

Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737
ABN 18 059 519 041

Our Ref: 1646a/PJ/NR/060510

6 May 2010

POSTED

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

Dear Anthony

Re: Survey of Final Section of Proposed Access Road, Mackas Sand

As you are aware, Mackas Sand is proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. During an inspection by the Mackas Sand Aboriginal Heritage Management Group, an area of PAD and an area of a previously recorded site (A3) were identified along the proposed access road. The proposed modification will be the subject of an Aboriginal Cultural Heritage Assessment to be completed in accordance with Department of Environment Climate Change and Water requirements.

As part of this process, a survey methodology for the proposed access road was provided to you on 3 March 2010 so that you could review and comment upon the survey methodology. Survey of part of the proposed access road was undertaken on 29 March 2010 by Nicola Roche (Umwelt Senior Archaeologist), Jamie Merrick (Worimi Local Aboriginal Land Council Senior Sites Officer), Anthony Anderson (Mur-Roo-Ma Inc. CEO) and Chris Collison (Nur-Run Gee Pty Ltd Sites Officer). The route of the initial section of the proposed access road had not been finalised at the time of survey and it was confirmed that the initial section would be surveyed at a later date.

This letter is to advise you that the initial section of the proposed access road has now been finalised, as shown in **Figure 1**. This area will be surveyed in accordance with the survey methodology provided to you on 3 March 2010. However, if you wish to make any additional comments regarding the survey methodology please contact me prior to the survey so that we can discuss.

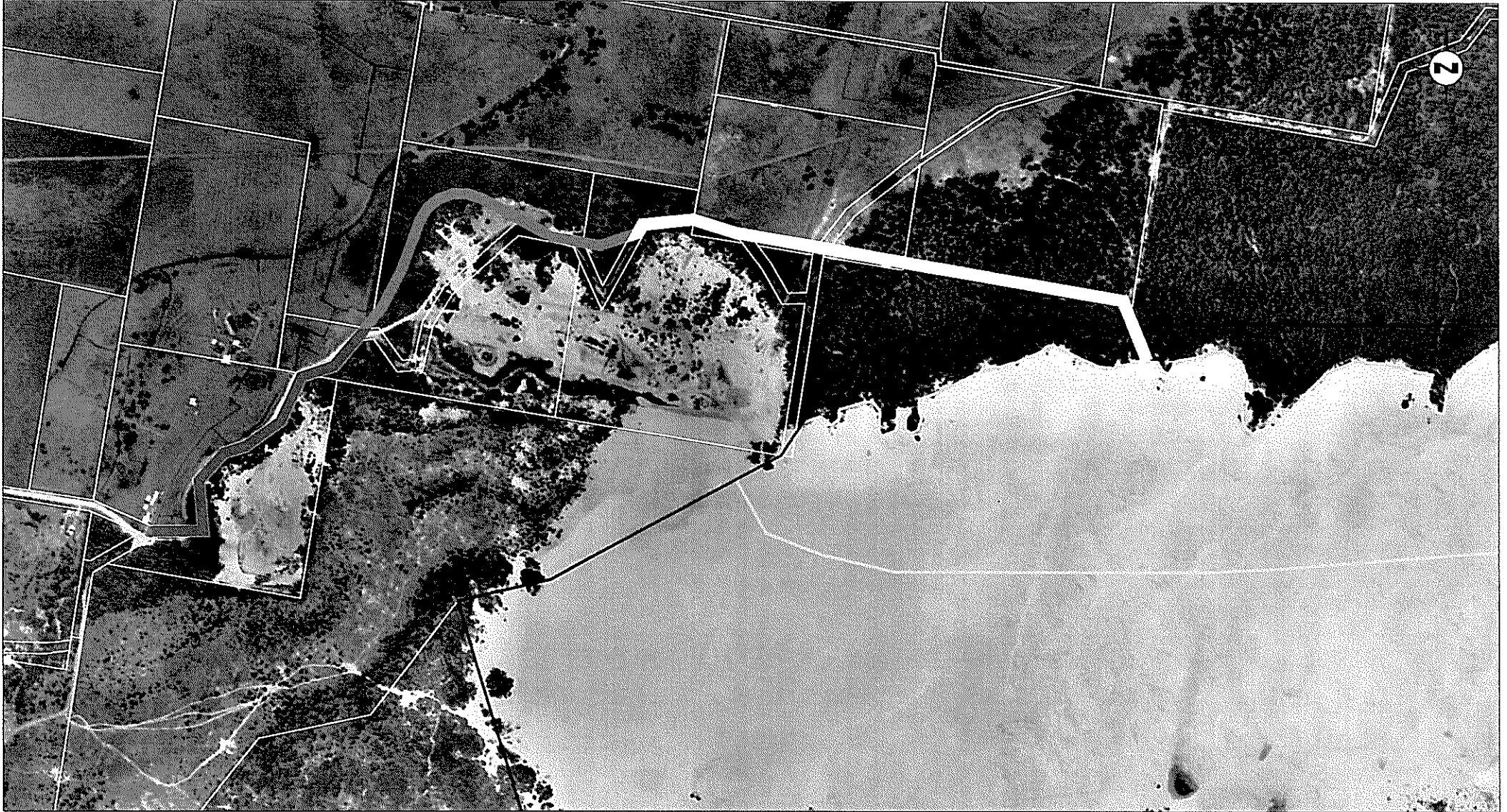
At this stage, it is proposed to complete the survey on Friday 21 April however if this date is not suitable, please let me know as soon as possible. We can meet at the end of Lavis Lane at 8 am and arrange vehicles from there, provided that is suitable to all.

Should you wish to discuss any aspect of the survey of the final section of the proposed access road, please do not hesitate to contact me on 4950 5322.

Yours faithfully

A handwritten signature in cursive script that reads "Nicola Roche".

Nicola Roche
Senior Archaeologist



Source: Aerial: Google Earth, 2008

0 100 250 500m
1:10 000

Legend

- Lot 218 Boundary
- Lot 218 Approval Area
- ▨ Previously Approved
- ▨ Previously Surveyed
- ▨ To be Surveyed

FIGURE 1

Location of Proposed Access Road

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6 May 2010

POSTED

Maaingal Aboriginal Heritage Corporation
Attn: Ms Carol Ridgeway-Bissett
5 Ondine Close
NELSON BAY NSW 2315

Dear Carol

Re: Survey of Final Section of Proposed Access Road, Mackas Sand

As you are aware, Mackas Sand is proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. During an inspection by the Mackas Sand Aboriginal Heritage Management Group, an area of PAD and an area of a previously recorded site (A3) were identified along the proposed access road. The proposed modification will be the subject of an Aboriginal Cultural Heritage Assessment to be completed in accordance with Department of Environment Climate Change and Water requirements.

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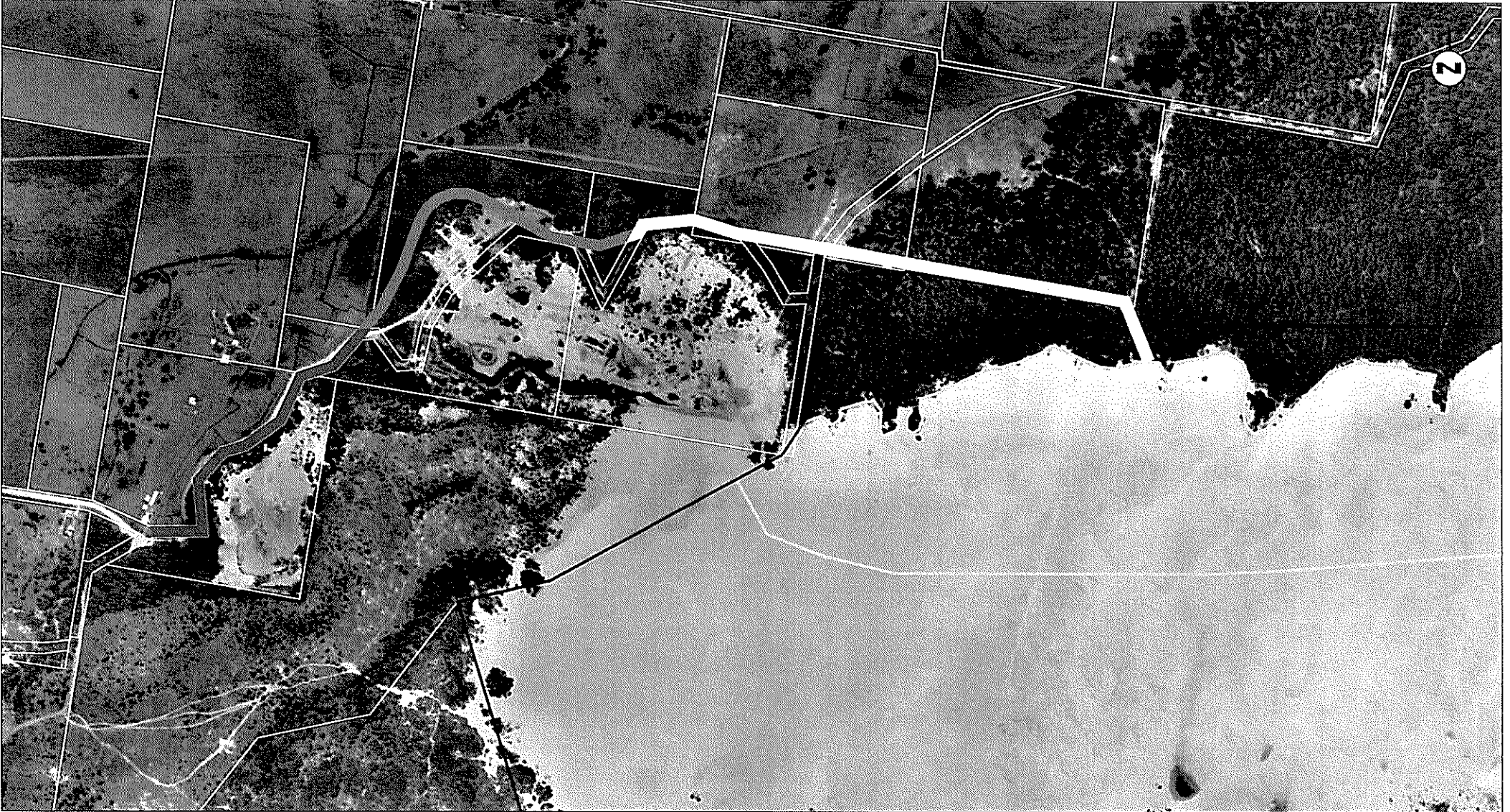
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Should you wish to discuss any aspect of the survey of the final section of the proposed access road, please do not hesitate to contact me on 4950 5322.

Yours faithfully

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Nicola Roche
Senior Archaeologist



Source: Aerial: Google Earth, 2008

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Legend






-  Lot 218 Boundary
-  Lot 218 Approval Area
-  Previously Approved
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FIGURE 1

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6 May 2010

POSTED

Mrs Viola Brown
22 Salamander Place
RAYMOND TERRACE NSW 2324

Dear Viola

Re: Survey of Final Section of Proposed Access Road, Mackas Sand

As you are aware, Mackas Sand is proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. During an inspection by the Mackas Sand Aboriginal Heritage Management Group, an area of PAD and an area of a previously recorded site (A3) were identified along the proposed access road. The proposed modification will be the subject of an Aboriginal Cultural Heritage Assessment to be completed in accordance with Department of Environment Climate Change and Water requirements.

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At this stage, it is proposed to complete the survey on Friday 21 April however if this date is not suitable, please let me know as soon as possible. We can meet at the end of Lavis Lane at 8 am and arrange vehicles from there, provided that is suitable to all.

Should you wish to discuss any aspect of the survey of the final section of the proposed access road, please do not hesitate to contact me on 4950 5322.

Yours faithfully

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Nicola Roche
Senior Archaeologist



Source: Aerial: Google Earth, 2008

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- Lot 218 Boundary
- Lot 218 Approval Area
- To be Surveyed
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FIGURE

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Our Ref: 1646a/PJ/SC/NR/220310

22 March 2010

POSTED

Mrs Viola Brown
22 Salamander Place
RAYMOND TERRACE NSW 2324

Dear Viola

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

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

Mackas Sand is now proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. Section 5.1.2 of the ACHMP requires that the AHMG should be consulted regarding any proposed activities resulting in vegetation clearance or ground surface disturbance outside the DA-08-0142 approval area. On 12 February 2010, the AHMG participated in an inspection of an area considered for the proposed access road. During the inspection, an area of site (A3) and associated PAD was identified along the alternate access road. Based on this, the AHMG indicated that they would recommend further assessment of the alternate access road. Following this inspection, the route of the proposed access road has been modified to reduce the need to clear additional vegetation, as shown in **Figure 1**. However, the new route still intersects with A3 and the associated PAD and therefore it will be necessary to assess the area in accordance with Department of Environment, Climate Change and Water (DECCW) requirements.

In accordance with the *Department of Environment and Conservation (now the Department of Environment and Climate Change - DECC) Interim Community Consultation Requirements for Applicants*, Umwelt contacted DECCW and was advised that you may have an interest in being consulted regarding cultural heritage in this area. This letter is to notify your organisation of the proposed modification and to outline the assessment process (as provided below).

Description of the Proposed Access Road

The proposed access road will extend from an approved access (adjoining Lavis Lane) across an area that has been subject to sand extraction and subsequently along the southern boundary of Lot 2 DP 916061 and Lot 122 DP 753192 before entering Lot 218 and continuing in a south-easterly direction to intersect with the mobile dune (refer to **Figure 1**). The proposed access road is approximately 1.6 kilometres in length with a width of no more than 10 metres, with a wider area of clearance (approximately 30 metres) at the face of the mobile dune to allow an appropriate turning circle for heavy vehicles.

Construction of the proposed access road will involve establishing a level surface that can sustain heavy vehicle traffic. The level of activity required to do this will vary along the proposed access road depending on variables such as previous disturbance (including vegetation), landform and slope

angle. In general terms, these activities may include cutting and filling of areas to create a level surface, vegetation clearance and the introduction of road base (or similar) materials.

Assessment Process

As discussed above, the modification will be sought under Section 75W of the *Environmental Planning and Assessment Act 1979* and this will require the submission of an environmental assessment to the Department of Planning (DoP). The requirements for the environmental assessment are determined by DoP. The presence of a site and PAD along the proposed access road indicates that the environmental assessment should address Aboriginal cultural heritage issues through the completion of an Aboriginal Cultural Heritage Assessment.

The Aboriginal Cultural Heritage Assessment needs to satisfy all of the relevant DECCW requirements and guidelines and must incorporate a consideration of both archaeological and Aboriginal cultural significance in formulating management and mitigations for sites and landscapes. Only Aboriginal people can provide information on Aboriginal cultural values and this forms a major component of the assessment. It is therefore essential that consultation with the relevant Aboriginal stakeholders is undertaken throughout the course of the Aboriginal Cultural Heritage Assessment and that you feel that you are being fully informed about all aspects of the assessment. With this in mind, please find below a brief summary of the major stages in the assessment. Please note that the specified dates may be subject to change and are provided as an indication only.

1. Notification of the proposed modification and discussion of the assessment methodology (as provided in this letter).
2. Provision of a draft survey methodology for review by Aboriginal stakeholders (as in this letter).
3. Period during which Aboriginal stakeholders can provide comment/proposed amendments to the draft survey methodology (up to a 21 day period).
4. Incorporation of Aboriginal stakeholder comments into final survey methodology and provision to stakeholders (**25 – 26 March 2010**).
5. Completion of survey of the proposed access road with Aboriginal stakeholder representatives and in-field consultation regarding Aboriginal cultural values of the area and suggested management and mitigation recommendations (date to be confirmed in consultation with Aboriginal stakeholders but proposed for **29 March 2010**).
6. Completion of the archaeological component of a draft Aboriginal Cultural Heritage Assessment incorporating results of field survey and feedback received from Aboriginal stakeholder representatives in the field (1 to 2 weeks i.e. **29 March – 12 April 2010**).
7. Provision of the archaeological component of a draft Aboriginal Cultural Heritage Assessment to Aboriginal stakeholders to provide them with the necessary archaeological information to complete an Aboriginal cultural values assessment and comment on/provide additional management and mitigation recommendations (1 day for printing and postage i.e. **13 April 2010**).
8. Period during which Aboriginal stakeholders can complete an Aboriginal cultural values assessment and comment on/provide additional management and mitigation recommendations (21 days from receipt of draft Aboriginal Cultural Heritage Assessment i.e. **5 May 2010**).
9. Period for discussion regarding incorporating Aboriginal cultural values assessment with the archaeological component to form the finalised Aboriginal Cultural Heritage Assessment (5 working days from closing period for Aboriginal cultural values assessment i.e. **13 May 2010**).
10. Finalisation of Aboriginal Cultural Heritage Assessment for provision to the Aboriginal stakeholders and submission to the Department of Planning (following the completion of Stage 9 above).

Draft Survey Methodology

As outlined above, one of the purposes of this letter is to provide a proposed methodology for the survey of the proposed access road. It is suggested that the survey methodology should be in accordance with that utilised for Lot 218 and Lot 220. However, given that the first section of the proposed access road has been subject to previous sand extraction activities that would have removed the majority of deposits that may contain archaeological material, it is proposed to inspect this portion by vehicle, with the capacity to stop in any area that may still retain some archaeological potential.

The remaining portion of the proposed access road will be surveyed on foot and follows an existing vehicle track that has been subject to prior vegetation clearance. Vegetation adjoining the existing track impedes ground surface visibility within a small portion of the survey area and therefore the survey will focus on the existing access track. The survey will also involve recording the range of landforms, Aboriginal resources and levels of disturbance within the proposed access road so that this information can be used in considering the archaeological potential of those parts of the proposed access road with limited visibility and exposure.

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

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

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

Fieldwork Involvement

It is anticipated that the survey will be completed within in one day by Aboriginal stakeholder groups and one archaeologist. Should your group wish to be involved in the survey, Mackas Sand wishes to invite **one representative** from your group to participate. At this stage, it is proposed to conduct the fieldwork on **Monday 29 March 2010** but the actual timing of fieldwork will be dependent on how quickly people can return the required paperwork. It is also recognised that this is only a very short timeframe from your receipt of this letter. Consequently, should this date not be suitable for you, please contact us as soon as possible so that the date for fieldwork can be adjusted.

Mackas Sand has provided a letter of engagement for all groups wishing to be involved in fieldwork. Mackas Sand will engage interested Aboriginal stakeholder groups directly for fieldwork involvement. If your group wishes to be involved in fieldwork, you must carefully read the attached letter of engagement and ensure that you agree to all the conditions. If you have any issues with the letter of engagement, please contact The Director Mackas Sand on 02 4982 8227.

Conclusion

In accordance with the *Interim Community Consultation Requirements for Applicants* (December 2004), we ask that your group provides comments on the draft survey methodology. As stated above, it is recognised that this notification and methodology has been provided to you only shortly before the scheduled date for fieldwork. Consequently, if there is not possible for you to provide comment prior to Monday 29 March 2010 or should you be unable to attend the survey on this date, please contact us as soon as possible so that we can develop an alternative. Verbal comments regarding the draft survey methodology can be made directly to Nicola Roche or written comments can be faxed on (02) 4950 5737.

A signed copy of the terms of engagement must also be returned prior to Monday 29 March 2010 so if you have any queries about engagement, please make sure you contact The Director Mackas Sand prior to this date.

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

Yours faithfully

Nicola Roche
Archaeologist

enc

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Ph. 02 4950 5322
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Our Ref: 1646/PJ/SC/NR/030310

3 March 2010

Worimi Local Aboriginal Land Council
Mr Andrew Smith
173 Nelson Bay Road
WILLIAMTOWN NSW 2310

POSTED

Dear Andrew

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

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

Mackas Sand is now proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. Section 5.1.2 of the ACHMP requires that the AHMG should be consulted regarding any proposed activities resulting in vegetation clearance or ground surface disturbance outside the DA-08-0142 approval area. On 12 February 2010, the AHMG participated in an inspection of an area considered for the proposed access road. During the inspection, an area of site (A3) and associated PAD was identified along the alternate access road. Based on this, the AHMG indicated that they would recommend further assessment of the alternate access road. Following this inspection, the route of the proposed access road has been modified to reduce the need to clear additional vegetation, as shown in **Figure 1**. However, the new route still intersects with A3 and the associated PAD and therefore it will be necessary to assess the area in accordance with Department of Environment, Climate Change and Water requirements.

In accordance with the *Department of Environment and Conservation (now the Department of Environment and Climate Change - DECC) Interim Community Consultation Requirements for Applicants*, Umwelt is aware that your group has an interest in being consulted regarding cultural heritage in this area.. This letter is to notify your organisation of the proposed modification and to outline the assessment process (as outlined below).

16. Description of the Proposed Access Road

The proposed access road will extend from an approved access (adjoining Lavis Lane) across an area that has been subject to sand extraction and subsequently along the southern boundary of Lot 2 DP 916061 and Lot 122 DP 753192 before entering Lot 218 and continuing in a south-easterly direction to intersect with the mobile dune (refer to **Figure 1**). The proposed access road is approximately 1.6 kilometres in length with a width of no more than 10 metres, with a wider area of clearance (approximately 30 metres) at the face of the mobile dune to allow an appropriate turning circle for heavy vehicles.

Construction of the proposed access road will involve establishing a level surface that can sustain heavy vehicle traffic. The level of activity required to do this will vary along the proposed access road

depending on variables such as previous disturbance (including vegetation), landform and slope angle. In general terms, these activities may include cutting and filling of areas to create a level surface, vegetation clearance and the introduction of road base (or similar) materials.

17. Assessment Process

As discussed above, the modification will be sought under Section 75W of the *Environmental Planning and Assessment Act 1979* and this will require the submission of an environmental assessment to the Department of Planning (DoP). The requirements for the environmental assessment are determined by DoP. The presence of a site and PAD along the proposed access road indicates that the environmental assessment should address Aboriginal cultural heritage issues through the completion of an Aboriginal Cultural Heritage Assessment.

The Aboriginal Cultural Heritage Assessment needs to satisfy all of the relevant DECCW requirements and guidelines and must incorporate a consideration of both archaeological and Aboriginal cultural significance in formulating management and mitigations for sites and landscapes. Only Aboriginal people can provide information on Aboriginal cultural values and this forms a major component of the assessment. It is therefore essential that consultation with the relevant Aboriginal stakeholders is undertaken throughout the course of the Aboriginal Cultural Heritage Assessment and that you feel that you are being fully informed about all aspects of the assessment. With this in mind, please find below a brief summary of the major stages in the assessment. Please note that the specified dates may be subject to change and are provided as an indication only.

31. Notification of the proposed modification and discussion of the assessment methodology (as provided in this letter).
32. Provision of a draft survey methodology for review by Aboriginal stakeholders (as in this letter).
33. Period during which Aboriginal stakeholders can provide comment/proposed amendments to the draft survey methodology (21 days from receipt of this letter i.e. **25 March 2010**).
34. Incorporation of Aboriginal stakeholder comments into final survey methodology and provision to stakeholders (**25 – 26 March 2010**).
35. Completion of survey of the proposed access road with Aboriginal stakeholder representatives and in-field consultation regarding Aboriginal cultural values of the area and suggested management and mitigation recommendations (date to be confirmed in consultation with Aboriginal stakeholders but proposed for **29 March 2010**).
36. Completion of the archaeological component of a draft Aboriginal Cultural Heritage Assessment incorporating results of field survey and feedback received from Aboriginal stakeholder representatives in the field (1 to 2 weeks i.e. **29 March – 12 April 2010**).
37. Provision of the archaeological component of a draft Aboriginal Cultural Heritage Assessment to Aboriginal stakeholders to provide them with the necessary archaeological information to complete an Aboriginal cultural values assessment and comment on/provide additional management and mitigation recommendations (1 day for printing and postage i.e. **13 April 2010**).
38. Period during which Aboriginal stakeholders can complete an Aboriginal cultural values assessment and comment on/provide additional management and mitigation recommendations (21 days from receipt of draft Aboriginal Cultural Heritage Assessment i.e. **5 May 2010**).
39. Period for discussion regarding incorporating Aboriginal cultural values assessment with the archaeological component to form the finalised Aboriginal Cultural Heritage Assessment (5 working days from closing period for Aboriginal cultural values assessment i.e. **13 May 2010**).
40. Finalisation of Aboriginal Cultural Heritage Assessment for provision to the Aboriginal stakeholders and submission to the Department of Planning (following the completion of Stage 9 above).

18. Draft Survey Methodology

As outlined above, one of the purposes of this letter is to provide a proposed methodology for the survey of the proposed access road. It is suggested that the survey methodology should be in accordance with that utilised for Lot 218 and Lot 220. However, given that the first section of the proposed access road has been subject to previous sand extraction activities that would have removed the majority of deposits that may contain archaeological material, it is proposed to inspect this portion by vehicle, with the capacity to stop in any area that may still retain some archaeological potential.

The remaining portion of the proposed access road will be surveyed on foot and follows an existing vehicle track that has been subject to prior vegetation clearance. Vegetation adjoining the existing track impedes ground surface visibility within a small portion of the survey area and therefore the survey will focus on the existing access track. The survey will also involve recording the range of landforms, Aboriginal resources and levels of disturbance within the proposed access road so that this information can be used in considering the archaeological potential of those parts of the proposed access road with limited visibility and exposure.

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- any archaeological sites that may be present (with recording to comply with DECC standards and requirements);
- the likelihood that potential archaeological deposits may be present within the impact area; and
- any information provided by Aboriginal stakeholders regarding the cultural significance of the area.

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

19. Fieldwork Involvement

It is anticipated that the survey will be completed within in one day by Aboriginal stakeholder groups and one archaeologist. Should your group wish to be involved in the survey, Mackas Sand wishes to invite **one representative** from your group to participate. At this stage, it is proposed to conduct the fieldwork on **Monday 29 March 2010** but the actual timing of fieldwork will be dependent on how quickly people can return the required paperwork.

Mackas Sand has provided a letter of engagement for all groups wishing to be involved in fieldwork. Mackas Sand will engage interested Aboriginal stakeholder groups directly for fieldwork involvement. If your group wishes to be involved in fieldwork, you must carefully read the attached letter of engagement and ensure that you agree to all the conditions. If you have any issues with the letter of engagement, please contact The Director Mackas Sand on 02 4982 8227.

20. Conclusion

In accordance with the *Interim Community Consultation Requirements for Applicants* (December 2004), we ask that your group provides comments on the draft survey methodology by no later than **5.00 pm on Thursday 25 March 2010**. Verbal comments regarding the draft survey methodology can be made directly to Nicola Roche or written comments can be faxed on (02) 4950 5737. Fieldwork may be able to be scheduled earlier if comments from all Aboriginal stakeholder groups are received prior to the above mentioned date.

A signed copy of the terms of engagement must also be returned by **Thursday 25 March 2010** so if you have any queries about engagement, please make sure you contact The Director Mackas Sand prior to this date.

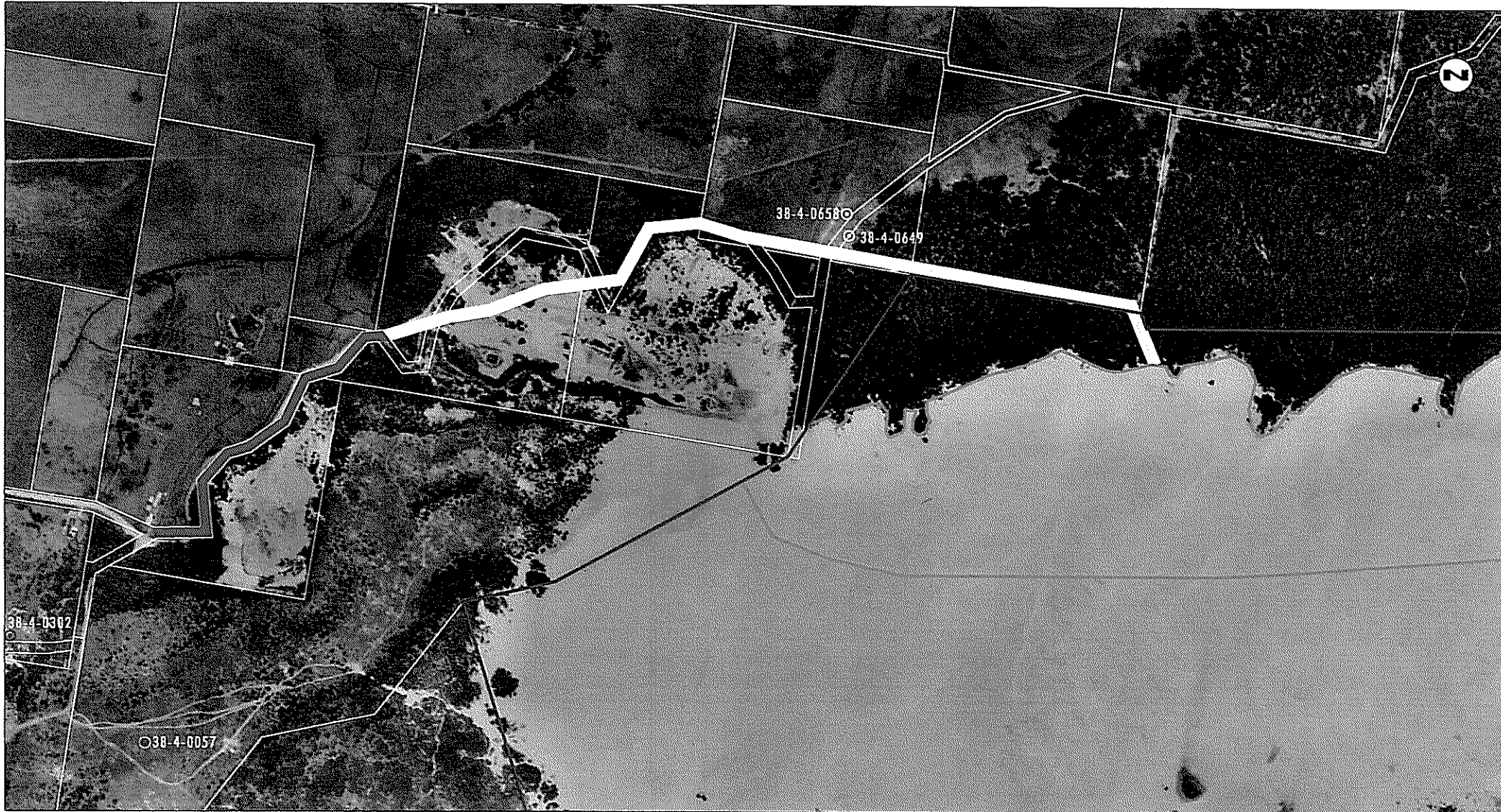
Please do not hesitate to contact me on (02) 4950 5322 if you need to discuss further aspects of the draft survey strategy or this correspondence.

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

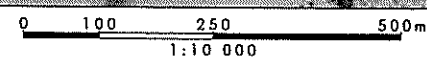
Yours faithfully

Nicola Roche
Archaeologist

enc



Source: Aerial: Google Earth, 2008



- Legend**
- Lot 218 Boundary
 - Lot 218 Approval Area
 - Approved Access Road
 - Proposed Access Road
 - Artefact Scatter
 - M
 Midden
 - A
 Midden / Artefact Scatter

FIGURE 1

Location of Proposed Access Road

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3 March 2010

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

POSTED

Dear Leanne

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

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11. Description of the Proposed Access Road

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12. Assessment Process

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

14. Fieldwork Involvement

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15. Conclusion

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

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

Yours faithfully

Nicola Roche
Archaeologist

enc

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 1646/PJ/SC/NR/030310

3 March 2010

POSTED

Worimi Traditional Aboriginal Elders & Owners Group
Les Ridgeway
PO Box 116
BONNY HILLS NSW 2445

Dear Les

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

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

Mackas Sand is now proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. Section 5.1.2 of the ACHMP requires that the AHMG should be consulted regarding any proposed activities resulting in vegetation clearance or ground surface disturbance outside the DA-08-0142 approval area. On 12 February 2010, the AHMG participated in an inspection of an area considered for the proposed access road. During the inspection, an area of site (A3) and associated PAD was identified along the alternate access road. Based on this, the AHMG indicated that they would recommend further assessment of the alternate access road. Following this inspection, the route of the proposed access road has been modified to reduce the need to clear additional vegetation, as shown in **Figure 1**. However, the new route still intersects with A3 and the associated PAD and therefore it will be necessary to assess the area in accordance with Department of Environment, Climate Change and Water requirements.

In accordance with the *Department of Environment and Conservation (now the Department of Environment and Climate Change - DECC) Interim Community Consultation Requirements for Applicants*, Umwelt is aware that your group has an interest in being consulted regarding cultural heritage in this area.. This letter is to notify your organisation of the proposed modification and to outline the assessment process (as outlined below).

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Construction of the proposed access road will involve establishing a level surface that can sustain heavy vehicle traffic. The level of activity required to do this will vary along the proposed access road

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

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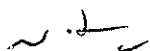
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If you have any questions or require clarification of any matters please call me on 4950 5322.

Yours faithfully



Nicola Roche
Archaeologist

enc

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 1646/PJ/SC/NR/030310

3 March 2010

POSTED

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

Dear Anthony

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

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Yours faithfully



Nicola Roche
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Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 1646/PJ/SC/NR/030310

3 March 2010

POSTED

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

Dear Carol

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

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4. Fieldwork Involvement

It is anticipated that the survey will be completed within in one day by Aboriginal stakeholder groups and one archaeologist. Should your group wish to be involved in the survey, Mackas Sand wishes to invite **one representative** from your group to participate. At this stage, it is proposed to conduct the fieldwork on **Monday 29 March 2010** but the actual timing of fieldwork will be dependent on how quickly people can return the required paperwork.

Mackas Sand has provided a letter of engagement for all groups wishing to be involved in fieldwork. Mackas Sand will engage interested Aboriginal stakeholder groups directly for fieldwork involvement. If your group wishes to be involved in fieldwork, you must carefully read the attached letter of engagement and ensure that you agree to all the conditions. If you have any issues with the letter of engagement, please contact The Director Mackas Sand on 02 4982 8227.

5. Conclusion

In accordance with the *Interim Community Consultation Requirements for Applicants* (December 2004), we ask that your group provides comments on the draft survey methodology by no later than **5.00 pm on Thursday 25 March 2010**. Verbal comments regarding the draft survey methodology can be made directly to Nicola Roche or written comments can be faxed on (02) 4950 5737. Fieldwork may be able to be scheduled earlier if comments from all Aboriginal stakeholder groups are received prior to the above mentioned date.

A signed copy of the terms of engagement must also be returned by **Thursday 25 March 2010** so if you have any queries about engagement, please make sure you contact The Director Mackas Sand prior to this date.

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

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

Yours faithfully



Nicola Roche
Archaeologist

enc

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 1646a/PJ/SC/NR/030310

3 March 2010

POSTED

Office of the Registrar of Aboriginal Owners
Department of Aboriginal Affairs
Level 13, Tower B
Centennial Plaza
280 Elizabeth Street
SYDNEY NSW 2000

Dear Sir/Madam

Re: Notification of Proposed Modification to Mackas Sand Approval DA-08-0142 for Alternate Access to Lot 218 DP 1044608, Salt Ash, north of Newcastle, NSW

Mackas Sand was granted DA-08-0142 in relation to the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608. The DA-08-0142 approval area was the subject of an Aboriginal Cultural Heritage Assessment (Umwelt 2009) and an Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was subsequently established in accordance with the ACHMP.

Mackas Sand is now proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. Mackas Sand has commissioned Umwelt (Australia) Pty Limited (Umwelt) to undertake an Aboriginal archaeological assessment as a component of the proposed modification.

In accordance with the *Department of Environment and Conservation (now the Department of Environment and Climate Change – DECC) Interim Community Consultation Requirements for Applicants*, Umwelt is advising the Office of the Registrar of Aboriginal Owners of the upcoming project. The purpose of this notification is to ascertain if the Office of the Registrar of Aboriginal Owners know of any Aboriginal stakeholder groups/individuals in the Stockton Bight area that may wish to be consulted in relation to the Proposal. Umwelt will be consulting with the Aboriginal stakeholder groups that are part of the Mackas Sand AHMG and/or were consulted regarding the Aboriginal Cultural Heritage Assessment for the DA-08-0142 area, namely: WLALC; Worimi Traditional Elders and Owners Group; Nur-Run-Gee Pty Ltd; Mur-Roo-Ma Incorporated and Maaiangal Aboriginal Heritage Corporation. Each of these groups has been contacted and advised of the proposed modification.

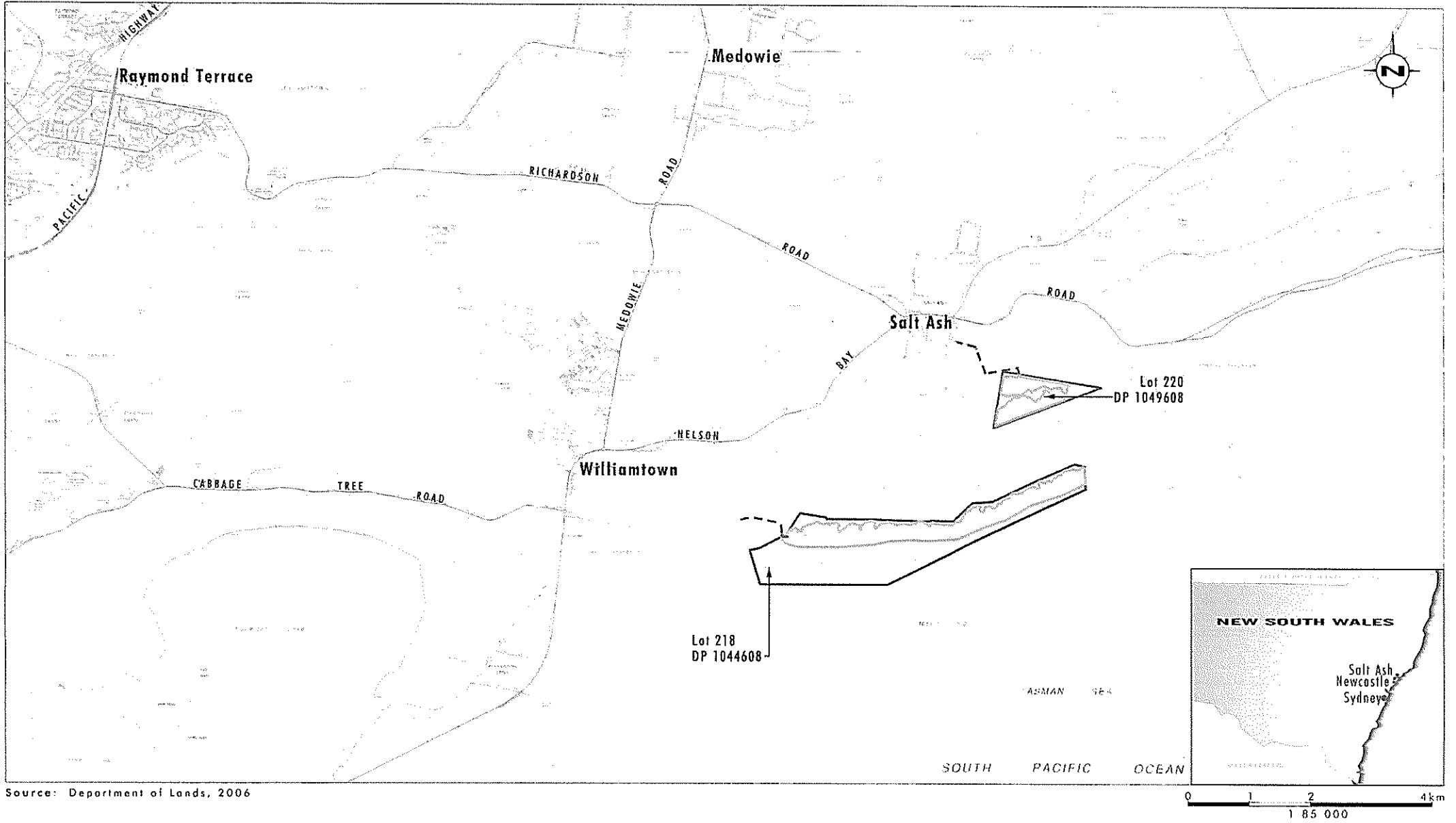
Umwelt would be grateful if the Office of the Registrar of Aboriginal Owners could advise in writing if they know of any Aboriginal groups/individuals that do not appear above. In accordance with the interim requirements, Umwelt request that the Office of the Registrar of Aboriginal Owners respond to this notification by **17 March 2010**.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Nicola Roche', with a stylized flourish at the end.

Nicola Roche
Archaeologist



Source: Department of Lands, 2006

Legend

- Lot Boundaries
- Approval Areas
- Site Access
- Proposed Site Access

FIGURE 1.1

Locality Plan

Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737
ABN 18 059 519 041

Our Ref: 1646a/PJ/SC/NR/030310

3 March 2010

POSTED

Executive Director Operations
Department of Environment, Climate Change and Water
PO Box A290
SYDNEY NSW 1232

Dear Sir/Madam

Re: Notification of Proposed Modification to Mackas Sand Approval DA-08-0142 for Alternate Access to Lot 218 DP 1044608, Salt Ash, north of Newcastle, NSW

Mackas Sand was granted DA-08-0142 in relation to the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608. The DA-08-0142 approval area was the subject of an Aboriginal Cultural Heritage Assessment (Umwelt 2009) and an Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was subsequently established in accordance with the ACHMP.

Mackas Sand is now proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. Mackas Sand has commissioned Umwelt (Australia) Pty Limited (Umwelt) to undertake an Aboriginal archaeological assessment as a component of the proposed modification.

In accordance with the *Department of Environment and Conservation (now the Department of Environment and Climate Change – DECC) Interim Community Consultation Requirements for Applicants*, Umwelt is advising DECCW of the upcoming project. The purpose of this notification is to ascertain if DECCW know of any Aboriginal stakeholder groups/individuals in the Stockton Bight area that may wish to be consulted in relation to the Proposal. Umwelt will be consulting with the Aboriginal stakeholder groups that are part of the Mackas Sand AHMG and/or were consulted regarding the Aboriginal Cultural Heritage Assessment for the DA-08-0142 area, namely: WLALC; Worimi Traditional Elders and Owners Group; Nur-Run-Gee Pty Ltd; Mur-Roo-Ma Incorporated and Maaialgal Aboriginal Heritage Corporation. Each of these groups has been contacted and advised of the proposed modification.

Umwelt would be grateful if DECCW could advise in writing if they know of any Aboriginal groups/individuals that do not appear above. In accordance with the interim requirements, Umwelt request that DECCW respond to this notification by **17 March 2010**.

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Nicola Roche".

Nicola Roche
Archaeologist

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737
ABN 18 059 519 041

Our Ref: 1646a/PJ/SC/NR/030310

3 March 2010

POSTED

New South Wales Native Title Services
PO Box 2105
STRAWBERRY HILLS NSW 2012

Dear Sir/Madam

Re: Notification of Proposed Modification to Mackas Sand Approval DA-08-0142 for Alternate Access to Lot 218 DP 1044608, Salt Ash, north of Newcastle, NSW

Mackas Sand was granted DA-08-0142 in relation to the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608. The DA-08-0142 approval area was the subject of an Aboriginal Cultural Heritage Assessment (Umwelt 2009) and an Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was subsequently established in accordance with the ACHMP.

Mackas Sand is now proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. Mackas Sand has commissioned Umwelt (Australia) Pty Limited (Umwelt) to undertake an Aboriginal archaeological assessment as a component of the proposed modification.

In accordance with the *Department of Environment and Conservation (now the Department of Environment and Climate Change – DECC) Interim Community Consultation Requirements for Applicants*, Umwelt is advising New South Wales Native Title Services of the upcoming project. The purpose of this notification is to ascertain if New South Wales Native Title Services know of any Aboriginal stakeholder groups/individuals in the Stockton Bight area that may wish to be consulted in relation to the Proposal. Umwelt will be consulting with the Aboriginal stakeholder groups that are part of the Mackas Sand AHMG and/or were consulted regarding the Aboriginal Cultural Heritage Assessment for the DA-08-0142 area, namely: WLALC; Worimi Traditional Elders and Owners Group; Nur-Run-Gee Pty Ltd; Mur-Roo-Ma Incorporated and Maaiangal Aboriginal Heritage Corporation. Each of these groups has been contacted and advised of the proposed modification.

Umwelt would be grateful if New South Wales Native Title Services could advise in writing if they know of any Aboriginal groups/individuals that do not appear above. In accordance with the interim requirements, Umwelt request that New South Wales Native Title Services respond to this notification by **17 March 2010**.

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Nicola Roche".

Nicola Roche
Archaeologist

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737
ABN 18 059 519 041

Our Ref: 1646a/PJ/SC/NR/030310

3 March 2010

POSTED

Mr Andrew Smith
Worimi Local Aboriginal Land Council
173 Nelson Bay Road
WILLIAMTOWN NSW 2318

Dear Andrew

Re: Notification of Proposed Modification to Mackas Sand Approval DA-08-0142 for Alternate Access to Lot 218 DP 1044608, Salt Ash, north of Newcastle, NSW

Mackas Sand was granted DA-08-0142 in relation to the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608. The DA-08-0142 approval area was the subject of an Aboriginal Cultural Heritage Assessment (Umwelt 2009) and an Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was subsequently established in accordance with the ACHMP.

Mackas Sand is now proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. Mackas Sand has commissioned Umwelt (Australia) Pty Limited (Umwelt) to undertake an Aboriginal archaeological assessment as a component of the proposed modification.

In accordance with the *Department of Environment and Conservation (now the Department of Environment and Climate Change – DECC) Interim Community Consultation Requirements for Applicants*, Umwelt is advising WLALC of the upcoming project. The purpose of this notification is to ascertain if WLALC know of any Aboriginal stakeholder groups/individuals in the Stockton Bight area that may wish to be consulted in relation to the Proposal. Umwelt will be consulting with the Aboriginal stakeholder groups that are part of the Mackas Sand AHMG and/or were consulted regarding the Aboriginal Cultural Heritage Assessment for the DA-08-0142 area, namely: WLALC; Worimi Traditional Elders and Owners Group; Nur-Run-Gee Pty Ltd; Mur-Roo-Ma Incorporated and Maaiangal Aboriginal Heritage Corporation. Each of these groups has been contacted and advised of the proposed modification.

Umwelt would be grateful if WLALC could advise in writing if they know of any Aboriginal groups/individuals that do not appear above. In accordance with the interim requirements, Umwelt request that WLALC respond to this notification by **17 March 2010**.

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Nicola Roche".

Nicola Roche
Archaeologist

Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737
ABN 18 059 519 041

Our Ref: 1646a/PJ/SC/NR/030310

3 March 2010

The Planning Officer
Port Stephens Shire Council
PO Box 42
RAYMOND TERRACE NSW 2324

POSTED

Dear Sir/Madam

Re: Notification of Proposed Modification to Mackas Sand Approval DA-08-0142 for Alternate Access to Lot 218 DP 1044608, Salt Ash, north of Newcastle, NSW

Mackas Sand was granted DA-08-0142 in relation to the extraction of sand from Lot 218 in DP 1044608 and Lot 220 in DP 1049608. The DA-08-0142 approval area was the subject of an Aboriginal Cultural Heritage Assessment (Umwelt 2009) and an Aboriginal Cultural Heritage Management Plan (ACHMP) was completed in consultation with the relevant Aboriginal stakeholders and in accordance with Condition 29 of DA-08-0142. The ACHMP was approved by the Department of Planning on 9 November 2009. An Aboriginal Heritage Management Group (AHMG) was subsequently established in accordance with the ACHMP.

Mackas Sand is now proposing to establish an alternate access road to Lot 218 from Lavis Lane and is seeking a modification to its development consent under Section 75W of the *Environmental Planning and Assessment Act 1979*. Mackas Sand has commissioned Umwelt (Australia) Pty Limited (Umwelt) to undertake an Aboriginal archaeological assessment as a component of the proposed modification.

In accordance with the *Department of Environment and Conservation (now the Department of Environment and Climate Change – DECC) Interim Community Consultation Requirements for Applicants*, Umwelt is advising Port Stephens Council of the upcoming project. The purpose of this notification is to ascertain if Port Stephens Council know of any Aboriginal stakeholder groups/individuals in the Stockton Bight area that may wish to be consulted in relation to the Proposal. Umwelt will be consulting with the Aboriginal stakeholder groups that are part of the Mackas Sand AHMG and/or were consulted regarding the Aboriginal Cultural Heritage Assessment for the DA-08-0142 area, namely: WLALC; Worimi Traditional Elders and Owners Group; Nur-Run-Gee Pty Ltd; Mur-Roo-Ma Incorporated and Maaingal Aboriginal Heritage Corporation. Each of these groups has been contacted and advised of the proposed modification.

Umwelt would be grateful if Port Stephens Council could advise in writing if they know of any Aboriginal groups/individuals that do not appear above. In accordance with the interim requirements, Umwelt request that Port Stephens Council respond to this notification by **17 March 2010**.

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

Yours faithfully

Nicola Roche
Archaeologist



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Nicola Roche

From: Anthony Anderson [murroomainc1@gmail.com]
Sent: 23 August 2010 15:48
To: Nicola Roche
Subject: Proposed Access Lot:218

Hi Nic,

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

We strongly suggest that Mackas Access 3 & 4 should be permanently fenced no less than 3 metres around to create a protection zone. Although Mackas Access 1 & 2 is located outside the proposed access road, we would also like fenced protection methods put in place for these areas as well.

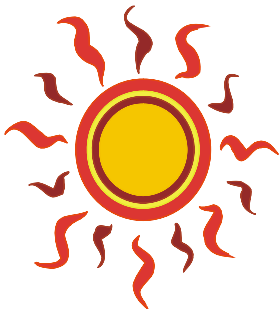
A3 and associated Pad - due to the close proximity of the two registered sites, one being a scattered artefact site and the other a midden site, there is a very high possibility of there being un-detected Aboriginal objects within the proposed access road. Therefore i am under the belief that this area should not be impacted upon.

We would like to make the closing general comment.

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

Anthony Anderson
CEO Mur-roo-ma Inc

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@kooe.com.au

13th August 2010

Nicola Roche
Senior Archaeologist
Umwelt (Australia) Pty Limited
PO Box 838
2/20 The Boulevard
Toronto NSW 2283

**Re: Aboriginal Cultural Heritage Assessment of Proposed Access
Road to Lot 218 DP 1044608, Salt Ash**

Dear Nicola,

Thank you for the opportunity to comment on the draft report for the Aboriginal Cultural Heritage Assessment of Proposed Access Road to Lot 218 DP 1044608, Salt Ash

After reading the draft report, Nur-Run-Gee P/L understands the recommendations and agreements that Umwelt Australia Pty Ltd have stated in the report. Nur-Run-Gee P/L agrees with the research, design and methodology for further investigation if no other alternative is apparent.

Though the methodology is sound, Nur-Run-Gee P/L recommends to utilise the existing infrastructure on Lot 218 that already exists. Nur-Run-Gee P/L does not support any further destruction to the Cultural, environmental or physical landscape.

Nur-Run-Gee P/L is hesitant to support any variation to the original DA-08-0142 that will destroy any further landscape.

Nur-Run-Gee Pty Ltd wish it to be noted that we have found that this report to be well written and informative as well as concise and as accurate as possible



WORIMI LOCAL ABORIGINAL LAND COUNCIL

Our Ref: 1.1.20.2.1_Rsps to ACHA_240810.docx

ABN 51 352 201 603

24th August 2010

Umwelt (Australia) Pty Limited
Attention: Nicola Roche
PO Box 838
TORONTO NSW 2283

*2163 Nelson Bay Rd
Williamtown NSW 2318*

Dear Nicola

*PO Box 56
Tanilba Bay NSW 2319*

**RE: Aboriginal Cultural Heritage Assessment of Proposed Access Road to
Lot 218 DP 1044608, Salt Ash**

*Phone: 02 4965 1500
Fax: 02 4965 1799*

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

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

info@worimi.org.au

In finalising our comment we have taken into account the Aboriginal Cultural Heritage Assessment supplied by Umwelt (Australia) Pty Limited (including their views), along with:

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

It is the view of the WLALC that the report supplied by Umwelt (Australia) Pty Limited is an all-inclusive account of the assessment undertaken on the 29th March and 22nd May 2010 and an accurate assessment of the likely impact to be placed on Aboriginal heritage subject to the proposed road access to Lot 218 DP 1044608.

It is the belief of the WLALC that these recommendations (page 20) **9.0 Management and Mitigation Recommendations** listed 1 to 12 of the report, do not, in any way, restrict or unfavourably effect this development.

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

Yours sincerely,

Kyle Finlay
Project Coordinator
Worimi Local Aboriginal Land Council

Nicola Roche

From: Anthony Anderson [murroomainc1@gmail.com]
Sent: Thursday, 29 September 2011 3:57 PM
To: Nicola Roche
Subject: Re: Correspondence re alterations to proposed access road, Mackas Sand

Hi Nic

Mur-roo-ma inc has read and fully understands and agrees with the proposed survey methodology for the proposed alterations to the access road to lot 218 for the purpose of extracting sand and i still have concerns about destruction of sites which will be discussed on site

cheers Anthony

On Tue, Sep 27, 2011 at 8:10 PM, Nicola Roche <nroche@umwelt.com.au> wrote:

Hi Anthony,

Please find attached a draft methodology for the assessment of alterations to the previously assessed proposed access road for Mackas Sand. I understand that there are some concerns about the additional impacts to sites Mackas 1 and 2. As always, the assessment report will document any concerns that you may have based on our discussions in field and any further comments you might wish to make.

I'll give you a call in the next couple of days to discuss the proposed survey methodology and to try and work out a suitable day to undertake the additional survey. Alternatively, if you want to give me a call when its suitable for you, that would be great.

Hope all is well and look forward to talking to you soon.

Nic

Nicola Roche

Nicola Roche

From: Lennie and Leanne [goodman@koeee.com.au]
Sent: Wednesday, 28 September 2011 10:25 PM
To: Nicola Roche
Subject: Re: Correspondence re alterations to proposed access road, Mackas Sand

Hi Nicola,

I have read the methodology and agree with the presented mode of operations, as submitted by Umwelt. What I don't agree with, is why are we once again changing the proposed haul roads, is it so, if the proponent puts up so many alternatives, then one must hit the spot? I emphatically disagree with disturbing or destroying any more sites than we already have, but right in the direct path of this new proposal there are more sites, and it will be blocking a natural water course? A precedence was set when Energy Australia was not allowed to substantiate the new 11KVA line through that very area because of the Cultural Landscape!

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

Nicola Roche

From: Anthony Anderson [murroomainc1@gmail.com]
Sent: Sunday, 20 November 2011 9:15 PM
To: Nicola Roche
Subject: Modified Draft Aboriginal Cultural Heritage Assessment of Alternative Haul Route- lot 218

Hi Nic,

Murrooma incorporated has read and fully understands the draft report for the above proposal.

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

On our most recent survey conducted on *Alternative Route A, leading South from Lot 129 to sand extraction face we identified no visible markers to accurately define the access road. This area needs to be surveyed to determine whether there will be any impact on the surrounding high ground due to the potential significance of this area. It is our recommendation that on impact to this area, excavations should be conducted. Once surveyed if the access road goes through the lower ground (swamp) no excavations will be required. The remainder on Alternative Route A which we have previously identified as a highly significant area should not be impacted on at all.

As previously reported protection methods (fencing) be put in place to protect sites on Macka's Access 1 to 4, however due access road realignment these Aboriginal sites will now be directly impacted upon therefore we strongly oppose the construction of this access road.

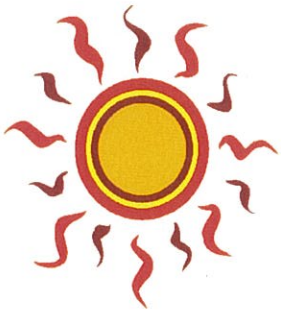
As a registered Traditional Owner organisation, we are custodians of our land and it is Murrooma's responsibility to ensure the local Aboriginal heritage and culture is persevered and protected.

We would like to make the closing general comment.

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

Anthony Anderson
CEO Mur-roo-ma Inc

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

20-November-2011

Umwelt Environmental Consultants
2/20 The Boulevard
PO Box 838
Toronto NSW 2283

**Re; Aboriginal Heritage Assessment- Alternate Haul Road Lot 218
DP 1044608 Salt Ash – Draft Report**

Dear Nicola

Thank you for the opportunity to comment on the draft report for the Aboriginal Heritage Assessment- Alternate Hall Road Lot 218 DP 1044608 Salt Ash.

After reading the draft report, Nur-Run-Gee P/L, agrees and understands the recommendations that UMWELT Australia Pty Ltd have stated in the report are acceptable.

Nur-Run-Gee P/L agrees with the report with these pertinent points: - Even though we tried to accept that the Alternate Haul Road is feasible, we still maintain that Mackas Sand revisit the original and agreements as it still offers the best solutions and they are. No further damage to Aboriginal Heritage, The Haul Road is already established and has been for 40years and no further destruction of rare species and less disturbance to natural drainage systems

In closing, selecting any other haul road then the one that is already established is going to endanger our Cultural items, Storylines and existing 'insitu' sites. Therefore in agreeing with the methodologies (as proposed) we emphatically disagree and will not support another (No5) Haul road proposal that endangers Cultural and Environmental material when there is already a suitable haul road in place.

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

Yours Sincerely

Lennie and Leanne Anderson
Directors
Nur-Run-Gee Pty Ltd



WORIMI LOCAL ABORIGINAL LAND COUNCIL

6th December, 2011.

ABN 51 352 201 603

Umwelt (Australia) Pty Limited

Attention: Nicola Roche
PO Box 838
TORONTO NSW 2283

*2163 Nelson Bay Rd
Williamstown NSW 2318*

*PO Box 56
Tanilba Bay NSW 2319*

Dear Nicola

**RE: Draft Aboriginal Cultural Heritage Assessment of Alternate Haul Route of
Lot 218 DP 1044608, Salt Ash**

*Phone: 02 4965 1500
Fax: 02 4965 1799*

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

info@worimi.org.au

It is the view of the WLALC that the report supplied by Umwelt (Australia) Pty Limited is an all inclusive account of the assessment undertaken and an accurate assessment of the likely impact to be placed on Aboriginal heritage subject to the proposed *Alternate Haul Route to Lot 218 DP 1044608*.

It is the belief of the Worimi LALC that these recommendations (page 27)

- **10.0 Aboriginal Party Recommendations**
- **10.1 Recommendations provided in Response to previous Draft Assessment**
- **10.2 Recommendations provided in relation to the alterations to the Alternate Haul Route**

Is a true and accurate record of the outcomes and findings in the Assessment Report.

We look forward to further participation to ensure the integrity and cultural heritage significance of the area is not adversely compromised. If you have any further enquiries in relation to this matter please do not hesitate to contact the Worimi LALC during business hours 02 49651500.

Yours sincerely,

Jackie Henderson
Administration Officer
Worimi Local Aboriginal Land Council