

Note: full information pack went to all groups

5 January 2011

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



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396
Fax: 4952 5501

Email: mcheritage@iprimus.com.au

MCH Reference: Information pack

Dear Kerrie,

RE: HEXHAM REDEVELOPMNET PROJECT INFORMATION PACK

I would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you (as per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010). MCH did not receive your preferred option and as such are sending you the information pack.

As per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), please find enclosed an information pack that details the project, the roles and responsibilities of all parties, details of the proposed methodologies and maps showing the location and extent of the study area.

In addition to this, the purpose of the information pack is also to ensure all parties have an understanding of the project, critical time lines, that cultural knowledge is obtained from the appropriate individuals, any issues or concerns can be addressed, the methods of survey are agreed upon and the new guidelines are met.

In line with the DECCW requirements, we ask that you provide the required information **no later than 27 January 2011**. MCH have also included a selection of pro formes that ensure all the required information is obtained to meet the DECCW requirements. You may wish to utilise the forms attached for your convenience or use of your own forms are encouraged.

Please note that failure to provide the required information by the date provided will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

5 January 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396
Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Shane Frost
Awabakal Descendants Traditional Owners Aboriginal Corporation
PO Box 384
Wallabadah NSW 2342

MCH Reference: Information pack

Dear Shane,

RE: HEXHAM REDEVELOPMNET PROJECT INFORMATION PACK

I would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you (as per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010). MCH did not receive your preferred option and as such are sending you the information pack.

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

5 January 2011

David Ahoy
Awabakal LALC
127 Maitland Rd
Islington NSW 2296



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396
Fax: 4952 5501

Email: mcheritage@iprimus.com.au

MCH Reference: Information pack

Dear David,

RE: HEXHAM REDEVELOPMNET PROJECT INFORMATION PACK

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Please note that failure to provide the required information by the date provided will result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

As per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), MCH would like to provide the following information in relation to the Indigenous Archaeological Assessment for the proposed Part 3A major development – Queensland Rail National (QRNational) Hexham redevelopment project along Maitland Road, Hexham.

1 OVERVIEW

McCardle Cultural Heritage Pty Ltd (MCH) has been commissioned by ADW Johnson to prepare an Indigenous Archaeological Assessment for the proposed Part 3A major development – Queensland Rail National (QRNational) Hexham redevelopment project along Maitland Road, Hexham.

The assessment will determine the potential impacts upon the indigenous cultural heritage within the development area. It is intended that any areas of indigenous cultural heritage value will be identified and appropriate management recommendations will be established through consultation with the registered Aboriginal parties.

1.1 STUDY AREA

The study area is defined by the proponent and is located on the western side of the Pacific Highway at Hexham. The study area includes 255 hectares of land currently zoned for industrial, special uses and environmental. The site is bounded by the Pacific Highway and the New England Highway to the north and east and by rural and environmental lands to the south and west, including Hexham Swamp Nature Reserve. The location and extent of the study area is illustrated in *Figures 1.1 to 1.3*.

1.2 OUTLINE OF THE PROJECT

The Train Support Facility (TSF) is Stage 1, this stage forms part of the overall concept plan and is also the stage for which Project Application approval is sought. The TSF will provide an efficient and cost effective method of supporting QRNational's train consists, operating on the adjacent rail corridor. The project stages are as follows:

Stage 1. Train Support Facility

Stage 2. Industrial Subdivision

Stage 3. Intermodal Facility

These 3 distinct stages of the development are clearly identified within the Concept Plan documentation.

MCH:

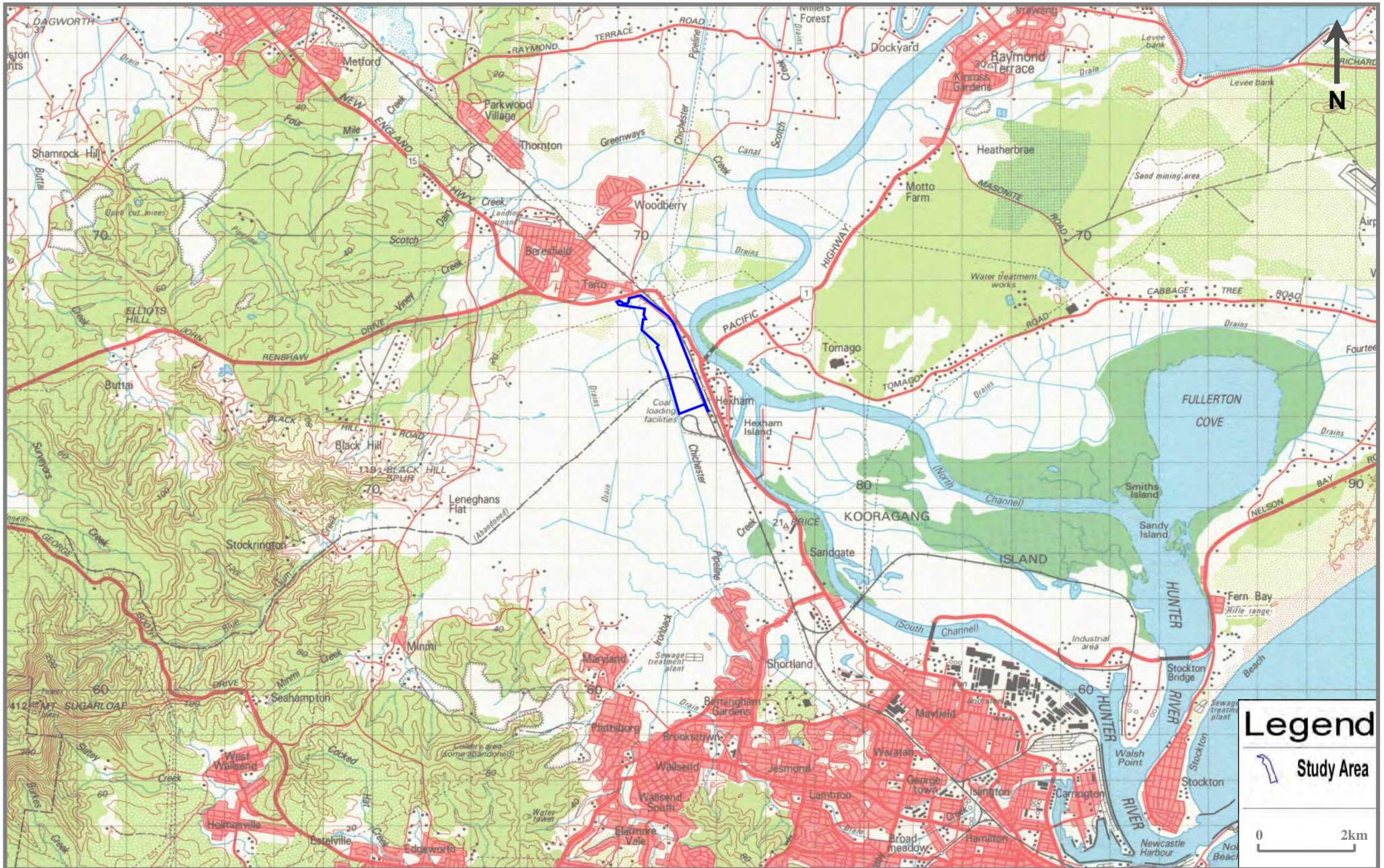


Figure 1.1 Regional Location of the Study Area

Source: 1:100 000 Topo Series: Newcastle

MCH:

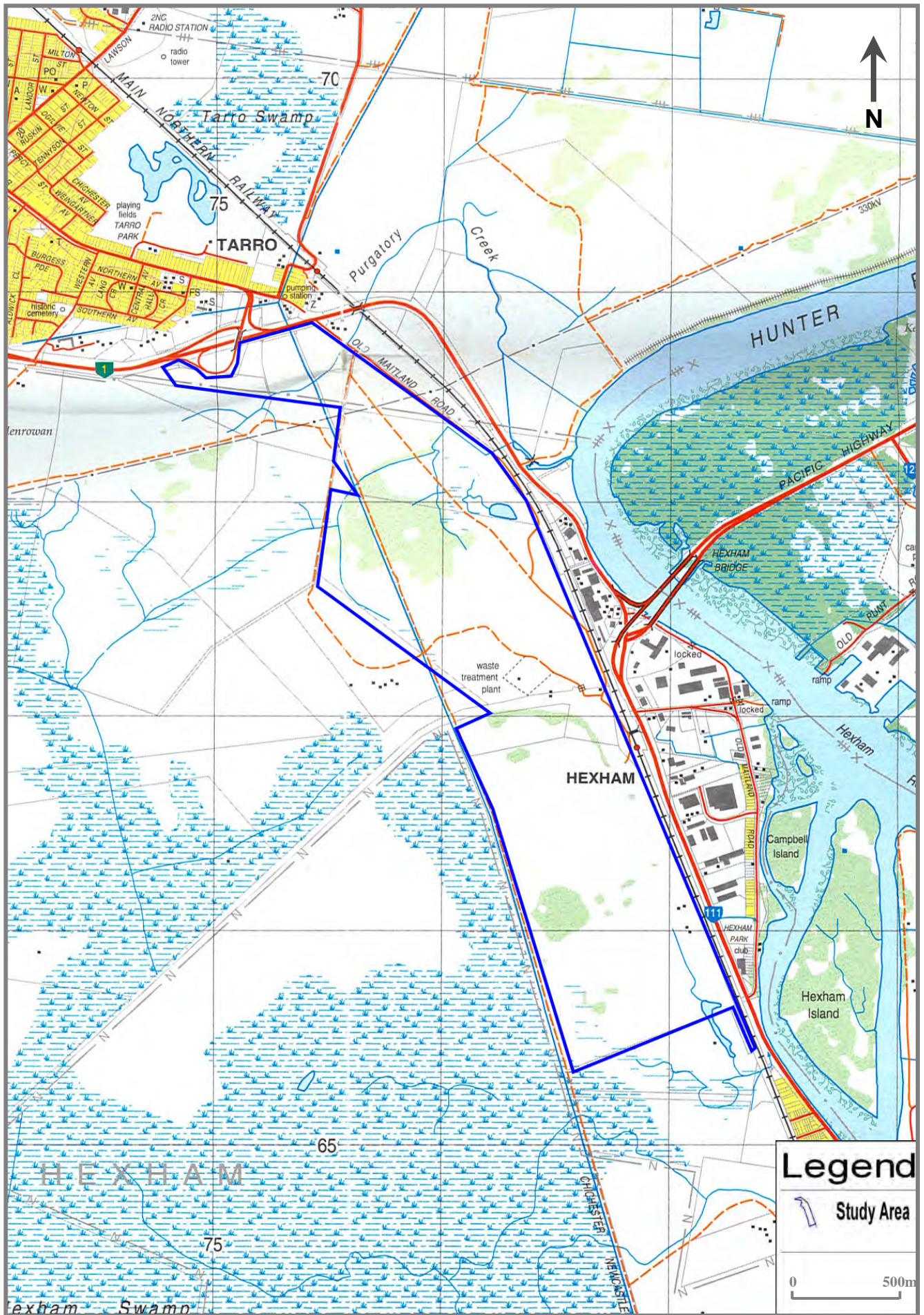


Figure 1.2 Local location of the study area

Source: 1:25 000 Topo Series: Beresfield

MCH:



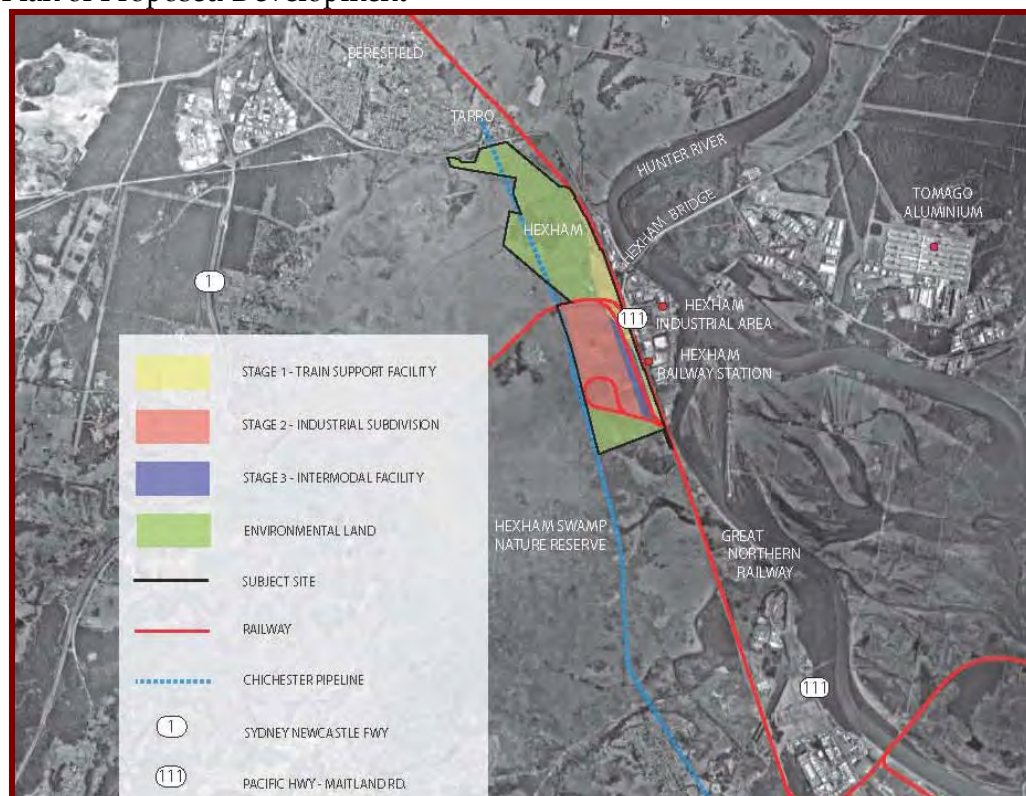
Figure 1.3 Aerial location of the study area

Source: Google Earth

1.2.1 *Impacts*

The following plan shows the proposed 3 stages of development.

Figure 1.4 Plan of Proposed Development



It can be seen from the plan that 118 hectares of land is to be developed for the three stages and 137 hectares will be retained for environmental conservation.

The proposed development of Stage 1 TSF & Stage 3 Intermodal Facility involves some site filling and grading, only clean fill from approved sources will be used for this purpose. For much of the works this will mean that levels will remain below the 100 year recurrence flood (they will be at around the 50 year recurrence flood level). This is because the proposed track has no alternative but to be constructed to match the existing levels of the adjoining rail network to which the proposed development must connect.

The proposed Stage 2 area being for the Industrial Subdivision is predominantly covered in coal reject and as previously identified at elevations well above the design flood level. The level will be reduced in height, but not below that to protect development from the impacts of a 100 year recurrence flood. Coal reject is to be removed from site for this purpose. Some reject material will be retained and used for filling some parts of this Stage 2 area that are below the 100 year recurrence flood level. The removal of coal tailings off site is not part of the current Project Application for the Stage 1 TSF. It would likely form part of a separate Project Application for the Industrial Subdivision or alternatively be the subject of an application in its own right.

1.2.2 *Critical development time lines*

The project stages are as follows:

- Stage 1. Train Support Facility (TSF).
- Stage 2. Industrial Subdivision
- Stage 3. Intermodal Facility

The proposed likely timing is described in more detail as follows:

- Short Term (1-2 years) –Construction of a main access road to the site off the Tarro Interchange and the construction of earthworks, drainage, circulating roadworks and the construction of one provisioning track, a train examination road, two cut out roads and two Wagon Maintenance roads, with associated signalling and connections to the down coal road on the Great Northern Line and including the construction of a wagon maintenance building and wash bay and provisioning facility.
- Medium Term (3-5 years) – Completion of the TSF including the Locomotive maintenance shed and wash bay, wagon storage roads, second provisioning facility, turntable, wheel lathe building and administration offices.
- Long Term (6-10 years +) – Removal of the coal tailings to the appropriate elevation (ensuring a level is maintained above the 100 year recurrence flood) and establishment of the Industrial Subdivision will be dependent on the cessation of the irrigation from the Dairy Farmers waste treatment facility in 2013. The coal tailings can then be removed preparatory to the construction of the Industrial Subdivision roads and services. Following the completion of the construction of the Industrial Subdivision but also dependent on demand, the Intermodal Facility freight roads and wagon storage roads will be constructed to complete the development infrastructure.

1.2.3 Critical archaeological timelines

The following Table indicates the timelines critical for the archaeological assessment. However, please note that should quick response to all letters and pro formes will result the assessment to be undertaken sooner and if more time is required for consultation this will also be taken into account and timings adjusted accordingly.

Table 1. Project schedule

[illegible]

There are two methods of investigation including the gathering of cultural significance knowledge and archaeological assessment. These are briefly outlined below.

Gathering of information of cultural significance

MCH and the proponent understand that unlike the written word, Aboriginal cultural knowledge is not static, but responds to change through absorbing new information and adapting to its implications. Aboriginal cultural knowledge is handed down through oral tradition (song, story, art, language and dance) from generation to generation, and preserves the relationship to the land (DECCW 2010).

Specific details and parts of cultural knowledge are usually held and maintained by individuals or within particular family groups. Although the broader community may be aware of the general features of that knowledge, it is not a common practice within Aboriginal society for detailed cultural knowledge to be known in the broader community or within Aboriginal community organisations. However, it at times it may be these organisations that defer to particular individuals or family groups as being the knowledge-holders of particular sets of cultural knowledge about places or the environment (DECCW 2010).

In some cases the information provided may be sensitive and MCH and the proponent will not share that information with all registered Aboriginal parties or others without the express permission of the individual.

MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. To this end, MCH and the proponent would like to extend an invitation to provide any cultural knowledge you have and any restrictions you would like to place on your information, as well as your preferred method of providing that information.

Archaeological assessment:

This entails an archaeological assessment of the proposed project area. It includes the gathering of both environmental and archaeological information to gain an understanding of the environment, disturbances and provide a predictive model for the proposed project area.

Following the completion of the survey, a report that includes detailed environmental and archaeological background, results, discussion, the cultural significance as determined by the registered Aboriginal parties and mitigation measures will be provide to all registered parties for their review. This will also include opportunities for the registered Aboriginal parties to provide feedback on any management or mitigation recommendations.

All registered parties will also be required to provide their own report/letter within a specified time and a copy of the final report will be provided to all parties.

1.3.1

Survey methodology

The entire study area will be surveyed on foot in transects of approximately 5-10 metres apart. This will ensure the entire study area has been covered and any evidence of past occupation, Potential Archaeological Deposits (PADs) and disturbances will be identified.

1.4

ROLES, RESPONSIBILITIES AND FUNCTIONS OF PARTIES

The roles, responsibilities and functions of all parties are outlined below and is taken from DECCW (2010).

Department of Environment, Climate Change and Water (DECCW):

The Director General of DECCW is the decision-maker who decides to grant or refuse an Aboriginal Heritage Impact Permit (AHIP) application. If an AHIP is issued, conditions are usually attached and DECCW is responsible for ensuring the AHIP holder complies with those conditions. When considering an application under Part 6 of the NPW Act, the Director General will review the information provided by proponents in line with its internal policies and procedures to assess potential or actual harm to Aboriginal objects or places (DECCW, 2009).

The Environment Protection and Regulation Group (EPRG) of DECCW is responsible for administering the regulatory functions under Part 6 of the NPW Act.

DECCW expects that proponents and Aboriginal people should:

- be aware that Part 6 of the NPW Act establishes the Director General or delegate of DECCW as the decision-maker
- recognise that the Director General's (or delegates) decisions may not be consistent with the views of the Aboriginal community and/or the proponent. However, DECCW will take into account all relevant information it receives as part of its decision-making process.

Proponent:

All proponents operate within a commercial environment which includes:

- strict financial and management issues, priorities and deadlines
- the need to gain community support in order to secure any necessary approval/consent/licence/permit to operate
- the need for clearer processes and certainty of outcomes
- the need for suitable access to land for the purpose of their development project
- the need to work efficiently within the project's time, quality and cost planning and management parameters
- the need for culturally appropriate assessment findings relevant to their project.

Under these requirements, proponents should undertake the following:

- bring the registered Aboriginal parties or their nominated representatives together and be responsible for ensuring appropriate administration and management of the consultation process
- consider the cultural perspectives, views, knowledge and advice of the registered Aboriginal parties involved in the consultation process in assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s)
- provide evidence to DECCW of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the registered Aboriginal parties
- accurately record and clearly articulate all consultation findings in the final cultural heritage assessment report

Registered Aboriginal parties:

The interests and obligations of Aboriginal people relate to the protection of Aboriginal cultural heritage. It is only Aboriginal people who can determine who is accepted by their community as being authorised to speak for Country and its associated cultural heritage. Where there is a dispute about who speaks for Country, it is appropriate for Aboriginal people, not DECCW or the proponent, to resolve this dispute in a timely manner to enable effective consultation to proceed.

Aboriginal people who can provide information about cultural significance are, based on Aboriginal lore and customs, the traditional owners or custodians of the land that is the subject of the proposed project area. Traditional owners or custodians with appropriate cultural heritage knowledge necessary to make informed decisions who wish to register as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and customs
- recognise their responsibilities of their community, knowledge and obligations to protect and conserve their culture and heritage and to care for their traditional lands or country
- have the trust of their community, knowledge and understanding of their culture and permission to speak about it

The registered Aboriginal parties should undertake the following;

- ensure the appropriate cultural knowledge holder is providing the appropriate information
- uphold and respect the traditional rights, obligations and responsibilities of Aboriginal people within their own boundaries and not to infringe in other areas or Aboriginal people outside their own boundaries

- consider and provide the proponent the cultural perspectives, views, knowledge and advice during the consultation process, assessing cultural significance and developing any heritage management outcomes for Aboriginal object(s) and/or place(s)
- need to work efficiently within the project's time and provide feedback in a timely manner

Local Aboriginal land Councils:

The NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs) have statutory functions relevant to the protection of Aboriginal culture and heritage under the NSW Aboriginal Land Rights Act 1983. These requirements do not extend the role of NSWALC and LALCs in the significance assessment process. That is, these requirements do not provide NSWALC and/or LALCs any additional or specific decision-making role in the assessment of significance of Aboriginal object(s) and/or place(s) that are subject to an AHIP application under Part 6 of the NPW Act.

LALCs may choose to register an interest to be involved in the consultation process, or may assist registered Aboriginal parties to participate in the consultation process established by these requirements. In order to ensure effective consultation and the subsequent informed heritage assessment, LALCs are encouraged to identify and make contact with Aboriginal people who hold cultural knowledge in their area.

1.5

CONSULTATION NOT EMPLOYMENT

The following is taken from DECCW (2010).

Consultation with registered Aboriginal parties involves obtaining the views of, and information from, Aboriginal parties and reporting on these. It should not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring.

Aboriginal people may provide services to proponents through a contractual arrangement, however, this is separate from consultation. The proponent may reimburse Aboriginal people for any demonstrated reasonable out-of-pocket expenses directly incurred in order to participate in the consultation process. A demonstrated reasonable expense would include documented loss of wages caused by the need to take time from paid employment to participate in meetings.

The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities (i.e. pay disputes) for Aboriginal people.

1.6

EMPLOYMENT

The proponent may engage a number of Aboriginal representatives from the registered parties (based on the size and nature of the project) to participate and assist in the fieldwork component of this project. If you would like to be considered for field work please answer the selection criteria attached and ensure you attach certificates of currency for the relevant insurances, CV(s), any certificates and references. MCH will then pass this information onto the proponent for their consideration to make the selection for fieldwork participants should they wish to do so.

MCH will ensure all Aboriginal parties are invited to participate in fieldwork, however paid participation is determined by the proponent.

1.7

FORMS

You will find a number of forms attached for your convenience. However, if you prefer to use your own please feel free to do so. Please ensure that these are either filled out in full or your own forms/letters answer all the questions and return to MCH no later than 27 January 2011.

Forms attached:

- 1) Register of cultural knowledge holder
- 2) Cultural significance
- 3) Comments on proposed methodology
- 4) Field work selection criteria

REGISTER OF CULTURAL KNOWLEDGE HOLDER
QR Hexham Redevelopment Project Part 3A

MCH and the proponent would like to facilitate a process whereby all registered Aboriginal parties are provided the opportunity to contribute to culturally appropriate information gathering, provide information that will enable the cultural significance of Aboriginal sites/places on the project area to be determined, and have input into the development of any cultural heritage management options. To enable this to occur, it is necessary to consult with the cultural knowledge holder(s).

To this end, as per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are required to provide details of the individual(s) who hold cultural knowledge (according to traditional lore) relevant to the project area. If your groups has no knowledge holders, this is important information too.

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form. However, should you wish to use this form, please complete the appropriate box, sign and return to MCH, (Fax: 4952 5501).

Please fill in the following information for cultural knowledge holder(s). If there are more than three in your organisation please feel free to attach another sheet. If there are no knowledge holders in your group please send back blank.

Name: _____

Address: _____

Phone: _____ *Mobile:* _____

Fax: _____ *E-mail:* _____

Name: _____

Address: _____

Phone: _____ *Mobile:* _____

Fax: _____ *E-mail:* _____

Name: _____

Address: _____

Phone: _____ *Mobile:* _____

Fax: _____ *E-mail:* _____

CULTURAL SIGNIFICANCE
QR Hexham Redevelopment Project Part 3A

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete the appropriate box, sign and return to MCH, (Fax: 4952 5501).

As per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the proponent seeks information on the following:

1) are there Aboriginal objects of cultural value in the proposed project area?

2) Are there Aboriginal places of cultural value to the Aboriginal people in the area of the proposed project? This may include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance.

3) Is there any other cultural information in relation to the proposed project area?

4) MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. Please provide your preferred method of providing detailed information on the above (e.g. written, verbal, this form) and any restrictions you would like to place on your information.

COMMENTS ON PROPOSED METHODOLOGY
QR Hexham Redevelopment Project Part 3A

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete the appropriate box, sign and return to MCH (Fax: 4952 5501).

I, _____ (please insert your name) of _____ (please insert the name of your group), **agree to the methodology** outlined by MCH in relation to the proposed project.

Additional comments:

Signed: _____ Date: _____

Position within organisation: _____

I, _____ (please insert your name) of _____ (please insert the name of your group), **do not agree to the methodology** outlined by MCH in relation to the proposed Project for the following reasons (please explain your reasons for disagreeing):

I would like to suggest the following (please provide your reasoning): _____

Signed: _____ Date: _____

Position within organisation: _____

ABORIGINAL COMMUNITY SELECTION CRITERIA FOR FIELDWORK

QR Hexham Redevelopment Project Part 3A

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete and return to MCH (Fax: 4952 5501).

Ability to assist in communicating the results of the fieldwork back to the registered Aboriginal parties for the assessment of cultural significance and returning advice on their response to MCH.

Please provide details on your ability to discuss results of field work, ability to effectively provide a cultural heritage report in an appropriate time frame.

Experience in field

Please nominate at least two individuals who will be available and fit for work (physically able to undertake field work) who may participate in the field work and their relevant experience (please attach CV's, certificates and references)

Name	
Experience	
Name	
Experience	

Price Per person (experienced person)	
Hour	\$ inc GST & travel
Half day	\$ inc GST & travel
Full day	\$ inc GST & travel
Price Per person (inexperienced/trainee)	
Hour	\$ inc GST & travel
Half day	\$ inc GST & travel
Full day	\$ inc GST & travel
Please note that the actual rate of pay for field work may or may not be your preferred rates, this is dependant on the set development budget.	

Insurances	
Public Liability	Expiry date: (attach certificate of currency)
Worker Compensation	Expiry date: : (attach certificate of currency)
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork.	

Occupational Health & Safety (OH&S)
<p>All participants are required to comply with MCH and the proponents OH&S requirements. This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements.</p> <p>Failure to comply will prevent you from participating in the field work.</p>

Penny McCardle

From: kerrie@awabakal.com.au
Sent: Tuesday, 18 January 2011 11:39 AM
To: 'Penny McCardle'
Subject: RE: information pack for Hexham
Attachments: Awabakal Traditional Owners Aboriginal Corporation - ATOAC Terms of Engagement.pdf

Hi Penny,

I must apologise in advance for not responding sooner as it has been a busy time of year.

We are happy to respond to the proposed methodology, and would it be possible to send the register information pack in word form so that we can fill out the forms quicker than hand writing.

As discussed I have attached a copy of our Terms of Engagement for Aboriginal Cultural Heritage Assessments for your records and also for the Proponent.

Thanking you for your time and assistance, and looking forward in working with you on this project.

Kind regards,
 Kerrie Brauer.



CONFIDENTIALITY NOTICE: This e-mail is confidential and intended for the addressee only. The use, copying or distribution of this message or any information it contains, by anyone other than the addressee is prohibited by the sender. If you have received this e-mail in error, please delete it and notify the original author immediately. Every reasonable precaution has been taken to ensure that this e-mail, including attachments, does not contain any viruses. However, no liability can be accepted for any damage sustained as a result of such viruses, and recipients are advised to carry out their own checks. Please consider the environment before printing this correspondence.

From: Penny McCardle [mailto:mcheritage@iprimus.com.au]
Sent: Thursday, 6 January 2011 11:18 AM
To: kerrie@awabakal.com.au
Subject: information pack for Hexham

Hi Kerrie,

Please see the attached letter and information pack for the Hexham Project.

Kind regards
 Penny

Penny McCardle
 Principal Archaeologist & Forensic Anthropologist
 McCardle Cultural Heritage
 PO Box 166
 ADAMSTOWN NSW 2289
 M: 0412 702 396
 F: 02 4952 5501



ATOAC Terms of Engagement For Aboriginal Cultural Heritage Assessments

Fieldwork Services

Stages of the project may include archaeological fieldwork such as survey, geotechnical monitoring or excavation and ATOAC involvement may include all such works once the need for fieldwork has been determined. Site Officer Rate is \$500.00 ex GST per day. Less than 4 hours is charged at ½ a Day Rate \$250.00 ex GST. Plus \$50.00 for Travelling Expenses.

Additional Site Officers are available on request.

We may request on occasion that our members in training to be Site Officers attend surveys, geotechnical monitoring or excavation for training purposes only so that they may attain experience. This will be provided without additional cost.

Should fieldwork be cancelled due to bad weather; the client must notify ATOAC within 24 hours or a ½ day rate will be invoiced for the loss of the day.

All Invoice amounts must be paid within 30 days from the invoice date.

Experience

Our site officers are experienced in providing Knowledge regarding our Cultural Heritage and also have the training and experience to identify cultural material. Our Site Officers have completed an Aboriginal Sites Training Course Certificate from The Department of Environment and Conservation. Our senior site officers have also obtained their Workcover OH&S Construction Induction Training Certification.

Draft Report Review and Comment

During and following the assessment works stakeholders are asked to respond to, read and review written statements on the proposed project and draft reports and generate written comments (methodology and final draft reports etc). A fee of \$500 ex GST will be invoiced for this task as a gesture of our valued time.

If for some reason that we are not offered to participate in the field survey but are asked to respond to and read review statements on the proposed project and draft reports and generate written comments (methodology and final draft reports etc). A fee of \$500 ex GST will be invoiced for this task as a gesture of our valued time.

Meeting Attendance

The Aboriginal Heritage Assessment process may include a number of Aboriginal Stakeholder meetings with the aim of seeking Aboriginal Stakeholder input on the cultural values of the project area, the assessment methodology, the impact assessment, and appropriate management outcomes. We believe that it is critical that meetings are attended by those individuals who can speak on behalf of our organisation and provide verbal input during the meeting. As meetings may take up to four hours a fee of \$250 ex GST for attendance per meeting, plus \$50 for Travelling Expenses as a gesture of our valued time. Meeting over four hours will be adjusted accordingly.

Insurance – (printed copies of our Certificates of Currency will be sent on request)

Allianz Australia Insurance Ltd - Public Liability Policy No 12A004526COM
QBE Ltd – Workers Compensation Policy No NFE007099GWC

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

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Tuesday, 18 January 2011 4:19 PM
To: 'kerrie@awabakal.com.au'
Subject: RE: information pack for Hexham
Attachments: 4 Fieldwork selection criteria.doc; 1 Register of cultural knowledge holder form.doc; 2 Cultural Significance form.doc; 3 Comments on proposed methodology.doc

Hi Kerry,

Great to hear from you. Please find the documents attached.

Kind regards
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>

From: kerrie@awabakal.com.au [mailto:kerrie@awabakal.com.au]
Sent: Tuesday, 18 January 2011 11:39 AM
To: 'Penny McCardle'
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Thanking you for your time and assistance, and looking forward in working with you on this project.

Kind regards,
Kerrie Brauer.



Penny McCardle

From: Shane Frost [awabakal_to@bigpond.com]
Sent: Friday, 21 January 2011 6:24 PM
To: Penny McCardle
Subject: Fw: QR Hexham Redevelopment Project Documents
Importance: High
Attachments: QR Hexham Documents-Attached Information-Response to Methodology.pdf; Elders Certificate of Currency.pdf; GIO Certificate of Currency 2011.pdf; Rates of Payment for Fieldwork & Meetings 6.pdf

Penny, here is the email with attachments that keeps bouncing!!

----- Original Message -----

From: [Shane Frost](#)
To: [Penny McCardle](#)
Sent: Friday, January 21, 2011 4:51 PM
Subject: QR Hexham Redevelopment Project Documents



ALLA Penny,

As per our conversation today, please find attached to this email, our response to your methodology and the questions posed in the documents you supplied to us regarding aspects of Cultural Knowledge/Significance etc for the QR Project proposed for Hexham.

Please find attached to your documents a letter (attachment of 3 pages) which outlines many of the answers to the questions you have asked and to which many of the questions have been referred. Also this letter contains our response to your methodology.

We have also attached to this email our current insurance details/documents and our rates of engagement for field work/assessments. We have not included them with the previously mentioned document (response to questions with answers and methodology) due to confidentiality reasons, so therefore you will find a total of 4 documents attached to this email which address all required fields.

Looking forward to your reply Penny and if you need further information please don't hesitate to contact us ASAP.

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

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

REGISTER OF CULTURAL KNOWLEDGE HOLDER

QR Hexham Redevelopment Project Part 3A

MCH and the proponent would like to facilitate a process whereby all registered Aboriginal parties are provided the opportunity to contribute to culturally appropriate information gathering, provide information that will enable the cultural significance of Aboriginal sites/places on the project area to be determined, and have input into the development of any cultural heritage management options. To enable this to occur, it is necessary to consult with the cultural knowledge holder(s).

To this end, as per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), you are required to provide details of the individual(s) who hold cultural knowledge (according to traditional lore) relevant to the project area. If your groups has no knowledge holders, this is important information too.

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form. However, should you wish to use this form, please complete the appropriate box, sign and return to MCH, (Fax: 4952 5501).

Please fill in the following information for cultural knowledge holder(s). If there are more than three in your organisation please feel free to attach another sheet. If there are no knowledge holders in your group please send back blank.

Name: SHANE FROST (SELECTED REPRESENTATIVE)
Address: PO BOX 86 CLARENCE TOWN 2321
Phone: 49964325 Mobile: 0428 320 671
Fax: _____ E-mail: shane.frost@bigpond.com

Name: _____
Address: _____
Phone: _____ Mobile: _____
Fax: _____ E-mail: _____

Name: _____
Address: _____
Phone: _____ Mobile: _____
Fax: _____ E-mail: _____

PLEASE NOTE: THERE ARE OTHER CULTURAL KNOWLEDGE HOLDERS WITHIN ADTOAC (ANABAKAL DESCENDANTS TRADITIONAL OWNERS ABORIGINAL CORP.) BUT DECLINE INTERVIEWS.

CULTURAL SIGNIFICANCE

QR Hexham Redevelopment Project Part 3A

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete the appropriate box, sign and return to MCH, (Fax: 4952 5501).

As per the DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the proponent seeks information on the following:

- 1) are there Aboriginal objects of cultural value in the proposed project area?

YES

- 2) Are there Aboriginal places of cultural value to the Aboriginal people in the area of the proposed project? This may include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance.

YES, THERE ARE ABORIGINAL PLACES OF CULTURAL VALUE TO OUR PEOPLE WITHIN & SURROUNDING THE PROPOSED PROJECT AREA.

- 3) Is there any other cultural information in relation to the proposed project area?

THIS AREA IS PART OF A VERY CULTURALLY SIGNIFICANT AREA TO THE AWABAKAL PEOPLE DUE TO MANY THOUSANDS OF YEARS OUR PEOPLE HAVE LIVED HERE. THESE AREAS AROUND THIS SWAMP PROVIDED MUCH NEEDED RESOURCES WHICH SUSTAINED OUR PEOPLES LIVES & ALSO PROVIDED THE MANY OTHER ASPECTS (SPIRITUAL & ORAL) THAT HELPED TO BRING STABILITY & A UNIQUE CHARACTERISTIC TO OUR PEOPLE.

- 4) MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. Please provide your preferred method of providing detailed information on the above (e.g. written, verbal, this form) and any restrictions you would like to place on your information.

WRITTEN & VERBAL. TO BE SUBJECT TO THE EXPLICIT PERMISSION OF THOSE SUPPLYING THE INFORMATION BEFORE ANY INFORMATION CAN BE TRANSMITTED TO ANY OTHER SOURCE ETC.

COMMENTS ON PROPOSED METHODOLOGY
QR Hexham Redevelopment Project Part 3A

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete the appropriate box, sign and return to MCH (Fax: 4952 5501).

I, SHANE FROST (please insert your name) of ADTOAC (please insert
AWABAKAL DESCENDANTS TRADITIONAL OWNERS ASSOCIATION
CORP.
the name of your group), **agree to the methodology** outlined by MCH in relation to the proposed project.

Additional comments:

NOTE: PLEASE SEE ATTACHED DOCUMENT.

Signed: _____

Date: _____

Position within organisation: _____

I, _____ (please insert your name) of _____ (please insert
the name of your group), **do not agree to the methodology** outlined by MCH in relation to the proposed
Project for the following reasons (please explain your reasons for disagreeing):

I would like to suggest the following (please provide your reasoning): _____

Signed: _____

Date: _____

Position within organisation: _____

ABORIGINAL COMMUNITY SELECTION CRITERIA FOR FIELDWORK

QR Hexham Redevelopment Project Part 3A

MCH would like to clearly state that, should you wish to provide feedback in another form, you are encouraged to do so. You are under no obligation to complete the current form.

However, should you wish to use this form, please complete and return to MCH (Fax: 4952 5501).

Ability to assist in communicating the results of the fieldwork back to the registered Aboriginal parties for the assessment of cultural significance and returning advice on their response to MCH.

Please provide details on your ability to discuss results of field work, ability to effectively provide a cultural heritage report in an appropriate time frame.

NOTE PLEASE SEE ATTACHED DOCUMENT FOR ABILITY TO DISCUSS RESULTS OF FIELD WORK + TO EFFECTIVELY PROVIDE A CULTURAL HERITAGE REPORT IN AN APPROPRIATE TIME FRAME.

Experience in field

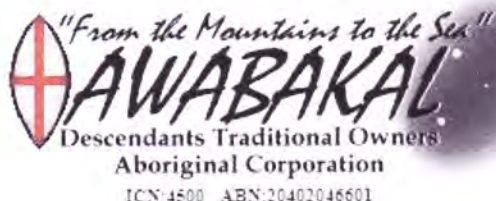
Please nominate at least two individuals who will be available and fit for work (physically able to undertake field work) who may participate in the field work and their relevant experience (please attach CV's, certificates and references)

Name	SHANE FROST
Experience	NOTE: PLEASE SEE ATTACHED DOCUMENT
Name	JAMES FROST
Experience	MANY FIELD WORK DAYS ATTENDED & CULTURAL HERITAGE EXCAVATIONS EXPERIENCE.

Price Per person (experienced person)		
Hour	\$	inc GST & travel
Half day	\$	inc GST & travel
Full day	\$	inc GST & travel
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> NOTE: PLEASE SEE ATTACHED DOCUMENT </div>		
Price Per person (inexperienced/trainee)		
Hour	\$	inc GST & travel
Half day	\$	inc GST & travel
Full day	\$	inc GST & travel
Please note that the actual rate of pay for field work may or may not be your preferred rates, this is dependant on the set development budget.		

Insurances	
Public Liability	Expiry date: 6 DECEMBER 2011 (attach certificate of currency) ✓
Worker Compensation	Expiry date: : 29 NOVEMBER 2011 (attach certificate of currency) ✓
Failure to provide up to date Certificate of Currencies will prevent you participating in any fieldwork.	

Occupational Health & Safety (OH&S)
<p>All participants are required to comply with MCH and the proponents OH&S requirements. This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements.</p> <p>Failure to comply will prevent you from participating in the field work.</p>



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 18 January 2011

**Attention: Penny McCardle
McCardle Cultural Heritage
PO Box 166
Adamstown NSW 2289**

**Re: Document to Accompany MCH Documents Regarding Questions and
Consultation for Aboriginal Cultural Heritage Assessment-*QR Hexham
Redevelopment Project Part 3A***

ALLA (Hello in Awabakal) Penny,

We are writing to you regarding the **Methodology, Consultation and Aboriginal Cultural Heritage Assessment for the proposed Queensland Rail Project at Hexham**. We would like to notify you that the **Awabakal Descendants Traditional Owners Aboriginal Corporation** registered our interest for the proposed project with you via telephone on the 30th December 2010. We have also reviewed the Methodology for this proposed project as supplied to us via email on the 6th January 2011 by MCH and would take this opportunity to indicate that we are very pleased with the Methodology. Therefore we look forward to your reply Penny and the opportunity to work closely with you to deliver an outcome regarding the Aboriginal Cultural Heritage of this area which will be acceptable for all involved. 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.

As our previous correspondence to you indicated, we would again like to reiterate the following facts which set out the reasons why we afford our undivided attention to matters such as this which may potentially affect the Cultural Heritage of our People.

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 (which included the Hexham Swamp area) 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 living in and around the area between Maitland and Hexham. Therefore 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.

Regarding the area at Hexham referred to in the documentation received from you by our organisation proposing for consultation and assessment regarding a Concept Plan for Stage 1 Train Support Facility, Stage 2 Industrial Subdivision and Stage 3 Intermodal Facility as well as a Project Application for the Stage 1 Train Support Facility for Queensland Rail, most assuredly indicates that this project 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, being on the edge of what is known as the Hexham Swamps and the source of many rich resources 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 deposits now make up the Awabakal Cultural Heritage that is located within the perimeter of Hexham Swamp but also connects 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 selected 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 NSW 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 those 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, 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 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.

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

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 the proponent, archaeologist and our People. 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.

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

Our schedule fees for engagement of 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 Penny, 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)

Shane Frost-Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation

Email: shanefrost@bigpond.com Phone: 49964325 Fax: 49964325 Mobile: 0428320671



26 January 2011

McCardle Cultural Heritage Pty Ltd
Penny McCardle
PO Box 166
Adamstown NSW 2289

Dear Penny,

Re: Information Pack for the Hexham Redevelopment Project.

Please find below our response to your requested regarding the Information Pack from the Awabakal Traditional Owners Aboriginal Corporation.

We consider this information to be personal information which should not be included in the correspondence for the draft report.

Register of Cultural Knowledge Holder

Please fill in the following information for cultural knowledge holder:

Name: Kerrie Brauer who will be our attending Site Officer is experienced in providing information regarding our cultural heritage and also has the training and experience to identify cultural material.

Contact Details: Phone: (02) 49588170 Mobile: 0412866357 Address: N/A

Cultural Significance

1) are there Aboriginal objects of cultural value in the proposed project area?

As mentioned in our comments regarding the QR Outline and Methodology Information Pack, the Awabakal Traditional Owners Aboriginal Corporation representative would be pleased to share verbally any relevant cultural knowledge pertaining to the study area while attending the field assessment, but we do reserve the right and reluctance to share our cultural heritage with others in respect to aspects of the cultural significance that connects us to our country/cultural boundary.

2) Are there Aboriginal places of cultural value to the Aboriginal people in the area of the proposed project? This may include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance.

We would like to mention that the area is considered culturally significant to the Awabakal people, being that the project area is in close proximity of what is known as the Hexham Swamp. The Hexham region is therefore a place that contains cultural value to the Awabakal people.

Many areas within the perimeter of the Hexham Swamp have recorded and documented Awabakal occupation that include stone and bone artifacts, shell middens, scarred trees, stone arrangements etc, however these sites are also connected to the many other sites located within our Traditional Tribal Country.

3) Is there any other cultural information in relation to the proposed project area?

Please refer to our response below.

4) MCH and the proponent would like to develop and implement appropriate protocols for sourcing and holding cultural information. Please provide your preferred method of providing detailed information on the above (e.g. written, verbal, this form) and any restrictions you would like to place on your information.

As previously mentioned the Awabakal Traditional Owners Aboriginal Corporation representative would be pleased to share verbally any relevant cultural knowledge pertaining to the study area while attending the field assessment, but we do reserve the right and reluctance to share our cultural heritage with others in respect to aspects of the cultural significance that connects us to our country/cultural boundary.

Aboriginal Community Selection Criteria for Fieldwork

Ability to assist in communicating the results of the fieldwork back to the registered Aboriginal parties for the assessment of cultural significance and returning advice on their response to MCH. Please provide details on your ability to discuss results of field work, ability to effectively provide a cultural heritage report in an appropriate time frame.

The Awabakal Traditional Owners Aboriginal Corporation are affiliated and in consultation with many community organizations and committees, however we can only represent our own views and do not presume to speak for others. We are conscious of the time frames that are required to read and review Draft Reports and generate written comment.

Experience in Field

Please nominate at least two individuals who will be available and fit for work (physically able to undertake field work) who may participate in the field work and their relevant experience (please attach CV's, certificates and references)

Name: Kerrie Brauer

Experience: The Awabakal people are experienced in providing information regarding our cultural heritage and also have the training and experience to identify cultural material. Our Site Officers have completed an Aboriginal Sites Training Course Certificate from The Department of Environment and Conservation and have also obtained their Workcover OHS Construction Induction Training Certification.

Name: Jodie Wilson - Trainee

Experience: We request that our members in training to be Site Officers attend surveys, geotechnical monitoring or excavation for training purposes only, so that they may attain experience. This will be provided without additional cost.

Price Per person (experienced person) and (inexperienced/trainee)

Please refer to our Terms of Engagement which have been previously provided.

Insurances

Public Liability:	Expiry date: 18/12/2011	(attach certificate of currency)
Worker Compensation:	Expiry date: 18/12/2011	(attach certificate of currency)

The Awabakal Traditional Owners Aboriginal Corporation insurance details while readily available will be forwarded separately as we consider this information to be personal and private which should not be included within the correspondence for the Draft Report.

Our insurances have been renewed and we are still waiting for our Workers Compensation paperwork to come through, we are covered and will send the current documentation when received.

Occupational Health & Safety (OH&S)

All participants are required to comply with MCH and the proponents OH&S requirements. This includes high visibility clothing, hat, sunscreen and steel caped boots. You will be advised of any additional requirements.

Failure to comply will prevent you from participating in the field work.

The Awabakal Traditional Owners Aboriginal Corporation representatives are happy to comply with the MHC and the Proponents OH&S requirements.

We hope that we have adequately answered all your questions, however 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



26 January 2011

McCardle Cultural Heritage Pty Ltd
Penny McCardle
PO Box 166
Adamstown NSW 2289

Dear Penny,

Re: Comments Regarding the QR Outline and Methodology Information Pack for the Hexham Redevelopment Project Part 3A.

This letter is in response to your request for comment from the Awabakal Traditional Owners Aboriginal Corporation with regard to the Hexham Redevelopment Project which has been commissioned by ADW Johnson.

With regard to the proposed QR Outline and Methodology for the Hexham Redevelopment Project Part 3A, we recognise the evaluation by McCardle Cultural Heritage Pty Ltd 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*).

We believe that there are aspects relating to information that may be needed in the Methodology to provide due diligence regarding the proposed Hexham Redevelopment Project

Our comments to the contents of the Project Outline and Methodology are as follows:

It is our understanding that the that the proposed project is to prepare an Indigenous Archaeological Assessment for a Proposed Part 3A application for a major development for the mapped area provided.

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

We believe that information on recorded sites from the DECCW AHIMS Database be provided so that we are able to make informed decisions regarding the proposed project.

We do have some concerns that the Aboriginal Cultural Heritage perspective doesn't seem to be incorporated within the critical development timelines, as we believe that the Aboriginal Cultural Heritage perspectives are being defined as just as an Indigenous assessment component and not as a critical element of the proposed project.

With regard to providing cultural appropriate information, we would be pleased to share verbally any relevant cultural knowledge pertaining to the study area while attending the field assessment, but we do reserve the right and reluctance to share our cultural heritage with others in respect to aspects of the cultural significance that connects us to our country. It is believed by our people that those who shouldn't be privy to this cultural knowledge have no rights or entitlements to it.

We are disappointed that the Project Outline has not included any reference to the Awabakal Aboriginal History that is associated with the landscape and surrounding area. We suggest that the writings of the Reverend Lancelot Threlkeld are an informative overview of the Awabakal People which would broaden the regional context of the local area.

We also strongly suggest that the final report be referenced and supported by "Australian Reminiscences & Papers of L.E. Threlkeld" who was a missionary to the Aborigines of Lake Macquarie 1824-1859; in whose correspondence and accounts with the Awabakal people of the Hunter region are the earliest recorded.

Since the earliest days of colonial impact, our history has been a well-documented one, with the most reliable information relayed by our peoples first hand, and also supplemented by non-Indigenous observation and interpretation. This cultural environment is a holistic one that interconnects our spirituality and land to our peoples past, present and future. Today, the descendants of the Awabakal People believe now more than ever, that it is essential to nurture new visions that are inspired by the cultural integrity of their ancestral family.

The Awabakal Traditional Owners Aboriginal Corporation members are descendants of the Awabakal People and accordingly have both a physical and spiritual connection and a primary association with our cultural boundary. Therefore, any artifacts and/or residual evidence of our people are held in high regard and are considered a cultural reminder that unites us with our land and sea country, our past and spirituality and provides us with a visual generational legacy.

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

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

With regard to the perspectives and reference of 'Aboriginal community' we believe that the reference may need to be defined further. It is our interpretation that Aboriginal communities consist of Aboriginal people many of whom have relocated into other Aboriginal Nations traditional lands and should therefore respect the culture and heritage of the region and the rights of the traditional descendants of the area.

The Hunter and Lake Macquarie regions consist of many Aboriginal community members who have no cultural association with this land; nonetheless they feel a sense of belonging.

This is an opportunity to identify the precarious nature of Aboriginal culture and heritage and the challenges that descendants of Traditional Owners and Local Aboriginal Land Councils face in managing such situations and ultimately, how critical it is to see these assessments as an opportunity for descendants of Traditional Owners to have an inclusive and fundamental contribution to development projects in the 21st Century.

We believe that McCardle Cultural Heritage's position in relation to the reference made to the 'Consultation not Employment' definition need's to be further clarified as the consultation process can involve considerable time, expertise and effort in the review, consideration and response generation process required to adequately and appropriately respond to the proposal.

We understand that the proponent is not obligated to employ registered Aboriginal people. However, we consider that any obvious contribution that may include Stakeholder participation with the aim of seeking Aboriginal Stakeholder input regarding cultural values for the project area, the assessment methodology, the impact assessment, and appropriate management outcomes, that these tasks would be worth a gesture of their valued time.

As our focus is geared towards the protection of the cultural integrity of Awabakal places, sites and heritage, we are also mindful of the Aboriginal protocols that direct decision-making processes regarding Awabakal culture and heritage.


We believe that it is critical that any consultation with Aboriginal community is based on protocols and is culturally appropriate when dealing matters and decision-making processes. Furthermore, we reserve the right and reluctance to share our cultural heritage with others in respect to aspects of the cultural significance that connects us to our country.

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

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

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Tuesday, 1 February 2011 2:50 PM
To: 'Shane Frost'
Subject: Hexham survey 9 February
Importance: High
Attachments: ADTO survey invitation.pdf
Hi Shane,

Please see the attached invitation for the Hexham survey.

Thanks
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>

21 February 2012



*McCardle Cultural
Heritage Pty Ltd*

Shane Frost
ADTO

Via e-mail: shanefrost@bigpond.com

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

Dear Shane,

RE: INDIGENOUS ARCHAEOLOGICAL ASSESSMENT AT HEXHAM

Thank you for registering your interest in the Train Support Facility by Queensland Rail at Hexham.

ADW Johnson has received a number of applications and after careful consideration we would like to advise that your application for paid participation has been successful.

McCardle Cultural Heritage would like to organise the survey for the project 9 February 2011 starting at 7am on site (Corner of New England Highway and Woodlands Cl).

We anticipate work will be complete within 1 day, however, please be advised this time may change.

Payment

The rate of pay will be \$75.00 per actual hours worked by one experienced representative of your group plus \$50.00 travel and GST. Payment will be within 28 days of receipt of a correct invoice and your cultural heritage report.

Please note that payment rates have been determined by the proponent and are based on the project budget.

OH&S Requirements

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability.

Field representatives participating in the survey will be required to wear covered shoes, long pants and long shirt (hi-visibility) with appropriate sun protection including hat. It is recommended that participants bring adequate amounts of food and water for the day.

Community Involvement

We will require from your group your cultural heritage report and invoice within 28 days of receiving the draft report from MCH.

ADW Johnson and MCH wishes reiterate its intent to positively engaging with the local Aboriginal community. In this spirit we have extended an invitation to other registered applicants to attend the survey in an unpaid capacity.

If you accept the terms outlined in this letter please sign below and return to McCardle Cultural Heritage. **Participation in the program is dependant on the receipt of this signed letter and insurance details.**

Should you have any questions regarding these terms and conditions please contact Penny McCardle on 0412 702 396.

For more information about the project please contact Shannon Sullivan, ADW Johnson, on 4978 5100.

We look forward to working with you on this project,

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

I _____ of _____ agree to
the

above terms of engagement for the Train Support Facility by Queensland Rail at
Hexham.

Signed: _____ Date _____

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Tuesday, 1 February 2011 2:52 PM
To: 'kerrie@awabakal.com.au'
Subject: Hexham survey 9 March
Attachments: ADTOAC survey invitation.pdf

Hi Kerry,

Please find attached an invitation for the Hexham survey.

I am working on a response to your information pack comments and questions and will send it as soon as I have finished.

Thanks
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>

21 February 2012



*McCardle Cultural
Heritage Pty Ltd*

Kerrie Brauer
ATOAC

Via e-mail: kerrie@awabakal.com.au

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396

Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Dear Kerry,

RE: INDIGENOUS ARCHAEOLOGICAL ASSESSMENT AT HEXHAM

Thank you for registering your interest in the Train Support Facility by Queensland Rail at Hexham.

ADW Johnson has received a number of applications and after careful consideration we would like to advise that your application for paid participation has been successful.

McCardle Cultural Heritage would like to organise the survey for the project 9 February 2011 starting at 7am on site (Corner of New England Highway and Woodlands Cl).

We anticipate work will be complete within 1 day, however, please be advised this time may change.

Payment

The rate of pay will be \$75.00 per actual hours worked by one experienced representative of your group plus \$50.00 travel and GST. Payment will be within 28 days of receipt of a correct invoice and your cultural heritage report.

Please note that payment rates have been determined by the proponent and are based on the project budget.

OH&S Requirements

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability.

Field representatives participating in the survey will be required to wear covered shoes, long pants and long shirt (hi-visibility) with appropriate sun protection including hat. It is recommended that participants bring adequate amounts of food and water for the day.

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We will require from your group your cultural heritage report and invoice within 28 days of receiving the draft report from MCH.

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We look forward to working with you on this project,

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

I _____ of _____ agree to
the

above terms of engagement for the Train Support Facility by Queensland Rail at
Hexham.

Signed: _____ Date _____

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Tuesday, 1 February 2011 2:52 PM
To: 'david'
Subject: Hexham survey 9 March
Attachments: ALALC survey invitation.pdf

Hi david,

Please find the invitation for the Hexham project.

Thanks
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>

1 February 2011



*McCardle Cultural
Heritage Pty Ltd*

David Ahoy
Awabakal LALC

Via e-mail: davahoy@gmail.com

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396

Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Dear David,

RE: INDIGENOUS ARCHAEOLOGICAL ASSESSMENT AT HEXHAM

Thank you for registering your interest in the Indigenous archaeological assessment for the Train Support Facility by Queensland Rail at Hexham.

ADW Johnson has received a number of applications and due to budgetary considerations, is unable to offer you a paid position. However, we value the time you have taken in preparing the application and would appreciate your participation in the project survey as an unpaid participant.

In this spirit, if you wish to still participate in the survey on an unpaid basis, or be kept up-to-date on the progress of the survey please contact Penny McCardle.

Following the completion of the survey, a draft copy of the assessment will be made available to you for comment.

Should you have any further questions, please do not hesitate to contact Shannon Sullivan, ADW Johnson, on 4978 5100.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

ADW Johnson and MCH wishes reiterate its intent to positively engaging with the local Aboriginal community. In this spirit we have extended an invitation to other registered applicants to attend the survey in an unpaid capacity.


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Should you have any questions regarding these terms and conditions please contact Penny McCardle on 0412 702 396.

For more information about the project please contact Shannon Sullivan, ADW Johnson, on 4978 5100.


We look forward to working with you on this project,

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd


Penny McCardle
Principal Archaeologist
Forensic Anthropologist

I SHANE FROST of AWABAKAL DESCENDANTS TO AC agree to
the (ADTOAC)

above terms of engagement for the Train Support Facility by Queensland Rail at Hexham.

Signed: 

Date

1/2/2011

Penny McCardle

From: kerrie@awabakal.com.au
Sent: Tuesday, 1 February 2011 7:02 PM
To: 'Penny McCardle'
Subject: Re: Hexham Survey 9 Feb
Attachments: ADTOAC survey invitation.pdf

Hi Penny,

Thank you for the invitation to participate in the survey, I will see you there.

Also you might want to resend the invitation as it is dated for the end of this month for next year.

Cheers Kerrie.



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From: Penny McCardle [mailto:mcheritage@iprimus.com.au]
Sent: Tuesday, 1 February 2011 2:52 PM
To: kerrie@awabakal.com.au
Subject: Hexham survey 9 March

Hi Kerry,

Please find attached an invitation for the Hexham survey.

I am working on a response to your information pack comments and questions and will send it as soon as I have finished.

Thanks
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Tuesday, 1 February 2011 8:31 PM
To: 'kerrie@awabakal.com.au'
Subject: RE: Hexham Survey 9 Feb

A file has been sent to you via the **YouSendIt** File Delivery Service.

Download the file - [ADTOAC survey invitation.pdf](#)

Your file will expire after 14 days or 500 downloads.

Hi Kerry,

Oops....its attached again. Don't forget to sign and send it back it before the survey.

See you then
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>

From: kerrie@awabakal.com.au [mailto:kerrie@awabakal.com.au]
Sent: Tuesday, 1 February 2011 7:02 PM
To: 'Penny McCardle'
Subject: Re: Hexham Survey 9 Feb

Hi Penny,

Thank you for the invitation to participate in the survey, I will see you there.

Also you might want to resend the invitation as it is dated for the end of this month for next year.

Cheers Kerrie.



Kerrie Brauer | Director | Administration | Awabakal Traditional Owners Aboriginal Corporation
M: 04 12 86 63 57 | E: kerrie@awabakal.com.au | www.awabakal.com.au
PO Box 253 Jesmond NSW 2299 Australia

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I KERRIE BRAUER of ATOAC agree to
the

above terms of engagement for the Train Support Facility by Queensland Rail at
Hexham.

Signed: K. Brauer Date 2-2-2011

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Thursday, 3 February 2011 6:57 PM
To: 'kerrie@awabakal.com.au'
Subject: response to comments
Attachments: ADTOACresponse to info pack questions.pdf

Hi Kerry,

Please see our attached MCH's response to your comments in relation to the information pack.

Thanks
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>

3 February 2011



*McCardle Cultural
Heritage Pty Ltd*

Kerrie Brauer
ATOAC

Via e-mail: kerrie@awabakal.com.au

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396

Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Dear Kerry,

RE: INDIGENOUS ARCHAEOLOGICAL ASSESSMENT AT HEXHAM

Thank you for responding to the information pack sent to you for the Train Support Facility by Queensland Rail at Hexham. You have provided some comments and I would like to respond as requested prior to the survey.

- 1) MCH agrees that an Aboriginal heritage assessment involves both cultural values and an archaeological assessment and see both complimenting each other;
- 2) Although not specified in the proposed methodology, all sites identified in the field will be recorded appropriately and submitted to DECCW so they are registered and thus protected ensuring the appropriate mitigation measures are in place. MCH will ensure this detail is included in all information packs in the future;
- 3) In relation to the Aboriginal Cultural Heritage perspective not being included in the project critical timeline section, is not included for two reasons. The first is that section is for the overall project so all parties are aware of the bigger picture and timeframes. The second reason is that there is a separate section below that outlines the critical time line for the Aboriginal Cultural heritage Assessment that also stipulates that this time may increase or decrease depending on responses;
- 4) The project outline did not include anything about the Awabakal Aboriginal History as that section is to provide information to all parties about the actual project. The Awabakal History is currently being researched and is always included in the report for review. Yes, Threlkeld will be included in the report;
- 5) MCH are aware that the 'Aboriginal community' includes people who may have relocated into other Aboriginal Nations, traditional lands and that they should therefore respect the cultural and heritage of the region and the rights of the traditional descendants of that area. However, MCH must follow the consultation guidelines and due diligence and consult with everyone who registers an interest. The issues you have raised are a concern to archaeologists also, but we must follow the guidelines and it is up to the Aboriginal

community to respect the traditional boundaries, customs and rights of the traditional people of that area;

- 6) MCVH have not and will not be involved in issues of pay or gestures in the form of payment, this is something that each group and the proponent discuss;
- 7) As stipulated in the information pack, MCH strongly believe that consultation with the Aboriginal community, especially in relation to traditional knowledge, is based on protocols that are culturally appropriate to each individual and thus the request for those protocols, and
- 8) MCH are aware of the cultural significance of the Hexham area, but please keep in mind that archaeologists only carry out scientific assessments and it is the Aboriginal community who must assess their own culture. However, both compliment each other and working together I hope we can relay the importance of the area through our work together.

I trust this has answered your questions and please feel to contact me again if you have any more questions, comments or concerns.

We look forward to working with you on this project.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd



Penny McCardle
Principal Archaeologist
Forensic Anthropologist

11 March 2011

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



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

MCH Reference: Draft report

Dear Kerrie,

RE: HEXHAM REDEVELOPMNET PROJECT DRAFT REPORT

Please find enclosed a copy of the draft report for the above named project. I apologise for taking so long to get this to you but I was away on holidays.

In line with the DECCW requirements, I would like to ask you to please review this and provide MCH with your comments and/or cultural heritage report no later than 31 March 2011 that would be greatly appreciated.

Please note that if you choose not to provide the required information by the date provided will unfortunately result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

11 March 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396
Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Shane Frost
Awabakal Descendants Traditional Owners Aboriginal Corporation
PO Box 384
Wallabadah NSW 2342

MCH Reference: Information pack

Dear Shane,

RE: HEXHAM REDEVELOPMNET PROJECT DRAFT REPORT

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for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

11 March 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396
Fax: 4952 5501

Email: mcheritage@iprimus.com.au

David Ahoy
Awabakal LALC
127 Maitland Rd
Islington NSW 2296

MCH Reference: Information pack

Dear David,

RE: HEXHAM REDEVELOPMNET PROJECT DRAFT REPORT

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

22 March 2011

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



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

MCH Reference: Draft report

Dear Kerrie,

RE: HEXHAM REDEVELOPMNET PROJECT DRAFT REPORT

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I am writing to you to remind you of the deadline for your letter/report and we would greatly appreciate your input.

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist

22 March 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396
Fax: 4952 5501

Email: mcheritage@iprimus.com.au

Shane Frost
Awabakal Descendants Traditional Owners Aboriginal Corporation
PO Box 384
Wallabadah NSW 2342

MCH Reference: Information pack

Dear Shane,

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Penny McCardle
Principal Archaeologist
Forensic Anthropologist

22 March 2011



*McCardle Cultural
Heritage Pty Ltd*

PO Box 166
ADAMSTOWN NSW 2289

Mobile: 0412 702 396
Fax: 4952 5501

Email: mcheritage@iprimus.com.au

David Ahoy
Awabakal LALC
127 Maitland Rd
Islington NSW 2296

MCH Reference: Information pack

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Yours sincerely,
for McCardle Cultural Heritage Pty Ltd

Penny McCardle
Principal Archaeologist
Forensic Anthropologist



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 23 March 2011

Attention: Penny McCardle
McCardle Cultural Heritage Pty Ltd
PO Box 166
Adamstown NSW 2289

Re: QR Hexham Redevelopment Project, Part 3A, Indigenous Archaeological Due Diligence Assessment.

ALLA Penny,

This letter is in response to your correspondence requesting feedback/comments from the **Awabakal Descendants Traditional Owners Aboriginal Corporation** in regard to the **Draft Report-QR Hexham Redevelopment Project, Part 3A, Indigenous Archaeological Due Diligence Assessment** received via email from MCH Pty Ltd on the 21st March 2011. We would like to take this opportunity to indicate that we are pleased with the majority of the draft but would like to take advantage of your kind invitation to make some comments that we believe could be implemented to afford what we as Awabakal People believe to be a greater degree of protection and preservation for our Cultural Heritage. The **Draft Report-QR Hexham Redevelopment Project, Part 3A, Indigenous Archaeological Due Diligence Assessment** will be referred to in the following correspondence as **'the draft report'**.

Ground Visibility

- As stated in the draft report (p.86 **Table 6.2 Effective Coverage**), ground visibility was minimal and therefore being a hindrance, prevented those participating in the field survey from locating any Aboriginal Cultural Heritage on the day. However this does not mean that because of the lack of visibility there would be no Aboriginal Cultural Heritage within this area. On the contrary; this area and that surrounding it has been used by our People for many thousands of years to procure resources from the river, swamps and creeks that are within close proximity to this location. This is also corroborated in several statements throughout the draft report.

The Archaeological Field Survey

- As discussed during the field survey there is the possibility during excavations or ground disturbance works, for this proposed project, that Aboriginal Cultural Heritage, such as what remains of middens and stone artefacts, may be unearthed.

Archaeological Context and Aboriginal Significance of the Hexham Area

- The area known as Hexham Swamps is considered by many Aboriginal People and Archaeologists as one of the most significant places our People, for many and varied reasons, have utilised over thousands of years. There are many early accounts within an array of documents which detail the Aboriginal occupation of this area and relate the subsequent impacts that settlers have had on the lifestyles of our People as the settlers moved into areas outside of what were then the known limits of the settlement.
- Information in this draft report document does, to a certain degree, build a picture of the impacts which contributed to subsequent decline in the numbers of our People in an area they had utilised over many generations. The landforms and resources of this locale fulfilled not just the basic needs that underpinned our Peoples subsistence but also satisfied the many other aspects that made up what can be described here as being part of the very Cultural foundations of our People.
- It must also be remembered that even though there has been some filling and modifying of the area, this does not mean that all areas have been affected by these alterations. There would have been varying levels of modification to some properties but not all areas would have been modified within the proposed project area. As can be seen, there has been habitable areas on which to build and cultivate within the Hexham area for many years (such as Sparke's Half Way Inn 1835 which is also mentioned in the 1837 Post Office Directory and then Hannell's Wheat Sheaf Coaching Inn 1841 and Hexham Public School 1869 as examples) before more recent industrial pursuits necessitated for infilling of land to build more elaborate structures. As is the case for occupiable and usable land the road to Maitland has passed through this region as shown on maps dating back to the 1820s following

close to the margin of the Hunter River as it goes and the study area. With usable land being available for the settlers as being shown in the early maps of the area, it is not unreasonable to suggest that these areas would have also been used by our People prior to the settlers moving into the area.

Recorded Aboriginal Occupation of Hexham and Ash Island

- There are many historical documents which report the fact that Hexham and Ash Island was inhabited by Aboriginal People. The Nominal Returns from Jonathon Warner in 1833 being a list of names of the Aboriginal People from the Lake Macquarie and Newcastle district shows the names of many of our People from 'the Swamps' area and two (2) names of People from 'Ash Island'.¹ Also Threlkeld records the names of many of our People from 'the Swamps' area and again the names of People from 'Ash Island' from the returns he made in 1836.² There are many other references from the early contact period of European settlement which are related in colonial newspapers of the time.
- There is also the report from the Reverend Robert Thorley Bolton, Minister of the Church of England, Hexham, 1846 ³ which reveals information pertaining to the Aboriginal People that lived in the immediate area of Hexham.
- Also the Scott family of Ash Island record information regarding the Aboriginal People of the area.
- As described previously, there are also numerous articles contained within other early correspondence and documents from newspapers (the Wallsend and Plattsburg Sun⁴) and other recollections which tell a story of our People in the Hexham Swamp area.

*These early ethnographical resources can be used to help build a picture of the area and occupation at the time our People were still dependant, to a level, on their Traditional Lands for their resources etc.

Conclusion /Mitigation/Management

- As reported, ground visibility was minimal but to draw a conclusion that as stated on page 84 of the draft report under subheading **7.1 Impacts 'No sites or PADs were identified in this area and as described above, works have minimal impacts.'** It cannot be assumed that there will be 'minimal impacts' because there were no visible signs of Aboriginal Cultural Heritage.
 - a. To do that, one would have to positively know what is contained subsurface!!
 - b. Has this been done?? To our knowledge, NO!!
 - c. Has there been any subsurface investigation previously conducted into the archaeological record of this particular area?? The draft report certainly underlines and promotes the many other archaeological investigations previously undertaken in other parts of the Hexham Swamp area but fails to produce any evidence of any investigations within this area!!
 - d. As is stated on page 83 of the draft report under sub heading **6.8 Interpretation 'As no sites have been identified no interpretation of the study area can be undertaken'.**
*Shouldn't this then be a marker to investigate further??
 - e. Because there were no sites visible, should this then be sufficient excuse to rule out the possibility of Aboriginal archaeology being located subsurface? To make an assumption based on this premise would be in our opinion, negligent!!

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

***'Once discarded on the ground surface, artefacts are often readily incorporated into the topsoil horizons through the process of bioturbation. Most commonly, dense artefact deposits exist hidden beneath the upper surface, unobservable by the casual observer.'* (c.f.Wandsnider and Camilli 1992; Fanning and Holdaway 2001).⁵**

¹ Page 362-364 of *Australian Reminiscences & Papers of L. E. Threlkeld, Missionary to the Aborigines, 1824-1859, Neil Gunson*

² Page 366-368 of *Australian Reminiscences & Papers of L. E. Threlkeld, Missionary to the Aborigines, 1824-1859, Neil Gunson*

³ *Replies to a Circular Letter, addressed to the Clergy, of all Denominations, by order of The Select Committee on the Condition of the Aborigines 1846*

⁴ *'The Aborigines of the Big Swamp', Wallsend and Plattsburg Sun, 1890*

⁵ Page 3, *Hunter Water Stage 2 Aboriginal Heritage Assessment Shortland Street, Newcastle 5.1.1 Archaeological Potential. (ERM2009)*

Another example is taken from the draft report itself which says;

'No further sites were identified which in itself is consistent with part of the predictive model, in that subsurface deposit often exists without any surface expression.'⁶

- Our questions put forward above are systematically answered in the draft report itself for its predictive model for the study area on page 74 under heading **5.6 ARCHAEOLOGICAL POTENTIAL IN THE STUDY AREA** under the first dot-point and 2nd paragraph ***'Given the high number of artefact scatters in the surrounding area, it can be assumed that both artefact scatters and isolated finds are present, either on the surface in erosion features, or will be unearthed when disturbing subsurface deposits'.***
 - a. If it is expected or proposed for earthworks or ground clearance/disturbance through the use of grading or other machinery that will disturb the ground surface within the areas designated by the study area, we would like to see;
 - i. The implementation of a period of investigation by the archaeologist and Aboriginal Stakeholders prior to these works commencing to establish if the presence of Aboriginal archaeological Cultural Heritage exists within this area. This could be achieved through a series of test pits placed at specified locations within the areas to be affected by any subsurface excavations or ground disturbing works within the study area. It would be expected that the information gained from this investigation would ultimately contribute a source of reliable and valuable data for future archaeological investigations within this particular area. Currently information on subsurface archaeology within this area is at present lacking and untested when compared to the local and regional archaeological context.
- The heading **6.9 DISCUSSION** on page 83 of the draft report says ***'The surrounding area contains no raw materials that are typically used in the manufacture of stone tools...'*** There is a source of raw material not far from the study area that contains a very good material for producing stone tools and which has been utilised by our People for generations!!

Statement of Significance of this area to Awabakal Traditional Descendants

As pointed out previously, and which is also stated several times in the draft report p. 83 Subheadings **6.7 REGIONAL & LOCAL CONTENT** stating;

'The Hexham Swamp area is known to be of great significance to the Awabakal people and used for occupation hunting and gathering. In addition to this, the Hunter River, located immediately to the east, is also a well known source of resources for past societies.'

Again in **6.9 DISCUSSION** it states;

'The areas along the Hunter River would have been the most favoured for past occupation...Although no sites or PADs were identified within the study area, the Hexham Swamp area is of great significance to the Awabakal people. Being well resourced by both Hexham Swamp and the Hunter River, the area was well suited for sustainable occupation'.

Our people have had a long history within this area including an association with the Hexham Swamps which is unsurpassed. This area is of very high significance to our People and therefore it would be expected that there would be many areas that contain evidence of this connection through occupation on varying levels by our people being on the Hunter River and adjacent to Hexham Swamps. Traditionally these areas where the supply of rich resources of which our people have depended on for thousands of years. There can be also physical reminders left by our Ancestors, some in the form of stone tools (artefacts) which provide us as Descendants of the Awabakal People an opportunity to make a connection through time with our Ancestors. This connection is brought about in a variety of ways, one is through the physical senses such as touch, knowing we are holding something our Ancestors touched and made into something useful, possibly many thousands of years previously. This connection is one of those avenues that produce in us the sense of perception, appreciation, familiarity and recognition of who we are and where we belong as Awabakal Descendants.

We thank you Penny for the opportunity to contribute these comments in regard to this project. We hope this addresses any queries you may have, if not **and further information is required please don't hesitate to contact us ASAP.** Our contact details are as follows.

NGI NOA

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

⁶ Draft Report-QR Hexham Redevelopment Project, Part 3A, Indigenous Archaeological Due Diligence Assessment page 63

From: Penny McCardle [mailto:mcheritage@iprimus.com.au]
Sent: Tuesday, 29 March 2011 8:37 AM
To: 'Shane Frost'
Subject: RE: Review and response to QR-Hexham Rail Re-development draft report
Importance: High

Hi Shane,

Thank you for your response. I have read your letter and would like to bring to your attention that the northern, less disturbed area (where you would like to do test excavations), will not be impacted upon at all as this area will be conserved as designated "Environmental Land". Because this area will not be impacted upon, test excavations in this case would be the impacts and as this area is conserved, no test excavations are needed.

This may or may not alter your recommendations and comments. If you would like to update your response please feel free to do so.

The remaining comments on the significance of the area have been noted and the report will be updated to reflect this more.

Thanks
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:
<http://dropbox.yousendit.com/PennyMcCardle1259955>

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Tuesday, 29 March 2011 11:49 AM
To: 'kerrie@awabakal.com.au'
Subject: Hexham
Importance: High

Hi Kerry,

MCH sent you a copy of the draft report for the Hexham project and in line with the DECCW requirements, I also asked you to review this and provide MCH with your comments and/or cultural heritage report no later than 31 March 2011.

MCH also sent you a reminder letter dated 22 March 2011.

I am writing to you to remind you a final time of the deadline for your letter/report as we would greatly appreciate your input.

Please note that if you choose not to provide the required information by the date provided will unfortunately result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Thanks
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>

Penny McCardle

From: Penny McCardle [mcheritage@iprimus.com.au]
Sent: Tuesday, 29 March 2011 1:10 PM
To: 'david'
Subject: Hexham
Importance: High

Hi David,

MCH sent you a copy of the draft report for the Hexham project and in line with the DECCW requirements, I also asked you to review this and provide MCH with your comments and/or cultural heritage report no later than 31 March 2011.

MCH also sent you a reminder letter dated 22 March 2011.

I am writing to you to remind you a final time of the deadline for your letter/report as we would greatly appreciate your input.

Please note that if you choose not to provide the required information by the date provided will unfortunately result in a missed opportunity for you or knowledge holders to contribute to your cultural heritage and the project will proceed.

Thanks
Penny

Penny McCardle

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PO Box 166
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30 March 2011

McCardle Cultural Heritage Pty Ltd
Penny McCardle
PO Box 166
Adamstown NSW 2289

Dear Penny,

Re: Comments Regarding the Draft Report for the QR Hexham Redevelopment Project Part 3A, Indigenous Archaeological Due Diligence Assessment

With regard to the Draft Report for the QR Hexham Redevelopment Project Part 3A Indigenous Archaeological Due Diligence Assessment, we recognise the evaluation by McCardle Cultural Heritage Pty Ltd appears to be reasonably comprehensive.

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

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

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

The Awabakal Traditional Owners Aboriginal Corporation Aboriginal site assessment 'walk on country' was conducted within the proposed project area on Wednesday 9th February 2011. Kerrie Brauer attended the site inspection and a foot survey was conducted along the proposed QR Redevelopment Project area.

The primary objective of the survey Assessment was to ascertain the presence and evidence of any areas of cultural or archaeological significance within the study area. The investigative observation indicates that there is potential for Aboriginal cultural material to be concealed below the vegetated ground surface as a result of the general use of the area.

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

We believe that the structure and context of the landscape of the surrounding project area relates to distinctive factors that are associated to Aboriginal inhabitance.

The survey provided a holistic assessment both adverse and positive, and placed the proposed project in the context of other projects within close proximity. The current level of impact on the cultural heritage values associated with the site was evident by the presence of livestock.

Although the project area has been previously disturbed, one would assume that given the thousands of years our people have occupied this area prior to colonisation, we cannot expect that Aboriginal artifacts or culturally significant sites would be located in the brief and limited period of time allocated for this survey.

Page 9, Table 2.2, It would be remiss of the Awabakal descendants to ignore the fact that there are representatives of other Aboriginal Nations who are positioning themselves within the Awabakal Cultural Boundary that do not have legitimate cultural or historic interests. We believe that any information or comments provided by any inappropriate community members would be inconsequential as the Hexham region is well within the Awabakal Cultural Boundary. We believe this needs critical attention and resolve when regarding further developments. Naturally we will make ourselves available for a meeting to discuss and clarify this matter further.

Page 13, 2.5, Typo, should be Kerrie Brauer not Karrie Brauer.

Page 15, 3.2, We are concerned that the statement referring to “open cut mining” in the **Report** may present a foregone conclusion that the Hexham area was also an area of “open cut mining” and believe that this may be a misleading statement and suggest that these references will need further clarity within the Final Draft Report.

Pages 20 – 23, We hold grave concerns that previous archaeological investigation comments within the **Report** may be misleading and have the potential to be confused with the Hexham Study area. We are concerned that the previous archaeological investigation comments may have the potential to detract from the results of the Aboriginal assessment for the Cultural Heritage Assessment for the QR Hexham Redevelopment Project area.

We believe that many references used by anthropologists and/or archaeologists within **Draft Reports** may be misleading, as the information that is being referred to may and/or may not be relevant to the Project Area. Although anthropologists and/or archaeologists may have the ability to identify past physical use of a location, they do not have the capability to adjudicate on the spirituality of any particular location or site, this being the exclusive right of the Awabakal Traditional Owners who have a cultural and hereditary association with the land of their ancestors.

Page 21, 5th paragraph, Typo, should be past not p[ast].

Page 23, 3.11, With regard to the comments relating to the discussion resulting from the previous comments concerning disturbance, we believe that artifacts may still exist and could remain intact within the sub-surface, regardless of the previous disturbance.

For example, we have been involved with many test excavations within the Newcastle CBD area that have produced intact artifacts below the ground, although the area had been heavily disturbed.

Therefore we believe that the **Report** would have brought more to the discussion if the document also reflected on the positive outcomes from archaeologists regarding artifacts that have survived within the region although an area has been disturbed, instead of the repeated negative references.

Page 24 – 27, 4 – 4.2, With regard to the Ethno-Historic Background, Data and Accounts of the Awabakal People within this section, we believe that there are many other historical documents that would broaden the existence of the Awabakal perspective within this section of the **Report**. For example, the historical documented records of Lieutenant William Coke, R H Mathews and Jonathon Warner accounts of the Hunter Region are very informative.

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

We consider that the diversity of our "Cultural Heritage perspectives" pertaining to the Aboriginal Cultural Heritage aspects of the study area is excluded from the **Report**, and believe that additional historical research would bring an informative adjunct to the Awabakal Peoples presence, occupation and lifestyle within the Hexham and surrounding districts, which would have indeed broaden the context of the **Report** relating to the local area and broader region.

Page 31, 35.2, We agree that the DECCW AHIMS Database may not necessarily have "up-to-date" or current information due to many unreported or unfinished site assessments pertaining to projects within close proximity to the Hexham project area.

Page 82, 6.6 – 6.9, We are concerned that these sections within the **Report** may present a foregone conclusion that Aboriginal Cultural Heritage and Values do not exist within the project area and therefore would give the impression that these aspects pertaining to Aboriginal Cultural Heritage Values are extinct, and suggest that this section of the **Report** may need further clarity. Therefore, we believe that the section relating to "Interpretation" may need further consideration.

Page 84, 7 – 7.1, We believe that this section within the **Report** has not taken into consideration for any possible Cultural Heritage material that may be concealed below the ground surface. Therefore we disagree with the conclusion that the proposed works will have minimal impact, without prior knowledge that there are no artifacts contained within the sub-surface of the project area.

The site assessment and observation of the Hexham area indicates that there is potential for additional Aboriginal cultural material to be concealed below the vegetated ground surface as a result of the general use of the area, as the region was indeed inhabited by our people.

Page 85, 8, We believe that the reference made to 'Aboriginal community' within this section of the **Report** should be changed to 'Aboriginal Stakeholders', as the meaning of 'community' has a wider group connotation, whereas the meaning of 'Stakeholders' refers to independent parties and is more accurate and specific.

It is our interpretation that Aboriginal communities consist of Aboriginal people many of whom have relocated into other Aboriginal Nations traditional lands and should therefore respect the culture and heritage of the region and the rights of the Traditional Descendants of the area. The Hunter and Lake Macquarie regions consist of many Aboriginal community members who have no cultural association with this land; nonetheless they feel a sense of belonging.

Page 85 – 87, 8.1 – 9.1, The Awabakal Traditional Owners are rejecting the Conclusion of this Draft Report because it is not based on empirical evidence nor mitigation ranking and mitigation, and therefore have no confidence that our cultural and heritage values, landscape and features will be protected or conserved within such an unknown assessment paradigm. We urge the DECCW and DoP to seriously consider the assessment intentions of cultural associations and practice in the conclusions of approval or non-approval against the act in this context.

We highly recommend that serious consideration is given to an ongoing Cultural Heritage Management and Strategy Plan which provides sub-surface testing and a mitigation strategy involving the Aboriginal Stakeholders to ascertain if there are impacts occurring to Awabakal Cultural Heritage.

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

We seek DECCW's serious consideration of the legacy of cumulative and continued proposed damage to our Cultural Heritage Values and examine intergeneration 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 and Values of the Hexham site is being overlooked, and believe that more consideration should be afforded to provide an essential element for the protection of potential sites in order to demonstrate Intergenerational Equity.

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

We also have concerns that the **Report** has not taken into consideration the impact on unknown sites due to the observation and information gathering process which presented minimal visible evidence due to the vegetated ground surface. Therefore, it should not be assumed that Aboriginal artifacts do not exist within the proposed QR Redevelopment Project area.

The district surrounding the Hexham region is culturally significant to the Awabakal People who utilised and physically cared for the environment, and with the evidence already retrieved and documented from the region is a reasonable indication that this area was highly utilised by the Awabakal people prior to European settlement.

We, as the Descendants of the Awabakal People believe that it is important to protect the Cultural Heritage of our Ancestors. Life here prior to colonisation had an abundant existence, and resources such as seafood, wildlife and plants abounded. The use of stone tools is undeniably associated with a certain relationship with the natural environment. The high level of history already documented from the region is an indication that this area was utilised by the Awabakal People.

Since the earliest days of colonial impact, our history has been a well-documented one, with the most reliable information relayed by our peoples first hand, and also supplemented by non-Indigenous observation and interpretation. This cultural environment is a holistic one

that interconnects our spirituality and land to our peoples past, present and future, and we consider that all surrounding Awabakal Aboriginal sites are holistically and historically culturally connected.

This region is full of meaningful cultural reminders that speak to the present day through the Awabakal Creation Stories, Language and Art. The principles of traditional culture are there to keep intact the moral and spiritual fibre of Aboriginal People to survive in the land of their Ancestors. All land is culturally significant to Aboriginal people and therefore deserves the respect and sensitivity that connects us to our ancestral lands.

Aboriginal people are connected through their own unique cultural tapestry that is complex, which entwines the people with the land, language, totems and kinship relationships to their sacred dreaming, culture and heritage. Our ancestors taught us to love and take care of our own country, and not to desire the lands that belong to the people of other nations.

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 land and sea country, our past and spirituality and provides us with a visual generational legacy.

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

We would like to thank you for the opportunity to comment and would ask for a copy of the finished report which includes our comments to be forwarded to us at your earliest convenience.

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

Yours sincerely,



Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation

ABN: 90 203 408 390 | ICN: 4411

PO Box 253 Jesmond NSW 2299 Australia

T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au

From: Penny McCardle [mailto:mcheritage@iprimus.com.au]
Sent: Thursday, 31 March 2011 3:22 PM
To: 'kerrie@awabakal.com.au'
Subject: RE: Comments Regarding the Hexham Redevelopment Project Draft Report

Hi Kerrie,

Thank you for your response. Your comments will be reflected in the report as will the changes to the draft report from everyone's comments.

Thanks
Penny

Penny McCardle

Principal Archaeologist & Forensic Anthropologist
McCardle Cultural Heritage
PO Box 166
ADAMSTOWN NSW 2289
M: 0412 702 396
F: 02 4952 5501

For large files send through:

<http://dropbox.yousendit.com/PennyMcCardle1259955>



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

McCardle Cultural
Heritage Pty Ltd PO Box 166
ADAMSTOWN NSW 2289
Mobile: 0412 702 396
Fax: 4952 5501
Email: mcheritage@iprimus.com.au

31/03/2011

Dear Penny,

**Re: Cultural and Heritage Report:
Hexham**

David Ahoy Senior Cultural Heritage Officer
Awabakal Local Aboriginal Land Council

Thank you for your correspondence for the above project. The Awabakal LALC would like to state that we have been involved in all stages of the consultation and are satisfied with the proposed work. We are confident that our sites officers have good knowledge in the cultural heritage protection and promotion of the Aboriginal sites within Awabakal Country.

EXECUTIVE SUMMARY

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

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

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

Background

This report was developed for the sole use for MCH and the regulatory authorities directly involved in the future development of the Hexham swamp area. The reports purpose is to solely report on preliminary investigations undertaken by ALALC in identifying any physical and spiritual Aboriginal culture and heritage significance.

If earthworks are required within this area, Awabakal LALC requests that our Aboriginal Sites Officer be on site during these developments.

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

RECOMMENDATIONS

Site officers to be present if there are any proposed works in the Hexham area.

Aboriginal Heritage

1. Awabakal LALC is aware that the whole of Hexham swamp has a very high cultural significance due to high number of recent Aboriginal activity in the area and would like to be consulted in all stages of works.

Mr. David Ahoy
Senior Site Officer

ANNEX B

AHIMS Results

Penny Mccardle
Po Box 166
Adamstown New South Wales 2289
Attention: Penny Mccardle

Date: 15 December 2010

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 372000 - 380000, Northings : 6361000 - 6373000 with a Buffer of 50 meters. Additional Info : Please send through in an excell spread sheet, conducted by Penny Mccardle on 15 December 2010

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

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

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

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

Important information about your AHIMS search

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

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
38-4-0530	Blue Gum Hills 1	AGD	56	373240	6362240	Open site	Artefact	Open Camp Site	101128
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u> 2332,3009	
38-4-0495	NR-OCS-3	AGD	56	373270	6360820	Open site	Artefact	Open Camp Site	97813
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0463	Site 4;Beresfield;	AGD	56	373000	6368200	Open site	Artefact	Open Camp Site	4211
	<u>Contact</u>	<u>Recorders</u> Peter Kuskie						<u>Permits</u>	
38-4-0465	Site 6;Beresfield;	AGD	56	372300	6368250	Open site	Artefact	Open Camp Site	4211
	<u>Contact</u>	<u>Recorders</u> Peter Kuskie						<u>Permits</u>	
38-4-0473	Site 2;Beresfield;	AGD	56	372650	6367770	Open site	Artefact	Isolated Find	4211
	<u>Contact</u>	<u>Recorders</u> Peter Kuskie						<u>Permits</u>	
38-4-0474	Site 3;Beresfield;	AGD	56	373600	6368050	Open site	Artefact	Isolated Find	4211
	<u>Contact</u>	<u>Recorders</u> Peter Kuskie						<u>Permits</u>	
38-4-0325	Tarro;	AGD	56	374900	6368750	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0329	MB2	AGD	56	373500	6368600	Open site	Artefact	Open Camp Site	2410
	<u>Contact</u>	<u>Recorders</u> N Steel						<u>Permits</u>	
38-4-0375	Black Hill 1, BH1	AGD	56	372900	6367200	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u> Gary Dunnett						<u>Permits</u> 658,745,819,831,1062,1074	
38-4-0087	Sandgate;Shelley Creek;	AGD	56	374790	6361790	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u> Helen Brayshaw						<u>Permits</u>	
38-4-0401	Thorn-1;	AGD	56	372200	6371600	Open site	Artefact	Open Camp Site	3060,99973
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0755	Thornton A 18 (TA18)	AGD	56	374280	6372800	Open site	Artefact		100546
	<u>Contact</u>	<u>Recorders</u> Peter Kuskie						<u>Permits</u> 3044,3103	
38-4-0793	MR-05-3	AGD	56	372238	6361771	Open site	Artefact		98834
	<u>Contact</u> T Russell	<u>Recorders</u> Robynne Mills						<u>Permits</u> 2252	
38-4-0794	MR-05-4	AGD	56	372531	6361473	Open site	Artefact		98834,100793
	<u>Contact</u>	<u>Recorders</u> Robynne Mills						<u>Permits</u> 2252	
38-4-0918	Weakleys 20 Locus A (W20/A)	AGD	56	372030	6369420	Open site	Artefact		
	<u>Contact</u> T Russell	<u>Recorders</u> Peter Kuskie						<u>Permits</u>	
38-4-0248	T 7;	AGD	56	378900	6367400	Open site	Artefact	Open Camp Site	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0956	Tarro PAD	AGD	56	374476	6369861	Open site	Potential Archaeological Deposit (PAD)		99903,100146
	<u>Contact</u> Searle	<u>Recorders</u> Umwelt (Australia) Pty Limited						<u>Permits</u> 2448,2590	
38-4-0982	Weakleys Drive Interchange 1	AGD	56	372250	6370700	Open site	Potential Archaeological Deposit (PAD)		100257,101814

Report generated by AHIMS Web Service on 15/12/2010 for Penny Mccardle for Datum :GDA, Zone : 56, Eastings : 372000 - 380000, Northings : 6361000 - 6373000 with a Buffer of 50 meters. Additional

Info : Please send thruph in an excell spread sheet.. Number of Aboriginal sites and Aboriginal objects found is 95

This information is not guaranteed to be free from error omission. The Department of Environment, Climate Change & Water (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
	<u>Contact</u> Searle	<u>Recorders</u>	Umwelt (Australia) Pty Limited					<u>Permits</u> 2605,2606	
38-4-1056	CTGM 1/A	GDA	56	377140	6362000	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>	Mr.Edward Clarke					<u>Permits</u>	
38-4-1072	NR-OCS-4	GDA	56	373040	6361900	Open site	Artefact		97813
	<u>Contact</u>	<u>Recorders</u>	Robynne Mills					<u>Permits</u>	
38-4-1161	Balarang Street 1	GDA	56	373675	6362249	Open site	Potential Archaeological Deposit (PAD),Artefact,Grinding Groove		
	<u>Contact</u>	<u>Recorders</u>	Mr.Alan Williams					<u>Permits</u> 3158,3289	
38-4-1212	Beresfield WP IF 3	AGD	56	372992	6368543	Open site	Artefact		101939
	<u>Contact</u> Mindaribba Local Aboriginal L	<u>Recorders</u>	Doctor.Tim Owen					<u>Permits</u>	
38-4-1213	Beresfield WP IF 4	AGD	56	372505	6368467	Open site	Artefact		101939
	<u>Contact</u> Mindaribba Local Aboriginal L	<u>Recorders</u>	Doctor.Tim Owen					<u>Permits</u>	
38-4-0365	Thornton 11;	AGD	56	373700	6372300	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u> 718,887	
38-4-0376	ISF3/ISF4;	AGD	56	372050	6365250	Open site	Artefact	Open Camp Site	100898
	<u>Contact</u>	<u>Recorders</u>	Sue Effenberger					<u>Permits</u> 1057,1083	
38-4-0382	BS6;	AGD	56	372360	6369050	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Noeleen Curran					<u>Permits</u>	
38-4-0386	BS1.	AGD	56	372930	6368990	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Noeleen Curran					<u>Permits</u>	
38-4-1211	Beresfield WP IF 2	AGD	56	372697	6368494	Open site	Artefact		101939
	<u>Contact</u> Mindaribba Local Aboriginal L	<u>Recorders</u>	Doctor.Tim Owen					<u>Permits</u>	
38-4-0868	MB1.	AGD	56	373300	6368600	Open site	Artefact		
	<u>Contact</u> T Russell	<u>Recorders</u>	Noeleen Steel					<u>Permits</u>	
38-4-0464	Site 5;Beresfield;	AGD	56	372350	6368170	Open site	Artefact	Open Camp Site	4211
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	
38-4-0391	BS6;	AGD	56	372360	6369050	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Noeleen Curran					<u>Permits</u>	
38-4-0493	NR-OCS-1	AGD	56	373000	6361110	Open site	Artefact	Open Camp Site	97813
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0494	NR-OCS-2	AGD	56	373470	6361210	Open site	Artefact	Open Camp Site	97813
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0466	Site 7;Beresfield;	AGD	56	372590	6368300	Open site	Artefact	Isolated Find	4211
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	
38-4-0469	Site 11;Beresfield;	AGD	56	372700	6368520	Open site	Artefact	Open Camp Site	4211

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0557	M-GG-2	AGD	56	372240	6361140	Open site	Grinding Groove		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0553	M-GG-1	AGD	56	372190	6361120	Open site	Grinding Groove		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0709	BGC 1	AGD	56	372572	6370148	Open site	Artefact		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0349	Thornton 5;	AGD	56	373370	6372350	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	1788,2141,2952
38-4-0354	Thornton 10;	AGD	56	373470	6372400	Open site	Artefact	Open Camp Site	100924
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	718,887
38-4-0358	Glenrowan;	AGD	56	374000	6368300	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0075	Tomago;	AGD	56	379380	6366800	Open site	Modified Tree (Carved or Scarred)	Scarred Tree	533,100499
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0379	BS2;	AGD	56	372180	6368800	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	824
38-4-0381	BS5;	AGD	56	372500	6369150	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0387	BS2;	AGD	56	372180	6368800	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0389	BS4;	AGD	56	372400	6369300	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0405	Minmi Road Site 1;	AGD	56	373450	6361710	Open site	Artefact	Open Camp Site	3149
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-1029	Kingston-Wentworth Creek	AGD	56	372785	6361016	Open site	Artefact		
	<u>Contact</u> S Scanlon	<u>Recorders</u>						<u>Permits</u>	2829
38-4-0855	Fletcher PAD	AGD	56	373340	6361300	Open site	Potential Archaeological Deposit (PAD),Artefact		99842
	<u>Contact</u> Searle	<u>Recorders</u>						<u>Permits</u>	2329,2407
38-4-0556	M-GG-3	AGD	56	372310	6361140	Open site	Grinding Groove		
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0425	Black Hill 3;BH3;	AGD	56	373100	6365820	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	983
38-4-0346	Thornton 2;	AGD	56	373750	6371900	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	718,887

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
38-4-0086	Minmi; Windy Hill; <u>Contact</u>	AGD	56	373370	6361420	Open site	Artefact	Open Camp Site	
38-4-0380	BS4; <u>Contact</u>	AGD	56	372400	6369300	Open site	Artefact	Open Camp Site	
38-4-0835	Beresfield 2 <u>Contact</u> T Russell	AGD	56	373742	6370444	Open site	Artefact	<u>Permits</u> 2141	
38-4-0911	Weakleys 15 Locus B (W15/B) <u>Contact</u> T Russell	AGD	56	371850	6370360	Open site	Artefact	<u>Permits</u>	
38-4-1217	CTGM PAD2 <u>Contact</u>	GDA	56	372680	6368493	Open site	Potential Archaeological Deposit (PAD)		101939
38-4-0470	Site 12; Beresfield; <u>Contact</u>	AGD	56	372870	6368600	Open site	Artefact	Open Camp Site	4211
38-4-0646	L2 Lenaghans Drive 167 <u>Contact</u>	AGD	56	372906	6366025	Open site	Artefact	<u>Permits</u> 1456	
38-4-0697	Beresfield/Thornton Link Road 1 <u>Contact</u>	AGD	56	372410	6370880	Open site	Artefact	<u>Permits</u> 1775,1776	
38-4-0753	Thornton A 20 (TA20) <u>Contact</u>	AGD	56	374090	6372640	Open site	Artefact	<u>Permits</u> 3044,3103	100546
38-4-0361	Thornton 11; <u>Contact</u>	AGD	56	373700	6372300	Open site	Artefact	Open Camp Site	
38-4-0366	Thornton 11; <u>Contact</u>	AGD	56	373750	6371400	Open site	Artefact	Open Camp Site	
38-4-0249	T 8; <u>Contact</u>	AGD	56	378200	6367400	Open site	Artefact	Open Camp Site	1845
38-4-0388	BS3; <u>Contact</u>	AGD	56	372200	6369100	Open site	Artefact	Open Camp Site	
38-4-0683	Blue Gum Vista Estate (BGV) <u>Contact</u> Awabakal LALC	AGD	56	373150	6361850	Open site	Artefact	<u>Permits</u> 1630,2332,2938,2939,3009	98383,98384,10112 8,101177
38-4-0836	Berefield 3 <u>Contact</u> T Russell	AGD	56	372561	6370813	Open site	Artefact	<u>Permits</u> 2141	
38-4-1055	CTGM 1/B <u>Contact</u>	GDA	56	377320	6361700	Open site	Artefact	<u>Permits</u>	
38-4-0468	Site 9; Beresfield; <u>Contact</u>	AGD	56	373420	6368440	Open site	Artefact	Open Camp Site	4211
38-4-0604	BLACK HILL 7 (BH7)	AGD	56	372740	6367410	Open site	Artefact		98227

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	
38-4-0345	Thornton 1;	AGD	56	373900	6371700	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	718,887
38-4-0351	Thornton 7;	AGD	56	374000	6372700	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	718,887,3044,3103
38-4-0410	Woods Gully	AGD	56	372200	6366100	Open site	Artefact	Open Camp Site	4642,100898
	<u>Contact</u>	<u>Recorders</u>	Sue Effenberger					<u>Permits</u>	1083
38-4-1210	Beresfield WP IF 1	AGD	56	372577	6368477	Open site	Artefact		101939
	<u>Contact</u> Mindaribba Local Aboriginal L	<u>Recorders</u>	Doctor.Tim Owen					<u>Permits</u>	
38-4-1214	Beresfield WP AS 1	AGD	56	372802	6368511	Open site	Artefact		101939
	<u>Contact</u> Mindaribba Local Aboriginal L	<u>Recorders</u>	Doctor.Tim Owen					<u>Permits</u>	
38-4-0496	NR-0CS-4	AGD	56	373040	6361900	Open site	Artefact	Open Camp Site	101128
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	1722,2332,3009
38-4-0471	Site 10;Beresfield;	AGD	56	373650	6368400	Open site	Artefact	Open Camp Site	4211
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	
38-4-0551	John Renshaw Drive Isolated Find	AGD	56	371846	6368253	Open site	Artefact		97572
	<u>Contact</u>	<u>Recorders</u>	Umwelt (Australia) Pty Limited					<u>Permits</u>	
38-4-0347	Thornton 3;	AGD	56	373450	6371700	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	718,887
38-4-0348	Thornton 4;	AGD	56	373200	6371670	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	718
38-4-0350	Thornton 6;	AGD	56	374050	6372500	Open site	Artefact	Open Camp Site	100924
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	718
38-4-0360	Thornton 12;	AGD	56	373750	6371400	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Peter Kuskie					<u>Permits</u>	
38-4-0250	T 8_A_(T9);	AGD	56	378400	6367300	Open site	Artefact	Open Camp Site	1845
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0390	BS5;	AGD	56	372500	6369150	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>	Noeleen Curran					<u>Permits</u>	
38-4-0968	Bishop Tyrell 1A	AGD	56	373230	6361700	Open site	Artefact,Potential Archaeological Deposit (PAD)		100049
	<u>Contact</u> Searle	<u>Recorders</u>	Mrs.Angela Besant					<u>Permits</u>	
38-4-0792	MR-05-1	AGD	56	371869	6361638	Open site	Artefact		98834,100793
	<u>Contact</u> T Russell	<u>Recorders</u>	Robynne Mills					<u>Permits</u>	2252
38-4-0795	MR-0S-2	AGD	56	372030	6362002	Open site	Artefact		100793
	<u>Contact</u> T Russell	<u>Recorders</u>	Robynne Mills					<u>Permits</u>	

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38-4-0837	Beresfield 4	AGD	56	374410	6368630	Open site	Artefact		
	<u>Contact</u> T Russell	<u>Recorders</u>		AECOM Australia Pty Ltd				<u>Permits</u> 2141	
38-4-0798	Beresfield Substation 1 (BSS1)	AGD	56	372448	6369984	Open site	Artefact,Potential Archaeological Deposit (PAD)		
	<u>Contact</u> T Russell	<u>Recorders</u>		Umwelt (Australia) Pty Limited				<u>Permits</u> 2088	
38-4-0910	Weakleys 15 Locus A (W15/A)	AGD	56	371900	6370450	Open site	Artefact		
	<u>Contact</u> T Russell	<u>Recorders</u>		Peter Kuskie				<u>Permits</u>	
38-4-0960	Bishop Tyrell 1	AGD	56	373230	6361700	Open site	Artefact		
	<u>Contact</u> T Russell	<u>Recorders</u>		Mrs.Angela Besant				<u>Permits</u> 2503,2808	
38-4-0497	NR-OCS-5	AGD	56	373190	6361260	Open site	Artefact	Open Camp Site	97813
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>	
38-4-0467	Site 8;Beresfield;	AGD	56	372970	6368360	Open site	Artefact	Isolated Find	4211
	<u>Contact</u>	<u>Recorders</u>		Peter Kuskie				<u>Permits</u>	
38-4-0472	Site 1;Beresfield;	AGD	56	372380	6367130	Open site	Artefact	Isolated Find	4211
	<u>Contact</u>	<u>Recorders</u>		Peter Kuskie				<u>Permits</u>	
38-4-0476	TT 1;Thorton;	AGD	56	372400	6371000	Open site	Artefact	Open Camp Site	
	<u>Contact</u>	<u>Recorders</u>		Paul Rheinberger				<u>Permits</u>	

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