

ENVIRONMENTAL ASSESSMENT

Newcastle Gas Storage Facility Project

Major Project Application Number 10-0133

Volume 4: Appendices 8 – 13

May 2011

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Cultural Heritage Assessment

Newcastle Gas Storage Facility Project

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Report No: 103386-1

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Appendix I

Legislative Requirements

SUMMARY OF STATUTORY CONTROLS

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

COMMONWEALTH

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act), Amendment 2006

The purpose of this Act is to preserve and protect all heritage places of particular significance to Aboriginal and Torres Strait Islander people. This Act applies to all sites and objects across Australia and in Australian waters (s4).

It would appear that the intention of this Act is to provide national baseline protection for Aboriginal places and objects where State legislation is absent. It is not to exclude or limit State laws (s7(1)). Should State legislation cover a matter already covered in the Commonwealth legislation, and a person contravenes that matter, that person may be prosecuted under either Act, but not both (s7(3)).

The Act provides for the preservation and protection of all Aboriginal objects and places from injury and/or desecration. A place is construed to be injured or desecrated if it is not treated consistently with the manner of Aboriginal tradition or is or likely to be adversely affected (s3).

The Australian Heritage Commission Act 1975

The Australian Heritage Commission Act 1975 established the Australian Heritage Commission which assesses places to be included in the National Estate and maintains a register of those places. Places maintained in the register are those which are significant in terms of their association with particular community or social groups and they may be included for social, cultural or spiritual reasons. The Act does not include specific protective clauses.

The Australian Heritage Council Act 2003 together with The Environment Protection and Biodiversity Conservation Act 1999 (Amended) includes a National Heritage List of places of National heritage significance, maintains a Commonwealth Heritage List of heritage places owned or managed by the Commonwealth and ongoing management of the Register of the National Estate.

STATE

It is incumbent on any land manager to adhere to state legislative requirements that protect Aboriginal Cultural heritage. The relevant legislation in NSW includes but is not limited to:

National Parks & Wildlife Act 1974 (NPW Act)

The NPW Act provides statutory protection for all Aboriginal heritage, places and objects (not being a handicraft made for sale), with penalties levied for breaches of the Act. This legislation is overseen by the Department of Environment, Climate Change and Water (DECCW), and specifically the Director-General of DECCW. Part 6 of this Act is the relevant part concerned Aboriginal objects and places, with the Section 86 and Section 90 being the most pertinent. In 2010, this Act was substantially amended, particularly with respect to Aboriginal cultural heritage requirements. Relevant sections include:

Section 86

This section now lists four major offences:

- (5) A person must not harm an object that the person knows is an Aboriginal object;
- (6) A person must not harm an Aboriginal object;
- (7) For the purposes of s86, “circumstances of aggravation” include (a) the offence being committed during the course of a commercial activity; or (b) that the offence was the second or subsequent offence committed by the person.
- (8) A person must not harm or desecrate an Aboriginal place.

Offences under s86 (2) and (4) are now strict liability offences, i.e., knowledge that the object or place harmed was an Aboriginal object or place needs to be proven. Penalties for all offences under Part 6 of this Act have also been substantially increased, depending on the nature and severity of the offence.

Section 87

This section now provides defences to the offences of s86. These offences chiefly consist of having an appropriate Aboriginal Heritage Impact Permit (AHIP), not contravening the conditions of the AHIP or demonstrating that due diligence was exercised prior to the alleged offence.

Section 87A & 87B

These sections provide exemptions from the operation of s86: Section 87A for authorities such as the Rural Fire Service, State Emergency Services and offices of the National Parks & Wildlife Service in the performance of their duties, and s87B for Aboriginal people performing traditional activities.

Section 89A

This section provides that a person who knows of an Aboriginal object or place and does not advise the Director-General of that object or place within a reasonable period of time, is guilty of an offence.

Section 90

This section authorises the Director-General to issue an AHIP.

Section 90A-90R

These sections govern the requirements relating to applying for an AHIP. In addition to the amendments to the Act, DECCW have issued three new policy documents clarifying DECCW's requirements with regards to Aboriginal archaeological investigations: *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* and *Code of Practice for Archaeological Investigations in NSW*. The Consultation Requirements formalise the consultation with Aboriginal community groups into four main stages, and include details regarding the parties required to be consulted, and the methods of establishing the necessary stakeholders to be consulted, advertisements inviting Aboriginal community groups to participate in the consultation process, requirements regarding the provision of methodologies, draft and final reports to the Aboriginal stakeholders and timetables for the four stages. The Due Diligence Code of Practice sets out the minimum requirements for investigation, with particular regard as to whether an AHIP is required. The Code of Practice for Archaeological Investigation sets out the minimum requirements for archaeological investigation of Aboriginal sites.

Aboriginal Heritage Impact Permits (AHIP)

DECCW encourages consultation with relevant Aboriginal stakeholders for all Aboriginal Heritage assessments. However, if an Aboriginal Heritage Impact Permit (AHIP) is required for an Aboriginal site, then specific DECCW guidelines are triggered for Aboriginal consultation.

Aboriginal Cultural Heritage Consultation Requirements for Proponents

In 2010, the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (ACHCRs) were issued by DECCW (12th of April, 2010). These consultation requirements replace the previously issued *Interim Community Consultation Requirements* (ICCR) for Applicants (DEC 2004). These guidelines apply to all AHIP applications prepared after April 12, 2010; for projects commenced prior to April 12, 2010 transitional arrangements have been stipulated in a supporting document, Questions and Answers 2: Transitional Arrangements.

The ACH Consultation Requirements 2010, include a four stage Aboriginal consultation process and stipulates specific timeframes for each stage. Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. Stage 1 includes the identification of Aboriginal people who may have an interest in the project area and hold information relevant to determining the cultural significance of Aboriginal objects or places. This identification process should draw on reasonable sources of information including: the relevant DECCW EPRG regional office, the relevant Local Aboriginal Land Council(s), the registrar, Aboriginal Land Rights Act 1983, the Native Title Tribunal, Native Title Services Corporation Limited, the relevant local council(s), and the relevant catchment management authority. The identification process should also include an advertisement placed in a local newspaper circulating in the general location of the project area. Aboriginal organisations and/or individuals identified should be notified of the project and invited to register an expression of interest (EoI) for Aboriginal consultation. Once a list of Aboriginal stakeholders has been compiled

from the Eols, they need to be consulted in accordance with ACH Consultation Requirements Stages 2, 3 and 4.

For projects commenced before the 12th of April, 2010, Section 1 (Q1) of the transitional arrangements indicates that if Aboriginal consultation was commenced prior to the 12th of April 2010 (including advertising and notification of stakeholders) then consultation is to be continued under the previous ICCR guidelines.

Interim Community Consultation Requirements (ICCR) for Applicants (DEC 2004) required a three stage process of which timeframes were stipulated for specific components. Stage 1 required the notification and registration of interests. Notification included an advertisement in a local print media, as well as, as contacting the Local Aboriginal Land Council(s), the registrar of Aboriginal Owners, Native Title Services, local council(s) and the Department of Environment and Conservation. Stage 1 also required the invitation for expressions of interest (Eol) to be sent to interested Aboriginal parties and an Aboriginal stakeholder list compiled. Stage 2 required the preparation of an assessment design to be sent to the Aboriginal stakeholders for comment and review. Stage 3 required that the assessment report be provided to registered Aboriginal stakeholders for review and comment.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)

This Act regulates a system of environmental planning and assessment for New South Wales. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Within the EP&A Acts, Parts 3, 4, and 5 relate to Aboriginal heritage.

Part 3 regulates the preparation of planning policies and plans. Part 4 governs the manner in which consent authorities determine development applications and outlines those that require an environmental impact statement. Part 5 regulates government agencies that act as determining authorities for activities conducted by that agency or by authority from the agency. The National Parks & Wildlife Service is a Part 5 authority under the EP&A Act.

In brief, the NPW Act provides protection for Aboriginal objects or places, while the EP&A Act ensures that Aboriginal cultural heritage is properly assessed in land use planning and development.

Part 3A of the EPA relates to major projects, and if applicable, obviates the need to conform to other specific legislation. In particular, s75U of the EPA Act explicitly removes the need to apply for s87 or s90 permits under the NPW Act. This means that although Aboriginal cultural heritage is considered during the planning process, a permit is not required to disturb or destroy an Aboriginal object or place. However, the Director-General of Planning must nonetheless consult with other government agencies, including DECCW and National Parks & Wildlife, prior to any decision being made.

Aboriginal consultation under part 3A is required under the *draft 2005 Part 3A EP&A Act Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*. This document stipulates that the ICCR process should be adhered to.

THE HERITAGE ACT 1977

This Act protects the natural and cultural history of NSW with emphasis on non-indigenous cultural heritage through protection provisions and the establishment of a Heritage Council. Although Aboriginal heritage sites and objects are primarily protected by the National Parks & Wildlife Act 1974 (NPW Act), Amended 2001, if an Aboriginal site, object or place is of great significance, it may be protected by a heritage order issued by the Minister subject to advice by the Heritage Council.

Other legislation of relevance to Aboriginal cultural heritage in NSW includes the NSW Local Government Act (1993). Local planning instruments also contain provisions relating to indigenous heritage and development conditions of consent.

Appendix 2

Aboriginal Consultation

Aboriginal Consultation Log

DATE	CONSULTATION DESCRIPTION	METHOD OF CONTACT	OUTCOMES
13/09/2010	Letters x7 of Notification of project proposal and registration of interest	Mail	Ends 27/09/2010
15/09/2010	Letters to Big 7 resent with map of study area attached	Expressed Post	Ends 27/09/2010
15/09/2010	Kyle Finlay from Worimi Local Aboriginal Land Council (WLALC) responded to Big 7 Letter	Email	Listed WLALC, Nur-Run-Gee Pty Ltd and Mur-Roo-Ma Inc as interested ACS that should be contacted. ACS groups noted.
15/09/2010	David Ahoy from Awabakal Local Aboriginal Land Council (ALALC) registered his interest	Phone	Eol noted
16/09/2010	Advert placed in Port Stephens Examiner	Newspaper	Ends 05/10/2010
16/09/2010	Amy Stone from Port Stephens Council responded to Big 7 Letter	Email	Listed WLALC as interest ACS.
16/09/2010	Nur-Run-Gee Pty Ltd (NRG) registered interested	Mail	Eol noted
16/09/2010	National Native Title Tribunal search results	Email	No title claimants in study area
18/09/2010	Advert placed in the Newcastle Herald	Newspaper	Ends 05/10/2010
20/09/2010	Cacatua Culture Consultants (CCC) registered interest	Fax	Eol noted
27/09/2010	DECCW sent list of ACS groups in study area	Mail	DECCW listed ALALC, WLALC, Awabakal Traditional Owners Aboriginal Corporation (ATOAC), Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC), NRG, Mur-Roo-Ma Inc (MRM), Maaiangal Aboriginal Heritage (MAH) and CCC as interested ACS. All groups noted.
30/09/2010	Office of the Registrar responded to Big 7 Letter	Mail	Search indicated that there are no registered Aboriginal Owners in the study area
8/10/2010	Eol Letters sent to ATOAC, ADTOAC, MRM and MAH.	Mail	Closing date is the Friday 22/10/2010
12/10/2010	ATOAC registered their interest in the project	Phone	Eol noted

DATE	CONSULTATION DESCRIPTION	METHOD OF CONTACT	OUTCOMES
12/10/2010	MRM registered their interest in the project	Phone	Eol noted
19/10/2010	ADTOAC registered their interest in the project	Phone	Eol noted
22/10/2010	Stage 2 and 3 Methodology Letters sent to ALALC, ATOAC, ADTOAC, WLALC, MRM, NRG, CCC.	Mail	Response date for methodology Friday 19th November 2010
28/10/2010	Response to Methodology received from WLALC.	Email	
1/11/2010	Response to Methodology received from NRG.	Email	
5/11/2010	NGSFP Aboriginal Stakeholder Project Briefing Session letters sent to ALALC, ATOAC, ADTOAC, WLALC, MRM, NRG, CCC.	Mail	ACS to contact RPS if they wish to arrange a briefing and to determine a suitable date and time.
12/11/2010	Response from ATOAC for NGSFP briefing session meeting.	Phone	Informed RPS that was interested in attending a meeting and which days ATOAC is likely to be available. ADTOAC should be available but maybe not until the afternoons.
12/11/2010	CCC contacted PS regarding NGSFP briefing session meeting.	Phone	CCC available for briefing session at any time.
18/11/2010	Contact made with WLALC, MRM, NRG, and CCC regarding date, time and address for project briefing session meeting. Initial letter informing groups	Email	
18/11/2010	Contact made with ALALC, ATOAC, ADTOAC regarding date, time and address for project briefing session. Awabakal representative site officer was asked to attend session in order to have survey site induction.	Email	
18/11/2010	CCC contacted PS to inform that they will be at the briefing meeting on 23/11/2010.	Phone	Left message with RPS reception who informed PS.
18/11/2010	ATOAC contacted PS to inform that they will be at the briefing meeting on 23/11/2010.	Email	
18/11/2010	NRG contacted PS to inform that they will be at the briefing meeting on 23/11/2010.	Email	
18/11/2010	ADTOAC contacted PS to inform they will be attending briefing meeting on 23/11/2010. ADTOAC also asked to be emailed a copy of	Phone	PS emailed ADTOAC the requested information.

DATE	CONSULTATION DESCRIPTION	METHOD OF CONTACT	OUTCOMES
	the job methodology so that they could review prior to the meeting.		
19/11/2010	WLALC contacted PS to inform that they will be at the briefing meeting on 23/11/2010.	Email	
19/11/2010	ALALC contacted PS to inform that their Sites Officer will be at the briefing meeting on 23/11/2010.	Email	
19/11/2010	PS sent Survey Invite letters to all ACS groups attending project briefing session meetings detailing the separate Awabakal and Worimi survey days.	Mail	
20/11/2010	PS sent Survey Invite letters to all ACS groups attending project briefing session meetings detailing the separate Awabakal and Worimi survey days.	Email	
20/11/2010	NRG confirmed site survey days and sent through required documentation.	Email	
22/11/2010	NRG confirmed site survey days and sent through required documentation.	Email	
23/11/2010	NGSFP project briefing meetings with Worimi and Awabakal groups at Coffey Environments.	In person	
25/11/2010	PS of RPS sent a letter to CCC confirming their continued consultation throughout the project and invitation for site visit on a volunteer basis.	Email and Mail	CCC contacted Darrell Rigby (Archaeology Manager) of RPS to discuss the letter and determine their site survey participation.
29/11/2010	PS contacted WLALC, MRM and NRG to inform of new meeting place for AGL site induction prior to field survey on Tuesday 30/11/2010.	Email	Confirm from MRM and WLALC.
29/11/2010	PS called Anthony Anderson of MRM to request an updated copy of their Public Liability insurance.	Phone	Anthony said would email through that afternoon.
30/11/2010	AGL NGSFP field survey at Tomago with the Worimi ACS.	In person	Survey completed on Thursday 02/12/2010.

DATE	CONSULTATION DESCRIPTION	METHOD OF CONTACT	OUTCOMES
3/12/2010	AGL NGSFP field survey at Hexham with the Awabakal ACS.	In person	Survey completed on Friday 03/12/2010.
13/01/2011	RPS send final draft copy of cultural heritage assessment report to WLALC, MRM, NRG, CCC, ALALC, ADTOAC and ATOAC.	Email	Report comments due back from the Aboriginal community on Friday 11 th February 2011.
14/02/2011	CCC contacted PS of RPS and said they would not be commenting on the report.	Phone	report made final.
27/01/2011	RPS received final draft report comments from NRG.	Email	report made final.
09/02/2011	RPS received final draft report comments from ADTOAC.	Email	report made final.
11/02/2011	RPS received final draft report comments from ATOAC.	Email	report made final.
13/02/2011	RPS received final draft report comments from MRM.	Email	report made final.
11/02/2011	PS of RPS informed ALALC, WLALC, and MRM Aboriginal Groups that report comments were due today and a weeks extension has been given to allow for additional comments to be received.	Email	New closing date for comments on Friday 18 th February 2011.
06/03/2011	Final report document lodged with client.	Email	
22/03/2011	RPS received final draft report comments from ALALC.		added to final report.
28/3/2011	RPS received final draft report comments from WLALC.	Letter/Email	added to final report.

Classifieds

p. 131 696 f. 4979 5088 e. classifieds@newcastle.fairfax.com.au

Place and see your classified at www.portstephensexaminer.com.au



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Deadlines

Classified Linage Ads	12 Noon Tuesday
Classified Display Ads	10.00am Tuesday
Call Centre Business Hours	
Monday to Wednesday	8.00am - 6.00pm
Thursday	8.00am - 7.00pm
Friday	8.00am - 6.00pm
Saturday	Closed
Sunday	2.30pm - 6.00pm
Credit Cards	
Visa, MasterCard, Amex, Diners	
Private party advertisers may be	
required to prepay by credit card or cash	

FUNERALS

DALESE

LUCIANA (Lucy)
10th September 2010
Late of Nelson Bay

Dearly loved wife of TITO (dec'd), loved mother and mother-in-law of GINETTA and STEPHEN ROCHSTER, MARIA and MARK NICHOLSON, ANN and PETER SERPELL, much loved grandmother of EMMA and NICHOLAS.

Family and Friends are invited to attend LUCY's Funeral Prayers to be held in St. Michael's Catholic Church, Sproule St. Nelson Bay on FRIDAY 17/9/2010 commencing at 2pm. May She Rest In Peace.

France
FAMILY FUNERALS
Nelson Bay 4981 4488

Australian Family
Owned & Operated
FDA of NSW



FOSDICK

LESLIE ("Les")
9 September 2010
Late of Corlette
Formerly of Sydney
Aged 81 Years

Dearly loved husband of ANN, devoted father and father-in-law of MARK and ANNIE, and JENNY and NINO, and loved grandfather to their children. Loved brother of EDNA and DIANA.

A Celebration of LES' Life was held on Tuesday 14th September at the Uniting Church, Salamander Bay.

LES' family wish to thank all the wonderful staff at Bill King Aged Care for their care and support.

In the care of

WHITE LADY
FUNERALS
Nelson Bay 49843 900
Australian Owned



FUNERALS

MOORE

HAROLD DUDLEY
12th September 2010
Of Nelson Bay
Aged 72 Years

Much loved husband of SANDRA, deeply loved father and father-in-law of VANESSA and TED, JOCELYN and ANDREW, MICHELLE and KEN. Much loved granddad to his 7 grandchildren. Sadly missed by his extended Family.

Family and Friends are invited to attend HAROLD's Funeral Service to be held in the Port Stephens Uniting Church, Salamander Way, Salamander Bay on MONDAY 20.9.2010 commencing at 10.30am. In lieu of flowers a donation in HAROLD's memory to the Red Cross may be made at the Service.

France
FAMILY FUNERALS
Nelson Bay 4981 4488

Australian Family
Owned & Operated
FDA of NSW

NORMAN

JOYCE
13th September, 2010
Aged 90 Years
of Nelson Bay

Beloved wife of BARTLY (dec'd), loving mother and mother-in-law of CATHERINE (SGS), CHRIS and PAM, much loved Grandma of VICKI and MICHAEL and great grandmother of BARTLY. Loved aunt of ANNE, CATHERINE, LOUISE, PETER, JULIE and VICTORIA.

Family and Friends are invited to attend JOYCE's Funeral Mass and Prayers to be held in St. Michael's Catholic Church, Sproule St. Nelson Bay on THURSDAY 16.9.2010 commencing at 2.30pm.

France
FAMILY FUNERALS
Nelson Bay 4981 4488

Australian Family
Owned & Operated
FDA of NSW

FUNERAL SERVICES

Edstein

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Monumental Masons
Restoration
Headstones
Monuments
Servicing your local area
1800 621 599

DEATHS

BOARDMAN

ARTHUR NORMAN
Late of Shoal Bay
Aged 94 Years

Relatives and Friends are respectfully advised that Arthur passed away peacefully on 13th September, 2010.

JAMES MURRAY
Local, family owned
4961 1435

MAIDEN

EILEEN ELIZABETH
13th September 2010
Aged 98 Years

Dearly loved mother and mother-in-law of Julie and Bob, Patricia and George (dec'd), Jan and David, John and Corelne, Lynne and Michael and much loved grandmother, great grandmother and great great grandmother of their families. Dear friend of Maisie Sparrow.

France
FAMILY FUNERALS
Nelson Bay 4981 4488

Australian Family
Owned & Operated
FDA of NSW

PASFIELD

MAXWELL LAWRENCE
Late of
Lemon Tree Passage
Born December 28, 1931
at Kendall NSW and
Passed away
August 22, 2010
at Maitland Hospital.

Loved father of Dallas, beloved poppy of Jasper and Otis, brother to his devoted sister Lorraine, and brothers Ross (deceased) and Carl (deceased). A great mate of his dog Sam. Max was bid farewell by his family and many of his caring friends at Holy Name Church, Maitland on August 27 2010.

Vale Max

MEMORIAL

TRIBUTES
LEAVE a legacy. Give a gift in your Will to the Uni of Newcastle to fund student scholarships and research. Call UON Foundation 4921 7453 www.newcastle.edu.au/foundation

RETURN THANKS

BATTISHALL, Margaret.— Sadly Margaret lost her battle with Breast Cancer on the 5/9/10. Her Family wish to say a huge thank-you to those who attended her Funeral and for the flowers and condolences sent. She will be sadly missed. R.I.P beautiful xx

IN MEMORIAM

BENNETT Raymond James "Sparra"
15.9.2010
God only knows how I miss you in my home that is empty today Love Mum xx

DUFF, Lillian.— Even though our lives go on without you, we miss you every day. Love Joan, Russell, John, Amy, Cymone, Rodney and your great grandchildren.

IN MEMORIAM

SAID, Paul.—
20/10/50 - 17/09/09

A year has passed since we said goodbye, we've cried rivers of tears and we miss you and your beautiful smile more than you could ever know. You are in our hearts always and you've left us with the most beautiful memories of a wonderful, dearly loved husband, dad and poppa. 'til we meet again, Kerry, girls and family.



SKINNER, Kevin Charles.—
Rest in Peace
Passed away 19/9/2007
From LAD

BIRTHDAY GREETINGS

DJ
Happy HB 25th 20.9.85.
Sadly missed. Love Dad (Neil Metcraft), Charmaine, Sam, Aunt Sandy and girls, Carol and Ray.

ENGAGEMENTS

NORM LILLEY
Marriage Celebrant
Phone 4987 5652

MARRIAGES

PETER COWLING Celebrant
4982 0840 0417 020 798
HELEN SCOTT Celebrant
4982 1978 0414 424 167

LEGAL NOTICES

AFTER 14 days from the publication of this notice an Application for grant of Probate of the Will dated 15th September, 2008 of **SYDNEY BELCHER** late of Corlette in the State of New South Wales, deceased, will be made by David Ashley Vitnell the Executor named in the Will. Creditors are required to send particulars of their claims upon his Estate to **DAVID A. VITNELL** Solicitor, 1 Teramby Road Nelson Bay 2315, PO Box 339 Nelson Bay 2315 (DX 7372 Nelson Bay).

IN THE SUPREME COURT OF NEW SOUTH WALES
SYDNEY REGISTRY
EQUITY DIVISION
PROBATE LIST

AFTER 14 days from publication of this notice an application for probate of the Will dated 22nd January, 2009 of **CLIFFORD VINCENT WILMORE**, late of Nelson Bay, Widowed, will be made by Maurice William Wilmore and Peter Richard Wilmore. Creditors are required to send particulars of their claims upon his estate to Steven T. Parrott Solicitor, 1/22 Donald Street, Nelson Bay NSW 2315 DX 7363 Nelson Bay, Tel: (02) 4984 2442 Ref: STP:JMS 8011

LOST AND FOUND

FOUND at Bobs Farm, one parrot. Enquiries phone 4982 1783

FOUND parcel for Mr and Mrs Taylor. From USA. Formally of 8 Kananera Ave Corlette. Ph 4916 4800 or Drop into Examiner Office Nelson Bay

PUBLIC ANNOUNCEMENTS

ANNUAL GENERAL MEETING
of the
NELSON BAY GOLF CLUB
Lady Members will be held at the Nelson Bay Golf Club. Tuesday 19 Oct 2010 at 9am.

NOMINATIONS for Committee positions close with the Secretary 14 days prior to the meeting, ie 5 October 2010. Also motions and general business must be in writing to the secretary 14 days prior to the meeting. Nine holes of golf will be played at the conclusion of the meeting.
Anne Peterson
Hon Secretary

BOAT LICENCE

Marine radio, coxswain and deckhand training.
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CWA Nelson Bay Branch will be holding their AGM on 4 Oct 2010 at 9am in the CWA hall Gowrie Ave Nelson Bay.

Festival, Highland, Celtic

Kids events prizes free lollies and balloons. Stalls for mum, strongman, pipe bands, dancers Clans, Tomaree Sports field, NELSON BAY 8.30am to 4pm. Sat 18 SEPT Fri night 'Highlander' Sat night meals Ceilidh ent. Diggers Club 4981 1344 Inq Ron Swan 4982 2511 Admission charge. check www.clansonthecoast.com

CLASSIC CARS GRESFORD MARKETS

Sunday 19/9/10 - 9am-2pm
At Clevedon Homestead
9 car clubs on display
For bookings Ph 4938 9488

Legacy Markets
Rotary Neil
Carroll Park
NELSON BAY
This Sunday
19th September
Stall holders must have own insurance
Bookings Essential
0419 492 009
New Stalls and
Buskers Welcome

NELSON BAY
Town Management.
Notice of
Annual General Meeting.
AGM will be held on
October 14, 2010 at 7.30am.
Venue: Rock Lobster
Restaurant, d'Albora Marina.
Members of the business
community interested
in attending must
phone 4984 4751

PUBLIC ANNOUNCEMENTS



Newcastle Legacy would like to thank the people of Raymond Terrace and Medowie for their wonderful support during Legacy Week. We express our appreciation to all our helpers.

NOTICE TO ADVERTISERS

Newcastle Herald Classifieds advises readers to NEVER send money, or give credit card or online account details to anyone that they do not know and trust.

Registration of Interest Aboriginal Archaeological Assessment in the Port Stephens LGA and Newcastle LGA.

RPS is requesting expressions of interest from Aboriginal Stakeholders who wish to be consulted for an Aboriginal Cultural Heritage Assessment for the proposed Newcastle Gas Storage Facility Project at Lot 105 Old Punt Road, Tomago within Port Stephens LGA and the Hexham receiving station at Old Maitland Road within Newcastle LGA. An environment assessment is being prepared under Part 3A of the Environmental Planning and Assessment Act by Coffey Natural Systems Pty Ltd, Level 1, 3 Rider Boulevard, Rhodes, 2138.

As per DECCW 'Aboriginal Cultural Heritage Consultation Requirements for Proponents' (2010), registration of interest should be received in writing before Tuesday 5 October 2010.

Written applications should be forwarded to:
Philippa Sokol
RPS Australia East Pty Ltd
PO Box 428
Hamilton NSW 2303
Tel: 02 4940 4200
newcastle@rpsgroup.com.au

STOCKTON CENTRE
Previously Stockton Hospital are celebrating their Centenary on Thursday 16th September from 10am - 2pm at Stockton Centre. All staff and clients are invited to attend the reunion.
Do you know anyone or are you in contact with anyone who has been employed at or been a resident of Stockton Centre in the past. The Centenary Committee invites any past employees and clients to attend the celebrations.
More information phone John on 4928 0891



Zumba Extravaganza

Sunday 26th September 2010
2:00 pm - 6:00 pm
Union Hall Williamtown
★ Live South American Band
★ 2 x Zumba Classes
★ Light Refreshments
★ Tickets \$35.00

Call 4981 8400
Join the Party !!!

Est. 1987
BODYWORK
VELCRESION THERAPY™ REMEDIAL MASSAGE
Specialising in the re-alignment of shoulders and arms to address spinal, neck, joint and muscular problems.
Amanda Squires Dip. Rem. Mass. ATMS
Tel. (02) 4982 1033
43 Campbell Ave, Anna Bay • www.bodywork.com.au

ENGAGEMENTS

SAXBY—GRAY.—Shane and Anita Saxby wish to announce the engagement of

Dannielle to James
Son of Lynn and Kevin Gray. Both families wish them a lifetime of love and happiness.



SHANNON - ELLIOTT.—Rick and Cheryl Shannon of Valentine together with Tina Elliott of Rutherford are delighted to announce the engagement of

KIM and CHRIS
on 4th July 2010 in Vegas. Both families wish them a lifetime of love and happiness.

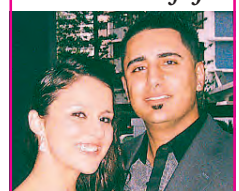


Congratulations to **ZOE SMITH** and **MICHAEL QUIRK** who have announced their engagement.

Christine Smith of Lorn together with Chris & Nev Quirk of Hallidays Point wish them a life of love and happiness.



Gizzi / Khafaji



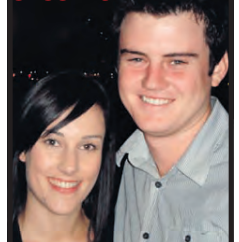
Domenico & Franca Gizzi of Elmore Vale are proud & happy to announce the engagement of their daughter **Adel to Amer**, eldest son of Amir & Eture Khafaji of Fairfield. *Wishing you both a lifetime of love & happiness.*

GRAY - MITTON



Roslyn and Lynn, together with Sandra and Robert are excited to announce **Toni and Paul are engaged**. *We wish them every happiness in every way for their future.*

engagement CASSIE & BRENDAN



Laurie & Sue Donkin together with Brad & Leanne Hile are excited to announce the engagement of **CASSIE & BRENDAN** on 4th September 2010. We all wish them a lifetime of love and happiness. Congratulations.

ENGAGEMENTS

SHORTHOUSE - TOWERS
Mez and Steve together with Anne and Paul are thrilled to announce the engagement of

JESSICA LEE and ANDREW NATHAN
Both families wish them a life of love and happiness.

CAROL MARTIN CELEBRANT
Marriage, Commitment, Vow Renewal and Naming Ceremonies.
Ph 0417 291 176

An Expert Celebrant
DENNIS R CARROLL
Weddings With Class
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www.denniscarrollnewcastlecelebrant.com.au

LEANNE M WADE CELEBRANT
Bookings now available See you at the Newcastle Bridal Expo 12th Sept. Imwade@live.com.au newcastlecelebrant.net.au Phone 0423 590 908

OUR TOWN LIMO SERVICE
7 SEATER
STRETCH LIMOUSINE
Formals, Weddings or special occasions. From \$100 per hour. Phone 4955 7985 or mobile 0409 708 741

WEDDING ANNIVERSARIES

Golden Anniversary
Carol and Dallas CALLAGHAN
Congratulations on 50 wonderful years. Love Paul, Alison, Rhys, Brianna and Liam.

Golden Anniversary
Ken & Judy Hardy
17th September 1960



Who were married at Sacred Heart Church, Hamilton.

Trevor & Annette MARKEY
17.9.1960



The love you give our family and the thoughtfulness you show, you're both thought about today, more than you'll ever know.
Happy 50th Wedding Anniversary
Love always Robyn, Stephen, Karen & families.

Golden Anniversary
Merle & Kevin Gorman
17/9/60



Congratulations to Mum & Dad on their 50TH GOLDEN WEDDING ANNIVERSARY. Love from your family and grandchildren.

WEDDING ANNIVERSARIES

Golden Anniversary
Judy and Ken Hardy
Congratulations on this special occasion
50 Years of Marriage
17th September
All our love and best wishes to a great Mum and Dad and grandparents. Love from Joanne, Colin, Eliza and Alan, Amelia and Ben, and Luke.

Golden Anniversary
MOOR.—Don and Audrey
17th September 1960
Happy 50th Wedding Anniversary, love from Anthony, Kylie, Helen, Robert and Daniel.

Golden Anniversary
MARRIAGES

BETTENS - COATES.—Jan and Paul together with Elisabeth and Stephen are happy to announce the marriage of **LAUREN and MICHAEL**. The Ceremony will take place at Bella Vista Estate Garden, Mayfield today at 4pm.

EDWARDS-DIAZ.—Teagan and Leo
Congratulations on your wedding day, may it last forever. Love Mum and Dad Edwards.

Woolaston - Henger.—Lynette and Phillip are proud to announce the marriage of their son **JOHN to ASHLEE**
daughter of Donna and Bernard, today at St. Augustine's Church, Merewether at 3pm. Love and best wishes for your future happiness.

RELIGIOUS
THANKYOU dear St. Jude for favours granted, do your miracles.

TENDERS
CONCRETOR, Bricklayer and Plumber required to tender for 7 double storey dwellings at Soldiers Point. Call Mike - Taliber Construction 0412 00 0030

Crushers, Screens
Mobile Crushers, screeners, grinds & conveyors etc. Sales, Hire, new, used 0418 714 743 MSC Rentals 02 9231 0555

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Mobile Crushers, screeners, grinds & conveyors etc. Sales, Hire, new, used 0418 714 743 MSC Rentals 02 9231 0555

TENDERS

Buildcorp
Buildcorp is currently pricing:
● Bengalla Mine Expansion
All subcontractors who are interested or currently pricing, please contact
brendan_walsh@buildcorp.com.au
Fax: 02 8425 7699

hansen yuncken
● Bengalla Mine Expansion
● Port Waratah Administration Building
● Bayside Byron Bay Aged Care
Subcontractors who are interested and are currently pricing please forward your quotes to:
Attn: The Estimator
Fax 02 4908 6301
Email newcastle@hansenyuncken.com.au

LAHEY
SUBCONTRACTORS currently pricing Hunter Sports High new gymnasium. Submit quotes to: LAHEY CONSTRUCTIONS estimating@lahey.com.au or F: 6562 8463 www.laheyconstructions.com.au

LAHEY
SUBCONTRACTORS and suppliers preparing prices for Hunter Sports High Gymnasium, please submit prices to:
C&W Constructions
Fax: 4932 8267
Email: admin@cwconst.com.au

SUBCONTRACT QUOTATIONS
ELF STAGE 2 SINGLETON
Subcontractors and suppliers currently pricing the above project are invited to submit their quotation to:
THE ESTIMATOR
JOHN HOLLAND PTY LTD
1/342 HUNTER ST NEWCASTLE 2300
TEL (02) 4929 2633
FAX (02) 4929 2048
Email: elfstage2@jhg.com.au

John Holland
The National Code of Practice for the Construction Industry (the Code) and the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry, reissued August 2009 (the Guidelines), apply to this project.

TENDERS

LEGAL, for clear practical advice on contract documents and liability, contact:
David Allchin
BALE BOSHEV LAWYERS
Hamilton Ph 4969 1522

Stainless Fasteners and Hardware
Specialised Wholesale
30 Verulam Rd Lambton
Ph: 49411 492

SUBCONTRACTORS wanted for pricing
Hunter Sports High School - New Gymnasium
4 Pacific Highway Gateshead NSW 2290
Tanya Baluk Email: tbaluk@southerncrossgroup.net
Phone: 02 9363 1111
Fax: 02 9363 0011
Southern Cross Project
135-153 New South Head Rd Edgecliff NSW 2027

Singleton COUNCIL
TENDER NO: T2010.006
INVITATION TO TENDER
QUALITY ASSURED
SCHEDULE OF RATES
CONTRACT FOR SPRAYED BITUMINOUS SURFACING AND ASSOCIATED SERVICES
2010/2011 STATE ROAD RESEAL PROGRAM
Tender closing time and date: 2:30pm EST on Tuesday 5 October 2010. For further information and Tender Documents visit our website at www.singleton.nsw.gov.au and select Tender Overview and Tender Documentation. Singleton Council Scott Greensill PO Box 314 General Manager Singleton NSW 2330

Advance Motor Home & Campervan Rentals
Bookings phone 4981 8583

EXPRESSIONS OF INTEREST
Thiess, Parsons Brinckerhoff and Hyder Consulting have been awarded an alliance with the RTA to build the eastern section of the Hunter Expressway (F3 Freeway to Kurri Kurri).

Works have now commenced and Thiess, on behalf of the Hunter Expressway Alliance, will progressively be calling for Expressions of Interest (EOI) for selected packages of work on the project in order to expand our current list of suppliers and subcontractors.

At this time Thiess is seeking EOIs for interested subcontractors for the following packages:

- **P03C – Major Civil Construction Earthmoving Plant (mobile)**
- **M27A – Supply of Geotextiles (to RTA Spec R63, R67)**
- **M30B – Supply of Subsoil Drainage Products (to RTA Spec R11, R32-39, R53, R63, 3552, 3553)**
- **S86 – Native Seed Collecting**

Companies interested in the above packages should contact Thiess via email on eo@hea.incite.com for the EOI documentation and return it by no later than 27th Sept 2010. Thiess will then progress to tendering these packages with a selected list of Tenderers only.

REQUEST FOR TENDER
Exciting opportunity to construct for Defence Housing Australia – Raymond Terrace Hunter Region

Defence Housing Australia delivers total housing services for members of the Australian Defence Force and their families, and offers unrivalled property investment conditions for investors.

www.dha.gov.au

Request For Tenders (RFTs) are invited from qualified home builders who have a capability to undertake construction of a nine house project in the Raymond Terrace, Hunter region.

Appropriately qualified and licensed builders who can demonstrate the capacity and experience to satisfy DHA's requirements will be considered for the successful award of this nine house project contract.

Full RFT package details are available from the Austender website – www.tenders.gov.au

The National Code of Practice for the Construction Industry, in accordance with the Australian Government Implementation Guidelines for the Construction Industry, August 2009, applies to this project. This document can be viewed at the Australian Government website at www.deewr.gov.au/building

DHA
Defence Housing Australia

REQUEST FOR TENDER CLOSE:
3.00pm (AEDT)
14 October 2010

TO OBTAIN RFT DOCUMENTATION:
Visit: www.tenders.gov.au
ATM ID: DHA-HO-11-27

FOR FURTHER ENQUIRIES CONTACT:
Nicky Roberts
nicky.roberts@dha.gov.au

HERALD CLASSIFIEDS
PHONE ROOM HOURS

Advertisements will be accepted by phone between the hours listed below:

MONDAY 8am-6pm
TUESDAY 8am-6pm
WEDNES 8am-6pm
THURS 8am-7pm
FRIDAY 8am-6pm
SUNDAY 2.30pm-6pm

NOTE deadline for next day's publication is 6pm day prior.

Real Estate deadline for Saturday's Newcastle Herald is 10am Thursday prior

Motors deadline for Saturday's Herald is 7pm Thursdays.

TENDERS

SUBCONTRACTORS and suppliers pricing
● Trade Training Centres at Hunter Performing Arts, Lambton and Merewether High Schools
● Wirreanda PS new hall
● Hunter Sports High new gymnasium
Please forward your quote to: admin@artel.com.au

LOST AND FOUND

LOST: Gold bracelet lost early August in Kotara Charlestown area. Very precious gift. REWARD OFFERED. 0404 866 338

LOST: Keys Shortland/Thornton, remote Subaru and Honda keys. Stratco tag. 4933 9217. 0412 688 067

LOST 2 Lorikeets. 1 has plucked chest, talks. Other has silver ring on foot. Phone 0414 851 064

LOST: Microphone headset and UHF wireless transmitter at Pelican on 14/9. Call 4946 7225 REWARD

LOST Saturday night 12 wks old Cavalier King Charles puppy black and white Tennent Rd Mount Hutton. Reward. PH: 49481 641

LOST: White and tan fluffy cat. Tues 14th Sept. Auklet Rd. Mt Hutton area. Phone: 4948 5937

LOST 3yo male Staffordshire Bull Terrier, since 16/9 from Shalimah St, Cessnock. Reward offered. 4991 5561

BUS TOURS & TRAVEL

Advance Motor Home & Campervan Rentals
Bookings phone 4981 8583

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www.dha.gov.au

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DHA
Defence Housing Australia

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14 October 2010

TO OBTAIN RFT DOCUMENTATION:
Visit: www.tenders.gov.au
ATM ID: DHA-HO-11-27

FOR FURTHER ENQUIRIES CONTACT:
Nicky Roberts
nicky.roberts@dha.gov.au

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PHONE ROOM HOURS

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TUESDAY 8am-6pm
WEDNES 8am-6pm
THURS 8am-7pm
FRIDAY 8am-6pm
SUNDAY 2.30pm-6pm

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Real Estate deadline for Saturday's Newcastle Herald is 10am Thursday prior

Motors deadline for Saturday's Herald is 7pm Thursdays.

PUBLIC ANNOUNCEMENTS

AGM Australian Diabetes Council, Hunter T1 Family Support Group will be held on Sunday 26/9/10 at our next outing at Steam Trains, Edgeworth at 12 midday. All positions are vacant. Further details phone 0418 245 233 Convenor

EXHIBITION
Original water colours by Local Artist Gay Fletcher at 34 Pirriwal Street, Pelican 18th and 19th September 2010. Phone 02 49710 771 0417 470 337.

New Works and Gay and Ron's Private Collection of paintings are to be sold. Open House will be from 9am-5pm, Sat and Sun. First exhibition for twenty years. Not to be missed. One off reduction in prices - Look for the Pink Flags!

BOAT LICENCE
Marine radio, coxswain and deckhand training. Courses weekly. www.allhandsondeck.com.au Phone 0434 803 687

BURWOOD COLLIERY BOWLING CLUB COOPERATIVE LTD
The AGM of Burwood Colliery Bowling Club Cooperative Ltd. will be held at the clubhouse on Sunday 17th Oct 2010 commencing at 9am. Nominations for office bearers and any other special business to come before the meeting will close on Sunday 26th Sept 2010 at 6pm. Members are advised that the financial report and auditors report for the year will be available 21 days prior to the meeting. The ballot for office bearers will be conducted at the club between the hours of 12 noon to 6pm, Wednesday 13th and Thursday 14th Oct 2010, 1pm to 7pm, Friday 15th Oct 2010 and 12 noon to 6pm, Saturday 16th Oct 2010. Garry Holt (Sec Man)

CLASSIC CARS GRESFORD MARKETS
Sunday 19/9/10 - 9am-2pm
At Clevedon Homestead
9 car clubs on display
For bookings Ph 4938 9488

Latin and Ballroom Dancing Competition
Sunday 26 Sept. Cardiff Panthers starting 11am. Contact Maxine Johnson on 4955 5502, table bookings available.

Private Boxing Lessons
Quick results, fun to do! Contact Peter 0414 292 185 or Tuff'n Up Boxing Gym 4927 6000. Don't get hit, just get fit!

STROUD COUNTRY FAIR
October long weekend. Stall holders needed. www.visitstroudvalley.com.au

FINANCE AND SHARES

Mobile Money
Short term loans
NO credit rating
Same day 4946 6000

CASH NOW FROM \$300 TO \$5000!
(with affordable repayments)
Pensioners Welcome

CityFinance
Loans and Cash Solutions
Newcastle 4954 2048
Lake Macquarie 4954 2058
Maitland 4934 8010
*Normal lending criteria apply.

HERALD CLASSIFIEDS
PHONE ROOM HOURS

Advertisements will be accepted by phone between the hours listed below:

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NOTE deadline for next day's publication is 6pm day prior.

Real Estate deadline for Saturday's Newcastle Herald is 10am Thursday prior

Motors deadline for Saturday's Herald is 7pm Thursdays.

PUBLIC ANNOUNCEMENTS

MURROOK MARKETS
SAT 18th & SUN 19th Sept
9:00am - 3:00pm
OVER 50 STALLS / ENTERTAINMENT/FOOD
Murrumbidgee Centre
2163 Nelson Bay Rd,
Williamstown
Free Parking Available
\$2 Shuttle Bus to RAAF Air Show

NERIDA SOLOMON OPTOMETRIST



Ner

Newcastle Office

Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2297

PO Box 428, Hamilton, NSW Australia 2303

T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 103386-1: GG

22 October 2010

Worimi Local Aboriginal Land Council
PO Box 56
Tanilba Bay NSW 2319

ATTENTION: Andrew Smith

Dear Andrew

RE: Newcastle Gas Storage Facility Project - cultural heritage assessment methodology, project information & protocols for sensitive cultural information

Thank you for your registration of interest in the Newcastle Gas Storage Facility Project. Please find attached details regarding the project, the Aboriginal cultural heritage assessment methodology and the methodology for information regarding cultural significance.

We are seeking your input on the cultural heritage assessment methodology. We have attached a feedback form which you may wish to use in response to the methodology.

Please provide feedback on the methodology to RPS by 5.00pm **Friday 19th November 2010**, either by email or return mail, to Philippa Sokol or Gillian Goode:

philippa.sokol@rpsgroup.com.au or gillian.goode@rpsgroup.com.au

or

RPS
PO Box 428
Hamilton NSW 2292

If you have any further enquiries regarding the above please do not hesitate to contact Philippa Sokol or myself on (02) 4940 4200.

Yours faithfully
RPS



Gillian Goode
Senior Archaeologist

Newcastle Gas Storage Facility Project - cultural heritage assessment methodology, project information and protocols for sensitive cultural information

The following information has been provided in accordance with the Aboriginal Cultural Heritage Consultation Requirements 2010 (ACHCRs) which includes information on the proposed project (as required by Stage 2 ACHCRs) together with the methodology on collection of information regarding cultural significance (as required by Stage 3 ACHCRs) for the Newcastle Gas Storage Facility at Tomago and associated infrastructure. The project will be assessed in accordance with Part 3A of the *Environmental Planning and Assessment Act* (1979).

The ACHCRs have been implemented to undertake Aboriginal consultation, however, there is no Aboriginal Heritage Impact Permit (AHIP) application pending for this project.

Project Information

The project requires an archaeological survey and cultural heritage assessment to support a development application for a proposed gas plant, access road and pipeline located within part of Lot 105 DP 1125747 at 5 Old Punt Road Tomago in Port Stephens LGA and a receiving station located on Old Maitland Road, Hexham in the Newcastle LGA. These will be joined by a pipeline approximately 5 km long. The study area is approximately 57 hectares. Refer attached plan of the study area (Figure 1).

As part of the 2010 ACHCRs process Aboriginal stakeholders are expected to respond to information sent, as well as provide cultural heritage information as appropriate in accordance with the role specified in the 2010 ACHCRs, pages 15-16. The proponent, AGL Energy Limited, will consult with the Aboriginal community, supply information regarding the project and provide Aboriginal stakeholders with the opportunity for input into the heritage management process as specified in the 2010 ACHCRs, pages 16-17.

Aboriginal Cultural Heritage Assessment Methodology and Gathering Information Regarding Cultural Significance

The methodology for the Aboriginal cultural heritage assessment comprises:

- a review of background environmental and archaeological information;
- an AHIMS search;
- detailed literature review of archaeological assessments conducted in the area;
- formulation of a predictive model;
- a cultural heritage survey;
- assessment of significance; and
- formulation of recommendations for cultural heritage management.

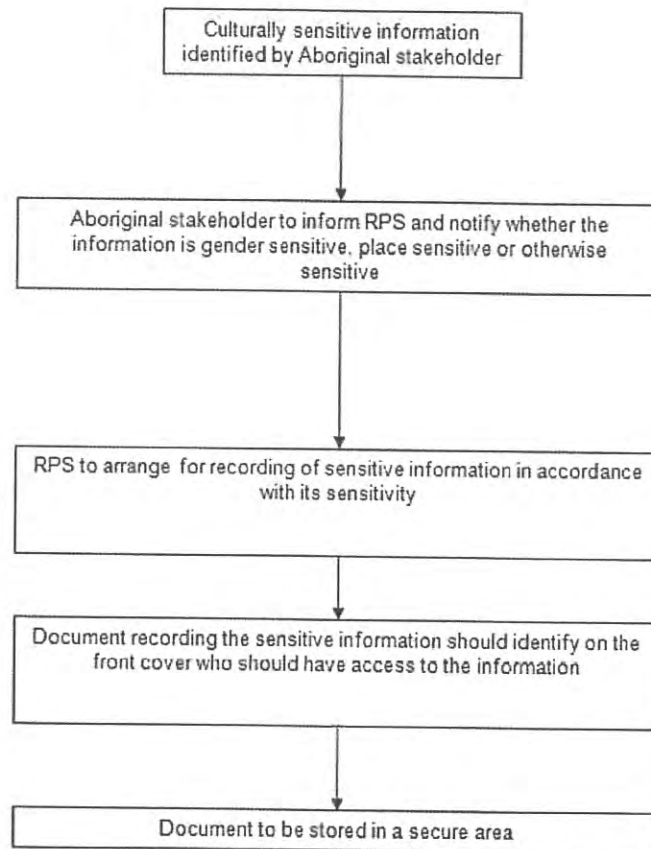
The above components of the Aboriginal heritage assessment methodology will be completed in consultation with Aboriginal stakeholders.

RPS invites Aboriginal stakeholders to provide culturally appropriate information verbally or in writing with regards to this project. A feedback form is attached for your use if required. Feedback may be included for any places of cultural value which may or may not contain archaeological material.

Cultural information provided by Aboriginal stakeholders will be recorded in the Aboriginal consultation log and discussed in the report, unless it is considered that the information is too sensitive to be made public in which case, the attached protocol will be adopted (Figure 2), or another protocol adopted as agreed to by the Aboriginal stakeholders.

In compliance with the 2010 ACHCRs Aboriginal stakeholders will be provided with the Draft Cultural Heritage Impact Assessment Report for their comment, which must be reviewed within 28 days, as per page 14 of the 2010 ACHCRs.

Figure 2 Culturally Sensitive Information Protocol



Feedback form for the Aboriginal cultural heritage assessment methodology for the Newcastle Gas Storage Facility Project

I have been sent information regarding the proposed Aboriginal cultural heritage assessment methodology including protocols for the management of sensitive cultural information for the proposed archaeological investigation in the Port Stephens LGA and Newcastle LGA for the Newcastle Gas Storage Facility Project. I seek to endorse the proposed methodology, unless otherwise stated below, or with the following amendments:

Name.....

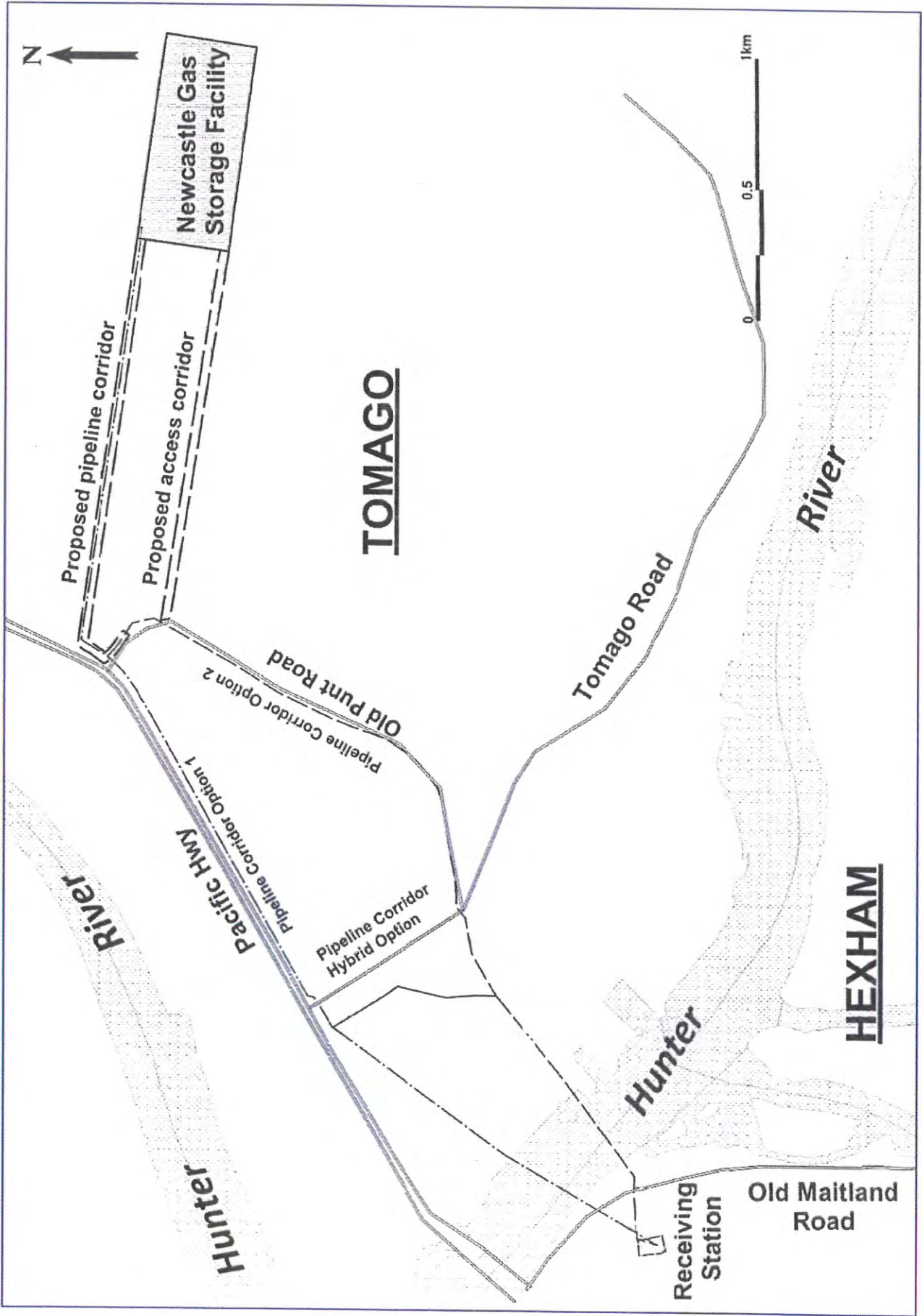
Registered Organisation.....

Signature.....

Date.....

Please send a signed copy of this document to **Philippa Sokol** or **Gillian Goode** within 28 days via:

- Fax : 02 4961 6794
- Post: PO Box 428, Hamilton NSW 2303
- E-mail: philippa.sokol@rpsgroup.com.au or gillian.goode@rpsgroup.com.au





WORIMI LOCAL ABORIGINAL LAND COUNCIL

Our Ref: NGSFP_1.1.21.4.4.docx

ABN 51 352 201 603

28th October 2010

RPS

Attention: Philippa Sokol
PO Box 428
HAMILTON NSW 2303

2163 Nelson Bay Rd
Williamstown NSW 2318

Dear Philippa,

PO Box 56
Tanilba Bay NSW 2319

RE: Newcastle Gas Storage Facility Project

Thank you for providing Worimi LALC with the cultural heritage assessment methodology, project information & protocols for sensitive cultural information relating to the above-noted project.

Phone: 02 4965 1500
Fax: 02 4965 1799

It is a fundamental course of action towards the identification and extent of Aboriginal sites and objects within proposed development areas, thus ensuring our Aboriginal heritage is not inadvertently or adversely compromised.

info@worimi.org.au

The WLALC identifies all landscapes as culturally significant when considering Aboriginal Culture and Heritage, including this proposed project area which has been identified as highly significant to the Worimi people.

Known Aboriginal sites and objects exist within the Tomago area and within close proximity to the proposed project area. Given the type & density of sites and the known movements of the Worimi people, it is our position and strong opinion that objects are highly likely to be impacted upon as a result of this development should remnant soils be disturbed.

Subject to necessity, additional cultural information held by the WLALC is for the knowledge, education and training of Aboriginal people only and not to be divulged throughout the course of this project.

The WLALC request RPS and the Proponent only retain and record such information as is 'newly' identified as per course of necessary investigations undertaken by the WLALC throughout the development of the proposed project.

The WLALC is supportive of the proposed methodology outlined in the information provided and trust that the commitment shown thus far by the proponent will be extended to these methodologies being undertaken.

We look forward to further participation to ensure the integrity and cultural heritage significance of the area is not adversely compromised. If you have any further enquiries in relation to this matter please do not hesitate to contact the WLALC on the numbers listed above

Yours sincerely,

Kyle Finlay
Project Coordinator
Worimi Local Aboriginal Land Council

Feedback form for the Aboriginal cultural heritage assessment methodology for the Newcastle Gas Storage Facility Project

I have been sent information regarding the proposed Aboriginal cultural heritage assessment methodology including protocols for the management of sensitive cultural information for the proposed archaeological investigation in the Port Stephens LGA and Newcastle LGA for the Newcastle Gas Storage Facility Project. I seek to endorse the proposed methodology, unless otherwise stated below, or with the following amendments:

Agree

Name.....Leanne Anderson.....

Registered Organisation.....Nur-Run-Cee P/L.....

Signature.....*[Signature]*.....

Date.....11/11/10.....

Please send a signed copy of this document to **Philippa Sokol** or **Gillian Goode** within 28 days via:

- Fax : 02 4961 6794
- Post: PO Box 428, Hamilton NSW 2303
- E-mail: philippa.sokol@rpsgroup.com.au OR gillian.goode@rpsgroup.com.au



18 November 2010

Philippa Sokol
RPS
PO Box 428
Hamilton NSW 2303

Dear Philippa,

Re: Newcastle Gas Storage Facility Project – Cultural Heritage Assessment Methodology, Project Information & protocols for Sensitive Cultural Information

With regard to the Proposed Methodology for the Newcastle Gas Storage Facility Project, we recognise the evaluation by RPS appears to be reasonably comprehensive.

This letter is in response to your request for comment from the Awabakal Traditional Owners Aboriginal Corporation with regard to a letter sent by Gillian Goode on Friday 22nd October 2010 regarding the Proposed Methodology for the Newcastle Gas Storage Facility Project. We would like to mention that we received the letter on Tuesday 26th October 2010.

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 Project Information and Methodology are as follows:

It is our understanding that AGL Energy Limited is seeking an approval under a Part 3A application for a proposed Gas Plant, Access Road, Pipeline and a Receiving Station to be located on Old Maitland Road at Hexham. We believe that it is essential that Aboriginal cultural and heritage sites are located and recorded for the DECCW AHIMS Database so that appropriate mitigation and monitoring processes can be initiated to protect and manage these sites for the future.

We believe that there are aspects relating to information that may be needed within the Methodology to provide due diligence regarding the Cultural Heritage Assessment for the proposed Receiving Station to be located on Old Maitland Road at Hexham for the Newcastle Gas Storage Facility Project.

As RPS is specifically referring to pages 15-16 and 16-17 of the 2010 Aboriginal Cultural Heritage Consultation Requirements (ACHCR) we suggest that these could have been added to bring clarification to the project information for the methodology context.

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

- total area (ha) of land for the proposed Receiving Station to be located on Old Maitland Road at Hexham
- estimate of total area (ha) to be inspected on the day
- that no modifications have been included in the event that additional investigation is necessary.
- information on known sites should be provided, including map of site locations.
- creeks should be included in the pedestrian survey as well as the Hexham foreshore to determine the cultural heritage values within the proposed survey areas, to identify any shell middens, scarred trees and/or artefact scatters.

It is our understanding that the seven (7) dot point components provided for the Methodology and Gathering Information Regarding Cultural Significance are intended to be completed in consultation with the Aboriginal Stakeholders, and ask if RPS could please clarify as to where and when this task will be implemented.

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.

We would like to thank RPS 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.

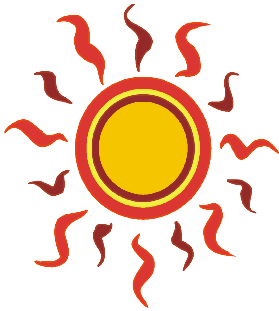
If you require any further information please do not hesitate in contacting me.

Yours sincerely,



Kerrie Brauer
Director | Administration

Nur-Run-Gee Pty Ltd
ABN 37 096 307 701



ABORIGINAL CULTURAL
AND HERITAGE
CONSULTANT
LICENCED BUILDER

22 Popplewell Road
Fern Bay 2295

Phone: 02 49 201578
Mobile: 0408 618 874 Leanne
Mobile: 0431 334 365 Lennie
Email:
goodman@kooe.com.au

27th January 2011

RPS HSO.
Attention Philippa Sokol
PO Box 428
Hamilton NSW 2303

**Re; Cultural Heritage Assessment
Newcastle Gas Storage Facility**

Dear Philippa

Thank you for the opportunity to comment on the draft report for the Cultural Heritage Assessment, Newcastle Gas Storage Facility

After reading the draft report, Nur-Run-Gee P/L, agrees with and understands the recommendations that RPS have stated in the report and finds they are acceptable.

Nur-Run-Gee P/L agrees with the Aboriginal Cultural Heritage recommendations that have been developed and stated in the Executive Summary section as well as section 9.1 Aboriginal Cultural Heritage recommendations.

Please do not hesitate to contact us if further information is required.

Yours Sincerely

Lennie Anderson
Worimi Traditional Custodian
Indigenous Archaeologist
Director
Nur-Run-Gee Pty Ltd



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 7 February 2011

Attention: Philippa Sokol (Archaeologist)
RPS
PO Box 428
Hamilton NSW 2303

Re: Draft Cultural Heritage Assessment-Newcastle Gas Storage Facility Project for AGL.

ALLA Philippa,

This letter is in response to your correspondence requesting feedback/comments from the **Awabakal Descendants Traditional Owners Aboriginal Corporation** in regard to the **Draft Cultural Heritage Assessment-Newcastle Gas Storage Facility Project** received via email from RPS on the 13th January 2011. We would like to take this opportunity to indicate that we are pleased with the majority of the draft but would like to take advantage of your kind invitation to make some comments that we believe could be implemented to afford what we as Awabakal People believe to be a greater degree of protection and preservation for our Cultural Heritage. We must stress that we are only commenting on the works proposed for the southern side of the Hunter River (Awabakal Land) within the Hexham area and have no right Culturally to comment on what is to the north of the Hunter River, the Worimi Traditional Lands.

Ground Visibility

- As stated in the draft report, ground visibility was minimal and therefore being a hindrance, prevented those participating in the field survey from locating any Aboriginal Cultural Heritage on the day. However this does not mean that because of the lack of visibility there would be no Aboriginal Cultural Heritage within this area. On the contrary; this area and that surrounding it has been used by our People for many thousands of years to procure resources from the river, swamps and creeks that are within close proximity to this location.

The Archaeological Field Survey

- It was discussed with the archaeologist during the Field Survey that there is the possibility during excavations for this proposed project that Aboriginal Cultural Heritage, such as what remains of middens and stone artefacts, may be unearthed.

Archaeological Context and Aboriginal Significance of the Hexham Area

- Unfortunately there has been no mention within the **Draft Cultural Heritage Assessment-Newcastle Gas Storage Facility Project** which outlines the Archaeological Context or Aboriginal Significance of what lies within close proximity to the west of the project area at Hexham. The area known as Hexham Swamps is considered by many Aboriginal People and Archaeologist as one of the most significant places our People, for many and varied reasons, have utilised over thousands of years. There are many early accounts within an array of documents which detail the Aboriginal occupation of this area and relate the subsequent impacts that settlers had on the lifestyles of our People as the settlers moved into areas outside of what were then the known limits of the settlement.
- Information should also be added to this document to build a picture of the impacts and subsequent decline in the numbers of our People in an area they had utilised over many generations. The landforms and resources of this locale fulfilled not just the basic needs that underpinned our Peoples subsistence but also satisfied the many other aspects that made up what can be described here as being part of the very Cultural foundations of our People.
- Also in the **Draft Cultural Heritage Assessment-Newcastle Gas Storage Facility Project** the AHIMS map on page 29 only shows what Archaeological sites are to the east of the Hunter River and do not indicate what Aboriginal Archaeological sites lay to the west, south or north of the Hunter River or that are located around the parameter of the Hexham Swamps. This information does have a bearing on what could be expected within the proposed project area and should be included.

- It must also be remembered that even though there has been some filling and modifying of the area, this does not mean that all areas have been affected by these alterations.
- There would have been varying levels of modification to some properties but not all areas would have been modified within the proposed project area. As can be seen in **Table 4-2: Heritage Items listed at Newcastle Local Government Area** there has been habitable areas on which to build and cultivate within the Hexham area for many years (such as Sparke's Half Way Inn 1835 which is also mentioned in the 1837 Post Office Directory and then Hannell's Wheat Sheaf Coaching Inn 1841 and Hexham Public School 1869 as examples) before more recent industrial pursuits necessitated for infilling of land to build more elaborate structures. As is the case for occupiable and usable land the road to Maitland has passed through this region as shown on maps dating back to the 1820s following close to the margin of the Hunter River as it goes. With usable land being available for the settlers as being shown in the early maps of the area, it is not unreasonable to suggest that these areas would have also been used by our People prior to the settlers moving into the area.

Aboriginal & European Occupation of Ash Island

- There are many historical documents which report the fact that Ash Island was inhabited by Aboriginal People. The Nominal Returns from Jonathon Warner in 1833 being a list of names of the Aboriginal People from the Lake Macquarie and Newcastle district shows two (2) names of People from Ash Island.¹ Also Threlkeld registers a name of a person from Ash Island from the returns he made in 1836.² There are many other references from the early contact period of European settlement which are related in colonial newspapers of the time.
- Also the Scott family among others have occupied Ash Island from early in the 19th century to grow and supply produce, milk and meat to the residents of Newcastle.
- If (as shown) Aboriginal People were living on Ash Island and settlers moved to this area also it is not unreasonable to suggest that our People were also making use of the areas around Hexham.

Conclusion

- As stated, ground visibility was minimal but to conclude that because there were no visible signs of Aboriginal Cultural Heritage that there is none present, to make an assumption based on this evidence would be incorrect.

For example, quoted here, to demonstrate what could be disturbed during excavations is a source that states;

'Once discarded on the ground surface, artefacts are often readily incorporated into the topsoil horizons through the process of bioturbation. Most commonly, dense artefact deposits exist hidden beneath the upper surface, unobservable by the casual observer.'
(c.f. Wandsnider and Camilli 1992; Fanning and Holdaway 2001).³

- Also, as pointed out previously, our people have had a long history within this area and consequently it would be expected that there would be many areas that contain evidence of this occupation.
 - a. Therefore we would like to see an allowance made for periodic visitation by the Aboriginal Stakeholders (until satisfied there is no Aboriginal Cultural Heritage being disturbed or damaged) allowing us to visit the site of the excavations or ground braking works within the proposed project area at Hexham. This would allow us the opportunity to inspect what is contained subsurface and to see if there is any midden materials or artefacts that could be disturb or being damage by the proposed excavations.

¹ Page 362 of *Australian Reminiscences & Papers of L. E. Threlkeld, Missionary to the Aborigines, 1824-1859*, Neil Gunson

² Page 366 of *Australian Reminiscences & Papers of L. E. Threlkeld, Missionary to the Aborigines, 1824-1859*, Neil Gunson

³ Page 3, *Hunter Water Stage 2 Aboriginal Heritage Assessment Shortland Street, Newcastle 5.1.1 Archaeological Potential. (ERM2009)*

Statement of Significance of this area to Awabakal Traditional Descendants

This area is highly significant to our people being on the Hunter River and adjacent to Hexham Swamps. Traditionally these areas where the supply of rich resources of which our people have depended on for thousands of years. There can be also physical reminders left by our Ancestors, some in the form of stone tools (artefacts) which provide us as Descendants of the Awabakal People an opportunity to make a connection through time with our Ancestors. This connection is brought about in a variety of ways, one is through the physical senses such as touch, knowing we are holding something our Ancestors touched and made into something useful, possibly many thousands of years previously. This connection is one of those avenues that produce in us the sense of perception, appreciation, familiarity and recognition of who we are and where we belong as Awabakal Descendants.

We thank you Philippa for the opportunity to contribute these comments in regard to this project. We hope this addresses any queries you may have, 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



11 February 2011

RPS

Philippa Sokol
PO Box 428
Hamilton NSW 2303

Dear Philippa,

Re: Comments Regarding the Draft Report for the Newcastle Gas Storage Facility Project

With regard to the Draft Report for the Newcastle Gas Storage Facility Project, we recognise the evaluation by RPS 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 proposed project.

We would like to highlight our appreciation of the informative process that the representative from RPS outlined during the Survey Assessment and the due diligence in addressing any of our concerns.

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

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).

We would like to affirm that the observation and information gathering process presented minimal visible evidence due to the vegetated ground surface. However, it should not be assumed that Aboriginal artifacts do not exist within the proposed development area.

Executive Summary, Page i – ii, We are concerned that there are no Recommendations arising from the Heritage Assessment for the Newcastle side of the Hunter River.

We believe that the **Report** has not taken into consideration for any possible Cultural Heritage material that may be concealed below the ground surface. The site assessment and observation of the Hexham side of the Hunter River indicates that there is potential for additional Aboriginal cultural material to be concealed below the ground surface as a result of the general use of the area, as the region would have been inhabited by our people.

If we are to achieve due diligence within a comprehensive process through a greater understanding of Aboriginal cultural heritage, both archaeologists and proponents need to take into consideration what these investigations mean to Aboriginal people as part of the healing and self-determination process.

We seek DECCW's serious consideration of the legacy of cumulative and continued proposed damage to our Cultural Heritage Values and examine intergenerational equity standards in determining approvals or non-approvals. Any approval and conditions must use best practice standards and intergenerational equity weighting in consideration in determining the future conservation of our cultural landscape.

The Awabakal people regard the Hexham area Culturally Significant as Threlkeld and the recorded documentation of our people the 'Awabakal' have now become part of the historical heritage of our people.

Our people are concerned that the Aboriginal Cultural Heritage of the Hexham site is being overlooked, and believe that more consideration should be afforded to provide an essential element for the protection of potential sites in order to demonstrate Intergenerational Equity.

Of increasing concern is the apparent 'carte blanche' approvals rate for permits to destroy or damage areas identified as having high cultural heritage value by the Aboriginal Stakeholders, and that there is limited application of intergenerational equity for a measurable and tangible reporting regime.

Page 23, We believe that the reference to other groups of the Worimi being referred to as "sub groups" is offensive and is a misleading assumption, as these groups are commonly called 'clan groups' and believe that the "sub" reference is not required. It would be appreciated if the reference to 'sub group' was changed to 'clan groups' within the **Report**.

Page 28, 5.3.1, Contrary to the statement that the Hexham area does not have certain geological characteristics pertaining to grinding grooves, rockshelters, art and engravings may be misleading, as the entirety of the Hexham area may yield such findings. Although grinding grooves may not have recorded within the area of the proposed project, they have been indeed recorded near the edge of the Hexham Swamp.

With reference to the Aboriginal Heritage Information Management Systems (AHIMS), we believe that although the DECCW AHIMS Database may not necessarily have "up-to-date" or current information due to any unreported or unfinished site assessments pertaining to projects within close proximity to the Gas Storage Facility project area, we consider that all surrounding Awabakal Aboriginal sites are holistically and historically culturally connected.

We are concerned that these statements in the **Report** may present a foregone conclusion that Aboriginal Cultural Heritage and Values do not exist within the Hexham area and therefore would give the impression that these aspects pertaining to Aboriginal Cultural heritage and Values are extinct, and suggest that these references will need further clarity.

We also have concerns that the **Report** has not taken into consideration the impact on unknown sites due to the observation and information gathering process which presented

minimal visible evidence due to the vegetated ground surface. Therefore, it should not be assumed that Aboriginal artifacts do not exist within the proposed Gas Storage Facility Project area.

We recommend that RPS may need to 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.

Page 55, Recommendation 5, We believe that Recommendation 5 under General Management within the **Report** does not outline the process of who and how the observation will be achieved if further Aboriginal site/s are identified in the study area.

We are concerned that further Aboriginal site/s may be overlooked by contractors who may not have the awareness needed to identify Aboriginal artifacts. Therefore we recommend that RPS and AGL Energy limited undertake to prepare a Cultural Heritage Awareness Training Package for contractors involved in the construction of the facility.

We would like to reiterate that there is potential for additional Aboriginal cultural material to be concealed below the ground surface as a result of the general use of the area. Therefore we recommend that an inspection during earthworks is needed of the Culturally Sensitive area and due diligence be added within the Mitigation Measures.

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 country and spirituality.

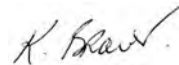
The Hexham region is regarded as highly significant to the Awabakal people, and in our view the region is part of the land that echoes the ethos of our cultural heritage. Therefore, any artifacts and/or residual evidence of our people are held in high regard and are considered a cultural reminder that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

We reserve the right and reluctance to share our cultural heritage with others with respect to aspects of the cultural significance enabling us to protect our cultural knowledge and values.

We would like to thank RPS for the opportunity to comment and request a copy of the Final Report be forwarded to the Awabakal Traditional Owners Aboriginal Corporation at your earliest convenience.

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



Mur-Roo-Ma Inc

9 Vardon Road Fern Bay
2295 N.S.W Australia

ABN : 978 077 194 84

Phone / Fax : 02 49281910

Mobile : 0402 82 74 82

E-mail : murroomainc1@gmail.com

To RPS

Philippa Sokol

13/12/2011

Our organisation Mur-roo-ma Inc has read and discussed the AGL Cultural Heritage Report for the Newcastle Gas Storage Facility Project

We confirm the following:

1. Mur-roo-ma Inc fully understand and the contents of this report
2. That a representative of our organisation attended the site for the assessment
3. There is no evidence of Aboriginal activity on site
4. We do endorse the recommendations 1 through to 7 in this report
5. That to the best of our knowledge all reasonable care and action has been taken to identify any Aboriginal Objects or potential on the land.

Comments

Mur-roo-ma Inc fully understands and agree with the Recommendations 1 through to 7 put forward in the report.

All possible Aboriginal objects within the project area are of great value to our people as they are in all our lands

To our knowledge there is a possibility of undetected places and objects of aboriginal cultural significance with in the project area which would be protected under this report

Therefore it is our belief that the proposed construction of the Gas storage unit should proceed with the recommendations stated in the report adhered to

Anthony Anderson

CEO

Mur-roo-ma Inc



AWABAKAL
LOCAL ABORIGINAL LAND COUNCIL
127 Maitland Road
Islington NSW 2296
ABN: 19 759 066 759

Attention: Tessa Boar-Mah
RPS
PO Box 428
Hamilton NSW 2303

22/03/2011

Dear Tessa,

Re: Cultural Heritage
Inspection: Newcastle Gas storage - AGL

Survey conducted by:
David Ahoy
Cultural Heritage Officer
Awabakal Local Aboriginal Land Council & West Lakes

Thank you for your correspondence for the above project. The Awabakal LALC and West Lakes would like to state that we have been involved in all stages of the field survey and are satisfied with the work that has been completed. We are confident that our sites officers have participated in the cultural heritage protection and promotion of the Aboriginal sites within Awabakal and West Lakes Country.

EXECUTIVE SUMMARY

Awabakal Local Aboriginal Land Council (ALALC) was constituted in accordance with the provisions of the New South Wales Aboriginal Land Rights Act 1983 (ALRA) and administers the relevant provisions as they apply to the functions listed under Aims and Objectives, which set out the services and standards that can be expected from the organisation.

The ALALC has the responsibility of protecting and fostering the best interests of all Aboriginal people in the area, including the ongoing protection and conservation of the Aboriginal Culture and Heritage.

Additionally, ALALC promotes the awareness and protection of the Aboriginal Culture & Heritage of the area to the wider community.

Background

On Friday 3rd of December 2010, David Ahoy inspected site at Hexham for a proposed gas storage facility.

This report was developed for the sole use for Tessa Boar-Mah, AGL and the regulatory authorities directly involved in the future development of the Gas Storage Facility. The reports purpose is to solely report on preliminary investigations undertaken by ALALC in identifying any physical and spiritual Aboriginal culture and heritage significance.

No other party should rely on the information herein without the prior written consent of the Awabakal Local Aboriginal Land Council and Tessa Boar-Mah.

RECOMMENDATION

If any assessments are required within this area, Awabakal LALC and West Lakes requests that our Aboriginal Sites Officer be on site during these developments.

Aboriginal Heritage

1. Awabakal LALC and West Lakes is satisfied that the area in question was surveyed properly.
2. No comments



Mr. David Ahoy
Senior Site Officer



WORIMI LOCAL ABORIGINAL LAND COUNCIL

Our Ref: 1.1.21.4.13_Rsps_NGSFP.docx

ABN 51 352 201 603

28th March 2011

RPS

Attention: Philippa Sokol
241 Denison Street
BROADMEADOW NSW 2292

2163 Nelson Bay Rd
Williamstown NSW 2318

Dear Philippa,

PO Box 56
Tanilba Bay NSW 2319

RE: Cultural Heritage Assessment – Newcastle Gas Storage Facility Project

Thank you for your commitment in undertaking a Cultural Heritage Assessment on the above-noted development.

Phone: 02 4965 1500

Fax: 02 4965 1799

It is a fundamental course of action towards the identification and extent of Aboriginal sites and objects within proposed development areas, thus ensuring our Aboriginal heritage is not inadvertently or adversely compromised.

info@worimi.org.au

In finalising our comment we have taken into account the Cultural Heritage Assessment – Newcastle Gas Storage Facility Project supplied by RPS (including their views), along with:

- our knowledge & understanding of the Worimi people (inc movements, practices and activities);
- the AHIMS Register;
- The cultural significant landscape.

It is the view of the WLALC that the report supplied by RPS is an all-inclusive account of the assessment undertaken from the 30th November through to December 2nd 2010 and an accurate assessment of the likely impact to be placed on Aboriginal heritage subject to the proposed Newcastle Gas Storage Facility Project.

The WLALC is supportive of the recommendations (page 54) section 9.0 Conclusions and recommendations listed 1 to 7 and trust that the commitment shown thus far by the proponent will be extended to these recommendations being implemented.

It is the opinion of the WLALC that these recommendations do not restrict or adversely affect the proposed development.

We look forward to further participation to ensure the integrity and cultural heritage significance of the area is not adversely compromised. If you have any further enquiries in relation to this matter please do not hesitate to contact the WLALC on the numbers listed above

Yours sincerely,

Kyle Finlay
Project Coordinator
Worimi Local Aboriginal Land Council

Appendix 3

AHIMS Search Results



List of Sites (List - Short)

Grid Reference Type = AGD (Australian Geodetic Datum), Zone = 56, Easting From = 374963, Easting to = 384963, Northing From = 6361675, Northing to = 6371675, Feature Search Type = AHIMS Features

Site ID	Site Name	Datum	Zone	Eastings	Northing	Context	Site Features	Site Types (recorded prior to June 2001)	Recording (Primary)	Reports (Catalogue Number)	State Arch. Box No. (for office use only)
<u>38-4-0075</u>	<u>Iomagoi</u>	AGD	56	379380	6366800	Open Site	TRE :- Status Valid	Scarred Tree	Brayshaw	533, 100499	NRS/17798/1/253
							Primary Contact		Permit(s)		
<u>38-4-0242</u>	<u>I 1:</u>	AGD	56	383600	6368300	Open Site	AFT :- Status Valid	Open Camp Site	Clemens, Ross, Dean-Jones	1845	NRS/17798/1/255
							Primary Contact		Permit(s)		
<u>38-4-0243</u>	<u>I 2:</u>	AGD	56	384400	6368700	Open Site	AFT :- Status Valid	Open Camp Site	Clemens, Ross, Dean-Jones	1845	NRS/17798/1/255
							Primary Contact		Permit(s)		
<u>38-4-0244</u>	<u>I 3:</u>	AGD	56	383900	6368700	Open Site	AFT :- Status Valid	Open Camp Site	Clemens, Ross, Dean-Jones	1845	NRS/17798/1/255
							Primary Contact		Permit(s)		
<u>38-4-0245</u>	<u>I 4:</u>	AGD	56	384200	6368800	Open Site	AFT :- Status Valid	Open Camp Site	Clemens, Ross, Dean-Jones	1845	NRS/17798/1/255
							Primary Contact		Permit(s)		
<u>38-4-0246</u>	<u>I 5:</u>	AGD	56	383900	6368900	Open Site	AFT :- Status Valid	Open Camp Site	Clemens, Ross, Dean-Jones	1845, 100499	NRS/17798/1/255
							Primary Contact		Permit(s)		
<u>38-4-0247</u>	<u>I 6:</u>	AGD	56	383900	6368800	Open Site	AFT :- Status Valid	Open Camp Site	Clemens, Ross, Dean-Jones	1845	NRS/17798/1/255
							Primary Contact		Permit(s)		
<u>38-4-0248</u>	<u>I 7:</u>	AGD	56	378900	6367400	Open Site	AFT :- Status Valid	Open Camp Site	Dean-Jones	1845	NRS/17798/1/255
							Primary Contact		Permit(s)		



List of Sites (List - Short)

Grid Reference Type = AGD (Australian Geodetic Datum), Zone = 56, Easting From = 374963, Northing From = 6361675, Northing to = 6371675, Feature Search Type = AHIMS Features

Site ID	Site Name	Datum	Zone	Eastng	Northing	Context	Site Features	Site Types (recorded prior to June 2001)	Recording (Primary)	Reports (Catalogue Number)	State Arch. Box No. (for office use only)
<u>38-4-0249</u>	<u>I 8:</u>	AGD	56	378200	6367400	Open Site	AFT : -	Open Camp Site	Dean-Jones	1845	NRS/17798/1/255
		Status	Valid								
		Primary Contact									
<u>38-4-0250</u>	<u>I 8 A (T9):</u>	AGD	56	378400	6367300	Open Site	AFT : -	Open Camp Site	Dean-Jones	1845	NRS/17798/1/255
		Status	Valid								
		Primary Contact									
<u>38-4-0647</u>	<u>A1 - Tomaree/Tomago</u>	AGD	56	384559	6368108	Open Site	AFT : 2, SHL : 2	None	MCH - McCardle Cultural Heritage Pty Ltd		NRS/17798/1/262
		Status	Valid								
		Primary Contact									
<u>38-4-0648</u>	<u>A2 - Tomaree/Tomago</u>	AGD	56	384377	6368060	Open Site	AFT : 1	None	MCH - McCardle Cultural Heritage Pty Ltd		NRS/17798/1/262
		Status	Valid								
		Primary Contact									
<u>38-4-0676</u>	<u>Tomaree/Tomago A10</u>	AGD	56	384867	6368228	Open Site	AFT : 9, BOM : -	None	MCH - McCardle Cultural Heritage Pty Ltd		NRS/17798/1/262
		Status	Valid								
		Primary Contact									
<u>38-4-0679</u>	<u>PAD 1: Tomaree to Tomago</u>	AGD	56	384500	6368200	Open Site	PAD : 0	None	ERM-Thornton, MCH - McCardle Cultural Heritage Pty Ltd	98386, 98387	NRS/17798/1/262
		Status	Valid								
		Primary Contact									
<u>38-4-0681</u>	<u>PAD 3: Tomaree to Tomago</u>	AGD	56	384400	6370500	Open Site	PAD : 0	None	ERM-Thornton, MCH - McCardle Cultural Heritage Pty Ltd	98386, 98387, 100959	NRS/17798/1/262
		Status	Valid								
		Primary Contact									
<u>38-4-0961</u>	<u>Tomago 1 (T1)</u>	AGD	56	382833	6367605	Open Site	AFT : 42	None	Skene, Mckay	100057	
		Status	Valid								
		Primary Contact Worimi Local Aboriginal Land Council									
									Permit(s) 2504		



List of Sites (List - Short)

Grid Reference Type = AGD (Australian Geodetic Datum), Zone = 56, Easting From = 374963, Easting to = 384963, Northing From = 6361675, Northing to = 6371675, Feature Search Type = AHIMS Features

Site ID	Site Name	Datum	Zone	Easting	Northing	Context	Site Features	Site Types (recorded prior to June 2001)	Recording (Primary)	Reports (Catalogue Number)	State Arch. Box No. (for office use only)
<u>38-4-0962</u>	<u>Tomago 2 (T2)</u>	AGD	56	382779	6367583	Open Site	AFT : 3	None	Skene	100057	
		Status	Valid								
		Primary Contact				Worimi Local Aboriginal Land Council			Permit(s)		
<u>38-4-0963</u>	<u>Tomago 3 (T3)</u>	AGD	56	382703	6367533	Open Site	AFT : 4	None	Skene, Mckay	100057	
		Status	Valid								
		Primary Contact				Worimi Local Aboriginal Land Council			Permit(s)		
<u>38-4-0964</u>	<u>Tomago 4 (T4)</u>	AGD	56	383419	6367848	Open Site	AFT : 2	None	Skene, Mckay	100057	
		Status	Valid								
		Primary Contact				Worimi Local Aboriginal Land Council			Permit(s)		
<u>38-4-0965</u>	<u>Tomago 5 (T5)</u>	AGD	56	383419	6367848	Open Site	AFT : 1	None	Skene, Mckay	100057	
		Status	Valid								
		Primary Contact				Worimi Local Aboriginal Land Council			Permit(s)		
<u>38-4-0966</u>	<u>Tomago 8 (T8)</u>	AGD	56	383428	6367863	Open Site	AFT : 13	None	Skene, Mckay	100057	
		Status	Valid								
		Primary Contact				Worimi Local Aboriginal Land Council			Permit(s)		
<u>38-4-0967</u>	<u>Tomago 7 (T7)</u>	AGD	56	383428	6367863	Open Site	AFT : 47	None	Skene, Mckay	100057	
		Status	Valid								
		Primary Contact				Worimi Local Aboriginal Land Council			Permit(s) 2504		
<u>38-4-1056</u>	<u>CTGM 1/A</u>	GDA	56	377140	6362000	Open Site	AFT : 1	None	Clarke		
		Status	Valid								
		Primary Contact				Awabakal LALC			Permit(s)		
<u>38-4-1139</u>	<u>Minnet Pad</u>	GDA	56	381100	6367000	Open Site	PAD :-	None	Besant		
		Status	Valid								
		Primary Contact							Permit(s) 3026		

Appendix 4

Glossary of Site Types

GLOSSARY OF SITE TYPES

The following is a brief description of most Aboriginal site types.

Artefact Scatters

Artefact scatters are defined by the presence of two or more stone artefacts in close association (i.e. within fifty metres of each other). An artefact scatter may consist solely of surface material exposed by erosion, or may contain sub-surface deposit of varying depth. Associated features may include hearths or stone-lined fireplaces, and heat treatment pits.

Artefact scatters may represent:

- Camp sites: involving short or long-term habitation, manufacture and maintenance of stone or wooden tools, raw material management, tool storage and food preparation and consumption;
- Hunting or gathering activities;
- Activities spatially separated from camp sites (e.g. tool manufacture or maintenance); or
- Transient movement through the landscape.

The detection of artefact scatters depends upon conditions of surface visibility, including vegetation cover, ground disturbance and recent sediment deposition. Unfavourable conditions obscure artefact scatters and prevent their detection during surface surveys.

Bora Grounds

Bora grounds are a ceremonial site associated with initiations. They are usually comprise two circular depressions in the earth, and may be edged with stone. Bora grounds generally occur on soft sediments in river valleys, although they may also be located on high, rocky ground in association with stone arrangements.

Burials

Human remains were often placed in hollow trees, caves or sand deposits and may have been marked by carved or scarred trees. Burials have been identified eroding out of sand deposits or creek banks, or when disturbed by development. The probability of detecting burials during archaeological fieldwork is extremely low.

Culturally Modified Trees

Culturally modified trees include scarred and carved trees. Scarred trees are caused by the removal of bark for use in manufacturing canoes, containers, shields or shelters. Notches were also carved in trees to permit easier climbing. Scarred trees are only likely to be present on mature trees remaining from original vegetation. Carved trees, the easiest to identify, are caused by the removal of bark to create a working surface on which engravings are incised. Carved trees were used as markers for ceremonial and symbolic purposes, including burials. Although, carved trees were relatively common in NSW in the early 20th century, vegetation removal has rendered this site type extremely rare. Modified trees, where bark was removed for often domestic use are less easily identified. Criteria for identifying modified trees include: the age of the tree; type of tree (the bark of many trees is not suitable, also introduced species would be unlikely subjects); axe marks (with the need to determine the type of axe - stone or steel – though Aborigines after settlement did use steel); shape of the scar (natural or humanly scarred); height of the scar above the ground (reasonable working height with consideration given to subsequent growth).

Fish Traps

Fish traps comprised arrangements of stone, branches and/or wickerwork placed in watercourses, estuaries and along coasts to trap or permit the easier capture of sea-life.

Grinding Grooves

Grinding grooves are elongated narrow depressions in soft rocks (particularly sedimentary), generally associated with watercourses, that are created by the shaping and sharpening of ground-edge implements. To produce a sharp edge the axe blank (or re-worked axe) was honed on a natural stone surface near a source of water. The water was required for lubricating the grinding process. Axe grinding grooves can be identified by features such as a narrow short groove, with greatest depth near the groove centre. The grooves also display a patina developed through friction between stone surfaces. Generally a series of grooves are found as a result of the repetitive process.

Isolated Finds

Isolated finds occur where only one artefact is visible in a survey area. These finds are not found in apparent association with other evidence for prehistoric activity or occupation. Isolated finds occur anywhere and may represent loss, deliberate discard or abandonment of an artefact, or may be the remains of a dispersed artefact scatter. Numerous isolated finds have been recorded within the study area. An isolated find may flag the occurrence of other less visible artefacts in the vicinity or may indicate disturbance or relocation after the original discard.

Middens

Shell middens comprise deposits of shell remaining from consumption and are common in coastal regions and along watercourses. Middens vary in size, preservation and content, although they often contain artefacts made from stone, bone or shell, charcoal, and the remains of terrestrial or aquatic fauna that formed an additional component of Aboriginal diet. Middens can provide significant information on land-use patterns, diet, chronology of occupation and environmental conditions.

Mythological / Traditional Sites

Mythological and traditional sites of significance to Aboriginal people may occur in any location, although they are often associated with natural landscape features. They include sites associated with dreaming stories, massacre sites, traditional camp sites and contact sites. Consultation with the local Aboriginal community is essential for identifying these sites.

Rock Shelters with Art and / or Occupation Deposit

Rock shelters occur where geological formations suitable for habitation or use are present, such as rock overhangs, shelters or caves. Rock shelter sites generally contain artefacts, food remains and/or rock art and may include sites with areas of potential archaeological deposit, where evidence of rock-art or human occupation is expected but not visible. The geological composition of the study area greatly increases the likelihood for rock shelters to occur.

Stone Arrangements

Stone arrangements include lines, circles, mounds, or other patterns of stone arranged by Aboriginal people. These may be associated with bora grounds, ceremonial sites, mythological or sacred sites. Stone arrangements are more likely to occur on hill tops and ridge crests that contain stone outcrops or surface stone, where impact from recent land use practices has been minimal.

Stone Quarries

A stone quarry is a place at which stone resource exploitation has occurred. Quarry sites are only located where the exposed stone material is suitable for use either for ceremonial purposes (e.g. ochre) or for artefact manufacture.

Appendix 5

New Site Cards

Open Site

A 10x10 grid map with compass directions (N, NE, E, SE, S, SW, W, NW) and a north arrow.

General Site Information

Closed Site

Shelter/Cave Formation

- ☐ Boulder
- ☐ Wind erosion
- ☐ Water erosion
- ☐ Rock collapse

Rock Surface Condition

- ☐ Boulder
- ☐ Sandstone platform
- ☐ Silica gloss
- ☐ Tessellated
- ☐ Weathered
- ☐ Other platform

Open Site

Site Orientation

- ☐ N-S
- ☒ NE-SW
- ☐ E-W
- ☐ SE-NW
- ☐ N/A

Condition of Ceiling

- ☐ Boulder
- ☐ Sandstone platform
- ☐ Silica gloss
- ☐ Tessellated
- ☐ Weathered
- ☐ Other platform

Shelter Aspect

- ☐ North
- ☐ North East
- ☐ East
- ☐ South East
- ☐ South
- ☐ South West
- ☐ West
- ☐ North West

Features

- ☐ 1. Aboriginal Ceremony & Dreaming
- ☐ 2. Aboriginal Resource & Gathering
- ☐ 3. Art
- ☒ 4. Artefact
- ☐ 5. Burial
- ☐ 6. Ceremonial Ring
- ☐ 7. Conflict
- ☐ 8. Earth Mound
- ☐ 9. Fish Trap
- ☐ 10. Grinding Groove
- ☐ 11. Habitation Structure
- ☐ 12. Hearth
- ☐ 13. Non Human Bone & Organic Material
- ☐ 14. Ochre quarry
- ☐ 15. Potential Archaeological Deposit
- ☐ 16. Stone Quarry
- ☐ 17. Shell
- ☐ 18. Stone Arrangement
- ☐ 19. Modified Tree
- ☐ 20. Water Hole

Site Plan Indicate scale, boundaries of site, features



Site Dimensions

Closed Site Dimensions (m)

- Internal length
- Internal width
- Shelter height
- Shelter floor area

Open Site Dimensions (m)

- 30m Total length of visible site
- 3m Average width of visible site
- 90 sqm Estimated area of visible site
- Length of assessed site area

This image shows a blank sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Site Cultural & Scientific Analysis and Preliminary Management Recommendations

[illegible]

Endorsed by: ☐ Knowledge Holder ☐ Nominated Trustee ☐ Native Title Holder ☐ Community Consensus

Initials

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[illegible][illegible]

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[illegible][illegible][illegible][illegible]

☐ A4 location map

☐ B/W photographs

☒ Colour photographs

☐ Slides

☐ Aerial photographs

☐ Site plans, drawings

☐ Recording tables

☐ Other

☐ Feature inserts-No.

RPS PHWY AS2 contained 8 stone artefacts. Raw material comprised of tuff and silcrete, and in the form of flake pieces, flake tools and cores (Refer to attached photo's).

NPWS FEATURE RECORDING FORM - ARTEFACT

page 1

Site I.D. 38-4-1291

Site Name RPS PHWY AS2

First recorded date 02/12/2010

Importance Cannot be presently determined

No. of instances 1

Recorded by P. Sokol

Yes No

Stone artefacts only Yes

Artefacts collected No

Permit issued No

Percentage of Non-stone Artefacts to Percentage of Stone Artefacts

0-9% 10-19% 20-29% 30-39% 40-49% 50-59% 60-69% 70-79% 80-89% 90-100%

0-9%

Feature Context & Condition

Scatter No.

Easting 3 7 8 2 7 4

Northing 6 3 6 8 4 6 0

Density

Dimensions

Yes No

(Artefact count per square metre)

30

Length (m) 3

Width (m)

Depth (m)

In situ

No

Stratified

No

Feature Condition

General Condition

Recommended Action

- ☐ Very good
- ☐ Good
- ☒ Poor

- ☒ Weathered
- ☒ Vehicle damage
- ☐ Surface water wash
- ☐ Fire damage
- ☒ Erosion
- ☐ Stock damage
- ☒ Exposed archaeological material

- ☐ Boardwalk
- ☐ Fencing
- ☐ Closure to public
- ☒ Continued inspection
- ☐ Fire hazard reduction
- ☐ Expert assessment
- ☐ Meeting with land manager
- ☐ Revegetation
- ☐ Signage
- ☐ Soil erosion control
- ☐ Track closure/re-routing
- ☐ Additional recording

Feature Plan (Indicate scale, location of instances)



Feature Environment

(Complete when *feature* environment differs to *site* environment, use attributes from cover card, p. 2)

Plain Land form

Flat; mounded Land form unit

0 Slope

Revegetated; cleared Vegetation

Service corridor Land use

Water

Distance to permanent water source 500 metres

Distance to temporary water source 1,300 metres

Name of nearest permanent water source

Hunter River

Name of nearest temporary water

North Channel Hunter River

Stone Artefact

Instance No.	Recording Date	Artefact Material	Artefact Type	Platform Surface	Platform Type	Termination	Cross Section	Length (mm)	Width (mm)	Thickness (mm)
1	02/12/2010		Flake Tool	Faceted		Feather		65.31	37.44	12.52
2	02/12/2010	Silcrete	Proximal Fragn	Indeterminate		Feather		13.48	17.1	14.15
3	02/12/2010		Flaked Piece	Faceted		Feather		10.63	5.14	2.05
4	02/12/2010		Core	Flake scar		Feather		19.6	32.25	11.8
5	02/12/2010	Silcrete	Flake Tool	Flake scar		Hinge		21.91	22.98	0.03
6	02/12/2010		Flaked Piece	Indeterminate		Feather		19.79	10.2	4.56
7	02/12/2010	Silcrete	Flake Tool	Cortex		Outrepasse		20.79	9.61	3.95

Other Artefact Type

Instance No.	Recording Date	Artefact Material	Artefact Type	Description	Length (mm)	Width (mm)	Thickness (mm)
8	02/12/2010	Tuff	Flake piece	Outrepasse termination	12.27	10.13	4.62

Material

Basalt
Chert
Fine grained siliceous
Granite
Quartz
Quartzite
Sandstone
Silcrete
Green glass
Amber glass
Amethyst glass

Clear glass
Ceramic
Porcelain
Tin can
Wire
Nail
Button
Shell
Bone
Wood
Resin

Artefact Description

Adze
Anvil
Axe
Backed blade
Blade
Core
Core tool
Cyclon
Distal fragment
Eloura
Flake

Flake tool
Flaked piece
Hammerstone
Manuport
Milling slab
Mortar
Muller
Nuclear tool
Pirri
Proximal fragment
Tula
Other diagnostic type
Modified
Unworked

Platform Surface

Cortex
Flake scar
More than one flake scar
Faceted
Ground
Indeterminate
Bipolar

Platform Type

Wide
Focal
Shattered
Indeterminate
Bipolar

Termination

Feather
Hinge
Step
Outrepasse
Bipolar

Cross Section

High/strong
High/weak
Low/weak
Irregular

Comments:

The artefact material for numbers 1, 3, 4 and 6 above was Tuff.

RPS PHWY AS2 Photo Attachment



Plate 1



Plate 2



Plate 3



Plate 4

