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28 September 2012

Mr David Kitto  
Director, Mining & Industry  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Felicity Greenway

Dear Felicity,

**Response to submissions – development consent modification application for the Ashton Coal Mine – DA 309-11-2001 MOD 10**

The Department has provided submissions on Ashton Coal Operations Pty Limited' (ACOL) application to modify DA 309-11-2001-i (MOD 10) from the following interested stakeholders:

- NSW Office of Environment & Heritage (OEH).
- NSW Environment Protection Authority (EPA).
- NSW Resources & Energy (DRE).
- NSW Transport Roads & Maritime Services (RMS).
- The United Mineworkers' Federation of Australia (CFMEU).
- Camberwell Common Incorporated (CCI).
- Three Camberwell community members.

Of these, only the OEH, CCI and the three Camberwell community submissions raised issues requiring a response. The CCI and three Camberwell community submissions raised the same set of issues. The EPA, DRE, RMS and CFMEU submissions raised no concerns, although the EPA did propose recommended conditions of consent for consideration by the DP&I, as did the OEH submission.

The modification application (DA 309-11-2001-i MOD 10) is to allow the construction and operation of a centralized gas drainage plant, flares, up to 80 goaf gas bores and connecting pipeline. A detailed description of the proposed development was included in the Environmental Assessment (EA) provided in support of the modification application, which was publicly exhibited from 15 to 31 August 2012.

A response to the issues raised in the submissions on the modification application is provided in the attached table.

If you require further clarification or additional information on any aspect of the proposed modification, I can be contacted on (02) 6576 1111, 0459 105 360 or via email at [mmoore@ashtoncoal.com.au](mailto:mmoore@ashtoncoal.com.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. Moore', with a stylized, cursive script.

Michael Moore  
Approvals Manager

Attachments:      Table 1 - Response to issues raised in submissions, including updated Aboriginal stakeholder consultation logs

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**Table 1 Response to issues raised in submissions**

Issue	Response	Submission
<b>Cultural Heritage</b>		
<p>Further evidence is required to demonstrate that all registered Aboriginal parties (RAPs) have been contacted and afforded the opportunity to provide feedback.</p>	<p>Following receipt of the OEH submission, Insite Heritage (Insite) on behalf of ACOL:</p> <ul style="list-style-type: none"> <li>• Contacted the OEH (on 20/09/2012, Ref: Doc 12/39456) to obtain updated details for RAPs not previously contacted due to incorrect or out of date contact details.</li> <li>• Contacted RAPs who did not respond previously to requests from Insite for feedback on the assessment report and proposed management measures. The updated consultation log is included as Appendix A.</li> </ul> <p>ACOL has used its best endeavours to engage and consult with RAPs on the proposed modification, including:</p> <ul style="list-style-type: none"> <li>• Involving RAPs in field archaeological survey work. Six RAPs were engaged over four days in November 2011. RAPs were selected according to ACOL's field work rostering process. Work carried out included re-inspection/re-survey of the underground area over which the proposed modification is located.</li> <li>• Inviting and encouraging all RAPs to attend its Aboriginal Community Consultation Forums (ACCF). The ACCF was set up specifically to assist ACOL communicate and manage Aboriginal issues at the ACP site. The proposed modification, Archaeological Assessment Report (AAR) and proposed management measures were discussed at ACCF meetings on the 7 Dec 2011, 6 March 2012, 2 May 2012 and 2 August 2012. A copy of the minutes for each of these ACCF meetings is included as Appendix B.</li> <li>• Furnishing all RAPs with archaeological assessment information and approved and proposed measures to manage Aboriginal cultural heritage across the ACP underground area, including the disturbance areas for the proposed modification. This has included: <ul style="list-style-type: none"> <li>○ Hand delivering a hard copy of the assessment report and proposed management measures to RAPs living within the Singleton and Muswellbrook areas.</li> <li>○ Registered mail delivery of the assessment report and proposed management measures to RAPs living outside the Singleton and Muswellbrook areas.</li> </ul> </li> </ul>	<p>OEH</p>

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	<ul style="list-style-type: none"> <li>○ Emailing the assessment report and proposed management measures to RAPs where further copies were requested.</li> <li>• Contacting all RAPs by phone (on 13 June 2012) to seek written or verbal response on the assessment report and proposed management measures prior to finalising the EA.</li> <li>• Follow-up contact on 20, 21 and 24 September 2012 at the request of OEH.</li> </ul> <p>As a result, 21 of the RAPs have responded, each indicating their agreement with the proposed management of Aboriginal cultural heritage items in accordance with the methods approved in the Aboriginal Heritage Impact Permits (AHIP #1130976 and AHIP #1131017) for the underground mine area, as proposed in the AAR, see Appendix A. Some other RAPs indicated they would provide a response, but even with further follow-up no response was forthcoming.</p>	
<p>The absence of formal comments of support or otherwise from a large majority of the RAPs indicates that the Aboriginal cultural heritage assessment is inadequate.</p>	<p>ACOL disputes the notion that the number of Aboriginal stakeholders that respond to a request for feedback on the AAR is a measure of the adequacy of the assessment.</p> <p>As indicated, ACOL has used its best endeavours to inform, engage and invite comment from all 35 Aboriginal stakeholder groups (including individuals) on the proposed modification. There is no mandatory requirement for stakeholders to respond, therefore the absence of formal comment or support is not an indication of the adequacy of the assessment. Further, no amount of requesting feedback from RAPs will necessarily translate into the provision of a response.</p> <p>ACOL specifically initiated the ACCF to more effectively engage with all RAPs on the management of Aboriginal objects within the two AHIP areas and cultural heritage issues pertaining to the ACP in general. As part of this process ACOL has set up working groups with RAPs to specifically manage the more sensitive aspects of cultural heritage at the site (e.g. grinding groove sites; Voluntary Conservation Agreement area; artefact salvage, collection and management). While all RAPs have been invited to each meeting, at most only 13 of the RAPs have attended the ACCF meetings.</p>	<p>OEH</p>
<p>The EA indicates the number of RAPs for the project is 35, comprising 33 community groups and 2 individuals. However, the AAR indicates only 32 RAPs.</p>	<p>ACOL extended the consultation on the proposed modification to include three additional Aboriginal stakeholders (i.e. additional to the 32 RAPs).</p> <p>All 35 Aboriginal stakeholders identified in the EA were afforded the opportunity to comment on the proposed modification and provide feedback on the AAR and proposed management measures.</p>	

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	<p>It should be noted that there is considerable cross over between the listed stakeholder groups with some community members participating in various groups. Hence some stakeholders assume that if they responded on behalf of one group they do not need to respond on behalf of the other group to which they are affiliated.</p>	
<p>Information has not been provided on the cultural significance of the additional 30 Aboriginal sites identified within the project area following the November 2011 field assessments.</p> <p>Additional evidence should be provided from the RAPs confirming the cultural significance and value of all cultural heritage within the project area as part of the overall significance assessment.</p>	<p>The cultural significance of all Aboriginal heritage objects within ACOL's holdings has always been described by the RAPs as of high cultural significance.</p> <p>The new loci located in the re-survey of the underground area are loci within existing known sites, which is to be expected as ground exposure can differ on a temporal scale. The contents of the additional loci are consistent with the previously recorded sites and have been treated in a consistent manner with all other sites on ACOL land holdings – i.e. as sites of high cultural significance.</p> <p>In addition, only two of the re-survey loci (RS 4 &amp; 8) will potentially be impacted by the proposed modification. These loci are two of ten new loci located in the "High Spur Site", an area of relatively shallow topsoil and variable surface visibility. The content of the two loci is one IMT flake and one silcrete flake respectively. These objects are consistent with the contents of other loci and are of low scientific significance.</p> <p>AHIMS cards will be amended to include the additional sites, prior to any disturbance.</p>	OEH
<p>The management strategies identified as Aboriginal cultural heritage management measures are unclear and the expectations of all stakeholders are not clearly defined.</p> <p>OEH recommends the Aboriginal Cultural Heritage Management Plan (ACHMP) is updated prior to any proposed works associated with the proposed modified project application to incorporate the additional likely impacts on Aboriginal cultural heritage values associated with the project area.</p>	<p>The expectations and roles of all stakeholders are clearly defined in the two AHIPs for the site and again in the updated and approved CHMP (approved by the DP&amp;I on 10 August 2012 following consultation with RAPs and OEH).</p> <p>Throughout the Aboriginal cultural heritage assessment and consultation process for the proposed modification the RAPs have clearly stated that all cultural heritage sites should be managed in accordance with the conditions of the AHIPs.</p> <p>ACOL is committed to minimising impacts to Aboriginal cultural heritage, however flexibility in the location of gas bores is required to ensure safe gas levels at all times in the underground mine. ACOL has used terms such as 'where possible' in the EA to identify that it will use its best endeavours to avoid impacting Aboriginal objects, but there may be certain circumstances where it is impossible to avoid not impacting objects.</p> <p>All impacts associated with the proposed modification have been clearly identified, discussed with RAPs and management measures agreed to.</p>	OEH

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	<p>Further, RAPs have indicated management of all Aboriginal heritage items should be in accordance with the measures described and approved in the AHIPs for the site. These measures are the result of extensive consultation with RAPs to determine a process that meets both scientific and cultural requirements in the management of cultural heritage at the ACP.</p> <p>These measures are also clearly described in the updated and approved CHMP (to which RAPs and OEH had input) and therefore there is no reason for further revision of the CHMP as a result of the proposed modification.</p>	
<p>The development will cause the destruction of Aboriginal artefacts.</p>	<p>ACOL has committed to minimising its impacts on Aboriginal heritage. However, where impacts are unavoidable these will be managed in accordance with the approved AHIPs, CHMP and in consultation with Aboriginal stakeholders.</p> <p>This approach has been agreed to by ACOL's Aboriginal stakeholders.</p>	<p>CCI, community</p>
<b>Ecology (Flora and Fauna)</b>		
<p>The total loss of vegetation within the Voluntary Conservation Agreement (VCA) area has not been identified.</p> <p>The total impacts to Central Hunter Grey-Box Iron Bark Woodland EEC within the VCA area should be identified.</p>	<p>The location of bore pads and pipelines has been carefully selected to avoid disturbing native vegetation within the VCA area as far as practically possible. However, the absolute need to ensure the safety of the underground mine workers requires that some minor impacts may occur to native vegetation within the VCA area.</p> <p>The total potential disturbance footprint of the proposed development within the VCA area is approximately 0.44Ha, comprising:</p> <ul style="list-style-type: none"> <li>• 0.4Ha of disturbance to existing disturbed dry land pasture along the edge of access roads and management tracks.</li> <li>• 0.04Ha of disturbance to native vegetation.</li> </ul> <p>Note the extent of potential disturbance has been calculated on the extent of canopy cover, whereas the actual ground disturbance is likely to be less.</p> <p>Gas bore sites within the VCA area have purposefully been selected to avoid impacting EEC species, with both sites predominantly occupying exiting disturbed areas (i.e. on the disturbed verge of access tracks devoid of EEC trees).</p>	<p>OEH</p>
<p>The placement of the proposed infrastructure within the VCA area has not been justified and it is recommended that the gas drainage network be redesigned to occur outside the VCA area only.</p>	<p>The safety of its employees is of paramount importance to ACOL and takes precedence over all other aspects of mine operations and management.</p> <p>Notwithstanding, health and safety legislation requires gas levels within the underground working areas to be maintained below statutory limits.</p> <p>Goaf gas drainage is the most effective and efficient manner to manage gas</p>	<p>OEH</p>

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	<p>levels and to maintain safe operating conditions within the underground mine. While flexibility exists for repositioning some of the gas bores and pipelines there is limited flexibility in the positioning of the first gas bore for each longwall panel.</p> <p>ACOL has used an alternative arrangement to manage gas levels during the initial stage of LW1 but this is not efficient and does not remove the risk of gas levels exceeding statutory limits along the working face and in adjacent gateroads, and therefore has the potential to put mine workers and the operation at risk.</p> <p>At the time the VCA was drafted and agreed upon it was acknowledged that it directly overlay part of the underground mine. In doing so it was also recognised that some mine infrastructure may be required to be established within the VCA area for safety purposes where there was no alternative location. This is stated in condition 2.3.6 to the VCA: "...necessary surface works that may be required to ensure the ongoing operation and safety of the underground mining operations, that by necessity cannot be carried out outside the boundaries of conservation area."</p> <p>ACOL has carefully considered all potential alternatives to establishing gas bores in the VCA area. However, there is no plausible or acceptable alternative that would not put the safety of mine workers at risk. Hence by necessity the first gas bore in LWs 1 and 2 are required to be established within the VCA area. Notwithstanding ACOL is committed to ensure that potential impacts to native vegetation and Aboriginal objects within the VCA are either avoided or minimised as far as practically possible.</p>	
The development will disturb native flora and fauna and endangered species.	<p>The potential impacts to native flora and fauna (including endangered species) were considered within the EA.</p> <p>The locations of the proposed infrastructure have been selected to avoid or minimise impacts to native vegetation as far as practically possible, provided the safety of mine workers is not compromised.</p>	CCI, community
<b>Water</b>		
Future generations will be affected from loss of water.	All gas bores will be drilled to strata within the targeted goaf zone and sealed through alluvial water bearing zones. The gas bores will not be capable of drawing groundwater and will not result in loss of creek, river or alluvial water.	CCI, community
A ruptured pipe could contaminate water in the Hunter River system (including Bowmans Creek and alluvial aquifers) and impact downstream water users.	The gas bores and pipelines will convey gas (a mix of methane and carbon dioxide) from goaf areas within the underground workings. These gases are lighter than air and generally disperse quite readily. Hence these gases pose	CCI, community

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	no risk to the water within the Hunter River system, even in the event of a pipe rupture.	
Flooding of the Hunter River has not been considered.	Each gas bore head will be fitted with a non-return valve and locked to eliminate any potential for the entry of surface water to the underground mine during flood events.  The central gas drainage plant and flares will be located in an area outside the reach of flood waters and will not be affected by flooding. All other infrastructure (bores and pipelines) in low lying areas will have no impact on flooding behaviour and potential impacts to mine operations are negligible.	community
<b>Hazards</b>		
Bushfires could lead to gas explosions.	The majority of gas drainage pipelines will be buried to reduce the risk of damage from bushfires and accidental impact.  Bushfires will be managed in accordance with the ACOL bushfire management plan (BMP). ACOL fire fighting equipment will be used for the protection of infrastructure and assets in accordance with the BMP. Where significant bushfire risk gas infrastructure exists those areas under threat will be isolated.	CCI, community
There should be an ability to extinguish the gas flame in case of a natural disaster or explosion from other unknown factors.	The central gas drainage plant and flares will be fitted with appropriate monitors and control mechanisms to enable immediate shut down where required. In addition the flares will be equipped with lightning and flame arrestors.	CCI, community
<b>Odours and Health Risk</b>		
The health risk from odours and the effects of exposure to by-products of the process has not been considered.	The EA included an assessment of odours and public safety, including estimation of the volume and types of gases potentially present in emissions resulting from the flaring and free-venting of goaf gas. The potential concentrations of these gases were compared to guideline health based criteria. The primary constituent of goaf gas is methane, which is a non-toxic gas and therefore not considered an air pollutant. Carbon dioxide (which is also non-toxic) is the primary by-product from combustion of methane.  Minor concentrations of carbon monoxide, nitrogen oxides and oxides of sulphur may potentially be emitted during flaring and/or free-venting of the goaf gas. However, due to the low concentrations of these gases and their rapid dispersion in the atmosphere there is negligible potential for these gases to pose a public health risk or to be detectable as odours at private residences in surrounding areas.	CCI, community



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<b>Monitoring</b>		
Wells should be monitored for gas leaks.	<p>Monitors will be strategically installed across the gas drainage network to facilitate the detection of gas leaks. In the event of a leak at an active bore, or a rupture in the pipeline network, changes to the composition of the gas and pressure within the network will be detected and the system will be automatically shutdown.</p> <p>In addition, bores will be visually inspected on a regular basis to ensure the system continues to operate efficiently.</p>	CCI, community
<b>Consultation</b>		
Camberwell village residents received no consultation on the application.	<p>ACOL operates a Community Consultative Committee (CCC) in accordance with its development consent for the mine (DA 309-11-2001-i). This CCC comprises representative community members from Camberwell and surrounding areas as well as representatives from Singleton Council. One of the objectives of the CCC is to ensure the community is informed and provided with updates on the progress of the mine and current and proposed activities. It is the responsibility of CCC members to communicate the information provided during CCC meetings more broadly throughout the community. ACOL has discussed the need for gas drainage and the proposed modification at CCC meetings spanning June 2011 to August 2012.</p> <p>In addition, on 3 August 2012 ACOL ran a public notice in the Singleton Argus advertising that it had lodged an application to modify its development consent. This notice included a brief description of the proposed gas drainage development as well as a contact phone number and web address where further information could be sort.</p> <p>On 14 August 2012 notification of the public exhibition of the EA for the modification was provided in the Singleton Argus. The EA was exhibited for over 2 weeks and public submissions invited.</p> <p>The EA has been available on ACOL's website since it lodged the application in July 2012.</p>	CCI, community
<b>Other</b>		
Future generations will be affected from loss of productive land.	Unless otherwise agreed to by current or future owners of the land on which the proposed infrastructure will be developed, at the completion of mining the established infrastructure will be removed and the land rehabilitated to the agreed end use. Thus ensuring the productive capacity of the land (where not	CCI, community

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Issue	Response	Submission
	rehabilitated back to native woodlands) will be maintained post-mining. As noted in the EA it is possible that some of the pipelines may be left in place on request from land owners (current or future) to facilitate irrigation of the land, which will assist maintain the productive capacity of the land.	
The number of wells in the area is a major concern. This shows the lack of assessment previously of the seams and the amount of gas in the coal. If the development was assessed properly, the creek would not have been destroyed by diversion, there would be no loss of productive creek flats, the underground mine would have been rejected and the community of Camberwell would have been left alone.	<p>The volumes and distribution of goaf gas in the underground workings is difficult to predict prior to mining. The project has been designed to accommodate worst case gas make predictions. However it is highly likely that fewer than the identified 80 gas bores will be required. The minimum amount of gas bores will be established to ensure the safety of mine employees and the operation is maintained.</p> <p>ACOL has also committed to continue investigating options for further beneficial use of the extracted gas. Where this is realised in the future (e.g. power generation) it will have additional benefits for the wider community.</p>	CCI, community

## APPENDIX A – ABORIGINAL STAKEHOLDER CONSULTATION

**Table A1 Consultation - ACOL Goaf Gas Report - by phone**

Stakeholder	Current Address	Representatives	Phone contact 13/6/12	Phone contact 20 & 21/09/2012
Aboriginal Native Title Consultants	16A Mahogany Avenue MUSWELLBROOK NSW 2333	John Matthews Margaret Matthews	11.34am spoke to John and he has read the report and has no issues with the recommendations.	Not required – response provided previously.
Bullen Bullen	21 Bando Street GUNNEDAH NSW 2380	Lloyd Matthews	Been busy and unable to comment on time however is happy with recommendations.	Not required – response provided previously.
Cacatua Culture Consultants	Unit 1B / 11 Glenwood Drive THORNTON NSW 2322 email: cacatua@resetdsl.net.au	George Sampson Donna Sampson –	Spoke to Donna and she verbally agrees with management as per AHIP methodology.	Not required – response provided previously.
Carrawonga Consultants	16B Mahogany Avenue MUSWELLBROOK NSW 2333	Justin Matthews Michael Matthews Cheryl Matthews	Both numbers listed are disconnected.	Numbers supplied by OEH (which are different to ACOL's no.s) are disconnected also.
Culturally Aware	7 Crawford Place MILLFIELD NSW 2325 email: anigunya@hotmail.com	Tracey Skene Maree Waugh Josh Giese Kirsten Berry	Tracey returned call at 11.57 and stated that she has no problems with the report.	Not required – response provided previously.
Gidawaa Walang	76 Lang Street KURRI KURRI NSW 2327 email: barkumanc@hotmail.com	Annie Hickey	Annie stated that she is happy with the report and the management of impacts as per the existing AHIP methodology.	Not required – response provided previously.

Girwirr Consultants	8 Fitzgerald Avenue MUSWELLBROOK NSW 2333 email: bigrodshouse@hotmail.com	Michele Stair Jamie-Lee Stair Barry Stair	Rodney Mathews returned call @12.14 and agrees with management of the impacts as per the existing AHIP methodology.	Not required – response provided previously.
HTO Environmental Management Services	14 Barton Avenue SINGLETON NSW 2330 email: pauletteryan@live.com email: hto.paulette@gmail.com.au	Paulette Ryan – left message on mobile 12.08pm	Paulette rang back and said she would read the report tonight 18/6 – no comments received.	Mobile message bank full – could not leave message.
Hunter Valley Aboriginal Corporation	PO Box 579 MUSWELLBROOK NSW 2333 180-182 Bridge Street MUSWELLBROOK NSW 2333 email: h973809@bigpond.net.au ivanandliz@bigpond.com	Elaine Freihaut Rhonda Griffiths	No answer or message service.	Spoke with Elaine – Rhonda does the reviews. Elaine will speak with her to ask her to contact AB (Insite) with any comments. Email received 25/9/2012 indicating the board supports the views of the local Land Council, in this case the Wanaruah Local Aboriginal Land Council.
Hunter Valley Cultural Consultants	40 Humphries Street MUSWELLBROOK NSW 2333 crissy_archbold@hotmail.com.au	Christine Archbold –	Left message on second mobile no. 1 <sup>st</sup> no. message bank full	Christine has not had a chance to read the report. AB (Insite) described the AHIP methodology to be applied and Christine agreed that it “sounds alright” to her.
Hunter Valley Cultural Surveying	165 Susan Street SCONE NSW 2337 email: Hunter Valley Cultural Surveying@optusnet.com	Luke Hickey	No issues with the report – manage as per existing AHIP methodology.	Not required – response provided previously.

Hunter Valley Natural & Cultural Resource Management	Flat 1/7-11 Tindale Street MUSWELLBROOK NSW 2333 dfrenchdfrench@hotmail.com	David French	Landline wrong no. Left message on mobile.	Left message on mobile service 2.05pm 20/9/2012 (No response received by 28/9/2012).
Junburra Consulting	PO Box 3043 SINGLETON NSW 2330 email: junburra@bigpond.com	Victor Perry	Left message on mobile 12.54pm.	Victor said he had nothing to add to the report.
Kayaway Eco Cultural & Heritage Services	6-20/22 Government Road METFORD NSW 2323 email: kayaway@rocketmail.com	Mark Hickey	Left message.	Left message 2.15pm 20/9/2012 (No response received by 28/9/2012).
Lower Hunter Wonnarua Council	Tom Miller 51 Bowden Street HEDDON GRETA NSW 2321 email: tn.miller@southernphone.com.au	Tom Miller	Tom hasn't had a chance to look at it - will read and call me back.	AB recapped the report to Tom and the methodology of the AHIP. Tom said that he agreed that the methodology was appropriate.
Lower Hunter Wonnarua Council Inc.	Shop 2, 145 Lang Street KURRI KURRI NSW 2327 email: lhwc@bigpond.com email: kylie-miller2011@hotmail.com	Rhoda Perry Tom Miller Dean Miller as above	As above for LHWC.	As above for LHWC.
Mingga Consultants	11 Coolibah Close MUSWELLBROOK NSW 2333 Phone: (02) 6541 4137	Clifford Matthews	No additional comments – the report looks good.	Not required – response provided previously.

Muswellbrook Cultural Consultants	10 Scott Street MUSWELLBROOK NSW 2333 brian_horton68@hotmail.com	Brian Horton	No additional comments – Brian agrees with the recommendations.	Not required – response provided previously.
Tocomwall	PO Box 76 CARINGBAH NSW 1495 Scott Franks	Scott Franks Danny Franks .	Tocomwall email address undeliverable. Sent an email to <a href="mailto:yarrowalk@bigpond.com.au">yarrowalk@bigpond.com.au</a> Delivered receipt received 11.31am. No comments received 18/6/12.	Not followed-up.
Ungooroo Aboriginal Corporation	PO Box 3095 SINGLETON NSW 2330 admin@ungooroo.com.au email: admin@ungooroo.com.au email: taasha@ungooroo.com.au	Allen Paget Taasha Layer Annette Dunstan	Spoke to Alan – he has no problems with the management recommendations and feels that everything is going well at Ashton.	Not required – response provided previously.
Ungooroo Cultural & Community Services Inc	8 Blaxland Avenue SINGLETON NSW 2330 email: ungooroo5969@hotmail.com email: ungooroo59@hotmail.com	Rhonda Ward Samantha Ward	Left message on mobile 1.07pm.	20/09/2012 – engaged 2.34pm 21/09/2012 – engaged 12.09pm 21/09/2012 – engaged 2.39pm - sent an email requesting a response. (No response received by 28/09/2012).
Upper Hunter Heritage Consultants	14 Edinglassie Drive MUSWELLBROOK NSW 2333 email: darrel_matthews@hotmail.com	Darrel Matthews Margaret Matthews John Matthews	Left message on first mobile listed.	Spoke to Darrel and asked his opinion of the report. Darrel said it was all good and has no further comments to add.
Valley Culture	140 Sydney Street MUSWELLBROOK NSW 2333	Larry Van Vliet	Larry has just gone to bed after night shift – left message with his (partner?) to give me a call later.	Left message on landline – tried mobile but message said it can't be connected.
Wanaruah Custodians	35 Acacia Circuit SINGLETON NSW 2330 Barbara Foot	David Foot	Landline disconnected and mobile is wrong no.	Rang mobile number supplied by OEH – message bank full unable to leave a message.

Wanaruah Local Aboriginal Land Council	PO Box 127 MUSWELLBROOK NSW 2333 19 Maitland Street MUSWELLBROOK NSW 2333 email: wanarua@bigpond.net.au	Owen Davidson Noel Downs Katrina Cavanagh Suzie Worth	Left message on Suzie's mobile – Noel away at meetings.	Left message on Suzie's mobile 20/9/2012. Suzie returned call 21/9/2012 – requested another copy of the report – sent by email. Will have comments back on Monday 24/9/2012. (No response received by 28/9/2012).
Warren Taggart	(WT is a RAP and an Ashton employee but doesn't do heritage work) warrentaggart@bigpond.com		Left message on landline. 1.53pm.	Left message on mobile 12.29pm 21/09/2012 Warren returned call and said that as long as the other RAPs were happy with the report and the current salvage process he would agree with the process.
Wattaka Wonnarua C.C. Service	4 Kennedy StreetSINGLETON NSW 2330email: deshickey@bigpond.com.au	Des Hickey	Des will check report and respond by email hopefully this afternoon.	Des believes the application of the AHIP methodology is appropriate and that things have been going well at Ashton.
Wonn1 Contracting (Kauwul P/L)	619 Main Road GLENDALE NSW 2285 email: wonn1sites@gmail.com email: arthur.c.fletcher@gmail.com	Arthur Fletcher	Arthur is happy with the recommendations 1.19pm.	Not required – response provided previously.
Wonnarua Culture Heritage	19 O'Donnell Crescent METFORD NSW 2323	Joseph Griffith Gordon Griffith Shannon Griffiths	Gordon will ring me with comments on Friday (15/6/2012) as he has not had a chance to read the report yet. No comment received 18/6/2012.	Gordon thinks the AHIP salvage process has worked well and agrees that it will be effective for the gas wells – no further comments to add to the report.

Wonnarua Nations Aboriginal Corporation	Flat 4/ 1 Pitt Street SINGLETON NSW 2330 email: wonnarua@bigpond.com.au l.perry@optusnet.com.au bw820@iprimus.com.au - FIONA ACCOUNTS ONLY	Laurie Perry Maree Waugh Fiona Whyte (Bookkeeper)	Laurie has already responded by email on 3 June 2012.	Not required – response provided previously.
Upper Hunter Wonnarua Council	PO Box 184 SINGLETON NSW 2330 or Flat 4/1 Pitt Street SINGLETON NSW 2330 via Victor Perry : junburra@bigpond.com uhsdc@bigpond.com	Rhoda Perry	No answer.	See Victor's comments against Junburra.
Yarrowalk Enterprises	913 Wollombi Road BROKE NSW 2325 Attn: Barry McTaggart email: yarrowalk@tpg.com.au	Barry McTaggart Barry French Sue Cutmore Scott Franks	Sent email to Scott Franks see previous Tocumwall.	Not followed-up.
Yinarr Cultural Services	111 Westwood Road GUNGAL NSW 2333 email: yinarrculturalservices@gmail.com	Kathleen Kinchella	Left message on mobile	Left message on mobile Landline redirects to fax – no answer. Kathy returned call and will review the report again overnight 20/9/2012. Kathy requested another copy of the report 21/9/2012. Will look at it over the weekend and get back to us on Monday (24/9/2012). (No response received by 28/9/2012).
Dan Hardy	dthardy@activ8.net.au		Dan is a recent late registration post-Mod 10 report.	Not followed-up for Mod 10.



## APPENDIX B – ACCF Minutes

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**MINUTES OF THE ASHTON COAL PROJECT  
ABORIGINAL COMMUNITY CONSULTATION FORUM (ACCF)  
WEDNESDAY 7 DECEMBER 2011**

10.52AM – SINGLETON VISITOR & ENTERPRISE CENTRE

**ATTENDEES:**

Tony Hanrahan (TH)	NMC (Facilitator)
Noel Downs (ND)	Wanaruah Local Aboriginal Land Council
Tom Miller (TM)	Lower Hunter Wonnarua Council Inc
Rhoda Perry (RP)	Upper Hunter Wonnarua Council
Des Hickey (DH)	Wattaka Wonnarua Cultural Consultants
Cliff Matthews (CM)	Mingga Consultants
Annette Dunstan (AD)	Ungooroo Aboriginal Corporation
Arthur Fletcher (AF)	Wonn 1 Contracting
Vicky Slater (VS)	HTO Environmental Management Services
Norm Archibald (NA)	Yinarr Cultural Services
Angela Besant (AB)	Insite Heritage
Chris Carter (CC)	Insite Heritage
Cassandra Ferguson (CF)	Ashton Coal Minute Taker

1. **OPENING OF THE MEETING BY THE FACILITATOR**
2. **TM CONDUCTED A WELCOME TO COUNTRY**
3. **MEETING HELD MINUTE OF SILENCE**

4. **APOLOGIES:**

Lisa Richards ACOL (was unable to make the meeting due to a site inspection scheduled to take place on very short notice today on a matter currently before the Land & Environment Court).

Donna Sampson (Cacatua), Kathie Kinchella (Yinarr), Paulette Ryan (HTO), Tracey Skene (Culturally Aware), Annie Hickey (Gidawaa Walang), Gordon Griffith (WCH), Laurie Perry (WNAC), Victor Perry (Junburra), Luke Hickey (HVCS) and Mark Hickey (Kayaway).

5. **MINUTES FROM PREVIOUS MEETING**

TH Welcomed all participants and gave an overview of the issues discussed at the inaugural ACCF meeting and reiterated the necessity for all parties to work together to achieve common goals. It was important at this stage of the ACCF's overall development to ensure progress is made and initial goals obtained. To this end it was essential that

recommendations from the inaugural meeting were implemented. Today's meeting should be seen as the next step in progressing matters to the mutual satisfaction of all parties.

ND requested an alteration to Page 4, paragraph 7 of the previous minutes. Meeting agreed.

## 6. BUSINESS ARISING FROM PREVIOUS MINUTES

TH reiterated the decisions on the options put forward at the last ACCF meeting regarding the structure of the ACCF and the working groups. The ACCF will meet on a quarterly basis and the proposed working groups will meet monthly. Payment options for the ACCF and working groups were discussed and 3 options were proposed to put forward to all of the ACCF members for their feedback:

***Option 1** – The overall ACCF members are paid at the standard ACOL rate (\$62.50 per hour plus \$50 daily travel allowance) for meeting attendance to a maximum of \$550 per day and the Working Group participants are paid a total of the standard travel rate to a maximum of \$100.00 per day.*

***Option 2** - Participants in the Working Groups are paid at the standard ACOL rate (detailed above with a maximum of \$550 per day) and the ACCF Members the standard travel rate to a maximum of \$100.00 per day.*

***Option 3** – Participants in the Working Groups and the overall ACCF are paid on an equal rate utilising the following rate structure, \$150/ half day (4hr meeting) up to a maximum of \$300.00 per full day meeting. That is both members of the ACCF and the Working Groups are paid an equal amount*

**Action Item** CF will send an email out to all ACCF members for feedback on payment options.

## 7. OVERVIEW OF WORKS COMPLETED UNDER AHIP #2783

RP arrived at the meeting.

AB provided an overview for the works completed under Aboriginal Heritage Impact Permit (AHIP) 2783.

AB gave a brief overview of the locations of works conducted under the AHIP – the clearance of northern longwalls 6-8; clearance of the eastern and western diversions and the haul road and stockpile areas. A total of 8 weeks was spent in the field with a large quantity of artefacts retrieved.

AB informed the meeting that the construction design of the haul road was modified in response to results of salvage works. The adjustment of the alignment allowed for a blade workshop area to be retained in-situ.

A question regarding the status of the OEH investigation conducted in the Eastern Creek Diversion area was raised. AB informed the meeting that a Due Diligence Assessment was conducted in the area, which is also covered by the AHIP. ND advised he has been in contact with OEH to raise a number of concerns and is awaiting reply.

AB provided information on a proposal to conduct artefact analyses on objects found during salvage works. If the majority of the ACOL RAPs agree for the work to be undertaken, Norma Richardson is located on the South Coast and is available to commence working on the artefacts in January 2012. It was suggested that the issue become a focus of a specific working group. The artefact analyses group would also encompass the South East Open Cut (SEOC) should it be approved. ACCF members asked if Norma R could conduct some of the analyses work on site so they could participate in the work. AB advised she would look into this option and provide feedback at the next meeting.

ND advised WLALC are interested in recording, storing and the analysis of artefact data and would like to be involved in this process. ND also mentioned that he had a personal interest in the development of electronic databases and would like to talk to Norma regarding the programs she used. AB agreed to pass that on to Norma R.

AF raised a concern regarding wet v's dry sieving. CF will discuss with ACOL management including water sources for field work. AB & CC from Insite Heritage also noted.

**Action Item – CF to discuss with management water used in wet sieving**

**8. Finalisation of working groups structure & Commencement of working groups for VCA & Grinding Groove management**

TH discussed the working group structure as proposed at the last ACCF meeting and further defined at earlier sections of the meeting. Specific working groups will be set up for:

- Voluntary Conservation Area
- Grinding Groove Management
- Ongoing field work protocols
- Artefact analyses

ND advised Terms of Reference for each group is required. ND mentioned the National Parks & Wildlife working group guidelines. A discussion was held regarding the addition of further RAPs in the future. TH replied the final decision of the addition of new RAPs to the ACCF would be made by the ACCF in coordination with ACOL. Procedures and controls on this were further discussed.

TH reiterated the importance that all ACCF members treat each other with respect and work on issues together towards the final outcomes. Terms of Reference for the overall ACCF and each Working Group will be set up once the group is established, with the aim to commence work on these early in 2012.

**Action Item – CF to send out an invitation to all RAPs inviting them to nominate for the four working groups listed above**

**9. PROJECT UPDATE**

**Legal Update**

TH provided a broad overview of the current legal matters that were before the courts:

The appeal by the WNAC which was lodged against the NNTT's decision not to register the WNAC claim on Crown land near Camberwell Lot 7004, that is within the foot print of the SEOC. The appeal was upheld by the Federal Court and the claim is now registered.

A summary of other cultural heritage related matters before the Land and Environment Court relating to ACOL was also given.

A summary of the one section 10 application, and two section 9 applications currently on foot with the Federal Department of Environment under the Aboriginal and Torres Strait Islander Protection Act 1984 was given. Noted that one section 9 application has been determined with the conclusion that it was not possible to make an emergency declaration because there was insufficient evidence to enable it to be concluded that the specified areas are of particular significance to Aboriginals in accordance with Aboriginal tradition as defined under the Act. The other section 9 and section 10 applications are still under consideration.

### **Ashton Coal Underground and North East Open Cut**

CF advised the NEOC is no longer producing. Rehabilitation works are ongoing.

### **Bowman's Creek Diversion**

CF advised ACOL have received all approvals required to commence the Bowmans Creek Diversion Project. Plans are to commence the project Thursday 8 December. ND asked in consideration of the s9 and s10 that are currently in consideration if ACOL would consider delaying commencement of works until these matters are dealt with. CF replied she would take ND comments to management and reiterated that ACOL have all of the necessary approvals in place to commence work.

### **South East Open Cut**

CF advised there has been no change with the SEOC development application. The Planning and Assessment Commission (PAC) received submissions from NSW Office of Water (NOW). ACOL have supplied additional information on the issues to the PAC.

### **Submission of the gas well modification**

CF advised a Development Application minor modification had been submitted to DoP to amend or delete condition 1.20 to Schedule 2 and the plan to Schedule D of the development consent. The modification is to allow development of a gas drainage bore and supportive infrastructure in areas of known Aboriginal sites and a potential archaeological deposit (PAD) above the underground mine.

### **Ventilation shaft modification**

CF provided an update on the proposed ventilation shaft and gas drainage modification. The project is for construction and operation of a Central Gas Drainage Plant and associated infrastructure (including gas drainage well and pipelines), to enable the Ashton underground coalmine to operate in a safe and efficient manner.

RAPs were posted out an information pack on the ventilation shaft proposal. ACOL has undertaken a review of the ventilation requirements for the Ashton underground mine as it continues the development of the mine to the next coal seam (the Upper Liddell Seam). This review has determined that a new main ventilation shaft and fan is required to supplement the existing underground mine ventilation system. This proposal includes the

construction of a 5.5m diameter shaft located at the northern end of the Upper Liddell Seam Longwall Panel 1. This main ventilation shaft will be drilled to depth fitted with two surface mounted extraction fans. The development will also involve the drilling of service drop holes to transport road base material underground. Their locations have been selected to ensure that once developed they will provide effective long-term ventilation of the mine. As far as practically possible the shaft and fan sites have also been selected to minimise impacts on key sensitive surface features, including known Aboriginal objects.

**NEXT MEETING TO BE HELD TUESDAY 6 MARCH 2011 AT 10.00AM**

**MEETING CLOSED 1:07PM**

<b>ACTION ITEMS</b>	
<b>ITEM</b>	<b>Due Date</b>
<b>CF will send an email out to all ACCF members for feedback on payment options</b>	<b>Dec-11</b>
<b>CF to send out an invitation to all RAPs inviting them to nominate for the four working groups listed above,</b>	<b>Dec-11</b>
<b>CF to discuss with management water used in wet sieving</b>	<b>Dec-11</b>

**MINUTES OF THE ASHTON COAL PROJECT  
ABORIGINAL COMMUNITY CONSULTATION FORUM (ACCF)  
TUESDAY 6 MARCH 2012**

10.15AM – SINGLETON VISITOR & ENTERPRISE CENTRE

**ATTENDEES:**

Tony Hanrahan (TH)	NMC (Facilitator)
Luke Hickey (LH)	Hunter Valley Cultural Surveying
Noel Downs (ND)	Wanaruah Local Aboriginal Land Council
Lisa Whalan (LW)	Yinarr Cultural Services
Desmond Hickey (DH)	Wattaka Wonnarua Cultural Consultants
Adam Sampson (DS)	Cacatua Cultural Consultants
Rhonda Griffiths (RG)	Hunter Valley Aboriginal Corporation
Gordon Griffiths (GG)	Wonnarua Culture Heritage
Tracey Skene (TS)	Culturally Aware
Paulette Ryan (PR)	HTO Environmental Management Services
Warren Taggart (WT)	Registered Aboriginal Party
Brian Horton (BH)	Muswellbrook Cultural Consultants
Rhonda Perry (RP)	Upper Hunter Wonnarua Council
Laurie Perry (LP)	Wonnarua Nations Aboriginal Corporation
Angela Besant (AB)	Insite Heritage
Lisa Richards (LR)	Ashton Coal Environment & Community Relations Manager
Cassandra Ferguson (CF)	Ashton Coal Environmental Coordinator
Kristina Rajkovic (KR)	Ashton Coal Minute Taker

**1. OPENING OF THE MEETING BY THE FACILITATOR**

**2. MEETING HELD 1 MINUTE SILENCE**

**3. APOLOGIES:**

Ungooroo Aboriginal Corporation and Arthur Fletcher (Wonn 1) send their apologies as they were unable to attend.

**4. MINUTES FROM PREVIOUS MEETING**

Due to the wide circulation of minutes from the previous meeting, it was agreed that we do not need to discuss them any further. If the community did have feedback they have already passed it on to CF and KR during the drafting stage of the minutes.

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## 5. BUSINESS ARISING FROM PREVIOUS MINUTES

### Nominations for Working Groups (WG)

LR announced that there was a good response from the community regarding the Working Groups. ACOL hoped to have the first WG meeting before this ACCF, however due to staff shortages the meetings had to be moved back. LR believes the WGs should be small, specialised groups that have an interest or skill related to the project assigned to them. The ACCF is the larger consultative forum where the progress of the WG can be discussed. The WG would give a chance for people to put into practice skills other than just field work. An issue of people nominating themselves on the basis of money rather than genuine interest in the projects was raised. There was also concern from some members on the criteria that would be used to determine the qualifications which would enable people to do this work. LR suggested we begin preliminary scoping and agenda for the WG today to discuss these issues. Meeting attendees agreed on condition that protocols and criteria for the WG be set as soon as possible.

In response to the issue of nominations for the various WG's a suggestion was put forward that individuals should be nominated not groups. All attendees were in agreement. Also, there was a general consensus that a nominated person's qualifications were to be agreed on by the ACCF. A question was raised whether geographic boundaries will apply to who may be nominated. CF stated that the last ACCF had previously agreed to allow only existing registered ACOL RAPs to be nominated. AB asked the forum if a time frame and a priority can be put on the Voluntary Conservation Area report. All meeting attendees were in agreement.

The following guidelines for the WGs were agreed by the ACCF:

1. WG members/organisations are required to show evidence of competency
  2. Nominees must be nominated by an organisation and nominations reported back to the ACCF for review
  3. Nominee committed to the WG must attend all meetings and provide objective input/comment. If representatives do not attend 3 meetings in a row without a valid reason, the individual will no longer be a member of the WG
  4. The ACCF is the overall decision making party. Proposed Management strategies will be tabled by each WG then presented back to the ACCF for a final decision.
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An issue was raised that some of the groups are sole traders nominating themselves. TH responded that nominations will come back to the ACCF and it would be discussed there if there are any objections or conflicts. A question was raised whether one of the criteria for WG nominations is that the nominated person must be Indigenous. TH responded that such as issue is one for the ACCF to decide, not ACOL.

TH stated that there will be 4 separate WG timetables. The first WG meeting will set the schedule for each of the WG projects. All were in agreement that the first WG meeting will take place on 23<sup>rd</sup> March 2012, 9am start. **ACTION ITEM** CF to send a meeting request for each of the WG meeting.

The meeting schedule is as follows:

- 9am-11am Voluntary Conservation Area
- 11am-1pm Artefact ID and Analysis
- 1pm-3pm Grinding Grooves Management
- 3pm-5pm Ongoing Fieldwork Protocols

### **Payment Options**

ACOL did not receive much feedback on the proposed payment options and as a result there was no clear outcome. ND on behalf of the WLALC nominated Option 1 since there was no clear choice. LR put it to the meeting to nominate a payment option and a paper was passed around to document everyone's choice of payment. The chosen option was:

***Option 1 – The overall ACCF members are paid at the standard ACOL rate (\$62.50 per hour plus \$50 daily travel allowance) for meeting attendance to a maximum of \$550 per day and the Working Group participants are paid a total of the standard travel rate to a maximum of \$100.00 per day.***

Pay rates were discussed as some members brought up the issue of pay rates and that other companies were paying which was a much higher rate than ACOL. **ACTION ITEM**, CF and LR stated that they will conduct a pay review and advise the community of the results of the review.

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## 6. PROJECTS UPDATE

### **Bowman's Creek Diversion**

LR discussed the delays at BCD due to wet weather and advised that despite the delays the project was progressing well. Recent high rainfall periods had delayed detailed excavation and laying of the geofab material on the Eastern diversion. Excavation work had also commenced on the Western diversion.

### **Gas well Modification**

The meeting was advised that on 28 February 2011, ACOL received approval for modification 8. The modification is to amend or delete condition 1.20 to Schedule 2 and the plan to Schedule D of the development consent. The modification is to allow development of a gas drainage bore and supportive infrastructure in areas of known Aboriginal sites and a potential archaeological deposit (PAD) above the underground mine. Salvage was conducted on Gas Well 15 area last week. All went well.

### **South East Open Cut**

The NEOC project was completed in September 2011. SEOC was rejected by the PAC and ACOL retrenched approximately 90-100 employees. The PAC rejected the project based on the following:

- Proximity to Glennies Creek
- Noise and dust impacts on the neighboring residents

ACOL logged an appeal last week (end of February) on the following grounds:

- Judicial Review – which will look at the decision making process conducted by the PAC and if correct actions were taken. The PAC did not wait for the report from the Department of Planning and Infrastructure (DoPI) before making the decision. The judicial review is a faster process than the second appeal lodged,
  - Merits Appeal –All evidence is reviewed again. This is lengthy process and may take a significant amount of time.
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## **Underground Operations**

The underground operations are currently mining in Longwall 8 Pikes Gully seam and planning to move to Longwall 1 into the Upper Liddell seam. A question was raised concerning the European heritage site found during the Bowmans Creek Diversion salvage works above Longwall 7. LR replied further work will be completed at a later date on the site, however it is not within the crack zone hence not a high priority and that Longwall 1, 2 and 3 are priority at the moment.

## **Ventilation Shaft and Gas drainage modification**

Modification 9 was submitted on 7<sup>th</sup> March 2012 and is currently on exhibition. Sections of the Extraction Plans for Longwalls 1-8 have been submitted to government agencies for consultation.

LR provided the meeting with an update on the proposed gas drainage network. As discussed at the last ACCF meeting held in December 2011, ACOL are proposing to install a series of vertical boreholes of various depths through which goaf gas, mainly methane will be drained from the goafs of Longwalls 1-8 via a surface pipeline reticulation system connected to a central gas extraction plant. The proposal will maintain underground levels of methane below 2% and minimise gas within the goaf from entering the mine workings and ventilation system. Existing goaf gas drainage has been undertaken during extraction of Longwalls 6A and 7A of the Pikes Gully seam. Drainage is undertaken utilising a mobile gas drainage plant.

## **7. ARCHAEOLOGICAL WORK COMPLETED SINCE LAST ACCF MEETING**

### **Salvage work in LW 1-4 area and Gas well 15**

Gas well 15 salvage work was completed in February 2012. Salvage works within the Longwall 1-4 AHIP area (AHIP permit number 1131017) has been ongoing since late February. Work is scheduled to continue throughout March & April. A work area plan and salvage strategy flowchart (copies handed out to each attendee and attached to the email) to simplify the Management Plan for easier reference was handed out to meeting attendees.

AB advised the document was put together as a flow diagram to provide information on how salvage investigations are being conducted and the decision making process regarding the

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Stage 2 & 3 salvage works (document attached). A concern was raised that the community is confused on how to use the AHIPs and that the final documents don't reflect what was discussed while consulting with the community. LR responded that the fundamentals of what was discussed are contained the document and requested advice from the forum. AB advised that whilst ACOL consulted with the community the OEH writes the AHIP and they have the final say on the conditions included within the AHIP. LR explained that the trigger mechanisms are contained in the document. Most of the forum agreed that this can be further discussed in the Working Groups.

To diminish confusion, LR read out the Salvage Strategy document in conjunction with Appendix C of the AHIP 1131017. A few members expressed concerns about the way the Salvage Strategy described the size and character of the excavated areas. A concern was expressed that the archaeologists are solely responsible for making the decision on what site is culturally significant or otherwise. Consequently, the wording was changed to "The exact area of the open area is determined by the size of the site and the character of the site in consultation with 2 (two) or more of the Aboriginal representatives". This wording is consistent with the intent of ACOL's other AHIP for the western underground panel area.

A concern was raised concerning inexperienced fieldworkers who are not skilled to perform the required job. LR queried the group whether there is a course available to teach a base level of competency needed to be able to educate inexperienced workers. There is a seed collecting course which can teach the similar skills. In addition, certain universities may be in the process of establishing archaeology salvage courses, however there is no specific course at the moment. A need for experienced fieldworkers to be onsite for each shift was recognised. A suggestion was made to introduce 'Sites Officers' who are individuals with fieldwork experience (not to be confused with a knowledge holder). It was suggested that 1 (one) Sites Officer would be allocated per shift. LR made it clear that the Sites Officers would not be paid anymore than other workers. The applicant for this position would have to apply and any decision must be based on merit.

All meeting attendees were in agreement that:

- Ashton Coal would seek applications by Friday 6 April, 2012
  - The Site Officers would be selected based on merit and the content of their application
  - Ashton Coal will advise the ACCF of their decision and where necessary the decision will be discussed
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**Note:** Rhonda Griffiths left the meeting early at 1:29pm and Luke Hickey at 2:45pm.

**ACTION** - CF to send a letter to the ACOL RAPs asking for applications for the Sites Officer position.

The community will be given two weeks to respond with applications to close on Friday 6 April.

LR reminded the ACCF that any person who would like to volunteer for unpaid salvage work is welcome to do so.

## 8. **UPCOMING ARCHAEOLOGICAL WORKS**

LR reiterated that Ashton Coal is utilising a rolling roster and that groups are given work according to this roster so that everyone gets an equal chance to work. Work would begin on Longwall 1 and then move to Longwall 2. These areas are within the AHIP1131017 work area which a copy was sent to all ACOL RAPs in December 2011.

## 9. **LOGIN AND CONTRACTOR REQUIREMENTS**

LR explained the Ashton Coal Safety contractor management requirements for any contractor on site, which includes cultural heritage contractors. These are:

- All groups/companies must have valid paperwork to work onsite
- All workers must have a current Ashton Coal induction and provide appropriate paperwork (white card or a generic coal mine induction, current drivers license and a signed Statement of Competency for each company the person works for)
- All contractors must sign in and out during every shift, this includes a computer login as well as a sign on sheet

The Ashton Coal induction lasts a year and due to many inductions expiring this month, Ashton Coal is conducting Group Inductions on 12<sup>th</sup> and 14<sup>th</sup> of March 2012. All groups will be contacted to allow them to book a place during these inductions. Ashton will cover the cost of 1 (one) induction per company as well as 4 (four) hours pay to complete the induction. Any additional inductees will be paid at the cost of the company.

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**10. UPDATE ON 2003 NATIVE TITLE AGREEMENT ACTIVITIES**

A Wonnarua Liaison Committee meeting was held on 09<sup>th</sup> February 2012. The proposed joint venture of a nursery was discussed. The progress is positive. TH will draw up the business plan for the nursery which could take about 2 (two) months to complete. The Wonnarua Nation Board was presented with the latest progress. This business venture will provide employment opportunities to the local community. A question was raised as to where any profits of the company will be allocated. It was explained that ACOL's aim is to make the company a standalone business which can support itself and grow. Accordingly, any profits would be used by the business to support growth and overall consolidation.

**11. GENERAL BUSINESS**

LR advised a draft Archaeology and Cultural Heritage Management Plan (ACHMP) which is made up of a combination of the existing approved 1-4 and 5-8 ACHMPs was sent to government agencies for consultation on 9<sup>th</sup> March 2012. There were no major amendments made to the methodologies in the existing approved management plans which were previously consulted with the community. The aim of the new plan was to combine the two previously consulted ACHMPs as a lot of the wording was overlapping, and include the two recently issued AHIPs in the plan.

**NEXT MEETING TBA  
MEETING CLOSED 3PM**

<b>ACTION ITEMS</b>	
<b>ITEM</b>	<b>Due Date</b>
CF to send a meeting request for the WG meeting	07-Mar-12
CF and LR stated that they will conduct a pay review and advise the community of the results of the review	May-12
CF to send a letter to the community asking for applications for the Sites Officer(s) position.	31-Mar-12

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**MINUTES OF THE ASHTON COAL PROJECT  
ABORIGINAL COMMUNITY CONSULTATION FORUM (ACCF)  
WEDNESDAY 2 MAY 2012**

10.35AM – SINGLETON VISITOR & ENTERPRISE CENTRE

**ATTENDEES:**

Tony Hanrahan (TH)	NMC (Facilitator)
Luke Hickey (LH)	Hunter Valley Cultural Surveying
Suzie Worth (SW)	Wanaruah Local Aboriginal Land Council
Steven Campbell (SC)	Yinarr Cultural Services
Desmond Hickey (DH)	Wattaka Wonnarua Cultural Consultants
George Sampson (DS)	Cacatua Cultural Consultants
Rhonda Griffiths (RG)	Hunter Valley Aboriginal Corporation
Gordon Griffiths (GG)	Wonnarua Culture Heritage
Warren Taggart (WT)	Registered Aboriginal Party
Rhonda Perry (RP)	Upper Hunter Wonnarua Council
Laurie Perry (LP)	Wonnarua Nations Aboriginal Corporation
Angela Besant (AB)	Insite Heritage
Dan Witter (DW)	Witter Archaeology
Norma Richardson (NR)	Insite Heritage Artefact Identification specialist
Lisa Richards (LR)	Ashton Coal Environment & Community Relations Manager
Cassandra Ferguson (CF)	Ashton Coal Environmental Coordinator

**AGENDA ITEM 1 - OPENING OF THE MEETING BY THE FACILITATOR**

**AGENDA ITEM 2 - WELCOME TO COUNTRY MEETING**

AF did a Welcome to Country.

**AGENDA ITEM 3 - 1 MINUTE SILENCE**

**AGENDA ITEM 4 - APOLOGIES:**

Tom Miller (Lower Hunter Wonnarua Council), Tracey Skene (Culturally Aware), Kathie Kinchella (Yinarr) Steven Campbell attended as a proxy, Noel Downs (Wanaruah Local Aboriginal Lands Council).



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## **AGENDA ITEM 5 - MINUTES FROM PREVIOUS MEETING**

Meeting attendees were given an opportunity to read through the minutes. TH offered to update attendees on any items they had questions on. No questions were raised and minutes were accepted as final.

## **AGENDA ITEM 6 - BUSINESS ARISING FROM PREVIOUS MINUTES**

### **Payment of field work**

CF provided an update on the pay review. CF advised the meeting ACOL have been unable to gain information on payment rates through their industry networks. ACCF members in attendance at the meeting advised they can provide payment figures from other sites to CF to allow for a pay review to be conducted. The rates will be provided to CF in the next 2 weeks.

### **Site Officer Application**

CF advised after discussion at the last ACCF meeting on 06 March ACOL would seek applications for Sites Officer by Friday 6 April. CF sent out information packages to ACCF members via email on 27/03/12. To date, ACOL has received only 1 application for the position. As discussed at the previous meeting the aim was to have 6 Site Officers who would be placed on a rotating roster and one would be present each time field work is being conducted at ACOL. A concern was raised that the lack of response is due to there being a high demand for cultural heritage field workers in the Hunter Valley at the moment. A meeting attendee raised that there could be no response from RAPs as it was proposed the Site Officer would not be paid at a higher rate than the fieldworkers. This issue and the intended role and responsibility of the Site Officer position were discussed and confirmed that the rate for the Site Officer would not be higher than the standard rate.

Meeting attendees advised ACOL to resend out the position description and application form to all RAPs and see if any further responses are received. It was confirmed that RAPs would have 21 days to respond from the date of the email.

LR advised meeting attendees that the criteria set out in the Site Officer Position description is consistent with other sites in the Hunter Valley. ACOL reviewed the position description with other Site Officer Position descriptions prior to sending out.

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The community were concerned on how the Site Officer position would be implemented at ACOL and issues were raised regarding the success of the role at other sites and that Sites Officer. LR replied in consideration of the issues raised ACOL will trial the Sites Officer position for 6 months then review its effectiveness and report back to the ACCF.

A question was raised by an ACCF member if 6 months was too long LR replied no, in consideration of the planned upcoming work schedule (a month long break is going to occur in May) there would not be 6 months of solid work so 6 months would be required to allow sufficient time to review the position's effectiveness.

The approach was accepted by all present.

### **AGENDA ITEM 6.i - Working Groups Update**

AB provided the meeting with an update on the work of each of the WGs. On Friday 23 March the start up meetings for each of the groups were held. A site visit for 3 groups, Voluntary Conservation Area (VCA), Grinding Groove Management (GGM) and Artefact Analysis & Identification (AI&A) has been conducted following these meetings.

### **AGENDA ITEM 6.i.i - Artefact identification & Analysis (AI&A) WG**

AB did a presentation put together from the site visit and follow up meeting held on Monday 30 April & Tuesday 1 May. The presentation also covered planned works NR & DW will be undertaking the recording process of artefacts and field recording of artefacts.

**Action item** AB to send out a copy of the presentation to meeting attendees. A meeting attendee asked if the AI&A recording would be done in line with I Davidson's work as this is the normal standard at each job. AB advised it would be taken into account.

An AI&A WG member asked if the ACCF had any feedback on the proposed work updates put forward by any of the WGs it would be appreciated.

A question was asked as to looking at the broader regional context for the analysis, LR advised the initial aim of the AI&A process was to look at ACOL and from there it may be considered appropriate to look at the artefacts within a larger area context (e.g. regional).

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The use of the results of the analysis as an education tool for community and that current cultural heritage field workers could provide to new cultural heritage field workers was also discussed.

A meeting attendee asked if Yancoal would be interested in sponsoring a study based on the methodology of dating insitu artefacts. LR advised the individual it could be discussed further outside of the VCA however they could put a written proposal forward to ACOL as there are Research & Development funds available through industry groups (e.g. ACARP) as well as ACOL that may be able to assist. NR advised dating artefacts at this stage is technically not viable, however the method has been trialled on numerous occasions. Geomorphologist Dr Philip Hughes currently has a PhD student working on dating heat shattered artefacts – however it is currently only possible to date the sediments that the artefacts came from where they have integrity.

#### **AGENDA ITEM 6.i.ii - Voluntary Conservation Area (VCA) Working Group**

The VCA WG has started to develop the Draft Plan of Management for the VCA as required under AHIP 1131017. AB is currently putting together the working draft and has supplied this to the RAPs who attended the site visit. A draft is to be completed by the end of June 2012.

The VCA WG site meeting raised the following environmental management issues:

- 1) Community access to the site
- 2) Erosion and sediment control
- 3) Weed management

A discussion was held on the VCA approval process in line with that National Parks & Wildlife Act 1974 and ACOL's development consent approval. A meeting attendee asked when the VCA was put in place. LR advised the VCA was agreed to in 2001 with the Development Consent and Environmental Assessment, and the formal agreement in place in 2010. There were concerns raised that the VCA was in place over an active underground mine. LR provided information on VCA management process utilised by ACOL. LR advised the Grinding Grooves located within the VCA will not be undermined. DW provided further information on the archaeological value of the Glennies Creek site.

AB advised the WG conducted a site visit and discussed long term management strategies for the area including erosion and sediment control. A meeting attendee enquired as to whether ACOL could assign another area not impacted by mining outside of the VCA as an offset for the predicted area to be impacted by subsidence within the VCA. LR replied no and advised the VCA will be

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preserved and enhanced during and post mining. LR reiterated that the location of the VCA has been in place since 2001 and RAPs were consulted at that time.

TH urged individuals who were interested in management of the VCA to take part in the WG for the area where they could be an active part of the group looking at values of the VCA to the community and how the land can be used etc. A meeting attendee asked how long the VCA will be in place AB responded in perpetuity LR added the VCA is a caveat over the property and that the VCA was signed by the Minister.

A meeting attendee raised concerns over the community involvement in the planning process and Native Title over the current mining operations. LR advised the area is covered by an existing Development Consent and Native Title Deed of Agreement under the existing Native Title claim

#### **AGENDA ITEM 6.i.iii - Grinding Groove Management**

A site visit to the Grinding Grooves was conducted on the same day as the VCA visit. Luc Daigle (LD) Engineering Geologist was present at the meeting. The group went out on site with LD. LD provided an explanation on the type of weathering that was occurring on the Grinding Grooves. Medium and long term management strategies including protective fencing, re-working the Grinding Grooves and further digital and replica modelling that can be done. LD is putting together a proposal for modelling works once received the proposal will be put forward to the WG and ACCF for discussion.

#### **AGENDA ITEM 6.i.iv - Ongoing field work procedures**

A meeting was held on Friday 23 March. Meeting minutes will be sent out to working group members for review then distributed to the wider ACCF for comment.

#### **General WG information**

On a general note on the WG CF raised a concern that RAPs who had nominated themselves to be a member of the WG have not been in attendance at the initial two meetings. As per the rules set out by the ACCF prior to commencement of the WGs if a nominated group does not attend 3 meetings in a row without a legitimate reason they will be removed from the WG. A meeting attendee responded that they believe RAPs were not attending as they payment was for travel reimbursement only. Meeting attendees advised they are aware the payment structure was chosen

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by ACCF members however there may have been a lack of understanding of what was involved in the WG work when they chose their preferred payment option. LR asked if it would be beneficial if ACOL resend the payment information out to all ACCF members now the WGs are established and ask them to revote on the payment options. This was supported for the ACCF members present.

**Action item CF to resend payment options to ACCF members. ACCF members will have 21 days to respond.**

LR advised if no responses are received from ACCF members the payment structure will remain the same.

**Lunch was held at 12:17pm.**

**Meeting reopened at 12:42pm**

Once the meeting had recommenced CF advised a late apology had been received from Tom Miller Lower Hunter Wonnarua Council. Meeting went on to point 8 Archaeological works since last meeting. TH advised once point 8 has been discussed the meeting will discuss to point 7.

## **AGENDA ITEM 7 - PROJECTS UPDATE**

### **AGENDA ITEM 7.i - Underground Operations**

The underground operations are currently mining in Longwall 8 Pikes Gully seam. LR advised the area was salvage in 2011 as part of the Bowmans Creek diversion salvage works. Once mining is completed in Longwall 8 operations are planned to move to Longwall 1 into the Upper Liddell seam

### **AGENDA ITEM 7.ii - Bowman's Creek Diversion**

LR advised the Bowmans Creek Diversion (BCD) project is progressing well. Work is currently being completed in the Western diversion. Bulk earthworks are close to completion. GCL and cobble material will be placed in the creek bed in May. The Western diversion is planned to be completed around June – July and the eastern diversion is schedule for the end of August 2012.

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**AGENDA ITEM 7. iii - South East Open Cut**

The Merits Appeal decision in favour of ACOL has seen the SEOC project returned to the Planning and Assessment Commission (PAC) for review. A public meeting will be held at the end of May. LR advised if anyone would like any further information on the public meeting or the appeal ACOL can provide further information upon request. The public meeting will be advertised in the Singleton Argus and parties who would like to register to present to the PAC can do so. Contact details will be placed within the advertisement for interested parties to contact or on the PAC website (<http://www.pac.nsw.gov.au/>).

A meeting attendee asked if there is an opportunity while the SEOC merits appeal process is being conducted, for additional archaeological works to be conducted in preparation for the project LR & AB advised they cannot be undertaken as ACOL do not have an approval to do so.

**AGENDA ITEM 7.iv - Gas well Modification**

The meeting was advised that on 28 February 2011, ACOL received approval for modification 8. The modification is to amend or delete condition 1.20 to Schedule 2 and the plan to Schedule D of the Development Consent. The modification is to allow development of a gas drainage bore and supportive infrastructure in areas of known Aboriginal sites and a potential archaeological deposit (PAD) above the underground mine. Salvage was conducted on Gas Well 15 area last week. All went well.

LR provided the meeting with an update on the proposed gas drainage network (modification 10). As discussed at the last ACCF meeting in March 2012, ACOL are proposing to install a series of vertical boreholes of various depths through which goaf gas, mainly methane will be drained from the goafs of Longwalls 1-8 via a surface pipeline reticulation system connected to a central gas extraction plant. The proposal will maintain underground levels of methane below 2% and minimise gas within the goaf from entering the mine workings and ventilation system. Existing goaf gas drainage has been undertaken during extraction of Longwalls 6A and 7A of the Pikes Gully seam. Drainage is undertaken utilising a mobile gas drainage plant. The gas plant network will allow for gas to be drained more efficiently than utilising mobile gas drainage plants. An Environmental Assessment (EA) specialist report is currently being compiled for the project. Initially ACOL will flare the gas. As part of the EA ACOL are looking at beneficial uses of the gas e.g. piping to other site/ power plants for power generation or on site power plants.

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## **AGENDA ITEM 8 - ARCHAEOLOGICAL WORKS COMPLETED SINCE LAST MEETING**

AB completed a presentation covering work that has been completed since last ACCF meeting held in March. **Action Item** A copy of the presentation to be sent out with minutes. During March & April salvage works have been completed in the Longwall 1-4 area (under AHIP 1131017).

## **AGENDA ITEM 9 - UPCOMING ARCHAEOLOGICAL WORKS**

AB advised as at the Thursday 3 May field work will not be carried out for approximately 3 weeks. This will allow for Insite Heritage to collate paperwork collected from recently completed salvage works. CF will advise RAPs of recommencement of work and rosters once scheduled.

## **AGENDA ITEM 10 - UPDATE ON 2003 NATIVE TITLE AGREEMENT ACTIVITIES**

An update was provided on the proposed nursery operations. A draft Business Plan has been put together by TH on behalf of ACOL. The draft plan was presented to the WNAC board meeting. The proposal was accepted by the WNAC. It is now to go to ACOL/ Yancoal management for consideration.

## **AGENDA ITEM 11 - GENERAL BUSINESS**

A meeting attendee asked about how a RAP could go about putting forward an Expression of Interest for their business to provide services to ACOL. LR advised these can be forwarded either to herself or CF at anytime. It is not required to come through the ACCF.

### **Update on Legal Activities**

LR provided an update on the Native Title process. The Future Act determination has been granted in favour ACOL. A meeting attendee wanted to make it very clear that the Native Title process was not the reason that the SEOC project was not approved it was based on environmental factors (e.g. dust and water).

LR ran through other legal matters currently running. Two cases are currently in the Land & Environment Court (LEC). In June 2011 a case was brought on ACOL by Mr Lester regarding alleged harm to Aboriginal objects in breach of the AHIP for Longwall 5-8 and other legislation and planning approvals. The Environmental Defender's Office (EDO) has recently taken over running the for Mr Lester. The harm is alleged to have occurred in the Oxbow Site, Grinding Grooves and potential Pliestocene pad area. ACOL is defending the claim.

Mr Lester also appealed against the ACOL gas well planning approval decision made by the Department of Planning and Infrastructure (DPI). The case was heard in the LEC in December 2011. The decision was in favour of ACOL and costs were awarded. An appeal has been lodged in the Court of Appeal by Mr Lester against the LEC's decision.

In 2009, an Aboriginal Land Claim over Lot 7004/DP 93630 (former South Common lot) was made by the NSW Aboriginal Lands Council (NSWALC). The application was refused by the Minister and a hearing of this matter was held in the LEC in May 2012. The judgment has been reserved.

A section 9 & 10 under the Federal Aboriginal & Torres Strait Islander Act inclusive of ACOL, Coal & Allied and Xstrata land, 500m either side of Glennies & Bowmans Creek was placed in 2011. The section 9 was determined and not upheld and the section 10 is under assessment. Noel Downs on behalf of the Wonnarua people also lodged a section 9 under the Federal Aboriginal & Torres Strait Islander Act on ACOL land only in September 2011. This section 9 was also determined and not upheld.

**NEXT MEETING TBA  
MEETING CLOSED 2.10PM**

<b>ACTION ITEMS</b>	
<b>ITEM</b>	<b>Due Date</b>
CF to readvertise for Sites Officer position. Information to be sent out to all ACCF members	31-May-12
CF to resend out payment structure to ACCF members for reassessment on payment structure. ACCF members to provide feedback in 21 days. If no feedback is received payment structure for ACCF & WG's will remain the same	31-May-12
ACOL to continue cultural heritage feedback pay review.	31-May-12



MINUTES OF THE ASHTON COAL PROJECT  
ABORIGINAL COMMUNITY CONSULTATION FORUM (ACCF)  
THURSDAY 2 AUGUST 2012

10.35AM – SINGLETON VISITOR & ENTERPRISE CENTRE

**ATTENDEES:**

Tony Hanrahan (TH)	NMC (Facilitator)
Suzie Worth (SW)	Wanaruah Local Aboriginal Land Council
Tracey Skene (TS)	Culturally Aware
Arthur Fletcher (AF)	Wonn 1/ Kauwul
Alan Paget (AP)	Ungooroo Aboriginal Corporation
Desmond Hickey (DH)	Wattaka Wonnarua Cultural Consultants
Donna Sampson (DS)	Cacatua Cultural Consultants
Rhonda Griffiths (RG)	Hunter Valley Aboriginal Corporation
Gordon Griffiths (GG)	Wonnarua Culture Heritage
Rhonda Perry (RP)	Upper Hunter Wonnarua Council
Laurie Perry (LP)	Wonnarua Nations Aboriginal Corporation
Angela Besant (AB)	Insite Heritage
Lisa Richards (LR)	Ashton Coal Environment & Community Relations Manager
Cassandra Storm (CS)	Ashton Coal Environment & Community Relations Coordinator

**AGENDA ITEM 1 - OPENING OF THE MEETING BY THE FACILITATOR**

**AGENDA ITEM 2 - WELCOME TO COUNTRY MEETING**

All meeting attendees had previously been Welcome to Country ACCF members advised unless anyone has not been Welcome there was not a requirement to conduct a Welcome.

**AGENDA ITEM 3 - 1 MINUTE SILENCE**

AF held a minute silence.

**AGENDA ITEM 4 - APOLOGIES:**

Kathie Kinchella (Yinarr)

**AGENDA ITEM 5 - MINUTES FROM PREVIOUS MEETING**

Meeting attendees were given an opportunity to read through the minutes. TH offered to update attendees on any items they had questions on. No questions were raised and minutes were accepted as final.

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*Moved Rhonda Griffiths**Seconded Alan Paget*

LR had another meeting scheduled to attend in order for her to provide the ACCF with project updates item 7 and 10 were moved forwarded.

## **AGENDA ITEM 7 - PROJECTS UPDATE**

### **AGENDA ITEM 7.i - Underground Operations**

The underground operations have completed mining in the Pikes Gully seam excluding Longwall 6B. Longwall 6B was not mined due to the Bowmans Creek Diversion (BCD) Project being behind schedule. The last Longwall to be mined in the Pikes gully was Longwall 8. Mining in Longwall 101 in the Upper Liddell seam is scheduled to commence Monday 6 August. Longwall 101 seam length has been cut short due to a rock band.

TS arrived at 9:39am

The longwall retreat commenced today and will approximately take 8 months. Archaeological salvage works in Longwall 101 & 102 surface areas were completed from March – May of this year. A meeting attendee asked a question in relation to the life of the underground mine LR replied it is a multi-seam operation and will be mined until approximately 2023. Discussions were held on the monitoring and assessment of multi seam mines and technological advancements in mining techniques.

### **AGENDA ITEM 7.ii - Bowman's Creek Diversion**

The Western Diversion is complete - trees are currently being planted along the diversion. LR advised a BCD site visit can be arranged if there is any interested parties. **Action item** CS to send out an email invite to the ACCF members inviting them to take part in a BCD site visit on two separate dates.

In the Eastern Diversion geofab and cobbles are currently being laid. Works should be completed on the project in the next couple of months. A meeting attendee asked if two site visits (one now and one when the diversion is connected) could be organized. LR advised ACOL will advise if this is possible.

### **AGENDA ITEM 7. iii - South East Open Cut**

A public meeting was held at the end of May by the Planning and Assessment Commission (PAC). The PAC received more submissions from the community, government agencies and other interest parties. ACOL provided a final submission on the 31 July. The PAC is no longer accepting submissions. A decision is pending and is hopefully received by the end of August. The decision of the PAC can be appealed by ACOL and other parties who placed submissions. Parties who had not placed an earlier submission are unable to challenge the decision. A meeting attendee asked what the trigger for a challenge is. LR replied the Environmental Defenders Office (EDO) could challenge the decision on behalf of a party who placed a submission on the project.

The challenge would progress to a hearing the Land & Environment Court (LEC) as a Merits Appeal and both parties would produce evidence on the project's merits. The EDO could represent multiple parties and the appeal could take up to 6-12 months. LR advised ACOL will appeal if the project is not approved. If the project is approved by the PAC on from the date of the decision even if an appeal is submitted the decision becomes a legal approval.

A meeting attendee asked will the project become unviable if the appeals continue. LR replied the SEOC project is viable and that ACOL produce semi soft coking coal for export. LR went through the project boundaries and changes to the design and the distance of the project from Glennies Creek based on the groundwater assessment for the project. Questions were asked by multiple meeting attendees in relation to the distance from the highwall location to the private residence. Acquisition within the project boundary was also discussed.

#### **AGENDA ITEM 7.iv – Modification 9 Approval**

In June, 2012, ACOL received Development Consent modification 9 approval. The modification involved:

- \* construction of 5.5m diameter upcast ventilation shaft, two extraction fans, ducting and support facilities
- \* construction of two mine service drop holes (1m in diameter)

to enable continued safe operation of underground mine. Civil and construction works commenced in July.

RP arrived at 9:55am.

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## **AGENDA ITEM 7. v - Gas well Modification**

LR provided the meeting with an update on the proposed gas drainage network (modification 10). Modification 10 Environmental Assessment was submitted in July, 2012. As discussed at the last two ACCF meeting in March & May 2012, ACOL are proposing to install a series of vertical boreholes of various depths through which goaf gas, mainly methane will be drained from the goaf of Longwalls 1-8 via a surface pipeline reticulation system connected to a central gas extraction plant. The proposal will maintain underground levels of methane below 2% and minimise gas within the goaf from entering the mine workings and ventilation system. Existing goaf gas drainage has been undertaken during extraction of Longwalls 6A and 7A of the Pikes Gully seam. Drainage is undertaken utilising a mobile gas drainage plant. The gas plant network will allow for gas to be drained more efficiently than utilising mobile gas drainage plants. Initially ACOL will flare the gas. As part of the EA ACOL are looking at beneficial uses of the gas e.g. piping to other site/ power plants for power generation or on site power plants. ACOL are currently working with Macquarie Generation to see if it is viable to connect into their network. A meeting attendee asked LR if Redbank power station could be utilised LR advised it is possible however currently ACOL are currently looking into infrastructure options and available technology to link in local power stations.

DH arrived at 9:58am

The impact of Carbon Tax's on the project's viability and the flaring of methane vs. carbon dioxide was discussed. LR advised the flaring options reduces the level of methane by up to 24 times. CS advised a copy of the Modification 10 Environmental Assessment, which provides further technical information, can be downloaded from the ACOL website (<http://www.ashtoncoal.com.au/Reports--Publications/Project-Environmental-Assessments/Modification-10---Comprimising-Central-Gas-Drainage-Plant-and-Associated-Surface-Infrastructure.aspx>).

## **AGENDA ITEM 7. vi – Extraction & Subsidence Management Plans**

LR advised the Subsidence Management Plan (SMP) had been approved this week. ACOL are anticipating the Extraction Plan (EP) will be approved next week. These plans cover mining of the Upper Liddell Seam. The Aboriginal Cultural Heritage Management Plan (ACHMP) has been approved as part of these. As discussed in the March & May ACCF meeting the ACHMP was merged earlier this year to put the two approved ACHMPs, covering Longwall 1-4 & 5-8, together for the underground mine into one document.

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## **AGENDA ITEM 11 - GENERAL BUSINESS**

### **Update on Legal Activities**

Meeting attendees asked if ACOL had sought costs reimbursement for the Native Title case against the Plains Clan of the Wonnarua People (PCWP). LR advised ACOL applied for partial costs to be awarded.

LR ran through other legal matters currently running. Two cases are currently in the Land & Environment Court (LEC). In June 2011 a case was bought on ACOL by Mr Lester regarding alleged harm to Aboriginal objects in breach of the AHIP for Longwall 5-8 and other legislation and planning approvals. The Environmental Defender's Office (EDO) has recently taken over running the case for Mr Lester. The harm is alleged to have occurred in the Oxbow Site, Grinding Grooves and potential Pliestocene pad area. In June, 2012, the court case took place in the Land and Environment Court. A meeting attendee asked LR if the matter was bought on by an individual or as a Native Title group. LR replied the case must be bought on by an individual or a legal entity. All evidence/ submissions has been heard on the case has been heard and a decision is pending from the judge. A meeting attendee asked if the ruling will be on the public record. The chair advised the judgment will be listed on the Land & Environment Court's website.

Mr Lester also appealed against the ACOL gas well planning approval decision made by the Department of Planning and Infrastructure (DPI). The case was heard in the LEC in December 2011. The decision was in favour of ACOL and costs were awarded. An appeal has been lodged in the Court of Appeal by Mr Lester against the LEC's decision. This case is still in the LEC and is scheduled for hearing in February 2013. TH advised the decision on the modification still stands on the Development Consent and ACOL are permitted to work on the modification whilst the appeal is processing. A meeting attendee asked if ACOL will seek costs on the case LR replied this is to be confirmed. Mr Lester will be responsible for the costs as an individual. A meeting attendee expressed concern over if the Native Title party is responsible for costs LR advised this is not the case and provided further information on how the LEC works.

In 2009, an Aboriginal Land Claim over Lot 7004/DP 93630 (former South Common lot) was made by the NSW Aboriginal Lands Council (NSWALC). The application was refused by the Minister and a hearing of this matter was held in the LEC in May 2012. ACOL are not a party to this case. The NSWALC appeal was not upheld by the judge. A meeting attendee asked if this decision could be appealed TH advised it could and if applied for would be heard by the High Court.

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## **AGENDA ITEM 10 - UPDATE ON 2003 NATIVE TITLE AGREEMENT ACTIVITIES**

An update was provided on the proposed nursery operations. A draft Business Plan has been put together by TH on behalf of ACOL. A meeting was held yesterday in relation to the nursery business. ACOL and the Wonnarua Liaison Committee (WLC) will continue to work through the establishment of the business. LR advised the aim of the business is for Wonnarua Nation (WN) to have partnership with ACOL in a nursery/ environmental regeneration business which will create education and employment opportunities for local Wonnarua people. A meeting attendee asked a question in relation to how the business will be structured. LR advised the business will run under the existing Native Title Agreement Ancillary Deed. A new entity will be created to run the business and WN will run and coordinate the business. A board will be set up with WN representatives on it, to run the business in conjunction with ACOL.

A brief discussion on advertising for positions etc was undertaken.

Morning tea break was held at 10:33am

LR left the meeting. Agenda item 6,8 & 9 were then discussed.

## **AGENDA ITEM 6 - BUSINESS ARISING FROM PREVIOUS MINUTES**

### **Payment of field work**

CS sent an email out to all ACOL Registered Aboriginal Parties (RAPs) on 28 May 2012, advising of the increase in hourly rate to \$68.75 per hour. This is in line with other mine site pay rates within the Hunter Valley.

### **Site Officer Application**

CS advised only 3 applications had been received for the Site Officer position proposed by the ACCF. The applicants were accepted by the meeting attendees. **Action Item** - CS to resend email with Site Officer Position description and application form out to all RAPs. CS to include in the email sent out there are 3 positions vacant and that to the groups that the individuals selected and supported by the ACCF for the Sites Officer position and are cannot be interchangeable between company representatives (i.e. it is the specific person and not the company that has to fulfil the position) and if the Site Officer is rostered on for the day no 'double up' of workers (i.e. the Site



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Officer as well as another worker representing the company) should be rostered on for that day the workers should be sought from the larger group of RAPs. Action Item – CS to include this in the information sent out. Closing date for further applications will be Friday 7 September, 2012.

## **AGENDA ITEM 6.i - Working Groups Update**

### **AGENDA ITEM 6.i.i - Artefact identification & Analysis (AI&A) WG**

Provided a report to all meeting attendees Norma Richardson, Artefact Identification Specialist has started to put together on the artefacts found within the Bowmans Creek Diversion Project area. Ongoing participation of the community in artefact analysis was discussed.

### **AGENDA ITEM 6.i.ii - Voluntary Conservation Area (VCA) Working Group**

CS advised the group the VCA Draft Plan of Management as required under AHIP 1131017 was sent in to the Office of Environment & Heritage at the end of June. A copy was sent out to all ACOL RAPs. CS went through the document with the meeting and discussed work that had been done with the VCAWG.

### **AGENDA ITEM 6.i.iii - Grinding Groove Management**

AB advised no further work has been completed on the Grinding Groove Management (GGM) since the last ACCF meeting in May. CS has received a quote from SCT to replicate a model of the Grinding Grooves. The detailed costs are currently with management. The next WG meetings are to be scheduled within the next 3 months.

### **AGENDA ITEM 6.i.iv – Ongoing field work procedures**

No further work has been done on the ongoing field work procedures since the last ACCF meeting. A meeting is to be scheduled in the next 3 months. **Action item** ACOL to advise members of a date.

### **General WG information**

CS provided an update with the pay review of field work. Little feedback was received from the community. A meeting attendee asked other attendees if they would be interested in signing off their preferred option whilst at the meeting. All attendees replied yes and option 3 (equal pay divided between ACCF & working groups) was chosen as the preferred option. Action Item CS to review how many groups have now provided feedback and if it is the majority advised all ACOL RAPs of the selected payment structure for the ACCF & WG's.

### **AGENDA ITEM 8 – ARCHAEOLOGICAL WORKS COMPLETED SINCE LAST MEETING**

AB completed a presentation covering work that has been completed since last ACCF meeting. Archaeological salvage works had been completed in Longwall 102. Continual works on smaller infrastructure areas had also been ongoing. This had been managed through the ACOL roster system.

### **AGENDA ITEM 9 – UPCOMING ARCHAEOLOGICAL WORKS**

AB advised until 2013 only minor salvage projects will be undertaken. No large scale salvage projects are planned for the remainder of 2012.

**NEXT MEETING TBA**  
**MEETING CLOSED 11.41AM**

<b>ACTION ITEMS</b>	
<b>ITEM</b>	<b>Due Date</b>
CS to readvertise for Sites Officer position.	10 –Aug-12
ACOL to organise BCD site visit and advised ACCF members of dates	Sep-12
Working Group meetings to be scheduled	Sep-12