

3.0 Survey Details

3.1 Survey Objective

The purpose of the survey was to identify any Aboriginal objects or sites that may be impacted by the proposed works, including any areas with the potential for subsurface archaeological deposits (areas of PAD) or areas of archaeological sensitivity and to identify the requirement for any further works and development of appropriate management strategies in consultation with the registered Aboriginal parties prior to development.

3.2 Survey Details

The survey was conducted on the 7th April 2011 and was attended by:
Mr Ray Smith and Mr Allen Smith – ALALC on behalf of KLALC
Mr S Frost – ADTOAC
Ms K Brauer and Ms Jodie Wilson – ATOAC
Liz Wyatt – Insite Heritage Pty Ltd

The project area was divided into five survey sub units based upon landform, and a foot survey conducted across each survey unit. Due to vegetation, straight lineal survey transects were unable to be undertaken. Transects were approximately 60m wide with each participant approximately 10m apart although this varied depending on vegetation constraints. Where dirt access tracks were visible these were utilised for access through the study area and often provided the only opportunity for visibility. Within each survey area members of the field team also inspected features of interest such as large trees for potential scars, rock outcrops or areas of exposure.

An outline of the survey areas is provided in Figure 4 below. The survey area details can be seen in Table 2.



Figure 5 Location of Survey Areas

Table 2 Survey Coverage Details

Survey Area	Size	Visibility	Notes (landform, slope, disturbances)
SA1 - Southern side of creek line to the north of Wilton Rd & to the west of AWTF entry road	Approx 0.67ha	Surface visibility ¹ (SV) low <10% due to thick leaf litter in riparian zone.	Creek line and banks. Narrow creek line, inspected for suitable rock out crops, none identified, thick understory vegetation of natives and introduced made access difficult. Large trees inspected for possible scars.
SA2 - Northern side of creek line between western and north western boundary of project area and existing sediment ponds	Approx 3.5ha	Low (<10%) due to ground cover and scrub particularly in riparian zone around creek. 200m long track way running upslope from existing sediment ponds provided opportunity for surface visibility (SV). Track approx 1-2m, wide SV 20-80%, Archaeological Visibility (AV) 50% due to surface erosion	Edge of creek, mid slope to top of ridge. On northern side of creek line thick understory vegetation in riparian zone impeded visibility. As move upslope, visibility increased as understory opened up, but so too did level of disturbances including evidence of mounding from former excavation works for the sediments ponds in this area, access tracks to service water tanks and access track running upslope to top of ridge. One modified tree identified on southern edge of access track for water tanks running between two existing small sediment ponds. At top of slope large area of rubbish dumping in bush just south of gravel road.
SA3 Ridge top parallel to gravel ridge road and east to south facing side slopes	Approx 3ha	Visibility in 3.5m wide x 350m gravel road NW boundary of project area. SV 100-90%, though AV 20-50% due to previous disturbances, including imported fills	Ridge top and top of slope Gravel road provided good visibility however, decreased arch visibility due to road construction and presence of imported gravels, also rubbish dumping in adjacent bush. Conglomerate bedrock outcropping on ridge top adjacent to road inspected however no grinding groove identified. Outcrop was found to be pebbly conglomerate and perhaps too coarse and too distant from water source. Leaf litter hindered visibility, though some visibility in former bobcat/backhoe track which ran down slope to the gully from the gravel road. From top of ridge SE facing and south facing slope quite steep. Former gully possible creek line modified by landfill north west boundary of tip. On northern side of northern most tailings dam evidence of quarrying/blastings of underlying bedrock which now forms curved slope upslope

¹ Surface visibility (SV) is an observation expressed as a percentage of the amount of ground visible to identify artefacts. Archaeological visibility (AV) is an observation expressed as a percentage of the amount of ground surface visible as well as additional factors such as ground disturbance (ploughing, grading, erosion, ants nests ect) which may impede the identification of sites or impact on a sites integrity.

Survey Area	Size	Visibility	Notes (landform, slope, disturbances)
			from tailings dam. At Easting 364761, Northing 6345560 Rock outcrop inspected for potential shelter site. Outcrop did not display any suitable overhangs.
SA4 NE corner project area west and eastward facing slopes bisected by haul rd	Approx 3.5ha	SV 30-60%, AV 80% in surface modifications for drainage northern side of leachate basin and in small track running down slope to Haul Rd (track walled approx 200m long)	Ridge top - mid slope Modifications including sandstone rock wall, clearing in northern portion in bush immediately north of tailings dam. Small access track provided some opportunity for visibility as did disturbances (earth works rubbish dumping) in the bush on east facing gully slope adjacent to the internal haul road
SA5 south east portion of study area incorporating creek line between Wilton Rd, south of administration buildings and east of the entry road	Approx 2.5ha	Low SV < 10-20% due to leaf litter. Track max 2m wide, 150m long	Creek line and adjacent slopes. One former track way southern side of creek line provided access through the thick understory. Little visibility in track way which terminate at power line easement. Although power line easement cleared, no surface visibility due to thick grass cover. The bush on the eastern side of the easement was also inspected for large trees and possibility of scars. This area not comprehensively surveyed as there are no impacts proposed.

3.3 Survey Results

Vegetation and grass cover hindered surface visibility throughout the survey areas. Track ways and eroding exposures mid to top of slope provided the best opportunities for visibility.

The survey identified three possible culturally modified trees. The details of the identified trees are shown in Table 3 below and their locations in Figure 5. Although areas of surface exposure did occur, no artefact scatters were identified by the survey. The drainage line along the southern portion of the study area was inspected for suitable rock outcrops which may contain grinding grooves although none were identified.

Table 3 Site Details

Site Name	Site Type	Location (Easting, Northing GDA 94)	Details
AWTF_ST1	Modified Tree	364468, 6345051	Scar on south face of Mahogany or Stringybark. Scar Dimensions Length - 116cm Maximum Width - 18cm Thickness of Re-growth - 11cm Girth of trunk - 210cm Base of scar to ground level - 75cm
AWTF_ST2	Modified Tree	364449, 6345264	Scar on south east face of tree, tree is dead and has also been burnt. Difficult to identify species. Scar Dimensions Length - 171cm Maximum Width - 43cm Thickness of Re-growth - 9cm Girth of trunk - 302cm Base of scar to ground level - 116cm On SE side of tree lake visible in the distance.
AWTF_ST3	Modified Tree	364546, 6345488	Scar Dimensions Length - 78cm Maximum Width - 42cm Thickness of Re-growth - 5cm Girth of trunk - 237cm Base of scar to ground level - 110cm Scar located north western side of tree, also fire damaged scar at base of tree opposite side.



Plate 1 Identified possible culturally modified tree AWTF_ST1, foreground Mr Ray Smith, background Mr S Frost.



Plate 2 Typical vegetation – Survey Area 1 facing south to drainage line.



Plate 3 Visibility in track way, heading upslope Survey Area 2, facing north



Plate 4 Possible culturally modified tree AWTF_ST2, foreground Mr A Smith.



Plate 5 Possible culturally modified tree AWTF_ST3.



Plate 6 Survey Area 3 facing south toward leachate pond, foreground Mr A Smith.

3.4 Subsurface Testing

As part of the assessment methodology test probes were placed in the areas of the proposed leachate basins. These are located within 200m of an unnamed tributary which flows east into Lake Macquarie. The purpose of the test probes was to test soil depth, the boundary of sensitivity from the creek line and define any areas of sensitivity or areas of potential archaeological deposit which may require further assessment prior to impacts if the proposed development is approved.

Subsurface testing was conducted on the 8th April 2011 and was attended by:

Mr Ray Smtih – ALALC

Ms Kerrie Brauer and Ms Jodie Wilson – ATOAC

Mr Shane Frost – ADTOAC

Liz Wyatt - Insite Heritage Pty Ltd

Testing occurred in a north - south transect from the edge of the 30m buffer on the northern side of the creek line, upslope through the proposed leachate basins, a distance of approximately 150m. The initial testing methodology was to place four 1m² test probes spaced 40m apart with each probe excavated in 50cm sq sub units.

However, the survey identified that the area of proposed testing was located in a relatively heavily wooded area with a dense under story or native and introduced species with little surface exposure. Given the thickness of vegetation including tree roots, which inhibited the excavation of 1m in the field it was agreed to reduce the test probes to 50 x 50cm probes and spaced them at closer intervals along the transect, ideally at 10-15m intervals avoiding tree roots or areas of previous disturbance. It was also noted that the area of the northern most proposed leachate basin was highly disturbed from the construction of the existing sediment pond, and as a result test probes were not placed in this area.

The first excavation unit was excavated initially with a 5cm spit with subsequent excavation units excavated in 10cm spits. Excavated material was dry sieved using a 5mm wire aperture hand sieve, as vegetations constrains inhibited the use of the larger 5mm standing sieve.

The details of the test probes are shown in Table 4 below.

Table 4 Test Probe details

Test Probe No	Location	Size	Details
Test Probe 1 (TP1)	364475, 6345051	50 x 50cm	Spit 1 - 50mm Friable sandy thin topsoil with some charcoal and pebble fragments, low humus content Spit 2 - 35-45mm Mottled orange brown clay End levels 85-95mm
Test Probe 2 (TP2)	364469, 6345045 Situating 5.5m down slope from southern edge of TP1	50 x 50cm	Spit 1 - 50mm Spit 2 - 100-110mm Large clumps of mottled orange grey clay at base
Test Probe 3 (TP3)	364486, 6345033	50 x 50cm	Spit 1- 40-60mm Friable sandy-loam topsoil over mottled orange grey clay
Test Probe 4 (TP4)	364492, 6345017	50 x 50cm	Spit 1 - 50mm Thin layer friable sandy weathered topsoil Spit 2 - 100mm 70-80mm clayey gravel dump, likely disturbance from construction of adjacent dam overlying friable brown sandy loam with high percentage sub rounded gravel fragments, also some burnt charcoal Spit 3 - 100mm End level 250mm
Test Probe 5 (TP5)	364482, 6345010	50 x 50cm	Spit 1 - 50mm thin layer of topsoil over gravel fill layer, sandy pebble fragments and burnt charcoal. Spit 2 - 100mm gravel fill layer over friable grey brown sandy loam Spit 3 - 100mm Plastic fork recovered from Spit 3 Spit 4 - 80-100mm Mottled orange yellow clay at base of pit. End levels 330-350mm
Test Probe 6 (TP6)	364500, 6345006	50 x 50cm	Spit 1 - 5cm friable brown sandy-loam Spit 2 -100 Spit 3 - 100 Spit 4 -80-100mm very compacted friable sandy loam with pebble fragments End levels 350-330mm, pit closed, clay not reached but depth of excavation, size of pit, and compactness of soil made had excavation difficult.
Test Probe 7 (TP7)	364500, 6344990	50 x 50cm	Spit 1 - 50mm friable brown loam Spit 2 - 100mm friable sandy loam with high proportion rounded-sub rounded pebble fragments Spit 3 - 100mm grey/pink silcrete artefact (broken flake 15x7x3mm in size) Spit 4 - 100mm Spit 5 - 80-100mm End levels 430-450mm Clay not reached but depth of excavation, size of pit, and compactness of soil made had excavation difficult. Overall the soil profile in this pit, the closest to the creek line less disturbed. This pit located on bench area above creek line at base of slope, appears relatively undisturbed.

3.5 Initial Subsurface Testing Results

A total of 1.75m² was excavated by the test probes. Disturbances were noted in Test Probes 1-5, with Test Probes 6 and 7 being the least disturbed. As expected, probe depth increased as testing moved down slope. Test Probes 1- 3 were quite shallow as the b horizon clay was only at 50-60mm depth. A layer of imported clayey gravel fill was noted in Test Probes 4 and 5 lying just below the humus and thin topsoil. It was approximately 80-100mm thick and was probably a result of the construction of the nearby existing sediment ponds.,

Test Probe 7 displayed the least disturbed soil profile and also revealed the only artefact uncovered by the testing, a silcrete broken flake which was recovered near the base of Spit 3 approximately 250mm depth. Its location on a gentle bench adjacent to the creek line indicates that further artefacts are likely be located in this area. The testing therefore narrowed down the area of potential archaeological sensitivity to the southernmost leachate basin around Test Probe 7.

As per the assessment methodology the artefact was recorded, placed in a labelled plastic zip lock bag and reburied in the northwest corner of Test Probe 7. A labelled survey stake was also placed at the location of Test Probe 7.



Plate 7 Silcrete broken flake recovered from Test Probe 7



Plate 8 Base of Test Probe 7, note difference in soil composition to Test Probe 4 below.



Plate 9 Test Probe 4 showing layer of imported gravel fill below thin humus layer, overlying weathered soil profile, clay at base.

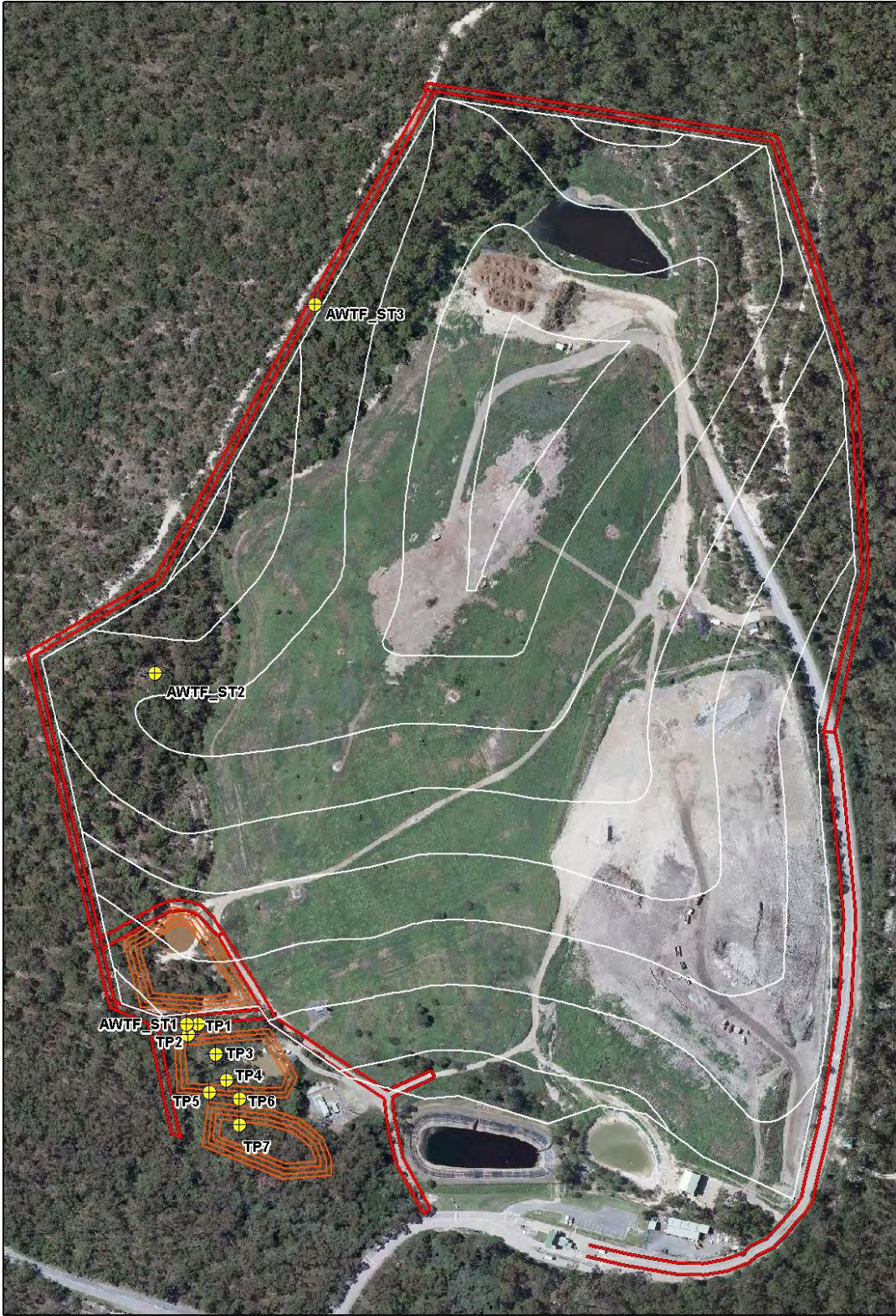


Figure 6 Location of possible culturally modified trees and test probes (image courtesy Cardno)

3.6 Impact Assessment

Plotting the location of AWTF_ST1 (see Figure 5 above) shows that the tree lies to the north of one of the proposed sediment ponds. Impacts on the tree should therefore be able to be avoided. AWTF_ST2 is located within the proposed expansion of the waste treatment facility and will therefore be impacted by the proposed development. Although still standing, the tree is dead and it therefore may be possible to relocate the tree to a conservation area within the project area. AWTF_ST3 is located on the very north west boundary of the proposal, on the edge of an existing access track. Impacts on the AWTF_ST3 should therefore be avoidable. To avoid unintentional impacts during construction a perimeter barrier should be placed around AWTF_ST1 and 2 to ensure that they are not damaged during construction.

The proposed southern most leachate basin will also impact on the identified area of archaeological sensitivity on the northern side of the creek line associated with Test Probe 7. The testing revealed that although there was little to no surface visibility in the area of impact adjacent to the creek line, the soil profile immediately adjacent to the creek is relatively intact and the presence of one artefact from the 0.5m² probe indicates that additional subsurface artefacts are likely.

4.0 Scientific Values & Significance Assessment

4.1 Significance Criteria

The basic processes of assessing significance for items of heritage are outlined by *The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance: the Burra Charter* (amended 1999) and its associated *Guidelines*. Sites may be significant according to several criteria, including scientific or archaeological significance, significance to Aboriginal people, aesthetic value, the degree to which a site is representative of archaeological and/or cultural type, and value as an educational resource. In New South Wales the nature of significance relates to historic, aesthetic, social, scientific, cultural or educational criteria and sites are also assessed on the degree to which they exhibit rare or representative characteristics of their type, or whether they exhibit historic or cultural connections.

Scientific Significance

In order to determine scientific significance it is necessary to first place sites within a local and regional context. This process enables the assessment of any individual site in terms of merit against other sites of similar nature within similar contexts. Sites are rated as being of high, medium and low scientific significance.

Public Significance

The sites are assessed in terms of their educational value, to enhance community knowledge and appreciation of cultural heritage. Sites are rated as being of high, medium or low public significance based on their ability to be used as an educational resource.

Cultural Significance

Generally, all sites are of significance to the Aboriginal people. Cultural significance can only be determined by Aboriginal people. The registered Aboriginal parties for the project are the determinants of the cultural significance of the identified sites. Please refer to Appendix A.

Representative Significance

Site significance is rated low, medium and high. The significance of individual sites is determined by factors such as representativeness, rarity, and the sites potential to add scientific data to what is known about past human occupation of the Australian continent. Conservation outcomes are determined by comparison of a site's qualities with known sites in the region that have been protected.

4.2 Scientific Significance Assessment

Based on the criterion above the three identified possible cultural modified trees are assessed as being of moderate scientific significance, public and representative significance. Modified trees have the ability to provide evidence with which to investigate the Aboriginal uses of wood and bark in the past, and they also may record how different technologies such as steel axes were adopted and employed and can give an insight into food-gathering activities. Modified trees occur less frequently in the archaeological record, particularly in developed areas of NSW, than other site types (e.g. artefact scatters and isolated finds) and thus have a higher significance rating. OEH acknowledges that the identification of modified trees which are

Aboriginal in origin is often subject to uncertainty as determining tree age in the field is problematic and identification of features such as stone tool marks from bark removal may be hindered by re-growth or later trauma. Trauma from lightning strikes, bushfires and insects may also produce scars.

The broken silcrete flake recovered from Test Probe 7 is assessed as being of low scientific, public and representative significance as a single artefact can provide limited scientific input to the existing body of knowledge regarding Aboriginal archaeological sites and artefacts. The artefact is broken and therefore has limited use as an educational tool in explaining knapping (stone tool) manufacturing processes. Isolated artefacts are one of the most ubiquitous site types recorded in the archaeological record and is therefore of low representative significance. Although the artefact as a single entity can provide little information, it was recovered from the subsurface testing, in an area of potential archaeological sensitivity. Further archaeological work in this area could potentially increase the scientific significance rating if additional artefacts are recovered allowing for a more detailed and comparative analysis of the assemblage where inferences can then be made regarding raw material procurement, manufacturing processes and tool use.

4.3 Cultural Significance Assessment

In general all of the sites identified by the assessment are of cultural significance to the registered Aboriginal parties for the project as they represent a tangible link with the past land use practices of their Awabakal ancestors.

Their reports (see Appendix A) have placed particular significance on the possible culturally modified trees which were identified by the registered Aboriginal stakeholders during the assessment. Cultural significance is also placed in the area of identified archaeological sensitivity adjacent to the creek line as it has the potential to contain additional Aboriginal objects below the surface.

The assessments undertaken by the registered Aboriginal parties for the project did not identify any Aboriginal places within the project area.

5.0 Management Recommendations

5.1 Management Recommendations & Mitigation Measures

The following management recommendations are made in consultation with the registered Aboriginal parties for the project, please also refer to Appendix A for their complete reports.

It is recommended that the identified possible culturally modified trees should remain in-situ. However, as AWTF_ST2 is dead it may be possible to relocate the tree into the conservation area adjacent to Wilton Road if project approval is granted, and if impacts are unavoidable.

As AWTF_ST1 is located outside of the proposed boundary of the leachate basins, it should therefore not be impacted by the proposed development. To avoid unintentional impacts during construction it is recommended that a 5m perimeter / buffer zone be placed around the tree, surrounded by barrier tape or appropriate bunting/fencing. As AWTF_ST3 is located on the on the edge of the existing track / roadway that runs along the ridge line, it should not be impacted by the proposal. As with AWTF_ST1, a perimeter/buffer zone around the tree should be established to avoid unintentional impacts during construction. If impacts are unavoidable, then management of the affected trees should be discussed with the Aboriginal Stakeholders.

Site cards for all of the sites identified by the survey will be completed and their details lodged on the AHIMS system maintained by the OEH.

The preliminary testing narrowed down the area of archaeological sensitivity within the area of proposed impact to a level bench area on the north side of the creek within the southernmost proposed leachate basin around Test Probe 7. Should the project receive approval it is recommended that additional excavation works be undertaken in this area prior to impact. This will initially comprise of 1m² probes spaced evenly over the area of impact along the creek line. These may be expanded if artefact densities warrant further investigation / salvage.

Following completion of the archaeological subsurface excavation works in this area, it is recommended that a monitoring and collection programme is undertaken by the registered Aboriginal stakeholders during all proposed subsurface excavations works for the project within the margins of the creek/watercourse. This would involve a process in which the proponent engages the Aboriginal Stakeholders to monitor all sections of the excavations (ground surface impacts) so allow collection of any artefacts that may be disturbed in this area.

Artefacts collected during this monitoring and collection process along with any artefacts salvaged from the subsurface excavations should then be relocated and reburied on site by the Aboriginal Stakeholders at a location that will not be subject to any future impacts. This will ensure that any recovered artefacts will remain 'in

country'. The artefacts would be recorded prior to reburial and their details their details and new location added to the OEH AHIMS Database.

It is recommended that a Cultural Heritage Management Plan (CHMP) in consultation with the registered Aboriginal stakeholders be prepared for the project, if approval is granted prior to any works commencing. The CHMP will outline the proposed additional excavation works in the area of impact within the southernmost leachate basin including methodologies for monitoring of surface disturbance works in this area and protocols for collection and reburial of artefacts by the registered Aboriginal stakeholders. The CHMP will also outline protocols for ongoing management of cultural heritage values including suggestions for the relocation of AWTF_ST2, its ongoing conservation and management. This will include further discussion regarding and information gathering on the potential for impacts during the relocation should it be required and the development of appropriate mitigation strategies to avoid any additional impacts as a result of its relocation.

It is also recommended that should the project receive approval Cultural Heritage Awareness Training be implemented either through an oral and/or PowerPoint presentation for all contractors involved in the project.

The registered Aboriginal stakeholders for the project have also requested that the proponent take all necessary steps to locate, protect and preserve Awabakal Cultural Heritage.

A summary of the issues raised by the registered Aboriginal parties and the corresponding management recommendations to address these issues is presented Table 5 below.

Table 5 Summary of issues raised by registered Aboriginal parties and subsequent management recommendations.

Issues Raised by Registered Aboriginal Parties	Management Recommendations
Impacts avoided on Aboriginal Cultural Heritage	<p>The proposed works are likely to impact on identified AWTF_ST2 and the area of identified sensitivity adjacent to the creek line. It has been recommended that AWTF_ST2 be relocated into a conservation area that will not be impacted by development.</p> <p>It is also recommended that further subsurface salvage works are undertaken in the area of identified sensitivity adjacent to the creek line.</p> <p>The proposed works should not impact on identified sites AWTF_ST1 and AWTF_ST3</p>
Request for the development of a Cultural Heritage Management Plan	<p>The report recommends that a CHMP is developed with the registered Aboriginal stakeholders if project approval is received prior to the commencement of project works</p>
Impacts on the identified possible culturally modified trees is avoided, with management of the modified trees to be discussed with the registered Aboriginal parties if impacts are unavoidable.	<p>The report concludes that impacts on AWTF_ST1 and AWTF_ST3 should be avoided. In addition the report recommends that a buffer area is placed around the trees during construction to avoid unintentional impacts.</p> <p>It has been recommended that AWTF_ST2 be relocated into a conservation area that will not be impacted by development.</p>
Recommendation that further information is required concerning additional impacts on the relocation of AWTF_ST2	<p>The CHMP will outline the protocols of the relocation and ongoing management of AWTF_ST2 to ensure that appropriate mitigation measures are employed during the relocation process and for ongoing management. These will be discussed and refined with the registered Aboriginal parties for the project. The aim of the CHMP will be to ensure that the relocation of AWTF_ST2 is done in an appropriate manner agreed upon by the registered Aboriginal parties and according to best practice methodologies.</p>
Additional subsurface salvage/testing works to be undertaken in the area of impact within the margins of the creek line	<p>The management recommendations endorse that further subsurface archaeological salvage / testing works will be undertaken in this area.</p>
Recommendation of an observation and collection procedure by registered Aboriginal parties for all subsurface excavations within the margins of the creek / watercourse	<p>The management recommendations endorse that following additional subsurface testing / salvage works in the area of impact adjacent to the creek line a monitoring and collection programme will be undertaken by the registered Aboriginal parties.</p>
The requirement for any Aboriginal artefacts recovered from the salvage works to be reburied in country, in the project area which will not have any	<p>Artefacts collected during this monitoring and collection process along with any artefacts salvaged from the subsurface excavations should then be relocated and reburied on site by the Aboriginal Stakeholders at a location that will not be subject to any future impacts.</p>

<p>future impacts</p>	<p>The artefacts would be recorded prior to reburial and their details their details and new location added to the OEH AHIMS Database.</p>
<p>Potential for Aboriginal objects to be concealed below the surface within the project area and the need to consider observation</p>	<p>The initial testing works recovered an artefact and identified an area of archaeological sensitivity adjacent to the creek line in the proposed location for the southernmost leachate basin. The testing identified that the soil became shallower and was more highly disturbed upslope from the area adjacent to the creek line.</p> <p>The report recommends further salvage / subsurface excavations works are undertaken in the area adjacent to the creek line which will be impacted by the development. This will be followed by a monitoring an collection programme which will be further refined in the CHMP</p>
<p>Consideration of a Cultural heritage Awareness training to be undertaken by all contractors and staff prior to earthworks</p>	<p>The report endorses the recommendation of the development of Cultural heritage Awareness training for site contractors and staff during construction. This may be included in the site induction process for staff and contractors.</p>

6.0 References

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Dallas, M. Navin, K. & D. McConchie	1993	<i>Archaeological Investigation of the Morisset Peninsula sewerage Scheme</i> Report to PWD Hunter Sewerage Project.
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HLA Envirosciences Pty Ltd	2007	<i>Aboriginal Heritage Assessment Section 90 Application Toronto to Fennell Bay (Part of Wyong Water Supply Stage 4).</i> Unpublished report to Patterson Britton & Partners.
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		<i>Bonnells Bay, Lake Macquarie, NSW.</i> Report to Burgess and Associates Architects.
Turner J & Blyton G	1995	<i>The Aboriginals of Lake Macquarie. A brief history.</i> Published by Lake Macquarie City Council.

Appendix A – Registered Stakeholder Cultural Heritage Assessments



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 26 June 2011

Attention: Angela Besant & Liz Wyatt
INSITE HERITAGE PTY LTD
PO BOX 98
WANGI WANGI NSW 2267

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

ALLA Angela and Liz,

In response to the correspondence we received from you requesting us to provide any comments and feedback regarding the **DRAFT Aboriginal Cultural Heritage Impact Assessment for the proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283** we would like to notify you that the **Awabakal Descendants Traditional Owners Aboriginal Corporation** has reviewed the methodology and we believe the recommendations for management and mitigation addresses most of our concerns. There are a couple of extra comments/points we would like to see added.

Please find below, points of interest that we believe may be relevant:

- We believe as an additional measure, an observance and collection program should be instituted during all proposed subsurface excavations intended by the developer and their contractors within the margins of the creek/watercourse. This would involve a process in which the proponent engages the Aboriginal Stakeholders to observe all sections of the excavations (ground surface impacts) so as to afford collection of any artefacts that may be disturbed by subsurface excavations. This would allow the Aboriginal Stakeholders to collect any Awabakal Cultural Heritage that would subsequently be uncovered during this phase of the process and allow for these artefacts to be reburied. We believe that if this observation and collection process is not instigated and implemented during subsurface excavations by the proponent and their contractors, then our Cultural Heritage is being compromised.
- All artefacts collected during this observation and collection process along with any artefacts excavated from the 1 metre probes (see page 33 of the **draft report** section **5.2 Management Recommendations and Mitigation Measures**) should then be relocated and reburied on site by the Aboriginal Stakeholders at a location that is not going to have any future impacts. This area would then be GPS recorded by an archaeologist and the co-ordinates added to the OEH AHIMS Database.
- We believe there should be no impacts to the scarred trees by this development. If impacts are unavoidable, then management of the affected trees should be discussed with the Aboriginal Stakeholders. Also prior to any outcome being arrived at the matter should be managed through a Cultural Heritage Management Plan to see the best possible outcome regarding the protection and preservation of our Cultural Heritage.

We hope this addresses any queries you may have Angela and Liz, if not and further information is required please don't hesitate to contact us ASAP. Our contact details are as follows.

NGI NOA
Shane Frost-Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email: shanefrost@bigpond.com Phone: 49964362 Fax: 49964325 Mobile: 0428320671

27 June 2011



Insite Heritage

Attn: Liz Wyatt
Archaeologist
P.O. Box 98
Wangi Wangi NSW 2267

Dear Liz,

Re: Comments Regarding the Aboriginal Cultural Heritage Impact Assessment Draft Report for the Proposed Expansion of Awaba Waste Treatment Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

With regard to the Aboriginal Cultural Heritage Impact Assessment Draft Report for the Proposed Expansion of Awaba Waste Treatment Facility, we recognise that the evaluation by Insight Heritage appears to be reasonably comprehensive.

We believe that the Draft Report encompasses and provides a broad and informative overview regarding the many aspects associated with the Aboriginal Culture Heritage concerning the project area.

We would like to highlight our appreciation of the informative process that the representative from Insight Heritage outlined during the fieldwork excavation and the due diligence in addressing any of our concerns.

Statement of Cultural Significance of the area to the Awabakal Traditional Owners

The Newcastle and Lake Macquarie Regions are an iconic landmark that features prominently within its surrounding landscape. This regions mythology, mystery and organic presence that are quite simply, uniquely Awabakal still to this day has an undeniable amount of fascination and attention regarding its cultural value and purpose.

The Awabakal Traditional Owners have a personalised and ever-revitalised bond with our ancestors' culture, tradition & heritage. This inexplicable connection is reverberated within the surrounding landscape of the Awabakal region.

Additionally, we appreciate our unique role and responsibility for the care and protection of the integrity of this landscape, for and on behalf of its original First Peoples and their descendants.

We would like to take this opportunity to assert our focus on the critical flow of intergenerational equity and aim to ultimately safeguard the immeasurable life-changing impact to this and future generations. Intergenerational equity lays the foundation for identifying, assessing, protecting and maintaining the important cultural and heritage values of landscapes, resources, places, objects, customs and traditions so that we, and generations to come, can enjoy, learn from them, and appropriately manage these values.

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The Newcastle and Lake Macquarie Region is organically and historically imbedded into the Awabakal landscape and is romanticised, photographed, talked about, visited, fought over, and all the time having its substructure relentlessly undermined for its natural resources. And yet, this landscape still hums a very distinctive 'human story' that still reverberates today.

We believe that the principles of the Awabakal tradition and culture still exist today to keep intact the moral and spiritual fibre of this land. Equally, we also believe it is essential to nurture new visions that are inspired by the cultural integrity of our ancestral family and we are encouraged that so many people in this town are focused on gaining an ever growing respect and understanding for the Awabakal Peoples, this land and environment.

This land has had a wealth of knowledge walk over it, with each one of us deepening the footprints of our ancestral family, the Awabakal People (Awabakal Traditional Owners Aboriginal Corporation June 2011).

Our comments to the contents of the Draft Report are as follows:

Page 6, third paragraph, Typo reads 'located on the on the edge' should be changed to 'located on the edge'.

Page 8, 1.3, With regard to the reference made to the Powercoal ILUA, we believe that the context of this particular information is irrelevant and adds nothing to the context of the **Draft Report**.

Page 8, 1.5, With regard to the Proposed Excavation of 184,000m³ soil to create two new landfill cells, we highly recommend that observation needs to be considered, as there is the possibility that Aboriginal artefacts may be concealed within the soil profile due to the fact that an artefact was found within a test excavation.

The investigative observation indicates that there is a high potential for Aboriginal cultural material to be concealed below the vegetated ground surface as a result of the general use of the area. However, it should not be assumed that Aboriginal artifacts do not exist within the proposed development area.

Page 11, 2.1, With regard to the AHIMS Search, we believe that the AHIMS Database may not necessarily have "up-to-date" or current information due to many unreported or unfinished site assessments pertaining to projects within close proximity to the Awaba Waste Project area, we therefore advocate that there would be some information recorded and documented that would bring additional environmental context pertaining to Aboriginal Cultural Heritage within this **Draft Report**.

Empirical evidence demonstrates that the area has a history of poor cultural heritage recording and reporting and cumulative impact assessment integrated into a weighting for intergenerational legacy is of a poor standard.

Page 11, third paragraph, Typo reads 'approximately 1km for the project area' should read 'approximately 1km from the project area'.

Page 13, 2.2, With regard to the Regional Context we believe that current information from the Newcastle Region would also bring a local context to the Draft Report. Therefore we would suggest that the Draft Report also reflect the findings from the Palais Royal site, as the Palais Report has recently become a public document.

Page 29, With regard to the Subsurface Testing within this section of the **Draft Report**, we believe that more Artefacts may be concealed below the vegetated ground surface as the site assessment and subsurface testing indicates that there may be potential for additional Aboriginal cultural material to be concealed below the vegetated ground surface as a result of the general use of the area.

Therefore we recommend that an observation and collection process should be implemented during all proposed subsurface excavations, and in particular within the boundaries of the creek line.

Page 33, 5.2, With regard to the Management Recommendations and Mitigation Measures within the **Draft Report**, we agree in principle with the Proposed Preliminary Management Recommendations.

However, we believe that impacts to the Scared Trees by the development should be avoided, and recommend that further information is required concerning added impacts regarding the proposed relocation of the dead AWTF_ST2.

We prefer that Aboriginal artefacts remain on country, and recommend that *all* Aboriginal Artefacts collected during the Subsurface Testing and/or recommended observation and collection process should be reburied within an appropriate and protected conservation area within close proximity to the Proposed Expansion of the Awaba Waste Treatment Facility project area.

We agree that a Cultural Heritage Management Plan (CHMP) be prepared in consultation with the Registered Aboriginal Stakeholders, for the protection and preservation of our Cultural Heritage. We believe that the CHMP should be developed and agreed upon between the Developer and the Aboriginal Stakeholders before any site works commence.

Therefore, we would highly advocate that the CHMP be developed and agreed upon within a reasonable timeframe before any site works commence, so that the decision making process is not rushed, as past experiences demonstrates that CHMP pertaining to Aboriginal Cultural Heritage is left mainly to the final stages.

We believe that the Management Recommendations and Mitigation Measures have not considered any precautionary procedures concerning the creek line within the proposed development area, as the creek line area is considered to contain Aboriginal Cultural material. Therefore we highly recommend that the CHMP provide the opportunity for a series of test pits placed along the creek line, to establish the level of Cultural Heritage within this location before any proposed earthwork disturbances commences.

We believe that consideration be given to undertake the development of a Cultural Heritage Awareness Training either through an Oral and/or PowerPoint presentation for all contractors involved in the project.

The Awabakal Traditional Owners (ATOAC & ADTOAC) have both previously been involved with Cultural Heritage Awareness Training presentations and therefore would consider that this type of approach would resolve any difficulties for the Awaba Waste Facility contractors involved to be aware of and to also recognise Cultural Heritage Material for this and future projects.

In summary with regard to the Draft Report, our Comments and Recommendations are that:

- the reference made to the Powercoal ILUA is irrelevant and adds nothing to the context of the Draft Report.
- the AHIMS Database may not necessarily have “up-to-date” or current information due to many unreported or unfinished site assessments, which would bring additional environmental context pertaining to Aboriginal Cultural Heritage perspectives within the Draft Report.
- we agree that the Cultural Heritage Management Plan (CHMP) should be developed and agreed upon between the Developer and the Aboriginal Stakeholders before any site works commences
- It is important for the Traditional Owners of this land to assist with the management and strategy development process, as historically, our ancestral families have been disenfranchised of our cultural environment for over two centuries
- a series of test pits placed along the creek line, to establish the level of Cultural Heritage within this location before any proposed earthwork disturbances commences
- an observation and collection process should be implemented within the proposed CHMP
- all necessary steps should be taken to locate, protect and preserve our Awabakal Cultural Heritage
- there should be NO IMPACT whatsoever to any Aboriginal Cultural Heritage sites
- *all* artefacts collected during the observation and collection process should be reburied within an appropriate location that is designated for conservation by the Aboriginal Stakeholders
- a Cultural Heritage Awareness Training be implemented either through an Oral and/or PowerPoint presentation for all contractors involved in the project

We would like to take this opportunity to reiterate our family connection to the Awabakal People, as being direct descendants of the Traditional Awabakal People (the Lake Macquarie and Newcastle and its surrounding regions). We as Awabakal descendants are connected with the Awabakal Culture and Heritage through our ancestral families.

As Awabakal Descendants our primary association with our cultural area (Awabakal region) is derived through the history of our apical ancestors Margaret and Ned of the Awabakal People, the original inhabitants of the land.

Margaret and Ned are a well documented Aboriginal couple of whom numerous newspaper articles and several books have recorded their lives within the Awabakal Nation. Margaret and Ned are remembered and celebrated in Lake Macquarie and have two Bays at Swansea respectfully named in their honour, Black Neds Bay and Margarets Bay. Margarets Bay was officially named by her descendants, and is adjacent to Parbury Park which in 1880 was part of a reserve set aside for the use of Margaret and her children.

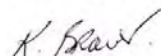
The principle vision and aims of the Awabakal People is to protect the cultural heritage of our ancestors. Therefore, any artefacts and/or residual evidence of our people are held in high regard and are considered a cultural reminder that unites us with our land and sea country, our past and spirituality and provides us with a visual generational legacy.

We reserve the right and reluctance to share our cultural heritage with others in respect to aspects of the cultural significance that connects us to our country. It is believed by our people that those who shouldn't be privy to this cultural knowledge have no rights or entitlements to it.

We would like to thank Insight Heritage for the opportunity to comment and would ask for a copy of the finished report to be forwarded to us at your earliest convenience demonstrating how you have addressed all the Aboriginal Stakeholder comments provided.

If you require any further information please do not hesitate in contacting me.

Yours sincerely,



Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
ABN: 90 203 408 390 | ICN: 4411
PO Box 253 Jesmond NSW 2299 Australia
T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au

Re: Awaba Waste Treatment Facility Assessment

cacatua@resetsl.net.au

Extra line breaks in this message were removed.

Sent: Sun 26/06/2011 11:39 AM

To: Liz Wyatt

Cc: Sarah.Paddington@environment.nsw.gov.au

Liz,
Sorry we do not deem it right to give a reply to the Awaba Waste Treatment Facility proposed expansion. Due to the fact that out of the four Groups that placed an Expression of interest we were the only group not given the opportunity to attend site on any capacity. In the past the Administration section has rang the Stakeholders involved and discussed the draft with them and followed their recommendation. We have now changed our policy and if we do not attend site visits then we do not endorse drafts.

Thank you
George Sampson
Cacatua Culture Consultants
Manager

01.07.2011 - Awabakal Local Aboriginal Land Council

Telephone call from David Ahoy ALALC to Liz Wyatt Insite Heritage Pty Ltd. ALALC do not have any issues with the report, but request that ALALC are involved in any future archaeological work undertaken for the project.



22 November 2011

Insite Heritage

Liz Wyatt
P.O. Box 98
Wangi Wangi NSW 2267

Dear Liz,

Re: Comments Regarding the Up-Dated Report for the Awaba Waste Treatment Facility

This letter is in response to your request to make Comment Regarding the Up-Dated Report for the Proposed Expansion of Awaba Waste Treatment Facility, and therefore we recognise that the evaluation by Insight Heritage appears to be comprehensive.

We believe that the Up-Dated Report encompasses and provides a broad and informative overview regarding the new reuse centre, wheel wash facility, weighbridge and transfer station.

Therefore we agree with the up-dated plan for the proposed associated infrastructure works concerning the proposed project, as we believe that the Up-Dated Report has covered the perspective relating to the proposed and associated infrastructure works.

We would like to thank Insight Heritage for the opportunity to comment and would ask for a copy of the Finished Report to be forwarded to us at your earliest convenience.

If you require any further information please do not hesitate in contacting me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Brauer', is written over a light blue horizontal line.

Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
ABN: 90 203 408 390 | ICN: 4411
PO Box 253 Jesmond NSW 2299 Australia
T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au

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Re: Awaba WTF

Shane Frost [awabakal_to@bigpond.com]

You replied on 23/11/2011 4:38 PM.
This message was sent with High importance.

Sent: Wed 23/11/2011 4:34 PM
To: Liz Wyatt
Cc: kerrie@awabakal.com.au



ALLA Liz,

We have no problems with the additions to the proposed project for the Awaba Waste Facility.

Looking forward to your reply.

NGI NOA
Shane Frost
Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email: awabakal_to@bigpond.com Phone: 49964362/49964362 Fax: 49964325 Mobile: 0428320671

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Appendix B – Aboriginal Stakeholder Consultation Process

B.1 Consultation Log

Step 1 - Notification & registrations of interest (per 2004/5 guidelines)

07.02.2011 - Notification advertisement placed in public notices section of the Newcastle Herald calling for registrations from Aboriginal persons or groups who may have an interest in the project.

07.02.2011 - Project notification letters and request for details of Aboriginal parties who may have an interest in the project sent to:

LMCC (Heritage Officer)

Native Title Services

Office of Environment & Heritage formerly DECCW (Heritage & Planning Northern Zone)

The Registrar of Aboriginal Owners

Awabakal Local Aboriginal Land Council (an invitation to register interest in the project with a 14 day registration period). NB Awabakal LALC are currently looking after the cultural heritage interests of Koomphatoo LALC.

22.02.2011& 23.02.2011 Project notification letters and invitation to register interest in the project sent to (via Australia Post and email), 14 day registration period;

Awabakal Descendants traditional Owners Aboriginal Corporation

Awabakal Traditional Owners Aboriginal Corporation

Cacatua Culture Consultants

Step 2 - Preparation of the assessment (design) circulation of proposed methodology for cultural and archaeological assessment to registered stakeholders (21 day review period).

17.03.2011 Proposed methodology forwarded to registered Aboriginal parties via email

18.03.2011 Telephone call from Ms Donna Sampson the methodology attachments did not come through. Checked sent items, item had been sent, said will email again, will let me know if there are any more problems with document coming through.

30.03.2011& 01.04.2011 Emailed David Ahoy (30.3 & 01.04) & Cheryl Kitchener ALALC (01.04)

Asking if have any comments on the proposed methodology as close of review period 07.04.11

04.04.11 Spoke with David Ahoy - has no issues with the proposed methodology

31.03.11 Responses received from ADTOAC and ATOAC regarding proposed methodology.

Step 3 - Drafting, review and finalisation of Cultural Heritage Assessment Report Execution of draft methodology and production of draft report, circulate draft report to registered stakeholders for review.

03.06.11

Draft report and cover letter sent to registered stakeholders via email and express post (posted 6.6.11). Close of review period 27th June 2011, 21 days (see Appendix C.7 for a copy of the cover letter).

24.6.11 Email reminder that close of review period ends on Monday sent to all registered parties.

26.6.11 Response received from Cacatua Culture Consultants.

27.6.11 Response received from Awabakal Descendants Traditional Owners Aboriginal Corp.

28.6.11 Response received from Awabakal Traditional Owners Aboriginal Corp.

30.6.11 Emailed ALALC to see if they have any comments.

01.6.11 Telephoned Mr D Ahoy ALALC to see if they have any comments on the draft report, David was driving and said would call when he returned to the office.

01.6.11 Telephone call from Mr David Ahoy ALALC. David advised that he does not have any issues with the report but would like ALALC to be involved in any future archaeological works associated with the project.

08.11.11

Email sent to registered stakeholders regarding updated infrastructure plan received from LMCC (see below).

Dear All

I have been contacted by cardno who were looking after the Awaba Waste Treatment Facility job. Lake Macquarie council have provided them with a more update plan of the proposed associated infrastructure works for the project and have asked me to update the report. Most of the infrastructure works are located in the existing infrastructure area (a new reuse centre, wheel wash facility, weighbridge and transfer station). The transfer station is located to the north of existing infrastructure area in area covered by our survey (see new figure 3 in attached report)

I have added the extra figure in the report and updated the project description, aside from this the only other amendments I have made to the report is updating the page numbers. I have to send this report via yousendit.com as it is too large.

Please let me know if you have any comments on the infrastructure plans and if possible could you please provide them by 14th November but as usual anything beforehand would be appreciated ☺

Take care, Liz

Elizabeth Wyatt
Archaeologist
Insite Heritage Pty Ltd
PO Box 98 Wangi Wangi NSW 2267
P/F 0249755818

15.11.11 Received phone call from ATOAC with request for additional time to review plans as stakeholders have been out on field work. Email circulated to registered stakeholders with amended review time (see below).

Awaba WTF

Liz Wyatt [lizwyatt@insiteheritage.com.au]

Sent: Tue 15/11/2011 3:52 PM

To: 'kerrie@awabakal.com.au'; 'Shane Frost'; 'cacatua@resetsdsl.net.au'; 'david'

Message | PrelimDesignPlan.jpg (634 KB) | G1002_ProposedAdditionsA3_v2.pdf (617 KB)

Hi All,

I sent an email last week about our work at Awaba. Cardno had sent through a final plan of proposed infrastructure works which I have inserted into the draft report. Its not too dissimilar to the preliminary plan we were working off for the draft report, however I only put in one weeks review time in the email and I thought that I had put 14days as I thought it was the 1st of November (a case of sieve brain I think!)

If you need more time to review the updated plan, could you please provide any comments by the 25th November.

I have not changed any of the recommendations that we have established in the report (recommendations for salvage of the creek terrace in the sediment ponds remains the same). The only things I have amended are the project description – associated infrastructure works (page 10) where it use to say Associated Infrastructure works it now says:

Associated infrastructure; this will primarily include the construction of a new reuse centre, wheel wash facility, weighbridge and transfer station. The transfer station will provide an area where waste is transferred from domestic/commercial vehicles to the transfer station. The waste is then transported to the tip face by Council vehicles on site. This will allow for more efficient waste management and reduces the number of vehicles at the active tipping face.

Most of the infrastructure works are located in the existing infrastructure/developed area (a new reuse centre, wheel wash facility, weighbridge). The transfer station is located to the north of existing infrastructure area in area covered by our survey (new figure 3).

I have attached the preliminary and final proposed infrastructure plans to this email to allow for easier comparison.

Please don't hesitate to contact with any queries ☺
Many thanks Liz

Elizabeth Wyatt
Archaeologist
Insite Heritage Pty Ltd
PO Box 98 Wangi Wangi NSW 2267
P/F 0249755818

22.11.11

Response to updated infrastructure plan received from ATOAC (see Appendix A above)

23.11.11

Response to updated infrastructure plan received from ATOAC (see Appendix A above)

B.2 Notification Letters

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

4 February 2011

LMCC
Heritage Officer
Box 1906
Hunter Region Mail Centre NSW 2310

Dear Sir or Madam

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba waste facility, Wilton Road Awaba.

Insite Heritage Pty Ltd have been commissioned by Cardno Pty Ltd on behalf of LMCC to undertake an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba.

The project is being assessed under Part 3A and the Director Generals requirements request that the DECC (2005) guidelines for conducting Aboriginal cultural heritage impact assessments and community consultation are followed. As a result we are required to contact LMCC as part of the process to identify any Aboriginal persons or groups who may have an interest in the project.

We would appreciate if you could please provide us with a contact list of Aboriginal people registered with council who may hold cultural knowledge in the above project area.

We have been informed that Awabakal Local Aboriginal Land Council are looking after the area formerly administered by Koombahtoo LALC, and we will be contacting them directly.

Please forward your response to Insite Heritage Pty Ltd PO Box 98 Wangi Wangi NSW 2267, Fax 0249755818 or email lizwyatt@insiteheritage.com.au.

Please do not hesitate to contact ourselves if you have any queries, your assistance is greatly appreciated.

Yours Sincerely,
Insite Heritage Pty Ltd



Elizabeth Wyatt
Archaeologist

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

4 February 2011

DECCW North East
Planning & Aboriginal Heritage Section
Locked Bag 914
Coffs Harbour NSW 2450

Dear Sir or Madam

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

Insite Heritage Pty Ltd have been commissioned by Cardno Pty Ltd on behalf of LMCC to undertake an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba. The subject area is located within the boundaries of Lake Macquarie City Council, Parish of Awaba, County of Northumberland. The project will involve the expansion of the existing waste facility over an approximately 15ha (see attached location maps)

The project is being assessed under Part 3A and the Director Generals requirements request that the DECC (2005) guidelines for conducting Aboriginal cultural heritage impact assessments and community consultation are followed. We would appreciate if you could please provide us with a contact list of registered Aboriginal parties who may have an interest in the project.

We have been informed that Awabakal Local Aboriginal Land Council are looking after the area formerly administered by Koompahtoo LALC, within which the study area is located, and we will be contacting them directly.

Please forward your response to Insite Heritage Pty Ltd PO Box 98 Wangi Wangi NSW 2267, Fax 0249755818 or email lizwyatt@insiteheritage.com.au.

Please do not hesitate to contact ourselves if you have any queries, your assistance is greatly appreciated.

Yours Sincerely,
Insite Heritage Pty Ltd



Elizabeth Wyatt
Archaeologist

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

4 February 2011

Awabakal Local Aboriginal Land Council
PO Box 101
ISLINGTON NSW 2296

Dear Sir or Madam

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

Insite Heritage Pty Ltd have been commissioned by Cardno Pty Ltd on behalf of LMCC to undertake an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba. The subject area is located within the boundaries of Lake Macquarie City Council, Parish of Awaba, County of Northumberland. The project will involve the expansion of the existing waste facility over approximately 15ha (see attached location map).

The project is being assessed under Part 3A and the Director Generals requirements request that the DECC (2005) guidelines for conducting Aboriginal cultural heritage impact assessments and community consultation are followed.

We understand that Awabakal Local Aboriginal Land Council are looking after the area formerly administered by Koombahtoo LALC, and we would like to invite ALALC to register their interest the project.

Please forward your registration of interest to Insite Heritage Pty Ltd PO Box 98 Wangi Wangi NSW 2267, phone or fax on 0249755818 or email lizwyatt@insiteheritage.com.au by Friday 18th February 2011.

Please do not hesitate to contact ourselves if you have any queries.

Yours Sincerely,
Insite Heritage Pty Ltd



Liz Wyatt
Archaeologist

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

4 February 2011

Native Title Services Corporation Ltd
Po Box 2105
Strawberry Hills NSW 2012
Via facsimile 02 93104177

Dear Sir or Madam

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

Insite Heritage Pty Ltd have been commissioned by Cardno Pty Ltd on behalf of LMCC to undertake an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba. The subject area is located within the boundaries of Lake Macquarie City Council, Parish of Awaba, County of Northumberland.

The project is being assessed under Part 3A and the Director Generals requirements request that the DECC (2005) guidelines for conducting Aboriginal cultural heritage impact assessments and community consultation are followed. We would appreciate if you could please provide us with a contact list of Aboriginal owners registered with your organisation who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places in the project area identified above.

We have been informed that Awabakal Local Aboriginal Land Council are looking after the area formerly administered by Koompahtoo LALC, within which the study area is located, and we will be contacting them directly.

Please forward your response to Insite Heritage Pty Ltd PO Box 98 Wangi Wangi NSW 2267, Fax 0249755818 or email lizwyatt@insiteheritage.com.au.

Please do not hesitate to contact ourselves if you have any queries, your assistance is greatly appreciated.

Yours Sincerely,
Insite Heritage Pty Ltd



Elizabeth Wyatt
Archaeologist

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

4 February 2011

Office of the Registrar
Aboriginal Land Rights Act 1983 (NSW)
PO Box 112
Glebe NSW 2037
Via facsimile 02 9562 6350

Dear Sir or Madam

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

Insite Heritage Pty Ltd have been commissioned by Cardno Pty Ltd on behalf of LMCC to undertake an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba. The subject area is located within the boundaries of Lake Macquarie City Council, Parish of Awaba, County of Northumberland.

The project is being assessed under Part 3A and the Director Generals requirements request that the DECC (2005) guidelines for conducting Aboriginal cultural heritage impact assessments and community consultation are followed. We would appreciate if you could please provide us with a contact list of Aboriginal owners registered with your organisation who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places in the project area identified above.

We have been informed that Awabakal Local Aboriginal Land Council are looking after the area formerly administered by Koombahtoo LALC, within which the study area is located, and we will be contacting them directly.

Please forward your response to Insite Heritage Pty Ltd PO Box 98 Wangi Wangi NSW 2267, Fax 0249755818 or email lizwyatt@insiteheritage.com.au.

Please do not hesitate to contact ourselves if you have any queries, your assistance is greatly appreciated.

Yours Sincerely,
Insite Heritage Pty Ltd



Elizabeth Wyatt
Archaeologist

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

22 February 2011

Awabakal Descendants Traditional Owner Aboriginal Corporation
Mr S Frost
PO Box 86
Clarence Town NSW 2321
shanefrost@bigpond.com

Dear Shane,

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

Insite Heritage Pty Ltd have been commissioned by Cardno Pty Ltd on behalf of LMCC to undertake an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba. The subject area is located within the boundaries of Lake Macquarie City Council, Parish of Awaba, County of Northumberland. The project will involve the expansion of the existing waste facility over approximately 15ha (see attached location map).

The project is being assessed under Part 3A and the Director Generals requirements request that the DECC (2005) guidelines for conducting Aboriginal cultural heritage impact assessments and community consultation are followed.

If you would like to register ADTOAC's interest in the project please forward your registration of interest to Insite Heritage Pty Ltd PO Box 98 Wangi Wangi NSW 2267, phone or fax on 0249755818 or email lizwyatt@insiteheritage.com.au by the 5th March 2011.

Please do not hesitate to contact ourselves if you have any queries.

Yours Sincerely,
Insite Heritage Pty Ltd



Liz Wyatt
Archaeologist

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

22 February 2011

Awabakal Traditional Owners Aboriginal Corporation
Att: Ms K Brauer
PO Box 253
Jesmond NNSW 2299
kerrie@awabakal.com.au

Dear Kerrie,

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

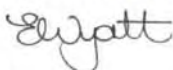
Insite Heritage Pty Ltd have been commissioned by Cardno Pty Ltd on behalf of Lake Macquarie City Council to undertake an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba, near Toronto. The subject area is located within the boundaries of Lake Macquarie City Council, Parish of Awaba, County of Northumberland. The project will involve the expansion of the existing waste facility over approximately 15ha (see attached location map).

The project is being assessed under Part 3A and the Director Generals requirements request that the DECC (2005) guidelines for conducting Aboriginal cultural heritage impact assessments and community consultation are followed.

If you would like to register CCC's interest in the project please forward your registration of interest to Insite Heritage Pty Ltd PO Box 98 Wangi Wangi NSW 2267, phone or fax on 0249755818 or email lizwyatt@insiteheritage.com.au by the 5th March 2011.

Please do not hesitate to contact ourselves if you have any queries.

Yours Sincerely,
Insite Heritage Pty Ltd



Liz Wyatt
Archaeologist

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

22 February 2011

Cacatua Culture Consultants
Att: Mr G & Mrs D Sampson
Unit 1b/11 Glenwood Drive
Thornton NSW 2322
cacatua@resetsdsl.net.au

Dear George and Donna,

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

Insite Heritage Pty Ltd have been commissioned by Cardno Pty Ltd on behalf of Lake Macquarie City Council to undertake an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba, near Toronto. The subject area is located within the boundaries of Lake Macquarie City Council, Parish of Awaba, County of Northumberland. The project will involve the expansion of the existing waste facility over approximately 15ha (see attached location map).

The project is being assessed under Part 3A and the Director Generals requirements request that the DECC (2005) guidelines for conducting Aboriginal cultural heritage impact assessments and community consultation are followed.

If you would like to register CCC's interest in the project please forward your registration of interest to Insite Heritage Pty Ltd PO Box 98 Wangi Wangi NSW 2267, phone or fax on 0249755818 or email lizwyatt@insiteheritage.com.au by the 5th March 2011.

Please do not hesitate to contact ourselves if you have any queries.

Yours Sincerely,
Insite Heritage Pty Ltd



Liz Wyatt
Archaeologist

B.3 Project Advertisement

WANTED
3-4 bed
0488 919 049

MANUFACTURED HOMES, VILLAGES

Winning Oakwood 3kms from Maitland. 3br low maint full homes from \$59,000 - 100. BIR's, a/cond, shed. To inspect ph 44 10am-4pm M-F

C Gardens Van Heatherbrae, 20Kms Newcastle. Lovely 3 on large site with ews \$155,000 ono, veral 2 brm homes 90,000. No pets. id only. To inspect 987 2224 10am-4pm

INSITE HERITAGE P/L have been commissioned by Cardno P/L on behalf of LMCC to undertake an Aboriginal cultural heritage impact assessment for the proposed extension of the Awaba Waste Facility, 367 Wilton Rd Awaba. The project is being assessed under Part3A. We invite registrations of interest from Aboriginal persons or groups who wish to be consulted on the above project. Please register in writing by Thursday 17th February 2011 to: Insite Heritage PO Box 98 Wangi Wangi NSW 2267.
Fax: 0249755818
admin@insiteheritage.com.au

Stolen WW2 Medals
Large reward. Ph 4960 8787

12mths reg, full annexe, w looked after, sleeps \$6000ono. Ph. 0418 29 67

VOLKSWAGEN split spring Camper 1965, first cla cond, engine rebuilt, ne clutch and gearbox, di brakes conversion, new all wheels and tyres, custo made interior and pain \$8000. plogan012@aol.co 02 4272 8645

MACHINERY

FORDSON Major E27 drawbar Tractor. Restor New rear tyre reconditioned magnet \$2,900 ono. 0407 681 83

WACKER RD12 Roll 1.3ton, vibrator. As ne 12hrs cost \$26,000, s \$21,000 neg. Phon 0412 504 808 or 4971 64

NEWCASTLE HERALD Monday, February 7, 2011

Copy of the advertisement placed in the Public Notices section of The Herald 07.02.2011.

B.4 Registrations of Interest

From: [Cheryl Kitchener](#)
To: "Liz Wyatt"
Cc: davahoy@gmail.com
Subject: RE: Expression of Interest - Awaba Waste Facility, Awaba
Date: Wednesday, 23 February 2011 10:48:08 AM

Hi Liz

Thanks you for the opportunity to tender our interest in this project.

Can you please contact David Ahoy who is our Senior Cultural Heritage Officer.

David email address is davahoy@email.com

David's mobile number is 0411095249

Thanks

Cheryl Kitchener
Chief Executive Officer
Awabakal Local Aboriginal Land Council



PO BOX 101 Islington 2296
127 Maitland Road, Islington 2296
Phone: 0249654532 Fax: 0249654531
Mobile: 0402000891
Email: cheryl.awabaka@bigpond.com

Before printing, please consider the environment. IMPORTANT NOTICE: This e-mail and any attachment to it are intended only to be read or used by the named addressee. It is confidential and may contain legally privileged information. No confidentiality or privilege is waived or lost by any mistaken transmission to you. The Awabakal Local Aboriginal Land Council is not responsible for any unauthorised alterations to this e-mail or attachment to it. Views expressed in this message are those of the individual sender, and are not necessarily the views of the Awabakal Local Aboriginal Land Council. If you receive this e-mail in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or use any part of this e-mail if you are not the intended recipient.

23 February 2011



Liz Wyatt
Insight Heritage Pty Ltd
PO Box 98
Wangi Wangi NSW 2267

Dear Liz,

Re: Registration of Interest for the Preparation of an Aboriginal Cultural Heritage Impact Assessment for the Proposed Expansion of Awaba Waste Facility, lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

The Awabakal Traditional Owners would like to Register our Interest for the Preparation of an Aboriginal Cultural Heritage Impact Assessment for the Proposed Expansion of Awaba Waste Facility Project, lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

We wish to comment on the Aboriginal Cultural Heritage being undertaken as participants in the assessment and consultation process archaeological investigation for the proposed project.

The Awabakal People have a primary cultural association with this area as the Awaba region is well within our Cultural Boundary. The Awabakal Traditional Owners Aboriginal Corporation are descendants of the Awabakal people, our connection to our ancestral country is both physical and spiritual.

Our Site Officers are experienced in providing information regarding our Cultural Heritage and also have the training and experience to identify cultural material.

We hope that Insight Heritage will consider the value of 'place' within the Heritage and Cultural weighting, as this consideration is to insure the protection and conservation of Place & Objects which impact significantly on the spirituality, cultural, historic and general legacy needs of Aboriginal people to address inequalities in social and community well being.

All land is culturally significant to Aboriginal people and therefore deserves the respect and sensitivity that connects us to our ancestral lands.

If you require any further information please do not hesitate in contacting me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Brauer', is written over a light blue horizontal line.

Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
ABN: 90 203 408 390 | ICN: 4411
PO Box 253 Jesmond NSW 2299 Australia
T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au



Cacatua Culture Consultants

Entity of Carcatchua Pty Ltd

ABN: 87 145 082 480 ACN: 145 082 480

23 February 2011

Liz Wyatt
Archaeologist
Insite Heritage Pty Ltd
PO Box 98
Wangi Wangi NSW 2267

**Re: Preparation of an Aboriginal cultural heritage impact assessment
for proposed expansion of Awaba Waste Facility, Lot 372
DP723259, 367 Wilton Road Awaba NSW 2283.**

Thank you for your email and map dated 22nd February 2011. We would like to express our interest in being involved in the above proposed project.

Cacatua Consulting is a small Aboriginal owned consulting business born out of concerns and aspirations to advocate for best practice cultural heritage conservation management and to assist proponents and Archaeologists to undertake cultural heritage archaeological assessment according with CHMA and AHIP processes and approved conditions. We aim to provide both quality Aboriginal cultural heritage assessment works and reporting while ensuring compliance to work specific practices.

Our Organisation is fully insured and registered with DECC/EPRG. Our staff has undertaken work on all types of sites.

Yours truly

Donna Sampson
Administration

Email: cacatua@resetsl.net.au

UNIT 1b, 11 Glenwood Drive THORNTON NSW 2322 Ph: 02 4028 6942 Fax: 02 4028 6943

65 Jaeger Avenue, GUNNEDAH NSW 2380 Mob: 0403 765 019 Fax: 02 6742 1491

22 Ibis Parade WOODBERRY NSW 2322 Ph: 02 4964 4685 Fax: 02 4964 4635

From: [Shane Frost](#)
To: [Liz Wyatt](#)
Subject: Registration of Interest - Awaba Waste Facility Expansion
Date: Thursday, 24 February 2011 6:54:59 PM
Importance: High



ALLA Liz and Angela,

This email is to let you know that we are registering our interest in the proposed *Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.*

We will send another letter before the 5th with our details attached.

Looking forward to your reply.

NGI NOA
Shane Frost
Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email: awabakal_to@bigpond.com Phone: 49964325/49964362 Fax: 49964325 Mobile: 0428320671

This information is intended for the addressee only. The use, copying or distribution of this message or any information it contains, is prohibited by the sender.

B.5 Office of Environment & Heritage Response



Environment,
Climate Change
& Water

Your reference: Awaba Waste Facility
Date: 18th February 2011
Our reference: DOC11/8156 FIL11/1155
Contact: Glenda Roberts

Ms Elizabeth Wyatt
Archaeologist
Insite Heritage Pty Ltd
PO Box 98
Wangi Wangi NSW 2267

Dear Ms Wyatt

RE: REGISTRATION OF ABORIGINAL INTEREST GROUPS FOR PROPOSED AWABA WASTE FACILITY, LAKE MACQUARIE LGA, NSW

I refer to your correspondence, dated 04 February 2011, to the Department of Environment, Climate Change and Water (DECCW) for your project located within Lake Macquarie LGA and described as proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road, Awaba NSW 2283.

Please find attached a list of known Aboriginal parties that DECCW considers is likely to have an interest in your development. I note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with DECCW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (CRs)*.

We would also like to take this opportunity to remind the proponent or consultant of a number of key issues we have been encountering of late, and we'd ask your organisation to take note and ensure compliance please. These issues include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to DECCW does not demonstrate that the consultation process has been fair, equitable and transparent.*
- *Unless DECCW is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then DECCW will deem that the consultation process has not been complied with.*
- DECCW considers *evidence of reasonable efforts* to contact relevant parties would include, but not be limited to, *multiple forms of communication*; faxes (with

Locked Bag 914, Coffs Harbour NSW 2450
Federation House, Level 7, 24 Moonee Street
Coffs Harbour NSW
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

- *Please note in Appendix A of the 2010 CRs contains a map illustrating which regions of DECCW that need to be contacted according to which local government area your project falls within. Full details of the consultation requirements and the relevant Fact Sheets can be located on our website at: <http://www.environment.nsw.gov.au/licences/consultation.htm>*
- *If you encounter any changes to the contact details of interested Aboriginal parties, or become aware of additional parties, we encourage you to forward this information to the Department so we can update our records.*
- *Consultation must be fair, equitable and transparent. If the Aboriginal parties express concern or objects to parts or all of your project, DECCW expects that evidence will be provided to demonstrate the efforts made to find common ground between the two perspectives.*

If you have any further questions regarding this matter, please contact me on 02 6659 8272.

Yours sincerely



GLENDA ROBERTS
Senior Aboriginal Planning officer
Environment Protection & Regulation Group

Enclosure

1. Cacatua Cultural Consultants
Donna and George Sampson
Unit 1b/11 Glenwood Drive
Thornton NSW 2322
(02) 4028 6942
cacatua@resetdsl.net.au
2. Koombahtoo Local Aboriginal Land Council(refer to Awabakal LALC),
Cheryl Kitchener
PO Box 437
Hamilton NSW 2303
(02) 4965 4532
(02) 4965 4531
cheryl.awabaka@bigpond.com.au awabakal@bigpond.com.au
3. Awabakal Traditional Owners Aboriginal Corporation,
Kerrie Brauer
PO Box 253
Jesmond NSW 2299
(02) 4958 8170
0412 866 357
kerrie@awabakal.com.au
4. Awabakal Descendants Traditional Owners Aboriginal Corporation,
Shane Frost
PO Box 86
Clarence Town NSW 2321
49964325
0428 320671
shanefrost@bigpond.com

**B.6 Proposed Methodology for the Cultural Heritage Assessment
forwarded to all Registered Parties**

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

17 March 2011

ADTOAC
Att: Mr S Frost
PO Box 86
Clarencetown NSW 2321

Dear Shane

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

Thank you for your registration of interest in the above project. As outlined in our initial letter we have been commissioned by Cardno Pty Ltd on behalf of LMCC to assist in preparing an Aboriginal cultural heritage impact assessment for the proposed expansion of the Awaba Waste Facility, Wilton Road Awaba. The subject area is located within the boundaries of Lake Macquarie City Council, Parish of Awaba, County of Northumberland. The project will involve the expansion of the existing waste facility over approximately 15ha (see Figure 1 location map). The project is being assessed under Part 3A.

We would like to present the proposed methodology for the cultural and archaeological assessment for your review and comment.

Our proposed methodology for the cultural heritage assessment is outlined below:

- Initiate the consultation process seeking registrations of interest from Aboriginal parties, provision of information about the proposal to all registered parties, circulation of proposed methodology.
- Seek submissions and information regarding the presence of culturally significant objects/and or places within the project area so that these may be avoided where ever possible
- Conduct the site survey and proposed subsurface testing
- Seek submissions regarding the development of culturally acceptable management options / mitigation measures of the identified objects and / or places within the project area (should any be identified) where impacts are considered to be unavoidable by the proponent
- Collate information received from registered stakeholders, documenting all feedback and response to submissions and incorporate into the draft cultural heritage assessment report
- Circulate the draft cultural heritage assessment report to the registered Aboriginal parties for review and comment
- Collate and incorporate all responses to the draft report into the final cultural heritage assessment report

Proposed Survey Methodology

We proposed to conduct a foot survey over the project area (approximately 15ha). The foot survey will record transects walked and level of visibility, exposures and disturbances. Any identified sites will be recorded using criteria on AHIMS site recording forms. Figure 2 outlines the proposed area for surface survey (outlined in red).

Proposed Subsurface Testing Methodology

As this project is being assessed under Part 3A we would also like to take the opportunity to place some test probes in the areas of the proposed leachate basins. These are located within 200m of a creek line. LMCC have informed that no development will occur in the riparian zone around the creek line (30m buffer), see Figure 3 below. The test probes will enable us to test soil depth, the boundary of sensitivity from the creek line and confirm areas of low sensitivity. The results of the testing will be used to assist in developing appropriate management recommendations and strategies.

We would like to propose a north - south transect running north from the edge of the 30m buffer on northern side of the creek line, through the area of proposed leachate basins a distance of approximately 150m with 1m² test probes initially spaced 40m apart (approximately four test probes) with the possibility of excavating additional probes where deemed necessary. This will give an opportunity to test soil depth and assess sub surface archaeological potential and will assist in informing and developing management strategies.

The first excavation unit will be excavated in a 5cm spit and depending on results, subsequent excavation units will then be excavated in 10cm spits or stratigraphically (whichever is smaller) till clay is reached. Excavated material will be dry sieved using a 5mm wire aperture sieve.

Should any evidence of human remains be identified during testing, works will immediately cease and NSW police and DECCW will be contacted immediately.

Protocols for handling artefacts:

Should any artefacts be identified in the test probes, their locations will be recorded with a GPS and their features (artefact type, size raw material type) also recorded; the artefacts will then be returned to the base of the test probe and a survey stake labelled with pit identification placed at its location.

Surface artefacts identified during the survey work will be recorded and photographed. A tagged nail or flag will be placed in its location whilst recording is undertaken and the artefact returned to its position once recording is complete. A labelled survey stake will be placed in the approximate centre of the site.

Protocols / Procedures for Conducting the Assessment

We would like to invite all registered parties to identify any protocols you wish to be adopted in the information gathering process and assessment methodology. We would also appreciate if you could identify any matters such as issues/areas of cultural significance that might affect, inform or refine the assessment methodology.

We would also like to invite submissions regarding the presence of any culturally significant objects and or places within the study area so that these may be avoided wherever possible.

Could you please provide any comments or requirements regarding the proposed methodology by **Thursday 7th April 2011** by email, fax, mail or phone.

We look forward to working with you on the project. Please don't hesitate to contact with any queries.

Yours Sincerely,
Insite Heritage Pty Ltd

A handwritten signature in black ink, appearing to read 'Liz Wyatt', written in a cursive style.

Liz Wyatt
Archaeologist



Figure 1 Location of Awaba Waste Treatment Facility



Figure 2 Proposed location for subsurface test probes (outlined in blue) and proposed area of foot survey (outlined in red).

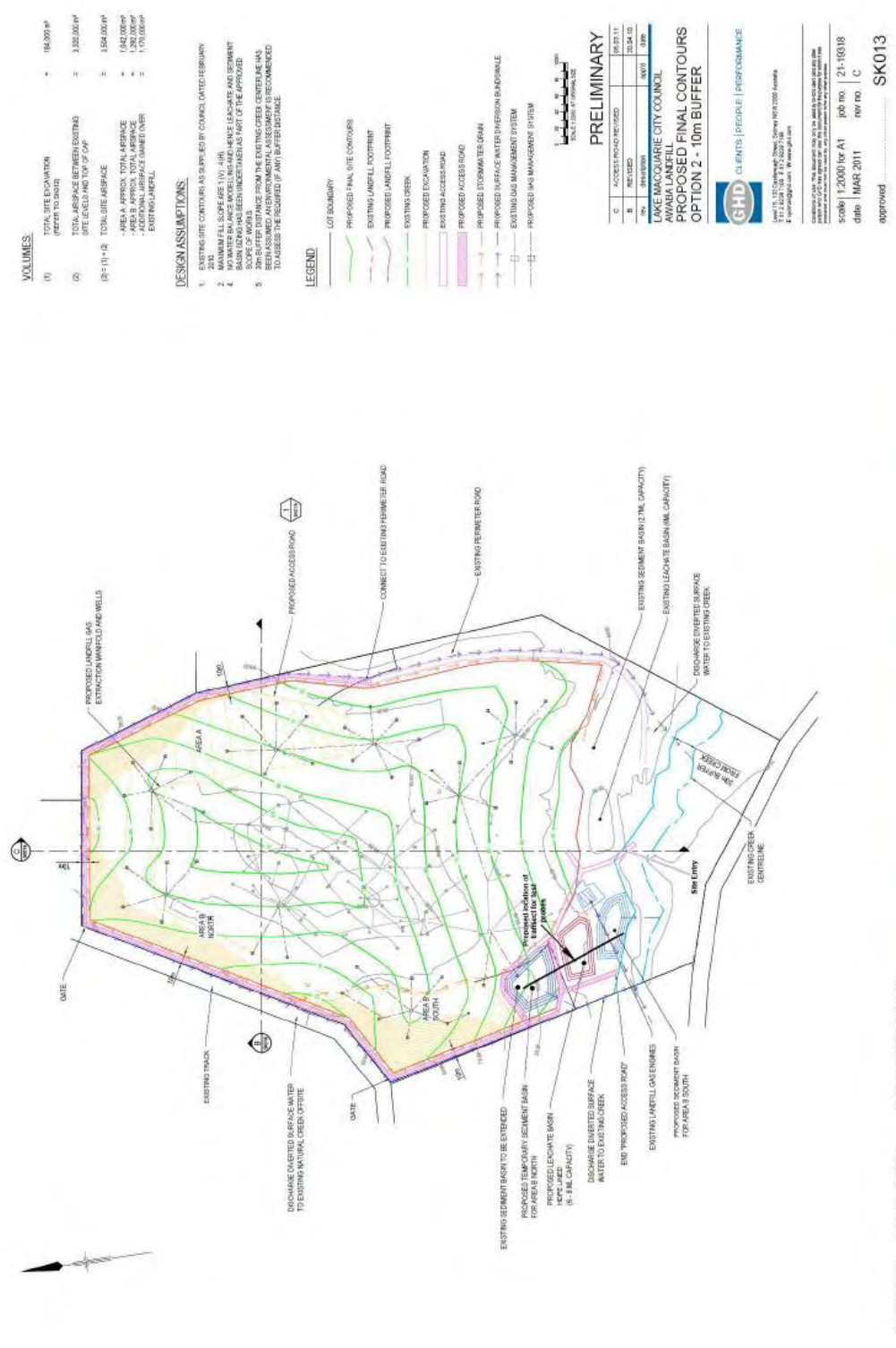


Figure 3 Design plan with location of proposed testing transect (marked in black)

VOLUMES

(1)	TOTAL SITE ELEVATION (METER ABOVE SEA LEVEL)	184,097 m³
(2)	TOTAL AIRSPACE BETWEEN EXISTING SITE BOUNDARY AND TOP OF G.P.	3,300,000 m³
(3)	TOTAL AIRSPACE	3,584,000 m³
(4)	AREA A APPROX. TOTAL AIRSPACE	1,542,000 m³
(5)	AREA B APPROX. TOTAL AIRSPACE	1,292,000 m³
(6)	EXISTING LANDFILL	170,000 m³

- DESIGN ASSUMPTIONS**
- EXISTING SITE CONTOURS AS SUPPLIED BY CONSULTANT DATED FEBRUARY 2010.
 - MAXIMUM FILL SLOPES 1(V) : 4(H).
 - EXISTING LANDFILL CONTOURS AS SUPPLIED BY CONSULTANT DATED FEBRUARY 2010. LANDFILL HAS BEEN IDENTIFIED AS PART OF THE APPROVED SCOPE OF WORKS.
 - EXISTING SITE CONTOURS AS SUPPLIED BY CONSULTANT DATED FEBRUARY 2010. CONTOURS HAVE BEEN ASSIGNED AN ENVIRONMENTAL ASSESSMENT RECOMMENDED TO ADDRESS THE REQUIREMENT OF ANTI BUFFER DISTANCE.

- LEGEND**
- LOT BOUNDARY
 - PROPOSED FINAL SITE CONTOURS
 - EXISTING LANDFILL FOOTPRINT
 - PROPOSED LANDFILL FOOTPRINT
 - EXISTING GREEN
 - PROPOSED EXCAVATION
 - EXISTING ACCESS ROAD
 - PROPOSED ACCESS ROAD
 - PROPOSED STORMWATER DRAIN
 - PROPOSED INVERTED SURFACE WATER TO EXISTING SUBDRAINAGE
 - EXISTING DRAINAGE MANAGEMENT SYSTEM
 - PROPOSED DRAINAGE MANAGEMENT SYSTEM

SCALE 1:2000 AT ORIGINAL SIZE

PRELIMINARY

REV	DESCRIPTION	DATE
C	ACCEPTED ROAD REVISED	06/03/11
B	REVISED	22/04/10
A	ISSUED	2009

LAKE MCCORMACK CITY COUNCIL
 PROPOSED FINAL CONTOURS
 OPTION 2 - 10m BUFFER

GHD CLIENTS | PEOPLE | PERFORMANCE

Level 15, 115 Coleraine Street, Sydney NSW 2000 Australia
 Phone: +61 (0)2 9230 3000
 Fax: +61 (0)2 9230 3001
 Email: sales@ghd.com.au
 Website: www.ghd.com.au

scale | 1:2000 for A1 | job no. | 21-10318
 date | MAR 2011 | rev no. | C
 approved | SK013

B.7 Responses to Proposed Methodology



23 March 2011

Insite Heritage
Attn: Liz Wyatt
Archaeologist
P.O. Box 98
Wangi Wangi NSW 2267

Dear Liz,

Re: Comments for the Aboriginal Cultural heritage Assessment Methodology for the Proposed Expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

With regard to the Preparation of an Aboriginal Cultural Heritage Assessment Methodology for the Proposed Expansion of the Awaba Waste Facility, we recognise the evaluation by Insight Heritage appears reasonably comprehensive.

The Aboriginal heritage assessment process involves both a cultural values assessment and an archaeological assessment.

"The participation of Aboriginal communities and Aboriginal owners in archaeological field assessments is based on the principle of Aboriginal partnership in all facets of Aboriginal heritage management. Such participation should not be construed as 'consultation'. It is not a substitute for an assessment of Aboriginal cultural interests or values in a particular area of land or particular sites, such assessments being separate from archaeological assessments. A 'cultural assessment' should not be thought of as a mere component of an archaeological assessment or investigation" (*NPWS 1997, Aboriginal Heritage Standards and Guidelines Kit, Partnership with Aboriginal Communities section, p2*).

Our comments to the contents of the Proposed Methodology are as follows:

We agree in principle with the proposed survey methodology and would like Insight Heritage to also consider the value of 'place' within the Heritage and Cultural weighting, as this consideration is to insure the protection and conservation of Place & Objects which impact significantly on the spirituality, cultural, historic and general legacy needs of Aboriginal people to address inequalities in social and community well being.

1

We believe that the Methodology may need to provide some context to the discussion, for example:

- information and results regarding the previously assessed areas within the proposed project area
- information on known sites should be provided, including map of recorded site locations in close proximity to the project area
- concerns that no modifications have been included in the event that additional investigation may be necessary
- that the proposed methodology may need a timetable and to include an estimation of days for the proposed assessment
- **General comment:** survey coverage should not be set by number of days, but should instead be set by the level (ha) of survey required to adequately understand the archaeological and cultural heritage values within the project area.

We as Awabakal descendants believe that it is essential to be aware of all aspects relating to the proposed methodology survey so that we are able to make informed decisions.

We believe that Insight Heritage are committed and supportive in adequately addressing the many aspects related to the perspectives and diversity that is associated with Aboriginal Cultural Heritage.

We reserve the right and reluctance to share our cultural heritage with others in respect to aspects of the cultural significance that connects us to our country. It is believed by our people that those who shouldn't be privy to this cultural knowledge have no rights or entitlements to it.

We would like to thank you for the opportunity to comment and would ask for a copy of the finalised methodology demonstrating how you have addressed all the Aboriginal stakeholder comments provided as we would like a copy of this for our records prior to the field assessment.

If you require any further information please do not hesitate in contacting me.

Yours sincerely,



Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
ABN: 90 203 408 390 | ICN: 4411
PO Box 253 Jesmond NSW 2299 Australia
T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 23 March 2011

Attention: Angela Besant & Liz Wyatt
INSITE HERITAGE PTY LTD
PO BOX 98
WANGI WANGI NSW 2267

Re: Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

ALLA Angela and Liz,

In response to the correspondence we received from you requesting us to provide any comments and feedback regarding the **Preparation of an Aboriginal cultural heritage impact assessment for proposed expansion of Awaba Waste Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283** we would like to notify you that the **Awabakal Descendants Traditional Owners Aboriginal Corporation** has reviewed the methodology and we believe it addresses our concerns. There are a couple of extra comments/points we would like to add.

Below are some points that we believe may be relevant to the proposed test excavation probes within the area of the creek.

- We have taken part in several archaeological investigations over the last couple of years in this area and have found a variety of Aboriginal archaeological Cultural Heritage materials present.
 - a. These include stone artefacts
 - b. Shell deposits
 - c. Rock shelter with deposit
- We have also been a part of an archaeological excavation within close proximity to the study area close to a creek line in which stone artefacts were recovered.
- This area is important to our People due to its close proximity to Lake Macquarie, Stockyard Creek and Kilaben Creek and the mountainous country to the west of the study area.
- We agree with the ability to extend the test probes if deemed necessary.
- We would also like to see some test probes placed within a staggered line running parallel from the boundary of the creek line starting at the 30 metre and 50 metre zone or at intervals that is agreed upon by the archaeologists and Aboriginal stakeholders. This would then give an indication of artefact materials along the margins of the creekline.

We hope this addresses any queries you may have Angela and Liz, if not and further information is required please don't hesitate to contact us ASAP. Our contact details are as follows.

NGI NOA
Shane Frost-Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email: shanefrost@bigpond.com Phone: 49964362 Fax: 49964325 Mobile: 0428320671

B.8 Cover Letter for Draft Report

Insite Heritage Pty Ltd

PO Box 98
Wangi Wangi NSW 2267
admin@insiteheritage.com.au
Ph/Fax 0249755818
ABN 70 110 716 080

3 June 2011

ATOAC
Att: Ms K Brauer
PO Box 253
Jesmond NSW 2299

Dear Kerrie

Re: DRAFT Aboriginal Cultural Heritage Impact Assessment Report for the Proposed Expansion of Awaba Waste Treatment Facility, Lot 372 DP723259, 367 Wilton Road Awaba NSW 2283.

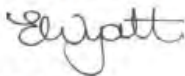
Please find enclosed a copy of the draft Aboriginal Cultural Heritage Impact Assessment Report for the proposed expansion of the Awaba Waste Treatment Facility for your review and consideration.

Your input regarding cultural significance and the proposed management recommendations or comments on any other aspect of the draft report or the assessment would be greatly appreciated. Please note any submissions received will be incorporated into the final report and all registered parties will also receive a copy of the final report.

Could you please provide any comments or submissions by the **Monday the 27th June 2011** via email, mail or fax.

Please do not hesitate to contact myself with any queries.

Yours Sincerely,
Insite Heritage Pty Ltd



Liz Wyatt
Archaeologist

Appendix C – National Native Title Search Results



National
Native Title
Tribunal



11 February 2011

Elizabeth Wyatt
Archaeologist
Insite Heritage Pty Ltd
PO Box 98
WANGI WANGI NSW 2267

New South Wales and
Australian Capital Territory
Registry

Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9235 6300
Facsimile (02) 9233 5613

Our Reference: 4109/11KW
Your Reference: N/A

Dear Ms Wyatt

Native Title Search Results of Port Stephens, Gosford and Lake Macquarie Local Government Areas

Thank you for your letter of 10 February 2011.

My search on 11 February 2011 found:

Port Stephens and Gosford:

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

Lake Macquarie

Register Type	NNTT Reference Numbers
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	NIA2000/001

I have included an ILUA extract and a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title

Resolution of native title issues over land and waters.

Freecall 1800 640 501
www.nntt.gov.au

determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328

Facsimile (02) 9233 5613

Email Kimberley.wilson@nntt.gov.au

Encl



Extract from Register of Indigenous Land Use Agreements

NNTT Number	NIA2000/001
Short name	Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSW ALC ILUA A
ILUA Type	Area Agreement
Date Registered	29/08/2001
State/territory	New South Wales
Local government Region	Lake Macquarie City Council

Description of the area covered by the agreement

The area covered by the agreement is located about 20km south west of Newcastle and in the vicinity of Lake Macquarie and covers an area of about 87 square km. The map at Schedule 1 of the agreement is attached.

Parties to agreement

Applicant

Party name Powercoal Pty Ltd
Contact address c/- Clayton Utz
 Level 18 - 333 Collins Street
 Melbourne VIC 3000

Other Parties

Party name Victor Perry on behalf of the Wonnarua People
Contact address c/- NSW Aboriginal Land Council
 Level 9 - 33 Argyle Street
 PARRAMATTA NSW 2150

Party name Stephen Seiver
Contact address c/- NSW Aboriginal Land Council
 Level 9 - 33 Argyle Street
 PARRAMATTA NSW 2150

Party name	New South Wales Aboriginal Land Council
Contact address	Level 9 - 33 Argyle Street PARRAMATTA NSW 2150

Period in which the agreement will operate

Start date	28/05/1999
End date	28/05/2020

Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

Consent to Future Acts provided for by the agreement:

1. Subject to the Deed and to the Master Deed, Victor Perry (on behalf of the Wonnarua People) and Stephen Seiver consent to the doing of the Future Acts.
2. Subdivision P of Division 3 of Part 2 of the NTA is not intended to apply and does not apply to the doing of any of the Future Acts.
3. The non-extinguishment principle applies to the doing of the Future Acts.

Future Act is defined as a future act as defined in the NTA which consists of:

- (a) the grant of a Mining Tenement;
- (b) the grant or renewal by a Government Authority of any other right in respect of the surface area of the area of interest for the purposes of the mining operations;
- (c) Mining operations; and
- (d) any other act done by Powercoal for the purposes of the mining operations.

Mining operations are defined as 'the underground coal mining operations to be carried out by or under the direction of Powercoal within the area of interest, including, without limiting the generality of the foregoing, exploration, developing, designing, constructing, extracting, handling and transporting of coal and other products won from the underground coal mining operations within the area of interest and any rehabilitation work within the area of interest.

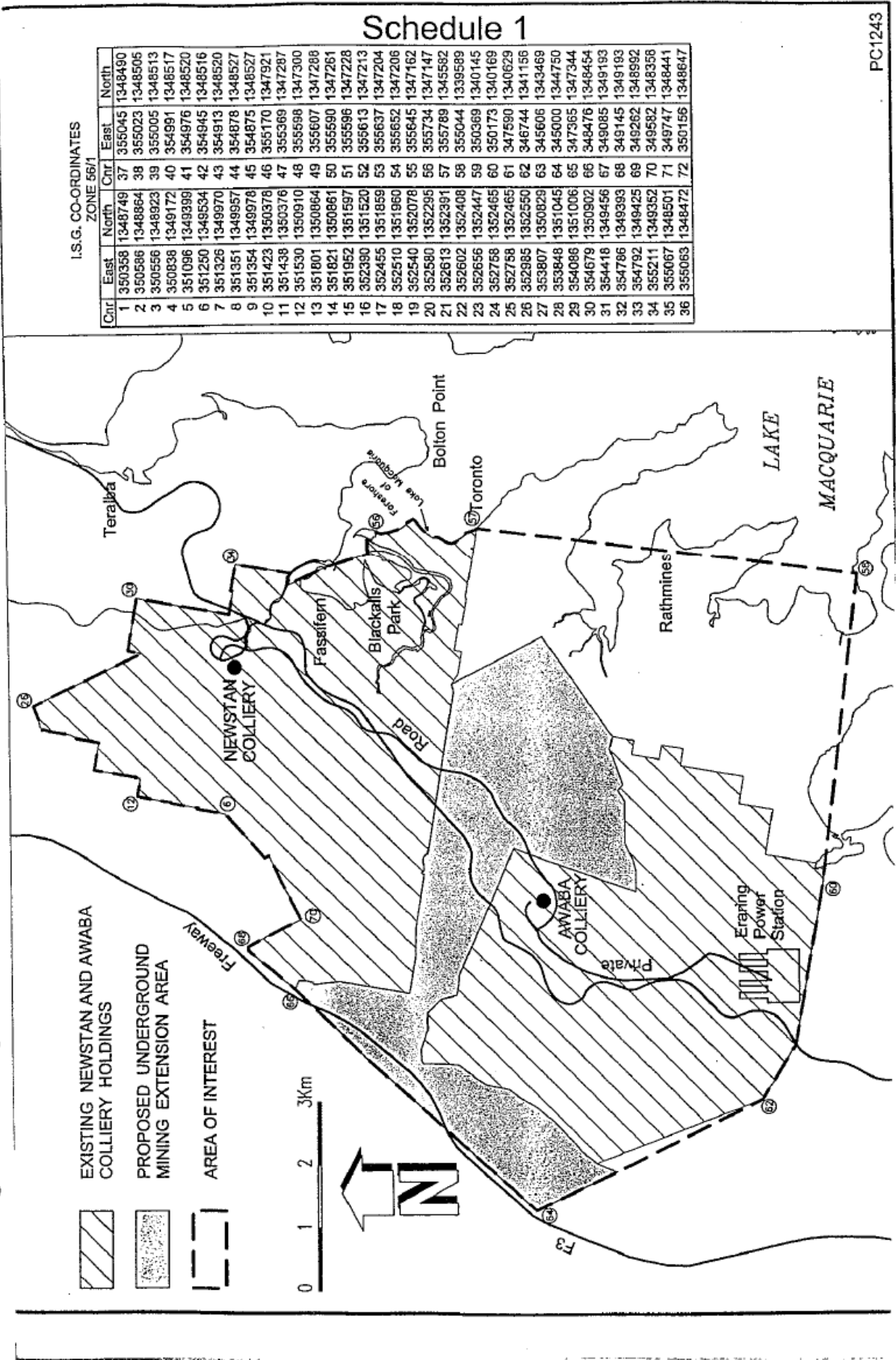
Mining Tenement is defined as a tenement granted to Powercoal under the Mining Act 1912 (NSW) to carry out Mining Operations in the area of interest.

Assignment provided for by the agreement: Powercoal is able to assign all or part of its rights under the Deed to another party, provided that other party assumes the obligations of Powercoal under the Deed.

Attachments to the entry

NIA2000_001 Schedule 1 - Map.pdf

NIA2000/001 Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSWALC Map of Area Attached to Register of Indigenous Land Use Agreements 29 August 2001



PC1243

Appendix D – AHIMS Search

Insite Heritage Pty Ltd
Po Box 98
Wangi Wangi New South Wales 2267
Attention: Elizabeth Wyatt

Date: 10 February 2011

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 372, DP:DP723259, Section : with a Buffer of 50 meters. Additional Info : conducted by Elizabeth Wyatt on 10 February 2011

A search of the DECCW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from DECCW's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- AHIMS records information about Aboriginal sites that have been provided to DECCW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Environment, AHIMS Web Services (AWS)
Climate Change & Water
 Extensive search - Site list report

Your Ref Number : Awaba Waste Disposal

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
45-7-0241	Awaba 1	AGD	56	363091	6345787	Open site	Artefact	Permits	
	Contact: S Scamlon	Recorders: Unwelt (Australia) Pty Limited							
45-7-0259	LEA 9 (Swansea)	GDA	56	366685	6346040	Closed site	Artefact	Permits	
	Contact	Recorders: RPS Australia East Pty Ltd							
45-7-0260	LEA 10 (Swansea)	GDA	56	365425	6345450	Open site	Grinding Groove	Permits	
	Contact	Recorders: RPS Australia East Pty Ltd							
45-7-0005	Awaba Railway Sm; Toronto;	AGD	56	364374	6346257	Closed site	Artefact, Grinding Groove	Permits Axe Grinding Groove, Shelter with Deposit	
	Contact	Recorders:							
38-4-0102	Palmer's Creek PCI	AGD	56	362500	6347750	Open site	Grinding Groove, Water Hole	Permits Axe Grinding Groove, Water Hole/Well	
	Contact	Recorders: Klim Gollan							
45-7-0261	Stockyard Creek AS with PAD (Swansea)	GDA	56	365653	6345871	Open site	Potential Archaeological Deposit (PAD), Artefact	Permits	3095,3199
	Contact	Recorders: Mr. Alan Williams							

Report generated by AHIMS Web Service on 10/02/2011 for Elizabeth Wyatt for Datum : GDA, Zone : 56, Eastings : 362000 - 367000, Northings : 6343000 - 6348000 with a Buffer of 50 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 6
 This information is not guaranteed to be free from error omission. The Department of Environment, Climate Change & Water (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.