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# Appendices

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# Appendix 1 – Consultation Log

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Consultation	Organisation Contacted	Date and Type of Contact	Date and Type of Response	Response Details
<b>Initial Action 1. Notification of Agencies</b>				
<b>Contacting Agencies to Identify Aboriginal Stakeholders</b>	Department of Aboriginal Affairs	8-10 March 2010 -Letter	-	
	Grafton Ngerrie Local Aboriginal Land Council	8-10 March 2010 -Letter	15 March 2010 – Letter	Registered interest in consultation.
	Department of Planning - Heritage Branch (now part of OEH)	8-10 March 2010 -Letter	-	
	The Native Title Service of NSW	8-10 March 2010 -Letter	-	
	NSW Aboriginal Land Council	8-10 March 2010 -Letter	-	
	National Native Title Tribunal	8-10 March 2010 -Letter	-	
	DECCW now OEH	8-10 March 2010 -Letter	25 March 2010 – Letter	Identified three potential Aboriginal stakeholders: <ul style="list-style-type: none"> <li>• Durahrwa Training and Development Aboriginal Corporation;</li> <li>• Grafton Ngerrie Local Aboriginal Land Council; and</li> <li>• Burra Waj Ad.</li> </ul>
	Clarence Valley Council	8-10 March 2010 -Letter	-	
<b>Initial Action 2. Public Notice</b>				
<b>Public Notice</b>	Public Notice	1 March 2010 - Public notice in <i>The Daily Examiner</i> .	7 March 2010 – Letter	Individual Aboriginal stakeholder registered interested in consultation.
<b>Field Inspection 10 August 2010</b>				
<b>Field Survey</b>	Grafton Ngerrie Local Aboriginal Land Council	10 August 2010 – Field Survey	11 February 2011 – Letter	Discussion of survey results.

Consultation	Organisation Contacted	Date and Type of Contact	Date and Type of Response	Response Details
<b>Reissue Action 1 Notification of Agencies</b>				
<b>Contacting Agencies to Identify Aboriginal Stakeholders</b>	Department of Aboriginal Affairs	22 December 2010 - Letter	14 January 2011	Identified that the Grafton Ngerrie Local Aboriginal Land Council should be consulted.
	Grafton Ngerrie Local Aboriginal Land Council	22 December 2010 - Letter	-	
	Department of Planning - Heritage Branch (now part of OEH)	22 December 2010 - Letter	-	
	The Native Title Service of NSW	22 December 2010 - Letter	-	
	NSW Aboriginal Land Council	22 December 2010 - Letter	10 January 2011	Identified that the Grafton Ngerrie Local Aboriginal Land Council should be consulted.
	National Native Title Tribunal	22 December 2010 - Letter	-	
	DECCW now OEH	22 December 2010 - Letter	6 January 2011	Identified four potential Aboriginal stakeholders: <ul style="list-style-type: none"> <li>• Jana Ngalee Local Aboriginal Land Council;</li> <li>• Durahrwa Training and Development Aboriginal Corporation;</li> <li>• Grafton Ngerrie Local Aboriginal Land Council; and</li> <li>• Burra Waj Ad.</li> </ul>
	Clarence Valley Council	22 December 2010 - Letter	-	
	Catchment Management Authority	22 December 2010 - Letter	-	
	Burra Waj Ad	22 December 2010 - Letter	-	

Consultation	Organisation Contacted	Date and Type of Contact	Date and Type of Response	Response Details
	Individual Aboriginal stakeholder	22 December 2010 - Letter	No Response – Roads and Maritime informally notified that Individual Aboriginal stakeholder had passed away.	
<b>Reissue Action 2. Public Notice</b>				
<b>Public Notice</b>	Public Notice	22 January 2011 - Public notice in <i>The Daily Examiner</i> .	-	-
<b>Aboriginal Focus Group meeting 10 May 2011</b>				
<b>Meeting</b>	Grafton Ngerrie Local Aboriginal Land Council	10 May 2011 – Meeting at Grafton Ngerrie Local Aboriginal Land Council office	-	-
<b>Aboriginal Focus Group workshop 28 June 2011</b>				
<b>Meeting</b>	Grafton Ngerrie Local Aboriginal Land Council	28 June 2011 – Meeting at Grafton Ngerrie Local Aboriginal Land Council office	-	-
<b>Grafton Ngerrie Local Aboriginal Land Council Meeting 1 July 2011</b>				
<b>Meeting</b>	Grafton Ngerrie Local Aboriginal Land Council	1 July 2011 – Meeting at Grafton Ngerrie Local Aboriginal Land Council office	-	-
<b>Review of Preliminary Route Options Report</b>				
<b>Review of Report</b>	Grafton Ngerrie Local Aboriginal Land Council		02 August 2011 - Email	Response to report.

Consultation	Organisation Contacted	Date and Type of Contact	Date and Type of Response	Response Details
<b>Grafton Ngerrie Local Aboriginal Land Council Meeting 10 November 2011</b>				
Meeting	Grafton Ngerrie Local Aboriginal Land Council	10 November 2011 – Meeting at Grafton Ngerrie Local Aboriginal Land Council office	-	-
<b>Field Inspection February 2012</b>				
Field Survey	Grafton Ngerrie Local Aboriginal Land Council	10 February 2012 – Field Survey	-	-
<b>Field Inspection April 2012</b>				
Field Survey	Grafton Ngerrie Local Aboriginal Land Council	10 February 2011 – Field Survey	-	-
<b>Grafton Ngerrie Local Aboriginal Land Council Meeting 17 January 2013</b>				
Meeting	Grafton Ngerrie Local Aboriginal Land Council	17 January 2013 – Meeting at Grafton Ngerrie Local Aboriginal Land Council office	-	-
<b>Project Methodology</b>				
Provision of Methodology	Grafton Ngerrie Local Aboriginal Land Council	17 July 2013 - Letter	24 September 2013	Comments on Methodology.
Meeting	Grafton Ngerrie Local Aboriginal Land Council	17 January 2013 – Meeting at Grafton Ngerrie Local Aboriginal Land Council office	-	-
Meeting	Grafton Ngerrie Local Aboriginal Land Council	17 January 2013 – Meeting at Grafton Ngerrie Local	-	-

Consultation	Organisation Contacted	Date and Type of Contact	Date and Type of Response	Response Details
		Aboriginal Land Council office		
<b>Aboriginal Cultural Heritage Assessment</b>				
<b>Meeting</b>	Grafton Ngerrie Local Aboriginal Land Council	06 February 2014 – Meeting at Grafton Ngerrie Local Aboriginal Land Council office	Follow email was responded to on the 12 February 2014 by email.	Grafton Ngerrie Local Aboriginal Land Council would discuss internally however no further communication was received.
<b>Draft Aboriginal Cultural Heritage Assessment Report for Review</b>				
<b>Provision of Draft Report</b>	Grafton Ngerrie Local Aboriginal Land Council	23 May 2014- Letter	23 June 2013 – Phonecall 23 June 2013 - Phonecall	Comments on Draft Report

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# Appendix 2 – Agency Responses and Public Notice

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Your reference : PDM 00369.03/10  
Our reference : DOC10/10819, FIL06/1092  
Contact : Glenda Roberts, (02) 6659 8272  
Date : 25<sup>th</sup> March 2010

Stephen Williamson  
Project Manager  
RTA  
PO Box 576  
Grafton NSW 2460



Dear Stephen,

**RE: REGISTRATION OF ABORIGINAL INTEREST GROUPS FOR CLARENCE RIVER, CLARENCE VALLEY LGA NSW**

I refer to your correspondence, dated 10<sup>th</sup> March 2010, to the Department of Environment, Climate Change and Water (DECCW) for your project located within the Clarence Valley LGA and described as additional crossing of the Clarence River project.

Please find attached a list of known Aboriginal parties that DECCW considers is likely to have an interest in your development. I note this is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with DECCW's *Interim Community Consultation Requirements for Applicants (2004)*.

If you encounter any changes to the contact details of interested Aboriginal parties, or become aware of additional parties, we encourage you to forward this information to the Department so we can update our records.

If you have any further questions regarding this matter, please contact Glenda Roberts, Aboriginal Heritage Planning Officer on (02) 6659 8272.

Yours sincerely

*DL Crosdale* 26/3/10

**DIANE CROSDALE**  
**A/Manager Planning and Aboriginal Heritage**  
**North East Branch**  
**Environment Protection & Regulation Group**

Encl: Attachment 1

NORTHERN DISTRICTS OFFICE  
31 MAR 2010  
ACTION BY  
A LEONARD



## **ATTACHMENT 1 : LIST OF ABORIGINAL STAKEHOLDER GROUPS**

*PLEASE ENSURE YOU ALSO CONTACT THE LOCAL ABORIGINAL LAND COUNCIL(S) & ALL OTHER ABORIGINAL STAKEHOLDER GROUPS YOU HAVE PRIOR OR NEW KNOWLEDGE OF FOR THIS AREA*

Grafton Ngerrie Local Aboriginal Land  
Council,  
Maurie Maher  
PO Box 314  
South Grafton NSW 2460  
(02) 6642 6020  
(02) 6642 6994

[ngerrie@bigpond.net.au](mailto:ngerrie@bigpond.net.au)

Durahrwa Training and Development  
Aboriginal Corporation,  
Andrew Hegedus  
PO Box 1075  
Grafton NSW 2460  
(02) 6643 4866  
(02) 6643 4381

[andrew.hegedus@durahrwa.com.au](mailto:andrew.hegedus@durahrwa.com.au)

Grafton Ngerrie Local Aboriginal Land  
Council,  
Maurie Maher  
PO Box 314  
South Grafton NSW 2460  
(02) 6642 6020  
(02) 6642 6994

[ngerrie@bigpond.net.au](mailto:ngerrie@bigpond.net.au)

Burra:Waj:Ad,  
Dave Walker  
48 Spring Street  
Grafton NSW 2460



■ The Swan Creek accident on Friday night involved a Ford XR6 utility and a Toyota 4 Runner,

which was left on its roof with three wheels torn off.

The driver of the utility suffered a serious leg injury.

"There was stuff everywhere on the road," Steve and Edwin said. "They were all very lucky."

Daily Examiner

P 4

Copy

S. Williamson

Jodi Austin



### Aboriginal Heritage Additional crossing of the Clarence River, Grafton

The Roads and Traffic Authority of NSW (RTA) has recommenced studies either side of the existing bridge to identify a preferred option for an additional crossing of the Clarence River at Grafton. The RTA seeks the registration of Aboriginal groups and/or Aboriginal people who wish to be consulted on Aboriginal cultural heritage matters relating to an additional crossing of the Clarence River at Grafton.

The cultural heritage assessment may result in the RTA applying for a section 87 permit and/or a section 90 consent under Part 6 of the *National Parks and Wildlife Act 1974*, and may also be used in the assessment of the impact of the project under the *Environmental Planning & Assessment Act 1979*.

Registrations from Aboriginal groups and/or Aboriginal people wishing to be consulted must be received by phone or in writing by **Monday 23 March 2010**.

To register your interest, please contact:  
Stephen Williamson, on (02) 6640 1018;  
email [Stephen\\_williamson@ta.nsw.gov.au](mailto:Stephen_williamson@ta.nsw.gov.au) or  
post to PO Box 576 Grafton NSW 2460.

B0001





OFFICE OF THE REGISTRAR  
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

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

Mr Chris Clark  
RTA Project Manager  
Roads & Traffic Authority  
PO Box 546  
Grafton NSW 2460

Dear Chris

**Re: Request - Search for Registered Aboriginal Owners**

I refer to your letter dated 14 January 2011 regarding a project on the Clarence River at Grafton, NSW.

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

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

Yours sincerely

Megan Mebberson  
**Senior Project Officer**  
Office of the Registrar, *Aboriginal Land Rights Act (1983)*

17 January 2011



Environment,  
Climate Change  
& Water

Your reference: PMD00369.02.01.03  
Date: 6<sup>th</sup> January 2011  
Our reference: DOC10/58384  
Contact: Glenda Roberts

Chris Clark  
Project Manager  
RTA  
PO Box 576  
Grafton NSW 2460

Dear Mr Clark

*RE: PROPOSED ADDITIONAL CROSSING OF THE CLARENCE RIVER, GRAFTON*

I refer to your correspondence, dated 22 December, to the Department of Environment, Climate Change and Water (DECCW) for your project located within Clarence Valley LGA and described as proposed additional Crossing of the Clarence Rivers, Grafton.

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

We would also like to take this opportunity to remind the proponent or consultant of a number of key issues we have been encountering of late, and we'd ask your organisation to take note and ensure compliance please. These issues include:

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

- *Please note in Appendix A of the 2010 CRs contains a map illustrating which regions of DECCW that need to be contacted according to which local government area your project falls within. Full details of the consultation requirements and the relevant Fact Sheets can be located on our website at: <http://www.environment.nsw.gov.au/licences/consultation.htm>*
- *If you encounter any changes to the contact details of interested Aboriginal parties, or become aware of additional parties, we encourage you to forward this information to the Department so we can update our records.*
- *Consultation must be fair, equitable and transparent. If the Aboriginal parties express concern or object to parts or all of your project, DECCW expects that evidence will be provided to demonstrate the efforts made to find common ground between the two perspectives.*

If you have any further questions regarding this matter, please contact me (02) 6659 8272.

Yours sincerely



**GLEND A ROBERTS**  
**Senior Aboriginal Planning Officer**  
**Environment Protection & Regulation Group**

Enclosure

Jana Ngalee Local Aboriginal Land Council,  
Mary Randall  
PO Box 1398  
Grafton NSW 2460  
(02) 6647 2115  
(02) 6647 2119  
jana\_ngalee@yahoo.com.au

1.

Durahrwa Training and Development Aboriginal Corporation,  
Andrew Hegedus  
PO Box 1075  
Grafton NSW 2460  
(02) 6643 4866  
(02) 6643 4381  
andrew.hegedus@durahrwa.com.au

2.

Burra:Waj:Ad,  
Dave Walker  
48 Spring Street  
Grafton NSW 2460

3.

Grafton Ngerrie Local Aboriginal Land Council,  
Maurie Maher  
PO Box 314  
South Grafton NSW 2460  
(02) 6642 6020  
(02) 6642 6994  
ngerrie@bigpond.net.au

4.



# NEW SOUTH WALES ABORIGINAL LAND COUNCIL

ABN 82 726 507 500

Our reference: 11/7

Chris Clark  
Project Manager  
Roads and Traffic Authority  
PO Box 576  
Grafton NSW 2460

Via email [Chris\\_CLARK@rta.nsw.gov.au](mailto:Chris_CLARK@rta.nsw.gov.au)

Cc CEO Grafton-Ngerrie LALC  
NSWALC Northern Zone Director, Andrew Riley

Dear Mr Clark,

**RE: RTA Aboriginal community consultation; Additional Crossing of the Clarence River, Grafton.**

Thank you for your letter received on 6 January 2011 regarding the above mentioned matter.

As you may be aware, the NSW Aboriginal Land Council (NSWALC) is the peak representative body for Aboriginal people in NSW, and has, pursuant to the NSW *Aboriginal Land Rights Act 1983* authority to act to protect and promote Aboriginal culture and heritage across the state.

However, Local Aboriginal Land Councils (LALCs) have the same statutory function to protect and promote Aboriginal culture and heritage within their boundaries, and also have access to local knowledge and local knowledge holders.

The position of LALCs in regards to such matters has been recognised in the *RTA's Procedure for Aboriginal Cultural Heritage Consultation and Investigation*. This procedures document requires relevant Project Managers to engage/advise relevant LALCs where it has been assessed that a particular project has the potential to impact upon Aboriginal culture and heritage; as your correspondence indicates is the case in this instance.

Accordingly, your letter has been urgently referred to the relevant LALCs for the area identified in your correspondence: The **Grafton-Ngerrie Local Aboriginal Land Council**. The contact details for this LALC have also been included at the end of this letter.

Although we endeavour to forward letters of this nature to LALCs promptly, writing to NSWALC does not constitute sufficient written notice to relevant LALCs as required by the RTA procedures referred to above, or the Department of Environment, Climate Change and Water (DECCW) Community Consultation Policy upon which they are based. As LALCs are distinct corporate entities independent of NSWALC, any notice period should be taken to commence only after notification has been provided directly to the relevant LALCs.

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**Head Office**

Ground Floor, 33 Argyle Street  
Parramatta NSW 2150  
PO Box 1125  
Parramatta NSW 2124  
Tel: 02 9689 4444  
Fax: 02 9687 1234  
DX 28308 Parramatta 2150

**Western Zone**

62 Bultje Street  
Dubbo NSW 2830  
PO Box 1196  
Dubbo NSW 2830  
Tel: 02 6885 7000  
Fax: 02 6881 6268  
DX 4009 Dubbo 2830

**Northern Zone**

Suite 2-26, Park Avenue  
Coffs Harbour NSW 2450  
PO Box 1912  
Coffs Harbour NSW 2450  
Tel: 02 6659 1200  
Fax: 02 6650 0420  
DX 7557 Coffs Harbour 2450

**Eastern Zone**

Level 5, 33 Argyle Street  
Parramatta NSW 2150  
PO Box 987  
Parramatta NSW 2124  
Tel: 02 8836 6000  
Fax: 02 8836 6006  
DX 28308 Parramatta 2150

**Southern Zone**

Suite 110, Corporate Level  
Riverside Plaza  
Monaro Street  
Queanbeyan NSW 2620  
PO Box 619  
Queanbeyan NSW 2620  
Tel: 02 6124 3555  
Fax: 02 6297 3541  
DX 24202 Queanbeyan 2620



If the relevant LALC has not already been notified directly, please be advised that they should be contacted in writing and an extension should be provided to the 8 February 2011 deadline stipulated in your correspondence, for registering an interest.

Please also note that the Office of the Registrar of the Aboriginal Land Rights Act, NTSCORP, and the National Native Title Tribunal (NNTT) should also be notified of such proposed projects. The details for these organisations have also been provided at the end of this letter for your convenience.

For future information, the contact details for all LALCs in NSW are available on the NSWALC website at: <http://www.alc.org.au/land-councils/contact-details.aspx>.

Finally, regular correspondence and contact with relevant LALCs is to be encouraged throughout the life of a project regardless of whether the LALCs have registered an interest, and is required by policy in certain instances, including by the DECCW Community Consultation Policy.

As community organisations with a wide range of responsibilities and only limited resources to fulfil them, LALCs may at times encounter difficulties in the administration of such matters. However, LALCs may also be of assistance with the early identification of sites and where the information held on the DECCW Aboriginal Heritage Information System Database is deficient.

I trust this information is of assistance to you. Should you have any questions about the issues discussed in this letter please do not hesitate to contact the Policy and Research Unit on 02 9689 4444.

Yours Sincerely,



Clare McHugh  
Director  
Policy and Research Unit

Date: 10/1/10

**Grafton-Ngerrie Local Aboriginal Land Council**

CEO: Wesley Fernando  
PO Box 314, South Grafton NSW 2460  
Phone: 02 6642 6020  
Fax: 02 6642 6994  
Email: [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)

**NTSCorp Head Office**

Suite 15/245 Chalmers Street  
Redfern NSW 2016  
PO Box 2105 Strawberry Hills NSW 2012  
DX 22525 Surry Hills  
Phone: 02 9310 3188  
Fax: 02 9310 4177

**Office of the Registrar Aboriginal Land Rights Act**

13 Mansfield Street  
Glebe NSW 2037 Australia  
PO Box 112 Glebe NSW 2037  
Phone: 02 9562 6327  
Fax: 02 9562 6350

**National Native Title Tribunal (NSW)**

Level 25, 25 Bligh Street  
Sydney NSW 2000  
GPO Box 9973, Sydney NSW 2001  
Telephone: (02) 9235 6300  
Freecall: 1800 640 501  
Fax: (02) 9233 5613



Transport  
Roads & Traffic  
Authority

## Aboriginal Heritage

Additional crossing of the Clarence  
River, Grafton

The RTA is seeking to engage more effectively with the community and stakeholders in identifying a preferred route for an additional crossing of the Clarence River at Grafton.

We are currently surveying residents on options for a second crossing and no decisions have been made on these options.

The RTA needs to better understand Aboriginal heritage downstream of Susan Island to, and including, Elizabeth Island.

An Aboriginal cultural heritage assessment will be undertaken for this project and may result in the RTA:

- Applying for an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the *National Parks and Wildlife Act 1974*, and/or
- Undertaking investigations in accordance with the *Code of practice for archaeological investigations in NSW*, and/or
- Undertaking an environmental assessment under the *Environmental Planning & Assessment Act 1979*.

The RTA invites Aboriginal people and/or Aboriginal groups who hold cultural knowledge relevant to determining the significance of Aboriginal objects(s) and/or place(s) in the area to register with the RTA to be consulted.

Registrations from Aboriginal people and/or Aboriginal groups wishing to be consulted must be received by **Friday 14 February 2011**. To register your interest:

Phone: 1800 633 332 (toll free)

Post: PO Box 546 Grafton NSW 2460

Email: [graftonbridge@rta.nsw.gov.au](mailto:graftonbridge@rta.nsw.gov.au)

8136442

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# Appendix 3 – Responses from RAPs

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ABN : 65 563 910 928

PHONE: 02 6642 6020

FAX: 02 6642 6994

EMAIL: [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)50 WHARF ST  
SOUTH GRAFTON  
PO BOX 314  
SOUTH GRAFTON,  
NSW 2460Mr Stephen Williamson  
Project Manager  
Roads and Traffic Authority  
31 Victoria Street  
GRAFTON NSW 2460

Monday, 15 March 2010

Dear Mr Williamson,

I am writing in regards to registering our interest for community consultation for the additional crossing of the Clarence River in Grafton.

Yes, we are registering an interest in this project.

It should be noted that all development activities WILL impact on Aboriginal places and objects of Cultural significance not MAY, as traditional Aboriginal people were nomadic moving through their country. All country is significant, in addition to this our spirituality is entwined throughout the landscape, therefore it is impossible for a development NOT to impact on Aboriginal culture and heritage.

In response to this all proponents (RTA) should be required to contact the relevant LALC (which you have done) so that these people that speak for country can be identified and involved in the planning process from its onset, this will minimise the inevitable impact from developments.

As the primary centre for the Aboriginal community in Grafton we look forward to meeting with you to discuss this project in more detail.

Yours sincerely,

**Wesley Fernando**

Chief Executive Officer

Grafton **Ngerrie Local** Aboriginal **Land Council**

Office Address : 50 Wharf Street

South Grafton NSW 2460

Postal Address: Po Box 314

South Grafton NSW 2460

Ph: 02 66426020 Fax: 02 66426994 Mob: 0427426020

E-mail: [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)



131 Hoop Street  
Grafton  
75/3/10

Dear Stephen,

The Marshall family were among the very first aboriginal people to arrive and live in the Grafton area.

They were Elders of the Gumbayngirr Tribe and also a Elder of the Yumbayngirr Tribe.

I would like to be consulted on aboriginal cultural heritage matters relating to an additional crossing of the Clarence River at Grafton.

Yours Faithfully  
[Redacted] J. O. de M.  
Elder Gumbayngirr Tribe

NORTHERN REGIONAL OFFICE
- 9 MAR 2010
RECEIVED
A. Leonard

CORRESPONDENCE
REF. NO. 10/518
F. by Date

GRAFTON NGERRIE LOCAL



ABORIGINAL LAND COUNCIL

PHONE: 02 6642 6020  
FAX: 02 6642 6994  
EMAIL: gnlalc@bigpond.com

50 WHARF ST  
SOUTH GRAFTON  
PO BOX 314  
SOUTH GRAFTON,  
NSW 2460

17 February 2011

## **ABORIGINAL CULTURAL SIGNIFICANCE ASSESSMENT**

### **RE: PROPOSED GRAFTON SECOND CROSSING OF THE CLARENCE RIVER.**

TO WHOM IT MAY CONCERN:

I AM WRITING IN REGARDS TO THE SITE INSPECTION THAT TOOK PLACE ON THE ABOVE MENTIONED PROPERTIES.

### **PURPOSE OF THIS ASSESMENT:**

IS TO DETERMINE WHETHER ANY FEATURES OF ABORIGINAL CULTURAL SIGNIFICANCE OCCURRED IN THE STUDY AREA FOR THE PROJECT YOU PROPOSE AND WHETHER THE SIGNIFICANCE WOULD BE AFFECTED BY THE PROPOSED PROJECT/DEVELOPMENT.

### **PROJECT DETAILS:**

SITE OFFIDER BRETT DUROUX UNDERTOOK THE SITE ASSESSMENT BY FOOT.

### **LOCATION OF STUDY AREA:**

IOLANTHE STREET SOUTH GRAFTON - PROCEEDING TO THE PACIFIC HWY HEADING NORTH/ EAST FROM BUNNINGS- CATHERINE MCAULEY COLLEGE

### **NAME OF ABORIGINAL SITE OFFICER COMPLETEING THE ASSESMENT & UNDERTAKING THE SITE SURVEY:**

BRETT DUROUX

### **NAME OF ABORIGINAL ORGANISATION REPRESENTED BY THIS STUDY:**

GRAFTON NGERRIE LALC



**DATE OF SURVEY/INSPECTION: 10/08/2010**

**INFORMATION ON THE SITE SURVEY:**

Commenced 9am 10<sup>th</sup> August 2010, left land council surveyed from Wharf Street to Ryan Street back to the riverbank on the south side, surrounding areas no artefacts or modified trees in surrounding area because of previous developments in prior years.

From Wharf Street along Ryan Street covered surrounding areas no artefacts or modified trees in surrounding area because of previous developments in prior years.

Proceeded north across the current bridge to the old catholic college property, inspected banks and surrounding areas no artefacts or modified trees in surrounding area because of previous developments in prior years. Although in our opinion this area is of high cultural significance and if this was the selected route we (MUST) inspect the property again before ground is disturbed.

After lunch we proceeded back over to south of Grafton along Iolanthe Street, found several European artefacts all the way down to the river bank. Day 1 completed 4:30pm

11<sup>th</sup> August 2010 commenced at 9am, Met at McDonalds south Grafton, met with the railway officer and inspected the railway area, more European artefacts found.

Inspected area of the Golden Eel site and ceremonial tree (**which cannot be located further investigation is required as to the possible desecration of this ceremonial tree**), found no physical artefacts although this is a spiritual area of high significance to the Aboriginal people and must not be disturbed in any way.

Proceeded Iolanthe Street, on the left hand side of the road heading north, we surveyed the area and noticed a large concrete slab exposed in the area and are concerned that possible artefact scatters may be present, if this was the preferred route we (MUST) inspect upon removal of concrete and or top soil.

Proceeded to property behind Bunning's warehouse, at the rear of the Bunning's building found (1) scarred tree close to the pacific hwy on northern side of levee, 250 metres heading north on the edge of the property boundary was a double scarred modified tree, recorded, took photos, GPS data, measurements.

Proceeded north to Catherine McCauley College near tee tree farm property and there is a high likely hood given the significance in the area that any developments will impact Aboriginal Culture and Heritage significance.

**SURVEY RESULTS:**

OUR SITE OFFICERS INSPECTED THE PROPERTY AND HAVE INFORMED US THAT IT IS LIKELY THAT ANY DEVELOPMENTS IN THE ABOVE MENTIONED AREA WOULD AFFECT THE ABORIGINAL CULTURAL SIGNIFICANCE EITHER KNOWN OR POTENTIAL.

THEREFORE IN OUR OPINION WE RECOMENED THAT NO DEVELOPMENT FROM IOLANTHE STREET PROCEEDING TO THE PACIFIC HWY HEADING NORTH/ EAST FROM BUNNINGS- CATHERINE MCAULEY COLLEGE BE PLANNED OR FURTHER PURSUED DUE TO THE FINDINGS OF OUR ASSESMENT AS STATED ABOVE.

**THIS ASSESMENT HAS BEEN COMPLETED BY:**

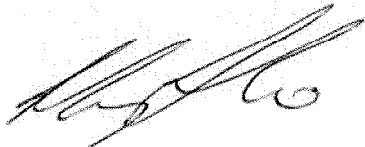
BRETT DUROUX

**POSITION:** ABORIGINAL SITES OFFICER

YOURS SINCERELY

BRETT DUROUX,  
ABORIGINAL SITE OFFICER

SIGNED ON BEHALF,

A handwritten signature in black ink, appearing to read 'Wesley Fernando', written in a cursive style.

WESLEY FERNANDO  
CHIEF EXECUTIVE OFFICER



## Samantha Higgs

---

**From:** Wesley Fernando <gnlalc@bigpond.com>  
**Sent:** Tuesday, 2 August 2011 7:30 AM  
**To:** 'MILLICHAMP Simon'; Samantha Higgs  
**Cc:** 'Graham Purcell'  
**Subject:** RE: Review of Biosis report and approval of letter regarding Elizabeth Island, Alipou Ck and Great Marlow

Hi everyone,

Thanks for being so patient.

- In the acknowledgements we need to add David “Bunny “Daley.
- Figure 3: the dots on the sites, I am concerned about the detail throughout the report identifying exact areas of aboriginal artefacts and places, due to the historic destruction by community once these sites are released publicly.( Please provide your opinions on this and we can have a chat about the level of information re: sites).
- 5.2 – 2.5 Low impact areas such as building and roads: If these are to be disturbed in any way we must be afforded the chance to assess as you can imagine we were never afforded the chance when structures and roads were built years ago, and due to the high level of significance in the area it is highly likely sites would be present. **To add to that it is the Grafton Ngerrie Land Councils opinion that all developments will impact on Aboriginal Culture and Heritage as all country whether it has been developed or not is of significance to Aboriginal people and we must be afforded an opportunity to be fully involved in all aspects of the development and construction of the additional crossing of the Clarence river at Grafton.**

Apart from these few issues I feel the report represents our involvement and we look forward to discussions again once we have a short list of proposed routes.

Simon the letter I sent you is fine to release.

If you need to ring me today please ring 0427426020 I will be on the road this morning.

Thank-you for your time.

Regards,

*Wesley Fernando*

Chief Executive Officer

Grafton **Ngerrie Local** Aboriginal **Land Council**

Office Address : 50 Wharf Street

South Grafton NSW 2460

Postal Address: PO Box 314

South Grafton NSW 2460

Ph: 02 66426020 Fax: 02 66426994 Mob: 0427426020

E-mail: [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)

Facebook: Grafton Ngerrie LALC



ABN : 65 563 910 928

PHONE: 02 6642 6020

FAX: 02 6642 6994

EMAIL: [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)50 WHARF ST  
SOUTH GRAFTON  
PO BOX 314  
SOUTH GRAFTON,  
NSW 2460Graham Purcell,  
Simon Millichamp, Chris Clark.  
Roads and Traffic Authority  
31 Victoria Street  
GRAFTON NSW 2460

Wednesday, 27 July 2011

Dear Graham, Simon &amp; Chris,

I am writing in regards a meeting from 1<sup>st</sup> July 2011, at our Land Council Office, involving yourself Brett Tibbett, David Daley and I to discuss the options that have been set out by the wider community for the additional crossing of the Clarence River at Grafton and in particular the areas around (Alipou Creek) Elizabeth Island and Great Marlow.

From this meeting the following was determined:

**Elizabeth Island:**

Is a Sacred Aboriginal Men's site, with high significance much the same as Susan Island, it is the Aboriginal communities determination that NO disturbance can occur on any part of the island.

Therefore we recommend that any routes proposed on Elizabeth island must be removed from your scope and not considered for any developments such as the additional crossing of the Clarence river.

**Alipou Creek:**

As discussed many times with Rta staff, Alipou Creek is the resting place of the Golden Eel which is of great significance to all of the neighbouring tribal groups.

There are many scarred trees and a marriage tree in this area that cannot be impacted upon.

The community feel strongly that Alipou Creek cannot be directly impacted upon

There was talk to "threading the needle" beside the bridge, we feel this still may be a possibility and we would like to discuss further when options have been narrowed down, we would need to assess and look at any plans that may be in this area alongside the bridge.

**Great Marlow:**

This area was a common place for Aboriginal people to travel through and there are many areas of high significance throughout Great Marlow, any options considered would need to be assessed by Land Council Site Officers as would any options that were being targeted in your scope before we could give an accurate assessment of the areas.

It should be noted that all development activities will impact on Aboriginal places and objects of Cultural significance, as traditional Aboriginal people were nomadic moving through their country. All country is significant, in addition to this our spirituality is entwined throughout the landscape, therefore it is impossible for a development not to impact on Aboriginal culture and heritage.

Under the Aboriginal Land Rights act it is our duty to ensure our Culture and Heritage is protected and maintained.

As the primary centre for the Aboriginal community in Grafton we look forward to meeting with you to discuss this project in more detail once options are narrowed down.

If you require any more information please contact me on the numbers provided.

Thank you for your time.

Yours sincerely,



## Wesley Fernando

Chief Executive Officer

Grafton **Ngerrie Local Aboriginal Land Council**

Office Address : 50 Wharf Street

South Grafton NSW 2460

Postal Address: Po Box 314

South Grafton NSW 2460

Ph: 02 66426020 Fax: 02 66426994 Mob: 0427426020

E-mail: [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)





PHONE: 02 6642 6020  
FAX: 02 6642 6994  
EMAIL: [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)

50 WHARF ST  
SOUTH GRAFTON  
PO BOX 314  
SOUTH GRAFTON,  
NSW 2460

10 May 2012  
SIMON MILLICHAMP  
RMS

## ***ABORIGINAL CULTURAL SIGNIFICANCE ASSESMENT***

### **RE: PROPOSED GRAFTON SECOND CROSSING OF THE CLARENCE RIVER.**

DEAR SIMON,

I AM WRITING IN REGARDS TO THE SITE INSPECTIONS THAT HAVE TAKEN PLACE ON THE ABOVE MENTIONED PROPERTIES.

#### **PURPOSE OF THIS ASSESMENT:**

IS TO DETERMINE WHETHER ANY FEATURES OF ABORIGINAL CULTURAL SIGNIFICANCE OCCURRED IN THE STUDY AREA FOR THE PROJECT YOU PROPOSE AND WHETHER THE SIGNIFICANCE WOULD BE AFFECTED BY THE PROPOSED PROJECT/DEVELOPMENT.

#### **PROJECT DETAILS:**

SITE OFFIDER BRETT DUROUX AND RODNEY DUROUX UNDERTOOK THE SITE ASSESSMENTS BY FOOT.

#### **LOCATION OF STUDY AREA:**

ALL OPTIONS WITHIN THE CORRIDOR

#### **NAME OF ABORIGINAL SITE OFFICER COMPLETEING THE ASSESMENT & UNDERTAKING THE SITE SURVEY:**

BRETT DUROUX, RODNEY DUROUX

#### **NAME OF ABORIGINAL ORGANISATION REPRESENTED BY THIS STUDY:**

GRAFTON NGERRIE LALC

#### **DATE OF SURVEY/INSPECTION: 2011-2012**

#### **INFORMATION ON THE SITE SURVEY:**

SITE OFFICERS INSPECTED APPLICABLE OPTIONS, CONCERNS REGARDING OPTION (C) WILL NEED A DETAILED FURTHER ASSESMENT, DUE TO THE HIGH SIGNIFICANCE IN THIS AREA (GOLDEN EEL SITE, MARRIAGE TREE, SCARED TREE'S)

OPTION (A) INSPECTED ALONG RIVERBANK, IT IS NOTED THAT ALOT OF EUROPEAN DISTURBANCE HAS OCCURED ALTHOUGH THERE HAVE BEEN NO PREVIOUS INSPECTION OF THESES SITES AND THE POSSIBILITY OF FINDING ABORIGINAL CULTURE AND HERITAGE IS VERY HIGH.

OPTION (E) HIGH POTENTIAL AREA – WOULD REQUEST A (TRANSC) IN THIS AREA TO ENSURE C&H IS PROTECTED.INSPECTED PAC HWY EGGINS LANE, HIGH SIGNIFICANCE, OPTIONS 4-5-14 HAVE HIGH SIGNIFICANCE IN THESE AREAS. (WITH ALL OPTIONS FURTHER CONSULTATION REQUIRED IF SELECTED BEST OPTION)

OPTION (14) (15) TRACKER ROBINSONS CAMP, MUST BE AVOIDED, FURTHER CONSULT TO ESTABLISH BUFFER ZONE.

OPTION (11) WE WOULD REQUEST A TRANSIC IN THESE AREAS DUE TO UNBROKEN LAND

**SURVEY RESULTS:**

OUR SITE OFFICERS INSPECTED THE PROPERTY AND HAVE INFORMED US THAT IT IS LIKELY THAT ALL DEVELOPMENTS IN THE ABOVE MENTIONED AREA WILL AFFECT THE ABORIGINAL CULTURAL SIGNIFICANCE EITHER KNOWN OR POTENTIAL.

THEREFORE IN OUR OPINION WE RECOMENED THAT ANY OPTIONS FURTHER SHORTLISTED WILL NEED TO BE FURTHER ASSESSED AS DOCUMENTED IN THE ARCHAEOLOGICAL REPORTS.

PLEASE NOTE: FURTHER INTERNAL CONSULTATION WILL COMMENCE WITHIN THE LAND COUNCIL/COMMUNITY TO DISCUSS ALL OPTIONS, OPTION (C) IS A CONCERN TO ALL INVOLVED AND A FINAL DETERMINATION ON OPTION (C) WILL COME FROM THE MEMBERS OF THE GRAFTON NGERRIE LALC.

**THIS ASSESMENT HAS BEEN COMPLETED BY:**

BRETT DUROUX, RODNEY DUROUX

**POSITION:** ABORIGINAL SITES OFFICER

YOURS SINCERELY

BRETT DUROUX,  
ABORIGINAL SITE OFFICER

SIGNED ON BEHALF,

A handwritten signature in black ink, appearing to read 'Wesley Fernando', written in a cursive style.

WESLEY FERNANDO  
CHIEF EXECUTIVE OFFICER

**Asher Ford**

---

**Subject:** FW: Consultation with the LALC on temporary construction boat launching facility

---

**From:** Grafton Ngerrie LALC [<mailto:gnlalc@bigpond.com>]  
**Sent:** Wednesday, 12 February 2014 2:49 PM  
**To:** SISSON Vicky  
**Subject:** RE: Consultation with the LALC on temporary construction boat launching facility

Hi Vicky,

My apologies about this morning, was in another meeting.

In relation to information below, I've forwarded onto Brett Tibbett and will be highlighting this in the Board of Directors Meeting tonight prior to approaching our Elders.

Please let me know if you would like to meet again or anything else I may have missed.

Kind Regards,

**Crystal Skinner**

Chief Executive Officer  
Grafton Ngerrie Local Aboriginal Land Council

Ph: 02 66426020  
Fax: 02 66426994  
Mob: 0427426020

Office Address : 50 Wharf Street, South Grafton NSW 2460  
Postal Address: PO Box 314, South Grafton NSW 2460  
E-mail: [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)  
ABN: 65 563 910 928

*"Always was, Always will be Aboriginal Land "*



*I would like to acknowledge the Traditional Owners of the country throughout Australia and their continuing connection to Land and Community. I pay my respect to them and their cultures, and to my Gumbaynggirr and Bundjalung Elders both past and present to which land I live and work in.*

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**From:** SISSON Vicky [<mailto:Vicky.SISSON@rms.nsw.gov.au>]  
**Sent:** Thursday, 6 February 2014 8:42 AM  
**To:** [gnlalc@bigpond.com](mailto:gnlalc@bigpond.com)  
**Subject:** FW: Consultation with the LALC on temporary construction boat launching facility

Hey Crystal,

Thanks for your time this afternoon. As discussed - RMS are seeking feedback from the Grafton Ngerrie Local Aboriginal Land Council on the following matters:

- It is proposed to place a temporary boat launching facility to be used during the construction stage of the project - the location of this facility is shown on the attached map, and will be inside the area currently fenced off from Alipou Creek. Could you please let me know if the Land Council has any comments or feedback in relation to this proposal
- In regards to the movement of the alignment of the proposed bridge, which has shifted approximately 3m closer to the Alipou Creek - as per the map provided yesterday, the red line represents the new alignment, the black lines represent the old alignment, and the green line represents the proposed property boundary, which is where the pedestrian proof fence is currently located. Please note the first pier on land may be slightly closer to the creek, but still within the fenced area, and the location of the embankment for the new alignment is unlikely to change.
- Finally - the project team is still wishing to meet with the Grafton Ngerrie Local Aboriginal Land Council elders to discuss the Alipou Creek area and the elder's knowledge around the cultural significance. We would be happy to take notes only if this makes the elders feel more comfortable in providing some of their cultural knowledge of the site. If you could let me know whether this might be possible, it would be greatly appreciated. At this stage, the team undertaking the Aboriginal cultural heritage study will be in Grafton for a few days from the 24 February

Thanks again for your time, and look forward to meeting with you again.

Vicky

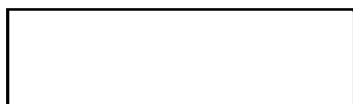
**Vicky Sisson**  
T 02 6604 9309 F 02 6604 9318  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

Roads and Maritime Services  
21 Prince St Grafton NSW 2460 | PO Box 546 Grafton NSW 2460



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## Asher Ford

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**From:** Javier Valderrama <Javier.Valderrama@arup.com>  
**Sent:** Monday, 23 June 2014 1:51 PM  
**To:** Asher Ford  
**Subject:** FW: Land Council comments on the ACHAR and Archaeological report

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI

---

**From:** SISSON Vicky [<mailto:Vicky.SISSON@rms.nsw.gov.au>]  
**Sent:** Monday, 23 June 2014 1:36 PM  
**To:** Javier Valderrama  
**Cc:** WOODS Mark; Toby Heys; SCOLARO Maria  
**Subject:** Land Council comments on the ACHAR and Archaeological report

Hi Javier,

I have talked to the acting CEO for the Grafton-Ngerrie Land Council (Joanne Bolt) this morning about comments on the Aboriginal Cultural Heritage report and Archaeological Report. There appear to be no comments from either officer provided with the documents. Given this we agreed to assume the Land Council has no further comments to make on the draft reports. Joanne indicated she was happy with this, and would try to contact the relevant officers this afternoon - however Brett Tibbett has previously indicated to Joanne he was satisfied with what had occurred to date on the preferred option.

Given this - I suggest we finalise the report based on no further comments from the land council, and if anything is found during construction, the Grafton-Ngerrie Local Aboriginal Land Council is contacted for guidance / comments on how any finds are treated - as per comments provided by the Land Council on the Research Methodology report.

Thanks

Vicky

**Vicky Sisson**  
T 02 6604 9309 F 02 6604 9318  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

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21 Prince St Grafton NSW 2460 | PO Box 546 Grafton NSW 2460



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## Asher Ford

---

**From:** Javier Valderrama <Javier.Valderrama@arup.com>  
**Sent:** Monday, 23 June 2014 3:07 PM  
**To:** SISSON Vicky  
**Cc:** Grafton Ngerrie LALC; b1tibbett@bigpond.com; WOODS Mark; SCOLARO Maria; Toby Heys; Asher Ford  
**Subject:** RE: Grafton-Ngerrie Local Aboriginal Land Council comments on the Aboriginal Cultural Heritage Assessment report

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Noted. Thanks.

---

**From:** SISSON Vicky [<mailto:Vicky.SISSON@rms.nsw.gov.au>]  
**Sent:** Monday, 23 June 2014 2:56 PM  
**To:** Javier Valderrama  
**Cc:** Grafton Ngerrie LALC; [b1tibbett@bigpond.com](mailto:b1tibbett@bigpond.com); WOODS Mark; SCOLARO Maria  
**Subject:** Grafton-Ngerrie Local Aboriginal Land Council comments on the Aboriginal Cultural Heritage Assessment report

Hi Javier,

Further to my previous email regarding comments from the land council on the Aboriginal Heritage reports for the Grafton Bridge project, Brett Tibbett just called to discuss the report and provide some further comments. The Land Council are keen to see some interpretive signage opportunities around the bridge - noting opportunities for this are included in the report, as well as ensuring the pedestrian proof fence is provided during construction to protect the Alipou Creek area (again, Brett noted this was in the report which the council are happy to see).

One point Brett raised though are opportunities regarding land council site officers being used on site during construction to assist in identifying items of Aboriginal cultural heritage significance. This is not included in the document, and was raised by the land council as an opportunity they wished to be included. Could you please include this as an issue raised by the Council.

Thank you

Vicky

**Vicky Sisson**  
T 02 6604 9309 F 02 6604 9318  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

Roads and Maritime Services  
21 Prince St Grafton NSW 2460 | PO Box 546 Grafton NSW 2460



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