



Enhance Place Pty Limited

ABN: 31 077 105 867

ABORIGINAL HERITAGE MANAGEMENT PLAN

Aboriginal Heritage Management Plan

for the

Pine Dale Coal Mine (Including the Yarraboldy Extension)



Prepared by:

R.W. Corkery & Co. Pty Limited

In conjunction with:

**ARCHAEOLOGICAL SURVEYS & REPORTS
PTY LTD**

March 2011



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1. INTRODUCTION

This Aboriginal Heritage Management Plan (AHMP) has been prepared for the Pine Dale Coal Mine - Yarraboldy Extension (“the mine”) and relates to areas to be disturbed within the Yarraboldy Extension area (see **Figure AH1**). Any disturbances within future extension areas would be subject to separate assessment and management. This AHMP has been prepared in accordance with *Schedule 3 Condition 32* of Project Approval 10_0103 which requires that the AHMP:

- a) be prepared in consultation with DECCW and the Aboriginal community (see Section 5);
- b) be submitted to the Director-General for approval prior to carrying out any open cut mining operations under this approval; and
- c) include a:
 - program for the recording, salvage and surface collection of any Aboriginal objects / sites that may be encountered within the project area (see Section 7);
 - description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project (see Section 7); and
 - protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects / sites (see Sections 5.2 and 8).

A short description of the approved operations (Section 2), previous heritage studies (Section 3) and relevant legislation (Section 4) is also provided.

This AHMP applies for the life of the mine, however, the AHMP will be reviewed and updated as required to reflect any changes to management practices. Any significant updates to the AHMP will be undertaken in consultation with the Aboriginal community and submitted to the Department of Planning (DoP) for endorsement.

2. PROJECT OVERVIEW

Enhance Place Pty Limited (“the Company”) submitted and has subsequently received Project Approval No. 10_0041 from the NSW Minister of Planning under Part 3A of the *Environmental Planning and Assessment Act 1979* for the Pine Dale Coal Mine – Yarraboldy Extension. The approval grants an approximately 27ha extension to the original Pine Dale Coal Mine (see **Figure AH1**) providing coal resources for a further 2½ years of mining. The Yarraboldy Extension area is centred over an area previously disturbed by open cut coal mining with approximately 10ha of the 27ha being highly disturbed bare earth.

Coal will continue to be mined and crushed on site prior to being transported to customers either via the Private Coal Haul Road or public road network. No washing or further beneficiation of the coal will be undertaken on site and hence no washery fines or rejects will be generated on or received onto site.

The Yarraboldy Extension area will be completely backfilled, shaped and rehabilitated to native forest where prescribed.





3. PREVIOUS INVESTIGATIONS

A site inspection of the Yarraboldy Extension area together with potential future extension areas was undertaken by Archaeological Surveys and Reports Pty Ltd with registered Aboriginal stakeholders over a 2 week period in April 2010. Two sites, both open artefact scatters, on cleared spur tops overlooking Neubecks Creek were located within the original proposed boundary of the Yarraboldy Extension. However, the boundary was amended to avoid the two artefact scatter sites, which now lie outside of the approved Yarraboldy Extension area boundary (see **Figure AH1**) and will not be disturbed as part of the Yarraboldy Extension.

A search of the Aboriginal Heritage Information Management System (AHIMS) Site Register also identified 33 sites within the general area surrounding the mine. None of the sites occur within the Yarraboldy Extension area.

It was concluded as part of the assessment (ASR, 2010) that, in the absence of any archaeological artefacts identified within the Yarraboldy Extension area, the impacts on cultural and archaeological significance and research potential would be negligible with no need to implement any special operational safeguards.

4. RELEVANT LEGISLATION

The Pine Dale Coal Mine – Yarraboldy Extension is approved under Project Approval 10_0041 issued by the Minister for Planning under Part 3A of the *Environmental Planning and Assessment Act 1979*. Therefore, no Aboriginal heritage impact approvals under Part 6 of the *National Parks and Wildlife Act 1974* are required.

This AHMP includes a Find Protocol and Salvage Methodology that, when properly adhered to, will provide the Gundungurra Tribal Council Aboriginal Corporation (“Gundungurra TCAC”) and / or an agreed upon Archaeological Consultant with the authority to manage isolated Aboriginal artefacts should they be identified during operations.

5. CONSULTATION

5.1 PREVIOUS CONSULTATION

In accordance with the Part 3A Guidelines for Aboriginal Cultural Heritage Impact and Community Consultation (2005) letters were sent to the Office of the Registrar (*Aboriginal Land Rights Act 1983*), to the Aboriginal Heritage Planning Officer, DECCW Dubbo, Lithgow City Council, and NSW Native Title Services requesting that they provide lists of Registered Aboriginal Stakeholders. In April 2009 an advertisement was placed in the *Lithgow Mercury* inviting all Aboriginal stakeholders with an interest in the Project to register that interest. Eight stakeholders responded to the newspaper advertisement.

As a result a total of 19 stakeholders / groups were identified.



It was clear to ASR (2010) that there was a deep animosity between some of the stakeholders and that holding a meeting to discuss the Project would lead to further animosity and so, to eliminate possible conflicts, the stakeholders were notified by mail.

As a result, six stakeholder groups responded and participated in the field survey, namely:

- Gundungurra TCAC;
- Bathurst Local Aboriginal Land Council;
- North East Wiradjuri Co. Ltd;
- Tocomwall;
- Wiradjuri Traditional Owners Central West Aboriginal Corporation; and
- Warrabinga Native Title Claimants Aboriginal Corporation.

5.2 ONGOING CONSULTATION

A Native Title Claim (NC97/7) has been lodged by Ms Elsie Stockwell and Ms Pamela Stockwell on behalf of the Gundungurra TCAC. As the sole registered Native Title claimant and the fact that no Aboriginal artefacts have been identified within the Yarraboldy Extension area, future consultation with the Aboriginal community will be undertaken solely through the Gundungurra TCAC.

The Gundungurra TCAC has been consulted regarding this AHMP which was reviewed by the Gundungurra TCAC representatives during a meeting with the Company on 3 March 2011. The Gundungurra TCAC supports the implementation of the AHMP.

6. HERITAGE MANAGEMENT MEASURES

No specific heritage management measures are considered necessary, given that no items of heritage significance have been identified within the Yarraboldy Extension area. However, all employees will be informed of their obligations under the *National Parks and Wildlife Act 1974* and need to cease work immediately and follow the Find Protocol and Salvage Methodology (see Section 7) in the event an object of Aboriginal heritage significance is identified. Such objects may include bone or stone artefacts, discrete distributions of shell, or any objects of cultural association.

7. FIND PROTOCOL & SALVAGE METHODOLOGY

7.1 FIND PROTOCOL

In the event that the objects identified appear to be bones, potentially being human remains:

1. the site will be cordoned off with a minimum exclusion zone of 10m using flags, taping or temporary fencing and the remains themselves left untouched;
2. the New South Wales Police Service will be notified in the event that any bones cannot be clearly identified by a qualified archaeologist or suitably qualified or experienced person as being animal remains;
3. in the event that the bones are declared by a suitably qualified or experienced person to be of Aboriginal ancestry, the Gundungurra TCAC will be contacted.

For all objects of potential Aboriginal heritage significance, the following protocol will be followed.

1. All activities within the immediate vicinity of the object of potential significance will cease and a minimum exclusion zone of 10m established using flags, taping or temporary fencing. All other activities may continue in other areas, provided they do not disturb the exclusion zone.
2. A representative of the Gundungurra TCAC or an Archaeologist will then be called to inspect and identify the object of potential significance.
3. If the representative of the Gundungurra TCAC or Archaeologist is satisfied that the object is not of Aboriginal origin or heritage significance, the exclusion zone will be removed and activities continue. A record of this inspection shall be generated and archived for reporting in the AEMR.
4. If a representative of the Gundungurra TCAC is unsure of whether the object is of Aboriginal origin, they may, in consultation with the Company, elect to have an agreed upon Archaeologist complete an inspection.
5. If the object is of Aboriginal origin and heritage significance the Gundungurra TCAC or Archaeologist will:
 - a. notify the DoP and the DECCW of the find;
 - b. provide a brief report on the context of the object(s);
 - c. agree to a management strategy including the salvage and storage of the object(s) (see Sections 7.2 and 8)

Any disputes as to the management of an object of Aboriginal heritage significance will be dealt with in accordance with the Dispute Resolution Protocols (Section 10).



7.2 SALVAGE METHODOLOGY

Although the salvage methodology may vary depending on the type of object and context, the most likely objects that may be identified include isolated stone artefacts or artefact scatters. In such instances the salvage methodology would generally be as follows.

1. In conjunction with an agreed Archaeologist, artefacts will be collected and bagged. Each item is to be treated as an individual artefact – that is, the following process is to be completed for each artefact before removing the next.
 - a) The artefact is placed in a lock-seal small, plastic, pre-labelled bag that has been marked with the Site Name, and the number of the artefact.
 - b) Details of the bagged artefact such as the site name and a number allocated to the artefact are also recorded in a field log.
 - c) The bagged artefact is handed to the person delegated (for that period of time) responsible for collecting all of the bagged material – who places all of the artefacts from one site in a larger lock-sealed pre-labelled plastic bag.
 - d) The re-bagged artefacts may then be provided to the agreed Archaeologist to enable them to remove the objects for measurement, description and analysis.
2. The site will then be raked to recover any additional artefacts that might be buried by the shallow surface deposits.
3. Additional artefacts exposed by raking are flagged and then collected and bagged as in 1. above.

Following the successful salvage of all the archaeological material, each artefact will be analysed, measured and described and a report produced within 21 days of completion of the salvage. Copies of the site recording forms and final report will be distributed to the Gundungurra TCAC, to the DECCW and to the Company.

8. ONGOING MANAGEMENT OF OBJECTS OF HERITAGE SIGNIFICANCE

As a first preference, the objects will be held in the care and control of the Gundungurra TCAC at a location of their choosing, being a secure premises and with a nominal person responsible for their safekeeping.

The final decision on a place for the objects to be held will be the subject of further discussions between the Company and the Gundungurra TCAC, at such time as it is required. Failure to reach agreement will result in the Dispute Resolution Procedures (see Section 10) being implemented.

The Gundungurra TCAC will also maintain a catalogue for any Aboriginal objects removed from the Yarraboldy Extension area. The catalogue will, as a minimum, record:

- (a) where the artefacts were found, using a GPS and geographic description; and
- (b) basic features of each artefact, including material, basic dimensions and other important diagnostic features.
- (c) Location of the artefact and the nominal person responsible for safekeeping.

A copy of the catalogue will be provided to the Company and DECCW.

9. HEALTH AND SAFETY

The Company may direct members of the Gundungurra TCAC or the Archaeologist in relation to specific issues of workplace health and safety, or other administration issues. Members of the Gundungurra TCAC or the Archaeologist may also be required to undertake safety inductions or training and will be required to sign in and out of site at the site office and report to the Manager of Mining Engineering or senior mining officer.

All site visitors will be required to wear the necessary personal protective equipment (PPE), namely:

- safety boots;
- safety glasses;
- fluorescent safety vests;
- sunscreen, if required; and
- hard hat;
- safety gloves, if required.
- long sleeved shirt and trousers / pants;

The Company will provide (if required) hard hats, safety glasses, safety vests, gloves (if required) and sunscreen. All visitors to site are required to supply their own steel capped boots, long sleeve shirt and trousers / pants.

All participants are to provide their own food and drink. The site is an alcohol and drug free area and alcohol is not permitted on site. All waste litter, empty cans, plastic and paper bags, bottle-tops or any other waste material must be placed in a waste receptacle on site or removed from site. All visitors are to arrange their own transport to the mine administration building.

10. DISPUTE RESOLUTION

During the implementation of this AHMP, if disputes occur in relation to the management of any Aboriginal objects, the following principles and procedures will apply.

- (a) Wherever possible, issues will be negotiated directly between the Gundungurra TCAC and the Company, with no disruption to the mining operations.
- (b) Failing resolution under (a), an on-site meeting at a time convenient to all parties, will be convened between the Company, the Gundungurra TCAC and an agreed Archaeologist.
- (c) If resolution under (b) is not achieved, approval of the Department of Planning to manage the Aboriginal objects will be sought; or
- (d) an AHIP permit will be sought under Section 90 of the *National Parks and Wildlife Act 1974* (NSW).

11. REPORTING

A summary of any investigations into objects of potential heritage significance and the outcomes of the investigations will be provided within the respective Annual Environmental Management Report together with any consultation undertaken with the Aboriginal community or DECCW.



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