

Newcastle Port Corporation

Capital Strategic Dredging Project, South Arm, Hunter River

Environmental Impact Statement



Volume 2

March 2013



Appendix A

Director General's Requirements

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application	MP 10_0203
Project	Major Project Application – Capital Dredging Project - South Arm Hunter River Dredging of ten shipping berth boxes at the South Arm of the Hunter River (Port of Newcastle) in various locations adjacent to Mayfield North, Carrington and Walsh Point.
Location	Hunter River
Proponent	Newcastle Port Corporation
Date issued	4 February 2011
Expiry date	4 February 2013
General requirements	<p>The Environmental Assessment (EA) must include the following:</p> <ol style="list-style-type: none"> 1. an executive summary. 2. a detailed description of the project including but not limited to: <ul style="list-style-type: none"> • the project area, site location and description of the existing environment (including existing constraints on dredging), planning context, adjoining land uses (including industrial developments, conservation areas, wetlands etc); • construction, design and infrastructure elements (including site layout and foreshore treatments); • a description of all proposed works, including an evaluation of relevant dredging methodologies; • identification of how the project will be linked to future land side developments; • project interaction with relevant planning approvals, including the Hunter River Remediation Project (DA-134-4-2003-1) and current applications at the former BHP Mayfield site, including the Concept Plan for port terminal facilities (MP 09_0096) and Project Application for a cement terminal facility (MP08_0198); • identification of the types of activities that will require licensing and how licensing will be applied under relevant legislation; and • identification of project staging and timing (if proposed). 3. an assessment of the key issues, undertaken by an appropriately qualified person(s), with the following aspects addressed for each key issue (where relevant): <ul style="list-style-type: none"> • describe the existing environment; • assess the potential impacts of the project, in accordance with relevant policies and guidelines. Direct, indirect and cumulative impacts must be considered (including regard to other existing and proposed development and activities in the locality and adjoining the site(s)); • identify how relevant planning, land use and development matters (including relevant strategic and statutory matters), have been considered in the impact assessment and/ or in developing management/ mitigation measures; • describe measures to be implemented to avoid, minimise, manage, mitigate, offset and/or monitor the impacts of the project, and the effectiveness of the measures; and • any residual impacts. 4. a draft Statement of Commitments (SoC), incorporating or otherwise capturing measures to avoid, minimise, manage, mitigate, offset and/or monitor impacts identified in the impact assessment sections of the Environmental Assessment. The SoC must clearly articulate the desired environmental outcome of the commitment. The SoC must be achievable, measurable (with respect to compliance), and time-specific, where relevant. 5. certification by the author of the Environmental Assessment that the

	information contained in the Assessment is neither false nor misleading.
Key issues	<p>Strategic and Project Justification – including but not limited to:</p> <ul style="list-style-type: none"> • a description of the strategic need, justification and objectives for the project; • identify alternatives to the proposed preferred project and justify the project taking into consideration the objects of the <i>Environmental Planning and Assessment Act 1979</i>, and its consistency with the aims and objectives of relevant Commonwealth, State and local policies including the <i>National Ports Strategy</i>, the <i>NSW State Plan</i>, <i>NSW Ports Growth Plan</i>, the <i>Lower Hunter Regional Strategy</i>, <i>Hunter Estuary Coastal Zone Management Plan (Newcastle City Council, 2009)</i> and the project objectives. <p>Sediment and Water Quality – including but not limited to:</p> <ul style="list-style-type: none"> • an assessment of the volume and type of sediment materials to be dredged, including the potential for the dredging of Acid Sulfate Soils; • impacts on water quality, including sediment dispersion and suspension, and identification of methods for sediment containment; • the stability of banks, foreshores and any structures adjacent to the dredge area (including the sheet pile containment wall adjacent to berths M5, M6 and M7); and • taking into account the <i>Acid Sulfate Soil Manual</i> (ASSMAC, 1998), <i>Water Quality Guidelines for Fresh and Marine Waters</i> (ANZECC, 2000) and associated guidelines. <p>Contamination – including but not limited to:</p> <ul style="list-style-type: none"> • potential land contamination, contaminated sediments and groundwater, their disturbance during excavation and dredging works, and identification of potential risk to human health or the environment; • sampling and characterisation of the distribution of contamination, taking into account the <i>Sediment Quality Guidelines</i> (CSIRO Handbook, 2000); and • if contamination is identified and remediation of material is necessary, preparation of a Remediation Action Plan (RAP) or other appropriate materials handling procedures taking account of the <i>Contaminated Land Management Act 1997</i>. <p>Hydrology – including but not limited to:</p> <ul style="list-style-type: none"> • hydrodynamic changes to the Hunter River, including flushing, tidal flow and velocity, wave dynamics, bank erosion and stability (including scouring and erosion of river banks by natural forces as well as by passing vessels); • potential for the project to alter the tidal range and water levels, and saline intrusion to upstream water bodies and environments (including wetlands), stratification and anoxia; • changes to flooding characteristics, including velocity changes within and adjoining the works and the consideration of climate change; and • consideration of the <i>Newcastle Floodplain Planning – Stage 1 Concept Planning Report (Newcastle City Council, 2009)</i>. <p>Noise and Vibration – including but not limited to:</p> <ul style="list-style-type: none"> • noise and vibration from all activities and sources on and offsite, including sheet piling and blasting, and impacts to adjoining receivers. The assessment must consider the impact from the project in isolation and in a cumulative context with relevant existing and approved development; and • taking into account the <i>Interim Construction Noise Guideline</i> (DECC, 2009) and <i>Environmental Criteria for Road Traffic Noise</i> (EPA, 1999) as relevant. <p>Heritage – including but not limited to:</p> <ul style="list-style-type: none"> • non-indigenous and indigenous heritage items and values of the site and surrounding area (including known or probable maritime heritage sites and

	<p>appropriate surveys); and</p> <ul style="list-style-type: none"> consideration of the <i>NSW Heritage Manual</i> (NSW Heritage Office, 1996), <i>Assessing Heritage Significance Guidelines</i> (NSW Heritage Office, 2001) and <i>Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> (DEC, 2005). <p>Spoil Handling and Disposal – including but not limited to:</p> <ul style="list-style-type: none"> spoil disposal and reuse options, including identification and description of potential disposal locations; air quality impacts associated with the dredging, handling, stockpiling and disposal of dredged material (as relevant), including odours beyond the site(s) boundary, taking into account the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i> (DEC, 2005); traffic impacts associated with the hauling of dredged material to disposal locations, taking into account the <i>Guide to Traffic Generating Developments</i> (RTA, 2002), including: <ul style="list-style-type: none"> identification of haulage routes, and a traffic analysis on the local and regional road network, including intersection analysis, having regard to the number, frequency and size of construction related vehicles and the nature of existing traffic on construction routes; identification of any necessary road upgrades; and management of impacts to minimise the potential for cumulative traffic impacts with other major construction activities in the region. <p>Flora and Fauna – including but not limited to:</p> <ul style="list-style-type: none"> potential impacts on threatened terrestrial and aquatic species, populations, and ecological communities and/or critical habitat; consideration of estuarine ecosystems, wetlands and mangroves up-river of the dredging operation; potential mobilisation of sediments (including contaminated sediments) on aquatic fauna; and taking into account the <i>Draft Guidelines for Threatened Species Assessment</i> (DEC & DPI, 2005).
Environmental Risk Analysis	<p>Notwithstanding the above key assessment requirements, the EA must include an environmental risk analysis to identify potential environmental impacts associated with the project, environmental performance criteria and development standards and other mitigation measures, and any significant residual environmental impacts. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed assessment of this key environmental impact must be included.</p>
Consultation	<p>You should undertake an appropriate level of consultation with relevant parties during preparation of the EA, including (but not limited to):</p> <ul style="list-style-type: none"> local, State or Commonwealth government authorities such as: <ul style="list-style-type: none"> Department of Environment, Climate Change and Water; NSW Office of Water; NSW Industry and Investment; NSW Maritime; Roads and Traffic Authority; and Newcastle City Council. specialist interest groups and the public, including adjoining and affected landowners. <p>The EA must describe the consultation process, document consultation undertaken and identify the issues raised (including where these have been addressed in the EA).</p>



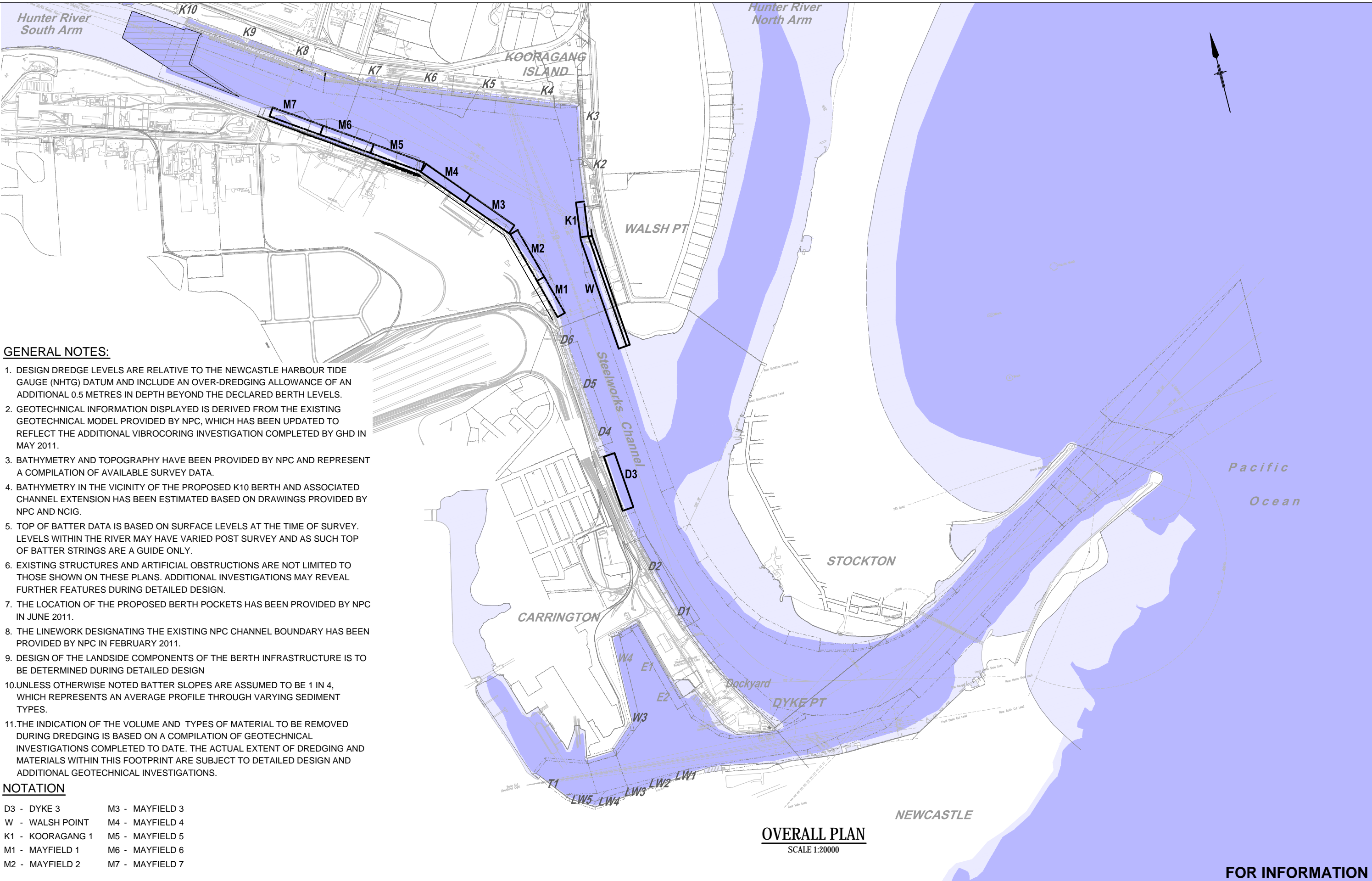
Appendix B

Concept Design Drawings



DRAWING LIST	
DRG No.	DRAWING TITLE/DESCRIPTION
22-15683-K001	COVER / DRAWING LIST
22-15683-K002	OVERALL PLAN
22-15683-K010	DYKE 3 - PROPOSED BERTH SITE - PLAN AND SECTION
22-15683-K020	K1 AND WALSH POINT - PROPOSED BERTH SITE - PLAN AND SECTION
22-15683-K021	K1 AND WALSH POINT - PROPOSED BERTH SITE - SECTION
22-15683-K030	MAYFIELD 1 AND 2 - PROPOSED BERTH SITE - PLAN AND SECTION
22-15683-K040	MAYFIELD 5, 6 AND 7 - PROPOSED BERTH SITE - PLAN AND SECTION
22-15683-K041	MAYFIELD 5, 6 AND 7 - PROPOSED BERTH SITE - SECTION
22-15683-K050	MAYFIELD 3 AND 4 - PROPOSED BERTH SITE - PLAN AND SECTION

[illegible]



GENERAL NOTES:

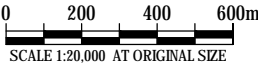
1. DESIGN DREDGE LEVELS ARE RELATIVE TO THE NEWCASTLE HARBOUR TIDE GAUGE (NHTG) DATUM AND INCLUDE AN OVER-DREDGING ALLOWANCE OF AN ADDITIONAL 0.5 METRES IN DEPTH BEYOND THE DECLARED BERTH LEVELS.
2. GEOTECHNICAL INFORMATION DISPLAYED IS DERIVED FROM THE EXISTING GEOTECHNICAL MODEL PROVIDED BY NPC, WHICH HAS BEEN UPDATED TO REFLECT THE ADDITIONAL VIBROCORING INVESTIGATION COMPLETED BY GHD IN MAY 2011.
3. BATHYMETRY AND TOPOGRAPHY HAVE BEEN PROVIDED BY NPC AND REPRESENT A COMPILATION OF AVAILABLE SURVEY DATA.
4. BATHYMETRY IN THE VICINITY OF THE PROPOSED K10 BERTH AND ASSOCIATED CHANNEL EXTENSION HAS BEEN ESTIMATED BASED ON DRAWINGS PROVIDED BY NPC AND NCIG.
5. TOP OF BATTER DATA IS BASED ON SURFACE LEVELS AT THE TIME OF SURVEY. LEVELS WITHIN THE RIVER MAY HAVE VARIED POST SURVEY AND AS SUCH TOP OF BATTER STRINGS ARE A GUIDE ONLY.
6. EXISTING STRUCTURES AND ARTIFICIAL OBSTRUCTIONS ARE NOT LIMITED TO THOSE SHOWN ON THESE PLANS. ADDITIONAL INVESTIGATIONS MAY REVEAL FURTHER FEATURES DURING DETAILED DESIGN.
7. THE LOCATION OF THE PROPOSED BERTH POCKETS HAS BEEN PROVIDED BY NPC IN JUNE 2011.
8. THE LINWORK DESIGNATING THE EXISTING NPC CHANNEL BOUNDARY HAS BEEN PROVIDED BY NPC IN FEBRUARY 2011.
9. DESIGN OF THE LANDSIDE COMPONENTS OF THE BERTH INFRASTRUCTURE IS TO BE DETERMINED DURING DETAILED DESIGN
10. UNLESS OTHERWISE NOTED BATTER SLOPES ARE ASSUMED TO BE 1 IN 4, WHICH REPRESENTS AN AVERAGE PROFILE THROUGH VARYING SEDIMENT TYPES.
11. THE INDICATION OF THE VOLUME AND TYPES OF MATERIAL TO BE REMOVED DURING DREDGING IS BASED ON A COMPILATION OF GEOTECHNICAL INVESTIGATIONS COMPLETED TO DATE. THE ACTUAL EXTENT OF DREDGING AND MATERIALS WITHIN THIS FOOTPRINT ARE SUBJECT TO DETAILED DESIGN AND ADDITIONAL GEOTECHNICAL INVESTIGATIONS.

NOTATION

- | | |
|------------------|-----------------|
| D3 - DYKE 3 | M3 - MAYFIELD 3 |
| W - WALSH POINT | M4 - MAYFIELD 4 |
| K1 - KOORAGANG 1 | M5 - MAYFIELD 5 |
| M1 - MAYFIELD 1 | M6 - MAYFIELD 6 |
| M2 - MAYFIELD 2 | M7 - MAYFIELD 7 |

FOR INFORMATION

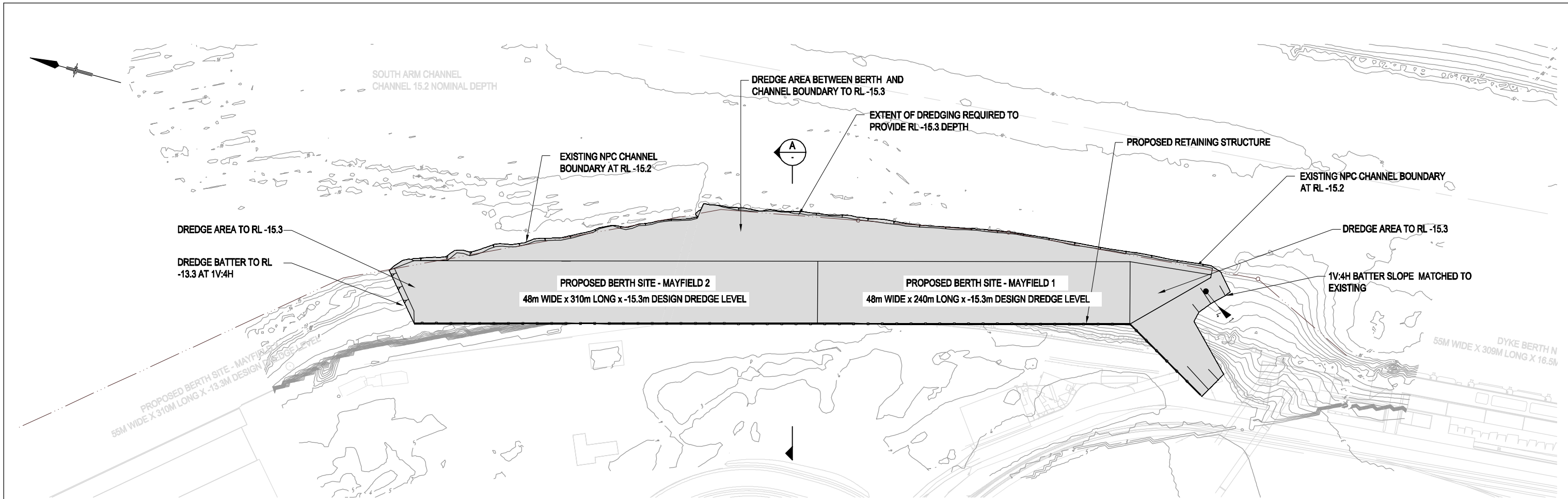
0	ISSUED FOR ENVIRONMENTAL ASSESSMENT		VW	JS	MAW	21.11.11
No	Revision	Note: * indicates signatures on original issue of drawing or last revision of drawing	Drawn	Job Manager	Project Director	Date



DO NOT SCALE	Drawn	L. TORRES	Designer	C. DENGATE
	Drafting Check	A. MACLEAN	Design Check	M. WRIGHT
	Approved M. WRIGHT (Project Director)			
	Date	21.11.11		
	Scale	AS SHOWN		This Drawing must not be used for Construction unless signed as Approved

Client	NEWCASTLE PORT CORPORATION		
Project	CAPITAL DREDGING ENVIRONMENTAL ASSESSMENT		
Title	LOCALITY PLAN		
Original Size	A3	Drawing No:	22-15683-K002
Rev:	0		

[illegible]

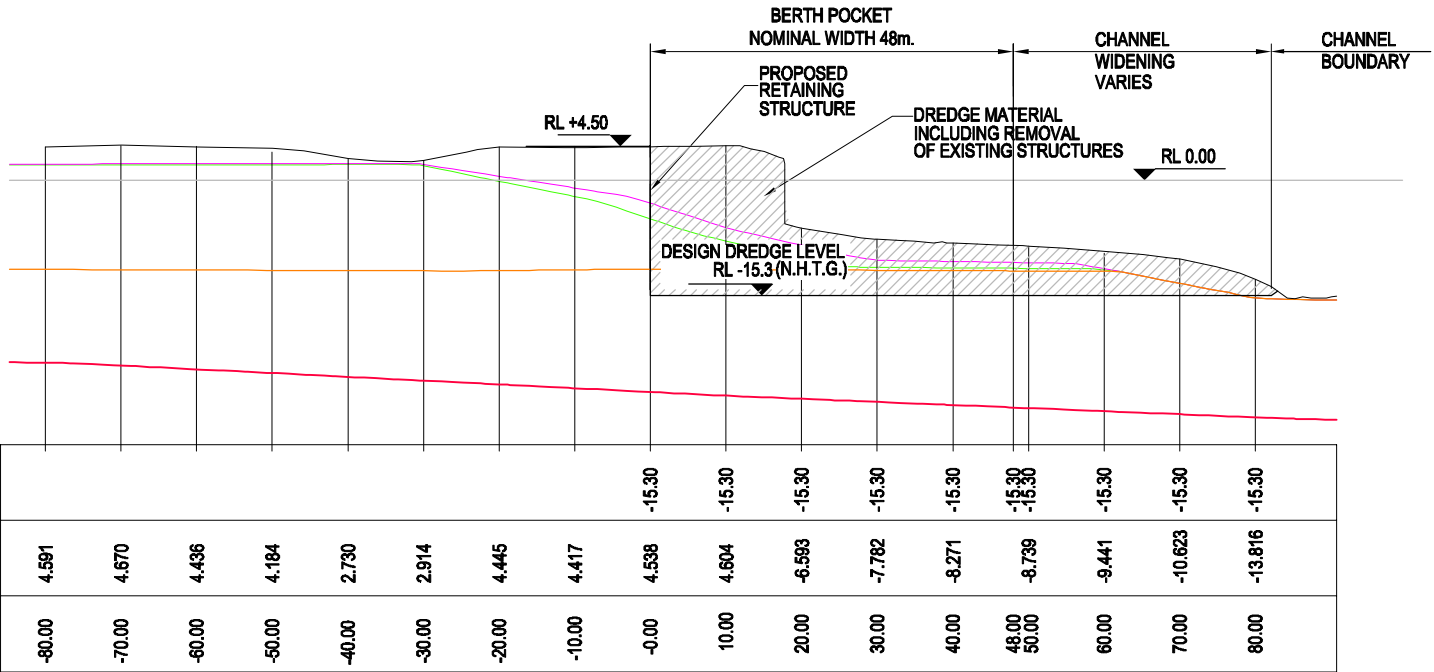


PLAN

SCALE 1:3000

LEGEND

- CHANNEL BOUNDARY
- EMBANKMENT (ROCK)
- EMBANKMENT (OTHER)
- ROCK SURFACE
- STIFF CLAY SURFACE
- SAND SURFACE
- MUD SURFACE
- PROPOSED RETAINING STRUCTURE
- PROPOSED BATTER SLOPE (VARIES) REFER PLAN
- EXTENT OF PROPOSED DREDGING (PLAN)
- EXTENT OF PROPOSED DREDGING (SECTION)

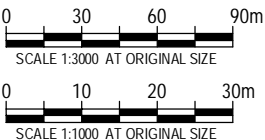


DREDGING VOLUMES TABLE MAYFIELD 1 AND 2 BERTHS	
MATERIAL TYPE	VOLUME (m3)
MUD	30,000
SAND	100,000
CLAY	93,000
GENERAL FILL	88,000
TOTAL	311,000

A SECTION (TYP.)
SCALE 1 : 1000

FOR INFORMATION

1	REVISED ISSUE FOR ENVIRONMENTAL ASSESSMENT	AS	CC	MAW	07.09.12		
0	ISSUED FOR ENVIRONMENTAL ASSESSMENT	VW	JS	MAW	21.11.11		
No	Revision	Note: * indicates signatures on original issue of drawing or last revision of drawing		Drawn	Job Manager	Project Director	Date



DO NOT SCALE

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This document may only be used by GHD's client (and any other person who GHD has agreed can use this document) for the purpose for which it was prepared and must not be used by any other person or for any other purpose.

Drawn	A. SHAW	Designer	C. DENGATE
Drafting Check	A. MACLEAN	Design Check	M. WRIGHT
Approved (Project Director)	M. WRIGHT	Date	21.11.11
Scale	AS SHOWN	This Drawing must not be used for Construction unless signed as Approved	

Client	NEWCASTLE PORT CORPORATION		
Project	CAPITAL DREDGING ENVIRONMENTAL ASSESSMENT		
Title	MAYFIELD 1 AND 2 - PROPOSED BERTH SITE PLAN AND SECTION		
Original Size	A3	Drawing No:	22-15683-K030
Rev:	1		



Appendix C

Community Consultation

16 May 2011

The Secretary
Awabakal Local Aboriginal Land Council
127 Maitland Road
ISLINGTON, NSW 2296

Our Reference: NP2011



**Navin
Officer**
*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
Environmental Assessment**

Newcastle Port Corporation proposes to dredge ten shipping berth boxes at the South Arm of the Hunter River (Port of Newcastle) in various locations adjacent to Mayfield North, Carrington and Walsh Point.

Navin Officer Heritage Consultants Pty Ltd (NOHC) has been commissioned by GHD to provide cultural heritage input to the Environmental Assessment for the Capital Dredging Project.

As this is a Part 3A project we are required to implement the Office of Environment and Heritage's (formerly the Department of Environment, Climate Change and Water) *Interim Community Consultation Requirements for Applicants* for this project. I am therefore writing to inform you of this development and invite registration as an interested group.

The closing date for this registration of interest is 1 June 2011.

Please respond in writing to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9415

We look forward to working with the Land Council on this project.

Yours faithfully,

Kerry Navin

(Ms) Kerry Navin

16 May 2011

The Secretary
Office of the Registrar
Aboriginal Land Rights Act (1983) NSW
PO Box 112
GLEBE NSW 2037

Our Reference: NP2011



***Navin
Officer***
*heritage
consultants
pty ltd*
abn: 28 092 901 605

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
Environmental Assessment**

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Please respond in writing to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9415

Yours faithfully,

Kerry Navin

(Ms) Kerry Navin

16 May 2011

The Secretary
Native Title Services
PO Box 2105
STRAWBERRY HILLS NSW 2012

Our Reference: NP2011



**Navin
Officer**
*heritage
consultants
pty ltd*
abn: 28 092 901 605

Dear Sir/Madam,

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Environmental Assessment**

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4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9415

Yours faithfully,

Kerry Navin

(Ms) Kerry Navin

16 May 2011

The General Manager
City Administration Centre
282 King Street
NEWCASTLE NSW 2300

Our Reference: NP2011



Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
Environmental Assessment**

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Please respond in writing to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9415

Yours faithfully,

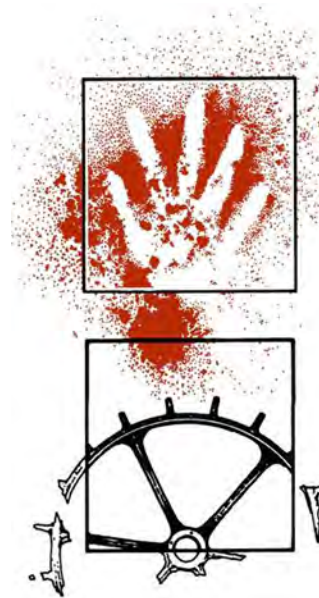
Kerry Navin

(Ms) Kerry Navin

16 May 2011

The Executive Director Operations
NSW Office of Environment and Heritage
PO Box A 290
SOUTH SYDNEY NSW

Our Reference: NP2011



**Navin
Officer**
*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
Environmental Assessment**

Newcastle Port Corporation proposes to dredge ten shipping berth boxes at the South Arm of the Hunter River (Port of Newcastle) in various locations adjacent to Mayfield North, Carrington and Walsh Point.

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As this is a Part 3A project we are required to implement the Office of Environment and Heritage's (formerly the Department of Environment, Climate Change and Water) *Interim Community Consultation Requirements for Applicants* for this project. I am therefore writing to inform you of this development and invite registration as an interested group.

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Please respond in writing to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9415

Yours faithfully,

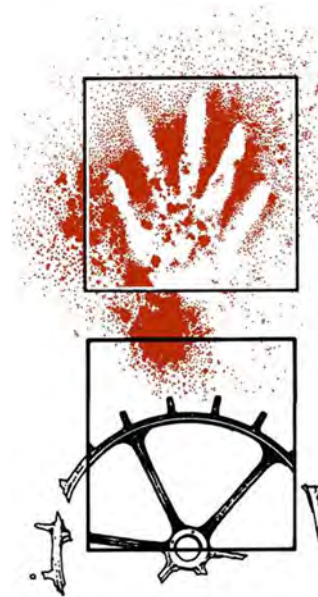
Kerry Navin

(Ms) Kerry Navin

16 May 2011

NSW Office of Environment & Heritage
Metropolitan Branch
PO 668
PARRAMATTA NSW 2124

Our Reference: NP2011



***Navin
Officer***

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sir/Madam,

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Environmental Assessment**

Newcastle Port Corporation proposes to dredge ten shipping berth boxes at the South Arm of the Hunter River (Port of Newcastle) in various locations adjacent to Mayfield North, Carrington and Walsh Point.

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As this is a Part 3A project we are required to implement the Office of Environment and Heritage's (formerly the Department of Environment, Climate Change and Water) *Interim Community Consultation Requirements for Applicants* for this project. I am therefore writing to inform you of this development and invite registration as an interested group.

The closing date for this registration of interest is 1 June 2011.

Please respond in writing to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9415

Yours faithfully,

Kerry Navin

(Ms) Kerry Navin



11-13 Mansfield Street
Glebe NSW 2037
PO Box 112, Glebe NSW 2037
P: 02 9562 6327 F: 02 9562 6350

The Secretary
Navin Officer Heritage Consultant Pty Ltd
4/71 Leichhardt Street
Kingston ACT 2604

27 May 2011

Dear Sir/Madam,

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 16th May 2011 regarding Aboriginal stakeholders within the Mayfield North, Carrington and Walsh Point area in NSW.

I have searched the Register of Aboriginal Owners and the project area described does not have Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983* (NSW).

I suggest you contact the Awabakal Local Aboriginal Land Council. They may also be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely

Tabatha Dantoine
Administrative Officer
Office of the Registrar, *Aboriginal Land Rights Act* (1983)

Future City.R Noble.SLC
Reference: 3356318
Phone: 02 4974 2785

31 May 2011

Ms Kerry Navin
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt St
KINGSTON ACT 2604



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au

Dear Ms Navin

CAPITAL DREDGING PROJECT - REGISTRATION OF INTERESTED GROUPS

The City of Newcastle wishes to register as an interested party in the consultation process for the Capital Dredging project, south arm, Hunter River.

Please direct all correspondence to the General Manager, for the attention of Sarah Cameron, Heritage Officer, telephone (02) 4974 2785, or email scameron@ncc.nsw.gov.au.

Yours faithfully

Sarah Cameron
HERITAGE OFFICER



Great Place, Great Lifestyle, Great Future

Future City.J Gaynor.
Reference: 3356318
Phone: 02 4974 2707



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au

31 May 2011

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

Dear Ms Navin

**CAPITAL DREDGING PROJECT - SOUTH ARM, HUNTER RIVER
ENVIRONMENTAL ASSESSMENT**

Thank you for your invite to nominate interest groups for the Capital Dredging Project
- South Arm Hunter River, Environmental Assessment, dated 16 May 2011.

The City of Newcastle would like to nominate as an interest group. The point of
contact is Sarah Cameron, Heritage Officer, City of Newcastle, contact telephone
4974 2785 or email scameron@ncc.nsw.gov.au.

In addition, I'd like to also identify the following three Aboriginal stakeholder groups:

- Awabakal Local Aboriginal Land Council
127 Maitland Road
ISLINGTON NSW 2296
- Worimi Local Aboriginal Land Council
173 Nelson Bay Rd
WILLIAMTOWN NSW 2314 x
- Yarnteen Ltd
840 Hunter Street Newcastle West
PO Box 2128
DANGAR NSW 2309 x

letter sent 16 May 2011

Yours faithfully

Jill Gaynor
MANAGER - STRATEGIC PLANNING SERVICES

07 June 2011

Worimi Local Aboriginal Land Council
173 Nelson Bay Road
WILLIAMTOWN NSW 2314

Our Reference: NP2011



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
Environmental Assessment**

Newcastle Port Corporation proposes to dredge ten shipping berth boxes at the South Arm of the Hunter River (Port of Newcastle) in various locations adjacent to Mayfield North, Carrington and Walsh Point.

Navin Officer Heritage Consultants Pty Ltd (NOHC) has been commissioned by GHD to provide cultural heritage input to the Environmental Assessment for the Capital Dredging Project.

As this assessment will be conducted under Part 3A of the *Environmental Planning and Assessment Act 1979*, the Department of Planning has directed that Aboriginal stakeholder consultation is to be conducted according to the 2005 *Interim Community Consultation Requirements for Applicants* prepared by the Office of Environment and Heritage's (formerly the Department of Environment, Climate Change and Water). I am accordingly, writing to inform your organisation of this proposal and, if you wish to be informed by, or contribute to the Aboriginal consultation program, to invite your registration as an Aboriginal stakeholder group.

Please respond in writing within 14 days from the date of this correspondence. Please send your response to:

The Secretary
Navin Officer Heritage Consultants Pty Ltd

either by the following postal address:

4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9415

Thankyou for your attention and interest in this matter.

Yours faithfully,

Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator

07 June 2011

Yarteen Ltd
840 Hunter Street
NEWCASTLE WEST NSW 2309

Our Reference: NP2011



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
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The Secretary
Navin Officer Heritage Consultants Pty Ltd

either by the following postal address:

4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to; (02) 6282 9415

Thankyou for your attention and interest in this matter.

Yours faithfully,

Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator

07 June 2011

Awabakal Traditional Owners Aboriginal Corporation
Kerrie Brauer
PO Box 253
JESMOND NSW 2299

Our Reference: NP2011



Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
Environmental Assessment**

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Yours faithfully,

Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator

07 June 2011

Awabakal Descendants Traditional Owners
Aboriginal Corporation
Shane Frost
PO Box 86
CLARENCE TOWN NSW 2321

Our Reference: NP2011



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
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Yours faithfully,

Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator

07 June 2011

Awabakal Newcastle Aboriginal Co-op,
Kevin McKenney
64 Hannell Street
WICKHAM NSW 2203

Our Reference: NP2011

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Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

07 June 2011

Cacatua Culture Consultants,
Donna & George Sampson
22 Ibis Parade
WOODBERRY NSW 2322

Our Reference: NP2011



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

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Yours faithfully,

Glenda Hyde

(Ms) Glenda Hyde

Aboriginal Cultural Coordinator

07 June 2011

Arwarbukarl Cultural Resource Association,
Darren McKenny
PO Box 240
BROADMEADOW NSW 2292

Our Reference: NP2011

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
Environmental Assessment**

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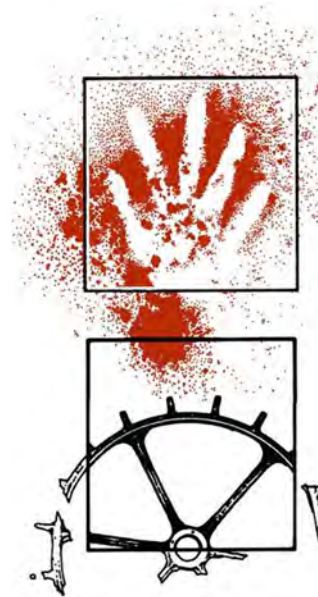
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Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator



**Navin
Officer**

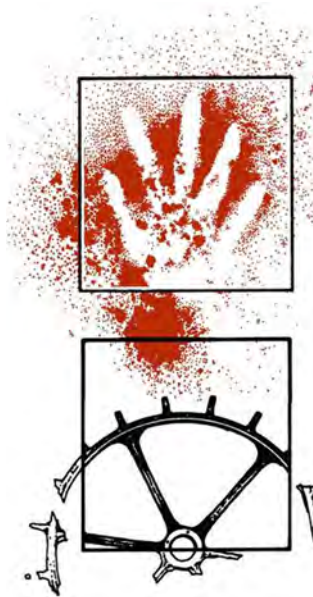
*heritage
consultants
pty ltd*

abn: 28 092 901 605

07 June 2011

Awabakal Local Aboriginal Land Council
Cheryl Kitchner
PO Box 437
HAMILTON NSW 2303

Our Reference: NP2011



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

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**Re: Capital Dredging Project – South Arm, Hunter River
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Glenda Hyde

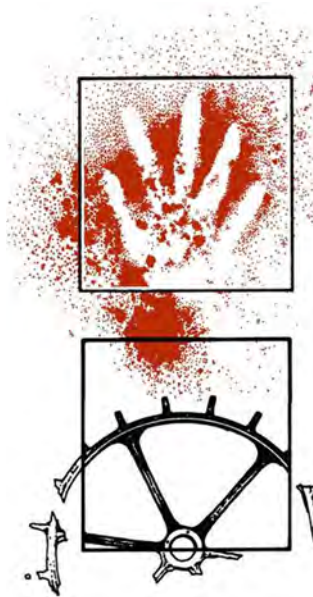
(Ms) Glenda Hyde

Aboriginal Cultural Coordinator

07 June 2011

Maaialangal Aboriginal Heritage,
Carol Ridgeway-Bissett
5 Ondine Close
NELSONS BAY NSW 2315

Our Reference: NP2011



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

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Thankyou for your attention and interest in this matter.

Yours faithfully,

Glenda Hyde

(Ms) Glenda Hyde

Aboriginal Cultural Coordinator

07 June 2011

Mur-Roo-Ma Inc,
Anthony Anderson
7 Vardon Road
FERN BAY NSW 2295

Our Reference: NP2011

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
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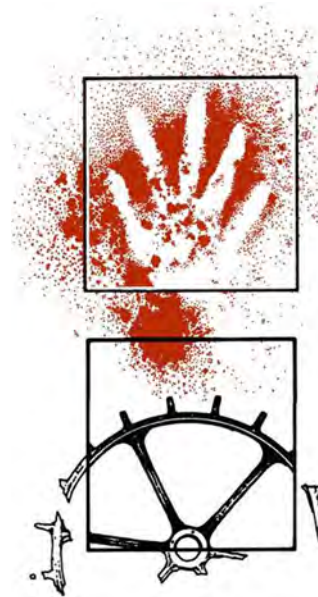
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(Ms) Glenda Hyde
Aboriginal Cultural Coordinator



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

07 June 2011

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

Our Reference: NP2011

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
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Yours faithfully,

Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator



07 June 2011

Garrigal Aboriginal Community Inc,
Del Arnold
PO Box 182
GLOUCESTER NSW 2422

Our Reference: NP2011

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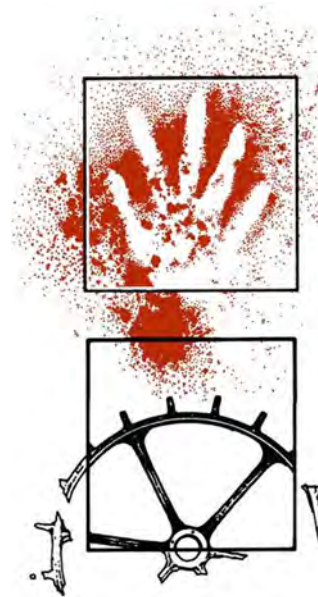
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Aboriginal Cultural Coordinator



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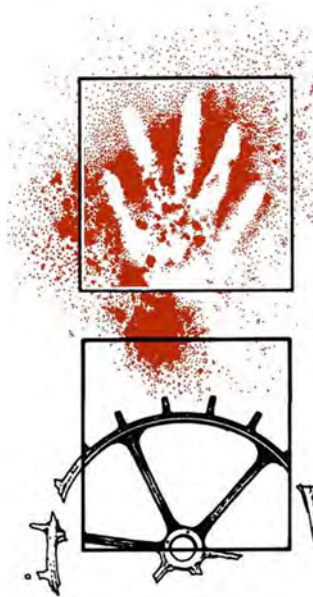
*heritage
consultants
pty ltd*

abn: 28 092 901 605

07 June 2011

Worimi Aboriginal Community Co-operative,
Cheryl Hendry
17a Wahgunyah Road
NELSON BAY NSW 2315

Our Reference: NP2011



**Navin
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*heritage
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pty ltd*

abn: 28 092 901 605

Dear Sir/Madam,

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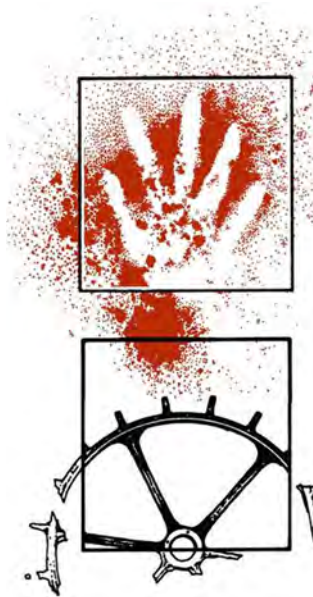
(Ms) Glenda Hyde

Aboriginal Cultural Coordinator

07 June 2011

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

Our Reference: NP2011



**Navin
Officer**

*heritage
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abn: 28 092 901 605

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Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator

07 June 2011

Worimi Knowledge Holders AC
PO Box 421
TAREE NSW 2430

Our Reference: NP2011



**Navin
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abn: 28 092 901 605

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**Re: Capital Dredging Project – South Arm, Hunter River
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Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator

07 June 2011

Do-Wa-Kee
Mick Leon
PO Box 22
TAREE NSW 2430

Our Reference: NP2011

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
Environmental Assessment**

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Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

07 June 2011

Yamuloong Group Initiatives Ltd
Sean Gordon
PO Box 487
CARDIFF NSW 2285

Our Reference: NP2011



**Navin
Officer**

*heritage
consultants
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abn: 28 092 901 605

Dear Sir/Madam,

**Re: Capital Dredging Project – South Arm, Hunter River
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Yours faithfully,

Glenda Hyde

(Ms) Glenda Hyde
Aboriginal Cultural Coordinator



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Our reference: 2010/08999

Mr Chris Gilmore
Manager Environmental Services
GHD Newcastle
Level 3, 24 Honeysuckle Drive
Newcastle NSW 2300

Dear Mr Gilmore

Thank you for your letter of 2 June 2011 regarding Newcastle Port Corporation's (NPC) capital strategic dredging project.

The Department of Sustainability, Environment, Water, Population and Communities (the department) notes that NPC is proposing to conduct capital dredging activities in the South Arm of the Hunter River to facilitate the development of future berthing sites. The department also notes GHD's preliminary assessment that "it is not envisaged that this would constitute a controlled action under the *Environmental Protection and Biodiversity Act 1999*" (EPBC Act) and therefore the project will not be referred to the department at this time.

As you are aware, any activities that are likely to have a significant impact on a matter of national environmental significance require approval under the EPBC Act.

Finally, the department understands that methods for the disposal of dredged material are yet to be determined. All methods of disposal should be considered and evaluated. If at-sea disposal is selected as the preferred disposal method a sea dumping permit issued under the *Environment Protection (Sea Dumping) Act 1981* will be required. Further information on sea dumping applications is available at <http://www.environment.gov.au/coasts/pollution/dumping/index.html>

Thank you again for your letter.

Yours sincerely,

Michael Ward
Director, Ports and Marine

15 June 11





EXPRESSIONS OF INTEREST



AWABAKAL LOCAL ABORIGINAL LAND COUNCIL

127 Maitland Road
Islington NSW 2296
ABN: 19 759 066 759

23/06/2011

Kerry Navin
4 Kingston Warehouse
71 Leichhardt Street, Kingston ACT 2604

Dear Kerry,

Re: Proposed Cultural and Heritage – Capital Dredging Project, Hunter River

I would like to formally express an interest in the Cultural heritage proposal on the Capital Dredging Project on the South Arm of the Hunter River.

In past inspections such as dredging in the Awabakal area, the soil & sand which has been removed usually gets spreaded out in an open area where the Cultural & Heritage officer can inspect the remains.

This has been in effect because the river and the shore line has changed so much in the last 100 years, but it also gives the site officer a chance to recover Artefacts that have been lost in time in and around the Hunter river.

There has been a lot of Development in the Hunter River in the last 100 years but before that the area was heavily populated with Aboriginal tribes and was a major food source in the Newcastle area.

It is in the interest of the Awabakal Local Aboriginal Land Council that all proposed projects and cultural and heritage works within Awabakal boundary to be assessed by an Awabakal cultural and heritage officers.

The Awabakal LALC has been involved in all public projects in the past and our Cultural and Heritage Officers have more than 20 year experience and has a vast knowledge of Aboriginal culture and heritage in and around the Awabakal boundary.



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 expect 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.

Yours sincerely

David Ahoy
Senior sites officer



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



**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@kooee.com.au

Navin Officer Heritage Consultants Pty Ltd
Attention Glenda Hyde
4/71 Leichardt Street
Kingston ACT 2604

20th June 2011

Dear Glenda

**Re: Proposed Capital Dredging Project – South Arm, Hunter
River Environmental Assessment**

Nur-Run-Gee Pty Ltd wishes to be consulted about the proposed project at South Arm, Hunter River Environmental Assessment and wish to register our expression of interest.

We are an Indigenous company that can offer the services of Cultural and Heritage Consultants and qualified Indigenous sites/field officers with over 20 years experience. All staff have their Greencard qualifications and are fit and able to carry out field work.

Nur-Run-Gee Pty Ltd has relevant insurances which can be forwarded if requested along with staff qualifications.

Looking forward to hearing from you.

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

Yours Sincerely

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



ATOAC
Awabakal Traditional Owners Association

19 June 2011

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

Dear Sir/Madam,

Re: Registration of Interest Regarding the Proposed Capital Dredging Project for the South Arm Hunter River Environmental Assessment.

The Awabakal Traditional Owners would like to Register our Interest regarding the Proposed Capital Dredging Project for the South Arm Hunter River Environmental Assessment.

We wish to be consulted with regard to the Aboriginal Cultural Heritage being undertaken as participants in the assessment and consultation process archaeological investigation for the proposed project.

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

We would like to take this opportunity to clarify our position being the direct descendants of the Traditional Awabakal People of the Newcastle and Lake Macquarie Region.

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

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

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

1



The Newcastle region is regarded as highly significant to the Awabakal People, and was utilised by our people repeatedly for many purposes including ceremony, fishing, hunting and food gathering. This is evident by the vast amount of documentation recorded from the region.

This evidence indicates a lifestyle of educational value of traditional occupation, and therefore demands the respect of the historical value that this particular and surrounding area provides.

We are a registered Aboriginal Corporation under the Federal Governments Aboriginal Corporations Act and we are registered with the Office of Environment and Heritage, formally the Department of Environment, Climate Change and Water (DECCW).

Representatives of the Awabakal Traditional Owners Aboriginal Corporation involvement is crucial during any consultation process and subsequent assessment, given that our People have a primary connection with this area for thousands of years, and the Cultural Knowledge held by us relating to our Cultural Heritage and Traditional Country.

We would appreciate confirmation regarding our involvement in the proposed project at your earliest convenience, and if you require any further information please do not hesitate in contacting me.

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

Yours sincerely,

Kerrie Brauer
Director | Administration

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



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 19 June 2011

**Attention: The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604**

**Re: Registration of Interest Regarding the Proposed Capital Dredging Project
for the South Arm Hunter River Environmental Assessment.**

Dear Sir/Madam

ALLA (Hello in Awabakal Language)

We are writing to you regarding the **Registration of Interest Regarding the Proposed Capital Dredging Project for the South Arm Hunter River Environmental Assessment**. We would like to notify you of the **Awabakal Descendants Traditional Owners Aboriginal Corporations** registration of interest for the proposed project and that it is our desire to be consulted in regard to any Aboriginal archaeological management or consultation that is to take place for any area located within the Traditional Awabakal Tribal area.

We are a registered Aboriginal Corporation under the Federal Governments **Aboriginal Corporations Act** to carry out business within Australia in regard to the representation of our people through this corporation known as the **Awabakal Descendants Traditional Owners Aboriginal Corporation**.

Being the direct descendants of the Traditional Awabakal People of the Lake Macquarie/Newcastle area we take this opportunity in a few sentences to quickly formalise our position with you.

Our great great great Grandmother was one of the first Aboriginal People to be recorded in the Lake Macquarie and Newcastle area in 1828 when the Reverend L.E.Threlkeld made the first list of the Aboriginal People of the Lake Macquarie and Newcastle districts from his mission station at Belmont. At Warner's Bay our great great great Grandmother and her daughter, our great great Grandmother, were recorded by Jonathon Warner in 1833 and then again at Toronto in 1836 by L.E.Threlkeld at his mission there. We also have many well documented instances, as well as oral history of our People, which were also recorded by the Rev. L.E. Threlkeld among others regarding our people living in and around the Newcastle and Lake Macquarie areas. Subsequently, our people still live and maintain our Cultural ties with our Traditional Country and are concerned with the overall welfare of our Cultural Heritage and desire to be involved in all the affairs that may affect that Cultural Heritage which is vital to our People in maintaining connectedness in respect of our Traditional Country.

The area referred to is located within the Traditional Tribal Country of our People, the Awabakal. This is why it is crucial for the correct People to be involved in this process and any information relevant to this area to be accurate and forthcoming at the outset of this project. This can only be accomplished by involving those who are the direct Descendants of the original People and that were born and raised in the Traditional Country of their Ancestors and as a result also hold that Traditional Cultural Knowledge of the proposed project area. Our Traditional Tribal area is significant to us because our people have lived around Newcastle and Lake Macquarie for many thousands of years, these resource rich areas were utilised on many occasions to hunt, fish and carry on Traditions that have now been passed down for centuries from one generation to another. Subsequently, there are many sites located within our Traditional Country which provide tangible evidence of the Cultural Heritage of our people and of which identification and information regarding the locations and significance of many of these is only held by the Awabakal People who hold this knowledge.



It must also be emphasised that this area is highly significant to our People; the land surrounding the Hunter River and the river itself was the source of many rich recourses of which our people have depended on for thousands of years. As a result, due to the occupation of this area by our People, many archaeological deposits now make up the Awabakal Cultural Heritage that is located within this area but also connect to the many other sites located within our Traditional Tribal Country.

As already explained, this area and every part of our Traditional Country are special to us, not just for the Physical aspect but also the Spiritual and Oral aspect which, when all combined, give us our complete Culture. Our Cultural Heritage and Traditional Tribal Country are two of the reasons why we take every opportunity to make ourselves available for consultation concerning the very important issues and decisions that need to be made in regard to protecting what is Culturally ours, handed onto us as a legacy from our Ancestors and what also gives us the right through birth to be called Awabakal People.

Given the opportunity to take part in this consultation and any subsequent assessment process, I (being the nominated representative for this corporation) would make representation on behalf of our People and provide the necessary qualifications which are vital in delivering all aspects of the **Cultural Knowledge** of the proposed project area (as required by the OEH (formally DECCW) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010)¹. I am also physically capable to undertake any potential assessments/surveys due to spending many hours walking our Awabakal Country and carrying out assessments/surveys for Cultural Heritage and educational purposes.

As far as field identification or assessment/survey techniques are concerned and as previously outlined, I was brought up in the bush around Newcastle, Lake Macquarie and the mountains and have many years of experience spending most of my life being instructed and shown much by my Father and Grandmother in regard to our places, stories, tools/weapons and foods and how to acquire/make and use them. I have also been actively involved with Aboriginal archaeological heritage, consultation and assessments/surveys conducted within our Awabakal Country over many years. Our corporation has successfully worked with and accompanied many archaeological consultants from well known companies, (located from within and outside our area) into the field and have taken part in many projects which required a detailed consultation process and where monitoring was necessary or excavation was required and carried out to locate artefacts or to gather information which aimed to provide a greater understanding of our People both now and in the future and also add to the research potential by identifying primarily the use of certain artefacts, the type used and the utilisation and significance of place along with the underlying connection that exists between each site.

Some of the archaeological consultants/companies we have worked with on many occasions include, AECOM, ENSR, AHMS, ERM, Insite Heritage, RPS, Umwelt and many others on major and minor projects located within our Traditional area. We have provided assistance and advice for a diverse range of proponents/developers from large mining companies and government departments through to small private developers. We are presently involved with many ongoing long term projects (one being the Landcom Sanctuary Estate close to Fletcher), working with organisations to see favourable outcomes for all those involved and through these processes endeavouring to secure long term preservation and protection in relation to all issues pertaining to Awabakal Cultural Heritage.

It is imperative that we be involved with this consultation and any subsequent assessment process because of our People's intimate connection to this area for thousands of years and as a consequence the **Cultural Knowledge** held by us regarding our Traditional Country.

Also as far as communicating the results of any consultation or assessment process back to stakeholder community and returning advice on the response, as Managing Director of our corporation, I have the capacity and occasion to contact our members for any comments and information that may be pertinent to this project and also have the necessary experience in production and reporting of any information required in written format in relation to any Cultural Heritage Report that is produced. We pride ourselves on the fact that we promptly address all correspondence including all aspects of Cultural Heritage Reporting supplying information that will help facilitate in an outcome that expedites the conclusion of the consultation and assessment phase and will hopefully see an acceptable outcome for our People's Cultural Heritage as well as the proponent and the archaeological consultants. Being involved in many important projects and developments necessitating Cultural Heritage Consultation and Field Assessments within our Traditional Country over the years we have had the opportunity on many occasions to supply our responses after reviewing draft Cultural Heritage Assessment Reports and have done this within the prescribed/allotted timeframes.

¹ Page 8, section 3.3.1, NSW DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010



We also hold all relevant insurances needed to participate in the event of possible fieldwork/assessments taking place and all representatives of our corporation are covered by public liability and workers compensation insurance. These certificates of currency are supplied separately to this letter (*when requested*) due to confidentiality.

Our letter regarding terms of engagement and schedule fees for our representative to take part in any fieldwork/assessments which may result from the consultation process would be inclusive of all relevant and associated costs for us to participate in this process and like our insurance documents are supplied separately to this letter for confidentiality reasons (*when requested*).

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 (Farewell in Awabakal Language)

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



Barkuma Neighbourhood Centre Trading as...

Gidawaa Walang

Wiradjuri Meaning - Goanna Turning the Stone
Cultural Heritage Consultancy

...To keep our Culture...



ABN: 58 290 659 800
76 Lang Street,
Kurri Kurri NSW 2327
Phone: (02) 4937 1094
Fax: (02) 4936 4449
Mobile: 0411 196 991

6th June 2011

The Secretary
Navin Officer Heritage
Consultants Pty Ltd
4/71 Leichardt Street
ACT 2604

The Secretary

Re: Newcastle Port- Aboriginal Heritage

Gidawaa Walang Cultural Heritage Consultancy would like to register our interest in the above project. Our interest comes from various members of our community including Elders.

Our organisation is made up of members, staff, management and community from various tribal boundaries including Awabakal. We have been involved in Culture and Heritage work for over 12 years in the Hunter and have participated in a number of projects eg; Hunter Expressway.

I would like to thank you for the opportunity to register our interest in the project.

Yours sincerely

Ann Hickey
Project Officer



22/06/2011 11:38

0240286943

CACATUA GENERAL SERV

PAGE 01



Cacatua Culture Consultants

Entity of Cacatua Pty Ltd

ABN: 87 145 062 460 ACN: 145 062 460

21st June 2011

The Secretary
Navin in Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
Kingston ACT 2604

RE: **Capital Dredging Project- South Arm, Hunter River
Environmental Assessment**

Glenda Hyde,

Thank you for your letter dated 7th June 2011. We would like to express our interest in being involved in the above Proposed Capital dredging project- south arm, Hunter River environmental assessment.

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

Our Organisation is fully insured and registered with OEH (DECCW)/EPRG. Our staff has undertaken work on all types of sites. Please do not hesitate to contact us if you require more information.

Yours truly

Tegan McCormack
CCC Administration

Email: cacatua@resetsl.net.au

UNIT 1b, 11 Glenwood Drive THORNTON NSW 2322

Ph: 02 4028 6942 Fax: 02 4028 6943

65 Jaeger Avenue, GUNNEDAH NSW 2380

Mob: 0403 765 019 Fax: 02 6742 1491

22 Ibis Parade WOODBERRY NSW 2322

Ph: 02 4964 4685 Fax: 02 4964 4635



* 16/06 2011 14:13 FAX

002



Mur-roo-ma Inc

ABN : 978 077 194 84

Phone / Fax : 02 49281910

Mobile : 0402 82 74 82

E-mail : murroomainc1@gmail.com

To Navin Officer

16/6/2011

Re Capital Dredging Project South Arm Hunter River
Environmental Assessment

Thank you for the opportunity to have an input into this project.

Mur-roo-ma Inc would like to register their interest in the above project

We are local Worimi traditional owners with extensive Cultural Knowledge and 20 years experience in sites investigations of our local area and would like to formally offer our services through our knowledge

holders Mr Anthony Anderson and Mrs Rebecca Young and to share our knowledge to create the best outcome for all concerned. Mur-roo-ma Inc has relevant insurances which can be forward if requested .

Please don't hesitate to contact me if you need any further information.

Kind regards

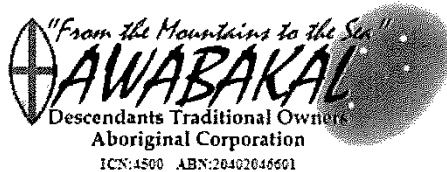
Anthony Anderson

Worimi Traditional Custodian

CEO of Mur-roo-ma Inc



COMMENTS ON METHODOLOGY



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 31 July 2011

Attention: The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

**Re: Comments Regarding the Capital Dredging Project for the South Arm Hunter River
Newcastle Port-Cultural Heritage Assessment Methodology for the Information of Aboriginal
Stakeholders.**

Dear Sir/Madam

ALLA (Hello in Awabakal Language)

We are writing to you with our comments/response **Regarding the Capital Dredging Project for the South Arm Hunter River Newcastle Port-Cultural Heritage Assessment Methodology for the Information of Aboriginal Stakeholders.** We would like to notify you of the **Awabakal Descendants Traditional Owners Aboriginal Corporations** have reviewed the methodology document and have provided below in point form our responses;

It must be said that we are disappointed with the methodology in its current form. We believe that much of the content does not take into account previous uses of the area by our People or the landforms that existed prior to and early European arrival in the area. We believe that the methodology needs drastic revision before we could agree with it. This revision should be the result of a concerted effort by the archaeological consultants and the proponent after an acceptable consultation period with the Aboriginal Stakeholders. To date this methodology is the only consultation we have had and it looks like, by reading the methodology, that you have already made your decisions about dealing or should we say not dealing with **OUR** Cultural Heritage. Again we need to reiterate that, in our opinion, this consultation and methodology process so far is not satisfactory.

- On page 3 of the methodology under heading **'Have any previous assessments been conducted'** there is a statement that says **'...it is unlikely that there would be any relics, items or places of Aboriginal significance remaining within the locality (Worley Parsons 2011:21)**. We disagree with this statement!
 - a. The Hunter River itself is of great significance to the Awabakal People and has been a source of subsistence, providing resources over thousands of years. It also features within other areas of our Cultural Heritage and to accept this statement as is and allude to the fact that it is unlikely that places of Aboriginal significance remains within the locality is offensive to say the least and displays a disregard for our Cultural Heritage.
- There is also a discrepancy/anomaly on page 3 under the heading **'Have any previous assessments been conducted'** in the 3rd paragraph. You give a date of 1862 for the shoreline mapping overlay and then in Figure 2 on page 4 it shows the redline that represents the shoreline and gives it a date of 1865. Which is it 1862 or 1865?? This needs clarification!
- To also express that **'this conclusion is also supported by a comparison of the former natural shoreline of the Hunter River with the current port configuration'** could be misleading within the context of many thousands of years occupation of the area by our People.
 - a. The former (natural) shoreline is only taken into account back to 1862/5 and 1912. There has been **NO** consideration given to the fact that shorelines can be subject to considerable change due to modifications in the landscape/environment especially after catastrophic events and the fact that it has had many thousands of years to do so, which consequently, is intertwined with the occupation of the area by our People.



- b. An example of what can be hidden can be shown in an excavation that took place in the area of Hunter Street beside Cottage creek, in which we were involved. It provided data that showed that the river was at one stage flowing in the area that is now occupied by Hunter Street and that there were several layers of sand dunes and occupation then deposited over top of this same area at later dates (dates up to six and a half thousand years). This area provided thousands of artefacts up to a depth of over 2 metres deep. The quantity of water worn artefacts at over 2 metres deep continued in high numbers and it is expected would have continued if excavated further but water seepage prevented this. The topsoil had already been stripped off to over a metre before our excavation was started; therefore we were still finding artefacts at what was originally a depth of over 3 metres.
 - c. The overlay of previously recorded shorelines only gives us an insight of change within the last 149 years (if it is based on the 1862 date) or 146 years (if based on the 1865 date).
 - d. Also it can be seen that there are some significant differences between the 1862/65 shoreline and the 1912 shoreline in Figure 2. There may have been some modifications to some of these areas by human/unnatural intervention, but it would be expected that not all of these differences should be attributed to man. Some of these changes would have been the result of natural processes. Therefore if there have been changes to the natural shoreline between the years 1862/5 and 1912, a period of no more than 50 years, then what have the changes been over many thousands of years??
- Some of the 1862/5 and 1912 shorelines (not to mention possible older shorelines) will be impacted by the berth dredging as can be seen by the red and yellow lines in Figure 2. This should then be taken into account as well.
- We also disagree with the decision not to conduct an assessment/walkover by the Aboriginal Stakeholders within the areas in question. The statement on page 3, last paragraph which says **'...this project does not require an archaeological field surveyor assessment component and should focus on the required Aboriginal Community consultation program'** does not allow the Aboriginal Stakeholders the opportunity to view the area so as to allow us to make an informed decision about our Cultural Heritage. Unfortunately, this decision seems to have already been made for us by the proponent. This is not the colonial era now! Or is it??
- We draw your attention to page 7 under heading **'Stage 2 Terrestrial site visit'** it states that **'A site visit of the foreshore will be undertaken to record non-indigenous sites above water'**
- a. Why is it that the Aboriginal Stakeholders are precluded from a site visit and walk over?? Especially when at the very start of the methodology it states under the heading of **'What are the assessment requirements'** it says that **'This project has qualified for a Part 3A development under the Environmental Planning and Assessment Act 1979. The Director General of the Department of Planning has issued the following heritage assessment requirements relevant to the study.**
- Heritage –including but not limited to:**
- **Non-indigenous and Indigenous heritage items and values of the site and surrounding area (including known or probable maritime heritage sites and appropriate surveys)**
- b. We again draw your attention to the statement where it says **'Non-indigenous and indigenous heritage items and values of the site and surrounding area.'**
 - c. The areas surrounding these proposed sites have not been taken into consideration within the methodology and should be. We have connection between sites, and this also needs to be addressed.
- On page 5 under the heading **'Why is the Aboriginal community being consulted if there is no Aboriginal component to the archaeological field assessment?'** it says that **'Despite the absence of any potential for Aboriginal archaeological sites...'**



- a. We simply can't say that there will be an absence of potential Aboriginal archaeology! The "facts" set out before us in this methodology are not substantiated in any way or conclusive!! In our opinion, this is only based on speculation and not fact.
- Page 6 of the methodology provides us with another example of statements that are not consistent with seeing that consultation with the Aboriginal Community is fostered and considered as necessary.
- a. Under the heading of '***The Aboriginal community consultation program***' it follows a process outlined in 4 dot points saying that '***The following steps in the consultation program will be implemented:***
- ***Provision of the proposed assessment methodology (this document) to registered stakeholders and Local Aboriginal Land Council with an invitation to comment within 21 day period;***
 - ***All received responses will be considered and addressed and included in the final report;***
 - ***Notification to all registered parties of the availability of the draft report, and where requested, provision of a copy of the draft with an invitation to comment within a 21 day period;***
 - ***All received responses will be considered and addresses and included in the final report;***
- b. Obviously, after reading these points, it is a foregone conclusion that no matter what our comments are for this methodology all that is going to happen is that they '***will be considered and addressed and included in the final report***'. What about consideration, adoption and inclusion of our responses/comments in the ***final methodology***!! This is the idea of sending the methodology to the Aboriginal Stakeholders for comment. It is giving our People the opportunity to comment on the methodology so that if we as the Aboriginal Stakeholders consider the methodology to be lacking in certain areas (and it is) regarding our Cultural Heritage then this gives us a platform to add our comments and allows for changes to be made to the methodology and to include our concerns within the methodology document (***not the final report***). What would be the use of us making comment on the methodology if it was going to be put into the final report, this make no sense!!
- If this is our only option, then so much for the consultation process!!!
- There is no inclusion within the methodology of a modification if presented with the case of monitoring of the sites or if artefacts are discovered during the dredging/development process.
- There is no information such as maps or reports included in the methodology regarding the number of Aboriginal Cultural Heritage sites registered on the OEH AHIMS Database or mentioned in historical documents within the surrounding locality of the proposed project.
- In the event of Aboriginal Cultural Heritage being discovered during the proposed development;
- a. What are the management procedures that are outlined to deal with this issue? and
- b. Where are they recorded/set out within the methodology?

We now look at the questions posed on page 7 under the heading of '***How can Aboriginal stakeholders have their say about this project and the proposed methodology?***'

We have already provided our response to the methodology but would also like to answer these questions as an extension and in conjunction with the previous concerns raised above;

You're Question;

- Do you have any information on the cultural values of the project area that you think should be considered as part of the cultural heritage assessment of this project?

Our answer;

- Yes we do, and this information is considered by us to be of a Culturally sensitive nature and will only be forthcoming if we consider it will be kept as such by those it is conveyed to.



You're Question;

- Do you agree with the assessment that there is no potential for Aboriginal archaeological sites in the project area?

Our answer;

- As you may have already concluded by our previous comments regarding this matter, NO WE DON'T agree.

You're Question;

- Do you have any comment on, or suggested changes to the assessment methodology?

Our answer;

- Yes we do.
 - a. As previously noted this methodology does not take into account any concerns we have.

You're Question;

- Do you have anything else to add?

Our answer;

- Yes we do!
 - a. How can the conclusions that this methodology draws in its current form be considered as adequately addressing the concerns of the Aboriginal Stakeholders/Community and being satisfactory consultation in regard to seeing the protection and preservation of our Cultural Heritage?
 - b. Where do you address in this methodology the Director General of the Department of Planning requirements issued for the following heritage assessment relevant to the study areas such as indigenous heritage items and values of the site and surrounding area?
- Unfortunately, this whole exercise comes across as if there was the need to tick the "We have consulted with the Aboriginal Community and carried out the consultation process part of the project" box and now that is done let's forget about it and move on. Our Cultural Heritage is very significant to us and we have lost many sites in the past due to industrial pursuits. We may seem a bit paranoid and rightly so, we don't want to see the continuation of what has transpired in the past. Our Cultural Heritage and us always seem to come off second best, we will not sit back and let this continue to happen!!

We would like all our concerns/comments that we have raised here addressed and added to a methodology that is redistributed to the Aboriginal Stakeholders to show that consultation is a priority. We would also like to see that the Aboriginal Stakeholders are given the opportunity and invited to conduct a walk over/assessment of the proposed project areas and the inclusion of the surrounding areas as part of this walk over. We would also like to see more consultation with the Aboriginal Stakeholders regarding our Cultural Heritage and connection to this area and what is being done to help preserve and protect our Cultural Heritage and those Cultural Heritage values as spoken of in the methodology.

We look forward to your reply and the opportunity for us to work together to accomplish and help bring about a better future for all our descendants.

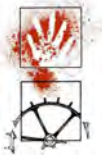
We hope this addresses any queries you may have, if not and further information is required please don't hesitate to contact us at your earliest convenience. Our contact details are as follows.

NGI NOA (Farewell in Awabakal Language)

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

Cultural Heritage Sites - Physical reminders of our Ancestors; once they are gone, they are gone forever and impossible to bring back!! THINK first and make WISE decisions last!!

Please Note: This letter will also be sent to DoP and the OEH for their records.



Capital Dredging Project South Arm Hunter River NewcastleAntiVir checked.
From: Anthony Anderson [murroomainc1@gmail.com]
Sent: Wednesday, 20 July 2011 11:21 PM
To: Glenda Hyde
Subject: Capital Dredging Project South Arm Hunter River
Newcastle

Hi Glenda

Re Capital Dredging Project South Arm Hunter River Newcastle Port

Mur-roo-ma Inc has read and fully understands and agrees with the methodology for this project

The only comments i will make is K1 W1 W2 W3 would be the only concern for me as the the other locations

have previously been dredged if there was any sites or objects they would have been disturbed or destroyed

Not knowing the dredging process that will be used for K1 W1 W2 W3 if it is going to land fill we would like the opportunity

to inspect the land fill

If you need any more information please don't hesitate to contact me

Cheers

--

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



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



**INDIGENOUS ARCHAEOLOGIST
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@kooee.com.au

22nd July 2011

Navin Officer Heritage Consultations P/L
Attention Glenda Hyde
4/71 Leichardt Street
Kingston ACT 2604

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Dear Glenda

Thank you for the opportunity to comment on the proposed methodology for the draft report for the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

After reading the methodology, Nur-Run-Gee P/L, agrees with and understands the assessment that Navin Officer have stated in the proposed methodology and finds they are acceptable.

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

Yours Sincerely

Lennie Anderson OAM
Worimi Traditional Owner
Indigenous Archaeologist
Nur-Run-Gee Pty Ltd



1 August 2011

The Secretary
Navin Officer Heritage Consultants Pty Ltd
Number 4 Kingston Warehouse
71 Leichhardt Street
Kingston ACT 2604

Dear Glenda

Re: Comments Regarding the Cultural Heritage Assessment Methodology for the Information of Aboriginal Stakeholders for the Capital Dredging Project – South Arm, Hunter River Newcastle Port

With regard to the Proposed Cultural heritage Assessment Methodology for the Capital Dredging South Arm Project, we recognise the evaluation by Navin Officer Heritage Consultants appears to be reasonably comprehensive.

The Aboriginal Heritage Assessment Process involves both a cultural values assessment and an archaeological assessment.

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

With regard to the previous assessments that were conducted by Worley Parsons, we are concerned that the conclusion and outcomes within the Methodology is only being based on Historical Mapping from 1862, and that no other Aboriginal Cultural Heritage aspects of the area have been included and/or considered.

We therefore disagree with proposed Methodology which states that an Aboriginal Cultural Heritage assessment is not required, as we believe that the Aboriginal Cultural Heritage aspects pertaining to the South Arm - Hunter River Newcastle Port Project is being overlooked.



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

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

- inclusion of the background environmental and archaeological information relating to the area within and surrounding the assessment site
- information on known sites should be provided, including map of site locations
- information relating to where the assessment area is in relation to other recorded sites
- estimate of extent of the area for the proposed excavation and dredging
- concerns that no modifications have been included within the Methodology in the event that monitoring may be necessary
- how will the presence of any Aboriginal objects encountered be managed

We believe that it is essential that Aboriginal Cultural and Heritage sites are located and recorded for the OEH AHIMS Database so that appropriate mitigation and monitoring processes can be initiated to protect and manage Aboriginal sites for the future.

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 OEH's (Office of Environment and Heritage) 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.

Our people are concerned that the Aboriginal Cultural Heritage of the South Arm of the Hunter River 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.

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 Newcastle 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 Navin Office Heritage Consultants for the opportunity to comment and request a copy finalised methodology demonstrating how you have addressed all the Aboriginal stakeholder comments provided as we would like a copy of this for our records prior to the field survey.

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

Yours sincerely,

Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
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



COMMENTS ON SITE VISIT



14 September 2011

Newcastle Port Corporation
Attn: Andrew Wood
PO Box 663
Newcastle NSW 2300

Dear Andrew,

Re: Comments Regarding the Port Tour for the Capital Dredging Project – South Arm Hunter River

This letter is in regard to providing our comments for the recent Newcastle Port Tour for the Capital Dredging South Arm Hunter River Project. We would like to thank the Newcastle Port Corporation for the opportunity for the Awabakal Traditional Owners to be shown where the new berths are proposed to be located and to also provide feedback.

We therefore believe that the proposed sites for the new berths are being positioned and located appropriately. We also believe that the proposed new berths are being built on reclaimed land and therefore may not impact on visible Awabakal Cultural Heritage.

However we recommend that the Newcastle Port Corporation may need to consider the value of 'place' within the Heritage and Cultural weighting for the South Arm Hunter River Project, 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.

We would like to thank the Newcastle Port Corporation for the opportunity to comment and 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: 90 203 409 390 | ICN: 4411
PO Box 253 Jesmond NSW 2293 Australia
T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au



ALLA Andrew,

This email is to confirm that we were in attendance for a tour of the Newcastle harbour by the Newcastle Port Corporation to view the areas relating to the Capitol Dredging Project area on September 2nd 2011. This tour gave us new insight into the project and subsequently we now have no objections to the project. We still reinforce the fact that if any Aboriginal Cultural Heritage is discovered during the course of this project, then all works should cease in the area of concern and all the Aboriginal Stakeholders to be notified immediately. We would also like to be informed periodically on the project's progress.

We thank you Andrew for the tour and the information provided and look forward to hearing from you in the future regarding the progress of the project.

NGI NOA
Shane Frost

Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation

Email: awabakal_to@bigpond.com

Phone: 49964362/49964362

Fax: 49964325

Mobile: 0428320671

11 July 2011

Mr Shane Frost
Awabakal Descendants
Traditional Owners Aboriginal Corporation
PO Box 86
CLARENCE TOWN NSW 2321



**Navin
Officer**

*heritage
consultants
pty ltd*
abn: 28 092 901 605

Dear Shane,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

You can send your response either by mail, fax or email:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

Glenda Hyde

11 July 2011

Ms Ann Hickey
Project Officer
Gidawaa Walang
76 Lang Street
Kurri Kurri NSW 2327



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Ann,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

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The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

*Glenda Hyde, Director
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
Kingston ACT 2604
Tel: (02) 6282 9415
Email: ghyde@nohc.com.au*

11 July 2011

Ms Tegan McCormack
Administrator
Cacatua Culture Consultants
22 Ibis Parade
WOODBERRY NSW 2322



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Tegan,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

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The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

Glenda Hyde is a registered indigenous stakeholder for the Capital Dredging Project – South Arm, Hunter River Newcastle Port. She is the Secretary of Navin Officer Heritage Consultants Pty Ltd.

11 July 2011

Ms Kerrie Brauer
Awabakal Traditional Owners Aboriginal Corporation
PO Box 253
JESMOND NSW 2299



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Kerrie,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

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The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

11 July 2011

[Faint, illegible text, likely a carbon copy or bleed-through from the reverse side of the page.]

11 July 2011

Mr David Ahoy
Senior Site Officer
Awabakal Local Aboriginal Land Council
127 Maitland Road
Islington NSW 2296



Dear David,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

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The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

11 July 2011

Mr Anthony Anderson
Mur-roo-ma Inc.
9 Vardon Road
Fern Bay NSW 2295



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Anthony,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

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4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

11 July 2011

Ms Sarah Cameron,
Heritage Officer
The City of Newcastle
PO Box 489
Newcastle NSW 2300



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sarah,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

You can send your response either by mail, fax or email:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

Glenda Hyde

11 July 2011

Ms Sarah Cameron,
Heritage Officer
The City of Newcastle
PO Box 489
Newcastle NSW 2300



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Sarah,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

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The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

Glenda Hyde

Reference: MA10/5952

Mr Andrew Wood
Project Manager
Newcastle Port Corporation
PO Box 663
NEWCASTLE NSW 2300

Dear Andrew

CAPITAL STRATEGIC DREDGING PROJECT INVITATION TO COMMENT


I refer to your subject letter of 8 September 2011. In general NSW Maritime understands and supports the project.

As NSW Maritime is the owner of the port bed before any dredging works are undertaken there is an expectation that a dredging licence will be executed between the NSW Maritime (as landowner) and NPC. This licence will have similar features to the dredging licence NSW Maritime signed with BHPB for the HRRP which I believe is similar to NPC's licence with BHPB for the HRRP.

The dredging costs may have to be recorded as an asset in NSW Maritime's financial records NSW Maritime would request NPC provide comprehensive costing information on the dredging exercise on completion and at any requested stages during works.

If you require any further information, please contact me on (02) 95638696.

Yours sincerely



Ken Bywater
Manager Business Improvement & Development

14 September 2011



Office of Water

NEWCASTLE PORT
CORPORATION

29 SEP 2011

RECEIVED

Newcastle Port Corporation
PO Box 663
Newcastle NSW 2300

Contact: Mark Simons
Phone: 02 4904 2572
Fax: 02 4904 2501
Email: mark.simons@water.nsw.gov.au

23 September 2011

Attention: Andrew Wood

Our ref: ER21368
Your ref:

Dear Mr Wood

CAPITAL STRATEGIC DREDGING PROJECT INVITATION FOR COMMENT

I refer to your letter of the 8 September, 2011, inviting comment on the issues to be addressed in the preparation of the EA for the above project. The NSW Office of Water (NOW) provided advice to the Department of Planning regarding the development of Director General's Requirements (DGRs). Our requirements for this project are therefore recognised within the DGRs. In particular, the following issues are relevant.

The dredging activity has the potential to alter tidal volumes, velocities, water levels, and salinity levels both within the harbour and throughout the Hunter estuary. The EA will need to provide an assessment on the likely impacts of the activity both at the site and within the estuary, particularly at significant environmental features. It is expected that the EA will present hydrodynamic modelling to show the extent and magnitude of these likely impacts on the hydrology of the estuary.

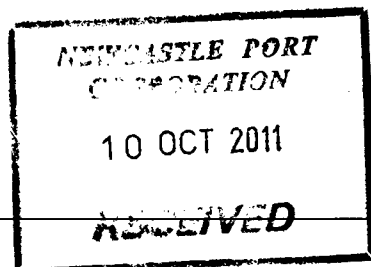
The design of both the bank stabilisation works and dredging should ensure the ongoing stability of both bed and banks of the Hunter River. Although Part 3A projects are exempt from requiring a controlled activity approval, the proposal should demonstrate that it has taken into account the NSW Office of Water guidelines for Controlled Activities (August 2010), particularly the guideline for instream works.

The construction activity and dredging for the proposed project occurs in an area which is likely to have contaminated sediment, groundwater, and potential acid sulphate soils. The EA should provide an assessment of the risk of these water quality issues being encountered, and provide measures to avoid and mitigate the risk of pollution to the Hunter River, with monitoring and contingency plans for remediation in the event of any impacts.

If you wish to discuss please contact Mark Simons on (02) 4904 2572.

Yours sincerely

Mark Mignanelli
Manager, Major Projects, Mines and Assessment



Transport
Roads & Traffic
Authority

325DA241; 1
11/1367
BK

Newcastle Port Corporation
PO Box 663
NEWCASTLE NSW 2300

Attention: Mr Andrew Wood

INDUSTRIAL DRIVE (MR316): CAPITAL DREDGING OF THE SOUTH ARM OF THE HUNTER RIVER

Dear Mr Wood,

I refer to your letter dated 8 September 2011, received on 12 September 2011, requesting advice from the Roads and Traffic Authority (RTA) on matters to be addressed in the Environmental Assessment (EA) for the subject project.

The RTA's previously provided its requirements for the EA in the letter to the Department of Planning and Infrastructure dated 20 January 2011. To reiterate, the EA should refer to the following guidelines with regard to the traffic impact of the proposed development:

- Department of Planning EIS Guidelines
 - *Road and Related Facilities*
- Roads and Traffic Authority's *Guide to Traffic Generating Developments*
 - *Section 2 Traffic Impact Studies*

The RTA requires a Traffic Impact Study to be undertaken to identify likely traffic impacts and subsequent road upgrade requirements. The study shall be prepared in accordance with the RTA's *Guide to Traffic Generating Developments* and is to include, but not be limited to, the following:

- Assessment of all relevant vehicular traffic routes and intersections for access to/from the subject area during the dredging process.
- Current traffic counts for all of the traffic routes and intersections.

Roads and Traffic Authority of New South Wales

- The anticipated additional vehicular traffic generated from the proposed development and associated trip distribution on the road network during the dredging process.
- Consideration of the traffic impacts on existing and proposed intersections and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development. This shall include the cumulative traffic impact of any other proposed developments in the area.
- Identify any necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network. In this regard, concept drawings shall be submitted with the EA for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of Council / RTA.
- Intersection analysis (such as SIDRA) shall be submitted to determine the need for intersection and road capacity upgrades. The intersection analysis shall include (but not be limited to) the following:
 - Current traffic counts and 10 year traffic growth projections
 - With and without development scenarios
 - 95th percentile back of queue lengths
 - Delays and level of service on all legs for the relevant intersections
 - Electronic SIDRA files for RTA review.

Newcastle City Council should also be consulted regarding requirements for assessment of traffic and transport requirements.

Should you require any further advice, please contact me on 4924 0420.

Yours sincerely,



Dave Young
 Manager, Land Use Development
 Infrastructure Services
 Hunter Region

6 October 2011

cc David Ryner
 Newcastle City Council

Future City: GM:AP

10 November 2011

Mr Andrew Wood
Project Manager
Newcastle Port Corporation
PO BOX 663
NEWCASTLE NSW 2300



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au

Dear Andrew

SUBJECT: CAPITAL STRATEGIC DREDGING OF TEN BERTHS

I refer to your letter of 8 September 2010 and our subsequent telephone conversations regarding this matter. I apologise for the delay in forwarding this reply to you.

An Environmental Health and Regulation officer of Council's Compliance Services Unit has provided the following advice:

"It should be noted that the information available to Council for review was limited. An assessment of environmental issues was based on first hand information provided by the Newcastle Port Corporation and the review of a preliminary engineering plan prepared by GHD Australia; Newcastle Port Corporation Capital Dredging Environmental Assessment 22-15683. Therefore the assessment of environmental issues is accordingly comprised.

Comments:

Noise:

There is the potential for noise from the dredging operations and bank stabilisation works to impact surrounding residential zones (e.g. Pile drivers). The suburbs most likely to be impacted by noise are Carrington, Stockton and the eastern fringes of Mayfield, Mayfield east and Tighes Hill.

Habitat:

Dredging of the berth pockets will disrupt the sediment bed, releasing sediment into the water column temporarily as a sediment plume. There is concern that this plume may enter and deposit in adjacent wetlands or transport via a flooding tide into wetlands upstream, some of which are RAMSAR listed. Sediment that is deposited in large quantities can be detrimental to wetland health e.g. suffocation of ariel root structures.

Contaminated land:

There is concern that the proposed dredging of berth pockets may disturb potential contaminates in the channel sediment. Furthermore there is concern that the proposed bank stabilisation works and subsequent cutting into the banks to fit sheet pile walls and armoured embankments may also disrupt potential land contaminates."

Should you require any further information of the abovementioned matters, please telephone me on 02 49742 767.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G. Mansfield'.

**Geoffrey Mansfield
DEVELOPMENT & BUILDING CO-ORDINATOR
DEVELOPMENT ASSESSMENT TEAM**

INVITATION TO COMMENT

Berth Dredging Works Project



Dear Resident

Newcastle Port Corporation as part of its long term port planning is preparing an Environmental Assessment to gain development approval for the future dredging of shipping berths in the Port of Newcastle.

As part of the process, Newcastle Port Corporation is seeking community comment about the future dredging of the 10 vessel berths in the South Arm of the Hunter River. The future dredging works will facilitate trade diversification and growth through the port and the locations of the berths are shown on the plan on the back of this page.

An Environmental Assessment of the project is required to assess the impacts from this activity. The Environmental Assessment will be submitted to the NSW Department of Planning and Infrastructure as part of a development application seeking consent to undertake the works.

Members of the community are being invited to comment and information sessions (details below) are being held for interested residents.

Written comments from the community will be included in the Environmental Assessment application to be submitted to the NSW Department of Planning and Infrastructure. Details about the proposal can be found on Newcastle Port Corporation's website (www.newportcorp.com.au)

Future Works

The future berth dredging works may be required to enable a variety of ships to berth at new wharves when they are constructed. The proposed works for which Newcastle Port Corporation is seeking development consent are:

- river bank stabilisation
- dredging of berth pockets
- disposal of dredged material (primarily off shore)

Environmental Assessment

The Environmental Assessment will include the assessment of the following aspects.

Location and planning context	Noise, vibration, air quality and odour impacts
Project needs, objectives and consultation	Traffic and transport and greenhouse gas emissions
Geology and soils spoil handling and disposal	Visual amenity and heritage
Sediment, water quality and hydrology	Flora, fauna and principles of ecologically sustainable development

Public Information Sessions

Members of the community are invited to the following public information sessions:

- Mayfield Sports Club, Crebert Street, Mayfield on Wednesday, 30 November 2011 from 11am to 7pm
- Stockton RSL Club, Douglas Street, Stockton on Thursday, 1 December 2011 from 11am to 7pm

The information sessions are free and residents may drop in at any time during the sessions. Bookings are not required.

Submission of Comments

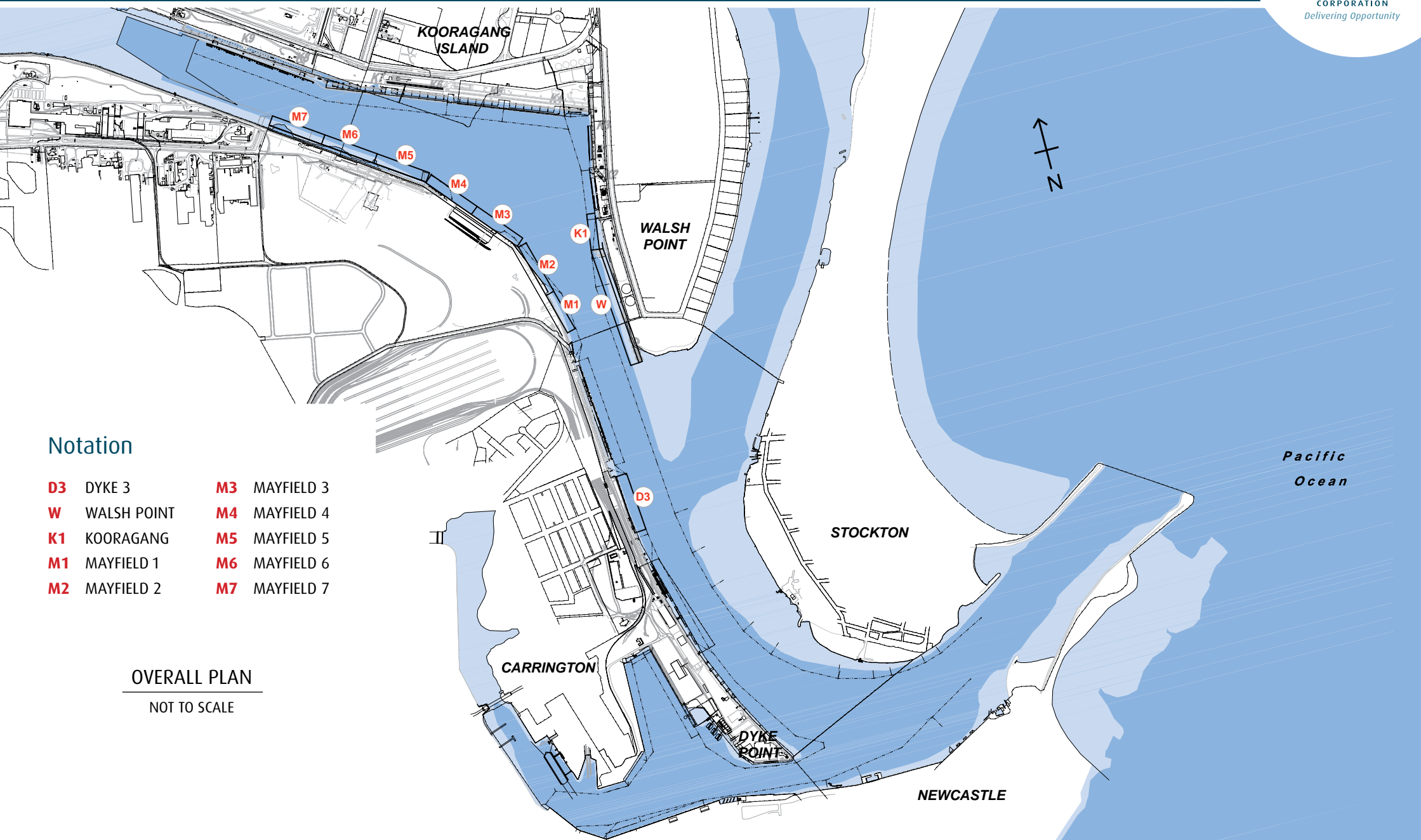
Consultation with stakeholders is being undertaken so that relevant issues may be addressed in the Environmental Assessment. Newcastle Port Corporation requests that written comments be submitted by Monday, 12 December 2011. Your comments should be addressed to:

Andrew Wood, Project Manager, Newcastle Port Corporation, PO Box 663, Newcastle NSW 2300

Further information may be obtained by telephoning Andrew on (02) 4985 8222 between 10am and 4pm Monday to Friday.

NEWCASTLE PORT CORPORATION

Capital Dredging Environmental Assessment Locality Plan



6 December 2011

Rob Micheli
Group Leader
NSW Crown Lands
PO Box 6
EAST MAITLAND NSW 2323

Dear Sir,

NOTIFICATION OF INTENT TO LODGE DEVELOPMENT APPLICATION CAPITAL STRATEGIC DREDGING PROJECT

Background

Newcastle Port Corporation (NPC) plans to undertake the capital strategic dredging of ten berths in the South Arm of the Hunter River. To enable this project to proceed, NPC is required to prepare an Environmental Assessment (EA) to be submitted to the NSW Department of Planning and Infrastructure. Please refer to the attached preliminary engineering plans (Attachment 1) showing the location of the proposed works.

Proposed Dredging Works

The proposed works include:

- bank stabilisation works which include sheet pile walls and armoured embankments;
- dredging of the proposed berth pockets to the nominated depths; and
- disposal of the dredged material (primarily off shore).

Environmental Assessment

The Environmental Assessment will be prepared to provide information on the Project and its potential environmental impacts. The EA will be prepared in accordance with the Director General's Requirements (DGRs) issued for the Project by the Director General of the Department Planning and Infrastructure (Attachment 2). The DGRs were based upon a Preliminary Environmental Assessment prepared by Worley Parsons (Attachment 3).

The EA will address the following aspects:

- location and context;
- project needs and objectives;
- planning context;
- consultation;

- design;
- spoil handling and disposal;
- geology and soils;
- sediment, water quality and hydrology;
- noise, vibration, air quality and odour impacts;
- traffic and transport;
- greenhouse gas emissions;
- flora and fauna;
- heritage;
- visual amenity;
- principles of ecologically sustainable development; and
- project justification.

Notification of Intention to Lodge Development Application

NPC is formally advising NSW Crown Lands of its intent to lodge a development application for dredging and subsequent disposal at sea (on Crown lands) of the dredged material.

The Environmental Assessment and application is currently being finalised and it is intended to lodge the application once it is completed.

If you require any further information or clarification please contact me on 4985 8324 or andrew.w@newportcorp.com.au.

Yours faithfully



Andrew Wood
PROJECT MANAGER

Berth Dredging Works Project



Newcastle Port Corporation as part of its long term port planning is preparing an Environmental Assessment to gain development approval for the future dredging of shipping berths in the Port of Newcastle.

Newcastle Port Corporation is seeking comments about the future dredging of 10 vessel berths in the South Arm of the Hunter River. The dredging works will facilitate trade diversification and growth through the Port of Newcastle.

An Environmental Assessment of the project is required to assess the impacts from this activity. The Environmental Assessment will be submitted to the NSW Department of Planning and Infrastructure as part of a development application seeking consent to undertake the works.

As part of the process, members of the community are being invited to comment about the project and public information sessions will be held as follows:

- Mayfield Sports Club, Crebert Street, Mayfield on Wednesday, 30 November 2011 from 11am to 7pm
- Stockton RSL Club, Douglas Street, Stockton on Thursday, 1 December 2011 from 11am to 7pm

The information sessions are free and interested residents may drop in at any time during the sessions. Bookings are not required.

Details about the proposed project can be found on Newcastle Port Corporation's website

www.newportcorp.com.au Written comments are requested to be submitted to Newcastle Port Corporation by **Monday, 12 December 2011**.

Further details about the information sessions can be obtained from Project Manager, Andrew Wood, at Newcastle Port Corporation on **(02) 4985 8222** between 10am and 4pm Monday to Friday.



Office of
Environment
& Heritage

Your reference: NP2011
Our reference: DOC11/24720, FIL11/1155
Contact: Mr Nick Pulver ph: (02) 6659 8225

Ms Kerry Navin
The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

Dear Ms Navin

RE: PROPOSED CULTURAL HERITAGE ASSESSMENT – CAPITAL DREDGING PROJECT – SOUTH ARM, HUNTER RIVER, NSW

I refer to your correspondence dated 16 May 2011, to the Office of Environment and Heritage (OEH) for your project located on the South Arm of the Hunter River adjacent to Mayfield North, Carrington and Walsh Point, NSW.

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

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.
- Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.
- OEH considers evidence of reasonable efforts to contact relevant parties would include, but not be limited to, multiple forms of communication; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.
- Please note Appendix A of the 2010 CRs contains a map illustrating which region of OEH you need to contact according to which local government area your project falls within. Full details of the

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

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



Office of
Environment
& Heritage

Our reference: DOC11/24455
Date: 2 June 2011

Ms Kerry Navin
No. 4 Kingston Warehouse
71 Leichhardt St
KINGSTON ACT 2604

Dear Ms Navin

**RE: PROPOSED CAPITAL DREDGING PROJECT SOUTH ARM OF THE HUNTER RIVER,
NEWCASTLE, NSW**

I refer to your correspondence, dated 16 May 2011, to the Office of Environment and Heritage (OEH) for your project located within Newcastle LGA and described as proposed Capital Dredging Project – South Arm, Hunter River, Newcastle, NSW.

We note that your letter was addressed to the Metropolitan Branch, which is the incorrect OEH regional office. Even though your letter was dated as the 16 May 2011, it was not received by the correct office until 1 June 2011. If you wish to ensure you have fast and reliable response times to your requests for stakeholder lists, please ensure you refer to Appendix A of the 2010 OEH consultation requirements, which contains a map illustrating which regions OEH are to be contacted for each local government area your project falls within.

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

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



**Navin
Officer**

*heritage
consultants
pty ltd*

abn: 28 092 901 605

Dear Lea,

Re: Capital Dredging Project – South Arm, Hunter River Newcastle Port

Thank you for registering an interest in the Capital Dredging Project – South Arm, Hunter River Newcastle Port.

Please find attached the proposed methodology for the cultural heritage assessment of this development proposal. As a registered indigenous stakeholder you are invited to review the methodology and provide a written response within 28 days of receipt. In your response you may wish to address the questions outlined on page 7 of the methodology (How can Aboriginal stakeholders have their say about this project and the proposed methodology).

You can send your response either by mail, fax or email:

The Secretary
Navin Officer Heritage Consultants Pty Ltd
4/71 Leichhardt Street
KINGSTON ACT 2604

or by fax to: (02) 6282 9415

or by email to: ghyde@nohc.com.au

We look forward to working with your organisation on this project.

Yours faithfully,

Glenda Hyde

21/8/2012

Kerrie Brauer
Awabakal Traditional Owners Aboriginal Corporation
PO Box 253
JESMOND NSW 2299

Dear Kerrie,

**CAPITAL STRATEGIC DREDGING APPLICATION, SOUTH ARM HUNTER RIVER,
STATE SIGNIFICANT INFRASTRUCTURE (10_0203)**

Newcastle Port Corporation (NPC) is seeking planning approval for the capital dredging of 12 new berths in the South Arm of the Hunter River adjacent to Mayfield, Walsh Point and Carrington.

The consultation process so far has included:

- notification of the assessment, and consultation with various government organisations;
- publication of a public notice in The Newcastle Herald on 28th May 2011 outlining the project;
- inviting registration from Aboriginal organisations and individuals who wish to participate in the consultation program;
- letters of notification and/or seeking registration were sent to twenty organisations, including seventeen Aboriginal organisations;
- following a closing date for expressions of interest on the 9 June, 2011, ten responses to the public notice and sent letters were received, including your organisation;
- your recognition as an Aboriginal stakeholder in the consultation program.

NPC's cultural consultant, Navin Officer Heritage Consultants, has consulted with you in relation to the development and a Cultural Heritage Assessment has been prepared. The Cultural Heritage Assessment forms part of the Environmental Impact Statement (EIS) that is being finalised for submission to the Department of Planning and Infrastructure (DPI).

As part of NPC's ongoing commitment to consultation regarding Aboriginal heritage I have attached a draft copy of the EIS for your review.

Your opportunity to review and comment on the EIS closes the consultation process prior to NPC lodging the application with the DPI.

Please provide any comments regarding the EIS to the undersigned by 21 September 2012.

If you have any questions regarding this please call Andrew Wood on 4985 8324.

Yours sincerely

Andrew Wood
PROJECT MANAGER

21/8/2012

Laurie Anderson
22 Popplewell Rd
FERN BAY NSW 2295

Dear Mr Anderson,

**CAPITAL STRATEGIC DREDGING APPLICATION, SOUTH ARM HUNTER RIVER,
STATE SIGNIFICANT INFRASTRUCTURE (10_0203)**

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Yours sincerely

Andrew Wood
PROJECT MANAGER

21/8/2012

Shane Frost
Awabakal Descendants Traditional Owners Aboriginal Corporation
PO Box 86
CLARENCE TOWN NSW 2321

Dear Mr Frost,

**CAPITAL STRATEGIC DREDGING APPLICATION, SOUTH ARM HUNTER RIVER,
STATE SIGNIFICANT INFRASTRUCTURE (10_0203)**

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Yours sincerely

Andrew Wood
PROJECT MANAGER

21/8/2012

David Ahoy
Awabakal
Local Aboriginal Land Council
127 Maitland Rd
ISLINGTON NSW 2296

Dear Mr Ahoy,

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STATE SIGNIFICANT INFRASTRUCTURE (10_0203)**

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Yours sincerely

Andrew Wood
PROJECT MANAGER

21/8/2012

Tegan McCormack
Cacatua Culture Consultants
Unit 1b
11 Glenwood Dr
THORNTON NSW 2322

Dear Ms McCormack,

**CAPITAL STRATEGIC DREDGING APPLICATION, SOUTH ARM HUNTER RIVER,
STATE SIGNIFICANT INFRASTRUCTURE (10_0203)**

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Yours sincerely

Andrew Wood
PROJECT MANAGER

21/8/2012

Ann Hickey
Gidawaa Walang Cultural Heritage Consultancy
76 Long Rd
KURRI KURRI NSW 2327

Dear Ms Hickey,

**CAPITAL STRATEGIC DREDGING APPLICATION, SOUTH ARM HUNTER RIVER,
STATE SIGNIFICANT INFRASTRUCTURE (10_0203)**

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Yours sincerely

Andrew Wood
PROJECT MANAGER

21/8/2012

Anthony Anderson
Mur-Roo-Ma Inc
7 Vardon Road
FERN BAY NSW 2295

Dear Mr Anderson,

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STATE SIGNIFICANT INFRASTRUCTURE (10_0203)**

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Yours sincerely

Andrew Wood
PROJECT MANAGER



Heritage Council

of New South Wales

3 Marist Place
Parramatta NSW 2150

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Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
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heritage@heritage.nsw.gov.au
www.heritage.nsw.gov.au

Contact
Telephone: 02 9873 8575
Tim.smith@heritage.nsw.gov.au
File:
Our Ref:
Your Ref: PCU030359

Mr Andrew Wood
Project Manager
Newcastle Port Corporation
PO Box 663
Newcastle NSW 2300

Cc: Ms Kylie Seretis, Manager, Ports and Rail, Infrastructure Projects
Department of Planning & Infrastructure

Dear Mr Wood

**RE: Environmental Assessment for Newcastle Ports Corporation Capital
Dredging of the South Arm of the Hunter River (MP10-0203)**

On 3 April 2012, Tim Smith and Brad Duncan (Heritage Branch – HB) met with yourself and Chris Gilmore (GHD Consultants), to discuss the Newcastle Port Corporation's Environmental Assessment for the proposed Hunter River works. At this meeting, a number of issues were raised by the Heritage Branch with regard to the project.

This letter outlines the agreed outcomes from that meeting and subsequent discussions regarding the revised Environmental Impact Statement (EIS). I note that these consolidated comments have resulted from ongoing discussions with the Newcastle Ports Corporation since April 2012 (See Annexure 1).

If you have any further comments or questions regarding this issue please contact me on 0411 405 092 or at tim.smith@heritage.nsw.gov.au.

Kind regards



Tim Smith 12.10.12
Deputy Director
Heritage Branch

For the Heritage Council of NSW

[Helping the community conserve our heritage](http://www.heritage.nsw.gov.au)

Annexure 1.

1. **Issue:** The Heritage Branch (HB) had previously noted that the proposed dredging would impact upon previously undisturbed layers of the riverbed, which could contain heritage sites.

Agreed Outcome: Based on the new documentation provided by Newcastle Port Corporation (NPC), it has been demonstrated to the HB's satisfaction that the depth of previous dredging activities are beyond the current proposed levels and it is unlikely to impact undisturbed heritage layers. In this regard, the following sites have likely been removed from the archaeological record: the Mayfield and Dykes Berths, including the former *Minmi* Coal Ship mooring site (that could have contained archaeological deposits).

The Heritage Branch determines that the NPC should include a statement in the draft Environmental Impact Statement (EIS) to this effect, in order to show that the issue had been appropriately addressed but that no risk to undisturbed deposits has been identified.

2. **Issue:** The Heritage Branch (HB) noted the potential incremental loss of the Dyke 3 crane base sites, as they were part of a wider landscape of the port which was unique. Gradual incremental loss of the bases over time would have significant impact on the collection of bases as a maritime heritage site type showing the development of port technologies. The HB also expressed concern that photographic recording to archival standards of the underwater sections of cranes would be inadequate to establish a proper record of their construction, due to low visibility conditions.

Agreed Outcome: The NPC stated that it was proposed that only the two proposed crane bases would be removed.

It was agreed by both parties that, as part of an agreement for their total demolition and removal as part of the project scope, that NPC would record the affected crane bases and McMyler Hoist to historical and engineering recording standards. This recording would include a full measured survey of the bases prior to their demolition and also include recording of the details of the interior of the crane base construction mechanism after they were partially demolished. A copy of the external recordings should be lodged with the Heritage Council library for review 28 days prior to demolition, and a copy of the interior details of both sites within 28 days following demolition. As the items are listed on the section 170 Heritage & Conservation Register of the entity, there is also a formal requirement to notify the Heritage Council before they are affected (section 170A(1), *Heritage Act* 1977 (NSW), fourteen days prior.

3. **Issue:** The HB noted that the former seawall at the Dykes site had not been identified as a potential maritime heritage site that could be retained in the archaeological record. Whilst noting the considerable change to this area through previous port development projects, it is a requirement that if any trace of the site was encountered during the project, then works should stop whilst the site is investigated by a suitably qualified maritime archaeologist.

Agreed Outcome: It was agreed that the NPC must include a clause in the revised EIS to that effect, namely; if any remains of the site are relocated during works, then work would stop whilst an assessment of significance is undertaken that might lead to appropriate mitigation measures/ recording of the site in consultation with the HB.

4. **Issue:** HB has noted that the location of the bunded storage areas for dredge spoil had not been identified in the EA, and hence the effect of these proposed structures on potential heritage sites in those areas could not be considered.

Agreed Outcome: NPC stated that, as the location of the bunded dredge spoil areas could not be identified at this stage, then they will not form part of this EA. NPC also stated that the bunded areas will not be excavated, but will be formed by constructing bunding walls on top of the ground hence any heritage sites under these locations will not be excavated.

NPC must include a statement in the revised EIS stating that bunded areas do not form a part of the revised EIS, and that the consideration of their effects of any heritage sites in the revised EIS area is not required in the current document.

5. **Issue:** HB has noted that the initial EA stated that it was planned for spoil to be pumped over or through the northern Newcastle Breakwater Training Wall, and that the EA did not consider the effect of this activity on the 14 located wrecks contained within the breakwater, or other wrecks known to exist in the Stockton Bight near Stockton Beach and Oyster Bank (in the area immediately north of the breakwater). The EA also has not considered the *Commonwealth Historic Shipwrecks Act 1976* or the *Heritage Act NSW 1977* (in regards to shipwrecks) in the *Relevant Legislation* section of the EA.

Agreed Outcome: NPC has advised the HB that the pumping of dredge spoil over the breakwater is no longer part of the proposal. Therefore, there is no potential impact to the identified shipwreck sites. It was instead planned that dredge spoil will now be broadcast over the area from the sea.

NPC must include a statement and supporting documentation in the revised EIS:

- a) stating that dredge spoil will no longer be pumped over or through the northern breakwater wall; and
- b) considering the effects (if any) of how broadcasting dredge spoil will impact historic shipwrecks known to exist in the Stockton Bight/ Beach area and if negative impacts are likely, then how these effects will be mitigated.

The NPC must include the *Commonwealth Historic Shipwrecks Act 1976* or the *Heritage Act NSW 1977* (in regards to shipwrecks) in the *Relevant Legislation* section of the revised EIS.

6. **Issue:** HB has noted that the underwater sites identified in the EA by side scan imagery in the vicinity of Kooragang Island/ Walsh Point had not been adequately identified or assessed; that due to the demonstrated presence of intact structures underwater, it was likely that there were also intact archaeological sites, deposits and relics in these areas. It was recommended that standard underwater

archaeological inspection, documentation and assessment of these sites is required by a suitably qualified maritime archaeologist to consider the heritage significance and extent of these sites prior to proposed impacts. The results of this survey and assessment should then guide whether removal of the sites was appropriate. HB also expressed concern that photographic recording to archival standards of the underwater sites would be inadequate, due to low visibility conditions. HB advised that archaeological sites and deposits can be protected under s.139 of the *Heritage Act NSW 1977* and permits for disturbance and removal may be required.

Agreed Outcome: The HB discussed at the meeting the potential for site removal pending additional survey and understanding of the sites' significance. NPC gave an undertaking to further fully investigate the site and undertake detailed archaeological recording, to include measured scaled drawings/ recordings to engineering standards of the structure.

It was agreed following the meeting that after archaeological inspection of these sites has been undertaken, that a Heritage Assessment determining their significance would be submitted to the HB no later than 28 days prior to any proposed demolition of the site(s). Dependent on the outcomes of the Heritage Assessment, the NPC may have to apply for a s.140 Permit under the *Heritage Act (NSW) 1977* to disturb these sites.

NPC must include a statement and supporting documentation in the revised EIS considering the heritage significance of the Kooragang Island/ Walsh Point sites which have been identified using side scan sonar.

- 7. Issue:** HB has noted that large archaeological deposits might exist behind the sheet wall of the Mayfield Timber Wharves. HB have requested that a representative sample section of the extant Mayfields Timber Wharves site should be archaeologically recorded prior to demolition to engineering quality standards (or if this has been undertaken already, then this documentation be provided to HB as part of the revised EA), and if significant deposits of relics are discovered during demolition works then works should stop whilst they are recorded by an archaeologist.

Agreed Outcome: HB have been advised by NPC that the Mayfield Timber Wharves have since been demolished and hence archaeological and/or archival documentation of these sites is now no longer possible. Documentation of any previous recording of these sites undertaken prior to demolition should be included in the revised EIS.

- 8. Issue:** The EA does not currently consider whether the proposed dredging will have any potential effects in regards to increased currents and/or erosion on any historic maritime infrastructure in the Hunter River, and in particular, Macquarie Pier and the Dyke. The Heritage Branch has noted that the NPC are now deepening the berth by up to an extra metre (as per telephone conversation 24 August 2012)

Agreed Outcome: NPC have since advised that the increase in current velocity in these areas will be negligible and will not affect any sites. NPC must include a statement and supporting discussion in the revised EIS substantiating this finding.

- 9. Issue:** Heritage Branch noted that the potential effects of sea dumping on historic shipwrecks in Stockton Bight had not been considered in the EA.

Agreed Outcome: NPC outlined at the meeting that they already had an existing Permit for sea dumping off Newcastle and that the effects of the dumping of dredge spoil near Stockton Beach/ Oyster Bank would be negligible when compared to the effects of riverine silt plumes that are disgorged from the Hunter River during annual floods. The HB has recognised this fact. NPC must include either a statement and supporting documentation in the revised EIS considering the potential impact of pumping dredge spoil into Stockton Bight itself (if any), or that it is no longer proposed that dredge spoil will be pumped into this area.

- 10. Issue:** HB had identified that some maritime infrastructure sites have not been considered in the main body of the EA. These include:

- Sites at Mayfield 3&4 (including old jetty, coal chute, punt landing, jetty and bridge), and;
- Mayfield Berths 5-7 (Finger Wharf evident in 1908 plan [see comments in previous letter to NPC] at northern end of Ingall St in vicinity of Wharves 6-7.

Agreed Outcome: The HB has accepted that, based on the new information provided by NPC in regards to dredging depths and previous capital works, remains of the above-mentioned structures are unlikely to still extend/exist in the main channel. In regards to the Mayfield Berths, they have now been totally demolished. NPC needs to include a statement and supporting documentation in the revised EIS which considers the potential (if any) for archaeological remains of these sites and associated relics to exist under the area of the former Mayfield Berth's, and if archaeological remains are likely to be present, the effects of the proposed activities on these sites (if any).

- 11. Issue:** HB previously noted that there was the potential for possible Aboriginal archaeological sites to remain intact under the present riverbed surface.

Agreed Outcome: Based on the new historical dredging data provided by NPC, the HB does not consider that any Aboriginal heritage is likely to be disturbed on the riverbed if the dredging does not penetrate the previous riverbed levels (i.e. if dredging is undertaken solely within the relatively modern river bed).

Any issues relating to any potential Aboriginal Heritage that may lie within terrestrial areas of the project (if any) should be addressed in consultation with the Country, Culture and Heritage Division (CCHD) within the Office of Environment and Heritage (OEH), as Aboriginal heritage sites are managed under the provision of the *National Parks and Wildlife Act NSW 1974*. NPC has advised of its responsibilities in this area.