

14 May 2008

Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Mike Young

Dear Mike

**BENGALLA MINING COMPANY DEVELOPMENT CONSENT MODIFICATION
ENVIRONMENTAL ASSESSMENT - RESPONSE TO SUBMISSIONS**

1 BACKGROUND

Bengalla Mining Company Pty Limited (BMC) submitted an Application for modification to its Development Consent (DA 211/93) under Section 75W of the *Environment Planning & Assessment Act 1979* (EP&A Act). The *Bengalla Mining Company Development Consent Modification Environmental Assessment* (EA) supporting the Application was submitted to Department of Planning (DoP) for a test of adequacy under Section 75H of the EP&A Act on 29 January 2008. The Application and Bengalla EA were placed on public exhibition by DoP from 14 March 2008 to 28 March 2008 in which the general public and the relevant Government departments were invited to provide written submissions.

DoP received six submissions to the Application. Submissions were received from two private landholders, three Government agencies and one non-government organisation. Submissions from one individual, the Department of Primary Industries (DPI), Muswellbrook Shire Council (MSC) and the United Mineworkers Federation of Australia were provided to Hansen Bailey by DoP on 3 April 2008. A further submission from a private landholder was provided on 4 April 2008. A submission from Department of Environment and Climate Change (DECC) specifically addressing concerns from letter correspondence from Hansen Bailey to them dated 25 February 2008 was provided on 24 April 2008. An additional letter from DECC dated 20 February 2008 which was referred to in the DECC submission dated 24 April 2008 was provided to BMC on 1 May 2008. All submissions and correspondence received in relation to this Modification are included in **Appendix A**.

This report has been prepared by Hansen Bailey Environmental Consultants on behalf of BMC. It provides responses to all issues raised in the submissions received by BMC from DoP. Input into the report has been provided by the relevant specialists involved in the preparation of the EA and BMC personnel where appropriate. Throughout the report, relevant excerpts from the submissions are re-stated in italics, with a response to each following as normal text.

2 GOVERNMENT AGENCIES

2.1 DEPARTMENT OF PRIMARY INDUSTRIES

No objection raised. Therefore, no issues requiring a response.

2.2 DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE

I refer to Hansen Baileys letter dated 25 February 2008 regarding concerns in relation to the potential for impacts on Aboriginal archaeology as a consequence of the construction of the remaining section of Bengalla link road. DECC provided comments on the Draft Environmental Assessment (Draft EA) in the letter headed 'Bengalla link road and hopper relocation DRAFT EA assessment' on 20 February 2008 for Bengalla link road Aboriginal cultural heritage assessment.

After reviewing the response from Hansen Bailey Environmental consultants dated 25 February 2008, DECC would like to highlight the following issues:

Response

The response letter from Hansen Bailey dated 25 February 2008 addressed DECCs concerns related to Aboriginal archaeology which were conveyed during discussions held between Howard Reed of DoP and James Bailey of Hansen Bailey on 21 February 2008.

BMC was not provided a copy of the letter sent by DECC addressed to DoP dated 20 February 2008 until Thursday, 1 May 2008. As such, the issues raised in this letter were not specifically addressed in the final Bengalla EA.

2.2.1 Road Alignments

Page 3, part 4.1 of your letter states that: "Aboriginal Heritage Assessments...have previously been undertaken in the vicinity of Bengalla Link Road Stage 2. These heritage assessments identified large numbers of Aboriginal sites and artefact scatters across the landscape of both authorisation areas." It is evident from figures 1 and 2, provided with the letter, that no archaeological assessment of the Bengalla Link Road Alignment (1997 MTP EIS) has been conducted. It is evident that the assessment of the road route has been chosen without an assessment and comparison with other options and as such the opportunities to minimise impacts has not been fully explored. Please provide a justification for the choice of route including the assessment of alternative Aboriginal cultural heritage impacts. DECC recommends that an archaeological assessment of the proposed alignment is undertaken, which includes the land on either side, in order to determine which route would have least impact on Aboriginal cultural heritage values.

Response

A number of alternative alignments, including the one illustrated in the *Mount Pleasant Environmental Impact Statement* (MTP EIS) (ERM Mitchell McCotter, 1997) have been considered in determining the preferred alignment of the Bengalla Link Road Stage 2. Each road alignment went through a thorough review process to determine the engineering practicability, social sensitivities and any significant environmental risks that may arise from the construction of the road.

A review of the original already approved alignment of the Bengalla Link Road as illustrated in the *Bengalla Coal Mine Environmental Impact Statement* (Bengalla EIS) (Envirosciences, 1997) determined that considerable quantities of cut and fill would be required for construction. This alignment would also cross two ephemeral drainage lines, which contain Aboriginal archaeological sites as identified in the Bengalla EIS. Additionally, the neighbouring industry and the local council did not favour this alignment, as it would limit future options for coal mining infrastructure.

A review of the MTP EIS alignment was undertaken which showed that due to the undulating topography along the alignment, considerable cut and fill earthworks would be required to construct a road that was safe and would meet BMCs statutory requirements. An environmental risk assessment was undertaken for this alignment. In light of an investigation of the DECCs Aboriginal Heritage Information Management System (AHIMS) database and a review of the previous archaeological assessments undertaken near this alignment, it was determined that Aboriginal archaeology would not be a significant risk to the construction of the road on this alignment.

The risk assessment however did determine that due to the extent of the open woodland that would be disturbed because of constructing a road on the MTP EIS alignment that flora and fauna could potentially be a high risk. An interim flora and fauna assessment was undertaken by Hansen Bailey (formerly Hansen Consulting) (Hansen Consulting, 2005) over this alignment in May 2005. The flora and fauna impact assessment did not identify any significant flora species listed under the *Threatened Species Conservation Act 1995* (TSC Act) or the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). However, the assessment showed that the wooded areas of the survey area provided suitable habitat for certain fauna species, with some areas containing hollows. The flora and fauna assessment identified three bird species that were either listed as vulnerable under TSC Act or migratory under the EPBC Act. As shown on an aerial photograph of the area, the MTP EIS alignment would disturb a much greater quantity of open woodland when compared to the preferred alignment. As a result of the conclusions from the flora and fauna assessment and the various engineering limitations, the MTP alignment was abandoned and other alignments were reviewed.

A justification for the preferred alignment being the most viable alternative for Bengalla Link Road Stage 2 is provided in ERM's advice letter dated 7 May 2008. A copy of this advice letter is provided in **Appendix B**.

A conceptual alignment of Bengalla Link Road Stage 2 was determined in close consultation with the local council, neighbouring industry and the neighbouring community, including the Aboriginal community. Aboriginal archaeology and flora and fauna assessments were undertaken over the Bengalla Link Road survey area, which extended approximately 50-100 m to either side of the conceptual alignment. The survey area was developed to consider areas beyond the potential disturbance required for activities associated with the construction of the road. This was to ensure that if any significant environmental issues were identified, that the final road design could be modified to reduce any adverse environmental impacts.

The Aboriginal archaeological impact assessment undertaken for the preferred alignment of the Bengalla Link Road Stage 2 identified nine Aboriginal stone artefact sites comprising of a total of 42 artefacts. These artefact sites were determined to be of low scientific significance. Additional to this, each Aboriginal community group involved in the Aboriginal archaeological impact assessment provided support of the proposed alignment providing that the appropriate approval for the salvage of artefacts should be sought prior to the construction of the road.

Although no significant Aboriginal archaeology was identified within the survey area, the final road alignment has been designed in order to minimise any adverse impact to the Aboriginal archaeology. As mentioned in the letter dated 25 February 2008, the final road alignment has been designed to limit any significant surface disturbance to the artefacts identified in site BMRA2. BMRA2 is located to the north of the alignment in the upper reaches of an ephemeral drainage line and is the site with the most abundance of artefacts identified within the survey area. This site contains 20 of the 42 scattered artefacts in an area of approximately 15 x 50 m.

While archaeological assessments have not been conducted on both sides of the alignment, other factors assessed including environmental, safety, social and engineering issues have shown that the preferred alignment is the most practical and only feasible option. As described in our letter dated 25 February 2008, based on the extent of Aboriginal artefacts previously identified in the region, it is expected that items of Aboriginal heritage would exist in areas not previously surveyed either side of the preferred alignment. Additionally, when compared to the area where the preferred alignment is proposed, areas to the east and west contain greater densities of wooded areas. It is therefore expected that these areas have not been impacted by previous land uses to the same extent.

This suggests that any change to the preferred alignment is likely to impact on remnant woodland and areas containing Aboriginal archaeology that has been disturbed to a lesser degree.

2.2.2 Aboriginal Stakeholder Consultation

Page 2, part 2 of your letter states that “a number of alternative alignments for the remaining section of the Bengalla Link Road have been explored to satisfy the requirements of the neighbouring industry and MSC. The preferred alignment of Bengalla Link Road Stage 2 has now been determined and the appropriate planning approval for the new alignment is required.” There is no evidence that the requirements of the Aboriginal community have been considered in the determination process or that they have been consulted or their endorsement for the proposed alignment sought.

Although it is claimed in both the letter which is the subject of this response, and the EA provided to DECC which prompted initial comments that consultation with the Aboriginal community has been conducted, no evidence of this consultation is provided. Annex A; “Aboriginal Community Consultation” includes no evidence of any consultation with any Aboriginal person. DECC requests that any facsimile or other written responses by Aboriginal community representatives with regard to this project are included in the EA for assessment. DECC also requests that minutes from meetings between the proponent and/or the consultant and any members of the Aboriginal community be included in the EA. This information is required before a determination can be made.

Appendix 5 of Appendix I of the EA states that: “All responses will be considered and where appropriate recommendations from the Aboriginal community will be incorporated into the final report.” Neither BMC or the consultant should attempt to determine the ‘appropriateness’ of recommendations by the Aboriginal community. All such recommendations should be included in the final report. Support for disturbance and/or destruction of cultural sites, particularly when this disturbance is contrary to the recommendations provided by the Aboriginal community, should be substantiated with the rationale included in the report.

The ‘mitigation measures’ proposed in section 9 of the EA are not considered by DECC to be appropriate. Mitigation of impacts to Aboriginal cultural heritage values should be chosen after a proper assessment of the alternatives is completed.

Response

An extensive consultation program has been undertaken for this Modification with the local Aboriginal community in accordance with DECCs *Interim Community Consultation Requirements for Applicants* (DECC, 2004) and the *Draft Guidelines for Aboriginal Community Heritage Impact Assessment and Community Consultation* (DECC, 2005). Appendices H and more specifically Appendix I of the Bengalla EA provide the detail in regards to the consultation undertaken for this Modification.

Representatives of the local Aboriginal community were originally consulted during the preparation of the Bengalla EIS regarding the approved alignment of the Bengalla Link Road and were involved in the archaeological assessment over the area involved.

As part of the consultation program undertaken for this Modification, the proposed realignment of the remaining section of Bengalla Link Road was explained in detail to the Aboriginal community members at a briefing meeting which was held at Bengalla on 27 April 2006. Aboriginal community groups who had expressed an interest in this Modification, but were unable to attend the briefing meeting were provided a copy of this presentation for their review and comment. A copy of the presentation that was provided to the Aboriginal community during this meeting is provided in Appendix 2 of Appendix I of the Bengalla EA. There were no concerns expressed by the representatives of the local Aboriginal community during this meeting regarding the proposed realignment of Bengalla Link Road Stage 2. Additionally, no concerns were expressed over the impact that Bengalla Link Road would have on the cultural significance of the area during the field surveys.

Annex A of Appendix H of the Bengalla EA provides a summary of the responses received in relation to the draft Aboriginal archaeology impact assessment report. **Appendix C** provides a copy of the three responses received from the Aboriginal community in relation to the draft assessment report. Each of the local Aboriginal community groups provided either verbal or written support for the construction of Bengalla Link Road Stage 2 on the preferred alignment, provided that the relevant approval for the salvage of the Aboriginal stone artefacts is sought.

Appendix I of the Bengalla EA provides further detail into the consultation that was undertaken with members of the local Aboriginal community throughout the planning stage and throughout the preparation of the Bengalla EA. The appendices of this report include examples of the newspaper advertisements and letter/faxes sent to the interested community groups. A copy of all Aboriginal correspondence for this Modification is provided in **Appendix C**.

An appropriate level of assessment of Aboriginal archaeology has been undertaken to determine the impacts of Bengalla Link Road Stage 2 on Aboriginal cultural heritage values in the area. Section 9 of Appendix H of the Bengalla EA provides that the appropriate approval would be sought for the salvage of the nine sites identified within the survey area in conjunction with the local Aboriginal community.

2.2.3 Regional Assessment

As clearly stated in section 8.2 (page 32) of the Appendix H of the EA the effect of cumulative impact upon Aboriginal cultural heritage in the area is significant and needs to be considered when determining any application for development within the Upper Hunter Valley. The assessment undertaken by Hasen and Bailey which concluded that the sites location on the alignment are of low significance does not take into account the landscape context (i.e. provenancing of the silcrete) objects.

No reliable predictive model of traditional Aboriginal activity in the Hunter Valley has been formulated to date. It cannot be assumed that specific areas do or do not contain tangible evidence of traditional Aboriginal occupation or activity. DECC notes that repeated use of descriptive terms such as “likely to” and “may have been”, particularly when used to support an outcome based entirely upon a predictive model with no ground truthing, do not constitute scientifically sound conclusions and are inappropriate in this context.

Response

The Aboriginal Archaeology Assessment was undertaken by ERM not Hansen Bailey. Dr Tim Owen of ERM has concluded that the construction of Bengalla Link Road Stage 2 would not have a significant impact on both local and regional Aboriginal heritage values. This conclusion was made based on his expert opinion after reviewing all available relevant Aboriginal archaeology assessments and the extensive fieldwork conducted with the Aboriginal community specific to this Modification.

A further letter advice prepared by Dr Tim Owen of ERM to respond to DECCs concerns over Aboriginal archaeology significance is attached in **Appendix B**. This letter report provides a description of the predictive modelling undertaken for the archaeology assessment and provides reasons why areas adjacent to the Bengalla Link Road survey area have a high potential to obtain Aboriginal heritage sites. This advice confirms that the neighbouring areas contain similar landforms to those within the survey area on the preferred alignment, however have not been disturbed to the same extent by previous land uses.

2.2.4 Adequacy Test

DECC notes that DoP has placed the EA on public exhibition despite our original comments about its shortcomings with regard to Aboriginal Cultural Heritage and Noise issues. Consequently, DECC recommends that DoP should not approve the proposed modification until these issues and alternate routes are adequately assessed.

Response

As mentioned previously, the letter from DECC dated 20 February 2008 was not provided to BMC until 1 May 2008. All issues that were conveyed to BMC by DoP were addressed in the letter dated 25 February 2008. DoP were supportive of the response provided and as such, the Bengalla EA was approved to be adequate and put on public exhibition.

Belated responses to the issues addressed in DECCs letter to DoP dated 20 February 2008 are provided below.

Aboriginal Cultural Heritage

A number of sites containing Aboriginal cultural heritage values exist within the Bengalla Mining Company lease boundaries. The majority of these cultural heritage sites have been previously approved for impact / destruction by consents issued under Section 90 of the National Parks & Wildlife Act 1974.

The proposed realignment of the link road impacts directly on a number of remaining sites of Aboriginal cultural / scientific significance within the Bengalla lease area. From the information provided there appears to be opportunities to realign the link road in a manner which would avoid impacting on these Aboriginal cultural heritage values. The DECC therefore recommends that options to realign the link road, in order to avoid, or minimise impact to, the known sites of Aboriginal cultural/scientific significance are thoroughly investigated and documented in the final EA.

Response

Aboriginal artefacts identified in the survey area for the Bengalla Link Road Stage 2 are not located within Bengalla's existing Mining Lease area.

The response dated 25 February 2008 to DECCs concern over the potential to realign the remaining section of Bengalla Link Road to minimise impacts on Aboriginal archaeology was provided to DECC following discussions with DoP. As explained above, the preferred alignment of the Bengalla Link Road Stage 2 was determined following a thorough review of a number of alternative alignments. Other alignments were rejected as a result of environmental, social and safety concerns.

The preferred alignment was determined to be the safest alignment that satisfied the requirements of neighbouring industry and the local council, whilst also minimising any adverse environmental impacts.

Noise - Issue 1

The Noise Impact Assessment (NIA) included in the Draft EA does not appear to include an assessment of construction of the ROM Hopper and facilities in its proposed relocated position. This assessment may have been in a previous EA, and the activity already approved. This issue needs to be clarified in the Final EA.

The EA states that construction of the infrastructure alterations associated with the Wantana Extension will commence prior to the relocation of the ROM Hopper, however this does not appear to be included in the NIA. The Draft EA also states that amendments to the existing Bengalla Link Road will occur during construction of the Bengalla Link Road Stage 2. These amendments need to be considered in the Final EA.

Individual and cumulative assessments of construction noise from the Wantana Extension, the ROM Hopper, Bengalla Link Road Stage 2 and Bengalla Link Road amendments should be included in the Final EA, or an explanation be provided for why they are not included.

Response

The relocation of the Run of Mine coal hopper (ROM hopper) and associated facilities was approved in the modification to Bengalla's development consent, which is described in the *Bengalla Mine Modifications to Mining Operations Statement of Environmental Effects* (Bengalla SEE) and granted in November 2006. This Modification now sought will facilitate the delay in the relocation of the ROM hopper and associated facilities, which is now anticipated to be completed by 31 March 2009. As described in Section 3.2.2 of the Bengalla EA, the construction and operation of the relocated ROM hopper will be carried out as described and approved in the Bengalla SEE except for the change in completion date. The earthworks to facilitate the construction of the ROM hopper and associated facilities commenced in early 2008 with no noise concerns received from the neighbouring receivers to date for these activities.

As described in Section 3.3.2 of the Bengalla EA, various infrastructure alterations as approved in the Wantana Extension modification (granted in December 2007) have commenced prior to the ROM hopper being relocated. The earthworks associated with the construction of the in-pit refuelling facility and laydown area were completed in early 2008.

The noise impact assessment undertaken for this Modification considered the use of this facility by the various mining equipment. The infrastructure modifications to be undertaken in the vicinity of the administration and workshop buildings as approved in the Wantana Extension modification are not anticipated to commence until the ROM hopper is relocated.

Section 3.1.3 of the Bengalla EA states: *"Paralleling the construction of Bengalla Link Road Stage 2, BMC also proposes to undertake restoration works on a section of the existing Bengalla Link Road."* The maintenance works to be carried out on the existing section of the Bengalla Link Road are ongoing and trivial and are to be undertaken pursuant to Condition 45 of DA 211/93. The noise generated from these maintenance works will be negligible and would not normally require specific approval.

As mentioned above, the earthworks associated with the construction of the ROM hopper and associated facilities commenced in early 2008 following the completion of the required Aboriginal archaeological salvage. The earthworks are expected to be completed prior to construction of the Bengalla Link Road Stage 2 commencing and as such will not result in cumulative noise impacts. The structural activities associated with the construction of the ROM hopper and associated activities will have negligible noise impacts to the surrounding receivers.

The various construction activities that will be audible at the nearby residences as referred to above are not scheduled to occur in conjunction with one another. As such, no cumulative impacts are expected.

Noise - Issue 2

The modified consent issued on 9 Nov 2006 states that until the ROM Hopper is relocated, the mine should take all feasible and reasonable steps practicable to reduce noise levels to meet the criteria. The predicted noise levels in the NIA indicate that noise levels will exceed the criteria. An assessment of feasible and reasonable mitigation needs to be provided in the Final EA.

There are differences in some of the predicted noise levels in the NIA compared with the predicted levels in the Modification to Mining operations SEE (dated February 2006). Given that the NIA states that until the ROM Hopper is relocated there will be no change to the mine's current operation or equipment, there should be an explanation in the Final EA as to why the predicted noise levels differ from those in the SEE.

Response

As mentioned in Section 6.2.1 of the Bengalla EA, Bengalla employs world's best practice noise mitigation techniques and has one of the quietest mobile mining equipment fleets in the world. BMC has in place a comprehensive Environmental Management System (EMS), which is accredited under International Standards Organisation (ISO) 14001. The EMS includes environmental standards and procedures related to noise management that are applied across Bengalla's operations to ensure that noise impacts are managed appropriately. BMC has always endeavoured to manage noise from the site by continuously monitoring noise and actively respond to any potential exceedances of relevant criteria. As has been noted by DECC in a previous modification, all mobile equipment at Bengalla has been modified to reduce noise emissions and BMC regularly reviews noise levels produced by each item of plant.

BMC has previously committed in the Bengalla SEE to not carrying out active dumping and other operations in exposed locations during adverse weather conditions, where noise may be exacerbated towards receivers. As mentioned in Section 3.2.3 of the Bengalla EA, BMC has also committed to limit its maximum production rate from 10.7 Mtpa to 8.7 Mtpa as originally approved in DA 211/93 in 1995 until the ROM hopper is relocated. These assumptions were considered in the noise modelling for this Modification. As such, the noise impact assessment for this Modification has included all feasible and reasonable noise mitigation measures.

The noise modelling included in the Bengalla SEE assumed that the ROM hopper and associated facilities had been relocated and would be in use by the end of 2007. As such, limited equipment was assumed to utilise the haul road located to the east of the overburden emplacement area, which is closest to the township of Muswellbrook. The noise criteria in the Bengalla development consent were based on these modelling results, not on the current situation using the existing ROM hopper.

The noise impact assessment for this Modification comprised an assessment of noise impacts from Bengalla during 2008 with the existing ROM hopper located east of the overburden emplacement area. This requires coal trucks to use the eastern haul road which is closer to Muswellbrook. Once the ROM hopper is relocated, noise levels from the mine will revert to the currently approved levels.

No other changes to the mine's operation and equipment are proposed in this Modification.

2.3 MUSWELLBROOK SHIRE COUNCIL

After considering the report and the comments from the Environment Committee, Council resolved the following:

That the modification application submitted by the Bengalla Mining Company Pty Limited for the construction of the remaining section of the Bengalla Link Road, ROM coal hopper as detailed in the Environmental Assessment prepared by Hansen Bailey Environmental Consultants dated January 2008 be supported and that the following matters be submitted to the Department of Planning for inclusion in the determination of the proposed development:

- 1. The Construction Management Plan and the Traffic Management and Control Plan prepared for the construction of the Bengalla Link Road shall be submitted to Council for consideration and approval prior to the commencement of works.*
- 2. The design and supporting documentation shall be submitted to Council for approval prior to the commencement of works. Plan checking fees shall be paid to Council that are commensurate with Council's costs of providing this service.*
- 3. The contract and specification shall be a full quality assured version. The RTA Quality Assurance documentation suite is the preferred form; however, other approved equivalents may be considered.*
- 4. It is preferred that only RTA Pre-qualified road construction contractors be used for this work due to the scale of the project.*
- 5. A comprehensive 'Inspection and Test Plan' (ITP) that integrates with the specification and contract form used shall be used. This plan with set out all the required inspection and testing requirements and define the hold points. Council's involvement in this process shall be negotiated and agreed when formulating the ITP.*
- 6. The principal shall appoint a suitably qualified and experienced project manager, independent of the contractor, to closely manage the work.*
- 7. The clearing of vegetation to allow for the construction of the Bengalla Link Road Stage 2 should be undertaken as detailed by existing management plans regarding fauna management when undertaking such works and be supervised by an suitably qualified person.*
- 8. All lighting facilities used during construction of the Bengalla Link Road are to be appropriately 'hooded' and directed downwards when in operation.*

Response

Support of the application is noted. Responses to each specific issue raised are provided below:

1. As stated in Section 3.1.3 of the Bengalla EA, BMC has committed to preparing a Construction Management Plan and a Traffic Management and Control Plan prior to the commencement of construction works for Bengalla Link Road Stage 2, for the approval of MSC.
2. BMC is currently consulting with MSC over the final design of the Bengalla Link Road Stage 2. A final road design, specifications and other supporting documentation has been submitted to MSC for review and approval. Following receipt of this submission, BMC has also requested a costed proposal to be provided by MSC for the applicable plan checking fees.
3. During discussions with MSC in January 2008, it was requested that the contract and specification be based on the Aus-Spec Guidelines. Since this time, BMC has developed a full quality assured version of the contract and specifications in accordance with these guidelines, which is currently under review by MSC.
4. Noted. It is anticipated that BMC will commission an RTA Pre-qualified road construction contractor to carry out the development of the Bengalla Link Road Stage 2.
5. Noted. BMC will continue to consult with MSC in regard to the development of the Inspection and Test Plan (ITP). The ITP will be developed once the construction contractor has been commissioned.
6. BMC has allowed for a suitably qualified and experienced project manager independent of the contractor to be appointed to oversee the construction of Bengalla Link Road Stage 2.
7. As stated in Section 6.1.4 of the Bengalla EA, best practice environmental management will be used throughout the construction of the road. Clearing of vegetation will be undertaken in accordance with the Coal & Allied Environmental Management System (CNA EMS) Environmental Procedure 10.2 – Flora & Fauna to ensure that impacts to flora and fauna will be minimised and managed appropriately. In addition, the Construction Management Plan for the Bengalla Link Road Stage 2 will address any additional management measures to protect native flora and fauna not proposed to be impacted during construction works.
8. As stated in Section 6.1.8 of the Bengalla EA, the construction of the Bengalla Link Road Stage 2 is not expected to have any adverse visual impacts on the neighbouring non-mine owned receivers. Any lighting facilities required during the construction of the road will be appropriately managed in accordance with the approved BMC Landscape Management Plan and the relevant CNA EMS environmental standards and procedures to ensure that any potential visual impacts to receivers are minimised.

3 NON-GOVERNMENT AGENCIES

3.1 THE UNITED MINeworkERS FEDERATION OF AUSTRALIA

3.1.1 Stakeholder Consultation

The manner in which the proponents have conducted stakeholder and community consultation and the manner in which they propose to conduct future consultation we do not support as they have not consulted with the Union in its own right or as a representative of their employees.

Response

The stakeholder consultation process that has been undertaken for the Modification is described in Section 5 of the Bengalla EA. As outlined in Section 5.3, BMC has consulted with a range of stakeholders throughout the preparation of the EA, including the distribution of two Newsletters regarding the Modification. The Newsletters were distributed to the Bengalla workforce who was also provided information on the Modification during toolbox talks and ongoing opportunities to discuss the modification with the Project Manager. The Newsletters were also placed on site notice boards around the site.

The second Newsletter, distributed in September 2007, provided the opportunity for stakeholders to request a meeting for more information on the Modification. No requests of any additional meetings were received by BMC from Union members.

3.1.2 Environmental Issues

The Union supports best practice measures for the management of air quality issues. The criterion will be managed in accordance with the proponents Construction Management Plan, the Union supports this process.

The Union supports this criterion, acoustic emissions will be managed in accordance with the proponents Construction Management Plan.

With the proponent employing best practice noise mitigation techniques and ceasing active dumping and other operations in exposed locations during adverse weather conditions, the Union supports this criterion.

Given the air quality emissions from Bengalla during 2008 will be less than those currently approved, the Union supports this criterion.

Response

Noted.

4 INDIVIDUAL SUBMISSIONS

4.1 J & H HOFMAN (L.J. HOOKER)

On perusal of the EA reference 3.1.2 (page 8), we note para 2 implies our clients have exercised a condition of consent dated 9th November 2006 that would enable them to have their property acquired by BMC...

...In fairness to BMC they have made an offer to purchase the subject property, however, for their various reasons Mr & Mrs Hofman have declined to part with their asset.

Response

The intent of the statement in Section 3.1.2 of the Bengalla EA is that BMC has offered to negotiate with the landholder to acquire the property in accordance with the procedures referred to in Schedule 3, Condition 1 of DA 211/93. The landowner has not provided a written request for acquisition to BMC in accordance with this condition.

BMC supports Mr Timpsons assertion and recognises that the Hofmans have not triggered Condition 1 of DA 211/93. However, BMC has endeavoured to acquire the property in accordance with Schedule 4 Conditions 10 to 12 of DA 211/93.

4.2 MR & MRS MARK & MARIA PEEL

I Mark Peel, am writing to object against the Modification to the ROM Hopper and Bengalla Link Road.

4.2.1 ROM HOPPER

Reasons- The Hopper will be much closer to us, with dust and noise already impacting on our property, it can only be much worse if permitted.

We have requested dust monitors and were refused.

Response

Objection noted. As stated in Section 3.2 of the Bengalla EA, the assessment of the ROM hopper was concerned with any impacts associated with the deferral of its relocation, seeking to schedule this process for completion prior to 31 March 2009. Impacts associated with the potential impacts for the relocation of the ROM hopper have already been assessed in the modification as described in the *Statement of Environmental Effects Modifications to Mining Operations* (Hansen Consulting, 2006) which was approved by DoP on 9 November 2006.

BMC operates a comprehensive environmental monitoring program, which includes the monitoring of depositional dust at 29 representative locations surrounding the operation. Depositional dust gauge D20 is located approximately 500 m to the east of this property (which is closer to the mining operation) and provides a conservative indication of any dust impacts experienced on this property. Modelled results for D20 are within DECC dust criteria. The monitoring data confirms compliance with all recognised amenity criteria and is publicly available on the CNA website and on request from BMC.

4.2.2 LINK ROAD

In line of sight from our property, increase in traffic & noise.

In reading through, the RTA report on Link Road was done in 1999, nine years out of date. The type of machinery to be used in construction of road did not mention bulldozers.

Response

Potential visual and lighting impacts to receivers from the Bengalla Link Road Stage 2 were assessed in Section 6.1.8 of the Bengalla EA. This landholder was assessed to experience insignificant lighting impacts due to the relatively high intervening topography between their residence and the road alignment.

The modification involves the construction of the remaining section of the Bengalla Link Road on an alternative alignment to that originally approved in DA 211/93. As described in Section 6.1.3 of the Bengalla EA, the traffic impact assessment found that the modified traffic network would operate satisfactorily at all intersections, with overall traffic flow in the area enhanced as a result of the development. During construction of the Bengalla Link Road Stage 2, only minimal traffic impacts to the existing Bengalla Link Road, Wybong Road and Roxburgh Roads are expected and will be appropriately managed in accordance with a Traffic Control and Management Plan which will be developed prior to construction activities commencing.

As stated in Section 6.1.2 of the Bengalla EA, the traffic noise levels expected to be generated by the operation of the Bengalla Link Road Stage 2 until 2028 would remain within the relevant noise criteria at all non-mine owned residences.

4.2.3 BRIDGES ACOUSTICS: RECEIVERS

My property wasn't identified in the report and it will be affected by the project.

Response

While this property was not mentioned in the Acoustics Impact Assessment for the Bengalla Link Road Stage 2 (Appendix E of the Bengalla EA), the assessment included a review of environmental noise levels expected to be produced by the construction and operation of the road at residents immediately adjacent to this property but closer to the road. The assessment concluded that noise levels at these residences would remain well within the relevant DECC noise criteria. As such, no reference was made to this specific property as no adverse impacts are expected.

5 CONCLUSION

We trust that the above responds adequately to the matters raised in the submissions made in relation to the proposed modification to the Bengalla Development Consent, so that the Minister may make a determination over this Application in the shortest possible timeframe. Please do not hesitate to contact the undersigned if we can be of any further assistance with this matter.

Yours faithfully
HANSEN BAILEY



Nathan Cooper
Environmental Scientist



James Bailey
Director

Appendix A

Bengalla EA Submissions



Our Reference: 05/3916
27 March 2008

Mr Howard Reed
Mining & Extractive Industries
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr Reed

**Modifications to Bengalla Mine
Section 75W Modification
DA 211-93 MOD 3**

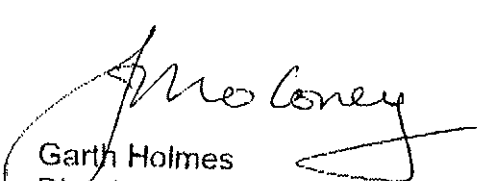
I refer to your letter dated 12 March 2008 regarding the Bengalla Mining Company Pty Limited application to modify the existing development consent for the Bengalla Coal Mine.

Department of Primary Industries (DPI) technical officers have reviewed the "Development Consent Modification Environmental Assessment" (March 2008) and DPI has no objections to the proposal.

Integrated rehabilitation and environmental management reporting should be captured in the Mining, Rehabilitation and Environmental Management Report documents to the satisfaction of DPI.

Should you have any enquires regarding this matter please contact Julie Moloney, A/Principal Adviser, Development Coordination on (02) 4931 6549.

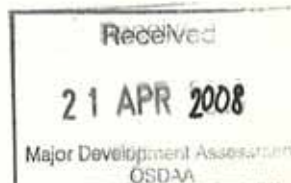
Yours sincerely


for Garth Holmes
Director
Development Coordination

Development Coordination
PO Box 344
Hunter Region Mail Centre NSW 2310
516 High Street
Maitland

ABN 51 734 124 190
www.dpi.nsw.gov.au
Tel: 02 4931 6549
Fax: 02 4931 6793

Your reference :
Our reference : DOC08/11789 LIC07/2079-02
Contact : Ross Brylinsky (02) 4908 6809



Manager Mining & Extractive Industries
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Paul Freeman

18 APR 2008

Dear Mr Freeman

BENGALLA COAL MINE DEVELOPMENT CONSENT MODIFICATION – DA 211/93

I refer to Hansen Baileys letter dated 25 February 2008 regarding concerns in relation to the potential for impacts on Aboriginal archaeology as a consequence of the construction of the remaining section of Bengalla link road. DECC provided comments on the Draft Environmental Assessment (Draft EA) in a letter headed 'Bengalla link road and hopper relocation DRAFT EA assessment' on 20 February 2008 for Bengalla link road Aboriginal cultural heritage assessment.

After reviewing the response from Hansen Bailey Environmental consultants dated 25 February 2008, DECC would like to highlight the following issues:

Page 3, part 4.1 of your letter states that: "Aboriginal Heritage Assessments...have previously been undertaken in the vicinity of Bengalla Link Road Stage 2. These heritage assessments identified large numbers of Aboriginal sites and artefact scatters across the landscape of both authorisation areas." It is evident from figures 1 and 2, provided with the letter, that no archaeological assessment of the Bengalla Link Road Alignment (1997 MTP EIS) has been conducted. It is evident that the assessment of the road route has been chosen without an assessment and comparison with other options and as such the opportunities to minimise impacts has not been fully explored. Please provide a justification for the choice of route including the assessment of alternative Aboriginal cultural heritage impacts. DECC recommends that an archaeological assessment of the proposed alignment is undertaken, which includes the land on either side, in order to determine which route would have least impact on Aboriginal cultural heritage values.

Page 2, part 2 of your letter states that "a number of alternative alignments for the remaining section of the Bengalla Link Road...have been explored to satisfy the requirements of neighbouring industry and MSC. The preferred alignment of Bengalla Link Road Stage 2 has now been determined and the appropriate planning approval for the new alignment is required." There is no evidence that the requirements of the Aboriginal community have been considered in the

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

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Department of **Environment and Conservation** NSW



determination process or that they have been consulted or their endorsement for the proposed realignment sought.

Although it is claimed in both the letter which is the subject of this response, and the EA provided to DECC which prompted initial comments that consultation with the Aboriginal community has been conducted, no evidence of this consultation is provided. Annex A; "Aboriginal Community Consultation" includes no evidence of any consultation with any Aboriginal person. DECC requests that any facsimile or other written responses by Aboriginal community representatives with regard to this project are included in the EA for assessment. DECC also requests that minutes from meetings between the proponent and/or the consultant and any members of the Aboriginal community be included in the EA. This information is required before a determination can be made.

Appendix 5 of Appendix I of the EA states that: "All responses will be considered and where appropriate recommendations from the Aboriginal community will be incorporated into the final report." Neither BMC or the consultant should attempt to determine the 'appropriateness' of recommendations by the Aboriginal community. All such recommendations should be included in the final report. Support for disturbance and/or destruction of cultural sites, particularly when this disturbance is contrary to the recommendations provided by the Aboriginal community, should be substantiated with the rationale included in the report.

The 'mitigation measures' proposed in section 9 of the EA are not considered by DECC to be appropriate. Mitigation of impacts to Aboriginal cultural heritage values should be chosen after a proper assessment of the alternatives is completed.

As clearly stated in section 8.2 (page 32) of the Appendix H of the EA the effect of cumulative impact upon Aboriginal cultural heritage in the area is significant and needs to be considered when determining any application for development within the Upper Hunter Valley. The assessment undertaken by Hasen and Bailey which concluded that the sites located on the alignment are of low significance does not take into account the landscape context (ie. provenancing of the silcrete) objects.

No reliable predictive model of traditional Aboriginal activity in the Hunter Valley has been formulated to date. It cannot be assumed that specific areas do or do not contain tangible evidence of traditional Aboriginal occupation or activity. DECC notes that repeated use of descriptive terms such as "likely to" and "may have been", particularly when used to support an outcome based entirely upon a predictive model with no ground truthing, do not constitute scientifically sound conclusions and are inappropriate in this context.

DECC notes that DoP has placed the EA on public exhibition despite our original comments about its shortcomings with regard to Aboriginal Cultural Heritage and Noise issues. Consequently, DECC recommends that DoP should not approve the proposed modification until these issues and alternate routes are adequately assessed.

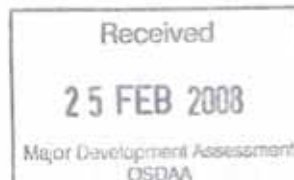
Please contact me on (02) 4908 6809 if you wish to discuss this matter further.

Yours sincerely



ROSS BRYLYNSKY
A/Head Regional Operations Unit – Hunter Region
Environment Protection and Regulation

Your reference : S03/00052
Our reference : DOC08/2984 LIC07/2079-02
Contact : Mitchell Bennett, (02) 49 086806



Manager, Mining and Extractive Industries
Department of Planning
GPO Box 39
SYDNEY NSW 2001

20 FEB 2008

Dear Sir

**BENGALLA COAL MINE - RELOCATION OF LINK ROAD AND ROM HOPPER
DRAFT ENVIRONMENTAL ASSESSMENT**

I refer to your letter to the Department of Environment and Climate Change (DECC) dated 23 January 2008, regarding the Draft Environmental Assessment ("Draft EA") for the proposed Development Consent Modification for Bengalla Coal Mine. DECC subsequently received copies of the Draft EA prepared by Hansen Bailey Consultants on behalf of Bengalla Mining Company Pty Ltd, on 30 January 2008.

DECC understands that the modification application is for the construction of the remaining section of the Bengalla Link Road on an alternative alignment to that originally approved and the deferral of the relocation of the Run-of-Mine coal hopper.

DECC has conducted a preliminary review of documentation and has identified the following issues that should be addressed in the final EA prior to exhibition of the project application:

ABORIGINAL CULTURAL HERITAGE

A number of sites containing Aboriginal cultural heritage values exist within the Bengalla Mining Company lease boundaries. The majority of these cultural heritage values have been previously approved for impact / destruction by consents issued under Section 90 of the *National Parks & Wildlife Act 1974*.

The proposed realignment of the link road impacts directly on a number of the remaining sites of Aboriginal cultural / scientific significance within the Bengalla lease area. From the information provided there appears to be opportunities to realign the link road in a manner which would avoid impacting on these Aboriginal cultural heritage values. The DECC therefore recommends that options to realign the link road, in order to avoid, or minimise impact to, the known sites of Aboriginal cultural/scientific significance are thoroughly investigated and documented in the final EA.

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Department of **Environment and Conservation** NSW



With regard to the delay in the timeframe for the construction of the ROM hopper and associated infrastructure, DECC does not have any comment with regard to Aboriginal cultural heritage issues, assuming there is no alteration to the agreements pertaining to the conservation area associated with site B10.

NOISE

The Noise Impact Assessment (NIA) included in the Draft EA does not appear to include an assessment of construction of the ROM Hopper and facilities in its proposed relocated position. This assessment may have been in a previous EA, and the activity already approved. This issue needs to be clarified in the Final EA.

The EA states that construction of the infrastructure alterations associated with the Wantana Extension will commence prior to the relocation of the ROM Hopper, however this does not appear to be included in the NIA. The Draft EA also states that amendments to the existing Bengalla Link Road will occur during construction of the Bengalla Link Road Stage 2. These amendments need to be considered in the Final EA.

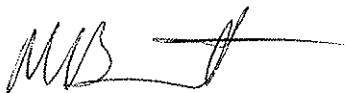
Individual and cumulative assessments of construction noise from the Wantana Extension, the ROM Hopper, Bengalla Link Road Stage 2 and Bengalla Link Road amendments should be included in the Final EA, or an explanation be provided for why they are not included.

The modified consent issued on 9 Nov 2006 states that until the ROM Hopper is relocated, the mine should take all feasible and reasonable steps practicable to reduce noise levels to meet the criteria. The predicted noise levels in the NIA indicate that noise levels will exceed the criteria. An assessment of feasible and reasonable mitigation needs to be provided in the Final EA.

There are differences in some of the predicted noise levels in the NIA compared with the predicted levels in the Modification to Mining Operations SEE (dated February 2006). Given that the NIA states that until the ROM Hopper is relocated there will be no change to the mine's current operation or equipment, there should be an explanation in the Final EA as to why the predicted noise levels differ from those in the SEE.

Please contact me on (02) 49 086806 if you wish to discuss this matter.

Yours sincerely



MITCHELL BENNETT
Head Regional Operations Unit - Hunter Region
Environment Protection and Regulation

Muswellbrook Shire Council



ENQUIRIES

PLEASE ASK FOR Chris Gidney
DIRECT 02 6549 3770
OUR REFERENCE DA 211/1993
YOUR REFERENCE

MUSWELLBROOK SHIRE COUNCIL
ADMINISTRATION CENTRE
MUSWELLBROOK NSW 2333
ABN 86 864 180 944

RECEIVED

11 March 2008

14 MAR 2008

Director-General

The Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Chris W.

Milee Y

For consideration

dk 2913

Dear Sir

Re: **Modification to Development Consent _ DA 211/1993**
Section 75W Application
411 Bengalla Road Muswellbrook

- Construction of the remaining section of the Bengalla Link Road
- Deferment of the relocation of the run-of-mine coal hopper

Attention: Mr P Freeman

I refer to Council's letter dated 21 February 2008 which listed specific matters which had been identified by Council's Environment Committee at its meeting held on 18 February 2008 and advise that the modification application was subject of a report to Council at its meeting held on 10 March 2008.

After considering the report and the comments from the Environment Committee, Council resolved the following:

That the modification application submitted by the Bengalla Mining Company Pty Limited for the construction of the remaining section of the Bengalla Link Road, stage 2, on an alternative alignment and the deferment of the relocation of the ROM coal hopper as detailed in the Environmental Assessment prepared by Hansen Bailey Environmental Consultants dated January 2008 be supported and that the following matters be submitted to the Department of Planning for inclusion in the determination of the proposed development:

1. The Construction Management Plan and the Traffic Management and Control Plan prepared for the construction of the Bengalla Link Road shall be submitted to Council for consideration and approval prior to the commencement of works.
2. The design and supporting documentation shall be submitted to Council for approval prior to the commencement of works. Plan checking fees shall be paid to Council that are commensurate with Council's costs of providing this service.
3. The contract and specification shall be a full quality assured version. The RTA Quality Assurance documentation suite is the preferred form; however, other approved equivalents may be considered.

4. It is preferred that only RTA Pre-qualified road construction contractors be used for this work due to the scale of the project.
5. A comprehensive 'Inspection and Test Plan' (ITP) that integrates with the specification and contract form used shall be used. This plan will set out all the required inspection and testing requirements and define the hold points. Council's involvement in this process shall be negotiated and agreed when formulating the ITP.
6. The principal shall appoint a suitably qualified and experienced project manager, independent of the contractor, to closely manage the work.
7. The clearing of vegetation to allow for the construction of the Bengalla Link Road Stage 2 should be undertaken as detailed by existing management plans regarding fauna management when undertaking such works and be supervised by a suitably qualified person.
8. All lighting facilities used during the construction of the Bengalla Link Road are to be appropriately 'hooded' and directed downwards when in operation.

Please contact me if you require any further information.

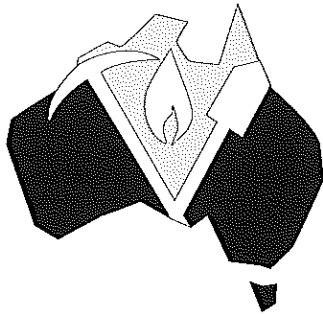
Yours faithfully



CA GIDNEY
DIRECTOR - ENVIRONMENTAL SERVICES

Copy to: Project Development Manager
Bengalla Mining Company Pty Limited
Locked Mail Bag 5
MUSWELLBROOK NSW 2333

Hansen Bailey
6/ 127-129 John Street
SINGLETON NSW 2330



THE UNITED MINEWORKERS' FEDERATION OF AUSTRALIA

(Division of the Construction, Forestry, Mining and Energy Union)
(Incorporating the Federal & State Registered Unions)

Northern District Branch

67A Aberdare Road, Cessnock 2325
P.O. Box 364, Cessnock 2325
ABN 80 814 987 748

President: Ian Murray

Phone: (02) 4990 7600

Fax: (02) 4991 1595

Email: umw@unitedmineworkers.org.au

Secretary: Grahame Kelly

31 March 2008

The Director
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

c/- email: plan_comment@planning.nsw.gov.au

Dear Sir/Madam,

**RE: BENGALLA COAL MINE – MODIFICATION OF DEVELOPMENT
CONSENT DA211/93 - MOD 3**

Please find attached our submission regarding the abovementioned matter.

The Union welcomes the opportunity to comment on the Modification of Development Consent DA211/93 which involves relocating the proposed Bengalla Link Road Stage 2 west of the mine, and delaying the relocation of the run-of-mine (ROM) coal hopper located at Bengalla Coal Mine.

Yours sincerely,

**KEENON ENDACOTT
INDUSTRIAL RESEARCH OFFICER**



Review of Environmental Assessment

Modification to Bengalla Coal Mine

[Reference No: DA 211/93 – MOD3]

Submission

Construction Forestry Mining and Energy Union
(Mining and Energy Division)
Northern District Branch

March, 2008

On 14 March, 2008 Bengalla Mining Company Limited applied to the Minister for the Department of Planning seeking a modification to the development consent DA 211/93 for the Bengalla Coal Mine under Section 75W of the Environmental Planning and Assessment Act 1979 and clause 8J(8) of the EP &A Regulation. The proposed modification involves relocating the proposed Bengalla Link Road Stage 2 west of the mine, and delaying the relocation of run-of-mine (ROM) coal hopper.

The Minister for Planning has the power to grant this Modification application under Section 75W(4) of the EP & A Act.

Section 75H of the EP&A Act is headed Environmental Assessment and Public Consultation and in part provides: -

- “(3) After the environmental assessment has been accepted by the Director-General, the Director-General must, in accordance with any guidelines published by the Minister in the Gazette, make the environmental assessment publicly available for at least 30 days.*
- (4) During that period, any person (including a public authority) may make a written submission to the Director-General concerning the matter”.*

In accordance with the requirements of section 75H(3) the Director-General made the Environmental Assessment publicly available and was publicly exhibited on the 14 March, 2008 at the DoP Information Centre Sydney, Muswellbrook Council and the Nature Conservation Council, Sydney.

The Union takes the opportunity to make a submission to the Director-General in accordance with our rights provided by Section 75H(4) of the EP&A Act.

The Union is pleased to take the opportunity to comment on the Bengalla Mining Company Limited modification to development consent Environmental Assessment.

The Mining and Energy Division is a Division of the CFMEU under the Federal Workplace Relations Act 1996, with over 120,000 members, one of the largest in Australia. The Division covers several industries including the coal industry, coal ports, metalliferous mining industries, electrical power generation, oil and gas and the Nation's small coking industry.

The Northern District Branch of the CFMEU Mining and Energy Division, being the branch that on behalf of the organisation which is making the submission is the principal Union representing coal miners in the Northern District coalfields of New South Wales. The Bengalla Coal Mine mining complex with its site located approximately 4 kilometres west of Muswellbrook is wholly within the State's Northern District coalfields. Further, the CFMEU Mining & Energy Division, Northern District Branch ("the Union") is an occupant that would be directly affected by the Project.

In preparing its submission on the Environmental Assessment, the Union has reviewed: -

- the Bengalla's Project Description Report required by the Director-General in accordance with 75E of the Act,
- the Director-General's requirements established under Section 75F of the EP&A Act;
- all components of the Environmental Assessment Report and appendices;
- Coal Mines and Associated Infrastructure EIS Guidelines;
- Department of Planning Community Consultative Committees for Mining Projects approved by the Minister for Planning under the EP&A Act Draft Guidelines October 2005;
- New South Wales Department of Planning Major Projects Assessment System: A Community Guide;
- Guidelines for Best Practice Community Consultation in the NSW Mining and Extractive Industries (Minerals Council, 1997);

- Social Impact Assessment Office on Social Impact Policy, NSW Social Policy Directorate Cox, G (1994) documentation.

The Union is familiar with the site where the modification to development consent for Bengalla's mining operations and associated surface infrastructure is located and has engaged the services of an Environmental Consultant with extensive experience in local government and environmental assessments on coal mining related projects.

After reviewing all the material and taking advice, the Union supports the modification to development consent for the Bengalla Coal Mine as proposed by Bengalla Mining Company Limited Reference No. (DAQ 211/93 – MOD3).

In support of the project the Union specifically notes the modification will allow the construction of the remaining section of the Bengalla Link Road, Stage 2 on an alternative alignment to that originally approved, and defer the relocation of the ROM coal hopper as approved in a modification which has previously been granted in November, 2006.

Detailed below is a summary of some of the issues that have been discussed by the Environmental Assessment Report which were either required to be addressed as they were identified in the Director-General's requirements for preparation of the Environmental Assessment required in Section 75F, or alternatively would form a usual component to be addressed in Part 3A Major Projects Environmental Assessment and are identified as factors to be considered when preparing an Environmental Impact Statement for coal and associated industries as detailed in the Coal Mines and Associated Infrastructure EIS Guidelines.

Overview

Existing Operations

Bengalla is an open-cut strip mining operation where mining generally advances to the west based on dragline strips approximately 60m in width. A total of 31 strips will be mined within the existing DA Boundary. At the end of 2006, 15 strips had been fully mined with coal extraction occurring in strip 16.

Topsoil is initially stripped using dozers, loaders and trucks, and either stockpiled in a designated area or where possible, spread onto shaped overburden prior to rehabilitation.

BMC was originally granted approval to extract up to 8.7 Mtpa of ROM coal over a period of 21 years. DA 211/93 (M1) allowed for an increase in the approved production rate to a maximum of 10.7 Mtpa of ROM coal. As a result of port and rail constraints during 2007 ROM coal production was limited to 6.4 Mtpa.

DA 211/93 (M2) allows BMC to extend mining operations into the Wantana Extension, a 32ha area to the south of the existing mining operations.

This approval allows the extraction of an additional 7.5 Mtpa of ROM coal over a period of approximately five years; however the total annual production from Bengalla is not proposed to change as a consequence of mining this area.

Bengalla Link Road Stage 2

Following consultation with neighbouring industry, Muswellbrook Shire Council and the community, the proponent indicates the preferred alignment of Bengalla Link Road Stage 2 will continue from the end of the existing Bengalla Link Road at the Bengalla Mine entrance; to intersect Roxburgh Road and link with Wybong Road to the north-west of Bengalla Mine.

The Bengalla Link Road Stage 2 will provide an alternative 100 kilometres per hour public road for traffic travelling to and from the region west of Muswellbrook.

The proponent indicates the construction of the Bengalla Link Road Stage 2 as having minimal impact on the local environment. Hours of construction activities audible at nearby non-mine owned receivers will be restricted to day time hours from Monday to Saturday. The road will be constructed in accordance with NSW Roads and Traffic Authority's Guidelines and Bengalla Mining Company's safety and environmental management systems.

Approval for this modification will result in the completion of a critical component of the Muswellbrook Shire Council's Western Roads Strategic Traffic Study (ERM Mitchell McCotter, 1997a).

The preferred alignment of Bengalla Link Road Stage 2 was agreed to by MSC and is approximately a 3.6km section of public road. Minor connector roads will be constructed from the existing Wybong Road and Roxburgh Road to provide adequate intersections with the proposed Bengalla Link Road Stage 2. The northern most 500m of Roxburgh Road will be closed with a permanent barrier installed to prevent its use.

The alignment of the Bengalla Link Road Stage 2 crosses one non-mine owned property immediately to the south of Roxburgh Road. The proponent is currently in negotiations with this landholder for the acquisition of land.

The road is designed as a single lane, two directional bitumen sealed roads with a maximum design speed of 100 km/hr.

The proposed alignment crosses a number of small, ephemeral drainage lines which drain to the south-east towards the Hunter River. Road designs undertaken thus far consider these drainage lines with reinforced concrete culverts of a suitable size for the upstream catchment and rainfall events.

Construction

Construction of the Bengalla Link Road Stage 2 is predicted to take approximately eight months to complete.

It is expected that there will be a slight surplus of material produced during the cut and fill earthworks. This material will be used for visual bunding adjacent to the road.

Traffic impacts during construction are considered by the proponent to be minimal, and will be managed in accordance with the developed Traffic Management and Traffic Control Plans completed to the satisfaction of MSC.

Once construction activities have concluded, all areas that have been disturbed will be fully rehabilitated.

ROM Hopper Relocation

As a result of external factors experienced by Bengalla Mining Company, the relocation of the ROM coal hopper has not occurred in the timeframe described in the Statement of Environmental Effects Modifications to Mining Operations (Hansen Consulting, 2006). As such the proponent is seeking approval to defer the relocation of the ROM coal hopper which is anticipated to be completed by 31 March, 2009.

These external constraints included:

- Rail and port allocations. Product coal from Bengalla is railed to the Port of Newcastle. As such BMC is reliant on both the rail line and port loading infrastructure for the distribution of its product coal to both export and domestic markets. During 2007 BMC was significantly restricted in its capacity to move coal through the coal chain to the Port of Newcastle.

The proponent indicates further restrictions are likely to continue in the near term such that Bengalla will not be able to increase its production level to the

approved 10.7 Mtpa of ROM coal in the timeframe as proposed in the Bengalla SEE. The increase in the rate of coal mining was one of the key justifications for the relocation of the ROM hopper and subsequent increase in capacity.

Uncertainties surrounding the future capacity of the coal chain have continued to result in delays in committing to the significant capital requirements for the relocation of the ROM hopper.

The required deferment in relocating the ROM coal hopper will result in the delay of the infilling of the internal southern haul road and the rehabilitation of the eastern face of the overburden emplacement area as described in the Statement of Environmental Effects Modification to Mining Operation (Hansen Consulting, 2006). Rehabilitation of the eastern face of the overburden emplacement area will continue as areas become available.

In order to manage adverse environmental impacts during the deferral period, the proponent proposed to constrain ROM coal production to less than 8.7 Million tonnes per annum (Mtpa) as approved in the original Bengalla Mine Development Consent.

In addition to the reduction in rail line and port allocations, the proponent has experienced delays in the granting of relevant approvals under the National Parks and Wildlife Act 1974 (NPW Act). These approvals are required for the salvage of Aboriginal material over the relocated ROM hopper site, prior to the commencement of construction.

Consent to Destroy permit number 2621 was granted on 17 May, 2007 with the exception of Site B10. Site B10 was identified in the Aboriginal archaeological assessment undertaken in the Bengalla EIS. Site B10 has previously been partially destroyed to accommodate the existing conveyor belt which runs through the site.

Extensive consultation with both the Aboriginal community and DECC has been undertaken to allow the salvage of Aboriginal material from Site B10 to allow the construction of the relocated ROM hopper.

DECC granted a revised Consent to Destroy permit on 11 October, 2007 for the partial salvage of Aboriginal material from Site B10 to facilitate the construction of the proposed relocation of the ROM hopper.

It is anticipated that construction activities associated with the relocation are scheduled to commence early 2008 and are expected to be completed by 31 March, 2009.

Coal mining proposed to occur in the Wantana Extension will not commence until the relocated ROM hopper has been completed.

Stakeholder Consultation

A comprehensive list of stakeholders was compiled by the proponent who indicated 120 individual neighbours within the vicinity of Bengalla likely to have an interest in the modification. As well as numerous regulatory agencies and other stakeholders.

The initial scoping phase of the consultation process provided stakeholders with information pertinent to the modification and to identify community issues and concerns.

Consultation was usually conducted through the distribution of newsletters to all known stakeholders, and one-on-one meetings held with relevant regulators. Presentations were also made to the Bengalla Mine Community Consultative Committee (BMCCC).

Issues and concerns raised by the stakeholder process included:

- Visual – potential for the deferral of the relocation of the ROM hopper to create adverse visual impacts on sensitive receivers in Muswellbrook, as a result of delaying the rehabilitation of the eastern face of the OEA.
- Acoustics – additional noise impacts on sensitive receivers to the east as a result of deferring the relocation of the ROM hopper.
- Bengalla Link Road – the type of intersection to be constructed at Wybong Road. Concern in relation to maintenance on the existing Bengalla Link Road; road safety issues during construction and operation and land acquisition on the proposed alignment of the Bengalla Link Road Stage 2.

BMC indicates a commitment to ongoing consultation throughout the operation of Bengalla. This consultation will include periodic consultation with neighbouring landholders, representative of key local and state regulatory bodies, industry groups and the Aboriginal community.

The proponent has not consulted with the Union and when we have written to the company previously and asked to meet with them to consult about the project they have refused.

The manner in which the proponents have conducted stakeholder and community consultation and the manner in which they propose to conduct future consultation we do not support as they have not consulted with the Union in its own right or as a representative of their employees.

Environmental Impact Overview

Bengalla Link Road Stage 2

Air Quality

An air quality impact assessment was conducted by Holmes Air Sciences for the proponent on the Bengalla Link Road Stage 2.

This air quality impact assessment involved the calculation of the predicted air quality emissions during the construction and operation of the proposed road in comparison to the relevant NSW Air Quality Goals.

This assessment indicated that activities associated with the construction of the road will not significantly affect the air quality at any adjacent non-mine owned receiver. This assessment also indicated that concentrations of carbon dioxide, nitrogen dioxide and particulate matter resulting from traffic utilising the road, will remain well within the relevant DECC air quality guidelines at all non-mine owned receivers.

The proponent also proposed to ensure that dust is controlled during construction using best practice measures. These include:

- Use of water carts to maintain trafficked surfaces in a damp condition;
- Use of properly maintained fleet and equipment to minimise black diesel smoke emissions;
- Covering of loads when travelling on public roads;
- Implementation of speed limits along the alignment during construction;
- Mark out the trafficable areas along the road alignment to minimise disturbance; and
- The suspension of construction activities under unfavourable weather conditions.

The Union supports best practice measures for the management of air quality issues. This criterion will be managed in accordance with the proponents Construction Management Plan, the Union supports this process.

Acoustics

An acoustics impact assessment was conducted by Bridges Acoustics for the Bengalla Link Road Stage 2 project.

The acoustics impact assessment concluded that the predicted traffic noise levels expected to be generated by the construction and operation of the Bengalla Link Road would remain well within DECC noise criteria at all non-mine owned receivers.

Noise levels produced during construction of the Bengalla Link Road Stage 2 were predicted to exceed the adopted construction noise criterion on some occasions in the absence of noise control and mitigation measures. However, it is noted that exceedance of the construction noise criterion regularly occur for road construction and maintenance projects undertaken by Council and RTA.

Mitigation measures proposed by the proponent include:

- Discussion with nearby residential neighbours on the proposed construction program prior to commencement;
- Consideration given to cut and fill sections of the road to minimise material movements along the road alignment;
- No noise generating activities will be audible at private residences outside normal construction hours of 7am to 6pm Monday to Saturday.
- Machinery with excessively noisy reversing alarms to be modified prior to site entry;
- Machinery to be maintained in good condition to minimise noise emissions; and
- Access tracks to be regularly maintained to minimise impact noise from empty trucks travelling along rough ground.

The Union supports this criterion, acoustic emissions will be managed in accordance with the proponents Construction Management Plan.

Traffic Assessment

Parsons Brinckerhoff on behalf of the proponents completed an assessment of traffic impacts associated with the construction and operation of the Bengalla Link Road Stage 2.

The main objective of this assessment was to determine the traffic implications of the construction of the road in terms of existing and future traffic volumes on key roads and to determine existing and future traffic performance at key intersections.

The traffic impact assessment concluded that with the construction of the Bengalla Link Road Stage 2, traffic would redistribute throughout the modified traffic network. Even with the increased future predicted traffic and the resultant redistribution within the road network all intersections would continue to operate to a satisfactory level, with overall traffic flow being enhanced.

The Union supports this criterion.

Flora and Fauna

A flora and fauna impact assessment survey was conducted by Hansen Bailey for the alignment of the Bengalla Link Road Stage 2.

No threatened flora, ecological communities, or critical habitat listed under the Threatened Species Conservation Act 1995 (TSC Act) or the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) were recorded in the Survey Area.

It is envisaged that the proposed road works will clear small areas of disturbed native remnant bushland, but it is unlikely that the biodiversity values of the area will be greatly affected.

The Union supports minimal disturbance to protect native flora and fauna during the construction phase of the Bengalla Link Road Stage 2.

Aboriginal Archaeology

An Aboriginal archaeology impact assessment was carried out by ERM for the Bengalla Link Road Stage 2.

A total of nine sites were identified within the Survey Area, consisting of five artefact scatters and four isolated finds. These sites identified within the Survey Area were assessed as low for all aspects of significance investigated. A permit under Section 90 of the NPW Act does not apply to this modification.

No cultural heritage issues were identified specific to the Bengalla Link Road Stage 2. The Aboriginal community groups involved throughout the cultural heritage consultation process were satisfied with the assessment methodology used.

The Union supports this outcome.

Non-Aboriginal Heritage

An investigation was undertaken to determine whether any sites of European Cultural Heritage sites of significance were present within the DA Boundary. As a result no such sites were identified.

The Union supports this outcome.

Visual & Lighting

An assessment of the potential visual impacts of the Bengalla Link Road Stage 2 was undertaken.

Due to the remote locality of the road and the topography of the area surrounding the road, no visual impacts are anticipated from any surrounding non-mine owned receiver.

Lighting was identified as a potential issue by receivers to the north of Bengalla for the currently approved alignment of the Bengalla Link Road.

An assessment was undertaken for non-mine owned receivers surrounding the proposed alignment. Traffic utilising this intersection will have lights directed away from these non-mined owned receivers and as such will have low impact.

Non-mine owned receivers to the north of the Bengalla Link Road Stage 2 are expected to experience low lighting impacts due to the low topographical location of their residences in relation to the Bengalla Link Road Stage 2 and the proposed Wybong Road intersection.

Headlights may be intermittently visible at non-mine owned receivers to the west of the road alignment, although the orientation and topography of the receiver to the road will limit any direct lighting.

The proponent will undertake tree screening along appropriate sections of the eastern side of the road alignment to reduce visual impacts of the mining operations at Bengalla on the road users, consistent with the already approved Bengalla Landscape Management Plan.

The Union supports the proponent Landscape Management Plan to minimise visual impacts associated with Bengalla mining operations.

Soil Capability

Soils within the Survey Area were considered quite shallow, with subsoil levels less than 90cm in depth.

The proponent indicates the following techniques being adopted to manage potential impacts soil, transportation and stockpiling:

- Soil will not be stripped below 150mm. Topsoil will be maintained in a slightly moist condition during stripping with material not stripped in either an excessively dry or wet condition;
- Soil will be graded or pushed into windrows for later collection or loading into rear dump trucks or scrapers to minimise compression effects of associated heavy vehicles.'
- Soil to be transported by dump trucks will be placed directly into storage stockpiles.
- The surface of soil stockpiles will be left in a rough condition to promote infiltration and minimisation of erosion until vegetation is established to prevent anaerobic zones forming.

The Union supports the proponent adequately protecting the soil resource during the construction of the Bengalla Link Road Stage 2 process.

Surface Water

A number of minor ephemeral drainage lines and small farm dams are located within the survey area. The construction of Bengalla Link Road Stage 2 has the potential to adversely impact these surface water resources if appropriate controls are not implemented.

BMC will ensure all water runoff from the disturbed areas within the survey area during construction is treated for sediment with temporary sediment control structures.

A portable quality water supply will be required during the construction stage for dust suppression. This will be sourced from either local farms, or BMC owned land, the Bengalla Hunter River raw water dam at Bengalla, or from the Muswellbrook portable water supply.

The Union supports this criterion.

Ground Water

An assessment of the potential groundwater impacts resulting from the construction of the Bengalla Link Road Stage 2 was found as having no impacts on ground water aquifers that have previously been identified at Bengalla.

The Union supports this conclusion.

Environmental Impact Overview

ROM Hopper Relocation

Acoustics

An acoustics impact assessment for this modification was conducted by Bridges Acoustics for the proponent to determine potential noise impacts on non-mine owned receivers surrounding Bengalla during the deferral period.

Under neutral and noise-reducing weather conditions which occur for a significant portion of the time, it was predicted that noise levels resulting from Bengalla's activities during 2008 will generally remain below the consent criteria and the intrusive criteria at all non-mine owned receivers.

The modelling conducted represented the worst case scenario for Bengalla during 2008 with all equipment operating under noise enhancing weather conditions.

Predicted noise levels under prevailing weather conditions during the day and evening periods in 2008 generally remain below the consent criteria, with the exception of some properties located to the north-east and east of Bengalla which are predicted to receive noise levels generally up to 1dBA above the consent criteria.

One property located to the north east of Bengalla is predicted to receive noise levels up to 2dBA above the consent criteria during the day and evening periods in 2008.

All predicted noise levels remain within the intrusive criteria for the day and evening periods with the exception of two receivers located to the west of Bengalla. It is predicted that these location would receive up to 1dBA above the intrusive criteria during these periods.

One receiver located to the east of Bengalla is predicted to experience night time noise levels up to 5dBA above the intrusive criteria during the one year period. Noise levels predicted for this receiver are predicted to be 2dBA above the consent criteria during 2008.

This receiver is within the zone of affectation of another mining company and hence is subject to acquisition by this mining company upon request from the landholder.

Other non-mine owned receivers located to the east of Bengalla are predicted to receive nose levels generally up to 2dBA greater than the consent criteria and up to 3dBA higher than the intrusive criteria during the night time period.

Three non-mine owned receivers must be acquired by BMC upon written request from the landholders.

The acoustic assessment concludes that deferring the relocation of the ROM hopper will result in receivers to the east of Bengalla experiencing predicted noise levels up to 2dBA above those approved in DA 211/93 (MOD 2) until the ROM hopper has been relocated. However predicted noise levels under neutral weather conditions are expected to remain within the noise criteria originally approved, in DA 211/93.

With the proponent employing best practice noise mitigation techniques and ceasing active dumping and other operations in exposed locations during adverse weather conditions, the Union supports this criterion.

Air Quality

An air quality assessment was undertaken by Holmes Air Sciences to assess the impacts resulting from deferring the relocation of the ROM hopper.

The air quality impact assessment indicated that the air quality emissions from Bengalla during 2008 with the existing ROM hopper in its existing location when combined with production levels up to 8.7Mtpa, would be less than if the ROM hopper was relocated.

Given the air quality emissions from Bengalla during 2008 will be less than those currently approved, the Union supports this criterion.

Visual & Lighting

A visual impact assessment was undertaken to assess the potential visual impacts that may be experienced by non-mine owned receivers surrounding Bengalla during 2008.

As detailed in Bengalla's SEE, the approved modifications were predicted to result in moderate visual impacts to highly sensitive receivers to the east of Bengalla as a result of the low visual effects. Those receivers that were not strongly orientated towards the modifications were in turn predicted to experience low visual impacts. This assessment concluded that once the eastern face of the OEA was fully rehabilitated, the visual impacts at highly sensitive receivers would reduce to low as the rehabilitated slopes of the OEA becomes more visually pleasing.

The modification does not propose to change the shape or form of the OEA that is currently approved under DA 211/93 (M1). The deferral required for the relocation of the ROM hopper will delay the rehabilitation of the OEA by approximately 12 months.

As such this Modification will continue to result in moderate visual impacts experienced by the highly sensitive receivers to the east of Bengalla until the eastern face of the OEA is fully rehabilitation.

The proponent will continue visual screening works during 2008 for those non-mine owned receivers that were predicted to receive high visual impacts as described in the Bengalla SEE.

The Union supports this criterion with the expeditious completion of rehabilitation works to the OEA to continue as areas become available.

Surface Water

Indications are that the deferment of the relocation of the ROM hopper will not result in any significant change to the mine water balance during 2008 to that in the Bengalla SEE and the approved Bengalla Water Management Plan.

The Union supports this conclusion.

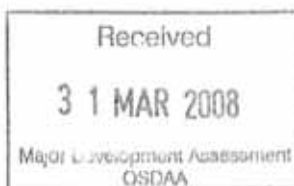
In Summation

For the reasons identified in this report and others contained in the Environmental Assessment, the Union supports Bengalla Mining Company Limited seeking approval for the modification of development consent for the Bengalla Coal Mine reference (DA211/93 – MOD 3) only on the basis if they effectively consult with all stakeholders including the Union. .

Grahame Kelly

DISTRICT SECRETARY

email muswellbrook@ljh.com.au
fax 02 6543 3721
ah Phil Lawler
ah 02 6543 3715
ah Kevin Timpson AAPI
ah Reg Valuer No. 1758
tel 02 6543 2562
tel **02 6543 3244**



28th March 2008

Mr P Freeman
The Executive Director
Major Project Assessment
Dept. of Planning
GPO Box 39
SYDNEY NSW 2001

Facsimile: 02 9228 6455



Dear Mr Freeman,

BENGALLA MINE DEVELOPMENT CONSENT OF MODIFICATION (2008)
SUBMISSION ON BEHALF OF J & H HOFMAN
PROPERTY ID 36 – REFERENCE TABLE 1 OF E.A

We represent Mr & Mrs Hofman, the owners of property proposed to be severed by the Bengalla Link Road – Stage 2.

On perusal of the E.A reference 3.1.2 (page 8), we note para 2 implies our clients have exercised a condition of consent dated 9th November 2006 that would enable them to have their property acquired by B.M.C.

Mr & Mrs Hofman have owned the property for some 35 years and notwithstanding various environmental impacts stemming from the Bengalla Mine developments they have thus far sought to retain their property and **have not** triggered the condition which enables voluntary acquisition.

We consider on the basis of the "highest & best use" approach the property could otherwise have been subdivided into two rural homesites (each 40 ha) **plus** the possibility of a concessional homesite of approximately 7 ha.

The subject road proposal will deny the current owners of any realisable subdivision potential. It will sever the property and in consequence of substantially increased traffic flow, the property management will be significantly affected.

The property is currently held as an asset unaffected by the provisions of Capital Gains Tax and is therefore of more value to our clients than a replacement property.

Although our client is extremely reluctant to accept the subject development proposal they have permitted B.M.C (and their contractors) to undertake survey and other preliminary work on the property.

In fairness to B.M.C they have made an offer to purchase the subject property, however, for their various reasons Mr & Mrs Hofman have declined to part with their asset.

Yours Faithfully,

L.J HOOKER MUSWELLBROOK



Kevin Timpson

DIRECTOR

Cc: Mr Torkington
Bengalla Mining Company
LMB 5
MUSWELLBROOK NSW 2333

Eric Prince
Property Valuers
PO Box 873
NEWCASTLE NSW 2300

Under authority of John Hofman on behalf of J & H Hofman



MARK + MARIA PEEL
ROXBURGH RD,
MUSWELLBROOK
NSW 2333

TO DEPARTMENT OF PLANNING
MINING & EXTRACTIVE INDUSTRIES
DEVELOPMENT CONSENT MODIFICATION.
DA 211-93-3

I MARK PEEL, AM WRITING TO OBJECT AGAINST
THE MODIFICATION TO THE ROM HOPPER & BENGALLA
LINK ROAD.

ROM HOPPER:

REASONS - THE HOPPER WILL BE MUCH CLOSER TO US,
WITH DUST & NOISE ALREADY IMPACTING ON OUR
PROPERTY, IT CAN ONLY BE MUCH WORSE IF
PERMITTED.
WE HAVE REQUESTED DUST MONITORS AND WERE
REFUSED.

LINK ROAD:

IN LINE OF SIGHT FROM OUR PROPERTY, INCREASES
IN TRAFFIC & NOISE.
IN READING THROUGH, THE RTA REPORT ON LINK ROAD
WAS DONE IN 1999, NINE YEARS OUT OF DATE.
THE TYPE OF MACHINERY TO BE USED IN CONSTRUCTION
OF ROAD DID NOT MENTION BULL DOZERS.

BRIDGES ACOUSTICS & RECEIVERS

MY PROPERTY WASN'T IDENTIFIED IN THE REPORT &
IT WILL BE AFFECTED BY THE PROJECT

YOURS SINCERELY

mk Peel

Appendix B

ERM Heritage Advice

6 May, 2008

Mr Nathan Cooper
Hansen Bailey
PO Box 473
SINGLETON NSW

Our Reference: 0075743L01



Dear Nathan,

**RE: HERITAGE ADVICE WITH REGARD TO 080424 DECC
SUBMISSION - BENGALLA LINK ROAD DA 211/93**

This letter provides advice to Hansen Bailey, with regard to Aboriginal heritage associated with the proposed Bengalla Link Road. This advice is informed by the following documents and communications:

- o ERM 2007. *Bengalla Link Road (Stage Two) Aboriginal Archaeological Assessment*. Report prepared for Hansen Bailey;
- o ERM 2008. *Aboriginal Heritage Salvage of Area B10 Bengalla, Hunter Valley. Cultural Heritage Salvage Report*. Report prepared for Hansen Bailey;
- o Hansen Bailey 25 February 2008. Letter from James Bailey (Hansen Bailey) to Mitchell Bennett (DECC);
- o DECC 18 April 2008. Letter from Ross Brylynsky (DECC) to Paul Freeman (Department of Planning); and
- o Hansen Bailey 1 May 2008. Email from Nathan Cooper (Hansen Bailey) to Tim Owen (ERM).

1. BACKGROUND INFORMATION

Details relating to the history of this proposed road and the associated Development Consent are provided in Hansen Bailey 25 February 2008.

In 2007 ERM completed an Aboriginal Heritage Assessment (HA) for the proposed modification to the Bengalla Link Road Stage 2, between the Bengalla Link Road and Wybong Road. ERM's HA informed the *Bengalla Mining Company Development Consent Modification Environmental Assessment* (Bengalla EA) and was prepared in accordance with the Director-General's Requirements (DGRs) issued for the modification on 6 December 2007.

ERM 2007 included Aboriginal stakeholder consultation, in accordance with the DECC draft guidelines for Aboriginal Community Consultation. An archaeological field survey and assessment of the study area (Refer to ERM 2007) was undertaken. The outcome of the survey was that nine Aboriginal stone artefact sites were identified within the study area. The archaeological scientific assessment of these sites assigned a level of low scientific significance for all of the recorded Aboriginal sites. Seven Aboriginal stakeholder groups were invited to provide written comments on ERM 2007. Three written responses were received; copies of these are attached to this letter. Each of the Aboriginal stakeholder groups approved of the proposed development either in writing or verbally, provided that appropriate government approval was sought.

Overall ERM 2007 concluded that the proposed Bengalla Link Road Stage 2 would not have a significant impact on local or regional Aboriginal heritage values and that appropriate approvals could be sought from the Department of Planning for the site works.

As part of the approval process (under Section 75W of the *Environmental Planning and Assessment Act 1979*), DECC provided comment to the Department of Planning (DoP) on the draft Bengalla EA in letter dated 20 February 2008. This letter raised concerns over Aboriginal heritage and noise impacts from the proposed modification. The letter from Hansen Bailey dated 25 February 2008 responded to DECC's concerns over Aboriginal archaeology as requested by DoP. DoP approved the Bengalla EA to be adequate and the modification application was put on public exhibition. DECC provided a second submission to the application dated 18 April 2008. The following discussion provides an additional response to DECC's concerns over Aboriginal archaeology which were raised in its previous correspondence.

2. ABORIGINAL HERITAGE ASSESSMENT

ERM 2007 provides an assessment of local and regional archaeology, including discussion with relation to Aboriginal site predictive modelling, site contents and local sources for stone materials used in the production of Aboriginal cultural

material. Consultation with Aboriginal stakeholders has been undertaken with respect to the DECC's guidelines for Aboriginal consultation.

2.1 ABORIGINAL SITE PREDICTIVE MODELLING

Hansen Bailey 25 February 2008 (Figure 2) provides the current DECC AHIMS results for registered Aboriginal sites across the local area. ERM (2007: Section 4.2.2) discusses the local Aboriginal site patterning. Local site patterning shows a very high incident of Aboriginal cultural material/sites occurring across the local area. However, there does appear to be some patterning, with 'clusters' of sites occurring in certain zones. ERM 2007 (pages 13-14) stated:

"The location and distribution of sites within Bengalla and the Mt Pleasant Project area generally conforms to the broader pattern within the Central Lowlands whereby artefacts were distributed across all landforms but were most concentrated in proximity to reliable watercourses. Sites within the locality were typically quite small and lacked the complexity of large sites in the surrounding area. Artefact densities were greatest along the larger drainage line within Bengalla and were markedly higher than those recorded within the Mount Pleasant lease. Sites associated with the manufacture of backed artefacts were also clustered along creek lines, however this may be partially a factor of increased artefact density.

Based on evidence from the locality and region, it is likely that stone artefact scatters and isolated finds will be present within the study area. Artefacts will be most concentrated in close proximity to drainage lines. However, as all drainage lines within the study area are minor, artefact densities are unlikely to be high. It is possible that stone quarries may be present within the study area however this will be dependent on the presence of appropriate stone resources. Other site types are unlikely to occur in the study area.

The study area is situated in a part of the Hunter Valley that has been the focus of archaeological investigations for a number of years. The distribution and range of sites within the region and the locality is relatively well documented. This evidence indicates that sites (in the form of stone artefact scatters and isolated finds) may occur at low densities throughout the study area and are most likely to be present along the drainage lines. However, the integrity, visibility and preservation of these sites may have been affected by past land use."

Discussion is also provided on the origin of stone resources and the typical composition of Aboriginal sites within the local area:

Raw materials suitable for the manufacture of stone artefacts, including mudstone, silcrete and other less frequently occurring stone types, occur as river gravels along the Hunter River (ERM 2004), which is situated less than two kilometres south of the study area. An area of naturally occurring silcrete cobbles is present at Bengalla approximately 1.5 kilometres south east of the study area (Rich 1993) (2007:7).

The summary of the environmental background stated that:

“A review of the environmental context of the study area demonstrates that water availability within the area is limited to a small number of ephemeral drainage lines. There is a source of silcrete located in close proximity. However, the nearby Hunter River would have provided a better range of resources including reliable fresh water, plants and animals and suitable stone for the manufacture of artefacts. In this sense, the study area does not possess environmental attributes that would have made it more attractive than the surrounding area. The archaeological record within the study area may also have been impacted by historic land use.” (2007:8).

Based upon these background details it may be summarised that:

- o the study area has been impacted by historical activities;
- o its contains two ephemeral creeks;
- o silcrete would possibly have been sourced from within the study area;
- o the landforms within the study area include gentle slopes and a single crest, they are generally undifferentiated from those adjacent to the study area;
- o the nearby Hunter River would have created a large environmental focus for Aboriginal habitation and subsistence activities; and
- o overall, the study area does not posses an environmental attribute that distinguishes or differentiates it from the surrounding areas. It also appears to have been more impacted by historical activities than the zones immediately to the east and west.

2.2 RECENT ARCHAEOLOGICAL WORK ON SITE B10

ERM has recently completed (April 2008) surface and subsurface archaeological site works on Aboriginal site B10 (located 1 km to the east of the study area, adjacent to the Hunter River). These archaeological works (under Section 90 consent 2621) included surface collection of artefacts, grader scraper across the site and re-collection of subsurface artefacts. All artefacts were spatially recorded using differential GPS. The results of the January 2008 surface collection of all artefacts from the impact areas of site B10 is provided in ERM 2008. Provisional results from the subsurface works are provided for reference.

The archaeological results of the B10 works indicate that:

- o the majority of artefacts were collected from the surface; 170 against approximately 34 from sub-surface contexts;
- o approximately 90% of artefacts collected were made from locally sourced silcrete;
- o artefact distributions provide evidence for distinct clustering (ERM 2008:Figure 3); and
- o there appears to be a focus for artefact distribution, which correlates with the cessation of alluvial material on the floodplain associated with the large tributary to the Hunter River (Diana Neuweger *pers comm* May 2008).

These results can be used to inform local Aboriginal predictive modelling. An initial discussion is provided below.

2.3 LOCAL ABORIGINAL ARCHAEOLOGICAL PATTERNING - A DISCUSSION

Consideration of regional and local Aboriginal archaeological site patterns need to take account of a range of factors. Current Aboriginal archaeological theory with regard to modes of Holocene Aboriginal subsistence and habitation suggests investigation into Aboriginal economy, demography and society through landscape, archaeology, ethnography is appropriate.

A significant factor altering and affecting any mode of Aboriginal habitation was the 'environment'. Traditionally Aboriginal archaeology has tended to focus upon the obvious influences of environmental factors – such as the location of water sources, landforms, geology, soils have on the location of archaeological sites. Archaeological investigations have frequently found course patterning and correlation between environmental resources and the presence of Aboriginal sites. Such a correlation can be described as a tool for determining the potential presence of Aboriginal sites – predictive modelling.

The application and success of any single predictive model can be subjective and dependant upon the outcomes of survey and the interpretation of all collated data. The current study utilised a predictive model based upon known Aboriginal sites and their proximity to permanent sources of water (ERM 2007: 11, 13 & 14).

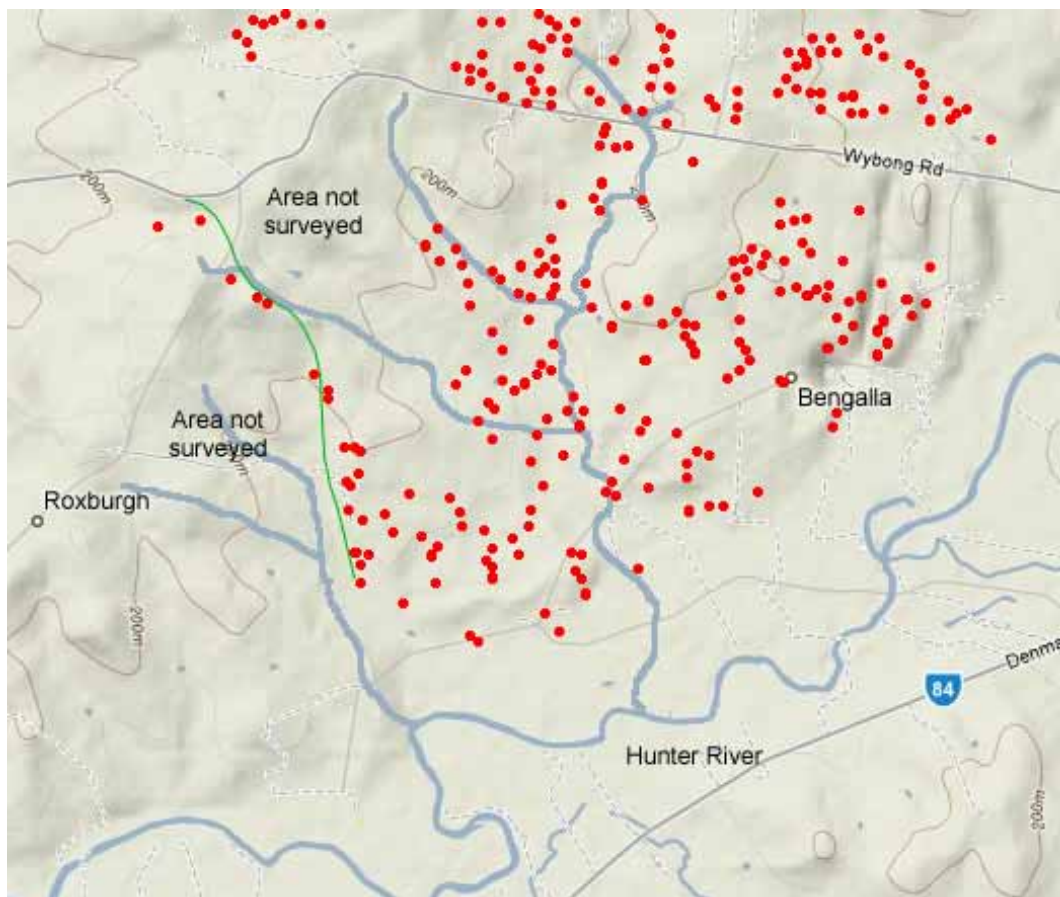


Figure 1 Terrain, recorded Aboriginal artefacts (red), water sources (blue), and the proposed Stage 2 Bengalla Link Road (green). Source: Google Maps, ERM 2007 and Hansen Bailey (2008).

An updating of Aboriginal site patterning across the local area in light of the additional information (above) is displayed in *Figure 1*. A number of immediate observations may be made:

- o A very large number of Aboriginal stone artefacts have been recorded within the vicinity of Bengalla;
- o No archaeological survey has occurred in some locations - adjacent to the margins of Hunter River, and in certain landforms associated with the ridgeline, which dominates the northwest of the study area; and
- o Artefacts occur both adjacent to and at distance from all major water sources. This suggests that water sources, although important, may not be the dominant environmental factor in the areas inhabited by Aboriginal peoples. Other unknown factors, possibly related to economic or Aboriginal society may have been determining factors when selecting areas to establish 'camps' etc.

Therefore specific reasons for Aboriginal selection of certain landforms, as a theoretical concept, is one deserving of further academic consideration. This factor has been acknowledged by the DECC.

However, the outcomes of local Aboriginal site patterning (*Figure 1*) do suggest that any location or route surveyed across the local region can be expected to contain some Aboriginal objects/sites.

Consideration of the results presented in ERM 2007 show that a total of nine Aboriginal sites (BMRA 1-9) were recorded within the area to be impacted. These contained a low number of artefacts, mostly with poor site integrity. The scientific assessment of all nine sites reported that each had a low level of scientific significance based upon their ability to yield new information, and their representativeness within the local area. Consultation with Aboriginal stakeholders indicated that they were satisfied with the outcomes of the survey (see attached letters) and that a statutory process should be followed for the construction of the proposed Link Road.

If the ERM 2007 assessment of sites BMRA 1-9 is revisited in light of the recent results from the investigation of site B10, the scientific assessment can be considered still valid. Sites BMRA 1 to 9 comprise 75 % silcrete artefacts, 25% mudstone artefacts, which are the most common types of stone for manufacture within the local area. The surface expression of artefact density is unlikely to increase in a subsurface context, especially given the poor integrity of these sites (c.f. results from B10). As such, further archaeological investigation of these nine

sites is unlikely to yield or advance our understanding of Aboriginal economy, demography or society in the Hunter Valley.

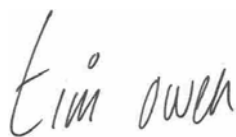
3. CONCLUSION

The selection of the proposed route for the Stage 2 Bengalla Link Road was undertaken considering environmental and engineering aspects as well as heritage. A retrospective Aboriginal heritage assessment of the selected Stage 2 Bengalla road's route, based upon:

- o the presence of sites BMRA 1-9 and other known local Aboriginal site patterning;
- o conservation and a balanced outcome for local ecological values; and
- o the high potential for Aboriginal sites to occur adjacent to the proposed road's alignment (i.e. within the bushland that has not been impacted by historical activities) with good site integrity which could further Aboriginal archaeological knowledge.

The above suggests that the proposed route for the Stage 2 Bengalla Link Road will not have a significant impact on the Aboriginal heritage values within a local context.

Yours sincerely,
for Environmental Resources Management Australia Pty Ltd



Dr Tim Owen
Senior Archaeologist

Appendix C

Aboriginal Stakeholder Correspondence



A Rio Tinto Group Company

Public Notice

Aboriginal Stakeholder Consultation Bengalla Mine

Bengalla Mining Company is seeking to identify Aboriginal stakeholders who wish to be consulted in relation to a proposed Archaeological survey and Cultural Heritage assessment at Bengalla Mine in the Upper Hunter Valley, NSW.

Interested stakeholders are required to register their interest with Hansen Consulting by writing to:

Mr James Bailey
Principal Environmental Consultant
Hansen Consulting
PO Box 473
SINGLETON NSW 2330

Tel: 02 6575 2000

Fax: 02 6575 2001

Expressions of Interest must include current contact details. The closing date for registration is close of business on Wednesday, 19 April 2006. Once expressions of interest have been received a community / stakeholder planning meeting will be held to discuss the program further.

Preliminary Notice

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AH Roger Fuller 6571 1046
Phillip Trees 6573 4140
Kevin Trees 6572 1637

Notices

ANVIL HILL PROJECT
Community Consultative Committee
Notice of Meeting

The next meeting of the Anvil Hill Project Community Consultative Committee is to be held at the Anglican Parish Hall, Palace St, Denman at 5.15pm on Wednesday 5 April 2006.
Business is to include a presentation on the proposed staged mine plan and a review of background noise monitoring data.
Members of the public are welcome to attend. An opportunity for questions from the public gallery will be provided after the completion of the committee meeting business.
For further information please contact the committee chairman, Hon. Milton Morris AO by phone 4932 4222.

THE NATIONALS
IN UPPER HUNTER

You are invited to make a written submission on the proposed Application that must be received by **Wednesday 3rd May, 2006** and be addressed to either:

The Operations Manager
United Collieries Pty Limited
PMB 13
Singleton NSW 2330

Director - Environmental Sustainability
Department of Primary Industries - Mineral Resources
PO Box 344
Hunter Region Mail Centre
NSW 2310

- 40/ Charolais/Brahman Heifers 5 or Calves 1 to 2 wks
- 20/ Black Baldy Heifers & calves
- 40/ Brahman & Brahman X Cows & Calves (3rd calf)
- 40/ Hereford & Hereford X Heifers 16-18 mths
- (NSM)
- 8/ Friesian Cows & Calves (Limo X Calves)
- 5/ Simmental Cows & Calves
- 20/ Santa Cows & Calves (2 to 3 mths)
- 20/ Angus X Cows with limo X calves at foot (1 to 3 mths)
- 10/ Hld/Charolais X Heifers & Calves
- 15/ Murrey Grey Cows & Calves
- 25/ Angus & Blk Baldy yearling heifers
- 50/ Angus & Angus X Cows & Calves
- 12/ Brangus Cows & Calves
- 45/ Hereford & Hereford X Cows & Calves
- 15/ Hereford Hrs & Calves
- 30/ Hereford & Hld X Cows (PTIC)
- 30/ Angus & Angus X Cows (PTIC)
- 15/ Blk Baldy heifers 16-18 mths unjoined
- 15/ Angus heifer 16-18 mths unjoined
- 10/ Hereford heifers 16-18 mths unjoined
- 30/ Angus Heifer Wmrs 10 mths
- 20/ Angus & Angus X weaners
- 40/ Hereford & Hereford X heifer weaners
- 15/ Limousin heifers & calves (calves 4-5 mths)
- 15/ Angus Murray Grey X cows, 2nd calves at foot (4-5 mths)
- 40/ Charbray heifers with Charbray calves at foot. Calves 10-12 wks, cows running with Charbray bull
- 1/ Lowline Bull
- 1/ Santa Bull

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Max Bailey
PROPRIETARY LIMITED
83 John St, Singleton • Ph 6572 2705
ah Max Bailey 6574 1344, Scott Bailey
6571 4933, Nathan Thirkell 6577 5585

Notices

PSYCHIC READINGS

GET QUALIFIED IN

You are invited to make a written submission on the proposed Application that must be received by **Wednesday 3rd May, 2006** and be addressed to either:

The Operations Manager
United Collieries Pty Limited
PMB 13
Singleton NSW 2330

Director - Environmental Sustainability
Department of Primary Industries - Mineral Resources
PO Box 344
Hunter Region Mail Centre
NSW 2310

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2 males, will be m/chipped, vaccinated & wormed, born 26.2.06, will be ready 3.4.06. \$350 ea. Ph: 0429 927 765.

STAFFY

pups \$400 m/v, vaxcd & wormed. Phone 65431924 after 6pm.

Livestock

CHESTNUT Gelding 6yrs old 15%, quiet horse good lead. pony shoes well. \$2,500. Ph. 0428 960 422

Motor Vehicles

A CAR or CARS REMOVED FREE ANY CONDITION
Ph. 6572 3111

FORD MONDEO, 1995, white, immaculate condition, 115,500 kms, (ADT03V) \$6300. Ph. Dane Smith 6541 0957.

Land Rover Defender TD5 dual cab, 1998, TJM roof rack, bull bar, winch, alloy tray, 12m. rego, (A151WH)4 new tyres, excellent cond. \$27,000. Ph 0400 159 731

MAZDA Eclipse 626 91, central lock, p/h, cruise, CD, regal 11/06 (ABE07C) \$3800ono. Ph 0265451326 or 0419031510.

TOYOTA Landcruiser DX 4.2ltr wagon, a/c, driving lights, bull bar & winch, 236,000k's, 11/97 model, regd March 07 (XXC438) \$21,000ono. Ph 0265470534.

TOYOTA Landcruiser 1986 6 seater wagon rebuilt motor 1500kms 4 ltr diesel 5spd white, b/b, i/o, tinted windows (ZBO854) Asking \$9900ono. Matt 0429720590.

Motorcycles

2000 Yamaha 50 hardly used, excellent condition \$990ono. Ph 0410 955220.

2001 YZF426 brand new gear box & suspension all round, well maintained bike, protpar handle bars, very quick bike, white brothers muffler, \$5,500ono. Phone 0408 423 216.

RH4Z 450 2005, barely ridden \$900ono. Ph 65413495.

full playing membership of the Upper Hunter or within the boundaries of the Upper Hunter or Muswellbrook Shires

With little change expected to the course or other amenities until 2006 the joining fee for this category has been reduced to \$330 incl GST until 30 April 2006. Subscription fee until 30 April 2006 is \$82.50 incl GST. Junior membership (Under 18 years of age) has also been reduced to \$83 joining fee and \$21 Subscription fee = \$104 incl GST.

Here is a unique opportunity to become a golfing member of the only 18 hole Golf Course in the Upper Hunter for \$412.50 including GST or if you are under 18 years of age \$104.00 incl GST. In 2006, bridge replacements and fairway watering are scheduled to be completed which will further enhance the golf course and your membership.

Current New social members are reminded they can upgrade their membership at this discounted price also.
This opportunity ceases on 30th April 2006. DON'T MISS OUT!
For details or applications contact:
The Hon. Secretary Muswellbrook Golf Club Ltd
Bell Street Muswellbrook 2333
Phone 6543 1767
Email muswellbrookgolf@ozemail.com.au
Information for members and their guests

COAL ALLIED

Public Notice

Aboriginal Stakeholder Consultation
Bengalla Mine
Bengalla Mining Company is seeking to identify Aboriginal stakeholders who wish to be consulted in relation to a proposed Archaeological survey and Cultural Heritage assessment at Bengalla Mine in the Upper Hunter Valley, NSW.
Interested stakeholders are required to register their interest with Hansen Consulting by writing to:
Mr James Bailey
Principal Environmental Consultant
Hansen Consulting
PO Box 473
SINGLETON NSW 2330
Tel: 02 6575 2000
Fax: 02 6575 2001

Expressions of interest must include current contact details. The closing date for registration is close of business on Wednesday, 19 April 2006. Once expressions of interest have been received a community stakeholder planning meeting will be held to discuss the program further.

NOTICE TO CLASSIFIED ADVERTISERS

All classified display and advertising is sold in whole units. Classified line advertisements are charged on the total number of lines. A minimum number of lines may be required.

The full Terms and Conditions of Advertising of The Muswellbrook Chronicle are available from our office or by phoning (02) 65433011

Machinery

FARM SITE CLEANUP
Specialising in farms, mines, & industry, disposal of machinery, tractors, scrap metal etc.
Ph. 0413 047 090

FREE Removal of cars, trucks, buses, old farm machinery, scrap steel etc. Ph. Les Whyte on 0265745242 or 0408 631 530.

Legal Notices

IN THE SUPREME COURT OF NEW SOUTH WALES PROBATE DIVISION

Any person having claim upon the estate of KEVIN ROY MURRAY late of 9 Casuarina Close Muswellbrook, in the State of New South Wales, Retired Clerk, who died on 25 December 2005 must send particulars of their claims to the Executors care of CURTIS GANT IRVING, Solicitors, 59 Brook Street, MUSWELLBROOK NSW 2333, within one (1) calendar month from publication of this notice. After that time the Executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 21 March 2006.

CURTIS GANT IRVING
Solicitors
59 Brook Street
MUSWELLBROOK NSW 2333
DX 7343 MUSWELLBROOK

and there may be opportunity for a further position at the end of this role.
Further enquiries on this challenging position or your written application should be directed in the first instance to:

Confidential
Bruce Wilson / Alison Horn
The Advertiser
155 Vincent Street,
Cessnock, NSW, 2325.
Applications close Friday April 7, 2006.

THE Advertiser



**Boilermakers/Electricians/Fitters/
Carpenters/Concreters
Muswellbrook Based
Excellent Wages and Conditions**

Thomas & Coffey Limited is a listed company providing specialised industrial services to a range of clients in a variety of industry sectors including the steel, energy, manufacturing, chemical, mining, retail and government sectors. Our business includes asset and facilities maintenance, engineering, design and construction services delivered by over 800 skilled technical employees based throughout New South Wales and Queensland. The company is seeking qualified tradespeople to work from our Muswellbrook branch. The ideal candidates will have extensive industry or mining experience and be committed to working with exceptional O.H. & S. standards. If you possess the necessary attributes and are seeking a challenging role in a growing organisation with a passion for being an Employer of Choice, please forward your details to:

H. R. Manager
Thomas & Coffey Limited
PO Box 73
Jessmond NSW 2399
gmasen@thomasc Coffey.com.au
Fax 02 4967 6869
We are an Equal Employment Opportunity Organisation

THE MUSWELLBROOK CHRONICLE, FRIDAY, MARCH 31, 2006 - 33

Tuesday 11 April
12 pm
Senior Citizens Centre
Bathurst Street, Singleton

SINGLETON SCOUTS
A.G.M.
Wednesday 19 April 2006
6.30pm
Please attend

CV's Designed to suit.
Prompt personal service - ph.
Tom 0403 097 007

FITTER MACHINIST
Must be experienced with
bore & heavy lathe.
Full time position. Excellent
wages. Brantford.
Fax details to 4938 3744

your written application should be directed in the first instance to:

Confidential
Bruce Wilson / Alison Horn
The Advertiser
155 Vincent Street,
Cessnock, NSW, 2325.
Applications close Friday April 7, 2006.

WANT TO GO TO SYDNEY?
WANT TO SAVE ON FUEL PRICES?
TRY OUR
COACH SERVICES
Ph: (02) 6545 1945
Keena Travel Pty Ltd.

\$ \$ \$ \$ \$
Letterbox Deliveries
We require responsible people for pamphlet distribution in Singleton.
Call Dan on 6571 2450
ABLE TO START NOW? Comprehensive order phone workers home. \$500-\$3000pm PT/FT 02 9501 7580

ADMINISTRATION ASSISTANT
Pegasus has been providing support to local businesses for over fifteen years. During this time the business has grown significantly with operations in two states and internationally, providing employment to in excess of 250 people.
Due to the current growth of the business, Pegasus is seeking two full time administration assistants to support the Business Services and Technical divisions.

Positions Vacant

Positions Vacant

Notices

Notices

COAL ALLIED
A BHP Billiton Group Company

Public Notice
Aboriginal Stakeholder Consultation
Bengalla Mine

Bengalla Mining Company is seeking to identify Aboriginal stakeholders who wish to be consulted in relation to a proposed Archaeological survey and Cultural Heritage assessment at Bengalla Mine in the Upper Hunter Valley, NSW.

The duties in this role will include

- Communication with clients and employees
- Administration and maintenance of division records
- Data entry
- Payroll
- Accounts payable and receivable
- General Office administration duties

The position requires a strong degree of communication and organisational skills, and a keen attention to detail.

The successful applicant for this position will need to display previous office administration experience, an ability to meet deadlines and work in a timely fashion, as either part of a team or working independently.

How to Apply:
Please telephone or email a request for an information/application pack.

Contact: Ros Dolliss
Phone 02 6571 8888
Email: recruitment@pegasus.net.au
Website: www.pegasus.net.au
Closing date: 13.4.06

Expressions of interest must include current contact details. The closing date for registration is close of business on Wednesday, 19 April 2006. Once expressions of interest have been received a community stakeholder planning meeting will be held to discuss the program further.

Interested stakeholders are required to register their interest with Hansen Consulting by writing to:

Mr James Bailey
Principal Environmental Consultant
Hansen Consulting
PO Box 473
SINGLETON NSW 2330
Tel: 02 6575 2000
Fax: 02 6575 2001

For further information please contact Sally Stokes (07) 3249 6740 or Lauren Blake (07) 3249 6661.

THINKING CAPS MUST BE WORN AT ALL TIMES

Roche Mining is an Equal Opportunity Employer

www.roche.com.au

THE SINGLETON ARGUS, FRIDAY, MARCH 31, 2006 - 27

recognised in all areas of the business, so there is always the scope to find a new challenge and broaden your experience.

BOGGABRI OPEN CUT COAL MINE

In April, Roche Mining will be starting work at the Boggabri Open Cut Coal Mine, located between Narrabri and Gunnedah. This new venture offers employees the opportunity to be involved in a long-term project, utilising a fleet of new and modern mining equipment.

Registered Mine Surveyor

Utilise your surveying experience in a role that offers variety and challenge with responsibilities for the Werris Creek, Boggabri and East Boggabri Open Cut Coal Operations. You will be accountable for ensuring statutory requirements are fulfilled, providing surveying services to the production and engineering teams, mine plans, and reporting for the operations.

Site Superintendent

This leadership role offers experienced Production Supervisors and Superintendents the opportunity to work within a pro-active senior management team on one of Roche's key start-up sites. Responsible for managing the mining activities, your proven track record will support your ability to achieve production and financial targets.

Open Cut Examiners

Capitalize on your statutory qualification and production experience in a role that offers career development and leadership experience. Whilst managing a multi-skilled team to reach maximum productivity levels, your responsibilities will include statutory inspections, reports, job hazard analysis, and efficient, safe regulation of mining activities on site.

Site Clerk

Utilise your administrative skills in a role supporting the production and maintenance teams responsible for compiling various reports, data entry, purchasing and accounts payable, payroll and maintenance of personnel records. Advanced Microsoft Office Skills are essential.

Plant Operators, Diesel Fitters & Servicemen

Utilise your proven safety record and experience with an assortment of mining equipment in the development of this new green-fields site. Operation and maintenance roles offer diversity, training and career development opportunities on a variety of equipment including Excavators (Hitachi EX3600 & 1250), Rear Dump Trucks (Cat 789 & 785), Dozers (D10V11) and Graders.

For further information please contact Sally Stokes (07) 3249 6740 or Lauren Blake (07) 3249 6661.

THINKING CAPS MUST BE WORN AT ALL TIMES

Roche Mining is an Equal Opportunity Employer

www.roche.com.au

THE SINGLETON ARGUS, FRIDAY, MARCH 31, 2006 - 27



HUNTER VALLEY OFFICE

Phone: (02) 6575 2000

Fax: (02) 6575 2001

6/127-129 John Street

Singleton NSW 2330

PO Box 473

Singleton NSW 2330

FAX

To: (group)

From: James Bailey

Fax:

Date: 31/03/2006

Pages: 2

Subject: Community / Stakeholder Planning Meeting – Bengalla Mine

Dear Group

Bengalla Mining Company (BMC) propose to hold a meeting at **10am** on **Thursday 27th April 2006** at Bengalla Mine to commence discussions regarding an upcoming project. It is hoped that this meeting will enable BMC to finalise the methodology for the project so that the field work can be undertaken in early **May 2006**.

In addition to the meeting, there will be an opportunity for a site inspection to enable all participants to look at the site in the field. To attend the site inspection you will be required to bring the following safety equipment:

- Safety Vest or reflective clothing;
- Hard Hat;
- Safety Glasses;
- Steel cap lace up boots; and
- Gloves (please note this is an additional requirement to what has been required previously).

All interested Indigenous people and representatives of community based Indigenous organisations will be invited to attend through the local media. We specifically encourage representatives from your organisation to attend.

Interested stakeholders are requested to register their interest with Hansen Consulting in writing by close of business Friday 21st April 2006.

Correspondence can be directed to:

Mr James Bailey
Hansen Consulting
PO Box 473
SINGLETON NSW 2330

Or alternatively, for your convenience, attached is a pro-forma which you can simply fax back to me on Fax No. 02 6575 2001.

Regards

James Bailey
Principal Environmental Consultant

Return Fax: (02) 6575 2001

Attention: James Bailey

Re: Community / Stakeholder Planning Meeting – Bengalla Mine

Aboriginal Stakeholder Group: _____

☐ Would like to attend ☐ Do not wish to attend

Our nominated representative(s) attending the meeting will be:

.....
.....
.....
.....

We are unable to attend, but would like to make the following comments:

.....
.....
.....
.....
.....
.....
.....

Signed: Date:



UNGOOROO

ABORIGINAL CORPORATION

PO Box 3095
Singleton N S W 2330
Ph 02 65 715111
Fax 02 65 715777

Mobile 0418 696 821
ABN: 64 020 872 467

Attn Mr. James Bailey
Principal Environmental Consultant
April 8, 2006

BENGALA MINE PROJECT

We at Ungooroo Aboriginal Corporation as the representatives of the Wanaruah members of Ungooroo Aboriginal Corporation, of which the majority are Wanaruah people wish to be involved in the above project.

The area in question is within Wanaruah boundaries, and our people have a responsibility to the land and culture to take part as knowledge holders and Wanaruah descendants that have continual contact with country.

Regarding work ethic, our field workers bring to the job, an excellent knowledge of cultural matters, professionalism, also our field workers can identify archaeological materials – use GPS & record on site sheets these skills are a bonus to any survey

(Also our field workers are Wanaruah descendants)
We therefore look forward to working on the above project.
Yours

Graham Ward CEO

Ungooroo Aboriginal Corporation Unit 1/172 John St Singleton NSW 2330
Phone 02 6571 5111 - CEO fax Direct 02 65 715 777 CDEP Fax 65 715 477

03 Apr 2006 8:25AM HP LASERJET FAX

p.2

Return Fax: (02) 6575 2001**Attention: James Bailey****Re: Community / Stakeholder Planning Meeting – Bengalla Mine****At original Stakeholder Group:** V.A.C☒ Would like to attend☐ Do not wish to attend

Our nominated representative(s) attending the meeting will be:

R. WARD G. WARD

We are unable to attend, but would like to make the following comments:

Signed: BardDate: 3-4-06



Giwiirr Consultants Pty Ltd

Rodney Matthews
8 Fitzgerald ave
Muswellbrook N.S.W 2333

Ph: 65410506
Fax: 65410751
Mobile: 0421434590

ABN 89399177310

11th May 2005

Attention: Daniel Sullivan -Hansen Consulting

Reference: Archaeological & Cultural Heritage Assessment Bengalla Mine,
Muswellbrook

Dear Daniel

It has been brought to my attention that you will be conducting an Indigenous Cultural Heritage assessment for the proposed project in mention Giwiirr Consultants wishes to be consulted regarding this project.

Regards,

Rodney Matthews
Managing Director
Wanaruah Descendant

03 Apr 2006 9:40AM HP LASERJET FAX

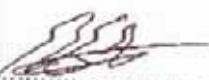
p.2

Return Fax: (02) 6575 2001**Attention:** James Bailey**Re:** Community / Stakeholder Planning Meeting – Bengalla Mine**Aboriginal Stakeholder Group:** Giwirr☒ **Would like to attend**☐ **Do not wish to attend**

Our nominated representative(s) attending the meeting will be:

Michele Stair

We are unable to attend, but would like to make the following comments:

Signed: Date: 4-4-2006



Aboriginal Native Title
Consultants

ABORIGINAL STAKEHOLDERS CONSULTATION BENGALHA MINE

ANTIC

31 Mitchel Street
Muswellbrook NSW 2333

PH: 65410495
Fax: 65410497
Mobile: 0417725956

Fax Transmittal Form

To

Name: *MR. James Bailey*
HANSON CONSULTING

Phone number:

Fax number:

From

Margaret & John Matthews

PH: 65410495

Fax: 65410497

Mobile: 0417725956

- ☐ Urgent
☐ For Review
☐ Please Comment
☐ Please Reply

Date sent: *30.3.06.*Message: *Dear Sir*

We the ABORIGINAL Native title Consultants

would like to be involved with the project.

*ABORIGINAL Stake Holders Consultation
Archaeological Survey AND Cultural Heritage Assessment
Being For Bengalha mine Muswellbrook.*

*Yours faithfully
Margaret*

Warrigal

Return Fax: (02) 6575 2001

Attention: James Bailey

Re: Community / Stakeholder Planning Meeting – Bengalla Mine

Aboriginal Stakeholder Group: ABORIGINAL Native Title Consultants

☒ **World like to attend**

☐ **Do not wish to attend**

Our nominated representative(s) attending the meeting will be:

John Matthews

MARGARET MATTHEWS

We are unable to attend, but would like to make the following comments:

Signed

John Matthews
M Matthews

Date: 18.4.06

Next Thursday - meeting.



RECORD OF CONVERSATION

Person:	Margaret & John Matthews	Date:	18/4/2006
Company:	Aboriginal Native Title Consultants	Time:	1326
Contact No:	02 65410995	Job No:	604
Method:	Phone	Author:	NC
Subject:	BL Road Arch inception meeting		

Details: ^{PH Number}

Called at 13:26 - no answer.

Called mobile, phone 13:28 spoke to Mrs Matthews. She told me that her phone had been disconnected and would not be able to send fax to old number.

She told me that I could send a fax to the ~~WATE~~ Warawah LALC and they would send their letter back.

They would be able to attend.



P.O. BOX 127
19 MAITLAND STREET,
MUSWELLBROOK 2333
ABN 33 251 730 169

PH.: (02) 6543 1288

(02) 6543 1892

FAX: (02) 6542 5377

EMAIL: wanaruah@hunterlink.net.au

Mr James Bailey
Principal Environmental Consultant
Hansen Consulting
P.O.Box 473
Singleton 2330

Fax 65752001

Subject: Aboriginal Cultural and Heritage Survey.

Dear James,

Reference is made to your recent advertisement in the Hunter Valley News pertaining to a Cultural and heritage Survey at Bengalla Mine.

As you will appreciate Wanaruah Local Aboriginal Land Council is always concerned about any works that may impact on items of significance to the culture and heritage of Aboriginal people.

Accordingly Council would like to be involved any surveys that are undertaken on a paid basis.

Yours faithfully



Barry Metaggart



31 Mar 2006 1:18PM

HP LASERJET FAX

Return Fax: (02) 6575 2001**Attention:** James Bailey**Re** Community / Stakeholder Planning Meeting – Bengalla Mine**Aboriginal Stakeholder Group:** WANAKUVA Local Aboriginal Land Council☒ Would like to attend☐ Do not wish to attend

Our nominated representative(s) attending the meeting will be:

BARRY FARWELL
Kylie GRIFFITHS

We are unable to attend, but would like to make the following comments:

Signed:



Date:

4/4/06General Manager

RECORD OF CONVERSATION

Person:	Barry McTaggart	Date:	7/4/06
Company:	INLALC	Time:	10.00am
Contact No:	65 43 1288	Job No:	604
Method:	Phone	Author:	JB
Subject:	BL Ad		

Details:

I returned a call to Barry from his call 10.30am on 3/4/06.
I spoke to secretary - he is out till Monday - She will get him to call me.
Meeting Scheduled for 27th April at 10am at Bengalla TR No 2.

FAX COVER SHEET

SEND TO Company name	HANSEN. CONSULTING	From	UPPER Hunter Wombarra Council
Attention	JAMES BAILEY	Date	7th APRIL 2006.
Office location	Singleton	Office location	Singleton
Fax number	02-65752001	Phone number	02-65714888.

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: _____

COMMENTS

Please See the
Following INFORMATION
Regarding the Bengalla
Mine
Etc
Victor

Return Fax: (02) 6575 2001

Attention: James Bailey

Re: Community / Stakeholder Planning Meeting – Bengalla Mine

Aboriginal Stakeholder Group: UPPER Hunter Wonnarua Council

☒ Would like to attend ☐ Do not wish to attend

Our nominated representative(s) attending the meeting will be:

Rhoda Perry
Tracey Skene

We are unable to attend, but would like to make the following comments:

Signed: [Signature]

Date: 7th April 2006.

Upper Hunter Heritage Consultants

168 Sydney street
Muswellbrook
NSW 2333
PH: 0265413532
FAX: 0265410497
MOBILE: 0422910898
EMAIL: UHHC@BIGPOND.COM

ASN: 47136639789

Attention: Hansen Consulting
Mr James Bailey

Regarding: Aboriginal Stakholder Consultation Bengalla Mine

Mr James Bailey,

Upper Hunter Heritage Consultants would like to regester their intrests to be involved in the consultation for the proposed Archaeological survey and Cultural Heritage assesment at Bengalla Mine.

Would you send all information to the address above.

Thank you
Darrel & Melissa
Matthews

U.H.H.C.

RECORD OF CONVERSATION

Person:	Darrel & Melissa Matthews	Date:	18/4/2006
Company:	Upper Hunter Heritage Consultants	Time:	1333
Contact No:	0265413532	Job No:	604
Method:	Phone	Author:	NC
Subject:	BL Road Ach Survey Meeting		

Details:

Called 1333 - no answer.
- message bank.

Called Mobile spoke to Melissa. Asked if I could get fax Number to send a letter off ~~yes~~ to let her know ~~the~~ about meeting at Bengalla. She asked if I could send it to her by email.

I said I would send it to her. She said that she would be available for the meeting.

YARRAWALK
SEARCHING FOR OUR CULTURE & HERITAGE
PO Box 906 MUSWELLBROOK
NSW AUSTRALIA 2333
02 65410445 \ 0422175839 Fax 02
65410445
Yarrowalk@bigpond.com

3rd April 2006

Attn Mr James Bailey

Registration of Interest for Bengalla Mine

As per your article dated the 31st March 2006, Please be advise that YARRAWALK is seeking to be involved in any and all consultation meeting and field work, we would also like to state Yarrowalk is a made up of ONLY a membership that can prove Wanaruah DESCENDANCY via a genealogy report that has been compiled by the NSW Native Title Services. This area in question is with in Wanaruah Traditional lands and YARRAWALK holds both oral and local history of the area.

Please also be advised that this aboriginal Corporation dose not do volunteer work or unpaid field work that would void our workers compensation. I hope that you advise your client of this so that our TIO Group will not be discriminated against and refused paid field work.

We would be more then happy to meet with yourself and your client if you like to discuss this we would also be more then happy to supply you with a copy of the report so you can see just whom is a traditional owner of this area.

This would be supplied on a need to know basic and we would hope that you would not allow it to be seen or used out side any dealings with Yarrowalk.

Could you please also advise your client that Yarrowalk will not accept being involved on a voluntary basis as our insurance company will not cover us.

Yours faithfully



Scott Franks
Managing director

Return Fax: (02) 6575 2001

Attention: James Bailey

Re: Community / Stakeholder Planning Meeting – Bengalla Mine

Aboriginal Stakeholder Group: _____

☒ **Would like to attend** ☐ **Do not wish to attend**

Our nominated representative(s) attending the meeting will be:

..... Not can attend /
..... AT this ETAG
.....
.....
.....

We are unable to attend, but would like to make the following comments:

.....
.....
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.....
.....
.....
.....

Signed:



Date: 3/APR/06

HANSEN CONSULTING CO PTY LTD (ABN 17 005 587 810)

WONNARUA CULTURE HERITAGE

ABN: 50574123352

19 O'Donnell Crescent
METFORD NSW 2323Fax & Phone: 02 49346437
Mob: 0401028807**Fax**

To: MR JAMES BAILEY From: JOSEPH GRIFFITHS WCH
Fax: 0265752001 Pages: 2
Re: BENGALLA MINE Date: 4-4-06

AS PER REQUEST IF MORE INFO
NEEDED YOU CAN RING ME ON
A00VE NUMBER OR MOBILE

J Griffiths
DIRECTOR

Return Fax: (02) 6575 2001

Attention: James Bailey

Re: Community / Stakeholder Planning Meeting – Bengalla Mine

Aboriginal Stakeholder Group: WADJARRA CULTURE HERITAGE

☒ Would like to attend

☐ Do not wish to attend

Our nominated representative(s) attending the meeting will be:

JOSEPH H. GRIFFITHS OR GORDON GRIFFITHS

We are unable to attend, but would like to make the following comments:

Signed: J. Griffiths

Date: 4+4+06

Return Fax: (02) 6575 2001

Attention: James Bailey

Re: Community / Stakeholder Planning Meeting - Bengalla Mine

Aboriginal Stakeholder Group: WATTAKA WENNARUA C.C.S.

☒ Would like to attend

☐ Do not wish to attend

Our nominated representative(s) attending the meeting will be:

DES Hickey

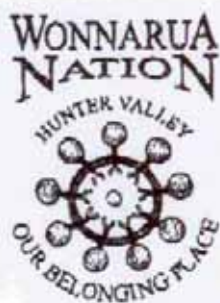
We are unable to attend, but would like to make the following comments:

Signed:

Des Hickey

Date:

4-4-06



**Wonnarua Nation
Aboriginal Corporation**

ABN No 50 012 829 925.

19 April 2006

Hansen Consulting
6/127-129 John Street
Singleton NSW 2330

Attention: Mr. James Bailey

Fax No: 0265 752001

Subject: Response to your letter dated 31 March 2006 re: Bengalla Mine.

Dear Mr. Bailey,

We would like to be consulted and participate in any required field works associated with the project.

Yours sincerely

Robert J. Lester
Chairperson.

WONNARUA NATION ABORIGINAL CORPORATION

Office address: 44 George Street Singleton NSW

PO Box 3066 Singleton Delivery Centre NSW 2330

Ph: 02 6572 1077 Fax: 02 6571 4364 Email: wnac@bigpond.com

To Hansen Consulting,

I am writing in response to the ad placed in the Hunter Valley News to express my interest in Aboriginal stakeholder consultation. My group has previously done similar work for Muswellbrook Coal, Liddel power station and Mt Arthur Muswellbrook.

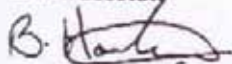
My contact details are listed below: Brian Horton

Mob: 0422536631

Fax: 0265410088

Thankyou

Brian Horton



Muswellbrook Cultural Consultants

RECORD OF CONVERSATION

Person:	Brian Horton	Date:	26/4/06
Company:	Manwellbrook Cultural Consultants	Time:	1:20pm
Contact No:	0422536631	Job No:	6041
Method:	Phone	Author:	DS
Subject:	BLR Arch Work		

- tried to call him Mon 24/04/06 (no answer)

Details:

called him regarding his faded expression of interest

Brian assured me that he has as good a knowledge of the area of Bengalla as any one else and asked to be involved.

I informed Brian of the meeting at 10am on 27 April 2006 at Bengalla mine.

He said he will be there.

DS

Archaeological & Cultural Heritage Assessment

Bengalla Mine, Muswellbrook

Presentation for Aboriginal & Cultural Heritage Stakeholders

27 April 2006



AGENDA

1. Welcome
2. Project Background:
 - Approval for the construction of stage 2 Bengalla Link Road.
 - Approval for the Relocation of an explosives storage compound
3. Project Field Work & Presentation of Methodology
4. General Discussion & Feedback
5. Field Work (Timing & Participants)
6. Site Orientation & Familiarisation
7. Further Discussion & Questions



Welcome / Site Safety Information

1. Welcome – Sign on / register attendance
2. Introductions
3. Emergency Alarm / exit points to the building.
4. Toilets and conveniences



3

Project Background – Link Road

- Bengalla's development consent (DA211/93) requires Bengalla to construct a road between Denman and Wybong Roads.
- Stage 1 of link road completed in 1996 and links Bengalla to Denman road.
- Seeking planning approval to construct Stage 2 (Bengalla to Wybong Rd) on different alignment than originally approved in Bengalla EIS.
- The Archaeological and Cultural Heritage Survey is to be undertaken on the proposed disturbance area of Stage 2 of the Bengalla Link Road.



4

Project Background – Explosives Compound

- Bengalla is seeking approval for the relocation of its explosives handling compound.
- The Archaeological and Cultural Heritage Survey is to be undertaken on the proposed disturbance area of the explosives facility and proposed road.



Previous Studies in the area

There have been seven (7) previous Archaeological surveys undertaken in the surrounding area including the original EIS for the Bengalla mine in 1993 and recently the proposed modifications to mining operations:

- Proposed Modifications Bengalla Coal Mine, Muswellbrook, 2005
- Proposed Bengalla Coal Mine, Muswellbrook, 1993
- Archaeological Survey of Muswellbrook Coal Lease, 1981a
- Archaeological Survey of Muswellbrook Common 1981b
- Archaeological Survey of Proposed Black Hill Coal Mine, 1982
- Archaeological Investigation of Pleshett Dam Mount Arthur North and Mount Arthur South in the Hunter Valley, 1985
- Report on Archaeological Survey of the Rail Loop and Coal Stockpile Facility for Dartbrook Mine Project 1989a



Project Background

These other studies have been undertaken in different areas than the proposed alignment and disturbance area for the explosives facility. So an Archaeology and Cultural Heritage Assessment needs to be undertaken within these areas to determine the presence of any Archaeological, Aboriginal Cultural Heritage sites.

This information, including management and mitigation measures, will be incorporated into the Statement of Environmental Effects (SEE) being prepared by Hansen Consulting.



Project Background

Hansen Consulting will co-ordinate the preparation of an Aboriginal Cultural Heritage assessment in conjunction with Nicole Roche (an Archaeologist) from the consultancy firm ERM.

- ERM has been engaged to provide Archaeological assessment advice, recording & reporting
- Hansen Consulting (Dianne Munro & Daniel Sullivan) will undertake the stakeholder consultation, co-ordinate the fieldwork and prepare a Cultural Heritage Statement following interviews with the key stakeholder groups.





Proposed Methodology – Field Survey

- It is proposed that the methodology include the following:
 - Pedestrian traverses in:
 - the proposed alignment and buffer regions
 - the proposed disturbance area for the explosives compound and facilities.
 - Aim for 100% coverage of sites
 - Field team to consist of representatives from the local Aboriginal community and the Archaeologist
- Provenance (AMG coordinates to be recorded by hand held GPS)
- Artefact attributes will be recorded (type, raw material, size, cortex, platform preparation, etc).
- All new sites will be recorded on site cards and included on the AHIMS database.

Cultural Heritage Statement

- In addition to the fieldwork, Hansen Consulting will organise a number of meetings with the key Aboriginal Stakeholder groups to discuss the **Cultural Heritage Value** of the site.
- These meetings will be planned over the next couple of weeks at times convenient to the various stakeholder groups.
- Like the project undertaken for the recent Bengalla modifications, the purpose of the meetings is to ensure all relevant **Cultural Heritage** issues are documented for consideration in the final report. This will include documenting appropriate management control measures.



Where to from here?

- Once the assessments have been carried out, the information collected will be included in a report that will be incorporated into the Statement of Environmental Effects (SEE) which will be submitted to the Muswellbrook Shire Council (MSC)
- Copies of all draft reports will be provided to the interested stakeholders for comment prior to being submitted to the council.



Submissions from Aboriginal Community

- In accordance with the DEC Guidelines there is a **21 day** period where comment can be made to Hansen Consulting in relation to the project.
- All correspondence relating to the proposed works and the methodology at Bengalla should be provided to Daniel Sullivan by **19 May 2006**.
- All responses will be considered and where appropriate recommendations from the community will be incorporated into the methodology proposed for this work.



Submissions from Aboriginal Community

Daniel Sullivan Contact details

Mail:
Hansen Consulting
6/127-129 John Street
Singleton, NSW, 2330

E-mail: dsullivan@hansenconsulting.com.au

Fax: (02) 6575 2001

Phone: (02) 6575 2004



Fieldwork

- Because these are 2 relatively small projects and based on the proposed methodology and the number of people in the field, the expected duration of the field work is **one (1) day** planned for the **25th May 2006**.
- Only **one (1) representative** per group will be required for the fieldwork.
- *If more than **six (6)** representatives are nominated by the groups, then Hansen Consulting (in consultation with the Aboriginal Community) will seek to accommodate all interested groups equally by establishing a works roster enabling **rotation** of people on the project*



Cultural Heritage Interviews

- Those groups wishing to participate in the **Cultural Heritage** meetings should contact Daniel to register an interest in being involved in that part of the project.
- Daniel will then make arrangements to set up the meeting at a time and location that is convenient.



Key considerations in selection of participants in the Project

- Reasonable & fair representation of all stakeholder groups in the area
- Having experienced / competent people who can offer the greatest value to the project
- OH&S requirements for working on the site
- The budget for the project
- Having groups that are registered as CNA suppliers (i.e. insurances, work cover, professional indemnity, etc).



17

Commercial Arrangements & Rates

All fieldworkers will be offered the same rate of pay.

The rate of pay for this project is **\$550 /per day**. A day is considered to be eight (8) hours from sign on. (i.e. 8am – 4pm). Where a full eight (8) hours is not completed in any one day a rate of **\$68.75** will be paid for each hour of work completed.

Travel to and from the site can also be included.



18

Site Inspections

- All participants of the site inspection are required to have the following. Spare PPE is **NOT** available:
 - Long longs
 - Hard hat
 - Steel capped boots (lace up)
 - Safety Glasses
 - Reflective vest / stripes; and
 - Gloves
- All participants are required to sign in as visitors and must be accompanied at all times.



19

Site Inspections

QUESTIONS & COMMENTS

Mail:

Hansen Consulting
6/127-129 John Street
Singleton, NSW, 2330

E-mail: dsullivan@hansenconsulting.com.au

Fax: (02) 6575 2001

Phone: (02) 6575 2004



20



HUNTER VALLEY OFFICE

Phone: (02) 6575 2000

Fax: (02) 6575 2001

6/127-129 John Street
Singleton NSW 2330

PO Box 473
Singleton NSW 2330

Archaeology & Cultural Assessment
Bengalla Link Road and Explosives Facility Community Presentation
Attendance

27/04/06

NAME	GROUP	PHONE
Daniel Sullivan	Hansen Consulting	6575 2004
Andrew Hutton	GSSE	0409 288 909
Melissa Matthews	UHC	0422 910 898
Scott Franks	YAC	0422 175 839
Barry McTaggart	WLALC	65 431288
Barry French	WLALC	As above
Brian Horton	MCC	0422 536 631
Robert Lester	WNAC	0434 610024
Des Hickey	WWCCS	65 711713
John Matthews	ANTC	0417 725 956
Margaret Matthews	ANTC	As above
Trevor Archbold	HVCC	0411 899 099 65 415921
Clifford (Mick) Matthews	VC	65 425445
Michele Stair	GC	65 410506
Apologies		
Rhoda Perry	UHC	
Gordon Griffith	WCH	
Graham Ward	UAC	

27 April 2006

GROUP

Attention:

Dear Maddam/sir

Archaeological & Cultural Heritage Assessment at Bengalla Mine

Reference is made to the expression of interest received from you by fax on X April 2006, regarding the above. I am sorry you were unable to attend our meeting today regarding the Archaeological & Cultural Heritage Assessment at Bengalla Mine in Muswellbrook. As such please find enclosed for your information and comment the presentation that was given today regarding the proposed Assessment work and methodology.

Thankyou again for expressing an interest in this project. We require any comments that you may have regarding the proposed works and methodology to be forwarded or to Daniel Sullivan by 19 May 2005

Daniel Sullivan:	Mail:	PO Box 473, Singleton NSW 2330.
	Phone:	6575 2004
	Fax:	6575 2001

Should you have any queries in relation to this letter, please contact Daniel Sullivan on 02 6575 2004.

Yours faithfully

HANSEN CONSULTING

Daniel Sullivan
Environmental Scientist

Attach: Archaeological & Cultural Heritage Assessment Bengalla Mine, Muswellbrook.

BRISBANE

Phone: (07) 3226 0900
Fax: (07) 3226 0901
Level 4, 20 Wharf Street
Brisbane Qld 4000
GPO Box 3285
Brisbane Qld 4001

HUNTER VALLEY

Phone: (02) 6575 2000
Fax: (02) 6575 2001
6/127-129 John Street
Singleton NSW 2330
PO Box 473
Singleton NSW 2330

RECORD OF CONVERSATION

Person:	Melissa Matthews	Date:	19/5/06
Company:	VHHC	Time:	12:30pm
Contact No:	0422910898	Job No:	604
Method:	Phone	Author:	DS
Subject:	Bengalla Survey		

Details:

- no answer left message about time of work on Thur 27/5/06 & return number.

- melissa called me back & said Darryl will be there. They do not wish to meet for CH discussion.

Daniel Sullivan

From: uhhc@bigpond.com
Sent: Thursday, 27 April 2006 1:37 PM
To: dsullivan@hansenconsulting.com.au
Subject: Bengalla Mine registration of interest

Attachments: workers comp.jpg; public liability.jpg; Work history.sxw



workers comp.jpg
(744 KB)



public liability.jpg
(851 KB)



Work history.sxw
(7 KB)

Daniel,

Upper Hunter Heritage Consultants would like to register their interest's to being involved in the field work for this project, I attended the meeting that was held at the Bengalla Mine complex and have had a further look at the report that was supplied to us and have agreed to the methodology set out by Hansen Consulting. U.H.H.C Have the appropriate P.P.E and agree to the rate of pay that was set out in the report.

Thank you
Miss Matthews

FAX COVER SHEET

SEND TO Company name HANSEN Consulting	From U. H. W. C.
Attention Daniel Sullivan	Date 22-5-06
Office location Singapore	Office location Singapore
Fax number 65 752001	Phone number 65 714 8888

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: _____

COMMENTS

Daniel

Faxing Through (letter for Bengalla
mine site)

Also confirmed agreement for
TRACEY Stone to work on the
25th May 06 on the Bengalla
Project.

Thanks M. B. Parry



Upper Hunter Wonnarua Council Inc

PO BOX 184 SINGLETON NSW 2330
PHONE: 02 6571 4888 FAX: 02 6571 4889

ABN: 24 070 620 198



Hansen Consulting
6/127-129 John Street
SINGLETON NSW 2330

SUBJECT: ~~Hunter Valley Operations Salvage Program~~

Attention: Daniel Sullivan / Enviromental Scientist

Dear Daniel

The Upper Hunter Wonnarua Council have no problems with the salvage work proposed regarding the Bengalla project.

Regards

V Perry

22/5/06

Rhoda called to
apologise for putting the
wrong heading on this. She said
it was suppose to say:
Bengalla survey work

DS 22/5/06
12:20am

RECORD OF CONVERSATION

Person:	Rhoda Perry / Victor Perry	Date:	15/5/06
Company:	UHW	Time:	2:51pm
Contact No:	65214888	Job No:	604
Method:	Phone	Author:	DS
Subject:	Bengalla Survey		

Details:

~~as~~ Victor answered & said Rhoda wasn't in.

I said I was calling in regards to the required Bengalla survey in which UHW expressed interest. I was calling to confirm whether UHW had read the methodology as sent to them & whether they had any comments & still wished to participate.

VP said he would think yes but will ask RP to call me tomorrow.

called Rhoda back 17/5/06 12:30pm re: Bengalla. She said she would like UHW to be involved (Tracey Skene).



UNGOOROO

ABORIGINAL CORPORATION

PO Box 3095
Singleton N S W 2330
Ph 02 65 715111
Fax 02 65 715777

Mobile 0418 696 821
ABN: 64 020 872 467

Attn Daniel Sullivan
Environmental Scientist
Hansen Consulting Pty Ltd
May 18, 2006

Dear Daniel

We at Ungooroo Aboriginal Corporation will be in attendance on May 25th at the Bengalla project; we will be sending one person as required.

Could you please advise UAC of the start time?

Yours truly,

Graham Ward CEO

RECORD OF CONVERSATION

Person:	Graham Ward	Date:	15/5/06
Company:	Ungeoroo	Time:	3:00pm
Contact No:	6571 5111	Job No:	604
Method:	Phone	Author:	DS
Subject:	Bengalla Survey		

Details:

→ Trevor answered & said he would get GW to call me back on Wednesday.

17/5/06
4:30pm

- Graham called me back re: Bengalla. He apologised for not attending meeting & said he was in process of reviewing the methodology & would fax me something tomorrow.

18/5/06
3:00pm

- I reviewed GW fax & called to inform him of the start time for Thurs 25 May. (8:45am Bengalla mine).
- he was ok with this.

DS

RECORD OF CONVERSATION

Person:	Barry McTaggart	Date:	15/5/06
Company:	WLALC	Time:	2:50pm
Contact No:	6543 1288	Job No:	609
Method:	Phone	Author:	DS
Subject:	Bengalla Survey		

Details:

called Barry McTaggart from WLALC.

No comments on methodology the Lands Council is happy with what was presented to them on 27/4/06.

In saying this the WLALC would still seek to be involved in the project.

DS

BP ~~04241610024~~



RECORD OF CONVERSATION

Person:	Barry McTaggart	Date:	19/5/06
Company:	WALE	Time:	12:30pm
Contact No:	6543 1288	Job No:	604
Method:	phone	Author:	DS
Subject:	Bengalla Survey		

Details:

- No answer
- called again 22/5/06 - gone away.
- left msg with reception about Bengalla work. (time 7:45am 25/5/06.)

RECORD OF CONVERSATION

Person:	Gordon Griffiths	Date:	15/5/06
Company:	Wannama Culture Heritage	Time:	3:15pm
Contact No:	0401028807	Job No:	604
Method:	Phone	Author:	DS
Subject:	Bengalla Survey		

Details:

- No comments on methodology or CH issues to talk about
- Gordon said that since the work is for only 1 day (possibly 2 days) he doesn't wish to be involved.
 - He said he will focus on the upcoming client work for which he reverted to methodology today.
 - I informed him that anyone that wishes on client work (Coala Allied) would require a Coala Allied generic SAS induction (valid). He said he understood & would get it before June.

RECORD OF CONVERSATION

Person:	Brian Horton	Date:	15/5/06
Company:	Muswellbrook Cultural C.	Time:	3:35pm
Contact No:	0422536631	Job No:	604
Method:	Phone	Author:	DS
Subject:	Bengalla Survey work		

Details:

Has no comments on methodology

And said he wishes to sit this one out since it was only for 1 day.

- He asked to be informed of future works.

BH said he can also do fencing & slashing if required.

I asked if he wanted to meet about cultural heritage. He said he can't recall anything.

RECORD OF CONVERSATION

Person:	Margaret Matthews	Date:	9/5/06
Company:	Aboriginal Native title elders	Time:	10:00am
Contact No:	0438243456	Job No:	4604
Method:	Phone	Author:	DS
Subject:	BLR cultural heritage		

Details:

- no answer (said phone switched off.)
- 10:32am: - no answer (switched off)
- 1:53pm - no answer (switched off)
- 9:50am 10/5/06 - no answer Home or mobile
- 12:11pm " " - no answer (switched off)
- 10:30am 11/5/06 - no answer.

John Matthews

RECORD OF CONVERSATION

Person:	Margaret Matthews	Date:	15/5/06
Company:	ANTEC	Time:	11:30am
Contact No:	0917725956	Job No:	414/604
Method:	Phone	Author:	DS
Subject:	Bengalla & Cleburn Arch work		

Details:

- John can't recall getting a fax or letter for Cleburn. If he did he would have responded straight away.

Link Road - Margaret wish to be involved in BMC. They have no comments & are ok with the methodology.

- They are fine to start Thursday 8am 25/May 2006.

Margaret said VP done big survey of this area with Beth - Archaeologist.

- They both have never walked this area before.

Confirmed address

- 31 Mitchell St. Muswellbrook.

Cultural Heritage meeting with Margaret at WLALC 7:30pm. Tuesday 16/5/06.

Margaret has a thing from council she wants to show to me.

- Margaret said she thinks she has a Native title claim in this area she wants to check with me on some maps tomorrow.

she asked if ANTEC could be included in the Cleburn work. I said I would find out for her.

- she thanked me.

RECORD OF CONVERSATION

Person:	Rodney Matthews	Date:	
Company:	Aiwiri	Time:	
Contact No:	-	Job No:	609
Method:	Phone	Author:	DS
Subject:	Bengalla Lmbrd		

Details:

- called to confirm I received Aiwiis fax re: Bengalla Survey.
- I said yes.
- I asked whether Aiwi had any comments re: the methodology. Rodney said no & that Aiwi is up to be involved.
- I asked if he would like to have a meeting to discuss cultural heritage for the specified area. He said he will check with Michelle Stair & get back to me if she does.

RECORD OF CONVERSATION

Person:	Rodney Matthews	Date:	19/5/06
Company:	Hiwila	Time:	12:30pm
Contact No:	65410506	Job No:	604
Method:	-	Author:	DS
Subject:	Bengalla Survey		

Details:

called to inform time of BLR Survey
work on Thur 27. - left message & return
number.

- Mirelle Stain called me back &
confirmed she would be there.

RECORD OF CONVERSATION

Person:	Des Hickey	Date:	15/5/06
Company:	Wetaka cc services	Time:	3:00pm
Contact No:	65711713	Job No:	809
Method:	phone	Author:	DS
Subject:	Bengalla Survey		

Details:

Des said he will go over the methodology again & then will fax ~~me~~ me something back by Wednesday or Friday this week. I asked whether he had any CH issues to discuss. He said no. He said that since its for only 1 or possibly 2 days work he's generally not too concerned whether he's involved or not.

He confirmed that he had recreated the salvage /olechant methodology & will review that too.

~~Des~~

RECORD OF CONVERSATION

Person:	Trevor Archbold	Date:	15/5/06
Company:	HVCC	Time:	2:30pm
Contact No:	04 1189 7099	Job No:	604
Method:	—	Author:	DS
Subject:	Bengalla		

Details:

- ~~left msg~~
No answer,

4:00pm - No answer

RECORD OF CONVERSATION

Person:	Larry van Vliet	Date:	↑ 3:10pm
Company:	valley culture	Time:	↓ 15/5/06
Contact No:	65425445	Job No:	604
Method:	Phone	Author:	DS
Subject:	Bengalla Survey		

Details:

Left message.

- Larry van Vliet to call me back at 4pm today.

Fax To: XX

From: Nathan Cooper

Company: XX

Date: 15 November 2007

Fax No: XX

Ref: 0640/071114 bengalla salvage fax

Subject: Bengalla Mine Partial Salvage of Site B10 Under Amended Section 90 Consent to Destroy 2621

Pages: 3 (inc cover sheet)

Dear XX

Reference is made to the amended Bengalla Mine (Bengalla) Section 90 (S90) Application for which the methodology was provided to your group for comment on 24 July 2007. The initial Bengalla S90 Application was submitted to the Department of Environment and Climate Change (DECC) on 10 November 2006.

On 17 May 2007, S90 permit #2621 was granted by DECC permitting the salvage of all of the sites within the Bengalla S90 Application, excluding Site B10. The Salvage Program for these sites was undertaken on 27 June 2007, in accordance with the methodology approved by the Aboriginal community.

Bengalla now seeks to undertake a Salvage Program which would involve the partial salvage of Site B10. We would like to arrange the required works to be undertaken on **Thursday, 29 November 2007**. This work will be undertaken in accordance with Phase 1 of the Salvage Program as described in the Bengalla Salvage Program – Revised Methodology for Site B10 dated 24 July 2007 (as previously provided for comment). Phase 1 involves one day in the field, focussing on surface collections over the area of Site B10 shown on the amended S90 permit.

Phase 2 of the Salvage Program as described in the revised methodology for site B10 will be undertaken in early 2008 and will be arranged at a later date.

Only one representative per group will be required for Phase 1 of this work. If more than the required six people are nominated by the groups, then Hansen Bailey, in consultation with the Aboriginal community, will seek to accommodate all interested groups equally by establishing a works roster enabling the rotation of people on the Salvage Program.

It is also intended that during this site visit, a small section of the Bengalla Link Road Stage 2 survey area will be reassessed for Aboriginal Archaeology. The representative from your group is also invited to attend this reassessment.

The rate of pay for this Salvage Program will be **\$550** per person for an 8 hour day. Travel to and from site can also be included as an expense at the rate of **\$50** per day for those who drive to site.

All participants are required to supply their own PPE which must include:

- **Long sleeve shirt and long pants;**
- **Hard hat;**
- **Lace up steel capped boots;**
- **Safety glasses;**
- **Gloves; and**
- **Reflective vests/stripes.**

To assist with the planning of this work, we request that all groups that wish to be involved in the Bengalla Salvage Program proposed to be undertaken on **Thursday, 29 November 2007** respond to myself at Hansen Bailey using the attached fax back pro-forma at your earliest convenience.

If you should require any further information please do not hesitate to call me on (02) 6575 2007.

Regards

Nathan Cooper
Environmental Scientist

Return Fax: (02) 6575 2001

Attention: Nathan Cooper

Re: Bengalla Salvage Program for Site B10

Aboriginal Stakeholder Group: _____

☐ Would like to attend ☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

.....
.....

We are unable to attend, but would like to make the following comments:

.....
.....
.....
.....
.....
.....
.....

Signed: Date:

Return Fax: (02) 6575 2001

Attention: Nathan Cooper

Re: Bengalla Salvage Program for Site B10

Aboriginal Stakeholder Group:

WAWARUAH LOCAL ABORIGINAL
LAND COUNCIL

☒ Would like to attend

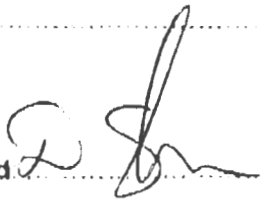
☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

DONNA MATTHEWS

We are unable to attend, but would like to make the following comments:

Signed



Date:

15/11/07

Return Fax: (02) 6575 2001

Attention: Nathan Cooper

Re: Bengalla Salvage Program for Site B10

Aboriginal Stakeholder Group: UNGUAROO ABORIGINAL CORPORATION

26 George St Singleton

☒ Would like to attend

☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

Allen Paget

We are unable to attend, but would like to make the following comments:

Signed: Allen Paget

Date: 15-11-07

15 Nov 2007 2:45PM HP LASERJET FAX

p.3

Return Fax: (02) 6575 2001

Attention: Nathan Cooper

Re: Bengalla Salvage Program for Site B10

Aboriginal Stakeholder Group: Hunter Valley Cultural Consultants

☒ Would like to attend

☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be

Coleen Stair

We are unable to attend, but would like to make the following comments:

.....

.....

.....

.....

.....

.....

.....

.....

Signed: Matthew

Date: 16/11/07

15 Nov 2007 2:51PM HP LASERJET FAX

p.3

Return Fax: (02) 6575 2001**Attention: Nathan Cooper****Re: Bengalla Salvage Program for Site B10****Aboriginal Stakeholder Group:** Aboriginal Native title Elders☒ Would like to attend☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

John + Margaret Matthews

We are unable to attend, but would like to make the following comments.

Signed: M MatthewsDate: 16/11/07

Return Fax: (02) 6575 2001

Attention: Nathan Cooper

Re: Bengalla Salvage Program for Site B10

Aboriginal Stakeholder Group:

Gindim

☒ Would like to attend

☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

Benny Stair

We are unable to attend, but would like to make the following comments:

Signed:

m Stair

Date:

16/11/07

Return Fax: (02) 6575 2001

Attention: Nathan Cooper

Re: Bengalla Salvage Program for Site B10

Aboriginal Stakeholder Group: UTPER HUNTER WOODGALYA

☒ Would like to attend

☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

TRACEY CAHILL

We are unable to attend, but would like to make the following comments:

.....
.....
.....
.....
.....
.....
.....

Signed: [Signature] Date: 26-11-07

15 Nov 2007 2:28PM

HP LASERJET FAX

p.3

Return Fax: (02) 6575 2001**Attention: Nathan Cooper****Re: Bengalla Salvage Program for Site B10****Aboriginal Stakeholder Group:**WATTAKA WCCS.☐ Would like to attend☐ Do not wish to attend

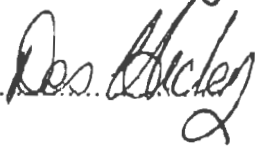
Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

We are unable to attend, but would like to make the following comments:

Please send report

Wattaka is looking forward
in working with Gordon Bailey
in future projects
Thank you

Signed: ...



Date: ...

26-11-07

Return Fax: (02) 6575 2001

Attention: Nathan Cooper

Re: Bengalla Salvage Program for Site B10

Aboriginal Stakeholder Group.

Upper Hunter Heritage Consultants

☒ Would like to attend

☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

JUSTIN MATTHEWS

We are unable to attend, but would like to make the following comments:

.....

.....

.....

.....

.....

.....

.....

Signed:

Nathan

Date:

20/11/07

21 Nov 2007 1:46PM HP LASERJET FAX

P.3

Return Fax: (02) 6575 2001

Attention: Nathan Cooper

Re: Bengalla Salvage Program for Site B10

Aboriginal Stakeholder Group: Nanaruan Land

☒ Would like to attend ☐ Do not wish to attend

Our nominated representative attending the Bengalla Salvage for Site B10 and the Reassessment of an area of Bengalla Link Road Stage 2 will be:

Donna Matthews

We are unable to attend, but would like to make the following comments:

Signed: Donna Matthews

Date: 21/11/07

Nathan Cooper

From: Melissa Walker [mwalker@hansenbailey.com.au]

Sent: Tuesday, 27 November 2007 12:32 PM

To: 'Nathan Cooper'

Donna Sampson from the Wonnura Land Council called at 12.30 and said they had nominated Donna Matthews for the Bengalla field work. Donna will not be able to make the field work, so they are sending George Sampson as the replacement. George has his SGS induction etc. She said to call her if you have any further questions or require more information.

Melissa Walker

Environmental Scientist

HANSEN BAILEY

Tel: (02) 6575 2005

Fax: (02) 6575 2001

Mobile: 0428 772 561

mailto:mwalker@hansenbailey.com.au

28/11/2007

Name:	Des Hickey	Date:	26/11/2007
Company:	Wattaka Wommarua (Service)	Time:	15 42
Phone No:	02 65711713	Job No:	640
Subject:	Bengalla Salvage Program	Recorded by:	NC

Details:

Called to see if Des had received fax Thursday 15 November and if he wished to participate in salvage program.

Left message for Des to call me back Message bank.

Des called back.
16 27 - Won't be able to make it as he will be at another job. I asked for him to send back fax proforma saying that he will be unavailable.

Action:

Follow up. NC followed up.

RECORD OF CONVERSATION

Name:	Larry van Vliet	Date:	26/11/07
Company:	Valley Culture	Time:	1509.
Phone No:	65425445.	Job No:	640
Subject:	Bengalla Salvage Program	Recorded by:	NC

Details:

Called Larry to see if he had received the fax that we sent on ^{Thurs} 15 November and if he wished to participate in work. We require the fax proforma to be filled out & sent back.

1509 - Called left message for him to call back. On message bank.

28/11/07 - 1446.

Warren, hospital. with daughter having operation brother in law.

Action:

NC to follow up. NC followed up 28/11/07. Unfortunately, was down @ hospital with daughter who was having operation.

Name:	Barry Andersen.	Date:	26/11/2007
Company:	Bengalla Salvage Program.	Time:	1540.
Phone No:	65 745 311 / 65 745 303.	Job No:	640
Subject:	Lower Wonnarua Tribal Consultancy.	Recorded by:	NC

Details:

Called to see if he had received fax 15 November re: Bengalla Salvage Program.

Left message for Barry to give me a call back. on home message bank.

28/11/07 14 49 - Message Bank. No message left.

Action:

Follow up.

Name:	Darrel Matthews	Date:	26/11/2007
Company:	Upper Hunter Heritage Consult	Time:	1530.
Phone No:	0439 676900 / 0422910398	Job No:	640
Subject:	Berrigulla Salvage Program	Recorded by:	NK.

Details:

Called. to see if they had received fax sent Thursday 15 November 2007 and if they were interested in participating?

If they could send back fax proforma that would be good.

Me Somebody else going.

Spoke to Melissa. She explained that she did not receive fax but had made a copy of someone elses.

She was interested in the work. She was working @ Coles on Thursday but would send someone else through. She mentioned that she would send fax through this afternoon.

Action:

RECORD OF CONVERSATION

Name:	Victor Perry	Date:	26/11/07
Company:	Upper Hunter Wonnamatta Land	Time:	1512.
Phone No:	65714888.	Job No:	640
Subject:	Bengalla Salvage Program	Recorded by:	NC

Details:

Called Victor to see if he had received fax and if he wished to participate in salvage program. We require form to be filled out & sent back.

1512 - Spoke to ^{secretary} Lady. Currently unavailable. Would give me a call back.

She asked what mine site Bengalla was. I replied CNA site near Muswellbrook.

Spoke to 1556. Tracey ~~was~~ on ~~the~~ phone. She told me that she was interested and would send the fax program through. I mentioned that she would need to be there before 8am on Thursday.

Action:

RECORD OF CONVERSATION

Name:	Barbara Foot	Date:	28/11/07
Company:		Time:	1550
Phone No:		Job No:	640
Subject:	Bergalla Salvage Program	Recorded by:	NC

Details:

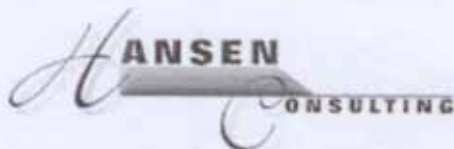
TB & myself called Barbara to see if she would like to come up to Bergalla to have a look @ what was going on. Barbara explained that she had an appointment that she could not get out of at 11am & would go for Thaw. Unfortunately could not come.

David was getting a lift with Allen. I mentioned if they could be at Bergalla by 8am that would be good.

She seemed happy with the call and thanked us very much.

Action:

65431288

**RECORD OF CONVERSATION**

Person:	Christine Matthews	Date:	2/11/07
Company:	Wampanoag Local Aborigine	Time:	14:40
Contact:	Lands Council	Job No:	
Method:		Author:	
Subject:			

Details:

Monter Valley Cultural Consultants.

89,90,91, 11

Called back follow up that fax went through. She confirmed she had ~~received~~ ^{received} fax ~~on through~~ again and that she would send one back from Lands Council.

Action:

Nathan Cooper

From: Dianne Munro [dmunro@hansenbailey.com.au]
Sent: Wednesday, 28 November 2007 2:49 PM
To: 'Nathan Cooper'
Subject: Bengalla Salvage Tomorrow - Tracey Skene called

Tracey will not be able to attend tomorrow as she has a funeral to attend.

She has chased around and no one else from the UH Wonnarua TC is available to attend.

As such UHWTC will not be represented tomorrow.

They still have an interest however and would like a draft report when available.

Dianne.

Dianne Munro
Senior Environmental Scientist

HANSEN BAILEY
Tel: (02) 6575 2003
Fax: (02) 6575 2001
Mobile: 0428 772 566
Email: dmunro@hansenbailey.com.au



HUNTER VALLEY OFFICE

Phone: (02) 6575 2000

Fax: (02) 6575 2001

6/127-129 John Street
Singleton NSW 2330

PO Box 473
Singleton NSW 2330

27 June 2006

Group

Attention:

Dear

Bengalla Mining Company – Aboriginal Archaeology & Cultural Heritage

Hansen Consulting (Hansen) are currently managing two Aboriginal cultural heritage projects for Bengalla Mining Company (BMC) in which your group has expressed an interest to be involved. Two documents are attached which we would appreciate your comments by **19 July 2006** for;

1. the Bengalla Link Road Project SEE Draft Archaeology Report; and
2. the Bengalla Explosives Storage Facility SEE Draft Archaeology Report.

Further detail is provided on each document below:

1. Bengalla Link Road

In conjunction with members of the Aboriginal community, Bengalla conducted fieldwork for this survey in June 2006, over an area between the existing Link Road and Wybong/Roxburgh Roads. Please find enclosed the Bengalla Link Road Draft Aboriginal Cultural Heritage Assessment Report dated June 2006 prepared by ERM (**Attachment 2**).

Could you please review this report and provide comments to us. All responses will be considered and where appropriate recommendations from the Aboriginal community will be incorporated into the final report

2. ***Bengalla Explosives Storage Facility***

Bengalla also conducted fieldwork with the Aboriginal community to identify Aboriginal heritage in a small area to the west of the mine to build an explosives storage facility. Please find enclosed the Bengalla Explosives Storage Facility Draft Aboriginal Archaeological Assessment Report dated June 2006 prepared by ERM for your comment (**Attachment 3**).

Could you please review this report and provide comments to us. All responses will be considered and where appropriate recommendations from the Aboriginal community will be incorporated into the final report.

Thank you again for expressing an interest in these projects. As noted above we require any comments that you may have regarding the attached documents to be forwarded to Daniel Sullivan by **19 July 2006**. Hansen Consulting's contact details are:

Mail: PO Box 473, Singleton NSW 2330.
Phone: 6575 2004
Fax: 6575 2001

Should you have any queries in relation to this letter, please contact Daniel Sullivan on 02 6575 2004.

Yours faithfully

HANSEN CONSULTING



Daniel Sullivan

Environmental Scientist

Attach: 1. Bengalla Link Road re-Alignment Draft Aboriginal Cultural Heritage Assessment Report dated June 2006
2. Bengalla Explosives Storage Facility Draft Aboriginal Archaeological Assessment Report dated June 2006

10 January 2008

Group

Attention:

Dear

**BENGALLA LINK ROAD STAGE 2 – ARCHAEOLOGY AND CULTURAL HERITAGE
SURVEY REPORT**

In conjunction with members of the Aboriginal community, Environmental Resources Management (ERM) conducted an Archaeology and Cultural Heritage Assessment for the Bengalla Link Road Stage 2 Environmental Assessment (EA) on behalf of Bengalla Mining Company (BMC). The fieldwork component of this work was undertaken over two survey periods as described below;

1. Survey 1

An Archaeological and Cultural Heritage Survey was undertaken on 25 May 2006, over the survey area for the proposed alignment of the Bengalla Link Road Stage 2. Representatives from the Aboriginal Community were present during this survey. Following this survey a report was prepared by ERM and provided to the Aboriginal Community for comment on 27 June 2006.

2. Survey 2

A second Archaeological and Cultural Heritage Survey was undertaken on 29 November 2007 to assess a small section of the road alignment that was modified for the Bengalla Link Road Stage 2. Representatives from the Aboriginal Community were present during this survey. The survey report has now been updated to include the findings of this second survey on the Bengalla Link Road Stage 2 and is attached for your records.

Thank you again for expressing an interest in this project and for participating in the associated fieldwork. Should you have any queries in relation to this letter, please contact Daniel Sullivan on (02) 6575 2004.

Yours faithfully
HANSEN BAILEY

Daniel Sullivan
Environmental Scientist

Attach:

1. Bengalla Link Road Stage 2 Archaeological Assessment Report dated December 2007.



Upper Hunter Wonnarua Council Inc

PO BOX 184 SINGLETON NSW 2330
PHONE: 02 6571 4888 FAX: 02 6571 4889

ABN: 24 070 620 198



Hansen Consulting
PO Box 473
SINGLETON NSW 2330

18th July 2006

ATT: Daniel Sullivan

REF: Bengalla Mining Link Rd – Section 90 Salvage Program

Dear Daniel

The Upper Hunter Wonnarua Council have reviewed the above road re- alignment project.

Our Council has no objections to the development as long as our people are involved in all
The field work associated with the salvage program.

Our Council is interested in the care and control of the artifacts from this area.

Your sincerely
Co-Ordinator,

V Perry on behalf V. Perry
V Perry



8 Fitzgerald ave
Muswellbrook N.S.W 2333

Ph: 65410506
Fax: 65410751
Mobile: 0421434590

Giwirr Consultants Pty Ltd

July 4, 2006

Attention: Daniel Sullivan

Reference: **Bengalla Link Road Re-Alignment**

Dear Daniel

Giwirr Consultants representative participated in Archaeological investigation for the proposed project in mention during the survey there were evidence of Aboriginal occupation with in the study area we would like to support a (section 90) to carry out a surface collection for these sites.

Regards,

Rodney Matthews
Manager



P.O. BOX 127
19 MAITLAND STREET,
MUSWELLBROOK 2333
ABN 33 251 730 169

PH.: (02) 6543 1288
(02) 6543 1962
FAX: (02) 6542 5377
EMAIL: wanaruah@hunterlink.net.au

Daniel Sullivan
Hansen Consulting
6/127-129 John Street
Singleton 2330

Fax 65752001

19th July 2006

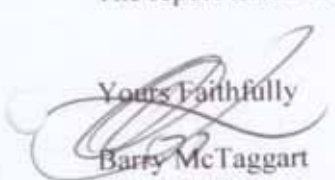
Subject: Bengalla mining Company-Aboriginal Cultural and Heritage assessment.

Dear Daniel,

Please find attached a report prepared by Mr. Barry French, Council's Senior Site Assessor in respect of the two sites at Bengalla mine.

The report is self explanatory and Council concurs with the recommendations.

Yours Faithfully


Barry McTaggart
General Manager



Cultural and Heritage Assessment Report

Area Covered: 1.Bengalla link Road Project

2.Bengalla Explosives Storage Facility.

Date:25th May 2006

Survey Carried out By: Barry French for Hansen Consulting(Daniel Sullivan)

Methodology: Survey of both areas was carried out by walkover survey involving a cross section of the community.

Findings: Scatters of artifact were found on both site assessments mainly mud stone and silcrete being the material which would have been used for sphere heads and cutting blades.

Recommendation:

Salvage of the artifacts from within the surveyed area.

As the area has weathered over the years and there may be items beneath ground level it is considered appropriate that scraping should be undertaken in conjunction with road and excavation work and monitored during the course of the works.

Barry French
Senior Sites Assessor

Barry French
19.7.06