 1044608, Salt Ash*, including an additional Assessment of Significance under Part 3A of the EP&A Act. Documentation is available through the DPI Major Project Register under the withdrawn Mackas Sand 'Modification 1 – Access Road'.

- **The provision of biodiversity offsets for impacts considered not covered by the provision of the Worimi Local Aboriginal Land Council conservation lands (i.e. Worimi National Park and associated reserve), which represented the previous offset lands for the sand quarry project**

The potential to extract sand from Lots 218 and 220 to generate employment, training and economic development opportunities for Worimi LALC was part of the agreement between Worimi LALC and the New South Wales Government that led to the establishment of the Worimi Conservation Lands on Stockton Bight in February 2007. The Worimi Conservation Lands are owned by Worimi LALC and leased back to the NSW Government in perpetuity. The Worimi Conservation Lands include 524 hectares of Worimi National Park and cover an area of 4438 hectares, of which approximately 2180 hectares comprises Coastal Sand Apple – Blackbutt Forest. As part of Major Project Approval 08_142 NSW Government recognised that the establishment of the 4438 hectare Worimi Conservation Lands was considered to provide adequate biodiversity offsets for sand operations on Lot 218 DP 1044608 and Lot 220 DP 1049608 which are owned by Worimi Local Aboriginal Land Council and operated by Mackas Sand Pty Limited on behalf of Worimi Local Aboriginal Land Council. The proposed modification to Major Project 08_0142 will increase the area of Coastal Sand Apple – Blackbutt Forest to be cleared from 48 hectares to 48.37 hectares which is significantly less than the 2180 hectares of Coastal Sand Apple – Blackbutt Forest owned by the Worimi that now forms part of Worimi Conservation Lands and Worimi National Park.

The project area is located within an extensive area of Coastal Sand Apple – Blackbutt Forest which has been identified as regionally significant habitat and is known to provide habitat for a range of threatened flora and fauna species. The project area is contiguous with this habitat and is considered to be representative in respect to the species and communities known to occur within the Stockton Bight dune system. The project area does not comprise unique values or areas that are dissimilar to the surrounding coastal dune system. The loss of 0.37 hectares of Coastal Sand Apple – Blackbutt Forest is not considered to represent a substantial increase in the total area of vegetation/fauna habitat that is expected to be removed as a result of sand extraction on Lots 220 and 218. The existing biodiversity offsetting provisions are considered to sufficiently offset the proposed development of the alternate haul route.

Further, the loss of 0.37 hectares of vegetation/fauna habitat as a result of the project is less than the approximately 0.4 hectares of Coastal Sand Apple – Blackbutt Forest per kilometre length of Stockton Bight is engulfed by the mobile sands sheet annually.

- **Clarification of some Aboriginal cultural heritage matters (e.g. registration of sites, monitoring and evidence of consultation)**

1. Aboriginal cultural heritage values

The four loci of shell material identified within the EA are not considered middens or dense deposits and consequently have not been registered within the Aboriginal Heritage Information Management System (AHIMS) as discrete entities. The four loci are associated with the site 'A3' which is defined as the shoreline and low dunes bordering the Inter-Barrier Depression as described within Section 4.2 and Section 6.2.2 of Appendix 4 of the EA.

Management strategies for the development are discussed within Section 9 of Appendix 4 of the EA. Culturally appropriate management strategies for the original Mackas Sand project, including the original proposed access route to Lot 218, were developed within the Aboriginal Cultural Heritage Management Plan (ACHMP) for Mackas Sand operations. The ACHMP will be updated in consultation with the Aboriginal Heritage Management Group (AHMP) to include the currently proposed alternate haul route.

2. Management of Aboriginal cultural heritage

As detailed within the ACHMP, an experienced archaeological specialist (not including any specialists who are part of the AHMG) is to be consulted as required, on request of the AHMG. Further comments and recommendations are also noted and are already considered within the existing ACHMP.

3. Local Aboriginal community consultation

The remainder of Appendix A consisting of evidence of consultation with the local Aboriginal consultation is included as Attachment 1 to this letter. Further detail regarding consultation with the Aboriginal community is present within Umwelt 2012 *Aboriginal Cultural Heritage Assessment of Alternate Haul Route to Lot 218 DP 1044608, Salt Ash*. Documentation is available through the DPI Major Project Register under the withdrawn Mackas Sand 'Modification 1 – Access Road'.

4. Recommended conditions of approval for Aboriginal Cultural Heritage

It is considered that all recommended conditions of approval for Aboriginal cultural heritage are already sufficiently included within the ACHMP, operation of the AHMG, and within Section 5.4 and Appendix 4 of the EA.

3.0 Submission from PSC

- **Engineering/Traffic**

All design and access for the Nelson Bay Road intersection will be undertaken in consultation with RMS.

As described in Section 4.9.1 of the EA, the proposed haul road will cross Tilligerry Creek at an existing culvert and will not impact on the flow or flooding regime of the creek. Flow dissipation structures will be installed along the alternate access road away from Tilligerry Creek as described within Section 5.9.1 of the EA.

The intersection will be constructed with left-in/left-out access only, with lanes provided to RMS and in accordance with Austroads requirements.

As discussed in Section 4.6 of the EA, the maximum rate of laden truck movements will be 8 trucks per hour during daytime with a maximum of 5 laden truck movements per hour during evenings, night time and on Sundays and Public Holidays.

The proposed modification will result in quarry traffic being removed from Lavis Lane with quarry traffic accessing Nelson Bay Road approximately 3.4 kilometres east of the Lavis Lane. It is considered that all laden trucks leaving Lot 218 will travel west along Nelson Bay Road and Cabbage Tree Road to access markets in Newcastle, Hunter and Sydney regions. Unladen trucks will return to the quarry via Nelson Bay Road travelling east to Salt Ash roundabout at which point the truck will turn and then travel west approximately 2 kilometres back along Nelson Bay Road to the proposed new haul road intersection. Consequently, the proposed modification will result at peak times in up to an additional 8 trucks per hour using Salt Ash roundabout compared to traffic if Lavis Lane was continued to be used. This increase in traffic is the equivalent of one additional truck every 7.25 minutes during peak periods of quarry transport and is not expected to adversely impact on traffic flow through and around Salt Ash roundabout.

- **Clearing and threatened species**

Points raised by PSC are noted and are considered appropriately addressed within the EA. This includes the provision of the Worimi Conservation Lands for the biodiversity offset for the project, including the proposed modification.

- **Port Stephens Comprehensive Koala Plan of Management under SEPP 44 Koala Habitat Protection**

The presence of Swamp Mahogany as a core koala feed tree was considered in the determination of the proposed alignment of the alternate haul route. As the preferred alignment bypassed the Preferred Koala Habitat, and minimises potential impact to Habitat Buffer over Preferred Koala Habitat and Supplementary Habitat, criteria a and b of the PSC CKPoM are considered to be met. In addition the proposed alternate haul route alignment width had already been reduced to a 10 metre wide potential impact corridor, meeting criterion g of the CKPoM. It is considered that the proposed clearing width of 6.5 metres which would allow for a single lane width of 3.7 metres is operationally unfeasible for the current project due to the need to maintain clear visibility along the route particularly in the forested section, as it is likely to cause traffic and road safety impacts to drivers.

- **Recommendations**

As discussed, PSC recommendations of haul road width and biodiversity offset strategy are considered sufficiently addressed within the EA and this response to submissions. Consequently the recommendations are considered not necessary. Measures as proposed within the Ecological Assessment (Appendix 3 of the EA) are proposed to be considered in the development of any consent requirements if approved.

4.0 Submission from RMS

All comments and requirements provided by RMS are noted and will be incorporated in the detailed design process for the intersection which will be undertaken in consultation with RMS.

5.0 Submission from EPA

- **Noise**

The potential for increases to the current noise environment were discussed with neighbouring and nearby residents during the EA process. Neighbours are aware of the potential and scope for noise impacts and did not identify any significant and unresolved concerns in relation to noise caused by the project at that time. Subsequent consultations with neighbouring and nearby residents indicate that no neighbours have significant concerns relating to potential noise impacts to date. There are no residences that are not associated with the development that will be impacted to a greater extent than for the currently approved operation.

Traffic noise impacts will be transferred from Lavis Lane which has several residences beside it to the proposed new haul route which passes no residences that are not associated with the development other than at the proposed intersection at Nelson Bay Road. Lavis Lane is a local road and Nelson Bay Road is a State road that is designed for and subject to significantly higher traffic levels. The distance between residences and the proposed new haul route will be equal to or greater than that of residences adjacent to Lavis Lane and Oakvale Drive and as a consequence traffic noise impacts are not expected to exceed existing approved noise controls that have been established for these routes.

Nonetheless it is noted that ongoing traffic noise monitoring will be undertaken to provide assurance to neighbours and regulatory authorities of the actual noise impact of operations. Accordingly it is proposed to undertake a noise assessment as per the requirements of the Industrial Noise Policy (INP) for the use of the intersection of the alternate haul route with Nelson Bay Road within six months of operations, if approved.

- **Air Quality**

The conditions of consent related to air quality that have been proposed by EPA are acceptable to the proponent.

- **Groundwater**

As discussed in the Executive Summary section of the EA, the minor temporary increase in extraction depth sought is to enable extraction operations to operate more efficiently due to greater trafficability of the extraction surface resulting in reduced travel times, reduced fuel consumption and reduced wear and tear on heavy extraction equipment. As discussed in the EA, the increase in extraction depth sought is temporary with approximately 300 millimetres of rehabilitation material being placed over the surface once extraction has been completed to maintain a minimum depth of one metre above the highest predicted groundwater level. This practice has been approved and used at other quarries in proximity to Mackas Sand operations.

The final landform at both sites will be a minimum of 1 metre above the maximum predicted groundwater level, and 2 metres above the average groundwater level.

6.0 Community and Other Representative Submissions

6.1 Andrew Hardie of Medowie, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Section 4.6 of the EA, a maximum of 8 laden trucks per hour (16 movements) from operations on Lot 218 will use the proposed new haul road and intersection not 30 movements as stated in the submission. As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.2 Andrew Rankmore

- **Lack of consultation**

Mackas Sand consulted with residents proximate to the proposed access road. The respondent has since been in contact with Mackas Sand. Contact details for Mackas Sand are available through the website: <http://www.mackassand.com.au/contact.html>

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to noise, air quality, safety, and property devaluation impacts**

There are no proposed net increases to heavy vehicles beyond those already approved. The proposed modification will result in traffic being transferred from Lavis Lane to Nelson Bay Road. Traffic assessment indicates proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.3 Anthony Anderson of Moo-Roo-Ma Inc

- **Destruction of culture**

Assessment of Aboriginal Cultural Heritage is provided in Appendix 4 of the EA.

- **Belief of destroyed sites**

It is recommended that potentially destroyed sites are reported through formal procedures to OEH. Sites in question are not related to the current proposal.

- **Certainty of existing agreement**

As stated in the Executive Summary of the EA, Mackas Sand has decided not to use the approved haul route due to difficulties with access over Pt 101 and PT 13 DP 753192, potential impacts on the sand knoll on Lot 218 utilised by Worimi Sand Dune Adventures and difficulties with establishing and maintaining trafficable access between Pt 101 and PT 13 DP 753192 and the Lot 218 extraction area. The proposed haul route will provide ongoing and more readily maintainable access to the approved extraction area and will not impact on the sand knoll on Lot 218. In addition it will remove the need for trucks from the quarry on Lot 218 to travel past residences on Lavis Lane. It will also ensure that heavy vehicles from the quarry directly access Nelson Bay Road which is a State road under the control of RMS rather than Lavis Lane which is a local road under the control of Port Stephens Council.

- **Employment due to proposal**

There are no proposed changes to employment due to the proposal. If approved, the current proposal would facilitate the benefits to employment due to the wider project, as described within Section 6.3 of the EA.

- **Insufficient traffic study; road safety, consultation with drivers, number of trucks.**

All design and access for the Nelson Bay Road intersection will be in consultation with RMS as noted in Table 6.1 of the EA. The intersection will be constructed with left-in/left-out access only, with lanes provided to RMS and in accordance with Austroads requirements. It is considered that the traffic study undertaken is sufficient. No changes to heavy vehicle numbers are currently proposed.

- **Suggested route proposal**

Noted.

6.4 David Birss of Corlette, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.5 Frank Ward OAM

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.6 Mark Penn of Soldiers Point, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.7 Mary-Anne Adams of Corlette, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels. The project cost will be met by the proponent, if approved. Widening of Nelson Bay Road is beyond the scope of the current proposal.

6.8 Neil Hansford of Salamander Bay, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels. Widening of Nelson Bay Road is beyond the scope of the current proposal.

- **Conduct of existing heavy vehicle drivers**

Mackas Sand provides contact details should the community wish to make complaints regarding existing operations. See <http://www.mackassand.com.au/contact.html>

6.9 Nigel Waters of Nelson Bay, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.10 Patricia Ann of Craignish, QLD

- **Concerns relating to flooding**

As described in Section 4.9.1, the proposed alternate haul road will cross Tilligerry Creek at an existing culvert and will not impact on the flow or flooding regime of the creek. Flow dissipation structures will be installed along the alternate access road as described within Section 5.9.1 of the EA.

- **Consideration of road history**

It is considered that the traffic study undertaken is sufficient.

- **Traffic concerns**

All design and access for the Nelson Bay Road intersection will be in consultation with RMS as noted in Table 6.1 of the EA. The intersection will be constructed with left-in/left-out access only, with lanes provided to RMS and in accordance with Austroads requirements. No changes to net heavy vehicle numbers are currently proposed.

The proposed modification will result in quarry traffic being removed from Lavis Lane with quarry traffic accessing Nelson Bay Road approximately 3.4 kilometres east of the Lavis Lane. It is considered that all laden trucks leaving Lot 218 will travel west along Nelson Bay Road and Cabbage Tree Road to access markets in Newcastle, Hunter and Sydney regions. Unladen trucks will return to the quarry via Nelson Bay Road travelling east to Salt Ash roundabout at which point the truck will turn and then travel west approximately 2 kilometres back along Nelson Bay Road to the proposed new haul road intersection. Consequently, the proposed modification will result at peak times in up to an additional 8 trucks per hour using Salt Ash roundabout compared to traffic if Lavis Lane was continued to be used. This increase in traffic is the equivalent of one additional truck every 7.25 minutes during peak periods of quarry transport and is not expected to adversely impact on traffic flow through and around Salt Ash roundabout.

- **Certainty of existing agreement**

As stated in the Executive Summary of the EA, Mackas Sand has decided not to use the approved haul route due to difficulties with access over Pt 101 and PT 13 DP 753192, potential impacts on the sand knoll on Lot 218 utilised by Worimi Sand Dune Adventures and difficulties with establishing and maintaining trafficable access between Pt 101 and PT 13 DP 753192 and the Lot 218 extraction area. The proposed haul route will provide ongoing and more readily maintainable access to the approved extraction area and will not impact on the sand knoll on Lot 218. In addition it will remove the need for trucks from the quarry on Lot 218 to travel past residences on Lavis Lane. It will also ensure that heavy vehicles from the quarry directly access Nelson Bay Road which is a State road under the control of RMS rather than Lavis Lane which is a local road under the control of Port Stephens Council.

6.11 Raymond Belcher of Boat Harbour, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays, road safety concerns, and road maintenance concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels. Mackas Sand will continue to pay Section 94 contributions in consultation with PSC.

6.12 Robin Mallik on behalf of the Towers Family of Cessnock, NSW

- **Certainty of existing agreement**

As stated in the Executive Summary of the EA, Mackas Sand has decided not to use the approved haul route due to difficulties with access over Pt 101 and PT 13 DP 753192, potential impacts on the sand knoll on Lot 218 utilised by Worimi Sand Dune Adventures and difficulties with establishing and maintaining trafficable access between Pt 101 and PT 13 DP 753192 and the Lot 218 extraction area. The proposed haul route will provide ongoing and more readily maintainable access to the approved extraction area and will not impact on the sand knoll on Lot 218. In addition it will remove the need for trucks from the quarry on Lot 218 to travel past residences on Lavis Lane. It will also ensure that heavy vehicles from the quarry directly access Nelson Bay Road which is a State road under the control of RMS rather than Lavis Lane which is a local road under the control of Port Stephens Council. Other comments noted.

6.13 Name Withheld of Medowie, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels. Note a maximum extraction of 1 million tonnes per annum is sought with the current proposal.

- **Concerns relating to environmental flows**

As described in Section 4.9.1, the proposed alternate haul road will cross Tilligerry Creek at an existing culvert and will not impact on the flow or flooding regime of the creek. Flow dissipation structures will be installed along the alternate access road as described within Section 5.9.1 of the EA.

- **Port Stephens Council & Stockton Bight Track**

Beyond the scope of the current proposal.

6.14 Name Withheld of Corlette, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.15 Name Withheld of Soldiers Point, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels. Widening of Nelson Bay Road is beyond the scope of the current proposal.

6.16 Name Withheld of Corlette, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

The proposed modification will result in quarry traffic being removed from Lavis Lane with quarry traffic accessing Nelson Bay Road approximately 3.4 kilometres east of the Lavis Lane. It is considered that all laden trucks leaving Lot 218 will travel west along Nelson Bay Road and Cabbage Tree Road to access markets in Newcastle, Hunter and Sydney regions. Unladen trucks will return to the quarry via Nelson Bay Road travelling east to Salt Ash roundabout at which point the truck will turn and then travel west approximately 2 kilometres back along Nelson Bay Road to the proposed new haul road intersection. Consequently, the proposed modification will result at peak times in up to an additional 8 trucks per hour using Salt Ash roundabout compared to traffic if Lavis Lane was continued to be used. This increase in traffic is the equivalent of one additional truck every 7.25 minutes during peak periods of quarry transport and is not expected to adversely impact on traffic flow through and around Salt Ash roundabout.

6.17 Name withheld of Salamander Bay, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.18 Name withheld of Nelson Bay, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.19 Name withheld of Nelson Bay, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels. All design and access for the Nelson Bay Road intersection will be in consultation with RMS as noted in Table 6.1 of the EA. The intersection will be constructed with left-in/left-out access only, with lanes provided to RMS and in accordance with Austroads requirements.

- **Inclusion of holiday data in traffic study**

The traffic study undertaken as part of the EA process details hourly AM and PM peak traffic flows, the most recent appropriate RMS data and predicted future increases in road usage. The traffic report is considered sufficient.

6.20 Name withheld of Nelson Bay, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays, road safety concerns, and road maintenance concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

The proposed modification will result in quarry traffic being removed from Lavis Lane with quarry traffic accessing Nelson Bay Road approximately 3.4 kilometres east of the Lavis Lane. It is considered that all laden trucks leaving Lot 218 will travel west along Nelson Bay Road and Cabbage Tree Road to access markets in Newcastle, Hunter and Sydney regions. Unladen trucks will return to the quarry via Nelson Bay Road travelling east to Salt Ash roundabout at which point the truck will turn and then travel west approximately 2 kilometres back along Nelson Bay Road to the proposed new haul road intersection. Consequently, the proposed modification will result at peak times in up to an additional 8 trucks per hour using Salt Ash roundabout compared to traffic if Lavis Lane was continued to be used. This increase in traffic is the equivalent of one additional truck every 7.25 minutes during peak periods of quarry transport and is not expected to adversely impact on traffic flow through and around Salt Ash roundabout.

6.21 Name withheld of Corlette, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

The proposed modification will result in quarry traffic being removed from Lavis Lane with quarry traffic accessing Nelson Bay Road approximately 3.4 kilometres east of the Lavis Lane. It is considered that all laden trucks leaving Lot 218 will travel west along Nelson Bay Road and Cabbage Tree Road to access markets in Newcastle, Hunter and Sydney regions. Unladen trucks will return to the quarry via Nelson Bay Road travelling east to Salt Ash roundabout at which point the truck will turn and then travel west approximately 2 kilometres back along Nelson Bay Road to the proposed new haul road intersection. Consequently, the proposed modification will result at peak times in up to an additional 8 trucks per hour using Salt Ash roundabout compared to traffic if Lavis Lane was continued to be used. This increase in traffic is the equivalent of one additional truck every 7.25 minutes during peak periods of quarry transport and is not expected to adversely impact on traffic flow through and around Salt Ash roundabout.

Note the traffic study included as Appendix 5 of the EA assessed traffic generated due to 1 million tonnes of material being transported per annum. Any changes to production levels would need to undergo a separate EA process. There are no proposed changes to production levels and corresponding traffic levels with the current proposal.

6.22 Name withheld of Corlette, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.23 Name Withheld of Fern Bay, NSW

- **Destruction of Aboriginal [cultural] resources**

Assessment of Aboriginal Cultural Heritage is provided in Appendix 4 of the EA.

6.24 Name withheld of Corlette, NSW

- **Objection to extractive activities**

There are no proposed changes to extractive activities within the current proposal.

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

6.25 Name Withheld of Medowie, NSW

- **Increase of heavy vehicles on Nelson Bay Road. This may lead to unacceptable traffic delays and road safety concerns**

As set out in Appendix 5 of the EA, traffic analysis undertaken for the proposed modification indicates that the proposed sand extraction operations will not have an adverse impact on the road network and that the site connection to Nelson Bay Road can operate at acceptable levels.

- **Concerns relating to environmental flows**

As described in Section 4.9.1, the proposed alternate haul road will cross Tilligerry Creek at an existing culvert and will not impact on the flow or flooding regime of the creek. Flow dissipation

structures will be installed along the alternate access road as described within Section 5.9.1 of the EA.

7.0 Conclusion

It is considered that the submissions received have been adequately addressed, either within this letter or within the EA and associated documentation. If you require further information or clarification, please do not hesitate to contact me on 4950 5322.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Jamieson', with a large, stylized loop at the end.

Peter Jamieson
Director

enc



APPENDIX A

Aboriginal Stakeholder
Consultation

Appendix A – Aboriginal Party Consultation

Proposed Initial Alternate Haul Route

Refer to Umwelt (Australia) Pty Limited (Umwelt), 2011. *Aboriginal Cultural Heritage Assessment of proposed Alternate Haul Route to Lot 218 DP 1044608, Salt Ash* for copies of correspondence materials.

Table 1 – Proposed Initial Alternative Haul Route

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
27/02/2010	Advertisement providing notification of assessment and opportunity to registration interest in on-going consultation.	Advertisement placed in Newcastle Herald	
03/03/2010	Letter providing notification of assessment and request to identify Aboriginal parties.	Department of Environment, Climate Change and Water	Viola Brown identified as an additional potential registrant
		Office of the Registrar of Aboriginal Owners	
		Port Stephens Shire Council	
		NSW Native Title Services	
		Worimi Local Aboriginal Land Council	
03/03/2010	Letter providing notification of assessment, invitation to register interest in on-going consultation and proposed survey methodology.	Worimi Local Aboriginal Land Council	Interest registered
		Nur-Run-Gee Pty Ltd (Nur-Run-Gee)	Interest registered
		Worimi Traditional Aboriginal Elders and Owners Group	Les Ridgeway previously indicated would no longer be involved in cultural heritage assessments
		Mur-Roo-Ma Incorporated (Mur-Roo-Ma)	Interest registered
		Maaiangal Aboriginal Heritage Cooperative	Interest registered. Carol indicated that, due to lack of insurance coverage, she would not be participating in the survey but will remain a registered party for consultation purposes

Table 1 – Proposed Initial Alternative Haul Route (cont.)

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
29/03/2010	Initial survey of proposed access road.	Worimi Local Aboriginal Land Council	Jamie Merrick participated in survey
		Nur-Run-Gee	Chris Collison participated in survey
		Mur-Roo-Ma	Anthony Anderson participated in survey
6/05/2010	Letter providing notification of assessment, invitation to register interest in on-going consultation and proposed survey methodology.	Viola Brown	Interest registered in on-going consultation
21/05/2010	Survey of additional portion of proposed access road.	Worimi Local Aboriginal Land Council	Jamie Merrick participated in survey
		Nur-Run-Gee	Lennie Anderson participated in survey
		Mur-Roo-Ma	Anthony Anderson participated in survey
03/08/2010	Draft (initial) Aboriginal cultural heritage assessment provided to relevant Aboriginal parties for review and comment.	Worimi Local Aboriginal Land Council	Comment provided in writing
		Nur-Run-Gee Pty Ltd (Nur-Run-Gee)	Comment provided in writing
		Mur-Roo-Ma Incorporated (Mur-Roo-Ma)	Comment provided in writing
		Maaiangal Aboriginal Heritage Cooperative	Verbal comment provided
		Viola Brown	Verbal comment provided

Table 1 – Proposed Initial Alternative Haul Route (cont.)

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
28/09/2011	Letter providing notification of alteration to proposed access road and provision of proposed additional survey methodology.	Worimi Local Aboriginal Land Council	No comment provided.
		Nur-Run-Gee Pty Ltd (Nur-Run-Gee)	Comment provided in writing.
		Mur-Roo-Ma Incorporated (Mur-Roo-Ma)	Comment provided in writing.
		Maaiangal Aboriginal Heritage Cooperative	No comment provided.
		Viola Brown	No comment provided.
10/10/2011	Survey of altered sections of proposed access road.	Worimi Local Aboriginal Land Council	Jamie Merrick participated in survey.
		Nur-Run-Gee	Chris Collison participated in survey.
		Mur-Roo-Ma	Anthony Anderson participated in survey.
27/10/2011	Discussion of survey results and potential mitigation/management strategies with survey participants.	Worimi Local Aboriginal Land Council	Jamie Merrick participated in discussion.
		Nur-Run-Gee	Lennie Anderson participated in discussion.
		Mur-Roo-Ma	Anthony Anderson was unavailable to participate in discussion but authorised Lennie Anderson to also represent views of Mur-Roo-Ma.
8/11/2011	Draft Aboriginal cultural heritage assessment provided to relevant parties for review and comment.	Worimi Local Aboriginal Land Council	Comment provided in writing.
		Nur-Run-Gee Pty Ltd (Nur-Run-Gee)	Comment provided in writing.
		Mur-Roo-Ma Incorporated (Mur-Roo-Ma)	Comment provided in writing.
		Carol Ridgeway-Bisset (previously Maaiangal Aboriginal Heritage Cooperative)	Verbal comment provided.
		Viola Brown	Verbal comment provided.

Consultation Regarding Currently Proposed Alternate Haul Route

Note that ongoing communications with the Aboriginal Heritage Management Group (AHMG) that do not relate to the current modification proposal are not included within the communication record. The current record commences at the time of AHMG survey of the of sections of proposed alternate access road to Lot 218 and alternate extraction area at Lot 220 as this is when a briefing regarding the modification proposal was given. The proposed alternate extraction area at Lot 220 has since been removed from this modification application. Note that Ms Carol Ridgeway-Bissett remains a registered Aboriginal party but no longer represents Maaiangal Aboriginal Heritage Cooperative.

Table 2 - Consultation Regarding Currently Proposed Alternate Haul Route

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
25/07/2012	Letter and email sent to member organisations of the AHMG with regard to AHMG inspection of proposed Lot 218 alternate haul route (Attached).	Worimi Local Aboriginal Land Council	Time and date for AHMG site inspection agreed.
		Nur-Run-Gee Pty Ltd (Nur-Run-Gee)	Time and date for AHMG site inspection agreed.
		Mur-Roo-Ma Incorporated (Mur-Roo-Ma)	Time and date for AHMG site inspection agreed.
30/07/2012	Discussion and survey of sections of proposed alternate access road to Lot 218 and alternate extraction area at Lot 220 (Internal to AHMG. Lot 220 modification now removed from application). Following survey, additional discussion of survey results and potential mitigation/management strategies.	Worimi Local Aboriginal Land Council	Jamie Merrick and Jono Lilley participated in survey and discussion.
		Nur-Run-Gee	Lennie Anderson participated in survey and discussion.
		Mur-Roo-Ma	Anthony Anderson participated in survey and discussion.

Table 2 - Consultation Regarding Currently Proposed Alternate Haul Route (cont.)

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
09/08/2012	Project description and proposed survey methodology sent to registered Aboriginal parties (attached).	Worimi Local Aboriginal Land Council	Email sent on 03/09/2012 informing of approaching methodology comment due date. No comment on methodology received.
		Nur-Run-Gee	Phone call on 03/09/2012 and email on 04/09/2012 informing of approaching methodology comment due date. No comment on methodology received.
		Mur-Roo-Ma	Written comment on methodology received 16/08/2012. (attached).
		Carol Ridgeway-Bissett	Phone call on 03/09/2012 informing of approaching methodology comment due date and to reiterate opportunity for additional site survey. Survey opportunity declined and no comment on methodology received.
		Viola Brown	Phone call on 03/09/2012 informing of approaching methodology comment due date and to reiterate opportunity for additional site survey. Survey opportunity declined and no comment on methodology received.
28/09/2012	Draft Aboriginal cultural heritage assessment provided to relevant parties for review and comment via email.	Worimi Local Aboriginal Land Council	Email undeliverable; phone call follow up.
		Nur-Run-Gee	Email delivered; phone call follow up.
		Mur-Roo-Ma	Email delivered; phone call follow up.
03/10/2012	Draft Aboriginal cultural heritage assessment provided to relevant parties for review and comment as hard copy.	Worimi Local Aboriginal Land Council	Comment provided in writing 18/10/2012.
		Nur-Run-Gee	Comment provided in writing 08/10/2012.
		Mur-Roo-Ma	Comment provided in writing 09/10/2012.
		Carol Ridgeway-Bissett	Comment provided verbally 12/10/2012.
		Viola Brown	Comment provided verbally 16/10/2012: Viola affirmed the recommendations of Carol Ridgeway-Bissett, especially with regard to the burying of collected artefacts nearby.

Our Ref: 1646/PJ/AG/25072012

25 July 2012

Mur-roo-ma Incorporated
Anthony Anderson
9 Vardon Road
FERN BAY
NSW 2295

Dear Anthony

Re: Notification of Alteration to Proposed Modification to Mackas Sand Approval DA-08-0142 and Provision of Proposed Survey

As you are aware, development consent DA-08-0142 was granted to Mackas Sand for the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608 under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was then established in accordance with the ACHMP. Mackas Sand then proposed to establish an alternate access road to Lot 218 from Lavis Lane and is sought a modification to its development consent under Section 75W of the EP&A Act.

Due to previously unforeseen circumstances, Mackas Sand is now proposing to alter the previously proposed route, as depicted in **Figure 1**. The new route still intersects with the A3 Potential Archaeological Deposit (PAD) as identified during previous surveys and it is proposed to assess the area in accordance with Office of Environment and Heritage requirements.

Section 5.12 of the ACHMP requires discussion with the AHMG for any activities that may result in vegetation clearance or ground disturbance outside the current approval areas. This is in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*, that as a development under the now repealed Part 3A of the EP&A Act, established consultation processes continue to apply to the proposed modification.

Accordingly, a special meeting of the AHMG to survey the potential alignment of the proposed access road is requested on 30 July 2012.

7. Description of the Proposed Access Road

The alterations to the proposed access road will extend southward from Nelson Bay Road across low lying farmland and the existing due before entering Lot 218 and continuing in a south-easterly direction to intersect with the mobile dune (refer to **Figure 1**). The proposed access road is approximately 2 kilometres in length with a width of no more than 10 metres, with a wider area of clearance (up to 40 metres) to allow for sufficient management of potential impacts to Aboriginal Objects if required along the established dune, and a wider width of approximately 30 metres at the face of the mobile dune to allow an appropriate turning circle for heavy vehicles.

Construction of the proposed access road will involve establishing a level surface that can sustain heavy vehicle traffic. The level of activity required to do this will vary along the proposed access road depending on variables such as previous disturbance (including vegetation), landform and slope angle. In general terms, these activities may include the introduction of road base (or similar)

materials on the established dune, and cutting and filling of areas to create a level surface along with vegetation clearance through low lying areas.

8. Draft Survey Methodology

One of the purposes of this letter is to provide a proposed methodology for the survey of the alteration to the proposed access road. It is suggested that the survey methodology should be in accordance with that utilised for Lot 218 and Lot 220. However, given that the first section of the proposed access road near Nelson Bay Road is an existing roadway, it is proposed to inspect this portion by vehicle, with the capacity to stop in any area that may still retain some archaeological potential.

The remaining portion of the alteration to the proposed access road will be surveyed on foot. The survey will also involve recording the range of landforms, Aboriginal resources and levels of disturbance within the proposed access road so that this information can be used in considering the archaeological potential of those parts of the proposed access road with limited visibility and exposure.

Survey data and sites will be recorded using a hand-held GPS, maps, compasses and standardised field recording forms. Information recorded during the survey will include:

- the nature of the landforms and vegetation;
- the levels of soil surface visibility and exposure within the surveyed area;
- the effects of erosion and disturbance on both areas;
- the availability of Aboriginal resources;
- any Aboriginal object/s that may be present (with recording to comply with OEH standards and requirements);
- the likelihood that potential archaeological deposits may be present within the impact area; and
- any information provided by Aboriginal stakeholders regarding the cultural significance of the area.

Any comments that Aboriginal stakeholder groups wish to make regarding stories, cultural knowledge or Aboriginal cultural values associated with the proposed access road and locality will be recorded during fieldwork and integrated into a draft report (provided that the relevant stakeholder is happy to have that information placed in the public domain).

9. Fieldwork Involvement

It is anticipated that the survey will be completed within in one day by the AHMG, one archaeologist and representative from Umwelt. At this stage, it is proposed to conduct the fieldwork on **Monday 30 July 2012**.

Please do not hesitate to contact me on (02) 4950 5322 if you need to discuss further aspects of the draft survey strategy or this correspondence.

If you have any questions or require clarification of any matters please call me on 4950 5322.

Yours faithfully



Andy Goodwin
Social & Environmental Analyst

enc

PLAN: PROPOSED ACCESS TRACK FROM
NELSON BAY RD TO LOT 218 DP 1044608

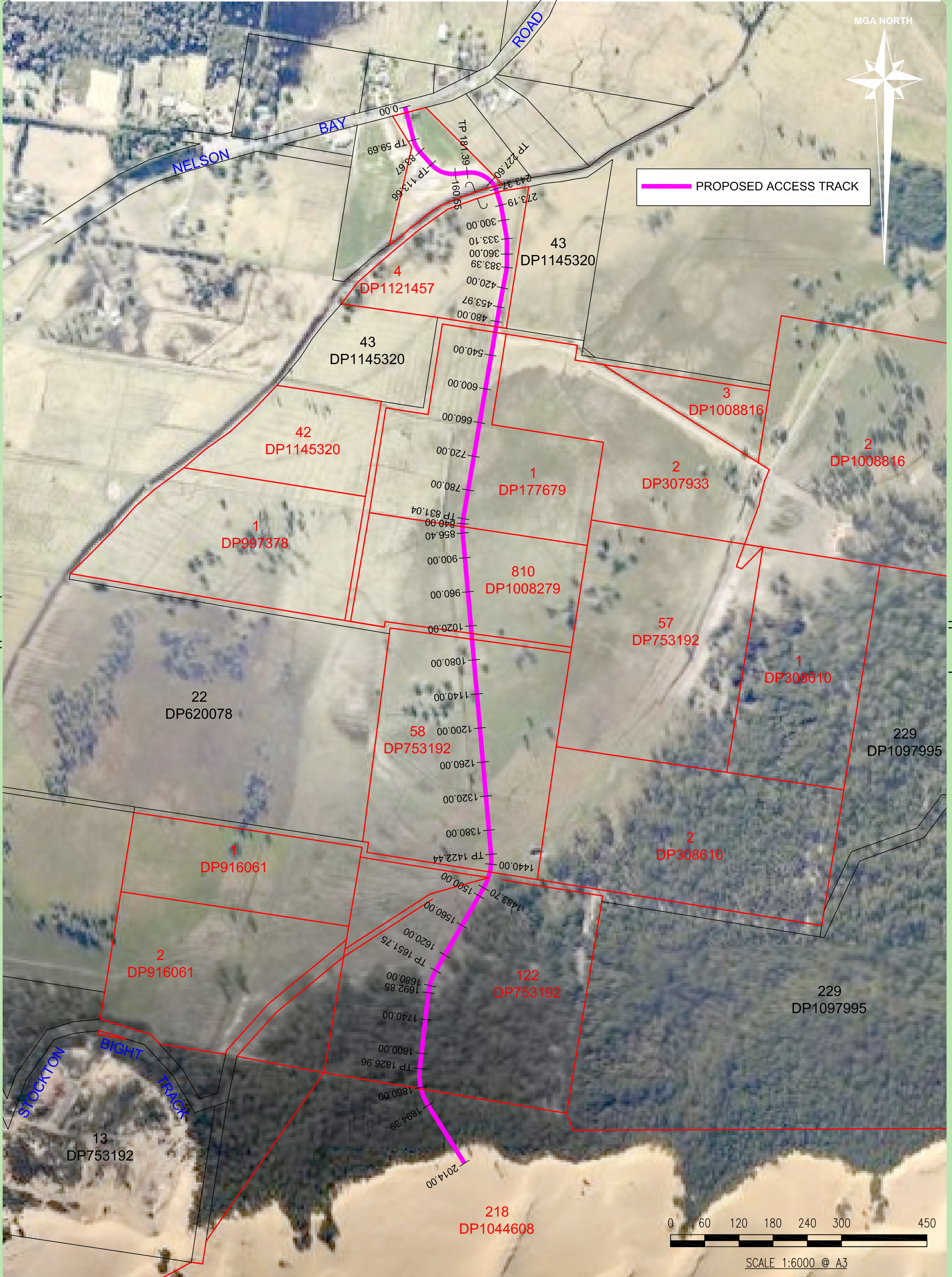
CLIENT DETAILS: CLIENT - MACKA'S SAND & SOIL
OWNER -

TECHNICAL DETAILS: LEVEL DATUM - N/A
CONTOUR INT. - N/A
COORD SYS. - MGA

DRAWN - AJM
CHECKED - PLM
DATE - 23/07/2012

LOCALITY - WILLIAMTOWN

LGA - PORT STEPHENS



LE MOTTEE GROUP

* SURVEYING * CIVIL ENGINEERING * TOWN PLANNING * PROJECT MANAGEMENT *

4987 1748

FAX : 4987 2699

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199 ADELAIDE STREET

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RAYMOND TERRACE, 2324

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OUR REF: 5438 TC V-3

SHEET 1 OF
SHEETS 1

Our Ref: 1646/PJ/AG/25072012

25 July 2012

Worimi Local Aboriginal Land Council
Jamie Merrick
173 Nelsons Bay Road
WILLIAMTOWN
NSW 2318

Dear Jamie,

Re: Notification of Alteration to Proposed Modification to Mackas Sand Approval DA-08-0142 and Provision of Proposed Survey

As you are aware, development consent DA-08-0142 was granted to Mackas Sand for the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608 under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was then established in accordance with the ACHMP. Mackas Sand then proposed to establish an alternate access road to Lot 218 from Lavis Lane and is sought a modification to its development consent under Section 75W of the EP&A Act.

Due to previously unforeseen circumstances, Mackas Sand is now proposing to alter the previously proposed route, as depicted in **Figure 1**. The new route still intersects with the A3 Potential Archaeological Deposit (PAD) as identified during previous surveys and it is proposed to assess the area in accordance with Office of Environment and Heritage requirements.

Section 5.12 of the ACHMP requires discussion with the AHMG for any activities that may result in vegetation clearance or ground disturbance outside the current approval areas. This is in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*, that as a development under the now repealed Part 3A of the EP&A Act, established consultation processes continue to apply to the proposed modification.

Accordingly, a special meeting of the AHMG to survey the potential alignment of the proposed access road is requested on 30 July 2012.

4. Description of the Proposed Access Road

The alterations to the proposed access road will extend southward from Nelson Bay Road across low lying farmland and the existing due before entering Lot 218 and continuing in a south-easterly direction to intersect with the mobile dune (refer to **Figure 1**). The proposed access road is approximately 2 kilometres in length with a width of no more than 10 metres, with a wider area of clearance (up to 40 metres) to allow for sufficient management of potential impacts to Aboriginal Objects if required along the established dune, and a wider width of approximately 30 metres at the face of the mobile dune to allow an appropriate turning circle for heavy vehicles.

Construction of the proposed access road will involve establishing a level surface that can sustain heavy vehicle traffic. The level of activity required to do this will vary along the proposed access road depending on variables such as previous disturbance (including vegetation), landform and slope angle. In general terms, these activities may include the introduction of road base (or similar)

materials on the established dune, and cutting and filling of areas to create a level surface along with vegetation clearance through low lying areas.

5. Draft Survey Methodology

One of the purposes of this letter is to provide a proposed methodology for the survey of the alteration to the proposed access road. It is suggested that the survey methodology should be in accordance with that utilised for Lot 218 and Lot 220. However, given that the first section of the proposed access road near Nelson Bay Road is an existing roadway, it is proposed to inspect this portion by vehicle, with the capacity to stop in any area that may still retain some archaeological potential.

The remaining portion of the alteration to the proposed access road will be surveyed on foot. The survey will also involve recording the range of landforms, Aboriginal resources and levels of disturbance within the proposed access road so that this information can be used in considering the archaeological potential of those parts of the proposed access road with limited visibility and exposure.

Survey data and sites will be recorded using a hand-held GPS, maps, compasses and standardised field recording forms. Information recorded during the survey will include:

- the nature of the landforms and vegetation;
- the levels of soil surface visibility and exposure within the surveyed area;
- the effects of erosion and disturbance on both areas;
- the availability of Aboriginal resources;
- any Aboriginal object/s that may be present (with recording to comply with OEH standards and requirements);
- the likelihood that potential archaeological deposits may be present within the impact area; and
- any information provided by Aboriginal stakeholders regarding the cultural significance of the area.

Any comments that Aboriginal stakeholder groups wish to make regarding stories, cultural knowledge or Aboriginal cultural values associated with the proposed access road and locality will be recorded during fieldwork and integrated into a draft report (provided that the relevant stakeholder is happy to have that information placed in the public domain).

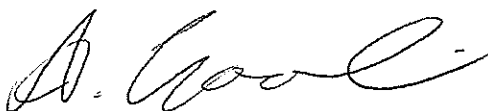
6. Fieldwork Involvement

It is anticipated that the survey will be completed within in one day by the AHMG, one archaeologist and representative from Umwelt. At this stage, it is proposed to conduct the fieldwork on **Monday 30 July 2012**.

Please do not hesitate to contact me on (02) 4950 5322 if you need to discuss further aspects of the draft survey strategy or this correspondence.

If you have any questions or require clarification of any matters please call me on 4950 5322.

Yours faithfully



Andy Goodwin
Social & Environmental Analyst

enc

Our Ref: 1646/PJ/AG/25072012

25 July 2012

Nur-run-gee Pty Ltd
Lennie Anderson
22 Popplewell Road
FERN BAY
NSW 2295

Dear Lennie

Re: Notification of Alteration to Proposed Modification to Mackas Sand Approval DA-08-0142 and Provision of Proposed Survey

As you are aware, development consent DA-08-0142 was granted to Mackas Sand for the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608 under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was then established in accordance with the ACHMP. Mackas Sand then proposed to establish an alternate access road to Lot 218 from Lavis Lane and is sought a modification to its development consent under Section 75W of the EP&A Act.

Due to previously unforeseen circumstances, Mackas Sand is now proposing to alter the previously proposed route, as depicted in **Figure 1**. The new route still intersects with the A3 Potential Archaeological Deposit (PAD) as identified during previous surveys and it is proposed to assess the area in accordance with Office of Environment and Heritage requirements.

Section 5.12 of the ACHMP requires discussion with the AHMG for any activities that may result in vegetation clearance or ground disturbance outside the current approval areas. This is in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*, that as a development under the now repealed Part 3A of the EP&A Act, established consultation processes continue to apply to the proposed modification.

Accordingly, a special meeting of the AHMG to survey the potential alignment of the proposed access road is requested on 30 July 2012.

1. Description of the Proposed Access Road

The alterations to the proposed access road will extend southward from Nelson Bay Road across low lying farmland and the existing due before entering Lot 218 and continuing in a south-easterly direction to intersect with the mobile dune (refer to **Figure 1**). The proposed access road is approximately 2 kilometres in length with a width of no more than 10 metres, with a wider area of clearance (up to 40 metres) to allow for sufficient management of potential impacts to Aboriginal Objects if required along the established dune, and a wider width of approximately 30 metres at the face of the mobile dune to allow an appropriate turning circle for heavy vehicles.

Construction of the proposed access road will involve establishing a level surface that can sustain heavy vehicle traffic. The level of activity required to do this will vary along the proposed access road depending on variables such as previous disturbance (including vegetation), landform and slope angle. In general terms, these activities may include the introduction of road base (or similar)

materials on the established dune, and cutting and filling of areas to create a level surface along with vegetation clearance through low lying areas.

2. Draft Survey Methodology

One of the purposes of this letter is to provide a proposed methodology for the survey of the alteration to the proposed access road. It is suggested that the survey methodology should be in accordance with that utilised for Lot 218 and Lot 220. However, given that the first section of the proposed access road near Nelson Bay Road is an existing roadway, it is proposed to inspect this portion by vehicle, with the capacity to stop in any area that may still retain some archaeological potential.

The remaining portion of the alteration to the proposed access road will be surveyed on foot. The survey will also involve recording the range of landforms, Aboriginal resources and levels of disturbance within the proposed access road so that this information can be used in considering the archaeological potential of those parts of the proposed access road with limited visibility and exposure.

Survey data and sites will be recorded using a hand-held GPS, maps, compasses and standardised field recording forms. Information recorded during the survey will include:

- the nature of the landforms and vegetation;
- the levels of soil surface visibility and exposure within the surveyed area;
- the effects of erosion and disturbance on both areas;
- the availability of Aboriginal resources;
- any Aboriginal object/s that may be present (with recording to comply with OEH standards and requirements);
- the likelihood that potential archaeological deposits may be present within the impact area; and
- any information provided by Aboriginal stakeholders regarding the cultural significance of the area.

Any comments that Aboriginal stakeholder groups wish to make regarding stories, cultural knowledge or Aboriginal cultural values associated with the proposed access road and locality will be recorded during fieldwork and integrated into a draft report (provided that the relevant stakeholder is happy to have that information placed in the public domain).

3. Fieldwork Involvement

It is anticipated that the survey will be completed within in one day by the AHMG, one archaeologist and representative from Umwelt. At this stage, it is proposed to conduct the fieldwork on **Monday 30 July 2012**.

Please do not hesitate to contact me on (02) 4950 5322 if you need to discuss further aspects of the draft survey strategy or this correspondence.

If you have any questions or require clarification of any matters please call me on 4950 5322.

Yours faithfully



Andy Goodwin
Social & Environmental Analyst

enc

Our Ref: 1646a/PJ/AG/AR/090812

09 August 2012

Mrs Viola Brown
22 Salamander Place
RAYMOND TERRACE NSW 2324

Dear Viola

Re: Mackas Sand Approval DA-08-0142 – Alteration to Previously Proposed Access Road and Provision of Proposed Survey Methodology

As you are aware, development consent DA-08-0142 was granted to Mackas Sand for the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608. An Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was then established in accordance with the ACHMP.

Following from this, Mackas Sand proposed a modification to the development consent to allow for the establishment of an alternate access road to Lot 218 from Lavis Lane. The proposed access road was the subject of an Aboriginal cultural heritage assessment that was completed and provided to you in November 2011.

Mackas Sand has subsequently identified an alternative access road that connects directly with Nelson Bay Road and will be resubmitting an application to modify DA 08-142 to enable use of this route. The proposed alternate route will connect the northern face of the mobile dunes in Lot 218 with Nelson Bay Road to the north as depicted within (see **Figure 1**). The access track located within Lot 218 has been surveyed previously. In addition Mackas Sand is seeking a modification to the extraction area of Lot 220 to enable the extraction of sand along the westernmost boundary of Lot 220 in Salt Ash. This boundary separates Mackas Sand from the Sibelco sand extraction operations site.

In accordance with the requirements of the Department of Planning and Infrastructure (DP&I), the Aboriginal cultural heritage assessment of the proposed modifications will be undertaken in accordance with the Department of Environment and Conservation (now the Office of Environment and Heritage (OEH)) *Interim Community Consultation Requirements for Applicants*. Mackas Sand has commissioned Umwelt (Australia) Pty Limited (Umwelt) to complete the Aboriginal archaeological component of this assessment. Umwelt is aware that your group has a continuing interest in being consulted regarding proposals that may impact upon cultural heritage in this area. This letter is to notify your organisation of the proposed alterations to the previously assessed access road and to outline the assessment process (as outlined below).

1. Assessment Process

The modification to the existing development consent will be sought under Section 75W of the *Environmental Planning and Assessment Act 1979* and this will require the submission of an environmental assessment to DP&I. The requirements for the environmental assessment are determined by DP&I. The presence of sites and Potential Archaeological Deposit (PAD) along the proposed access indicates that the environmental assessment should address Aboriginal cultural heritage issues through the completion of an Aboriginal Cultural Heritage Assessment (ACHA). The ACHA will include an Archaeological Assessment.

The ACHA needs to satisfy all of the relevant requirements and guidelines. Only Aboriginal people can provide information on Aboriginal cultural values and this forms a major component of the assessment. It is therefore essential that consultation with the relevant Aboriginal stakeholders is undertaken throughout the course of the ACHA and that you feel that you are being fully informed about all aspects of the assessment. With this in mind, please find below a brief summary of the major stages in the assessment. Please note that the specified dates may be subject to change and are provided as an indication only:

1. notification of the proposed modification and discussion of the assessment methodology (as provided in this letter);
2. provision of a draft survey methodology for review by registered Aboriginal parties (as in this letter);
3. period during which registered Aboriginal parties can provide comment/proposed amendments to the draft survey methodology (up to 28 days from receipt of this letter i.e. 10 September 2012 but efforts will be made to facilitate comment prior to this date);
4. completion of survey of the proposed modifications to previously assessed access road with registered Aboriginal parties representatives and in-field consultation regarding Aboriginal cultural values of the area and suggested management and mitigation recommendations (See **Section 2**);
5. the development of a draft ACHA to assess the access road and incorporate results of field survey and feedback received from registered Aboriginal party representatives in the field;
6. provision of the archaeological component of a draft ACAH to registered Aboriginal parties to provide them with the necessary archaeological information to complete an Aboriginal cultural values assessment and comment on/provide additional management and mitigation recommendations;
7. a period of up to 28 days from receipt of draft Aboriginal Cultural Heritage Assessment during which registered Aboriginal parties can complete an Aboriginal cultural values assessment and comment on/provide additional management and mitigation recommendations;
8. a period for discussion of five working days from the closing period for the Aboriginal cultural values assessment regarding the incorporation of an Aboriginal cultural values assessment with the archaeological component to form the finalised ACHA; and
9. finalisation of ACHA for provision to the registered Aboriginal parties and submission to DP&I (following the completion of Stage eight above).

2. Draft Survey Methodology

As outlined above, one of the purposes of this letter is to provide a proposed methodology for the survey of the alterations to the previously assessed access road. It is suggested that the survey methodology should be consistent with that utilised for previous studies undertaken for the project, including the previously surveyed portion of the proposed access road and for Lot 218 and Lot 220. As shown in (see **Figure 1**), the section of the alternate access route within Lot 218 was surveyed as part of a previous assessment. Accordingly only the alternate access from the boundary from Lot 218 to Nelson Bay Road requires additional survey. As shown in (see **Figure 2**), the entire western boundary of Lot 220 in Salt Ash requires survey.

Survey of the outstanding part of the road alignment leading from Lot 218 in Williamtown and along the western boundary of Lot 220 in Salt Ash was undertaken by representatives from the Mackas Sand AHMG, Umwelt and Mackas Sand on 30 July 2012. The survey at Williamtown covered the region from the boundary with Lot 218 to the low lying previously impacted areas within the inter-barrier depression on foot. The low lying, swampy areas between the edge of the established dunes and the existing access onto Nelson Bay Road was considered to have negligible Aboriginal archaeological potential to survey participants and was not fully surveyed on foot (see **Figure 1**). Existing roadway as indicated on (see **Figure 1**) was observed from a vehicle. The survey at Salt Ash covered the entire western boundary of Lot 220 on foot.

Survey data was recorded using a hand-held GPS, maps, and compasses in accordance with OEH standards and requirements. Information recorded during the survey included:

- the nature of the landforms and vegetation;
- the levels of visibility and exposure within the surveyed area;
- the effects of erosion and disturbance;
- the availability of Aboriginal resources;
- any archaeological sites that may be present; and
- the likelihood that potential archaeological deposits may be present within the survey areas.

The results of the survey are currently being written up as part of a draft ACHA, including outcomes from the survey and discussion with regard to the cultural significance of the area. This will be provided to registered Aboriginal parties as the draft reaches completion.

Discussion with the AHMG survey participants with regard to the cultural significance of the area was also undertaken. Outcomes from this discussion and any further comments that Aboriginal parties wish to make regarding stories, cultural knowledge or Aboriginal cultural values associated with the current modification or the previously assessed access road and locality will be integrated into the draft report (provided that the relevant stakeholder is happy to have that information placed in the public domain).

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3. Conclusion

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Please do not hesitate to contact me on (02) 4950 5322 if you have any queries in regards to this project.

Yours faithfully,



Andy Goodwin
Social & Environmental Analyst

enc.



Source: Google Earth (2009)

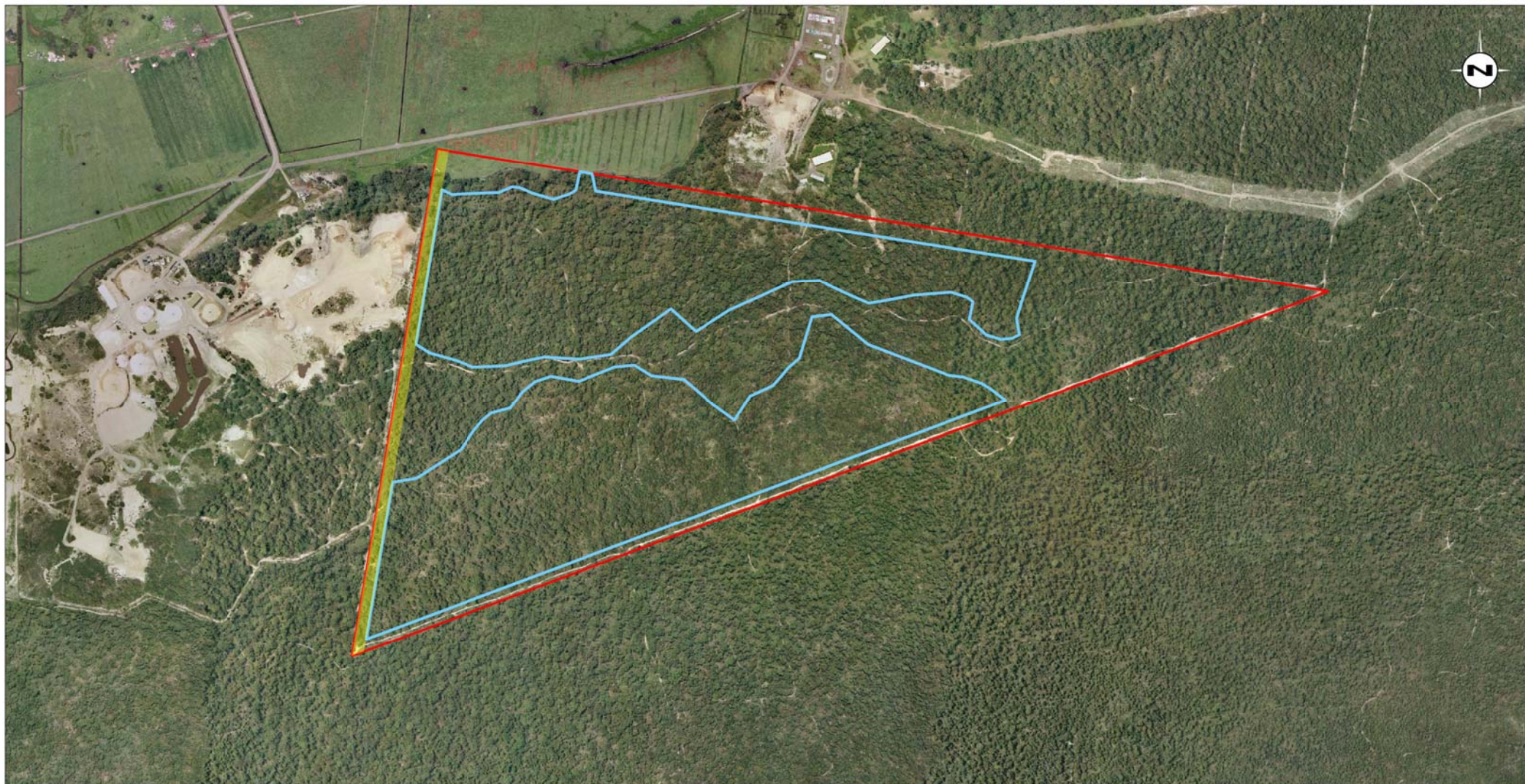
0 250 500 750 m
1:15 000

Legend

— Proposed Alternate Access Route

FIGURE 1

Proposed Alternate Access
Route to Nelson Bay Road



Source: Google Earth (2009)

0 100 250 500m
1:10 000

Legend

- Lot Boundaries (220)
- Proposed Operational Areas
- Survey Area

FIGURE 2

Western Boundary of Lot 220, Salt Ash

Our Ref: 1646a/PJ/AG/AR/090812

09 August 2012

Ms Carol Ridgeway-Bissett
Maaiangal Aboriginal Heritage Corporation
5 Ondine Close
NELSON BAY NSW 2315

Dear Carol

Re: Mackas Sand Approval DA-08-0142 – Alteration to Previously Proposed Access Road and Provision of Proposed Survey Methodology

As you are aware, development consent DA-08-0142 was granted to Mackas Sand for the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608. An Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was then established in accordance with the ACHMP.

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Mackas Sand has subsequently identified an alternative access road that connects directly with Nelson Bay Road and will be resubmitting an application to modify DA 08-142 to enable use of this route. The proposed alternate route will connect the northern face of the mobile dunes in Lot 218 with Nelson Bay Road to the north as depicted within (see **Figure 1**). The access track located within Lot 218 has been surveyed previously. In addition Mackas Sand is seeking a modification to the extraction area of Lot 220 to enable the extraction of sand along the westernmost boundary of Lot 220 in Salt Ash. This boundary separates Mackas Sand from the Sibelco sand extraction operations site.

In accordance with the requirements of the Department of Planning and Infrastructure (DP&I), the Aboriginal cultural heritage assessment of the proposed modifications will be undertaken in accordance with the Department of Environment and Conservation (now the Office of Environment and Heritage (OEH)) *Interim Community Consultation Requirements for Applicants*. Mackas Sand has commissioned Umwelt (Australia) Pty Limited (Umwelt) to complete the Aboriginal archaeological component of this assessment. Umwelt is aware that your group has a continuing interest in being consulted regarding proposals that may impact upon cultural heritage in this area. This letter is to notify your organisation of the proposed alterations to the previously assessed access road and to outline the assessment process (as outlined below).

1. Assessment Process

The modification to the existing development consent will be sought under Section 75W of the *Environmental Planning and Assessment Act 1979* and this will require the submission of an environmental assessment to DP&I. The requirements for the environmental assessment are determined by DP&I. The presence of sites and Potential Archaeological Deposit (PAD) along the proposed access indicates that the environmental assessment should address Aboriginal cultural heritage issues through the completion of an Aboriginal Cultural Heritage Assessment (ACHA). The ACHA will include an Archaeological Assessment.

The ACHA needs to satisfy all of the relevant requirements and guidelines. Only Aboriginal people can provide information on Aboriginal cultural values and this forms a major component of the assessment. It is therefore essential that consultation with the relevant Aboriginal stakeholders is undertaken throughout the course of the ACHA and that you feel that you are being fully informed about all aspects of the assessment. With this in mind, please find below a brief summary of the major stages in the assessment. Please note that the specified dates may be subject to change and are provided as an indication only:

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9. finalisation of ACHA for provision to the registered Aboriginal parties and submission to DP&I (following the completion of Stage eight above).

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As outlined above, one of the purposes of this letter is to provide a proposed methodology for the survey of the alterations to the previously assessed access road. It is suggested that the survey methodology should be consistent with that utilised for previous studies undertaken for the project, including the previously surveyed portion of the proposed access road and for Lot 218 and Lot 220. As shown in (see **Figure 1**), the section of the alternate access route within Lot 218 was surveyed as part of a previous assessment. Accordingly only the alternate access from the boundary from Lot 218 to Nelson Bay Road requires additional survey. As shown in (see **Figure 2**), the entire western boundary of Lot 220 in Salt Ash requires survey.

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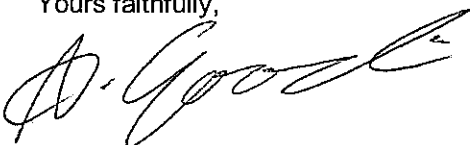
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Yours faithfully,



Andy Goodwin
Social & Environmental Analyst

enc.

Our Ref: 1646a/PJ/AG/AR/090812

09 August 2012

Mr Anthony Anderson
Mur-roo-ma Incorporated
9 Varden Road
FERN BAY NSW 2295

Dear Anthony

Re: Mackas Sand Approval DA-08-0142 – Alteration to Previously Proposed Access Road and Provision of Proposed Survey Methodology

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Yours faithfully,



Andy Goodwin
Social & Environmental Analyst

enc.

Our Ref: 1646a/PJ/AG/AR/090812

09 August 2012

Lennie Anderson
Nur-Run-Gee Pty Ltd
22 Popplewell Road
FERN BAY NSW 2295

Dear Lennie

Re: Mackas Sand Approval DA-08-0142 – Alteration to Previously Proposed Access Road and Provision of Proposed Survey Methodology

As you are aware, development consent DA-08-0142 was granted to Mackas Sand for the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608. An Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was then established in accordance with the ACHMP.

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Yours faithfully,



Andy Goodwin
Social & Environmental Analyst

enc.

Our Ref: 1646a/PJ/AG/AR/090812

09 August 2012

Andrew Smith
Worimi Local Aboriginal Land Council
PO Box 56
TANILBA BAY NSW 2319

Dear Andrew

Re: Mackas Sand Approval DA-08-0142 – Alteration to Previously Proposed Access Road and Provision of Proposed Survey Methodology

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It is not considered necessary to repeat this survey effort for the current modification proposal. Notwithstanding this consideration, if your party wishes to comment on the methodology of this survey, the opportunity to undertake further archaeological survey in addition to that already completed will be made available. This includes the provision of the opportunity for registered Aboriginal parties who were not present at the AHMG survey to take part in the cultural heritage assessment process. A maximum 28 day period for comment on the survey methodology and opportunity for further survey is provided.

3. Conclusion

In accordance with the *Interim Community Consultation Requirements for Applicants* (December 2004), we ask that your group provides comments on the draft survey methodology by no later than 5.00 pm on Monday 10 September 2012. Verbal comments regarding the draft survey methodology can be made directly to myself or written comments can be faxed on (02) 4950 5737.

Please do not hesitate to contact me on (02) 4950 5322 if you have any queries in regards to this project.

Yours faithfully,



Andy Goodwin
Social & Environmental Analyst

enc.

From: Anthony Anderson
Sent: Thursday, 16 August 2012 7:41 AM
To: Andy Goodwin
Subject: Re: Mackas Survey Methodology

Hi Andy

Murrooma Inc has read and fully understands the draft methodology for the proposed access road from Nelson Bay road to lot 218 for the purpose of extracting sand by Mackas Sand & Soil

Whilst agreeing with the methodology we would like to make the following comment
We will not support any further destruction of our culture and heritage whilst there is another location using the approved access under DA-08-0142 which does not destroy any Aboriginal heritage and very little destruction of flora & fauna that has not been assessed

Regards Anthony Anderson

--

Anthony Anderson
CEO Mur-roo-ma Incorporated
Justice of The Peace

8th October 2012

Umwelt (Australia) P/L
Attention Andy Goodwin
PO Box 838
Toronto NSW 283
Dear Andy

**Re: Draft Mackas Sand Aboriginal Cultural Heritage Assessment of
Alternate Haul Route to Lot 218 DP 1044608 Salt Ash NSW**

Thank you for your accurate, concise and professional draft report on Mackas Sand Aboriginal Cultural Heritage Assessment of Alternate Haul Route to Lot 218 DP 1044608 Salt Ash NSW.

After reading the draft report Nur-Run-Gee P/L wishes to state the following;

The Culture Landscape of the immediate and adjacent lands are to remain intact and unspoilt. After completing many site inspections within this area, and owing to the wishes and testaments of the majority of the Traditional Owners spoken to, that NO further disturbance to landforms within that area what so ever should be accepted.

The proposal Nur-Run-Gee wishes is: - no further destructive plans to be submitted for that area as there already exists an agreement which utilises, sensibly and reasonably, a previous haulage road. This will minimise any further damage and will not need an expansion of the proposals footprint.

We find that even though the research design and methodology for additional archaeological investigations is quite appropriate, does it really need proving 'Further' (sub-surface) when surface investigations have proven what we already know - heavy use of this terrain by Aboriginal People for many thousands of years. Shouldn't it be afforded the utmost of protection for the complete landscape for Culture Mapping purposes?

Our Culture Officers will show dissent on any further proposals for any more variations as there have been approx 10 changes to the original plans (submitted with application to Dept of Planning) to which we agreed to initially, after it was fully presented. We find that the proponent keeps on changing the goal posts, when what we are trying to save is as much as we can of a non-renewable resource and asset and an intricate part of our Oral History Story lines (Intellectual Property Rights).

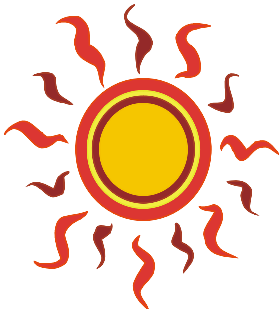
We hope this has truly demonstrated our position on this proposal, as we can't explain enough the reasons for treating this with the utmost of importance.

NOTE: - If any Political or Statutory Department wishes to discuss or debate these facts please invite them to do so with ALL parties concerned.

If you have any further enquiries please do not hesitate to contact us.

Yours Sincerely

Lennie Anderson
Worimi Traditional Owner
Indigenous Archaeologist
Phone: 02 49 201 578
Mobile: 0408 618 874
Director
Nur-Run-Gee Pty Ltd
goodman@kooee.com.au



**INDIGENOUS ARCHAEOLOGIST
CULTURAL AND HERITAGE
CONSULTANT
LICENCED BUILDER**

22 Popplewell Road
Fern Bay 2295

Phone: 02 49 201 578
Mobile: 0408 618 874 Leanne
Mobile: 0431 334 365 Lennie
Email:
goodman@kooee.com.au

From:
Sent: Tuesday, 9 October 2012 5:15 PM
To:
Cc:
Subject: Aboriginal Cultural Heritage Assessment of Alternate Haul Route to Lot 218 DP1044608 Salt Ash.

Murrooma incorporated has read and fully understands the draft report for the above proposal- Aboriginal Cultural Heritage Assessment of Alternate Haul Route to Lot 218 DP1044608 Salt Ash.

The subject area is of the dune system of the Stockton bite which is of high significance to the local Aboriginal community. Murrooma incorporated, in general supports the management and mitigation recommendations that you have put forward, however we would like to make some important comments.

On previous surveys conducted we identified no visible markers to accurately define the proposed access road. This area needs to be surveyed and demarcated to determine whether there will be any impact on the surrounding area due to the potential significance of this land- especially from the Southern boundary- Lot 122 to the base of the sand extraction. It is our recommendation that on impact to this area, a more extensive investigation will be required and should be conducted.

This survey needs to be conducted to ensure the cultural heritage is preserved, I am aware of registered sites that are very close by to this subject area that have been destroyed and removed and I would like this further investigated and a determination made. To continue with this project this needs to be examined in depth.

As a registered Traditional Owner organisation, we are custodians of our land and it is Murrooma's responsibility to ensure the local Aboriginal heritage and culture is persevered and protected. We would like to make the closing general comment.

- For the protection of our Aboriginal heritage and culture we strongly believe this proposed access road should not be passed, while there is access to the sand extraction face under DA-08-0142 approved by the planning department. This access will not destroy any Aboriginal heritage or flora and fauna.

Please see attached map.

--

Ant hony Ander son
CEO Mur-roo-ma I ncorpor at ed
Justice of The Peace



Source: Aerial: Google Earth (2008)

0 100 250 500m
1:10 000

Legend

- Lot 218 Boundary
- Lot 218 Approved Extraction Area
- Proposed Alternate Access Route
- Visible Midden within A3 (2012)
- Visible Midden Material within A3 (Umwelt 2011)
- Artefact Scatter within A3 (2012)
- ⊙ Midden
- ⊙ Artefact and Shell

--- Road boundary to be demarcated prior to road construction. Any surface artefacts within the demarcated area should be collected in consultation with AHMG. AHMG given opportunity to inspect after initial vegetation clearance (underscrubbing) and following removal of large trees and to collect any surface artefacts exposed at this time. Road will then be constructed with introduced fill over geotextile fabric to ensure no subsurface impacts

○ Suspected Destruction

— Access from Approved DA

FIGURE 9.1

Archaeological Management
Recommendations
for Access Track Construction

Comments from Carol Ridgeway-Bissett taken verbally on 12/10/2012 and transcribed by Andy Goodwin.

Comments affirmed by Carol Ridgeway-Bissett on 15/10/2012

Comments affirmed by Viola Brown on 16/10/2012

- Concerns exist regarding traffic impacts due to the proposal on Nelson Bay Road
- Mitigation measures such as putting rubber matting down over heritage sites is not sufficient
- Middens are a historical record of Aboriginal peoples' attachment to Country and enough have been destroyed
- Nonetheless Aboriginal cultural heritage extends beyond archaeological sites, and should be assessed as a Cultural Landscape, including flora, fauna and water resources
- There remains a responsibility on traditional custodians and knowledge holders to look after the landscape
- There is a likelihood that subsurface artefacts are present within the project area
- Just because middens or other sites may have been present in the area but have since been destroyed, the land is no less important to the traditional people of the area.
- Carol is not in agreement with the current proposal, sand extraction at Lot 218 and sand extractive activities more generally as it damages the landscape
- Carol recommends that an appropriate area nearby be designated for the burial of artefactual material found during construction works if approved, such as what occurred at Fern Bay (this recommendation was strongly affirmed by Viola Brown)
- Carol recommends that effective rehabilitation of the site be undertaken as appropriate
- Carol recommends that acid sulphate soils, groundwater resources and the ecology of the immediate area be included within the wider Environmental Assessment process.



WORIMI LOCAL ABORIGINAL LAND COUNCIL

ABN 51 352 201 603

17th October 2012

Umwelt (Australia) Pty Ltd
Environmental Consultants
Attention: Mr Andy Goodwin
2/20 the Boulevard
PO Box 838
TORONTON NSW 2283

2163 Nelson Bay Rd
Williamtown NSW 2318

PO Box 56
Tanilba Bay NSW 2319

Dear Andy,

**RE: Aboriginal Cultural Heritage Assessment (Report No. 14646/R37.V1) of
Alternate Haul Route to Lot 218 DP 1044608, Salt Ash**

Phone: 02 4965 1500
Fax: 02 4965 1799

Thank you for providing a copy of the report for the review of the Worimi Local Aboriginal Land Council (WLALC) and for your demonstrated commitment in undertaking an assessment of Aboriginal Heritage and social significance of the above-noted 'Alternate Haul Road' development.

info@worimi.org.au

It is critical that assessments of this type; aimed at identifying the extent & impact on Aboriginal sites and objects within proposed development site areas are undertaken effectively, thus ensuring our Aboriginal heritage is not inadvertently or adversely compromised.

In finalising our comment we have taken into account the Umwelt Report (No. 14646/R37/V1) supplied for the WLALC's review and consideration (including site survey outcomes, comments and recommendations) along with also giving consideration to:

- tabling the Umwelt Report (including maps, findings and recommendations) with the WLALC Board of Management which; consists of Registered Worimi Traditional Owners and Elders, for their review and comment (16th Oct 2012);
- The Aboriginal Cultural Heritage Management Plan (ACHMP) over the 'approved' extraction area completed in consultation with the registered and relevant Aboriginal parties and in accordance with Condition 29 of Major Project Approval 08_0142.
- The establishment of (including discussions, outcomes and agreements) of the Aboriginal Heritage Management Group (AHMG) in accordance with the ACHMP; noting that if it was identified that the approved access was not suitable and an initial alternate haul route was proposed, Mackas Sand would discuss any/all disturbance outside the current approval areas with the AHMG;
- Our knowledge & understanding of the local Aboriginal people, the Worimi;
- the AHIMS Register and other noted isolated finds, scatters and objects within the Pad/A3 area;
- Our knowledge of the location, uniqueness and cultural significance of the landscape.

Following our review of the ACHA 'Alternate Haul Road' (Report No. 14646/R37/V1) supplied by Umwelt, it is our view that it provides an all-inclusive and excellent representation of the area and site assessment undertaken by Macka's Sand, Umwelt and Aboriginal Representatives (including the WLALC) on Monday 30th July 2012. As such, we now provide the following recommendations/comments for your report:

- While there is clear evidence and noted Aboriginal objects of cultural value to the Aboriginal people in the area; we are positive that the recommendations outlined in Section 9.1 (dot points 1 – 4), provide adequate protection of these objects and mitigates any future impact to sub-surface materials that are expected to exist within the Pad/A3 area.
- The area in questions makes up a portion of what is holistically, a Traditional landscape (more commonly known as Stockton Dune Fields / Outer Barrier of Stockton Bight).

We as Aboriginal people value our heritage for a variety of reasons which are unique and in most circumstances, opposed to the reasons upheld by archaeologists and Europeans.

We consider a site containing significant material important for a number of reasons other than its archaeological value but more so, as a link to Aboriginal people of a traditional past and time and its ability to provide natural resources i.e. fresh water, shelter etc.

Noting the above, we welcome the capacity to avoid any impact over the following recorded Aboriginal sites that this newly proposed access 'alternate haul road' (route) offers i.e.

- Macka's Access 1 – 4 (four sites containing Artefact Scatter and Shell);
- NPWS 38-4-0658 (Artefact & Shell);
- NPWS 38-4-0649 (Artefact & Shell); &
- Other unrecorded visible Midden material within the A3 area (Umwelt 2011)

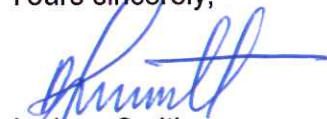
In addition, we also recognise and welcome the salvage and protection measures being offered in Section 9 &, 9.1 (and relevant subsections) for those sites listed as Locus 1-4 (& an unrecorded artefact find) – (as noted in Figure 6.1 of the Report).

- The Worimi Local Aboriginal Land Council is supportive of the Archaeological Recommendations listed in Section 9 (and more in detail through subsections 9.1 & 9.2) of the report (pg 45 – 47) and trust that the commitment shown thus far by the proponent will be extended to these recommendations being implemented effectively.

It is the opinion of the Worimi Local Aboriginal Land Council that these recommendations do not restrict nor adversely affect the proposed 'Alternate Haul Road' and we look forward to further participation to ensure the integrity and cultural heritage significance of the area is not adversely compromised.

If you have any further enquiries in relation to this matter please do not hesitate to contact the WLALC on the numbers listed above

Yours sincerely,



Andrew Smith
Chief Executive Officer
Worimi Local Aboriginal Land Council