

Feedback on methodology from CCC

Jenna Weston

From: cacatua@resetsl.net.au
Sent: Friday, 19 August 2011 3:02 PM
To: Jenna Weston
Subject: Re: Hexham Relief Roads AHIA reply

Jenna,

We would like to reply verbally and apologise for the shortness of comment but at present I am not in town to reply on letter head.

We have read and discussed the information supplied and support the methodology that was supplied within your information.

Thank you
 Donna Sampson

Dear Donna,
 > Please find attached a proposed methodology for the Hexham Relief
 > Roads AHIA.
 > Yours sincerely,
 > Jenna.
 >
 > Jenna Weston
 > Project Officer Archaeologist Archaeology & Heritage
 >
 > Australian Museum Business Services (AMBS) Providing assessments for:
 > Archaeology | Heritage | Ecology |
 > 6 College Street Sydney NSW 2010 Australia
 > t 61 2 9320 6468 m 0411 407 186 f 61 2 9320 6428
 > www.ambs.com.au<<http://www.ambs.com.au>>
 >
 > Inspiring the exploration of nature and cultures
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 > Rituals of Seduction: Birds of Paradise Are we more alike than you
 > think?
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 >
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Feedback on methodology from ATOAC



22 August 2011

Jenna Weston
Australian Museum Business Services
6 Collage Street
Sydney NSW 2010

Dear Jenna,

Re: Comments Regarding the Draft Methodology for the Hexham Relief Roads Aboriginal Heritage Impact Assessment

With regard to the Draft Methodology for the Hexham Relief Roads Aboriginal Heritage Impact Assessment, we recognise the evaluation by AMBS appears to be 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 Draft Methodology are as follows:

We agree in principle with the proposed Draft Methodology and would like AMBS 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.

With regard to our name and details being forwarded to certain recipients, we agree for our name and contact details to be forwarded to OEH, but do not want our name and contact details released to the Awabakal and Worimi Land Councils.

We would like further clarification regarding the inclusion of the Worimi Land Council, as the Study Area shown on the map provided is on the south side of the Hunter River, in which it is our understanding would be outside the Worimi Land Council area.

With regard to the Review of the Draft Aboriginal Heritage Assessment Report, we agree that our Comments Received be incorporated within the Report, and also believe that our Comments Received should in addition be included within the correspondence received section of the Report.

We believe that the proposed Draft Methodology should provide the relevant background information outlined within the Aboriginal Heritage Draft Methodology Impact Assessment and Gathering Information Regarding the Cultural Significance as an alternative to the dot points outlined, as this would bring a more informative context to the proposed assessment methodology process.

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

- inclusion of the background environmental and archaeological information relating to the area within and surrounding the Study Area
- information on known sites should be provided, including map of site locations
- information relating to where the Study Area is in relation to other recorded sites
- estimate of total area (ha) to be inspected
- concerns that the Methodology does not include estimation for amount of day/s for the proposed survey assessment
- concerns that no modifications have been included in the event that additional investigations may be necessary
- **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 Draft Methodology, so that we are able to make informed decisions.

With regard to providing cultural appropriate information, we would be pleased to share verbally any relevant cultural knowledge of the study area, but we do 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.

The Awabakal Traditional Owners Aboriginal Corporation members are descendants of the Awabakal People and accordingly have both a physical and spiritual connection and a primary association with our cultural boundary. Therefore, any artifacts 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.

The principal vision and aim of the Awabakal people is to protect the cultural heritage of our ancestors. Therefore the residual evidence of our people is held in high degree and is regarded as a cultural reminder that unites us with our land and sea country and spirituality.

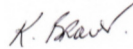
The Hexham region is regarded as highly significant to the Awabakal people, and in our view the region is part of the land that echoes the ethos of our cultural heritage. Therefore, any artifacts and/or residual evidence of our people are held in high regard and are considered a cultural reminder that unites us with our land and sea country, our past and spirituality and provides us with a visual generational legacy.

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

We would like to thank AMBS 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 survey.

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

Yours sincerely,



Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
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Feedback on draft report from CCC



Cacatua Culture Consultants

Entity of Cacatua Pty Ltd

ABN: 87 148 082 480 ACN: 148 082 480

March 6, 2012
Jenna Weston
Project Officer
AMBS Archaeology & Heritage
Your Ref: 110637

RE: HEXHAM RELIEF ROAD: ABORIGINAL HERITAGE IMPACT ASSESSMENT

Jenna,

Thank you for your letter and draft report dated 2nd March 2012. Cacatua staff were involved with the survey work that also was undertaken within this area. Due to this fact, Cacatua were able to discuss the impact that would result if the project was to go ahead.

The outcome of our meeting with regards to the Hexham Relief Project at this point in time is that we, Cacatua, support the report.

NOTE: should T.O's or determined Native Title Holders within this area views on how items should be undertaken, then we will support these changes

Yours truly

A handwritten signature in black ink, appearing to read 'D Sampson', is written over a white background.

Donna Sampson
Reports Manager

Email: cacatua@resetsdci.net.au

Feedback on draft report from ATOAC



16 March 2012

Jenna Weston
Australian Museum Business Services
6 Collage Street
Sydney NSW 2010

Dear Jenna,

Re: Comments Regarding the Draft Report for the Aboriginal Heritage Impact Assessment for the Hexham Relief Roads Project

With regard to the Draft Report for the Aboriginal Heritage Impact Assessment for the Hexham Relief Roads Project, we recognise the evaluation by Australian Museum Business Services (AMBS) appears to be reasonably comprehensive.

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

The Awabakal iconic landmarks feature 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 Hexham Relief Roads Project is also included within the Awabakal landscape.

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

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 (Quote from statements by Awabakal Traditional Owners Aboriginal Corporation and speeches by Nola Hawken, Awabakaleen Elder. Copyright, 2010).

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

Page 8, We believe that the reference made to 'local community representatives' within the this section of the **Draft Report** should be changed to 'Registered Aboriginal Stakeholders', as the meaning of 'community' has a wider group connotation, whereas the meaning of 'Stakeholders' refers to independent parties and is more accurate and project specific description. Furthermore, we prefer this accurate definition to avoid any misunderstanding or ambiguity regarding "community" and association to Awabakal culture and heritage, as The Hunter and Lake Macquarie area has many Aboriginal community members who have no primary cultural association with this land; although they feel a sense of belonging.

Page 19, 5.1, We believe that the statement that the Newcastle area was originally inhabited by the Worimi is incorrect and needs further correcting.

According to the Australian Institute of Aboriginal and Torres Strait Islander Studies 2000...
"The Aboriginal people who occupied the present area of Newcastle prior to Contact belonged to the Awabakal language group. Their nearest neighbours were the Worimi to the north who were centred around Port Stephens however it is believed the Hunter River, as a major geographic feature, was the demarcation line between the territories of these two language groups".

Additionally, Reverend L.E Threlkeld does reference Old Jacky's Tribe Usual place of Resort: *"The landed [sic] bounded by S. Reid's Mistake the entrance to Lake Macquarie, N by Newcastle & Hunter's River, W by the Five Islands on the head of Lake Macquarie 10 miles W of our station. This boundary, about 14 miles N and S, by 13E, and W, is considered as their own land..."* Furthermore, there are variations/descriptions regarding the greater cultural boundary of the Awabakal Nation to Threlkeld's description of old Jacky's Tribe

Other variations/descriptions have the 'Awabakal' land covering Newcastle, Lake Macquarie Central Coast to Wyong, the coalfields area, Watagan Mountains to Wollombi (including Threlkeld 1834, Mueller 1892, Frazer 1882, Mathews 1892, Farmer 1897, Enright 1899, Howit 1901, Wurm 1904, Percy Haslam 1963—University of Newcastle Archives).

Further to these references, Wollotuka School of Aboriginal Studies (University of Newcastle New South Wales) provide details relating to the Awaba and Awabakal Nation research article: "The Local Boundaries and Affiliations" which identifies the Awabakal peoples as the originally inhabited of the Newcastle area *not* the Worimi.

We regard the references of tribal boundaries made in "Tindale's Aboriginal Tribes of Australia" (included in the **Draft Report**) as potentially misleading, given that this reference to tribal boundaries is not universally accepted as a true and accurate account.

Page 20, 5.1, We are concerned that the reference to 'common site type' used within this section of the **Draft Report** has the potential to undervalue the Aboriginal Cultural Heritage significance of Aboriginal sites.

This concern is based on the statements within this and other Draft **Reports** that continually refer to Aboriginal sites as a “common feature” along the foreshore of Lake Macquarie. Furthermore the use of the word “common” also has the potential to demean the value and rarity that each Aboriginal site has.

Additionally, Midden Sites around the foreshore of Lake Macquarie have more than halved since the colonisation of this area, as the destruction of these Shell Middens were used for lime, and will continue to be damaged and/or destroyed for the reason that they are repeatedly being referred to and regarded as “common”.

Page 23 - 27, With reference to the previous Archaeological investigations, we are concerned that the majority of the references given are more than 10 years old. Additionally, we believe that there is a need for further analytical research concerning the Hunter region and submit this request to be a part of the outcomes of this assessment, including: a holistic approach to Aboriginal Archaeological research; identify geological history of the Awabakal region; identifying the Awabakal ethos; statements regarding perspectives and diversity associated to the Awabakal Aboriginal Cultural Heritage.

Page 27, 5.3, We are concerned that this section within the **Draft Report** may present a foregone conclusion that Aboriginal Cultural Heritage and Values do not exist and therefore creates confusion regarding this information pertaining to Aboriginal Cultural Heritage Values are indeed extinct, and suggest that these references need amending as they are highly disturbing.

Additionally, we are concerned that the **Draft Report** has not taken into consideration the impact on unknown sites due to the observation and information gathering process given that there was minimal visible evidence due to the vegetated ground surface. Therefore, it should not be assumed that additional Aboriginal artifacts do not exist within the proposed Hexham Relief Roads Project area on that basis.

Page 47, 7.4, With regard to the use of “Aboriginal Community” in relation to an association with Aboriginal or cultural significance of a particular Aboriginal sites or relics, we believe this definition creates unnecessary ambiguity and confusion in this **Draft Report** and suggest a differentiation in terminology when referring to Aboriginal Community and/or the Descendants of the First Peoples of the area.

This differentiation would bring more clarification regarding cultural attachment, association, social and/or cultural significance reporting.

Page 53, 9.1, With regard to the Recommendations for this section of the **Draft Report**, we agree with **Recommendation 1** that: “... an archaeological test and salvage excavation should be undertaken in the section and site HSI proposed to be impacted”.

Additionally, we identify the need that adequate time is allowed for the archaeological test and salvage excavation program, and that this needs to be undertaken prior to any earthworks.

Page 53, 9.1.2, With regard to **Recommendation 2**, we accept this recommendation with conditions:

- to identify the procedure within this section as to how the care is to be undertaken within the area, and;
- to identify the precautions that are to be activated with the aim to avoid any inadvertent impacts caused by vehicles and equipment at Anderson Drive.

Therefore we suggest that this recommendation needs further clarification in order to inform the **Draft Report** how this particular Recommendation will be implemented.

Page 54, 9.1.3, With regard to the **Recommendation 3** we agree that...*“an archaeological test and salvage excavation should be undertaken in any section of the cultural PAD proposed to be impacted”*.

Additionally, we identify the need that adequate time is allowed for the archaeological test and salvage excavation program, and that this needs to be undertaken prior to any earthworks.

Page 54, 9.1.4, With regard to **Recommendation 4**, we agree with **Recommendation 4** that the Registered Aboriginal Stakeholders should be afforded the opportunity to collect the rounded stone and the shell material prior to the commencement of any earthworks.

Page 54, 9.1.4, With regard to the **Recommendation 5**, we agree that a 'keeping place' be agreed upon by the Registered Aboriginal Stakeholders, and believe that due consideration should be taken into account regarding our primary attachment to our Cultural Heritage as descendants of the first peoples of the region.

Additionally, with regard to the storage/deposit of artifacts recovered from the site, we believe the Registered Aboriginal stakeholders should agree upon the Care and Control of the artifacts before collection is made.

The Awabakal Traditional Owners recommend that all (documented) artifacts remain on country within an appropriate protected conservation area to avoid further and/or future impacts.

However if this were not possible, we would therefore submit a Care and Control document regarding the management of the artefacts found at the study area.

The Awabakal Traditional Owners presently has an arrangement with the Cultural Collections Archives Unit at the University of Newcastle under the care and supervision of Gionni DiGravio, and would have these artefacts transferred to the Archives on OEH /EPA approval of the application.

We have concerns that the Aboriginal Heritage Management Plan (AHMP) for the project has only been mentioned in **Recommendations 4 & 5**, but has not been listed within the Contents and/or mentioned within the Context of the **Draft Report**.

We recommend that a number of workshops (for example six (6)) paid for by the proponent for its development.

We recommend a meeting be held identifying costs and details.

We agree that an AHMP should be developed within a reasonable amount of time for this project and agreed upon between the Proponent and the Registered Aboriginal Stakeholders prior to the commencement of any site works.

We believe that this oversight is rectified within the Contents and Context of the **Draft Report** including the Conclusion and Recommendations with appropriate detailed perspectives as to how this process with be achieved.

We recommend that the Traditional Owner groups undertake the creation and delivery of a Cultural and Heritage Awareness Training package at a cost to the proponent for Hexham

Relief Roads Project staff and contractors. This may take the form of a video presentation, a Power Point presentation and supporting literature—for this and future projects.

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

- the reference made to 'local Aboriginal community' within the **Draft Report** should be changed to Registered Aboriginal Stakeholders'
- the statement of the Newcastle area being originally inhabited by the Worimi is incorrect and needs a more exact statement including Awabakal
- references to "Tindale's Aboriginal Tribes of Australia" used within the **Draft Report** needs be omitted as it is potentially misleading statement
- the description of 'common site type' used within the **Draft Report** needs to be altered as it has the potential to undervalue the Aboriginal Cultural Heritage significance of Aboriginal sites.
- given the majority of the previous Archaeological investigations references are more than 10 years old, we believe that there needs to be a more contemporary investigation report done for further analytical research regarding the Hunter and its Aboriginal region
- the **Draft Report** has not, but needs to take into consideration the impact on any unknown Aboriginal sites
- there are a number of statements within the **Draft Report** that may need further clarification with regards to historical traditional inhabitants
- there is a need for redefining the terminology used for 'Aboriginal Community' and the 'Descendants of the First Peoples (i.e. Traditional Owner groups)' of the area to bring clarity and avoid ambiguity regarding the difference between primary and secondary attachment and association
- That the Awabakal Descendants who have a cultural and hereditary association with the land of their ancestors have the exclusive right to adjudicate on the spirituality of any particular location or site and the self-determination of their culture and heritage.
- we agree with **Recommendation 1**, and believe that the scope of the archaeological test and salvage excavation program should be undertaken prior to any earthworks
- we agree with **Recommendation 2**, and recommend that a procedure be identified within this section as to how the care is to be undertaken within the area, as well as identifying what precautions need to be initiated to avoid any inadvertent impacts
- we agree with **Recommendation 3**, and believe that the scope of the archaeological test and salvage excavation program should be undertaken prior to any earthworks
- we agree with **Recommendation 4** that the Registered Aboriginal Stakeholders should be given the time to collect the rounded stone and the shell material prior to the commencement of any earthworks